

Town of North Hempstead
Procurement and Payment Policy

April 2023

Section One
Introduction

Goods and services that are not required by law to be procured through competitive bidding must be procured in a manner as to assure that taxpayers are charged as little as possible; to obtain goods and services of maximum quality at the lowest possible cost under the circumstances; and to guard against favoritism, waste, extravagance, fraud, and corruption.

To further these objectives, the North Hempstead Town Board is adopting an internal policy and procedures governing all procurements of goods and services, which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law Section §103, or of any other general, special, or local law.

It is the general policy of the Town to move toward a system of centralized procurement. As of the effective date of this policy, certain procurements continue to be made by individual departments rather than the Purchasing Division. This policy shall be read to apply to all departments engaging in procurement activities, and not just the Purchasing Division.

Section Two Definitions

As used in this Policy, the following terms have the following meanings

- A. Comptroller – the Town Comptroller of the Town of North Hempstead.
- B. Department Head – the administrative head of each department, whether it be a Commissioner, Director or Executive Director
- C. Direct Claim – See Section Six of this Policy.
- D. Local Business
 - i. A business physically located within the geographical boundaries of the County of Nassau (the “County”) meeting the following criteria:
 - ii. A physical presence of at least a year established by ownership or lease of premises that includes an operational office for conducting business or selling and/or manufacturing supplies, materials or equipment, and the employment of a minimum of two (2) full time employees.
 - iii. In the case of a two-party joint venture both entities must meet the pertinent test for a Local Business set forth in subsections (i) above.
 - iv. In the case of joint venture with more than two parties at least a majority of the entities must meet the pertinent test for a Local Business set forth above.
- E. Professional Service – a service rendered by an individual or firm requiring a degree of professional skill, judgment and creativity. Professional services are often rendered by those having specialized degrees or licenses to perform certain functions. Examples include, but are not limited to, attorneys, accountants, engineers, surveyors, architects, appraisers, consultants and financial advisors. Other occupations not listed here may be considered professional services. Departments must consult with the Town Attorney’s office as to whether a service is a professional service. Services involving labor are not professional services.
- F. Policy – the Town of North Hempstead Procurement and Payment Policy
- G. Purchase – the acquisition of a good or commodity for the Town. Generally, a service cannot be “purchased” by the Town, and is most likely a Public Work or Professional Service. However, sometimes, an item may be purchased with an associated service, such as purchasing software along with a maintenance plan. The general character of the purchase would need to be analyzed to determine if the procurement is chiefly a purchase or a Public Work/Professional Service. A contract for interior painting of a building involves both material (paint) and labor

(painting). In most instances, the labor component of the contract clearly will be predominant, making it a contract for public work. Public works contracts in excess of \$35,000 are subject to competitive bidding under the law. In contrast, replacing a water heater, while involving both equipment (the water heater) and labor, involves primarily an equipment acquisition with incidental labor, as a general proposition, making it a purchase contract. Purchase contracts in excess of \$20,000 are subject to competitive bidding under the law.

- H. Purchase Order – See Section Six of this Policy.
- I. Procurement Officer – an employee or official in each department designated by the Department Head to perform Procurement functions for that department.
- J. Purchasing Department – the Purchasing Division of the Supervisor’s Office.
- K. Procurement Coordinator – the administrative head of the Purchasing Division of the Supervisor’s Office.
- L. Public Work – any service performed by a contractor for the Town that is not a Professional Service. Examples include, construction or maintenance of a structure, building maintenance, maintenance of equipment, janitorial services, groundskeeping, garbage removal and provision of non-specialized transportation (such as senior busing).
- M. Service-Disabled Veteran-Owned Business or SDVOB - A business that maintains a current certification as a service-disabled veteran-owned business enterprise by the New York State Office of General Services Division of Service-Disabled Veterans’ Business Development and meets the criteria set forth in Article 17-B of the Executive Law.
- N. Town Attorney – the Office of the Town Attorney of the Town of North Hempstead.
- O. True Lease – the rental of any item for a finite term at a specified rate, whereby the item must be returned to the lessor at the conclusion of the term, and whereby the Town does not have an option or obligation to purchase the item at the conclusion of the term.

Section Three **Methods of Procurement**

Procurement of goods, public works and services may only be made pursuant to one of the following methods of procurement, subject to the exceptions listed below. Successful completion of any method of procurement does not mean that the procurement is exempt from approval by the Town Board. Many procurements require Town Board approval. These procurements are listed later in this policy.

A. Quotes

Quotes may be used for Purchases and Public Works. Quotes may either be obtained verbally or in writing. The type and number of quotes depends on whether the procurement is a Purchase or a Public Work and the estimated dollar amount of the procurement. The type and number of quotes needed are shown on the table below.

B. Bids

A bid is a formal solicitation to the general public to provide price proposals to provide a good or Public Work. The only consideration in a bid is price (see “best value” exception below). A bid is required for any Purchase above \$20,000 or any Public Work over \$35,000.

C. Request for Proposals

A request for proposals, or an RFP, is a multi-faceted solicitation to the general public requesting proposals to perform a Professional Service. With an RFP, price is only one item taken into consideration in awarding a contract. Other considerations may include experience of the proposer, ability of the proposer to perform the service requested and financial condition of the proposer. An RFP is required for all procurements of Professional Services over \$20,000.00.

D. Exceptions to Procurement Rules

i. Sole Source

Sole source procurements do not require a department to initiate any method of procurement. To qualify as a sole source, the ordering department shall show at a minimum:

- The benefits the product has to the Town compared to others available in the marketplace;
- That no other product provides equivalent or similar benefits;
- Considering benefits received, the cost of the item is reasonable compared to others;
- There is no possibility of competition from other dealers or distributors.

For example, a sole source procurement could be used for a product that is only manufactured by one vendor and has specific utility to the Town. Also, a sole source procurement may be used for computer software maintenance provided by the company that produced the software. Finally, a sole source

procurement could be used to purchase goods and services from a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others.

