



TOWN OF AMENIA

36B MECHANIC STREET, PO BOX 126, AMENIA, NY 12501
(845) 373-8860 x106 Fax (845) 373-9147

RESOLUTION # 45 OF 2009 Amend the Town of Amenia Procurement Policy

WHEREAS, The Town of Amenia Town Board agrees to amend the Town's Procurement Policy for competitive bidding for the threshold for public works projects increased from \$20,000. to \$35,000; and

WHEREAS, General Municipal Law, Section 104-b requires any revisions to the Procurement Policy to be adopted by Resolution of the Town Board; and

WHEREAS, the Procurement Policy is reviewed annually at the Reorganization Meeting; and

NOW THEREFORE BE IT RESOLVED, the Town Board increases the threshold for public works projects from \$20,000. to \$35,000, revising the Town of Amenia Procurement Policy.

Moved by Councilwoman Perotti, seconded by Councilman Cayea

VOTE:

Supervisor Euvrard	Yes No	<u>Absent</u>
Councilwoman Doyle	<input checked="" type="radio"/> Yes No	<u>Vicki Doyle</u>
Councilman Cayea	<input checked="" type="radio"/> Yes No	<u>Gladea</u>
Councilwoman Perotti	<input checked="" type="radio"/> Yes No	<u>Victoria Perotti</u>
Councilman Pelkey	Yes No	<u>Absent</u>

DATED: December 17, 2009
Amenia, New York

Maureen Bonds
Maureen Bonds, Town Clerk



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PROCUREMENT POLICY OF THE TOWN OF AMENIA (Amended by resolution 12/17/09)

Section 1. Legislative Intent. This resolution sets forth the policies of General Municipal Law §104(b). Its purpose is to define the circumstances under which supplies and equipment and public works contracts may be let in the Town of Amenia when those foods and services or public works are not required by law to be procured pursuant to competitive bidding. These policies and procedures are the best interests of the taxpayers and to facilitate the acquisition of goods and serviced of maximum quality at the lowest possible cost under circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board is adopting internal policies and procedures governing all procurements of goods and services not subject to General all procurements of goods an services not subject to General Municipal Law §103 or any other general, special or local law. This policy is adopted after solicitation from officers of the subdivision and persons involved in the procurement process.

Section 2. Annual Review. It shall be the policy of the Town of Amenia for the Town Board to annually review these policies and procedures.

Section 3. Purchase to be Formally Bid. All purchases of supplies or equipment which will exceed twenty thousand dollars (\$20,000.00) in the fiscal year or public works contracts over thirty-five thousand dollars (\$35,000.00) which are not otherwise exempt shall be formally bid pursuant to General Municipal Law § 103.

Section 4. Evaluation of Purchases.

- A. Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law §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 history 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.
- B. The decision that a purchase is not subject to competitive bidding will be document, in writing by the department head or deputy department head or purchaser making the purchase. This documentation may include any combination of the following:
 1. One or more written or verbal quotes from vendors;
 2. a memo from the purchaser indicating how the determination was made;

3. a copy of the contract indicating the source which makes the item or service exempt;
4. a memo from the Purchaser detailing the circumstances which led to an emergency purchase;
5. any other written documentation that is appropriate.

Section 5. Exemptions from the Requirements of This Policy. Pursuant to General Municipal Law § 104-b, Subdivision 2f, the procurement policy may contain circumstances when, or types of procurements for which, in the discretion of the Purchaser the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances, it may not be in the best interests of the Town of Amenia to solicit quotations or documents the basis for not accepting the lowest bid:

- A. Professional services or services requiring special or technical skill, training or expertise. 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.
 - (1) In determining whether a service fits into this category the Purchaser 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 necessary prerequisite to the performance of the services;
 - (c) whether the services require a personal relationship between the individual and municipal official.
 - (2) Professional or technical services shall include, but not be limited to, the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurances coverage and/or 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 computer software or programming services for customized programs, or services involved in substantial modification and customizing pre-packaged software.
- B. Emergency purchases pursuant to General Municipal Law §103, Subdivision 4. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This subsection does not preclude alternate proposals if time permits.
- C. Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the Town of Amenia is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best process are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
- D. Goods or services under two hundred fifty (\$250.00). The time and documentation required to purchase through this policy may be more costly 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.

Section 5. Estimated Purchases Requiring Quotes or Proposals. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

A. Other than public works contracts:

- (1) All estimated contract purchases of less than nineteen thousand nine hundred ninety-nine dollars (\$1,999.00) but greater than three thousand dollars (\$3,000.00) require written/fax quotations or written request for proposals.
- (2) All estimated contract purchases of less than two thousand nine hundred ninety-nine dollars (\$2,999.00) but greater than five hundred dollars (\$500.00) require written quotations with documentation of the source and amount of the source and amount of the quotation and the reason for the selection made.
- (3) All estimated contract purchases of less than four hundred ninety-nine dollars (\$499.00) requires verbal quotations with documentation and the reason for the selection made.

B. Public Works Contracts:

- (1) All estimated contract purchases of less than thirty-five thousand dollars (\$35,000.00) but greater than five thousand dollars (\$5,000.00) required written/fax quotations or written request for proposals.
- (2) All estimated contract purchases of less than four thousand nine hundred ninety-nine dollars (\$4,999.00) but greater than five hundred dollars (\$500.00) require written quotations with documentations of the source and amount of the quotation and the reason for selection made.
- (3) All estimated contract purchases of less than four hundred ninety-nine dollars (\$499.00) requires verbal quotations with documentation and the reason for the selection made.