

# Clarence Fire District No. 1

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## CLARENCE FIRE DISTRICT NO. 1 PROCUREMENT POLICY

- I. SCOPE:  
The Clarence Fire District No. 1 Board of Fire Commissioners has established policies and procedures to meet the requirements of General Municipal Law, Section 104-b.
- II. OBJECTIVE:  
Goods and services, which are not required by law to be procured pursuant to competitive bidding, must be procured in a manner so as to assure the prudent and economical use of public monies. It is in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board is adopting internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive requirement of General Law, Section 103 or of any other general or special law.
- III. PROCEDURES AND GUIDELINES:
  - A. Procedure:  
The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows. The Chairperson of the Board of Fire Commissioners, at its annual meeting, shall appoint a procurement committee that will be comprised of a representative of the Board of Fire Commissioners, the Secretary/Treasurer of the Fire District and a representative from the Chief of the Fire Department. The procurement committee shall review purchases as deemed necessary or as directed by the Board of Fire Commissioners. The committee must also determine whether it is expected that over the course of the fiscal year, the Fire District will spend in excess of the competitive bidding thresholds for the same or similar items or services. In addition the committee will request the Fire District attorney to render all legal opinions regarding any legal issues concerning competitive bidding requirement. The committee will then report to the full Board of Fire Commissioners.
  - B. Documentation:  
Documentation shall include Board resolutions, memoranda, written quotes, telephone logs for verbal quotes, requests for proposals, contracts and other appropriate forms of documentation. Documentation shall also show how it was determined whether the procurement was a purchase or a contract for public work. For those items not subject to competitive bidding such as professional services, emergencies, purchase under state or county contracts or procurement from sole sources, documentation shall include a memo to the files why the procurement is not subject to competitive bidding.

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III. PROCEDURES AND GUIDELINES (continued):

C. Statutory Exceptions

Except for procurement under state or county contracts, from agencies for the blind or severely handicapped, articles manufactured in correctional institutions or the items excepted by the Board as set forth in paragraph IV entitled "Policies and Procedures Exceptions", alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotation, verbal quotations or any other method of procurement which furthers the purpose of the law.

D. The discretionary threshold for the requirement to advertise for sealed bids is \$20,000. In determining whether a purchase is an expenditure within the discretionary threshold amount the reasonably expected aggregate amount for all purchases of the same commodities, services or technology to be made within the twelve month period commencing on the date of purchase must be considered. Such purchases shall not be artificially divided for the purpose of satisfying the buying threshold. A change or renewal of purchases shall not be permitted if it would cause a purchase for the same provider to exceed \$20,000.

E. Non-bid Procurement Methods

For purchase contracts below \$10,000:

- |                       |                            |
|-----------------------|----------------------------|
| 1. Under \$499        | voucher and sales receipt  |
| 2. \$500 to \$999     | at least 2 verbal quotes   |
| 3. \$1,000 to \$4,999 | at least 3 written quotes  |
| 4. \$5,000 to \$9,999 | more than 3 written quotes |

In all instances, reference to catalogues and price list maybe substituted for obtaining verbal or written quotes.

For Public Works Contracts:

- |                        |                            |
|------------------------|----------------------------|
| 1. Under \$1,000       | voucher and sales receipt  |
| 2. \$1,000 to \$4,999  | at least 3 verbal quotes   |
| 3. \$5,000 to \$34,999 | at least 3 written quotes  |
| 4. \$35,000 and over   | more than 3 written quotes |

Verbal quotes must be documented on the log sheet and attached to the purchase order.