A sole source determination must be approved by the Purchasing Division. If the Purchasing Division questions a sole source determination, the determination must be confirmed by the Town Attorney's Office.

ii. Emergency

Under Section §103(4) of the General Municipal Law, a procurement may be completed without using any method of procurement to address an emergency, which is defined as an event or condition "arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property, life, health, safety, or property of the inhabitants of a political subdivision or district therein, requires immediate action." This policy expands this definition even to procurements under the bidding thresholds established by the General Municipal Law. The so-called "emergency justification" may only be used in the very limited circumstances described above. Note that delaying until there is no time remaining to conduct a proper procurement does not constitute an emergency.

iii. Preferred Source

New York State law requires municipalities to use a "preferred source" to purchase certain commodities and services. These sources include the New York State Department of Correctional Services, the New York State Industries for the Disabled, the New York State Industries for the Blind and the New York State Office of Mental Health. This is a state law requirement and must be adhered to before a department engages in any other method of procurement. The list of commodities and services that are affected by this regulation is maintained at this web address:
<http://intranet/Depts/Purchasing/home.asp>.

iv. Procurement Through NYS Office of General Services

As an alternative to soliciting bids, the Town may procure needed items or services off of a contract that is maintained by the State of New York. The Town Board must approve any procurement off of a state contract.

If a department uses a state contract, bear in mind that the prices listed in a state contract are ceilings, not floors. Departments should negotiate prices with vendors on state contracts to achieve terms more beneficial to the Town.

If a department wishes to initiate a bid process for items that are listed under a state contract, the Commissioner of the department must justify to the Purchasing Division why a separate Town bid is necessary.

v. Procurement Through Other Municipalities, Districts or Cooperatives

The Town may utilize most contracts maintained by any state or municipality in the nation, so long as the Town has not previously solicited bids or proposals for the specific Procurement and the state or municipality maintaining the contract utilized procurement methods substantially the same as those required by New York State Law. The contract must also state that the contract may be utilized by other governmental agencies.

In addition, the Town may utilize contracts entered into by Sourcewell, a Minnesota purchasing cooperative.

Note, however, that ordering off of other state and municipal contracts does not eliminate the need for approval by the Town Board.

vi. Local Preference and/or Service-Disabled Veteran-Owned Business Preference

(1) In the case of a purchase of goods or services using quotes as described in section 3(A) above, where a Local Business that is also a SDVOB is deemed to be a responsible bidder and provides a quote not exceeding 10% more than the otherwise lowest responsible bidder, such purchase may be made from, or contract may be issued to the Local Business/SDVOB.

(2) In the case of a purchase of goods or services using quotes as described in section 3(A) above, where a Local Business or an SDVOB is deemed to be a responsible bidder and provides a quote not exceeding 5% more than the otherwise lowest responsible bidder, such purchase may be made from or contract may be issued to the Local Business or the SDVOB.

(3) In the case of a contract for professional services procured pursuant to Section 3(C) above, where a formal request for proposals is issued, such Local Business or SDVOB may receive a bonus in any evaluation structure which bonus shall not exceed 5% of the total. Where a proposer qualifies as both a Local Business and an SDVOB, the proposer may receive a bonus in any evaluation structure which bonus shall not exceed 10% of the total.

vii. Minority and Women Owned Business Enterprises

The Town of North Hempstead (the "Town") encourages participation by Minority/Women-Owned Business Enterprises ("MWBEs") in all aspects of the procurement process. The Town recognizes those MWBEs with New York State Certification granted and verified through the Empire State Development Division of Minority and Women's Business Development ("DMWBD").

Contract and other funding requirements of the State of New York and the United States Government may contain MWBE participation goals. Additionally, Chapter 24 of the Town Code allows the Town to award purchase contracts on a best value basis pursuant to New York State General Municipal Law §103(1) and State Finance Law §163. The best value standard may identify as a quantitative factor whether offerors are MWBEs.

To achieve MWBE participation goals set by state or federal funding requirements or a best value procurement by the Town, the Town shall, and shall cause its contractors to (and contractors shall cause their subcontractors to), take the following good faith actions:

- 1) Actively and affirmatively solicit bids/proposals for contracts and subcontracts for goods and/or services of \$4,000.00 or more, or professional services contracts of \$20,000 or more, from qualified New York State certified MWBEs.
- 2) Ensure that plans, specifications, request for proposals and other documents used to secure bids/proposals shall be made available to MWBEs in sufficient time for review by prospective MWBEs.
- 3) Where feasible, divide the work into smaller portions to enhance participation by MWBEs and encourage the formation of joint ventures and other partnerships among MWBE contractors to enhance their participation.
- 4) Document and maintain records of bid/proposal solicitation, including those to MWBEs and the results thereof. Contractor(s) shall also maintain or, where appropriate, require their subcontractors to maintain and submit, records of actions that its subcontractors have taken toward meeting MWBE contract participation goals.
- 5) Ensure that progress payments to MWBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements may, in the sole discretion of the Town or the New York State or federal funding agency, as applicable, be waived and/or appropriate alternatives developed to encourage MWBE participation.

To ensure the above goals are met, the following procedures apply to the solicitation of contracts by the Town and its contractors:

- 1) The Town department responsible for administering the contract, shall perform a search in the DMWBD MWBE Directory (available at <http://www.empire.state.ny.us/MWBE.html>) to generate a contact list of potential MWBEs that may be interested in the solicitation. The results of the search listing potential MWBE participants shall be forwarded by the department to the Purchasing Department with all solicitation and bid materials.
- 2) Bids, Request for Proposals (RFPs), requests for Quotes or other solicitations should be sent to the parties on the contact list via email.
- 3) For contracts with MWBE requirements, the Town department responsible for administering the contract shall ensure, as applicable to the funding source for each solicitation, that the solicitation documents contain all MWBE-related requirements

such as policy statements, work plans, utilization plans, report templates, requests for waivers, etc.

- 4) Documentation of items (a) – (d) listed below shall be created and maintained by the department issuing the solicitation and/or the department administering the contract:
 - a. Notices of solicitation (bids/proposals/quotes/etc.) with proof of when it was sent and to whom;
 - b. Solicitation responses;
 - c. Records of any negotiations with MWBEs;
 - d. Documentation of all MWBE reporting required of the Town by the funding agency (in the case of a grant agreement or grant-funded contract), including all reports submitted by contractors and/or subcontractors, as applicable.
- 5) In the case of a contract for professional services procured by the Town through the issuance of an RFP, an offeror's status as an MWBE may be a factor taken into consideration by the evaluating committee, and such MWBE may receive a bonus in any evaluation structure which bonus shall not exceed 5% of the total available score.

