



**CITY OF BEACON  
CITY COUNCIL**

Resolution No. 11 of 2022

**RESOLUTION APPROVING  
THE 2022 CITY OF BEACON PROCUREMENT POLICY**

**NOW THEREFORE, BE IT RESOLVED**, that the City Council hereby approves the 2022 Procurement Policy.

<b>Resolution No. 11 of 2022</b>			<b>Date: January 3, 2022</b>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
	x	<b>Paloma Wake</b>	x				
		<b>Justice McCray</b>	x				
x		<b>George Mansfield</b>	x				
		<b>Wren Longno</b>	x				
		<b>Molly Rhodes</b>	x				
		<b>Dan Aymar-Blair</b>	x				
		<b>Mayor Lee Kyriacou</b>	x				
		<b>Motion Carried</b>	x				

CITY OF BEACON  
PROCUREMENT POLICY

**SECTION 1. PURCHASING TERMINOLOGY**

Generally, local governments are required to advertise for **Competitive Bids** when procurements exceed certain dollar thresholds. **Purchase Contracts** involving expenditures in excess of \$20,000 and **Public Works Contracts** involving expenditures in excess of \$35,000 are generally subject to competitive bidding under General Municipal Law § 103. When using competitive bidding, contracts are awarded to the “lowest responsible bidder” after public advertisement for sealed bids. As further discussed below, the City may elect to award **Purchase Contracts**, which exceed the monetary threshold, on the basis of “best value,” as an alternative to awarding contracts to the “lowest responsible bidder.”

A **Purchase Contract** is an agreement between the City and a Vendor, supported by consideration, for the purchase of goods, equipment, work or services. Services, other than those necessary for the completion of public works contracts governed by the prevailing wage requirements of Article 8 of the Labor Law.

A **Public Works Contract** involves services and materials used for a public works related jobs, for example blacktopping in connection with a paving project or building construction.

When procurement is not subject to bidding requirements, the law generally requires that the procurement policy provide that alternative proposals or quotations be obtained by use of written **requests for proposals (RFPs)**, written quotations, verbal quotations or any other method that furthers the purpose of the law. An **RFP** generally is a document that provides detailed information concerning the type of service to be provided including minimum requirements and, where applicable, evaluation criteria that will govern the contract award. Potential service providers typically are supplied with copies of the **RFP** and are requested to submit proposals by a specified date. Proposals can be solicited via public advertisement, or a comprehensive list of potential vendors can be compiled with vendors contacted directly and provided with the **RFP**. An **RFP** can provide a mechanism for fostering increased competition for professional services and can ensure that these contracts are awarded in the best interests of the taxpayers.

## **SECTION 2. METHODS OF PROCUREMENT**

### **A. Purchase Contracts**

In the process of procurement for commodities or services on behalf of the City of Beacon, every effort shall be made to obtain the required number of proposals or quotations laid out below. If the required number of proposals or quotations cannot be obtained, the Purchaser shall document the attempts made to obtain the proposals. The City is not responsible for purchases made without a purchase order or without the proper documentation and approvals. Checks will not be processed unless this procurement policy is followed.

All awards shall be made to the lowest responsible bidder or by using the Best Value Procurement Method set forth herein. If the lowest bidder is deemed not responsible, facts supporting that judgment shall be documented and filed with the records supporting the procurement.

Up to \$999.99	Discretion of Department Head
\$1,000 - \$ 3,999.99	2 verbal quotations must be attached to the requisition.
\$4,000 - \$19,999.99	3 written, faxed or email quotations or requests for proposals must be attached to the requisition.
\$20,000 and above	Formal Competitive Bid Required

### **B. Public Works Contracts**

In the process of procurement for commodities or services on behalf of the City of Beacon, every effort shall be made to obtain the required number of proposals or quotations laid out below. If the required number of proposals or quotations cannot be obtained, the Purchaser shall document the attempts made to obtain the proposals. All quotes (written or telephone) shall be documented and attached to all requisitions. The City is not responsible for purchases made without a purchase order or without the proper documentation and approvals. Checks will not be processed unless this procurement policy is followed.

All awards shall be made to the lowest responsible bidder. If the lowest bidder is deemed not responsible, facts supporting that judgment shall be documented and filed with the records supporting the procurement.

