

VILLAGE OF ROUSES POINT

PROCUREMENT POLICY AND PROCEDURES

This resolution sets forth the policy and procedures of the Village of Rouses Point to meet the requirements of General Municipal Law, section 104-b.

Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest 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 Village Board is adopting an internal policy and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special, or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

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

Procedure

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 General Municipal Law, section 103; purchase contracts under \$20,000 and public works contracts under \$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 Federal, State and County contracts; and surplus and second-hand purchases from another governmental entity.

Documentation

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 or verbal quotes from vendor; 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 circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

Statutory Exceptions from Quotations/Proposals Requirements of This Policy and Procedures

Except for procurements made pursuant to General Municipal Law, section 103(3) (through County contracts) or section 104 (through certain State and Federal contracts), State Finance Law, section 162, Correction Law, sections 184 and 186 (from "preferred sources," including 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 either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

**VILLAGE OF ROUSES POINT
PROCUREMENT POLICY AND PROCEDURES - CONTINUED**

Except when directed by the Village 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, properly documented;
- d. Goods purchased from agencies for the blind or severely handicapped;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency (i.e. [NJPA] National Joint Powers Alliance);
- g. Goods purchased at auction;
- h. Goods purchased under New York State awarded contracts;
- i. Goods purchased under Clinton County awarded contracts;
- j. Conference attendance, travel and expenses for attendance at various municipal conferences and training sessions related to the job.

The above a through i, should all be properly documented and reasoning noted on purchase orders, vouchers or both.

Methods of Competition to be Used for Non-Bid Procurements

The methods of procurement to be used when required by this policy to achieve the highest savings and avoid favoritism are as follows:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$500.00 - \$2,999.00	2 Verbal quotations
\$3,000.00 – \$19,999.00	3 Written/Fax quotations or written requests for proposals
<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$500.00 - \$2,999.00	2 Verbal quotations
\$3,000.00 – \$4,999.00	3 Written/Fax quotations
\$5,000.00 – \$34,999.00	3 Written/Fax quotations or written requests 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.

Adequate Documentation

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

- 1) A purchase request form must be submitted to the Treasurer's Office for any procurement whose aggregate cost is \$500 or greater with the following exceptions: a) road materials (bituminous material, stone, top soil, cement) used in the repair and maintenance of streets; b) conference attendance, travel and expenses for attendance at various municipal conferences and training sessions related to the job; c) postage costs; d) utility services; e) legal advertising; f) common office supplies; g) service contracts and; h) purchases at hardware stores and motor vehicle businesses.

The Village's procurement policy (quotes and bids) must be followed for all the above exceptions. If a purchase is made at a hardware store or motor vehicle business for \$100 or more a purchase order is required.

**VILLAGE OF ROUSES POINT
PROCUREMENT POLICY AND PROCEDURES - CONTINUED**

- 2) The purchaser shall compile a list of all vendors from whom written/fax/verbal quotes have been requested and the written/fax/verbal quotes offered.
- 3) A signed purchase order will be issued from the Treasurer's Office upon a review of the appropriation account listed in the Village Budget.
- 4) All information and supporting documentation gathered in complying with the procedures of this policy shall be preserved and filed with the Treasurer's Office with the voucher and purchase order.

Awards to Other than the Lowest Responsible Dollar Offerer

The Village Board may award purchase contracts and service contracts that have been procured to competitive bidding and/or competitive request for proposals under General Municipal Law section 103 by either lowest responsible bidder or best value pursuant to Village Code, Chapter 5A (Contracts).

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

The documentation will include an explanation of how the award will achieve savings or how the offerer was not responsible attached to the purchase order. A determination that the offerer is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

Items Excepted From This Policy and Procedures by the Board

The Village Board sets forth the following circumstances when, or types of procurements 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 Village of Rouses Point.

- 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 nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits in this category the Board of Trustees of the Village of Rouses Point 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 pre-requisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional and technical services shall include but not 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 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.** Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternated proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time exists.
- c. **Purchases of surplus or second-hand goods from any source.** If alternate proposals are required, the Village is 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.

**VILLAGE OF ROUSES POINT
PROCUREMENT POLICY AND PROCEDURES - CONTINUED**

- d. **Goods and 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 interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

The documentation will include an explanation of how the award will achieve savings or how the offerer was not responsible. A determination that the offerer is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

Individual(s) Responsible for Purchasing

The following individuals are responsible for purchasing under this policy:

Daniel H. Letourneau – Mayor
Benjamin J. Arno – Trustee
Thomas M. Dart – Trustee
Thomas D. Batha – Trustee
Dale M. Menard - Trustee
Jean M. LaBombard - Administrator
Donna J. Boumil – Village Clerk
Arsene F. Letourneau – Village Treasurer
Rebecca L. Pelkey – Deputy Village Treasurer
Cody O'Brian – Recreation Maintenance Worker
Aaron J. Babbie – Recreation Center Laborer
Michael R. LeBlanc – Fire Chief
Donna L. Racine – Historian
Susan Sullivan – Library Technician
Scott R. Bechard – Police Officer
Brian S. Pelkey – Public Works Supervisor
Eric Miller – Chief Electric Lineworker
Kim J. Bennet – Public Works Maintenance Person
John L. Bernard – Motor Equipment Operator Mechanic
Jason Juneau – Electric Department
Timothy Graves – Chief Wastewater Treatment Plant Operator
Ernie R. Barcomb – Wastewater Treatment Plant Operator
Daniel J. Guay – Wastewater Treatment Plant Operator
Bryon A. Gelineault – Water Treatment Plant Operator
Jerry Pivetta – Water Plant Operator
Janis D. Letourneau – Recreation Leader

The above names shall be updated annually per General Municipal Law section 104-b (2) (f).

Input From Officers

Comments have been solicited from officers of the Village therein involved in the procurement process prior to the enactment of this policy and procedures, and will be solicited from time to time hereafter.

**VILLAGE OF ROUSES POINT
PROCUREMENT POLICY AND PROCEDURES - CONTINUED**

Annual Review

The Village Board shall annually review and, when needed, update this policy and procedures.

The Treasurer shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy, and shall be responsible for reporting back to the Village Board.

Unintentional Failure to Comply

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

Resolution

Reviewed and amended on April 17, 2017 by a majority vote of the governing board of the Village of Rouses Point.

For: THE BOARD OF TRUSTEES
VILLAGE OF ROUSES POINT


Donna J. Bournil, Village Clerk