

**VILLAGE OF OCEAN BEACH**  
**Procurement Policy**

WHEREAS, Pursuant to Section 104-b of the General Municipal Law, The Board of Trustees of the Village of Ocean Beach is required to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, The Board of Trustees of the Village of Ocean Beach desires to assure the prudent and economical use of public monies in the best interest of the taxpayers,

NOW THEREFORE, be it

RESOLVED, that the Village of Ocean Beach Board of Trustees 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**  
**VILLAGE OF OCEAN BEACH**

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service 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 \$20,000 and public works contracts under \$35,000; 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 second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

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 contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under County contracts pursuant to Section 103(3) 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:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$1,000 - \$9,999.	verbal quotations
\$10,000- \$19,999.	written/fax quotations or written request for proposals
<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$1,000 - \$9,999.	verbal quotations
\$10,000-\$34,999.	written/fax quotations Or written request 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 offer. This documentation will include an explanation of how such an award will achieve savings and/or why the lowest offer was not acceptable. A determination that the offeror is not responsible shall be made by the purchaser 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 Village of Ocean Beach 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 into this category the Board of Commissioners shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (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 the 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 of 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, editor or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. 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 and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

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

d. Goods or services under \$1,000. 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 interests of the taxpayer. In addition, it is not likely that such *de minimis* contracts would be awarded based on favoritism.

7. Notwithstanding any other provision of this policy or NYS General Municipal Law, no person or Village employee may place an order, make a purchase, spend any funds or otherwise obligate the Village for any matter in excess of \$3,000 without first obtaining written permission from the Village Mayor, or his/her designee.
8. This policy shall go into effect immediately and will be reviewed annually.

Adopted by Board of Trustees

Date: March 26, 2011



INCORPORATED VILLAGE OF OCEAN BEACH

RESOLUTION NO. 2013-171

AMENDMENT TO PROCUREMENT POLICY: RESOLUTION NO.-171:

WHEREAS, the Village of Ocean Beach Board of Trustees has a Procurement Policy setting out the requirements for

the purchase of goods and services for the Village; and

WHEREAS, said policy was adopted on March 7, 1992 and amended on March 26, 2011, and can be modified from time

to time, as needed; and

WHEREAS, the Village wishes to modify said Policy to reflect current standards and to maximize the productivity of the

Village personnel,

Now, therefore, it is hereby

RESOLVED that the Village of Ocean Beach Board of Trustees hereby amends the Procurement Policy, as submitted as follows:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$ 5,000 - \$ 9,999	verbal quotations
\$ 10,000 - \$19,999	written/fax quotations or written request for proposals

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$ 5,000 - \$ 14,999	verbal quotations
\$15,000 - \$ 34,999	written/fax quotations or written request for proposals

In all cases, a Purchase Order is required at time of placing order.

*Pursuant to applicable NYS Labor Law, all contractors and subcontractors of the Village must pay the prevailing rate of wage and supplements (fringe benefits) to all workers under a public work contract. All contractors and subcontractors performing a public work contract for the Village hereby acknowledge and agree to pay the applicable prevailing wage rate set by the NYS Department of Labor to all laborers, workers or mechanics.*

**UPON MOTION MADE BY Mayor Mallott SECONDED BY Trustee Wyckoff**

The foregoing RESOLUTION WAS \_\_\_\_\_X\_\_\_\_\_ ADOPTED  
\_\_\_\_\_ DEFEATED  
\_\_\_\_\_ TABLED

Upon the following roll call vote of the members of the Board of Trustees:

<b>Member</b>	<b>Absent</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Trustee Blake	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Nolter	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>
Trustee Pace	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>

Trustee Wyckoff      \_\_\_\_\_        X        \_\_\_\_\_      \_\_\_\_\_  
Mayor Mallott      \_\_\_\_\_        X        \_\_\_\_\_      \_\_\_\_\_

ATTEST: \_\_\_\_\_  
          Steven W. Brautigam, Clerk/Treasurer



INCORPORATED VILLAGE OF OCEAN BEACH

RESOLUTION NO. 2011-043

AMENDMENT TO PROCUREMENT POLICY: Resoltuion No. 2011-043

WHEREAS, the Village of Ocean Beach Board of Trustees has a Procurement Policy setting out the requirements for the purchase of goods and services for the Village; and

WHEREAS, said policy was adopted on March 7, 1992 and modified from time to time, as needed; and

WHEREAS, the Village wishes to modify said Policy to reflect current standards and to maximize the productivity of the Village personnel,

Now, therefore, it is hereby


RESOLVED that the Village of Ocean Beach Board of Trustees hereby amends the Procurement Policy, as submitted.

UPON MOTION MADE BY Mayor Mallott , SECONDED BY Trustee Nolter

The foregoing RESOLUTION WAS  **ADOPTED**  
 DEFEATED  
 TABLED

Upon the following roll call vote of the members of the Board of Trustees:

Member	Absent	Aye	Nay	Abstain
Trustee Klein	_____	<input checked="" type="checkbox"/>	_____	_____
Trustee Nolter	_____	<input checked="" type="checkbox"/>	_____	_____
Trustee Pace	_____	<input checked="" type="checkbox"/>	_____	_____
Trustee Wyckoff	_____	<input checked="" type="checkbox"/>	_____	_____
Mayor Mallott	_____	<input checked="" type="checkbox"/>	_____	_____

ATTEST:   
Steven W. Brautigam, Clerk/Treasurer