

MONROE COUNTY LAND BANK CORPORATION

PROCUREMENT POLICY

THE POLICIES DESCRIBED BELOW APPLY TO ANY PURCHASE(S) MADE BY THE MONROE COUNTY LAND BANK CORPORATION (“MCLBC” AND/OR “LAND BANK”)

Additional requirements for purchases made under government awards are described in Section 10.

Section 1. Overview

It shall be a strict Land Bank requirement to follow a practice of responsible, reasonable, and ethical policies and procedures related to purchasing, agreements, and contracts, and related forms of commitment (the “Purchasing Policy”). The Purchasing Policies describe the principles, practices, and procedures to which all Land Bank staff, whether Officer(s), Director(s), Employee(s), and/or Agent(s), shall adhere in the completion of their designated responsibilities and shall be bound by the terms and conditions of the Purchasing Policy in connection with the procurement and acquisition of any goods, services, and/or equipment by the Land Bank.

Section 2. Purchasing Responsibility

Only those individuals identified herein and/or duly designated by resolution of the MCLBC Board of Directors shall possess the authority to initiate purchases on behalf of the Land Bank, and only within the boundaries described herein. The MCLBC Board of Directors shall state in writing any individual(s) who may initiate purchases or prepare purchase orders before any such individual(s) shall possess such authority.

A Land Bank representative designated by the Board Chairperson shall be responsible for processing all Land Bank purchase orders consistent with this Purchasing Policy. The Land Bank Chairperson shall possess approval authority over all purchases and contractual commitments as defined by the Purchasing Policy, except those transactions exempted herein. The MCLBC Board of Directors shall deliberate as soon as practicable to make the final determination on any proposed purchase(s) for which budgetary and/or any other material condition(s) may result in denial of the transaction(s), if such a deliberation is requested by the MCLBC Chairperson.

Section 3. Non-Discrimination

All vendors/contractors who are the recipients of MCLBC funds, or who propose to perform any work or furnish any goods under agreements with the Land Bank shall agree to these important principles:

- a. Vendors/contractors will not discriminate against any employee and/or applicant for employment because of race, religion, color, sexual orientation, and/or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the vendors/contractors.

- b. Vendors/contractors agree to post in conspicuous places, available to employees and/or applicants for employment, notices setting forth the provisions of this non-discrimination clause. Notices, advertisements, and/or solicitations placed in accordance with Federal law, rule, and/or regulation shall be deemed sufficient for meeting the intent of this section.

Section 4. Purchase Authorization

Requisition and purchasing shall be in accordance with the Land Bank's *Internal Control and Finance Policy* to ensure compliance with section 2931 of the New York State Public Authorities Law.

Section 5. Authorizations and Purchasing Limit

A. Purchase(s) \$0 to \$5,001:

Purchase(s) of \$1,000 or Less: Any completed Purchase Order(s) must be signed and dated by the preparer and approved by the Treasurer, no matter the amount, before it is deemed effective. The Land Bank Chairperson is authorized to enter into any contract(s) on behalf of the Land Bank in any amount(s) of \$1,000.00 or less.

Purchase(s) between \$1,001 to \$5,000: Any completed Purchase Order(s) must be signed and dated by the preparer and approved by the Chairperson and Treasurer, before it is deemed effective.

Purchase(s) in excess of \$5,000: Any contract(s) in an amount exceeding \$5,000.00 must be reviewed and approved by the Land Bank counsel, Chairperson, and a majority vote by the Land Bank Board. These requirements shall also apply to the renewal(s) of any existing contract(s).

- B. **Open Purchase Orders:** Open purchase orders can be requested for routine purchases totaling \$500 or less. Open purchase orders may be kept on file with local merchants to assist in the procurement of everyday items. The open purchase order will not be used for items costing over \$500. A separate Purchase Order must be made for those items costing more than \$500 with prior approval obtained consistent with the Purchasing Policy.

- C. **Emergency Purchases:** The only instances in which this policy will not apply is in emergency situations where immediate procurement may be necessary to prevent delays in critical agency activities or such delays may vitally affect the life, safety, or health of individuals served. Emergency purchases require notice and agreement by one (1) of the following Land Bank Board members or staff prior to purchase: Board Chairperson, Board Treasurer, or Land Bank Director.

1. Emergency purchases in excess of \$1,000 requires a written purchase request be completed to begin procurement.
2. Emergency purchases of \$1,000 or less requires communication via email, phone, or video call prior to purchase.

