

## Resolution 23-12

### Finger Lakes Regional Land Bank Corporation Board of Directors

Moved by *Don Northrup, David Wood*

#### RESOLUTION TO ADOPT UPDATED PURCHASING POLICY

**WHEREAS**, the New York Public Authorities Law §2824(e) requires the Board of the Finger Lakes Regional Land Bank Corporation (the "Land Bank") to annually adopt a Purchasing Policy for the FLRLBC; and

**WHEREAS**, the current Purchasing Policy was originally adopted on February 26, 2018, and requires updating; and

**WHEREAS**, the single proposed update pertains to bid requirements for the smallest of activities or projects; and

**WHEREAS**, the Governance Committee has reviewed and approved the proposed amendment at its March 27<sup>th</sup>, 2023 meeting; and

**NOW, THEREFORE, BE IT RESOLVED** by the Corporation that the proposed updated Purchasing Policy is hereby adopted effective immediately.

I, Amanda Forney, Secretary of the Finger Lakes Regional Land Bank Corporation, a corporation organized and existing under the laws of the State of New York (the "Corporation"), do hereby certify that the above is a true and correct copy of a resolution duly adopted at a meeting of the Board of Directors of the Corporation duly held and convened on March 28<sup>th</sup>, 2023, at which meeting a duly constituted quorum of the Board of Directors was present and acting throughout, and that such resolution has not been modified, rescinded, or revoked, and is at present in full force and effect.

IN WITNESS THEREOF, the undersigned has affixed their signature this 28 day of March, 2023. The Corporation has no corporate seal.

x *Amanda Forney*  
Amanda Forney, Secretary

## Resolution 23-12

### Finger Lakes Regional Land Bank Corporation Board of Directors

*Moved by Don Northrup, David Wood*

#### RESOLUTION TO ADOPT UPDATED PURCHASING POLICY

	Yes	Nay	Abstain	Absent
Kyle Barnhart	[ ]	[ ]	[ ]	[X]
Ernie Brownell	[X]	[ ]	[ ]	[ ]
Jill Henry	[X]	[ ]	[ ]	[ ]
Les Marquart	[ ]	[ ]	[ ]	[X]
Don Northrup	[X]	[ ]	[ ]	[ ]
Frank Sinicropi	[X]	[ ]	[ ]	[ ]
David Wood	[X]	[ ]	[ ]	[ ]

**Schedule A:**

**FINGER LAKES REGIONAL LAND BANK PURCHASING POLICY**

**Adopted March 28<sup>th</sup>, 2023**

**PURPOSE:** This policy, adopted by the Finger Lakes Regional Land Bank (referred to as the Land Bank) Board of Directors, establishes a standard purchasing and procurement program for all land bank activities. It is the policy of the Land Bank to maximize the purchasing power of the corporation.

Any employee or officer who violates the terms of this policy shall be personally responsible for the cost of the equipment if return to the vendor is not possible.

This policy shall be effective as of this date: August 28<sup>th</sup>, 2017. This policy supersedes any previously approved policies that are inconsistent with the amendments as set forth within.

**1. CONTROLS**

- A. All purchasing procedures will comply with the applicable laws and regulations of the State of New York.
- B. The Land Bank, will procure all supplies and equipment as needed at the best possible prices in the best possible timeframe and maintain adequate records to document the purchase.
- C. Purchasing contracts for materials, equipment and supplies involving an estimated annual expenditure of more than \$20,000.00 require public advertising, sealed bids and an award by resolution of the Land Bank Board of Directors.
- D. Equal opportunity will be provided to all responsible suppliers to do business with the Land Bank.
- E. No official or employee of the Land Bank, involved in the decision of an award, can have a financial interest in any contract entered into by the Land Bank. There will be no acceptance of gratuities, financial or otherwise by anyone with a financial interest with any supplier of materials or services to the Land Bank.
- F. The Land Bank will not be deemed responsible for commitments made circumventing these procedures.

**2. GENERAL GUIDELINES AND AUTHORITY TO PURCHASE**

**A. Initiation and Oversight:**

The Land Bank CEO, CFO or Secretary may initiate the processing of and grant the approval for requisitions of up to and including \$10,000.00. The quantity, quality, delivery date, delivery method, etc. should be considered while in pursuit of efficiencies. The Board of Directors retain the authority to deny any purchase and is the approval authority of requisitions between \$10,001.00 up to and including \$20,000.00.

