



Town of
Washington

PROCUREMENT POLICY

Revised: 8/2026

1. Evaluation of purchases.

- A. 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 and the aggregate amount to be spent in a year.
- B. Public sealed bidding is required for the initial purchase of an item or group of similar items costing more than \$20,000, or if it is reasonably anticipated purchasing in excess of \$20,000 during the fiscal year for an item or group of similar items. Sealed bids are also required for a public works (labor and materials) or services contract where the cost exceeds \$35,000 annually. A "public works contract" is defined as an improvement to a public facility in which the majority of the costs are labor. Any questions concerning whether items should be publicly bid should be addressed to the attorneys for the Town.
- C. The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law:
 - (1) purchase contracts under \$20,000;
 - (2) public works contracts under \$35,000;
 - (3) emergency purchases;
 - (4) certain municipal hospital purchases;
 - (5) goods purchased from agencies for the blind or severely handicapped;
 - (6) goods purchased from correctional institutions;
 - (7) purchases under state and county contracts, for example the NYS Office of General Services (OGS); and
 - (8) surplus and secondhand purchases from another governmental entity.
- D. The initial determination of whether competitive bidding for public works or services contracts is required includes the following procedures:
 - (1) The Supervisor or Department Head seeking the procurement shall determine whether it is expected that the political subdivision will spend in excess of the competitive bidding thresholds for the same or similar items or services (e.g., checking budgetary appropriations and/or prior years' expenditures) over the course of the fiscal year. The Supervisor and Department Heads shall meet periodically to ensure the objectives of this statute are met.
 - (2) The Supervisor or Department Head seeking the procurement shall determine, as necessary or appropriate:
 - a. Whether an item is available under New York State contracts and contracts let by counties, cities, and towns within New York State.
 - b. In the case of an emergency, whether the statutory criteria (see General Municipal Law § 103, Subdivision 4, as amended or changed) are met.

- c. In the case of a lease, whether a document is a true lease and not an installment purchase contract.
- d. In the case of a sole source, whether an item is required in the public interest, has no reasonable equivalent and is in fact available only from one source.
- e. In the case of a combination of professional services and a purchase, for analyzing whether the professional service is the predominant part of the transaction and is inextricably integrated with the purchase.

E. 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.

2. Requests for proposals.

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 that achieves the best value for the product or service sought and avoids favoritism, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to § 175-b of the State Finance Law; 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 § 50-5 of this chapter.

3. Method; good-faith effort.

A. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase

Contract	Method
Up to \$7,500.00	Discretion of the department head and within the confines of the previously approved annual budget
\$7,500.01 to \$12,500.00	Good faith effort to obtain three written/fax/e-mail quotes.
\$12,500.01 to \$19,999.99	Good-faith effort to obtain three quotes or via request for proposals
\$20,000.00 and up	Formal Bid, State Contracts, County Contracts

Public Works

Contract	Method
Up to \$7,500.00	Discretion of the department head and within the confines of the previously approved annual budget
\$7,500.01 to \$17,500.00	Good faith effort to obtain three written/fax/e-mail quotes.
\$17,500.01 - \$34,999.99	Good-faith effort to obtain three quotes or via request for proposals
\$35,000.00 and up	Formal Bid, State Bid, County Bid

- B. 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 three proposals or quotations, the purchaser will document the attempt made. In no event shall the failure to obtain three separate proposals bar the procurement.
- C. In relation to surplus and secondhand purchases from another governmental entity, the Highway Superintendent, may purchase at his/her discretion an item for up to \$19,999.99, provided the funds are available in the Highway DB Fund. For items priced \$20,000.00 or over and items priced lower than that but requiring a transfer of funds or a loan, must receive Town Council approval. A special meeting can be called for this purpose.

4. Documentation.

- A. Documentation is required of each action taken in connection with each procurement. All purchases resulting from same shall have quotes referenced on purchase orders or vouchers, thus creating an audit trail.
- B. Documentation and an explanation will be required whenever a contract is awarded to any person, institution and the like who is not the lowest reasonable offeror. Documentation will include an explanation of how the award will achieve savings or how the offeror was not reasonable and responsible. A determination that the offer is not reasonable and/or responsible shall be made by the purchaser and can only be challenged upon just cause.
- C. The following have the authority to authorize purchases for each department: Assessor, Bookkeeper, Building Inspector, Court Clerk, Highway Clerk or Highway Superintendent, Town Clerk or Deputy Town Clerk and Town Supervisor. The Town Clerk and Deputy Clerk shall have purchasing authority and all purchases with the exception of those made for the Highway department and Recreation department will be made by the Town Clerk or Deputy Town Clerk. All purchases for \$2,000.00 or greater shall require the department representative to receive approval from the Bookkeeper.

