

Village of Avoca Procurement Policy

Policy: Village of Avoca Procurement Policy						Policy #11	
Effective: September 9, 2021				Author: Eric R. Tyner			
Approved by Board:	Mayor:	Trustee:	Trustee:	Trustee:	Trustee:	Filed:	Clerk:

This Village Policy sets forth the Policy and Procedures of the Village of Avoca to meet the requirements of General Municipal Law, Section 104-b.

I. Purpose:

To establish a standardized form and policy for the handling of 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 moneys, in the best interests of the taxpayers, to facilitate the acquisitions 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 provide a policy and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special or local law. This policy to is be implemented and adhered to by all Village of Avoca employees and officials, both elected and appointed, during their official duties and tenure in the employment of the Village of Avoca when handling or procuring goods under the supervision of the Mayor or the Board of Trustees.

II. Policy and Determination:

It shall be the policy that every employee or official, either elected or appointed, who procures good or services for the Village of Avoca, adhere to this policy and the provisions set forth within at all times. The Board of Trustees, working in conjunction with the Village Clerk for any one particular project, shall make a determination as to the competitive bidding requirements.

The following procedure for determining whether procurements are subject to bidding. The procedure for determining whether a procurement of goods and services to competitive bidding and documentation is not required by law is as follows:

1. Determine if the annual cost will exceed the current competitive bidding threshold: Presently this threshold is \$20,000 for materials and \$35,000 for public works. This limitation will be reviewed annual and if required adjusted accordingly by the Board of Trustees.
2. In the event of an emergency, analyze this process to see if statutory criteria have been met.

3. Determine whether any lease is a true lease, not an installment plan.
4. Ensure all criteria is met in verifying sole source procurement.
5. In a combination of professional services and a purchase, analyze whether the professional service is the predominate part and is integrated with a purchase.
6. If required, conduct research related to the purchase in the Financial Management Guide.
7. Document all decisions made to ensure public review can be made to ensure all decisions are in the best interest in the Village of Avoca.

III. Definitions:

A. Good and Services

1. Goods are defined as items that are usually (but not always) tangible, such as pens, paper, equipment, fuel and salt. Services are activities provided by other people, who include mechanics, contractors, vendor services and event online training sessions. Taken together, it is the production, distribution, and consumption of goods and services which underpins all economic activity and trade. It is the consumption of goods and services that provides utility to the consumer (Village residents), although businesses also consume goods and services in the course of their daily duties and assignment.

B. Employees:

1. Any person in the employment of the Village of Avoca, either full-time or part time, hired under the provision of the State of New York.
2. Employees are further defined as receiving weekly, biweekly, or monthly compensation in the form of funds and/or benefits by the Village of Avoca.

C. Officials:

1. Any person who is appointed to a job description for the Village of Avoca, either elected or appointed, for the duties they are performing.
2. Officials may be compensated for the duties they are performing by funds or benefits, as provided for the job description they are occupying.
3. Certain officials may be occupying job description that do not receive any form of compensation, but shall also be covered by the provisions as outlined in this policy.

D. New York State Definitions

1. In no event, shall the definitions as outlined above override over any New York State legal definition for any position (employees or officials) for the Village of Avoca and in the event of any conflict in terms, the New York State definition will take precedence.

IV. Documentation

- A. Each employee or official for the Village of Avoca will follow and strictly adhere to the following procedure and documentation requirements when purchasing goods and services during their employment with the Village of Avoca.
- B. Due to the current technology age we all now live in, the formerly required list of vendors being maintained previously by the Village Clerk for goods and services that were not subject to the competitive bidding requirements is no longer required.
- C. It is the intent of this policy to obtain needed goods and services of state, county, and agency for blind or severely handicapped or articles manufactured in corrections institutions, as must as practical.
- D. Each Department Head or official for the Village of Avoca shall provide the appropriate “paper trail” for all goods and services procured. This “paper trail” shall consist of, but not be limited too, memorandums, quotes, written request for approval, contracts, printouts, or any other written for of documentations involved in the selection of goods or services purchased with budgetary funds for the Village of Avoca.
- E. In addition to the above, the following guidelines are established for all employees or officials of the Village of Avoca when securing goods or services in the performance of their job duties or requirements:

Purchase of Any Goods or Materials

- \$ 0 - \$1,000.00 – No requirement for department head operating within their budgetary line item.
- \$ 1,000.00 - \$4,999, 00 – (3) verbal quotes from vendors with verbal permission of the Mayor or his or her designee.
- \$ 5,000.00 – Above – (3) written quotes from vendors with approval of the Board of Trustees.

Public Works Contracts

- \$ 0 - \$1,000.00 – No requirement for department head operating within their budgetary line item.
- \$ 1,000.00 - \$4,999, 00 – (3) verbal quotes from vendors with verbal permission of the Mayor or his or her designee.
- \$ 5,000.00 - Above – (3) written quotes from vendors with approval of the Board of Trustees.

V. Exceptions and Exemptions to this Policy

- 1. In case of emergency, including but not limited to fire, flood, ice storm, snow storm, or other severe weather conditions endangering public health

or welfare, breakdown of emergency response equipment, etc. the above requirements would be subject to temporary suspension at the discretion of the Mayor or other elected official, as so designated.

2. In the event of a situation or emergency repair that can not wait until the next monthly Board of Trustees meeting, the Department Head shall contact the Mayor or other designated official, as so designated, for approval to procure goods or services above the established limits. In this event, the Department Head or Mayor shall report this action to the Board of Trustees at the following monthly Board of Trustees meeting.
3. Single Source Items that are available from only one manufacturer or service provider.
4. Professional Service requiring confidentiality under the direction of the Mayor. These services shall be reported to the Board of Trustees at the following monthly Board of Trustees meeting, either in the open meeting or Executive session, as determined by law.
5. It shall be the responsibility of the Department Head initiating the purchase to file all documents required by this policy with the Village Clerk.
6. Should an award be made to other than the apparent lowest bid, the reason for such award shall be documented and reported to the Board of Trustees at the following monthly Board of Trustees meeting.
7. Village of Avoca Department Heads, or those responsible for procurement, are encouraged to comment on the above policy and procedure any time they feel the need to do so.
8. The Village Board shall annually review these policies and procedures, making such changes they deem necessary to better comply with the requirement of General Municipal Law, Section 104-b.

VI. Statutory Exceptions and Exemptions to this Policy

1. The provisions outlined in this policy shall be in effect and enforced, except for procurements made pursuant to the following sections of the General Municipal Law of the State of New York:
 - a. 103(3) – County Contracts, or;
 - b. 103(16) – United States or any state contract under the “piggy-back” provision, or;
 - c. 104 – New York State awarded contacts, or the following laws:
 - d. State Finance Law Section 175-b – Agencies for the blind or severely handicap, or;
 - e. Correction Law 186 – Articles related to correctional uniforms, or;
 - f. Goods and services secured directly from other municipalities.

VI. Unintentional Failure to Comply

1. The **unintentional failure** to fully comply 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 Village or any officer or employee thereof.

VII. Seeking Business Relationships with MWBE, EEO, and Section 3 Businesses

1. The Village of Avoca recognizes the importance of Minority-owned and Women-owned Business Enterprises, Section 3 businesses, businesses owned by economically disadvantaged persons, and other small businesses to the economic development of the Village and surrounding region. It is the policy of the Village that Minority, Women, Disadvantaged Business Enterprises, and Section 3 Businesses (as defined by federal law) shall have robust opportunity to participate in the performance of contracts financed in whole or in part with federal funds. The Village will therefore actively seek out qualified minority-owned, women-owned business enterprises, Section 3 businesses, and other small disadvantaged businesses that can provide competitive and high-quality services for the Village for such contracts, for example, by utilizing available lists of MBE/WBE/Section 3/DBE firms certified by Steuben County and/or the State of New York, as appropriate.