**B. Authority to Purchase Goods and Services:**

1. Expenditures up to and including \$10,000.00 do not require Board of Directors approval when the adopted budget accommodates the expenditure.
2. Expenditures exceeding \$500.00 up to and including \$10,000.00 require 3 documented quotes and Board of Directors notification.
3. Expenditures exceeding \$10,000.00 up to and including \$20,000.00 require 3 written quotes and the legislative approval of the Board of Directors prior to soliciting quotes.
4. All goods and service purchases exceeding \$20,000.00, require competitive bidding as detailed below, and the legislative approval of the Board of Directors prior to soliciting bids.

**C. Competitive Bidding**

Purchase contracts exceeding \$20,000.00 are awarded to the lowest responsible bidder after public advertising requesting submission of sealed bids. **(FAXED BIDS WILL NOT BE ACCEPTED).**

1. NON-COLLUSION CERTIFICATION

If competitive bidding is required, each bid must contain the following 'Non-Collusion Certification'

A. By submissions of this bid or proposal, the bidder certifies that:

1. The bid or proposal has been independently arrived at without collusion with any other bidder or with any competitor or potential competitor.
2. The bid or proposal has not been knowingly disclosed, prior to the opening of the bids or proposals for this project, to any other bidder, competitor or potential competitor;
3. No attempt has been or will be made to induce any other corporation to submit or not to submit a bid or proposal;
4. The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as well as to the person signing in its behalf.



3. Bid specifications shall be prepared by the CEO or Land Bank staff in conjunction with the Board of Directors. Detailed specifications, when required, will be approved by the Board of Directors.
4. The CEO will arrange for the legal notice to be printed in the official newspapers of the County and will also establish a date and time for the opening and reading of the sealed bids.
5. The bids will be opened by the CEO or his/her designee. All interested parties may attend the bid opening. A minimum of two (2) individuals (CEO and another) shall witness the bid opening. Any bids arriving after the time designated shall not be considered and will be returned unopened. Telephone and facsimile transmitted bids are not accepted on formal bids.
6. A record must be made of all bids. The bids are then turned over to the CEO for review to ensure the bidders have complied with the bid specifications, to make a cost analysis and to make a recommendation regarding the bid award (generally made to the lowest responsible bidder). If the low bidder does not meet specifications or, for some other reason does not meet the necessary standards or requirements to be given the award, a recommendation to award the next qualified low bidder would be given.

When there is a discrepancy or a question as to whether bid specifications are met, the CEO must contact the current attorney working with or for the land bank prior to contacting the bidder. The CEO shall confer with the Land Bank attorney prior to recommending an award to another bidder if other than the low bidder.

COST	BID REQUIREMENT	CHAIN OF APPROVAL
<b>\$0 to &amp; including \$1,000</b>	None	CEO Approval
<b>\$1,001 to &amp; including \$10,000</b>	3 Quotes/Documented	CEO Approval – Board notification
\$10,001 to & including \$20,000	3 Written Quotes	Board Of Directors – Prior Legislative Approval Required
Over \$20,000 for goods and services	Competitive	Board of Directors – Prior Legislative Approval Required

**Verbal Quotations:** A telephone log or other record displaying: date, time, price quoted, name of vendor. An emailed quotation may be included.

**Written Quotations:** Vendors should provide at a minimum: date, description of item or details of service to be provided, price quote, name and title of contact.

**Competitive Bids:** the CEO, after conferring with the Board of Directors, will solicit formal proposals from three or more vendors.

Personal purchases for employees by the Land Bank are prohibited. Land Bank employees are also prohibited from using the Land Bank's name or the employee's position to obtain special consideration in personal purchases.

### 3. PURCHASE ORDER

- A. **Purpose:** Provides a formal document and authority for the purchase of goods and services. Provides documentation of goods and services ordered and received. Provides the necessary authority to pay vendor claims. Initiates and substantiates various accounting processes. Provides the necessary tax-exempt documentation required of vendors.
- B. **Frequency:** Prepared by the CEO as required, upon receipt of a purchase requisition.

### 4. EXCEPTIONS TO THE PURCHASING SYSTEM

There are certain expenditures for which the processing of a purchase order is unnecessary. The following should be made without purchase orders:

- A. Contracts for professional services.
- B. Utility bills.
- C. Service contracts for a fixed monthly or annual rental.
- D. Advertisement and Legal notices
- E. Postal fees.
- F. Valid membership and dues.
- G. Subscriptions
- H. Mileage, Travel and Conference Reimbursement: The current Travel Voucher system will be used in recording and claiming reimbursement for mileage, meals, and other travel or conference expenses.
- I. Reimbursement for petty cash funds.