

At a regular meeting of the Webster Town Board of the Town of Webster, Monroe County, New York, held at the Town Board Meeting Room, 1002 Ridge Road, in the Town of Webster, New York on the 6th day of November 2025, at 7:30 p.m., there were present:

Supervisor Thomas J. Flaherty
Councilwoman Patricia T. Cataldi
Councilman John J. Cahill
Councilwoman Ginny L. Nguyen
Councilwoman Jennifer S. Wright

Resolution No. ____: MOTION by ___, seconded by ___, to adopt the revised Procurement Policy as presented by the Finance Director.

TOWN OF WEBSTER PROCUREMENT POLICY

GUIDELINE 1 - BUDGETING: Every prospective purchase of goods shall be evaluated to determine the applicability of GML, Section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate in his or her annual budget the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include a review of the department's needs and the past-history to determine the yearly aggregate expense for the commodity that is to be acquired. The information and the conclusions shall be documented and kept with the file or other documentation supporting the purchase activity.

GUIDELINE 2 – EXCEPTIONS TO PROPOSALS AND QUOTES: Except when directed by the town board, **no solicitation** of written proposals or quotations shall be **required** under the following circumstances:

- A. Obtaining professional services as defined in General Municipal Law. Town requires compliance with Guideline 3 as detailed below;
- B. **Emergencies** as defined in GML with a **detailed explanation** attached to the purchase order;
- C. **Sole source** situations that are properly documented with a **detailed explanation** attached to the purchase order;
- D. Goods and supplies purchased from agencies for the blind or severely handicapped;
- E. Goods and services purchased from correctional facilities;
- F. Goods and services purchased from another governmental agency;
- G. Goods and services purchased at auction;
- H. Goods and services purchased under New York State awarded contracts;
- I. Goods and services purchased under Monroe County awarded contracts;
- J. Goods and services purchased under Town of Webster approved or awarded contracts;
- K. Goods and services purchased under other NYS municipal awarded contracts, where the Town or Towns are included in the bid specifications;
- L. Services provided under Town of Webster awarded contracts.

- M. Conference costs, travel and expenses for attendance at various municipal conferences related to job responsibilities, if itemized and specified in the approved adopted budget;
- N. Office Supplies budgeted and purchased from State Contract Vendors (paper & toner may be reviewed separately for best pricing available);
- O. Goods purchased or contracted services under NYS “Piggybacking” Law (refer to GML Section 103 (1), including “Best Value” purchases GML Section 103(16) pursuant to Town Code Chapter 53;

The above items, A through O, shall all be properly documented, and the reasoning noted on the purchase order and/or voucher. State and County contract purchases must be made with the contractor who won the bid.

GUIDELINE 3 – PROFESSIONAL SERVICES:

Professional services are not subject to public bidding requirements but are subject to approval by the Town Board and/or Town Supervisor. Professional Services generally include services rendered by architects and engineers, certified public accountants, law firms and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of judgement or a high degree of creativity. Insurance coverage (health, fire, liability and worker's compensation) is considered a professional service. The general guidelines for determining professional services are as follows:

1. Whether the services are subject to State licensing or testing requirements;
2. Whether substantial formal education or training is a prerequisite to the performance of the service;
3. Whether the services require a relationship of personal trust and confidence between the contractor and municipal officials.

For all professional service agreements that are expected to have an annual cost less than \$50,000, a Request for Proposal (RFP) is not required but may be used when practical. The requesting department shall obtain a written proposal, quotation or statement of work.

For all professional service agreements that are expected to have an annual cost of \$50,000 or greater, an RFP process is required unless waived by the Town Supervisor. A waiver may be issued in the event of a public emergency, as defined under General Municipal Law or the New York State Defense Emergency Act. The Town Supervisor shall notify the Town Board within 10 days of issuing the waiver.

Ongoing professional services that are needed on a recurring basis and meeting the annual \$50,000 threshold should follow best practice guidelines and be subject to the RFP process at least once every five years.

GUIDELINE 4 – BID REQUIREMENTS:

A.) Standard purchases of goods, supplies or equipment which will equal or exceed \$20,000 during the fiscal year shall be formally bid pursuant to GML 103.

B.) Purchases of public works contracts which will **equal or exceed \$35,000**, shall be formally bid pursuant to GML 103. Public works are a broad category of infrastructure projects, financed and procured by a government body for recreational, employment, and health and safety uses in the greater community. They include public buildings, transport infrastructure (roads, railroads, bridges, pipelines, canals, ports, and airports), public spaces (public squares, parks, and beaches), public services (water supply and treatment, sewage treatment, electrical grid, and dams), environmental protection (drinking water protection, soil erosion reduction, wildlife habitat preservation, preservation and restoration of forests and wetlands) and other, usually long-term, physical assets and facilities. Though often interchangeable with public infrastructure and public capital, public works does not necessarily carry an economic component, thereby being a broader term.

