

TOWN OF ORANGETOWN PROCUREMENT POLICY

(ADOPTED BY TOWN BOARD RESOLUTION _____ OF 2022)

Section 1. **POLICY INTENT**

This Procurement Policy is adopted pursuant to the provisions of General Municipal Law §104-b. The purpose of this Policy is to define the circumstances under which supplies and equipment and public works contracts may be let in the Town of Orangetown when those goods and services or public works are not required by law to be procured pursuant to the competitive bidding requirements of §103 of the New York General Municipal Law, and in accordance with Town Code Chapter 1A, Article IV.

These policies and procedures have been adopted in the best interest of the tax payers to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Comments have been solicited from all officers in the Town involved in the procurement process.

Section 2. **RESPONSIBLE OFFICERS AND OFFICIALS**

The following officers and officials are responsible for purchasing goods and services for the Town of Orangetown:

Teresa M. Kenny, Supervisor
Gerald Bottari, Town Councilperson
Thomas Diviny, Town Councilperson
Brian Donohue, Town Councilperson
Paul Valentine, Town Councilperson
Rosanna Sfraga, Town Clerk/Receiver of Taxes
Jim Dean, Superintendent of Highways
Anthony Limandri, General Foreman – Highway Department
Stephen Munno, Senior Administrative Assistant
James M. Dillon, Highway Maintenance Supervisor II
Eamon Reilly, Commissioner of DEME
Christopher Sheehan, Confidential Assistant to Commissioner, DEME
Michael Weber, Chief Operator Grade 3 Wastewater / Deputy Commissioner, DEME
Jeffrey Bencik, Director of Finance
Janice Ganley, Supervisor Fiscal Services
Jane Slavin, Director of OBZPAE
Aric Gorton, Superintendent of Parks & Recreation
Roberto Urban, Director of Personnel
Donald Butterworth, Chief of Police

James E. Acheson, Captain, Police Department
Michael F. Shannon, Captain, Police Department
Brian Kenney, Tax Assessor
Karen Serafin, Assessing Clerk II
Robert V. Magrino, Town Attorney
Denise A. Sullivan, Deputy Town Attorney
Lisa Hastings, Justice Court Clerk
Anthony Bevelacqua, Director of Automated Services
Mary Cardenas, Town Historian

Section 3. **INITIAL EVALUATION OF PURCHASES**

Every prospective purchase of goods to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. A purchase contract is a legal agreement between the Town and a vendor for goods and/or services. A public works contract is a contract for public facilities and improvements financed by the government for the public good.

Once that determination is made, a good faith effort shall be made to determine whether it is known, or can reasonably be expected, that the aggregate amount to be spent on the item of supply or service is not subject to the competitive building requirements of General Municipal Law (“GML”) §103, by taking into account past purchases and the aggregate amount to be spent within a twelve (12) month period commencing on the date of purchase.

Generally speaking, unless an exemption applies, purchase contracts in excess of TWENTY THOUSAND AND 00/100 (\$20,000.00) DOLLARS and public works contracts in excess of THIRTY-FIVE THOUSAND AND 00/100 (\$35,000.00) DOLLARS are subject to the requirements of competitive bidding.

Notwithstanding the foregoing, all requisitions above FIVE THOUSAND AND 00/100 (\$5,000.00) DOLLARS must be submitted to the Finance Director for his review and approval.

Section 4. **PROCEDURE FOR A PURCHASE CONTRACT**

The following methods of purchase shall be used for a purchase contract (for materials, equipment, supplies and services) when required by this policy in order to achieve fair and reasonable pricing and the highest savings:

PURCHASE CONTRACT:

ESTIMATED AMOUNT OF PURCHASE CONTRACT	METHOD
\$20,000 AND OVER	Competitive sealed bids pursuant to NYS General Municipal Law Section 103 after obtaining authorization from Town Board as long as there are sufficient funds currently available in the Department's approved annual operating and capital budget, unless otherwise exempt.
\$3,000 TO \$19,999	A written Request for Proposal (RFP) and written/email/fax quotes from three (3) vendors so long as there are sufficient funds available in the Department's approved annual operating and capital budget.
\$500 TO \$2,999	Oral request for the goods and written/email/fax/oral quotes from one vendor so long as there are sufficient funds currently available in the Department's approved annual operating and capital budget.
UNDER \$500	Discretion of the Department Head.

Section 5. **DOCUMENTATION REQUIRED FOR A PUBLIC WORKS CONTRACT.**

The following methods of purchase for a public works contract shall be used when required by this policy in order to achieve fair and reasonable pricing and the highest savings:

PUBLIC WORKS CONTRACT:

ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT	METHOD
\$35,000 AND OVER	Competitive sealed bids pursuant to NYS General Municipal Law Section 103 after obtaining authorization from Town Board as long as there are sufficient funds currently available in the Department's approved annual operating and capital budget, unless otherwise exempt.
	** note – where the cost of a building or structure is over \$500,000.00 there must be separate specifications and awards for construction, plumbing, heating and lighting. (GML §101(1)).

ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT	METHOD
	** note – all public works projects regardless of their costs are subject to prevailing wages requirements. (Labor Law §220)
\$3,000 TO \$34,999	Written/email/fax proposals from three contractors so long as there are sufficient funds currently available in the Department's approved annual and capital budget.
\$500 TO \$2,999	A single quote for the goods and written/email/fax/oral quote from a vendor, so long as there are sufficient funds currently available in the Department's approved annual operating and capital budget.
UNDER \$500	Discretion of the Department Head.

Town Code Chapter 1A, Article IV permits the Town to award contracts that are subject to competitive bidding on the basis of "best value" as defined in § 163 of the New York State Finance Law.

Section 6. **EXCEPTIONS TO COMPETITIVE BIDDING**

a. The following items are not subject to Competitive Bidding pursuant to Section 103 of the General Municipal Law:

1. Purchase contracts of \$20,000 or less and public works contracts of \$35,000 or less;
2. Emergency purchases (pursuant to GML §103(4));
3. Certain municipal hospital purchases;
4. Goods purchased from agencies for the blind or severely handicapped (pursuant to Section 175-b of the State Finance Law);
5. Goods purchased from correctional institutions (pursuant to Section 186 of the Correction Law);
6. Purchases under State contracts (pursuant to Section 104 of the General Municipal Law);
7. Purchases under County contracts (pursuant to Section 103(3) of the General Municipal Law);
8. Purchase contracts, that are from sole source providers (a sole source provider being a provider or vendor that has been determined to be the only source of the goods or services that are to be obtained or provided);
9. Surplus and second-hand purchases from another government entity;
10. Leases of equipment with operators under the control and supervision of Town officers and employees;

11. Professional services; and
 12. Insurance.
- b. The decision that a purchase is NOT subject to competitive bidding will be documented in writing by the individual making the purchase and will be provided to the Finance Department. Documentation may include:
1. written or verbal quotes from vendors;
 2. 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;
 3. a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate; and
 4. If the purchase is approved for the contractors awarded by resolution of the Town Board, the Town Board shall state the reason why the purchase was not subject to competitive bidding.

Section 7. **GOVERNMENT CONTRACTS (“PIGGYBACKING”)**

Pursuant to Town Code Chapter 1A Article IV, purchases may be made without obtaining informal quotations or formal bids via “piggybacking” on to Federal, State, County or other governmental or municipal contracts.

Whenever possible, the Town will purchase materials, supplies or equipment through the New York State Office of General Services when New York State contracts apply to government agencies and municipalities. Department Heads should explore the use of Federal, State or County contracts before requesting the initiation of a Town Bid for the same or similar commodities or services.

Generally speaking, New York and Rockland County contracts are presumed to have been properly procured through the competitive bidding process, but it is up to the Department Head to ensure that such contracts were properly bid according to GML §103 and are available for piggybacking.

New York purchasing information containing the names of vendors, as well as price and packaging, are available from the New York State Office of General Services website at: www.ogs.state.ny.us

“Piggybacking” on to government contracts of municipalities outside of New York State must be reviewed to ensure that they were properly bid according to the requirements of GML §103.

SIMPLY BECAUSE A CONTRACT INDICATES IT IS A GOVERNMENT CONTRACT DOES NOT MEAN IT IS ELIGIBLE FOR PIGGYBACKING UNDER NEW YORK LAW. PROPER DOCUMENTATION MUST BE REVIEWED TO CONFIRM THE REQUIREMENTS OF GML §103 WERE FOLLOWED. CONSULTATION WITH THE TOWN ATTORNEY’S

OFFICE AND FINANCE DEPARTMENT IS RECOMMENDED PRIOR TO PURCHASING THROUGH AN OUT OF STATE GOVERNMENT CONTRACT.

See also, New York State Office of the State Comptroller, Bulletin dated October 2021 regarding “Piggybacking” Law – Exception to Competitive Bidding (Updated).

Section 8. **CIRCUMSTANCES WHERE THE TOWN HAS DISCRETION**

Pursuant to General Municipal Law Section 104-b (2)(g), the procurement policy may contain circumstances when, or types of procurements which, in the sole discretion of the Town Board, the solicitation of alternative proposals or quotations will not be in the best interest of the Town.

In the following circumstances it may not be in the best interest of the Town of Orangetown to solicit quotations or document the basis for not accepting the lowest bid:

- a. **Professional services or services requiring special or technical skills, training or expertise** – The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. Professional and technical services shall include but not be limited to the following: services of an appraiser; services of an attorney; services of a physician; technical services of an engineer or architect or planner engaged to prepare plans, maps, reports 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 artwork; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software. In determining whether a service shall fit into this category, the Town Board shall take into consideration the following guidelines:
 - (1) Whether the services are subject to state licensing or testing requirements;
 - (2) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
 - (3) Whether the services require a personal relationship between the individual and municipal officials.

