

**RESOLUTION NO. 9 OF 2015**

The Troy Community Land Bank Corporation ("TCLB") met in Regular Session at 433 River Street, Troy, New York on January 21, 2015, at 8:30 a.m.

The meeting was called to order. Upon the roll being duly called, the following members were:

PRESENT: Brian Barker, Diane Cubit, Cynthia DeDominic, Heather King, Patrick Madden, Frank Sarratori, Dylan Turek, Suzanne Spellen, Richard Herrick.

ABSENT: John Carmello

The following Resolution was offered and duly seconded, to wit:

**RESOLUTION ADOPTING A PROCUREMENT POLICY OF THE TROY COMMUNITY LAND BANK CORPORATION**

**WHEREAS**, New York Public Authorities Law §2824(1)(e) requires the Board of the Troy Community Land Bank Corporation to establish a written procurement policy; and

WHEREAS, the proposed Procurement Policy was reviewed and forwarded from the Governance Committee on January 16, 2015; and

WHEREAS, the Members of the Board have reviewed the terms and conditions of the Procurement Policy attached hereto as Appendix "A".

NOW, THEREFORE, BE IT RESOLVED BY THE TROY COMMUNITY LAND BANK CORPORATION AS FOLLOWS:

1. The recitals above are hereby incorporated into this Resolution as if fully set forth herein.
2. The Members of the Board hereby approve and adopt the Procurement Policy in the form thereof presented at this meeting and attached hereto as Appendix "A".
3. The Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on a roll call, which resulted as follows:

YES: Brian Barker, Diane Cubit, Cynthia DeDominic, Heather King, Patrick Madden, Frank Sarratori, Dylan Turek, Suzanne Spellen, Richard Herrick.

NO: n / a

The foregoing Resolution was thereupon duly adopted.

STATE OF NEW YORK            )  
COUNTY OF RENSSELAER    ) ss.:

I, the undersigned, Diane Cubit, Secretary of the Troy Community Land Bank Corporation, DO HEREBY CERTIFY:

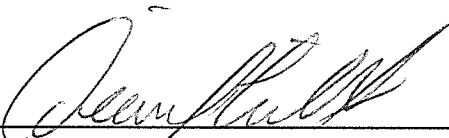
That I have compared the foregoing extract of the minutes of the meeting of the Troy Community Land Bank Corporation including the resolution contained therein, held on the 21st day of January 2015, with the original thereof on file in the office of the Troy Community Land Bank Corporation, and that the same is a true and correct copy of the proceedings of the Troy Community Land Bank Corporation and of such resolution set forth therein and of the whole of said original insofar as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Troy Community Land Bank Corporation had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice and the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY that there was a quorum of the members of the Troy Community Land Bank Corporation present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Troy Community Land Bank Corporation this 21<sup>st</sup> day of January, 2015.

  
\_\_\_\_\_  
Diane Cubit, Secretary

## TROY COMMUNITY LAND BANK CORPORATION PROCUREMENT POLICY

### SECTION 1. APPLICABILITY, PURPOSES

- A. Applicability. This Procurement Policy ("Policy") shall apply to the procurement of goods and services by the Troy Community Land Bank Corporation ("Land Bank") paid for by the Land Bank for its own use and account.
- B. Purpose. The primary objectives of this Policy are to assure the prudent and economical use of public monies in the best interests of the Land Bank, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud, and corruption.
- C. Definitions
- **Minority-Owned Business Enterprise:** A for-profit business concern that is certified by New York State as an MBE (<http://esd.ny.gov/MWBE.html>).
  - **Women-Owned Business Enterprise:** A for-profit business concern that is certified by New York State as a WBE (<http://esd.ny.gov/MWBE.html>).
  - **Disadvantaged Business Enterprises (DBE):** A for-profit business concern that is certified by the New York State Department of Transportation (NYSDOT) as a DBE (<https://www.dot.ny.gov/main/business-center/civil-rights/dbe?nd=nysdot>).

### SECTION 2. QUOTATIONS AND PROCEDURES

#### A. Quotations

All purchases made by the Troy Community Land Bank shall adhere to the following price quotations:

#### CONSTRUCTION/REPAIRS

- Any purchase for construction/repairs up to \$7,500 the award may be made based on best/advantage and prior experience, and will not require any quotes.
- Any purchase for construction/repairs from \$7,501-\$19,999 will require two (2) written quotes.
- Any purchase for construction/repairs from \$20,000-\$34,999 will require three (3) written quotes.
- Any purchases made for contracts \$35,000 or greater will require a competitive sealed bid.

If the State of New York changes the bid threshold for sealed public bids from \$35,000 to a higher amount, the Land Bank Procurement Policy will automatically adhere to the new amount.

## **COMMODITIES**

- Any purchases made for commodities up to \$2,500 will not require any quotes.
- Any purchases made for commodities from \$2,501-\$6,000 will require two (2) written quotes.
- Any purchases made for commodities from \$6,001-\$19,999 will require three (3) written quotes.
- Any purchases made for commodities \$20,000 or greater will require a competitive sealed bid.

If the State of New York changes the bid threshold for sealed public bids from \$20,000 to a higher amount, the Land Bank Procurement Policy will automatically adhere to the new amount.

## **SERVICE**

- Any purchases made for a service up to \$7,500 will not require any quotes.
- Any purchases for a service from \$7,501-\$19,000 will require two (2) written quotes.
- Any purchases for a service from \$20,000-\$34,999 will require three (3) written quotes.
- Any purchase for a service for \$35,000 or greater will require a sealed proposal.

