



## TOWN OF PENDLETON

### Procurement Policy

***WHEREAS, 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, Section 103 or any other law; and***

***NOW THEREFORE BE IT RESOLVED, that the Town of Pendleton 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 given fiscal year. That estimate shall include the canvass 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 supplies or equipment which will exceed \$10,000 in the fiscal year or public works contracts over \$35,000 shall be formal bid pursuant to GML Section 103.

Guideline #3A: All estimated purchases of:

- Less than or equal to \$10,000 but greater than \$3,000 require a written request for a proposal (RFP), written/fax/email quotes from three (3) vendors, and Town Board approval.
- Items for repair of highway, water, and sewer equipment less than or equal to \$3,000 but greater than \$1,000 requires an oral request for the goods, oral/written/fax/email quotes from three (3) vendors, and written approval of at least two (2) Town Board members.
- Items not directly required for the repair of highway, water, and sewer equipment less than or equal to \$3,000 but greater than \$500 requires an oral request for the goods, oral/written/fax/email quotes from three (3) vendors, and written approval of at least two (2) Town Board members.
- Items for the repair of highway, water, and sewer equipment less than or equal to \$1,000 is left to the discretion of the purchaser.
- Items not directly required for the repair of highway, water, and sewer equipment less than or equal to \$500 is left to the discretion of the purchaser.

Guideline #3B: All estimated public works contracts of:

- Less than or equal to \$35,000 but greater than \$10,000 require a written RFP, written/fax proposals from three (3) contractors, and Town Board approval;
- Less than or equal to \$10,000 but greater than \$3,000 require a written RFP, fax/proposals from three (3) contractors, and Town Board approval;
- Less than or equal to \$3,000 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 this 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. If a bidder is not deemed responsible, 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:

- Acquisitions of professional services;
- Emergencies;
- Sole source situation (requires sole source confirmation from vendor);
- Goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Goods purchased from another governmental agency;
- Goods purchased at auction;
- Goods for the repair of highway, water, and sewer equipment purchased for less than \$1,000;
- Goods not for the repair of highway, water, and sewer equipment purchased for less than \$500
- Public works contracts for less than \$3,000.

Guideline #7: The following individuals are responsible for purchasing: Supervisor, Supervisor's Secretary, Town Clerk, Deputy Town Clerk, Town Justices, Town Board members, Highway Superintendent, Deputy Highway Superintendent, and department heads. Any other employee making purchases shall act subject to the direction of the department head responsible for purchasing.

Guideline #8: This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

Adopted 01-11-2021