

THE TOWN OF DEERPARK, ORANGE COUNTY , NEW YORK

LOCAL LAW NO. 1 OF 2014

**A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN OF DEERPARK CODE REGARDING UPDATES TO
THE TOWN'S PROCUREMENT POLICY**

BE IT ENACTED, by the Deerpark Town Board, Orange County, State of New York, as to amend Chapter 7-0 of the Deerpark Town Code as follows:

§ 70-1. Evaluation of purchase.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103, 104, and 163 of the New York State Finance Law. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly cost of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

§ 70-2. Formal bids required.

All purchases of supplies or equipment which will exceed \$20,000 aggregate of the same commodity, service, or vendor in the fiscal year, or public works contracts over \$35,000 aggregate of the same commodity, service, or vendor in the fiscal year, shall be formally bid pursuant to General Municipal Law § 103. Procurement must be made by sealed competitive bids or Best Value procurement in conformance with General Municipal Law §103, as applicable at the time of purchase.

§ 70-3. Method of obtaining quotes.

A. All estimated purchases below the \$20,000 threshold:

- (1) Less than \$20,000 but greater than \$5,000 require soliciting written quotes from at least three separate potential vendors (when available).
- (2) Less than \$5,000 but greater than \$0 is left to discretion of the Town Supervisor and Budget Officer.

B. All estimated public works contracts below the \$35,000 threshold:

- (1) Less than \$35,000 but greater than \$5,000 require soliciting written quotes from at least three separate potential vendors (when available).
- (2) Less than \$5,000 but greater than \$0 is left to discretion of the Superintendent of Highways.

C. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

D. All information gathered in complying with the procedures of this section shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

§ 70-4. Award to lowest responsible proposal or quote; exception.

The lowest responsible proposal or quote shall be awarded the purchase or public works 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 through Best Value requirements, under General Municipal Law section 103-1. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

“Piggybacking” is allowable under General Municipal Law section 103-16, allowing procurement of certain goods (including apparatus, materials, equipment, and supplies) and services through contracts led by the United States or any agency thereof, any state or political subdivision or district therein, if such contract was obtained in a manner consistent with competitive bidding, and has been made available for use by other governmental agencies. Approval for the use of piggybacking will be through the Town Supervisor.

§ 70-5. Inability to obtain proposals or quotes.

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 procurement.

§ 70-6. Exemptions.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Emergencies.
- B. Sole source situations.
- C. Goods purchased from agencies for the blind or severely handicapped.
- D. Goods purchased from correctional facilities.
- E. Goods purchased from another governmental agency.
- F. Goods purchased at auction.
- G. Goods purchased or public works contracts for less than \$10,000.

H. Goods obtained pursuant to State Bid

I. Acquisition of professional services

§ 70-7. Individuals responsible for purchasing

The individuals listed below are responsible for purchasing decisions as of the date of the last annual review of this Policy. However, no contract is binding on the Town until approved by the Deerpark Town Board and executed by the Deerpark Town Supervisor. Names listed can be changed without adopting a new local law, upon vacancy or change in particular position.

A. For Commodities Not Related to Construction or Maintenance of Town Facilities, Infrastructure as Performed by the Highway Department:

Karl A. Brabenec, Deerpark Town Supervisor

B. For Commodities Related to Construction or Maintenance of Town Facilities, Infrastructure as Performed by the Highway Department:

Edward A. Hughson, Deerpark Superintendent of Highways

C. For Services, as Applicable to each Procuring Department:

Office of the Town Supervisor	Karl A. Brabenec, Town Supervisor
Office of the Town Clerk	Florence T. Santini, Town Clerk
Office of the Assessor	Deborah Natalizio, Assessor
Office of the Tax Collector	Jane A. Garvey, Tax Collector
Office of the Building Department	Al Fusco, III, Building Inspector
Office of Town Justice Wulff	John P. Wulff, Sr., Town Justice
Office of Town Justice Osowick	Laurie Osowick, Town Justice
Office of the Superintendent of Highways	Edward A. Hughson, Superintendent of Highways
Office of the Highway Department	Edward A. Hughson, Superintendent of Highways
Office of the Police Department	Karl A. Brabenec, Police Commissioner
Office of the Historian	Norma Schadt, Town Historian
All Boards, Committees, and Commissions	Karl A. Brabenec, Town Supervisor

§ 70-8. Annual review.

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

Effective Date:

This Local Law shall take effect upon adoption by the Deerpark Town Board and filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.