



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES
REGULAR MEETING AGENDA

MEETING DATE: SEPTEMBER 27, 2022

AGENDA ITEM SECTION: DISCUSSION AND RESOLUTION ITEMS

AGENDA ITEM NO. : 4

AGENDA ITEM:

RESOLUTION: CONSIDER A RESOLUTION TO AMEND THE
VILLAGE'S PROCUREMENT POLICY

ITEM BACKUP DOCUMENTATION:

1. DRAFT RESOLUTION
2. DRAFT PROCUREMENT POLICY

**RESOLUTION APPROVING CHANGES TO THE VILLAGE'S PROCUREMENT
POLICY**

WHEREAS, the Village's Procurement Policy is the guide for all purchasing that occurs within the Village, and from time to time areas are identified that could improve the purchasing process; and

WHEREAS, the Village of Dobbs Ferry has identified some procedural changes that it believes will improve the process of approving purchase contracts/agreements

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees adopts the updated Procurement Policy as attached hereto; and be it further

RESOLVED, that this Resolution shall take effect immediately.

A. Procurement Policy

1. The Village Administrator and Village Treasurer shall act as purchasing agents of the Village. They will make or supervise all necessary purchases of equipment, materials and supplies by the Village. As such, the Village Treasurer can approve purchase requisitions up to \$2,000, and the Village Administrator must approve all purchase requisitions in excess of \$2,000.

Subject to the Board of Trustees approval of the audit of claims, the Village Administrator shall have the power to enter into contracts/agreements for purchases up to \$19,999.99, and public works projects up to \$34,999.99. Contracts/agreements in excess of this amount shall require the prior approval of the Mayor and Board of Trustees. In addition, in case of an emergency the Village Administrator is authorized to make emergency purchases in excess of \$10,000.00 with the consent of the Mayor or the Deputy Mayor. In the event of such an expenditure, the Village Administrator shall promptly provide a report of the expenditure to the Village Board.

2. Every purchase made must be initially reviewed to determine whether it is a purchase contract, public works contract or service contract. 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 fiscal year. The following items are not subject to competitive bidding pursuant to Section 103 of the New York State General Municipal Law:

- a. purchase contracts under \$20,000
- b. public works contracts under \$35,000
- c. emergency purchases
- d. certain municipal hospital purchases
- e. goods purchased from agencies for the blind or severely handicapped
- f. goods purchased from correctional institutions
- g. purchases under State and County contracts
- h. purchases under a Municipal Consortium
- i. surplus and second-hand purchases from another governmental entity (note: purchases over \$20,000 of used, surplus or second-hand materials and equipment should be subject to public bid and advertised as such.)

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. The documentation shall be provided to the Village Administrator for approval prior to initiating a purchase.

3 All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- a. purchase contracts over \$20,000 and public works contracts over \$35,000
- b. goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law
- c. goods purchased from correctional institutions pursuant to Section 186 of the Correction Law
- d. purchases under State contracts pursuant to Section 104 of the General Municipal Law
- e. purchases under County contracts pursuant to Section 103(3) of the General Municipal Law
- f. purchases pursuant to Subdivision 6 of this policy

4. 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>
\$1,000 - \$3,499	2 verbal quotations
\$3,500 - \$19,999	3 written/fax quotations or request for proposal
\$20,000 and above	subject to publicly advertised bid or publicly advertised RFP. <u>Must be circulated to at least 3 companies.</u> Contract must be approved by Mayor and Board of Trustees.

The Village may require electronic bid submission for technology contracts.

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$1,000 - \$3,499	2 verbal quotations
\$3,500 - \$9,999	2 written/fax quotations
\$10,000 - \$34,999	3 written/fax quotations or request for proposal

\$35,000 and above

subject to publicly advertised bid or publicly advertised RFP. Must be circulated to at least 3 companies. **Contract must be approved by Mayor and Board of Trustees.**

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 will document the attempt made at obtaining the proposals and provide to the Village Administrator. In no event shall the failure to obtain the proposals be a bar to the procurement.

5 Documentation is required of each action taken in connection with each procurement.

6. All Fire Department buildings and vehicles maintenance and repairs will be the responsibility of the Fire Chief. All Fire Department purchases and contracts must be pre-approved prior to purchase by requisition authorized by the Village Administrator or the Village Treasurer in the absence of the Administrator. All purchases and contracts will follow the Village's procurement and purchasing policies.

7. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offerors. This documentation will include an explanation of how the award will achieve savings or how the lowest offeror was not responsible. A determination that the lowest offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

8. Pursuant to General Municipal Law Section 104-b(2)(g), 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 interests of the Village 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;

- (a) whether the services are subject to State licensing or testing requirements;
- (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (c) whether the services require a personal relationship between the individual and municipal officials.

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; Municipal Consortium; services of a certified public accountant; investment management services; financial advisor; printing services involving extensive writing, editing or art work; grant writer; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged 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 alternative 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 \$1,000. The time and documentation required to purchase through this policy may be more costly than the item and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

9. This policy shall go into effect immediately upon adoption by the Board of Trustees and will be reviewed annually.