

PROCUREMENT POLICIES AND PROCEDURES

TOWN OF HOWARD

2022

This Resolution sets forth policies and procedures of the Town of Howard to meet the requirements of General Municipal Law, Section 104-b.

Purpose:

Goods and services which are not required by law to be procured pursuant to competitive bidding 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 that acquisition of goods and services of maximum quality at the lowest favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board is adopting 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, Section 103 or of any other general, special or local law.

Procedures for Determining Whether Procurements are Subject to Bidding:

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by Law is as follows:

Procedure: The Town Board shall first check estimated cost with the following list:

	Bidding	104-b
Purchase Contract – Above \$20,000	X	
Purchase Contract – Below \$20,000		X
Contract for Public Work – Above \$35,000	X	
Contract for Public Work- Below \$35,000		X
State Contract (GML, Section 104)		X (a)
County Contract (GML, Section 103(3))		X (a)
Emergencies (GML, Section 103(4))		X
Sole Source (For Example, patented or monopoly item)		X
True Leases	X (b)	X

	Bidding	104-b
Insurance		X
Second-Hand Equipment From Another Government (GML, Section 103 (6))		X

- (a) Although Section 104-b exempts these purchases from the requirement of written or verbal quotations or proposals, each political subdivision should include in their policies a provision to ensure that use of the exception is documented and in the case of State or County contracts that procurements from these sources are in the best interest of the unit. This could be accomplished by comparisons of prices to catalogs or other market price comparisons.
- (b) School districts only.

Documentation: Town Clerk shall record in minutes discussion before purchase.

Statutory Exceptions From These Policies and Procedures

Except for procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 16 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law, Section 104-b.

In case of emergency, including but not limited to fire, ice storm, snow storm, or other severe weather conditions endangering public health or welfare, the requirements of this policy would be subject to temporary suspension at the discretion of the Town Supervisor or other elected official, as so designated.

Methods of Competition to be Used for Non-Bid Procurements

The methods of procurement to be used are as follows:

NON-BID PROCEDURES (Document if not Possible)

	Verbal Quotes		Written Quotes	Other
	0	2	3	
Purchase Contracts Below \$20,000				
Under \$999	X			
	No requirement for department heads operating within their Budget line item			
\$1,000 - \$4,999		X		
	Two verbal quotes from voucher with verbal permission of Town Supervisor or designee			
\$5,000 - \$19,999			X	
<u>Contracts for Public Work below \$20,000</u>				
Under \$1,000	X			
\$1,000 - \$5,000		X		
\$5,000 - \$10,000			X	
\$10,000 - \$19,999			X	
Emergencies				a
Insurance				a
True Leases (Other than school districts)				a
Second-Hand Equipment from Other Governments				a
Sole Source (For example, patented or monopoly item)				a
Below State Bid				b

- (a) The methods of solicitation for these types of procurements may vary depending on the circumstances encountered. The policies and procedures should ensure that the procurement and method of seeking competition is in the best interest of the Town of Howard.
- (b) State Bid (below) - Through discussion of the Board at open meeting and documented in minutes.

Adequate Documentation:

Documentation of actions taken in connection with each such method of procurement is required.

Awards to Other Than Lowest Responsible Dollar Offerer

Whenever any contract is awarded to other than the lowest responsible dollar offerer, the reasons such an award furthers the purpose of General Municipal law Section 104-b as set forth herein above shall be documented in full in the Town Clerk's minutes.

Items Exempted from Policies and Procedures by Board

The Board shall document all circumstances when, or types of procurements for which, in the sole direction of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the Town of Howard.

Input from Officers

Comments concerning the policies and procedures shall be solicited from officers of the Town of Howard therein involved in the procurement process prior to the enactment of the policies and procedures, and will be solicited from time to time thereafter.

Annual Review

The governing Board shall annually review these policies and procedures. The full Town Board of Howard and the Highway Superintendent shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

Unintentional Failure to Comply

The unintentional failure to comply with the provisions of this General Municipal Law, Section 104-b, shall not be grounds to void action taken or given rise to a cause of action against the Town of Howard or any officer or employee thereof.

Resolution

Adopted on September 14, 2022 by unanimous vote of the governing board of the Town of Howard.