

LOCAL LAW NO. 3 OF THE YEAR 2021

A local law amending the Town of Waterford Procurement Policy

Be it enacted by the Town Board of the Town of Waterford the following:

Town of Waterford, NY / Part I: Administrative Legislation

Chapter 30 Procurement Policy

[HISTORY: Adopted by the Town Board of the Town of Waterford 7-7-1992.
Amendments noted where applicable.]

§ 30-1 Guideline 1: estimate of supplies and equipment needed.

§ 30-2 Guideline 2: formal bids.

§ 30-3 Guideline 3: written, fax and oral proposals.

§ 30-4 Guideline 4: awarding contracts.

§ 30-5 Guideline 5: obtaining quotes.

§ 30-6 Guideline 6: exceptions.

§ 30-7 Guideline 7: review.

§ 30-8 Guideline 8: use of purchase orders.

§ 30-1 Guideline 1: estimate of supplies and equipment needed.

Every prospective purchase 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. 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 documents supporting the purchase activity.

§ 30-2 Guideline 2: formal bids.

All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law § 103.

§ 30-3 Guideline 3: written, fax and oral proposals.

A.

All estimated purchases of:

(1)

Less than \$20,000 but greater than \$5,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.

(2)

Less than \$5,000 but greater than \$1,000 require an oral request for the goods and oral/fax/email quotes from two vendors.

(3)

Less than \$1,000 are left to the discretion of the purchaser.

B.

All estimated public works contracts of:

(1)

Less than \$35,000 but greater than \$10,000 require a written request for proposal (RFP) and fax/email proposals from three contractors.

(2)

Less than \$10,000 but greater than \$1,000 require written quotes from two contractors.

(3)

Less than \$1,000 are left to the discretion of the purchaser.

C.

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.

D.

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.

§ 30-4 Guideline 4: awarding contracts.

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 the judgment shall also be documented and filed with the record supporting the procurement.

§ 30-5 Guideline 5: obtaining quotes.

A good-faith effort shall be made to obtain the required number of 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.

§ 30-6 Guideline 6: exceptions.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

A.

Acquisition of professional services or services requiring special or technical skill, training or expertise.

B.

Emergency purchases pursuant to § 103(4) of General Municipal Law.

C.

Sole-source situations.

D.

Goods purchased from agencies for the blind or severely handicapped.

E.

Goods purchased from correctional facilities.

F.

Goods purchased from another governmental agency.

G.

Goods purchased at auction or as surplus or secondhand.

H.

Goods purchased for less than \$1,000.

I.

Public works contracts for less than \$1,000.

J.

Goods purchased under New York State Contract or purchased through the state procurement process known as “Piggybacking” on another state, county or local agency contract

§ 30-7 Guideline 7: review.

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

§ 30-8. Guideline 8: use of purchase orders.

The Town Board hereby establishes a policy requiring a purchase order number be assigned to all purchases exceeding \$25.00.

This law shall take effect as of the date of filing with the New York State Department of State