E. Aggregation of Purchases; Artificial Separation of Procurements

State law mandates that procurements may not be artificially separated to avoid competitive bidding thresholds. As such, each department must aggregate similar purchases to determine if the procurement of such goods or services, together, exceed the competitive bidding thresholds established in State law and this Policy. The Purchasing Division will make the final determination as to whether specific purchases must be aggregated.

For instance, purchases of goods valued at over \$20,000 must be competitively bid. Copy paper is purchased throughout the fiscal year and purchased from more than one vendor. Vendor A is projected to supply \$13,500.00 in copy paper and Vendor B is projected to supply \$7,500.00 in copy paper. Both vendors have very similar pricing structures. The total amount expected to be expended for the year on copy paper throughout the Town determines whether the competitive bidding threshold is exceeded. Because the aggregate purchase of the copy paper for the fiscal year was estimated to be excess of \$20,000, competitive bidding is required for these purchases.

Note, however, that departments are not required to aggregate purchases to determine whether the total amount of such products would exceed thresholds other than those stated in subsection B above.

F. Harbor Links Resale Items

Items purchased by the Harbor Links Golf Course for resale purpose (such as golf supplies for the Pro Shop and food items being resold) are not subject to bidding requirements.

G. Procurement Chart

Below is a chart showing the types of procurements to be used for Purchases, Public Works and Professional Services, unless an exception applies. This chart may be used as a guide by each department to quickly determine what type of procurement is necessary for a specific purchase. How to implement each type of procurement is discussed in Section 4 of this Policy.

Procurements	Verbal Quotes			Written Quotes		Bid	RFP	No Method Necessary
	1	2	3	2	3			
Purchases								
Purchases up to \$999.99	X							
Purchases from \$1,000.00 to \$3,999.99				X				
Purchases from \$4,000.00 to \$19,999.00					X			
Purchases \$20,000 and above						X		
Public Works								
Contracts for Public Works up to \$1,999.00	X							
Contracts for Public Works from \$2,000.00 to \$3,999.00		X						
Contracts for Public Works from \$4,000.00 to \$34,999.00					X			
Contracts for Public Works \$35,000.00 and above						X		
Other								
Professional Services \$20,000.00 and above							X	
True Leases \$20,000 and above							X	
Second Hand Equipment from other Governments								X
Second Hand Equipment from Private Source if above \$20,000						X		

Section Four **Procurement Procedures**

A. Quotations

The procuring department is responsible for getting quotes for Purchases and Public Work (except Public Work to be completed by the Department of Public Works). For all quotes required by this policy, a “no quote” (i.e. where a vendor declines to provide a quote when requested) does not suffice as a quote. However, on a case-by-case basis, for procurements not subject to the competitive bidding requirements of the General Municipal Law, the Town Attorney may make the determination that it is unreasonable and cost-ineffective for the Purchasing Division to continue attempting to receive quotes for a certain item once a large number of “no quotes” has been received. This exception shall only apply to procurements that require a minimum of three (3) quotes.

i. Purchases

The procuring department shall contact the appropriate number of vendors required by the chart above and have them submit a written or verbal quote (depending on the dollar amount of the purchase) for the purchase to be made. Verbal quotes must be documented by the Purchasing Division by an email or memorandum once the quote has been received. After receipt of the appropriate number of quotes, the Purchasing Division, if it decides to move forward with the purchase, shall purchase the item from the vendor providing the lowest quote. All purchase order and approval requirements contained in this policy shall also be complied with. Town Board approval is not necessary for purchases under \$20,000.00.

ii. Public Work

If the Public Work to be procured is covered by the prevailing wage requirements contained in Articles 8 and 9 of the New York Labor Law, the Purchasing Division shall contact the Department of Labor to register the job and receive the appropriate prevailing wage schedule for the work. After receipt of the schedule, the Purchasing Division or procuring department shall contact the appropriate number of vendors required by the chart above and have them submit a written or verbal quote (as the case may be) for the purchase to be made. The prevailing wage schedule must be sent to each vendor providing a quote before the quote is provided. After receipt of the appropriate number of quotes, the Purchasing Division, if it decides to move forward with the work, shall procure the work from the vendor providing the lowest quote. All purchase order, contracting and approval requirements contained in this policy shall also be complied with. If an award is to be made, the procuring department shall secure the approval of the Town Board and enter into a contract, after consultation with the Office of the Town Attorney.

In addition, if the work involves an expenditure of \$20,000 or over, the lowest proposer must submit documentation proving that the vendor participates in an apprenticeship training program approved by the Department of Labor appropriate for the work being performed.

B. Request for Bids

i. Department of Public Works Bids

The Department of Public Works shall administer the bid process for its department. All specifications shall be developed by the Department of Public Works, and the release of bids shall be in accordance with the requirements contained in General Municipal Law Sec. 103. In addition, all bids must be advertised on the Town's website and be published in New York State's procurement opportunities newsletter. All bids shall be opened by the Office of the Town Clerk in public. All bids received shall be reviewed by the Department of Public Works and the Town Attorney. Efforts should be made to negotiate with the lowest bidder to secure better price terms than those offered by the lowest bidder in its bid, if possible. The Department of Public Works, after review and if an award is to be made, shall secure the approval of the Town Board to enter into a contract.

ii. Bids for Other Departments

If a department determines that competitive bidding is required, the department shall contact the Purchasing Department to initiate the bidding process. The Purchasing Division and the department together will determine the specifications to be used in the bid. All bid solicitations shall be assigned a control number by the Purchasing Division.

Prior to issuance, notice of the bid solicitation shall be published in Newsday and the New York State Contract Reporter in a form developed by the Purchasing Division. A minimum of five (5) days must elapse between the first day that notice is published in Newsday and the date specified for opening bids. In addition, all bids must be advertised on the Town website and be published in the New York State Contract Reporter.

