

*Town of Wawayanda, NY
Wednesday, August 9, 2023*

Chapter 33. Procurement Policy

[HISTORY: Adopted by the Town Board of the Town of Wawayanda 7-2-1992; amended in its entirety 7-6-1995. Subsequent amendments noted where applicable.]

§ 33-1. Procedures.

The Town of Wawayanda does hereby adopt the following procurement policies and procedures:

- A. Guideline No. 1. 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 required purchasing authority (purchaser) shall estimate the accumulated 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. Guideline No. 2. All purchases of **services**, supplies or equipment that will exceed **\$20,000** in the fiscal year or public works contracts over **\$35,000** shall be formally bid pursuant to General Municipal Law§ 103 **or as otherwise authorized by the General Municipal Law**.
- C. Guideline No. 3.
 - (1) Equipment purchases.
 - (a) All estimated equipment purchases of:
 - [1] Less than **\$20,000** but greater than **\$15,000** require a written quote from three vendors. All quotes must be submitted with Town Form 92-1 completed.
 - [2] Less than **\$15,000** but greater than **\$10,000** require an oral **or written** quote from three vendors. The reply must be submitted with a completed Town Form 92-1.
 - [3] Less than **\$10,000** but greater than **\$5,000** require three oral requests and must be submitted on a completed Town Form 92-1.
 - (b) All purchases over **\$3,000** must be approved by the Town Board. Purchases less than **\$3,000** but greater than \$1,000 must be approved by the Budget Officer.
 - (2) Public works contracts.
 - (a) All estimated public works contracts:
 - [1] Less than **\$35,000** but greater than **\$20,000** require a written RFP and **written** proposals from three contractors. Proposals must be submitted with a completed Town Form 92- 1.
 - [2] Less than **\$20,000** but greater than **\$5,000** must obtain three oral quotes submitted with a completed Town Form 92-1.
 - (b) All contracts over **\$3,000** require approval of the Town Board. Contracts less than **\$3,000** but greater than \$1,000 require approval of the Budget Officer.

- (3) Any written quote shall describe the desired goods, the quantity and the particulars of activity. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/oral/fax quotes offered. (Town Form 92-1.)
- D. Guideline No. 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the municipality and its taxpayers to make an award to other than the lowest bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.
- E. Guideline No. 5. 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 shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement. In purchases not ruled under General Municipal Law § 103, if the quotes or proposals cannot be obtained, the purchasing is not to be detained.
- F. Guideline No. 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:
- (1) Acquisition of professional services.
 - (2) Emergencies.
 - (3) Sole source situations.
 - (4) Goods purchased from agencies for the blind or severely handicapped.
 - (5) Goods purchased from correctional facilities.
 - (6) Goods purchased from other government agencies.
 - (7) Goods purchased at auctions.
 - (8) Goods purchased for less than \$1,000.
 - (9) Public works contracts for less than \$ 000.
 - (10) Goods purchased from federal, state, or county bid contracts.
- G. Guideline No. 7. Insurance (medical, liability, etc.) is not subject to this policy. However, each policy will be reviewed in a periodic and timely manner to insure the best rates possible (three to four years maximum).
- H. Guideline No. 8. This policy shall be reviewed annually by the Town Board at its organization meeting or as soon thereafter as is reasonable and practical.
- I. Guideline No. 9. The Town Board may award purchase contracts and service contracts that have been procured pursuant to competitive bidding or otherwise under New York General Municipal Law § 103, Subdivision 1, or this chapter by either the lowest responsible bidder standard or the "best value" standard.
[Added 5-20-2014 by L.L. No. 3-2014]
- (1) "Best value" is defined in State Finance Law§ 163 to mean "the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in Subdivisions 1, 7, 15 and 20 of§ 310 of the New York Executive Law to be used in evaluation of offers for awarding of contracts for services." For purposes of this Guideline No. 9, the Town Board adopts the above definition of "best value," as the same may be modified from time to time by the State Legislature.

- (2) Pursuant to New York General Municipal Law § 103, Subdivision 1, the "best value" standard may be used for purchase contracts, including contracts for service work, but it excludes and may not be used for any purchase contracts necessary for the completion of public works contracts pursuant to New York Labor Law Article 8.
- (3) If the monetary thresholds of New York General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the monetary thresholds set forth herein will be deemed simultaneously amended to match the new General Municipal Law thresholds.
- (4) Whenever any contract is awarded by the Town Board on the basis of "best value" instead of the lowest responsible bidder, the basis for determining "best value" will be thoroughly and accurately documented. Such documentation may include, but is not necessarily limited to, "Best value" is limited to service contracts. Sample criteria is listed in the definition at the bottom of prior page.