

FIWMD PURCHASE POLICY AND PROCEDURES

ADOPTED NOVEMBER 23, 2015

Purchase Policy and Procedures

Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest 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 an internal policy and procedures governing all procurements of goods and services which that not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special, or local law.

*(any purchase less than \$19,999)

Exemptions from Bidding

If a purchase in excess of GML Threshold (\$20,000) falls within an exemption below, the purchase is not subject to competitive bidding.

- I. *EDUCATION, TRAINING*
- II. *EMERGENCY (an accident or unforeseen occurrence or condition, affects public buildings, property or life, health or safety, immediate action needed and cannot await competitive bidding)*
- III. *ENVIRONMENTALLY RESPONSIBLE*
- IV. *INTEGRITY, JUDGMENT, MORAL WORTH, RELIABILITY, RESPONSIBILITY, ACCOUNTABILITY*
- V. *INSURANCE (to be reviewed biennially)*
- VI. *PREFERRED SOURCE*
- VII. *PROFESSIONAL SERVICE* (legal, consulting, engineering, health insurance, workers compensation, liability, technical skills**, expertise or knowledge, the exercise of professional judgement or a high degree of creativity, training) *applicable licenses for professional services should be documented and updated every two years **technical means "either a good or a service or a combination thereof, that results in a technical method of achieving a practical purpose or in improvements in productivity."*
- VIII. *NO POSSIBILITY OF COMPETITION*
- IX. *NOT COST EFFECTIVE TO SEEK BIDS (not in the best interest; labor to seek bids exceeds its worth)*
- X. *SKILL*
- XI. *SOLE SOURCE (very limited exception, available from one source only, product or service uniquely required in public interest, no substantial equivalent and no competition, can't create by own actions("e.g., restrictive specs)*
- XII. *STANDARDIZED EQUIPMENT*
- XIII. *STATE CONTRACTS, CERTAIN FEDERAL CONTRACTS, COUNTY CONTRACTS OR ADDITIONAL EXEMPTIONS AND PROCEDURES (E.G., PIGGYBACKING ON CERTAIN OTHER GOVERNMENT CONTRACTS IN ACCORDANCE WITH THE PREREQUISITES IN GML (GENERAL MUNICIPAL LAW), SECTION 103 (16) OR OTHER LOCAL EXEMPTIONS)*
- XIV. *UTILITIES*

When FIWMD Commission Determines that A Purchase Falls Within an Exemption (I-XIV) and Between \$19,999 AND \$3,000 the Following Documentation Will Be Maintained

- *Minutes or other correspondence (e.g. email) with the purchase decision of the commission*
- *Documentation indicating the reason for exemption from bidding including a detailed account of reasoning*
- *Applicable invoices documenting the purchase*

When FIWMD Commission Determines that A Purchase Falls Between the Dollar Amounts of 19,999 and 3,000 and *does not* fit an exemption

- *Three written quotes are to be sought and documented*
- *Minutes or other correspondence (e.g. email) with the purchase decision of the commission*
- *Applicable invoices documenting the purchase*

Note: any unanimous purchase decision made at a time other than a Commission meeting will be ratified at the next scheduled commission meeting and documented.

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Advertising for Bids for Competitive Bidding Which Exceeds the \$20,000 Threshold

When appropriate, vendor availability should be made through The Office of General Services (OGS - website www.ogs.ny.gov) to explore the list of "List of Preferred Source Offerings"

- *Advertisement will be published in an official newspaper, at least five days between publication and opening bids. For the purpose of this policy, an official newspaper is a publicly available newspaper that has been authorized or maintained by a government to publish public or legal notices .*

To include:

- * Specifications will be clearly written without vagueness or undefined information; they will avoid being unduly restrictive but will clearly indicate any unusual conditions, the bid must include an up-to-date certificate of liability insurance*
- * Closing date and time for bid submittal*
- * Time and place of opening bids*
- * Where the identity of bids will be publicly disclosed*
- * Bids to be mailed with "Bid Enclosed" on the envelope or emailed to fiwastemanagement@gmail.com with the subject line to read "Bid Attached"*

Awards for Contracts Other than the Lowest Responsible Dollar Bidder

FIWMD strives to ensure purchases optimize quality and cost efficiency; that the purchase is the best value with no obligation to award contracts to the lowest bidder.

