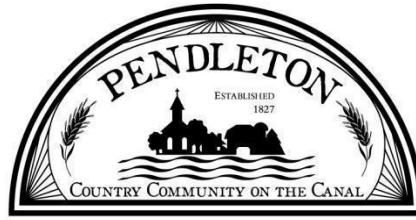


TOWN OF PENDLETON
6570 Campbell Boulevard
Lockport, NY 14094

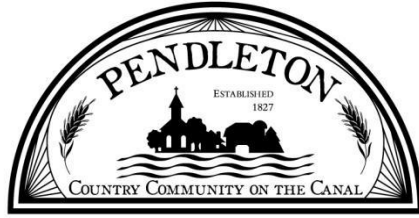


*Supervisor Joel Maerten
Councilman Wolfgang Buechler
Councilman Joseph Hickman
Councilman David Leible
Councilman Scott Lombardo*

At the monthly meeting of the Town Board of the Town of Pendleton, Niagara County, New York, held in the Board Room at the Town of Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, New York, 14094 at 7:00 p.m. on May 8, 2023.

Resolution Adopting Procurement Policy

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of May 2023 that the updated Procurement Policy, Purchasing Worksheet, and Sole & Single Source Worksheet are adopted as presented to the Town Board. This resolution shall take effect immediately:



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 Chairperson, Department Leader 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. 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 a 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 quotes or documentation of oral quotes from three (3) vendors, and approval by resolution of the Town Board.
- Items for repair of highway, water, and sewer equipment less than or equal to \$3,000 but greater than \$1,500 requires written quotes or documentation of oral quotes from three (3) vendors, and written approval of at least two (2) members of the Town Board.
- Items not directly required for the repair of highway, water, and sewer equipment less than or equal to \$3,000 but greater than \$1,000 requires written quotes or documentation of oral quotes from three (3) vendors, and written approval of at least two (2) members of the Town Board.

- Items for the repair of highway, water, and sewer equipment less than or equal to \$1,500 is left to the discretion of the Highway Superintendent.
- Items not directly required for the repair of highway, water, and sewer equipment less than or equal to \$1,000 is left to the discretion of the appropriate Department Leader.

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

- Less than or equal to \$35,000 but greater than \$10,000 require a written and advertised Request for Proposal (RFP) approved by resolution of the Town Board, written proposals from three (3) contractors, and approval by resolution of the Town Board;
- Less than or equal to \$10,000 but greater than \$3,000 require a written and advertised RFP, written proposals from three (3) contractors, and approval by resolution of the Town Board;
- Less than or equal to \$3,000 is left to the discretion of the appropriate Department Leader.

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 \$1,500;
- Goods not for the repair of highway, water, and sewer equipment purchased for less than \$1,000.
- 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 Leaders. Any other employee making purchases shall act subject to the direction of the Department Leader 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: May 8, 2023

TOWN OF PENDLETON
2023 APPROVED PURCHASING WORKSHEET

EMPLOYEE:

DATE:

ITEM:

REASON FOR PURCHASE:

FUND VERIFICATION:

as of:

Guidelines: (Check one that applies)

- Material greater than **\$10,000** / Material & Labor greater than **\$35,000**.
Written specifications, advertising, and sealed bids. Approval by resolution of the Town Board is required.
- Material between **\$3,000 to \$10,000** / Material & Labor between **\$10,000 to \$35,000**.
Attach three (3) written quotations and must be approved by resolution of the Town Board.
- Material between **\$1,000 to \$3,000** / Material & Labor between **\$3,000 to \$10,000** / Highway, Water, Sewer Repairs between **\$1,500 and \$3,000**. Three (3) written quotations and approval of two (2) members of the Town Board.
- Material less than **\$1,000** / Material & Labor less than **\$5,000** / Highway, Water, Sewer Repairs less than **\$1,500**.
Alternate price quotations not required and subject to approval of the appropriate Department Leader.

LIST VENDOR, MODEL, PRICE BELOW

- 1.
- 2.
- 3.

If lowest quoted price is not awarded, please detail reason: _____

Reasons for non-solicitation: (Check one that applies)

- Acquisition of professional services; emergencies; sole source situations; 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 purchased under NY State Contract; original equipment replacement parts/service

Signature Page

Department Heads are to sign and date all purchasing worksheets below. For purchases conforming to the Town of Pendleton Procurement Policy which require signatures from members of the Town Board, please sign and date below also.

Department Head Signature

Printed Name

Signature

Date

Town Board Signatures

Printed Name

Signature

Date

Printed Name

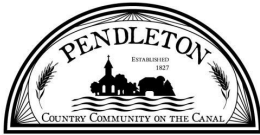
Signature

Date

Printed Name

Signature

Date



TOWN OF PENDLETON
SINGLE & SOLE SOURCE JUSTIFICATION

Department:

Vendor: .
 .
 .
 .

Type of Procurement: *(Select one)*

<p>Sole Source: <input type="checkbox"/></p> <p>Only one vendor is capable of supplying the required items or service or, due to assigned territories or only one vendor is allowed to provide goods or services in this geographic area.</p>
<p>Single Source: <input type="checkbox"/></p> <p>Multiple vendors can provide the required items or services, but one vendor is selected over others based on a written justification provided below.</p>

Justification: *(select one)*

<input type="checkbox"/>	<p>Only known supplier. (List the suppliers who were contacted below and specific reasons why each was not a viable source.)</p> <ul style="list-style-type: none"> • . • . • .
<input type="checkbox"/>	<p>Only known qualified supplier. (List the qualifications that each source or items meet. If another supplier offers a similar item, provide the item identification, supplier information and comparable pricing.)</p> <ul style="list-style-type: none"> • . • . • .
<input type="checkbox"/>	<p>Supplier is propriety or unique. (The selected supplier is the only provider of this item or service. List the reasons why no substitute item can be used and if no similar item is available.)</p> <ul style="list-style-type: none"> • . • . • .
<input type="checkbox"/>	<p>Continuation of ongoing service or addition to a critical system already procured by the supplier. (List the reasons why it would not be cost effective and/or schedule effective and/or technical risk mitigation prudent to procure with another supplier for this procurement.)</p> <ul style="list-style-type: none"> • . • . • .

Description and Justification of Expenditure: