

PROCUREMENT POLICY FOR THE VILLAGE OF FAYETTEVILLE

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 the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board is adopting internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law§103, or of any other general, special or local law.

Determination of Whether Procurements 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:

A. Procedure.

1. Purchase contract above \$20,000.
2. Contract for public work above \$35,000.

B. Documentation: written quotations or proposals.

Best Value

The best value standard may only be used for purchase contracts, which includes contracts for service work, but excludes any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law. When awarding contracts under the best value standard, the village must consider the overall combination of quality, price, and other elements of the required commodity or service that in total are optimal relative to the needs of the village. Use of the best value standard must rely, wherever possible, on objective and quantifiable analysis. The best value standard may identify as a quantitative factor whether offerors are small businesses or certified minority-or women-owned business enterprises as defined in New York Executive Law§310. Use of the best value standard for the procurement of goods and services requires approval from the board of trustees. The board must also approve the factors to be considered when awarding contracts under this standard.

The Iran Divestment Act

Every bid made to the village must contain the following statement subscribed and affirmed by the bidder as true under the penalties of perjury:

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.

The village may award a bid to a bidder who cannot make the statement of non-investment on a case-by-case basis if:

- The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
- The village makes a determination that the goods or services are necessary for the Village to perform its functions and that, absent such an exemption, the village would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

No contract may be awarded to any persons determined to be engaged in investment activities in Iran as indicated by New York State Office of General Services.

Statutory Exceptions From Policies and Procedures

Except for procurement made pursuant to General Municipal Law §103 (3) (through county contracts) or §104 (through State contracts), State Finance Law §175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veterans' workshops), Correction Law §186 (articles manufactured in correctional institutions) or the items excepted herein, alternative proposals or quotations for goods and services must 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 §104-b.

Methods of Competition for Non-bid Procurement

The methods of procurement to be used are as follows:

- A. County contracts.
- B. Emergencies.
- C. Professional service.
- D. Insurance.
- E. Secondhand equipment from other governments.

Adequate Documentation

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A. \$1,000 to \$2,499: two verbal quotes.
- B. \$2,500 to \$9,999.99: three written quotes.
- C. \$10,000 to \$19,999.99: four written quotes.

Awards to Other Than Lowest Responsible Dollar Offeror

Whenever any contract is awarded to someone other than the lowest responsible offeror, the village must document and justify why the purchase is in the interest of the governmental unit.

Items Excepted From Policies and Procedures by Board

The solicitation of alternative proposals or quotations will not be in the best interest of the municipality in an emergency or for small procurement under \$100.

Input From Officers

Comments concerning the policies and procedures must be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of policies and procedures, and will be solicited from time to time hereafter.

Annual Review

The governing board must annually review these policies and procedures.

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law §104-b will not be grounds to void any contract or procurement or give rise to a cause of action against the municipality any officer or employee there

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