



ATTACHMENT B

BUFFALO SEWER AUTHORITY

PURCHASING GUIDELINES POLICIES AND PROCEDURES

I.	INTRODUCTION	1
	Scope:.....	1
	Intent:	1
	Budget:	1
	Board Approval:.....	1
II.	POLICY	1
	Mission Statement:.....	1
	Open Vendor Policy:.....	2
	Freedom of Information.....	2
III.	TYPES OF CONTRACTS	2
	Construction Contracts:	2
	Goods and Services Contract:	3
IV.	FORMAL CONTRACTS:	3
	Formal Contract Procedures	3
V.	Best Value Determinations	6
VI.	GUIDELINES	7
	Categories	7
	Agreement:.....	7
	Emergency:	7
	Leases:.....	7
	Maintenance or Service Contracts:	7
	Negotiated Contracts:.....	7
	Preferred Contract Purchasing:	8
	Professional Service Contracts:	8
	Sole Source:	8
	General Guidelines For Contract Administration	9
	Award:.....	9
	Blanket Purchase Orders:.....	9
	Brand Name or “Authority Approved Equal”:	10
	Delivery Requirements:	10
	Discounts.....	10
	Insurance	10
	Materials Contracts:	10
	Prevailing Wages:	10
	Purchase Orders:	10
	Quotes:	10
	Standardization:	11
VII.	PROCEDURES.....	11
	Purchasing Office - Administration Department:	11
	Purchasing System:	11
	Receivers:.....	12
	Vendors:	12
VIII.	DEFINITIONS.....	12

I. INTRODUCTION

Scope:

General Municipal Law §104-b requires that goods and services which are not required by law to be procured through competitive bidding must be procured in a manner which assures the prudent and economical use of public monies in the best interest of the taxpayers. It further requires that every political subdivision and any district therein, by resolution, shall adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law §103. It also requires that such policies and procedures identify the individual(s) responsible for purchasing. The General Manager is responsible for the purchasing of the Buffalo Sewer Authority. The following guidelines are for governing the procurement of goods and services for the use of the Buffalo Sewer Authority.

Intent:

It is the Authority's intent to implement and strictly enforce purchasing guidelines to openly promote fair competition, to acquire goods and services that provide the best product from a responsible vendor at the most reasonable price, to provide greater opportunities for disadvantaged businesses to provide goods and services for the Authority, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Budget:

The procurement of goods and services shall be limited to those necessary to operate, maintain and/or improve the sewer system of the Authority. In no case shall the amounts expended exceed the allocations for these goods and services as provided for in the Authority's Annual Budget or subsequent amendments.

Board Approval:

The process of purchase approval shall move to the General Manager of the Authority for presentation to the Board of the Buffalo Sewer Authority for the purchase of goods over \$20,000 and the purchase of services over \$35,000.

II. POLICY

Mission Statement:

The Buffalo Sewer Authority purchases goods and services according to its enabling legislation granted by the State of New York.

The purpose of the Guidelines is to facilitate each department in procurement direction, while protecting the Buffalo Sewer Authority and its ratepayers by promoting fairness in contracting with the business community.

The Authority maintains an Open Vendor policy and welcomes all potential bidders.

The Authority's Purchase Office maintains a bidding process for purchases and supervises all purchasing. The Authority's Capital Projects group supervises bidding processes for projects at the Authority's Wastewater Treatment Plant, and the Authority's Engineering Department maintains and supervises a bidding process for other formal construction projects.

The Authority welcomes purchases through contracts let by the City of Buffalo, the County of Erie and State of New York Office of General Services and will consider all such business interests.

The Guidelines are a deliberate effort to balance the need to preserve open and fair competition with the goal of allowing each department flexibility to procure in a manner that contributes to the fulfillment of their operational mission.

Open Vendor Policy:

The Buffalo Sewer Authority invites all vendors to bid in an open-competitive environment.

A vendor may forward to the Purchase Office, by way of mail or fax, all relevant information pertaining to his enterprise.

Vendors remain on our vendor list indefinitely. Requests for bids or quotes may be received off this list. Failure to respond following three separate requests generally will result in the removal from our bidders' list.

Freedom of Information

The Buffalo Sewer Authority maintains and adheres to all related Freedom of Information laws. To ensure proper response, requests should be submitted online at <https://buffalosewer.org/how-we-can-help-you/data-or-freedom-of-information-request/>, or made in writing to the General Manager of the Authority.

