

Village of Homer

Procurement Policy

Adopted April 5, 1995
Amended April 4, 2011
Amended April 4, 2017
Amended August 9, 2017
Amended October 11, 2017
Amended March 28, 2019
Amended November 24, 2020
Amended December 13, 2022

Village of Homer
PROCUREMENT POLICY RESOLUTION

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 subject to the bidding requirements of the General Municipal Law or any other law; and

WHEREAS, comments have been solicited from those officers in the Village involved in the procurement process, NOW, THEREFORE, be it

RESOLVED, that the Village of Homer does hereby adopt the following procurement policy and procedures:

1. a. Every prospective purchase of goods or services must be initially reviewed to determine the applicability of General Municipal Law section 103 and whether the prospective purchase 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.

b. 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 contract 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 secondhand purchases from another governmental entity.

c. The decision that a purchase is not subject to competitive bidding shall 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 reached, 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 appropriate written documentation.

2. All goods and services not subject to competitive bidding will be secured by the use of written requests for proposals ("RFP"), written quotations, verbal quotations, contracts, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

3. a. When required by this policy, the following method of purchase will be used:

All purchases in excess of \$2,750 require a written purchase order signed by the Department Head, and by the mayor and two trustees or by three trustees, one of whom must be the chair of the committee overseeing the department. The Village Treasurer or the Village Clerk also must review and sign each purchase order and note the budgeted funds exist by verifying the account the expense will be posted to. Without the account listed and either the Village Clerk or Village Treasurer signature, verifying the budget, purchase orders should not be signed by the Trustees or acted upon until the budgeted fund's requirement is met.

- b. Any written RFP shall describe the desired goods or services, quantity, and the particulars of delivery or performance. The purchaser shall compile a list of all vendors from whom quotes have been requested and the quotes offered.
 - c. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unsuccessful, the purchaser shall document the attempt made. In no event shall the failure to obtain the proposals be a bar to the procurement.
 - d. All information gathered in complying with the procedures of this policy shall be preserved and filed together with the documentation supporting the subsequent purchase of public works contract in the Village Office.
 - e. Any written RFP for services to be performed shall include a clause requiring contractor verification that any employee working on the project has received the NYS required sexual abuse training.
 - f. For all RFP's, a contract must be executed before the work is completed or an item is purchased.
4. Documentation and an explanation are required whenever a contract is awarded to other than the lowest proposer. This documentation will include an explanation of how the award will achieve savings or how the proposer was not responsible. If a proposer is deemed not responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.
5. Pursuant to General Municipal Law, and unless otherwise directed by the Village Board, no solicitation of written proposals or quotations shall be required under the following circumstances:
- a. Emergencies
 - b. Sole source situations
 - c. Goods purchased from agencies for the blind or severely handicapped
 - d. Goods purchased from correctional facilities
 - e. Goods purchased from another governmental agency
 - f. Goods purchased at auction
 - g. Goods purchased for less than: \$2,750
 - h. Public works contracts for less than \$2,750

6. Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Village will solicit up to three MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be direct, via advertisements in minority publications or letters to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The above purchase/contracting thresholds will apply.

For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Village will keep documentation of M/WBE solicitation in its records and any response(s) thereto.

7. Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Village will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan.

Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals

included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The above purchase/contracting thresholds will apply.

The Village will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

8. Labor Surplus Area Business Participation in Procurement and Contracting: The Village will solicit bids or quotes for federally funded projects from at least one business located in a labor surplus area (LSA) as defined by the US Department of Labor. The Village will access information on eligible labor surplus areas for the most current time period through the NYS Department of Labor. Quotes or bids from a business or businesses in an LSA or LSAs will be solicited directly by phone, email or letter. The above purchase/contracting thresholds will apply.

The Village will keep documentation of LSA solicitation in its records and any response(s) thereto.

9. This policy shall be reviewed annually by the Homer Village Board at its organizational meeting or as soon thereafter as is reasonably practicable.
10. This resolution shall take effect immediately.