



Town of Thurston Procurement Policy

Procurement Policy and Procedures

Whereas this resolution sets forth the policy and procedures of the **Town of Thurston** to meet the requirements of General Municipal Law, section 104-b.

1. Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest 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 an internal policy and procedures governing all procurements 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.

2. Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

Procedure:

- a) Every proposed purchase over \$10,000 must be initially reviewed by the Town Board to determine whether it is a purchase or public works contract. In general, purchase involves acquisition of commodities, materials, supplies, or equipment, while contracts for public work involve services, labor, or construction. In emergency situations the Town Supervisor will review the anticipated purchase and decide. He must report on his actions to the Town Board at the next scheduled Town Board meeting. Except as set forth in Section 7 of this policy, all purchases will be made as outlined herein.

Documentation:

- a) For all purchases of commodities, equipment, goods, or services: \$20,000 and up – bid in conformance with GML, Section 107; less than \$20,000 but greater than \$10,000 – quotes from two vendors.
- b) For all purchases of public works contracts: \$35,000 and up – bid in conformance with GML Section 103; Less than \$35,000 but greater than \$10,000 – quotes from two vendors.
- c) All purchases less than \$10,000 but greater than \$500 are left to the discretion of the Town Board, with documentation setting forth justification for the purchase i.e. board minutes.
- d) A good faith effort shall be made to obtain the required number of quotes. If the purchaser is unable to obtain the required number of quotes, the purchaser will document the attempt made at obtaining the quotes.

3. Statutory Exceptions to Quotations/Proposals Requirements of This Policy and Procedures

Except for procurements made pursuant to General Municipal Law, section 103 (3) (through certain county contracts), section 104 (through certain State and Federal contracts), State Finance Law, section 162, Correction Law, sections 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

4. Methods of Competition to be Used for Non-Bid Procurements

The methods of procurement to be used are as follows:

- a) “Best Value” shall be used as a basis for awarding a purchase contract or contracts.

5. Adequate Documentation

Documentation of actions taken in connection with each such method of procurement is required as follows:

- a) All invoices should have a purchase purpose, in sufficient detail for the town board to determine the item or service purchased and its intended use.
- b) Invoices subject to bid requirements must include all quotes or documentation that a good faith effort was made to obtain the required number of quotes.

6. Awards to Other than the Lowest Responsible Dollar Offeror

Whenever any contract is awarded to other than the lowest responsible dollar offeror, the reasons that such an award furthers the purpose of General Municipal Law, section 104-b, as set forth herein above, shall be documented as follows:

- a) 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 bidder.

7. Items Excepted from this Policy 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 quotations will not be in the best interest of the **Town of Thurston**.

- a) Acquisition of professional services or services requiring special or technical skill, training, or expertise (Section 104-b (2) (f), GML).
- b) Emergencies (Section 103 (4), GML (also memo from Purchaser detailing circumstances or emergency purchase).
- c) Goods purchased from or through another governmental agency.
- d) Goods purchased at auction.
- e) Goods purchased for less than \$500 by Town Supervisor or Highway Superintendent (all fuel purchases are permitted up to \$5,000)
- f) Goods valued at less than \$250 or less by other department heads.

8. Individual(s) Responsible for Purchasing:

Michael J. Volino, Town Supervisor and Highway Superintendent

9. Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation procurement and Contracting

To affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Town of Thurston will solicit MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse. The Town of Thurston's established purchase/contracting thresholds will apply. For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Town of Thurston will keep documentation of M/WBE solicitation in its records and any responses there too.

10. Business Participation in Procurement and Contracting

For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Town of Thurston will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The Town of Thurston's established purchase/ contracting thresholds will apply. The Town of Thurston will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

11. Input from Officers

Comments have been solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of this policy and procedures and will be solicited from time-to-time hereafter.

12. Annual Review

The town board shall annually review, at its Organizational Meeting, and, when needed, update this policy and procedures.

The **Town of Thurston Board** shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy and shall be responsible for reporting back to the board.

13. Unintentional Failure to Comply

The unintentional failure to comply fully with the provisions of 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 Thurston** or any officer or employee thereof.

14. Resolution

Motion to Approve:

Second to Motion:

Roll Call:

Michael Volino _____

Holly Chase _____

Noel Sylvester _____

Dan Gee _____

Jen Hargrave _____

Adopted on June 19, 2024 by a _____ vote of the governing board of the **Town of Thurston**.

Dolores Crooker, Town Clerk