

VESTAL FIRE DISTRICT

Procurement Policy

Adopted: October 9, 2024

Revised: December 18, 2024

Policy #:	100.00
Policy:	Procurement Policy
Effective Date:	10/09/2024
Authority:	General Municipal Law § 104 - b
Cross-reference:	

At a meeting of the Board of Fire Commissioners of the Vestal Fire District held at Vestal Fire Department Station #2 on October 9, 2024, the following resolution/procedure was adopted in order to restate and amend the procurement policy of the Fire District.

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality in New York State to adopt a procurement policy for the purchase of all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from the officers and officials of the Fire District involved in the procurement process.

NOW THEREFORE, BE IT RESOLVED, that the Fire District 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 FIRE DISTRICT

Every purchase of goods and services to be made by the Fire District, which is not required by law to be publicly bid, must comply with the following procurement policy: Every purchase 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 the purchase contract/public works contract is subject to competitive bidding or whether the purchase contract/public works contract can reasonably be expected to become subject to competitive bidding because the aggregate total amount to be spent on the item of supply or service may exceed such limits. In making this determination, the board will consider past purchases and the aggregate amount to be spent in a one-year period.

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 Contracts under \$35,000; emergency purchases; certain municipal hospital purchases; acquisition of emergency goods and services (purchases require based upon an unanticipated unforeseen emergency that arises); goods purchased from agencies for the blind or severely handicapped; goods purchased from correction institutions; purchases under State and County Contracts; and surplus and secondhand purchases

for another governmental entity. The individual making a purchase will document the decision that a purchase is not subject to competitive bidding in writing. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating the source which makes the item, or service is exempt, a memo from the purchaser detailing circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

All goods and services will be secured by use of written request for proposals, written quotations, or other method that makes certain that goods will be purchased at the lowest responsible price and that favoritism will be avoided.

All proposals and quotations will be obtained by District personnel by contacting independent vendors directly, supplying the necessary request for proposal (RFP) information needed by the vendor to formulate a quote or proposal, and having the vendor supply a proposal in the proper form (verbal, written, fax, email, etc.) directly to the District Office. No vendor will be permitted to participate or be asked to participate in the process of securing quotes or proposals from other vendors. No vendor may solicit another vendor to submit a quote or proposal on a contract that it is submitting a quote or proposal on. If quotes or proposals are received on a proposed purchase contract and it is determined that the vendors submitting quotes or proposals are related in some manner that would raise a question as to possible collusion, all such quotes or proposals from the vendor involved will be disqualified and a new round of quotes and proposals shall be obtained.

Equipment and goods to be leased by the Fire District will not be subjected to this policy since a lease does not involve an actual purchase of goods. However, installment purchase contracts which involve an actual purchase will be subject to this policy, competitive bidding rules and Section 109-b of the General Municipal Law.

The Following method of purchasing will be used when required by this policy in order to achieve the highest savings:

ESTIMATED AMOUNT OF PURCHASE CONTRACT METHOD

\$ 0.00 to	\$ 1,999.99	One Quote
\$ 2,000.00 to	\$ 3,999.99	Two Verbal Quotes
\$ 4,000.00 to	\$ 9,999.99	Two Written Quotes or Requests for Proposals
\$10,000.00 to	\$19,999.99	Three Written Quotes or Requests for Proposals

ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT METHOD

\$ 0.00 to	\$ 2,999.99	One Quote
\$ 3,000.00 to	\$ 4,999.99	Two Verbal Quotes
\$ 5,000.00 to	\$ 6,999.99	Two Written Quotes or Requests for Proposals
\$ 7,000.00 to	\$34,999.99	Three Written Quotes or Requests for Proposals

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the district is unable to obtain the required number of proposals or quotations, the District will document the attempts made to obtain the proposals or

quotes. In no event shall the failure to obtain the proposals be a bar to the procurement. Documentation is required of each action taken in relation to each procurement.

Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible quote or proposal. This documentation will include an explanation of how the award will achieve savings or how the entity submitting the quote or proposal was not responsible, or how the quote or proposal was not responsive (did not meet specifications, etc.) A determination that the quote or proposal is not responsible shall be made by the District and may not be challenged under any circumstances.

Pursuant to General Municipal Law, Section 104-b(2)(g), in its sole discretion, the Board of Fire Commissioners reserves the right to determine when the solicitation of alternative proposals or quotations will not be in the best interest of the Fire District for a particular type of purchase or procurement, and in such cases will direct that purchase or procurement be conducted in the appropriate manner. In the following circumstances, it may not be in the best interest of the Fire District to solicit quotations or further documents the basis for not accepting the lowest bid:

