

RESOLUTION #4 of 2012
**PROCUREMENT POLICIES AND PROCEDURES
FOR
THE TOWN OF DELHI**

On a Resolution Offered By: Councilman James Bracci

Seconded By: Councilman W. Allan Perkins

IT IS HEREBY RESOLVED BY, the Town Board of the Town of Delhi, County of Delaware, State of New York that to conform with the requirements of General Municipal Law, Section 104-b, Procurement Policies and Procedures, and

IT IS FURTHER RESOLVED, that goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the 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 procurement of goods and services which are not required to be procured pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law, as follows:

I. Procedures for determining whether procurement are subject to bidding.

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

A. Procedure: All procurement must be examined and categorized as follows:

1. GML Section 104-b Non-competitive Bidding:
 - a). Purchase under \$10,000.00.
 - b). Contract for public work below \$20,000.00.
 - c). Articles manufactured in a New York State correctional facility
(Corrections Law Section 184, 186).
 - d). Purchases from agencies for the blind or severely handicapped
(State Finance Law Section 175-b)
 - e). Purchases under a County contract (GML Section 103(3)).
 - f). Purchases under a State contract (GML Section 104).
 - g). Emergency purchases (GML Section 103(4)).
 - h). Sole source purchases (GML Section 104-b).
 - i). Professional Services (GML Section 104-b).
 - j). True leases (GML Section 104-b).
 - k). Insurance (GML Section 104-b).
 - l). Second-hand equipment from another government (GML Section 103(6)).

2. GML Section 104-b - Competitive Bidding:

- a). Purchase contract of \$10,000.00 or more.
- b). Contracts for public work of \$20,000.00 or more.

3. Other Analysis:

- a). Purchases should be evaluated to determine whether, over the course of the fiscal year, the Town of Delhi will spend in excess of the competitive bidding thresholds for the same or similar items or services. Prior years budgetary appropriations should be referred to for this information and compared with current projections.
- b). Reference to the statute (GML Section 104) should be made for all purchases cited in II-

A-1 above, (except II-A-1(a,b) in which a non- bidding determination is made).

B. Documentation - Determination that a purchase is not subject to competitive bidding requirements shall be documented as follows, and kept with the records of the purchase:

1. Copies or notations of all written indicia of dollar amounts.
2. Notation of all verbal indicia of dollar amounts.
3. Where appropriate, reference to prior years budgetary purchase amount information.
4. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception must be made.
5. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records.

C. Statutory Exceptions From These Policies and Procedures:

Except for procurement made pursuant to General Municipal Law, Section 103(3) (through county contracts), or section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method or procurement which furthers the purposes of General Municipal Law, Section 104-b.

II. Methods of Competition to be used for Non-Bid Procurement:

The methods of procurement to be used are as follows:

	Verbal Quotes			Written Quotes		RFP	Other
	0	2 or more	3 or more	2	3 or more		
Purchase Contracts Below \$10,000							
Under \$250	X						
\$251 - \$1,000		X					
\$1,001 - \$2,000				X			
\$2,001 - \$9,999					X		
Contracts for Public Works Below \$20,000							
Under \$1,000	X						
\$1,000 - \$5,000		X					
\$5,000 - \$10,000				X			
\$10,000 - \$19,999					X		
Emergencies							a,b
Insurance						X	
Professional Services						X	
True Leases (Other than School districts)		X					
Second-Hand Equipment from other Governments							a
Certain Food & Milk Purchases (Schools)							a
Certain Municipal Hospital Purchases							a
Sole Source (For example, patented or monopoly item)							a

- (a) All available verbal and written quotes shall be presented to the Town Board, which shall determine whether the proposed procurement is cost effective and in the best interest of the Town. Note, the number of verbal or written quotes are suggestions. It is acknowledged that, though the suggested number of quotes should be diligently sought, they may not always be practically available.
- (b) Where by virtue of the nature of the emergency option, a review by the Town Board is not available, approval may be given by the Town Supervisor or Acting Town Supervisor, or any Town Board Member of the appropriate legislative committee.

III. Adequate Documentation:

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A. Attached to the purchase documents (i.e. invoices, voucher, bill, etc.) shall be notes of any verbal quotes and notations of or copies of any written quotes, any requests for proposals responses, or other proposals, contracts, or other documentation of the non-bid procurement process. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records.
- B. It is the purpose of this policy to assist Town of Delhi officials in obtaining the best value for the Town of Delhi, New York, consistent with the stated purpose of this resolution. It is acknowledged that perfect compliance is not always practical. In such cases, consistent with the requirement of GML Section 104, the reasons for any deviations shall be noted with the purchase files.

IV. Awards to Other Than Lowest Responsible Dollar Offerer:

Whenever any contract is awarded to other than the lowest responsible dollar offerer, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b as set forth herein above shall be documented as follows:

Notations and/or copies of all documents, and notations of verbal or other data justifying why any purchase is made from other than the lowest responsible vendor or contractor submitting a complying quotation or proposal, as being in the best interest of the government unit, shall be included with the purchase records. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records.

V. Items Excepted From Policies and Procedures by Board:

- A. The Board sets forth the following circumstances, when/or if types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotes will not be in the best interest of the Town of Windsor for:
 1. Emergencies where time is a crucial factor.
 2. Procurement for which there is not viable competition (sole source items).
 3. Procurement of professional services which because of the confidential nature of the services, do not lend themselves to procurement through solicitation.
 4. Very small procurement for which solicitations of competition would not be cost effective.

VI. Input from Officers:

Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures, and will be encouraged at all times hereafter.

VII. Annual Review.

The governing board shall annually review these policies and procedures. The Town Supervisor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. It is contemplated that the annual review will be made during annual budget preparation, or such other time as the Town Supervisor may designate.

VIII. Unintentional Failure to Comply:

The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of Delhi or any officer or employee thereof.

IT IS HEREBY RESOLVED,

that this resolution shall become effective on the 1st. day of January 2012.

Vote of the Board:

Supervisor Bracci yes

Councilman Bracci yes

Councilman Decker yes

Councilwoman DeFreece yes

Councilman Perkins yes

Adopted: February 14, 2012

Effective: February 14, 2012