

**ALBANY PARKING AUTHORITY**

**POLICY FOR SERVICE PROCUREMENTS**

SECTION 1. PURPOSE AND AUTHORITY. The purpose of this procurement policy (the “Policy”) is to outline the procurement policy of Albany Parking Authority (the “APA”) applicable to procurements of services paid for by the APA for its own use and benefit.

SECTION 2. PROCUREMENT OF SERVICES.<sup>1</sup> All services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that services will be purchased in a competitive manner except for in the following circumstances: purchases not exceeding \$5,000; purchases under state contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to Section 4 of this Policy. Regardless of the estimated cost of any purchase of goods and/or services, the APA will seek to obtain the best value for the APA while meeting all relevant purchase requirements. The Executive Director shall serve as the APA Procurement Officer.

SECTION 3. METHOD OF PURCHASE. The following method of purchase will be used when required by this Policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$5,001-\$10,000	Price obtained by 2 verbal (verbal quotes shall be documented in writing by the APA person receiving such verbal quote) or written quotations with the approval of the APA Executive Director or Associate Executive Director
\$10,001-\$50,000	Price obtained by 3 written/fax/email quotations with approval by the APA Executive Director and Associate Executive Director
\$50,001 and above	Price obtained through issuance of Request For Proposals with award made by resolution of Board of Directors

(B) Number of Proposals or Quotations. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

(C) Documentation. Documentation is required of each action is taken in connection with each procurement. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the reward will achieve

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<sup>1</sup> Pursuant to New York Public Authority Law §1493-g (APA Enabling Legislation), the APA shall: (a) procure supplies, materials and equipment in accordance with the City of Albany’s Purchasing Guidelines; and (b) let construction contracts (for those >\$5,000) in the same manner, so far as practicable, in accordance with the City of Albany’s Purchasing Guidelines.

savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the APA and may not be challenged under any circumstances.

**SECTION 4. CIRCUMSTANCES WHERE SOLICITATION OF ALTERNATIVE PROPOSALS AND QUOTATIONS NOT IN BEST INTEREST.** This Policy may contain circumstances when, or types of procurements for which, in the sole discretion of the directors of the APA, the solicitation of alternative proposals or quotations will not be in the best interest of the APA. In the following circumstances, it may not be in the best interests of the APA to solicit quotations or document the basis for not accepting the lowest bid:

(A) Preferred Sources. To advance special social and economic goals, selected providers have “Preferred Source” status under section 162 of the New York State Finance Law. Acquisitions from these “Preferred Sources” of approved commodities and services are not subject to competitive procurement requirements. The APA shall procure approved commodities which meet their form, function and utility from preferred sources whenever available. A list (“List”) of approved commodities and services available from Preferred Sources is maintained by the New York State Office of General Services and is maintained at <https://ogs.ny.gov/system/files/documents/2023/12/list-of-preferred-source-offerings.pdf>. Before proceeding with any procurement, the List should first be checked to determine if the Commodity or Service being sought is available from a Preferred Source. If the Commodity or Service is on the List, then it may be required to obtain it from a Preferred Source. The NYS Procurement Counsel Bulletin (February 2024, as same may be updated/amended) “Preferred Source Guidelines” ([https://ogs.ny.gov/system/files/documents/2024/02/preferred\\_source\\_guidelines.pdf](https://ogs.ny.gov/system/files/documents/2024/02/preferred_source_guidelines.pdf)) should be consulted for the applicable procurement procedures.

(B) Professional Services. Professional services or services requiring special or technical skill, training or expertise. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgement, integrity, continuity of service and moral worth. Furthermore, certain professional services to be provided to the APA, e.g., legal and accounting services, impact liability issues of the APA and its directors, including securities liability in circumstances where the APA is issuing bonds. These qualifications and the concerns of the APA regarding its liability and the liability of its directors are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the APA shall take into consideration the following guidelines: (a) whether the services are subject to state licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and the directors of the APA. Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of APA-owned property; real estate brokerage services; appraisers; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

(C) Emergency Purchases. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the public. This section does not preclude alternate proposals if time permits.

(D) Special Findings. In the event the APA determines that the solicitation of alternative proposals or quotations is not in the best interests of the APA, the APA shall make such determination in

writing by the: (i) Executive Director for procurements up to an estimated amount of \$50,000; or (ii) Board resolution duly adopted and entered into the minutes of the APA for procurements of amounts estimated to be over \$50,000. Such written approval/resolution should include any findings described in this Section 4 related to such determination.

#### SECTION 5. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN.

(A) All APA documents soliciting bids or proposals for APA contracts shall contain or make reference to the following provisions:

1. The APA will not discriminate against employees or applicants for employment because of race, color, religion, sex, national origin, sexual orientation, gender, age, disability, or marital or domestic partner status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this Section, affirmative action shall mean recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation; and

2. The APA shall state, in all solicitations or advertisements for employees, that, in the performance of the APA contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, color, religion, sex, national origin, sexual orientation, gender, age, disability, or marital or domestic partner status.

(B) Any contract awarded by the APA will include the provisions of Section 5(A) hereof. Additionally, such provisions shall also be included in any contract, in such a manner that the provisions will be binding upon each subcontractor as to work in connection with the APA contract.

(C) The provisions of this Section 5 shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activity that are unrelated, separate or distinct from the APA contract as expressed by its terms.

(D) In the implementation of this Section 5, the APA shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this Section. The APA shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law and if such duplication or conflict exists, the APA shall waive the applicability of this Section 5 to the extent of such duplication or conflict.

(E) The APA shall ensure that “certified businesses” (as defined in Section 310 of the Executive Law of the State of New York) shall be given the opportunity for meaningful participation in the performance of APA contracts and to identify those APA contracts for which certified businesses may best bid to actively and affirmatively promote and assist their participation in the performance of APA contracts so as to facilitate the award of a fair share of APA contracts to such businesses.

SECTION 6. POLICY REVIEW. This policy will be reviewed annually.