

## TOWN OF WESTVILLE PROCUREMENT POLICY

### **PURPOSE:**

Goods and services which are not required by law to be procured 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 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 Town Board of Westville is adopting 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 General Municipal Law, Section 103 or any other general, special, or local law.

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

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

**RESOLVED:** That the Town of Westville 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 §103. Every Town officer, board, department head or other personnel with the requisite purchasing authority shall estimate the cumulative amount of the 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 commodity to be acquired. The information gathered and conclusions reached shall be documented and kept on file. i.e. Budget estimates.

**GUIDELINE 2.** All purchases of supplies or equipment which shall exceed \$35,000 in the fiscal year, shall be formally bid pursuant to GML §103.

**GUIDELINE 3.** 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 proposals. In no event shall the failure to obtain the proposal be a bar to procurements.

**GUIDELINE 4.** 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 and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting the judgment shall also be documented and filed with the record supporting the procurement.

**GUIDELINE 5.** The Town of Westville will comply with all Federal, State, local and OCR procurement requirements, including, but not limited to: Contacting the NYS Empire State Development Corporation to obtain a list of certified Minority and Women's Business Enterprises (MWBE) firms to conduct direct outreach to those firms and solicit contracting opportunities, as well use the services and assistance of organizations such as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small business, minority-owned firms, and women's business enterprises. This will be done for program delivery, administration and lead based paint services.

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

- a. Acquisition of professional services;
- b. Emergencies;
- 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;
- g. Goods purchased at auction;
- h. Goods purchased on State or County Contract.

**GUIDELINE 7.** No Town Officer, or employee, shall be interested financially in any contract entered into by the Town. This also precludes acceptance of gratuities, financial or otherwise, by the above person(s), from any supplier of material or services to the Town of Westville.

**GUIDELINE 8.** It is absolutely prohibited by law to purchase goods or services for non-Town use.

**GUIDELINE 9.** The unintentional failure to comply fully with the provisions of this General Municipal Law shall not be grounds to void action taken or give rise to a cause of action against the Town of Westville or any officer or employee thereof.

**GUIDELINE 10.** This policy shall go into effect \_\_\_\_\_, be reviewed annually by the Town Board and be duly noted in the minutes of the Town Board.

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Rodrique Lauzon, Town Supervisor

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Michael Armstrong, Deputy Supervisor

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Sean Barnes, Town Councilman

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Robert Reynolds, Town Councilman

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Brenda St. Hilaire, Town Councilman