

**Buffalo Niagara Convention Center
Management Corporation**

Procurement Policy

Section 2824(1)(e) of the Public Authorities Law requires local authorities to adopt a written policy governing the procurement of goods and services. The following policy ("Policy") is hereby adopted upon approval by the Board of Directors of the Buffalo Niagara Convention Center Management Corporation ("MC") with respect to the procurement of goods and services by the MC.

A. Procedures

1. Solicitation Procedures for the Purchase of Commodities, Equipment, Goods or Services.

a. Up to \$5,000 per instance - The discretion of the General Manager or the designee of the General Manager.

b. Greater than \$5,000 to \$20,000 per instance - Documented verbal quotations or written/fax/email quotations from at least three vendors and approval by the General Manager or the designee of the General Manager.

c. Greater than \$20,000 per instance - Written Request for Proposal and formal board approval.

2. Exceptions. Alternative proposals or quotations shall not be required for procurements made through or with respect to:

a. New York State or Erie County Contracts - when the MC is able to procure commodities, equipment, goods or services through New York State or Erie County contracts, it is unnecessary to obtain quotations or bids;

b. Emergency Procurements - an emergency exists if the delay caused by soliciting quotes would endanger health, welfare, property or an economic opportunity. Approval of the General Manager is necessary, which shall be documented and shall also include a description of the facts giving rise to the emergency.

c. Sole Source Procurements - A "sole source" means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to the MC is reasonable.

d. Utilities -- The purchase of utilities is excepted from alternative proposal/quotation requirements.

e. Unavailability of three (3) vendors who are able or willing to provide a quote.

f. The procurement of professional services under the circumstances described in Section D of this Policy.

g. Due to the critical need to ensure the quality of food and beverage services provided at MC events, and difficulty in identifying and retaining consistently reliable vendors for such services, the procurement of such services are not subject to the procurement procedures described in subdivision (1) above, unless otherwise determined by the General Manager or his or her authorized designee.

3. Basis for the Award of Contracts.

Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the General Manager or the Board of Directors of the MC determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the MC shall consider relevant factors including, without limitation:

a. Delivery requirements

b. Quality requirements

c. Quantity requirements

d. Past vendor performance and/or experience

e. The unavailability of three or more vendors who are able or willing to quote on a procurement.

f. It may be in the best interests of the MC to consider only one vendor who has previous expertise with respect to a particular procurement.

g. Any procurement excepted from the alternative proposal/quotation requirements as set forth in subdivision 2 of this Section A, and the procurement of professional services under the circumstances described in Section D of this Policy.

4. Documentation

a. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.

b. For each procurement by the MC the General Manager or the designee of the General Manager shall set forth in writing the category of procurement that is being made and what method of procurement is specified.

c. Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.

d. Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

B. Erie County Businesses and Minority & Women Owned Enterprises.

It is the preference of the MC to provide opportunities for the purchase of goods and services from (i) business enterprises located in Erie County and (ii) certified minority and/or women-owned business enterprises. To that end, the MC will utilize available lists of M/WBE firms certified by Erie County and/or the State of New York and will solicit bids and proposals from such businesses by notifying them of opportunities to submit proposals and bids for goods and services.

C. Effect on Other Procurement Requirements.

Where the procurement of a specific good or service is to be accomplished using funds other than the funds of the MC and such funding sources specify different or more restrictive procurement requirements than are provided for in this Policy, the procurement requirements of the funding source will supersede the requirements of this Policy.

D. Professional Services.

Contracts for professional services involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Examples are: lawyers, doctors, accountants, and engineers. Furthermore, professional service contracts often involve a relationship of personal trust and confidence, and prior experience in providing similar services to the MC which may be beneficial to the MC. The procurement of professional services below \$20,000 is not subject to the solicitation procedures contained in the Procedures section of this policy. Procurement of professional services greater than \$20,000 is subject to the existing RFP process are deemed to be included, as appropriate.

E. Procurement of Insurance.

Procurement of Insurance Brokerage services is subject to this Policy as a professional service. Notwithstanding the foregoing, actual insurance policies procured are not subject to requirements of this Policy.

F. Procurement Lobbying Law.

The MC shall implement the provisions of the Procurement Lobbying Law (Section 139-j of the State Finance Law) for any contract or other agreement for an article of procurement involving an estimated annualized expenditure in excess of \$15,000.

Adopted by the Board of Directors of the Buffalo Niagara Convention Center Management Corporation this 2nd day of August, 2017.