

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 2018-0042
MEETING: JANUARY 9, 2018

ADOPTION OF THE TOWN OF
BROOKHAVEN PROCUREMENT
POLICY AND PROCEDURES

WHEREAS, pursuant to General Municipal Law (GML) §104-b, the Town Board of the Town of Brookhaven adopted the Town Procurement Policy and Procedures; and

WHEREAS, the Town Board is now desirous of amending the “Town Procurement Policy and Procedures”.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven that the Town Procurement Policy and Procedures are hereby amended as set forth in the attached, effective immediately.

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**TOWN OF BROOKHAVEN
PROCUREMENT POLICY AND PROCEDURES**

NEW YORK STATE GENERAL MUNICIPAL LAW 103 AND 104-b

The Town Board of the Town of Brookhaven, Resolution No. 2018- on January 9, 2018 duly adopted the Town’s Procurement Policy and Procedures Manual, set forth herein, as developed by the Department of General Services, Division of Purchasing, in accordance with applicable law.

I. PURPOSE –

The Procurement Policy purpose is as follows, in part:

- Establish a system that supports objective and unbiased competition.
- Guard against favoritism and wastefulness.
- Ensure that the results of procurement are to the Town’s benefit.
- Protect the best interests of the Town’s residents and tax payers.

II. STATUTES

All purchases for commodities, services and public works are subject to Federal, State, County and Town laws that regulate municipal purchasing; the fundamentals for most of these regulations are as follows:

A. NEW YORK STATE

- *METHODS OF AWARDS FOR COMMODITIES AND SERVICES*

- COMPETITIVE:

New York State General Municipal Law Section 103 relates to all governmental purchases, commodities, services and technologies that are subject to the laws of competitive procurement and are subject to the cited monetary thresholds: COMMODITY expenditures of \$20,000.00 and contracts for public work involving expenditures of \$35,000.00 When using competitive bidding, contracts are awarded to the “lowest responsible bidder” after public advertisement for sealed bid.

- PIGGYBACKING
 - Town's Use of Other Authorized Contracts

General Municipal Law (GML) § 103(16) authorizes political subdivisions and districts therein to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be made available for use by other governmental entities. The stated purpose of GML § 103 (16) is to reduce administrative and product cost, and increase efficiencies.

The Town Purchasing Division is authorized to 'piggyback' contracts that were let in compliance with NYS GML statutes.

- Use of Town Contracts by Other Authorized Users

This Procurement Policy authorizes the use of Town contracts by other political subdivisions or districts as set forth herein:

- Allow any political subdivision authorized under the General Municipal Laws of the State of New York, to purchase any goods and/or services awarded as a result of a Town of Brookhaven bid in accordance with the latest amendments to NYS GML 100 through 103
 - and allows such political subdivisions to participate in the awarded contract per the same terms and conditions.
 - and any political subdivision choosing to utilize the contract will be wholly responsible for any debts incurred by them.
 - all orders will be placed by the participating entities.
 - each participating entity shall be billed by and make payment directly to the successful Vendor.

However, it is understood that the extension of such contracts is at the discretion of the Vendor and the Vendor is only bound to any contract between the Town of Brookhaven and the Vendor.

Additional GML sections apply in certain instances; included are § 120 for Waste Management and § 143 & 193 as it pertains to the Department of Highway

B. FEDERAL

- The GSA Cooperative Purchasing Program, authorized by statute, allows state and local governments to purchase a variety of commercial supplies (products) and services under specific GSA Schedule contracts to save time, money and meet their everyday needs and missions. The Cooperative Purchasing Program gives state and local government entities access to purchase information technology products and services, as well as law enforcement, security, first responder, and marine craft equipment, alarm and signal systems, and special purpose clothing.

- GSA Schedule 70
 - A centralized IT and telecommunications source
- GSA Schedule 84
 - Provides commodities/services for Law Enforcement and Safety and Security purposing
- In addition there are hundreds of detailed rules and regulations regarding the process/manner of the use of Federal Grant Funds specific to issuing agencies and intended usages.

