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Chapter 29

PROCUREMENT POLICY

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| § 29-1. Review of purchase types; competitive bidding; exceptions. | § 29-4. Awarding of contract to other than lowest responsible bidder. |
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[HISTORY: Adopted by the Board of Trustees of the Village of Camden 1-20-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Investment policy — See Ch. 18.

§ 29-1. Review of purchase types; competitive bidding; exceptions.

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 § 103 of the General Municipal Law:

- A. Purchase contracts under \$10,000 and public works contracts under \$20,000.
- B. Emergency purchases.
- C. Goods purchased from agencies for the blind or severely handicapped.
- D. Goods purchased from correctional institutions.
- E. Purchases under state and county contracts.
- F. Surplus and secondhand purchases from another governmental entity.

§ 29-2. Requests for proposals.

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

§ 29-3. Method of purchase.

- A. 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	Method
\$1 to \$1,500	At the discretion of the purchasing department
\$1,501 to \$3,000	Documented telephone quotes or written/FAX quotations from 2 separate vendors (if available)
\$3,001 to \$9,999	Written quotes from at least 3 separate vendors (if available)
\$10,000 and up	Sealed bids in conformance with General Municipal Law § 103

Estimated Amount of Public Works Contract	Method
\$1 to \$3,000	2 verbal quotations (if available)
\$3,001 to \$5,000	2 written or FAX quotations (if available)
\$5,001 to \$19,999	3 written or FAX quotations or written request for proposals

- B. 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 proposals be a bar to the procurement. Documentation as referred to in this section involves leaving a "paper trail" of actions taken. This documentation may include board resolutions, memoranda, written quotes, telephone logs (for verbal quotes), requests for proposals, proposals, contracts and other appropriate forms of documentation, including checklists and flowcharts.

§ 29-4. Awarding of contract to other than lowest responsible bidder.

Documentation and an explanation is also required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

§ 29-5. Exceptions.

Pursuant to General Municipal Law § 104-b, Subdivision 2f, 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 interests of the Village of Camden 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, judgment, 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. Professional or technical services shall include but not be limited to the following:
 - (1) Services of an attorney.
 - (2) Services of a physician.
 - (3) Technical services of an engineer or architect engaged to prepare maps and estimates.
 - (4) Securing insurance coverage and/or services of an insurance broker.
 - (5) Services of a certified public accountant.
 - (6) Investment management services.
 - (7) Printing services involving extensive writing, editing or artwork.
 - (8) Management of municipally owned property.
 - (9) Computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
- B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. If an emergency exists wherein the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or the individual tax payer, then the procurement of goods or services will be at the discretion of the proper department head with documentation as to the nature of the emergency and shall be given to the Village Board of Trustees as soon as practical.

§ 29-6. Unintentional failure to comply.

The unintentional failure to fully comply with the provisions of this chapter and General Municipal Law § 104-b shall not be grounds to void action taken or give rise to a cause of action against the Village of Camden or any officer or employee thereof.

§ 29-7. When effective; annual review.

This policy shall take effect immediately and shall be reviewed annually.

Village of Camden Procurement Policy

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

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

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

PROCUREMENT POLICY FOR THE VILLAGE OF CAMDEN

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; purchase contract under \$20,000 and public works contracts under \$35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.
2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.
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:

Method:

\$1 - \$999

At the discretion of the purchasing dept.

\$1,000 - \$2,999

Documented telephone quotes or written/faxed/emailed quotations from three separate vendors (if available)

The purchase of items which are directly replacing items lost in the fire up to the amount of \$2999 will no longer require three quotes, being deemed as emergency purchases.³

\$3,000 - \$19,999	Written/faxed/emailed quotes from at least four separate vendors (if available)
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\$20,000 and over	Competitive Bidding – Sealed bids pursuant to Section 103 of the General Municipal Law
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Estimated Amount of
Public Works Contract:

Method:

\$0 - \$999	At the discretion of the purchasing department
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\$1,000 - \$2,999	Two verbal quotations (if available)
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\$3,000 - \$4,999	Two written/faxed/emailed quotations (if available)
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\$5,000 - \$34,999	Three written/faxed/emailed quotations or written request for proposals
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\$35,000 and over	Competitive Bidding – Sealed bids pursuant to Section 103 of the General Municipal Law
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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 proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement. Documentation, as referred to in this paragraph, involves leaving a “paper trail” of actions taken. This documentation may include board resolutions, memoranda, written quotes, telephone logs (for verbal quotes), requests for proposals, proposals, contracts and other appropriate forms of documentation including checklists and flowcharts.

4. Documentation and an explanation is also required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

5. 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 interests of the Village of Camden 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, judgement, 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.

Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. An emergency exists wherein the delay caused by soliciting quotes would endanger the health, welfare, or property of the municipality, or the individual taxpayer, then the procurement of goods or services will be at the discretion of the proper department head with documentation as to the nature of the emergency and shall be given to the Village Board of Trustees as soon as practical.

Unintentional Failure to Comply

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

Resolution

Adopted on January 20, 1992, by unanimous vote of the governing board of the Village of Camden.

Reviewed and Updated on April 6, 2010, by unanimous vote of the governing board of the Village of Camden.

This policy shall take effect immediately, and shall be reviewed annually.

Original Date:1/1/1992

1* Updated by Village Board Resolution 5/21/2013 *

2* Updated by Village Board Resolution 9/8/2020 *

3 *Updated 1/20/23 Village Board Meeting 1/20/23*.