Professional services requiring special or technical skill, training or expertise (except external accounting services now covered under a statutory request for proposal process as more fully described below). The individual/firm 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 firm that offers the lowest price. Additionally, the nature and services may be such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the Board of Fire Commissioners shall take into consideration the following guidelines: whether the services are subject to state licensing and testing requirements; whether substantial formal education or training is a necessary prerequisite to the performance of the services; and whether the services require a personal or confidential relationship between the individual and the municipal officials. Professional or technical services are defined as services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing of insurance coverage and/or services of an insurance broker; services of a certified public accountant *(see paragraph 3 below); investment management services; printing services involving extensive writing, editing or artwork; management services for municipally owned property; public relations services and computer software or programming services customizing computer programs, or services involving a substantial modification and customizing of pre-packaged software, and services of a computer or other expert to assist in the design of a computer and/or communications network. Under this policy, the Board will procure professional services without soliciting multiple quotations. However, the Board reserves the right to nevertheless obtain proposals for such work in order to make certain that it is obtaining a fair market rate for such services and/or if it is not confident that current practices provide for obtaining a fair price for such services. In this process, the Board will be guided by the best interest of the Fire District and its taxpayers.

The Board will make certain that all contracts let in accordance with the preceding paragraph are let based upon a written contract or retainer agreement.

Accounting services for conducting on the annual external audit will be purchased in accordance with the new statutory requests for proposal process. They will be secured through the request for proposal procedure detail under Section 181-b of the Town Law and the rules, regulations and forms adopted by the Office of the State Comptroller for the Procurement of such services.

Accounting services for providing internal accounting assistance to the Board and District Treasurer and in order to maintain proper internal financial controls will be procured in accordance with procedures for procuring other professional services.

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 because seeking alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

Any and all emergency purchases shall be reported to the Board of Fire Commissioners as soon as practicable. In the case of a true emergency, the competitive bidding process may not need to be followed. An emergency is an urgent and unexpected situation where health and public safety or the conservation of public resources is at risk. Such situations may create a need for an emergency contract. The district's failure to properly plan in advance which then results in a situation where normal practices cannot be followed does not constitute an emergency.

When such an emergency exists, the Fire Chief must contact the Chairman of the Board of Fire Commissioners, to request authorization to make an immediate purchase from a reputable vendor for the procurement of the necessary goods or services. Documentation as to the nature of the emergency shall be sent to the Director of Purchasing within five (5) working days of such a purchase.

Purchases of surplus and secondhand goods from any source. If alternate proposals were required, the Fire District could be prevented from purchasing surplus and secondhand goods at auctions or through specified advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods since a lower price may indicate an older product or a product in a less suitable condition.

Sole source purchases. Where the goods or the services may be purchased from just one source (defined as sole source items), the procurement of said items need not follow this purchasing policy. In order to purchase goods or services, without competitive bidding or competitive quotations, the Director of Purchasing must certify that the goods or services are only available through one (1) source.

Standardized Items. In the event that the Board of Fire Commissioners adopts a resolution to standardize on a particular type and manufacturer of equipment in accordance with the authority granted by Section 103 of the General Municipal Law, and the purchase price for the product will be less than \$20,000.00, the Fire District will purchase the item or items directly from the manufacturer or from an authorized representative of the manufacturer. If the manufacturer has granted exclusive rights to a particular vendor in the area of the Fire District, the District will not be required to

solicit additional quotations. This rule will also apply in the case of direct purchases from the manufacturer of a standardized product.

Goods under \$2,000.00 and public works services under \$3,000.00. The time and documentation required to purchase such goods or services would likely be costlier and then 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.

In the event that the Board of Fire Commissioners establishes the Office of Director of Purchasing, the person appointed to this public office shall be required to conduct purchasing activities and operations in accordance with this procedure. Section 103 of the General Municipal Law, Section 104-b of the General Municipal Law, and all other applicable statutes that cover purchasing and procurement by Fire Districts in New York State. Such Director of Purchasing will still be required to obtain approval of the Board of Fire Commissioners before entering into purchase and public works contracts, and his or her purchasing activities will be subject to the monthly audit of claim vouchers, performed by the Board. The Director of Purchasing will be empowered to enter into purchase and public works contracts in amounts of less than \$3,000.00 in advance of Board approval, but shall be personally liable on such contracts in the event that the Board refuses to ratify such action at a meeting thereafter.

This policy shall go into effect immediately. District staff will provide proof of compliance with this procurement guidelines with claims submitted for audit to the Board of Fire Commissioners, District staff will provide proof of receipt of goods and services with claims submitted for audit to the Board of Fire Commissioners. The adoption of the foregoing resolution/procedure was duly put to a vote and upon roll call, the vote was as follows:

The adoption of the foregoing resolution/procedure was duly put to vote and upon roll call, the vote was as follows:

Chairman T. McCartney)	
Vice Chairman D. Harrington)	
Commissioner M. Tomko)	AYES
Commissioner D. Kirchheimer)	
Commissioner R. Birdsall)	

The resolution/procedure was thereupon duly adopted.

