BROOME COUNTY

PURCHASE PROCUREMENT PROCESS MANUAL

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BROOME COUNTY PURCHASE PROCUREMENT PROCESS INTRODUCTION

The Broome County Purchase Procurement Process begins with the departmental proposed budget submissions and ends with the actual receiving of supplies, materials, equipment, or services ordered and final payment is made to the vendor or contractor. Included in this process is the Broome County Purchase Order System. The Director of Purchasing or Purchasing Agent designee has the express authority, granted by the Broome County Legislature, to conduct a centralized purchasing function for all departments of Broome County Government. The Director or the Purchasing Agent designee processes and approves all Purchase Orders.

Broome County Administrative Code Article III-A, (B) (g) states that "No supplies, materials or equipment shall be purchased by any County officer or employee unless specifically authorized and approved by the Director of Purchasing or Purchasing Agent designee.

1. BUDGETING

Six months before the end of the fiscal year the County Executive's Director of the Office of Management Budget requests all departments to submit their proposed budgets for the next fiscal year. Each department anticipates the need for supplies, materials, equipment and services, and other requirements and submits line by line requests using appropriate allocation codes. The Management and Budget Director submits the final proposed Operating Fund Budget and Capital Fund Projects Budget to the County Executive for presentation to the Broome County Legislature. The final approved Operating and Capital Projects Budget is then entered into the computer systems for allocation to the departments. Unlike the Operating Accounts which are not transferable into the next fiscal year, capital accounts are maintained until the project is completed. During the fiscal year the Director of the Office of Management and Budget may ask the Broome County Legislature for resolutions to amend the Operating or Capital Project Budgets and to add Grant requests.

2. DEPARTMENT INITIATES A PURCHASE REQUISITION

The Director of the Office of Management and Budget sends each department its approved budget for the fiscal year. The Department Head can then initiate purchase requisitions (REQ) using Dept ID, Fund, Account and Project codes after verifying available funds.

A. Broome County Purchase Requisition Authorization Form (Exhibit V)

All Department Heads must complete this form and file it with the Purchasing Agent. This form lists the Department Head and approved designees with signatures and titles. Only authorized people can process purchase requisitions. The Purchasing Agent keeps a master file. All purchase requisitions inputted into PeopleSoft are denied without the proper authorization and are routed back to the requesting department. Department Heads must submit a new Authorization Form when an authorized person is removed or added.

B. Broome County Petty Cash Reimbursement Forms-(Exhibit W)

Purchase requisitions are used for dollar amounts over $25. All departments are allowed to make cash purchases, not to exceed $50 from their petty cash fund.

The policy and procedures are defined in Section 2105 of the Broome County Policy and Procedure Manual. All requests to establish, increase, or abolish a petty cash fund must be submitted to the Director of Management and Budget for preliminary approval. If approved, follow the Law Department's policies and procedures for a Request for a Resolution.

The Purchasing Division issues Broome County Petty Cash Reimbursement Forms, in triplicate, for use by departments. The Department Head should insure these forms are kept in a secure location. All voided forms should be retained in the department for possible review by the auditors.

The departments should replenish the fund as needed by entering a Voucher (VO) into the PeopleSoft system which is then submitted to Audit and Control.

In some circumstances the Purchasing Agent or designee may authorize the use of petty cash in excess of $50.00 as the best way to solve a problem with a purchase. The Purchasing Agent must "sign off" on the voucher before submission to Audit and Control.

Under no circumstances should any employee be directed or take it on themselves to make a purchase without using proper procedures and the Broome County Petty Cash Reimbursement Form. The vendor must retain the original for Sales Tax Auditors to provide a correct receipt for the purchase, without the addition of sales taxes. Broome County is tax exempt and will not reimburse employees for sales taxes. All employees making petty cash purchases should use proper procedures or risk not being reimbursed for purchases on behalf of Broome County.

C. Procurement Card Program

Policies & Procedures

To specify the policies and procedures for procuring commodities of $1000 or less:

1) Department Administrator:

An individual, other than the person authorized to make purchases with a procurement card that can certify the items ordered were received and appropriate and verify the expenditures billed are supported by proper documentation.

a. General Responsibilities:

1) Ensure the signature authorization form is filled out (Exhibit HH)
2) Act as liaison between the Department and the Program Administrator (Purchasing)
3) Responsible for all activities relating to the Procurement Card Program in their department such as:
   a. Train cardholders
   b. Ensure post transaction approval and procedures meet audit requirements
   c. Coordinate payments and reconcile (**make sure payment is made on time)**
   d. Assist cardholders with questions and problems

2) Cardholders:

1. General Responsibilities:

1a) Ensure the Procurement Card is used for all acceptable purchases of $500 or less
b) Keep the card and account secure
c) **DO NOT allow use of card by any other individual**

d) Retain all sales receipts and related documents and forward to the Department Administrator
e) Report lost or stolen cards immediately
f) Keep a log of purchases as well as a running total of all expenditures (Exhibit KK)

2. Limitations & Restrictions

a) The limit per purchase is $500
b) The limit per month is $5,000
c) The maximum charge to card is limited to total appropriation for that purpose
d) No transaction is to be split to avoid the single transaction limit.

3. Authorized Card Purchases

The Procurement Card is intended for low value purchases needed during the course of business. **Items covered by County Contracts are to be purchased by Purchase Orders to ensure correct pricing.**

Authorized card purchases may include:

a) Office supplies and forms, (other than County Contract items)
b) Books and subscriptions
c) Professional membership dues
d) Hardware, tools, and minor repair
e) Spare parts
f) Travel, hotel and meals in accordance with established guidelines (travel card only)
g) Internet purchases
    1. Deal with known merchants and read their guarantees, warranties and return policies. Also, consider whether international purchases may impact price, guarantees, warranties and returns.
    2. Know the difference between buying from a business and buying from a private seller. **Do not buy from a private seller.**
    3. Use only secure sites and browsers.
    4. Never send your card number via e-mail.
    5. Ensure vendor will not charge sales tax.
    6. Keep a record of the transaction and save the online confirmation of your order.

4. Unauthorized Purchases:

Failure to comply with these guidelines may result in disciplinary action, cancellation of your card privileges and possible termination of employment.

Purchases prohibited on the card include:

a) Any transaction exceeding the $500 single transaction limit, $5,000 monthly limit or budgetary limit.
b) Equipment maintenance
c) Alcoholic beverages.
d) Laundry or dry cleaning
e) Repairs to privately owned vehicles
f) Personal expenses
g) Cash advances
h) Entertainment
i) Gasoline (except in out of town extreme emergencies)
j) Computer supplies, software, hardware (without prior approval by Information Technology)
k) Sales tax
l) Professional Services
m) Contractual items
n) Health and medical services
o) Gifts
p) Reimbursement to County employees
q) Business cards
r) Cylinder gases
s) Plants and flowers *
t) Furniture and furnishings *
u) Hazardous chemicals, materials
v) Hospitality-Food and beverages *
w) Telephones and supplies *
x) Weapons and ammunition *
z) Recurring payments (Leases, rentals, standing orders) *

* In limited situations it is possible to get prior approval from the Purchasing Department for some of the listed items. (Exhibit HH- Must be attached to receipt.)

D. <u>Broome County Purchase Requisition Procedures</u>

(1) Each department shall input the necessary information into PeopleSoft following the Purchasing Guidelines (Exhibit A) outlined below.

A) Equipment, Supplies and Material

1. Up to $9,999 follows REQ procedures
2. Less than $50 can follow Petty Cash Procedures
3. Less than $50 Out-of-Town Purchases follow REQ Procedures (Limited Use Only/ Procurement Card preferred)
4. Less than $500 can follow Procurement Card procedures

B) Public Works and Service/Maintenance Contracts (Repairs, Printing, Food Services, etc.) under $500 use REQ procedures.

(2) Use a separate Requisition for each vendor.

(3) Requisitions are entered into PeopleSoft thru the e-Procurement module referencing the PeopleSoft eProcurement Process Guide for detailed entry instructions and should include:

A) Vendor Code No.: Obtain number from PeopleSoft vendor list or department vendor file. I there is no current number, request a W-9 form (Exhibit AA) be completed by the vendor. The W-9 form is then sent with a completed Vendor Number Request Form (Exhibit BB) to Audit and Control for the creation of a new vendor number

B) Date: The date the requisition is initiated.

C) Department: The name of your department/division.

D) Department I.D.: The department's eight-digit code number. This number may be found in the Broome County Department I.D. listing. This number will provide the "Invoice To" address of the department. If a department is not listed, contact the Purchasing Division immediately and a number will be assigned.

E) Attention: The name of the person requesting or receiving the commodity.

F) Phone Number: Seven-digit phone number of the department contact person that the Purchasing Division should call if more information is required.

G) Deliver to I.D.: The eight-digit code number which provides the address where the purchased items will be delivered. This number is found in the Broome County Department I.D. listing. If the delivery address is the same as the "Invoice To" (Department I.D.) address, the same number is used. If the delivery address does not appear in the Broome County Department I.D. listing, the department should contact the Purchasing Division and a number will be assigned.

H) Blanket Order: Will be an Amount Only Requisition. A blanket Purchase Order covers all purchases from one vendor for a period of time with the same Purchase Order number assigned. Individual items are not listed. (Section D)

I) Item Needed: The date which you want to receive the commodity. If a rush order is required, indicate under "Special Instructions". Do not use ASAP as a time frame. For Blanket Purchase Orders enter the last day of that month.

J) Departmental Approval: Upon completion of the Requisition the designated Department Approver will approve and submit the REQ to Purchasing

K) Bid #: Obtain from the "Notice of Award" (sent to department after approval from BAC).

L) Contract #: 1) CA# - Obtain from the "Notice of Award" (sent to department after approval from BAC. or 2) NYSPC-NYS Contract.

M) Vendor Attention: Indicate in the comments section the person's name if you have discussed the order with the suggested vendor.

N) F.O.B. Dest.: Indicate in comments if no freight charges will be paid by the County.

O) Prpd Add Frt: Indicate in comments if County pays freight charges.

P) Dept Pick up: Indicate in comments if applicable.

Q) Special Instructions: Any other information needed to complete the order satisfactorily should be entered in the comments section (e.g., specific delivery instruction).

R) Suggested Vendor: Enter the Vendor Number/Name of the vendor.

S) Phone Number (A.C.): The phone number of the vendor the Purchasing Division should call if more information is needed.

T) Catalog Number - Manufacturer - Description: All REQs must have complete information in the above order. The correct catalog number, manufacturer, and description will assure you're receiving exactly what you ordered.

U) Fund Code: The four-digit code number assigned to each department.

V) Account: The six-digit code number indicating the budget line from which the funds will be encumbered and the expenditure description.

W) Project Code: The seven-digit code number indicating a departments' fund source if needed.

X) Quantity

Y) Each or Pack: The unit measure (i.e., each, dozen, lot, drum, case, ream, roll, M (1,000), C (100), etc.)

Z) Unit Price: The unit price per above.

E. Blanket Purchase Requisition Procedures

Blanket Purchase Orders are used for items which are frequently purchased from the same vendor on an "as needed" basis during a period of time. A Blanket Purchase Order eliminates the processing of many individual Purchase Orders and allows the using department flexibility in ordering and receiving commodities. A Blanket Purchase Order will be issued to one vendor, using one budget account number, for one total dollar amount.

Procedures:

(1) The requesting department initiates a purchase requisition REQ for the appropriate time frame needed. The dollar amount is estimated by the Department Head (or designee) and is reviewed by the Purchasing Agent. Refer to the previous instructions. A department must have a Purchase Order prior to any purchase.

(2) The Purchasing Division will issue an encumbered Purchase Order per detailed entry instructions in the PeopleSoft Purchasing Process Guide. The Purchase Order number must be given to the vendor when ordering commodities and must appear on all paperwork received from the vendor. As the department receives a vendor invoice post the date, invoice number, and the amount of the invoice. By subtracting the invoice amount from the balance available you will be able to keep a running total of the new current balance available. Process the Purchase Order for payment after posting the vendor's last invoice for the month.

(3) If no purchases were made against a Blanket Purchase Order for the time frame requested, the department may use it the next calendar month. If the Purchase Order is no longer needed it should be canceled.

(4) If the dollar amount on the Blanket Purchase Order will be expended before the end of the time period and additional purchases must be made a purchase requisition requesting the issuance of a new Blanket Purchase Order should be submitted. DO NOT EXCEED THE ENCUMBERED BLANKET PURCHASE ORDER DOLLAR AMOUNT. Exceeding the dollar amount appropriated on a Blanket Purchase Order is in fact placing an order without the approved appropriation of funds. The New York State Comptroller's Office states that this practice does not conform to accepted accounting principles. Broome County's accounting system for the appropriation of funds is incorporated in the Purchase Order system. It is impossible to process a Purchase Order without the funds being available.

(5) When closing out a Blanket Purchase Order, make sure that all purchases match and will be paid prior to closing. The department head will verify the expenditures before approving the document for payment.

A) Departments submitting Blanket Purchase Requisitions for commodities on existing awarded County bid contracts should not purchase non-contract commodities on the Blanket Purchase Order issued. The requesting department should submit a separate Purchase Requisition (REQ) and a detailed factual memorandum documenting the need for all non-contract commodities.

This procedure will allow the Audit and Control Department to audit Blanket Purchase Orders using the bid and contract number (CA#). The procedure will allow the Purchasing Agent to evaluate all non-contract purchases. Depending on the commodity and dollar value the commodity may be added to the next invitation for bid for similar items, bid separately

or quotations secured.

The requesting department will submit, to the Purchasing Division, a Blanket REQ using the in-force county bid contract for a supplier for a period NOT TO EXCEED ONE YEAR or NOT TO EXCEED THE EXPIRATION DATE OF THE IN-FORCE CONTRACT WITH THE SUPPLIER. All blanket POs must be "closed out" in December and a new Blanket REQ submitted in January for the current in-force contracted vendors for the new calendar year.

Once the department receives the blanket PO, the following are applicable procedures:

1. The department can order from the supplier using the Blanket PO number.

2. The ordered commodities are received and verified.

3. The supplier's invoice(s) are received and verified with the merchandise actually received, and contract prices verified.

4. The payment process can commence by processing the PO Voucher through PeopleSoft

5. Using existing Audit and Control procedures, attach all required supporting documentation to a copy of the Blanket Purchase Order to Audit and Control for payment processing. Keep a file of back up information in the department.

SUMMARY - The PO Voucher can be processed in the system for partial and final payments. Refer to the PeopleSoft Accounts Payable Process Guide for detailed entry information.

If you have any questions, please call the Purchasing Division at 778-2188.

F. Instructions for Use of the Vendor Listing

The PeopleSoft Vendor Listing numbers are entered by the departments in the appropriate VENDOR space on both Purchase Requisitions (REQs) and Vouchers (VO).

The following instructions are for the Purchasing Division and Audit and Control to add new vendors to the master list and for assisting the departments in the looking up of Vendor I.D. numbers:

(1) Individuals are listed by the last name.

(2) Business firms, partnerships, companies, etc., are listed by the first name or initial in the name. For example, the firm of Bert Adams can be found under B and the firm of D.W. Clark can be found under D.

(3) Departments can search thru the Vendor Name or Short Vendor Name.

If a vendor is not listed correctly notify Audit and Control.

G. Account Codes

All Purchase Requisitions must have the correct account code for each commodity or service being requisitioned. Audit and Control monitors all Purchase Orders for total accuracy prior to issuing payments. Failure to use the correct account codes may result in a delay of payment until the necessary change can be made. If you have any questions, call Audit and Control for assistance (778-2178) before submitting the Purchase Requisition to the Purchasing Division.

On assets valued at $5000 or more a 6002xxx account code is required. Do not attempt to circumvent the system by using a 6004xxx line. The Purchasing Division will return the Purchase Requisition for the correct account code. These purchases have been pre-approved in the budget process.

(1) FIXED ASSETS

The criteria for the classification of purchased items as Fixed Assets Equipment as described in the Budget Finding List are as follows:

An equipment item is a movable or fixed unit of furniture or furnishings, an instrument, a machine, an apparatus, or set of articles which meet all four of the following conditions:

A) It remains in the original shape and appearance in use.

