

**CITY OF BUFFALO URBAN RENEWAL AGENCY
PROCUREMENT POLICY**

Adopted November 21, 2019

A. Scope and Purpose

Pursuant to Section 2824 of the Public Authorities Law, the City of Buffalo Urban Renewal Agency (“BURA”) is required to establish and adopt a procurement policy. This Procurement Policy ("Policy") shall also be applicable to all procurements undertaken by any existing subsidiary or affiliated organizations of BURA and such other subsidiaries and affiliates as may hereafter be established by BURA.

B. Procurement Procedures

1. Solicitation Procedures for the Purchase of Goods and Services

- a. \$500 to \$9,999 per instance - Documented verbal quotes or written/email quotes from at least three (3) vendors.
- b. Greater than \$10,000 to \$25,000 per instance - Written/email quotes from at least three (3) vendors.
- c. Greater than \$25,000 to \$100,000 per instance - Formal written Request for Proposal (RFP) submitted to at least three vendors and posted at the BURA website.
- d. Greater than \$100,000 per instance - Formal written Request for Proposal (RFP) submitted to at least three vendors, posted at the BURA website and publicly noticed in the NYS Contract Reporter.
- e. Notwithstanding the foregoing, if it is reasonably anticipated that cumulative procurements pursuant to subsections (a) or (b) above will cost between \$25,000 and \$100,000 per calendar year for a single vendor or service, BURA shall comply with the provisions of subsection (c) above; or if such cumulative procurements are reasonably anticipated to cost over \$100,000 per calendar year, BURA shall comply with the provisions of subsection (d) above.

2. Exceptions

Alternative proposals or quotations shall not be required for procurements made through or with respect to:

- a. New York State or Erie County contracts.
- b. State Finance Law Section 175-b (from agencies for the blind or severely handicapped).

- c. Correction Law Section 186 (articles manufactured in correctional institutions).
- d. Emergency Procurements - an emergency exists if the delay caused by soliciting quotes would endanger public health, welfare or property. Approval of the Chairman/Vice Chairman after consultation with the officers of BURA is necessary, which shall be documented in the procurement file and shall include a description of the facts giving rise to the emergency and the basis for selecting the particular vendor.
- e. Time Sensitive Economic Development Opportunity - An opportunity is time-sensitive when a vendor must be retained quickly to avoid a delay that would adversely impact an economic development project or initiative of BURA. Such time-sensitive situations include, but are not limited to: the possible loss of grant funding; the termination, default or withdrawal of an existing vendor; the need to respond to a court order or regulatory directive; or some other compelling need for goods or services. Approval of the Chairman/Vice Chairman after consultation with the officers of BURA is necessary, which shall be documented in the procurement file and shall also include a description of the facts relating to the time sensitive opportunity and the basis for selecting the particular vendor.
- f. Sole Source Procurements - A "sole source" means a situation where (i) there is only one possible source in the marketplace for the goods or services, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to BURA is reasonable and in the best interests of BURA. Approval of the Chairman/Vice Chairman after consultation with the officers of BURA is necessary, which shall be documented in the procurement file along with an explanation of the basis for the procurement qualifying as a sole source procurement.
- g. Single Source Procurements - A "single source" means a situation where, even though two or more vendors are available to supply the required goods or services, BURA determines that: (i) one particular vendor has unique knowledge or expertise with respect to the required goods, services or project, rendering the use of competitive procedures impractical; and (ii) considering the benefits, the cost to BURA is reasonable. Approval of the Chairman /Vice Chairman after consultation with the officers of BURA is necessary, which shall be documented in the procurement file along with an explanation of the basis for concluding that a single

source procurement was in the best interests of BURA and the manner in which BURA identified the selected vendor.

- h. Utilities and Affiliate Transactions - The purchase of utilities and inter-affiliate or subsidiary transactions are excepted from alternative proposal/quotation requirements.
- i. Unavailability of the minimum number of vendors required under Section B, as applicable, that are able or willing to respond to a solicitation.
- j. Resolution Waiving Solicitation Requirements -The BURA Board of Directors may adopt a resolution prospectively waiving solicitation requirements upon the Board's determination that solicitation would be impractical and such waiver is in the best interests of BURA.

3. **Basis for the Award of Contracts**

It is the general policy of BURA to award contracts to the lowest responsible dollar offeror who meets the specifications therefor. BURA may award contracts to other than the lowest responsible dollar offeror under circumstances that BURA determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, BURA shall consider relevant factors including, without limitation:

- a. The vendor is an MBE or WBE firm, or relative to other vendors for the specific procurement has demonstrated the ability to meet or exceed applicable M/WBE and/or minority or workforce participation requirements;
- b. Delivery, quality and quantity requirements;
- c. Past vendor performance and/or experience;
- d. Which proposal is most advantageous to BURA, considering other factors in addition to price;

- e. Unavailability of the minimum number of vendors required under Section B, as applicable, that are able or willing to respond to a solicitation; and
- f. Any procurement excepted from the alternative proposal/quotation requirements as set forth in subsection 2 of this Section B, and the procurement of professional services in Section E of this Policy.

4. **Contents of Requests for Proposals (“RFP”)**

For all procurements under this Policy that require an RFP, the following information shall be included in the solicitation:

- a. Goods being sought or the scope of services desired;
- b. The projected term of the contract;
- c. Criteria to be used in evaluating proposals and the requirements that must be fulfilled;
- d. Schedule of relevant dates;
- e. Insurance requirements;
- f. M/WBE goals; and
- g. Designation of the BURA representative to whom communications regarding the RFP should be directed.