Telephone or written requests on results of informal purchases may be made to the Purchase Office. Response by this method is at the convenience of the Authority.

III. TYPES OF CONTRACTS

Construction Contracts:

Authority estimates for construction contracts with an anticipated total cost of \$7,000.00 and above must be bid and advertised as a Formal Contract. Contracts estimated at less than \$7,000.00 may be bid as a Goods and Services.

Goods and Services Contract:

Purchases are made in accordance with the Standard Monetary Guidelines set forth below:

STANDARD MONETARY GUIDELINES

Petty Cash

Limited to purchases less than \$200.00 per voucher.
Proper receipts must accompany request.

< \$1,000.00 - Small Purchases (Occasional)

From one responsible source at a reasonable price.
Accumulative units may require Informal purchase.
Verbal quotes may be solicited.

\$1,000.00 < \$20,000.00 for the Purchase of Goods and \$1,000.00 < \$35,000.00 for the Purchase of Services - Informal

Requires faxed, e-mail or mailed response to Request for Quotation from at least three (3) vendors. Dated, time stamped with price, and associated Quotation Request number affixed. Authority generated Request for Quotations form is preferred.

>\$20,000.00 for the Purchase of Goods and >\$35,000.00 for the Purchase of Services - Formal

Formal, sealed bidding procedure (see Formal Contracts)

Emergency, Sole Source and Professional Services Purchases

The methods of solicitations for these types of procurements may vary depending on the circumstances encountered. The policies and procedures should ensure that the procurement and method of seeking competition is in the best interest of the Authority.

IV. FORMAL CONTRACTS:

Formal Contracts are to be in the Authority's approved contract format and must contain all necessary inclusions as designated. Executed formal contracts for construction projects and services that are not routine in nature are forwarded to the Engineering Department or Capital Projects group, as appropriate for creation of a Contract Order. Executed formal contracts for the purchase of goods and services that are routine in nature are forwarded to the Purchase Office for the creation of a Blanket Purchase Order. A Regular Purchase Order may be created for those requiring a one-time payment.

Formal Contract Procedures

1. The department requiring the project, goods or service composes the specifications and sends it to either the Engineering Department, the Capital Projects group, or the Purchase Office for review and approval of contents. For new projects or services, the specifications may be forwarded to the City of Buffalo Law Department for approval as to form.

2. The General Manager authorizes to advertise for invitation for bids.
3. An advertisement date, pre-bid meeting date (if required) and bid opening date are coordinated between the Engineering Department, the Capital Projects group, or Purchase Office and the department head requiring the goods or service.

In accordance with General Municipal Law §103, the advertisement for bids shall be published in the official newspaper or other form of media, if any, or otherwise in a newspaper or media designated for such purpose by the Board of the Buffalo Sewer Authority.

At least five days shall elapse between the first publication of such advertisement and the date so specified for the bid opening and must contain the following:

- a. Specifics of the commodity, service or project needed.
 - b. Deadlines and the time and place where the sealed bids and pre-bid meeting (if applicable) are to be received.
 - c. The deposit, if any, required for bid consideration.
 - d. Any other requirements for bid submission.
4. The Formal Proposal packages are prepared where the bidders pick up the package (after the ad is published). All bidders may be required to give security for the faithful performance of the contract, and such other security as the Authority may require.
 5. Pre-bid meeting is held (if applicable).
 6. Bid opening is held.
 7. The bid bond(s) or cashier's check(s) that was submitted with the bid is held in the Authority's safe. Required security will be returned to all but the contracted vendor after award is made.
 8. Bid openings may be held at the Authority's Administrative Offices located at 1038 City Hall, Buffalo, New York, 14202 or its wastewater treatment facility located at the Foot of West Ferry Street, Buffalo, New York, 14213.
 9. The department requiring the commodity or service reviews all the bids and, for bids for construction contracts and bids for purchase contracts necessary to complete construction contracts, determines who, in its opinion, is the lowest responsible bidder. For other bids, the responsible department will determine who, in its opinion, is the lowest responsible bidder, after accounting for any adjustments made to determine best value, as described in these Guidelines. The recommendation of the responsible department is forwarded to either the Engineering Department, the Capital Projects group, or Purchase Office.
 10. The bid-opening tabulation sheet (which consists of the bidders and amounts) is prepared and copies are sent to various individuals. The department head receives copies of the bidder's proposal.
 11. Proposal packages from the three lowest bidders, or the three bids determined to have the best value, as appropriate, may be forwarded to the City of Buffalo Law

