

§ 45-1. Determination of type of purchase; competitive bidding.

- A. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once the determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that 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. The following items are not subject to competitive bidding pursuant to § 103 of the New York State General Municipal Law:
- (1) Purchase contracts under \$7,000 and public works contracts under \$10,000.
 - (2) Emergency purchases.
 - (3) Goods purchased from agencies for the blind or severely handicapped.
 - (4) Goods purchased from correctional institutions.
 - (5) Purchases under state and county contracts.
 - (6) Surplus and secondhand purchases from another governmental entity.
- B. 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 circumstances which led to an emergency purchase or any other written documentation that is appropriate.

§ 45-2. Method for securing goods and services.

- A. All goods and services will be secured by the use of written requests for proposals, written or faxed 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:
- (1) Purchase contracts over \$7,000 and public works contracts over \$10,000.
 - (2) Goods purchased from agencies for the blind or severely handicapped pursuant to § 175-b of the New York State Finance Law.¹
 - (3) Goods purchased from correctional institutions pursuant to § 186 of the New York State Correction Law.
 - (4) Purchases under state contract pursuant to § 104 of the New York State General Municipal Law.
 - (5) Purchases under county contracts pursuant to § 103, Subdivision 3, of the

1. Editor's Note: Former § 175-b of the New York State Finance Law was repealed by L. 1995, c. 83, § 33, effective 4-1-1995.

General Municipal Law.

- (6) Purchases pursuant to § 45-4 of this policy.
- B. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

- (1) Purchase contracts.

Estimated Amount of Purchase Contract	Method
Up to \$1,000	Discretion of Purchasing Agent
\$1,000 to \$2,499.99	2 verbal quotations, minimum
\$2,500 to \$6,999.99	3 written/faxed quotations or written request for proposals
\$7,000 and up	Publicly bid

- (2) Public works contracts.

Estimated Amount of Public Works Contract	Method
Up to \$1,000	Discretion of Purchasing Agent
\$1,000 to \$2,499.99	2 verbal quotations, minimum
\$2,500 to \$4,999.99	2 written/faxed quotations, minimum
\$5,000 to \$9,999.99	3 written/faxed quotations or written request for proposals
\$10,000 and up	Publicly bid

- C. All purchased contracts and public works contracts greater than \$7,000 shall be subject to Common Council approval. 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 proposals or quotations. In no event shall the failure to obtain the proposals be a bar to the procurement.
- D. "OGS or less." In the event that a commodity may be found at a price lower than the current New York State contract price for that same commodity, the purchaser is hereby precluded from obtaining further quotations for that particular item. Documentation must be provided.

§ 45-3. Documentation required.

- A. Documentation is required of each action taken in connection with each procurement.
- B. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an

explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser, in conjunction with the Corporation Counsel, and may not be challenged under any circumstances.

§ 45-4. Exceptions.

Pursuant to New York State General Municipal Law § 104-b, Subdivision 2g, 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. In the following circumstances, it may not be in the best interest of the City of Rensselaer to solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional service or services requiring special or technical skill, training or expertise.
 - (1) 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 prices, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the City of Rensselaer shall take into consideration the following guidelines:
 - (a) Whether the services are subject to state licensing or testing requirements.
 - (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services.
 - (c) Whether the services require a personal relationship between the individual and municipal officials.
 - (2) 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 artwork; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification 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 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. Goods or services under \$1,000. The time and documentation required to purchase

through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayers. In addition, it is not likely that such de minimus contract would be awarded on this basis of favoritism.