- D. **Purchase(s) Requiring Bids or Proposals:** Any Land Bank purchase(s) of goods, services, and/or equipment which will exceed \$20,000 in one fiscal year, and any contract(s) for any time interval exceeding \$35,000 shall be formally bid using the parameters of Section 103 of the New York General Municipal Law. Subject to the requirements herein, the following provisions shall be observed in connection with Land Bank purchases:
1. Any purchase(s) of good(s), service(s), and/or equipment estimated to cost \$20,000 or less:
 - a) An amount \$20,000 or less but greater than \$3,000 shall require written/fax quotes from 3 vendors;
 - b) An amount \$3,000 or less but greater than \$1,000 require oral/fax quotes from 2 vendors;
 - c) An amount \$1,000 or less are left to the discretion of the Purchaser, subject to the requirements of this policy.
 2. Any construction and/or demolition contract(s) estimated to cost \$35,000 or less:
 - a) An amount \$35,000 or less but greater than \$10,000 shall require a written request for proposals and written/fax proposals from not less than three (3) qualified contractors;
 - b) An amount \$10,000 or less but greater than \$500 shall require a written request for proposals and written/fax proposals from two (2) qualified contractors;
 - c) An amount \$500 or less are left to the discretion of the Purchaser.
 3. Any written request for a proposal shall describe the desired purchase(s) and/or service(s) sought. The MCLBC shall compile a list of any qualified contractor(s) and/or vendor(s) from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting any subsequent purchase(s) and/or contract(s).
 4. Where selection is made on a competitive basis, the Chairperson shall request detailed proposals from at least three (3) Outside Contractors known to have experience in the type of service to be performed. When the total value of a Procurement Contract is likely to exceed \$10,000, the proposals shall be in writing and submitted in response to a Request for Proposals (“RFP”) issued by the Land Bank. Proposals shall be evaluated on “best value” considering all relevant factors such as the Outside Contractor's experience, reputation, technical qualifications, financial condition, past performance, size, quality and availability of staff, identity of supervisory personnel, possible conflicts of interest, proposed scope of work, and proposed fee or commission. No single factor shall necessarily be controlling, and the Outside Contractor submitting the proposal that is most favorable on an overall basis shall be selected, except that the MCLBC Chairperson in consultation with the Land Bank Director may reject any or all proposals if they consider such action in the best interests of the Land Bank.

5. A good faith and duly diligent effort shall be expended to obtain the required number of proposals or quotations, pursuant to the Purchasing Policy. If the required number of proposals or quotations cannot be obtained following a duly diligent effort undertaken in good faith, the MCLBC Chairperson shall document the effort undertaken to obtain such proposals or quotations. Under no circumstances shall the inability by the Land Bank to obtain any number of proposal(s) or quote(s), by itself, function as a bar to a particular purchase or procurement, provided the requirements herein have been satisfied.
6. Except when directed by the Board of Directors, no solicitation of written proposals or quotations shall be required for the following types of procurements or circumstances:
 - a) Acquisition of professional services;
 - b) Emergencies in which time is a crucial factor;
 - c) Sole-source situations;
 - d) Goods purchased from agencies for the blind or severely handicapped;
 - e) Goods purchased from correctional facilities;
 - f) Goods purchased from another governmental entity;
 - g) Goods purchased at auction; and
 - h) Goods or services purchased for less than \$500.

Section 6. Right to Audit

It shall be strict Land Bank policy to require a “Right to Audit” clause in any contract(s) between the Land Bank and any vendor(s) that either;

- a. take any form of temporary possession of any asset(s) directed for the Land Bank; or
- b. process data that will be used in any financial function of the Land Bank.

This Right to Audit clause shall permit access to and review of all documentation and processes relating to the vendor’s operations that apply to the Land Bank as well as all documents maintained or processed on behalf of the Land Bank for a period of three (3) years. The clause shall state that any such audit procedures may be performed by a Land Bank designee and/or any outside auditor(s) and/or contractor(s), as designated by the Land Bank, solely in its discretion.

Section 7. Vendor / Subcontractor Files and Required Documentation

The Land Bank designee who functions as the MCLBC Accounts Payable Specialist shall create a vendor folder for each new vendor / subcontractor from whom the Land Bank purchases goods or services. Upon making the initial purchase from any vendor(s) (regardless of whether a contract is involved), the MCLBC Accounts Payable Specialist will request a completed and signed Form W-9 from that vendor, or provide equivalent, substitute information. Completed, signed Forms W-9 or substitute documentation shall be filed. Any vendor(s) who fail(s) to return a completed, signed Form W-9 or provide equivalent documentation shall be issued a Form 1099 at the end of each calendar year in accordance with the policies of the Land Bank.