- b. **Emergency purchases as defined in Section 103(4) of the General Municipal Law**
– Due to the nature of this exception, these goods or services must be purchased immediately where a delay in order to seek alternate proposals may threaten 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 and second-

hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

- d. **Goods under \$1,000 and public works contracts for less than \$1,000** – The time and documentation required to purchase an item through this policy may be more costly than the item itself and therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
- e. **Sole Source** – When it can be justified that this supplier is the only source which can manufacture a product or provide a service so that there is no possibility of competition (i.e. patent, directed by law, possesses unique expertise).
- f. **Single Source** – Source identified as the result of previous standardization of a specific purchase when there are no other suppliers of that item for the Town service area.
- g. **Lease of equipment so long as the project is under the complete control and supervision of the Town** – However, in such event, competitive proposals are to be solicited from vendors who can provide a similar type service when the Town wishes to make such leases or rentals in the future; and any lease or rental rates shall be subject to the prior approval of the Town Supervisor.
- h. **Option to utilize competitive bidding process** – No portion of this policy shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired by the Town Board. In that event, the Town Board shall also be permitted to award purchase contracts pursuant to General Municipal Law §103(1) on the basis of best value, in accordance with Town Code Chapter 1A, Article IV.

Section 9. **METHODS FOR SECURING GOODS AND SERVICES NOT SUBJECT TO COMPETITIVE BIDDING**

- a. All goods and services which are NOT subject to competitive bidding will be secured by use of written Requests for Proposals (RFP), 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.
- b. Any written RFP shall describe the desired service, goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/email/fax/oral quotes have been requested and the written/email/fax/oral quotes offers. Supporting documentation must be submitted to the Finance Department.
- c. 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 failure to obtain the proposals be a bar to procurement.

- d. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract. The supporting bid documentation **MUST** be submitted to the Finance Department with the requisition/voucher.
- e. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepared 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 proposer. If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement. In order to minimize and/or preclude these situations, it is expected that the purchaser would not solicit quotes from suppliers previously deemed unacceptable due to justifiable reasons.

Section 10. **CONSIDERATIONS FOR LEASE / RENTAL / INSTALLMENT AGREEMENTS**

Leases which in substance are not a “true lease”, and are not really purchases, will be considered purchases for competitive bidding purposes and for compliance with this procurement policy.

Where a true rental or lease agreement includes provision for separate service or maintenance charges in addition to rental charges, the service and maintenance aspect constitutes a separate public works contract subject to competitive bidding requirements and requires compliance with this procurement policy. However, where service and maintenance are purely incidental to the rental agreement and no separate charge is fixed, competitive bidding would not be involved.

Installment purchase contracts for equipment, machinery and apparatus are subject to competitive bidding requirements and for compliance with this procurement policy. Lease arrangements, where the purchase price is less than a reasonably accurate estimate of fair market value of the equipment at the time of purchase, so that a component of the annual rental charge is really an installment payment towards the purchase of the equipment including arrangements where there is a normal purchase price or where title will automatically pass, are to be considered an installment purchase.

Section 11. **ELECTRONIC BIDS**

The Town Clerk may accept bids, whether competitive bids or responses to RFP's, via electronic format, in accordance with Article 3 of the New York State Technology Law. The method for electronic submission must at a minimum:

- Document the time and date of receipt of the bids received electronically,

- Authenticate the identity of the sender,
- Ensure the security of the information transmitted, and
- Ensure the confidentiality of the bid until the time and date established for the opening of bids.

Section 12. **TOWN BOARD APPROVAL**

Where the cost of purchase of an item EXCEEDS the sum of \$20,000 for a purchase and/or EXCEEDS \$35,000 for public works contract, no officer or employee of the Town of Orangetown, shall purchase on behalf of the Town, or place any order for the purchase of any item on behalf of the Town, unless and until a majority of the members of the Town Board shall have voted, in advance, to approve such purchase or such order.

Section 13. **CONFLICT OF INTEREST**

Any Town officer or employee who has, will have, or acquires an interest in, any actual or proposed contact with the Town of which he/she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the Town Board as soon as he/she has knowledge of an actual or prospective interest. This written disclosure will be made part of the official minutes of the Town Board. If an officer or employee has a reason to believe that he/she may have a conflict of interest, the office of the Town Attorney should be contacted immediately. See GML §801.

Section 14: **ETHICS IN PUBLIC CONTRACTING**

All individuals involved in the procurement of goods and services for the Town of Orangetown shall comply with the "Code of Ethics" of the Town (Chapter 1 of the Town Code), including but not limited to the following:

- a. Protection of confidential information in relation to proposals and offers.
- b. Employee Conflict of Interest.
- c. Gratuities and Kickbacks.

Section 15. **MACBRIDE PRINCIPALS**

In conducting its procurements, the Town has voted to support and encourage adherence to the MacBride Principles, as applicable. (Town Board Resolution #797 of 1990). Furthermore, in accordance with the MacBride Fair Employment Principles, a contractor must stipulate that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the

MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

Section 16. **ANNUAL REVIEW**

This policy shall be reviewed annually, unless otherwise prescribed by law, by the Town Board at its organizational meeting or as soon thereafter, as is reasonably practicable.

Section 17. **EFFECTIVE UPON ADOPTION BY TOWN BOARD**

This Procurement Policy shall take effect immediately upon adoption by Resolution by Town Board of the Town of Orangetown.

