

Village Board Work Session
December 16, 2013
7:00 p.m.

Members present: Mayor Roddey, Trustees Char, Smith, and Stewart

Member absent: Trustee Gurda

Also present: Village Clerk Strobl

Authorize Appraisal – Goshen Industrial Site

On a motion by Trustee Smith, seconded by Trustee Char, the Mayor is hereby authorized to obtain a certified appraisal of the Village of Goshen Industrial Site, located at 2501 NY Route 17M and designated as Section 117 Block 1 Lot 1.

Char	aye
Gurda	absent
Smith	aye
Stewart	aye

Adoption – Procurement Policy

**VILLAGE OF GOSHEN
COUNTY OF ORANGE
STATE OF NEW YORK**

Trustee Stewart moved the following, which was seconded by Trustee Smith:

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 publicly bid, and

WHEREAS, comments have been solicited from all officers in the Village of Goshen involved in procurement process, now, therefore, be it

RESOLVED, that the Village Board of the Village of Goshen 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.

PROCUREMENT POLICY FOR THE VILLAGE OF GOSHEN

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 be reasonably expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding pursuant to section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000 emergency purchases; certain municipal hospital purchases; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity.

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.

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 and public works contracts over \$35,000; goods purchased from agencies for the blind or 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; or 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:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$750 - \$2,999	2 verbal quotations
\$3,000 - \$19,999	3 Written/fax quotations or 3 Written requests for proposals
<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$750 - \$2,999	2 Verbal quotations
\$3,000 - \$4,999	2 Written/fax quotations
\$5,000 - \$34,999	3 Written/fax quotations or 3 Written requests for proposals

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 is required whenever a contract is awarded to other than the lowest responsible offer. This documentation will include an explanation of how the award will achieve savings or how the offer was not responsible. A determination that the offer is 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) (f), the procurement 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 interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Goshen 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, judgement, 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 readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Village Board 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 services; and (c) 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 municipality owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing 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 are required, the Village is 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. Good or services under \$750. 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 minimi contracts would be awarded on favoritism.

7. Pursuant to chapter 402 of the Laws of 2007, effective January 1, 2009, as required under Section 104 of the NYS General Municipal Law, the Village is including the names of the municipal officials responsible for purchasing decisions, as follows:

Kyle Roddey – Village Mayor
Margaret Strobl – Village Clerk
Sara Winters - Treasurer
James Watt – Police Chief
Michael Nuzzolese – Superintendent of Public Works
Thomas Lane – Foreman
Cynthia Ceconello – Senior Water/Wastewater Treatment Plant Operator
Theodore Lewis – Building Inspector
Rory Brady – Village Justice

8. This policy shall go into effect January 2, 2014 and will be reviewed annually.

Char	aye
Gurda	absent
Smith	aye
Stewart	aye

Goshen Youth Football 2014 Schedule

Mayor Roddey reviewed the Goshen Youth Football League's requested dates for meetings at Village Hall.

On a motion by Trustee Char, seconded by Trustee Smith, the requested dates were approved.

Char	aye
Gurda	absent
Smith	aye
Stewart	aye

On a motion by Trustee Char, seconded by Trustee Smith, the Board voted to enter into Executive Session at 7:05 p.m. for a discussion of employment of a particular person.

Char	aye
Gurda	absent
Smith	aye
Stewart	aye

On a motion by Trustee Smith, seconded by Trustee Char, the Executive Session and the Work Session were concluded at 8:35 p.m.

Char	aye
Gurda	absent
Smith	aye
Stewart	aye