Section 8. Ethical Conduct in Purchasing

Ethical conduct in managing all Land Bank purchasing activity is essential. MCLBC personnel must always be mindful that they represent the MCLBC Board of Directors and share a professional trust with other staff and the public.

MCLBC personnel shall discourage the offer of, and decline, individual gifts, or gratuities of value in any way that might influence the purchase of supplies, equipment, and/or services. MCLBC personnel shall promptly notify a supervisor if offered such gifts. The term “gift” shall be defined pursuant to New York Legislative Law §1-c(j) as amended from time to time.

Section 9. Conflicts of Interest Prohibited

No Officer, Director, Employee, contractor, and/or Agent of the Land Bank shall participate in the selection or administration of a vendor if a real or apparent conflict of interest would be involved. Such a conflict would arise if an Officer, Director, Employee, and/or Agent of the Land Bank, or any member of his/her immediate family, his/her spouse/partner, or any entity(ies) that employ(s) or is about to employ any of the parties indicated herein, has a financial, and/or any other interest(s) in the vendor selected.

Officers, board members, employees and agents of the Land Bank shall neither solicit nor accept gratuities, favors, or anything of monetary value from vendors or parties to sub-agreements. However, unsolicited gifts of a nominal value of \$25.00 or less may be accepted with the approval of the Land Bank Director.

Section 10. Procurements Under Awards

A. **Procurement of goods and services** whose costs are charged to any award(s) received by the Land Bank are subject to all requirements of the Purchasing Policy, as described hereinabove, as well as the following supplemental policies:

1. The Land Bank shall avoid purchases that are not necessary for the performance of the activity(ies) required by any award(s).
2. Where appropriate, an analysis shall be made of any available lease and purchase alternative(s) to identify the most economical and practical procurement.
3. Documentation of the cost and price analysis associated with each procurement decision shall be retained in the procurement files pertaining to any award(s).
4. For all procurements in excess of the Federal “small purchase acquisition threshold” (and/or such amount(s) established by State law, if any) procurement records and files shall be maintained that include all of the following:
 - a) The basis for contractor selection;
 - b) Justification for lack of competition when competitive bids or offers are not obtained;
and
 - c) The basis for award cost or price.

5. The Land Bank shall make all procurement files available for inspection upon request by any Awarding Agency(ies).
 6. All contracts with vendors shall require the vendor to certify in writing that it has not been suspended or disbarred from doing business with any Federal agency(ies).
- B. **No MCLBC** Officer, Employee, contractor and/or Agent shall participate in the selection, award, or administration of a contract supported by grant funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the Officer, Director, Employee, and/or Agent, and/or any member of her or his immediate family, his or her partner, or an Agency which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

Section 11. Receipt and Acceptance of Goods

- A. **All departments** or designated individual shall inspect all goods received. Upon receipt of any item from a vendor, the following actions shall immediately be taken:
1. Verify the quantity of boxes/containers with the packing slip.
 2. Examine boxes/containers for exterior damage.
 3. Note on the packing slip any discrepancies (missing or damaged boxes/containers, etc.).
 4. Sign and date the packing slip and deliver to the treasurer.
 5. Retain a copy of the packing slip and send original to financial official immediately.
- B. **When goods are moved** to another area for thorough inspection, the following inspection procedures shall be performed by a Chairperson appointed staff member and/or a Land Bank Board of Director's sub-committee:
1. Remove any packing slip(s) from each box/container.
 2. Compare the description and quantity of goods per the Purchase Order with that of the packing slip.
 3. Examine goods for physical damage.
 4. Count and/or weigh items, as appropriate.
 5. Record an indication of counts on the Purchase Order.

It is the policy of the Land Bank to perform by Chairman appointed staff member and/or a Land Bank Board of Director's sub-committee the preceding inspection procedures promptly to facilitate the timely return of goods and/or communication with vendors when necessary.

Section 12. Real Property Contracts

Prior to execution of any contract(s) for any interest(s) in real property, the Land Bank shall first obtain MCLBC Chairperson approval of any such contract(s). Upon MCLBC Chairperson approval, the prospective contract(s) shall then be referred to the Land Bank counsel for review and approval. Upon approval of the Land Bank counsel, the proposed contract(s) shall then be referred to the MCLBC Board of Directors for approval and resolution.

Effective Date: August 13, 2025

Approved By: Monroe County Land Bank Corporation Board of Directors