C. SUFFOLK COUNTY

Regulations are in effect regarding certain permitting, and certification for professional licensing and health requirements.

D. TOWN OF BROOKHAVEN

The Town law in addition to requiring compliance with all applicable Federal, State, and County Statutes, also has laws that have been enacted solely by the Town. They are:

- Apprenticeship Training Program (ATP) Applicability & Compliance

The Town’s “Rules and Regulations for Implementation of Apprenticeship Training Program Requirements” (herein Town’s Rules and Regulations) shall apply to any awarded construction contract, as defined herein, in an amount in excess of \$100,000 (for cost of material and labor). The applicability of a Project Labor Agreement will be evaluated for projects where the aggregate cost of the contract(s) is anticipated to exceed \$3,000,000. If a Project Labor Agreement has been executed, the Contractor/Subcontractor shall demonstrate compliance with the Apprenticeship Training Program requirements as set forth herein.

Note: that while other levels of government have such requirements, the Town mandates that if the amount bid for the Contract, or the cost of the individual contracts on multi-prime contracts that comprise the Project, is in excess of \$100,000 (cost of material and labor), the Contract(s) will be subject to Town’s Rules and Regulations, which require that firms entering into Town contracts, as defined in the Town’s Rules and Regulations, to participate in a registered and approved New York State Department of Labor Apprenticeship Training Program(s). In accordance with the Town’s Rules and Regulations, the Contractor and any Subcontractors shall provide evidence of participation in a registered Apprenticeship Training Program(s) approved by New York State Department of Labor, that are applicable and appropriate for the type and scope of work to be performed under the Contract(s) and in accordance with the ATP specifications cited in the Bid.

Annual Requirements Contracts (ARC) On Call (Contracts other than Maintenance)

The Town’s Rules and Regulations shall be applicable to any contract over \$100,000 (for labor and

material) based on anticipated aggregate amount as provided in the Town Board's resolution for the award of the Contract. If the amount stated in the awarding resolution is under the \$100,000 threshold (for labor and material), the Contractor acknowledges and agrees that upon the cost of the contract work during the term of the contract exceeding the \$100,000 threshold the Contractor and/or Subcontractor shall be required to comply with the Town's Rules and Regulations promulgated herein.

Project Specific Contracts

Multiple Prime Contracts: Where multiple prime contracts are required by law, (General Municipal Law §101 -Wicks Law) the cost of the individual Contracts, for the term of each, shall be utilized in determining applicability. If the amount stated in the awarding resolution is under the \$100,000 threshold, the Contractor acknowledges and agrees that upon the cost of the contract work during the term of the Contract exceeding the \$100,000 threshold, the Contractor and/or Subcontractor shall be required to comply with the Town's Rules and Regulations promulgated herein.

Bid Submission Requirement

- *To maintain the integrity of the Bid process, the Town reserves the right to reject any bids that are deemed incomplete, conditional, obscure, or which contain irregularities of any kind including unbalanced bids. An unbalanced bid is one in which the amount bid for one or more separate items is substantially out of line with current market prices for the materials and/or work covered thereby.*
- *The Town will consider a bid as UNBALANCED wherein the hourly rates are lower than the published Prevailing Wage Rates as established by the New York State Department of Labor*
- At the time of bid submission, the Contractor shall submit with its bid an affidavit and proof of participation in a registered and approved NYS Apprenticeship Training Program in accordance with the ATP specifications cited in the Bid. If the Contractor does not submit the required affidavit and proof of participation in an Apprenticeship Training Program, the Town may declare the Contractor's bid non-responsive and award the Contract to the next lowest responsible Bidder.
- At the time of bid submission, the Contractor shall also submit to the Department of Purchasing and the Engineer, for approval, the names of all Subcontractors to be employed on the project, and an affidavit and proof of each Subcontractor's participation in an Apprenticeship Training Program in accordance with the Town's Rules and Regulations.
- Upon the Contractor's written request and a showing of good cause the Purchasing Administrator (Department of General Services' designee) in consultation with the Town Attorney may grant an extension, not to exceed ten business days from the bid opening date, for the Contractor to submit the required proof of the Contractor's and/or Subcontractor's participation in an Apprenticeship Training Program in accordance with the Town's Rules and Regulations. If the Contractor does not submit the required affidavit(s) and proof of participation, the Town may declare the Contractor's bid non-responsive and award the Contract to the next lowest responsible Bidder.

