

Town of Ancram Purchasing Policy

Approved January 19, 2022

Introduction

To encourage the purchase and use of environmentally sound products and services. New York State is taking a lead in green purchasing, and the Town of Ancram seeks to support the State's efforts and provide an example at the local level. According to New York State regulations:

"State agencies and authorities are required to purchase commodities, services, and technology that meet the approved green procurement specifications. Executive Order 4, establishing a State Green Procurement and Agency Sustainability Program, established green procurement lists and specifications of commodities, services, and technology for use by state agencies during a procurement. The specifications identify product criteria that will:

- Reduce or eliminate the health and environmental risks from the use or release of toxic substances;
- Minimize the risks of the discharge of pollutants into the environment;
- Minimize the volume and toxicity of packaging;
- Maximize the use of recycled content and sustainably managed renewable resources; and
- Provide other environmental and health benefits."

Approved green procurement specifications can be found at this link:

<https://ogs.ny.gov/greenny/executive-order-4-approved-specifications>

1. Objectives of the Town of Ancram Purchasing Policy:

A. To promote sound purchasing practices that guard against favoritism, fraud, and corruption.

B. To foster honest competition in order to obtain goods and services of maximum quality at the lowest cost.

C. To ensure prudent, efficient, economical use of public monies and save tax dollars. D. To encourage the purchase and use of environmentally sound products and services by recognizing and following, whenever possible and as long as it is not significantly more expensive to do so, the guidelines on green procurement from New York State found at this link:

<https://ogs.ny.gov/greenny/executive-order-4-approved-specifications>

E. To ensure that all purchasing or procurement procedures made by the Town and/or its representatives are consistent with provisions and guidelines outlined in the Ethics Law for the Town of Ancram: Local Law #4 of 2011.

2. Persons Authorized to Order:

Subject to the guidance provided by this Town of Ancram Purchasing Policy document, and within the constraints of the approved annual Town budget, the persons occupying the following positions may order goods and services on behalf of the Town of Ancram for their areas of responsibility:

- A. The Town Supervisor, or—in his/her absence--the Deputy Town Supervisor
- B. The Town Clerk
- C. The Highway Superintendent
- D. Town Justices and clerks for the Town Court
- E. Building Manager
- F. Head of the Building Department and building department clerk,
- G. Chairs and clerks of boards, councils, committees and other panels appointed by the Town Board
- H. Pool Director and Director of the Kid's Camp

Prior to placing orders, individuals planning to make a purchase should review their budgets, or review their planned purchase with the Town Supervisor to make sure there are sufficient funds in the budget to cover the planned purchase.

3. General Purchasing and Procurement Policies and Procedures:

A. Town officials will abide by the requirements of General Municipal Law Sections 103 and 104-b.

B. Purchasing decisions made by Town officials will avoid favoritism, extravagance, fraud and corruption.

C. Town officials are encouraged but not required to consult and use the annually updated and approved New York State Green Specifications and Categories for green purchases that are found at this link:

<https://ogs.ny.gov/greenny/executive-order-4-approved-specifications>

D. Purchasing decisions made by Town officials should strive to limit any negative environmental impact by following these green guidelines as long as the resulting cost of the green products and services purchased are not significantly higher than the least costly non-green alternatives.

Energy Use: Preference should be given to products which consume the least amount of energy in their manufacture, use and disposal.

Sustainability of Materials: Preference should be given to products which are made from sustainable materials, and/or contain a significant level of recycled or reprocessed material.

Transportation: Preference should be given to products which are manufactured locally, and/or which are packaged to reduce transportation costs.

Packaging: Preference should be given to products which are minimally packaged using recycled or biodegradable packaging materials.

Environmental Impacts: Preference should be given to products which reduce impacts on the environment during manufacture, use or disposal, like paper plates and cups over plastic or Styrofoam alternatives.

Health Impacts: Preference should be given to products which reduce or eliminate health risks to employees and users in their manufacture, use or disposal.
(Source for points under D: <http://www.howgreenismytown.org/>)

E. Goods and services which are not required by law to be procured pursuant to competitive bidding will be purchased to assure the appropriate quality at the lowest possible cost.

F. Green products and services of similar quality and price to conventional counterparts should gain a purchasing preference.

G. For stationery supplies, the Town Clerk will maintain a listing of approved vendors who sell quality products at competitive prices and their catalogs. Any purchase of stationery or supplies for departments operating in Town Hall will be placed through the Town Clerk. Preference should be given to stationery supplies which contain a significant level of recycled material so long as they are not significantly more expensive than the least cost alternatives.

H. All purchases for the Highway Department must be made by the Highway Superintendent, who is authorized to purchase bid items previously approved by the Town Board up to the amount of the adjusted highway budget for those items. The Highway Superintendent may place stationery orders through the Town Clerk.

