

Procurements Procedures updated January 21, 2025 Resolution #29-25 With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Bean, Bowers, Heid, Stevens, Williams) Nays - 0

**SPENDING LIMITS**

The spending limit for everyone except Highway Superintendent, Public Property & Programs Director and Water Department is \$299.99, provided funds are available within the budget.

Purchases of \$300 and more follow the procedures outlined in 4C.

Authorization to Proceed form has been attached.

4C

**NON-BID PROCUREMENTS PROCEDURES CHART/ WORKSHEET**

<u>Expected Cost Of Procurement</u>	<u>Documented Quotes Required*</u>	<u>Other Requirements</u>
Purchases under \$300	NONE	None
\$300 - \$999	NONE	Authorization to Proceed Co-Signed by Bookkeeper
\$1,000 - \$2,999	2 or 3 Verbal	Authorization to Proceed Co-Signed by Bookkeeper
\$3,000 - \$4,999	2 Written	Authorization to Proceed Co-Signed by Supervisor
\$5,000 & Over	3+ Written	Authorization to Proceed Approval of Town Board Co-Signed by Supervisor

\*All purchases require a voucher signed by the department head and supervisor prior to payment.

\*\*State Contract award # and page 1 of award notification must be provided in lieu of quotes.

\*\*\*If using a County Contract in lieu of quotes, a copy of the contract must be provided.

For each quote, enter vendor name, telephone number, and result of solicitation.

Enter additional information on back of form.

Provide details if the lowest quote has not been chosen.

This resolution sets forth the policies and procedures of the Town of Johnsbury to meet the requirements of General Municipal Law, Section 104-b.

## **PURPOSE**

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Town Board is adopting internal policies and procedures governing all procurements of goods and services which are not required to be procured pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or any other general, special or local law.

## **PUBLIC WORKS AND PURCHASE CONTRACTS**

When required by a General Municipal Law §103, all contracts for public works and all purchase contracts must be awarded to the lowest responsible bidder after advertising for bids. The State Comptroller's Office has opined that the term "**Public Works**" encompasses contracts for services, labor or construction and the term "**Purchase**" applies to the procurement of commodities, materials, equipment and supplies. (Opn. St. Comp. No. 87-46) (Town Law Manual page 73 §5-33)

## **PROCEDURE FOR DETERMINING WHETHER PROCUREMENTS ARE SUBJECT TO BIDDING**

The Superintendents of Highways, Parks and Buildings, and the North Creek Water District will make the initial determination of which procurements for their departments may require competitive bidding. The Town Supervisor will make the determination for all other departments. A report will be submitted to the Town Board by each responsible person, by the end of each year, listing all budgeted procurements that may be expected to exceed **\$5,000** in the coming year. The probable application, if any, of statutory exemptions from the limits of **\$20,000** for procurements predominantly for goods or **\$35,000** for those predominantly for services, should be noted on the list. Unbudgeted expenses exceeding **\$5,000** shall be reported to the Town Board as they become necessary. The Board will make the final determination of whether or not to require bidding for any of these procurement.

## **STATUTORY EXCEPTIONS FROM THESE POLICIES AND PROCEDURES**

Except for procurements made pursuant to General Municipal Law, Section 103(3) (County Contracts) or Section 104 (State Contract), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of verbal quotations, written quotations or requests for proposals, or any other method of procurement which furthers the purposes of General Municipal Law, Section 104-b.

### **EXCEPTIONS TO FORMAL BID**

The following items are not subject to competitive bidding pursuant to §103 of the General Municipal Law:

1. Purchase contracts under \$20,000
2. Public Works Contracts under \$35,000
3. Emergency purchases
4. Certain municipal hospital purchases
5. Goods purchased from agencies for the blind or severely handicapped
6. Goods Purchased from correctional institutions
7. Purchases under state and county contracts
8. Surplus and secondhand purchases from another governmental entity.

### **METHODS OF COMPETITION AND DOCUMENTATION TO BE USED FOR NON-BID PROCUREMENTS**

The specification of procedures for non-bid procurements will be incorporated in a chart and worksheet (a copy of which is attached hereto titled Authorization To Proceed) which shall be updated periodically as is found necessary and practical, with any changes to be approved by resolution of the Town Board. The procedures followed will be documented by filing the worksheets with claims for payment for any procurements requiring the solicitation of quotes.