Department for recommendation.,

12. A board resolution is prepared and forwarded to the General Manager and Executive Secretary for approval.
13. An “Award of Contract” resolution goes through the Board.
14. Once the resolution is passed, the Executive Secretary’s Office forwards the approved resolution to the Engineering Department, the Capital Projects group, or Purchase Office notifying them that the resolution was passed at the Authority’s Board meeting.
15. The Engineering Department, the Capital Projects group, or Purchase Office assembles required quantity of contracts for the contractor to execute. When the formal bid was for a one-time purchase of a commodity where a warranty is required, contracts are not needed. A Standard Purchase Order is required.
16. The Engineering Department, the Capital Projects group, or Purchase Office sends out a letter to the contractor notifying them that they have been awarded the contract. Contract documents and blank Bonds are included, if needed. The contractor may be requested to come to the Authority’s offices to obtain the contract documents.

The contractor is requested to supply all required insurance and bond forms and submit them to the Authority with signed contract documents. The contractor will send the executed contracts back (with bonds and insurance) to the Authority.

If the successful bidder neglects or refuses to accept the contract within five days after written notice that it has been awarded to him/her, or if he/she accepts but does not execute the contract and give proper security, the Authority shall have the right to declare his/her deposit forfeited, or it may redeem the proposal bond submitted with the bid, and the invitation for bids will be re-advertised. Alternately, his/her deposit may be returned and the contract awarded to the next lowest bidder, or the next best value bid, as appropriate.

17. After the contractor has executed the contracts, the Authority sends them to the City of Buffalo Law Department for approval as to form. Once approved a contract or blanket purchase order number is assigned.
18. Contracts are forwarded to the City of Buffalo Division of Audit for approval as to sufficiency.
19. Once approved by Law and Audit, the contracts are given to the General Manager of the Authority for signature.
20. The General Manager executes the contracts and they are notarized.
21. Notification may be sent to contractor for a pre-construction meeting when applicable.
22. A “Notice to Proceed” letter is sent to the contractor with the duly executed contract. Various individuals receive a copy of this letter.

23. Contracts are distributed to: Files, Contractor, Law Department, Division of Audit, Department overseeing the project, and Consultant if applicable.

V. BEST VALUE DETERMINATIONS

Description of Best Value

General Municipal Law §103 provides that purchase and service contracts, other than purchase contracts necessary to complete construction contracts, may be awarded on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder.

The State Finance Law describes "best value" as the basis for awarding contracts that optimizes quality, cost, and efficiency. The law notes that such basis shall reflect, wherever possible, objective and quantifiable analysis. Additionally, the law specifically provides that such basis may also identify a quantitative factor for bidders that are certified minority- or women-owned business enterprises or service-disabled veteran-owned business enterprises.

The use of a best value methodology offers the Authority flexibility in determining the award of any contract that was properly designated as a best value contract during the bid process.

Considerations

In determining best value, the Authority may consider factors including, but not limited to, the following: reliability of products; responsibility of the supplier; efficiency and/or ease of use; useful lifespan; ability to meet the Authority's needs regarding timeliness of delivery or performance; durability; availability of replacement parts or maintenance contractors; quality of craftsmanship; warranty; and the vendor's status as a certified minority or woman-owned business enterprise (M/WBE) or service-disabled veteran-owned business (SDVOB).

In any offering where the Authority intends to use a best value methodology, the Authority will clearly specify in the bidding documents the factor(s) that will be considered in determining best value, and how those factors will be analyzed. Whenever feasible, the described analysis should include a quantitative factor. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value will be thoroughly and accurately documented.

M/WBEs and SDVOBs

For all purchase and service contracts where a best value methodology could be utilized, bids from businesses that are certified as a minority or woman-owned business by New York State and/or by the Erie County/City of Buffalo joint Certification Committee and/or are certified by New York State as an SDVOB will be evaluated as if their bid price were 10%-20% lower. The specific percentage used will depend on the anticipated contract

price, and will be included in the bid announcement. Businesses must include proof of their certification as an M/WBE or SDVOB at the time they submit their bid for the bid to be evaluated at the lower price.