- During the term of the contract, the Contractor and/or Subcontractor shall be required to submit verification on a quarterly basis that Apprentices under a registered NYS Department of Labor Apprenticeship Training Program have worked on the specific Town project, work site, the subject of the Contract. Apprentices shall be employed in accordance with NYS Department of Labor ratios.

Determination of Need for Formal Bid or Quotation

Monetary Thresholds.

In accordance with General Municipal Law Section 103, competitive bidding is required where it is reasonably anticipated that the aggregate amount of the goods or services to be contracted for within one fiscal year will exceed the monetary thresholds under General Municipal Law Section 103 (\$20,000 for the purchase of commodities, or \$35,000 for public works or non-professional services as defined below).

No anticipated contract or purchase shall be divided or structured with the intent of avoiding the requirements set forth in the Town Procurement Policy and Procedures, and statutory law.

Prior to issuance of a purchase order under an approved Town of Brookhaven contract, the Purchasing Division must possess a copy of the fully executed contract as well as documentation of required insurance and contract security or performance bond, as applicable.

Any purchases of **\$1,500.01** or more (including non-professional services) must adhere to the following applicable procedures and have a Town approved purchase order. Exceptions to this rule requiring a purchase order are expenditures for certain bills including, but not limited to, insurance, equipment leases, performance bond reimbursements, snow contractors, tax bills, permit refunds, travel reimbursements, gas, fuel oil, electric, phones, water and similar expenditures.

No purchase order or contract shall be issued for an amount that exceeds the competitive bidding thresholds stated above prior to undertaking the formal bid process, except for those limited circumstances set forth under this Policy and applicable law.

Annual Aggregate Amount.

Every non-contract purchase must be initially reviewed by the Purchasing Division to determine whether it falls into the category of a commodity purchase or a public works procurement request. Once that determination is reached, a good faith effort must be extended to determine whether it is known or can reasonably be expected that the annual aggregate amount to be spent on the commodity or service exceeds the competitive bidding thresholds.

Annual aggregate purchases shall be evaluated to determine cumulative dollar amounts expected within a given fiscal year. As necessary, user Departments' anticipated requirements will be evaluated to determine yearly values of commodities and/or services. In addition, past history

will also be taken into consideration in evaluating the yearly cost associated with the purchase of commodities and services.

If it is expected that the bid limit will be exceeded for any one type of non-contracted commodity or service, completion of the formal bid process shall take place. The decision to require the formal bid process shall rest with the designated authority appointed by the Department of General Services.

III. AUTHORITY OF THE DEPARTMENT OF GENERAL SERVICES

A. Authority of the Department of General Services Designee

The administration of the Division of Purchasing, under the purview of the Department of General Services, is managed by the Department of General Services' Designee (hereafter referred to as the Designee).

The Designee shall serve as the Town's chief purchasing official and shall be responsible for the procurement of commodities and public works in accordance with the Town Policy and Procedures. The Designee or his/her duly authorized signatories (as stated in Exhibit A) is authorized to award and execute contracts for the procurement of commodities, services, and public works, procured in accordance with this Policy, which are below the competitive bidding requirements of General Municipal Law Section 103. Furthermore, the Designee or his/her duly authorized signatories (as stated in Exhibit A) is authorized to award and execute all purchase (supplies, equipment and materials) contracts over the \$20,000 limit to the lowest responsible or best value bidder in accordance with the requirements of General Municipal Law Section 103, subject to approval as to form by the Town Attorney. The Division of Purchasing staff, as listed in Exhibit A, is authorized to assist the Designee in facilitating the procurement of commodities and public works and non-professional services in accordance with this Policy.

