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TOWN OF HOMER PROCUREMENT POLICY

Adopted pursuant to General Municipal Law §104-b
Effective Date: 2/11/26
Supersedes prior Town Procurement policies

SECTION I – PURPOSE AND POLICY STATEMENT

Goods and services that are not required by law to be procured pursuant to competitive bidding shall be procured in a manner that assures the economical and prudent use of public funds in the best interest of the taxpayers of the Town of Homer. This policy is intended to facilitate the acquisition of goods and services of maximum quality at the lowest cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud, and corruption.

This policy is adopted by the Town Board pursuant to General Municipal Law (GML) §104-b and governs all procurements of goods and services not subject to the competitive bidding requirements of GML §103 or any other general, special, or local law.

SECTION II – DETERMINATION OF APPLICABLE PROCUREMENT METHOD

Every proposed purchase or contract shall first be reviewed to determine whether it constitutes a purchase contract or a public works contract.

A good faith effort shall be made to determine whether the aggregate amount reasonably expected to be spent on the item or service during a twelvemonth period meets or exceeds the competitive bidding thresholds established by law, taking into account prior purchases of the same or similar items or services. Purchases shall not be artificially divided to avoid competitive bidding requirements.

SECTION III – PROCUREMENTS EXEMPT FROM COMPETITIVE BIDDING

The following procurements are exempt from the competitive bidding requirements of GML §103, but remain subject to this procurement policy:

- Purchase contracts under \$20,000
- Public works contracts under \$35,000
- Purchases through New York State Office of General Services contracts
- Purchases through valid county contracts
- Purchases or contracts required due to a public emergency pursuant to GML §103(4)
- Purchases of surplus or secondhand goods from federal, state, or other governmental entities
- Professional services or services requiring special or technical skill or expertise
- Sole source procurements where competition is not available
- True leases (excluding lease-purchase agreements)
- Procurements made in accordance with the Town's Piggybacking Policy

Where a federal or state statute, regulation, or order requires procurement from a specified source, the competitive selection requirements of this policy shall not apply, though all other provisions shall remain in effect.

The determination that a procurement is exempt from competitive bidding shall be documented in writing and retained in the procurement file.

SECTION IV – AUTHORIZED PURCHASING OFFICIALS

Pursuant to GML §104-b(2)(f), the following officials are authorized to make purchases within their respective budgetary appropriations and subject to Town Board oversight:

- Town Supervisor
- Highway Superintendent
- Town Clerk
- Town Justice
- Assessor

All purchasing authority is subject to appropriations approved by the Town Board and any additional approval requirements established by Town Board resolution.

This list shall be reviewed and updated biennially.

SECTION V – METHODS OF PROCUREMENT

A. Purchase Contracts (Goods and Services)

Estimated Aggregate Amount	Procurement Method
Up to \$1,000	Discretion of purchaser within approved budget
\$1,000 – \$1,999	Oral request with written, faxed, or emailed quotations from at least two vendors
\$2,000 – \$3,999	Oral request with written, faxed, or emailed quotations from at least three vendors
\$4,000 – \$19,999	Written RFP or written quotations from three or more vendors
\$20,000 and over	Competitive sealed bidding pursuant to GML §103

B. Public Works Contracts

Estimated Aggregate Amount	Procurement Method
Up to \$1,000	Discretion of purchaser within approved budget
\$1,000 – \$2,999	Oral request with written proposal from contractor
\$3,000 – \$11,999	Written RFP with proposals from at least two contractors
\$12,000 – \$34,999	Written RFP with proposals from three or more contractors
\$35,000 and over	Competitive sealed bidding pursuant to GML §103

A written RFP shall clearly describe the scope, specifications, and performance requirements. A record of vendors solicited and responses received shall be maintained.

If the required number of quotes or proposals cannot be obtained, the purchaser shall document the good faith efforts made and the reason procurement proceeded with fewer responses. Such determination shall be subject to approval by the Town Supervisor or Town Board, as applicable. Failure to obtain the required number shall not prohibit the procurement.

SECTION VI – AWARD OF CONTRACTS

Contracts shall be awarded to the lowest responsible vendor or proposer, unless a written determination is made that awarding to another vendor is in the best interest of the Town and its taxpayers pursuant to GML §104-b(2)(e).

Responsibility may include, but is not limited to, financial capacity, past performance, compliance with applicable laws, integrity, and reliability.

Documentation supporting any award other than the lowest price shall be retained in the procurement file, including determinations of non-responsibility.

SECTION VII – PROFESSIONAL SERVICES

Competitive selection is not required for professional services or services requiring special or technical expertise. Such services may be procured based on qualifications, experience, accountability, and reliability.

Professional services include, but are not limited to:

- Legal services
- Engineering and architectural services
- Medical services
- Certified public accounting services
- Insurance brokerage services (to be reviewed at least every three years)
- Investment management services
- Specialized computer software or programming services
- Professional Consulting Services

The Town Board shall consider licensing requirements, educational prerequisites, and the need for a professional relationship when determining applicability.

SECTION VIII – EMERGENCY AND SOLE SOURCE PROCUREMENTS

Solicitation of quotes or proposals is not required for:

- Emergency purchases pursuant to GML §104 where delay would threaten life, safety, or property
- Sole source procurements where competition is not available
- De minimis purchases under \$1,000

All such procurements shall be documented in writing, including the nature of the emergency or sole source justification, and submitted to the Town Board for review when practicable.

SECTION IX – PIGGYBACKING AND COOPERATIVE PURCHASING

The Town of Homer may utilize contracts let by the United States, New York State, other states, or political subdivisions thereof, provided the contract:

- Was awarded through competitive bidding or best value consistent with GML §103;
- Was made available for use by other governmental entities; and
- Is determined by the Town Board, in consultation with counsel, to be appropriate and cost-effective.

The Town shall maintain documentation supporting the use of such contracts, including cost-benefit analysis.

SECTION X – COMPLIANCE WITH OTHER LAWS

Nothing in this policy shall relieve the Town of its obligation to comply with:

- Minority and Women-Owned Business Enterprise requirements
- Preferred source requirements of State Finance Law §162
- Audit of claims and internal control procedures
- Article 18 of the General Municipal Law (Conflicts of Interest) and the Town of Homer Code of Ethics. No officer or employee shall participate in any procurement in which they have a prohibited interest.

SECTION XI – RECORDKEEPING

All procurement documentation required by this policy shall be maintained in a centralized procurement file in the office of the Town Clerk or Town Supervisor and retained in accordance with the New York State Records Retention and Disposition Schedule.

SECTION XII – POLICY REVIEW

Pursuant to GML §104-b(4), the Town Board shall review this procurement policy annually and update it as necessary to reflect statutory or operational changes.

SECTION XIII – BEST VALUE PROCUREMENT

Where authorized by resolution of the Town Board, the Town may award purchase contracts on the basis of best value in accordance with GML §103, when permitted by law and deemed to be in the best interest of the Town.