

Town of Lysander Procurement Policy

Town Of Lysander Town Board Resolution To Adopt The 2026 Procurement Policy:

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of goods and services which are not required by law to be publicly bid; and

WHEREAS, town boards are required to periodically update the town's adopted Procurement Policy; and

WHEREAS, the Town Board of the Town of Lysander annually updates and adopts the updated Town Procurement Policy.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Lysander, in a regular session duly convened, that the Town of Lysander does hereby adopt the following updated Procurement Policy, which Policy is intended to apply to all goods and services which are not required by law to be publicly bid:

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Evaluation of Purchase

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103. Every Town of Lysander ("Town") officer, board, department head or other personnel with the requisite purchasing authority ("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 value 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.

Purchases Subject to Formal Bidding

All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law § 103.

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Purchase Requirements:

All estimated purchases of equipment or supplies (including maintenance and repairs) for:

Less than \$10,000.00 shall be left to the discretion of the Purchaser.

\$10,000.00 to \$19,999.99 shall require three written quotes which shall be recorded on the requested quote sheet and attached to the voucher submitted for payment., or a piggyback off a New York State or County Bid.

Any purchase of equipment of supplies, \$20,000.00 or over shall require solicitation of bids as per General Municipal Law § 103.

All public works contracts for:

Less than \$10,000.00 shall be left to the discretion of the Purchaser.

\$10,000.00 to \$34,999.99 shall require three written quotes from three vendors to be recorded on the quote sheet, or a piggyback off a New York State or County Bid.

Public works contracts (any contract that the town contracts for work to be done by an outside vendor) for \$35,000.00 or over shall require solicitation of bids through advertisement in a Town-approved publication as per General Municipal Law §103.

The above applies to aggregate amounts spent on same/like items throughout the fiscal year.

Any written quotes shall describe the desired goods, quantity and the particulars of delivery.

The Purchaser shall compile a list of vendors from whom written/electronically mailed/oral quotes have been requested and the written/electronically mailed/oral quotes offered.

All information gathered in complying with the procedures of this Policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract and also attached to vouchers submitted for payment.

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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 someone other than the low bidder (for example, the second low bidder is a business in town paying Town property taxes, and their quote was within 5% of the low bidder which is an out-of-state business or supplier).

If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.

Good Faith Effort

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 in obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Exceptions from Solicitation of Quotes

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

Acquisition of professional services.

Emergencies (as declared by the Town).

Sole source situations.

Goods purchased from agencies for the blind or severely handicapped.

Goods purchased from correctional facilities.

Goods purchased from another governmental agency.

Goods purchased at auction.

Goods purchased through state or county contracts.

Supporting documentation explaining the above must accompany the purchase (i.e., a copy of relevant state or county contracts).

Piggybacking

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Nonwithstanding the provisions of this Policy, the Town may, for purposes of public purchases, use the provisions of General Municipal Law § 103 with regard to so-called "piggybacking" of purchases. Pursuant to General Municipal Law § 103, the Town may purchase through the bids solicited by the United States government, New York State and/or any other state or political subdivision (counties, towns, school districts, etc.), provided that those contracts clearly state that they are available for use by other governmental entities within the requirements of General Municipal Law § 103(16). Prior to such purchase, the Town will ensure that a piggyback purchase qualifies as follows:

The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein.

The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town should determine that there is contained within the bidding political subdivision's bid package a provision that the bid is open to and can be used by either the Town of Lysander or other municipalities. This determination should be made on a case-by-case basis. The specific contract must have been let to the lowest responsible or on the basis of best value and in accordance with or in a manner consistent with the provisions of General Municipal Law § 103.

Purchasing Based on Best Value

General Municipal Law § 103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a local law so providing, municipalities may award purchase contracts which would otherwise be subject to the "lowest bidder" rule on the basis of best value, as defined in State Finance Law § 163, to a responsive and responsible bidder or offeror.

