

Meeting: 1/06/2025
Moved by: C. Damone
Seconded by: C. Brucker

Resolution 2025-27

Procurement Policy 2025

BE IT RESOLVED that the Town Board hereby adopts the attached Procurement Policy for the 2025 calendar year (Appendix A.5).

Financial Impact:
N/A

	Ayes	Nays
Councilmember Brucker	<u> X </u>	_____
Councilmember Coleman	<u> X </u>	_____
Councilmember Damone	<u> X </u>	_____
Councilmember Goodman	_____	_____
Supervisor Lowell	<u> X </u>	_____

Procurement Policy
Adopted January 6, 2025

Article I Purchasing Procedures

Section 1: Evaluation of purchase.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103 (GML § 103). Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past histories to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Section 2: Formal bids required.

All purchases of supplies or equipment which are at or will exceed \$20,000 in the fiscal year or public works contracts at or over \$35,000.00 shall be formally bid pursuant to GML § 103.

Section 3: Method of obtaining quotes.

A. All estimated purchases of:

1. Less than \$20,000.00 but at or greater than \$5,000.00 require a written request for a proposal (RFP) and written/fax quotes from three vendors.
2. Less than \$5,000.00 but at or greater than \$3,000.00 require an oral request for the goods and oral/fax quotes from two vendors.
3. Less than \$3,000.00 is left to the discretion of the purchaser.

B. All estimated public works contracts of:

1. Less than \$35,000.00 but at or greater than \$10,000.00 require a written RFP and fax/proposals from two contractors.
2. Less than \$10,000.00 but at or greater than \$3,000.00 require a written RFP and fax/proposals from two contractors.
3. Less than \$3,000.00 is left to the discretion of the purchaser.

C. 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.

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

Section 4: Award to lowest responsible proposal or quote; exception.

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 and its taxpayers to make an award to other than the lowest bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Section 5: Inability to obtain proposals or quotes.

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 shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Section 6: Exceptions.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services.
- B. Emergencies.
- C. Sole source situations.
- D. Goods purchased from agencies for the blind or severely handicapped.
- E. Goods purchased at auction.
- F. Goods purchased from correctional facilities.
- G. Goods purchased from another governmental agency.
- H. Goods purchased from state and/or county bid.
- I. Goods purchased for less than \$3,000.00.
- J. Public works contracts for less than \$3,000.00.

Section 7: Annual review.

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

Article II Best Value Methodology**Section 8: Definitions.**

As used in this article, the following terms shall have the meanings indicated:

BEST VALUE

The basis upon which a contract may be awarded after a competitive bid or competitive offer for the purchase of goods or services to the bidder or offeror which optimizes quality, cost and efficiency, among responsive and responsible bidders or offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for bidders or offerors that are small businesses or certified minority- or women-owned business enterprises, as defined in Subdivisions 1, 7, 15 and 20 of § 310 of the Executive Law, to be used in evaluation of offers for awarding of contracts for services. Other factors that may be used to determine the best value are:

- A. Cost of maintenance for good(s) or service(s);
- B. Features of the offered product or service set forth in detailed specifications for the product offered;
- C. Warranties and/or maintenance to be provided with the product or service;
- D. Product life of good(s) or service(s);
- E. References, past performance and reliability, including reliability or durability of the product being offered and current or past experience with the provision of similar goods or services;
- F. Organization, staffing (both members of staff and particular abilities and experience), and ability to undertake the type and complexity of the work;
- G. Financial capability; or
- H. Record of compliance with all federal, state and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards and prevailing wage laws.

Section 9: Best value award methodology.

When developing solicitation documents for competitive bids or competitive offers for the award of purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law, the Town Board may, and subject to the requirements herein and the applicable requirements set forth in the Town's purchasing policy, determine that an award of a purchase contract shall be based upon best value methodology. In making such determination, the Board shall consider the recommendation, if any, of the department head or designee of the department the purchase contract is being procured for. The department head or designee shall, in all instances, obtain the approval of the Town Board to utilize best value methodology prior to issuance of the competitive bid or competitive offer documents.

Section 10: Requirements.

Where the basis for an award of a purchase contract will be the best value offer, the Town Board shall, in all instances:

- A. Document in the procurement record as a component of the competitive award process and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted; and
- B. Select a formal competitive procurement process in accordance with guidelines established under the Town's purchasing policy and document the determination in the procurement record. The process of selection shall include, but may not necessarily be limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.
- C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town in its determination of best value.