

## PROCUREMENT POLICY FOR THE TOWN OF DUANESBURG

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

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

- purchase contracts less than or equal to \$20,000;
- public works contracts less than or equal to \$35,000;
- emergency purchases;
- certain municipal hospital purchases;
- goods purchased from agencies for the blind or severely handicapped;
- goods purchased from correctional institutions;
- purchases under State and County contracts; and
- surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written 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, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services not subject to competitive bidding pursuant to Section 103 of the General Municipal Law will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods or services will be purchased at the lowest price and that favoritism will be avoided.

3. a At a minimum, the following method of purchase will be used when required by this policy in order to achieve the highest savings:

ESTIMATED AMOUNT OF PURCHASE CONTRACT	METHOD
\$500.00 - \$4,999.00	2 Written/Fax Quotations or written request for proposals
\$5,000.00 - \$20,000.00	3 Written/Fax Quotations or written request for proposals
ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT	METHOD
\$500.00- \$4,999.00	2 Written/Fax Quotations or written request for proposals
\$5,000.00 - \$35,000.00	3 Written/Fax Quotations or written request for proposals

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 the procurement.

b. Pursuant to General Municipal Law section 103, purchase contracts of over \$20,000 (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value, as defined in section one hundred sixty-three of the state finance law, to a responsive and responsible bidder or offerer in the manner provided by section 103 of General Municipal Law.

4. Documentation is required of each action taken in connection with each procurement. In all events, the person requesting the purchase shall be required to complete a project quote history form as established by the Town of Duanesburg, including copies of all substantiation documentation. In no event shall purchases falling within this policy be made without such compliance.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(g), the procurement policy may contain circumstances when, or types of procurement 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 not be in the best interest of the Town of Duanesburg to solicit quotations or document the bases for not accepting the lowest bid:

7.

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. In determining whether a service fits into this category the Town 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 personal relationship between the individual and municipal officials. 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 insurance 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 of pre-packaged software.

b. Emergency purchases pursuant to Section 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 the life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits. This section does not waive the requirement that only the appropriate officer, board or agency of the Town is authorized to make purchases.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals were required, the Town Board may be precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices 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 \$ 500.00. 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 interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

e. “Piggybacking” pursuant to Section 103 (16) of General Municipal Law. Notwithstanding the provisions of subdivisions one, two and three of GML section 103, and

section 104 of GML, the Town Board for the Town of Duanesburg is authorized to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other political subdivision or district therein;

- i. Such contract must be let to the lowest responsible bidder or on the basis of best value in a manner consistent with GML section 103 and made available for use by other governmental entities;

ii. The authority provided shall not relieve any obligation of such political subdivision or district therein to comply with any applicable minority and women-owned business enterprise program mandates and the preferred source requirements of section one hundred sixty-two of the state finance law.

7. Any purchase to be made pursuant to this Procurement Policy, regardless of the estimated amount of the purchase or the circumstances upon which it is made, must be obtained from a Town of Duanesburg listed approved vendor. No vendor will be approved until the vendor acknowledges in writing receipt of, and agreement to comply with, this Procurement Policy. The list of approved vendors is subject to change from time to time.

8. The individual or individuals responsible for purchasing and their respective titles are as follows:

Jen Howe - Town Clerk

Carol Sowycz - Deputy Town Clerk

William Wenzel – Town Supervisor

This information shall be updated biennially.

9. Standard utilities such as electric service, telephone service, internet service and the like are not subject to this Procurement Policy, Additionally, the following purchases procured under State contract pursuant to Section 104 of the General Municipal Law or competitive bidding pursuant to Section 103 of the General Municipal Law are not subject to this Procurement Policy so long as documentation of such procurement is provided to the Town Board:

- a. Oil, grease and other fluids necessary for regular maintenance of vehicles and equipment
- b. Ice control sand and salt  
Diesel, gasoline and/or kerosene delivered  
Crusher run, pot hole patch, and/or paving material  
Fuel oil

10. This policy shall go into effect on April 13, 2023 and be reviewed annually.