Notwithstanding the provisions of this Policy, the Town Board hereby determines that it is in the best interest of the Town and its residents for the Town to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the "best value" option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder include but are not limited to:

Lowest cost of maintenance for good(s) or service(s);
Durability of good(s) or service(s);

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Higher quality of good(s) or service(s); or
Longer product life of good(s) or service(s).

The Town may award purchase contracts, including contracts for service work related to the installation, maintenance or repair of apparatus, equipment and supplies, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State

Finance Law§ 163, to a responsive and responsible bidder or offeror.

Where the basis for award is the best value offer, the Town shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town in its determination of best value.

The election to award any such contract on the basis of best value shall be made by the Town Board. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with this Policy.

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Emergency Purchases

In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the Town, requires immediate action, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate Town employee or officer or Town Board without complying with the competitive bidding or competitive offering process, in accordance with General Municipal Law§ 103(4).

Town employees or officers shall make every reasonable attempt to obtain approval from the Supervisor prior to making the purchase. An Emergency Purchase Documentation Form, attached **as Exhibit A, must be completed to document the emergency purchase.** This form must be signed by the Supervisor as soon as possible during the emergency and submitted to the Town Board at the first work session following the date of the emergency purchase. The Town Board, as soon as reasonably possible after notification, shall pass a resolution affirming the need for the purchase.

Miscellaneous Provisions

This Policy is for Town personnel who are involved in the purchase of goods and services, and no unintentional violation of this Policy shall be deemed to create a claim or cause of action or from the basis of any claim or a cause of action against the Town personnel.

This Policy does not supersede those instances (i.e., conferences, meetings, etc.) where prior Town Board approval is required before Town funds can be committed. Interpretations of the applicability of this Policy to a specific situation will be made by the Town Comptroller's office in conjunction with the Town Supervisor's office. This Policy shall go into effect immediately and will be reviewed annually."

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"Exhibit A" TOWN of LYSANDER Emergency Purchase Documentation Form

This form is to be completed for all emergency purchases made that contravene the Town's Purchasing Policy. You must contact the Supervisor (or Comptroller in the Supervisor's absence) to obtain his/her approval prior to making the purchase. This form must be completed and submitted to the Town Board at the first work session following the emergency purchase. A copy should also be submitted to the Town Attorney and Town Clerk.

An exception to the competitive bidding requirements exists for emergency situations (GML §103[4]). There are three basic statutory criteria to be met to fall within this exception. The three criteria are (1) the situation arose out of an accident or other unforeseen occurrence or condition; 2) the circumstances affect public buildings, public property, or life, health, safety or property of the political subdivision's residents; and (3) the situation requires immediate action which cannot await competitive bidding.

Generally, there must be a present, immediate and existing condition which is creating an imminent threat or danger and requires such immediate action that a further delay to comply with competitive bidding requirements is so detrimental to the public interest that it overcomes the strong public policy in favor of bidding. Further, because the emergency must arise out of an accident or unforeseen occurrence, it is doubtful a local government may invoke the emergency exception in a situation which is the result of inaction or dilatory behavior on the part of local officials and which, therefore, could have been foreseen in time to advertise for bids.

Even when a governing board passes a resolution that a public emergency exists, the public interest dictates that purchases are made at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practical under the circumstances.

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Date of Emergency Purchase: _____

Date you received approval from the Supervisor: _____ Supervisor's
Initials: _____

Date of Town Board meeting where Board is notified: _____

Amount of Emergency Purchase. Please provide a detailed listing of items purchased
and the cost of each (attach additional detail if necessary) _____

Is there adequate funding in your current operating budget to cover this purchase?
Identify budget Org/Object: _____

Please describe the circumstances that resulted in the need to make an emergency
purchase without following the Towns Purchasing Policy'

Please describe what steps were taken to ensure the lowest cost for the Emergency
Purchase. If none, please explain why your department was prevented from doing
so.

Department Head

Signature: _____ Date: _____

CC: Town Comptroller, Town Board, Town Attorney, Contract Compliance & Administration
For Contract Compliance & Administration Use Only

Date of Town Board Resolution: