

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
May 26, 2020
5:00 pm
Port Dickinson Village Hall
Zoom ID: 894 5525 9354

Please take a moment to ensure that your cellphones are OFF or SILENCED.

PUBLIC HEARING:

Reminder: Hearing scheduled for 6/9/2020 on Proposed Local Law 7-2020 amending Chapter 62 of the Village Code entitled "Water"

AUDIT & PAYMENT OF CLAIMS: Abstract #20 (2019-2020)

1. Abstract of Unaudited vouchers for the General Fund for \$8,607.05
2. Abstract of Unaudited vouchers for the Water Fund for \$1,055.00
3. Abstract of Unaudited vouchers for the Sewer Fund for \$119.36

OLD BUSINESS:

RESOLUTIONS FOR APPROVAL:

1. Resolution adopting the amended Procurement Policy as follows:

NEW BUSINESS/DISCUSSION:

ADOURNMENT

A RESOLUITION ADOPTING A PROCUREMENT POLICY

WHEREAS, section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of 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 of Port Dickinson involved in the procurement process,

NOW THEREFORE BE IT RESOLVED, by the Village Board of the Village of Port Dickinson in regular session duly convened that the Village of Port Dickinson 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 PORT DICKINSON

1. A. Every prospective purchase of goods 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.

B. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000.00 and public works contracts under \$35,000; emergency purchases; certain municipal hospital 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 government entity; leases of equipment with operators under the control and supervision of Village officers or employees; true rental or lease agreements.

C. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

D. Leases which in substance are really installment purchases will be considered purchases for competitive bidding purposes and for compliance with this procurement policy.

E. Service and maintenance agreements are considered public works and are subject to competitive bidding and compliance with this procurement policy unless they are incidental to and included in an underlying lease agreement.

F. Installment purchase contracts for equipment, machinery and apparatus are subject to compliance with this procurement policy, and if the installments, when added together exceed \$20,000, they are subject to competitive bidding.

2. All goods and services not subject to competitive bidding 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. A. The following method of purchase will be used when required by this policy in order to achieve the highest savings: as outlined in Exhibit A hereto.

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

C. 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 procurement.

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

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 Village and its taxpayers to make an award to other than the low proposer. If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.

5. Pursuant to General Municipal Law Section 104-b(2)(f), the solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances where proper 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:

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.

In determining whether a service shall fit into this category, the Village Board shall take into consideration the following guidelines:

- (i) Whether the services are subject to state licensing or testing requirements;
- (ii) Whether substantial formal education or training is a necessary prerequisite to the performance of the services: and
- (iii) Whether the services require a personal relationship between the individual and municipal officials.

Professional and technical services shall include but not be limited to the following: services of an attorney, services of a physician; technical services of an engineer or architect engaged to prepare plans, 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 artwork; 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. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

C. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older Product.

D. Sole Source purchases. When it can be justified that this supplier is the only source which can manufacture a product or provide a service so that there is no possibility of competition (i.e. patent, directed by law, possesses unique expertise).

E. Single Source purchase. When a source identified. as the result of previous standardization of a specific purchase when there are no other suppliers of that item for the Port Dickinson service area.

F. Lease of equipment with operators so long as the project is under the complete control and supervision of the Village. However, in such event competitive proposals are to be solicited from vendors who can provide a similar type service when the Village wishes to make such leases or rentals in the future.

6. No portion of this resolution shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired.

7. This policy shall be reviewed annually by the Village Board at its organizational meeting or as soon thereafter is reasonably practicable.

8. This resolution shall take effect immediately.