

# TOWN OF LANSING PROCUREMENT POLICY

**I. Policy Statement:** The purpose of the Town of Lansing's Procurement Policy is to ensure the prudent and economical use of public money, to facilitate the acquisition of facilities and commodities of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. This policy is intended to fully comply with all federal and state purchasing requirements and shall be construed in order to effect such compliance.

**A.** Whenever such procurement triggers public works requirements, mainly Labor Law Articles 8 and 9, compliance with public works and prevailing wage requirements shall be required unless a waiver is obtained, in writing, from the applicable NYSDOL office.

**B.** Generally, the responsible bidder with the lowest bid, proposal, or quote shall be awarded the purchase or public works contract unless the request for proposal, request for bid, or similar document is designated as a "Best Value" procurement, whereupon it shall follow the requirements for best value procurements set forth in the Town's local law, NYS law, and the requirements below.

**C.** If a bidder is not deemed responsible, if the bid or quote is not in compliance with the specifications, or if the award goes to other than the lowest bidder, facts supporting that judgment or determination shall be documented and filed with the record supporting the procurement.

**D.** Whether stated or not in bid documents or any RFP, the Town always reserves the right to reject any and all bids, to segment the work, or to re-issue the bid documents with or without changes.

**E.** All Town employees and officers shall fully document all quotes and bids received in accordance with the requirements of law, including the General Municipal Law and the regulations and requirements of the State Comptroller's Office.

## II. Documentation Required for Purchase Orders and Contract Awards

**A. Verbal quotations.** A telephone log or other contemporaneous written record of verbal quotes shall be kept and dated to verify the invoice amount submitted upon delivery or invoicing by a selected vendor. At a minimum, such notation should provide the date, the item or service desired, the price quoted, and the name of the vendor's representative. For amounts under \$5,000 the following shall constitute adequate documentation and proper procedure:

1. The written log of the call for a quote and the printed or written receipt for the good or service purchased showing that the pricing matches; or
2. A URL print out of an offered price shall suffice as a verbal quote if such provider of the goods or service is a recognized vendor of such goods or services, when such provider's invoice or receipt conform to the price listed.
3. All vouchers should provide a description of the date of quote and delivery, the item or service acquired, the price paid, and the name of the vendor.
4. For procurements where more than one verbal quote is required, a telephone log or other contemporaneously kept record of all attempts to obtain quotes shall be kept, and reasonable efforts to obtain the required number of quotes shall be documented.
5. The invoice or receipt and a copy of the log or notes shall accompany all submitted vouchers or requests for payment.

**B. Written quotations.** Vendors should provide, at a minimum, a written document showing the date, a description of the item or details of the service to be provided, the price quoted, the name of vendor's representative, and a signature or equivalent. Quotes transmitted by fax or email are acceptable. A copy of the

written quotes should be submitted with the voucher, with the quote selected for payment being attached to the voucher.

**C. Competitive Bidding Required.** All purchases of supplies or equipment and all public works that exceed the numerical thresholds for public bidding set forth in General Municipal Law (“GML”) § 103 shall be competitively bid in accordance with the requirements of the GML and any related rules and regulations. As of January 1, 2018, such amount is \$20,000 for purchase contracts and \$35,000 for public works contracts.

**D. “Best Value” Local Law Option.** The Town has adopted a best value local law option per the requirements of the NYS State Finance Law (“SFL”) § 163, GML § 104, and other requirements of law, and in accord with law such best value process and procedures may be utilized in lieu of the procurement policies herein stated or required for mandatory public bidding under GML § 103. The best value standards shall follow such of the requirements below as selected or applicable to the bid or project then under consideration, any other best value parameter as may in the future be identified and included in any future bid or RFP document in writing, and the best value procedures required by the Town’s Best Value Local Law (Local Law #2 of 2015) and New York State law. A copy of the best value bid procurement notice and accepted bid, together with the rationale utilized to select such best value bid, shall be submitted with each voucher.