IV. DEFINITIONS

For the purpose of the Town Procurement Policy and Procedures, the following terms shall have the meanings as set forth herein:

Commodities -- Standard articles of commerce in the form of material goods, supplies, products, equipment or similar items with no more than incidental labor required.

An invitation for bid (IFB) or invitation to bid (ITB) is an invitation to contractors or equipment suppliers to submit an offer on a specific project to be realized or product or service to be furnished.

Non-Professional Services -- Performance of a task (labor) that may include providing incidental materials in connection with said service.

Professional Services -- Those requiring specialized skill, training, knowledge, expertise and technical skill, and involving the exercise of professional judgment and discretion.

Public Works Projects -- Contracts for services, labor, construction, repairs and/or maintenance or other work, include the furnishing of supplies or materials incidental to the work.

Purchase Orders -- Official documents that evidence the expenditure as authorized by the Designee for a commodity, public work or service on a one-time basis or multiple purchases or blanket order, as may be applicable.

Request for Proposals (RFP) is a document that solicits proposal for Professional Services in compliance with NYS GML 104(b)

Request for Qualifications (RFQ) usually refers to the pre-qualification stage of the procurement process. Only those proponents who successfully respond to the RFQ and meet the qualification criteria will be included in the subsequent Request for Proposals (RFP) solicitation process.

A Request for Quotation (RFQ) is a standard procurement process whose purpose is to invite suppliers into a bidding process to bid on specific products or services. RFQ generally means the same thing as IFB (Invitation for Bid).

V. PROCEDURES FOR COMMODITIES PURCHASES

Purchasing Thresholds

\$.01 to \$1,500.00: Purchases up to and including \$1500.00 do not require a PO. These smaller purchases should be made using a P-Card or a Claim Voucher with a supporting invoice approved by the Department.

\$1,500.01 to \$2,999.99: Purchases of 1,500.01 to \$2,999.99 are at the discretion of the Designee in accordance with the procedures as set forth herein, who shall document such decision. A Town approved purchase order is required.

\$3,000.00 to \$19,999.99: Purchases in the amount of \$3,000.00 to \$19,999.99 require a "Price Quotation Form." Three written/fax/internet website price quotes from three different vendors are necessary. The Purchasing Division shall maintain the records of such quotes. A Town approved purchase order is required.

\$20,000.00 : Purchase contracts for goods involving an expenditure of \$20,000.00 or greater, under General Municipal Law Section 103, (for one purchase OR multiple purchases of a particular item within the calendar year) shall require competitive bidding.

VI. PROCEDURES FOR PUBLIC WORKS PROJECTS AND NON-PROFESSIONAL SERVICES

Purchases up to and including **\$1500.00** do not require a PO. These smaller purchases should be made using a P-Card or a Claim Voucher with a supporting invoice approved by the Department.

\$1,500.01 to \$4,999.99: Require the recommendation of the user Department and the approval of the Designee. The user Department shall provide the Designee with a written explanation as to the need for the services. A Town approved purchase order is required.

\$5,000.00 to \$34,999.99 All public works or services in the amount of \$5,000.00 to \$34,999.99 require a “Price Quotation Form” with at least three written/fax/internet website quotes from three different vendors or providers of the service. The Purchasing Division shall maintain the records of such quotes. A Town approved purchase order is required.

\$35,000.00: Public works or services involving an expenditure of \$35,000.00 or greater, under General Municipal Law Section 103, (for a one time service purchase OR multiple purchases of a particular service within the calendar year) shall require competitive bidding.

