

**ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**  
**PROCUREMENT POLICY \***

The Rockland County Solid Waste Management Authority was created as a public benefit corporation, pursuant to Public Authorities Law Title 13-M (the "Enabling Act"), to carry out its purpose of benefiting the people of the County of Rockland by dealing with solid waste and any products or by-products thereof. Among the powers granted to the Authority under Public Authorities Law Title 13-M is the power to make contracts and to execute all necessary and convenient instruments to further the Authority's stated public purpose. The only provision in the Authority's enabling act which specifies a required procurement procedure is that found in Public Authorities Law Section 2053-r which addresses "construction contracts". In general, there are no statutory requirements for public authorities to competitively bid procurement contracts. While there are no statutory or common law requirements for a public benefit corporation to make purchases, such as equipment purchases through public bidding, it is the practice in the past and now it will be the formal policy of this Authority to actively solicit competition for such procurements. Whether, competition is solicited pursuant to a formal competitive bidding process or a less formal method such as obtaining proposals or verbal or written quotations, will depend upon the nature of the particular purchase. By promoting the competitive securing of goods and services, the Authority will assure the prudent and economic use of public monies in the best interests of the citizens of the County of Rockland and will facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances. It is also the intention of this Policy to guard against favoritism, improvidence, extravagance, fraud and corruption, and, wherever possible within existing laws, to promote and support local businesses and industry. The implementation of this voluntary purchasing policy will foster a greater degree of public accountability on the part of the Authority and those involved in the procurement process and will provide greater assurance that procurements will be based upon the best interests of the citizens of the County of Rockland.

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\* Amended September 23, 2004 to add Bid/Proposal Protest Procedures

**POLICY FOR THE PROCUREMENT OF GOODS, EQUIPMENT AND SERVICES FOR THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**

The Rockland County Solid Waste Management Authority has hereby formally adopted the following written policies applicable to all purchases of goods, equipment and services, including construction services, by Resolution of the Authority Board. This Policy is meant to actively promote competitive procurements of all goods and services, with limited exceptions, as set forth herein. Authority staff is hereby directed to comply with this Policy and to retain the necessary documentation as required herein to substantiate: such compliance.

**CONSTRUCTION CONTRACTS**

Except as set forth herein, all contracts or orders for work, material or supplies performed or furnished in connection with construction shall be awarded by the Authority pursuant to a Resolution of the Authority Board. Such awards, when applicable, shall be made in compliance with paragraph (e) of Subdivision 4 and Subdivision 7 of Section 120-w of the General Municipal Law. In any such construction contract, the Authority may provide a program for the payment of damages for delays and incentive awards in order to encourage timely project completion. An action, suit or proceeding contesting the validity of a contract awarded pursuant to this section, or the validity of the procedures relating to such award, shall be governed by the provisions of Subdivision 6 of Section 120-w of the general municipal law and the term ‘municipality’ as used in such subdivision 6 shall mean the authority.

The person whose bid or proposal is accepted shall give security for the faithful performance of the contract, and such other security as the Authority may require, and may be required to maintain any construction done under the contract for such period as shall be stipulated, all in the manner prescribed and required by this Authority and the sufficiency of such security shall, in addition to the justification and acknowledgment, be approved by the Authority’s Executive Director. All bids or proposals shall be publicly opened by the Authority Board or its duly authorized staff. If the person whose bid or proposal has been accepted after advertising shall neglect or refuse to accept the contract within five working days after written notice that the contract has been awarded to him on his bid or proposal, 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.

In case any work shall be abandoned by any contractor, the Authority may, if it determines that the public interest is thereby served, adopt on behalf of the Authority any and all subcontracts made by such contractor for such work and all such subcontractors shall be bound by such adoption, if made.























































