

Introduced: 2/20/12  
Adopted: 2/20/12  
Reviewed: 5/19/14

POLICY NAME  
Procurement Policy

PURPOSE: To set forth a standard ordering procedure for the Boght Community Fire District.

OBJECTIVES: Conform  
to GML § 103

POLICY: All goods and services will be secured by use of written requests for proposals, written documentation, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

Awards to other than the lowest responsible dollar offer:

All bids must be awarded to the best value standard that meets the bid (quote) specifications. Whenever any contract is awarded to other than the lowest responsible dollar offer, the reason such award is in accordance with GML § 104-b shall be documented as follows:

- 1 Written documentation showing how the product or service deviates from the bid (quote) specifications and the intent of the bid (quote) specifications.
- 2 Written documentation showing reasons the vendor should be declared non-responsible. Documentation must be specific, and show a history of similar problems. Vendor must be given a chance to respond to these concerns before being declared non-responsible.

Normal ordering procedures – after Board approval:

A supply request form signed by the Commissioner in charge and approved by the Board of Fire Commissioners is then submitted to the Administrator. Firematic requests are signed electronically by the requestor, the Chief and the Commissioner in charge and then submitted to the Administrator.

- The required quotes are as follows:
  - a. \$0 - \$249.99 no quotes needed;
  - b. \$250 - \$4999.99 two written quotes needed;
  - c. \$5000 – 19999.99 three written quotes needed;
  - d. \$20000 and over requires competitive bid.
- A Purchase Order (PO) will be issued to the vendor.
- The PO will be sent to the vendor.
- The PO number is to appear on the invoice.
- Receiving slip shall be signed by the individual who received the item(s) and then submitted to the Administrator.

Emergency purchase ordering procedures:

Due to the nature of this exception, these goods or purchases must be purchased immediately and when a delay, in order to seek alternative proposals, may threaten life, health, safety or welfare of the members or the residents. This does not preclude alternate proposals if time permits:

- \$0 - \$400.00 the Chief is to submit to the administrator a requisition form.
- The Administrator will then issue a PO.
- The PO number is to appear on the invoice.
- Receiving slip shall be signed by the individual who received the item(s) and then submitted to the Administrator.

**Nothing except what is on the signed PO will be paid.**

\*It is suggested that a scoring system be established:

- 70% for price
- 10% for a minority owned business
- 10% for past performance
- 10% for location

Piggyback Procurement shall mean utilizing another public agency's contract or agreement to obtain more advantageous prices and terms than can be otherwise obtained on the open market.

As with other forms of state procurement, contracting through piggybacking remains subject to internal and external review, and must be consistent with the policies and principles of government public contracting. When using this form of procurement, the Boght Community Fire District should examine and weigh the following factors in order to determine appropriateness of piggybacking as a preferred methodology over other contracting alternatives:

- **Subject Matter Comparison:** There should be an equivalency between the product or service sought and the original contract which should reflect the Boght Community Fire District's form, function and utility requirements.
  - ○ Does an existing contract encompass the product or service sought?
  - ○ Did it anticipate the possibility of contract extension?
  - ○ All relevant factors in the proposed extension acquisition (including, but not limited to price, quality and nature of deliverables) should be clearly identified and compared to the original acquisition.
- **Procurement Method:** The size and scope of the new acquisition should be evaluated in comparison to the original acquisition and its method of award.
  - ○ Does the proposed piggyback significantly unbalance the original scope, or change the nature, quantity, scope of the original contract?
  - ○ Could a substantially different procurement response or increased bidder pool involving greater competition reasonably be expected based upon the volume of the Fire District's proposed request?
- **Notice to Originating Agency:** Where the subject of the original acquisition in a New York State agency specific contract, the original contracting entity should be contacted and advised of the intended piggyback. Where the Boght Community Fire District proposes to piggyback using an amendment to an existing contract, consent of the originating agency

must be obtained. Notification to the originating agency is not an issue for centralized contracts open to multiple entities.

- **Consent of Vendor & Terms of Piggyback:** The vendor's consent to the piggyback request must be in written legal form (contract, letter agreement, etc.) separate from a purchase order, which sets forth the agreed terms of the piggyback. A decision on whether to amend the original agreement or to execute a separate, independent contract based upon the original contract must be considered based upon the Fire District's facts and circumstances. In either event, the legal form should set forth, not only the agreed terms of the piggyback acquisition, but also its effect on the original agreement, including liability for default and aggregation of volume and pricing discounts for the intended acquisition as well as for substantial acquisitions under the original agreement.

- **Absence of Other Acceptable Established Contracting Alternatives:** Why is piggybacking the appropriate mechanism to use for this procurement (i.e. timing, level playing field, nature of use)? Were other procurement methodologies considered? Are there any special, unusual or exigent market circumstances underlying this extension request?

- **Pricing Justification:** Similar to other methods of procurement, the Boght Community Fire District must document that the price for the proposed acquisitions is reasonable under the circumstances. The Fire District should indicate whether pricing concessions have been requested and obtained from the contractor based upon the increased volume of purchase under the agreement.