### **B. Procedures:**

- Up to \$5,000 per instance. A contract may be awarded in the discretion of the Executive Director, or, in the absence of the Executive Director, the Chair of the Land Bank, or in her/his absence, the authorized designee of the Chair.
- Greater than \$5,000 to \$10,000 per instance. Upon receipt of documented written/fax/email quotations adhering to the guidelines set forth in Section 2 of this policy, a contract may be awarded in the discretion of the Executive Director, or, in the absence of the Executive Director, the Chair of the Land Bank, or in her/his absence, the authorized designee of the Chair.
- Greater than \$10,000 per instance. A contract shall be awarded to the lowest responsible bidder in adherence to the guidelines set forth in Section 2 of this policy, in the opinion of the Board.
- Summary of procurement rules. A summary of the Land Bank's applicable procurement policies and prohibitions shall be incorporated into every solicitation of proposals, bid documents or specifications for procurement contracts.
- Non-collusion certification. Every bid or proposal submitted to the Land Bank as part of a competitive bidding process shall contain a certification that there has been no unlawful collusion involved in accordance with Section 2878 of the NYS Public Authorities Law.
- Exceptions. Bids or quotations shall not be required for the purchase of commodities, equipment, goods or construction, demolition, renovation, and reconstruction services made through:

- Emergency Procurements. In the event of an emergency, it shall be unnecessary to obtain bids or quotations. An emergency shall be deemed to exist if the delay caused by soliciting quotes would endanger health, welfare, or property. Approval by the Executive Director, Acting Agent, or in the absence of the Executive Director or Acting Agen, the Chair of the Land Bank, or in her/his absence, the authorized designee of the Chair shall be necessary, which shall be documented and shall also include a description of the facts establishing the emergency.
  - Sole Source Procurements. In the event of a sole source supplier, it shall be unnecessary to obtain bids or quotations. A "sole source" means a situation where (i) there is only one possible source from which to procure the specified goods and/or services, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to the Land Bank is reasonable.
  - Utilities and Affiliate Transactions. The purchase of utilities and inter-affiliate transactions are excepted from proposal/quotation requirements.
  - Unavailability of three (3) vendors. It shall be unnecessary to obtain bids or quotations in the event of the unavailability of three (3) vendors who are able or willing to provide a quote.
- Basis for the Award of Contracts. The Land Bank may reject all bids. The Land Bank may reject any bid, if, in the judgment of its authorized decision maker, the business and technical organization, plant, resources, financial standing, or experience of the bidder justifies such rejection in view of the work to be performed. In making any such determination, the relevant factors considered shall include, without limitation:
    - Delivery requirements;
    - Quality requirements;
    - Quantity requirements'
    - Past vendor performance and/or experience.
- Documentation.
    - A record of all solicitations for proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the Land Bank's procurement file.
    - For each procurement by the Land Bank, the Executive Director (or, in the absence of the Executive Director, the Chair, or in her/his absence, the authorized designee of the Chair) shall set forth in writing the category of procurement that is being used and the basis for the award.
    - Whenever an award is made to other than the lowest responsible bidder the reasons for so doing shall be set forth in writing and maintained in the procurement file for at least six (6) years.
    - Whenever the specified number of quotations cannot be secured, the efforts to obtain quotations shall be documented and maintained in the procurement file.

### **SECTION 3. PROFESSIONAL SERVICES.**

Professional Services shall mean services which require special education and/or training; involve specialized expertise; or are licensed, including, without limitation, legal services,

accounting services, brokerage services, appraisal services, and engineering services. Professional Service contracts often involve a relationship of personal trust and confidence.

- In the selection of a provider of Professional Services up to \$10,000 per instance, the provider may be selected by the Executive Director, or, in the absence of the Executive Director, the Chair of the Land Bank, or in her/his absence, the authorized designee of the Chair.
- In the selection of a provider of Professional Services for a contract which exceeds \$10,000 the Land Bank shall issue a Request for Proposals. The Board may exercise its discretion and apply its judgment regarding any aspect of the Request for Proposals, the evaluation of proposals received, and the negotiation and awarding of any contract resulting from the Request for Proposals.
- The Land Bank may contract for only portions, or not enter into an agreement for any, of the Professional Services contemplated by the proposals solicited under this Policy. The Land Bank may select the proposal that best satisfies its interests without exclusively relying on price or any other single factor. The Land Bank may use such criteria in the selection of a provider of Professional Services as it deems most appropriate.

#### **SECTION 4. INSURANCE.**

Procurement of Insurance Brokerage services shall be deemed to be a contract for Professional Services. Notwithstanding the foregoing, the entry into actual contracts for insurance shall not be solicitations subject to requirements of this Policy

#### **SECTION 5. EFFECT OF OTHER PROCUREMENT REQUIREMENTS.**

Where the procurement of a specific good or service is accomplished using funds other than the funds of the Land Bank 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 shall supersede the requirements of this Policy.

#### **SECTION 6. UNINTENTIONAL FAILURE TO COMPLY.**

The failure to comply with this Policy shall not be grounds to void any contract nor shall the same be the basis of any cause of action against the Land Bank or any officer thereof.

#### **SECTION 7. WOMEN, DISADVANTAGED AND MINORITY-OWNED BUSINESSES**

The Land Bank shall use its best efforts to afford Women-Owned Business Enterprises, Disadvantaged Business Enterprises, and Minority-Owned Business Enterprises the maximum practicable opportunity to participate in the performance of this purchasing and procurement program of the Land Bank. If performance of a particular procurement contract will require the use of subcontractors, the Land Bank shall consider requiring the contractor to act affirmatively to secure such participation by Women-Owned Business Enterprises, Disadvantaged Business Enterprises, and Minority-Owned Business Enterprises and report such efforts to the Land Bank.