Pleasant Valley Fire District
District Policy

Procurement Policy

PURPOSE:

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

WHEREAS comments have been solicited from all officers in the Pleasant Valley Fire District involved in the procurement process, now

PROCEDURE:

THEREFORE, BE IT RESOLVED, that the Pleasant Valley Fire District does hereby amend its procurement policy, originally adopted on March 13, 2012, which is intended to apply to all goods and services which are not required by law to be publicly bid.

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, considering 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 $20,000.00
- Public Work Contracts under $35,000.00
- Emergency Purchases (as listed in Section B)
- Certain municipal hospital purchases
- Goods purchased from agencies for the blind/severely handicapped
- Goods purchased from Correctional Institutions
- Purchases under State and County contracts, and
- Surplus and second-hand purchases from another government entity

The individual making the purchase will document the decision that a purchase is not subject to competitive bidding in writing. 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 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 $20,000,00
- Public works contracts over $35,000.00
- Goods purchases from agencies for the blind/severely handicapped pursuant to Section 175-b of the State Finance Law
- Goods purchased from correctional institutions 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
- 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:

A. Purchase of Commodities, Equipment or Goods

Dollar Amount	Procedure
up to $999	Approved by a Commissioner or a Chief Officer
$1,000 to $4,999	Documented verbal or email quotes from at least three (3) separate vendors (if available)
$5,000 to $19,999	Formal written quotes from at least three (3) separate vendors (if available)
$20,000.00 and Over	Formal sealed bids per NYS Law 103

Proper documentation is required when the purchase order is written. Telephone price quote sheet or formal written quote sheet must be submitted as documentation.

Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor.

Proper documentation acceptable to the Board of Fire Commissioners must be given if the required number of quotes cannot be obtained.

B. Awarding of Public Works Projects/Contracts

Dollar Limit	Procedure
Up to $2,999	Approved by a Commissioner
$3,000 to $4,999	Documented verbal or email quotes from at least three (3) separate vendors (if available)
$5,000 to $9,999	Formal written quotes from at least two (2) separate vendors (if available)
$10,000 to $34,999	Formal written quotes from at least three (3) separate vendors (if available)
$35,000 and Over	Formal sealed bids per NYS Law 103.

In all circumstances, whenever the lowest quote is not awarded, there must be written documentation of the reason for the award.

Under no circumstances can a quote be awarded that exceeds the bid limit.

There is no approved District vendor listing, thus the District may contact any bidders it chooses for the price quotations. In all instances, State and Local contracts must be utilized and preferred sources must be utilized as outlined by NYS Law.

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 are required whenever a contract is awarded to other than the lowest responsible bidder. This documentation will include an explanation of how the award will achieve savings or how the lowest bidder was not responsible. A determination that the bidder was 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) (g), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals of quotations will not be in the best interests of the municipality, in the following circumstances it may not be in the best interests of the Fire District 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 really lend themselves to competitive procurement procedure.

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

- Whether the services are subject to State licensing or testing requirements
- Whether substantial formal education or training is a necessary pre-requisite to the performance of the services, and
- Whether the services require a personal relationship between the individual and municipal officials

Professional or technical services shall include, but not be limited to, the following:

- Services of an attorney or 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, editing or artwork

• Management of municipally owned property
• Computer software or programming services for customized programs or services involved in substantial modification and customization 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 were required, the Fire District may be 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. Purchase of commodities, equipment or goods costing up to $999 and the purchase of services costing up to $2,999. The time and documentation required to purchase through the policy may 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.

E. Contracts let by any state, county or political subdivision or district therein if such contract was let in such a manner that constitutes competitive bidding consistent with state law and made available for use by other government entities.

7. Pursuant to General Municipal Law Section 104-b(2)(f), the following authorized individuals are responsible for purchasing for the Pleasant Valley Fire District:

Five current Fire Commissioners
Three current Fire Chiefs
Three current career firefighters
Five current Captains
District Secretary
District Purchasing Director

8. This policy, as amended, shall be in effect immediately and will be reviewed annually.

The resolution to amend the Pleasant Valley Fire District's Procurement Policy was adopted January 1, 2025