

Chapter 36

PROCUREMENT POLICY

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[HISTORY: Adopted by the Board of Trustees of the Village of Youngstown 6-5-1995. Amendments noted where applicable.]

§ 36-1. Applicability.

The Village of Youngstown 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.

§ 36-2. Evaluation of purchases.

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. 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. Such documentation is to be attached to the voucher or purchase order related to such purchase.

§ 36-3. Documentation required; exceptions.

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 \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or

severely handicapped pursuant to §175-b of the State Finance Law;¹ goods purchased from correctional institutions pursuant to §186 of the Correction Law; purchases under state contracts pursuant to § 104 of the General Municipal Law; purchases under county contracts pursuant to § 103, Subdivision 3, of the General Municipal Law; or purchases pursuant to § 36-7 of this policy.

§ 36-4. Procurement guidelines.

A. Requirements [Amended 11-8-2012]

Amount of Purchase	Requirement
\$1 to \$1,500	At the discretion of department head
\$1,501 to \$2,500	Two telephone quotations or verbal quotes with documentation attached to voucher or purchase order
\$2,501 to \$19,999	Three written quotations (if possible), documentation attached
Over \$20,000	Formal sealed bids in conformance with General Municipal Law § 103 for the purchase of commodities, equipment or goods
\$10,000 to \$34,999 for public works projects/contracts	Three written quotations, documentation attached
\$35,000 and up for public works projects/contracts	Formal sealed bids in conformance with General Municipal law § 103

B. In all circumstances, whenever other than the lowest quote is awarded, there must be written documentation of the reason for the award.

C. Proper documentation, acceptable to the Board of Trustees, must be given if the required number of quotes cannot be accommodated.

§ 36-5. Exemptions from solicitation.

Pursuant to General Municipal Law § 104-b, Subdivision 2f, 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.

¹ Editor’s Note: Section 175-b of the State Finance Law was repealed by L. 1995, c. 83, §33. See now §162, Subdivision 6, of the State Finance Law.

- A. In determining whether a service fits into this category, the Board of Trustees 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 prerequisite to the performance of the services; 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; 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, editing 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 prepackaged software.
- B. Emergency purchases pursuant to § 103, Subdivision 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 secondhand goods from any source. It is noted that it is difficult to try to compare prices of used goods, and a lower price may indicate an older product.

§ 36-6. Effective date; annual review.

This policy shall go into effect January 9, 1992, and will be reviewed as needed by the Board of Trustees.

§ 36-7. Failure to comply.

Unintentional failure to fully comply with the provisions of this policy shall not be grounds to void action taken or cause action to be taken against any officer or employee of the Village of Youngstown.