

# **TOWN OF COPAKE**

## **PROCUREMENT POLICIES AND PROCEDURES**

*Last Updated: November 10, 2022*

### **Section 1. Purpose**

Goods and services which are not required by law to be procured pursuant to competitive bidding under N.Y. General Municipal Law § 103 must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Town Board of the Town of Copake has adopted these internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103 or of any other general, special or local law.

### **Section 2. Evaluation of Purchases and Contracts**

Every prospective purchase of goods or services shall first be evaluated to determine the applicability of N.Y. General Municipal Law § 103. Every town officer, board, department head, or other personnel with the requisite purchasing authority (hereinafter referred to as the “purchaser”) shall estimate the cumulative amount of the items of supply or service needed in any 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 or service to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchasing activity.

### **Section 3. Purchases and Contracts Governed by N.Y. General Municipal Law § 103 (Competitive Bidding)**

All contracts for public work and all purchase contracts governed by N.Y. General Municipal Law § 103 shall comply therewith.

As of the latest revision to these Procurement Policies and Procedures, N.Y. General Municipal Law § 103 generally requires (with some exceptions) that the following contracts be subject to competitive bidding:

- Contracts for public work exceeding \$35,000
- Purchase contracts exceeding \$20,000

The foregoing thresholds for competitive bidding, along with any applicable exemptions that may, from time to time, apply, are subject to potential amendment by the New York State Legislature. Accordingly, notwithstanding the foregoing, all purchasers are required to determine the competitive bidding thresholds and applicable exemptions in effect at the time of the proposed purchase or contract to determine whether and to what extent the competitive bidding requirements of N.Y. General Municipal Law § 103 apply.

#### **Section 4. Purchases and Contracts Not Governed by N.Y. General Municipal Law § 103**

Purchases and contracts that are not governed by General Municipal Law § 103 shall comply with the following, as applicable:

**A. Purchase Contracts.** Purchase contracts not governed by N.Y. General Municipal Law § 103 shall be secured as follows:

1. **Greater than \$5,000.** Purchase contracts not governed by General Municipal Law § 103 involving expenditures greater than \$5,000 shall require a written request for proposal and written, faxed, or emailed quotes from at least 3 vendors.
2. **Greater than \$1,000, but not exceeding \$5,000.** Purchase contracts not governed by General Municipal Law § 103 involving expenditures of \$5,000 or less, but greater than \$1,000, shall require an oral request for proposals and oral, written, faxed, or emailed quotes from at least 2 vendors.
3. **\$1,000 or less.** Purchase contracts not governed by General Municipal Law § 103 involving expenditures of \$1,000 or less are left to the discretion of the purchaser.

**B. Public Works Contracts.** Public works contracts not governed by N.Y. General Municipal Law § 103 shall be secured as follows:

1. **Greater than \$10,000.** Public works contracts not governed by General Municipal Law § 103 involving expenditures greater than \$10,000 shall require a written request for proposals and written, faxed, or emailed quotes from at least 3 contractors.
2. **Greater than \$5,000, but not exceeding \$10,000.** Public works contracts not governed by General Municipal Law § 103 involving expenditures of \$10,000 or less, but greater than \$5,000, shall require a written request for proposals and written, faxed, or emailed quotes from at least 2 contractors.

3. **Greater than \$1,000, but not exceeding \$5,000.** Public works contracts not governed by General Municipal Law § 103 involving expenditures of \$5,000 or less, but greater than \$1,000, shall require an oral request for quotes/proposals and oral, written, faxed, or emailed quotes from at least 2 contractors.
  4. **\$1,000 or less.** Public works contracts not governed by General Municipal Law § 103 involving expenditures of \$1,000 or less are left to the discretion of the purchaser.
- C. **Record.** Any written request for proposals shall describe, as applicable, the desired goods and/or services to be provided, the quantity thereof, and the particulars of delivery. The purchaser shall compile a list of all vendors from whom oral/written/faxed/email quotes have been requested and the quotes offered. 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.

#### **Section 5. Awarding Contracts Not Governed by General Municipal Law § 103**

A purchase contract or public works contract not governed by General Municipal Law § 103 shall be awarded to the lowest responsible proposal or quote, unless the purchaser prepares a written justification providing reasons why it is in the best interests of the town and its taxpayers to make an award to other than the lowest responsible proposal or quote. If an offeror is deemed to be not responsible, facts supporting that judgment shall be documented and filed with the record supporting the procurement.

#### **Section 6. Obtaining the Required Number of Proposals**

A good faith effort shall be made to obtain the required number of proposals or quotes required by these Procurement Policies and Procedures. If the purchaser is unable to obtain the required number of proposals or quotes, the purchaser shall document the attempt made at obtaining the proposals or quotes. In no event shall the inability to obtain the minimum number of proposals or quotes be a bar to the procurement.

#### **Section 7. Exceptions**

- A. Except as otherwise directed by the Town Board, no solicitation of proposals or quotes under Section 4 of these Procurement Policies and Procedures shall be required under the following circumstances:

1. Acquisition of professional services, provided that the purchaser chooses the individual or company to provide such professional services based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and/or moral worth. For purposes of this exception, whether or not a service constitutes a “professional service” shall be determined in accordance with Paragraph B of this Section.
  2. Contracts for the repair or maintenance of highway department equipment that are not otherwise governed by General Municipal Law § 103 and where obtaining written proposals or quotes is impracticable or is not cost effective due to the need to transport the subject equipment to various locations in order to obtain such proposals or quotes.
  3. Emergencies.
  4. Sole source situations.
  5. Acquisition of goods or services from a preferred source pursuant to N.Y. State Finance Law § 162, as in effect at the time of the acquisition.
  6. Purchases from another governmental agency.
  7. Purchases that, notwithstanding applicable monetary thresholds for competitive bidding under General Municipal Law § 103, are specifically exempted therefrom.
  8. Goods purchased at auction.
  9. Goods purchased for \$1,000 or less.
  10. Public works contracts for \$3,000 or less.
- B. In determining whether a service is a “professional service”, the purchaser shall consider the following guidelines:
1. Whether the service to be acquired falls into one of the following categories (in which case the service shall be presumed to be a professional service under these Procurement Policies and Procedures):
    - a. Legal services;

- b. Medical services;
  - c. Design professional services, such as engineering or architecture;
  - d. Insurance brokerage services;
  - e. Accounting services;
  - f. Investment management services;
  - g. Computer software or programming services;
  - h. Printing services that involves extensive writing, editing or artwork services;
  - i. Comprehensive property management services for municipally owned property; and
  - j. Municipal comprehensive planning services.
- 2. Whether the service is subject to state professional licensure or testing requirements;
  - 3. Whether substantial formal education and training is a necessary prerequisite to the performance of the service; and
  - 4. Whether the service requires a uniquely confidential relationship between the service provider and municipal officials.

## **Section 8. Annual Review**

These Procurement Policies and Procedures shall be reviewed annually by the Town Board.