VI. GUIDELINES

Categories

Agreement:

An understanding of the parties by implication including, course of dealing or usage of trade or course of performance (i.e. utilities). While all contracts are agreements, all agreements are not contracts.

Emergency:

An emergency condition may be declared when something is acquired under conditions deemed emergency or exigency due to an unavoidable situation where there is a threat of harm to life, health, safety, environment, or property.

The prospect of interruption of sewer service to a community, and/or the disruption of the efficient operation of the Authority arising from an unforeseen circumstance may also be declared an exigency condition. Lack of proper planning may not constitute such conditions. Declaration may be authorized by any of the following individuals: Treatment Plant Superintendent, Treatment Plant Administrator, Superintendent of Mechanical Maintenance, Director of Sewer Maintenance or the Principal Sanitary Engineer. Documentation and justification of such declaration should be provided to the General Manager. The Emergency Declaration will be referred to the Board of the Buffalo Sewer Authority.

Leases:

Entering into any true lease for goods or services requires competitive proposals attached to the requisition. It is important to distinguish between an installment purchase (which provides for Authority ownership at the lease term end) and a “true lease”, which provides for regular payments over a set time for use of property, but upon termination of the lease, the property must revert to the lessor and cannot be retained by the Authority.

Maintenance or Service Contracts:

For service contracts, time and materials or full service can be acquired. The original manufacturer or manufacturer’s representative vendor or other source may offer such contracts.

Negotiated Contracts:

Procurement by negotiation is preferred where one or more of the following conditions prevail:

1. The desired goods or services cannot be precisely defined or standardized.
2. A cost reimbursement type contract is contemplated.
3. Discussion with contractor regarding technical aspects is intended.
4. Where market is best by dollar negotiation.
5. Offerors are given the opportunity to revise price or technical aspects.
6. Artistic or aesthetic value supersedes price as primary selection criteria.

Negotiated contracts should be identified as such. Documented justification, meeting one or more of the above conditions, should be affixed to the contract. Solicitation of *Requests for Proposals (RFP)* should be submitted.

Preferred Contract Purchasing:

Municipal authorized contracts may be a source for non-competitive purchasing. New York State Office of General Services (OGS), County of Erie (Erie), City of Buffalo (City) and contracts established by the Authority are currently approved. Contract type and number should be affixed in appropriate fields on requisition. Vendors are required to provide written or faxed documentation of such award if not available to the Authority. This documentation must specifically identify all purchases and accompany the requisition. Date range of contract is required. Such contracts eliminate the necessity to bid. Contracts may be found in the Purchasing office. Authorized contracts may not always be the best price, so requisitioners should review market.

Elective, custom, and/or non-contract options, not listed in authorized contract but available from vendor must be maintained as a separate purchase, and therefore subject to purchasing guidelines. Related, non-contracted additions should be purchased on a separate Purchase Order or Blanket Purchase Order release identifying the relation to the contracted purchase.

Professional Service Contracts:

The Board of the Buffalo Sewer Authority may declare and authorize a contract to provide services to the Authority outside the guidelines when such acquisitions are required for confidentiality; specialized or technical services, training or expertise unobtainable but from one source; specialized knowledge; lack of responsible competition; nature or magnitude; complexity of services; lack of resources or staff equipment and or facility; short term or infrequent need; emergency or exigency condition; or where possible, service is best obtained by decision founded on competitive Request for Proposals. The requesting department should be prepared to justify the procurement and provide documentation as to how the particular services were acquired.

Sole Source:

Award where competition is waivable or is not feasible under the circumstances. Documentation justifying such conditions should accompany the requisition and be on file in the Purchase Office. This would include single bid, emergency, expediency and single-source purchasing.

Goods and services that may be procured from only one source are defined as “sole

source” items. It is important to note that there must be, without question, a single supplier of the item or service. Sole source situations generally exist when an item is manufactured by only one firm, and a vendor has an exclusive franchise or distributorship for an item.

To initiate a sole source purchase, the requisitioner must be confident that such conditions exist in the marketplace, that the requested goods or services are available from only one supplier and no substantial equivalent is available.

Even though there is only one source of supply, the requisitioner must receive a written quotation from the vendor. Upon receipt of a properly executed quotation, the requisitioner will then proceed to write the purchase order.