**E. State and County Bid Lists.** When authorized by the annual organizational minutes of the Town (or by local law or other appropriate legislation) the purchase may be made from county or NYS bid lists as permitted by the SFL and GML. The name of the bid list used, the bid number for the item selected (if available), and a short description of each item shall be submitted with each voucher.

**F. Other Piggybacking Bid Lists.** When authorized by the Town Board, after satisfying that such piggybacking bid list or source meets the public bidding and competitive pricing requirements of NYS, such other piggybacking contracts or lists may be utilized. The name of the bid list used, the bid number for the item selected (if available), and a short description of each item shall be submitted with each voucher. The only piggybacking sources or lists currently approved by the Town are the following:

1. Any piggybacking contract approved by the NYS Office of General Services.
2. Sourcewell, f/k/a The National Joint Powers Alliance, an interstate alliance of public purchasers with offices in the State of Minnesota, but only for goods purchasing and not for best value bids sourced by or issued through Sourcewell/NJPA.

**III. Procurement Tables.** For purchases and procurements below the competitive bidding requirements of the GML, the following tables describe the minimum work and documentation necessary for any act of procurement or purchasing. All employees are encouraged to do more than the minimum to meet the spirit of the GML and this policy pertaining to procurement rules.

| <b>Table for Purchase Contracts Below GML Limit</b> | <b>Verbal Quotes 1 or More</b> | <b>Verbal Quotes 3 Or More</b> | <b>Written Quotes 3 Or More</b> |
|---|--------------------------------|--------------------------------|---------------------------------|
| <b>Under \$5,000</b>                                | X                              |                                |                                 |
| <b>\$5,000 - \$10,000</b>                           |                                | X                              |                                 |
| <b>\$10,000.01 - \$19,999.99</b>                    |                                |                                | X                               |

| <b>Table for <u>Public Works</u> Below GML Limit</b> | <b>Verbal Quotes 1 or More</b> | <b>Verbal Quotes 3 Or More</b> | <b>Written Quotes 3 Or More</b> |
|--|--------------------------------|--------------------------------|---------------------------------|
| <b>Under \$5,000</b>                                 | X                              |                                |                                 |
| <b>\$5,000 - \$10,000</b>                            |                                | X                              |                                 |
| <b>\$10,000.01 - \$34,999.99</b>                     |                                |                                | X                               |

If in the future the procurement or public works limits set by New York State in the General Municipal Law shall be increased, then this policy shall be deemed automatically adjusted to such numbers and the third row below each subheading in the above charts (corresponding to one cent below GML § 103 limits) shall be modified accordingly. In all cases a diligent and good-faith effort shall be made to obtain the required number of proposals or quotations, whether oral or written, and if the officer or employee in charge of the act of procurement is unable to obtain the required number of proposals or quotations each effort or attempt to obtain any quote or price shall be documented in writing.

**IV. Building Repair and Maintenance.** All building repairs and maintenance projects exceeding \$1,000.00 require specific Town Board approval.

**V. Exceptions to Procurement Rules.** Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances, but in each case the approval of the Town Supervisor or Town Attorney should be sought to verify the scope of these or other allowed exceptions under the GML: (i) the acquisition of professional services; (ii) qualifying emergencies; (iii) sole-source suppliers; (iv) computer software and certain technology hard goods; and (v) certain goods purchased from agencies for the blind or severely handicapped, from correctional facilities, from other governmental agencies, or from certain types of auctions.

**VI. Best Value Bidding Rules.** The following considerations and procedures shall apply to best value procurements and bids:

- A.** The following best value factors may be selected in relation to any procurement or bid process:
  1. The bidders expressed understanding of critical milestones, project sequencing, and the completeness of a critical path method schedule, if such schedule is required.
  2. The bidder's ability to complete project phases and close-out in a time of the essence manner.
  3. The reputation of the bidder and its sub-contractor's in Tompkins County, including the bidder's commitment to quality of services, quality of workmanship, and reputation for responsiveness, including based upon the Town's inspections of and interviews with key personnel in prior disclosed or non-disclosed representative projects.
  4. Any history of being listed upon a debarment list or a prohibited persons list.
  5. The length and depth of experience a bidder has with the specific type and complexity of the project undertaken or good or service to be procured.
  6. Whether a bidder provides discounts, incentive-based cost reductions, and other recommendations relating to reducing project costs or improving project quality, including those pertaining to product selection or installation methodologies, the quality or durability of machinery or systems, and other factors that expand project and equipment lifespans.

