

# VILLAGE OF VICTORY

**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/or services which are not required by law to be publicly bid, and

**WHEREAS**, comments have been solicited from all the village officers involved in the procurement process, now, therefore, be it

**RESOLVED**, that the Village of Victory does hereby adopt the following procurement policy which is intended apply to all goods and services which are not required by law to be publicly bid.

## PROCUREMENT POLICY FOR THE VILLAGE OF VICTORY

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;
  - A. Purchase Contracts under \$20,000.00
  - B. Public Works Contracts under \$35,000.00
  - C. Emergency Purchases
  - D. Purchases under State and County Contracts
  - E. Surplus and Second-Hand Purchases from another Government 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, 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 \$20,000.00 and public works contracts over \$35,000.00; goods purchased from agencies for the blind or severely handicapped pursuant to §175-B of the State Finance Law; goods purchase 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;

**Estimated Amount of "Purchase" Contract**

**\$250.00-\$2,999.00**

(Reduction from \$500.00 to \$250.00/July 2014)

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**\$3,000.00-\$20,000.00**

**Method**

**verbal quotations  
(minimum of three)**

**written/fax/email quotations  
(minimum of three)**

**Estimated Amount of "Public Works" Contract**

**\$500.00-\$2,999.00**

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**\$3,000.00-\$4,999.00**

**written/fax/email quotations  
(minimum of three)**

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**\$5,000.00-\$35,000.00**

**written/fax/email quotations  
or  
written request for proposal (RFP)  
(minimum of three)**

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 vendor. This documentation will include an explanation of how the award will achieve savings or how the vendor was not responsible. A determination that the vendor is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-B (2) (f), 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 interest of the Village of Victory 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, judgments, 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 Village Board of Trustees shall take into consideration the following guidelines:

1. Whether the services are subject to State Licensing or testing requirements
2. Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
3. 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:

- a. Services of an Attorney
- b. Services of a Physician
- c. Technical Services of an Engineer engaged to prepare plans, maps and estimates
- d. Securing Insurance Coverage and/or services of an Insurance Broker
- e. Services of a Certified Public Accountant and/or Investment Management Services
- f. Printing Services involving extensive writing, editing or art work
- g. Management of Municipally-owned property
- h. Computer Software or Programming Services for customized programs or services involved in substantial modification and customization of pre-packages 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 and safety or welfare of the residents. This section does not preclude alternative proposals if time permits.

- C. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village Board of Trustees 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 \$250.00. 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 interests of the taxpayer. In addition, it is not likely that such de minim us contracts would be awarded based on favoritism.

Amendment:

**Trustee Pat Dewey made a motion to approve the amendment with Trustee Tim Healy seconded the motion. (Nay-Mayor James Sullivan) Motion Passed 2-1.**

This policy will be reviewed annually and the policy shall go into effect August 2, 2011.

Amendment: July 1, 2014

**Trustee George Sullivan made a motion to approve the amendment that reduces the amount of PURCHASE contracts from \$500.00 to \$250.00 requiring three verbal quotes with Trustee Healy seconded the motion. Vote: 3-0. All Ayes, motion passed. The policy is immediately in effect upon adoption.**