I. The Highway Superintendent is authorized to purchase any unbudgeted items costing less than \$5000 without prior Town Board Approval.

J. We will use State and County Bids whenever practical, unless we can get other bids that are less, in which case we will use the lowest responsible bidder.

K. Vouchers will note the State or County bid numbers for clarification purposes.

L. All bid specification packages will be reviewed by the Town Supervisor prior to being issued. Bid specifications will include the nature of goods or services sought, the physical or functional characteristics of the commodity to be purchased, and the terms or conditions under which the contract will be awarded.

M. Bids for ongoing services may be requested for one, three and five year periods, and awarded for multiple years if it is in the interest of the Town to do so.

O. Any town official or employee involved in purchasing decisions for the Town will not accept any gifts, services or any form of remuneration, and will not enter into any personal or professional relationship with a vendor or supplier that might be viewed as inappropriate, pursuant of the sections of the Towns Ethics Law pertaining to Conflicts of Interest and Remuneration.

4. Determining Whether Procurements are Subject to Competitive Bidding

In determining the necessity for competitive bidding, the aggregate cost of the commodity, service, or technology estimated to be purchased in a fiscal year will be considered and the competitive bidding thresholds under General Municipal Law Section 103 of \$20,000 for purchase contracts and \$35,000 for contracts for public works will be followed.

Although we are not obligated by law to submit our insurance, legal, engineering, planning and other professional services to competitive bidding, the Town Board will obtain the best professional services available for the lowest costs by reviewing these services annually during the budgeting process and soliciting competitive quotes or RFP's for professional services as needed.

5. Statutory Exceptions From These Policies and Procedures

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

6. Methods of Competition to Be Used for Non-Bid Procurements

The methods of procurement to be used are as follows:

Purchase of routine office supplies, building supplies and equipment: Staples, Home Depot, Lowes, Harrington's or comparable national chains of office or building supplies will be presumed to be least cost suppliers, and will be used. Department heads will compare prices at various stores to assure we are getting the lowest possible costs for office and building supplies and equipment.

Purchase orders for goods or services under \$3000: Documented oral or written informal quotations, estimates or "comparison shopping" will be used on all materials, supplies or services costing less than \$3000 which are not purchased through state or county contract, formal bid, Industries for the Blind or from Correctional Institutions.

Purchase orders for goods or services \$3000 or more: Written estimates from at least three qualified suppliers. Purchase orders for over \$20,000 must be put out for competitive bid.

Contracts for public works expected to cost under \$35,000: written RFP's to at least three qualified vendors. Public works over \$35,000 must be put out for competitive bid.

7. Awards to Other Than Lowest Responsible Bidder

Whenever any contract is awarded to other than the lowest responsible dollar bidder, the reasons for such an award must be justified and documented. Justification may include circumstances such as a past history of late deliveries, inferior quality, inferior workmanship, non-compliance with local, state, federal laws, non-compliance with labor and safety codes, or an outstanding obligation to the town. When the bids on a contract are within 5%, preference may be given to products and service providers which have made steps to make their operations greener and more sustainable, and Town RFPs will specify this "green" preference.

8. Items Excepted From Policies and Procedures By the Town Board

The Ancram Town Board sets forth the following circumstances when, or types of procurements for which, the solicitation of alternative proposals or quotations will not be in the best interest of the Town of Ancram:

- a) emergencies arising from weather, accident or unforeseen occurrence, affecting public property life, health, or safety; where immediate action is needed. In emergency situations where the Town Supervisor has formally declared a "State of Emergency", the Town Supervisor will be authorized to take those actions required to contain the emergency and provide emergency aid and support to those affected by the emergency.
- b) procurements for which there is no possibility of competition (sole source items).
- c) procurements of professional services which, because of the confidential nature of the services, do not lend themselves to procurement through RFP solicitation.
- d) very small procurements for which solicitations of competition would not be cost effective

9. Annual Review

The Town Board will 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.

10. Unintentional Failure to Comply

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 Town of Ancram or any officer or employee thereof.

11. Accounting & Control:

- A. All vendors must send all General Fund invoices, vouchers, credit memos, letters, etc. to:

Town Clerk
Town of Ancram
1416 County Route 7
Ancram NY 12502

- B. All vendors must send all Highway Department related invoices, vouchers, credit memos, letters, etc. to:

Highway Superintendent
32 Maple Lane
Ancramdale, NY 12503

C. The Town Clerk will review all requests for payment for the General Fund, Highway Fund and all other special funds to ensure an authorized ordering official has approved the purchase, and will present all invoices received by the Saturday prior to a Town Board meeting to the Town Board for review and action at the next Town Board Meeting.

D. The Town Supervisor is obligated to notify the Town Board, at the next scheduled meeting, of any violations of this purchasing policy he/she becomes aware of.