

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one:)*

of Town of Deerpark

Local Law No. 1 of the year 2014

A local law AMENDING CHAPTER 70 OF THE TOWN OF DEERPARK CODE REGARDING  
*(Insert Title)*  
UPDATES TO THE TOWN'S PROCUREMENT POLICY

Be it enacted by the DEERPARK TOWN BOARD of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one:)*

of DEERPARK as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 \_\_\_\_\_ of 20<sup>14</sup> of the ~~(County)(City)(Town)(Village)~~ of DEERPARK \_\_\_\_\_ was duly passed by the DEERPARK TOWN BOARD \_\_\_\_\_ on JANUARY 27TH 20<sup>14</sup>, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20<sup>□□</sup>, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

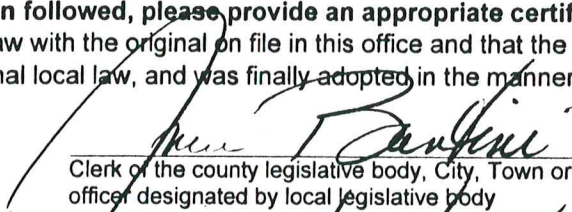
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 1/27/2014

(Seal)



**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.