

**Motion:** The following resolution was offered by Timothy Gunning who moved its adoption, seconded by Gregory Day

## **Resolution # 8**

### **Procurement Policy**

**WHEREAS**, Section 104—b of the General Municipal Law requires that all Towns adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of Section 103 of the General Municipal Law or any other law, and

**WHEREAS**, comments have been solicited from those officers of the Town of Wellsville involved with procurement, now therefore be it

**RESOLVED**, this 13th day of May, 2024, by the Town Board of the Town of Wellsville, Allegany County, New York, as follows:

1. All purchase contracts which will exceed \$10,000 in the fiscal year and public work contracts over \$20,000 shall be formerly bid pursuant to Section 103 of the General Municipal Law.
2. Every prospective purchase of goods or services shall be analyzed to determine whether the bidding requirements of Section 102 of the General Municipal Law apply. Any legal question regarding the application of such Section 103 bidding requirements shall be referred to the Town Attorney. Every Town officer, board, department head, or personnel with the requisite purchasing authority (herein Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.
3. Subject to the provisions of Section 7 of this resolution, the following sub sections a. and h. shall be complied with:
  - a. All estimated purchase of goods:
    - (1) Less than \$10,000 but greater than \$3,000 require a written quote, facsimile quotes are acceptable, from three vendors.
    - (2) Less than \$3,000, but greater than \$1,000 requires oral quotes from two (2) vendors. The name, address, and phone number of each vendor shall be kept on file by the Purchaser.
    - (3) Less than 1,000 is left to the discretion of the Purchaser.
  - b. All estimated public work contracts of:
    - (1) Less than \$20,000 but greater than \$10,000 requires a written request for proposals and written proposals from three (3) contractors, facsimile proposals will be acceptable.
    - (2) Less than \$10,000 but greater than \$3,000 requires a written request for proposals and written proposals from two (2) contractors, facsimile proposals will be acceptable.
    - (3) Less than \$3,000 is left to the discretion of the Purchaser.
4. Any written request for a proposal shall describe the desired public work or goods. The Purchaser shall compile a list of all contractors or vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. All information gathered in

complying with the procedures of this resolution shall be preserved and filed with the documentation supporting the subsequent purchase of public work contract.

5. The lowest responsible proposal or quote shall be awarded the purchase or public work 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 bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.
6. 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 shall 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.
7. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required for the following types of procurement or under the following circumstances:
  - a. Acquisition of professional services.
  - b. Emergencies where time is a crucial factor.
  - 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.
  - g. Goods purchased at auction.
  - h. Goods purchased for less than \$1,000.
  - i. Public works contracts for less than \$3,000.
8. Town Debit Card Usage

All Debit card requests for use by a Town Employee or Town Board Member shall be reviewed and approved by the Town Board. It is understood that only materials or services that are required for the day-to-day activities of the official town business. The use of a Debit card does not relieve purchases from following other guide lines included with this Procurement Policy. The Debit Card will be held with the Town Bookkeeper and she will be responsible for its safekeeping and usage.
9. The provisions of this resolution shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as it is reasonably practicable.
10. This resolution, in written form, shall be sent to all Purchasers on an annual basis.
11. This resolution shall take effect immediately.

The resolution was adopted by unanimous vote:

**Vote:** Shad Alsworth, Supervisor voting absent  
Michael Miller, Council Member voting Aye  
Patricia Graves, Council Member voting Aye  
Timothy (Nic) Gunning, Council Member voting Aye  
Gregory Day, Council Member voting Aye