F. Adequate Documentation and Procedures

Documentation of actions taken in connection with each of the monetary levels set forth for purchase contracts for public worth are as follows:

1. For verbal quotes:
  - a. Documentation: The telephone log must record: the date, item or services desired, price quoted, name of the vendor and the name of the vendor's representative.
  - b. Procedure: This information must be attached to the yellow and pink copies of each purchase order and placed in the open purchase order file pending delivery. (The white copy is for the vendor.)
2. For written quotations:
  - a. Documentation: The vendor must provide at a minimum: the date, description of item or service to be provided, price quoted and the name of the contract.
  - b. Procedure: Written quotations are sent to the Fire District Secretary. The Secretary opens, records vendor and quote for in-coming correspondence, attaches any pertinent information and forwards to the appropriate commissioner for review and action.

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III. PROCEDURES AND GUIDELINES (continued):

F. Adequate Documentation and Procedures:

3. For sealed bids:

- a. Documentation: The contractor must: submit the proposal prior to the date and time set for the public opening, submit the bid in a sealed envelop clearly marked on the outside with the subject of the bid, the bid itself must follow the bid specifications set forth in the bidding process.
- b. Procedure: Sealed bids are sent to the Fire District Secretary. The Secretary logs them in and holds them until the designated bid opening time. At the time of the bid opening the secretary opens the bids, reads them aloud and records them. The bids are then referred to the appropriate commissioner for review and action.

G. Professional Services Proposal Requests:

All requests for professionals will be awarded only after at least two professionals are asked to submit written proposals. Requests for proposals will be used as a means of obtaining the services of architects, engineers, accountants, lawyers, and other professionals. The written proposal from the professional shall include a detailed description of the services to be rendered, the price, prior experience of the professional, highlighting special expertise, staffing and over-all suitability for performing the service required.

H. Awards to Other than the Lowest Responsible Offerer:

Whenever any contract is awarded to other than the lowest responsible dollar offerer, the reasons such an award is in the best interest of the Fire District shall be documented as follows. A written memorandum, to be maintained in the Fire District files, from the procurement committee detailing the facts on which it recommended to the Board that the award be given to other than the lowest dollar bidder. For example, if a vendor submitting the lowest proposal has a history of not making deliveries on time or of delivering goods of inferior quality, such facts should be set forth in detail. In addition, a written memorandum from the Fire District attorney, concurring with the procurement committee's recommendation, should be made part of the file.

I. Policies and Procedures Exceptions:

The Board of Fire Commissioners sets forth the following circumstances when, or types of procurement for which, in the sole discretion of the Board of Fire Commissioners, the solicitation of alternative proposals or quotations will not be in the best interest of Clarence Fire District.

1. Emergencies where time is a crucial factor.
2. Procurement for which there is no possibility of competition, primarily sole source items. Documentation must include the reasons justifying this exception.
3. Procurement of professional services, which because of the confidential nature of services, do not lend themselves to procurement through solicitation for bids.
4. Procurement for which solicitations of competition would not be cost effective, such as purchases contracts below \$500 and contracts for public works below \$1,000.
5. Communication equipment, which can be maintained by Erie County Radio at minimal cost to the Fire District.

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III. PROCEDURES AND GUIDELINES (continued):

J. Officer Input:

Comments concerning the policies and procedures will be solicited from the Chief, the Secretary/Treasurer and from any other officer of the Fire District involved in the procurement process prior to the enactment of the policies and procedures, and will be solicited from time to time hereafter.

K. Annual Review:

The Board of Fire Commissioners of Clarence Fire District No. 1 shall annually review these policies and procedures. The Chairperson of the Board of Fire Commissioners shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

L. Unintentional Failure to Comply:

The unintentional failure to fully comply with the provisions of General Municipal Law, section 104-b shall not be grounds to void action taken or give rise to a cause of action against Clarence Fire District No. 1 or any officer of employee thereof.

IV. This policy memorandum rescinds Clarence Fire District No. 1 Procurement Policy dated June 13, 1994.

V. The Board of Fire Commissioners may amend this policy at any time.

VI. This policy was adopted effective November 11, 2002 and updated January 8, 2008, January 4, 2010 and October 4, 2010.

By order of the Board of Fire Commissioners  
Clarence Fire District No. 1  
Policy Number 10-10-14

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