

# TOWN OF NEWCOMB PROCUREMENT GUIDELINES

Adopted May 25, 2021

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, S103 or any other law; and

WHEREAS, comments have been solicited from those officers of the Town involved with procurement; NOW, THEREFORE, be it

RESOLVED: that the Town of Newcomb does hereby adopt the following procurement policies and procedures, and further provides that the Supervisor and Highway Superintendent shall be authorized under this policy to act as purchasing officers. The Town Supervisor shall prepare purchase orders to be attached to supporting documentation for Town Board audit.

Purchases made under this procurement policy, in excess of \$5,000, the purchasing officer shall provide a courtesy notification to the Town Board members prior to audit.

GUIDELINE 1- Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, S103. 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 documentation supporting the purchase activity.

GUIDELINE 2-All purchases of (a) supplies or equipment which will exceed, \$10,000 in the fiscal year or (b) public works contracts over \$20,000 shall be formally bid pursuant to GML, S103. The Town of Newcomb will utilize the Essex County Office of Human Resources to aid in preparing bid documents, specifications and facilitating actual bidding.

GUIDELINE 3- All estimated purchases of:

A. Purchase Contracts in excess of \$20,000 threshold shall be subject to competitive bidding unless authorized by exceptions listed in Guideline 6.

B. Less than \$20,000 but greater than \$10,000; each authorized purchasing officer shall attempt to obtain written quotes from 2 contractors/vendors. The purchasing officer must document attempts using email, fax, written quotes, or phone call logs.

C. less than \$10,000 but greater than \$5,000 each authorized purchasing officer shall attempt to obtain written quotes from 2 vendors/contractor. The purchasing officer must document attempts using email, fax, written quotes, or phone call logs.

D. less than \$5,000 but greater than \$3,000 require authorized purchasing officer attempt to obtain oral requests from 2 vendors/contractor. The purchasing officer must document attempts using email, fax, written quotes, or phone call logs.

### GUIDELINE 3- (Continued)

E. less than \$3,000 but greater than \$500 are left to the discretion of the purchaser.  
each authorized purchasing officers.

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 of public works contract and attached to purchase orders.

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:

- ./ Acquisition of professional services
- ./ Emergencies
- ./ Sole source situations (Requires Town Board Resolution)
- ./ Goods purchased from agencies for the blind or severely handicapped
- ./ Goods purchased from correctional facilities
- ./ Goods purchased from another governmental agency (ie. State Contract)
- ./ Goods purchased at auction
- ./ Goods purchased for less than ~~\$500.00~~ \$3,000
- ./ Public works contracts for less than ~~\$500.00~~ \$3,000

GUIDELINE 7- This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practical.

## Appendix A—Categories of Procurement

Most proposed procurements generally fit into one of the 16 categories in the following table. This table identifies whether these categories are within the requirements of General Municipal Law (GML) Section 103, or within local procurement policies and procedures required by GML Section 104-b.

	Subject to Competitive Bidding (section 103)	Local Policies and Procedures (section 104-b)
<b>Purchase Contracts and Contracts for Public Work if No Other Exception Applies<sup>57</sup></b>		
1. Purchase Contracts – In excess of the \$20,000 Threshold	X <sup>(a)</sup>	
2. Purchase Contracts – Below the \$20,000 Threshold		X
3. Contracts for Public Work – In excess of the \$35,000 Threshold	X <sup>(b)</sup>	
4. Contracts for Public Work – Below the \$35,000 Threshold		X
<b>Procurements Exempt from the Requirements of section 103 and the Quotations/Proposals Requirement of section 104-b</b>		
5. Preferred Sources (State Finance Law, section 162; Correction Law, sections 184, 186)		X <sup>(c)</sup>
6. State Contracts; certain Federal contracts (GML, section 104)		X <sup>(c)</sup>
7. County Contracts (GML, section 103[3])		X <sup>(c)</sup>
8. Additional exemptions provided for in local policies and procedures (e.g., “piggybacking” on certain other government contracts in accordance with the prerequisites in GML, section 103 [16]); other local exemptions). <sup>58</sup>		X <sup>(c)</sup>
<b>Procurements Exempt from section 103</b>		
9. Emergency (GML, section 103 [4])		X
10. Sole Source		X
11. Professional Service		X
12. True Leases	X <sup>(d)</sup>	X
13. Insurance		X
14. Surplus/Second-hand Materials, Supplies, Equipment from Certain Other Governments (GML, section 103 [6])		X
15. Certain Food and Milk Purchases (GML, section 103 [9], [10])		X <sup>(e)</sup>
16. Certain Municipal Hospital or Nutrition Program Purchases (GML, section 103 [8])		X