VII. COMPLIANCE AND DOCUMENTATION

All requests for written and/or faxed quotations shall be documented and attached in MUNIS; a hard copy of the purchase order is filed in the Town Purchasing Division. Purchase orders will be issued based on best value to the responsible and responsive vendor, except as authorized pursuant to this Policy and Procedures, the Town Code Chapter 7 “Bidding Preferences”, and applicable law.

Purchases shall comply with Town Code Chapter 7B “Green Procurement”, as applicable. The proper written documentation and justification setting forth the reasons for the issuance of a purchase order based on best value of contract to a vendor when other than the lowest priced vendor is selected, shall be required.

A good faith effort shall be made to obtain the required number of quotations. If for any reason the user Department or Purchasing Division is unable to obtain the requisite number of quotations, the user Department or Purchasing Division shall properly document in writing the reasons why, and the efforts made to obtain the required written quotes. A documented inability to obtain the requisite number of quotations shall not be an impediment to securing the procurement.

In certain limited circumstances or for certain limited types of procurements for commodities or services below the competitive thresholds, where the solicitation of alternative proposals or quotations will not be in the best interest of the Town due to emergencies, history, quality and reliability of the goods or services, projected cost comparison and market standard, the Designee is authorized to approve purchase orders without obtaining telephone, written, and/or faxed quotations. In those limited circumstances, full documentation shall be required explaining the reason(s) that quotes are not necessary for that purchase. These reasons must include a projected cost comparison between the unsolicited quote and the market standard. Except for sole source procurements, the Deputy Supervisor must review and approve, in writing, the

reason for approving a purchase order without obtaining quotes for a particular purchase.

UNDER NO CIRCUMSTANCES SHALL A QUOTATION THAT EXCEEDS GENERAL MUNICIPAL LAW SECTION 103 BID LIMITS BE AWARDED PRIOR TO A FORMAL BID TAKING PLACE, EXCEPT AS SET FORTH HEREIN.

VIII. EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS: PROCUREMENT NOT SUBJECT TO COMPETITIVE BID PROCESSING AS DEFINED BY NYS GML 103 SHALL BE SUBJECT TO NYS GML 104(b)

General Municipal Law 104(b) relates to all such services that are exempt from GML 103 including, but not limited to, such professional services that require specialized or technical skills, expertise or knowledge; and mandates that municipalities shall adopt internal policies and procedures to govern the procurement of all goods and services that are not subject to the competitive bidding requirements of General Municipal Law Section 103.

The Town Policy and Procedures prescribe a method for determining whether a procurement of goods and services is subject to competitive bidding. These procedures provide for methods to obtain alternative proposals and quotations for goods and services that are not subject to competitive bidding.

NYS GML 104 (b) as it relates to procurement policies not covered by GML 100-103

Goods and services which are not required by law to be procured by competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the political subdivision. To further these objectives, the governing board of every political subdivision and any district therein, by resolution, shall adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of section 103.

Such policies and procedures shall contain provisions which, among other things:

- a. Prescribe a procedure for determining whether a procurement of goods and services is subject to competitive bidding
- b. Provide that alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this section
- c. Set forth when each such method of procurement will be utilized, taking into account which method will best further the purposes of this section and the cost-effectiveness of the method
- d. Requires adequate documentation of actions taken in connection with each such method of procurement
- e. Requires justification and documentation of any contract awarded to other than the lowest responsible dollar offeror, setting forth the reasons such an award furthers the purpose of this section
- f. Identifies the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

- g. Set forth any circumstances when, or types of procurements for which, solicitation of alternative proposals/quotations will not be in the best interest of the political subdivision

A. PROFESSIONAL SERVICES REQUISITIONS (PSRs)

Contracts for services that involve specialized skill, training, knowledge, expertise, technical skill and the use of professional judgment are considered “professional services” contracts, which are excluded from the competitive bidding requirements of General Municipal Law Section 103.