**Public Works Contract Cont.**

Up to \$999.99	Discretion of Department Head
\$1,000 - \$ 3,999.99	2 verbal quotations must be attached to the requisition.
\$4,000 - \$34,999.99	3 written, faxed or email quotations or requests for proposals must be attached to the requisition.
\$35,000 and above	Formal Competitive Bid Required

**C. Professional Services**

Professional services are not required to be competitively bid. Professional services generally include services rendered by attorneys, engineers, and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a high degree of creativity. Departments must procure such services in accordance with the procedures below. Requests for deviation from the process must be documented and approved by the City Administrator or their designee. There is no requirement in General Municipal Law on the frequency of solicitation. Periodic solicitation can be made at reasonable intervals. RFPs are traditionally used as a means of obtaining the services of: attorneys, architects, engineers, surveyors, planners, accountants, underwriters, fiscal consultants and other professionals. An evaluation of proposals can consider price in addition to other factors such as experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. When requested by the Council, the Mayor shall appoint an evaluation committee including City Councilmembers.

**SECTION 3. BEST VALUE**

In accordance with section 27 of the Municipal Home Rule Law and pursuant to General Municipal Law § 103, on May 5, 2014, the City Council enacted Chapter 53 “Purchasing” to exercise its authority to adopt standards permitting the City and its bodies, officers and agents, to apply the “best value” standard for awarding purchase contracts. Best value is defined in New York State Finance Law § 163.

Any purchase contract awarded by the City shall be awarded on the basis of lowest responsible bidder unless the City Administrator or their designee authorizes an award on the basis of "best value." “Best value” is defined as "the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers." The head of the contracting Department shall, before award of the contract, prepare and submit to the City Administrator or their designee a written statement detailing the reasons it is in the best interests of the City of Beacon and its taxpayers to make an award on the basis of best value instead of lowest responsible bidder.

The City Administrator or their designee shall consider the contracting Department's submission and shall make a written determination, issued to the contracting Department, with respect to which standard shall be applied to the contract under review.

Factors which must be considered in awarding a purchase contract on the basis of best value are:

- (a) The need for the costlier option as compared with all lower bids, supported by specific facts;
- (b) The cost of the option chosen as compared with all lower bids;
- (c) The reputation of the bidder chosen for providing quality goods or services;
- (d) The durability, estimated life and estimated cost of maintenance of the goods; and
- (e) Such other considerations as the City Administrator or their designees shall deem relevant and material to the letting of the contract.

The bid award shall be accompanied by a written statement discussing these factors and explaining how the award is expected to result in savings for the City over time. Wherever possible, such statements shall also include objective and quantifiable analyses comparing the bid accepted to all less expensive options.

#### **SECTION 4. LOCAL BUSINESS CONSIDERATION FOR QUOTATION**

This consideration applies to formal written quotations, where the annual acquisition costs are estimated to be between \$5,000 and \$19,999. This Section does not apply for any contract to be awarded pursuant to the public bidding process required by General Municipal Law § 103. For this purpose, a "local business" shall refer to any operating, commercial entity located physically within the geographic borders of the County of Dutchess that employs at least one full-time employee.

When a formal written quotation is used and the lowest responsible and responsive bidder is not a local business, the lowest responsible and responsive local business bidder (if applicable or available), who is within 10% of the lowest responsible and responsive bidder, shall be provided with notice and an opportunity to reduce its bid to match that of the lowest responsible and responsive bidder. Notice shall be by telephone and either facsimile or electronic mail. The local business shall have three business days after the date of such notice to match the lowest bid in writing. Should the local business so match, it will be deemed the lowest responsible and responsive bidder and receive the award. Should the lowest responsible and responsive local business bidder decline to match, the next lowest responsible and responsive local bidder who is within 10% of the lowest responsible and responsive bidder will be given the same notice and opportunity to match the bid of the lowest responsible and responsive bidder as outlined above. This process shall continue as necessary until an award is made either to a responsible and responsive local business bidder who is within 10% of the lowest responsible and responsive bidder, or the lowest responsible and responsive bidder itself.

In instances where a local business and a non-local business submit equivalent lowest responsible and responsive bids, the City Administrator or their designee shall give preference to the local business.

In the event the only bidders are local, the bid will be awarded to the lowest responsible and responsive bidder. In the event there are two or more local businesses within 10% of the lowest bid and whose bid is tied, the award shall be determined by a lottery.

