



## SCOPE

This policy applies to all College employees and to all organizational units of the College, including departments and programs. This policy also applies to purchases funded by federal, state, or private grant funds.

## DEFINITIONS

- A. **Aggregate Buy:** A procurement method whereby the total estimated campus-wide demand for a commodity or service is bid collectively in order to achieve the lowest possible pricing. An aggregate buy is generally conducted on an annual, biannual, or quarterly basis.
- B. **Annual or Annually:** Refers to the twelve-month period commencing on the date of purchase.
- C. **Blanket Order (BO):** A written pricing agreement between the College or County (the Buyer) and a seller (the vendor). These documents specify various terms and conditions to which the parties must adhere. Some examples of these terms and conditions include, but are not limited to, price, delivery terms, description of the commodity or service being procured, payment terms, duration of the contract, and liability clauses and any other requirements of either the buyer or seller.
- D. **Contract:** A written agreement that creates a legally binding obligation between the College and one or more outside parties, to purchase goods, commodities, and/or services, including, but not limited to:
  - a. **Construction Contract:** A contract awarded to the lowest responsible bidder after advertising an Invitation for Bid (IFB), also called a Formal Sealed Bid in the manner prescribed in General Municipal Law §103(2) for capital improvements to the College's infrastructure.
  - b. **Grant-Funded Pass-Through Service Contract:** A contract entered into with another agency (i.e., a local school district, local job training agency, etc.), whereby the College is a recipient of grant funding intended solely to be passed through to such agency, and the College is not receiving any goods or services from the agency selected to receive the pass-through funds.
  - c. **On-Call Agreements:** A business process where an RFP for architectural, engineering and construction management services results in the award of contracts for future work for the same services to multiple firms. When services are required,

- e. **Professional Service Contract:** A contract with a company, partnership, corporation, or a professionally licensed individual to provide services requiring licensing, special technical skills, training or expertise.
- E. **Contractor/Vendor:** Any person or entity receiving an award to perform services or provide goods.
- F. **Delivery Order (DO):** Funding encumbrance document, issued by the Procurement Office, pursuant to terms and conditions of a blanket order. A DO usually consists of the vendor's name/address, a description of the item, quantity, cost per item, shipping terms, total cost and some data for College use (BO number, responsibility code, object code, and ordering department).
- G. **Discretionary Purchase:** Purchases below an established dollar level authorized by the Board of Trustees to be made without a formal competitive process.
- H. **Emergency:** An urgent and unexpected situation where health and public safety or the conservation of public resources are at risk. Such situations may create a need for an emergency contract. (State Finance Law §163(1)(b)). A department's failure to properly plan in advance, which results in a situation where the procurement procedures outlined in this policy document cannot be followed, does not constitute an emergency.
- I. **Formal Sealed Bid:** A competitive solicitation seeking bids for a specified commodity or service, pursuant to which award is made to the responsive and responsible bidder(s) submitting the lowest price.
- J. **Informal Bid:** A competitive solicitation in lieu of an IFB for purchases below an established dollar level (currently \$20,000.00) awarded to the lowest responsible bidder after at least three (3) written or electronic quotes are received or requested. If, after every attempt was made to obtain at least three quotes, the buyer is unsuccessful, then the name and contact information of the vendor(s) to which the requests were made must be documented on the procurement record.
- K. **Minority or Women Owned Business Enterprise (M/WBE):** A business certified under Article 15-A of the Executive Law that is independently owned, operated and authorized to do business in New York State; and is owned and controlled by at least fifty-one percent women or minority group members who are citizens of the U.S. or permanent resident

Industries for the Disabled; and the Office of Mental Health. These requirements apply to a state agency, political subdivision and public benefit corporation (including most public authorities).

