

Chapter 58

PROCUREMENT POLICY

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[HISTORY: Adopted by the Board of Trustees of the Village of Barker 4-1-2013 by Res. No. 4-2013.¹ Amendments noted where applicable.]

§ 58-1. Adoption of policy.

The Village of Barker does hereby adopt the following procurement policies and procedures.

1. Editor's Note: This resolution also superseded former Ch. 58, Procurement Policy, adopted 4-5-1993 by resolution, as amended.

§ 58-2. Evaluation and estimation of purchase.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103. The purchaser shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall take into consideration requirements of other Village departments and past history to determine the likely yearly value of the commodity to be acquired.

§ 58-3. Formal bid required for certain purchases.

All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law § 103.

§ 58-4. Requirements for other purchases.**A. All estimated purchases of:**

- (1) Less than \$20,000 but greater than \$5,000 require a verbal or written request for a proposal and written or fax quotes from three vendors.
- (2) Less than \$5,000 but greater than \$1,000 require a verbal request for the goods and verbal or fax quotes from two vendors.
- (3) Less than \$1,000 is left to the discretion of the purchaser.

B. All estimated public works contracts of:

- (1) Less than \$35,000 but greater than \$5,000 require a verbal or written request for proposal and written or fax proposals from three contractors.

- (2) Less than \$5,000 but greater than \$1,000 require a verbal or written request for proposal and verbal or fax proposals from two contractors.
- (3) Less than \$1,000 is left to the discretion of the purchaser.

§ 58-5. Approval by Board of Trustees.

Purchase or public works contracts in excess of \$1,000 shall be approved by the Village Board of Trustees. The purchaser may accept a proposal in accordance with these guidelines prior to receipt of approval, but subject to approval. If no separate action by the Village Board of Trustees has been taken, the approval of vouchered billings by the Village Board of Trustees shall constitute approval.

§ 58-6. Award of contract.

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 Village and its taxpayers to make an award to other than the low proposal.

§ 58-7. Obtaining proposals.

A good faith effort shall be made to obtain the required number of proposal 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 procurement.

§ 58-8. Exceptions.

Except when directed by the Village Board of Trustees and subject to competitive bidding requirements, no solicitation of

written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services;
- 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 governmental agency;
- G. Goods purchased at auction;
- H. Goods purchased for less than \$1,000;
- I. Public works contracts for less than \$1,000.

§ 58-9. Annual review.

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

§ 58-10. Documentation and filing.

Except where exempted by § 58-7, a procurement policy form shall be completed by the purchaser and placed on file relating to the purchase. All additional 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.

§ 58-11. Findings.

It is the determination of this Board that for purchases less than \$1,000, the requirement of solicitation of alternative proposals and the paperwork necessary to document them are time consuming and counterproductive to the best interest of the Village. The small number of individuals with purchasing authority and their overall knowledge of available products and services in their respective areas are given weight by this Board in arriving at this finding. Purchasers shall, nevertheless, utilize good business judgment in obtaining products and services at the best overall value to the Village of Barker.

§ 58-12. Responsibility of department heads.

It is also the determination of the Board that the department heads are responsible for purchasing. These individuals are the Superintendent of Public Works, the Chief of Police, and the Clerk-Treasurer.²

§ 58-13. Consideration of certain businesses.

- A. Consideration in the solicitation of bids or quotes for services, supplies or contracts shall be given to:
- (1) Small and/or locally owned businesses, with priority to businesses owned by or which employ low- or moderate-income persons, as defined by HUD; and
 - (2) Qualified minority and women-owned business enterprises (M/WBE) firms listed in the directory of certified minority- and women-owned businesses maintained by the Empire State Development Corporation on its website at <http://www.empire.state.ny.us/MWBE.html>.

2. **Editor's Note: The names of the department heads are included in a complete copy of Res. No. 4-2013, which is on file in the Village offices.**

- B. These provisions shall apply to the procurement of goods and services related to the implementation of the CDBG funded programs and activities as well as to the procurement of goods and services related to the general conduct of business by the Village of Barker.