This is based on all of the Department's aggregate purchases, combined for the calendar year. **(Refer to Appendix E – Invitation for Bid Proforma sample)**

GUIDELINE 5 – QUOTE REQUIREMENTS:

All estimated **standard purchases** which are expected to be:

- Equal to or greater than \$3,000 but less than \$20,000, requires a written request for a proposal (RFP) and/or written/fax quotes from three (3) vendors and a purchase order. The information is required to be noted on the purchase order and attached.
- Equal to or greater than \$800 but less than \$3,000, require verbal or fax quotes from two (2) vendors. The information is required to be noted on the purchase order and attached.
- Any purchase equal to or greater than \$800 requires a purchase order. The purchase order needs to be authorized by the department head, the Director of Finance and/or the Town Supervisor.
- Less than \$800 is left to discretion of the department head and the purchases do not require a purchase order. **(Refer to “Decision Tree” in Appendix A)**

All estimated **public works contracts** which are expected to be:

- Equal to or greater than \$10,000 but less than \$35,000, requires a written RFP and/or faxed proposals from three (3) contractors and a purchase order. The information is required to be noted on the purchase order and attached.
- Equal to or greater than \$8,000 but less than \$10,000, requires a written RFP and/or faxed proposals from two (2) contractors. The information is required to be noted on the purchase order and attached.
- Any purchase equal to or greater than \$8,000 requires a purchase order. The purchase order needs to be authorized by the department head, the Director of Finance and/or the Town Supervisor.

- Less than \$8,000 is left to the discretion of the department head and the purchases do not require a purchase order. (Refer to “Decision Tree” in Appendix B)

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information and supporting documentation gathered in complying with the procedures of these Guidelines shall be preserved and filed with the Town’s Director of Finance. When submitting written requests (RFP’s or Specifications), the purchaser shall state, in the request, the identical information, requirements and pricing from all vendors so that a proper comparison can be made (Ex. an apples to apples comparison).

GUIDELINE 6 – AWARDING THE BID OR QUOTE: The lowest responsible proposal, quote or bid, shall be awarded for purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low quote/bidder.

The purchaser may make the award to a vendor who has not made the lowest responsible proposal or quote if that vendor uses recycled material and does not exceed the lowest proposal or quote by more than 5%. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Best Value Procurement: Per the Town Code, Town Officials have the option to conduct the purchase contract bidding process using Best Value Procurement (BVP). This is a procurement system that looks at factors other than only price, such as quality and expertise, when selecting vendors or contractors. The BVP system will select a winning bid based on a score sheet which will quantify and compare costs and benefits.

Please note that Best Value Procurement is not allowed for bidding a public works contract. This is in accordance with Article 8 of the New York State Labor Law. It mandates that contractors and subcontractors on public projects pay their workers the prevailing wage and benefits, as determined by the New York State Department of Labor. Article 8 aims to ensure fair compensation for workers on public construction and related projects.

GUIDELINE 7 – OBTAINING THE REQUIRED BIDS AND QUOTES: 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. Such documentation shall be attached to the purchase order.

GUIDELINE 8 – PURCHASE ORDER APPROVAL PROCESS: The following **purchase order approval process** shall apply to any purchase whose aggregate cost equals or exceeds \$800 for standard purchases and \$3,000 for public works contracts:

- A. On the Monday preceding each regularly scheduled Town Board meeting or workshop, the Director of Finance shall print a Purchase Order by Expense Account Report listing all purchase orders posted prior to 4:30 p.m. the Friday before. The Director of Finance

or the Accounts Payable Clerk will then forward a copy of this report to each of the Town Board Members and the Supervisor no later than 9:00 a.m. Tuesday morning.