7. The bidder's geographic location and proximity to the project, overall transportation and mobilization costs, and the speed at which bidder can mobilize forces and address emergencies, warranty repairs, and supplemental requests for services.
8. The bidder's flexibility to accommodate changes in project start dates, project phasing changes, strict completion timelines, and overall response times from request to mobilization and the delivery or completion of requested goods or services.
9. The length of any workmanship guarantees and warranties, including from manufacturers of materials and equipment sourced and chosen by bidder and direct-to-Town warranties provided by bidder.
10. Shipping costs and delivery charges.
11. A bidder's ability to be its own construction manager.
12. The overall post-construction cost of maintenance, project life-cycle costs, and the availability of replacement parts or maintenance contractors for such project or good.
13. The degree and extent to which the bidder and its subcontractors and suppliers qualify as MWBE providers.
14. The degree and the extent to which any residents of Tompkins County will be employed in the project.

**B.** All best value bidding is subject to the approved budget for the acquisition or project, and all bids shall be evaluated for each individual combination of base bid items plus additive alternate items to determine the best value bidder.

**C.** The Town may, as it deems necessary, conduct discussions with the contractor(s) or bidders it deems reasonably expected of being selected for award for the purpose of clarification and responsiveness to requirements, and any information gathered by the Town from the bid process or discussions, or from any interviews, may be deemed relevant and duly considered by the Town in relation to the issuance of any award or the rejection of any one or more, or all, bids.

**D.** The Town shall assign reasonable weight to selected best value criteria so as to inform potential bidders and the public of the general manner in which price and best value criteria will be considered, and the Town reserves its right to make an award based upon "best value" criteria. It shall be sufficient to meet this requirement by listing the criteria in order of importance.

**E.** All best value determinations, if utilized, and the award, may be awarded based upon the basis of being the overall best value, and the added value, savings, and other best value factors shall be weighed and determined by the Town in its sole and own discretion.

**F.** The bidders and participating parties to the process have the duty to fully reply and provide complete and accurate information in relation to the best value criteria, and they should make every effort to provide detailed and sufficient information on all of the evaluation criteria so as to allow the Town to measure the strengths, costs, and overall value of the proposal.

**G.** The Town in all cases reserves the right to eliminate any best value requirements or criteria deemed unmet by all bidders, but only if doing so does not either advantage or disadvantage any bidder and no potential bidder was discouraged from submitting proposals because of that mandatory requirement or criteria.

**VII. Ethical Prohibitions.** No board member, officer, or employee of the Town of Lansing (including members of their household and family members and certain relatives, with the limited exception of certain contracts of employment) shall have any prohibited interest in any contract with any municipality of which he is an officer or employee when such officer has the power or duty to (i) negotiate, prepare, authorize or approve the contract or authorize or approve payment there under, (ii) audit bills or claims under the contract or (iii) appoint any officer or employee who has any of the above-noted powers. All procurement processes and purchases, and all contracting relating to the same shall at all times comply with GML Article 18.

**VIII. Operational Prohibitions.** Among other rules, NYS law does not permit segmentation of purchasing to avoid or fall below GML thresholds. Similarly, the estimated gross cost of a purchase or procurement must usually be considered without deducting for a trade-in allowances. Also, items of a similar nature which are or can be handled by one manufacturer or vendor should be grouped together for purposes of the bidding monetary thresholds. Examples might be office equipment or supplies, different sizes of hoses or piping, etc. Again, if there is doubt as to these rules the town employee or officer should consult with the Town Supervisor or the Town Attorney.

**IX. Annual Review.** The above noted procurement policies and procedures shall be periodically reviewed by the Town Board to assure compliance with law, and to help assure that the purposes of this policy are duly advanced.

Adopted 6/19/19  
Resolution #19-99