

TOWN OF MIDDLEFIELD PROCUREMENT POLICY

WHEREAS, Sections 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law; and

WHEREAS, the Town desires to create a culture of competition and market awareness to support the procurement of goods and services as cost effectively as possible

WHEREAS, the town recognizes that the types of products and services it acquires have inherent human health and environmental impacts and that procurement decisions should reflect the town's commitment to sustainability

WHEREAS, the town desires to communicate its commitment to sustainable purchasing to employees, its vendors and the community and support its pursuit of sustainable goals and policies.

WHEREAS, comments have been solicited from those officers of the Town involved with procurement; **NOW THEREFORE**, be it

RESOLVED: That the Town of Middlefield does hereby adopt the following procurement policies and procedures:

Guideline 1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML Section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of items or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2: All purchases of a) supplies or equipment which will exceed \$20,000.00 in the fiscal year or b) public works contracts over \$35,000.00 shall be formally bid pursuant to GML, Section 103.

Guideline 3: All estimated purchases of:

*Less than \$20,000.00 but greater than \$10,000.00 require a written request for a proposal (RFP) and written/fax/email quotes from three vendors.

*Less than \$10,000.00 but greater than \$1,000.00 require an oral request for the goods and written/fax/email quotes from two vendors.

*Less than \$1,000.00 are left to the discretion of the purchaser.

All estimate public works contract of:

*Less than \$35,000.00 but greater than \$10,000.00 require a written RFP and fax/email proposals from three contractors.

*Less than \$10,000.00 but greater than \$1,000.00 require a written RFP and fax/email proposals from two contractors.

*Less than \$1,000.00 are left to the discretion of the purchaser.

Any written RFP shall describe the desired goods, specifications, quantity and particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/email/oral quotes have been requested and the written/fax/email/oral quotes offered.

Professional services (engineer, attorney, special skill sets) and insurance do not require competitive bidding. These services will require an RFP with selection criteria including price, experience, staff availability, work plans, estimated completion times. RFP'S will be issued for solicitations at periodic intervals.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4: The lowest responsible proposal or quote which complies with the purchasing process and meets specifications shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reason why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder.

Factors in determining whether a bidder is deemed responsible include the bidder's capacity and financial ability to complete the contract, accountability, past performance, reliability and integrity. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

In certain situations, the town may award a purchase contract on the basis of "best value" instead of lowest, responsible bidder. This includes contract for service work but no public works contracts covered by Article 8 of the Labor Law. Best value is defined as the awarding of contracts to an offer which optimizes quality, cost and efficiency among responsible offers. Non price factors such as reliability of product, efficiency of operations, difficulty/ease of maintenance, useful life span, and timeliness of performance and experience of service provider with similar contract may be considered. The basis for the award must reflect as objective and quantifiable analysis as possible.

Guideline 5: 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 shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6: Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Emergencies;
- b) Sole source situation;
- c) Goods purchased from agencies for the blind or severely handicapped;
- d) Goods purchased from correctional facilities;
- e) Goods purchased from another governmental agency, state or county contracts;
- f) Goods purchased auction;
- g) Goods purchased for less than \$1,000.00
- h) Public works contracts for less than \$1,000.00

Regarding (e) above, as an alternative to soliciting competition on its own, the town will explore opportunities through 'piggybacking' on contracts that have been extended to local governments by

federal, state and county governments.

Guideline 7: The following environmental and health benefits are to be hoped for:

- a) Minimization of pollutant releases to air and water;
- b) Avoidance of products that contain toxic chemicals, especially persistent bioaccumulative and toxic chemicals;
- c) Reduction of waste generation by choice of products that are reusable, recyclable, compostable, or made with recycled content;
- d) Lowering of greenhouse gas emissions associated with a product's manufacture, transportation and use especially fleet/vehicular items;
- e) Energy reduction through the use of energy-efficient products and use of renewable energy such as solar or wind;
- f) Avoidance of products that contribute to deforestation, water pollution, and other environmental destruction.

Guideline 8: All purchasing activities will be conducted in a manner that is in accordance with the law, in the best interests of the town, avoids favoritism, wastefulness, extravagance, fraud and corruption and fosters honest competition to obtain the greatest economic benefit for every tax dollar expended.

Guideline 9: This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practical.

Guideline 10: Any documentation required for compliance with this policy should be presented to the Town Board with the invoice for audit.

Guideline 11: All those with purchasing authority are expected to follow this policy. Enforcement of the policy will be coordinated by the Town Supervisor.

This Policy is approved on: November 8, 2022 by the Middlefield Town Board