

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
August 13, 2013
6:00 pm
Port Dickinson Village Hall

APPROVAL OF MINUTES: July 9, 2013 meeting

PUBLIC PARTICIPATION:

TREASURER'S REPORT:

AUDIT & PAYMENT OF CLAIMS – Abstract 48 (2013-2014):

1. No. 1-32 as listed on the Abstract of Unaudited vouchers for the General Fund for \$55,147.83
2. No. 33-37 as listed on the Abstract of Unaudited vouchers for the Water Fund for \$6,554.12
3. No. 7, 12, 38-42 as listed on the Abstract of Unaudited vouchers for the Sewer Fund for \$64,957.80

COMMUNICATIONS:

COMMITTEE REPORTS:

Administration/Code Enforcement/Community Association – Michael Blakeslee, Trustee
Parks/Water/Sewer – Robert J. Aagre, Trustee
Planning Board – none
Public Safety – Richard T. Felo, Trustee
Public Works – Michael Cashman, Trustee
Zoning Board of Appeals – none

OLD BUSINESS:

RESOLUTIONS FOR APPROVAL:

NEW BUSINESS/DISCUSSION:

1. Code Violations (Attorney Kline)
 - 3 Bromley Ave
 - 855 Chenango St
 - 859 Chenango St
 - 863 Chenango St
 - 4 Old State Rd
2. Proposed Local Law “CONTRACTS AWARDED TO BEST VALUE BIDDERS” (Attorney Kline)
3. Proposed amendment to the PROCUREMENT POLICIES AND PROCEDURES FOR VILLAGE OF PORT DICKINSON
4. Budget Transfers
5. Resolution to adjourn this meeting to conduct an executive session pursuant to Section 105 paragraph f of the Public Officers Law regarding the employment history of a particular Village police officer including possible matters leading to the discipline, suspension, dismissal or removal of a particular Village police officer.

ADJOURNMENT

VILLAGE LOCAL LAW NO. [NO.] OF THE YEAR 2013,
A LOCAL LAW ENTITLED, "CONTRACTS AWARDED TO BEST VALUE BIDDERS"

Be it enacted by the Board of Trustees of the Village of Port Dickinson as follows:

Section 1. General Provisions

Section 1.1 Purpose

This local law provides for the Board of Trustees to exercise their local option from § 103, Subdivision 1 of the New York Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012. This amendment authorizes Villages to award purchase and service contracts subject to competitive bidding under General Municipal Law § 103 based on either lowest responsible bidder or "best value," as defined in § 163 of the New York State Finance Law. This "best value" option may be, but is not required to be, used to award an applicable purchase contract to optimize quality, cost, and efficiency among responsive and responsible offers instead of the lowest responsible bidder.

Section 1.2 Basis for award

In accordance with § 103, Subdivision 1 of the New York General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, the Board of Trustees may award contracts, including both purchase contracts and those contracts for service work, that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either lowest responsible bidder or "best value".

Goods and services procured and awarded on the basis of best value are those that the Board of Trustees determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; and longer product life; product performance criteria; and quality of craftsmanship.

Section 1.3 Applicable Contracts

These sections apply to only to purchase contracts involving an expenditure of more than \$20,000 including contracts for service work (ie building services under Article 9 of the Labor Law and utility services) but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law as well as excluding any other contracts in accordance with future state law. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

Section 1.4 Documentation

A quote or proposal received pursuant to standard bidding procedures, may be awarded on either a best value or lowest responsible bidder standard. All information gathered in the course of the bidding procedures of this section shall be filed with the documentation supporting the

subsequent purchase or public works contract. When a contract is awarded on the basis of best value rather than a lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

Section 1.5 Procurement Policy

Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this chapter by resolution of the Board of Trustees, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

Section 2.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Board of Trustees of the Village of Port Dickinson hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

PROCUREMENT POLICIES AND PROCEDURES FOR VILLAGE OF PORT DICKINSON

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of 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 Port Dickinson involved in the procurement process,

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Village of Port Dickinson, in regular session duly convened, that the Village of Port Dickinson 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.

