

Public Hearing - April 10, 2008 - 7 PM

Proposed
Local Law No. 1 of the Town of Rensselaerville

A Local Law Establishing Procurement Policies And Procedures

Section 1. Legislative Intent and Purpose

- A. Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML § 103 or any other applicable law.
- B. It is the goal of the Town of Rensselaerville to provide for the efficient and fiscally responsible procurement of goods and services.
- C. This local law is intended to balance the practical needs of Town departments when procuring goods and services with sound fiscal policy to ensure that procurements are made with the objective of purchasing at the lowest cost for goods and services from responsible providers.

Section 2.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML § 103. Every Town officer, department head or other personnel with the requisite purchasing authority (hereafter referred to as the "Purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include a canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusion reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Section 3. Public Bidding

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

Section 4. Purchase of Goods

- A. The purchase of goods, equipment or materials that is estimated to be less than \$10,000 but greater than \$3,000 shall require a written request for a proposal or quote and written proposals or quotes from at least three vendors.
- B. The purchase of goods, equipment or materials that is estimated to be less than \$3,000 but greater than \$1,000 shall require a written request for a proposal or quote and written proposals or quotes from at least two vendors.

- A. Public works contracts that are estimated to be less than \$20,000 but greater than \$10,000 shall require a written request for a proposal or quote and written proposals or quotes from at least three contractors.
- B. Public works contracts that are estimated to be less than \$10,000 but greater than \$3,000 shall require a written request for a proposal or quote and written proposals or quotes from at least two contractors.
- C. Public works contracts that are estimated to be less than \$3,000 but greater than \$500 shall be left to the discretion of the Purchaser.

Section 6. General Rules

- A. Any written request for proposal or quote shall describe the goods, quantity, particulars of delivery or services in reasonable detail sufficient to obtain accurate proposals or quotes.
- B. The Purchaser shall compile a list of all vendors from whom the written proposals or quotes have been requested and the proposals or quotes received. The transmittal of requests and proposals or quotes by e-mail or fax is acceptable.
- C. All information gathered in complying with the procedures of this local law shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.
- D. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing the reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low 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. 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 quotes, the Purchaser shall document the attempt made at obtaining the proposals or quotes. In no event shall the inability to obtain the requisite number of proposals or quotes be a bar to the procurement.

Section 7. Exemptions

Except when otherwise specifically directed by the Town Board, no solicitation of written proposals or quotes shall be required for the following circumstances:

- a) Retaining or acquiring professional services;
- b) Emergencies;
- c) Sole source situations;
- d) Goods purchased from agencies for the blind or handicapped;
- e) Goods purchased from correctional facilities;

shall be superceded by this local law once this law takes effect. This law shall also supercede any other prior law, resolution or act of the Town Board of the Town of Rensselaerville that pertains to procurement.

END OF LAW