

POLICY FOR
PURCHASES AND PURCHASE CONTRACTS
AND
CONTRACTS FOR PUBLIC WORKS
TOWN OF NEW HAVEN, NEW YORK

Section 1: Title

This policy shall be known as the “Policy for Purchases and Purchase Contracts and Contracts for Public Works.”

Section 2: Effective Date

This policy shall be effective upon adoption by the Town Board of the Town of New Haven.

Section 3: Purpose

The purpose of this policy is to set forth procurement policies and procedures for purchases and purchase contracts as well as contracts for Public Works and, by its adoption, replace in its entirety the “Policy for Purchases and Purchase Contracts and Contracts for Public Works,” adopted by the Town Board on the 19th day of April, 2010.

Section 4: Authority

By authority of the resolution of the Town Board of the Town of New Haven adopted on the 18th day of July, 2011, pursuant to the provisions of New York State General Municipal Law (GML) Sections 103 and 104(b), the Town Board of the Town of New Haven establishes the policies and procedures for purchases, purchase contracts and contracts for Public Works.

Section 5: Purchases and Purchase Contracts

- a. Every prospective purchase of goods or services shall be evaluated to determine the applicability of New York State GML Sections 103 and

104(b). Every town officer, board, department head or other personnel with requisite purchasing authority (hereinafter “requestor”) shall estimate the cumulative amount of items of supply or equipment needed in a given fiscal year. That estimate shall include the canvas of other town departments and past history to determine the likely yearly value of the goods or services to be purchased. The information gathered, and the conclusions reached, shall be documented and kept with the file for other documentation supporting the purchase activity.

- b. Purchases and purchase contracts involving the expenditure of more than \$20,000.00 are subject to the competitive bidding requirements set forth in GML Section 103.
- c. On purchases and purchase contracts valued from \$5,000.00 to \$19,999.99, the requestor must obtain three (3) written quotes which must be submitted to the Town Board along with the purchase request.
- d. For purchases and purchase contracts from \$1,000.00 to \$4,999.99, the requestor must obtain three (3) written quotes which must be submitted to the Town Board along with the written purchase request.
- e. For purchases and purchase contracts from \$500.00 to \$999.99, the requestor must obtain three (3) verbal quotes.
- f. For purchases and purchase contracts from \$100.00 to \$499.99, the requestor must obtain two (2) verbal quotes.
- g. For purchases and purchase contracts less than \$100.00 no written or verbal quote is required from the requestor.

- h. In the event that a purchase is a “sole source,” namely there is only one source from which the item may be purchased, the requestor must attach a written explanation as to why there is only a sole source for such item and also must attach a copy of the quote for such item.
- i. Purchases may not be split in order to avoid the requirements for competitive bidding. Purchases may not be split in order to reduce the requirements for the number of written or verbal quotes. In all purchases requiring quotes, the lowest reasonable quote shall be accepted.
- j. All purchase requests shall be in writing and shall describe the desired goods, quantity and particulars of delivery. The requestor shall compile a list of all vendors from whom written, faxed or verbal quotes, as required by this policy, have been requested, and the written, faxed or verbal quotes, as permitted by this policy, offered.
- k. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase.
- l. The requestor must purchase an item from the state contractor, rather than another supplier, if the price at which the item will be supplied by another supplier merely meets but is not lower than the state bid price. The requestor may only purchase such item from another supplier if the quoted price from another supplier is less than the state contractor’s price.

- m. The requestor shall check for a state bid price for purchases and purchase contracts of more than \$100.00 but the requestor shall not be required, but may, check the state bid price for purchases of less than \$100.00.
- n. If the requestor purchases from a state contractor using a state bid, the "P.C.#" must be noted on the documentation supporting the subsequent purchase.
- o. If another supplier is lower than the state bid price and the purchase is made from another supplier, a written statement should be filed with the documentation supporting the subsequent purchase that the price of another supplier is lower than the state bid.
- p. The following Town officers and/or employees are authorized to make purchases:
 - Town Highway Superintendent;
 - Deputy Highway Superintendent;
 - Town Clerk;
 - Deputy Town Clerk;
 - Town Supervisor;
 - Deputy Town Supervisor; and
 - Bookkeeper.

Section 6: Contracts for Public Works

- a. Public Works contracts involving the expenditure of \$35,000.00 or more shall be subject to the competitive bidding practices set forth in GML Section 103.
- b. For contracts for Public Works involving expenditures from \$20,000.00 to \$34,999.99, inclusive, the requestor must obtain at least three (3)

competitive bids unless the requestor requesting the purchase can demonstrate why fewer bids would be in the public interest.

- c. For contracts for Public Works involving expenditures from \$10,000.00 to \$19,999.99, inclusive, the requestor must obtain three (3) written quotes which must be submitted to the Town Board, along with the written contract request.
- d. For contracts for Public Works involving expenditures from \$5,000.00 to \$9,999.99, inclusive, the requestor must obtain three (3) written quotes which must be submitted to the Town Board, along with the written contract request.
- e. For contracts for Public Works involving expenditures from \$1,000.00 to \$4,999.99, the requestor must obtain three (3) verbal quotes which must be submitted to the Town Board along with the purchase request.
- f. For contracts for Public Works less than \$1,000.00, two (2) verbal quotes must be obtained.
- g. Contracts may not be split in order to avoid the requirements for competitive bidding. Contracts may not be split in order to reduce the requirements for the number of written quotes or verbal quotes. In all contracts requiring quotes, the lowest reasonable quote shall be accepted.
- h. All written contract requests shall describe the Public Works project and shall require such specificity as required by the Town Board. The requestor shall compile a list of all vendors from whom written, faxed or

verbal quotes, as permitted by this policy, have been requested, and the written, faxed or verbal quotes, as required by this policy, offered.

- i. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent Public Works contract.

Section 7: Lowest Responsible Proposal

The lowest responsible proposal or quote shall be awarded the purchase or Public Works contract unless the requestor prepares a written justification providing reasons why it is in the best interest of the Town of New Haven and its taxpayers to make an award other than to the lowest bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement. The Town Board shall have the final authority to accept, approve and/or award, as appropriate, the purchase or Public Works contract.

Section 8: Good Faith Effort

A good faith effort shall be made by the requestor to obtain the required number of written or verbal quotes, as applicable. If the requestor is unable to obtain the required number of written or verbal quotes, as applicable, the requestor shall document the attempt made at obtaining the written or verbal quotes. In no event shall the inability to obtain the written or verbal quotes be an impediment to the procurement.

Section 9: Exceptions

Except when directed by the Town Board, no solicitation of written or verbal quotes shall be required under the following circumstances:

- a. Acquisition of professional services;
- b. Emergency;

- 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; and
- g. Goods purchased at auctions.

All such purchases shall, however, be subject to the approval of the Town Board.

Section 10: Annual Review

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonable practicable. This policy may be revised or amended as deemed appropriate by the Town Board, in conformance with applicable section of New York State law, including, but not limited to, GML Sections 103.

##