

## 2023 PROCUREMENT POLICY FOR TOWN OF ULSTER

WHEREAS, Section 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, § 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 Ulster 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 member, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the voucher or other documentation supporting the purchase activity. **Purchases shall be planned to avoid unnecessary or duplicative items or ineligible services.**

GUIDELINE 2. All purchases of a) supplies or equipment, where it can reasonable by determined based on the facts and circumstances, will exceed \$20,000 in the fiscal year or, b) public works contracts over \$35,000 shall be formally bid pursuant to GML, §103.

GUIDELINE 3. All estimated purchases of:

Less than \$20,000 but greater than \$10,000 require a written request for a proposal and written/fax/e-mail quotes from 3 vendors.

Less than \$10,000 but greater than \$1,000 require an oral request for a proposal and oral/written quotes from 2 vendors.

Less than \$1,000 but greater than \$500 are left to the discretion of the purchaser.

All estimated public works contracts of:

Less than \$35,000 but greater than \$15,000 requires a written Request for Proposal and written/fax/e-mail quotes from 3 contractors.

Less than \$15,000 but greater than \$5,000 requires a written Request for Proposal and written/fax/e-mail proposals from 2 contractors.

Less than \$5,000 but greater than \$1,000 requires an oral request for Proposal and written/fax/e-mail proposal from 2 contractors.

Any written Request for Proposal 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 offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent

ADOPTED January 3, 2023

purchase or public works contract.

- 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 as set forth in Local Law #3 of 2013 – A Local Law to Allow Purchasing of the Best Value. If a bidder is not deemed responsible, facts supporting that judgment shall be documented and filed with the record supporting the procurement.
- 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.
- 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, **including Federal excess and surplus property;**
  - g) **Goods purchased through local intergovernmental agreements;**
  - h) Goods purchased at auction;
  - i) Goods purchased for less than \$500;
  - j) Public works contracts from less than \$1,000;
  - k) Purchases pursuant to Federal, State or County bid as allowed under GML §103(16);
  - l) Purchases pursuant to a recognized Governmental bidding organization (cooperative).
- GUIDELINE 7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.
- GUIDELINE 8. Pursuant to the provisions of GML §104-b(f), effective January 1, 2020, those employees authorized for purchases on behalf of the Town and their respective titles shall be listed in Appendix 1 of this policy and said listing shall be updated annually.

**Appendix 1**

**PROCUREMENT POLICY FOR TOWN OF ULSTER**

**List of Town Employees authorized to Purchase**

Town Supervisor / Deputy Supervisor

Town Clerk

Highway Superintendent

Town Justices

Chief of Police

Water Department Superintendent

Wastewater Department Superintendent

Recreation Director

Building Department Head

Assessor