Since market conditions change over the years, a previously substantiated sole source may find new entrants to a formerly monopolized market. All sole sources should be verified. It can be a situation where the requisitioner knows the marketplace or it simply may be the need to verify that the marketplace has not changed.

General Guidelines For Contract Administration

Award:

The Purchase Office selects the best vendor after prices are obtained, based on lowest bid or, where permissible and appropriate, best value. Selection criteria should be documented and justified when other than low bid. Within thirty (30) days of the deadline for receipt of responses, the quote may be awarded or all bids rejected.

Consideration for award should include the following, as well as any factors used to determine best value, if appropriate:

- a. *Lowest bidder* means the bidder that offers the lowest net price for the item specified, who bids quality merchandise, and can deliver according to specifications.
- b. *Responsible bidder* means bidder who has proven historically that the company can meet all terms.
- c. *Responsive bidder* means that the bidder has responded as mandated.

Blanket Purchase Orders:

Blanket Purchase Orders may have a term and/or dollar ceiling assigned and releases allowed through a release approval system. Release approvals may be different than initial approval scheme. Blanket Purchase Orders (BPO's) may be created to contain costs to a vendor and/or provide complete contracted services.

Documentation and justification should be made to the Purchase Office for BPO creations. The contract monitor will supervise the use of BPO's and the releases against their established budget.

Brand Name or “Authority Approved Equal”:

Descriptions may be used to define performance or other important requirements of procurement where other descriptions would be impractical or uneconomical. Such language should be included in all requests for proposals.

Delivery Requirements:

When obtaining quotes, be sure to quote “F.O.B. Destination” delivered whenever possible.

Discounts

The Authority will include language in its bid documents for vendors to offer discounts in connection with purchases. The Authority will seek to take advantage of any and all discounts offered by vendors within the parameters of said offer, including, but not limited to their consent of electronic payment.

Insurance

Policies of insurance for the Authority are not considered purchases and therefore are not subject to competitive bidding.

Materials Contracts:

The Authority’s authorized contracts for the purchasing of goods used in high volumes during the year. Contracts to cover multiple items priced individually.

Prevailing Wages:

Prevailing wages may be required for services rendered. Requirements should be consulted.

Purchase Orders:

A Purchase Order (P.O.) is a legal document which sets conditions, describes, contracts to deliver and to pay. Giving out pending P.O. number information to a vendor over the phone is not allowed, unless authorized by the Department Head.

Quotes:

Responsive bidder means that the bidder has responded as mandated. All Requests for Quotations must arrive by allotted time and be received by fax, e-mail or mail only. Verbal quotes may be accepted for small purchases and may be necessary for emergency purchases. When possible, verbal quotes shall be followed by written quotations. All verbal quotes must be documented by person obtaining quotation. Fax and e-mail quotes will be accepted 24 hours a day, seven days per week. The Purchase Office cannot make a recommendation to award until after the allotted time for vendors to respond has passed.

Quotes, together with supporting documentation, will be forwarded to the Purchase Office. Fax quotes time stamped and dated with vendor information, purchase order requisition number and price, must be affixed. The Purchase Office should send a Request for Quotation to as many vendors as necessary in order to receive a

minimum of three responses. The Purchase Office with proper justification may allow deviations on three-bid minimum. Quotes are valid for a time frame not to exceed one procurement or for thirty (30) days if an additional procurement is needed.

Standardization:

Requisitioners should refer to standardization areas when documenting or justifying purchases. The following areas of circumstances under which standardization provisions might be appropriate under General Municipal Law §103 are:

1. Compatibility - Items from one manufacturer are not compatible with present equipment without incurring additional expense.
2. Design and Construction - The design, plan or method of construction is not suitable to an operation without alteration.
3. Economics - Service facilities are adapted to the handling of a particular make of equipment and cannot be converted economically.
4. Endangerment - Changes would endanger ratepayers or employees.
5. Inventory - Spare part inventory already in stock, makes equipment change uneconomical for inventory purposes.
6. Local Conditions - Require a particular type of equipment.
7. Trained Employees - A great expense would be incurred to train or retrain employees.
8. Uniformity - A substantial amount of Authority equipment is one type, make or manufacturer making change impractical or uneconomical.

