NEW CASTLE FIRE DISTRICT NO. 1
Procurement Policy

1. **Basics of Procurement Policy**: Every purchase to be made must be reviewed to determine whether it is a purchase contract or a capital 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 amount to be spent in a year.

2. **Items Not Subject to Competitive Bidding**: The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

   A. Purchase contracts under twenty thousand dollars ($20,000) and capital contracts under thirty-five thousand dollars ($35,000);

   B. Emergency purchases;

   C. Certain municipal hospital purchases;

   D. Acquisition of emergency services;

   E. Goods purchased from agencies for the blind or severely handicapped;

   F. Goods purchased from correctional institutions (CORCRAFT);

   G Purchases under New York State contracts;

   H. Purchases under County contracts; and Sole Source Vendors; may utilize **"Piggy Back"** method (pursuant to GML, Section 103, subparagraph 16) where any county or agency or district may, if such contract was let in a manner that constitutes competitive bidding, consistent with State Law and made available for use by such other governmental entity. Prices will have already been determined by a permissible method of obtaining multiple bids making it unnecessary to secure quotes; and

   I. Surplus and second-hand purchases from another governmental entity.

3. **When Decision Is Not Subject to Competitive Bidding**: 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 venders, 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.

4. **Purchase Method**: The following method of purchase will be used when required by

this Policy in order to achieve the highest savings:

A. For purchase contracts below $20,000.00:

(1) Up to $2,999.99, one verbal quote.

(2) $3,000.00 to $9,999.99, two written quotes required.

(3) $10,000.00 to $19,999.99, three written quotes required.

Over $20,000.00 Formal Competitive Bid Required

B. For Public Works contracts below $35,000.00:

(1) Up to $2,999.99, one written quote required.

(2) $3,000.00 to $9,999.99, two (2) written quotes are required.

(3) $10,000 to $34,999.99, three (3) written quotes are required.

Over $35,000.00 Formal Competitive Bid Required

For Sections A and B above, the Fire District will follow the same thresholds set by the Town and will review annually to ensure compliance.

5. **Obtaining Quotes**: Goods and services not falling under the aforementioned exceptions 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 favoritism will be avoided

6. **Good Faith Effort**: 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 required number of proposals or quotes. In no event shall the failure to obtain the proposals be a bar to the procurement.

7. **Awarding Non-Lowest Bidder**: Documentation and an explanation is required whenever a contract is awarded to an offeror other than the lowest responsible offeror. This documentation will include an explanation of why the lowest offeror was not chosen. A determination that the offeror is not responsible shall be made by the Fire District and may not be challenged under any circumstances.

8. **GML Section 104-b(2)(f)**: Pursuant to General Municipal Law Section 104-b(2)(f), the Procurement Policy may contain circumstances when, or types of procurement for which, in the sole discretion of the Fire District, 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 Fire District 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 in the field of the Fire or Emergency Services.

(1) The individual or company must be chosen based on accountability, reliability, responsibility, skill, education, 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 really lend themselves to competitive procurement procedures.

(2) In determining whether a service fits into this category, the Fire District shall take into consideration the following guidelines:

(a) Whether the services are subject to New York 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.

(3) Professional or technical services shall include, but is not limited to:

(a) Services of an attorney;

(b) Services of a physician;

(c) Technical services of an engineer 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 artwork;

(h) Management of municipally owned property;

(i) Computer software or programming services for customized programs; and

(j) Services involved in substantial modification and customizing of pre-packaged software.

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

(1) 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. Situation deemed a public emergency.

(2) This section does not preclude alternate proposals if time permits.

C. Purchase of surplus and second-hand goods from any source.

(1) If alternate proposals are required, the Fire District is precluded from purchasing surplus and second-hand good 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 one hundred dollars ($100.00).

(1) 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 interests of the taxpayer.

(2) In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

9. **Bid Mistakes**:

A. Where a unilateral error or mistake is discovered in a bid, such bid may be withdrawn after a showing of the following five (5) requirements:

(1) The mistake is known or made known to the Fire District prior to the awarding of the contract or within three (3) days after the opening of the bid, whichever period is shorter;

(2) The price of the bid was based on an error of such magnitude that enforcement would be unconscionable;

(3) The bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error;

(4) The error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, goods, or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and

(5) It is possible to place the Fire District in status quo ante.

B. The sole remedy for a bid mistake in accordance with this section shall be the withdrawal of that bid and the return of the bid bond or other security, if any, to the bidder. Thereafter, the Fire District may, in its discretion, award the contract to the next lowest responsible bidder or re-bid the contract. Any amendment to or reformation of a bid or a contract to rectify such an error or mistake therein is strictly prohibited.

10. **Leased Equipment and Goods**: Equipment and goods to be leased by the Fire District will not need to adhere to the requirements found in this Policy since a lease does not involve an actual purchase of goods.

11. **Installment Contract**: Installment purchase contracts which involve an actual purchase will be subject to this Policy, competitive bidding rules, and GML § 109-b.

12. **Purchase Orders**: Purchase orders must be issued for any purchase greater than two hundred and fifty dollars ($250.00). Upon receipt of goods or completion of services, the person requesting the good or service shall sign the purchase order indicating that the purchase order is complete, and that the invoice may be submitted for payment. Any documentation, including packing slip or other information, should be attached to the signed purchase order. Information and competitive quotes subject to the guidelines above must be submitted with the purchase order showing compliance with this Policy.

13. **Unintentional Failure to Comply**: The unintentional failure to fully comply with the provisions of General Municipal Law § 104-b shall not be grounds to void the action taken or give rise to a cause of action against the Fire District, or any officer or employee thereof.

14. **Purchasing of Fire District Equipment**: The Board of Fire Commissioners must approve all purchases of Fire District equipment and supplies.

15. **Amendment**: The Board of Fire Commissioners may amend this Policy from time to time in accordance with the law.

16. **Adoption**: This Policy is adopted on February 19, 2025 and supersedes any previous versions of this policy.