Examples of professional services include, but are not limited to, accountants, architects, attorneys, and engineers. The procurement of such services is subject to General Municipal Law 104(b). The following sets forth the procedures and requirements for the procurement of professional services:

- Professional service consultants (herein Consultants) shall be authorized pursuant to the Town Board’s authorized list of Professional Consultants adopted by Resolution at the Town Board’s annual organizational meeting or pursuant to a specific Town Board Resolution. It is the intent of the Town Board to develop this authorized list through submissions received in response to a Town prepared Request for Qualifications (RFQs).
- In lieu of applicants appointed via an RFQ, the Town allows for Professional Consultants to submit a Professional Consultant Application. After review and approval by the appropriate Department, the Chief of Operations, the Department of Finance and the Supervisor/Deputy Supervisor, the application must be submitted to the Town Board for approval and placement on the Professional Consultants’ list.
- Professional Service Requisitions (PSRs) shall be prepared by the requesting Department and shall be further approved by the Department Commissioner, the Town Engineer, as may be applicable, the Department of Finance and the Supervisor or Deputy Supervisor.

Town Board approval shall be required for any PSR issued to an authorized Professional Service Consultant under the following circumstances:

- For a either a non-capital project or a capital project in an amount of \$25,000 or greater amount
- If a second award is made to the same consultant for a specified project wherein the combined total of contracts is equal to or greater than \$25,000
- An award of contract to a Professional Consultant that is not on the designated list, but has been selected for specialized expertise; the contract resolution also will designate the Commissioner of Finance to award PSR to the selected consultant.

PSRs issued for a non-capital or a capital project, in amounts less than \$25,000 shall require a written justification from the requesting Department. The Commissioner of the requesting Department must state and validate that the price is reasonable; given current market conditions and that the work is necessary. The Finance Department shall maintain this documentation with the authorized PSR.

- Comparative pricing shall be required when a project is anticipated to exceed \$25,000.00 but is less than \$50,000.00 for non-capital and capital projects and the following procedures shall be adhered to:
 - The requesting Department must seek written comparative pricing by securing pricing, from at least three firms, on the Professional Consultant's list that are capable of providing the service in response to a Department developed scope of work. This process is intended to ensure that the Town is receiving competitive pricing and to prevent the appearance of favoritism toward any particular individual or firm.
 - Upon selecting a qualified professional service consultant, the requesting Department shall prepare a PSR, including summary comparative pricing, which shall be attached to the Town Board worksheet resolution form, as may be applicable.
 - The requesting Department Head shall set forth the need for the service requested, the basis for the selection of the professional consultant, including but not limited to the qualifications of the selected firm to provide the services.
 - The PSR shall be forwarded to the Department of Finance for budgetary review and approval and, as applicable, the Finance Department shall prepare the necessary Town Board worksheet resolution form authorizing the PSR expenditures.

When there are no qualified consultants on the Professional Consultants list that possess the necessary expertise or knowledge needed, the following procedures shall be adhered to:

- The Department Head, presents a written request to the Supervisor/Deputy Supervisor containing:
 - supporting documentation which sets forth specific and adequate justification for the particular professional consultant
 - Upon Supervisor/Deputy Supervisor's written approval, the worksheet resolution form to approve the PSR, as applicable, may be submitted to the Town Board for approval without first obtaining comparative pricing
 - The written request of the Department Head shall be included as supporting documentation to the Town Board resolution

Capital and non-capital projects that are expected to exceed \$50,000 require compliance with all Request for Proposals (RFP) rules and procedures. The administration of the RFP process is managed by the Purchasing Division.