B) It is non-expendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it rather than to replace it with a new unit.

C) It represents an investment of money which makes it feasible and advisable to capitalize the item or for control and accounting purposes it is desirable that the item carry an inventory tag number.

D) It does not lose its identity through incorporation into a different or more complex unit.

The threshold for capitalization of fixed assets is $5000. Items costing less than $5000 are expensed, even if a quantity of such items is purchased for a total price of $5000 or more.

Due to the limitations of the fixed assets system we are not able to inventory and control all fixed asset items below the $5000.00 limit. Therefore the individual department has total responsibility for safeguarding and controlling small equipment purchases.

If you have a question if an item should be put into the inventory system as a fixed asset, please contact the Office of Management and Budget at 778-2161.

H. Prepaid Vouchers and Purchase Orders

(1) PREPAID ORDERS

Orders requesting payment before goods or materials are received are subject to the following conditions:

A) Annual subscription of newspapers/magazines, vouchers payable to the Postmaster and memberships (for example) requiring a check with the order, will be approved for Voucher (VO) payment.

Except for the above exceptions, The Broome County Purchasing Agent discourages prepayments for the following reasons:

1. New York State requires delivery before payment.
2. Vendor may not be responsible.
3. Shipment may be lost or never shipped.
4. May receive incorrect merchandise or equipment.
5. May receive inferior merchandise or equipment.
6. May have delivery shortages.
7. Merchandise may be damaged.

I. Custom Printing and Custom Work

The departments are required to use the "in house" printing and graphic services of Information Technology. The Graphic Technician must be contacted before consideration is given to having work done by an outside printer/contractor. Contact the Graphic Technician at 778-2176 for information.

The Purchasing Division requires sufficient time to shop, process, and obtain custom printing. Examples of custom printing are cards, envelopes, folders, forms, labels, letterheads, newsletters, receipt books, tags, tickets, etc. In many instances the order can take a minimum of five weeks from the receipt of the Purchase Requisition to the delivery of the completed work.

On custom work under $500 such as decals, emblems, name plates, name pins, signs, rubber stamps, self inking stamps, and advertising items, the Purchasing Division also requires sufficient time to shop and process the Purchase Requisition.

Custom printing and custom work Purchase Requisitions require detailed back-up. Failure to provide all the vital information will result in a phone call or a memo requesting copy, logo, or other information which will delay the processing of the order. The requesting department is responsible for proofreading all work before submitting it to the Purchasing Division or vendor/contractor.

Printing and custom work from $500 to $4,999 require the use of a letter contract. Bidding procedures are to be followed with dollar amounts of $5,000 to under $14,999 with the approval of the Board of Acquisition and Contract (BAC) (See Board of Acquisition and Contract Procedures.) Dollar amounts of $15,000 or more

also require a formal bid, and approval by the Legislature. There are limited cases when printing service is not the primary purchase and the primary purchase is a professional service. If service fee or labor is only a minimal amount, or an incidental part of the contract, it is considered a purchase contract.

J. Office Supplies

The Purchasing Division has contracted for a "catalog bid" for office supply items and a separate bid for office furniture. The department may submit Purchase Requisitions for both. However, the Staples contract has an on-line ordering procedure that can be used once a department is set up in the system. The use of a Blanket Purchase Order is required for this system as a Purchase Order number is required. Office furniture and equipment $5000 or more requires a 6002 line. The contractor will deliver directly to the user location. These contracts do not limit the Purchasing Division from procuring from New York State mandated sources, New York State contracts, to bid, or to shop. The departments use of petty cash or credit cards for office product purchases is limited to "true emergency" situations. Departments should plan ahead and order office products under existing County Contracts using the purchase requisition procedure and the on-line system.

K. Radio Equipment and Pagers

The Broome County Communications Division of Emergency Services is responsible for monitoring radio frequencies and the standardization of related equipment. Before processing a Purchase Requisition for radios, and related equipment, contact the Director of Emergency Services at 778-2170 for the radio frequencies and equipment recommendations.

L. Telephone and Related Equipment (No Pagers)

The Broome County Telephone Manager is responsible for the standardization of telephone and related equipment. Departments should contact the Telephone Manager at 778-2199 for assistance and recommendations for telephone, cell phones, amplifiers, answering machines, data lines, or applications concerning teletype or FAX communications, before submitting a Purchase Requisition to the Purchasing Division.

M. Computer Hardware and Software

The Director of Information Technology must approve all requests for computer hardware (equipment) and software (programs) before a Purchase Requisition will be processed by the Purchasing Division. Sending a Purchase Requisition to the Purchasing Division without the Director of Computer Service's approval will result in the Purchase Requisition being returned to the requesting department.

The New York State Comptroller's Office draws a distinction between customized software (programming services) and pre-packaged software (off the shelf). Op. St. Coin. 80-465. Pre-packaged software is not a professional service and does not require a formal bid unless the anticipated purchase is $10,000 or more and is not on a NYS Contract. In the situation where an anticipated purchase combines both hardware and software to be $10,000 or more a competitive bid is required. Software

which is highly customized is a professional service because the modifications or customizing is done to meet the County's specific requirements and will follow the professional service guidelines.

The requesting department shall provide complete information regarding the item and work with Information Technology. Information Technology will review the request and if approved may prepare the Purchase Requisition. Purchase Requisitions for equipment, 6002 line, must be approved by the Office of Management and Budget or must be on the approved equipment list before submission to the Purchasing Division. Approvals for hardware and software, depending on the item and dollar value, may take time as the Director of the Office of Management and Budget, BAC, or the Legislature could all be part of the process. The Director of Information Technology, or designee, may be contacted at 778-2175.

Additional Purchasing Guidelines

(1) Regular "Off-the Shelf" Software: The Division of Purchasing treats "Off–the-Shelf" Software the same as any other commodity. If it is standard software such as Microsoft Office, Word, WordPerfect, etc., and the cost is under $10,000 it can be purchased by a purchase requisition and then a Purchase Order.

If the software cost is estimated to be $10,000 or more and it is not on a NYS Contract, the software must be put out to bid and the award made by the Board of Acquisition and Contract.

(2) Custom Software and Custom Software Maintenance: Customized software is software that is developed to support a particular Broome County Application or software that is purchased and then requires modification is considered a professional service. Insurance requirements must be obtained from the Risk Manager prior to obtaining quotes.

If the cost is under $15,000, then the agreement must be authorized by the Board of Acquisition and Contract. If the cost is over $15,000, then the agreement must be authorized by the County Legislature.

(3) Software Maintenance Agreements (for custom software see item 2 above): Following the purchase of software, there may be a need for a contract to maintain and "fix" problems that may arise or upgrade the software to work with newer machines or operating systems. Sometimes the work may be performed off-site over the telephone or other communications links. Insurance requirements must be obtained from the Risk Manager prior to obtaining quotes.

If the cost is $7,000 to under $15,000, then the purchase must be authorized by the Board of Acquisition and Contract. If the cost is $15,000 or more it must be a formal bid and a BAC award.

(4) Computer Hardware: Computer hardware includes personal computers, main frame computers, printers and monitors. Generally, speaking most computer equipment is purchased from vendors listed on the NYS Contract. Individual items costing $10,000 or more must be bid and approved by the Board of

Acquisition and Contract.

(5) Computer Hardware Service/Maintenance Agreements: Broome County has two types of hardware maintenance agreements. (Insurance requirements must be obtained from the Risk Manager prior to obtaining quotes).

The service contract of personal computer systems is for the replacement of defective hardware such as a disk drive, a non-functioning monitor or cleaning as may be required. This is considered a regular Maintenance/Service contract. If the cost is $7,000 to under $15,000, then the purchase must be authorized by the Board of Acquisition and Contract. If the cost is $15,000 or more it must be a formal bid and a BAC award.

Larger systems, such as the main frame currently in use require a higher skill level for those service technicians assigned to work on their service and/or maintenance. Often there may be an element of software analysis involved .If the cost of the agreement is under $15,000, then the agreement must be authorized by the Board of Acquisition and Contract. If the cost is $15,000 or more, then the agreement must be authorized by the County Legislature. Generally, this is considered a professional service.

N. Records Management – Storage Equipment and Supplies

Local Law Number 8 was enacted by the Broome County Legislature in 1989: "The Records Management Officer shall have all necessary powers to carry out the efficient administration, determination of value, use, preservation, security and disposition of non-current and archival public records." "Section 2.-3.: Review all requests for record storage equipment, microfilm equipment, etcetera, and to coordinate, carry out, participate in or review the planning for the development of micrographs and automated data processor systems."

The Records Management Officer must approve requests for storage equipment (file cabinets, map and plan files, mechanized files, transfer files, storage boxes, etc.) and microfilm equipment before the department will submit a Purchase Requisition to the Purchasing Division. Purchase Requisitions received by the Purchasing Division with out the written approval of the Records Management Officer will be returned to the department for compliance with Local Law Number 8. The Records Management Officer will sign the Purchase Requisition with an approval or disapproval.

O. Sole Source

Goods and services which may be procured from only one source of supply are defined as sole source commodities. There must be, without any question, a single supplier of the commodity or service. Sole source situations generally exist when a commodity is manufactured by only one firm. Generally speaking, a true Sole Source is dictated by a patent or copyright or intellectual property right. This must be stated by the vendor on their letterhead

New York State Comptroller's Office requires municipal officers executing sole source documents to be prepared to "factually verify that the goods or services sought may only be obtained from a single source". The Affidavit of Sole Source should not

be confused with a standardization resolution. Where a standardization resolution dictates which brand may be purchased of a particular commodity (over $10,000 must be bid) a sole source designation dictates from whom the commodity may be purchased. Simply because a resolution exists that standardizes IBM brand equipment, does not necessarily mean that IBM is the only supplier that has the ability to sell this equipment.

Requests to procure sole source supplies, materials, and equipment under $10,000 will be evaluated by the Purchasing Agent who may recommend approval, review by the Law Department, submission to the Board of Acquisition and Contract, or bid process. BAC may disapprove, approve the request or order the formal bid process.

To initiate a sole source request, the department will submit an Affidavit of Sole Source (Exhibit C) and a Request Form for Contract Approval.

(1) Affidavit of Sole Source: This form must be completed with all the original required documentation attached. The Purchasing Division will verify that the commodity is available from only one supplier, in accordance with the statutes permitting sole source procurement. If there is any doubt, the Purchasing Division will contact additional suppliers, ask for a review by the Law Department, or use the formal bid process if the anticipated dollar value may exceed the $10,000 bid limit ($15,000 for Service Contracts and $35,000 for Public Works).

(2) Request Form for BAC Approval (Exhibit S) This form must be accurately and completely filled out by the requesting department if the anticipated dollar amount is $10,000 or more and be submitted *with* the above completed Affidavit of Sole Source. The Request Form for BAC Approval will be submitted to the Purchasing Division in five copies (original and four) and will be verified and sent to the Law Department for placing on the agenda for the next meeting of BAC.

For supplies, materials, and equipment under $10,000 the Purchasing Agent may establish a vendor as the "Sole Source" or at their discretion recommend review by the Law Department, BAC processing, or bid process. Any future purchase or work must follow the same procedure.

P. <u>Single Source</u>

Single Source procurement is a contract for the purchase of goods or services entered into after soliciting and negotiating only with one source, usually because of the technology required or uniqueness of the service provided. It differs from sole source in that the goods or services may be obtained elsewhere but is in the best interest of the County to contract within a distributor's district.
The affidavit of single source (Exhibit D) should be filled out and sent to the Division of Purchasing. The same rules apply as with the sole source instructions. The Purchasing Agent will make the single source determination.

P. <u>Standardization Resolution</u>

General Municipal Law enables the Broome County Legislature to adopt a

Standardization Resolution by vote of at least three-fifths of all the members for supplies, materials, and equipment in excess of ten thousand dollars. The resolution shall contain a full explanation of the reasons for its adoption, such as efficiency, economy, etc., and that there is a need for the standardization.

The passage of the resolution does not eliminate the legal necessity to conform to the competitive formal sealed bidding requirements. The award will be to the lowest responsible and responsive bidder by the Broome County Board of Acquisition and Contract and a purchase contract from the Law Department or a purchase requisition will be processed by the requesting department. Any award to other than the low bidder/s will be factually documented why the award is in the best interests of taxpayers.

The make, model, catalog number, etc., are clearly defined in the specifications and any supplier able to furnish the supply, material, or equipment may submit a responsive bid. Standardization eliminates the need for the inclusion of the terms "or equal", "or equivalent" in the formal bid specifications.

The following are some circumstances that a Standardization Resolution may be appropriate:

(1) A substantial amount of equipment of the same make is presently in use by the County and uniformity of the make is essential to economy, efficiency or safety.

(2) Service facilities are adapted to the handling of a make of equipment and cannot be economically converted.

(3) The County has on hand a substantial supply of spare parts for a make of equipment, which cannot be disposed of except at a substantial loss.

(4) The design, plan or method of construction or installation is suited to a particular make of equipment and cannot be altered economically.

(5) Local conditions require the use of a particular make of equipment to the exclusion of all others.

(6) County employees are trained to operate one make of equipment and cannot be trained economically to operate other makes.

(7) The need for uniformity is of such special importance as to warrant the standardization.

(8) The need for employee or public safety.

Examples of items which could be standardized are the locking systems for all Broome County buildings or radios for Emergency Services.

The following are the procedures which will apply:

(1) The requesting department will consult with the Purchasing Division.

(2) The requesting department will process a Request for Resolution using existing Law Department policies and procedures.

(3) The requesting department will have a representative at the proper legislative committee when scheduled.

(4) The requesting department will have a representative at the meeting of the Legislature.

(5) If approved, the requesting department will furnish the Purchasing Division: a copy of the approved resolution; specifications; quantities; and other needed information to be used in the formal sealed bid.

(6) The Purchasing Division will use the formal sealed bid process of advertising, opening, reading, recording, witness, etc.

(7) The Purchasing Division will turn over the bids to the requesting department for a recommendation of award. Copies are kept in the Purchasing Division. The requesting department will return all bids and submit a recommendation to the Purchasing Division using existing policies and procedures.

(8) The Purchasing Division will do basic processing and submit the request to the Law Department for placement on the agenda for the next Board of Acquisition meeting.

(9) When approved by the Board of Acquisition and Contract the Law Department may issue a contract or the requesting department may be directed to process a purchase requisition to the Purchasing Division.

Standardization under ten thousand dollars will be approved by the Purchasing Agent at their sole discretion using established procurement policies and procedures.

R. Emergency Purchase Order - Emergency Authorizations

There are rare instances when goods or services must be purchased to meet an emergency. General Municipal Law103-4, Section Ill—A, provides that purchases may be made immediately in the event of a public emergency arising from an accident or unforeseeable occurrence. When such a situation arises, the competitive process of obtaining quotations and bids is no longer a legal requirement. Broome County Administrative Code, Article III Executive Branch and Article Ill—A Department of General Services provides information.

The law cannot be circumvented by a declaration of an emergency which is caused by lack of planning on the part of a department. A "sudden" emergency arising from the gradual deterioration of a piece of equipment, or an out-of-stock condition of a routine supply item, will not withstand the legal scrutiny.

The requesting department should contact the Purchasing Agent or Law Department for the determination that the situation qualifies as an emergency.

When circumstances support an emergency purchase, the requesting department

should attempt to locate a source for the goods or services, with the Purchasing Division's assistance. An attempt should be made to obtain the lowest price from a vendor or contractor who will best meet the requirements. When the supplier and the price have been established, the department head or designee will call the Purchasing Division for emergency purchase guidance.

The County Executive is empowered to designate a purchase or project to be an emergency and may wave normal procurement procedures, or bidding requirements. The department will prepare a factual detailed memorandum waiver request for the signatures of the County Attorney and County Executive, stating why the request must be acted on immediately and why the normal procedures or bidding process cannot be used. The County Attorney will review the waiver request and either disapprove, request more information, or approve the request. If approved, the waiver request will be submitted to the County Executive for consideration. If approved, the requesting department may proceed with the procurement of commodities and services but should work with the Law Department and Purchasing Division.

