

**Erie County Industrial Development Agency
Professional Services RFP Process and Policy
Adopted and amended as of March 21, 2018**

Purpose

The purpose of this document is to establish a consistent and comprehensive process for the procurement of professional services in accordance with policies approved by the members of the Erie County Industrial Development Agency (ECIDA) and applicable laws and regulations. Professional services covered by this policy include legal, audit, banking, and insurance services¹.

Professional Services RFP Process

1) RFP Development:

A Request for Proposal (RFP) for Professional Services will be drafted by ECIDA staff in accordance with this approved Professional Services RFP Process and Policy, applicable laws and regulations and best business practices.

2) RFP Notice/Distribution:

If applicable, copies of the RFP will be distributed to at least the top ten firms located in Erie County as listed in the most recent version of Business First's annual "Book of Lists". A notice of the RFP will also be published in the Buffalo News and a minority-focused publication. In addition, the notice of the RFP and/or a copy of the RFP may also be posted on the ECIDA website.

3) Restricted Period:

The New York State Finance Law imposes certain restrictions on communication between the ECIDA and a potential bidder during a procurement process, and requires that the ECIDA designate an individual(s) who will act as an authorized contact(s) during each procurement activity. Between the date of notice of intent to solicit proposals and the final award of the contract, bidders may only contact and communicate with the individual(s) as so designated within the applicable RFP procurement. When a bidder initiates contact with someone other than the designated contact(s) during the RFP time period when such contact is not permitted or attempts to influence the procurement in a manner that could reasonably be construed as a violation of the impermissible contact standard of the State Finance Law, an impermissible contact is deemed to have occurred. The ECIDA is required to collect and record information of those who contact the ECIDA or another governmental entity to influence a procurement. This information is incorporated into the procurement record and may result in rejection of a contract award. In the event of two such impermissible contact findings being made within a 4-year period, the bidder will be rendered ineligible to submit a proposal or to be awarded any procurement contract for a period of four years from the date of the second impermissible contact finding date.

4) Evaluation of Responses:

¹ Professional services purchased under various State and local grant programs are excluded from the scope of this document as they generally have their own procurement process and procedures.

An ECIDA staff committee will review and evaluate the RFP responses based on the criteria outlined in the applicable RFP. For a short-list of firms, staff may contact the firms' references and/or request that the firms make oral presentations.

The ECIDA staff committee will then report the results of its evaluations and a recommended firm(s) to the appropriate Board Committee (i.e. Governance Committee for legal services, Finance & Audit Committee for audit, banking and insurance services). The appropriate Committee will then review and evaluate the staff's analysis and recommendation regarding the preferred firm(s) and approve a recommended firm(s) for ultimate approval by the members of the ECIDA.

The members of the ECIDA will review the recommendation as so submitted by the appropriate committee regarding the recommended firm(s) before making a final decision on the procurement.

Frequency of Solicitations

The following table outlines the maximum period that may elapse before new proposals are to be solicited. The members of the ECIDA may elect to solicit proposals at any time within this maximum period.

Professional Service	Maximum period before proposals are solicited
Legal – Corporate & Tax Exempt Bond Counsel	Three (3) years plus two (2) additional one (1) year extensions based upon satisfactory performance, said extensions to be granted by approval of the appropriate reviewing committee as related to the services provided
Insurance Broker – General Liability & Employee Benefits	Three (3) years plus two (2) additional one (1) year extensions based upon satisfactory performance, said extensions to be granted by approval of the appropriate reviewing committee as related to the services provided
Audit	Three (3) years plus two (2) additional one (1) year extensions based upon satisfactory performance, said extensions to be granted by approval of the appropriate reviewing committee as related to the services provided

Banking	Three (3) years plus two (2) additional one (1) year extensions based upon satisfactory performance, said extensions to be granted by approval of the appropriate reviewing committee as related to the services provided
Other procurements subject to competitive bidding requirements	Three (3) years plus two (2) additional one (1) year extensions based upon satisfactory performance, said extensions to be granted by approval of the appropriate reviewing committee as related to the services provided

Annual Review Process

On an annual basis ECIDA staff will evaluate all its professional service providers. In conducting their review, staff will consider: quality of service, responsiveness, significant changes in assigned professionals, and other similar factors. If staff has any concerns or issues with any provider, the provider will be notified and allowed three months to correct these deficiencies. If these concerns or issues have not been adequately addressed after the three month period, staff will notify the appropriate committee as related to the services being provided, of its intention to conduct a request for proposal solicitation.

Notwithstanding anything contained herein to the contrary, in accordance with Section 104-b of the New York General Municipal Law, goods and services must be procured in a manner so as:

- 1) to assure the prudent and economical use of public money in the best interests of taxpayers.
- 2) to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and
- 3) to guard against favoritism, improvidence, extravagance, fraud and corruption.

Therefore, notwithstanding the fact that a professional service provider may have previously received a favorable annual review(s), the ECIDA may nonetheless issue an RFP for Professional Services prior to the maximum period noted in the above “Frequency of Solicitations” section.

Adopted as amended this 21st day of March, 2018.