- The Requesting Department contacts the Division of Purchasing to confirm that an RFP is the method required for the intended solicitation
- Following confirmation from Purchasing, the requesting Department is responsible for:
 - Justification memo from the Department Commissioner submitted to the Chief of Operations and Commissioner of Finance

- Upon receipt of approval, Department drafts the RFP using current approved RFP template and bidders' list template. Please note: this includes all data associated with the specific RFP including:
 - background detail
 - goals and objectives of the RFP
 - complete technical details associated with the Scope of Work
- The RFP draft and bidders' list is submitted to Purchasing for processing which includes:
 - Risk Management review
 - Law Department review
 - Timeline established between Purchasing and Department
 - Notice of ad submitted and posted
 - Designated Newspapers
 - Town Purchasing Website
 - Email *Notice of Ad* to bidder's list contacts
 - Coordination of all documents
 - Collection of all Technical Questions
 - Answers to be provided by Department in a timely manner so as to ensure that all vendors receive information necessary in order to prepare a comprehensive submittal
 - Posting of all Addenda
 - Distributing proposals to Evaluation Committee
 - Evaluation Committee generally consists of Departmental member plus Departmental Liaison Designees from Supervisor and Town Council Office representatives
 - Composition of the Evaluation Committee may be amended as needed to meet specific needs for additional technical advisement
 - The Town authorized Evaluation Guideline template is adapted by the Department in conjunction with the Division of Purchasing (as needed) to reflect the specifics of the RFP
 - The guideline is used independently by Committee members
 - Cost proposals remain sealed during the initial evaluation and are opened once the General and Technical Scoring is completed
 - The Committee reserves the right to always award in the best interest of the Town based on either Most Qualified AND/OR Best Value
 - Establishing meeting dates
 - Evaluation meetings
 - Vendor presentations
 - All vendor contact is ONLY through the Purchasing Division
 - NOTE: the Department may have NO contact with any potential vendor once the authorization to issue the RFP is received
 - After vendor selection, the Evaluation committee presents to the Board at Work Session
 - Requesting Department prepares resolution to award
 - Town Board votes
 - Requesting Department and Department of Law draft and execute contract

referencing the award of contract via the RFP # and Title

- Original Contract is filed with Town Clerk
- Copy of Contract is submitted to Purchasing for file.

SPECIAL NOTES:

- If an RFP elicits no qualified responses after being issued twice, the Town, having made a valid and good faith effort to secure such services, may secure the required professional services in the open market.
- **Professional Consultants, that are on contract with any other Political Sub-Division or National Cooperative Contract, must be procured through the Department of Finance's PSR Process.**

B. EMERGENCIES

In the event of a public emergency the Department Head in consultation with the Designee and Deputy Supervisor may proceed with the procurement of commodities, supplies, equipment or materials or public works without obtaining bids or solicitation of written proposals or quotations. For purposes of this section, an emergency arises out of:

- An accident
- Unforeseen or dangerous condition
- Occurrence that affects
 - public property
 - the life, health, safety, welfare or property of Town residents or the public
 - or threatens, curtails or terminates an essential service to Town residents or the public

The Department Head shall:

- Advise the Deputy Supervisor of the emergency and obtain the Deputy Supervisor's approval in writing.
 - The use of the Emergency Approval Form which requires the Deputy Supervisor's signature is ONLY for such procurements that are in compliance with the Town's Procurement Policy.
- Provide documentation as to the nature of the emergency and Deputy Supervisor's written approval authorizing the procurement of the required commodities, services or public works which shall be submitted to the Purchasing Division within five (5) days, unless the Supervisor has declared a state of emergency.
 - If a state of emergency has been declared, documentation should be submitted within a reasonable amount of time not to exceed two weeks.
- Comply as closely as possible with the Town Procurement Policy.
- Upon receipt of the required documentation and the Deputy Supervisor's written approval, the Designee shall authorize the emergency expenditure as applicable.
- Payment for the emergency procurement shall be in conformance with the Town Procurement Policy.

C. SOLE SOURCE PROCUREMENT.

Sole source procurement is one in which only one vendor can supply the commodity, technology and/or perform the services required and there is no substantial equivalent. Procurement by this method must be documented by the submission of a Sole Source Approval Form, signed by the Department Head setting forth the following:

- The unique nature of the requirement.
- The basis upon which it was determined that there is only one known vendor able to meet the need (i.e. the steps taken to identify potential providers).
- The basis upon which the cost was determined to be reasonable (i.e. a fair market price was inferred based upon the sole source provider's product catalogs, published price lists and the like).

