

**PROCUREMENT POLICY  
TOWN OF MIDDLETOWN**

WHEREAS, Section 104-B of the General Municipal Law (GML) requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML 103 or any other law; and

WHEREAS, comments have been solicited from those officers of the Town involved with procurement; now therefore, be it

RESOLVED: that the Town of Middletown does hereby adopt the following procurement policy:

Guideline 1. All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year, or public works contracts over \$35,000 shall be formally bid pursuant to GML, Section 103.

Guideline 2. All estimated purchases of:

- A. Less than \$20,000 but greater than \$7,000 require a written request for proposal (RFP) and written/fax/internet quotes from three (3) vendors when available.
- B. Less than \$7,000 but greater than \$3,000 require an oral request for the goods and oral/fax/internet quotes from two (2) vendors when available.
- C. Less than \$3,000 but greater than zero are left to the discretion of the Purchaser.

Guideline 3. All Estimated Public Works Contracts

- A. Less than \$35,000 but greater than \$17,000 require a written RFP and fax/internet proposals from three (3) contractors when available.
- B. Less than \$17,000 but greater than \$7,000 require a written RFP fax/internet proposal from two (2) contractors when available.
- C. Less than \$7,000 but greater than zero are left to the discretion of the Purchaser.

Guideline 4. Any written RFP shall describe the desired goods or proposed public work, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral/internet quotes have been requested and the written/fax/oral/internet quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 5. The lowest responsible proposal or quote shall be awarded the purchase of public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town of Middletown and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 6. 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 shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 7. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:


- (a) Acquisition of professional services;
- (b) Emergencies;
- (c) Sole source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from another governmental agency;
- (f) Goods purchased at auction;
- (g) Goods purchased for less than \$1,000.00;
- (h) Public works contracts for less than \$3,000.00.

Guideline 8. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

State of New York  
County of Delaware

I, Patricia F. Kelly, Town Clerk of the Town of Middletown, do hereby certify that the above is a true and correct copy of the resolution adopted by said Board on the 3<sup>rd</sup> of January, 2012 and the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of the Town at Margaretville, New York, this 3<sup>rd</sup> day of January 2012.

  
*Patricia F. Kelly*  
\_\_\_\_\_  
PATRICIA F. KELLY  
TOWN CLERK