

**TOWN OF GENEVA**

**2022**

**PROCUREMENT POLICY**

## TOWN OF GENEVA PROCUREMENT POLICY

WHEREAS, Section 104-B of the General Municipal Law requires the governing body of every municipality to adopt a Procurement Policy for all goods and services which are now required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers involved in the procurement process,

NOW THEREFORE BE IT RESOLVED, that the Town of Geneva does hereby adopt the following Procurement Policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

### PROCUREMENT POLICY FOR THE TOWN OF GENEVA

1. Every purchase to be made must be initially reviewed to determine whether it is a Purchase Contract or a Public Works 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 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 second-hand 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. 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: 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 Correctional Institutions pursuant to Section 186 of the Correction Law; purchases under State Contracts pursuant to Section 104 of the General Municipal Law; purchases under County Contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to Subdivision 6 of this Policy.

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

<u>ESTIMATED AMOUNTS OF PURCHASE CONTRACT</u>	<u>METHOD</u>
Less than \$3,000	Left to discretion of Dept. Head
\$3,000 - \$9,999	1 written plus 2 verbal quotations
\$10,000 - \$19,999	2 written quotations or written request for proposal

<u>ESTIMATED AMOUNTS OF WORKS CONTRACTS</u>	<u>METHOD</u>
Less than \$5,000	Left to discretion of Dept. Head
\$5,000 - \$19,999	1 written plus 2 verbal quotations
\$20,000 - \$34,999	2 written quotations or written request for proposals

Purchases in excess of the amounts stated above as “Left to discretion of Dept. Head” must be approved by the Town Board.

Written quotations and other written requirements may be satisfied by delivery by fax or email or other means that create a written record the recipient can print or save electronically.

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 proposal. 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 bidder. This documentation will include an explanation of how the award will achieve savings or how the bidder was not responsible. A determination that the bidder is not responsible shall be made by the purchaser.

6. Pursuant to General Municipal Law Section 104-B (2) (F), the Procurement Policy may contain circumstances when, or types of procurement 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 Town of Geneva 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 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 procedure.

In determining whether a service fits into this category, the Town of Geneva 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.
- 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 physiographer; 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 of 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 alternate proposals may

threaten the life, health, safety or welfare of the residents. This Section does not preclude alternate proposals if time permits.

C) Purchase of surplus and second-hand goods from any source. If alternate proposals are required, the Town 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) Purchases and Public Works contracts under \$3,000.00 and \$5,000.00, respectively. 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 interest of the taxpayer. In addition, it is not likely that such minimum contracts would be awarded on favoritism.

7. Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Town will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The Town's established purchase/contracting thresholds will apply. The Town will keep documentation of Section 3 solicitation and any responses in its records.

Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Town will solicit MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The Town's established purchase/contracting thresholds will apply. For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Town will keep documentation of M/WBE solicitation and any responses in its records.

8. This Policy shall be reviewed annually.