Bids shall be opened at the time established in the bid solicitation by the Purchasing Division in the presence of the Purchasing Coordinator (or delegate) and another witness. All bid openings shall be open to the public.

The Purchasing Division shall be responsible for reviewing opened bids and conferring with the department to determine whether the submitted bids are acceptable. If the Purchasing Division and the department find the bids to be acceptable, the Purchasing Division shall recommend to the Town Board that a contract be awarded to the lowest responsible bidder. No bid contract may be entered into unless approved by the Office of the Town Attorney and the Town Board.

iii. "Best Value"

"Best value" is a basis for awarding contracts for products to the vendor that optimizes quality, cost and efficiency, among responsive and responsible vendors. For evaluation of all bids for purchases (not public work) required by General Municipal Law Section 103, "Best value" may be utilized. When evaluating a bid based on "best value," the procuring department, wherever possible, must use objective and quantifiable evaluation methods. Note that the use of "best value" in evaluating bids is

optional. The procuring department may choose to evaluate bids using “best value” either before or after bids are received and opened.

iv. Tie Breaker

In the event of two bidders providing identical bids, the following process shall be used as a tie breaker, in the order listed below:

1. Where one bidder is both a Local Business and an SDVOB and the other(s) is (are) not, the Local Business/SDVOB shall be awarded the contract for that bid or item.
2. Where one bidder is either a Local Business or an SDVOB and the other(s) is (are) not, the Local Business or the SDVOB shall be awarded the contract for that bid or item.
3. Where both or multiple bidders have the same status giving them either the same preference or no preference, the names of both the bidders shall be put into a hat and drawn to determine which business shall be awarded the contract. This process shall be documented and witnessed by a member of the Town Attorney’s Office.

C. Request for Proposals

Requests for Proposals (RFPs) are used to procure Professional Services. The RFP provides prospective vendors with information about the Town and promotes competition among vendors to provide the Town with realistic proposals tailored to its needs. An RFP provides the Town with competitive pricing and proposers’ qualifications and experience for purposes of evaluation.

The Office of the Town Attorney has established forms of RFPs to be used, one for the Department of Public Works and one by all other departments. These forms are posted on the Town’s Intranet site and are subject to change by the Office of the Town Attorney.

i. RFPs for the Department of Public Works

The Department of Public Works shall administer the RFP process for its department. All specifications shall be developed by the Department of Public Works, and the release of RFPs shall be in accordance with the requirements contained below for RFPs for all other departments. All proposals received shall be reviewed by the Department of Public Works. The Department, after review and if an award is to be made, shall secure the approval of the Office of the Town Attorney and the Town Board to enter into a contract.

Special Rules for DPW on-call contracts: A DPW on-call contract is a professional services contract where vendors make themselves available to perform services such as engineering, surveying and environmental testing on an as-needed basis. DPW on-call contracts are specifically authorized and encouraged by this Policy. In releasing an RFP for these type of services, DPW shall state that multiple

vendors may be chosen pursuant to the RFP, but that no vendor is guaranteed any work pursuant to an on-call contract. After selecting vendors to receive on-call contracts, and when a specific service is needed by DPW, DPW shall contact at least three (3) of the contractors with a proposed scope of work and request quotes from each vendor. DPW shall select the lowest cost proposal received. The vendor will then perform the work pursuant to the terms and conditions of the original on-call contract at the price quoted. No additional contract will need to be entered into or approved by the Town Board.

ii. RFPs of Other Departments

When issuing an RFP, the Purchasing Division and the user department together will determine the specifications to be used in the bid proposal. The RFP shall state the importance of price and other evaluation factors. While the RFP should contain evaluation criteria and methods of scoring, the Purchasing Division and departments are urged to negotiate with proposers after proposals are submitted to ensure that the Town receives the best services at the best price. This can be accomplished through interviews, best and final offer requests and negotiating sessions. However, these methods should only be used once proposers have been deemed qualified by the Purchasing Division and the user departments.

All bid solicitation shall be assigned a control number by the Purchasing Division. Prior to issuance, notice of the bid solicitation shall be published in Newsday and the New York State Contract Reporter in a form developed by the Purchasing Division and posted on the Town's website. A minimum of five (5) days must elapse between the first day that notice is published in Newsday and the date specified for opening proposals. The Town is not required to secure the authorization of the Town Board prior to issuance of an RFP, unless determined otherwise by the Supervisor.

Proposals shall be opened at the time established in the bid solicitation by the Purchasing Division in the presence of the Purchasing Coordinator (or delegate) and another witness.

The Purchasing Division shall be responsible for reviewing opened proposals and conferring with the department to determine whether the submitted proposals are acceptable. If the Purchasing Division and the department find the proposals to be acceptable, the Purchasing Division and the department shall form a committee to review the proposals in accordance with the criteria established in the RFP.

Upon recommendation by the Purchasing Division, or the Department of Public Works, and the User Department, an award will be made by Town Board Resolution to the vendor whose proposal is determined to be in the best interest of the Town. The choice must be fully documented.

D. Sole Source

To complete a sole source procurement, the Purchaser shall negotiate price, delivery and terms with vendor. A record of the sole source procurement shall be maintained as a matter of public record and shall list each supplier's name and the item(s) provided. A vendor classified as a "sole source" will be required to provide the Town with written documentation if required by the Purchasing Division. The

Purchaser shall complete the sole source procurement form posted to the Town's intranet site, enter the form into New World and provide the form to the Comptroller when requesting that payment be made.

