

**Resolution #67-09-**Council-member Frisbee motioned, seconded by Council-member Potter to authorize the Supervisor to sign annual contract with Omnis Computer for the year 2009. Motion carried 5 ayes Council-members Frisbee, Potter, Carlson, White and Supervisor Merrihew.

**Resolution #68-09-**Council-member Frisbee motioned, seconded by Council-member Carlson to authorize the Supervisor to sign annual contract with Whiteman, Osterman and Hanna for the year 2009. Motion carried 5 ayes, Council-members Frisbee, Carlson, White, Potter and Supervisor Merrihew.

**Resolution #69-09-** Council-member Carlson motioned, seconded by Council-member Potter to authorize Dave Pirrone of Mariaville Lakeside Country Store to hold his annual recreation ice fishing contest on Saturday and Sunday February 7<sup>th</sup> and 8<sup>th</sup>. Alternate dates in the event of bad weather to be any weekend ending on March 1<sup>st</sup>. Motion carried 5 ayes, Council-members Carlson, Potter, White, Frisbee and Supervisor Merrihew.

**Resolution #70-09-**Council-member Frisbee motioned seconded by Council-member White to appoint Vanessa L. Baker as summer park program Director. Motion carried 5 ayes Council-members Frisbee, White, Potter, Carlson and Supervisor Merrihew.

**Resolution #71-09-**Council-member Potter motioned seconded by Council-member White to adopt the Town of Duanesburg Procurement Policy.

At a meeting of the Duanesburg Town Board held at the Town Hall located in Duanesburg, New York on the 8<sup>th</sup> day of January 2009.

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, a procurement policy has been previously adopted by the Town Board at a meeting held on the March 9, 1995, effective that same day; and

WHEREAS, in accordance with its annual review of its procurement policies and procedures the Town Board has solicited comments from all officers in the Town of Duanesburg involved in the procurement process; and

WHEREAS, the Town Board in order to assure the prudent and economical use of public moneys, to increase awareness of purchasing practices and to increase accountability, deems it advantageous to revise its present procurement policy clarifying its procurement policies and procedures and to include the names and titles of the individual(s) responsible for purchasing;

NOW, THEREFORE, be it

RESOLVED, that the Town of Duanesburg does hereby adopt the revised procurement policy in the form annexed hereto, which is intended to apply to all goods and services which are not required by law to be publicly bid.

**Motion carried 5 ayes, Council-members Potter, White, Frisbee, Carlson and Supervisor Merrihew.**

Resolution #71-09

PROCUREMENT POLICY FOR THE TOWN OF DUANESBURG

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 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. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts less than or equal to \$10,000 and public works contracts less than or equal to \$20,000; 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 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 the 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 \$10,000 and public works contracts over \$20,000; 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:

ESTIMATED AMOUNT OF PURCHASE CONTRACT	METHOD
\$500.00 - \$2,999.00	2 Verbal Quotations
\$3,000.00 - \$4,999.00	2 Written/Fax Quotations

	or written request for proposals
\$5,000.00 - \$10,000.00	3 Written/Fax Quotations or written request for proposals
ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT	METHOD
\$500.00 - \$2,999.00	2 Verbal Quotations
\$3,000.00 - \$4,999.00	2 Written/Fax Quotations or written request for proposals
\$5,000.00 - \$20,000.00	3 Written/Fax Quotations or written request 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 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 and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(f), effective until January 1, 2009, renumbered Section 104-b(2)(g) subsequent to that date, 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 interest of the municipality. In the following circumstances it may not be in the best interest of the Town of Duaneburg to solicit quotations or document the bases 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, 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 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 Town 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 the 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 municipally 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. This section does not waive the requirement that only the appropriate officer, board or agency of the Town is authorized to make purchases.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals were required, the Town Board may be 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. Goods or services under \$ 500.00. 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.

7. The individual or individuals responsible for purchasing and their respective titles are as follows:

Leah M. Lennon

Town Clerk

This information shall be updated biennially.

8. This policy shall go into effect on January 9, 2009 and be reviewed annually.