The lowest responsible and responsive bidder shall meet the requirements as set forth in the formal quotation and as determined by the City Administrator or their designee.

## **SECTION 5. EMERGENCY PURCHASES AND EMERGENCY PUBLIC WORKS CONTRACTS**

The term “Emergency purchase” is defined in General Municipal Law § 103(4) as follows:

In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein

Consequently, unless the situation threatens lives, health or public property, the purchase of services or products must go through normal channels. In cases of emergency, the procurement of goods or services will be at the discretion of the proper department head and if possible, in consultation with the City Administrator or their designee. The following procedure will be used:

- a) Contact the vendor immediately and arrange the purchase or service.
- b) Notify the City Administrator in writing as soon as possible when the emergency purchases or services are necessary.
- c) If an emergency occurs and there is a need for a part or service, please fill out the requisition and give to the purchase order entry clerk on the next business day.

- d) Documentation as to the nature of the emergency shall be sent to the Director of Finance within five working days of the procurement.
- e) If advertising for bids and awarding the contract was required pursuant to General Municipal Law §103, then the City Council must consider at its next meeting, a resolution approving of the award of the contract without complying with the public bidding requirements due to an emergency.

## **SECTION 6. PIGGY-BACKING**

In addition to the procedures and guidelines stated herein, in accordance with General Municipal Law § 103(16), effective November 13, 2013, the City may make purchases through bids solicited by the United States of America or any agency thereof, or by any state or any other political subdivision or district. Prior to such purchase, the Department making the purchase will ensure that a piggyback purchase qualifies as follows:

- a) **The original contract must have been made expressly available for use by other governments,** such as by inclusion of language in the contract stating that it is offered for use by other governmental entities.
- b) The original contract was awarded on the basis of the lowest responsible bidder or best value standard consistent with New York State Law. The Department head must confirm that the contract was properly let on one of these bases through inquiry into the procedure used when the contract was first awarded. Documentation demonstrating proper procedure should be obtained whenever possible;

The original contract must be attached to the purchase requisition. Any documentation from the agency allowing the City to piggy-back off the original contract must also be provided with the requisition before it can be processed and provided to the City Council for review when it awards a contract pursuant to the piggybacking method.

## **SECTION 7. EXCEPTIONS TO BIDDING**

In all circumstances where a purchase is exempt from the bidding process, documentation supporting the details, must be provided with the requisition before it can be processed.

- a) ***Purchases through the New York State Office of General Services***  
Certain State contracts for the procurement of commodities, equipment, materials, supplies, services, technology, and food products are made available to local governments through the New York State Office of General Services (OGS). Under General Municipal Law § 104 the City may make purchases at the same prices under the same terms as the State. All acquisitions must follow the State's required

procedures and any additional competitive procurement processes prior to the purchase of any goods or services. The entire state contract must be attached to the purchase requisition; the contract must include the item(s), vendor and price.

***b) Purchases through Preferred Sources***

New York State has enacted legislation to advance “special social and economic goals,” which accords certain providers with “preferred source” status. Procurements of commodities and/or services, when available in the “form, function and utility” required by the City, are required to be made from preferred sources and are not subject to competitive procurement requirements. Preferred sources include: Correctional Industries Program of the Department of Corrections and Community Supervisions (Corcraft); approved qualified, nonprofit agencies for the blind; approved special employment programs for mentally ill persons; approved qualified charitable nonprofit agencies for other severely disabled persons; and certain approved qualified veterans’ workshops.

***c) Sole Source***

In cases where a reasonably exhaustive and documented search discloses that a good or service is available from only one vendor or in cases where there is common knowledge of the existence of a monopolistic situation for a particular good or service being sought, that good or service may be purchased from a single identified vendor without competitive bidding or solicitation of quotations. The requesting department must complete and submit a Sole Source Justification form with the City Administrator or their designee. Determination of sole source status shall be at the discretion of the City Administrator or their designee.

***d) Insurance***

Insurance coverage (i.e., health, fire, liability and workers’ compensation) is not subject to competitive bidding. All agreements for insurance coverage will be investigated by the City Administrator or their designee. If competition is available in the market, RFPS will be requested, evaluated and an award made. If no competition is available a contract will be negotiated between the City and the respective carrier.

