

# Saratoga Economic Development Corporation – (SEDC)

## Procurement Policy

**Introduction and Scope:** The policy set forth in this document establishes standards and guidelines for the procurement of supplies, equipment and services to ensure that they are obtained as economically as possible through an open and competitive process, and that contracts, when fully executed, are managed with good administrative practices and sound business judgment.

**Code of Conduct:** A Code of Conduct shall govern the performance, behavior and actions of the Saratoga Economic Development Corporation, including Members of the Board of Directors, employees, volunteers or agents who are engaged in any aspect of procurement, including but not limited to, purchasing goods and services; awarding contracts and grants; or the administration and supervision of contracts.

- No employee, officer, director, volunteer or agent of SEDC shall participate in the selection, award or administration of a bid or contract supported by either Federal or State funds if a conflict of interest is real or apparent to a reasonable person.
- Conflicts of interest may arise when any employee, officer, director, volunteer or agent of SEDC has a financial, family or any other beneficial interest in the vendor selected or considered for an award. **DELIBERATION AND ABSTENTION**
- SEDC employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value more than Seventy-Five (\$75.00) dollars from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor or bidder, or from any party to a sub-agreement or ancillary contract.
- As permitted by law, rule, policy or regulation, SEDC shall pursue appropriate legal, administrative or disciplinary action against an employee, officer, director, volunteer, vendor or vendor's agent who is alleged to have committed, has been convicted of or pled no contest to a procurement related infraction. If said person has been convicted, disciplined or pled no contest to a procurement violation, said person (employee) may be terminated from their employment; (officer/director/vendor/vendor's agent/volunteer) will be removed from their elected/appointed position.

**Solicitation and Competition:** All procurement transactions will be conducted to provide, to the maximum extent possible, free and open competition among suppliers. SEDC must begin with an analysis of the need for procurement, to avoid the purchase of unnecessary items. The President/CEO, by virtue of his/her office will be responsible for this initial analysis. SEDC must then identify and clearly specify standards for the goods or services desired and seek competitive offers where it is possible to obtain the best possible quality at the best possible price.

In general,

- Some form of cost or price analysis shall be made and documented in the SEDC procurement files in connection with every procurement action. Price analysis may be accomplished in various ways, including price quotation comparison, market forces, etc.
- For services including Legal, Accounting and Insurance services a competitive bid is required once every 3 years.
- Competitive bidding is required for every procurement of more than \$10,000.00.
- Requests for Proposals (RFP's) will be prepared by the President and distributed to vendors determined to be qualified by SEDC.
- SEDC Member/Stakeholders, if qualified, will be given preference and every opportunity to be competitive.
- Acceptable bids must be accompanied by a written basis for contractor selection; justification for lack of competition when competitive bids or offers are not received.
- Whenever practical and possible, SEDC must engage in affirmative efforts to utilize SEDC Member/Stakeholder's, small businesses, minority owned and women's business enterprises.

**Selection:** Price should be one of the factors in the evaluation of responses to written Proposals (RFP), but SEDC is not required to take the lower price if other factors, in the sole discretion of the Finance/Audit Committee and President are important to the final decision.

- There should be an objective method for selection, and any factors for evaluation and selection should be listed in the procurement documents.
- Awards shall be made to the bidder or offeror whose bid is responsive to the proposals and is most advantageous to SEDC (price, quality, and other factors considered).
- A proposal may be rejected by SEDC when it is in the organization's best interest to do so.

**Documentation:** At a minimum, the procurement records must clearly show how SEDC:

- Executed efficient price comparisons for small purchases.
- Selected the method of procurement and the type of contract to be used.
- Determined which bids or proposals to accept and which to reject; and
- Determined the basis for the contract cost or price.

**Administration:** SEDC must comply with an overall system of contract administration to ensure proper oversight and management of procurement action. SEDC is responsible for evaluating contractor performance and documenting, as appropriate, whether contractors have met the terms, conditions and specifications of the contract. This may include but not be limited to interim products, inspection of goods delivered prior to acceptance and other such methods that provide assurance that the goods or services purchased are being delivered within the scope of the contract.

SEDC contract administration system must ensure that:

- The method of procurement is documented and records maintained for seven (7) years after final payment is made.
- All activities are administered, and costs are incurred in compliance with applicable requirements and this Procurement Policy and.
- Before final payment is made, the services performed are adequate and consistent with the scope of contract services.

**DELIBERATION AND ABSTENTION:** When the appearance of or a potential conflict of interest is disclosed, it will be appropriate and required that any Member of the Board of Directors, employee, volunteer or agents, once the conflict is disclosed, abstain from any further deliberation, discussion or decision on the topic at hand. The abstention will be noted in the Minutes of the Board Meeting by the Chairman prior to any final purchasing decision is made that is subject to and governed by this Procurement Policy.

**Approved by Board of Directors – May 21, 2025**