

Chapter 30

PROCUREMENT POLICY

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[HISTORY: Adopted by the Town Board of the Town of Ballston 12-6-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Investment policy — See Ch. 19.

§ 30-1. Evaluation of purchase.

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 (hereafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments 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.

§ 30-2. Purchases to be formally bid.

All purchases of supplies or equipment which will exceed \$10,000 in the fiscal year or public works contracts over \$20,000 shall be formally bid pursuant to General Municipal Law § 103.

§ 30-3. Estimated purchases requiring quotes or proposals.

- A. All estimated purchases of:
- (1) Less than \$10,000 but greater than \$3,000 require a written request for a proposal and written/fax quotes from three vendors.
 - (2) Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from two vendors.
 - (3) Less than \$1,000 but greater than \$250 are left to discretion of the purchaser.
- B. All estimated public works contracts of:

- (1) Less than \$20,000 but greater than \$10,000 require a written request for a proposal and written/fax proposals from three contractors.¹
 - (2) Less than \$10,000 but greater than \$3,000 require a written request for a proposal and written/fax proposals from two contractors.²
 - (3) Less than \$3,000 but greater than \$500 are left to the discretion of the purchaser.
- C. Any written request for a 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 have been requested and the written/fax/oral quotes offered.
- D. All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

§ 30-4. Award of purchase contract.

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 bid. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

§ 30-5. Inability to obtain proposals.

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 inability to obtain the proposals or quotes be a bar to the procurement.

§ 30-6. Exceptions from solicitation of quotes or proposals.

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.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- G. Goods purchased at auction.
- H. Goods purchased for less than \$250.
- I. Public works contracts for less than \$500.

§ 30-7. Annual review.

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

Bidding Thresholds – Generally, local governments and school districts are required to advertise for competitive bids when procurements exceed certain dollar thresholds. Purchase contracts involving expenditures in excess of \$10,000 (\$20,000 effective June 22, 2010)⁴ and contracts for public work involving expenditures in excess of \$20,000 (\$35,000 effective November 12, 2009) are subject to competitive bidding under the law.⁵ Contracts are awarded to the “lowest responsible bidder” after public advertisement for sealed bids. There are several exceptions from competitive bidding requirements such as purchases made through the New York State Office of General Services, purchases made through certain county contracts, emergency purchases, and purchases from a legitimate sole source. In addition, procurements of commodities and services may be required to be made from preferred sources. We discuss some of these exceptions and purchases from preferred sources later in this guide.
