



PRIDE of Ticonderoga and the Essex County Land Bank Procurement Policy

Adopted: June 7th, 2023

Renewed: June 6th, 2024

SECTION 1. PURPOSE AND AUTHORITY

This document outlines the procurement policy (the “Policy”) of PRIDE of Ticonderoga, doing business as the *North Country Rural Development Coalition*, and its affiliate, the Essex County Land Bank (“Land Bank”). This Policy pertains to the procurement of goods and services funded by the entities for their direct use and benefit, in line with New York Public Authorities Law §2824(1)(d). The Policy ensures that expenditures are wise, cost-effective, and in compliance with acquiring high-quality goods and services at competitive prices. It safeguards against bias, waste, excessive spending, fraud, and corruption.

SECTION 2. DEFINITIONS

For the purposes of this document, the terms below shall have the following meanings:

- a. PRIDE: Refers to PRIDE of Ticonderoga, Inc. “Land Bank” refers to the Essex County Land Bank. “The Entities” refers to both PRIDE and the Land Bank.
- b. Board: Denotes the Board of Directors of PRIDE of Ticonderoga and/or the Land Bank.
- c. Chairman: Represents the Chairman of the Board of the Entities.
- d. Executive Director: Signifies the Executive Director of the entities.
- e. Executive Law: Pertains to the amended New York State Executive Law.
- f. Services: Encompasses all services provided to the entities in exchange for a fee or other compensation, including but not limited to legal, management consulting, construction, architectural, and engineering services. It does not cover services rendered by entity employees as part of their official duties.
- g. Procurement Contract: Relates to any agreement for the purchase of goods or services.
- h. Outside Contractor: Implies any entity or individual offering services to the entities under a contractual agreement.



- i. MWBE Division: Refers to the division of minority and women's business development in New York State Empire State Development.
 - j. MWBE Threshold Contract: Defined as:
 - i. A written contract or purchase order exceeding \$25,000, where the Land Bank agrees to or does spend funds for various services or goods.
 - ii. A contract surpassing \$100,000 for construction-related tasks or property alterations.
 - k. Minority-Owned Business Enterprise (MBE): Holds the same definition as in Executive Law § 310(7).
 - l. Women-Owned Business Enterprise (WBE): Is consistent with the definition in Executive Law § 310(15).
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SECTION 3. DOCUMENTATION

Every procurement action must be accompanied by appropriate documentation to ensure transparency and compliance. This includes:

1. Maintaining a bid solicitation log for all solicitation attempts (direct and indirect), including a record of communications with potential bidders.
2. Entries in the NYS Contract Reporter.
3. Posting initial procurement opportunities in local and regional newspapers, as well as on our social media platforms and website.
4. Bid scoring sheets to evaluate and compare proposals.

If an award is granted to a party other than the most economically responsible bidder, clear justification must be documented to explain the decision, in alignment with the Policy's goals.

SECTION 4. INDIVIDUAL RESPONSIBLE FOR PURCHASING

The Executive Director of the entities is entrusted with the responsibility of procuring goods and services for PRIDE and the Land Bank, subject to appropriate Board oversight.

SECTION 5. SERVICE CONTRACTS



This section governs the procurement of services provided by outside contractors, which refers to work that requires expertise, labor, or professional skills performed by third-party vendors. These services are typically procured when the entities do not have the internal resources or specialized skills necessary to complete a task. Examples include:

- *Bookkeeping or accounting services*
- *Legal services*
- *Insurance consulting*
- *Architectural or engineering services*
- *Specialized or technical consulting*

The primary focus of this section is on services that are skill-based and labor-intensive, requiring outside expertise to fulfill the organization's needs.

a. Use of Outside Contractors

The entities may engage Outside Contractors to perform services if the Executive Director determines it is appropriate, considering factors such as time, skills, employee availability, and cost-effectiveness.

b. Selection of Outside Contractors

Selection of Outside Contractors shall be made on a competitive basis, except where:

- i. The total value of the Procurement Contract is unlikely to exceed \$10,000.
- ii. The Executive Director determines that the need for high-quality, uniquely timed, or emergency services outweighs potential cost savings. Emergency procurement allows the Executive Director to bypass standard procedures to prevent harm to individuals, property, or operations. Justification must be documented and submitted to the Board for review as soon as possible.
- iii. The Board determines that competition would be inappropriate.

c. Request for Proposals (RFPs)

For contracts exceeding \$10,000, the Executive Director shall request proposals from at least three qualified contractors. Contracts exceeding \$100,000 may require a Request for Qualifications (RFQ) to ensure that only qualified contractors are invited to bid.

d. Board Approval

Service contracts exceeding one year or \$10,000 annually, unless related to a specific grant, require Board approval and an annual review.



