

**CITY OF BINGHAMTON WATER STREET DEVELOPMENT CORPORATION
PROCUREMENT POLICY
ADOPTED PURSUANT TO SECTION 2824 (1) (e)
OF THE PUBLIC AUTHORITIES LAW**

I. Introduction - The policies and procedures set forth herein have been developed pursuant to Section 104-b of General Municipal Law (GML) which outlines the expectations for procurement policies and procedures related to goods and services.

II. Purpose – The City of Binghamton Water Street Development Corporation (the “Corporation” or “WSDC”) has adopted the policies and procedures set forth herein governing all procurement of Goods and Services. Goods and Services must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of Binghamton to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

III. Determination - the Executive Director of the WSDC is designated to be responsible for determining whether a procurement of Goods and Services is subject to this policy or if it is exempt from such procurement, and the Executive Director of the WSDC is authorized to determine that the nature of a particular project or class of projects is exempt from the procurement policies described herein.

IV. Competitive Bidding - If the cost of the Goods or Services to be procured, based upon the written description prepared for the desired Goods or Services, will require an expenditure of more than \$10,000 the desired Goods or Services shall be procured through a Competitive Bidding process. The Board of Directors shall authorize award of contracts for such purchases.

V. Competitive Quotations

A. If the cost of the Goods or Services to be procured, based upon the written description prepared for the desired Goods or Services, will require an expenditure of less than \$5,000, the desired Goods or Services shall be procured through verbal quotations solicited from one or more vendors at the discretion of the Executive director.

B. If the cost of the Goods or Services to be procured, based upon the written description prepared for the desired Goods or Services, will involve an expenditure of more than \$5,000, the desired Goods or Services shall be procured through Competitive Quotations solicited from not less than three Vendors.

C. If, following reasonable efforts, insufficient numbers of Vendors exist for the solicitation of the requisite number of Competitive Quotations, then the Executive Director of the WSDC shall cause to be solicited Competitive Quotations from less than the requisite number of Vendors; provided, however, that the basis and other facts and circumstances or such efforts and/or findings relating to this provision shall be placed in writing.

D. The Executive Director of the WSDC shall cause to be made a record of the written description, the solicitation of the Competitive Quotations, the Competitive Quotations received and any other documents or materials prepared or received in connection with the procurement of Goods and Services of the Corporation.

E. Competitive Quotations need not be sealed and need not be opened and read at a stated time.

F. The Executive Director of the WSDC need not recommend the procurement of goods and services from the Vendor offering the lowest dollar quotation, but may recommend to the Members determinations of which quotations will fulfill or meet the best interests or needs of the Corporation, and each recommended determinations may be based on such factors as, without limitation, quality, features or options, reliability or reputation of the Vendor, availability of service, delivery time and location of the Vendor (local vis-a-vis non-local, in-state vis-avis out-of-state or country); and the Executive Director of the WSDC may negotiate terms and price with all Vendors submitting quotations (provided that all such negotiations will be on substantially the same basis and regarding substantially the same matters), and the determination of the Members pursuant to the Executive Director of the WSDC's recommendations made in good faith shall be final.

VI. Exemptions

A. Emergency Situation -An emergency exists if the delay caused by seeking competitive quotations would endanger the health, welfare or property of the Corporation or the City of Binghamton or of its citizens. An emergency exists if allowing time for the award of a contract to be approved at a meeting of the Board of Directors would cause a delay that would conflict with the stated intentions and goals of the Corporation to advance or complete a project. Approval of the Executive Director is necessary, which shall be documented and shall also include a description of the situation that gave rise to the emergency.

B. Sole Source Procurements -Defined as a situation when there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique benefits, the cost is reasonable for the product offered and there is no competition available.

C. City of Binghamton Contracts - When the Corporation is able to procure goods and services through City of Binghamton contracts, it will be unnecessary to obtain formal quotations or bids.

D. Insurance -All insurance policies shall be procured in accordance with the following procedures: Written quotations or proposals from at least two agents.

E. Professional Services - This category includes services requiring special or technical skill, training or expertise. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interest, reputation,

education and training, professional judgment, integrity and continuity of service. Professional service agreements are not required to be awarded to the lowest responsible bidder, but rather the Corporation may use a selection process to determine the most qualified proposal to perform the services.

F. Special Exemptions- Goods or Services deemed by the Executive Director of the WSDC, in his or her sole discretion, not in the best interest of the Corporation to be procured in accordance with the Competitive Quotation requirements set forth herein, the Executive Director of the WSDC may procure such Goods or Services in such manner as the Executive Director of the WSDC determines to be in the best interest of the Corporation and which otherwise is in accordance with the policies of the Corporation,

VII. Authorization- The procurement of goods and services which will involve an expenditure of less than \$5,000 will be at the professional discretion of the Executive Director of the WSDC. Authorization for individual expenditures of \$5,000 and over shall require the formal review and approval of the Corporation's Board.

VIII. Annual Review – The Corporation shall annually review its procurement policies and procedures. Amendments to these policies and procedures may be made at any time during the year.

IX. M/WBE – The Corporation will comply with Article 15-A of Executive law with respect to Minority and Women Owned Business Enterprise (MWBE) requirements in procurement contracts. The Corporation's goal for M/WBE participation is 10%