

ULSTER COUNTY RESOURCE RECOVERY AGENCY

RESOLUTION NO. 2654

RE: Authorizing and Approving Revisions to Agency Procurement Policy

WHEREAS, The Ulster County Resource Recovery Agency (the "Agency") is engaged in Solid Waste Management and Recycling in Ulster County, and

WHEREAS, the Agency is required to have a Procurement Policy in effect outlining the steps necessary for the Agency to purchase commodities, equipment goods and capital projects, and

WHEREAS, prior practice of the Agency was to amend the Procurement Policy that was in place through addendums, which created conflicts in the document and made it difficult to understand, and

WHEREAS, the Agency Procurement Policy has not been amended since 2020, at which time the only change was to add an exception to support Minority and Women Owned Businesses, and

WHEREAS, the Agency staff has recommended that the attached Agency Procurement Policy be implemented and approved by the Board in order to streamline the document and update purchasing approval thresholds, and

NOW, THEREFORE, BE IT

RESOLVED, that the Ulster County Resource Recovery Agency does hereby authorize and approve the revisions to the Agency Procurement Policy as described in the attached document, and be it

FURTHER RESOLVED, that the Executive Director and Agency staff are hereby authorized to take all steps necessary to implement said policy, and be it,

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Moved by: _____ Seconded by: _____

Vote: Ayes ____ Nays ____ Absent ____

Date: June 12, 2025

ULSTER COUNTY RESOURCE RECOVERY AGENCY

Procurement Policy

1. Purpose

The primary purpose of this Procurement Policy is to acquire work, equipment, material, or supplies from qualified and responsible bidders or proposers for the most reasonable and competitive price in compliance with law and sound business practice. The secondary purpose of this policy is to provide direction to management so that it can implement the procurement policy in an efficient and proper manner.

2. Definitions

The terms used in this Procurement Policy have the meaning attributed to them in Title 13-G of the Public Authorities Law, and by common practice and usage.

3. Affirmative Action

The Agency shall comply with § 2050-v of the Public Authorities Law in connection with all contracts.

4. Standardization

Standardization. Upon the adoption or resolution by a vote of at least 3/5 of all members of the governing body stating that for reasons of efficiency or economy there is a need for standardization, contracts for a particular type of equipment, material or supplies of more than \$20,000 may be awarded to the lowest responsible bidder for that particular type of equipment furnishing the required security after advertisement for sealed bids as provided in § 103 of the General Municipal Law.

5. Bid Specifications and Documents

Bid specifications and bidding documents may be prepared and advertised, where required, without specific prior approval of the governing body provided that funds have been appropriated in the Annual Budget or Capital Plan for the equipment, work, material or supplies to be bid, and engineering services for the development of the specifications and bid documents have been authorized by the governing body. All bid documents shall state clearly that the award of the contract or order which is the subject of the bid shall be made only after approval of the governing body.

6. Disqualification of Bidders and Cancellation of Contracts

The Agency shall comply with §§ 2875, 2876, 2877 and 2878 of the Public Authorities Law in connection with the disqualification of bidders or cancellation of contracts for the reasons set forth in those sections.

7. Letting of Certain Contracts Involving Steel Products

The Agency shall comply with § 2603-a of the Public Authorities Law relating to the acquisition of equipment, work, material or supplies.

8. Waiver of Procurement Policy in Certain Cases

The governing board reserves the right to waive specific requirements of this Procurement Policy in cases in which it determines that the public interest will be served by such waiver. Such waivers can occur only in accordance with law and after adoption of a resolution setting forth the precise reasons for the waiver adopted by the governing body.

9. Limitation of Certain Purchases

The Ulster County Resource Recovery Agency (the "Agency") shall not purchase food or drink (other than bulk 5-gallon bottled water when necessitated by the poor quality of well water at the Agency's facilities). In severe weather the Director of Operations and/or Operations Manager can procure smaller bottles of water to keep staff hydrated if bulk bottles are not available. This proscription shall not apply to the reimbursement by the Agency of the costs of food and non-alcoholic drinks (within the limits established by the Agency), incurred by Agency personnel traveling on authorized Agency business, public meetings where Board members are required to have a quorum, safety/training sessions or intra/inter-governmental meetings.

10. No Contributions

The Agency shall not make contributions of a monetary or in-kind nature to any individual or non-governmental entity, including charities and not-for-profit corporations.

11. Division of Purchases

No purchase shall be divided for the purpose of bringing the value of the order down to avoid using more stringent purchasing methods or restrictions, or to avoid statutory competitive bidding requirements.

12. Records

Records are to be kept by the Director of Finance and Administration of vendor inconsistency and any evidence of unsatisfactory vendor performance during the course of any contract. This procedure should be followed each time a vendor does not perform to the standards of our bid or request for proposal.

13. Purchase of Commodities, Equipment or Goods

Where competitive bidding is not required by General Municipal Law 103, the following procurement policy under which, and the manner in which, procurements of commodities shall be made: This adheres to GML §104-b.

