

December 13, 2016

Regular meeting of the Town Board of the Town of Sparta was held December 13, 2016 at 7:00 PM.

Members present: Supervisor Mark Schuster, Deputy Supervisor Glenn Kreiley, Council Mark Caldwell, Deb Halpenny and Bill Smith.

A motion was made by Deb Halpenny and seconded by Bill Smith to accept the minutes. All voted yes. Carried.

Public hearing on Local Law #1-2016 was opened at 7:05 PM.

Assessor Holley Smalt reviewed her report.

Code Enforcement Officer Shawn Grasby reviewed his report.

A motion was made by Bill Smith and seconded by Glenn Kreiley to adopt the Agreement with the County Planning Board to Except Referral of Certain Local Zoning & Subdivision Applications. All voted yes. Carried.

A motion was made by Deb Halpenny and seconded by Mark Caldwell to authorize the recommendation of Graham Fraser for reappointment to County Planning Board. All voted yes. Carried.

A motion was made by Mark Caldwell and seconded by Glenn Kreiley to authorize Supervisor Schuster to sign approval following a public hearing held by Sparta Fire Department for the purchase of a 2017 Pierce Freightliner Pumper in the amount of \$273,827.00. All voted yes. Carried.

A motion was made by Deb Halpenny and seconded by Glenn Kreiley to sign the Intermunicipal Agreement for Machinery, Tools, Equipment and Services Sharing with the County of Livingston. All voted yes. Carried.

A motion was made by Bill Smith and seconded by Glenn Kreiley to authorize the insurance (NYMIR) rates. All voted yes. Carried.

Highway Superintendent Kevin Robinson reviewed his report.

There being no comments Supervisor Schuster declared the public hearing closed.

A motion was made by Glenn Kreiley and seconded by Bill Smith to pass Local Law #1-2016 as follows:

SECTION 1: TITLE AND SCOPE

- A. This local law shall be known as “A LOCAL LAW AUTHORIZING THE TOWN OF SPARTA TO AWARD PURCHASE CONTRACTS, INCLUDING CONTRACTS FOR SERVICE WORK, BUT EXCLUDING ANY PURCHASE CONTRACTS NECESSARY FOR THE COMPLETION OF A PUBLIC WORKS CONTRACT PURSUANT TO ARTICLE 8 OF THE LABOR LAW, ON THE BASIS OF BEST VALUE, AS DEFINED IN SECTION 163 OF THE STATE FINANCE LAW, TO A RESPONSIVE AND RESPONSIBLE BIDDER OR OFFER.”

SECTION 2: PURPOSE

- A. Section 103 of the General Municipal Law requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications of the project; and
- B. Section 103 was recently amended to provide that be enacting a Local Law so providing, counties and other municipalities may award purchase contracts which would otherwise be subject to the “lowest bidder” rule on the basis of best value, as defined in Section 163 of the State Finance Law, to a responsive and responsible bidder or offer; and
- C. The Town of Sparta hereby determines that it is in the best interest of the Town and its residents for the Town Board to have authority to award purchase contracts on the basis of best value.

SECTION 3: AUTHORIZATION

- A. On and after the effective date hereof, the Town of Sparta may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law, on the basis of best value, as defined in Section 163 of the State Finance Law, to a responsive and responsible bidder or offer.
- B. The election to award any such contract on the basis of best value shall be made by the Town Board, which authorizes the solicitation for bids.
- C. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing the required security.

SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be judged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy to which such order or judgment shall be rendered.

SECTION 5: EFFECTIVE DATE

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.

All voted yes. Carried.

A motion was made by Deb Halpenny and seconded by Mark Caldwell to amend the Town of Sparta's Procurement Policy as follows:

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can be reasonably expected that the aggregate amount subject to be spent on the item of supply or service is not subject to competitive bidding, taking into account past procedures and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000.00 and public works contracts under \$35,000.00; emergency purchases; certain municipal hospital purchases; goods purchased for correctional institutions; purchases under state and county contracts; and surplus and second hand purchases from other governmental entities. However, purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law) may be awarded on the basis of best value, as defined in Section 163 of the New York State Finance Law, as provided for in Local Law #1 of 2016, duly adopted by the Town Board of the Town of Sparta on December 13, 2016.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

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

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

ESTIMATE AMOUNT OF PURCHASE CONTRACT METHOD

- \$1,000.00 - \$2,999.99 3 Verbal Quotes
- \$3,000.00 - \$19,999.99 3 Written / Fax Quotes
- \$20,000.00 and over Formal Bid Process

ESTIMATE AMOUNT FOR PUBLIC WORKS CONTRACT METHOD

- \$1000.00 - \$2,999.99 3 Verbal Quotes

\$3,000.00 - \$34,999.99 3 Written / Fax Quotes

\$35,000.00 and over Formal Bid Process

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 will document the attempt made at obtaining the proposal. In no event shall the failure to obtain the proposal be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to the General Municipal Law Section 104-b (2)(f), the procurement policy may contain circumstances when, or types of procurements which, in sole discretion of the quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Town of Sparta to solicit quotations or document the basis for not accepting the lowest bid:

a.) Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Town Board shall take into consideration the following guidelines: (a.) whether the services are subject to State licensing or testing requirements; (b.) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c.) whether the services require a personal relationship between the individual and the municipal officials. Professional or technical services shall include, but not limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipality owner property; and computer software or programming services for customizing or prepackaged software.

b.) Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c.) Purchases of surplus and second hand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus of second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to compare prices of used goods and a lower price may indicate an older product.

d.) Goods and services under \$1,000.00. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. This policy shall go into effect March 11, 1997, as amended January 11, 2011 and as amended December 13, 2016 and will be reviewed annually.

All voted yes. Carried.

A motion was made by Glenn Kreiley and seconded by Bill Smith to authorize the purchase of a 2018 International & Chassis 7600 truck from Onondaga County Contract not to exceed \$124,654.00. All voted yes. Carried.

General Bills 192-209 were audited and approved for a total amount of \$11,870.65.

Highway Bills 224-234 were audited and approved for a total amount of \$7,516.91.

A motion was made by Deb Halpenny and seconded by Mark Caldwell to adjourn the meeting. All voted yes. Carried.

TOWN CLERK
Sheila Duffy