### **AWARDS TO OTHER THAN LOWEST RESPONSIBLE DOLLAR OFFERER**

Whenever any contract is awarded to other than the lowest responsible dollar offer, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b as set forth herein above shall be document by entering the full explanation on the back of the procedures chart/ worksheet. (3/20/2007 Approved)

### **ITEMS EXCEPTED FROM POLICIES AND PROCEDURES BY THE BOARD**

The Board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the Town Board, the solicitation of alternative proposals or quotes will not be in the best interest of the Town of Johnsburg.

1. Emergencies where time is a crucial factor.
2. Single-source items, for which there is no possibility of competition.
3. Professional Services.
4. Very small procurements, for which solicitations of competition would not be cost effective.

Procurements Procedures updated January 21, 2025 Resolution #29-25 With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Bean, Bowers, Heid, Stevens, Williams) Nays - 0

### **INPUT FROM OFFICERS**

Comments concerning the policies and procedures shall have been solicited from officers of the Town of Johnsburg involved in the procurement process prior to the passing of this resolution and will be solicited from time-to-time hereafter.

### **ANNUAL REVIEW**

The Town Board shall annually review these policies and procedures. The Town Supervisor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

Last Annual review 1/21/25.

### **UNINTENTIONAL FAILURE TO COMPLY**

The unintentional failure to comply fully with the provisions of this General Municipal Law, Section 104-b, shall not be grounds to void action taken or give rise to a cause of action against the Town of Johnsburg or any officer or employee thereof.

**SURPLUS** The Town Board will be responsible for overseeing the salvage control program. Department personnel assigned the task of inventory management are to report any surplus equipment or materials they have to the Town Board, or designee. Surplus equipment may be transferred to another department where it is needed with prior approval of the Town Board. The Board, or designee is authorized to sell or trade in used and/ or obsolete equipment to a vendor and to accept a trade in allowance from such vendor. If the above procedures have been exhausted, the Board, or designee, will arrange to sell such articles at a widely advertised public auction, on-line auction through a contracted auction house, or on eBay. Items that have no value and are broken beyond repair must be properly disposed of by the appropriate department. Any vehicle or equipment that requires a title to be signed for transfer will be handled by the Highway Superintendent or Town Supervisor. *Town Board Resolution #151-18.*

**RESOLUTION #78-19** Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to set the amount the Highway Superintendent can spend without co-signed approval at \$1000. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays – 0

**RESOLUTION #23-177** Mr. Hoskins made a motion to approve the increase in spending limit for PPP Director to \$999 and moved its passage with a second from Mr. Arsenault. With the following members voting in favor of the resolution, it is carried. Ayes – 4 (Smith, Hoskins, Stevens, Arsenault): Nays-0.

**RESOLUTION #29-25** Ms. Bowers made a motion to approve the Water Department Procurement to \$999 and moved it's passage with a second from Mr. Williams. With the following members voting in favor of the resolution, it is carried. Ayes – 5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0

## Authorization To Proceed

<u>Expected Cost Of Procurement</u>	<u>Documented Quotes Required*</u>	<u>Other Requirements</u>
Purchases under \$300	NONE	NONE
\$300-999	NONE	Authorization To Proceed Co-Signed by Bookkeeper
\$1,000-\$2,999	2 or 3 Verbal or Written	Authorization to Proceed Co-Signed by Bookkeeper
\$3,000-\$4,999	2 Written	Authorization to Proceed Co-Signed by the Supervisor
\$5,000 & Over	3+Written	Authorization to Proceed Approval of Town Board Co-Signed by Supervisor

**\*\*All purchases require a voucher signed by the appropriate department head and supervisor prior to payment. Completed Authorization to Proceed must be attached to the voucher.**

For each quote, enter vendor name, telephone number and result of solicitation.  
Enter additional information on back of form.

Quote #1: Telephone# \_\_\_\_\_ Notes: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Cost: \_\_\_\_\_

Quote #2: Telephone# \_\_\_\_\_ Notes: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Cost: \_\_\_\_\_

Quote #3: Telephone# \_\_\_\_\_ Notes: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Cost: \_\_\_\_\_

Department Head Recommendation: \_\_\_\_\_  
 Cost: \_\_\_\_\_ Account Code: \_\_\_\_\_ Balance available: \_\_\_\_\_  
 Explanation if not accepting lowest quote: \_\_\_\_\_

If state contract pricing is being used in lieu of quotes, provide award# \_\_\_\_\_  
 Page 1 of the contract award notification must be attached.

If piggybacking off a County Contract, a copy of the contract must be provided.

Department - Head Date: \_\_\_\_\_ Supervisor/Bookkeeper - Date: \_\_\_\_\_