

**PROCUREMENT POLICY FOR THE
TOWN OF HARTSVILLE
FEBRUARY 14, 2018**

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law; and

WHEREAS, comments have been solicited from those officers of the town involved with procurement;

NOW THEREFORE, be it

RESOLVED: That the Town of Hartsville does hereby adopt the following procurement policies and procedures:

GUIDELINES

Section 1. Awarding contracts.

It is the policy of the Town to award contracts for the purchase of goods and services to the bidder of the lowest quote. However, exceptions may be made in the event that the lowest bid is not the lowest responsible bidder, or if there is a compelling reason to award the contract to another, such as there is a significant and measurable difference of quality between the lowest bidder and the lowest acceptable bidder, or there is a need for standardization of parts, et cetera. In each such occasion, the person responsible for the procurement shall set forth in writing the reason why the lowest bidder is not recommended or not awarded the contract, and such procurement shall be subject to the approval of the Town Board.

Section 2. Highway Equipment.

All Highway purchases of equipment shall be by State or County bid.

Section 3. When Solicitation of proposals or quotations are not required.

Unless otherwise directed by the Town Board, solicitation of written proposals or quotations is not 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 from correctional facilities.
- F. Goods purchased from another governmental agency.
- G. Goods purchased at an auction.
- H. Goods purchased under New York State contract.
- I. Goods purchased for less than \$250.00.
- J. Original equipment replacement parts/service.

Section 4. Annual review.

This policy shall be reviewed annually by the Town Board at its organization meeting or as soon thereafter as reasonable practicable.

Section 5. Written request form.

In all cases, the town shall create a written request form for oral and/or written quotations for each nonbid item, and the same shall be maintained in the nonbid procurement file in the department.

Section 6. Recordkeeping.

All information gathered in complying with the procedures of this guide shall be preserved and filed with the proper documentation supporting the subsequent purchase or service.

Section 7. Purchases subject to bidding.

The Town hereby sets forth that all Town contracts, which are \$10,000 or more, whether said contracts are purchase contracts or public works contracts shall be competitively bid.

A. All purchases of supplies and equipment which will exceed \$10,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law § 103(1).

B. All estimated purchases of: Less than \$10,000 but greater than \$3,000 require written quotes from two (2) vendors.

C. All estimated Public Works contracts of: Less than \$35,000 but greater than \$10,000 require a written Request for Proposal (RFP) and written/fax/email/proposals from three (3) contractors.

Section 8. Evaluation of Purchases.

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 canvas of other Town

departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and the conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity. This shall be done prior to preparing the budget for the following year.

Section 9. Required proposals.

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.

In circumstances when a quote, but not a bid proposal, would be required under the Town's Procurement Policy, no quote shall be required if the supplier has satisfactorily provided a similar commodity previously;

- A. within the previous 12 months, and
- B. at the same price and under the same terms and conditions as now offered.

Section 10. Prohibited vendors/contractors.

No vendor or contractor should be selected that owns, uses, or occupies for business purposes property in the Town that has notice from the Town of a violation and has had a reasonable opportunity to bring the property into compliance.

Section 11. Purchase/use of recycled materials.

It is a policy to encourage the purchase and use of recycled materials and products. To the extent permitted under the General Municipal Law, preference should be given to vendors whose products utilize or contain recycled materials and to contracts that utilize recycled materials in public works contracts.

Section 12. Responsibility for Town purchases.

Pursuant to § 104 of the New York State General Municipal Law, January 1, 2009, the Town Board is including the names of municipal officers responsible for purchasing decisions as follows:

- A. Town Supervisor
- B. Town Highway Superintendent

Written Request for Purchases

DEPARTMENT / PERSON _____

DATE OF REQUEST _____

ITEM(S) REQUESTED _____

CATALOG NUMBER & MANUFACTURER _____

DETAILED DESCRIPTION OF ITEM(S) REQUESTED _____

DATE REQUIRED _____

UNIT MEASURE (EACH OR PACK) _____

QUANTITY REQUIRED _____

ACCOUNT TO BE CHARGED (LINE ITEM) _____

SPECIAL INSTRUCTIONS _____

SUGGESTED VENDORS _____

OTHER COMMENTS: _____

SIGNATURE / TITLE _____

February 14, 2018

Written Request for Purchases

DEPARTMENT / PERSON _____

DATE OF REQUEST _____

ITEM(S) REQUESTED _____

CATALOG NUMBER & MANUFACTURER _____

DETAILED DESCRIPTION OF ITEM(S) REQUESTED _____

DATE REQUIRED _____

UNIT MEASURE (EACH OR PACK) _____

QUANTITY REQUIRED _____

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SPECIAL INSTRUCTIONS _____

SUGGESTED VENDORS _____

OTHER COMMENTS: _____

SIGNATURE / TITLE

SECTION 104-B

Procurement policies and procedures

General Municipal (GMU) CHAPTER 24, ARTICLE 5-A

§ 104-b. Procurement policies and procedures. 1. Goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board of every political subdivision and any district therein, by resolution, shall adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article or of any other general, special or local law. In cities with a population of one million or more, the procurement policy board shall develop and promulgate such policies and procedures by rule.

2. Such policies and procedures shall contain provisions which, among other things:

a. prescribe a procedure for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law;

b. provide that, except for procurements made pursuant to subdivision three of section one hundred three or section one hundred four of this article, section one hundred seventy-five-b of the state finance law, section one hundred eighty-six of the correction law, or the policies and procedures adopted pursuant to paragraph f of this subdivision, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the

purposes of this section;

c. set forth when each such method of procurement will be utilized, taking into account which method will best further the purposes of this section and the cost-effectiveness of the method;

d. require adequate documentation of actions taken in connection with each such method of procurement;

e. require justification and documentation of any contract awarded to other than the lowest responsible dollar offeror, setting forth the reasons such an award furthers the purpose of this section; and

f. identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

g. set forth any circumstances when, or types of procurements for which, in the sole discretion of the governing body (or in the case of cities with a population of one million or more, the procurement policy board), the solicitation of alternative proposals or quotations will not be in the best interest of the political subdivision or district therein.

3. Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures, and from time to time thereafter.

4. The governing board shall annually review its policies and procedures. In the case of a city with a population of one million or more, the annual review shall be the duty and responsibility of the procurement policy board.

5. The unintentional failure to fully comply with the provisions of this section shall not be grounds to void action taken or give rise to a cause of action against the political subdivision or district or any

officer or employee thereof.

6. Notwithstanding any other provisions of this section or any provision of law, boards of education shall have the authority to include in the internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article, a prohibition against the purchase of apparel or sports equipment from any vendor based upon either or both of the following considerations: (a) the labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or (b) the bidder's failure to provide information sufficient for boards of education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.