

County of Albany

Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207



Meeting Agenda

Wednesday, June 28, 2023

6:30 PM

**Harold L. Joyce Albany County Office Building
Cahill Room - First Floor**

Rules Review and Legislative Modernization Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES

CURRENT BUSINESS:

2. DISCUSSION REGARDING THE PROCUREMENT POLICY:
ADVERTISING AND OUTREACH

County of Albany

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112 State Street - Albany, NY 12207



Meeting Minutes

Wednesday, May 24, 2023

6:30 PM

Harold L. Joyce Albany County Office Building
Cahill Room - First Floor

Rules Review and Legislative Modernization Committee

PREVIOUS BUSINESS:

Present: Mark E. Grimm, Andrew Joyce, Matthew J. Miller, Jeff S. Perlee, Bill L. Ricard and Wanda F. Willingham

Excused: Lynne Lekakis, Jeffrey D. Kuhn and Joseph E. O'Brien

1. APPROVING PREVIOUS MEETING MINUTES

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

CURRENT BUSINESS:

2. AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER FOR THE LIMITED PURPOSE OF CREATING A CONSENT AGENDA PROCESS FOR DISTRIBUTING AMERICAN RESCUE PLAN ACT GRANT AWARDS

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

- f. The remaining balance of a blanket purchase order can be liquidated by the department when the last invoice has been entered against it.

SECTION III. THE BID PROCESS

Competitive bidding is required for purchase of commodities or like commodities with an anticipated value of \$20,000 or more. The competitive bidding process ensures that all bidders receive the same information and the bid award shall be made to the lowest responsible bidder.

Planning and gathering information is vital. Sufficient lead time should be built into the procurement process to permit adequate planning, specification writing, bidding, vendor selections, documentation, etc. Departments should allow sufficient time for the Purchasing Division to review product specifications or scopes of work and complete the bid or proposal documents. Additional time will be needed for bids and RFPs where contracts must be approved by the Contract Administration Board or the County Legislature.

Each Bid or Proposal will be numbered before being published.

- Advertisements for public Bids and Requests for Professional Services are published in the designated official County newspapers, *The Evangelist* and *The Times Union*.

All Bids and RFPs are posted on the Capital Region Purchasing Group (CRPG) website for viewing and downloading.

Prior to publishing the bid or proposal in our official papers, the requesting department head will be required to sign off on the specifications.

The Purchasing Division issues bid or proposal packages to vendors/contractors at the advertised location or by down loading from the CRPG website. Bid or proposal packages are also mailed First Class, or Federal Expressed when the firm furnishes a Federal Express account number. The request for bid or proposal package must come in writing, e-mail or by fax.

All bid or proposal packages picked up at the Purchasing Division are recorded on the bidders specification pick up form. The CRPG website maintains a record of all firms who download from the website.

A. DEVELOPING BID SPECIFICATIONS

Purchasing writes a bid using the department's list of specifications as the specific criteria against which vendors' bids are evaluated. These specifications must be absolutely clear to all the potential bidders. The bid will be awarded to the lowest cost supplier to meet all of the department's needs, exactly as it was defined by the department in the specifications.

Departments will not be allowed to add or delete requirements after the bids open; the evaluation will be based solely on all requirements set forth in the bid. During the bid process, the vendors must be absolutely certain they are all considering the same thing. The vendor needs to offer the appropriate product at the right price.

The goal is to have only one possible meaning for the specifications you have listed. The buyers in the Purchasing Division often receive challenges from vendors. Vendors want reassurance they're being treated impartially. Departments may be called upon to justify any requirement as the minimum acceptable to meet their legitimate operational needs.

Consider using quantitative statements for requirements whenever possible. Instead of writing "must operate quietly," write "must be no louder than -dB during operation." Words like "fast," "quiet," "reliable," "automatic" and "portable" can have very different meanings to different individuals. A vendor who's losing a sale because the sales representatives idea of fast was 40 m.p.h., while your idea of fast was 60 m.p.h., may be angry. Sometimes it's more appropriate to write the specification by using a minimum or maximum allowable range. For example, "the minimum acceptable temperature range for the incubator is 0 to 37 degrees C" or "the maximum allowable fluctuation is +/- 0.2 degrees C." Conflict can be avoided by developing a clear, unambiguous specification.

A good specification should do four things:

- Identify minimum requirements;
- Allow for competition;
- List reproducible test methods to be used in testing for compliance with specifications; and
- Provide for an equitable award at the lowest possible cost.

1. Brand Names

Brand names can be used in a specification. If you supply the Purchasing Division with a brand name, the buyers will generally specify, "brand name or equal" on the bid or RFQ. A brand name gives the parties involved an idea of what type and quality of product you require. And in many cases, several distributors can supply a given brand. You still must address your most important features or requirements. Since no two brands are identical in all respects, describe in which respects you need any product offered to be equivalent. Make it clear at the outset what you consider an "equivalent" to be.

2. Use of Vendor Specifications

Only departments are qualified to know exactly what their needs are. Avoid turning the job over to a vendor. Vendors' literature is written to describe and promote their products. It is their job to sell their company's product and it is to their benefit to emphasize the uniqueness of their product both verbally and in their product literature.