- M. Procurement Record:** Documentation of the decisions made and the approach taken in the procurement process (State Finance Law §163(f)). The Procurement Record, including the solicitation documents, should contain all the materials necessary for contract review purposes and must include each amendment to a contract and the justification for the same.
- N. Public Work:** Construction projects on municipal property where improvements become municipal property, project is subject to municipal control and approval, and contractor will receive consideration from the municipality for the cost of the project.
- O. Purchase Order (PO):** Basic contractual document issued by the Procurement Office, which is generally for a “one time” purchase. A PO usually consists of the vendor’s name/address, a description of the item, quantity, cost per item, shipping terms, total cost and some data for College use (PO number, responsibility code, object code, and the applicable purchasing authority). The PO solidifies the terms of the purchase. POs are used to procure from preferred sources, and open market purchases.
- P. Request for Proposals (RFP):** A competitive solicitation seeking proposals for a specified service or technology which is exempt from competitive bidding requirements of the General Municipal Law §103, pursuant to which an award is made by an RFP evaluation committee to the responsive and responsible proposer(s) offering the best value and skill set.
- Q. Request for Qualifications (RFQ):** A document used to obtain qualifications of firms when the College is seeking services to address a particular need. This process is used to develop a “short list” of qualified firms to be invited to respond to an RFP.
- R. Sole Source:** A procurement in which only one offerer is capable of supplying the required commodities or services (State Finance Law §163(1)(g)).

## POLICY

- A. Overview of the College Approvals Processes:**
  - 1. Administrative Approvals: All College purchase requests (requisitions) must have the appropriate approvals based on the anticipated expenditure amount as follows:
    - a. Expenditures up to \$5,000.00 require the approval of a Dean or Administrative Department Head.
    - b. Expenditures of \$5,000.01 or more require the approval of a Dean or Administrative Department Head as well as the Vice President or Vice President’s Designee, as evidenced in writing.
    - c. All grant-funded purchase requests, regardless of the amount, must be reviewed by the Office of Sponsored Programs, and require the approval of the Vice President for Institutional Advancement.

- d. All requisitions must be approved by the College Budget Office before Procurement will begin to process the requisition.

College. Any increase to an approved Purchase Order or Blanket Order between 10% of the anticipated annual expenditure and \$100,000.00 must be reported to the Board of Trustees. Any increase above \$100,000.00 will require a new approval. Blanket Orders expenditures which, upon execution by the Procurement Director, were not anticipated to exceed \$100,000.00, but subsequently exceed this threshold must be reported to the Board of Trustees.

- b. Professional Service contracts with an anticipated annual expenditure of \$50,000.00 or more that result from a competitive process let by the College. Any increase to an approved Professional Service contract between 10% of the anticipated annual expenditure and \$50,000.00 must be reported to the Board of Trustees. Any increase above \$50,000.00 will require a new approval.
- c. Personal Service contracts with an anticipated annual expenditure

3. If an award is made to other than the lowest bidder or highest ranked proposer, the rationale for accepting the higher bid or a lower ranked proposer must be documented in the procurement record.
- 4.





D. **Grant-Funded Pass-Through Contracts.** Recipient selection for grant-funded pass-through contracts shall not be subject to a competitive process, and no Requests for Proposals or price comparisons shall be required. If the recipient agency is not listed by name in the grant award, it will be selected in full compliance with binding grant award documents and with College policies governing Sponsored Programs. A College service agreement must be issued.

E. **Professional / Personal Service Contracts:**

A “PROFESSIONAL SERVICE CONTRACT” is a contract with a company, partnership or corporation, or a professionally licensed individual to provide services requiring licensing, special technical skills, training or expertise.

A “PERSONAL SERVICE CONTRACT” is a contract for services which are unique to an individual, such as, but not limited to, a visiting lecturer, art model, artist, etc.