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|------------------------------|---|
| A. \$0.00 - \$5,000 | Awarded at the discretion of the Department Director or Executive Director. |
| B. \$5,001.00 - \$9999.99 | Awarded at the discretion of the Executive Director. |
| C. \$10,000.00 - \$19,999.99 | Minimum of three written quotes. Awarded at the discretion of the Executive Director. |
| D. \$20,000.00 - and over | Sealed bids for equipment in conformance with General Municipal Law, Section 103. |

14. Procurement of Public Works and Construction Services

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|------------------------------|---|
| A. \$0.00- \$9,999.99 | Awarded at the discretion of the Executive Director |
| B. \$10,000.00 - \$34,999.99 | Minimum of three vendor submitted written, e-mail or facsimile price quotes. Awarded at the discretion of the Executive Director. |
| C. \$35,000.00 - and over | Sealed bids for public works in conformance with General Municipal Law, Section 103. |

15. Exceptions to Procurement Laws and Policies

- A. "A good faith" effort shall be made to obtain the required number of proposals or quotations. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.
- B. "Except pursuant to NYS law, no solicitation of written proposals or quotations shall be required under the following circumstances:
- Emergencies;
 - Sole source situations;
 - Preferred Source situations, i.e. goods purchased from agencies for the blind or severely handicapped.
 - Goods purchased from correctional facilities;
 - Goods or services purchased from another government agency or public jurisdiction within New York State that provides services to municipal governments;
 - Goods purchased from surplus government auction;
 - Mandates requiring UCRRRA to contract with all qualified providers at a rate established by the federal government or New York State.
 - Contracts as part of a grant process where the contractor is identified as the provider in the grant application.
 - Professional services that require professional methods, character or standards as determined by the Executive Director, ie attorneys, architects and physicians.
 - Certified Minority and Women owned businesses.

C. PURCHASES FROM OTHER THAN THE LOWEST RESPONSIBLE DOLLAR OFFERER

General Municipal Law Section 104-b, Subdivision 2, paragraph (e) requires that the policies and procedures "require justification and documentation of any contract awarded to other than the lowest responsible dollar offerer, setting forth the reasons such an award furthers the purpose of this section."

Any time a purchase is made from other than the lowest responsible vendor or contractor submitting a quotation or proposal, there must be justification and documentation of the reason why the purchase was in the best interest of UCRRA and otherwise furthers the purposes of GML Section 104-b.

For example, if a vendor submitting the lowest proposal has a history of not making deliveries on time or of delivering goods of inferior quality, such facts might be justification for taking other than the lowest offer, but such decision must be documented with facts, and the vendor must be given an opportunity to be heard as to any objection prior to awarding the contract to a different vendor.

Where formal bidding procedures are not required by laws or regulations, quotations are solicited when possible.

16. Procurement Cards

Credit cards are used as another payment option (i.e. online purchase) and the standard agency procurement procedures apply.

17. "Piggybacking" on Municipal Contracts

The Agency may, with approval of the municipality, "piggyback" on contracts for those commodities, equipment, goods, or public works projects the Agency deems applicable. The procedure shall be as follows:

- A) The Executive Director shall determine if the piggybacking on a municipal contract is in the best interest of the Agency. If they determine it is not in the Agency's best interest, then the procedure reverts to that found in sections 13 and 14 of this policy.
- B) If the Executive Director determines it is in the best interests of the Agency, then the Executive Director proceeds to piggyback on the municipality's contract, while working with the municipality to accomplish such end.
- C) At the next monthly Board Meeting the Executive Director informs the Board of Directors as to their decision

18. "PIGGYBACKING" ON COOPERATIVE PROCUREMENT AGREEMENTS

The Agency may "piggyback" on contracts for those equipment or goods available under Cooperative Procurement Agreements when Agency deems it necessary. The procedure shall be as follows:

- A) The Executive Director shall determine if the piggybacking on a Cooperative Agreement is in the best interest of the Agency. If he/she determines it is not in the Agency's best interest, then the procedure reverts to that found in sections 13 and 14 of this policy.
- B) If the Executive Director determines it is in the best interest of the Agency, then the Executive Director proceeds to piggyback on the Cooperative Agreement.
- C) At the next monthly Board Meeting the Executive Director informs the Board of Directors as to his/her decision.

19. CONFLICT OF INTEREST

- Subordinates must not participate in any kind of financial relationship with a supervisor, and supervisors must not participate in any kind of financial relationship with a subordinate, such as to purchase or contribute to a supervisor's fundraising or business or provide favors such as borrowing the family speed boat or vacation home, asking subordinates to volunteer, influence political action, or exchange money with a subordinate.
- Do not use Agency equipment or supplies for personal business.
- UCRRA's existing ethics policy is to be adhered to at all times.

Modified 6/12/2025 (Resolution 2654)

Modified 4/27/2020 (Resolution 2503)

Modified 12/15/09 (Resolution 2156)

Modified 1/17/12 (Resolution 2243)

Modified 5/14/12 (Resolution 2257)

Modified 2/20/13 (Resolution 2288)