VII. PROCEDURES

Purchasing Office - Administration Department:

Purchasing is responsible for establishing purchasing policy and administering purchasing services for all departments of the Authority. Responsibilities include:

1. Manage Purchasing System and operation
2. Analyze prices paid for materials, equipment and services
3. Act as a center of information, maintain vendor catalog library
4. Coordinate and consolidate interdepartmental purchasing
5. Assign approval processes
6. Chronicle vendor activities
7. Manage Authority-wide service maintenance contracts.
8. Manage clerical process, receive quotes, print and send awards
9. Execute Service Agreements under \$20,000

Purchasing System:

An information system designed to electronically monitor and facilitate the flow of documentation, approvals, and other requirements so that the Authority maintains a permanent record of the acquisition of goods and services.

Purchases begin with user request and flow through the Purchasing System electronically driven by information and approvals. Documents and justifications in the form of attachments are forwarded to the Purchase Office to validate all purchases for audit purposes. The Purchasing System may be viewed throughout the process for validation of procedure.

Requisitioners should review projected purchases and their costs prior to the request for proposals to assure that required funds are available for the purpose.

Receivers:

Departmental receivers should accept and inspect purchases and forward all packing slips or invoices to the Accounting Department for prompt payment.

Vendors:

Authority staff should not make commitments to vendors until approvals are completed. Purchases prior to requisition (confirming orders) are subject to denial and may not be paid.

Unacceptable vendor activity or influence could be grounds for being banned from future Authority business.

VIII. DEFINITIONS

Advertisement: Publication of Notice to Bidders in newspaper of general circulation in the Buffalo area; trade journals e.g. Dodge Report.

Agreement: An understanding of the parties by implication, including course of dealing or usage of trade or course of performance (i.e. utilities). While all contracts are agreements, all agreements are not contracts.

Amendments: All amendments, the modification of an existing contract, require Board approval.

Blanket Purchase Orders: Allows periodic requisition of contract items over the period designated until the quantity/value is exhausted. Action approved by Department Head.

Board: Buffalo Sewer Authority Board.

Change Orders: Variation to contracts for goods or services exceeding 15% of the contract's dollar amount and within the prescribed limits for each contract. Board approval required.

Claim: A vendor's request for payment for materials or services rendered.

Competitive Range: All proposals with a reasonable chance of being selected for award.

Consultant: An individual or firm employed for specific purposes that brings specialized expertise to the Authority. Usually involves a high degree of creativity, significant relationship of trust and confidence. Qualifies as a professional service. Does not require formal bidding.

Contract for Goods/Services: Any authorized written agreement including contracts, purchase orders, letter agreements or memoranda which creates a mutually binding legal relationship, which obligates the seller to furnish products and services and obligates the Authority to pay for same.

Contractor: Any person, firm or entity obligated to sell, furnish, provide, or render goods or services to the Authority pursuant to a contract.

Emergency: Danger of threat or harm to life, health, safety, environment or property which requires immediate preventative action.

FOB: “Free on Board” designates point of delivery to the Authority. Supplier pays cost of delivery to FOB point at which time delivery is accepted and becomes Authority responsibility. FOB should always be Authority site when practical.

Formal Contract: Must use approved contract format. Procedure includes specifications, advertisement, public bid opening, departmental and administrative review and then bid award.

Negotiation: Procurement by evaluation of proposals in the competitive range on the basis of pre-established and published selection criteria, which criteria must be evaluated with price as fair.

Petty Cash: Limited to purchases of less than \$200.00 per voucher. Receipts must accompany requests.

Procurement: The acquisition of products and services by purchaser, excepting: (1) purchase of periodicals, conference materials, treatises or professional research tools; (2) the payment of fees or tuition associated with continuing education, training courses, conferences, seminars, symposiums; (3) the purchase of advertising space or advertising time in any medium.

Professional Services: Are not generally considered contracts for public work, as used in bidding statutes, therefore are not subject to competitive bidding. They include specialized expertise and/or a high degree of creativity. May be directed to particular individuals. Courts have noted that such services often involve a relationship of personal trust and confidence.

Purchase: The receipt of products, services or public works in exchange for money, property or other valuable consideration.

Purchase Order: A legal document, which sets conditions, describes contracts to deliver and contracts to pay. Wording must be such as to eliminate any questions as to what is ordered, delivery, location, terms and timing. Once accepted, it is a binding contract.