## **SECTION 8. TRAVEL REIMBURSEMENT**

Employees attending a convention, conference or school must also submit a requisition (course, travel, meal reimbursement, lodging, etc.) along with an Authorization to Attend Form. This must be completed and signed by the City Administrator and then attached to each requisition. A copy of the course description should be attached to the requisition. All vouchers for reimbursement should be turned in within two weeks of completion.



## APPENDIX A

### GREEN PURCHASING POLICY

The City of Beacon recognizes the necessity of local governments leading the way to reduce or limit the environmental impacts of our operations and conserve our resources, therefore, the City hereby adopts the following green purchasing policy:

**Energy Use:** Priority shall be given to products which consume the least amount of energy in their manufacture, use and disposal. Where possible, Energy Star qualification and/or an equivalent elevated measure of efficiency should be a minimum requirement in any energy consuming equipment, device, vehicle or appliance purchase. Please see vehicle purchase policy for further details on vehicle requirements.

**Sustainability of Materials:** Priority shall be given to products which are made from sustainable materials, and/or contain a significant level of recycled or reprocessed material and which are manufactured locally, and/or which are packaged to reduce transportation costs.

**Packaging:** Priority shall be given to products which are minimally packaged using recycled, recyclable or biodegradable packaging materials.

**Environmental Impacts:** Priority shall be given to products which reduce impacts on the environment during manufacture, use or disposal.

**Health Impacts:** Priority shall be given to products which reduce or eliminate health risks to employees and/or citizens in their manufacture, use or disposal. In particular, products that are on California's list of Proposition 65 regulated chemicals and those that contain Chlorine, PVC, and/or emit unhealthy levels of chemical emissions during use should be avoided, if possible.

In addition, bid documents and requests for proposals shall be drafted to encourage environmentally preferable purchases and service by incorporating bidding specifications that procure goods and services with a reduced environmental impact where appropriate.

Nothing in this policy shall be construed as requiring the procurement of products or services that do not perform adequately for the intended use or not available at a reasonable price in a reasonable period of time.

## **APPENDIX B**

### **CITY OF BEACON GREEN FLEET AND EQUIPMENT POLICY**

#### **1. BASIS FOR POLICY**

- a. Energy costs represent a significant amount of spending for the City of Beacon government and the City desires to be a leader in environmental stewardship.
- b. The City of Beacon recognizes that energy use associated with the operation of its motor vehicle fleets exacerbates local air quality problems and results in greenhouse gas emissions that contribute to global climate change. While the operation and maintenance of the City vehicle fleet is essential to the ability to provide a wide range of services to the public, the fleet represents a significant environmental and financial cost to the City of Beacon.
- c. The transportation sector makes up nearly 70% of Beacon's community-wide greenhouse gas emissions according to a GHG inventory conducted by the City.
- d. The City wishes to lead by example when it comes to climate action and contribute to community-wide greenhouse gas reductions through its own operations.
- e. The City's vehicle fleet consumes approximately 35,320 gallons of gasoline and 27,070 gallons of diesel annually, amounting to the equivalent of 586 metric tons of carbon dioxide.
- f. The City recognizes that improving the efficiency of its fleet can lead to significant long-term monetary savings.
- g. The City has already purchased one plug-in hybrid electric vehicle and installed multiple electric vehicle charging stations with plans for more underway.
- h. The City of Beacon wishes to exercise its power as a participant in the marketplace to ensure that purchases and expenditures of public monies are made in a manner consistent with the policy of improving local air quality emissions and reducing greenhouse gas emissions.

- i. The City wishes to establish a green City vehicle fleet and equipment policy, which would support the objectives of fuel-efficient, low- emission and low-cost fleet and equipment operations.

## **2. FLEET INVENTORY**

- a. In order to establish a baseline of data so that the Green Fleet and Equipment Policy can be established, implemented, and monitored, the Highway Superintendent, in conjunction with the Climate Smart Coordinator, shall develop an inventory and analysis of the fleet vehicles and equipment within each department or agency. This inventory shall be based off of the current inventory in the asset management plan and include:
  - i. Number of vehicles classified by model year, make, model, engine size, VIN, drivetrain type (2-wheel drive or 4-wheel drive), and the rated vehicle weight and classification (light-duty, medium duty, heavy-duty);
  - ii. Miles per gallon (or gallon equivalent) per vehicle;
  - iii. Type of fuel (or power source) used;
  - iv. Average cost per gallon (or gallon equivalent) of fuel;
  - v. Average fuel cost per mile;
  - vi. Annual miles driven per vehicle;
  - vii. Total fuel (or power consumption) per vehicle; and
  - viii. Vehicle function (tasks associated with vehicle's use).
- b. Once the Fleet and Equipment Inventory from each dept. is submitted, an analysis on vehicular use will be performed by the Highway Superintendent, in conjunction with the Climate Smart Coordinator. The analysis will examine:
  - i. Is vehicular use necessary
  - ii. Is the smallest, most efficient vehicle being used to carry out necessary tasks; and
  - iii. Can sustainable fuel vehicles adequately replace existing vehicles and accomplish substantially the same tasks?