The requesting department will also submit a Request For Contract Approval Form in five copies (original plus four) with the signed waiver request, and all original backup information such as vendors/contractors proposed contracts/proposals, quotations, letters, etc., to the Purchasing Division. The Purchasing Division will initiate a "Request For BAC Approval Form" and use the Walk Around Approval system (the requesting department will hand carry) for securing the signatures of the County Attorney, County Executive, Chairman of the Legislature, and Commissioner of Public Works. The County Attorney must be the first to approve or disapprove the request. The ratification will occur at the next scheduled Board of Acquisition and Contract meeting.

S. "Energy Star"

"Energy Star" products mean products that are certified by the United States Department of Energy or the Environmental Protection Agency as Energy Star or that are certified under the Federal Energy Management Program to reduce energy usage and thereby energy costs.
Broome County shall adhere to an Energy Star program for the purchase of all materials and equipment that have earned the Energy Star and meet the Energy Star specifications except for the following exceptions:

1. The product is not available competitively
2. The product is not available for delivery within a reasonable time frame
3. the product does not meet appropriate performance standards or specifications
4. the price of the product is not cost prohibitive compared with the traditional or conventional alternative

3. RECEIVE THE REQUEST

The Purchasing Division receives two types of purchase requests for supplies, materials, and equipment from the departments:

A. A completed Purchase Requisition which has been processed, funds encumbered, and the Purchase Order faxed or mailed to the vendor.

(1) The department can request that the vendor's Purchase Order be sent to the department. The department can then hand carry the vendor's Purchase Order to the vendor and pick up the item(s).

(2) The departments may phone the Purchase Division for immediate processing by a Buyer.

B. Oral requests must be discussed with the Purchasing Agent or designee prior to a purchase. The Purchasing Division will not process "Confirming Orders" unless prior approval has been granted by the Purchasing Agent or designee.

An "Unauthorized Confirming Order" is when an employee of Broome County places an order with a supplier without the prior approval of the Purchasing Agent or designee.

The Purchasing Agent or designee may approve or disapprove the processing of the Purchase Requisition. The Purchasing Agent will, if necessary, call the department personnel involved and discuss the future adherence to existing procurement policies and procedures. If the "Unauthorized Purchase" is disapproved all the paperwork will be sent to the Law Department for review and a recommendation to approve, return the commodity(s) or to hold the person(s) responsible for placing the unauthorized order personally and financially liable for the payment to the supplier.

Confirming Orders should be kept to a minimum and must be used for limited emergency situations requiring immediate action where the normal delay in processing will significantly effect the operation of the department, will cause property damage or is needed to protect the health and safety of employees or taxpayers. Routine items which the department has forgotten to maintain in inventory or anticipate a requirement will not meet the New York State Comptroller's guidelines. An example of an acceptable request would be to procure a valve to make a repair to stop water damage to property.

The Purchasing Agent will verify the oral request as follows:

(1) What is needed?
(2) Why is the item needed immediately? Is it a true emergency?
(3) What is the approximate dollar value?
(4) Who pays the shipping?
(5) Who is the suggested vendor?
(6) What is the lead time from the suggested vendor?
(7) Does the department have sufficient funds in the budget line?
(8) Is the department head or designee aware of this request?

After securing the above information the Purchasing Agent will approve or disapprove the request. If approved the Purchasing Agent will instruct the department to note on the Purchase Requisition - "Confirming Order Per (Purchasing Agent) and (Date)". The department can then make the purchase.

Policies in effect concerning circumventing the Purchasing Division authorization: "Legislation provides that any such purchase does not obligate the Government, and that the person making such contact, or the Administration Head of the Agency

involved, is financially' liable to the vendor."

4. <u>BEGIN PROCESSING THE PURCHASE REQUISITION REQ REQUEST</u>

All Purchase Requisitions received by the Purchasing Division reviewed for the following:

A. Is it authorized by Department Head or designee(s)?

B. Is it for legal purposes?

C. New or used equipment?

D. Is it properly coded for supplies and materials, or equipment?

E. Can it be combined with other department requests for economy and efficiency? A competitive bid or bulk purchase?

F. Does it exceed competitive bidding dollar minimums? (Purchase -$10,000; Public Works - $35,000; for a Single acquisition or aggregate for all County departments in a Fiscal year.)

G. Does it require:
   (1) Specifications?
   (2) Formal Public Bid?
   (3) Request for Proposal (RFP)?
   (4) Quotations?
   (5) Telephone Shopping?
   (6) **Discretion of Purchasing Agent?**

I. Does it require prepayment?

J. Is if for safety items which require a recommendation by Risk and Insurance Safety Specialist or Broome County Fire Coordinator?

K. Is it for an equipment line item 6002 over $5,000?

L. Is it for radio equipment or pagers requiring the approval of equipment and frequencies by the Broome County Communications Division of Emergency Services?

M. Is it for telephone and related equipment requiring the approval of the Broome County Telephone Manager?

N. Is it for computer hardware and software requiring the approval of the Director of Information Technology, and depending on the dollar value, the Board of Acquisition and Contract, or the Broome County Legislature?

O. Is it for goods or services which may be procured from only one source of supply as a sole source purchase or a procured from a vendor that has one distributor per district as a single source?

P. Is it an item which the Broome County Legislature should approve for

standardization?

Q. Is it an emergency purchase defined by General Municipal Law, Broome County Charter, or Broome County Administrative Code requiring special processing?

R. Does it require County Clerk Records Officer approval signature as mandated by Local Law #8 enacted by the Broome County Legislature in 1989?

After reviewing all Purchase Requisitions the Purchasing Agent (or designee(s)) directs the processing method and assigns the work to a Buyer. Incomplete

5. CHECK VENDOR FILES

All vendor files are checked to determine if the needed items or services are available from:

State contract holder (*) (NYSPC Number)
County contract holder (*) (Bid and CA Number)
Department of Correctional Services - prison industries (*)
N.Y.S. Industries for the Disabled (*)

IF THE ITEMS ARE AVAILABLE FROM ONE OF THESE SOURCES NO SHOPPING, QUOTATIONS OR BID PROCESS IS REQUIRED.

6. COMPARISON OF SOURCES

Comparison of all sources to determine:

Right Quality
Right Quantity
Right Time - Availability, Delivery Method, Shipping Cost
Right Terms - Payment Terms
Right Price - Final Discounted Delivered Net Price

7. RIGHT PRICE - FAIR PRICE"

How the "right price" or "fair price" and the selection of the proposed vendor can be determined when spending the taxpayer's moneys.

A. Securing a price from only one vendor for a proposed purchase is not normally acceptable in determining a "fair price" unless the buyer has recent experience with the commodity purchase.

B. Securing prices from two vendors allows some competition and price comparisons.

C. Securing prices from three vendors, or more depending on the commodity, allows for competition and an informed comparison to obtain the commodity in the right quality, right quantity, right time, at the right terms and at the right price.

D. Purchasing Division's policy is to secure a minimum of three prices, when possible, or the discretion of the Purchasing Agent.

To solicit quotations from vendors by fax or mail use the Request for Quotation form. (Exhibit G)

Whether the quote is by phone, fax or email the use of the Broome County Purchase Requisition Worksheet (Exhibit E) will consolidate all the necessary information required on a single sheet format which will be electronically attached to the REQ or mailed, faxed or e-mailed to the Division of Purchasing. This form when coupled with the Purchase Requisition will make the present process easier and provide the required verifiable paper trail for auditors. In rare instances where the award is to be made to other than the lowest responsible and responsive vendor, documentation is to be provided by noting on the worksheet or attaching a factual memorandum the reason for the selection and why or how the selection will save taxpayers money.

This form will be used for purchases of supplies, materials, and equipment. Exceptions are the legally provided alternatives marked with an asterisk (*) in number 5 on page 25 or at the discretion the Purchasing Agent.

8. USE ALL ALTERNATIVES

If the proposed purchase will exceed $10,000 (Trade-in allowances not considered) or a proposed contract for Public Works will exceed $35,000 a competitive formal bid must be prepared unless one of the legally provided alternatives is used. Purchasing policy: the use of all alternatives, regardless of the dollar amount, is at the discretion of the Purchasing Agent.

9. PREPARE, SOLICIT, RECEIVE AND REVIEW REQUESTS FOR QUOTATIONS, TELEPHONE AND INTERNET SHOPPING:

The Buyers and Purchasing Agent use the telephone, web and fax shopping. The vendor files are checked, previous orders reviewed, comparison of all sources, and the "right price" or "fair price" principal utilized. The Purchase Requisition Work Sheet (Exhibit E) is used as necessary and new vendors are solicited to maximize competition.

10. PREPARE SPECIFICATIONS OR REQUESTS FOR BIDS (RFB)

A. If a supply, material, or a proposed equipment purchase will exceed $10,000, or, Public Works will exceed $35,000 for a single acquisition or aggregate for all departments in a fiscal year, the Purchasing Agent will direct the use of the formal bid process. Specifications are required for formal requests for bid (RFB). The Purchasing Agent must consider the following:

(1) Is it a new product or service?

(2) Are specifications or Requests for Bids (RFB) in existence which can be reviewed and updated?

(3) Can the Purchasing Division prepare the specifications?

(4) Should the Department of Public Works prepare the specifications and engineering plans?

(5) Are guidelines, specifications or existing contracts available from other

municipalities or professional organizations?

(6) Can we receive the benefits of aggregate purchasing by opening the contract up to Non-Broome County Government Agencies? (Exhibit Z)

B. To accomplish the intended objectives, the specifications must contain:

(1) The design or physical description, dimensions, tolerances, chemical, or electrical composition of an item and the quality required.

(2) Work to be performed.

(3) Wage rates must be obtained for all bids involving the employment of laborers, workmen, or mechanics as required by Article 8, of the New York State Labor Law. The requesting County department will complete the "Request for Wage and Supplement Information" form and send it to the State of New York, Department of Labor. The state will issue and mail the detailed description of the prevailing wage rates for all pertinent occupations in Broome County. In addition to these wage rates, the State's "Contract Requirements" form is included with the specifications. The New York State Department of Labor is subsequently notified of the selection of the successful contractor on form PW-16. Normally, this is all handled on-line.

A) SYNOPSIS: New York STATE LABOR LAW: ARTICLE 8 CONTRACT REQUIREMENTS
Each public work contract to which the State, a public benefit corporation, a municipal corporation or a commission is a party and which may involve the employment of laborers, workmen or mechanics, shall comply with the requirements of Article 8 of the New York State Labor Law:

1. No laborer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any **one** calendar day or more than five days in any one week except in the extraordinary emergencies set forth in the Labor Law or where a dispensation is granted by the Industrial Commissioner.

2. Each laborer, workman or mechanic employed by the contractor or subcontractor shall be paid not less the prevailing rate of wages at the time the work is performed, and shall be paid or provided not less than the prevailing supplements at the time the work is performed, as determined by the fiscal officer. If the prevailing rate of wages or the prevailing supplements change after the prevailing rate schedule is issued, each workman, laborer or mechanic shall be paid or provided not less than the new rates.

3. The contractor and every subcontractor shall post in a prominent and accessible place at the work site a statement of the current wage rates and supplements specified by the contract for the various classes of mechanics, workmen or laborers.

4. Apprentices must be registered, individually, under a bona fide program registered with the New York State Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his work force on any job under the registered program. Any employee, who is not registered as above, shall be paid the prevailing wage rate for the classification of work he actually performed. The contractor or subcontractor will be required to furnish written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates for the area of construction, prior to using any apprentices on the contract work.

5. a) No contractor, subcontractor, nor any person acting on his behalf shall by reason of race, creed, color, sex or national origin discriminate against any citizen of the State of New York who is qualified and available to perform the work to which the employment relates.

   b) No contractor, subcontractor, nor any person acting on his behalf shall, in any manner, discriminate against or intimidate any employee on account of race, creed, color, sex or national origin. The Human Rights Law also prohibits discrimination in employment because of age, disability or marital status.

   c) There may be deducted from the amount payable to the contractor under the contract a penalty of five dollars for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract.

   d) The contract may be cancelled or terminated by the State or municipality, and all moneys due or to become due may be forfeited, for a second or any subsequent violation of the terms or conditions of the anti-discrimination sections of the contract.

   e) These provisions shall be limited to operations performed within the State of New York.

(4) Insurance coverage is required for all bids involving construction or installation. Risk and Insurance issues insurance requirements. The specifications must contain a sample of the "Certificate of Insurance" (Exhibit Y) to be provided by the contractor at the time of the award.

A) Performance contracts should contain the following:

Contractor shall provide all insurance coverage as the County may deem necessary and name the County as additional names insured for any and all liability, including but not necessarily limited to, Comprehensive General Liability, Motor Vehicle, Disability, Workers' Compensation,

Professional Liability, Owner Protective policies and all insurance required by the laws of Broome County, the State of New York and the United States Government. Contractor will be required to provide all necessary insurance certificates which shall be subject to the approval of the County's Department of Risk and Insurance.

Contractor will be required to indemnify and hold harmless the County, its agents, employees and officers from contractor's acts and omissions in the performance of this contract.

(5) A reference to sample, brand name or equivalent, design, performance, manufacturer's catalog, etc.

A) Catalog Bids/Price List Bid

A catalog bid is a contract bid which is based upon a manufacturer's price list or catalog. The award of the contract is determined by the vendor(s) providing the highest discount from the price list or the lowest mark up from cost price list.

Broome County has the option of selecting manufacturer's published price list for a particular manufacturer's goods and request bids with discounts to be applied to the price list. This type of bid is used when the items on the price list are available through many different distributors, and the price list selected represents an industry wide standard of quality and items. An example would be a bid for power tools, and the price list chosen could be Black and Decker.

The specifications indicate the category of items on the list and the column that will be used for the discount. The bid is awarded to the bidder submitting the greatest discount. A vendor may choose to bid an alternate brand from the one published on the price list. If the County determines that the items are equal or superior to the standard, and the bidder provides the greatest discount, the County may award to that vendor. After the contract award, the vendor must cross reference all part numbers with the standard parts listed in the specifications at the time each order is placed. Commodities chosen for manufacturer's price list bidding must embody industry wide standards as to size and quality. These standards are essential to allow for competition by the cross-referencing of parts.

(6) How a vendor may secure approval for an equivalent item.

(7) May include a "non-acceptable" product listing.

Example: Purchase of tropical hardwood is prohibited by Law.

(8) A statement that the bid prices are to be a net delivered price (no separate charge for handling, shipping, or other related costs).

(9) Pricing: either firm price or escalation/de-escalation clause.

A) Escalation/De-escalation Clause

In the event that prevailing market conditions warrant an adjustment in prices contained in this bid offering, award made or contract executed in connection herewith, the following escalation clause will be the only clause applicable or acceptable to the County of Broome.

1. Contractors shall give written notice to the Purchasing Agent for the County of Broome of any proposed increase or decrease from prices contracted for, not less than 30 days prior to the effective date of said increase or decrease.

Escalation/De-escalation Clause - CPI- (Consumer Price Index): If the base contract has the statement "Broome County shall have the option, at its sole discretion, to renew this agreement for _____ periods of one year upon the same terms and conditions. Except that the amount payable shall be increased, decreased or remain the same in accordance with applicable change or no change in the Consumer Price Index-All Urban Consumers (Current Series) Northeast B/C (All Items) (Not Seasonally Adjusted) **In no event will the price increase exceed 2.5%."** Follow this procedure:

a. Go to the website http://www.bls.gov/epi/home.htm which is the US Department of Labor, Bureau of Labor Statistics, CPI home page.
b. Determine the last month of the current contract; (Example: June)
c. Count the last month of the current contract as one and count back in time a total of four (4) calendar months; (Example: March)
d. Use the calendar month and go back in time to the same month one year earlier. This period of time will be called Broome County's Designated CPI Base Year. (Example: March 2006, March 2007)
e. If the first calendar month of the base year is lower than the last calendar month in the base year (Example: 2007 figure is 221.6, 2006 figure is 216.7) the percentage of difference will result in an increase in prices. If the first calendar month of the base year is higher than the last calendar month in the base year (Example: 2007 figure is 216.7, 2006 figure is 221.6) the percentage will result in a decrease in prices. If the first calendar month and the last calendar month in the base year are the same, no increase or decrease will take place and the contract prices will remain the same for the renewal period.

