

**TOWN OF HENRIETTA  
PROCUREMENT POLICY**

**Chapter 202**

***§ 202-1 Review of prospective purchases.***

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103. Every Town officer, board, 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. That estimate shall include the canvas of other Town governments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

***§ 202-2 Competitive bidding and formal bids.***

**[Amended 5-9-2018 by L.L. No. 4-2018]**

Every prospective purchase of goods or services shall be evaluated to determine the applicability of competitive bidding under General Municipal Law § 103. Specifically:

- A. The purchase of supplies or equipment involving an expenditure of greater than \$20,000 shall be bid on pursuant to General Municipal Law § 103, unless there is an applicable exception; and
- B. All contracts for public work involving an expenditure of greater than \$35,000 shall be bid on pursuant to General Municipal Law § 103, unless there is an applicable exception.

***§ 202-3 Procedure for purchases not requiring competitive bidding.***

**[Amended 5-9-2018 by L.L. No. 4-2018]**

The following methods and procedures shall be utilized for purchases where it is determined that competitive bidding is not required, unless the purchase qualifies as an exception as per below:

- A. All estimated purchases totaling:
  - (1) One thousand dollars or less shall be left to the discretion of the purchaser;
  - (2) Two thousand five hundred dollars or less but greater than \$1,000 require oral requests with three oral/fax quotes from vendors; and
  - (3) Over \$2,500 require written requests and three written/fax quotes from vendors, whenever possible.

***§ 202-4 Award to lowest responsible bidder or on basis of best value.***

**[Amended 5-9-2018 by L.L. No. 4-2018]**

- A. Lowest responsible bidder. Unless awarded on the basis of best value as further specified herein, or where an exception otherwise applies, where a purchase or contract is subject to competitive bidding, the lowest responsible quote shall be awarded unless the purchaser prepares a written, lawful 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. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the

procurement.

- B. Best value. A contract may be awarded on the basis of best value for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) as authorized in § 103 of the General Municipal Law and as defined in § 163 of the State Finance Law, as more specifically set forth below.
  - (1) Pursuant to the New York State Finance Law, "best value" shall be the contract which optimizes quality, cost and efficiency, among responsive and responsible offerers.
  - (2) Where a bid is awarded based upon best value, the basis for such award shall be documented and shall reflect, wherever possible, objective and quantifiable analysis.

***§ 202-5 Inability to obtain or locate qualified vendors.***  
**[Amended 5-9-2018 by L.L. No. 4-2018]**

A good-faith effort shall be made to satisfy the required number of quotes and/or proposals. However, if the purchaser is unable to satisfy the requirement for quotes and/or proposals, that purchaser shall document attempts made to meet that requirement. In no event shall the inability to meet the requirement for number of quotes and/or proposals be a bar to procurement where a good-faith effort has been made by the purchaser.

***§ 202-6 Circumstances where written proposals are not required.***

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.
- G. Goods purchased at auction.
- H. Goods purchased for less than \$300.
- I. Public works contracts for less than \$500.
- J. Purchases from county or state contracts.
- K. Piggybacking: the purchase of apparatus, materials, equipment and supplies, or a contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state

or any other political subdivision or district therein, all as more particularly set forth in General Municipal Law § 103, Subdivision 16. **[Added 5-9-2018 by L.L. No. 4-2018]**

- (1) In order for this to qualify as a valid exception to competitive bidding, the underlying original contract must have been made available to other governmental agencies and must have been let to the lowest responsible bidder or via best value, consistent with New York General Municipal Law § 103, Subdivision 16.

***§ 202-7 Standardization.***

**[Added 5-9-2018 by L.L. No. 4-2018]**

Upon resolution, the Town may standardize a particular contract by establishing, for example, a particular kind or brand of equipment, materials or supplies required for reasons of efficiency or economy. The basis for the standardization shall be set forth in such resolution.

***§ 202-8 Annual review of policy.***

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

Revised 05/09/2018