- B. The Town Board will review the listing and any other pertinent information prior to the next regularly scheduled Town Board meeting or workshop before either approving or disapproving the weeks purchase orders for signature by the Director of Finance.
- C. **Each purchase order requires Town Board approval** and shall require the signature of both the department head and the Director of Finance or the Town Supervisor. **The purchase order approval must take place before the vendor is instructed to provide the goods or services.**
- D. **In the event of an emergency**, a purchase order may be released prior to Town Board approval with the additional signature of the Town Supervisor. **An emergency is defined as damage to or a malfunction of town infrastructure, property or equipment that is caused by an unanticipated, sudden and unexpected occurrence which involves a pressing need for immediate repair, reconstruction or maintenance in order to permit the safe continuation of a necessary public use or function or to protect the property of the Town or the life, health and safety of any person.**
- E. Purchase orders are required for purchases as outlined by this policy with the following exceptions:
 - 1. Polymer, Ferrous Sulfate and Chlorine regularly used in Sewer Operations where contracts are periodically awarded based on competitive quotes, RFP's or bid awards.
 - 2. Road Materials (Bituminous Material, stone, catch basins) used in the repair and maintenance of roads, where State or County contracts are in place and included in annual agreement.
 - 3. Snow and Ice Control for Highway purchased on State or County contract (salt and other ice control chemicals).
 - 4. Conference cost, Travel and Expenses for attendance at various municipal conferences related to job responsibilities, if itemized and included in the adopted budget, or approved separately by Town Board Resolution. Travel costs incurred by an employee should be summarized on an expense report and attached to the voucher with any associated receipts. **Expense reports need to be submitted for payment to the Finance Department timely. They should be presented for payment no more than 45 days past the date that the expenses were incurred. (Refer to expense report in Appendix C)**
 - 5. Services or purchases for which the Town Board authorized an agreement or contract, filed in the Town Clerks Office.
 - 6. Purchases supported by a contract, that is not required to be authorized by the Town Board, which aggregates to an amount that is under the established purchase order threshold (under \$800 for standard purchases and under \$3,000

for public works purchases) and has been executed by the Town Supervisor and/or Department Head.

7. Library Books and Materials purchased from State or County contracts.
8. Payments for postage for Town Postage Meters, Utilities, Bank Fees and Payroll Processing Fees.

The Town's procurement policy (bids and quotes) must be followed for all of the exceptions noted above. Any exceptions to the purchase order rules need to be noted on purchase orders and the vouchers. Where applicable County or State contract numbers should be noted on the purchase orders and vouchers.

GUIDELINE 9 – VIOLATION OF TOWN CODE: No vendor or contractor should be selected that owns, uses or occupies for business purposes property in the Town of Webster that is in violation of any provisions of the Code of the Town of Webster pertaining to the use and occupancy of the property, after notice from the Town of Webster as to a violation and a reasonable opportunity to bring the property into compliance.

GUIDELINE 10 – RECYCLED MATERIALS AND PRODUCTS: It is the policy to encourage the purchase and use of recycled materials and products. To the extent permitted under GML, the Town will consider using vendors or contractors whose products utilize or contain recycled materials.

GUIDELINE 11 – WEBSTER BASED VENDORS: It is a policy to encourage the purchase of products from Webster vendors and to encourage the utilization of local contractors for public works contracts. To the extent permitted under GML, local vendors and local contractors should be utilized.

GUIDELINE 12 – TOWN PURCHASING OFFICIALS: Pursuant to Chapter 402 of the Laws of 2007, effective January 1, 2009, as required under Section 104 of the NYS General Municipal Law, the Town is including the position title of the municipal officials responsible for purchasing decisions or “the purchaser”, as follows:

- *Town Supervisor*
- *Town Council Persons (4)*
- *Town Attorney*
- *Town Justice (2)*
- *Chief of Police*
- *Director of Parks and Recreation*
- *Deputy Commissioner of Public Works – Sewer*
- *Director of Communications*
- *Director of Community Development*
- *Director of Finance*
- *Director of Personnel*
- *Library Director*
- *Highway Superintendent*

- *Network Administrator*
- *Town Assessor*
- *Town Clerk & Receiver of Taxes & Fees*
- *Town Engineer*

GUIDELINE 13 – REIMBURSEMENT FOR MINOR EXPENSES: From time to time a department head or employee attends a town business function or makes a minor purchase for which they lost a receipt, did not receive a receipt or forgot to obtain a receipt. Documentation representing what was paid for, how much was paid for it, noting that it was for town business, and the signature of the claimant verifying such, will be acceptable in lieu of a receipt up to \$15.00. The Town reserves the right to reject such claim if claims lacking receipts become more frequent, or if it becomes known that receipts are readily available. Whenever possible, original receipts shall be attached to claims for reimbursement regardless of the dollar amount.

GUIDELINE 14 – TOWN BOARD POLICY REVIEW: This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

GUIDELINE 15 – CONFLICT OF INTEREST: All listed Purchasers must make themselves aware of NYS GML, Sections 800 to 809: Conflicts of Interest of Municipal Officers and Employees to ensure that they are aware of Conflict and Disclosure of Interest laws, which must be posted in Town buildings in a conspicuous place for the benefit of the municipal officers and employees.

