



TOWN OF AMENIA TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

Resolution No. 25 of 2025

RE: ADOPTING TOWN OF AMENIA PROCUREMENT POLICY

WHEREAS, pursuant to General Municipal Law (GML) § 104-b, the Town Board of the Town of Amenia adopted the Town of Amenia Procurement Policy by Resolution #1-1993 on January 21, 1993; and

WHEREAS, by Resolution #45 of 2009, adopted on December 17, 2009, the Town Board adopted an amended Procurement Policy, revising the Policy adopted on January 21, 1993; and

WHEREAS, the Town Board is now seeking to revise the Town of Amenia Procurement Policy and has caused the preparation of a revised Procurement Policy; and

WHEREAS, the Town Board has reviewed the revised Town of Amenia Procurement Policy and has recommended approval.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.

2. The Town Board of the Town of Amenia hereby adopts the revised Town of Amenia Procurement Policy, a copy of which is annexed hereto.

3. The adoption of the revised Procurement Policy replaces any previous policies that may have been adopted regarding the procurement of goods and services.

4. Any and all procurement procedures not specifically covered in the revised Procurement Policy will be adhered to as covered in GML § 104-b.

5. The Town Board of the Town of Amenia shall annually review the Procurement Policy at its first organizing meeting of the year or as soon thereafter as is reasonably practicable.

Motion made by S/Blackman

Seconded by C/Hamm

The foregoing resolution was voted upon with all councilmembers voting as follows:

Supervisor Blackman	Aye
Councilmember Rebillard	Aye
Councilmember Hamm	Aye
Councilmember Winters	Aye
Councilmember Ahearn	Aye

Dated: Amenia, New York
February 6, 2025


DAWN MARIE KLINGNER, TOWN CLERK

Town of Amenia
Procurement Policy
adopted 2-6-2025

Policy Statement

Section 104-b of the General Municipal Law requires all municipalities and districts therein to adopt procurement policies for goods and services which are not required by law to be publicly bid. This policy sets forth standard procedures for ordering and purchasing services and supplies in the Town of Amenia.

Initial review; determination of need for competitive bidding

Every purchase made will be initially reviewed to 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 or supply or service or project is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

Items not subject to competitive bidding

The following items are not subject to competitive bidding pursuant to § 103 of General Municipal Law:

- A. Purchase contracts under \$20,000;
- B. Public Works contracts under \$35,000;
- C. Emergency purchases and contracts pursuant to General Municipal Law § 103(4);
- D. Goods purchased from agencies for the blind and severely handicapped;
- E. Goods purchased from correctional institutions;
- F. Purchases under state and county contracts;
- G. Surplus and secondhand purchases from another governmental entity; and
- H. Professional and technical services.

Documentation on purchases not going out to bid

The decision that a purchase is not subject to competitive bidding will be documented in writing by the department head making the purchase. This documentation should include, at a minimum, written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt or a memo from the purchaser detailing the circumstances which led to an emergency purchase.

Methods of purchase for goods, services and public works contracts

- A. The following methods of purchase will be used in order to achieve the highest savings for purchase contracts under \$20,000 and public works contracts under \$35,000, except for goods purchased from agencies for the blind or severely handicapped, goods purchased from correctional institutions, purchases under state and county contracts, or except for purchases or services that are not subject to competitive bidding pursuant to this policy:

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Estimated Amount of Purchase Contract	Method
\$0 to \$1,000	Discretion of purchaser. Voucher or purchase order signed by department head only and approved by Supervisor (exclusive of Highway Department)
\$0 to \$2,500 (Highway Department only)	Discretion of purchaser. Voucher or purchase order signed by Highway Superintendent; no countersignature required of Supervisor
\$1,001 to \$2,500	Good faith effort to obtain oral request for the goods and verbal quotes from three vendors; voucher or purchase order signed by department head and countersigned by Supervisor
\$2,501 to \$7,500	Good faith effort to obtain oral request for the goods and verbal quotes from three vendors; voucher or purchase order signed by department head and countersigned by Supervisor; no countersignature of Supervisor is required for Highway Department purchases if voucher or purchase order is signed by Highway Superintendent
\$7,501 to \$19,999	Good faith effort to obtain written/email/fax quotes from three vendors; purchase order signed by department head (including Highway Superintendent) and countersigned by Supervisor
\$20,000 and over	Formal bid pursuant to General Municipal Law § 103
Estimated Amount of Public Works Contract	Method
\$0 to \$2,500	Discretion of purchaser. Purchase order signed by department head only and approved by Supervisor; no countersignature of Supervisor is required for Highway Department purchases if voucher or purchase order is signed by Highway Superintendent

