

Village of New Paltz Procurement Policy

Whereas, Section 104-b of the General Municipal Law requires that 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 officers in the Village involved in the procurement process, now, therefore, be it

Resolved, that the Village of New Paltz 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 New Paltz

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 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 contracts under \$20,000.00 and public works contracts under \$35,000.00;
 - Emergency purchases;
 - Certain municipal hospital purchases;
 - Goods purchases from correctional institutions;
 - Purchases under State and County Contracts; and
 - Surplus and second-hand purchases from government entities.
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, except in the following circumstances:
 - Purchase contracts over \$10,000.00 and public works contracts over \$20,000.00;
 - Goods purchased from agencies for the blind and severely handicapped pursuant to Section 175-b of the State Finance Law;
 - Goods purchased from correctional institutions pursuant to Section 186 of the Correction Law;
 - Purchases under State contracts pursuant to Section 104 of the General Municipal Law;
 - Purchases under County contracts pursuant to Section 103 (3) of the General Municipal Law; or
 - Purchases pursuant to subdivision 6 of this policy
3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimate Amount of Purchase Contract	Method
Up to \$500.00	The discretion of the Department Head & Verification of Funds by the Treasurer
\$500.00 - \$2,999.00	2 verbal quotations
\$3,000.00 - \$9,999.00	3 written/fax quotes or 2 written requests for proposals
\$20,000.00 or over	Formal Bid

Estimated Amount of Public Works Contract Method

*Up to \$1,000.00	The discretion of the Department Head & Verification of Funds by the Treasurer
*\$1,000.00 - \$2,999.00	2 verbal quotations
\$3,000.00 - \$6,999.00	2 written/fax quotations
\$7,000.00 - \$19,999.00	3 written /fax quotes or 2 written requests for proposals
\$35,000.00 or over	Formal Bid

4. 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.
5. Documentation, excluding amounts under \$500.00, is required for each action taken in connection with each procurement.
6. Documentation and an explanation is required whenever a contract is awarded to someone other than the lowest responsible offeror. The 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.
7. 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 interest of the Village of New Paltz 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.

In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines:

- Whether the services are subject to State licensing or testing requirements;
- Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- Whether the services require a personal relationship between the individual and the municipal officials.

Professional or technical services shall include but not be limited to the following:

- Services of an attorney;
- Services of a physician;
- Technical services if an engineer 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 alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternative proposals if time permits.
- c. Purchase of surplus and second-hand goods from any source. If alternative proposals are required, the Village of New Paltz is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to compare prices of used goods and a lower price may indicate an older product.
- d. Goods or services under \$500.00. The time and documentation required to purchase through the policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis would be awarded based on favoritism.

Best Value Law was adopted on March 22, 2017, which provides additional procurement. See the attached Law, local law #4 of 2017.

8. This policy shall go into effect January 1, 1992 and will be reviewed annually.

*Amended November 1, 2006 Amended March 2017 Approved 6/9/2021

Amended January 12, 2022 Approved June 14, 2023 Approved January 10, 2024 January 8, 2025

Addendum
to
Village of New Paltz Procurement Policy

1. Equal Opportunity Employer

- Pursuant to Article 15 of the Executive Law and all other State and Federal statutory and constitutional non-discrimination provisions, the Village of New Paltz will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status.

2. Equal Opportunity for Minorities and Women

- The Village of New Paltz will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination.

3. Section 3 Businesses

- Pursuant to Section 3 (24 CFR 85.36) of the Housing and Urban Development Act of 1968, the Village of New Paltz will ensure that employment and other economic opportunities will be available to low-moderate income families and businesses and that all procurement transactions will be conducted in a competitive manner.

Furthermore, any contract the Village of New Paltz awards that is not off of a State contract must document that the Contractor is in full compliance of the above.