5. **Contents of Requests for Qualifications (“RFQ”)**

For all procurements under this Policy that require an RFQ, the following information shall be included in the solicitation:

- a. The scope of services desired;

- b. Criteria to be used in evaluating qualifications and the requirements that must be fulfilled;
- c. Insurance requirements, if applicable;
- d. M/WBE goals; and
- e. Designation of the BURA representative to whom communications regarding the RFQ should be directed.

C. Erie County Businesses and Minority & Women Owned Enterprises

It is the goal of BURA to provide opportunities for the purchase of goods and services from (i) business enterprises located in Erie County and (ii) certified minority and/or women-owned business enterprises. To that end, BURA will utilize available lists of M/WBE businesses certified by Erie County and/or State of New York and use its best efforts to solicit proposals from such businesses by notifying them of opportunities to submit proposals for goods or services when practical. In addition, where the procurement of a specific good or service is to be accomplished using funds other than the funds of BURA or its affiliates, BURA shall comply with all M/WBE goals and other M/WBE requirements applicable to such funding.

D. Effect on Other Procurement Requirements

Where the procurement of a specific good or service is to be accomplished using funds other than the funds of BURA and such funding sources specify different or more restrictive procurement requirements than are provided for in this Policy, the procurement requirements of the funding source will supersede the requirements of this Policy.

In those instances where BURA is a recipient of federal funds which it will use to pay for goods or services, the procurement provisions set forth in 2 C.F.R §200.318 et seq. shall apply, including procurement requirements applicable to goods or services that exceed \$150,000 in value (as such amount is adjusted in accordance with 48 C.F.R. Section 2.101). For procurements using federal funds, BURA shall include in its contract with the vendor or contractor the applicable contract provisions set forth in Appendix II to Part 200 of Title 2 of the Code of Federal Regulations, or any successor regulation or appendix.

E. Professional Services

Contracts for professional services involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Examples are: lawyers, doctors, accountants, and engineers. Furthermore, professional service contracts often involve a relationship of personal trust and confidence.

Procurement of professional services by BURA will follow this policy.

Procurement of Insurance

Procurement of Insurance Brokerage services is subject to this Policy as a professional service. Notwithstanding the foregoing, actual insurance policies procured are not subject to the requirements of this Policy.

F. Procurement Lobbying

BURA shall follow the applicable provisions of the New York Procurement Lobbying Law (State Finance Law §§ 139-j, 139-k) for any contract or other agreement for an article of procurement involving an estimated annualized expenditure in excess of \$15,000.

G. Reporting Requirements

Procurements are intended to be made for no greater than the fair market value of the asset procured. In the event circumstances exist in which the acquisition of an asset is made where the contract price to be paid by BURA exceeds the fair market value of the asset, BURA shall include in its annual report required by Section 2800(2) of the Public Authorities Law a detailed explanation of the justification for making the purchase and a certification by the Chairman and Vice Chairman of BURA that they have reviewed the terms of the acquisition and determined that it complies with applicable law and this Policy.

H. Approval Thresholds

The following approval thresholds shall apply to the procurement of all goods and services, except those procurements made under Section B(2)(d) and (e):

1. Divisions Directors, General Counsel, and the Executive Director of BURA are each authorized to procure goods and services in an amount up to \$9,999.
2. The BURA Board as applicable, is authorized to approve the procurement of any goods and services greater than \$10,000. Services authorized by the applicable committee at the next BURA Board of Directors meeting following the date of procurement.

I. Annual Review.

This Policy shall be annually reviewed by FCA Divisional Head and any recommended changes be submitted in writing to the BURA Governance Committee.

Original Solicitation Date: _____

Procurement Category: Goods/Services

Procurement Description: _____ Professional Services

Approving Party (§I,1-3): Chairman Vice Chairman BURA Committee Board of Directors

Vendor Selected: _____

Is Vendor an M/WBE? Yes No

If Yes, Specify type: _____

Contract Price: _____

Date Awarded: _____

Source of Funds: _____

If A Procurement Exception Applies, Please Explain §B(2)(a-j):
(e.g., Emergency, Time Sensitive Opportunity, Sole Source, Single Source, etc.)

REPORTING PROCEDURE (§ I, 1-3)

Procurement Report Delivered to:

Board of Directors N/A

Date of Report (Meeting):

QUOTATIONS/PROPOSALS RECEIVED:

#	Vendor	Type of Solicitation (§ B(1)(a-d))	Amount
1		<input type="checkbox"/> RFP/RFQ/Written Proposal <input type="checkbox"/> Written <input type="checkbox"/>	
2		<input type="checkbox"/> RFP/RFQ/Written Proposal <input type="checkbox"/> Written <input type="checkbox"/>	
3		<input type="checkbox"/> RFP/RFQ/Written Proposal <input type="checkbox"/> Written <input type="checkbox"/>	
4		<input type="checkbox"/> RFP/RFQ/Written Proposal <input type="checkbox"/> Written <input type="checkbox"/>	
5		<input type="checkbox"/> RFP/RFQ/Written Proposal <input type="checkbox"/> Written <input type="checkbox"/>	
6		<input type="checkbox"/> RFP/RFQ/Written Proposal <input type="checkbox"/> Written <input type="checkbox"/>	

Was Lowest Cost Proposal Selected? Yes No

If No, Please Explain (§ B(3)(a-h)):