   Once the result of the difference (Example: 2007 figure 221.6 minus the 2006 figure of 216.7= 4.9) in the first month and the last month has been established, this figure must be divided by the first month figure to obtain the percentage of increase or decrease to be used in the renewal contract. (Example: 4.9 divided by the 2006 figure 216.7=0.0226 or 2.3% the increase that will be allowed for renewal at this time.)

2. Such notice must be accompanied by a certified copy of the supplier's advisories or notification to the contractor of price increases or decreases. No price escalation will be authorized in excess of the amount of increase referred to on the supplier's notice.

3. The approved price escalation shall be honored for all Purchase Orders received by the contractor after the effective date of the increase. Approved price changes are not applicable to orders already issued and in process. All orders mailed are presumed to be received.

4. The County of Broome reserves the right to audit and/or examine any pertinent books, records or invoices relating directly to the bid or contract transaction in question after reasonable notice and during normal business hours.

5. The Purchasing Agent, Board of Acquisition and Contract, Legislature or Law Department retains the right to determine whether or not such proposed increases are in the best interest of the County. If in the opinion of the above offices the proposed increases are not found acceptable, the County reserves the right to cancel the respective bid or contract upon five (5) days written notice.

   All bid prices must be firm for a period of 45 days from bid opening date. No requests to escalate/de-escalate will be considered until after a bid award is made.

B) Price Preference for Purchases Involving Recycled Products. The statutory authorization to grant a limited price preference for recycled paper products has been expanded to include other recycled products. In 1988, political subdivisions were authorized, when purchasing paper products made both with and without significant recycled content, to purchase the recycled product, even if not the lowest responsible bid, provided that the quality was adequate for the purpose intended and the price did not exceed by more than ten percent the price of comparable paper without significant recycled content. An amendment has been enacted to extend this authorization to include purchases of "recycled products" generally, rather than merely recycled paper products. The new law defines "recycled products" as those manufactured from "secondary materials" as defined in Economic Development Law, S261(l) and which meet the requirements of Environmental Conservation Law, S27—0717(2) and regulations promulgated pursuant thereto. In addition, a price preference of fifteen percent is authorized for purchases of "recycled products" where at least 50 percent of the secondary materials used in the manufacture of the product are generated from the waste stream in this State. (Ch. 644, effective July 26, 1991, amending, among other statutes, County Law, §626, General Municipal Law, S104—a, Town Law, S3L22-a, and Village Law, S5—525.).

(10) The quantity or estimated quantity required.

(11) Contract terms and conditions.

(12) The time and place for delivery and packaging required.

(13) A statement: Right to reject all bids.
Minor deviations may be waived.
Bidder will meet all specifications.
Our tax exempt status.

(14) A statement on the consideration of alternate bids.

(15) Official bid sheet and sample contract demands.

(16) Insurance Requirements that have been requested from the Department of Risk & Insurance. (Exhibit Y)

C. How the award will be made to the lowest responsible bidder:

(1) "Lowest price on an item by item basis"
(2) "Lowest group total price"
(3) "Lowest grand total price"
(4) "Highest discount from price list" or "lowest markup from cost price list" (Catalog Bid - Price List Bid)

And may be further defined by:

(1) "In the interests of Broome County, as determined by the Purchasing Agent."
(2) A statement on trade-ins: where and when item(s) may be examined by bidders.
(3) Surety requirements: insurance; bid bond; performance bond; labor and materials bond, or certified check.
(4) Other requirements: qualification statement, financial statements, etc., and statement of non-collusion:

A) Statement of Non-Collusion: Request for Bid (RFB) and Requests for Proposals (RFP):

Every Request for Bid (RFB) or Request for Proposal (RFP) shall contain the "Non-Collusive Bidding Certification" (Exhibit H).

(5) Date, time, and place for a pre-bid conference.

(6) A statement advising bidders that if an award has not been made within forty five (45) days they may withdraw their bids.

A) A bidder will not be allowed to withdraw a bid submission after the bid

submission deadline listed in the legal advertisement, notice to bidders, or specifications. All bids received and not withdrawn before the bid deadline will be publicly opened, read, recorded, and witnessed at the stated bid opening time.

B) Withdrawal of a bid mistake or error. General Municipal Law, S103 has been amended relative to the procedure in the case of a unilateral bid mistake or error by a bidder on any municipal contract governed by the competitive bidding requirements of section 103. This legislation allows a bidder to withdraw a bid after showing that: (1) the mistake was known or made known to the "public agency, board, officer or subdivision" prior to the awarding of the contract or within three days after the bid opening, whichever period is shorter; (2) the price bid was based on an error of such magnitude that enforcement would be unconscionable; (3) the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error rather than a judgmental error; (4) the error was actually due to an unintentional substantial arithmetical error or unintentional omission of a substantial quantity of work, labor, material or services made directly in the compilation of the bid, which error or omission can be shown by objective evidence drawn from certain listed documents; and (5) it is possible to put the public agency in "status quo ante". The law provides that the sole remedy for such a bid mistake is withdrawal of the bid and return of any bid security. The "public agency, board, officer or subdivision" may then, in its discretion, either award to the "next lowest bidder" or reject all bids and re-advertise. Any amendment or reformation of the bid is expressly prohibited. (Ch. 429, effective July 19, 1991, adding a new subdivision 11 to General Municipal Law, S103).

The Law Department will review and make all legal opinions and decisions.

E. Requests for Proposals (RFP) are normally "performance specifications" and involve an "interview process" to enable potential bidders to understand the problem and arrive at their solutions. Before the formal "interview process", decisions must be made concerning the possible:

(1) Level of staff involvement;

(2) Need for office space;

(3) Extent of documentation expected (i.e., organizational charges, internal control procedures, hard copy of computer data);

(4) Equipment needs;

(5) Timetable for performing requested services;

(6) Impact of employee training programs (i.e., driver safety, inventory control, record management).

These and other basic points will have an impact on the costs that will be charged for services or coverage.

Care must be taken to protect the County's interests, and to not give an advantage to one bidder.

The Division of Purchasing will send a copy of the Bid/RFP to the requesting department for any changes in the specifications before it is sent to printing (Exhibit DD).

11. PUBLIC BIDS AND REQUESTS FOR PROPOSALS (RFP)

Advertisements for public bids (RFB) and Requests for Proposals (RFP) are published in the Press & Sun-Bulletin. There must be 10 calendar days **between** the bid being published in the paper of record and the bid opening date. The ad must contain the following information:

A. Identification - Broome County Government;
B. General description of supplies, materials, equipment or services needed;
C. Name of contact person and office;
D. Location where bid package may be obtained;
E. Amount of the deposit required for a copy of the bid package;
F. Date, time, and place for submission of bids, bid deadline;
G. Date, time, and place for public opening of the bids.

12. PERSONAL NOTICE TO VENDORS OR CONTRACTORS

In addition to the required public advertisement, the Purchasing Division sends bid packages to known providers of the goods or services. This information is obtained from vendors or contractors that have made sales calls, phone calls, or have sent letters requesting their placement on the bidders' lists. Other sources are the Thomas Register, Regional directories, telephone directory yellow pages, and the internet. Purchasing has contracted with a web based electronic bid service that makes our bids available for downloading from their site.

Construction bid packages for Public Works are also sent to the Associated Building Contractors, Syracuse Builders, Exchange, Dodge Reports, Eastern Contractor's Association, Opportunities For Broome, Brown's Letters, and Mohawk Valley Builder' s Exchange.

The ultimate responsibility for acquiring the bid packages is the vendors/contractors. Interested business people that want to participate should be reading the legal ads to be aware of bids and requests for proposals for Broome County and Non-Broome County Political Subdivisions. To remain on a bidders list the vendors/contractors must bid or return the bid package with a notation "NO BID".

13. ADDENDA

As stated in the terms and conditions: "only formal, written addenda can alter the bid specifications". When a discrepancy, ambiguity, or omission is revealed, the specification writer will issue an addendum to clarify the bid requirements. The addendum is sent to all vendors that have picked up or were mailed bid packages. This is usually accomplished by fax. The first addendum issued will be labeled "Addendum # 1". Subsequent addenda issued will be sequentially labeled. In public work bids, the Engineering Department will issue the addenda. The web based bid service also issues addenda to any vendor that has downloaded the bid electronically.

Provisions are made for the vendor or contractor to acknowledge receipt of the addendum. In public work bids the contractor acknowledges the receipt by including the new specification, properly signed and submitted, with the bid. On other type bids, the specification writer may direct the vendor to sign the addendum and to submit it with the bid.

The specification writer will make every effort to ensure that the appropriate vendors receive addenda. Addenda are binding.

The addendum procedure will also be used to extend the bid date to give the vendors/contractors sufficient time to submit a responsible bid.

14. ISSUANCE OF BID PACKAGES

The Purchasing Division issues bid packages to vendors/contractors at the advertised location. Bid packages are also mailed First Class or Federal Expressed when the firm furnishes a Federal Express account number.

All bid packages issued are recorded on a two-part Bid Spec/Plan, Bid Bond & FOI Deposit Check/Cash Log (Exhibit K). All numbered bid packages requiring deposits are also recorded on this form. The Purchasing Division records and keeps all checks and cash in a secure location. If a contractor returns the specifications and plans in good condition between the time of the bid opening and the bid award, the original deposit of cash or check is returned to and this transaction is recorded on the Bid Bond & Spec/ Plan refunds form (Exhibit J). After the bid award the successful bidder receives a complete refund and the remaining cash and checks are recorded on the Bidders List/ Specification and Plan Deposits/ Returns form and hand carried to the Office of Management and Budget (OMB). An OMB officer signs the receipt section and retains the original; the Purchasing Division retains the copy. The Director of OMB furnishes the Purchasing Division with a numbered Official Receipt with the appropriate account codes.

After the checks have been deposited with OMB the Purchasing Division may submit to the Director of OMB a Request for Refund or Reimbursement (Exhibit J). This is used to reimburse bidders that have returned specifications and plans in good condition within forty-five (45) days from the bid opening.

The Notice to Bidders is issued with all Capital Project bid packages. (Exhibit L)

15. RECEIVE BIDS (RFB) AND REQUESTS FOR PROPSALS (RFP) AND BID OPENING

Vendors or contractors mail, express or hand deliver sealed bids to the Purchasing office before the bid deadline specified in the legal advertisement. As the bids are received, they are immediately date-time stamped. No bids are accepted after the bid deadline or allowed to be withdrawn by vendors/contractors after the published deadline. No fax machine transmission bids will be accepted. All bids are kept in a secure location.

Before the bid opening, the Purchasing Agent or designee enters the bids on the appropriate Bid Opening Tabulation Form (Exhibit I) and prepares the Bid Title/Witness Sheet (Exhibit N). The bids are then hand carried to the designated bid opening location. The Bid Opening Attendance Sheet (Exhibit M) is to be signed by all persons, including County employees.

The Purchasing Agent, designee or Secretary will orally give instructions on the proper way to evacuate the Public Assembly Room in the event of fire or other emergency. The evacuation statement is followed by instructions where everyone will meet, if the problem is only the County Office Building, for the continuance of the formal bid opening. There will be a witness seated between the bid opener/reader and the recording secretary. No one else will be seated or standing near the official table.

At the appointed time, the Purchasing Agent, or designee, will announce the bids to be opened and will open and read aloud the pertinent information to be recorded by the Secretary on the appropriate spread sheets. (Exhibit I)

In the event that a proposal is not signed, a signed non-collusive bidding certificate or a required bid bond/check (surety) is not with the proposal, the bidder is deemed non-responsive and the bid is immediately rejected. (Exhibit F)

16. AWARD PROCESS- BIDS (RFB) AND REQUESTS FOR PROPOSALS (RFP)

The bids are submitted in duplicate. The original copy with any bid bond is retained in the Division of Purchasing and the duplicate copy is sent to the requesting department with a memo requesting review and recommendation or rejection of the bid (Exhibit O). The department will return this duplicate and a memo of recommendation or rejection to Purchasing along with the BAC form (Exhibit S) and four complete copies of the proposal. The Purchasing Agent will review the package and recommendation and, if necessary, contact the Law Department to clear up any legal technicalities, and may approve or disapprove the department's recommendation. Following the bid award, the bond monies will be returned to the unsuccessful bidders with the Bid Bond & Specification Refunds form (Exhibit J).

If approved, the BAC secretary will assign a County Attorney contract number (CA#) and place the request on the agenda for the next scheduled Board of Acquisition and Contract (BAC) meeting.

If the bid is for supplies, materials or equipment and is approved by the Board, the

Purchasing Division notifies the requesting department with a memo of approval which instructs the department to process a purchase requisition using the bid and CA # (Exhibit R). This purchase requisition (REQ) is then sent to Purchasing. Purchasing reviews the information on the REQ for accuracy and generates a Purchase Order which is mailed or faxed to the vendor/contractor. (The Purchasing Division processes purchase requisitions (REQ) into Purchase Orders (PO) and the Law Department processes contracts which are paid on Vouchers (VO) by the departments).

Requests for Proposals (RFP) require a review process. The final vendor/contractor selection must be approved by the Board of Acquisition and Contract/Legislature and upon approval a contract is initiated by the Law Department.

In the event that all bids are rejected by BAC, Purchasing sends a notice to the bidders. (Exhibit P)

Once there is an award made the successful bidder is notified (Exhibit Q) as well as the departments that have an interest in the bid (Exhibit R).

17. PURCHASE ORDERS – APPROPRIATION OF FUNDS - AWARD

Purchase requests are reviewed for accuracy and proper purchasing procedures. It is impossible to process a PO request without the funds being available and in the computer system. It is the requesting department's responsibility to obtain a Budget transfer from the Director of the Office of Management and Budget.

Once through the approval process the system generates a Purchase Order which will be printed out in Purchasing the following day for distribution to vendors.

18. MISCELLANEOUS INFORMATION AND PROCEDURES

The Purchasing Division receives requests for information concerning delivery and receiving of commodities; shipping charges; Purchase Order (PO) Voucher processing; bid and requests for proposal and qualifications; credit card charges and other processing and procurement subjects. Some of this information is incorporated in the Audit and Control manual and the Office of Management and Budget memorandums, but is included in this manual for information and guidance as part of the Purchase Procurement System.

A. Delivery and Receiving of Commodities

The employee signing a delivery receipt is verifying that the goods or services are satisfactory and as ordered. Signing a vendor's acceptance for goods and then finding shortages, substitutions, damage, or unordered products places Broome County at less than an optimal position to rectify the problems. Before signing any acceptance for goods or services, the person receiving the shipment should immediately inspect the shipment and verify the quantities and items against the Purchase Order.

When a delivery is made by a common carrier, extreme care must be exercised before signing a carrier's Bill of Lading. The trucker will attempt to obtain a signature as quickly as possible - DO NOT BE RUSHED INTO SIGNING. Inspect the carton for

tears, dents, or crushed corners and ask the driver to open up any questionable packages for a better inspection. If there is not any obvious product damage, note the Bill of Lading – "Possible Concealed Damage – Subject to inspection by Broome County". In cases where the shipment is accepted and the Bill of Lading is signed and later concealed damage is found, the common carrier must be notified in writing immediately and all cartons and packing material must be saved until the Claims Inspector verifies the damage and processes a Claim Report. The department can then refuse the shipment or keep the product and accept a negotiated settlement. Under no circumstances should unopened cartons remain in a department storage area without department inspection of the contents. There is a legal time limit on the processing of damage claims. If a shipment inspection reveals major damage, do not sign the Bill of Lading - REFUSE THE SHIPMENT.

After receiving all the goods ordered, the department head or designee will verify the receipt. After approval, the Purchase Order (PO) can be processed for payment.

B. Shipping Charges

The determination of who pays the shipping charges and when title to goods is transferred is most important in the Purchase Order (PO) contract. These facts will effect when the legal title to the commodity is transferred from the seller to the purchaser. Whenever possible, FOB-Destination is preferred, as the title remains with the seller until delivery acceptance by Broome County.

Some departments have preliminary discussions with vendors to ascertain costs and then submit a Purchase Requisition to the Purchasing Division. The Buyer will process and notify the department that shipping charges must be added. Departments having preliminary discussions with vendors should realize that the actual cost to Broome County of a commodity is the cost plus shipping charges. Determining who pays shipping charges and when the title is transferred is critical information in processing a Purchase Order.

