

Town of New Haven Procurement Policy
Adopted October 17, 2016

This resolution sets forth the policy and procedures of the Town of New Haven to meet the requirements of General Municipal Law, section 104-b.

Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers; 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 is adopting an internal policy and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special, or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

Procedure:

- a. Every prospective purchase of goods or services shall be evaluated to determine the applicability of New York State GML Sections 103 and 104(b). Every town officer, board, department head or other personnel with requisite purchasing authority (hereinafter "requestor") shall estimate the cumulative amount of 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 goods or services to be purchased.
- b. Purchases and purchase contracts involving the expenditure of more than \$20,000.00 are subject to the competitive bidding requirements set forth in GML Section 103.
- c. Public Works contracts involving the expenditure of \$35,000.00 or more shall be subject to the competitive bidding practices set forth in GML Section 103.

Documentation: The information gathered, and the conclusions reached, shall be documented and kept with the file for other documentation supporting the purchase activity.

Statutory Exceptions to Quotations/Proposals Requirements of This Policy and Procedures

Except for procurements made pursuant to General Municipal Law, section 103 (3) (through certain county contracts), section 104 (through certain State and Federal contracts), State Finance Law, section 162, Correction Law, sections 184 and 186 (from "preferred sources," including articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b. **29**

Methods of Competition to be Used for Non-Bid Procurements

The methods of procurement to be used are as follows:

Purchases and Purchase Contracts

- a. Purchases and purchase contracts involving the expenditure of more than \$20,000.00 are subject to the competitive bidding requirements set forth in GML Section 103. On purchases and purchase contracts valued from \$5,000.00 to \$19,999.99, the requestor must obtain three (3) written quotes which must be submitted to the Town Board for approval prior to purchase, along with the purchase request.
- b. For purchases and purchase contracts from \$1,000.00 to \$4,999.99, the requestor must obtain two (2) written quotes which must be submitted to the Town Board for approval prior to purchase, along with the written purchase request.
- c. For purchases and purchase contracts from \$500.00 to \$999.99, the requestor must obtain three (3) verbal quotes.
- d. For purchases and purchase contracts from \$100.00 to \$499.99, the requestor must obtain two (2) verbal quotes.
- e. For purchases and purchase contracts less than \$100.00 no written or verbal quote is required from the requestor.
- f. In the event that a purchase is a “sole source,” namely there is only one source from which the item may be purchased, the requestor must attach a written explanation as to why there is only a sole source for such item and also must attach a copy of the quote for such item.
- g. Purchases may not be split in order to avoid the requirements for competitive bidding. Purchases may not be split in order to reduce the requirements for the number of written or verbal quotes. In all purchases requiring quotes, the lowest reasonable quote shall be accepted.
- h. All purchase requests shall be in writing and shall describe the desired goods, quantity and particulars of delivery. The requestor shall compile a list of all vendors from whom written, faxed or verbal quotes, as required by this policy, have been requested, and the written, faxed or verbal quotes, as permitted by this policy, offered.
- i. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase.
- j. The requestor must purchase an item from the state contractor, rather than another supplier, if the price at which the item will be supplied by another supplier merely meets but is not lower than the state bid price. The requestor may only purchase such item from another supplier if the quoted price from another supplier is less than the state contractor’s price.
- k. The requestor shall check for a state bid price for purchases and purchase contracts of more than \$100.00 but the requestor shall not be required, but may, check the state bid price for purchases of less than \$100.00.
- l. If the requestor purchases from a state contractor using a state bid, the “P.C.#” must be noted on the documentation supporting the subsequent purchase.
- m. If another supplier is lower than the state bid price and the purchase is made from another supplier, a written statement should be filed with the documentation supporting the subsequent purchase that the price of another supplier is lower than the state bid.

Purchases and Purchase Contracts

- a. Public Works contracts involving the expenditure of \$35,000.00 or more shall be subject to the competitive bidding practices set forth in GML Section 103. For contracts for Public Works involving expenditures from \$20,000.00 to \$34,999.99, inclusive, the requestor must obtain at least three (3) competitive bids unless the requestor requesting the purchase can demonstrate why fewer bids would be in the public interest, which quotes must be submitted to the Town Board for approval prior to purchase, along with the written contract request.
- b. For contracts for Public Works involving expenditures from \$10,000.00 to \$19,999.99, inclusive, the requestor must obtain three (3) written quotes which must be submitted to the Town Board, along with the written contract request, which quotes must be submitted...
- c. For contracts for Public Works involving expenditures from \$5,000.00 to \$9,999.99, inclusive, the requestor must obtain three (2) written quotes which must be submitted to the Town Board for approval prior to purchase, along with the written contract request.
- d. For contracts for Public Works involving expenditures from \$1,000.00 to \$4,999.99, the requestor must obtain three (3) verbal quotes which must be submitted to the Town Board for approval prior to purchase, along with the purchase request.
- e. For contracts for Public Works less than \$1,000.00, two (2) verbal quotes must be obtained.
- f. Contracts may not be split in order to avoid the requirements for competitive bidding. Contracts may not be split in order to reduce the requirements for the number of written quotes or verbal quotes. In all contracts requiring quotes, the lowest reasonable quote shall be accepted.
- g. All written contract requests shall describe the Public Works project and shall require such specificity as required by the Town Board. The requestor shall compile a list of all vendors from whom written, faxed or verbal quotes, as permitted by this policy, have been requested, and the written, faxed or verbal quotes, as required by this policy, offered.
- h. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent Public Works contract.

Adequate Documentation

Documentation of actions taken in connection with each such method of procurement is required as follows:

- a. All quotes, verbal or written, shall be recorded on a "Town of New Haven Record of Quotes for Purchases" form.
- b. Where written quotes are required, a copy of each written quote shall be attached to the form.

Awards to Other than the Lowest Responsible Dollar Offeror or Bidder

Whenever any contract is awarded to other than the lowest responsible dollar offeror or bidder, the reasons that such an award furthers the purpose of General Municipal Law, section 104-b, as set forth herein above, shall be documented as follows Best Value Awards must include an explanation of the circumstances that make the award the best value. (Better quality, long term operating expense, Travel time for maintenance, ect.)

- a. If the low dollar offeror or bidder is not deemed responsible, must include an explanation of the reason the low dollar offeror or bidder is not deemed responsible. (Past experience, other towns experience, etc.)

Items Excepted from this Policy and Procedures by the Board

The board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the Town of New Haven.

- a. Acquisition of professional services;
- b. Emergency;
- 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; and
- g. Goods purchased at auctions.

Individual(s) Responsible for Purchasing

Town Highway Superintendent;
Deputy Highway Superintendent;
Town Clerk;
Deputy Town Clerk;
Town Supervisor;
Deputy Town Supervisor; and
Bookkeeper.

Input From Officers

Comments have been solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of this policy and procedures, and will be solicited from time to time hereafter.

Annual Review

The governing board shall annually review and, when needed, update this policy and procedures.

The New Haven Town Board shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy.

Unintentional Failure to Comply

The unintentional failure to comply fully with the provisions of General Municipal Law, section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of New Haven or any officer or employee thereof.

Resolution Adopted on October 17, 2016. Motion by Patricia Prosser, Second by William Rombough.

Approved by New Haven Town Board:

Supervisor Teifke: Aye

Councilwoman Prosser: Aye

Councilman Rombough: Aye

Councilman Vergos: Aye

Dated October 17, 2016

Debra J. Allen
New Haven Town Clerk