PROCUREMENT POLICY - FREQUENTLY ASKED QUESTIONS 2022

It is the responsibility of each employee involved in procurement process to become familiar with the procurement procedures and to follow their requirements. Failure to do so may cause an unnecessary delay in the process. If there are any questions or concerns relative to these procedures or the ability of the employee to respond effectively to their requirements, it is the responsibility of that employee to bring such matters to the attention of the Town Finance Director.

1. Does the department/authorized representative need to sign the requisition form? All purchases made and contracts executed by the requestor will be pursuant to a signed requisition from the head of the department/authorized representative whose appropriation is to be charged.
2. Can I split an order to avoid the requirements of competitive bidding? Purchases may not be split in order to avoid the requirements for competitive bidding. Purchases may not be split in order to reduce the requirements for the number of written or verbal quotes. In all purchases requiring quotes, the lowest reasonable quote shall be accepted.
3. What if I cannot obtain the required amount of quotes or proposals? A good faith effort will be made to obtain the required number of proposals or quotations. If the requestor is unable to obtain the required number of written or verbal quotes, as applicable, the requestor shall document the attempt made in at obtaining the written or verbal quotes. If the purchaser documents the attempt at obtaining the proposals or quotations, in no event will the failure to obtain the proposals be a bar to the procurement.
4. Where do I enter a purchase requisition? All purchase requisitions shall be entered in the **KVS Program or current software program**. If you need assistance with this program, please contact Natalie Schutter in the Finance Office at (845) 359-5100 ext. 2217.

5. Do I need to save the documents supporting the purchase? All information gathered in complying with the procurement procedures shall be preserved and MUST BE filed with the documentation supporting the subsequent purchase with the Finance Department. The documentation should be attached to the requisition/voucher.
6. How do I enter information using a State Bid? The "P.C. #" must be noted on the requisition form (KVS Program) supporting the purchase. The supporting documentation regarding the State bid MUST be submitted to the Finance Department and attached to the requisition/voucher.
7. What if I find a supplier that offers a lower price than the State bid? If another supplier is lower than the State bid price, and the purchase is made from the other supplier, a written statement should be filed with the documentation supporting the purchase that the price of another supplier is lower than the State bid.
8. What information do I need if I select a vendor that is not the lowest price offeror? Proper documentation is required when the quotation is not awarded to the vendor giving the lowest price.
9. What if I cannot obtain the required number of quotes? Proper documentation on the quote sheet must be given if required number of quotes is not obtained.
10. How do I select a vendor that is exempt under the Procurement Policy? Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the Town Board, the solicitation of alternative proposals may not be in the best interest of the Town. For items excepted/exempted from this policy, the vendor will be selected based upon accountability, reliability, responsibility, skill, education & training, judgment, integrity, and ability to work successfully with the Town of Orangetown, its officers and agents.

11. What do I need to provide the Finance Office with for a quote for items \$3,000 and up?

Quotations will be in writing and submitted to the Finance Office as an attachment to the electronic requisition form (KVS Program). You can obtain a quotation form from Finance Department. Quotation forms will include three (3) vendors who can provide the item or services desired. These forms should contain a complete description of the item, the quantity desired and the unit on which the price is quoted (per gross, dozen, etc.).

12. What if I cannot obtain a firm price for the product(s) at the time the order is placed?

In the case of an order for which a firm price cannot be obtained at the time of the order is placed (repair work, etc.), an estimate should be obtained and this figure placed on the purchase order with the notation that this is an estimate.

13. Do I need to obtain the approval of the Finance Department prior to placing my order?

In ALL instances, purchase orders are to be completed and approved by the Finance Office before a purchase is made. The sole exception: emergency purchase orders. After THREE (3) quotations have been gathered, and the Purchase Order has been approved by the Finance Office, the department head will purchase the materials from the vendor with the lowest price. (The delivery time and cost of labor and mileage will be a consideration.)

14. Do I need to use the KVS Program? **All Departments shall use the KVS Program** as it provides

formal documentation and authority for the purchase of goods and services; provides documentation that goods and services have been ordered and received; provides the necessary authority to pay vendor claims for goods and services; initiates and substantiates various accounting processes; and provides the necessary tax-exempt sale proof needed by vendors. If you have any questions, or require assistance with the program, please contact Natalie Schutter in the Finance Office at 359-5100 x 2217.

15. When do I need to use a purchase order? Any purchase made in the amount of ONE THOUSAND AND 01/100 (\$1,000.01) DOLLARS or more requires the use of a purchase order.
16. What information do I need to complete a purchase requisition in the KVS Program? The requestor will complete a purchase requisition in the KVS Program including the following information: Date; Vendors name and address; Terms as they apply; Vendor Number; Quantity; Unit Price; Extension and Total Cost; Account number to be charged; Department Head Signature; Comments (resolution #, contract information, etc.) Description of goods being ordered with an explanation of whether the goods are supply versus equipment, etc. and where or what the goods are going to be used for (i.e. vehicle, building, program); ****DON'T FORGET TO ATTACH YOUR DOCUMENTATION FOR VERBAL AND/OR WRITTEN QUOTES TO THE REQUISITION FORM!!!!**
17. Is there a deadline for purchase order? All purchase requisitions **MUST** be submitted to the Finance Office no later than December 11TH each year.
18. What if I need to place a purchase order after December 11th? After December 11TH, only EMERGENCY purchase requisitions will be accepted. Purchase requisitions must be done for the emergency purchase REGARDLESS of the amount. Those purchase requisitions will be scrutinized and followed to the letter of the purchasing policy as it relates to what is actually an **emergency**. There will be **NO EXCEPTIONS**.
19. Do I need to notify the Finance Department if I cancel an order? YES! Attach a copy of correspondence with the company to a copy of the purchase order and send to the Finance Office.
20. What if my department has an insufficient balance in the budget? If the Finance Office determines that insufficient or no appropriation balance is available in a Department's budget when processing a purchase order, the Finance Director will contact the requestor to discuss the purchase order an/or the purchase order will be returned to the originating department.