(1) FOB Destination

If a Purchase Order (PO) indicates "FOB-D" or "FOB dest" this indicates "Freight on Board Destination" and Broome County is not liable for any shipping charges. The department will cross off the charge, adjust the total to be paid and submit it to Audit and Control for payment processing.

(2) Pre-Paid / Add Shipping

If a Purchase Order (PO) indicates "FOB-PRPD", this indicates that Broome County will pay the shipping charges. The freight is prepaid by the vendor and added to the invoice. (Other charges must be noted as a separate line on the Purchase Requisition by the Buyer.)

In most instances, the Buyer will have to estimate the shipping charges, and will estimate a slightly higher dollar amount. This practice prevents additional work in processing an under encumbered Purchase Order. The department will verify the actual vendor's shipping charges.

If the shipping charges exceed the Buyer's estimate, the Purchase Order becomes under-encumbered, and the department makes the necessary line/s adjustments and forwards to the Purchasing Agent for review, approval and forwarding to Audit and Control Department for payment processing.

(3) Department Pickup

If a Purchase Order (PO) indicates "FOB-PU", this means that the requesting department will pickup the commodities and Broome County will not be liable for shipping charges.

C. Cancellation of Purchase Orders (PO)

The cancellation of Purchase Order/s for current year encumbrances will be done by the Division of Purchasing.
Prior year encumbrances will also be handled by the Division of Purchasing.

D. Input Errors on Purchase Orders (PO)

Upon approval of the Purchase Order, the department will verify the PO for completeness and accuracy. Special attention should be taken to verify the fund, dept ID, account, project, vendor and dollar amount. The Division of Purchasing should be notified immediately if there are any errors. The department will then need to have the order cancelled by Purchasing and re-issued with the correct information.

E. Encumbered Purchase Orders

Exact Encumbered Purchase Order:

The vendor's itemized invoice is matched against the Purchase Order and all dollar amounts agree for every line. No corrections are necessary create the PO Voucher and submit to Audit and Control for payment.

Over Encumbered Purchase Order:

The vendor's itemized invoice is matched against the Purchase Order and some lines have exact dollar amounts and some lines have higher dollar amounts. Process the PO Voucher with the correct amounts and submit to Audit. Contact Purchasing with the PO number and overage for cancellation of the remaining balance.

Under Encumbered Purchase Order:

When a Purchase Order has under-encumbered lines when matched against the vendor's invoice the department must contact Purchasing to correct any original lines which are under encumbered.

Under Encumbered Blanket Purchase Orders:

Blanket Purchase Orders - DO NOT EXCEED THE BLANKET PURCHASE ORDER DOLLAR AMOUNT. Placing orders above the dollar amount is placing orders without the approved appropriation of funds to pay the vendor; making an unauthorized purchase.

F. Cash Discounts

Invoices from vendors which are eligible for cash discounts are to be expedited for payment. The discount can be added to the Purchase Order by contacting Purchasing

(1) If a claim is eligible for a cash discount, Purchasing will enter the discount into the Purchase Order

(2) The amount of the discount will then show up in the PO Voucher

(3) If there is more than one appropriation line on the Purchase Order, the credit can be assigned to either one line or distributed to any or all of the lines.

G. Tax Exempt Status and Credit Applications

Broome County is a political subdivision of the State of New York; and, as a government entity, is exempt under Purchase Tax Law, Section 1116. Broome County is not issued an exempt organization certificate or a ST—119 with an exemption number by the New York State Tax Bureau. (Exhibit CC, Exhibit JJ) A copy of a Broome County's Purchase Order (PO), Voucher (VO), or Petty Cash Form is the only certification the vendor is required to keep for documenting the tax exempt sale.

The Broome County Purchase Order copy sent to the vendor has the tax exempt status attached to it.

Credit Applications are not filled out by Broome County. (Exhibit II)

I. Bid Contracts – "Chargeback" Procedures and Forms

Many County bids, such as meat, fish, poultry and groceries, state – "If the first low bidder cannot deliver an item/(s) ordered during the term of the contract Broome County reserves the right to purchase the item(s) from another source of supply and "chargeback" the low bidder the dollar amount difference between the low bidder's contract and a higher dollar amount charged by another supplier."

e.g.: A. First low bid is $24 /case of 12 (This low bidder cannot supply), and another vendor charges $27.60/case of 12.

B. Purchase is made from the second low bidder @ $27.60/case

C. The user department will "chargeback" the first low bidder $3.60 a case or the difference in the price per case.

Departments using County contracts having "chargeback" provisions will use the following procedures.

For any situation that is not covered by the above example use area #3 to indicate the reason.

Instructions for using Broome County "chargeback" form (Exhibit EE).

A. Area #1 — Upper right hand corner: "X" or "check mark" the appropriate box. If "other", use appropriate brief reason.
B. Area #2 — Vendor's full name.
C. Area #3 — Use this area for reason for charge back if box designating "other" is checked and boxes below #3 do not apply.
D. Area #4 — Fill in as sample form indicates. The words in parenthesis are only for guidance.

After completing the form, the department will send the white original to the vendor; the canary copy to Audit and Control Department; the pink copy to the Purchasing Division; and retain the goldenrod for the department file.

19. BOARD OF ACQUISITION AND CONTRACT (BAC) LEGISLATIVE RESOLUTIONS

The Board of Acquisition and Contract's express authority is found in Article XII of the Broome County Administrative Code: "There shall be a Board of Acquisition and Contract which shall consist of the County Executive, Commissioner of Public Works and the Chairman of the County Legislature. The Board of Acquisition and Contract shall have all the powers and duties in relation to the acquisition of Real property and the approval and execution of contracts as are set forth in: Section 1202 Approval of Professional Contracts; Section 1203 - Approval and Execution of Public Work Contracts ($1,000 or more); Section 1204 – Approval of Purchase of Equipment ($10,000 or more); Acquisition of Real Property; and Prequalification of Bidders. The Board of Acquisition and Contract shall adopt rules of procedure for the conduct of its meetings and shall establish its regular meeting dates.

Procedures must be followed in order to protect Broome County from legal liability. Personnel authorizing any purchase, lease, or work to be performed, prior to obtaining approval, shall account for such action to the Board of Acquisition and Contract, who may recommend disciplinary measures. These procedures shall remain in effect until such time as they are modified or rescinded by formal action of the Board of Acquisition and Contract."

A. Board of Acquisition and Contract (BAC) Requests

(1) The Purchasing Division processes all Board of Acquisition and Contract (BAC) requests from all departments. Since the form (Exhibit S) is used for BAC requests and Purchasing Approval (Letter Contract), it is important for Purchasing to know how to process the request. The approval process that is required for the request must be circled.

- BAC Approval is needed for commodity purchases $10,000.00 and over, maintenance or service contracts $7000.00 and over, printing contracts $5000.00 and over, Public Works contracts $10,000.00 and over, rental contracts $1000.00 and over and professional service contracts up to $14,999.99.
- Purchasing Approval is needed for maintenance or service contracts $500.00 to $6999.99, printing contracts $500.00 to $4999.99 and Public Works contracts $500.00 to $9999.99.

- Requests for "after the fact" approval for work that was already completed and that meets the Purchasing Approval guidelines will have to have BAC Approval and a Department representative will be required to attend the meeting.

    1. The request form is used for both BAC and Purchasing approvals so please circle the approval required for the request.
    2. Indicate the Department making the request.
    3. Date the request.
    4. Indicate which category the request falls under.
    5. For NY State Contract requests attach the NYS award information that shows the award number, group number and contract number.
    6. Describe the request.
    7. For equipment purchase requests indicate the model number and serial number if known.
    8. If applicable name the grant or project.
    9. Enter the full name of the vendor and their address. This address **must** be where the contract or any paper work is to be sent. An incorrect address could slow the procedure.
    10. Enter a contact name and phone number for the person to receive the contract or any paper work.
    11. Enter the contract term desired or "one time purchase" if applicable. When a term is desired the request must be received in Purchasing allowing enough time for the execution of the contract to be completed and the insurance to be approved before the contract start date. This process could take at least two weeks or more following the approval. Please note that a term could also be for a time period without a specific start date. For example; 60 days from completion of contract and notice to proceed.
    12. Enter the full cost of the request as a NTE dollar amount or an estimated NTE dollar amount and/or a NTE price per unit (hour, mile, etc.). Attach all backup explaining the cost requested. Include all quotes received or attach a worksheet if phone quotes were solicited. **There must always be a written quote from the recommended vendor**. Please note that when obtaining quotes you should already have the insurance requirements; the potential vendor needs to be aware of this. Follow the Purchasing Guidelines attached to this memo for the required number of quotes needed to process the request. The request will not be processed without the written quotes or worksheet attached.
        If the request is for a Sole Source or Single Source there **must** be a signed Sole or Single Source form attached **and** a letter from the vendor explaining their sole or single source status. Note that most times a Single Source is the correct designation. A Single Source procurement is one in which, although there are two or more potential offerers, the Department has determined that it is in the best interest of the County to procure from a particular vendor. Typical examples would be where Department needs maintenance for a particular piece of equipment, and that maintenance must be provided by a particular vendor to maintain the warranty or when there is a sole authorized local distributor for a required purchase. Generally speaking, a true Sole Source is dictated by a patent or copyright or intellectual property right.
        When the request is for an award as a result of a bid, send back the entire bid package that was sent out from Purchasing. For the request form attach a copy of the bid opening recording sheet(s) and a copy of the proposal page(s) from the

recommended bidder(s) or a spreadsheet indicating all recommended bidders and prices.

13. Enter the budget lines.
14. Enter the title of the account code being used.
15. Check renewal only if this is a true renewal (a contract with renewal clauses) and attach the renewal information from the existing contract.
16. For all other contracts check new term and if this was a quote check whether 1st, 2nd, 3rd, etc low.
17. Check the amendment line if this is an amendment to an existing contract.
18. Check the insurance requirement and attach them; only to the original. **ALL REQUESTS** for new terms and renewals **must have insurance requirements** obtained from Risk or an indication from Risk that no insurance is needed. **Requests will not be processed without this**. Attach only to the original, no copies are needed.
19. Explain the Departmental needs for the request and add any other comments.
20. Indicate the contract term if the Department had this contract previously.
21. Indicate the previous vendor if applicable.
22. Indicate the previous cost if applicable.
23. Indicate the previous contract number if applicable. For a renewal enter the existing contract number.
24. Indicate the previous bid number if applicable. For a renewal use the existing bid number. If this request previously had a resolution, indicate the resolution number and attach a copy of the resolution.
25. The request must have the signature of the Department Head or designee.
26. Indicate the name and title of the Department Head or designee.
27. Indicate a contact name for the request with title and phone number.

- BAC Approval Requests require an original and four copies; the insurance requirements only with the original. Please make the copies double-sided (back to back) whenever possible.

- Purchasing Approval Requests require an original and two copies; the insurance requirements only with the original. Please make the copies double-sided (back to back) whenever possible.

All BAC Approval requests must be received in Purchasing by noon of the Thursday preceding the meeting to allow time for processing and distributing.

Failure to follow these procedures could result in the request being returned and/or a contract not starting on the desired date.

B. Board of Acquisition and Contract (BAC) Special Requests

The Purchasing Division processes "Walk on Requests" and hand carried "Walk-Around Approvals" for the requesting departments. These special requests are "Valid Emergency" requests and not the result of poor planning by the requesting department.

(1) Walk on Requests:

A) Walk on Request is a valid emergency request submitted by a department after the submission deadline and the Law Department has completed the BAC agenda. The requesting department will submit the completed package and a factual detailed memorandum why the request is a valid emergency requiring rush processing. After review by the Purchasing Division it is distributed to the BAC members at the next meeting. The requesting department will have a member present to answer questions by the Board members concerning the request.

(2) Hand Carried Approvals or Walk Around

A Walk Around (Exhibit T) Approval is a valid emergency request submission by a department requiring approval before the scheduled BAC meeting. The department will submit the completed package and a factual detailed memorandum why the request is a valid emergency requiring rush processing. After review by the Purchasing Division, the request is hand carried by the requesting department to the Law Department's County Attorney, or designee, for a legal review and signature. The request is then hand carried by the requesting department for signatures to the County Deputy Executive, Commissioner of Public Works, and the Chairman of the Legislature. If a member is not immediately available the request remains in that department until signed. This approval process, depending on the availability of the BAC members, or designees, can take from a few hours to a few days.

Once the signatures are secured, the requesting department must then obtain a contract number (CA) from Law and return to Purchasing with the number and all approved copies. The Approvals are submitted for ratification at the next scheduled BAC meeting. The Department Head or designee will be present to answer questions or provide additional information.

C. Processing of Board of Acquisition and Contract (BAC) Approvals

(1) Supplies, Materials & Equipment over $10,000 Bid Limit

After approval by the Board of Acquisition and Contract (BAC), the Purchasing Division notifies the requesting department with a Memo of Approval to process a Purchase Requisition REQ and mails a Notice of Award to the successful vendor (in some cases for large or complicated purchases the Law Department may process a contract.) The requesting department processes a Purchase Requisition, entering the bid and contract number (CA) for the supplies, materials, or equipment. The Purchasing Division will process a Purchase Order.

(2) Contracts

After approval by the Board of Acquisition and Contract (BAC), the Law Department will process a contract. The Law Department will verify any comprehensive insurance requirements and have the contractor sign the contract. Questions regarding procedure should be addressed to the Law Department. Payment cannot be made to contractors without a fully executed contract. Payments are processed on a Broome County Claim Voucher (VO), noting the contract number (CA) using the Audit and Control Department's payment processing procedures. NOTE: Work can not begin or orders placed until there is a fully executed contract.

D. Types of Contracts-Processing Procedures

There are different types of contracts and processing procedures. The categories are:

Materials & Equipment Purchase
Maintenance Contracts: service equipment
Service Contracts: installations, work or repairs off premises
Public Work Contracts
Rental or Lease Contracts
Professional Service Contracts: requires a degree, license, code of conduct or specialization

20. LETTER CONTRACTS:

A Letter Contract is a legal agreement between Broome County and a contractor providing a service. Purchasing processes the request (Exhibit S) which is sent to the Law Department for review and processing. The contract is sent to the vendor for a signature. The vendor is requested to return a signed copy to the Law Department.

Examples of service contracts requiring a Letter Contract:

Maintenance/Service Contracts: $500 - $6,999
Public Works Contracts: $500 - $9,999
Printing Contracts: $500 - $4,999

See detailed procedures under: 19. BOARD OF ACQUISITION AND CONTRACT (BAC) and follow the directions for writing the request. Letter contracts require the original request, quotations, insurance and complete copies: one for Purchasing and a copy for each individual that has signed the request.

21. BROOME COUNTY CODE OF ETHICS

Each officer and employee of Broome County is required to sign a statement attesting that the employee has read and will abide by the Broome County Code of Ethics. This statement includes Broome County Legislature Local Law #7 (1970); Local Law #2 (1971); Local Law #3 (1983) amended by LL #7-(1997); and New York State General Municipal Law, Article 18.

In addition Broome County's Purchase Order, Terms and Conditions, state: "INTEREST. In accepting this order, the vendor certifies that no member of the County Legislature or other officer or employee of the County of Broome is directly or indirectly interested in this transaction or any profit there from".

Also Broome County Legislature Resolution 90-546 dated 12/27/90 (amending the Code of Ethics, Local Law No. 7, 1970, as amended by Local Law #3, 1983): RESOLVED, that Local Law Intro. No. 18, 1990, entitled "A Local Law amending the Code of Ethics, Local Law No. 7, 1970, as amended by Local Law No. 3, 1983, to require annual financial disclosure statements", be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

The purpose of the rules of ethical conduct for the officers and employees of Broome County is to promote a high degree of moral behavior among the representatives of county government and to insure the public's confidence.

22. ANNUAL PURCHASE PROCUREMENT PROCESS MANDATED REVIEW

The General Municipal Law states the governing board also must solicit comments on the policies and procedures from officers involved in ~-"'e procurement process and annually review its policies and procedures. 413, 54—56, effective January 1, 1992 amending 103 [1), (5] of, and adding new 104-b to, the General Municipal Law) (Also change in Finance Law affecting procurement).