SECTION 6. GOODS AND OTHER SERVICES

This section addresses the procurement of goods and other essential services not provided by external contractors. Goods generally refer to physical items purchased to support the daily operations of the entities. These items include:

- Office supplies
- Building maintenance supplies
- Equipment (e.g., computers, printers)

"Other services" in this section refer to operational expenses that do not require specialized expertise or professional labor but are essential for maintaining the organization's day-to-day functions. Examples of these services include:

- Utilities (water, electricity, etc.)
- Building maintenance
- Office services (e.g., janitorial services, office equipment maintenance)

Goods and other services are generally procured through competitive quotations, depending on the total contract value, and are not as skill-dependent as the services in Section 5. The procurement threshold guides whether informal quotes or a formal bidding process is needed.

a. Method of Purchase

The following thresholds apply for competitive procurement of goods and services:

- \$0 - \$5,000: Executive Director discretion; no quotations required.
- \$5,001 - \$10,000: At least three oral or written quotations required.
- Over \$10,000: At least three written quotations required.

b. Number of Proposals or Quotations

A "good faith effort" must be made to obtain the required number of quotations or proposals. If fewer than the required number are obtained, the attempt must be documented, but procurement may proceed if justified.

SECTION 7. DOCUMENTATION REQUIREMENTS



All procurement actions, regardless of the contract value, must be substantiated with proper documentation, including bid solicitation logs, NYS Contract Reporter entries, bid scoring sheets, and any justification for selecting contractors outside of competitive bidding.

SECTION 8. CONSTRUCTION CONTRACTS

Construction-related contracts exceeding \$10,000 will generally be awarded to the **lowest qualified bidder** to ensure cost-effectiveness and fairness. However, this policy allows flexibility in certain cases, such as when **Minority or Women-Owned Business Enterprises (MWBE)** submit bids, or if the contractor's quality and relevant experience, particularly in relation to a **specific grant program**, would significantly enhance the likelihood of project success. In these cases, the entities may select a contractor who is not the lowest bidder if it is demonstrated that the contractor's specialized qualifications or experience align better with the project's requirements and long-term objectives.

Any decision to deviate from awarding the contract to the lowest bidder must be justified based on the **grant contract requirements** and **bid scoring criteria**, ensuring that the decision is in the best interest of the project and complies with all funding source regulations.

All procurement actions, regardless of the contract value, must be substantiated with proper documentation, including:

- Bid solicitation logs
- NYS Contract Reporter entries
- Bid scoring sheets
- Clear justification for selecting contractors outside of competitive bidding, if applicable

Additionally, **all construction contracts related to grant programs will be bid out** using the following method of purchase to ensure fair competition:

- **\$0 - \$5,000:** Executive Director discretion; no quotations required.
- **\$5,001 - \$10,000:** At least three oral or written quotations required.
- **Over \$10,000:** At least three written quotations required.



It is important to note that **no construction contract will be under \$5,000**. This ensures all construction projects are subject to a minimum threshold, providing proper oversight and alignment with the entities' procurement policies.

Furthermore, **the procurement requirements outlined in specific grant contracts will always take precedence** over the entities' internal procurement policies to ensure full compliance with external regulations tied to specific funding sources, safeguarding grant eligibility and adherence to legal and contractual obligations.

The **only time we would deviate from this policy** is in the case of an **emergency** involving **non-grant-funded work**, and only with **Board approval**. In such cases, the Executive Director may seek approval from the Board to bypass standard procedures to address urgent issues that threaten the safety or functioning of the entities' operations.

In summary, while cost competitiveness is a priority, quality, experience, MWBE participation, and compliance with grant program requirements are critical factors in awarding construction contracts, and all decisions must be fully documented and justified. Competitive bidding will be utilized for all grant-funded construction contracts following the above thresholds, with exceptions made only in emergencies for non-grant-funded work and with Board approval.

SECTION 9. POLICY REVIEW

This procurement policy must be renewed annually at the June Annual Meeting, and any changes must be approved by the Board.

SECTION 10. GENERAL STIPULATIONS

- **Contracts exceeding \$5,000:** Must be formalized in writing and endorsed by an authorized representative to ensure accountability and legal protection.
 - **Insurance Requirements:** All contractors must provide proof of insurance, including Workers' Compensation, liability insurance, and environmental pollution insurance when applicable, to mitigate risk to the entities.
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SECTION 11. PROMOTION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

The entities are committed to promoting MWBE participation by directly soliciting contractors, posting on the NYS Contractor Report, advertising locally, and utilizing the Empire State Development M/WBE directory. Contractors unable to meet MWBE participation goals may request a waiver, which will be reviewed on a case-by-case basis.

SECTION 12. MISCELLANEOUS PROVISIONS

- The Board may amend this Policy through a supplemental resolution at any official meeting, though amendments will not affect existing contracts.
 - No provision of this Policy shall serve as the basis for claims against any member, officer, or employee of the entities.
 - This Policy inherently includes any provision required by law.
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SECTION 13. ADHERENCE TO GRANT CONTRACT AND MUNICIPAL PROCUREMENT POLICIES

When administering grant contracts or municipal awards, the entities will comply with any procurement requirements set forth in the grant-specific or municipal policies, even if more restrictive than the entities' internal policy.

Policies Required by PAAA and LBA:

- *Salary and Compensation*
- *Code of Ethics*
- *Personnel Policy*
- *Investment Policy*
- *Travel Policy*
- *Acquisition of Real Property*
- *Disposition of Real and Personal Property*
- *Procurement of Goods and Services*



- *Defense and Indemnification*
- *Internal Controls*
- *Discretionary Funds*
- *Mission Statement*
- *Conflict of Interest Policy*