Quotation: An informal notice (fax or mail returned) by a vendor, which sets the terms under which goods or services will be rendered.

Receiver, Departmental: Designated person who accepts and inspects purchases and forwards accompanying packing slips or invoices to the Accounting Department for payment.

Request for Proposals: Requests for Proposals (Information, Bid) are used as a foundation of a future purchase or contract and are reviewed to be properly solicited and consistently administered. RFPs must include a general description of the project, scope, requirements, description of how the proposal is to be presented, request for prices, cost estimates or financial proposals and an exact due date with destination. All documents returned should be time stamped and recorded. The RFP must include a definite statement that the RFP is not to be construed as a formal request for pricing, and that no purchase order will be placed directly as this is a request for information only. A prospective vendor shall not be allowed to write any RFP and then be allowed to bid. All RFPs should be sent to a sufficient targeted audience that will result in a competitive list of returned proposals. Request for Proposals often become the foundation of a purchase, therefore the General Manager must approve all RFPs prior to solicitation.

Once the RFP is returned a committee of the Buffalo Sewer Authority or consultants of the Authority will review it and make a recommendation. The purchasing process should then proceed with a proper categorical purchase (See V Guidelines). That may include one of the following: Preferred Contract Purchase, Sole Source, Emergency, Professional Services Contract, Lease, Maintenance or Service Contract, or a Negotiated contract.

Request for Qualifications: Written solicitation to prospective vendors requesting qualifications of providing services or products. RFQs may be used to design a prospective list of qualified vendors to purchase through a later submitted Request for Proposals. RFQs may not require specific financial pricing of a described service or product.

Request for Quotation: A Request for Quotation is a specific request for a product or service with a requirement for pricing. The RFQ is used in all informal purchases (under \$10,000). All conditions should be posted. RFQs should be faxed or mailed and returned directly to the Purchase Office for entry. Time stamped returns must be in accordance with the required due date. RFQs without time stamping are not to be used. Purchase Office staff must not offer any information on returning quotations until the purchase has been awarded.

Requisition: A written request to the Purchasing Agent for one or more items or services necessary to carry out or improve a function.

Requisitioner: Designated person who generates requisitions on construction and goods and services directly reflecting departmental needs and budget -- separate from receiver.

Responsible: A potential contractor is responsible if he can demonstrate that he has the ability to perform successfully under the terms of the proposed contract, taking into account the offeror's technical and financial capacities.

Responsive: A bid is responsive if it complies with the terms of the solicitation in all material respects and it is completed, executed and submitted in accord with the instructions in the solicitation.

Scrap: Materials that have no functional value to the Authority but retain intrinsic value due to their composition (i.e. copper, brass, aluminum).

Sealed Bidding: A competitive method under which a contract is awarded to the lowest priced responsible bidder.

Services: A professional, consulting, technical or other function including, but not limited to, legal, testing, accounting, bookkeeping, secretarial, management consulting, audit, investment banking, planning, training, statistical research, insurance, advertising, public relations, architectural, engineering, appraisal, janitorial, surveying, housekeeping, and waste disposal performed for a fee, commission, or other compensation.

Single Source: The goods or services to be procured and available from only one responsible source or no other goods or services will satisfy the Authority's requirements.

Small Purchase: The acquisition of goods or services under a one-time agreement to purchase having a retail price under \$1,000.00.

Solicitation: The process by which the Authority contacts prospective vendors, suppliers or consultants to provide notice of a procurement opportunity and ensure the submission of quotes, bids, or statements of qualifications.

Sole Source: A general category of award where competition is waivable or not feasible in certain circumstances. The included categories are: exigency, emergency, expediency, and single source.

Specifications: A written description of needed supplies, materials, equipment or services setting forth in a clear and concise manner the characteristics of the items and/or services to be purchased and the conditions under which the purchase will be made.

Statement of Qualifications: Request for project qualifications to perform duties and tasks specifically outlined. RFQ should not be used to substitute for an RFP or bidding.

Surplus: Materials or items that retain functional value, and may or may not have an intrinsic value, may be considered surplus, if all areas of the Authority reject use of the item based on obsolescence, maintenance costs or need (i.e. desks, chairs, vehicles).

Vendor: A supplier of goods or services.

Waste: Materials or items which have no functional value to the Authority or known intrinsic value (i.e. sludge, paper).