When a contract is awarded to other than the lowest responsible dollar bidder, the following documentation will be maintained:

- *Minutes or other correspondence (e.g. email) with the decision of the commission documenting reason/s for awarding the contract to other than the lowest responsible dollar bidder*
- *Each vendors' bid for the contract*
- *Invoices documenting the purchase*

Note: any unanimous purchase decision made at a time other than a Commission meeting will be ratified at the next scheduled commission meeting and documented.

Statutory Exceptions to Quotations/Proposals Requirements of This Policy and Procedures

Except for purchases made pursuant to General Municipal Law, section 103 (3) (through certain county contracts), section 104 (through certain State and Federal contracts), State Finance Law, section 162, Correction Law, sections 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of purchase that furthers the purposes of the General Municipal Law, section 104-b.

New York State Offices of General Services (OSG) should be researched for purchases when applicable.

FIWMD strives to ensure purchases optimize quality and cost efficiency; that the purchase is the best value with no obligation to award contracts to the lowest bidder.

DATE _____

ITEM _____

VENDOR _____

PURCHASES DOLLAR AMOUNT	REQUIREMENTS	PUBLIC WORKS PURCHASES DOLLAR AMOUNT
\$20,000 THRESHOLD	COMPETITIVE BIDDING	
\$19,999-\$3,000	COMMISSION DECISION With 3 Written Quotes	
0-\$2,999	EITHER MANAGER	
	COMPETITIVE BIDDING	\$35,000 THRESHOLD
	Three Written Quotes	0 - \$34,999

Individuals Responsible for Purchasing

The operations & business manager are authorized to make a purchase that falls between \$.01 and \$2,999.

Annual Review

The governing board shall annually review and, when needed, update this policy and procedures.

The Business and Operations Manager will be responsible for conducting an annual evaluation of the effectiveness of the purchase policy and procedures and an evaluation of the control procedures established to ensure compliance with this purchase policy, and will be responsible for reporting to the board.

Unintentional Failure to Comply

The unintentional failure to comply fully with the provisions of General Municipal Law, section 104-b shall not be grounds to void action taken or give rise to a cause of action against FIWMD or any officer or employee thereof.

Attached: GML LAW 104-b

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N.Y. GMU. LAW § 104-b : NY Code - Section 104-B: Procurement policies and procedures

1. Goods and services which are not required by law to be procured by political subdivisions or any districts therein 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 of the political subdivision or district, 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 of every political subdivision and any district therein, by resolution, shall adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article or of any other general, special or local law. In cities with a population of one million or more, the procurement policy board shall develop and promulgate such policies and procedures by rule. 2. Such policies and procedures shall contain provisions which, among other things: a. prescribe a procedure 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; b. provide that, except for procurements made pursuant to subdivision three of section one hundred three or section one hundred four of this article, section one hundred seventy-five-b of the state finance law, section one hundred eighty-six of the correction law, or the policies and procedures adopted pursuant to paragraph f of this subdivision, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this section; c. set forth when each such method of procurement will be utilized, taking into account which method will best further the purposes of this section and the cost-effectiveness of the method; d. require adequate documentation of actions taken in connection with each such method of procurement; e. require justification and documentation of any contract awarded to other than the lowest responsible dollar offeror, setting forth the reasons such an award furthers the purpose of this section; and f. identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially. g. set forth any circumstances when, or types of procurements for which, in the sole discretion of the governing body (or in the case of cities with a population of one million or more, the procurement policy board), the solicitation of alternative proposals or quotations will not be in the best interest of the political subdivision or district therein. 3. Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures, and from time to time thereafter. 4. The governing board shall annually review its policies and procedures. In the case of a city with a population of one million or more, the annual review shall be the duty and responsibility of the procurement policy board. 5. The unintentional failure to fully comply with the provisions of this section shall not be grounds to void action taken or give rise to a cause of action against the political subdivision or district or any officer or employee thereof. 6. Notwithstanding any other provisions of this section or any provision of law, boards of education shall have the authority to include in the internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article, a prohibition against the purchase of apparel or sports equipment from any vendor based upon either or both of

the following considerations: (a) the labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or (b) the bidder's failure to provide information sufficient for boards of education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.