

## TOWN OF WADDINGTON

### A RESOLUTION ADOPTING A PROCUREMENT POLICY

WHEREAS, §104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of goods and services which are not required by law to be publicly bid, and

Comments have been solicited from all officers in the Town of Waddington involved in the procurement process;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Waddington, in a regular session duly convened, the Town of Waddington does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

#### PROCUREMENT POLICY FOR THE TOWN OF WADDINGTON

1. a. Every prospective purchase of goods to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

b. The following items are not subject to competitive bidding pursuant to §103 of the General Municipal Law: purchase contracts under \$10,000.00 and public works contracts under \$35,000.00; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchases from correctional institutions; purchases under State and County contracts, and surplus and second-hand purchases from another government entity.

c. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

2. All goods and services not subject to competitive bidding will be secured by use of written requests for proposals (RFPs), written quotations, verbal quotations or

any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

3. a. 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>
\$250 to \$1,000	Discretion of purchaser.
\$1,000 to \$3,000	Oral request for the goods and oral/fax quotes from two vendors.
\$3,000 to \$10,000	A written RFP and \written/fax quotes from three vendors.
<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$500 to \$3,000	Discretion of purchaser.
\$3,000 to \$10,000	Written RFP and written/fax proposals from two contractors.
\$10,000 to \$20,000	Written RFP and written/fax proposals from three contractors.

b. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

c. 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 procurement.

d. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town of Waddington and its taxpayers to make an award to other than the low proposer. If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.

5. Pursuant to General Municipal Law §104-b(2)(f), the solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances where proper qualifications are not necessarily found in the

individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement proceedings;

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.

In determining whether a service shall fit into this category, the Town Board shall take into consideration the following guidelines;

(i) Whether the services are subject to State licensing or testing requirements,

(ii) Whether substantial formal education or training is a necessary prerequisite to the performance of the services, and

(iii) Whether the services require a personal relationship between the individual and municipal officials.

Professional and technical services shall include but not be limited to the following; services of an attorney; 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 artwork; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to §103(4) of the General Municipal. 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 life, health, safety or welfare of the residents.

c. Purchases of surplus and second-hand goods from any course. If alternate proposals are required, the Town is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods under \$250. and public works contracts for less than \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and therefore, not be in the best interest of the taxpayer. In addition it is not likely that such *de minimis* contracts would be awarded based on favoritism.

6. No portion of this Resolution shall be construed as preventing the competitive bidding of purchase contracts under \$10,000. or public works projects under \$35,000., if so desired.

7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as reasonably practicable.

8. Purchase by online auction is permissible as long as it conforms to the above guidelines and that the Town Board gives prior approval to a ceiling amount.

9. This Resolution shall take effect immediately.