

ENDWELL FIRE DISTRICT
Rules and Regulations

PURCHASING AND PROCUREMENT POLICY	
Number: 2023-05	Adopted: January 04, 2023

At a meeting of the Board of Fire Commissioners of the Fire District held at the Fire District Office on November 19, 2014, the following resolution/procedure was adopted to restate and amend the procurement and purchasing policy of the Fire District.

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

WHEREAS, comments have been solicited from the officers and officials of the Fire District involved in the procurement process,

NOW, THEREFORE, BE IT RESOLVED, that the 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 AND PURCHASING POLICY
FOR THE FIRE DISTRICT

Every purchase of goods and services to be made by the Fire District, which is not required by law to be publicly bid, must comply with the following procurement policy:

Every purchase must be initially reviewed to determine whether it is a purchase contract or a public work contract. Once that determination is made, a good faith effort will be made to determine the purchase contract/public works contract is subject to competitive bidding or whether the purchase contract/public works contract can reasonably be expected to become subject to competitive bidding because the aggregate total amount to be spent on the item of supply or service may exceed such limited. In making this determination the Board will consider past purchases and the aggregate amount to be spent in a one-year period.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

- Purchase contracts under \$20,000.00 and Public works contracts under \$35,000;
- Emergency purchases;
- Certain municipal hospital purchases;
- Acquisition of emergency goods and services (purchases required based upon an unanticipated unforeseen emergency that arises);
- Goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correction institutions;
- Purchases under the State and County Contracts;
- Purchases made under the piggybacking provisions of Section 103, subparagraph 16, of the General Municipal Law under contracts let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if a

Endwell Fire District - PURCHASING AND PROCUREMENT POLICY

such contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by such other governmental entities;

- Surplus and second-hand purchases from another governmental entity.
- Purchases under contracts with other municipalities that meet standards established by New York State

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making a purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

All goods and services will be secured by the use of written requests for proposals, written quotations, or any other method that ensures that goods will be purchased at the lowest price and that favoritism will be avoided. In all instances, references to catalogs and price lists may be substituted for obtaining verbal or written quotes.

All proposals and quotations will be obtained by District personnel by contacting independent vendors directly, supplying the necessary request for proposal (RFP) information needed by the vendor to formulate a quote or proposal, and having the vendor supply a proposal in the proper form (verbal, written, fax, etc.) directly to the District office. No vendors will be permitted to participate or be asked to participate in the process of securing quotes or proposals from other vendors. No vendor may solicit another vendor to submit a quote or proposal on a contract that it is submitting a quote or proposal on. If quotes or proposals are received on a proposed purchase contract and it is determined that the vendors submitting quotes or proposals are related in some manner that would raise a question as to possible collusion, all such quotes or proposals from the vendors involved will be disqualified and a new round of quotes and proposals shall be obtained.

Equipment and good to be leased by the Fire District will not be submitted to this policy since a lease does not involve an actual purchase of goods. However, installment purchase contracts which involve an actual purchase will be subject to this policy, competitive bidding rules, and Section 109-b of the General Municipal law.

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

ESTIMATED AMOUNT OF PURCHASE CONTRACT METHOD:

\$ 0.00	to	\$ 1,999.99	One quote
\$ 2,000.00	to	\$ 4,999.99	Two verbal, catalog, or internet quotes
\$ 5,000.00	to	\$ 9,999.99	Two written or fax quotes or copies of catalog or website Pricing
\$10,000.00	to	\$19,999.99	Three written/fax quotes or requests for proposals or copies of catalog pages or website pricing
\$20,000+			Bidding required

ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT METHOD

\$ 0.00	to	\$2,999.99	One quote
\$ 3,000.00	to	\$4,999.99	Two verbal quotes
\$ 5,000.00	to	\$6,999.99	Two written or fax quotes or copies of catalog or website Pricing
\$ 7,000.00	to	\$34,999.99	Three written/fax quotes or requests for proposals or copies of catalog pages or website pricing
\$35,000+			Bidding Required

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 attempts made to obtain the proposals or quotes. In no event shall the failure to obtain the proposals be a bar to the procurement. Documentation is required of each action taken in connection with each procurement.

Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible quote or proposal. This documentation will include an explanation of how the award will achieve savings or how the entity submitting the quote or proposal was not responsible. A determination that the quote or proposal is not responsible shall be made by the District and may not be challenged under any circumstances.

Pursuant to General Municipal Law, Section 104-b (2) (f), in its sole discretion, the Board of Fire Commissioners reserves the right to determine when the solicitation of alternative proposals or quotations will not be in the best interest of the Fire District for a particular type of purchase or procurement, and in such cases will direct that purchase or procurement be conducted appropriately. In the following circumstances, it may not be in the best interest of the Fire District to solicit quotations or further document the basis for not accepting the lowest bid:

- i. Professional services requiring special or technical skill, training, or expertise (except external accounting services now covered under a statutory request for proposal process as more fully described below). 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. Additionally, the nature and services may be such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Board of Fire Commissioners shall take into consideration the following guidelines:

- a. whether the services are subject to state licensing and testing requirements;
- b. whether substantial formal education or training is a necessary prerequisite to the performance of the services;
- c. Whether the services require a personal or confidential relationship between the individual and the municipal officials.

Endwell Fire District - PURCHASING AND PROCUREMENT POLICY

Professional or technical services are defined as services of an attorney, services of a physician, technical services of an engineer or architect engaged to prepare plans, maps, and estimates; securing of insurance coverage and/or services of an insurance broker; services of a certified public accountant *(see paragraph 3 below); investment management services; printing services involving extensive writing, editing or artwork; management of the municipally owned property; and computer software or programming services for customized computer programs, or services involving a substantial modification and customizing of prepackaged software; public relations services and services of a computer or other expert to assist in the design of a computer and/or communications network.

- ii. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately because seeking alternate proposals may threaten the life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits.
- iii. Purchases of surplus and secondhand goods from any source. If alternate proposals were required, the Fire District could be prevented from purchasing surplus and secondhand goods at auctions or through specified advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods since a lower price may indicate an older product or a product in a less suitable condition. However, only used goods purchased from the federal government, the state of New York, a political subdivision thereof, or a public benefit corporation is exempt from competitive bidding.

Under this policy, the Board will procure professional services without soliciting multiple quotations. However, the Board reserves the right to nevertheless obtain proposals for such work in order to make certain that it is obtaining a fair market rate for such services and/or if it is not confident that current practices provide for obtaining a fair price for such services. In this process, the Board will be guided by the best interest of the Fire District and its taxpayers.

- iv. The Board will make certain that all contracts left in accordance with the preceding paragraph are set based upon a written contract or retainer agreement.
- v. Accounting services for conducting the annual external audit will be purchased in accordance with the new statutory request for, proposal process. They will be secured through the request for proposal procedure detailed under Section 181-b of the Town Law and rules, regulations, and forms adopted by the Office of the State Comptroller for the procurement of such services.
- vi. Accounting services for providing internal accounting assistance to the Board and District Treasurer and in order to maintain proper internal financial controls will be procured in accordance with procedures for procuring other professional services.
- vii. Standardized items. In the event that the Board of Fire Commissioners adopts a resolution to standardize a particular type and manufacturer of equipment in accordance with the authority granted by Section 103 of the General Municipal Law, and the purchase price for the product will be less than \$20,000.00, the Fire District will purchase the item or items directly from the manufacturer or an authorized representative of the manufacturer. If the manufacturer has granted exclusive rights to a particular vendor in the area of the Fire District, the District will not be required to solicit additional quotations. This rule will also

Endwell Fire District - PURCHASING AND PROCUREMENT POLICY

apply in the case of direct purchases from the manufacturer of a standardized product. This rule will also apply in the case of direct purchases from the manufacturer of a standardized product. If the cost will exceed \$20,000.00 the Fire District will conduct competitive bidding for the standardized product unless it is available on a state bid, a county bid or a municipal bid that meets the piggybacking requirements of Section 103 of the General Municipal Law.