I. Procedures for determining whether a procurement is subject to bidding.

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and for documenting the basis for any determination that competitive bidding is not required by law is as follows:

A. Procedure: Every prospective purchase or contract must be reviewed to determine whether it is a “purchase contract” or a “public works contract”. Purchase contracts involve the acquisition of commodities (materials, supplies, or equipment), while contracts for public work involve services, labor, or construction. When a contract involves acquisition of both goods and services, the Village shall review, on a case-by-case basis, the “total character” of each procurement. If a contract involves a substantial amount of services so that the acquisition of commodities is only incidental to the work, or when the component of the contract requiring goods cannot be separated from the services, the Village shall consider it a contract for public work for purposes of the bidding threshold. Conversely, if services or labor are only minor or incidental to the acquisition of goods, the Village shall consider it a purchase contract.

In making determinations about dollar amounts purchases should be evaluated and categorized based on what the Village will spend for the same or similar items or services over the fiscal year not merely in the single instance. Prior years budgetary appropriations should be referred to for this information and compared with current projections.

After such determination, the procurement must be examined and categorized as follows:

1. Competitive Bidding is not required if the procurement falls into any of the following categories:

- 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.

In determining if something fits this category look at:

- (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 performance of the services; and
- (3) Whether the services require a personal relationship between the individual and municipal officials.

b) Emergency purchases pursuant to Section 103(4) of the General Municipal Law—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.

c) Purchases of surplus and second-hand goods from any source

d) Purchase contracts under \$20,000

e) Public works contracts under \$35,000

f) Sole Source—When it can be justified that this supplier is the only source which can manufacture a product or provide a service so that there is no possibility of competition (i.e. patent, directed by law, possesses unique expertise).

g) Single Source—Source identified as the result of previous standardization of a specific purchase when there are no other suppliers of that item for the Village service area.

h) Lease of equipment with operators so long as the project is under the complete control and supervision of the Village

i) Other—Procurements made pursuant to General Municipal Law § 103 (3) (through certain county contracts), § 103(8) (certain municipal hospital or nutrition program purchases), § 103(9)-(10) (certain food and milk purchases), § 104 (through certain State and Federal contracts), State Finance Law § 162, Correction Law §§ 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions).

2. Competitive Bidding OR Best Value:

a). Purchase contract of \$20,000.00 or more; except purchase contracts necessary for the completion of a public works pursuant to Article 8 of the State Labor Law.

b). Contracts for public works of \$35,000.00 or more; except purchase contracts necessary for the completion of a public works pursuant to Article 8 of the State Labor Law.

3. Competitive Bidding Only.

a) Purchase contract of \$20,000.00 or more necessary for the completion of a public works pursuant to Article 8 of the State Labor Law.

b) Contracts for public works of \$35,000.00 or more necessary for the completion of a public works pursuant to Article 8 of the State Labor Law.

B. Documentation - Determination that a purchase is not subject to competitive bidding

requirements shall be documented as follows, and kept with the records of the purchase:

1. Copies or notations of all written dollar amounts.
2. Notation of all verbal dollar amounts.
3. Reference to prior years budgetary purchase amount information when used to make a determination under “Other Analysis” above.
4. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception must be made.
5. In the case of “best value” the basis for determining best value, as well as the justifications behind the choice must be thoroughly and accurately documented.
6. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records.

Whenever any contract is awarded to other than the lowest responsible offerer, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b as set forth herein above shall be documented as follows:

Notations and/or copies of all documents, and notations of verbal or other data justifying why any purchase is made from other than the lowest responsible vendor or contractor submitting a complying quotation or proposal, as being in the best interest of the government unit, shall be included with the purchase records. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records.