E. Emergency

If a Department is experiencing an emergency as described in Section Three of this Policy, the Department must contact the Town Attorney to confirm that the situation is, in fact, an emergency. If the situation is an emergency, the Department may then procure whatever goods and services are necessary to alleviate the emergency. The Department shall prepare and sign an Emergency Justification Form (posted on the Town's intranet site) and submit the form to the Purchasing Department. **All purchases of goods and services made pursuant to an emergency must be subsequently ratified by the Town Board. Please also note that if a service or public work is procured by emergency, the Town Attorney must also be contacted to have a contract prepared and executed.**

F. Preferred Source

If a commodity or service is listed as a preferred source by the State of New York, the Purchasing Division shall determine which industry group is to be contacted regarding such service or commodity. The Purchasing Division shall inform such industry group of the Town's need for the commodity or service and shall afford such industry group ten (10) days to submit a proposal for the provision of the commodity or service. If a proposal is not submitted within ten (10) days of the Town's request, the Purchasing Division shall be free to procure such commodity or service pursuant to whatever method is applicable under this Policy. If a proposal is submitted, and the Purchasing Division determines that the proposed commodity or service is in the form, function and utility needed by the Town, the Purchasing Division shall procure the commodity or service from the proposing preferred vendor, even if the commodity or service can be procured from another source at a lower price. Contracts for public work procured by preferred source must be authorized by the Town Board.

G. True Leases

1. Generally. All True Leases \$20,000.00 and under do not require any specific procurement method under this Policy. All True Leases over \$20,000.00 shall utilize either the bid or RFP procedures specified above. Contracts for rentals must be approved by the Town Attorney and the Town Board.

2. Rental of Highway Equipment. All rentals of highway equipment, regardless of price, must be procured by either bid or RFP pursuant to the New York State Highway Law. All contracts for highway rentals must be approved by the Town Attorney and the Town Board.

H. Adequate Documentation

All purchases should be adequately documented. "Adequately documented" means that a person unfamiliar with the transaction would understand the transaction, including the nature and purpose of the transaction, parties involved, goods or services ordered and delivered, itemized and total costs,

accounts charged, person(s) who authorized the purchase, person(s) who confirmed receipt of the goods or services, and the date of each material event in the purchasing process.

When possible, verbal price quotes should be entered into New World Logos. If a verbal price quote cannot be entered into New World Logos, a written record of the quote must be retained in another form. Written price quotes, copy of an existing contract (NY State, County or Town), copy of the Town Board resolution, Emergency or Sole Source procurement form, must be attached as a document to the Purchase Order in New World Logos.

If an electronic copy of a document is not available, it should be scanned and attached as a PDF file.

When supplies are delivered or picked up, delivery slips or other documents transmitted by the vendor will be signed (with name written in) and dated by the individual receiving the supplies, and attached to the original Purchase Order, as a PDF file.

Vendors must submit the original invoices to the Department originating the Purchase Orders or to the Comptroller's Office. A copy of the signed Purchase Order and the original, dated and signed packing slip must be submitted to the Comptroller's Office with the original invoice for payment. In the absence of an original invoice, a department may send a copy of the invoice with a statement that the original has been lost.

In the absence of an original packing slip or service ticket to confirm receipt/delivery of commodities or services, an authorized individual must fill the **Receipt of Goods/ Services Form** (posted on the Town's intranet site)

I. State of Emergency

During such time that a State of Emergency has been declared by the State, the County or the Town, and an Executive Order signed by the Governor, waives, suspends or amends the Laws of the state as they apply to procurement requirements or procedures found in sections 103 or 104 of the General Municipal Law, or any other applicable Law, the Town shall be deemed to have amended this Policy in a manner consistent with the Executive Order for the duration of the Executive Order.

J. General Rules

Procurements that are not performed by the Purchasing Division must be originated by the department requiring the procurement. If a procurement is performed by one department on behalf of another, the prior written approval (paper or email) of the department needing the procurement must be obtained before initiating the procurement.

On the Town's intranet site is a listing of those Town personnel who are responsible for procurements. Procurements may only be performed by the persons listed the Town's intranet site, unless otherwise authorized by an individual on the list.

Section Five Contracting Procedures

A. Contracts

The following activities covered under this Policy require the execution of a contract by both the Town and the vendor:

- All Public Work, regardless of the value of the contract.
- All Professional Services, except software maintenance associated with the purchase of the software, including renewals.
- All True Leases.
- Purchase of a product where a service is also involved, such as installation of the product.
- All services that are subject to prevailing wage requirements.

Exception – one-time repair work less than \$1,000.00 does not require the execution of a contract.

All contracts will be prepared and reviewed by the Office of the Town Attorney. **No activities may be performed unless a contract is executed by the vendor.** In most cases, the terms and conditions of a contract are contained in the procurement solicitation issued by the Town. In the case of emergency procurements, a contract must be signed as soon as possible after the emergency.

A Town Board resolution does not eliminate the need for a contract.

B. Town Board Approval Requirements

Town Board approval is required for all procurements of the following nature:

- Services that require contracts, regardless of the cost of the service
- All professional services
- All True Leases
- All bid awards
- All RFP awards

The Purchasing Division and the user department shall be equally responsible for securing Town Board approval prior to the award of a contract, the start of work under a bid or rentals under a true lease. All requests for Town Board approval shall be submitted into Novus Agenda.

Note that compliance with the methods of procurement and the procurement procedures in this policy does not eliminate the need for Town Board approval. Even if the procurement is of an emergency nature, approval of the Town Board must be secured prior to the commencement of work, unless the Supervisor's Office has authorized the commencement of work prior to Town Board

approval. If the Supervisor's office has authorized the start of the work, the work/contract must be ratified at the next Town Board meeting before payment can be made.

C. Prevailing Wage Requirements

Some services performed by Town contractors are subject to Articles 8 or 9 of the Labor Law, which require the payment of Prevailing Wages to workers on the project. There are two categories of prevailing wage contracts:

- Contracts for Public Work (Article 8) – all public work projects involving labor on a Town construction or maintenance project. Prevailing wages must be paid regardless of the value of the contract.
- Contracts for building maintenance services (Article 9) – all services needed to maintain a building, such as janitors, elevator operators, garbage removal and security. Prevailing wages must be paid for all contracts \$1,500.00 or over.

All prevailing wage projects must be registered with the New York State Department of Labor for monitoring and enforcement purposes. When bid documents are released by the Town, or when quotes are solicited by the Town, the bids or solicitations must be accompanied by the prevailing wage schedule appropriate for the categories of work that will be performed.

When contracts are issued, the then-current wage schedule must be attached to the contract, and appropriate prevailing wage requirements must be contained in the agreement. Vendors who are performing prevailing wage jobs must submit certified payroll reports to the departments periodically.

