

## RESOLUTION #2013-1

Offered by Supervisor Bellows

## PROCUREMENT POLICY

Seconded by Councilwoman Zell

**Whereas** General Municipal Law (GML) Section 104-b requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML Section 103 or any other law; and

**Whereas**, comments have been solicited from those officers of the town involved with procurement; Therefore be it Resolved that the Town of Hurley does hereby adopt the following procurement policies and procedures;

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML Section 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 canvas 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.

Guideline 2. All purchases of a) supplies of equipment which will exceed \$10,000 in the fiscal year or b) public works contracts over \$20,000 shall be formally bid pursuant to GML Section 103.

Guideline 3.

All estimated purchase of:

- Less than \$10,000 but greater than \$3,000 require request for a proposal (RFP) and written/fax quotes from three vendors.
- Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from two vendors
- Less than \$1,000 but greater than \$250 is left to discretion of the Purchaser.

All estimated public works contracts of:

- Less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from three contractors.
- Less than \$10,000 but greater than \$3,000 require an oral or a written RFP and fax/proposals from two contractors
- Less than \$3,000 but greater than \$500 is left to the discretion of the Purchaser.

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.

All information gathered in complying with the procedures of the Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 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 town and its taxpayers to make an award to other than the low bidder. (For example, the second low bidder is a business in town paying town property taxes, and their quote was within 5% of the low bidder, which is an out-of-state business or supplier.) If a bidder is not deemed

responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. Another justification for awarding to other than the lowest bidder is for environmental reasons. (For example, the second low bidder provides a paper product with more recycled material, or is more recyclable than the lowest bidder product.) If a lowest bidder is rejected for this reason, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 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.

Guideline 6. Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies;
- c) Sole-source situations;
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;
- g) Goods purchased at auction;
- h) Goods purchased for less than \$250;
- i) Public works contracts for less than \$500;
- j) Goods purchased from state or county contract.

Guideline 7. This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as is reasonably practicable.

**All Voted Aye**

**RESOLUTION #2017-34:**

Offered by Councilwoman Briggs

**INVESTMENT POLICY**

Seconded by Supervisor Bellows

BE IT RESOLVED TO re-adopt Resolution #108, dated August 19, 1996 which approves the Town of Hurley Investment Policy.

**All Voted Aye**

**RESOLUTION #2017-35:**

Offered by Supervisor Bellows

**SET PROCUREMENT POLICY**

Seconded by Councilwoman Zell

BE IT RESOLVED that the procurement and investment policies for the Town of Hurley as described in the January 3, 2013 resolution of the Town Board shall remain in effect but with the revisions authorized by the New York State Comptroller that exempt from the bidding process:

- Purchase contracts involving expenditures of \$20,000 or less
- Contracts for public work involving expenditures of \$35,000 or less, and
- Professional services and other procurements not required by law to be competitively bid.

**All Voted Aye**