5. Exceptions for soliciting quotes and proposals.

Pursuant to General Municipal Law § 104-b, Subdivision 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 or quotations will not be in the best interests of the municipality. In the following circumstances it will not be required that the Town of Washington solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional service or services requiring special or technical skills, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skills, 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 the services are such that they do not readily lend themselves to competitive procurement procedures.
- B. In determining whether a service fits into this category, the Town of Washington Town Council shall take into consideration the following guidelines:
 - (1) Whether the services are subject to state licensing or testing requirements;
 - (2) Whether substantial formal education or training is a necessary prerequisite to the performances of the services; and
 - (3) Whether the services require a personal relationship between the provider and the municipal officials. Professional or technical services shall include, but not be limited to, the following:
 - (a) Services of an attorney;
 - (b) Services of a physician;
 - (c) Technical services of an engineer, land surveyor, architect or similar professional engaged to prepare plans, maps and estimates;
 - (d) Securing insurance coverage and/or services of an insurance broker;
 - (e) Services of a certified public accountant;
 - (f) Investment management services;
 - (g) Printing services involving extensive writing, editing or art work;
 - (h) Management of municipally owned property; and
 - (i) Computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
- C. 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 life, health, safety or welfare of the residents. This subsection does not preclude alternate proposals if item permits.
- D. 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 interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

5.1. Piggybacking.

Notwithstanding the provisions of this chapter, the Town of Washington may, for purposes of public purchases, utilize the provisions of New York State General Municipal Law § 103 with regard to so-called "piggybacking" of purchases. Pursuant to New York State General Municipal

Law § 103, the Town of Washington may purchase through the bids solicited by the United States government, New York State and/or any other state, political subdivision (counties, towns, school districts, etc.), provided those contracts clearly state that they are available for use by other governmental entities within the requirements of New York General Municipal Law § 103(16). Prior to such purchase, the Town of Washington will ensure that a piggyback purchase qualifies as follows:

- A. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein.
- B. The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town of Washington should determine that there is contained within the bidding political subdivision's bid package a provision that the bid is open to and can be used by either the Town of Washington or other municipalities. This determination should be made on a case - by-case basis.
- C. The specific contract must have been let to the lowest responsible or on the basis of best value and in accordance with or in a manner consistent with the provisions of New York General Municipal Law § 103.

5.2. Purchasing based on best value.

- A. New York General Municipal Law § 103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. General Municipal Law § 103 was amended to provide that by adopting a resolution so providing, municipalities may award purchase contracts which would otherwise be subject to the "lowest bidder" rule on the basis of best value, as defined in State Finance Law § 163, to a responsive and responsible bidder or offeror.
- B. Notwithstanding the provisions of this chapter, the Town of Washington hereby determines that it is in the best interest of its residents to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the "best value" option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder include, but are not limited to:
 - (1) Lowest cost of maintenance for good(s) or service(s);
 - (2) Durability of good(s) or service(s);
 - (3) Higher quality of good(s) or service(s); or
 - (4) Longer product life of good(s) or service(s).

The Town of Washington may award purchase contracts, including contracts related to the installation, maintenance or repair of apparatus, equipment and supplies, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law § 163, to a responsive and responsible bidder or offeror.

- (1) Where the basis for award is the best value offer, the Town of Washington shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable,

and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

- (2) Where appropriate, the solicitation shall identify the relative importance and/ or weight of cost and the overall technical criterion to be addressed by the Town of Washington in its determination of best value.
- (3) The election to award any such contract on the basis of best value shall be made by the Town Council. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with this chapter.

6. General conditions for bids.

- A. All prices quoted must be "per unit" as specified: e.g., do not quote "per case" when "per dozen" is requested; otherwise bid may be rejected.
- B. Bidder must insert the price per unit and the extensions against each item in his bid. In the event of a discrepancy between the unit price and the extension, the unit price will govern.
- C. Prices shall be net, including transportation and delivery charges fully prepaid by the successful bidder to destination indicated in the proposal. If award is made on any other basis, transportation charges must be prepaid by the successful bidder and added to the invoice as a separate item. In any case, title shall not pass until items have been delivered and accepted.
- D. Where a bidder is requested to submit a bid on individual items and/or on a total sum or sums, the right is reserved to award bids on individual items or on total sums.
- E. All bids received after the time stated in the public notice may not be considered.

7. Submission of samples.

Samples, when required, must be submitted strictly in accordance with instructions, otherwise the bid may not be considered.

8. Awarding of contracts.

Awards will be made to the lowest responsible bidder, as will best promote the public interest, taking into account the reliability of the bidder, the quality of the materials, equipment or supplies furnished, their conformity with the specifications, the purposes to which required and the terms of delivery.

9. Delivery.

Delivery must be made in accordance with the instructions to bidders and specifications.

10. Saving clause.

The successful bidder shall not be held responsible for any losses resulting if the fulfillment of the terms of the contract shall be delayed or prevented due to wars, acts of God, strikes or any other acts not within the control of the bidder.

11. Collusion.

The form of non-collusion bidding certification must be executed by the bidder and submitted with the proposal.