Section Six

Purchase Order/Direct Claims, Contracts and Payment Procedures

A. Methods of Contracting

i. Purchase Orders

Purchase Orders are used for the purchases of goods and certain services. The Town uses the accounting/budgeting software system, New World Logos to process Purchase Orders. However, all Purchase Orders must be reviewed by the Commissioner from the user Department and then submitted to the Purchasing Division for approval.

There are two **main** types of Purchase Orders: Standard Purchase Orders and Blanket Purchase Orders.

Standard Purchase Orders are for items and/or services known at the time of order. Therefore, standard Purchase Orders will not be approved without itemized detail of the products or services being ordered. When a Purchase Order is approved, New World Logos assigns it a unique number, and the funds are immediately encumbered.

Blanket Purchase Orders, or open-ended accounts, are normally prepared for a 12-month period. The reasons for the use of Blanket Purchase Orders are twofold:

- To eliminate the necessity for the issuance of separate orders for groups of items which are purchased frequently from the same vendor. An example is office supplies (paper, pencils, binders, etc.)
- To permit purchasing items of this nature on an “as needed” basis.

Blanket Purchase Orders are acceptable for the following:

- Items/Services covered by State or County Contracts
- Items covered by a Bid or RFP
- Any other Town contracts approved by the Town Board on a resolution
- True Lease Payments
- Heating/Vehicle Fuel
- Postage Meter Costs
- Legal Notices (Anton and Newsday)
- ADP Payroll Services
- Off- Site Document Storage Fees
- Golf Course Management Fees
- Transportation Charges (DOSA, Community Services and Parks)
- Publications (such as legal books)
- Online legal databases (such as Westlaw and LexisNexis)

The Purchasing Division will review the Blanket Purchase Orders to ensure compliance with the Town’s Procurement Policy. Increases to Blanket Purchase Orders are to follow the same guidelines as Purchase

Orders. All Purchase Orders must be approved by the Purchasing Department PRIOR to making a purchase.

In the event that the balance of the General Ledger account is insufficient to cover a purchase, no Purchase Order will be approved. The requisitioning Department must take the necessary steps for a budget transfer before a Purchase Order is generated by New World Logos.

A Department wishing to cancel a Purchase Order will submit the cancellation (called close in New World Logos) to the Purchasing Division, who will in turn approve it and post the transaction to the General Ledger at which time the funds are “unencumbered.”

Invoices that are not accompanied by a Purchase Order, unless a Confirming Purchase Order or Direct Claim are appropriate, will not be paid.

ii. Confirming Purchase Orders

A confirming Purchase Order may be generated for the purchase of items or services in case of **an emergency only that has been approved by the Town Attorney’s Office**. Confirming purchase orders may not be used to correct errors in the procurement of a good or service. The Purchasing Division will **not** approve a Confirming Purchase Order for any reason other than an emergency. This will be enforced by the Town Attorney’s Office. A confirming purchase order must be submitted for approval within 48 hours of the emergency requiring the use of a confirming purchase order.

The Emergency Justification Form must be completed and approved prior to any procurement; scanned and attached to the Confirming Purchase Order as a “document”.

The Town will not be responsible for orders placed without prior approval of the emergency by the Town Attorney’s Office.

If an emergency occurs when the Purchasing Division is closed, the Department must notify the Purchasing Division in writing the next business day the Purchasing Division is open.

iii. Direct Claims

Direct claims are for purchases made without a Purchase Order, and most of the time deal with commodities and services that are not subject to the provisions of this policy. Departments prepare claim forms with supporting documentation and submit them directly to the Comptrollers’ Office. Direct Claims are acceptable *only* for the following:

- Advertising (Town and Harbor Links)
- Capital Construction Projects
- Debt Service
- Employee Travel/Training Conferences/Reimbursement (Mileage, Parking, etc.)
- Fiscal Agent Fees
- Health, Dental and Vision Insurance Payments
- Interdepartmental Fees

- Legal Expenses (such as expert witness fees and transcription fees when not covered by a contract.
- Permits
- Petty Cash Items
- PILOT (Payment in Lieu of Taxes) Payments
- Refunds
- Unemployment Insurance Payments
- Utility Bills (LIPA, National Grid, Water Districts, Telephone, Direct TV, Cable)

Other items may be paid on Direct Claims if approved by resolution of the Town Board. Direct Claims must be signed by the vendor, unless otherwise authorized by the Town Comptroller.

B. Payment Requirements

All claims are subject to audit by the Comptroller's office prior to payment. Audit by the Comptroller prior to payment does not foreclose the possibility of additional audit once payments have been made.

i. Invoices under \$200.00

Invoices for payments under \$200.00 require only an original invoice, an acknowledgement by the department that the products and services have been received and a signed claim form. If a contract is required pursuant to Section 6(A)(iv) above, a copy of the contract must be entered into New World or otherwise provided to the Comptroller.

ii. Invoices for Public Work (except DPW capital claims)

Payment for public work will be made only upon receipt of the following:

- Documentation showing hours worked (prevailing wage certified payrolls may suffice)
- Certified Payrolls showing name, address, last four digits of social security number, work classification, rate of pay and vendor signature (note that these are Department of Labor requirements and cannot be waived by the Town).
- Town Board Resolution
- Signed contract
- Original invoice
- Signed claim form
- Signed statement from the Department that work has been completed (signed work order will suffice)

iii. Invoices for Purchases

Payment for a purchase will be made only upon receipt of the following:

- Original invoice
- Signed claim form

- Verification that the products have been received
- Purchase Order
- Town Board Resolution (if the purchase is based on a bid)
- If list prices are involved:
 - If the invoice is under \$2,000, a statement from the department that the list prices have been verified
 - If the invoice is over \$2,000, documentation showing the correct list price

iv. Invoices for Professional Services

Payment for Professional Services will be made only upon receipt of the following:

- Original invoice
- Signed claim form
- Verification that the services have been performed
- Purchase Order or Direct Claim as provided in this Policy or by resolution of the Town Board.
- Town Board Resolution
- If contract is paid on an hourly basis, timesheets showing the hours worked and the applicable rate contained in the agreement.

v. Invoices for DPW On-Call Contracts

Payment for DPW on-call professional services will be made only upon receipt of the following:

- Original invoice
- Signed claim form
- Verification that the services have been performed
- Town Board Resolution for underlying contract
- Copies of quotes received from on-call vendors for the service.
- If work is paid on an hourly basis, timesheets showing the hours worked and the applicable rate contained in the proposal acceptable to the Comptroller.