Broome County will comply with the annual review by using the following procedure:

A. On or before March 31, 2012 and each calendar year thereafter the Law Department will notify, in writing that the following offices shall comply:

County Executive* and Office of Management and Budget Director
Chairman of the Legislature*
Commissioner of Department of Public Works*
Director of Purchasing or Purchasing Agent
Comptroller - Audit and Control
County Attorney - Law Department
Members of the Board of Acquisition and Contract.

B. The offices will have until April 30 to submit written comments on the procurement policies and procedures for submission to the Law Department. Failure to furnish the written comments on or before April 30 of the current calendar year will be interpreted as having no comments or changes.

C. Before May 31 of each calendar year the Law Department will make copies of all written comments responses received and distribute to all the above offices.

D. The offices will review all comments received and may make changes in their areas of express authority. The members of the hoard of Acquisition and Contract will act for the Board of Acquisition and Contract but will require two "yes" votes for any changes.

E. The Law Department will review all changes and rend legal opinions as necessary. The Law Department will direct all offices to take necessary actions at anytime to be in full compliance with all laws effecting procurement policies and procedures.

F. The above procedures are to comply with the law. Offices can, of course, make changes anytime, within the express authority of the respective office, but it is recommended that the Law Department review procurement policies and procedures before the changes are implemented. All offices are encouraged to work together for effective procurement policies and procedures that will be in the best interests of the taxpayers.

Exhibit A

SUMMARY OF BROOME COUNTY PURCHASING GUIDELINES Revised: February 2010

CONTRACT				
Materials & Equipment Purchase * **	**Under $500** Purchasing Award / P.O. Procurement card*	**$500-$9,999** 3 Quotes Purchasing Award / P.O.	**$10,000 + Bid** BAC Award P.O. to $100,000	
Maintenance Contract/ Service Contracts	**Under $500** Purchasing Award / P.O.	**$500-$6,999** 3 quotes Letter Contract	**$7,000-$14,999** 3-6 written quotes BAC Award	**$15,000 + Bid** BAC Award
Printing Contracts	**Under $500** Purchasing Award / P.O	**$500-$4,999** 3 quotes Letter Contract	**$5,000-$14,999 Bid** BAC Award	**$15,000+ Bid** Award by County Legislature
Public Works Contracts	**Under $500** Purchasing Award / P.O.	**$500-$9,999** 3 quotes Letter Contract	**$10,000-$34,999** 3-6 written quotes BAC Award	**$35,000 + Bid** BAC Award
Rental or Lease Contracts	**Under $1000** 3 quotes Purchasing Award / P.O.	**$1,000-$9,999** 3 quotes BAC Award	**$10,000 - $14,999 Bid** BAC Award	**$15,000+ Bid** Award by County Legislature

PROFESSIONAL SERVICE CONTRACTS	**UP TO $14,999** 3-6 written quotes - BAC Award	**OVER $15,000+ RFP** Award by Co. Legislature.MM

*Procurement Cards may be used to purchase spare parts; pay for minor repairs; books & subscriptions, etc. (see full guidelines)

**Fresh eggs, fruit and vegetables may be purchased without a bid if expenditure is less than $10,000 in a 15 day period.

M Equipment Purchases over $100,000 are placed via County Contract issued by the Department of Law.
Equipment Purchases under $100,000 are placed via Purchase Order.
The County retains the right to make purchases of equipment and/or services under appropriate NYS Contracts without bid; however all equipment purchases in excess of $10,000 must be approved by the B.A.C. (Co. Administrative Code; ə A 1204 (pg. A78.1).

Letter Contracts may be utilized for Contracts under $6,999. Letter contracts require the approval of the Purchasing Agent, however the County Executive's representative must still execute the contract.

Late requests for contract approvals or renewals are always sent to B.A.C.

MM Note: The selection process used for Architects/Engineers with services costing in excess of $15,000 is found in ə 203-1 of the Charter & Code Book. (pgs. 20301-20306)

B.A.C. = The Board of Acquisition & Contract. Voting members are the County Executive, the Chairman of the County Legislature, and the Commissioner of Public Works; or their designated representatives.

Exhibit A

CONTRACT	EXAMPLES
Materials & Equipment Purchase	Car, Bus, Truck, Computer, Radios, Tires, Batteries, Printing Press, Copy Machine, Boats, Park & Playground Equipment
Maintenance Contract	Alarm Systems, Air Conditioning Equipment, Cash Registers, Computer Hardware, Copiers, Time Stamp, Duplicators, Elevators, Microfilm Reader/Printers, Printers, Scales, Typewriters, Engines, Water Treatment Service
Service Contracts	a) Purchase of equipment or materials which are to be installed Such as drapes, blinds, carpeting, overhead doors. b) Work, repair or services performed on or off premises such as Transportation of Handicapped Children, Banquets/Catering, Concessions at Co. Parks, Cleaning of Buildings, Moving, Painting, Repairs of Vehicles, Trash Removal c) Advertising, Printing
Public Works Contracts	Building Construction, Building Maintenance Repairs such as Window Glass Replacement or Roof Patching; Bridge Construction or Repairs; Electrical Wiring or Cabling for Computer Systems; HVAC work; Plumbing - See note on change orders.
Rental or Lease Contracts	Rentals (short term): Equipment Rentals such as a car or truck, backhoe, forklift, and sound systems. Facility rentals such as the Forum, a classroom, a conference room, a gym. Leases (longer terms): Copy machines, PC's, bulldozer, heavy equipment, printing equipment, a Sr. Citizen's Nutrition Site.
Professional Service Contracts	Architects, Engineers, Accountants, Auditing Services, Advertising Agency, Advertising Production costs, Custom Artwork, Beautician/Barber, Teachers, Instructors, Insurance, Land Surveyors, Legal Services, Physician/Dental/Medical Services, Pharmacy Services, Religious Services, Property Appraisals, Customized Software, Veterinarian Services

+ Note: Change Orders for public works contracts are handled as follows:

э A1203, found on pages A77 and A78 of the Charter & Code Book addresses change orders:

Whenever any contract for the construction, reconstruction, repair or alteration of any public work or improvement involves the expenditure of more than $250,000, any change order involving an expenditure equal to 1% of the contract amount or $25,000, whichever is greater, or any change order the amount of which, when added to all previous change orders, exceeds 10% of the contract amount, shall be approved by the Board of Acquisition and Contract and by the Public Works Committee of the County Legislature and the Committee of the County Legislature which considers and reports upon legislation relating to the department or agency responsible for such public work or improvement.

BY ACCEPTING THIS PURCHASE ORDER THE VENDOR AGREES TO THE FOLLOWING TERMS AND CONDITIONS

ACCEPTANCE OF PURCHASE ORDER. This Purchase Order is given for immediate acceptance by the Seller. Unless notified within 10 calendar days to the contrary, Broome County will assume the seller hereby accepts the order as written and will make delivery as specified on the document.

REGULATORY COMPLIANCE. Seller represents that the goods or services furnished hereunder (including all labels, packages and containers for said goods) comply with all applicable standards, rules and regulations in effect under the requirements of all Federal, State and local laws, rules and regulations as applicable, including the Consumer Product Safety Act, Occupational Safety and Health Act as amended. Seller shall furnish "Material Safety Data Sheets" as required.

LABOR LAW. The provisions of Article 8 of the New York State Labor Law are deemed part of every Purchase Order with the same force and effect as if set forth at length.

QUANTITY. Quantities furnished in excess of those specified in the Purchase Order will not be accepted and will be returned at Seller's risk and expense. A 10% overrun or underrun is acceptable on manufacturing runs when authorized in the Purchase Order.

TRANSPORTATION CHARGES. Transportation expense for all shipments shall be prepaid and F.O.B. destination at the Seller's expense. No freight, shipping, or transportation charges will be paid except by a previous arrangement and authorized in the Purchase Order. Shipments sent C.O.D. or freight collect will not be accepted and will, at Seller's risk and expense, be returned to Seller. No charges will be allowed by Broome County for transportation, packing, cartage or container unless authorized in the Purchase Order.

DELIVERY. All shipments must be delivered to the appropriate "DELIVER TO:" location listed on the Purchase Order and not to the Broome County Division of Purchasing, unless so specified.

TAXES. Broome County is a Government entity and is exempt from State, local sales and use taxes under Purchase Law, Section 1116. The County is not issued an exempt organization certificate or a ST-119 with an exemption number by the State of New York Tax Bureau. A copy of the Purchase Order is the only certification the vendor is required to keep for documenting the tax exempt sale. This Purchase Order shall serve as the exemption certificate.

WARRANTY. The Seller warrants that all goods and services furnished hereunder will conform in all respects to the terms of this order. The title conveyed is good and the transfer is rightful. The goods delivered are free from any security interest or other lien and shall be merchantable and fit for Broome County's purpose. Broome County may return any nonconforming or defective items to the Seller or require correction or replacement of the item at the time the defect is discovered, all at the Seller's risk and expense. Acceptance shall not relieve the Seller of their responsibility.

INSPECTION. Materials or equipment purchased are subject to inspection and approval at Broome County's destination. Broome County reserves the right to reject and refuse acceptance of items which are not in accordance with the instructions, specifications, descriptions, or drawings embodied in this order. Rejected materials or equipment shall be promptly removed, at the expense of the Seller.

INVOICES. Invoices in duplicate, with the quantity, item description, unit dollar extensions, and total prices, using the Purchase Order Number must be sent to the "MAIL INVOICE TO:" address shown on the face of this order, otherwise payment of Seller's account may be delayed. The Purchase Order Number shall appear on all invoices, statements, boxes, packages, shipping documents and correspondence, and the list of contents shall be enclosed in each box or package.

PAYMENT. Payments will be made in accordance with the terms on the face of this order, or the Seller's invoice, whichever is more favorable to Broome County. For purposes of any applicable cash discount, payment date therefore shall be calculated from the receipt of invoice or receipt of final acceptance of the goods, whichever is later. In the case of a delayed payment all telephone inquiries and correspondence should be directed to the department specified in the "MAIL INVOICE TO:" section in the Purchase Order.

HOLD HARMLESS. Regarding the operations and responsibilities concerning this agreement, the Contractor agrees to indemnify, defend and hold harmless, the County of Broome, its officers, agents and employees from and against any and all loss or expense that may arise by reason of liability damage, injury or death, or for invasion of personal or property rights, of every name and nature, and whether casual or continuing trespass or nuisance, and any other claim for damages arising at law and equity alleged to have been caused or sustained in whole or in part by or because of any omission of duty, negligence or wrongful act on the part of the Contractor, his employees or agents in connection with this agreement.

CANCELLATION. Broome County reserves the right to cancel and/or modify this entire order or any portion thereof, prior to delivery and if Seller fails to make delivery as specified, to charge the Seller with any and all losses incurred.

PATENTS. It is agreed that goods ordered herewith shall comply with all Federal, State and local laws relative thereto and that you will defend actions or claims brought and save harmless the County of Broome from loss, cost or damage by reason of actual or alleged infringements of letters patent.

ASSIGNMENT. This order may not be assigned or sublet except upon the prior written consent of the Purchaser.

INTEREST. In accepting this order, the Vendor certifies that no member of the County Legislature or other officer or employee of the County of Broome is directly or indirectly interested in this transaction or any profit therefrom. Alternatively, in accepting this order, the Seller/Vendor certifies that the Seller/Vendor is in full compliance with the Broome County Administrative Code, Chapter 19 ("Ethics"), as amended. A copy of said code will be provided upon request.

COMPENSATION. Contractor/Vendor shall comply with the requirements of the New York Workers Compensation Law, as amended, if applicable to the performance of the requirements of this order. Failure to comply may render this order void.

LEGAL DOCUMENT. This form is a legal document. You should speak with an attorney if you have any questions regarding this form.

Exhibit B

Exhibit C

AFFIDAVIT OF SOLE SOURCE

I, _____, _____, _____,
(Name) (Title) (Department)

attest that _____ / _____
(Vendor's Name) (Vendor's Telephone Number)

_____
(Address) (Street/P.O. Box) (City, State & Zip Code)

is the sole source vendor for the following equipment and/or service: _____

_____
_____

This department on the following date: _____, solicited quotes/bids for the above referenced equipment and/or service from the following companies in similar fields:

NAME OF COMPANY ADDRESS PHONE NUMBER

1. _____

2._____

3._____

These companies responded with no bid or no quote by reason of their inability to provide equipment and/or service, and to their knowledge _____ is the only company which can supply the
(Vendors Name)
desired equipment and or services.

ATTACH ORIGINAL LETTERS AND OTHER DOCUMENTATION

I certify that the above statement is true and accurate, and as such, I request the Broome County Board of Acquisition and Contract designate _____ as a sole source for the above referenced equipment and/or service and to waive competitive bid requirements.

DATE:_____ SIGNATURE:_____

RETURN COMPLETED FORM TO THE BROOME COUNTY DIVISION OF PURCHASING

Exhibit D

AFFIDAVIT OF SINGLE SOURCE

I, _____, _____, _____,
(Name) (Title) (Department)

attest that _____ / _____
(Vendor's Name) (Vendor's Telephone Number)

_____
(Address) (Street/P.O. Box) (City, State & Zip Code)

is a single source vendor for the following equipment and/or service:_____

_____

The specified vendor was chosen for the following reason/s. Please check all that apply.

- ○ Standardized system requirements
- ○ Parts or Service provided by designated local distributor for "OEM" (Provide letter of designation)
- ○ "Just in Time" delivery requirements
- ○ Expertise or previous experience with similar contract/s
- ○ Other reason

Explain selected reason: _____

_____

_____

ATTACH ORIGINAL LETTERS AND OTHER DOCUMENTATION

I certify that the above statement is true and accurate, and as such, I request the Broome County Board of Acquisition and Contract designate _____ as a single source for the above referenced commodity and/or service and to waive competitive bid requirements.

DATE:_____ SIGNATURE:_____

RETURN COMPLETED FORM TO THE BROOME COUNTY DIVISION OF PURCHASING

EXHIBIT H

BROOME COUNTY PURCHASE REQUISITION WORK SHEET – ATTACH TO PURCHASE REQUISITION NUMBER: _____

VENDOR A	**VENDOR B**	**VENDOR C**
Name: **Address:** **Date:**	**Name:** **Address:** **Date:**	**Name:** **Address:** **Date:**
Person Contacted: **Phone #: AC ( ) -**	**Person Contacted:** **Phone #: AC ( ) -**	**Person Contacted:** **Phone #: AC ( ) -**
VENDOR D	**VENDOR E**	**VENDOR F**
Name: **Address:** **Date:**	**Name:** **Address:** **Date:**	**Name:** **Address:** **Date:**
Person Contacted: **Phone #: AC ( ) -**	**Person Contacted:** **Phone #: AC ( ) -**	**Person Contacted:** **Phone #: AC ( ) -**

LN	VENDOR A	LN
1		1
2		2
3		3
4		4
5		5
6		6
7		7
8		8
9		9
10		10
11		11
12		12
13		13
14		14
15		15

ATTACH ALL **ORIGINAL** QUOTATIONS, LETTERS, LITERATURE, SPECIFICATIONS. (PROVIDE ADEQUATE BACKUP INFORMATION)

Exhibit E

Exhibit F

BROOME COUNTY
DIVISION OF PURCHASING

DOCUMENTATION OF A NON-RESPONSIVE BID

TO: Whom It May Concern
Broome County Board of Acquisition & Contract (BAC)
Broome County Law Department

FROM: Broome County Purchasing Division

BID OPENING DATE: _____

TIME: _____

TITLE OF BID: _____

_____

BIDDER: _____

****

To be in compliance with procedures approved by the Broome County Law Department, on the above date and time the subject bid was opened and upon inspection was found to be non-responsive because it lacked:

( ) A SIGNED PROPOSAL;*
( ) A REQUIRED SIGNED NON-COLLUSIVE BIDDING CERTIFICATION; *
( ) A REQUIRED BID BOND/CHECK (SURETY). *

NOTICE: All bids received that lack 1) a signed Proposal; 2) a signed Non-Collusive Bidding Certificate; or 3) a Bid Bond or Check, when required, will be rejected as being non-responsive at the formal public bid opening. The County procurement officers or employees conducting the bid opening will document the non-responsiveness orally and in writing. The non-responsive bid will not be publicly read and will not be returned to the bidder.

BID READER: _____ _____
(Signature) (Printed)

BID WITNESS: _____ _____
(Signature) (Printed)

BID RECORDER: _____ _____
(Signature) (Printed)

Exhibit G

EXHIBIT J

Exhibit J

BROOME COUNTY
DEPARTMENT OF PURCHASE
BROOME COUNTY OFFICE BUILDING
BOX 1766
BINGHAMTON, NEW YORK 13902
607-778-2188 or _____

REQUEST FOR QUOTATION

NUMBER _____

DATE ISSUED _____

DUE DATE _____

ATTENTION OF: _____ BUYER

(1) TERMS F.O.B. DELIVERY

ITEMS AWARDED

(2) TERMS F.O.B. DELIVERY

ITEMS AWARDED

(3) TERMS F.O.B. DELIVERY

ITEMS AWARDED

EXPLANATION OF AWARD:

- ☐ LOWEST PRICE - SAVINGS: $ _____
- ☐ QUALITY
- ☐ DELIVERY
- ☐ ONLY SOURCE
- ☐ DESIGN

OTHER REASONS:

QUANTITY	DESCRIPTION	VENDOR # 1	VENDOR # 2	VENDOR # 3
	TOTAL			J.

IMPORTANT YOUR FAILURE TO MEET DELIVERY DATE INDICATED ABOVE MAY RESULT IN IMMEDIATE CANCELLATION OF ORDER OR PENALTY COMMENSURATE TO OUR RESULTING LOSS DUE TO NON DELIVERY AS NEEDED UNIFORM COMMERCIAL CODE

Exhibit H

NON-COLLUSION BIDDING CERTIFICATE

(PUT TITLE OF BID OR RFP HERE)

NON-COLLUSIVE BIDDING CERTIFICATION:

"(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bit, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition."

_____

NAME OF COMPANY

_____

SIGNATURE & TITLE OF SIGNER

NOTE:

A bid shall not be considered for award nor shall any award be made where (a) (1), (2) and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (a) (1), (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

BIDDERS MUST SUBMIT THIS ORIGINAL SHEET AND AN EXACT, CLEAR DUPLICATE.

Exhibit I

BID TITLE
BID NUMBER:
BID OPENING:
DEPARTMENT:

BIDDERS NAME:				
Variation & Justification Sheet included?				
Proposal Signed & Duplicated?				
Non-Collusive Bidding Certificate Signed?				
Bidders Checklist Completed & Signed?				
Insurance Acknowledgement Signed?				
Insurance Certificate Enclosed?				
W-9 Completed & Signed?				
Guaranteed delivery date shall be _____(# of hours) from the date of placement of order by Broome County. (NTE 48 hours)				
Guaranteed delivery date shall be _____(# of days) from the date of placement of order by Broome County. (NTE 30 days)				
Bid Bond Enclosed?				
Performance Bond Enclosed?				
Addendum(s) No. ____, ____, ____,				
TOTAL COST:				

Exhibit J

BID BOND & SPEC/PLAN REFUNDS

ATTENTION: ACCOUNTING DEPARTMENT:

Vendor I.D. #: _____

Vendor Name & Address: _____

_____

_____

Bid Title: _____

Bid #: _____ Bid Opening Date: _____

100% Refund: Spec/Plan Deposit $_____

Company Check #: _____

Date: _____

100% Refund: Bid Bond Deposit $_____

Company Check #: _____

Date: _____

_____

(Name & Signature of Purchasing Agent/Director)

Authorization Date: _____

COMMENTS: _____

_____

_____

ENC.

EXHIBIT N

BROOME COUNTY PURCHASING BID SPEC/PLAN, BID BOND AND FOI DEPOSIT CHECK/CASH LOG

C:\WPWIN60\WPDOCS\FORMS\CHECKLOG.BID (Revised 9/24/98) (Checks Negotiable For Six (6) Months) LG/RR #: 00345

Project Description: _____ Bid #: _____ Department: _____ Contact/Tel #: _____ Bid Opening Date: _____
Pre-Bid Meeting Date: _____ Place: _____ Contract Term: _____ Bid Closing Date: _____

SPEC NUMBER / DATE ADDENDUM FAXED & MAILED - Engineer's Initials	VENDOR/CONTRACTOR NAME & ADDRESS (STREET & P.O.)	CONTACT NAME & TELEPHONE NUMBER & FAX NUMBER	DATE SPECS MAILED OR PICKED UP	CHECK NUMBER / CHECK DATE	DATE CHECK RECEIVED	A. CHECK AMOUNT / B. CASH AMOUNT	DATE SPECS & PLANS RETURNED	DATE REFUNDED & AMOUNT 100% OR 80%	INITIALS OF PERSON REFUNDING 80% OR RETURNING COMPANY CHECK / Finance = F / Purchasing = P	FORFEITED CHECKS (AMOUNT)	REASON NB = NO BID B = BID A - AWARDED NR = NO RETURNS PC = POOR CONDITION FOI - FREEDOM OF INFO DF - DEFAULT BB - BID BOND
	VENDOR I.D. #:								F - 80% -		
									P - 100% -		
				INDEX CODE: 810010	SUBOBJECT: 0204				TOTAL	$	

Finance Department: Received by: _____ Date: _____

Exhibit K

Exhibit L

NOTICE TO BIDDERS

DEPOSITS ON SPECIFICATIONS AND PLANS

FOR

BROOME COUNTY

CAPITAL PROJECTS

In July 1994, the New York State General Municipal Law Section 102 Subdivision 2 was amended and passed into law. This amendment changes the rules and regulations regarding the refund of deposits on specifications and plans. The following explains the new policy of refunds for deposits and specifications and plans effective immediately.

BIDDER

A full refund will be given to all bidders for one (1) set of specifications and plans returned to Broome County in good condition* within forty-five (45) calendar days from date of bid opening.

NON-BIDDERS AND ADDITIONAL SETS

A partial refund in the amount of the full deposit LESS the cost of reproduction will be given for each set of specifications and plans to non-bidders and bidders with additional sets returned to Broome County in good condition within forty-five (45) calendar days from date of bid opening.

SUCCESSFUL BIDDER

A full refund will be given to the successful bidder for all sets of specifications and plans.

*GOOD CONDITION: Broome County defines “good condition” as intact, usable, legible and in no way altered so as to change the content or intent of the specifications and plans. The final decision as to the condition of the specifications and plans shall be with the Broome County Commissioner of Public Works or designee.

(Highlighting with see-through markers or notes made in light pencil may be acceptable as long as the above noted conditions are met.)

NOTICE TO BIDDERS

DEPOSITS ON SPECIFICATIONS AND PLANS

FOR

BROOME COUNTY

CAPITAL PROJECTS

(Continued)

REFUND SCHEDULE:

Sets returned in good condition within 30 days of award:

$100.00 Deposit:	Bidder	-	Full Refund	-	$100.00	(One Set)
	Bidder	-	Partial Refund	-	80.00	(Additional Set)
	Non-bidder	-	Partial Refund	-	80.00	(Each Set)
$ 75.00 Deposit:	Bidder	-	Full Refund	-	$ 75.00	(One Set)
	Bidder	-	Partial Refund	-	60.00	(Additional Set)
	Non-bidder	-	Partial Refund	-	60.00	(Each Set)
$ 50.00 Deposit:	Bidder	-	Full Refund	-	$ 50.00	(One Set)
	Bidder	-	Partial Refund	-	40.00	(Additional Set)
	Non-bidder	-	Partial Refund	-	40.00	(Each Set)
$ 25.00 Deposit:	Bidder	-	Full Refund	-	$ 25.00	(One Set)
	Bidder	-	Partial Refund	-	20.00	(Additional Set)
	Non-bidder	-	Partial Refund	-	20.00	(Each Set)

Exhibit M

Broome County

Purchasing Division

BID OPENING ATTENDANCE SHEET

DATE:

COMPANY NAME OR BROOME COUNTY DEPT.	PHONE NUMBER	NAME (PLEASE PRINT)	NAME (SIGNATURE)

Exhibit N

Broome County

Purchasing Division

LISTING OF BIDS/RFP'S

DATE:

DEPARTMENT	BID #	BID TITLE

WITNESSED BY: _____(Name Printed)_____

_____
(Signature)

DEPARTMENT: _____ PHONE NUMBER: _____

Exhibit O

Broome County
MEMORANDUM

To:
From:
Date:
Subject:
Bid Title:

Please review and RETURN THIS ENTIRE ATTACHED BID PACKAGE to the Purchasing Department with:

A. YOUR "REQUEST FORM FOR CONTRACT APPROVAL" TO THE LOW BIDDER; IF APPLICABLE, WITH ATTACHED SPREAD SHEET(S) OF ALL AWARDS. (*) (**) (***), OR

B. YOUR MEMORANDUM OF REJECTION OF ALL BIDS STATING THE REASON/S FOR THE REJECTION.

Please submit your award recommendation memorandum by NOON, the THURSDAY before the next Board of Acquisition and Contract (BAC) meeting scheduled for:

(Insert dates for the next two (2) BAC meetings)

ENC.

(*) A bid award recommendation to any bidder other than the low bidder requires a factual, detailed statement why the low bidder/s did not meet the bid specifications, and why the bidder recommended did meet the bid specifications.

All conversations with vendors or contractors must be documented in writing as follows: Date, Time, Company/Person Talked To/Phone #, Questions Asked, Replies, Basis for Your Decision and Recommendation of Award.

Attach this original documentation to your recommendation.

(**) VERIFY ALL MATH EXTENSIONS AND TOTALS BEFORE MAKING YOUR AWARD

(***) INCLUDE BUDGET LINE(S) (INDEX, SUBOBJECT, PROJECT)

Exhibit P

MEMORANDUM

DATE:
FROM:
SUBJECT:

All bids pertaining to the above reference subject were rejected by our Board of Acquisition & Contract (BAC) on (insert date).

If/when there is a new bid available we will send a copy to you.

Thank you.

Exhibit Q

NOTICE OF BID AWARDS

(Date)

To Whom It May Concern:

This shall advise you that on (Date Approved by BAC) the Board of Acquisition and Contract (BAC) accepted the bids of (Date Bid Opened) for furnishing the following to Broome County:

BID TITLE:
BID #:
CA #
TERM:

Purchase order(s) will be forthcoming upon receipt of a certificate of insurance in compliance with the insurance requirements as stated in the specifications. **Incorrect insurance certificates will cause delays in payment.**

If you have not submitted the proper insurance certificate, please send/fax a copy to Robert Murphy, Risk Manager, Broome County Office of Risk Management, County Office Building, 3rd Floor, 44 Hawley Street,, P. O. Box 1766, Binghamton, NY 13902-1766. Phone: (607) 778-2402, Fax #: (607) 778-6117.

IMPORTANT: Please include the ***bid title*** and the ***bid number*** on the insurance certificate**.**

Very truly yours,

Purchasing Agent

Attachment(s)

Exhibit R

Broome County
MEMORANDUM

TO:

FROM:

SUBJECT: NOTICE OF BOARD OF ACQUISITION AND CONTRACT APPROVAL FOR REQUESTED PURCHASE

DATE:

This shall advise you that the Board of Acquisition and Contract (BAC) approved your request to purchase the item(s) shown on the attached backup.

Item(s):
Contract Number:
Vendor:
Amount:
BAC Date:

Submit a completed purchase requisition, together with required backup information, to the Purchasing Division for the processing of a formal purchase order. Please show the above (CA#) number and BAC approved date on your purchase requisition. Also follow Audit & Control's guidelines concerning new vendors before submitting your purchase requisition to Purchasing.

Attachment(s)

Exhibit S

REQUEST FORM FOR BAC / PURCHASING APPROVAL

(Circle One)

DEPARTMENT: _____ Date: _____

REQUEST FOR: ____Maintenance; ____Service; ____Lease; ____Professional; ____Purchase; ____State Contract

DESCRIPTION: _____

_____

_____

EQUIPMENT MODEL/SERIAL #: _____

GRANT/PROGRAM/PROJECT: _____ EEO Req.: Yes / No (Circle One)

VENDOR NAME/ADDRESS: _____

_____

VENDOR REP/PHONE: _____

NEW CONTRACT TERM: _____ **COST:** _____

BUDGET LINE: DEPT ID _____ **FUND** _____ **ACCOUNT** _____**PROJECT** _____

TITLE OF BUDGET LINE (I.E. 6004012 IS OFFICE SUPPLIES): _____

_____ **RENEWAL TERM** (Attach a copy of the section of the contract indicating the renewal term.)

_____ **NEW TERM** ( ) 1st ( ) 2nd ( ) 3rd, (etc.) LOW QUOTE (Attach Vendors' Quotes)

_____ **AMENDMENT** (State Reason(s) Below) _____Attach insurance requirements to the original request **(Obtain from Risk & Insurance – prior to obtaining quotes)**

REASONS FOR REQUEST, PURPOSE OF SERVICES OR COMMENTS: (Add summary memo, if needed)

_____

_____

_____

PREVIOUS CONTRACT TERM: _____ **PREVIOUS VENDOR**: _____

PREVIOUS COST: _____ **PREVIOUS CA#:** _____ **PREVIOUS BID#:** _____

PREVIOUS RESOLUTION NO.: _____ **YEAR:** __**(ATTACH COPY OF RESOLUTION)**

REQUESTED/RECOMMENDED BY DEPARTMENT HEAD:

SIGNATURE: _____ **NAME/TITLE TYPED**: _____

DEPT. CONTACT: _____ **TITLE:** _____ **TEL#:** _____

***IMPORTANT: ATTACH ALL SUPPORTING DOCUMENTS**

Revised: 12/31/09

Exhibit T

WALK AROUND REQUEST

MEMORANDUM

#_____

TO:
FROM:
DATE:

SUBJECT: REQUEST FOR BAC APPROVAL DATE: **WEDNESDAY,**
TIME: 11:00 A.M., LOCATION: COUNTY LEGISLATIVE CONFERENCE ROOM,

( ) Approved; ( ) Disapproved ( ) Held Over - Reason(s):

_____

BID #: CA #: DEPT ID:
FUND:
ACCT:
PROJECT:

DEPARTMENT:
NAME:
TITLE:

Requests BAC Approval For:

Contract Title:
Contract Term:
Renewal Clause:
Contractor &
Address:

Amount:
Justification:

Recommended by Division of Purchasing: __ Yes ___ No (If no, see attached.)
Other:
Please see attached for further information and place on the agenda for the next BAC meeting.

REQUEST FOR BAC PHONE APPROVAL

Reason & Justification: DATE: SIGNATURE:

COUNTY ATTORNEY: _____

COUNTY EXECUTIVE:
_____

LEGISLATURE:
DESIGNEES: _____

COMMISSIONER OF PUBLIC WORKS: _____

Comments:

c: COUNTY EXECUTIVE
CHAIRMAN – BOARD OF ACQUISITION & CONTRACT
COMMISSIONER, DEPARTMENT OF PUBLIC WORKS
CHAIRMAN - COUNTY LEGISLATURE

Exhibit U

TRANSMITTAL

LETTER CONTRACT APPROVAL BY THE DIVISION OF PURCHASING

Broome County
MEMORANDUM

TO: - BROOME COUNTY ATTORNEY

FROM:

DATE:

SUBJECT: LAW DEPARTMENT TO REVIEW, APPROVE AND ISSUE AN APPROPRIATE CONTRACT:

_____ BROOME COUNTY LETTER CONTRACT **CA: _____**

OR

_____ USE OF ATTACHED CONTRACT

BID # OR QUOTE OR RENEWAL:

DEPARTMENT	
NAME	
TITLE	
CONTRACT TERM	
BUDGET CODES	
AMOUNT	

CONTRACT TITLE:

CONTRACTOR:

JUSTIFICATION: SEE ATTACHED

RECOMMENDED BY DIVISION OF PURCHASING: _X_ YES or ___ NO (If No, see attached)

OTHER:

Exhibit V

Date:

RE: **CA #: _____**

INVOICE TO:

Dear Sir or Madam:

Pursuant to Section 1203 of the Administrative Code of Broome County, the Broome County Purchasing Division has authorized execution of this contract with you/your firm. Broome County accepts your proposal dated (DATE), a copy of which is annexed hereto and incorporated herein, (DESCRIPTION OF SERVICE).

The term of contract (DATE) to (DATE) shall be according to the plans and directions of the Department of (NAME). Upon a mutual execution of this agreement and receipt of a satisfactory certificate of insurance. Proof of Insurance must be furnished, in accordance with the attached requirement sheet, to the Purchasing Department. INCORRECT INSURANCE CERTIFICATES WILL CAUSE DELAYS IN PAYMENT. TO AVOID DELAYS, PLEASE FAX/SEND A COPY OF THIS AWARD NOTICE AND INSURANCE REQUIREMENTS TO YOUR INSURANCE PRODUCER. If you have any questions regarding the above insurance, please telephone the Risk Manager at (607) 778-2402 or Fax us at (607) 778-6117.

For the full and satisfactory performance of the work and services, the County shall pay you/your firm an amount not to exceed (AMOUNT IN WORDS), ((AMOUNT IN NUMBERS).

Broome County is a political subdivision of the State of New York and as a government entity, is exempt under Purchase Tax Law, Section 1116. Broome County is not issued an exempt organization certificate or an ST119 with an exemption number by the New York State Tax Bureau. A copy of a Broome County Voucher (VO), Purchase Order (PO) or Petty Cash Form are the only certifications the vendor is required to keep for documenting the tax exempt sale. Contractor's questions concerning Broome County's tax exempt status should be directed to the Department of Audit and Control (607) 778-2178.

If you are in agreement with the terms of this letter, please sign where indicated below and return the original to Broome County Purchasing Division to the above letterhead address. Please retain one copy of this letter for your records and return the other to Broome County. All concerns should be addressed to the Purchasing Agent, Division of Purchasing, at the above letterhead address.

Very truly yours,

Deputy County Executive

c: Law Department
Purchasing Letter File

COMPANY NAME: _____

NAME OF OFFICER: _____

TITLE OF OFFICER: _____

SIGNATURE: _____

DATE: _____

Exhibit W

TO: DIVISION OF PURCHASING

DEPARTMENT: _____

DIVISION: _____

PHONE #: _____

FAX #: _____

DATE: _____

The following are department head and designees authorized to sign and approve Purchase Requisitions.

DEPARTMENT HEAD

NAME (PRINTED): _____

SIGNATURE: _____

TITLE: _____

DESIGNEES

NAME (PRINTED): _____

SIGNATURE: _____

TITLE: _____

NAME (PRINTED): _____

SIGNATURE: _____

TITLE: _____

NAME (PRINTED): _____

SIGNATURE: _____

TITLE: _____

PHOTOCOPY FOR YOUR OWN RECORDS AND SUBMIT, UPON COMPLETION, TO PURCHASING.

Exhibit X

BROOME COUNTY GOVERNMENT

PETTY CASH PURCHASE FORM PC 81376

PAID TO _____ DATE _____

DEPARTMENT _____

PURCHASED BY _____ APPROVED _____

INDEX CODE _____ SUB-OBJECT _____ PROJECT CODE _____

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
The New York State Tax Law exempts Broome County Government from the payment of sales and use taxes. A tax exemption number is not issued to government entities. Broome County is not issued a ST-119.1 This petty cash form is the only certification the seller is required to keep for documenting this tax exempt sale.		TOTAL	

Exhibit Y

DATE:

TO:

FROM: Purchasing Department

Your B.A.C. Request is being returned for the reason(s) noted below.

Please re-submit when your submittal is in compliance.

___ 1 Original & 4 copies of BAC requests.

____ A copy of the right to renew is not attached. (Page from bid stating the right to renew or a copy of contract that states you may renew.)

____ Insurance Requirements were not attached to the request. Even if no insurance is necessary you still need the application signed by Risk & Insurance saying this is the case.

____ Request is not signed

____ Request should be sent to the Law Department for consideration by the County Legislature (Resolution)

____ Original quotation from vendor is not attached.

____ The request as submitted appears to have considered only one vendor. Please provide the Division of Purchasing with appropriate background information indicating competition or reason(s) why only one vendor was considered for this project.

____ Other:

Exhibit Z

Insurance Requirements questionnaire

Instructions: Please type or print neatly. Your request may be delayed if any of the requested information is missing or incomplete.

1. Name of the Vendor (if known) & Principal Contact:

2. Anticipated contract cost & term (including renewals):

Mark an "x" in applicable box

☐ Contract Renewal (***attach copy of existing insurance requirements***) ☐ Sole / limited source

3. Specifically describe work to be performed & any hazards normally associated with this type of work

4. Give location where vendor will do work:

5. Motor Vehicle Use – Mark an "x" as applicable

☐ **Vendor will come to county property**
☐ **Vendor will drive in the course of providing contract services**
☐ **Common Carrier Delivery only (e.g. FedEx shipment)**
☐ **No motor vehicle use of any kind**

Note: Failure to provide Contact information will significantly delay processing.

Dept. Contact.
Department
Extension

Exhibit AA

Permanent Resolution Number 90-358

EXTENSION OF CONTRACT TO NON-BROOME COUNTY GOVERNMENT AGENCIES

It is the intent, of this invitation for bid that Non-Broome County Government Political Subdivisions, any Broome County Department and others authorized by law and located in the County of Broome, participate in the contract awarded at the option of the Vendor/Contractor.

The Vendor/Contractor may be given a list of known agencies wanting to participate by the Broome County Director for the Division of Purchasing. The Vendor/Contractor is also encouraged to contact and solicit other Non-Broome County Government Political Subdivisions to participate in this contract. The Vendor/Contractor will provide the Broome County Director for the Division of Purchasing with correspondence naming any authorized agency wanting to participate. The Broome County Director for the Division of Purchasing will furnish a list of all participating agencies to the local office of the New York State Comptroller.

All orders will be placed by the ordering Non-Broome County Government Political Subdivisions. They shall be billed by and make payment to the Vendor/Contractor. All Non-Broome County Government Political Subdivisions are required to make payments directly to the Vendor/Contractor.

Upon request, Non-Broome County Government agencies must furnish the Vendor/Contractor with the proper tax exemption certificates or documentation of tax exempt status. (Purchase Orders should have this information and be retained for documenting the tax exempt sale.)

All participating Non-Broome County Government agencies and Bidders understand, acknowledge and agree that the sole responsibility in regard to performance of the contract, or any obligation, covenant, condition or term there under by either such party there-to, shall be borne and is expressly assumed by the participating Non-Broome County Government agencies and contractors and not by Broome County Government. In the event of a failure or breach in performance of any such contract by a Non-Broome County Government agency or contractor, the Broome County Government specifically and expressly disclaims any and all liability for such defective performance or breach, and the eligible participating Non-Broome County Government agencies and contractors guarantee to save Broome County Government, its officers, agents and employees harmless from any liability that may be or is imposed by the failure of either party to perform in accordance with its obligations, covenants and the terms and conditions of this Broome County Government centralized contract.

Exhibit BB

EXHIBIT GG

Form **W-9**
(Rev. September 2007)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership
☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶
☐ Other (see instructions) ▶

☐ Exempt payee

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I **Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

or

Employer identification number

Part II **Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here **Signature of U.S. person ▶** **Date ▶**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

Exhibit CC

BROOME COUNTY DEPARTMENT OF AUDIT & CONTROL

VENDOR NUMBER REQUEST FORM

DATE OF REQUEST: _____

NAME OF DEPARTMENT / DIVISION: _____

SIGNATURE OF REQUESTOR: _____

Please check the appropriate box:

☐ Request for Number ☐ Request Changes for a Number (Highlight the blocks that are to be changed)

VENDOR DATA	PLEASE PRINT OR TYPE
Vendor Number	_ _ _ _ _ _
Vendor Name	_ _
D.B.A.	_ _
Pay to Address:	
P.O. Box	_ _
Street Address	_ _
City	_ _
State	_ _
Zip Code	_ _ _ _ _ - _ _ _ _
Order From Address:	
P.O. Box	_ _
Street Address	_ _
City	_ _
State	_ _
Zip Code	_ _ _ _ _ - _ _ _ _
Contact	_ _
Phone & Fax Number	(_ _ _) _ _ _ - _ _ _ _ Area Code **Phone** Number (_ _ _) _ _ _ - _ _ _ _ Area Code **Fax** Number
Telephone Extension	_ _ _ _
Tax ID Number	_ _ _ - _ _ - _ _ _ _ (Social Security Number) **OR** _ _ - _ _ _ _ _ _ _ (Federal Tax I.D. #)

Approved by Audit & Control: _____

Input by: _____ Date of Input: _____

Exhibit DD

EXHIBIT II

New York State Department of
TAXATION and FINANCE
Office of Tax Policy Analysis
Sales Tax Exempt Organizations Unit
Bldg. 8, Room 425
W.A. Harriman Campus, Albany, NY 12227

June 26, 2003

Mr. Richard Blythe, Director
Broome County Division of Purchasing
P.O Box 1766 - 4th. Floor Offices
Edwin L. Crawford County Office Building
Government Plaza - 44 Hawley Street
Binghamton, NY 13902-1766

Broome County Division of Purchasing
Federal Employer ID # 15-6000449

Dear Mr. Blythe:

The Tax Law exempts New York State governmental entities such as your organization, **Broome County Division of Purchasing**, from the payment of New York State sales and use taxes on their purchases. In order to make tax exempt purchases, a New York State governmental entity must present vendors with the entity's official purchase order or other documentation (e.g. payment voucher, contract of sale, Form AC 946, *Tax Exemption Certificate*, Form ST-129, *Exemption Certificate - Tax on occupancy of hotel rooms*, etc.) which indicates that the purchaser is a New York State governmental entity.

Tax exemption numbers and Form ST-119.1, *Exempt Organization Exempt Purchase Certificate*, are not issued to New York State governmental entities. If a vendor requests a tax exemption number or Form ST-119.1, *Exempt Organization Exempt Purchase Certificate,* from you, the Broome County Division of Purchasing may give the vendor a copy of this letter. This will assure the vendor that a government purchase order, or other evidence that the Broome County Division of Purchasing is the purchaser, is the only documentation the vendor needs in order to not collect sales tax.

If I may be of further assistance, please do not hesitate to contact me.

Very truly yours,

James Johnston
Tax Regulations Specialist I
Sales Tax Exempt Organizations Unit
(518) 457-2782

Exhibit EE

SPECIFICATION TITLE: (TITLE OF BID OR RFP)

NEW: _____ UPDATE: __XXX__

PURCHASING
DEPARTMENT CONTACT: PHONE/EXTENSION:

WORD PROCESSING (PURCHASING)

1a. DATE SENT TO DEPARTMENT FOR PROOFREADING: _____

1b. DATE RETURNED FROM DEPARTMENT AFTER PROOFREADING: _____

2a. DATE SENT TO DEPARTMENT FOR PROOFREADING: _____

2b. DATE RETURNED FROM DEPARTMENT AFTER PROOFREADING: _____

DEPARTMENT PROOF READING – DEPARTMENT CONTACT: _____

PLEASE REQUEST NEW INSURANCE SPECS FROM RISK & INSURANCE
(MAKE SURE THESE ARE E-MAILED TO YOU OR ME)

1a. DATE RECEIVED BY DEPARTMENT FOR PROOF READING: _____

1b. DATE RETURNED TO PURCHASING AFTER PROOFREADING: _____

FINAL PROOF READING/APPROVAL BY DEPARTMENT

2a. DATE RECEIVED BY DEPARTMENT FOR PROOF READING: _____

2b. DATE RETURNED TO PURCHASING AFTER PROOFREADING: _____

APPROVAL SIGNATURE: _____

FINAL PROOF READING/APPROVAL BY PURCHASING DIVISION

DATE: _____ BY: _____TITLE: _____

COMMENTS:

Exhibit FF

Date: _____

_____

_____

_____

BROOME COUNTY VENDOR CHARGEBACK FORM FOR RESCISSION OF BID AWARD

Dear _____:

"9.0 **RESCISSION OF AN AWARD**

After an award has been made by the County and all participating agencies notified there will be a $250 charge to vendors who then discover a mistake in their bid award and want the award rescinded. It is costly for the County to re-figure bid awards, notify all agencies involved and change all our records."

As indicated in Bid _____ for _____,

Broome County is assessing a charge of $250.00 for the rescission of line item(s) _____

in this bid award. Please make the check out to Broome County Commissioner of Finance and mail to Broome County

Purchasing at the above address.

Broome County Purchasing Department: _____
(Name of Buyer)

C: PO File
Department Contact: _____

FORM A

Exhibit GG

PROCUREMENT CARD

SIGNATURE AUTHORIZATION

Department: _____

Address: _____

_____

_____

Authorized Card Holder (Print name)	Title	Signature
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PLEASE NOTE: One of these signatures must be used on all documents.

I hereby authorize the above listed individuals to use Broome County Procurement Cards issued to this Department.

Department Procurement Card Administrator's Signature: _____ Date: _____

Department Head's Signature: _____ Date: _____

Exhibit HH

BROOME COUNTY PURCHASING DIVISION

PROCUREMENT CARD LOG

Department
or
Location : _____

Month: _____

$10,000
Do not exceed
this amount

Cardholder's Name: _____

Date	Item Description	Amount of Purchase	Balance Available

Exhibit II

FORM C

BROOME COUNTY

PROCUREMENT CARD

EXPENDITURE AUTHORIZATION FORM

(To be used only for special requests.)

Requesting Department: _____

Name: _____

Title: _____

Description of purchase:

_____

_____

_____

Vendor Name: _____

Amount of Purchase: $ _____

Authorized by Broome County Purchasing:

Name: _____

Date: _____

NOTE: ATTACH TO APPROVED PURCHASE BILL

Exhibit JJ

January 01, 2011

Federal ID #: 15-6000449

RE: NYS SALES TAX – TAX EXEMPT STATUS OF BROOME COUNTY CREDIT APPLICATION

Dear Vendor:

TAX EXEMPT STATUS - Broome County is a political subdivision of the State of New York; and, as a government entity, **is exempt** under Purchase Tax Law, Section 1116. The New York State Tax Bureau has not issued an exempt organization certificate or a ST-119 with an exemption number. These certificates are not issued to municipal governments in New York State. A copy of Broome County's Purchase Order (PO), Voucher (VO), or Petty Cash Form is the only certification required for documenting the tax-exempt sale to Broome County.

The Broome County Purchase Order has information concerning our tax exempt status printed on the lower left corner and also on the back of the form sent to the vendor.

Further questions concerning Broome County's tax exempt status should be directed to the Broome County Department of Audit and Control @ (607) 778-2227.

CREDIT APPLICATION - We do not typically 'fill out' credit applications. As a municipal government, established by an act of the NYS Legislature in 1806, we expect to be here with a balanced budget for awhile. Our Year 2011 'Adopted Budget' is in excess of $292,000,000. ***Furthermore, no project is bid and no contract or purchase order is signed unless a lawful appropriation is in place.***

Broome County's policy is to not complete credit applications for private entities. Broome County has never defaulted on its obligations. For further information concerning the ability of Broome County to pay their bills, you may wish to consult the standard bond rating agencies, such as Moody's.

I hope that this information is of some use to you. If I can be of further service, please do not hesitate to call me directly @ (607) 778-2188.

Sincerely,

Janet R. Laszewski

Purchasing Agent

Exhibit KK

BROOME COUNTY PURCHASING DIVISION
BLANKET PURCHASE ORDER BALANCE SHEET

DEPARTMENT

VENDOR NAME: _____

ADDRESS: _____

_____

PURCHASE ORDER NUMBER

PO _____

BUDGET ACCOUNT NUMBER: _____

DEPARTMENT: _____

AMOUNT OF ENCUMBERANCE:

PO#: _____

$ *

*DO NOT EXCEED THIS AMOUNT

DATE	INVOICE NO.	AMOUNT OF INVOICE	BALANCE AVAILABLE
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -

NOTICE: SEND TOP TWO COPIES **(WHITE AND CANARY)** TO AUDIT AND CONTROL WITH BLANKET PO CLAIM VOUCHER AND DOCUMENTATIONS.

PINK COPY - DEPARTMENT