

VILLAGE OF AIRMONT PROCUREMENT POLICY

§ 1. Procurement Policy.

This policy shall be referred to as the Procurement Policy for the Village of Airmont. This policy is adopted in accordance with the New York State General Municipal Law and the provisions of Village Code, Chapter A-217.

§ 2. Review of purchase type; competitive bidding; documentation.

- A. Every purchase to be made must be initially reviewed by the Authorized Purchaser as identified herein, who will 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 pursuant to Section 103 of the General Municipal Law, taking into account past purchases and the aggregate amount to be spent in a year.

- B. The following items are not subject to a requirement of competitive bidding pursuant to § 103 of the General Municipal Law:
 - i) Purchase contracts in the amount of \$20,000 or less and public works contracts in the amount of \$35,000 or less;
 - ii) Emergency purchases pursuant to section 7(B) below;
 - iii) NYS Preferred Source purchases from Corcraft (NYS Corrections), NYSPSP (New York State Preferred Source Program for New Yorkers Who Are Blind), and NYSID (New York State Industries for the Disabled);
 - iv) Purchases or services pursuant to § 7 of this policy;
 - v) Surplus and secondhand purchases from another governmental entity.
 - vi) Purchases under state contracts pursuant to § 104 of the General Municipal Law;
 - vii) Purchases under county contracts pursuant to § 103, Subdivision 3 of the General Municipal Law; or
 - viii) Other publically bid contracts from another municipality, state or purchasing conglomerate that conforms to New York State General Municipal Law;

- C. The decision that a purchase is not subject to competitive bidding will be documented in writing by the Authorized Purchaser. This documentation should include the following, unless not applicable:
 - a. written or verbal quotes from vendors,
 - b. a memo from the purchaser indicating how the decision was arrived at,
 - c. a copy of the contract indicating the source which makes the item or service exempt,
 - d. a memo from the purchaser detailing the circumstances which led to an emergency purchase; and
 - e. any other appropriate written documentation.

§ 3. Requests for proposals; exceptions.

All goods and services will be secured by use of written requests for proposals (“RFP”), written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price in a manner consistent with this policy and that favoritism will be avoided.

§ 4. Method of purchase.

- A. The following method of purchase will be used when required by this policy in order to achieve the most beneficial costs to the Village. A voucher or purchase order shall be completed in all cases:

(1) Purchase contract.

Estimated Amount of Purchase Contract Method	Method
Up to an including \$2,000	2 verbal quotations
\$2,001 - \$5,000	3 verbal quotations
\$5,001 - \$20,000	3 written/fax quotations or a written RFP with specifications
\$20,001 and over	To be bid pursuant to § 103 of the General Municipal Law

(2) Public works contract.

**Estimated Amount of
Public Works Contract**

Method

Up to an including \$2,000	2 verbal quotations
\$2,001 - \$5,000	3 verbal quotations
5,001 - \$35,000	3 written/fax quotations or written RFP with specifications.
\$35,001 and over	To be bid pursuant to § 103 of the General Municipal Law

- B. Any request for proposals (“RFP”) shall include specifications describing the desired goods or services, quantity of goods/services, and particulars of delivery. The Authorized Purchaser shall compile a list of all vendors from whom quotes have been requested and the quotes offered.
- C. **Inability to obtain proposals:** A good faith effort shall be made to obtain the required number of proposals or quotations set forth above. If the Authorized Purchaser is unable to obtain the required number of proposals or quotations, the Authorized Purchaser will document the attempts made at obtaining the required number of proposals. In no event shall the failure to obtain the require number of proposals be a bar to the procurement.
- D. **For purchases in excess of \$5,001:** The purchase of goods or services which cost \$5,001 or more and are not expressly designated in a budget line item will not be authorized or ordered unless first approved by the Village Board. No purchase will be made unless a written purchase order sufficiently identifying the goods or services and the contract amount is signed by the Authorized Purchaser and submitted to the Village Board for approval. In the event of an emergency, a purchase may be made without prior Village Board Approval but the purchase order must be co-signed by the Authorized Purchaser and the Mayor (or his designee).

§ 5. Documentation required.

- A. Documentation is required of actions taken in connection with each procurement.
- B. 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. All responses to the RFP shall be kept confidential and sealed until such time as the contract for work or goods is awarded and thereafter all documents responsive to the RFP shall be subject to disclosure to the extent required under the applicable provisions of the Public Officers Law

§ 6. Awarding of contracts other than the lowest responsible offeror.

The lowest responsive and responsible offeror shall be awarded the purchase or public works contract unless the Authorized Purchaser prepares a written specification providing reasons why it is in the best interest of the Village to award the contract to other than the lowest responsive and responsible offeror. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsive and responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsive and/or responsible. A determination that the offeror is not responsive and/or responsible shall be made by the Authorized Purchaser and facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

§ 7. Exemptions from solicitation.

Pursuant to General Municipal Law § 104-b, this procurement policy may contain 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 municipality. In the following circumstances it may be not in the best interests of the Village of Airmont to solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional services or services requiring special or technical skill, training or expertise subject to resolution of the Village Board.
 - (1) The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These 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 procedures.
 - (2) In determining whether a service fits into this category, the Village Board shall take into consideration the following guidelines:
 - (a) whether the services are subject to state licensing or testing requirements;
 - (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
 - (c) whether the services require a professional relationship between the individual and municipal officials.
 - (d) Professional or technical services shall include but not be limited to the following:
 - (i) 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
 - (ii) services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and

- (iii) computer software or programming services for customized programs, or services involved in substantial modification, and
 - (iv) Water / Sewer Operations, and
 - (v) Computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
- B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. In a case where there is a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of the Village.
- C. Purchases of surplus and secondhand goods from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation. If alternate proposals are required under this policy, the Authorized Purchasers are precluded from purchasing surplus and secondhand goods in excess of \$500 without first reviewing the item to be purchased that is used or secondhand and forwarding a written opinion to the Village Board explaining the useful remaining life of the item, and the benefit and/or savings achieved by purchasing the item second-hand rather than new.
- D. Goods or services under \$1,000. The time and documentation required to purchase through this policy may be costlier than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such *de minimis* contracts would be awarded based on favoritism.

§ 8. General

The Mayor shall be notified in writing of any default in contract performance. Records must be kept by the purchaser of vendor inconsistency and any evidence of unsatisfactory performance.

§ 9. Amendment and Annual review.

This policy shall be effectively immediately upon adoption by Village Board resolution and shall be reviewed and adopted annually at each Village re-organization meeting. The failure of the Village Board to review and/or adopt the Procurement Policy at any Village re-organization meeting shall not affect the application of this policy to Village procurement. The Village Board may amend this Procurement Policy at any time by a Village Board resolution adopted by a majority of the Village Board.

§ 10. Authorized Purchasers

The following officers//employees shall be deemed Authorized Purchasers for their respective departments/ areas of responsibility during their term of office or employment:

Mayor Nathan Bubel:	For all Village Departments, including for general Village services and purchases for areas of responsibility overseen by consultants or vendors.
Village Clerk/Treasurer Sharon Halon	For the Village Office, Village Clerk’s Office and Treasurer’s Department.
Building Inspector Louis Zummo	For the Building Department/ Code Enforcement Office

Adopted by Resolution of the Board of Trustees on _____, _____.