By copying a vendors' literature rather than writing their own specifications, departments are likely to over-restrict the specifications to the point, where only the vendor whose literature has been copied can meet them. It may reduce competition and result in higher costs.

The Purchasing Division requests that departments write their specifications using their own thoughts and words. If the Purchasing Division unknowingly issues a bid based on specifications supplied by a department that are from a specific vendor's literature, a competing vendor may challenge the bid or purchase decision, saying the requirements unfairly favored one vendor and restricted competition. The bids may need to be rejected (or order canceled), and a new list of requirements developed to more accurately reflect the department's true needs. Delays can be avoided by spending quality time up-front writing your own, well-thought-out list of requirements.

a. Avoid Over Specifying

Avoid writing down more than what you actually require to meet your operational needs. The more requirements you add, the more likely it is you'll limit the number of vendors that can offer a product to meet them. Think about the use of a product or the need for a service for your department and limit yourself to what actually makes sense in your setting.

B. BIDDERS LIST

In addition to the required public advertisement, the Purchasing Division posts its bids/RFPs on the Empire State Purchasing Group (ESPG) website. Any vendor wishing to have automatic notification must register on the ESGP website and pay a small fee for that service. Vendors who do not wish to have automatic notification may register for free and then they will have access to downloading any document. Vendors who register for free have the responsibility of checking our website to look for business opportunities. The Purchasing Division will no longer maintain lists of vendors for commodities or services. In order for specifications to be sent to any vendor, that vendor must first contact the Purchasing Division by mail, e-mail or fax, requesting that they be sent via regular mail. Any vendor that requests specifications to be sent by Federal Express or other overnight mail must pay for this service. No bid or proposal packages will be "faxed" to any vendor under any circumstances.

C. BID SECURITY

There are two different types of circumstances that may require bid securities.

1. PURCHASE OR SERVICE - A percentage of the estimated bid as security is required in certified check form and/or bid bond. The certified check and/or bid bond of the awarded vendor is held until the Purchasing Division receives written notification from the requesting department head that bid items have been received. The bid security is then returned to the awarded vendor.

2. CAPITAL IMPROVEMENT or PUBLIC WORKS PROJECTS - A percentage or fixed dollar amount bid security in the form of a certified check or bid bond is required. Bid security will be five percent of the total bidding contract amount or a fixed dollar amount. Bid security will be returned once the required performance bonds have been received and the contracts are fully executed by the County Executive.

D. PERFORMANCE BOND

Performance bonds shall be required when bidding capital improvement or public works projects. Bidders are required to submit their performance bonds before or at the time that they sign a contract. This bond will ensure that the bidder performs for the municipality between the date of award and the date of completion of the contract.

E. PREVAILING WAGES

Prevailing wages consist of pay scales that have been bargained for by the various unions throughout the State and are set by the New York State Department of Labor. Vendors must pay these rates to those employees who work on public works projects in any municipal building. In having vendors submit quotes, it is extremely important to make sure that they understand that prevailing wages apply for any public works project in County buildings regardless of the cost of the contract.

F. ADDENDUMS

As stated in the Request for Bid terms and conditions, "only formal, written addenda can alter the bid specifications." When a discrepancy, ambiguity, or omission is revealed, the Purchasing Division will issue an addendum to clarify the bid requirements. The addendum is sent by fax and/or certified mail to all vendors that have picked up or were mailed bid packages and posted on the ESPG website. The first addendum will be labeled "Addendum #1". Subsequent addendums issued will be sequentially labeled.

The Purchasing Division will make every effort to ensure that the appropriate vendors receive addenda.

The addendum procedure will also be used to extend the bid date to give the vendors/contractors sufficient time to submit a responsible bid.

G. RECEIPT OF BIDS

Vendors or contractors must mail, express, or deliver sealed bids to the Purchasing Division office on or before the bid deadline specified in the legal advertisement. As the bids are received, they are immediately date and time stamped by the designated time clock, and bid receipt is recorded in the Purchasing Division Bid/Proposal Log. No bids are accepted after the bid deadline. Those received after the bid deadline will be returned to the sender unopened. No "fax" machine transmission bids will be accepted under any circumstances. All bids are kept in a secure location.

At the appointed time, the Purchasing Agent, or designee, will announce the bids to be opened. The bids will be opened and read aloud, and the bid prices appropriately recorded.

H. BID RECOMMENDATION PROCESS

A copy of all bids received are made and sent to the requesting department with a memo requesting a review and a recommendation or rejection of the lowest responsible bidder. The department shall review the package and send a memo of their recommendation or rejection to the Purchasing Division. If the lowest responsible bidder is not recommended, then a detailed written explanation from the department head must be attached. The Purchasing Agent will review the package and department recommendation, and, if necessary, contact the Law Department to clear up any legal technicalities and will approve or disapprove the department's recommendation.

I. BID AWARD PROCESS

If a contract is required for an individual department, the department head must submit the package with recommendations to the appropriate contract approval authority. After the approval for the contract is granted the Purchasing Division will then process any necessary notice of award or purchase order. If the bid is for various Albany County facilities, the Purchasing Division will then process it through the appropriate approving authorities. When the award process is finalized, the entire bid package becomes a permanent file in the Purchasing Division.