

VILLAGE OF AIRMONT

INTRODUCTORY LOCAL LAW NO. ___ OF THE YEAR 2022

A LOCAL LAW TO REPEAL TO REPEAL AND REPLACE CHAPTER A-217 OF THE VILLAGE CODE (PROCUREMENT POLICY).

BE IT ENACTED by the Village Board of Trustees of the Village of Airmont by authority of Section 10 of the Municipal Home Rule Law, as follows:

Section 1. Repeal. The Code of the Village of Airmont, Chapter A-217 is hereby repealed in its entirety and shall be replaced with the local law language set forth in Section 2.

Section 2. Procurement. The following provisions shall be enacted to replace the repealed Chapter A217 as set forth in Section 1 above.

§ A217-1 Policy.

- A. It is hereby declared to be the policy of the Village of Airmont that with respect to contracts for public work and public purchases, the Village's policy is to assure the prudent and economical use of public moneys for the benefit of all the inhabitants of the Village and to facilitate the acquisition of facilities and commodities of maximum quality at the lowest possible cost.
- B. Where public work and contracts are subject to the provisions of New York State General Municipal Law, Article 5-a (Public Contracts), it shall be the policy of the Village to comply with the applicable provisions of such article.

§ A217-2 Adoption and Review of Village Procurement Policy

- A. The Village of Airmont shall establish and approve a Village Procurement Policy, by resolution, in compliance with the requirements of Article 5-a of the General Municipal Law (Public Contracts).
- B. In addition to compliance with the applicable requirements of General Municipal Law, Article 5-A, such procurement policies and procedures shall, among other things:
 1. 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;
 2. Provide that, except for procurements made pursuant to statutory competitive bidding requirements or procurements otherwise exempt from competitive bidding requirements, 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 and the General Municipal Law.
 3. 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;
 4. Require adequate documentation of actions taken in connection with each such method of procurement;
 5. 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
 6. Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated annually; and

7. Set forth any 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 political subdivision or district therein.
- C. The Village Procurement Policy shall be reviewed and adopted/affirmed annually as part of the Village's reorganization meeting. However, the Village Board may revise such Procurement Policy at any time by adopting a resolution approved by a majority of the Village Board. The failure of the Village Board to adopt the procurement policy at an annual meeting shall not affect the validity of any purchase, public works contract or service so long as such procurement is in accordance with the procurement policy last adopted by the Village Board and in compliance with the New York State General Municipal Law.
 - D. In the event of a conflict between the Village's Procurement Policy and the state statutory requirements for competitive bidding, the provisions of such state statutes shall control unless such statutes allow for the determination to be made by the Village, in which case the Village Procurement Policy shall control.

Section 3. State Environmental Quality Review Act

Pursuant to 6 NYCRR 617.5 (20) and (27), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 4. Code Preparation

The Village's Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this local law.

Section 5. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 6. Effective Date.

This Local Law shall be effective immediately upon being filed with the New York State Secretary of State.