- viii. Purchases made under the **piggybacking** provisions of Section 103, subparagraph 16, of the General Municipal Law under contracts let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if a such contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by such other governmental entities. Prices will have already been determined by a permissible method of obtaining multiple bids making it unnecessary to secure quotes.
- ix. Goods under \$2,000.00 and public works services under \$3,000.00. The time and documentation required to purchase such goods or services would likely 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 minimis contracts would be awarded based on favoritism.
- x. In the event the Board of Fire Commissioners establishes the Office of Director of Purchasing, the person appointed to this public office shall be required to conduct purchasing activities and operations in accordance with this procedure, Section 103 of the General Municipal Law, Section 104-b of the General Municipal Law, and all other applicable statutes that covering purchasing and procurement by Fire Districts in New York State. Such Director of Purchasing will still be required to obtain approval of the Board of Fire Commissioners before entering into a purchase and public works contract, and his or her purchasing activities will be subject to the monthly audit of claim vouchers performed by the Board. The Director of Purchasing will be empowered to enter into a purchase and public works contracts in amounts of less than \$3,000.00 in advance of Board approval but shall be personally liable for such contracts in the event that the Board refuses to ratify such action at a meeting thereafter. In the event that the Board elects not to appoint a director of purchasing the District Superintendent will be assigned this function and will perform purchasing duties under this procedure. Purchasing/ Procurement Personnel, if other than the Director of Purchasing and District Superintendent, will be named in a separate resolution of the Board and will be updated each year at the annual organization meeting of the Board held in January or when changed during the year. **At a minimum Purchasing/ Procurement Personnel will be identified biennially.** Currently, the staff member assigned responsibility for the purchasing function is District Superintendent. For purposes of this policy the terms “District Superintendent” and “Fire District Manager” shall be used interchangeably.

All purchases of public work will be made in accordance with the requirements for the payment of prevailing wages and supplements under the Labor Law and contractors supplying such work will be required to submit certified payroll reports with their payment requisitions.

Purchase Orders

Purchase orders must be issued for any purchase greater than \$250. Upon receipt of goods or completion of services, the person requesting the good/service shall sign the PO indicating that the purchase order is complete and the invoice may be submitted for payment. Any documentation including packing slip or other information should be attached to the signed purchase order. Information and competitive quotes subject to the guidelines above must be submitted with the purchase order showing compliance with this policy.

Purchases

Partial orders should include a list of items received along with documentation so that only these items will be paid for until the order is complete. The person signing should include a packing slip or any other proof of service and attach it with the signed purchase order.

District staff will provide proof of compliance with these procurement and purchasing guidelines with claims submitted for audit to the Board of Fire Commissioners.

District staff will provide proof of receipt of goods and services with claims submitted for audit to the Board of Fire Commissioners.

Input From Officers

Comments concerning the policies and procedures will be solicited from the Chief of the Fire Department of the Fire District, the Treasurer of the Fire District, and from any other officer of the Fire District involved in the procurement process prior to the enactment of the policies and procedures, and will be solicited from time to time hereafter.

Annual Review

The Board of Fire Commissioners of the Endwell Fire District shall annually review these policies and procedures. The Chairperson of the Board of Fire Commissioners 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.

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law §104-b shall not be grounds to void the action taken or give rise to a cause of action against the Endwell Fire District or any officer or employee thereof.

These policies and procedures shall become effective as of the date of adoption as set forth below.

Resolution

Adopted on the 4th day of January, 2023 by unanimous vote of the Board of Fire Commissioner of the Endwell Fire District of the Town of Union, County of Broome, State of New York.

Endwell Fire District - PURCHASING AND PROCUREMENT POLICY

Reviewed and Adopted: January 04, 2023
Reviewed and Adopted: January 05, 2022
Date approved: November 19, 2014