D. EQUIPMENT LEASES

Before any commodity or equipment lease is negotiated or signed, the lease must be forwarded to the Purchasing Division for review and approval. The Law Department shall review and approve all leases prior to execution by the Designee.

E. STANDARDIZATION OF EQUIPMENT

Standardization for purchases of specific commodities/equipment/apparatus and/or services must be thoroughly vetted and justified and requires approval from two-thirds of the municipal governing board. Acceptance of such standards does not preclude adherence to GML competitive bidding laws.

F. GOVERNMENTAL SOURCES

Governmental procurement sources for commodities and service requested by the user Departments shall be investigated and utilized in accordance with applicable law, to the extent possible. These sources may include:

- Federal General Services Administration (FGSA), Schedules 70 and 84
- New York State Office of General Services (NYS OGS Contracts)
- Suffolk County and other County contracts as permissible
- Surplus and second hand purchases from other governmental entities
- Commodities and/or services shall be procured from preferred sources, pursuant to State Finance Law Section 162. The Purchasing Division shall obtain and maintain a current list of preferred source providers from the NYS Office of General Services. Procurements shall be in compliance with the Office of General Services'
- "NYS Procurement Bulletin – Preferred Source Guidelines".
- National Cooperative Contracts as are approved and available and in the Town of Brookhaven's best interest.

IX. OTHER RELATED POLICIES

Change Orders.

Change orders shall be authorized in the same manner as the awarded contract. When a change order increase would result in an aggregate change of at least 10% of the original contract award BUT NOT TO EXCEED \$20,000, then a budget approved requisition must be submitted to Purchasing and a Public Contract Change Order Approval Form must be fully executed after Town Board approval. Change orders in excess of 10% but less than \$1000.00 may be approved by the Deputy Commissioner of General Services/Designated Authority.

The Department requesting a change order shall document, in writing, that the requested change order does not constitute a new undertaking and/or alter the essential identity or main purpose of the contract for the commodities or services provided.

Pursuant to Town Board Resolution No. 723-08 "Town Capital Improvement Policy and Standard Operating Procedures", the Commissioner of an authorizing user Department, with the approval and concurrence of the Deputy Supervisor and the Commissioner of Finance shall be authorized to approve a change order, not to exceed the lesser amount of 10% of the contract cost or \$50,000, where an emergency and/or extenuating circumstances arise that would endanger the health, welfare or property of the Town and/or its residents or a delay of the project/work stoppage would result in a financial detriment to the Town. The Commissioner of the authorizing user Department shall document, in writing, the emergency or the extenuating circumstances pertaining to the change order.

EXHIBIT A

<u>NAME</u>	<u>TITLE</u>
Kathleen C. Koppenhoefer	Deputy Commissioner of the Department of General Services, Designated Authority (Designee) for the Division of Purchasing
Geri Manzollilo	Principal Purchasing Agent Procurement, Bids & Contracts Duly Authorized Designated Signatories on behalf of the Designee Bids, Contracts and POs
Cora Narracci	Sr. Purchasing Agent Procurement Duly Authorized Designated Signatories on behalf of the Designee POs
Christina Williams	Senior Purchasing Agent Procurement, Bids & Contracts
Thomas Walter	Purchasing Agent Procurement, Bids & Contracts
Patricia Mazzei	Purchasing Agent Procurement, Bids & Contracts Duly Authorized Designated Signatories on behalf of the Designee POs
Scott Rasmuson	Purchasing Technician Procurement
Procurement for Office of the Superintendent of Highways for Purchase Orders and Requisitions Only	
Daniel Losquadro	Superintendent of Highways
Steve Tricarico	Chief Deputy Superintendent of Highways
Kevin Geiger	Deputy Superintendent of Highways
Loretta Boerner	Sr. Accountant
Karen Woolley	Purchasing Technician