

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.

Section 4: Authority

By authority of the resolution of the Town Board of the Town of New Haven adopted on the 19 day of April, 2010, 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 "purchaser") 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 \$10,000.00 are subject to the competitive bidding requirements set forth in GML Section 103. For such purchases and purchase contracts, at least three (3) competitive bids must be obtained unless the purchaser can demonstrate why obtaining fewer bids would be in the public interest. If the item or items to be purchased is/are available on state contract or county contract, the purchaser should survey the current market price of the item or items and submit to the Town Board of the Town of New Haven a request for the purchase along with documentation that the state contract price, or the county contract price, is below current market pricing.
- c. For purchases and purchase contracts valued from \$5,000.00 to \$9,999.99, the purchaser must obtain three (3) written quotes which must be submitted to the Town Board of the Town of New Haven, along with the written purchase request.
- d. For purchases and purchase contracts from \$1,000.00 to \$4,999.99, the purchaser must obtain two (2) written quotes which must be submitted to

the Town Board of the Town of New Haven, along with the written purchase request.

- e. For purchases and purchase contracts from \$500.00 to \$999.99, the purchaser must obtain three (3) verbal quotes which must be submitted to the Town Board of the Town of New Haven, along with the written purchase request.
- f. For purchases and purchase contracts from \$100.00 to \$499.99, the purchaser must obtain two (2) verbal quotes which must be submitted to the Town Board of the Town of New Haven, along with the written purchase request.
- g. For purchases and purchase contracts less than \$100.00 the purchaser must obtain one (1) verbal quote which must be submitted to the Town Board of the Town of New Haven, along with the written purchase request.
- h. 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.
- i. All purchase requests shall be in writing and shall describe the desired goods, quantity and particulars of delivery. The purchaser 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.

- j. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase.

Section 6: Contracts for Public Works

- a. Public Works contracts involving the expenditure of more than \$20,000.00 shall be subject to the competitive bidding practices set forth in GML Section 103.
- b. For contracts for Public Works involving expenditures of more than \$20,000.00, at least three (3) competitive bids must be obtained unless the purchaser 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 \$20,000.00, inclusive, the purchaser must obtain three (3) written quotes which must be submitted to the Town Board of the Town of New Haven, along with the written contract request.
- d. For contracts for Public Works involving expenditures from \$5,000.00 to \$9,999.99, the purchaser must obtain two (2) written quotes which must be submitted to the Town Board of the Town of New Haven, along with the written contract request.
- e. For contracts for Public Works involving expenditures from \$1,000.00 to \$4,999.99, the purchaser must obtain two (2) verbal quotes which must be submitted to the Town Board of the Town of New Haven, along with the written contract request.

- f. For contracts for Public Works less than \$1,000.00, one (1) verbal quote must be obtained which must be submitted to the Town Board of the Town of New Haven, along with the written contract request.
- g. Contracts may not be split in order to avoid the requirements for competitive bidding, written quotes or verbal quotes.
- h. All written contract requests shall describe the Public Works project and shall require such specificity as required by the Town Board of the Town of New Haven. The purchaser 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 purchaser 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 of the Town of New Haven 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 purchaser to obtain the required number of written or verbal quotes, as applicable. If the purchaser is unable to obtain the required number of written or verbal quotes, as applicable, the purchaser 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 of the Town of New Haven, 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 of the Town of New Haven.

Section 10: Annual Review

This policy shall be reviewed annually by the Town Board of the Town of New Haven 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 of the Town of New Haven, in conformance with applicable section of New York State law, including, but not limited to, GML Sections 103.

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