Personal and Professional Service contracts are not subject to competitive bidding requirements, but will be procured as follows:

1. Contracts for services which are unique to an individual, and are to be provided by a person who, in the documented opinion of the appropriated College official and documented approval of the area Vice President is the only qualified provider, will be procured and awarded by the Director of Procurement.
2. Contracts (other than where unique to an individual, as described above) will be selected by under the following guidelines:
  - a. Requests for contracts of \$2,000.00 or less will be made at the discretion of the appropriate College official or departmental committee and awarded by the Procurement Director.
  - b. Requests for contracts greater than \$2,000.00 but not more than \$20,000.00 must include documentation that an appropriate College official or departmental committee considered at least three potential contractors and identify same with associated costs.
  - c. Requests for contracts greater than \$20,000.00 will be awarded after issuing a Request for Proposals (“RFP”), as described below.
  - d. Professional Service contracts are awarded after an RFP is advertised, and proposals are received and reviewed by an evaluation committee consisting of at least three individuals. The contract will be awarded to the most responsive and responsible proposer offering services of the best quality and expertise. Cost shall not be the determinative factor in an RFP process, but will be considered in arriving at the selection.
3. If the personal or professional services contract is grant-funded, and the grant award documents direct the College to carry out the grant initiatives by contracting with a particular individual or corporation, then the procurement selection procedures outlined in this Section will not be required. Such grant documentation evidencing

the selection of the personal or professional services provider must be appended to the requisition.

**F. Zero Tolerance Policy Regarding Gifts:**

1. All College employees, agents, consultants, construction managers, or other persons or firms representing the College (a “College Representative”), including their immediate family members, are prohibited from accepting gifts of any kind, form, or value from any College Vendor in connection with the performance by such College Representative of duties involving transactions with College Vendors on behalf of the College.
2. Additionally, all College Representatives, including their immediate family members, are prohibited from offering gifts, gratuities, or payments of any kind, form, or value to any College Vendor in connection with the performance by such College Representative of duties involving transactions with the College Vendor on behalf of the College.
3. As used herein, “anything of value” or “of any kind, form, or value” shall include, but not be limited to, meals, holiday gifts, holiday baskets, gift cards, tickets to golf outings, tickets to sporting events, currency of any kind, cash discounts not available to all College employees, or any other gifts, gratuities, favorable opportunities or preferences. As used herein, “immediate family members” shall include a spouse, child, parent, or sibling. This policy also applies to subcontractors of College Vendors that have been engaged under any College contract.

**G. Miscellaneous:**

1. Unless an emergency (as defined in the “Definitions” herein) exists, absolutely no Contractor or Vendor shall be given any formal or informal notice 0 g00581000570\$ tra3lege con

**PROCUREMENT**

an RFQ first. An RFQ is NOT a required step in the procurement of professional services but an option afforded to lessen the number of unqualified responses to an RFP.

- d. The Department of Design & Construction will retain all cost proposals until after technical proposals are rated by the rating committee. At that time, Procurement will open cost proposals and give the original copies to the Department of Design and Construction for review and inclusion into the Procurement Record. In the case any further negotiations are required, the Department of Design and Construction will conduct such negotiation and document the same for the Procurement Record.
  - e. When requested by the professional services consultant, the Department of Design and Construction will confer with the Vice President of Facilities Management on all increases in fees and/or amendments to a professional services contract. If approved, the Department of Design and Construction will prepare the requisite amendment and encumbrance documentation for approval by the College and County.
    - i. The Office of General Counsel will review and approve all proposed amendments to a contract before the document is forwarded to the consultant.
2. On-Call Architectural/Engineering and Construction Management Contracts:
- a. All work undertaken utilizing On-Call Agreements (as defined in the Definitions) will be in the format of a task order, to be requested from all On-Call firms and evaluated by the Department of Design and Construction. Task Orders will be evaluated based on qualifications.
  - b. After the most qualified proposal is selected, the Department of Design and Construction will negotiate with the firm to obtain the best cost for the College.
  - c. A recommendation letter will be forwarded to the Vice President of Facilities Management documenting the selection and negotiation process. Upon approval, the Department of Design and Construction will process encumbrance documentation for required approvals.
  - d. On-Call RFP's will be reissued at least every five (5) years to allow additional firms to compete for on-call contracts.

- b. After award, the Department of Design and Construction will be responsible for managing, preparing and approving all construction contract documentation in conjunction with the Office of General Counsel.
- c. All proposed construction change orders are to be reviewed and approved by the Department of Design and Construction and forwarded to the Vice President of Facilities Management for preliminary approval.
- iv. ~~§ 102a-106g, 102a-106h~~