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Estimated Amount of Public Works Contract

Method

\$2,501 to \$20,000

Purchase order signed by department head or Highway Superintendent and approved by Supervisor; no approval of Supervisor is required if purchase order is signed by Highway Superintendent. Good faith effort to obtain written/email/fax proposals from three contractors

\$20,001 to \$35,000

Written RFP and written/email/fax proposals from three contractors; purchase order signed by department head (including Highway Superintendent if Highway Department purchase), and approved by Supervisor

\$35,000 and over

Formal bid pursuant to General Municipal Law § 103

- B. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.
- C. 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 will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.

Award of contracts to other than lowest bidder

- A. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written specification providing reasons why it is in the best interest of the Town of Amenia and its taxpayers to make an award to other than the low proposer. If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.
- B. Pursuant to General Municipal Law § 104-b(2)(f), the solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances where proper 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:

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- (1) 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.
 - (a) In determining whether a service shall fit into this category, the individual making the purchase shall take into consideration the following guidelines:
 - (i) Whether the services are subject to state licensing or testing requirements;
 - (ii) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
 - (iii) Whether the services require a personal relationship between the individual and municipal officials.
 - (b) Professional and technical services shall include, but not be limited to, the following: services of an attorney; services of a physician; technical services of an engineer or architect or surveyor engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant/auditors; investment management services; financial advisors; emergency medical/ambulance operators; labor negotiators; printing services involving extensive writing, editing or artwork; management of municipally owned property; planning consultants; and computer software or programming services for customized programs or services in substantial modification and customizing of prepackaged software.
- (2) Emergency purchases pursuant to § 103(4) of the General Municipal Law. 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 life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- (3) Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best process are usually contained. It is also difficult to try to compare process of

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used goods, and a lower price may indicate an older product.

- (4) Goods under \$1,000 (\$2,500 for Highway only) and public works contracts less than \$2,500. The time and documentation required to purchase through this policy may be more costly than the item itself and therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

Sole source

In sole source situations, where a purchaser, acting in good faith and without intent to arbitrarily inhibit or restrict competition, determines that a particular item is required and that such item is available only from one supplier and there is no other substantial equivalent source for the required good or service, he/she shall seek the advice and approval of the Town Supervisor when making a sole source purchase. When there is only one possible source from which to procure goods and/or services, thus indicating there is no possibility of competition, the following shall be shown and information may be furnished by the supplier:

- A. Unique benefits of items needed.
- B. No other product/service can compare.
- C. Cost is reasonable as compared to the product offered.
- D. There is no competition available.

Best value purchases

In some circumstances, it is not in the best interests of the Town of Amenia to solicit quotations or to document the basis for not accepting the lowest bid. In these circumstances, the individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, moral worth and the ability to have a close relationship with the governing body. 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. The procurement of professional services or of services requiring special or technical skill, training or expertise fall within the purview of this section. The residents of the municipality deserve the benefit of expertise in these types of services, as an effective performance in these areas, although hard to quantify, ultimately saves the taxpayers' money. For Best Value purchases, please refer to Chapter 25 of the Town Code.

