

Subdivision 1 of Section 103 of the General Municipal Law as amended in 2011 increased bid limits from \$10,000 to \$20,000 for commodities and from \$20,000 to \$35,000 for public works projects. A new section, 104-b was added which required that procedures for purchasing goods and services that fall below the new monetary bid limits must be established and approved by the governing board.

VILLAGE OF CROTON-ON-HUDSON POLICY FOR PROCUREMENT NOT
SUBJECT TO BIDDING REQUIREMENTS AS PER GENERAL MUNICIPAL LAW
104-B.

SECTION I

DETERMINATION OF WHICH PROCESS TO USE (BID OR QUOTE):

Purchases shall be evaluated with attention given to cumulative dollar amounts expected in a given fiscal year. When necessary, canvassing of departments will be done to determine yearly value of commodity. Past history can be taken into consideration when evaluating yearly costs associated with the purchase of a commodity. If the bid limit is suspected to be exceeded, bidding shall take place. This decision shall be made in cooperation with the Department Head, Village Treasurer, and Village Manager.

If any purchases or projects are under the respective bid limits, but suspected to exceed such limits in any one fiscal year, discretion shall be used and the bidding procedure may take effect.

SECTION II

EXCEPTIONS TO BIDDING

Emergency. When an emergency exists wherein the delay caused by soliciting bids would endanger the health, welfare or property of the municipality, and/or its residents, then the procurement of goods or services will be at the discretion of the proper department head. Documentation as to the nature of the emergency must be sent to the Village Manager or his designee within five (5) working days of such procurement.

SECTION III

METHODS OF PROCUREMENTS NOT COVERED BY BIDDING:

Purchasing

Most purchases that fall in the Village's stated dollar categories as shown in Exhibit A will be obtained through quotes by one of the following methods:

Telephone Quotations. The telephone log or other record should record at a minimum: date, item or service desired, price quoted, name of vendor, name of vendor's representative.

Written Quotations. Vendors should provide at a minimum: date, description of item or details of service to be provided, price quoted, name of contact.

Due to past history, general knowledge, or urgent need, some purchases over \$1,999 but under \$19,999 may be placed directly without obtaining multiple quotes. Permission must first be obtained in writing by either the Village Manager or his designee or Village Treasurer. In addition, see Section VI, Emergency Purchases and Emergency Public Works Contracts.

Except as outlined in Section II – Exceptions to Bidding, under no circumstances will a quote that exceeds the bidding limits be awarded.

Public Works Contracts

Most public works contracts that fall in the Village's stated dollar categories as shown in Exhibit A will be obtained through quotes by one of the following methods:

Telephone Quotations. The telephone log or other record should record at a minimum: date, item or service desired, price quoted, name of vendor, name of vendor's representative.

Written Quotations. Vendors should provide at a minimum: date, description of item or details of service to be provided, price quoted, name of contact.

Requests for Proposals. An effective way to award Public Works contracts is to award them only after a minimum number of professionals are contacted and asked to submit written proposals.

Due to past history or general knowledge, some contracts may be awarded without obtaining multiple quotes. A department head may also deem, based on cost or other urgent need, to award a contract without obtaining multiple quotes. Permission must first be obtained in writing by either the Village Manager or his designee or Village Treasurer. In addition, see Section VI, Emergency Purchases and Public Works Contracts.

Except as outlined in Section II – Exceptions to Bidding, under no circumstances will a quote that exceeds the bidding limits be awarded.

Professional Services

Where applicable, the Village Manager, Treasurer, or Department Head will initiate one of several processes in order to acquire professional services at the best price and value for the Village. This includes request for proposals and request for qualifications. A minimum of three vendors will be solicited when possible.

Request for Proposals for Professional Services

Requests for proposals (RFPs) are traditionally used as a means of obtaining all types of professional services. RFPs are used to obtain the services of: architects, engineers, surveyors, planners, accountants, underwriters, fiscal consultants, and other professionals.

RFPs and evaluation of proposals can consider price plus other factors such as experience, staffing and suitability for needs and may include negotiations on a fair and equal basis.

The process involves making a request for proposals from various firms or professionals, and then evaluating the proposals received.

The overall process should consider the following:

1. A well planned solicitation effort is needed to identify a sufficient number of qualified firms. This may include, but is not limited to, the following: advertisements in trade journals, searching professional associations, and obtaining sources from other local governments. A good solicitation effort helps to ensure that these qualified firms are aware of the Village's needs and procurement procedures and are thereby able to participate in the proposal process.
2. A well planned solicitation effort helps encourage qualified firms to respond to RFPs. Preparing a response to an RFP can be costly. Qualified firms may be unwilling to go to the trouble and expense of preparing a proposal if critical details of the method used to select (i.e., quality versus price) are not made clear in the RFP.
3. A well planned solicitation effort can result in reduced costs through increased competition. Of course, if not properly managed, competition can produce unsatisfactory results. The Village may obtain a poor quality of service, for example, if only cost factors are considered in the selection of a firm. However, if a sufficient pool of qualified firms is identified through a sound solicitation effort, the Village can enjoy the economic benefits of competition without sacrificing quality.

There is no requirement in Section 104-b on the frequency of solicitation, periodic solicitation can be made at reasonable intervals. For example, a professional could be selected with the option of extending the contract in the second and third years before doing another RFP process.