### **3. GREEN FLEET AND EQUIPMENT POLICY**

- a. It is the policy of the City of Beacon:
  - i. To purchase, lease, or otherwise obtain the most energy-efficient and cost-effective vehicles possible that meet the operational needs of the City.
  - ii. To purchase vehicles that are appropriately sized for the purposes for which they are intended.
  - iii. To manage and operate its fleet in a manner that is energy efficient and minimizes emissions.
- b. To prioritize the development of further Green Fleet Infrastructure.

### **4. GOALS**

- a. It is the goal of this policy to reduce the greenhouse gas emissions from the City of Beacon fleet by more than New York State's emission reduction goal of 40% by 2030 through the combination of procurement, operations and technology, relative to the baseline established for year 2012 in the City's greenhouse gas inventory.
- b. It is also the goal of this policy to save the City money over time, as electric vehicles are generally cheaper to operate and maintain.

### **5. GREEN FLEET POLICY STRATEGIES**

- a. In order to accomplish the goals above, the following policy strategies shall be implemented:
  - i. To support the growth of its Electric Vehicle (EV) Infrastructure the City will work to broaden its EV charging network over time, taking advantage of grant opportunities and incentives.
  - ii. The City shall prioritize the procurement of electric equipment when such an option is available for the given application at a cost of purchase and operation not substantially higher compared to conventional (gasoline or diesel) equipment and where service levels are not negatively impacted.

- iii. The City shall require the purchase of Plug in Hybrid Electric Vehicles (PHEV) or Electric Vehicles (EV) for Light-Duty Vehicles (sedans, vans, SUVs). Department heads may submit a written request to the City Council to waive this requirement. Waivers may be approved by the City Council by written resolution where a PHEV or EV option for a given application is unavailable or costprohibitive.
- iv. The City shall prioritize the procurement of PHEV or EV) models for Medium and Heavy-Duty Vehicles when such an option is available for the given application at a cost of purchase and operation not substantially higher compared to conventional (gasoline or diesel) fuel vehicles and where service levels are not negatively impacted.
- v. Review all vehicle procurement specifications and modify them as necessary to ensure that the specifications are written in a manner flexible enough to allow the purchase or lease of green vehicles.
- vi. Review the fleet inventory to identify older vehicles that are used infrequently (or not at all), as well as those vehicles that are disproportionately inefficient, and schedule their elimination or replacement.

## **6. APPLICABILITY**

- a. New emergency vehicles purchased under this policy must provide comparable performance, safety, and fuel availability during emergencies as conventionally powered emergency vehicles
- b. The additional cost of purchasing an electric or other lower emission vehicle that complies with this requirement of this policy will be analyzed against the reduction of fuel, maintenance requirement, and other costs incurred during the operating life of such vehicle.
- c. Wherever possible, grant funding will be used to help pay for the purchase of vehicles or equipment that complies with this policy, or that supports the deployment of appropriate sustainable technologies across the City fleet.

## **7. REPORTING**

- a. Annually, the Highway Superintendent, in conjunction with the Climate Smart Coordinator, will provide a report to the Mayor and City Administrator

documenting the fuel use and emissions associated with the City of Beacon fleet and will include measured performance against stated goals.

- b. The report will summarize any activities related to the implementation of this policy.
- c. The annual report shall include, but not be limited to:
  - i. Documentation of the fuel use and emissions associated with the City of Beacon fleet;
  - ii. An assessment of whether or not the goals set forth in the policy have been attainable; and if not, the reasons relevant;
  - iii. Recommendations regarding actions to be taken in order to meet the goals set forth in the policy; and
  - iv. Recommendations as to specific changes or modifications to the policy that would promote the goals of the policy.