Section Seven
Procedures Related to Procurements Utilizing Federal Funding
(For all Federally-Funded Projects Except for Projects Funded by the Federal
Transit Administration)

A. **General Procedures**

In procuring goods and services using funds received from grant awards from the federal government, the procuring department must follow the standards stated in Section 200.318 through 200.326 of Title 2 of the Code of Federal Regulations. In general, the regulations state:

1. The procuring department must follow the Town's Procurement Policy.
2. The procuring department must maintain oversight to ensure that contractors perform in accordance with the terms and conditions of the contracts or purchase orders issued by the procuring department.
3. The procuring department must ensure that its personnel engaging in any procurement involving federal awards complies to the Town's Code of Ethics with regard to conflicts of interest and gifts, provided, however that the procuring department's personnel may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
4. Consideration must be given to consolidating or breaking out procurements to obtain more economical purchases.
5. Contracts may only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of the contract. In evaluating contractors, consideration must be given to contractor integrity, compliance with public policies, past records of performance and financial and technical resources. The Town may not contract with a contractor that has been suspended or debarred by a federal agency. The procuring department must verify that each contractor has not been suspended or debarred.
6. The procuring department must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
7. The Town alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

Procuring departments are encouraged to do the following:

1. Use intergovernmental agreements wherever possible to promote cost effective use of shared services.
2. Use excess and surplus federal property in lieu of purchasing new equipment and property wherever feasible.
3. Use systematic and creative analyses of each contract item or task to ensure that its essential function is provided at the overall lowest cost.
4. Use intergovernmental agreements.

For purposes of this Section, the term “federal award” shall mean any funding received from the federal government, including, but not limited to, grants and subsidies, except funding received from the Federal Transit Administration.

B. Full and Open Competition

All procurements that will be funded by a federal award must be open and competitive. The Town’s Procurement Policy satisfies this requirement, and should be applied to all procurements involving federal awards, except as otherwise stated in this Section. In applying the Town’s policy, the procuring department must adhere to the following:

1. Procurements must contain a clear and accurate description of the material, product or services to be procured, and contain minimum essential characteristics and standards to which the response must conform.
2. Descriptions of materials, products or services to be procured must not contain features that unduly restrict competition.
3. “Brand name or equivalent” may be used as a means to define a material, product or service only when it is impractical or uneconomical to create a clear and accurate description of the material, product or service.
4. The department must identify all requirements which offerors must fulfill and all factors that will be used in evaluating bids and proposals.
5. Prequalified lists of vendors may be utilized, but must be updated regularly. The Town is prohibited from precluding potential bidders from qualifying during a solicitation period.

Time and materials contracts may only be used after a determination by the Town Attorney’s Office that no other contract type is suitable and if the contract contains a ceiling price that the Contractor may exceed only at its own risk. If this type of contract is used, the procuring department is responsible for overseeing the contractor to assure that the contractor is using efficient methods and effective cost controls.

C. Procurement Methods

1. Generally. The procurement methods stated in Section Three of the Town's Procurement Policy shall be utilized for procurements involving federal awards, in compliance with 2 CFR 200.320.
2. Sealed Bidding. If a sealed bid procedure is used by the procuring department, the following requirements apply:
 - a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised;
 - b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - c. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - e. Any or all bids may be rejected if there is a sound documented reason.
3. Competitive Proposals. If a competitive proposal (ire. RFP) method is used, the following requirements apply:
 - a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - b. Proposals must be solicited from an adequate number of qualified sources;
 - c. The procuring department must have a written method for conducting technical evaluations of the proposals received and for selecting recipients (i.e.. a score sheet must be developed and completed by each evaluator);
 - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the Town, with price and other factors considered; and
 - e. The procuring department may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services.

4. Non-Competitive Proposals. A procuring department may procure a good or service without competition only under the following circumstances:
 - a. The item is available only from a single source;
 - b. There exists a public exigency or emergency that will not permit a delay resulting from competitive solicitation;
 - c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Town; or
 - d. After solicitation of a number of sources, competition is determined inadequate.

The determination of whether a non-competitive solicitation may be used shall be made by the Office of the Town Attorney in conjunction with the procuring department. The procuring department may not procure a good or service by non-competitive methods without the approval of the Office of the Town Attorney.

D. Procurement of Recovered Materials

To the extent practicable while also ensuring full and open competition, the Town shall comply with Section 6002 of the Solid Waste Disposal Act. This law requires that:

1. For all purchases of products over \$10,000.00 (or for purchase of a product of any dollar value if more than \$10,000.00 worth of the product was purchased over the preceding year), the Town must procure the product having the highest percentage of recovered (i.e.. recycled) materials possible.
2. The procuring department must procure solid waste management services in a manner that maximizes energy and resource recovery (i.e. recycling).

E. Contract Cost and Price

For every procurement over \$150,000.00, including contract modifications, the procuring department must perform a cost or price analysis. The method of conducting the analysis are at the discretion of the procuring department. However, in all cases, the procuring department must make independent estimates of the cost of the procurement prior to bids or proposals being solicited.

For all procurements over \$150,000.00 and for all non-competitive solicitations, profit must be negotiated separately from all other price aspects of the procurement. In negotiating profit, the procuring department must take into account:

1. The complexity of the work to be performed
2. The risk borne by the contractor

3. The contractor's investment
4. The amount of subcontracting
5. The quality of its record of past performance
6. Industry profit rates in the surrounding geographical area for similar work.

Cost plus percentage of cost method and the percentage of construction cost methods of contracting are never permissible.