21. If my department has an insufficient balance, can I request a budget transfer request? To request an increase in appropriations, the department head should proceed as follows: The request for transfer, or increase in appropriations, should be in writing and directed to the Town Board with an explanation of why the transfer is needed. The amount needed and the budget account code involved must be indicated. The Department Head should make a written request for approval to the Finance Office. After accumulation of all related information, the Finance Director will submit the request to the Town Board for action. After approval by the Town Board, the Department Head will resubmit the purchase order. The Finance Director will make the appropriate adjustments to records, encumber the amount of the purchase order and certify to the availability of funds.
22. Can I use a Blanket Purchase Order? A Blanket purchase order eliminates the necessity for the issuance of separate orders for groups of items which are purchase frequently from the same vendor; and permits the department to purchase items for small repair or replacement items, stock replenishment of the expendable supply store and/or contract/bid items for various bulk items needed on a monthly basis. **NOTE:** This does not permit a department head to purchase stock for a month, etc., but merely allows department heads to purchase so that they do not run out of a necessary item.
23. What is the aggregate total price that can be purchased on a blanket purchase order? The aggregate (total) for items of the same description or use will not exceed TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS per annum. Those items normally used in a day to day operation include: hardware, plumbing, supplies, electrical supplies and automotive parts.
24. Can I purchase equipment on a blanket purchase order? NO! Equipment is not to be purchased on a blanket purchase order.

25. What information do I need to provide for a blanket purchase order? The amount and period of the blanket purchase order will be determined by the respective department head. It should be based on information available in the records covering previous fiscal years and present departmental needs. The department MUST keep a record of the purchases made to insure that they do not exceed the amount allowed by the blanket purchase order. Any over expenditure, depending on the circumstances, may not be approved for payment. If it appears that the amount on the blanket purchase order may not be sufficient to cover the time period allowed, the Finance Office must be informed immediately and the purchase order will be amended.
26. After delivery of the blanket purchase order, what do I need to send Finance? When supplies are delivered or picked up, receipts, delivery slips, or other documents transmitted by the vendor will be signed by the individual receiving the supplies. The blanket purchase order number MUST also be placed on the documents which will then be attached to the receiving copy of the purchase order and forwarded to the Finance Office with each applicable invoice.
27. Can I submit a purchase order form to Finance "after the fact"? An additional purchase order will not be issued "After the fact" to cover overages. The department head will submit the additional invoices causing the overage to the Finance Office accompanied by a voucher with an explanation as to why more accurate records were not maintained in relation to the blanket purchase order.
28. Are there exceptions to using a Purchase Order? There are certain expenditures for which the processing of a purchase order is unnecessary. The following should be made without purchase orders: Contracts for personal service; Training; classes; meetings and memberships; Employee expenses such as conference expense, mileage, and other reimbursable expenses in performance of day-to-day duties; Reimbursement of petty cash funds; Utility Bills; Service contracts for a fixed monthly or annual amount; Interdepartmental charges; Medical examinations; Legal

Notices; Postage meter costs; Subscriptions; Petty Cash; and any purchases costing under ONE THOUSAND AND 00/100 (\$1,000.00) DOLLARS (if not required by vendor).

29. Can a manual check be issued by Finance? Manual checks will only be issued in urgent situations. If a department cannot wait for the normal payment/audit process, the following procedure must take place: A purchase order or claim voucher must be submitted to the Finance Office. Multiple quotes must be obtained consistent with normal procedure; Send the purchase order (P.O.) or claim to the Finance Director and explain the emergency nature of the purchasing approval desired (if approved verbally, claim shall still be sent in for signature by Finance Director); **AND** The Finance Director **MAY** poll the Town Board prior to issuance.
30. What if my department exceeds the competitive bidding threshold for a product or service? If at any time a department finds they will exceed the competitive bidding threshold for a particular product or service, they should notify the Finance Office to allow time for the formal bid process to be completed to meet their anticipated needs.
31. Can the Town standardize the purchase of a particular material or equipment? General Municipal Law Section 103 makes it possible for the Town to standardize on a particular type of material or equipment. A resolution approved by the Town Board shall state that for reasons of efficiency or economy there is a need for standardization. The resolution shall contain a full explanation supporting such action. The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization, restricts the purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.
32. Can I use a brand name specification in bidding? If a brand name product represents an industry-wide standard, a brand name may be listed in the specifications as long as the specifications provide an "equivalency clause" (an item of equivalent specifications). Where a

brand name or equal specification is used, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition. Advertisement for a product manufactured by a particular company is not permitted unless the Town Board adopts a resolution stating that the reasons for efficiency or economy there is a need for standardization. Such a resolution must be adopted by at least 3/5 of all the members of the Town Board. (See, GML §103(5)).

