

VILLAGE OF HASTINGS-ON-HUDSON PROCUREMENT POLICY

Adopted 11.05.2019

1. Purpose

The purpose of the Procurement Policy is to comply with the requirements of General Municipal Law § 104-b and to establish policies and procedures for procurement when competitive bidding is not required by law.

2. Evaluation of Prospective Purchases

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103. Every Village officer, department head or person specifically authorized by a Village officer or department head with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative amount of similar types of items and/or services to be purchased in a given fiscal year in ensuring compliance with this policy. That estimate shall include the canvass of other Village departments where applicable, as well as past history, to determine the likely year value of the item or service to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity. Purchasers should plan expenditures sufficiently in advance to allow for competitive pricing in order to obtain the best overall price for goods and services.

3. Formal Bid

All purchases of supplies and equipment and all public works contracts shall be formally bid as required by the General Municipal Law, as amended from time to time. Currently the General Municipal Law requires that all purchases of supplies and equipment over \$20,000 and all public works contracts over \$35,000 shall be formally bid. Competitive bidding is not required for purchases made through New York State's Office of General Services contract program or purchases made under County or Federal contracts or purchases made through contracts with other political subdivisions or purchases made through cooperative purchasing agreements pursuant to General Municipal Law § 103(16).

4. Requests for Proposal; Recordkeeping

A. For all estimated purchases of less than the amount required for formal bid pursuant to paragraph 2 above, but greater than \$5,000 a written request for proposals shall be offered in an attempt to procure three written/fax/email quotes from prospective vendors. For all estimated purchases less than or equal to \$5,000 but greater than \$2,000 a verbal request for proposals shall be offered in an attempt to procure three verbal/written/fax/email quotes from prospective vendors. All purchases of \$2,000 or less are left to the discretion of the purchaser after consultation with his/her department head or the Village Manager.

B. For all estimated public works contracts of less than the amount required for formal bid pursuant to paragraph 2 above but greater than \$15,000, a written request for proposals shall be offered in an attempt to procure three written/fax/email quotes from prospective contractors. For all estimated public works contracts less than or equal to \$15,000 but greater than \$5,000 a verbal request for proposals shall be offered in an attempt to procure three verbal/written/fax/email quotes from prospective vendors. All public works contracts of \$5,000 or less are left to the discretion of the department head after consultation with the Village Manager.

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

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

5. Award of Contract

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 Village and its taxpayers to make the award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

6. Required Number of Proposals to be Obtained

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 the procurement.

7. Exemptions

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

- A. Acquisition of professional services.
- B. Emergencies.
- C. Sole-source situations.
- D. Goods purchased from another governmental agency.
- E. Goods purchased for less than \$5,000 and public works contracts for less than \$15,000.

8. Purchases of Professional Services

When directed by the Village Manager, professional services involving a specialized skill, training, and expertise, use of professional judgment or discretion, and/or a high degree of creativity such as but not limited to: engineering, architectural, land surveying, insurance, legal and accounting should be obtained through the use of Request for Qualifications (RFQ) or Request for Proposals (RFP) whereby all potential qualifiers or proposals are provided the same information regarding the qualifications and/or scope of project sought and have an equal opportunity to submit their qualifications and/or proposals to be considered for a service or project. Multiple factors will be considered in the award including cost.

9. Sole Source Purchases

Where a Department Head acting in good faith and without intent to arbitrarily inhibit or restrict competition, determines that a particular item is required and that such item is available only from one supplier and there is no other substantial equivalent source for the required good or service he/she shall seek the advice and approval of the Village Manager when making a sole source purchase.

10. Green Purchasing and Procurement of Services

Recognizing the responsibility of local governments to take effective measures to reduce or limit the environmental impacts of their operations and conserve resources, the Village adopts the following:

A. Energy Use: Priority shall be given to products and services which consume the least amount of energy in their manufacture, use and disposal. Where possible, Energy Star qualification and/or an equivalent elevated measure of efficiency should be a minimum requirement in any energy consuming equipment, device, vehicle or appliance purchase.

B. Sustainability of Materials: Priority shall be given to products and services which incorporate products which are made from sustainable materials, and/or contain a significant level of recycled or reprocessed material and which are manufactured locally, and/or which are packaged to reduce transportation costs and/or which are certified by the Forest Stewardship Council.

C. Packaging: Priority shall be given to products which are minimally packaged using recycled, recyclable or biodegradable packaging materials.

D. Environmental Impacts: Priority shall be given to products which reduce impacts on the environment during manufacture, use or disposal.

E. Health Impacts: Priority shall be given to products and services which reduce or eliminate health risks to employees and/or citizens in their manufacture, use or disposal. In particular, products that contain Chlorine, PVC, and/or emit unhealthy levels of chemical emissions during use should be avoided.

F. Where the purchaser is procuring a commodity or service, whether by competitive bid or other type of procurement, that is the subject of a GreenNY procurement specification that has received final approval of the NYS GreenNY Council pursuant to Executive Order No. 22 (2022), the purchaser shall follow the Greene procurement specification to the maximum extent practicable and where cost is reasonably competitive as defined in General Municipal Law § 104-a. GreenNY approved procurement specifications can be found online at: <https://ogs.ny.gov/greenny/approved-greeny-specifications>.

G. Bid documents and requests for proposals shall be drafted to encourage environmentally preferable purchases and service by incorporating bidding specifications that procure goods and services with a reduced environmental impact where appropriate.

H. Nothing in this policy shall be construed as requiring the procurement of products or services that do not perform adequately for the intended use or not available at a reasonable price in a reasonable period of time.

11. Annual Review

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

Amended & Adopted February 21, 2023

Reaffirmed April 18, 2023

Amended & Adopted December 19, 2023