F. Bonding Requirements

For all contracts for goods and services in excess of \$35,000.00, each bidder must supply a bid bond equal to at least five percent (5%) of the amount of the bidder's bid. Upon award of a contract, the contractor must provide a performance bond and a payment bond, each in the amount of one hundred percent (100%) of the contract price.

G. Contract Provisions

All contracts funded by a federal award must contain the contract provisions stated in Appendix II to Part 200 of Title 2 of the Code of Federal Regulations. The Office of the Town Attorney will be responsible for placing the provisions listed in the Appendix into contracts.

H. Minority- and Women-Owned Business Enterprise (M/WBE) Policy

For purposes of this section, the following terms shall have the meanings ascribed to them below:

1. Labor Surplus Area – a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states (including Puerto Rico) during the same 24-month reference period.
2. Women's Business Enterprise – a business concern that is at least 51 percent directly and unconditionally owned and controlled by one or more women
3. Minority Business – a business which is at least 51% owned, operated and controlled on a daily basis by one or more (in combination) American citizens of the following ethnic minority classifications: African American, Asian American, East Asian Americans, Hispanic American and Native American.

In procuring materials, supplies and services, the procuring department must take all necessary affirmative steps to assure that minority businesses, women's business enterprises and labor surplus area firms are used whenever possible. "Affirmative Steps" includes:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists. The procuring department shall, prior to the issuance of a bid or other solicitation, conduct research to locate minority businesses, women's business enterprises

and businesses with labor surplus areas that have the potential to provide the materials, supplies or services that are the subject of the solicitation and research labor surplus areas in which the materials, supplies or services may be provided. List of such firms are maintained by the State of New York and the United States Department of Labor.

2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources. The businesses found by the procuring department shall be contacted and provided copies of the bid or other solicitation released by the procuring department.
3. Dividing total requirements, when economically and technically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises. An example of this would be dividing a total construction contract into electrical, HVAC, plumbing and general construction work.
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises. The procuring department could accomplish this by taking into account the distance of particular businesses from the Town and the business' resources.
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) above. All contracts entered into between the Town and its contractors using federal awards shall contain the following provision:

“In accordance with Section 7(H) of the Town’s Procurement Policy, the Contractor shall take all necessary affirmative steps to assure that minority businesses, women’s business enterprises and labor surplus area firms are used whenever possible in subcontracting the services described in this Agreement. The term “Affirmative Steps” includes:

1. “Placing qualified small and minority businesses and women's business enterprises on solicitation lists. Contractor shall, prior to soliciting subcontractors, conduct research to locate minority businesses, women’s business enterprises and businesses with labor surplus areas that have the potential to provide the materials, supplies or services that are the subject of the solicitation and research labor surplus areas in which the materials, supplies or services may be provided.
2. “Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources. The businesses found by the procuring department shall be contacted and

provided copies of the bid or other solicitation released by the procuring department.

3. "Dividing total requirements, when economically and technically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises. An example of this would be dividing a total construction contract into electrical, HVAC, plumbing and general construction work.
4. "Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises. The procuring department could accomplish this by taking into account the distance of particular businesses from the Contractor and the business' resources.
5. "Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce

"The Contractor, prior to entering into an agreement with a subcontractor, shall obtain the approval of the Town. The Contractor's request for approval shall contain documentation adequate to demonstrate the Contractor's compliance with the terms of this Section."

Prior to entering into a contract for services or issuing a purchase order for materials or supplies, the procuring department shall obtain the approval of the Town Attorney's Office as to its compliance with this Program.

Section Eight
Environmental Initiatives

A. Environmental Products

The Town continues its commitment in making every effort to minimize potential negative impacts on health and environment, and to promote the use of environmentally preferable products when acquiring goods and services. Through bid specifications the Town will continue to address minimizing exposure to toxic chemicals, waste prevention, reducing consumption of fuel, electricity and paper, as well as continuing to expand our fleet of hybrid and fuel alternative vehicles.

B. Water-Efficient Fixture Policy

The Environmental Protection Agency (EPA) has developed the WaterSense label to make it “simple to find water-efficient products...that meet EPA’s criteria for efficiency and performance. WaterSense-labeled products and services are certified to use at least 20 percent less water, save energy, and perform as well as or better than regular models.” [source www.epa.gov/watersense/about-watersense]

It shall be the policy of the Town of North Hempstead for Town offices and departments to utilize WaterSense labeled products, including but not limited to, toilets, sink faucets, urinals, showerheads, spray sprinklers and irrigation controllers, where feasible, when undertaking any installation, construction, alteration or renovation to a Town building or facility, including public works projects that are procured after April 4, 2023.

Section Nine **Miscellaneous Provisions**

A. Retention of Procurement Records

All procurement records shall be retained and disposed of by the Town of North Hempstead in accordance with record retention guidelines and schedules approved by the State of New York. Retention schedules can be obtained from the Office of the Town Clerk or the Office of the Town Attorney.

B. Delegation of Authority

Department Heads may delegate authority to approve and sign Purchase Orders and Town Claim forms. Each Department Head should complete the Delegation of Authority Form (posted on the Town's intranet site) and forward a copy to the Comptroller's Office. The Delegation of Authority Form should be reviewed as needed, at least annually, and forwarded to the Comptroller's Office.

Purchase Orders and Town Claim forms will not be processed if the proper Delegation of Authority form is not on file in the Comptroller's Office. Employees with delegated authority are accountable for the documents they approve and sign.

Notwithstanding the above, if an individual is listed on the List of Individuals Responsible for Purchasing posted on the Town's intranet site, such person does not require a Delegation of Authority Form.

C. Interpretation of this Policy

All inquiries regarding this Policy shall be directed to the Office of the Town Attorney. The Town Attorney's interpretations of this Policy shall be final.

D. Freedom of Information Law Requests

FOIL Requests for procurement are to be submitted to and answered by the Office of the Town Attorney.

E. Annual Review of Policy

The Town Board shall annually review and, when needed, update this policy. The Purchasing Division and the Department of Public Works shall be responsible for conducting an annual evaluation of the effectiveness of the Procurement Policy and Procedures and an evaluation of the control procedures established to ensure compliance with the Procurement Policy and Procedures, and shall be responsible for reporting to the Town Board.