33. What are the procurement procedures for grant funds? Any procurement procedures required to be followed by the Departments as a condition of the receipt of any federal, state or county grant awarded to the Town shall supercede any provision to the contrary set forth in the procurement policy.



DASNY

KATHY HOCHUL
Governor

ALFONSO L. CARNEY, JR.
Chair

REUBEN R. MCDANIEL, III
President & CEO

December 10, 2021

VIA EMAIL

Ms. Allison Kardon
Confidential Assistant to Town Supervisor
Town of Orangetown
26 W Orangeburg Rd
Orangeburg, New York 10962

*Re: State and Municipal Facilities Program ("SAM")
Construction of a Splash Pad at Veteran's Memorial Park
Project ID: 24711*

Dear Ms. Kardon:

As you know, the State has awarded the Town of Orangetown ("Grantee") a State and Municipal Facilities Program ("SAM") grant for the above-referenced project in the amount of \$50,000.00 (the "Grant").

This letter explains the documentation you will need to complete and return to DASNY. ***Please return the completed documentation described below within thirty days or send an email to callcenter@dasny.org to let us know when you anticipate being able to return the information.***

Please keep in mind that the completion of these documents is the beginning of the Grant Administration process and a number of approvals must be obtained before DASNY may enter into a GDA with the Grantee. ***Please read the FAQs. They provide information you will need throughout the grant administration process.***

In addition, as part of the legal review of your Grant, DASNY will need you to complete and return the following documents. The documents and their purposes are summarized below.

Note: An Authorized Officer is someone who can bind the Grantee to a contract. Please contact the Grantee's attorney if there are any questions as to who can sign on behalf of the Grantee. By

ALBANY (HEADQUARTERS): 515 Broadway, Albany, NY 12207 | 518-257-3000
BUFFALO: 539 Franklin Street, Buffalo, NY 14202 | 716-884-9780
NEW YORK CITY: 28 Liberty Street, Fl 55, New York, NY 10005 | 212-273-5000
ROCHESTER: 3495 Winton Place, Building C, Suite 1, Rochester, NY 14623 | 585-450-8400

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signing these documents, the person signing is certifying that they are authorized to bind the Grantee to the terms of the documents.

Grantee Certification

- Certain laws prohibit the use of public funds to finance religious programs or programs that may favor one religion over another. As the issuer of the bonds that will finance the project to be funded with Grant funds, DASNY must verify that it is in compliance with all applicable Federal and State laws and regulations.

Accordingly, please review the attached Grantee Certification (at the end of this letter) to ensure it accurately states the purposes for which the Grant funds will be used. Please arrange for two Authorized Officers of your organization to sign the Grantee Certification.

Project Certification

- As the issuer of the bonds that will finance the project to be funded with Grant funds, DASNY must verify that it is in compliance with all applicable Federal and State laws and regulations. This includes verifying that Grant funds will not be used for a project that was previously funded with Grant proceeds, administered by DASNY, for substantially the same project at the same location as described in a Preliminary Application or Project Information Sheet DASNY processed within the last six (6) years.

Accordingly, please review the attached Project Certification (at the end of this letter) and arrange for an Authorized Officer of your organization to sign the Project Certification.

Grantee Questionnaire (GQ)

- As the trustee of public funds, DASNY needs to be certain that bond proceeds are paid only to organizations that are deemed to be responsible entities. Full and accurate responses on the GQ will help to achieve this goal. The GQ must be completed and signed by an Authorized Officer of the Grantee as well as the Chair of the Board (or other Authorized Officer) before DASNY can process the grant. Please be advised that the GQ will be incorporated into the Grant Disbursement Agreement (the contract between DASNY and the Grantee) and that the submission of false information on the GQ could be a violation of Federal and State Penal Laws.

Evidence of Site Control

- Site control is required to evidence that the Grantee has sufficient authorization and control to undertake the project at the project location. In order to verify the Grantee owns, leases, or otherwise has control over the site where the project will be located, please provide a copy of the deed, lease, or other document evidencing site control by the Grantee.
 - In the case where site control can not be provided in the form of a deed, please return the attached Real Property Certificate (Municipal Site Control)

Financial Documentation

- Please send a copy of quotes, proposals, cost estimates or any other document that will justify the overall project value. As part of DASNY's financial review of the project, we must receive an estimate setting forth the projects costs necessary to complete the project. If the cost estimate is higher than the value of the grant, DASNY will need to see evidence of the other source(s) of funding for the project. Please see the attached checklist as a reference for what is needed for the financial review.

