

Oswego Town Fire District Procurement Policy

At a meeting of the Board of Fire Commissioners of the Oswego Town Fire District held at the Town of Oswego fire station located in Oswego, New York on the 19th day of February, 1997.

Whereas, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

Whereas, comments have been solicited from all officers in the Town of Oswego Fire District involved in the procurement process, now, therefore, be it

Resolved, that the Town of Oswego Fire District does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

Procurement Policy for the Town of Oswego Fire District.

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can be reasonably be expected that the aggregate amount to be spend on the item of supply or service is/is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and secondhand purchases from other governmental entities. The decision that a purchase is not subject to competitive bidding, above \$10,000 will be documented in writing by the Fire District prior to making the purchase.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contacts over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State Contract pursuant to Section 104 of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract

\$250-\$2,999 - 2 verbal quotations documented for the Board

\$3,000-\$4,999 - 2 written/fax quotations or written requests for proposals

\$5,000 and up - 3 written/fax quotations or written requests for proposals

Estimated Amount of Public Works Contract

\$250-\$2,999 - 2 verbal quotations documented for the Board

\$3,000-\$4,999 - 2 written/fax quotations or written requests for proposals

\$5,000 and up - 3 written/fax quotations or written requests for proposals

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 will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the

proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by

the Board of Fire Commissioners and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Fire District to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training, or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend

themselves to competitive procurement procedures. In determining whether a service fits this category the Board of Fire Commissioners shall take into consideration the following guidelines:

(a) whether the services are subject to State licensing guidelines;

(b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and

(c) whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not be limited to the following:

-services of an attorney; services of a physician; technical services or an engineer engaged to prepare plans, maps, and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing; editing; or art work; management of municipally owned property; and computer software or programming services for customized programs; or services involved in substantial modifications and customizing of prepackaged software.

b. Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of the exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and secondhand goods from any source. If alternate proposals were required, the Fire District may be precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare price of used goods and a lower price may indicate an older product.

d. Goods or services under \$250. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimus contracts would be awarded based on favoritism.

7 – Any purchases made using a district issued credit card must comply with the provisions of the procurement policy and the credit card policy. Credit card purchases need not be certified but must be followed up with the original receipt, a district voucher and submitted to the district secretary PRIOR to the next meeting of the Board of Fire Commissioners.

8 – Policy originally adopted March 1, 1997, modified July 18, 2006 and will be reviewed annually.