

NEW YORK CITY WATER BOARD

POLICY ON THE PROCUREMENT OF GOODS AND SERVICES

I. INTRODUCTION

In accordance with the requirements of Section 2824(1)(e) of the Public Authorities Law, added to such law by the PAAA, the following comprehensive guidelines (“Guidelines”) shall set forth the Board’s operative policy and instructions regarding the procurement of goods and services.

II. SELECTION CRITERIA FOR CONTRACTS FOR GOODS AND SERVICES

1. Goods and Services Costing Less Than \$10,000

For procurements of goods the value of which is less than \$10,000, a competitive solicitation shall not be mandated except that in making purchases below this limit, the Board staff shall ensure that the price is competitive and reasonable.

Documentation of such purchases shall identify the contractor the item was purchased from, the item purchased, the amount paid, and the basis for determining that the price was competitive and reasonable.

2. All Other Goods and Services

Contracts for goods and services the value of which is \$10,000 or more are to be awarded on a competitive basis to the maximum extent possible, in accordance with the general procedures set forth below.

3. Proposals or Bids may be solicited as follows:

- i. Requests for Proposals: Where practicable, written requests for proposals or solicitations of bids (collectively, "RFPs") shall be issued by the Board. RFPs shall set forth the nature of the goods or services the Board is seeking to procure, including specifications where applicable or available, and shall solicit proposed prices, fees, charges or billing rates, where appropriate. RFPs shall contain such other information and shall request from proposers such other information as the Board may deem necessary or desirable. RFPs shall be advertised in the City Record and at least one appropriate newspaper of general circulation or periodical.
- ii. Telephone or letter solicitation: Proposals may be solicited from contractors by letter or telephone, where the Contracting Officer determines that the issuance of an RFP is impracticable or unnecessary. Where practicable, proposals should be solicited from at least three contractors.

4. Evaluation:

For goods, the award of the procurement shall be made to the lowest responsive and responsible bidder/proposer.

For personal services contracts, the award of the procurement shall be based on the best combination of technical merit and price. In evaluating proposals, the technical

merits of the proposal, the experience and capabilities of the proposing person or firm and any prior experience that Board staff may have had with the proposing person or firm will be significant factors in selecting the contractor, provided that the price, fees, charges, or billing rates for performing the services are reasonable and competitive in light of such experience and capabilities.

In any procurement, the Board may determine not to select a person or firm where the Board determines or where information is obtained which indicates that the bid or proposal is not responsive to the solicitation, or that the bidder or proposer in question is not responsible based upon such criteria as the Board may deem appropriate for the procurement.

5. Approval Procedure for Procurements

Unless otherwise directed by the Board, all contracts for the procurement of goods and services shall be subject to the following approval procedures:

- i. Contracts or procurements for goods and services the value of which exceeds \$100,000 shall require explicit Board approval by resolution at a public meeting;
- ii. Contracts or procurements for goods and services the value of which does not exceed \$100,000 but is greater than \$25,000 may be executed by the Executive Director and shall be reported to the Board at the next scheduled Board meeting;
- iii. Contracts for goods and services the value of which does not exceed \$25,000 may be executed by the Executive Director without Board approval.
- iv. With respect to any vendor of goods or services to the Board, in cases where contract amendments or supplements are necessary, the aggregate value of all such contract amendments or supplements together with the value of the original contract in respect of such vendor shall be reported or presented to the Board for approval as necessary in accordance with the above.

6. Waiver of Selection Criteria

Notwithstanding any requirement of these Guidelines, contracts may be awarded to persons or firms on a non-competitive basis, without regard to the procedures set forth above, when the Contracting Officer of the Board determines that circumstances such as any of the following exist:

- i. In the event an emergency or other extraordinary circumstances exist which make competition impracticable or inappropriate;
- ii. Only one source for the goods or services is reasonably available;
- iii. Legal services or other specialized services are required for which a certain person or firm's expertise is unique;
- iv. Continuation of existing services or purchasing goods from a previous supplier firm is desirable for purposes of continuity or compatibility;
- v. A person or firm has superior qualifications to perform the service or provide the goods at a cost that is determined to be fair and reasonable; or
- vi. An evaluation of all submitted proposals indicates that none of the responding persons or firms are qualified, responsive or responsible based upon the appropriate criteria for the project.

- vii. In the event that the City or another governmental unit can provide or cause to be provided needed services pursuant to contracts entered into by the City or another governmental unit and the Board determines that it is in the best interest of the Board to avail itself of such opportunity.

Even if the Contracting Officer determines that a contract should be awarded on a non-competitive basis, pursuant to this Section II(6), no award shall be made unless and until the applicable approvals (if any) required under Section II(5) have been duly obtained.

Whenever the Contracting Officer makes such a determination, he/she shall document the basis for such determination in the records of the Board and shall provide such documentation to the Executive Director and Treasurer, and to the Board if approval from the Board is required.

The waiver of any requirement of these guidelines shall be subject to the approval of the Executive Director and/or the Treasurer.

III. APPLICABILITY OF MACBRIDE FAIR EMPLOYMENT PRACTICES

With respect to contracts governed by these Guidelines, the Board shall not contract for services with any contractor who does not agree to stipulate to the MacBride Principles Provisions for New York City Contractors pursuant to Section 6-115.1 of the Administrative Code of the City of New York as amended from time to time. A copy of such provisions shall be appended to all contracts governed by these Guidelines.