

Reso 23-2013

**PROCUREMENT POLICIES AND PROCEDURES
FOR THE TOWN OF WINDSOR**

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurements of goods and services that are not required by law to be publicly bid;

WHEREAS, the Town of Windsor (the “Town”) has solicited comments from all its officers involved in the procurement process; and

WHEREAS, the Town desires to procure goods and services not required to be competitively bid in a manner 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; and to guard against favoritism, improvidence, extravagance, fraud, and corruption;

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Town, in regular session duly convened, that the Town does hereby adopt the following procurement policy.

POLICY

Section I. Competitive Bidding Determination Procedure and Documentation.

- A. Determination. Every Town Department must formally determine whether a given procurement is not subject to competitive bidding and, if the procurement is not so subject, then document appropriately that determination. In making this determination, the Department must consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month (12) period commencing on the date of purchase, and it shall not artificially divide the purchase of commodities, services or technology for the purpose of satisfying the discretionary buying thresholds established by law. The Department should refer, where appropriate, to prior years’ budgetary appropriations for similar items and/or services, and compare those appropriations with current projections. Schedule One, attached hereto and incorporated herein, sets forth the exceptions to competitive bidding and what procedures to apply in each instance.
- B. Documentation. Each Department must document and maintain with each procurement’s record all necessary information that a procurement is not subject to competitive bidding, as follows:
 - 1. Copies or notations of all written dollar amounts;
 - 2. Notation of all verbal dollar amounts;

3. Reference to prior years' budgetary purchase amount information, if applicable;
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;
5. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records;
6. If the procurement is an emergency, then the documentation must include the circumstances of the emergency and/or other proof of appropriate use of the emergency exception to competitive bidding.

Section II. Annual Review.

The Town board shall annually review these policies and procedures. The Town Supervisor shall be responsible for conducting an annual review of the procurement policy. The annual review will be made during annual budget preparation, or such other time as the Town Supervisor may designate.

Section III. Unintentional Failure to Comply.

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

Section IV. Discretion of the Town Board.

No portion of this resolution shall be construed as preventing the competitive bidding of purchase contracts under the limits in the attached schedule one. Nor shall any portion of this resolution be construed as preventing the use of request for proposals. This determination shall be made by the Town Board, when it is in the best interest of the Town.

SCHEDULE ONE

	Verbal Quotes		Written Quotes		Competitive Bid
	0	2 or more	3 or more	2	
Purchase Contracts - see notes a, b and c					
Up to \$250	X				
\$251 - \$1,000		X			
\$1,001 - \$2,000			X		
\$2,001 - \$10,000				X	
\$10,001 - \$19,999					X
\$20,000 or above					X
Contracts for Public Work - see notes a, b and c					
Up to \$1,000	X				
\$1,001 - \$5,000		X			
\$5,001 - \$10,000				X	
\$10,001 - \$20,000				X	
\$20,001 - \$34,999					X
\$35,000 or above					X

a. Each Department shall obtain verbal and/or written quotes and proposals for procurements that are not subject to competitive bidding as described herein, unless such procurement is: (1) from a preferred source as described in State Finance Law § 162 and Correction Law §§ 184, 186; (2) a State contract and/or Federal contract that complies with GML § 104; (3) a County contract complying with GML § 103(3); or (4) a ‘piggybacking’ contract that complies with GML § 103(16). No additional quotes or proposals are necessary in each of the four instances just listed, but each procurement record must document which instance applies.

b. All purchase contracts \$1,000 or less shall be under the authority of the Department Heads to approve, with audit by the Town Boards. All other available verbal and written quotes and bid responses 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 numbers of verbal or written quotes as described within the chart are recommended suggestions for each of the exceptions contained herein. It is acknowledged that, though the suggested number of quotes should be diligently sought, they may not always be practically available.

c. Under the following circumstances and in accordance with General Municipal Law Section 104-b, the Town has made the determination that there is no need for the solicitation of alternative proposals or quotations or competitive bidding, as it is in the best interest of the town: (1) due to emergency, (2) an insurance purchase, (3) a true lease, (4) a second-hand equipment purchase from another governmental unit, (5) from a sole source, such as where an item is patented or subject to a monopoly, (6) from a preferred source as provided for in State Finance Law section 162, and Correction Law sections 184 and 186, (7) a state contract or federal contract, as provided for in GML section 104, (8) a county contract, as provided for in GML section 103(3), (9) qualifies as

a 'piggybacking' contract, as provided for in GML section 103(16) or (10) professional and consulting services.

In determining if a service is a professional or consulting service, the town shall consider:

1. Whether the services are subject to state licensing or testing requirements;
2. Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
3. Whether the services require a personal relationship between the individual and municipal officials.

The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.