Green purchasing; procurement of services

In order to ensure ease and utility of comparison of various products and vendor RFP submissions when assessing "environmentally preferable", the following standards are adopted and priority should be given to:

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- A. **Energy Use.** Products and services which consume the least amount of energy in their manufacture, use and disposal. Where possible ENERGY STAR® qualifications and/or an equivalent elevated measure of efficiency should be a minimum requirement in any energy-consuming equipment, device, vehicle or appliance purchase. When seeking competition, Town departments should consider whether energy-efficient equipment will produce savings in energy costs and, if properly justified, may include an energy efficiency threshold in their specifications or consider energy efficiency as part of a best value analysis.
- B. **Sustainability of Material and Packaging**
- (1) Products and services which incorporate products which are made from sustainable materials, and/or contain a significant level of recycled or reprocessed material and/or which are manufactured locally. Propriety shall be given to products which are minimally packaged using recycled, recyclable or biodegradable packing materials and/or which are packaged to reduce transportation costs.
 - (2) GML §104-a sets forth an exception to the requirements of GML §103 for the purchase of recycled products. "Recycled products" is any product manufactured from secondary materials and meeting the requirements of Environmental Conservation Law §207-0717 and any regulations of the Department of Environmental Conservation. If a recycled product meets specifications and the price is reasonably competitive, the political subdivision may award the contract to the vendor of the recycled products, notwithstanding the provisions of GML §103. "Reasonably competitive" is defined to mean a cost premium not exceeding 10% of the comparable non-recycled product or 15% if at least 50% of the secondary material utilized in making the recycled product is generated from the waste stream in New York State.
 - (3) Some specific, common items:
 - (a) Light bulbs: NYSERDA's Lighting Clearinghouse and the Renselaer Polytechnic Institute's Lighting Research Center.
 - (b) Paper and paper products: "percent recycled" or Forrest Stewardship Certified (FSC)
 - (c) Cleaning products and other chemicals for use in government buildings or operations: Green Seal™ GS-37 guidance document, "Environmental Standard for General Purpose, Bathroom, Glass, and Carpet Cleaners for Industrial and Institutional Purposes."
 - (d) Containers, receptacles, binders, and other office supplies. The following standard shall apply for determining the environmentally preferable nature for such purchases: (i) relative durability and reusability of the product, to reduce

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waste; (ii) relative ease of composting the items, if applicable; and (iii) relative ease of recycling the item.

- C. **Environmental Impacts.** Priority shall be given to products which reduce impacts of the environment during manufacture, use or disposal.
- D. **Health Impacts.** Priority shall be given to products and services which reduce or eliminate health risks to employees and/or citizens in their manufacture, use or disposal. In particular, products that contain chlorine, PVC and/or emit unhealthy levels of chemical emissions during use should be avoided.
- E. **Bid Documents and RFPs** shall be drafted to encourage environmentally preferable purchases and service by incorporating bidding specifications that procure goods and services with a reduced environmental impact. For example, including language requesting the bidder to account for the recycling of demolition materials or responsible disposal of environmentally harmful.
- F. **Amenia Climate Smart Community Task Force** may be directed by the Town Board to perform additional research in order to consider whether certain products meet the above environmentally preferable standards. Priority shall be given to those products and services that demonstrate and effectively state the degree to which their product or service is environmentally preferable.
- G. **Not Required.** Nothing in this policy shall be constructed as requiring the procurement of products or services that do not perform adequately for the intended use or are not available at a reasonable price in a reasonable period of time.

Verification of receipt of goods.

- A. The requisitioning department head shall be given the receiving copy of the invoice.
- B. When a delivery is made, the receiving employee must fill in the information as to the quantity, which can only be obtained by counting or weighing the goods delivered, or actual verification of the service rendered.
- C. The completed and receipted copy should immediately be forwarded to the Town Bookkeeper who should compare it with the vendor's claim. Any invoices and/or shipping reports received from the vendor should also be transmitted to the Bookkeeper.
- D. Signed and verified receiving slips or invoices are to be attached to the claim vouchers for further verification by the Town Board prior to authorization of payment of the claim. For services purchased that do not require delivery, a post audit must be performed to ensure that services requested were properly received by the Town Bookkeeper.

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Effect on purchases under bid limits

No portion of this policy shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired.

Review of policy

This policy shall be reviewed annually by the Town Board at its first organizing meeting of the year or as soon thereafter as is reasonably practicable.