Request for Qualifications

In certain cases the Village may solicit qualifications instead of proposals for various professional services. This is usually done when the scope of work has not been narrowly defined. The Village uses the process of its interviews with the selected firms to meet with the representatives of each firm in order to determine the most qualified company. The interviews also help Village staff to get input from the potential consultants on a possible scope of work for the project. RFQs can be used when soliciting the services of consultants, planners, architects, or attorneys.

Written Quotes

When the project is considered small and not complex, Village staff may just solicit written quotes without going through the formal RFP or RFQ process. This would usually happen in the case of small surveys or limited engineering design plans for a small project.

SECTION IV

DOCUMENTATION

All quotes (written or telephone) shall be documented and attached to all requisitions using the Village's requisition order form, thus creating an audit trail. Requisitions will not be processed without this documentation.

All awards from quotes shall be made to the lowest responsible bidder if possible or by using the Best Value Procurement Method (see section V). Circumstances which will be documented in writing may indicate purchase from other than low bidder (i.e., delivery requirements, quantity requirements, store pickup, the location of vendor, known past experience of a vendor, etc.) This document must be approved in advance by either the Village Manager or his designee or the Village Treasurer.

SECTION V

BEST VALUE PROCUREMENT

In accordance with section 27 of the Municipal Home Rule Law and pursuant to NYS General Municipal Law §103, in April 2014, the Village Board of Trustees enacted Chapter 79 "Best Value Procurement" law to be incorporated into the Village's Procurement Policy. Best value is defined in New York State Finance Law § 163.

When awarding contracts under the best value standard, the Village must consider the overall combination of quality, price, and other elements of the required commodity or service that in total are optimal relative to the needs of the Village. Use of the best value standard must rely, wherever possible, on objective and quantifiable analysis. The best value standard may identify as a quantitative factor whether offerers are small businesses or certified minority- or women-owned business enterprises as defined in New York

Executive Law § 310. The best value standard may only be used for purchase contracts, which includes contracts for service work, but excludes any purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law.

SECTION VI

OTHER

Mandated Sources. Mandated procurement sources shall be investigated when possible. These sources include Department of Correction, Industries for the Blind of New York State and the New York State Industries for the Disabled.

Insurance. All agreements for insurance coverage will be investigated by the Village Manager. If competition is available in the market, RFPs will be requested, evaluated and an award made. If no competition is available, a contract will be negotiated between the Village and the respective carrier.

Sole Source. When there is only one possible source from which to procure goods and/or services, thus indicating there is no possibility of competition, the following will be documented in writing:

1. Unique benefits of item needed.
2. No other product/service can compare.
3. Cost is reasonable as compared to product offered.
4. There is no competition available.

True Lease. Prices will be negotiated between the Village of Croton-on-Hudson and Lessor.

SECTION VII

EMERGENCY PURCHASES AND EMERGENCY PUBLIC WORKS CONTRACTS

The term “Emergency Purchase” as defined in Section 4 of the General Municipal Law is as follows:

“... in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition, whereby circumstances affect public buildings, public property or the life, health, safety or property of the inhabitants of a political sub-division or district therein, require immediate action which cannot await competitive bidding, contracts for purchase or public work may be let without compliance without formal advertising requirements...”

Consequently, unless the situation threatens lives, health or public property, the purchase of services or products must go through normal channels.

In those cases of emergency, requiring immediate action, the department head responsible for that operation will assume charge for the operation. The following procedure will be used:

1. Contact the vendor immediately and arrange the purchase or service.
2. Notify the Manager or Treasurer in writing as soon as possible when the emergency purchases or services are necessary, and document what was required, and from whom the purchase was being made.

SECTION VIII

PIGGYBACKING

In addition to the procedures and guidelines stated herein, in accordance with General Municipal Law§ 103(16) effective November 13, 2013, New York State political subdivisions have the authority for “Piggybacking” to contracts awarded by other municipal entities. Based on the authority granted under Chapter 497 of the Laws of 2013, the Village will make purchases through the use of contracts awarded by other governmental entities as long as such contracts are awarded to either the lowest responsible bidder or based on the Best Value Purchase in a manner consistent with General Municipal Law.

June 1, 2014

APPENDIX A

VILLAGE'S STATED DOLLAR CATEGORIES

Purchasing Contracts

		Discretion of Dept. Head	Minimum 3 Quotes Telephone*	Minimum 3 Quotes Written*	Bid**
Up To	\$1,999	X			
\$2,000	\$4,999		X		
\$5,000	\$19,999			X	
\$20,000	Or Over				X

*Due to past history, general knowledge, or urgent need, some purchases over \$1,999 but under \$19,999 shall be placed directly without obtaining multiple quotes. Permission must first be obtained in writing by either the Village Manager or his designee or Village Treasurer. In addition, see Section VI, Emergency Purchases and Public Works Contracts.

**Except as outlined in Section II – Exceptions to Bidding, under no circumstances will a quote that exceeds the bidding limits be awarded.

Public Works Contracts

		Discretion of Dept. Head	Minimum 3 Quotes Telephone*	Minimum 3 Quotes Written or RFP*	Bid**
Up To	\$4,999	X	X		
\$5,000	\$34,999			X	
\$35,000	Or Over				X

*Due to past history or general knowledge, some contracts may be awarded without obtaining multiple quotes. A department head may also deem, based on cost or other urgent need, to award a contract without obtaining multiple quotes. Permission must first be obtained in writing by either the Village Manager or his designee or Village Treasurer. In addition, see Section VI, Emergency Purchases and Public Works Contracts.

**Except as outlined in Section II – Exceptions to Bidding, under no circumstances will a quote that exceeds the bidding limits be awarded.