Dated: October 9, 2024

By Order of the Board of Fire Commissioners
Vestal Fire District

Date approved: October 9, 2024

Revised and Approved: October 30, 2024



VESTAL FIRE DISTRICT

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Board of
Fire Commissioners
Ronald Birdsall
David Harrington
Daniel Kirchheimer
Thomas McCartney II
Mark Tomko

VESTAL FIRE DISTRICT

BEST VALUE PURCHASING RESOLUTION

WHEREAS New York State General Municipal Law requires a resolution adopted by the Board of Fire Commissioners to authorize the use of a Best Value basis to award a contract in the competitive bidding process for purchase contracts. “Best Value” means the basis for awarding contracts for procurement and services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors or bidders as authorized in General Municipal Law §103 and State Finance Law §163, and,

WHEREAS Purchase contracts awarded by use of the “Best Value” includes contracts for service work, but exclude any purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law, which may have been awarded based on low bid or Best Value, and

WHEREAS this resolution provides additional procurement options to the Fire District in ways that may expedite the procurement process and result in cost savings. All bids or proposals received will be awarded on a “Best Value” basis which optimizes quality, cost, and efficiency, among responsive and responsible bidders or proposal providers to the Vestal Fire District. Such basis shall reflect, wherever possible, objective, and quantifiable analysis as to how the award decision was reached. Such basis may also identify a quantitative factor for bidder or proposal providers that are small businesses or certified minority or women-owned business enterprises,

WHEREAS, such basis for awarding contracts shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses, certified minority- or women-owned business enterprises as defined in the Executive law §§ 310 (1),(7),(15), and (20) or service-disabled veteran-owned business enterprises defined the Veterans Services Law §40(1) to be used in evaluation of offers for awarding of contracts for services and

WHEREAS the “Best Value” standard for selecting goods and services vendors ensures that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors. The Board of Fire Commissioners believes taxpayers are not well served when a public procurement results in low unit costs at the beginning, but ultimately results in cost escalations due to factors such as inferior quality, poor reliability, and difficulty of maintenance, and

WHEREAS “Best Value” procurement option links the procurement process directly to the fire district’s performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services, and such basis shall reflect, wherever possible, objective and quantifiable analysis; and



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WHEREAS the Vestal Fire District shall follow the bidding requirements of General Municipal Law §103 and the Fire District's Procurement Policy (Last revised 10/30/2024) when utilizing the "Best Value" award methodology, and

WHEREAS, in addition, when the "Best Value" method is to be used for a purchase, the bid documents shall provide a basis to evaluate the bids under the "Best Value" requirements, and the "Best Value" method of choosing a proposal or bid shall be included in the Fire District's Purchasing and Procurement Policy, and

WHEREAS, the Board of Fire Commissioners, in adopting this resolution permits, but does not require the Board of Fire Commissioners to use a best value approach when awarding a competitively bid contract to acceptance of a proposal. The Board can adopt this resolution and continue to use the lowest responsible bidder approach for most of its purchases. Adoption of this resolution provides the Board with more purchasing flexibility and places the Board in position to join a cooperative that awards competitive contracts on a best value basis or piggyback a specific contract that was awarded based on "Best Value", and

WHEREAS, The Board of Fire Commissioners, in using the "Best Value" option, will evaluate any competitively bid contract or proposal based upon the following criteria.

1. Criteria that will incorporate quality with integrity through a selection procedure that enhances the probability of value while guarding against unfairness.
2. Ability of the bidder or provider to perform the required work as scheduled in the scope of work, as well as an acknowledgment by the bidder or provider that they have read the scope of work and understand the parameters of the project.
3. List of individuals who would be performing and participating in the work, and an organizational chart of the bidder or proposal provider.
4. Description of the advantages that distinguish the bid or proposal received as a leader in a project like the one bid and how those processes and/or elements will specifically benefit the Vestal Fire District.
5. Listing of similar projects or work with a brief narrative of improvements, including any special features, design originality and adaptability that the bidder or provider lent to the project.
6. An acknowledgment by the bidder or provider that understand and accept the Vestal Fire District's Insurance and Indemnification requirements.
7. Pricing, including alternative pricing proposals based upon the bid or the flexibility of the proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Fire Commissioners of the Vestal Fire District hereby authorizes the use of "Best Value" in awarding contract and/or proposals in the



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competitive bidding process, where including piggyback bids under General Municipal Law §103 (16), for purchase contracts , and including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law, which may now be awarded on the basis of low bid State Finance Law, and or Best Value, as authorized in General Municipal Law § 103 and as defined in State Finance Law § 163

BE IT FURTHER RESOLVED that the Vestal Fire District’s Procurement Policy revised on December 18, 2024 is hereby deemed amended to the extent that this resolution shall be deemed a part thereof and incorporated therein.

The adoption of the foregoing resolution was duly put to a vote and upon roll call the vote was as follows:

Commissioner Thomas McCartney	Aye
Commissioner David Harrington	Aye
Commissioner Mark Tomko	Aye
Commissioner Daniel Kirchheimer	Aye
Commissioner Ronald Birdsall	Aye

This resolution was thereupon declared duly adopted/rejected.

Dated: Vestal, New York

Dated 12/18/2024

Susan Bowen, Secretary
VESTAL Fire District
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