State Environmental Quality Review Act / State Historic Preservation Act Compliance

- Grantees are advised that grant-funded projects are subject to the State Environmental Quality Review Act (SEQRA) and State Historic Preservation Act (SHPA).
- If the Grantee is a municipality or State agency, you will be asked to submit a copy of your SEQRA determination. If the SEQRA review has not yet begun, you will be asked to establish Lead Agency for the review and include DASNY as an involved agency, and the NYS Office of Parks, Recreation and Historic Preservation's (OPRHP's) State Historic Preservation Office (SHPO) as an interested party.
- Coordination with OPRHP/SHPO is required if the project building or site is eligible for, or listed on, the State and National Register's of Historic Places; if the building or site is considered a contributing element to a defined historic district; or is located in an area of archaeological sensitivity. You can find this information on the SHPO and NYS Department of Environmental Conservation (DEC) websites: (<https://parks.ny.gov/shpo/online-tools/SHPO> and <http://www.dec.ny.gov/eafmapper/>). Please provide DASNY with a copy of the determination letter from OPRHP/SHPO once the consultation has been completed.
- If the Grantee is not a municipality or State agency, but your project would require a discretionary permit (such as site plan review) from a municipality or State agency, please request that the SEQRA Lead Agency add DASNY as an involved agency and SHPO as interested party.

If you have any questions about SEQRA, the Grants Administration staff can refer you to a DASNY Environmental Manager who can assist you with the process.

For your convenience, we have enclosed a form cover letter for you to use when you return the completed documents to DASNY. **Incomplete documents will delay the processing of your Grant application.** You will be contacted during the review process if additional information is needed.

[INTENTIONALLY LEFT BLANK]

In the meantime, please review the enclosed list of **Frequently Asked Questions**. This list was designed to answer many of the questions that you may have about the Grant process. **Please keep this document to use as a reference during the administration of the Grant.**

Should you have any questions concerning the enclosed documentation, please either call (518) 257-3177 or email callcenter@dasny.org and someone from Grants Administration will contact you.

Sincerely,



Sarah D. Antonacci
Assistant Director, Grants Administration

PLEASE PRINT ON ORGANIZATIONAL ("GRANTEE") LETTERHEAD

Grants Administration
DASNY
515 Broadway
Albany, NY 12207

*SUBJECT: State and Municipal Facilities Program ("SAM")
Construction of a Splash Pad at Veteran's Memorial Park
Project ID: 24711*

Dear Grants Administration:

Enclosed please find the following documents in connection with the SAM Grant awarded to our organization:

1. Completed Grantee Certification signed by two (2) authorized officers;
2. Completed Project Certification signed by an authorized officer;
3. Evidence of Site Control;
Certificate of Municipal Site Control
4. Financial documentation; and
5. SEQRA and SHPO documentation

If any further information is needed or if you have any questions, please give [Grantee Contact Person] a call at ()_____.

Signature

Print Name

Title

Enclosures

GRANTEE CERTIFICATION
Town of Orangetown
Construction of a Splash Pad at Veteran's Memorial Park
Project ID: 24711

WE HEREBY WARRANT, REPRESENT AND CERTIFY TO DASNY that:

- The Town of Orangetown has applied for a State and Municipal Facilities Program (“SAM”) Grant in the amount of \$50,000.00. This Grant will be used for the Construction of a Splash Pad at Veteran's Memorial Park. We understand that the Grant funds may be used only for certain community improvement purposes as set forth in the enabling legislation and that the Grant Disbursement Agreement to be executed in connection with this Grant contains a provision that states that Grant funds may not be used to finance a program or project that will in any way promote or facilitate religious worship, instruction or proselytizing. We have been informed that this provision exists to ensure compliance with Federal and State law. Therefore, as Authorized Officers of the Town of Orangetown, we hereby certify the following in connection with the project to be financed by the Grant:
 - no religious purpose shall be advanced or promoted by the project or program funded by the Grant;
 - the project or program will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of services or the use of facilities or furnishings assisted in any way by public funds;
 - the project or program shall be open to all without regard to religion; and
 - the Grantee shall take affirmative steps to ensure that information is widely disseminated with respect to the following aspects of the project or program:
 - the project or program is publicly funded;
 - the project or program is open to all, regardless of religious affiliation; and
 - the project or program beneficiaries are not limited to any particular sect or group.
 - the Grantee shall exercise care to make sure the facilities and/or services to be supported in whole or in part by grant proceeds are available and accessible to all members of the public by ensuring project location(s) and/or service areas are in proximity to public transportation; sufficient parking; and by choosing project location(s) and/or service areas that do not restrict use to a certain subset of the population defined by religion;
- We understand that the State of New York, DASNY and other entities that may be involved in the Grant process are relying on the above information in making the determination whether to award a SAM Grant to the Town of Orangetown.
- We have the authority to submit this certification on behalf of the Town of Orangetown.
- By signing these documents, I certify that I am an authorized officer for the Grantee.

