



VILLAGE OF FAIRPORT/FAIRPORT MUNICIPAL COMMISSION PROCUREMENT POLICY

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract by the Department Head responsible for the purchase. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and secondhand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. Whenever prudent and cost-effective, utilization of New York State or local government contract, the Empire State Purchasing Group, the National Joint Powers Alliance (NJPA), or other purchasing groups will be used provided that the contract is let in a manner that constitutes competitive bidding consistent with New York State law, made available for use by other governmental entities and approved by the Village Manager. Surplus and second-hand purchases are permissible when purchased from a reliable vendor or other governmental entity. All other goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method as described in section 3 of this policy that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

Purchases made in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correction institutions pursuant to section 186 of the Correction Law; or purchases pursuant to Section 104-b(2)(f) of General Municipal Law as described in subdivision 6 of this policy are not subject to verbal or written quotations or to competitive bidding for purchases over \$20,000 and public works contracts over \$35,000.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: Purchase contracts under \$20,000 and public works contracts under \$35,000; emergency

purchases; certain municipal hospital purchases; items purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under New York State and any NYS county or local government contracts, or through the Empire State Purchasing Group or the National Joint Powers Alliance (NJPA), provided that the contract is let in a manner that constitutes competitive bidding consistent with NYS law and made available for use by other governmental entities and subject to the approval of the Village Manager and Corporation Counsel; and surplus and second-hand purchases from other governmental entity.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$500 - \$2,999.99	Verbal quotation/written notations
\$3,000 -19,999.99.....	Written/fax quotations or written request for proposals

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$500 - \$2,999.99.....	Verbal quotations/written notations
\$3,000 - \$4,999.99	Written/fax quotations
\$5,000 – 34,999.99.....	Written/fax quotations or written request for proposal

A good faith effort shall be made to obtain a minimum of three (3) proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror

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was not responsible. A determination that the offeror is not responsible shall be made by the purchaser, approved in writing by the supervisor of the purchaser.

6. Pursuant to General Municipal Law section 104-b (2) (f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Village of Fairport or the Fairport Municipal Commission to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines:

1. If the services are subject to state licensing or testing requirements.
2. If substantial formal education or training is a necessary prerequisite to the performance of the services.
3. If the services require a personal business relationship between the individual and municipal officials.
4. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-package software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer or electric rate payer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

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7. Change Order(s) to a previously awarded bid may be necessary. Change Orders that fall within the budgeted amount for the purchase/project and with a combined change order total amount equal to the lessor of 10% of the total bid award or \$20,000 will be submitted to the Village Manager for approval. Change Orders in excess of the budgeted amount or with a combined Change Order amount in excess of 10% of the approved bid or \$20,000 will be referred to the Village Board for approval. In the absence of the Village Manager the Clerk-Treasurer may approve the change.
8. This policy shall go into effect January 1, 1992 and will be reviewed annually.

Revised March 10, 2014