

TOWN OF BERNE PROCUREMENT POLICY 2024

50-1. Applicability; yearly purchasing estimates

The Town Supervisor acts as the Chief Procurement Officer and shall be responsible for assuring that all purchases are made in accordance with this procurement policy.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law (GML) § 103.

Every procurement official 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.

All purchases over \$1000 from the General Fund shall require prior approval of the Town Board.

The following titles are considered "purchasers" for the purposes of this policy.

- Town Supervisor
- Town Clerk
- Deputy Town Supervisor
- Superintendent of Highways

The Chief Procurement Officer may grant other Town Officials with purchasing authority for one time purchases in accordance with the policy.

50-2. Formal bids required

All purchases of supplies or equipment which will exceed \$10,000 in the fiscal year or public works contracts over \$20,000 shall be formally bid pursuant to GML § 103.

50-3. Quotes and RFPs

A. All estimated purchases of:

(1) Less than \$10,000 but greater than \$3,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.

(2) Less than \$3,000 but greater than \$1,000 require an oral request for the goods or services and oral/fax quotes from vendors.

(3) Less than \$1,000 but greater than \$500 are left to the discretion of the purchaser.

B. All estimated public works contracts of (definition: construction projects, such as highways or dams, financed by public funds and constructed by a government for the benefit or use of the general public):

(1) Less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from three contractors.

(2) Less than \$10,000 but greater than \$3,000 require a written RFP and fax/proposals from two contractors.

(3) Less than \$3,000 are left to the discretion of the purchaser.

C. All written RFPs shall describe the desired goods, quantity and the particular 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 section shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

E. In connection with every prospective purchase of goods or services the purchaser shall evaluate whether or not the goods or services may be available through New York State contract and/or the Albany County Purchasing Department for a price or sum more favorable than the proposals or price quotes solicited by the Town.

F. All purchases of goods or services by a Town officer, board, department head or other personnel with the requisite purchasing authority shall require a purchase order.

G. Except in emergencies, all vouchers and bills to be considered for approval of payment by the Town Board at its regular bi-monthly meeting (on the second Wednesday of the month) must be submitted to the Town on or before the first Wednesday of the month.

50-4. Award of bid

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.

50-5. Solicitation of quotes and/or proposals

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.

50-6. Written proposals not required

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; except when the Town Board has directed the use of formal requests for proposals;
- B. Emergencies;
- 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 government agency;
- G. Goods purchased at auction;
- H. Goods purchased for less than \$1000;
- I. Public works contacts for less than \$3,000.
- J. the HIGHWAY SUPERINTENDENT be and he hereby is authorized to purchase gas and diesel fuel through state contract.
- K. The HIGHWAY SUPERINTENDENT is authorized to spend up to \$5,000 for purchase of tools, tires, parts and equipment from New York State contract and/or the Albany County Purchasing Department; other County, State or Federal contracts without prior approval by the Town Board

50.6.1. Documentation of Delivery

The Chief Procurement Officer must attest to the delivery of commodities or services through vendors awarded bids, and also for purchases of a general nature below the bid standard. Such documentation must be presented to the Town Clerk.

Documentation must consist of a packing slip, Purchase Order number and invoice signed by the purchaser or designee indicating receipt of commodities or services.

50.7. Annual review of policy

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