

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: Erica Brown

Seconded by: Mike Baden

Vote: Ayes 5 Nays 0

Absent 0

Date: August 14, 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 66% 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 and the federal GSA, which can be found here:

<https://www.gsa.gov/travel/plan-book/per-diem-rates>), 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. \$.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, e-mail or facsimile price 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 documented 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 UCRRA 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 piggybacking on a Cooperative Agreement 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 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 their 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.
- Do not use Agency equipment or supplies for personal business.
- UCRRA's existing ethics policy is to be adhered to at all times.

20. Sustainable Purchasing Practices

A) Purpose:

The purpose of adopting sustainable practices is to minimize the negative environmental impacts of the Agency's activities by ensuring the procurement of products and services that:

- conserve natural resources, materials, and energy
- reduce toxicity
- reduce waste
- eliminate single-use plastics
- recognize manufacturers and vendors that reduce environmental impacts in their production and distribution systems
- support markets for recycled goods
- encourage suppliers and contractors to offer environmentally preferable options at competitive prices
- encourage providers of services to consider environmental impacts of service delivery

B) Definitions:

Environmentally Preferable Products and Services means products and services that have a lesser or reduced negative effect on resource consumption, human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials

acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.

Life Cycle Cost means the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product.

Practicable means the product or service is satisfactory in performance, readily available and priced comparably to alternatives when considering life cycle cost.

Preferred environmental attribute means a characteristic that identifies a product or service as an environmentally preferable option for procurement.

Recyclable product means a product which, after its intended end use, can demonstrably be diverted from the Agency's solid waste stream for use as a raw material in the manufacture of another product as defined in NYS General Municipal Law Section 104-A.

Reusable product A product, such as a washable food or beverage container or a refillable ballpoint pen, that can be used several times for an intended use before being discarded.

Recycled material means material and byproducts that have been recovered or diverted from solid waste and have been utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.

Disposable means the product is intended to be, or must be, discarded after use and is not refillable or reusable.

C) Environmentally Preferable Purchasing Procedure

Where the Agency is procuring a commodity or service, whether by competitive bid or other type of procurement, that is the subject of a GreenNY procurement specification that has received final approval of the NYS GreenNY Council pursuant to Executive Order No. 22 (2022), the Agency shall follow the GreenNY procurement specification to the maximum extent practicable and where cost is reasonably competitive as defined in General Municipal Law § 104-a. GreenNY approved procurement specifications can be found online at: <https://ogs.ny.gov/greenny/approved-greennyspecifications>.

Exceptions will be made for the following:

- the product is not available competitively
- the product is not available for delivery within a reasonable time frame
- the product does not meet appropriate performance requirements or specifications

Nothing in this procedure shall be construed as requiring the Agency to procure products that do not comply with General Municipal Law, do not perform adequately for their intended use or are not readily available.

D) Specific Procurement Guidance:

The Agency shall procure environmentally preferable products and services when procuring items from the categories listed in Table 1. The Executive Director may authorize deviations from this requirement for products or services meeting equivalent or more stringent standards, or at their discretion.

Table 1: Specific Procurement Guidance

Cleaning products	Cleaning products used in Agency facilities shall meet the Green Seal GS-37 standard, or equivalent. Products that meet GreenNY specifications for General Purpose Cleaners are considered suitable equivalents.
Single Use Plastic Items	Disposable Food Service Ware: For Agency facilities and Agency sponsored events, no food service containers or food service ware containing expanded polystyrene (Styrofoam) or other single-use plastic shall be procured or used at the event. Food service items such as condiment packets should be provided to end users only upon request per Ulster County's Skip the Straw Law. Although the preference is for compostable BPI-certified paper or fiber-based products, compostable BPI certified bio-plastics may be considered with the permission of the Executive Director. Note: BPI is a third-party certification program for compostable materials. For more information, please visit: https://bpiworld.org/. Other Single-Use Items: The procurement of certain single-use plastic items is prohibited (e.g. single use plastic water bottles). Exceptions for certain items or certain classes of items (for emergency purchase) may be allowed at the discretion of the Executive Director.
Electronics	Products carrying the ENERGY STAR® certification, or equivalent, such as the GreenNY specifications

	for Electronics and Appliances shall be purchased when such products are available. Suitable products may be identified using the EPA's website: https://www.energystar.gov/productfinder/
Paints and coatings	Products purchased must meet Low or No VOC standards. See the GreenNY specifications for Paint for additional guidance.
Paper and printing services	All printing and copier paper purchased shall contain 100% postconsumer recycled content. Publications and printing services procured shall comply with the GreenNY specifications for Printing. Publications shall be printed on 100% post-consumer recycled content paper. Where 100% postconsumer recycled paper is not available or does not meet the required form, function and utility, paper procurements shall use post-consumer recycled content to the extent practicable.
Products containing wood fiber (other than printing paper)	Products carrying the Forest Stewardship Council (FSC) certification label should be purchased when such products are available, or equivalent. The FSC Recycled label is preferred. If a product option carrying the FSC label is not available, a product containing recycled material is preferred.

E) General guidelines:

If specific guidance is not provided above, the Agency shall consider the following guidelines when making procurement decisions:

a. NYS Office of General Services Contract: If the item or equivalent alternative is on an OGS Contract and is the subject of a GreenNY procurement specification, the Agency should procure products from such contract. The Agency should consider if items fall within a GreenNY specification category and utilize this resource to procure products that meet such specifications where applicable. Links to these resources are provided below:

Approved GreenNY Product Specifications: <https://ogs.ny.gov/greenny/approved-greenny-specifications>

NYS OGS Contracts: <https://ogs.ny.gov/procurement/ogs-centralized-awards-list>

b. Third-party standards and ecolabels: Where available, the Agency should procure products and services that meet environmental standards that have been established by governmental or other widely recognized authorities (e.g. Forest Stewardship Council, EPEAT Silver, Energy Star, EPA Eco Purchasing Guidelines).

c. In the absence of third-party standards: Where external authorities have not established acceptable criteria, the Agency should consider preferred environmental attributes when making procurement decisions.

Preferred environmental attributes include, but are not limited to:

- i. Improved energy efficiency
- ii. Product is refillable and/or reusable
- iii. Reduced life-cycle cost and emissions
- iv. Recyclability of product
- v. Product or service uses recycled materials in its life cycle
- vi. Minimized packaging
- vii. Biodegradable product
- viii. Reduced water consumption in life cycle
- ix. Toxicity reduction or elimination
- x. Product produces less waste during use
- xi. Product has improved durability, repairability and service life
- xii. Product has reduced maintenance requirements
- xiii. Product minimizes hazards to workers and the community
- xiv. Product is produced locally
- xv. Product materials were produced using organic practices

Modified 8/14/2025 (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)