II. Methods of Competition to be used for Non-Bid Procurement When the requirements of competitive bidding/offering are not required, the Village shall utilize the following requirements for achieving competition:

	Verbal Quotes			Written Quotes		RFP	Other
	0-1	2 or more	3 or more	2	3 or more		
Purchase Contracts							
Up to \$250	X						
\$251 - \$1,000		X					
\$1,001 - \$2,000			X				
\$2,001 - \$10,000				X			
\$10,001 - \$19,999					X		
\$20,000 or above						X	
Contracts for Public Works							
Up to \$1,000	X						
\$1,001 - \$5,000		X					
\$5,001 - \$10,000			X				
\$10,001 - \$20,000				X			
\$20,001 - \$34,999					X		
\$35,000 or above						X	
Professional and Consulting Services							
Up to \$2,000						X	
\$2,001 - \$4,000						X	
\$4,001 - \$20,000						X	
\$20,000 or above						X	
Emergencies							a,b
Insurance							a
True Leases (Other than School districts)							a
Second-Hand Equipment from other Governments							a
Certain Food & Milk Purchases (Schools)							a
Certain Municipal Hospital Purchases							a
Sole Source (For example, patented or monopoly items)							a

(a) All available verbal and written quotes shall be presented to the Village Board, which shall determine whether the proposed procurement is cost effective and in the best interest of the Village. Note, the number of verbal or written quotes are suggestions. It is acknowledged that, though the suggested number of quotes should be diligently sought, they may not always be practically available.

(b) Where by virtue of the nature of the emergency option, a review by the Village Board is not available, approval may be given by the Village Mayor or Acting Village Mayor, or any Village Board Member of the appropriate legislative committee.

III. "Piggybacking" Law.

A. Contract subject to Piggybacking: Pursuant to Section 103(16) of the General Municipal Law, purchases of equipment and services may be made through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be let in a manner that constitutes competitive bidding consistent with New York State Law and the contract must be made available for use by other governmental entities. Purchases made in accordance with Section 103(16) are not subject to the competitive bidding requirements of Section 103 of the General Municipal Law.

B. Authorization to Piggyback: Pursuant to and in accordance with GML section 103(16), the Village of Port Dickinson is hereby permitted to “piggyback” off of other municipal contracts, as described above, as well as, in the Village’s discretion, open up its own purchase and public works contracts to other appropriate municipalities.

IV. Minority and Women-Owned Business Enterprises (M/WBE) and Section 3 Businesses Participation in Procurement and Contracting:

As part of the Village’s efforts to affirmatively increase procurement and contracting opportunities for minority and women-owned businesses and Section 3 businesses, as defined by the U.S. Department of Housing and Urban Development, the Village will solicit up to three quotes or bids (depending on the item(s)/services to be purchased/contracted) from certified M/WBEs and Section 3 businesses as part of its procurement process, when appropriate. All purchase/contracting thresholds referenced herein will apply.

For purposes of the above, an M/WBE must be certified by the Empire State Development Corporation (ESDC) through the Division of Minority and Women Business Development. The Village will document any M/WBE and/or Section 3 solicitation in its files and any responses thereto.

V. Input from Officers:

Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures, and will be encouraged at all times hereafter.

VI. Annual Review.

The governing board shall annually review these policies and procedures. The Village Mayor shall be responsible for conducting an annual review of the procurement policy. The annual review will be made during annual budget preparation, or such other time as the Village Mayor may designate.

VII. Unintentional Failure to Comply:

It is the purpose of this policy to assist Village of Port Dickinson officials in obtaining the best value for the Village of Port Dickinson, New York, consistent with the stated purpose of this resolution. It is acknowledged that perfect compliance is not always practical. In such cases, consistent with the requirement of GML Section 104, the reasons for any deviations shall be noted with the purchase files. Furthermore, the unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Village of Port Dickinson or any officer or employee thereof.

VIII. Repealer.

All prior Ordinances, Local Laws, Policies and parts thereof inconsistent with this Resolution are hereby repealed.