Please sign and return these documents to DASNY at grants@dasny.org. Please return them from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Authorized Officer Signature

Printed Name

Date

Title

Authorized Officer Signature

Printed Name

Date

Title

**PROJECT CERTIFICATE OF THE
Town of Orangetown**
State and Municipal Facilities Program (the "SAM")
For the Construction of a Splash Pad at Veteran's Memorial Park
(Project ID: 24711)

I, the undersigned, an Authorized Officer of Town of Orangetown (the "Grantee"), DO HEREBY CERTIFY that:

- All contractors and vendors retained to perform services in connection with the Project shall be authorized to do business in the State of New York and shall possess and maintain all professional licenses and/or certifications required to perform the tasks undertaken in connection with the Project.
- To the extent that SAM Grant proceeds are used to reimburse the Grantee for the cost of any portion of the Project noted above, the Grantee certifies that no other external funding source, including but not limited to, State or Federal restructuring loans, State or Federal grants, or grants, loans, or other funding from any other public or private source (currently or within the last six (6) years), will be used for substantially the same project costs at the same location as described in the Application or Project Information Sheet provided to DASNY.
- If the Project includes vehicle purchase(s), removable equipment, or furnishings including but not limited to, computer hardware and software, air conditioning units, lab equipment, office furniture and telephone systems, the Grantee has or will develop, implement, and maintain an inventory system for tracking such items, as well as has or will develop, implement, and maintain a usage policy.
- The Grantee has informed DASNY via the Project Application, Project Information Sheet, or other correspondence if Town of Orangetown is a state related entity, or if the project location is owned by a state related entity. Furthermore, if the status of the Grantee or project location changes, the Grantee will inform DASNY of any changes that would impact the tax-exempt status of the Grant.
- The Grantee acknowledges that Grant proceeds cannot be utilized to pay for:
 - Deposits advance payments, or progress payments until work is completed, or goods received by grantee;
 - to pay down long term debt;
 - internal labor costs;
 - rental or leased equipment;
 - stockpiled materials;
 - materials and/or services provided by another entity other than a licensed contractor or vendor.
- The Grantee will maintain accurate books and records through project completion/payout of the Grant as well as for six (6) years from the date the Project is completed and will make those books and records available to DASNY, its agents, officers and employees during the Grantee's business hours upon reasonable request.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

By signing these documents, I certify that I am an authorized officer for the Grantee.

Please sign and return these documents to DASNY at grants@dasny.org. Please return them from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Town of Orangetown

By: _____

Name: _____

Title _____

CERTIFICATE OF MUNICIPAL SITE CONTROL

We, the undersigned, an Authorized Officer of the Town of Orangetown and the Municipal Attorney for Town of Orangetown under the penalties of perjury, hereby certify, warrant, represent and confirm to the DORMITORY AUTHORITY OF THE STATE OF NEW YORK (“**DASNY**”), the following:

- 1) The Town of Orangetown is a municipal corporation constituting a county, town, city or village within the meaning of §2 of Article 1 of the General Municipal Law.
- 2) The Town of Orangetown has applied for a Grant acknowledges that Grant funds may be used only for certain purposes as set forth in the Grant’s enabling legislation.
- 3) The Grant Disbursement Agreement to be entered into by and between the Town of Orangetown and DASNY shall require the Grantee to certify that Town of Orangetown has the requisite control over the Project Site.
- 4) The Grant project will be located at the following **Project Site**:

Name: *Veteran's Memorial Park*
Street Address: *81 Hunt Road*
Town / Village *Orangeburg*
County: *Rockland*

- 5) The fee title of the Project Site is owned by the Grantee (choose one):
 - a. Pursuant to deed identifying the Grantee as the fee owner, which deed was recorded in the Office of the Clerk of the County of _____.

OR

 - b. Pursuant to Executive or Legislative action granting title. **Provide citation:**_____

OR

 - c. As referenced by a copy of the most recent tax bill provided by the tax assessor’s office which indicates ownership of the Project Site is vested in the Grantee, **attached hereto.**

OR

 - d. The Project Site will be located within a right of way or easement under the jurisdiction of the Grantee.
- 6) The Grant project to be constructed, built, reconstructed and/or operated and located on the Project Site is permitted by, does not and will not conflict with, or result in a breach of any of the terms or provisions of, or constitute a default under any deed restriction, encumbrance, restrictive covenant, agreement, easement and/or other lien. The Grant project shall comply in all respects with any and all applicable governmental laws, rules, regulations and ordinances.

- 7) Grantee further warrants and represents:
- a. There are no actions pending or threatened which may affect title to the Project Site or which may affect Grantee's ability to complete the Grant project;
 - b. There are no judgments filed against the Grantee or any liens filed against the Project Site or any portion thereto; and
 - c. There are no facts or circumstances which could affect title to the Project Site that have not been set forth herein.
- 8) We understand and agree that it is the Grantee's responsibility to comply with all deed restrictions, restrictive covenants, encumbrances, easements and other liens and any applicable laws, rules, regulations or ordinances concerning the Project Site.
- 9) We understand that the State of New York, DASNY and other entities that may be involved in the Grant process are relying on the above representations in making the determination whether to award a Grant to the Grantee and as an inducement to enter into the Grant Disbursement Agreement.
- 10) We have the authority to submit this certification on behalf of the Grantee.

Please sign and return these documents to DASNY at grants@dasny.org. Please return them from the Grantee's organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee's designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Grantee: Town of Orangetown

By:
 Name (sign): _____
 Name (print): _____
Title: Authorized Officer
 Dated: _____, 20__

By:
 Name (sign): _____
 Name (print): _____
Title: Municipal Attorney
 Dated: _____, 20__