

CLAYTON LOCAL DEVELOPMENT CORPORATION
PROCUREMENT POLICY

A. Introduction

1. Scope – These procurement policies apply to the procurement of goods and services to be paid for by the Clayton Local Development Corporation (the “Corporation”) and are in accordance with the Not-For-Profit Corporation Law (the “N-PCL”) and the Public Authorities Accountability Act of 2005.
2. Purpose – Pursuant to applicable statutes, the primary objectives of the policy are to assure the prudent and economical use of the Corporation’s monies, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, and to guard against favoritism, improvidence, extravagance, fraud, and corruption.

B. Procurement Policy

1. The Administrative Officer or an authorized designee shall make the initial determination as to whether competitive bidding is required. This determination will be based whether the Corporation contemplates expenditures of (1) the performance of any construction contract (services, labor or construction), and (2) for any purchase contract (acquisition of commodities, materials, supplies or equipment)
2. If the Administrative Officer determines that competitive bidding is not required, he/she shall state in writing the reasons for such determination. Such written statements shall be maintained in a specially designated procurement file.
3. Methods of Competition to be used for Non-Bid Procurements and Procurements Exempt by Stature - Alternative proposals or quotations for goods and services may be secured by use of written requests for proposals (“RFP”), requests for qualifications (“RFQ”) and/or written quotations, verbal quotations or any other method of procurement which furthers the purposes of this policy.

4. Procedures for the Purchase of Commodities, Equipment or Goods:
 - a. Up to \$500 The discretion of the Administrative Officer or authorized designee.
 - b. \$501 - \$3,000 Documented verbal quotations from at least three vendors.
 - c. \$3,001 – and up Signed quotations from at least three vendors.

5. Procedures for the Purchase of Insurance Policies, Construction, or other services:
 - a. Up to \$1000 The discretion of the Administrative Officer or authorized designee.
 - b. \$1,001 - \$5,000 Documented verbal quotations from at least three vendors.
 - c. \$5,001 and up Signed quotations from at least three vendors

6. Basis for the Award of Contracts - Contracts will be awarded to the lowest responsible vendor who meets the specifications. Whenever an award is made to other than the lowest quote the reasons for doing so shall be set forth in writing and maintained in the procurement file. Such reasons may include:
 - a. Delivery requirements
 - b. Quality requirements
 - c. Quality
 - d. Past vendor performance
 - e. The unavailability of three or more vendors who are able to quote on procurement.
 - f. It may be in the best interests of the Corporation to consider only one vendor who has previous expertise with respect to a particular procurement.

7. 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.

8. Documentation

a. For those items not subject to competitive bidding such as professional services, emergencies, purchased under municipal or state contracts or procurements from sole sources, documentation should include a memo to the files which details why the procurement is not subject to competitive bidding and include, as applicable:

- (1) a description of the professional services; or
- (2) a description of the facts giving rise to the emergency and that they meet the statutory criteria; or
- (3) written verification of municipal or state contracts; or
- (4) a description of sole source items and how such determinations were made; or
- (5) opinions of Counsel, if any

9. Exceptions to Bidding

a. Emergency Situations – An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or of the citizens. With approval by the Administrative Officer such emergency shall not be subject to competitive bidding or the procedures stated above.

b. Resolution Waiving Bidding Requirements - The Corporation may adopt a resolution waiving the competitive bidding requirements whenever such bidding is determined to be impracticable.

c. Sole Source – Defined as a situation when there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique benefits, the cost is reasonable for the product offered and there is no competition available. In this situation, a request for a resolution waiving bidding requirements, as described above, is required.

d. True Lease - Prices will be obtained through quotations whenever possible. The award shall be made on the basis of goods and/or services to be provided, ability to meet the specifications desired, and price.

10. Minority and Women Business Enterprises - The Corporation shall comply with all applicable legal requirements relating to the hiring of such businesses.

11. The Corporation shall solicit comments concerning the procurement policy from the members of the Corporation Board from time to time.
12. Annual Review – The Corporation shall annually review its policies and procedures.
13. Unintentional Failure to Comply - The unintentional failure to comply with the provisions of this policy shall not be grounds to void action taken or give rise to a cause of action against the Corporation or any officer thereof.

Approved and adopted this 4th day of March, 2010.