GUIDELINE 16 – NATIONAL PURCHASING GROUPS “PIGGYBACKING”: In accordance with GML Subdivision 16, the Town has joined the following National purchasing groups which may be used for “Piggybacking”. The groups are as follows:

- A. U. S. Communities (OMNIA Partners Cooperative Purchasing)
- B. Sourcewell (Formerly known as NJPA – National Joint Powers Alliance)
- C. HGACBuy (Houston – Galveston Area Council Buying Group)
- D. Or another municipal purchasing group who's purchases meet the requirements in New York State General Municipal Law (NYS GML)

Town Officials are still responsible to ensure that the specific purchases meet the requirements as set forth within this policy. **If the purchasing group references a discount rate applied to the Manufacturers Suggested Retail Price (MSRP), then third-party corroborating evidence of the MSRP should be attached to the purchase order.** This can be in the form of quotes from other suppliers or web-based research for like items.

GUIDELINE 17 – NEW YORK STATE ENERGY LAW ARTICLE 9: The Town will be allowed to enter into energy performance contracts in connection with public buildings and facilities as detailed within **New York State Energy Law Article 9**. This allows the procurement of an energy performance contractor by issuing and advertising a written request for proposals in accordance with the Town’s procurement policy and General Municipal Law Section 104-b. The procurement of such services does not require competitive bidding

procedures pursuant to General Municipal Law. Sections 103 and 109-b of the General Municipal Law shall not apply to an energy performance contract for which a written request for proposals is issued.

The Town shall take measures to ensure that a highly qualified provider is secured through the prudent and economical use of public money, which may include, but is not limited to:

1. Reviewing trade journals;
2. Checking professional listings; and/or
3. Inquiring of other municipalities or other appropriate sources.

The designated Town staff will prepare a written request for proposals, which will contain critical details of the services sought. The RFP will specify that the proposals include the structure of the relationship between the Town and the provider, including, the specific expected provision of energy saving services, including but not limited to those associated with electricity, heating, ventilation, cooling, steam, or hot water energy systems, for the purposes of installing, maintaining, or managing such energy systems or equipment to improve energy efficiency in connection with a building or facility.

In reviewing the RFPs, the Town will consider, at a minimum, the following factors:

1. The suitability of the provider for the Town's needs;
2. The special knowledge or expertise of the provider;
3. The credentials and applicable certifications of the provider;
4. The quality of the service provided by the provider;
5. Cost and process savings;
6. The staffing available from the provider;
7. The proposed approach to the scope of work;
8. The level of experience of the provider;
9. The entity's experience with similar projects.

GUIDELINE 18 –CAPITAL PROJECT CHANGE ORDERS: Change Orders that are proposed in connection with Town public works capital projects must be approved as follows:

- Change Orders which result in a net decrease in the approved engineer's project cost estimate must be authorized by the Department Head and the Director of Finance.
- Change Orders which result in a net increase in the approved engineer's project cost estimate of up to \$10,000 must be approved by the Department Head, Director of Finance and Town Supervisor.
- Change Orders which result in a net increase in the approved engineer's project cost estimate that is greater than \$10,000 and up to \$50,000 must be approved by the Town Supervisor and one Town Board Member.
- Change Orders which result in a net increase in the approved engineer's project cost estimate that exceeds \$50,000 must be approved by the Town Board.

GUIDELINE 19 –PROCUREMENT AND TOWN BOARD CONTRACT APPROVALS:

The Town has established guidelines for purchasing goods or services as detailed within a contract that will be subject to Town Board approval. Specific steps have been established within Appendix D which will ensure that the terms of any agreement are properly reviewed by the department head and the Town Attorney. The procurement process associated with the transaction will also be properly vetted by the Director of Finance. The process is designed to ensure that the review process is complete well before the item is placed on the Town Board agenda for approval. (Refer to Appendix D)

Vote on motion:

Supervisor FlahertyAye/Nay
Councilman CahillAye/Nay
Councilwoman Wright.....Aye/Nay

Councilwoman Cataldi Aye/Nay
Councilwoman Nguyen Aye/Nay
Motion carried/denied 0-0

State of New York :
County of Monroe : §§
Town of Webster :

This will certify that this is an exact copy of the original which is filed in the Office of the Webster Town Clerk.

Danene M. Marr, Town Clerk
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Dated: November 6, 2025