

TOWN OF MENDON PROCUREMENT POLICY

(Revised April 2024)

WHEREAS, Section 104-b of the General Municipal law requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of Section 103 of General Municipal Law; and,

BE IT RESOLVED, that the Town of Mendon does hereby adopt the following procurement policy in place of any previously adopted policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

1. Every proposed purchase or project will be initially reviewed to determine the applicability of Section 103 of the General Municipal Law. Once that determination is made, a good faith effort will be made to decide whether or not 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 the year. The following are not subject to competitive bidding according to Section 103 of the General Municipal Law: purchase contracts 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.

A request to determine that a purchase is not subject to competitive bidding will be documented in writing by the individual requesting the purchase and submitted to the Town Supervisor. This documentation may include written or verbal quotes from vendors, a memo from the individual requesting the purchase indicating why the purchase is not subject to competitive bidding, a copy of a contract indicating the source that makes the item or service exempt, or a memo from the individual requesting the purchase detailing the circumstances which require an emergency purchase.

An emergency purchase shall be made only upon the written authorization of the Town Supervisor, Town Clerk, Town Highway Superintendent, or Town Board. There are three basic statutory criteria to be met, to fall within this exception. These are:

- (1) the situation arises out of an accident or unforeseen occurrence or condition;
- (2) public buildings, public property, or the life, health safety, or property of the Town's residents is affected; and
- (3) the situation requires immediate action which cannot await competitive bidding. Even when a public emergency exists, the public interest dictates that purchases are made at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances. Verbal quotes shall be documented by the individual requesting the purchase to include the vendor's name, the name of the individual issuing the quote, the date the quote is made, the amount, and any other information the individual deems necessary.

2. All goods and services that are not required to be publicly bid according to Section 103 of the General Municipal Law, except those goods and services purchased through a County or State contract, from agencies for the blind or severely handicapped, from correctional institutions or purchases according to subdivision 6 of this policy, will be secured by use of written request 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 to achieve the highest savings:

Estimated Amount of Purchase	Method
\$0-\$249.99	Through Department Head
\$250.00-\$1,999.99	Through Department Head with Town Supervisor or Highway Superintendent approval before purchase.
\$2,000.00-\$4,999.99	2 written quotations with Town Supervisor or Highway Superintendent approval before purchase.
\$5,000.00-\$7,999.99	3 written quotations and Town Board approval before purchase.
\$8,000.00 and above	Written requests for proposals (RFP) approved by the Town Board and including any other requirements of law.

All information gathered in complying with the procedure listed above shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

A good-faith effort shall be made to obtain the required number of proposals. If the individual requesting the purchase is unable to obtain the required number of alternate proposals, the individual will document every attempt made at obtaining the proposals. But, in no event, shall the failure to obtain the proposals be a bar to the procurement.

4. Purchases greater than \$5,000.00 are subject to pre-approval by the Town Board. Documentation of each step of the procurement process must be submitted to the Town Board for this approval. Purchase of materials for highway construction and/or repair as per Highway Law 284 Agreement and/or materials for snow and ice control are exempt from pre-approval.

5. Written documentation and justification are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award is in the best interests of the Town. The individual requesting the purchase will be responsible for determining if the offeror is responsible, reliable, and dependable and must receive approval from the Town Supervisor, Town Clerk, or Highway Superintendent before awarding a contract.

6. In hiring or retaining individuals or firms to perform professional services, it is not in the best interests of the Town of Mendon to solicit quotations. In these circumstances, the individual or firm must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity moral worth, and the ability to have a close relationship with the governing body. These qualifications are not necessarily found in the individual or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement proceedings. The citizens of the town deserve the benefit of expertise in these types of services as it may ultimately save the taxpayers money.

In addition, in the following situations, it is not in the best interest of the Town to secure alternate proposals because of the time required and/or type of purchase:

- (a) emergency purchases pursuant to Section 103(4) of the General Municipal Law;
- (b) purchases of surplus and second-hand goods pursuant to Section 103(6) of the General Municipal Law;
- (c) purchase under \$500.00;
- (d) sole source situations.