

# **Town of Mina**

## **Procurement Policy & Guidelines**

### **April 2024**

#### **Legal Authority**

Section 104-B of the General Municipal Law of New York State (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 law.

#### **Yearly Estimates**

Purchases 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 requisite purchasing authority (hereinafter “purchaser”) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year to determine the method of purchase that is required.

#### **Preferred Sources**

All local governments in New York State are required by law to purchase commodities and services first from Preferred Sources when such commodities and services are on the List of Approved Preferred Sources and when they meet form, function, and utility as determined by the municipality and the prices comply with State Finance Law §162. The municipality does not need to follow the competitive bid process when using a Preferred Source. New York State’s three Preferred Source organizations are:

- NYS Department of Corrections Division of Industries (Corcraft)
- NYS Preferred Source Program for New Yorkers Who Are Blind (NYSPSP)
- NYS Industries for the Disabled (NYSID)

#### **Piggybacking (Using Other Existing Contracts) – Exception to Competitive Bidding**

GML §103 subdivision 16 allows local governments to piggyback or use cooperative contracts under certain conditions. Contracting through piggybacking must be consistent with the policies and principles of government public contracting. The requesting municipality should examine and weigh the following factors in order to determine the appropriateness of piggybacking as a preferred methodology over other contracting alternatives:

- Subject Matter Comparison
- Procurement Method
- Notice to Originating Agency
- Consent of Vendor & Terms of Piggyback
- Absence of Other Acceptable Established Contracting Alternatives
- Pricing Justification

It is the responsibility of local officials to review each proposed procurement to determine, on advice of the local government’s counsel, whether the procurement falls within the exception. The prerequisites that must be met to fall within the exception are:

1. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein.
2. The contract must have been made available for use by other governmental entities.
3. The contract must have been “let to the lowest responsible bidder or on the basis of best value in a manner consistent with Section 16.

All local governments wishing to piggyback or use cooperative contracts should refer to the guidance from the NYS Office of the Comptroller on the subject.

**Environmentally Preferable Purchasing – GreenNY**

Participation in New York State’s Green Purchasing Communities (GPC) program makes it easy for local governments to ensure that products and services purchased by the Town are better for public health and the environment. GML §104-a authorizes municipalities to purchase recycled products without a competitive bid where such products meet contract specifications and the price of such products is reasonably competitive. Many commodities/services are available on Office of General Services (OGS) centralized contracts, which offers a compliant pathway for competitive procurement by participating municipalities.

Where the Town of Mina is procuring a commodity or service, whether by competitive bid or other type of procurement, that is the subject of a GreenNY procurement specification that has received final approval of the NYS GreenNY Council pursuant to Executive Order No. 22 (2022), the Town of Mina shall follow the GreenNY procurement specification to the maximum extent practicable and where cost is reasonably competitive as defined in GML §104-a.

**Authorization to Purchase**

1. Only elected officials or their designees who have been authorized by the Town Board may purchase goods and services or enter into public works contracts on behalf of the town.
2. Every prospective purchase of goods shall be evaluated to determine the applicability of GML §103.
3. All purchase of a) supplies or equipment which will exceed \$20,000 in the fiscal year or b) public work contracts over \$35,000 shall be formally bid pursuant to GML §103.
4. **The following method of purchase will be used for goods and services:**

<b><u>Estimate of Goods &amp; Services Purchase</u></b>	<b><u>Method</u></b>
\$ 0 - \$999.99	Discretion of the purchaser
\$1,000.00 - \$4,999.99	Verbal quotations (written/fax/email preferred)
\$5,000.00 - \$19,999.99	Written/fax/email quotations
Over \$20,000.00	Formal Bid per GML §103

**5. The following method of purchase will be used for public works contracts:**

<u>Estimate of Public Works Contract</u>	<u>Method</u>
\$ 0 - \$999.99	Discretion of the purchaser
\$1,000.00 - \$4,999.99	Verbal quotations (written/fax/email preferred)
\$5,000.00 - \$19,999.99	Written/fax/email quotations
\$20,000.00 - \$34,999.99	Written/fax/email quotations in response to written requests for proposals
Over \$35,000	Formal Bid per GML §103

6. Any written request for proposal shall describe the desired goods and particulars of delivery. The purchaser shall compile a list of all vendors from whom written/verbal quotes have been requested and the written/verbal quotes offered.
7. All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.
8. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares written justification providing reason why it is in the best interest of the Town of Mina and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting the judgment shall also be documented and filed with the record supporting the procurement.
9. 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 ban to the procurement.
10. Except when directed by the Town Board, no solicitation or 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 another governmental agency
  - e. Goods purchased at auction
  - f. Goods purchased for less than \$1,000
  - g. Public works contracts for less than \$1,000
11. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practical.

Revision Date: April 11, 2024