

77 Main Street  
Post Office Box 369  
Warwick, NY 10990  
www.villageofwarwick.org



(845) 986-2031  
FAX (845) 986-6884  
mayor@villageofwarwick.org  
clerk@villageofwarwick.org

**VILLAGE OF WARWICK**  
INCORPORATED 1867

**Village of Warwick  
Village Board Meeting – January 19, 2021  
Agenda**

Pursuant to Governor Cuomo’s Executive Order 202.1, Village of Warwick meetings will be conducted virtually through Zoom Videoconference until further notice.

**To View the Meeting:**

**FACEBOOK LIVE** - The public may view the meeting live by going to the Village of Warwick’s Facebook page: <https://www.facebook.com/VillageofWarwick>

**VILLAGE’S WEBSITE** – The public may view the meeting a day or so after its completion by going to the village’s website: [www.villageofwarwick.org](http://www.villageofwarwick.org)

**To Comment During Privilege of the Floor Only:**

**VIA EMAIL OR MAIL** - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: [clerk@villageofwarwick.org](mailto:clerk@villageofwarwick.org) or via mail: Village of Warwick, Attn: Village Clerk, P.O. Box 369, Warwick, NY 10990. Please indicate in your correspondence that you wish to have your comments read during privilege of the floor.

**BOARD OF TRUSTEES  
VILLAGE OF WARWICK  
JANUARY 19, 2021**

**Call to Order  
Pledge of Allegiance  
Roll Call**

1. Introduction by Mayor Newhard.
2. Acceptance of Minutes: January 4, 2021

The vote on the foregoing **motion** was as follows:

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

3. Acceptance of Reports, December 2020: Clerk's Office, Justice, and Building.

The vote on the foregoing **motion** was as follows:

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

4. Authorization to Pay all Approved and Audited Claims #\_\_\_\_\_ – \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

The vote on the foregoing **motion** was as follows:

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

5. Police Report - *Suspended to Streamline Meeting due to COVID-19*

**Presentation**

1. Carla Castillo from Hudson Valley Regional Council on converting the Village of Warwick streetlights to LED technology.

## Discussion

1. Stanley-Deming Park

## Privilege of the Floor

**VIA EMAIL OR MAIL** - Comments may be sent to the Village Board prior to the Village Board Meeting via email to: [clerk@villageofwarwick.org](mailto:clerk@villageofwarwick.org) or via mail: Village of Warwick, Attn: Village Clerk, P.O. Box 369, Warwick, NY 10990. Please indicate in your correspondence that you wish to have your comments read during privilege of the floor. Please limit your comments to **three (3) minutes**.

## Motions

### **Trustee Cheney's Motions:**

1. **MOTION** to grant permission to Village Employee, Robert Helt, to carry over four (4) vacation days.

The vote on the foregoing **motion** was as follows:

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

2. **RESOLUTION INTRODUCING A PROPOSED LOCAL LAW TO CHANGE THE ZONING DESIGNATION OF CERTAIN REAL PROPERTY FROM "LIGHT INDUSTRIAL" ("LI") TO "CENTRAL BUSINESS" ("CB")**

WHEREAS, the Village Board of the Village of Warwick has before it a proposed local law entitled: "A local law to amend Village Code Chapter 145 entitled 'Zoning' by revising the Village's Zoning Districts Map to change the zoning designation of certain real property from 'Light Industrial' ('LI') to 'Central Business' ('CB')"; and

WHEREAS, in order to consider adoption of the proposed local law it is necessary to first introduce it and hold a public hearing upon it;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law;

2. That a public hearing on the said local law is hereby set for February 16, 2021 at 7:30 p.m.;
3. That the Village Clerk shall publish and post notice of the public hearing;
4. Pursuant to Village Code §145-170, the Village Clerk shall transmit to the Village Planning Board a copy of the proposed local law for review and a report; and
5. Pursuant to General Municipal Law §239-m, the Village Clerk shall transmit to the County Planning Department copies of the proposed local law, the SEQRA EAF and the site plan application filed by the owner of the subject property.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting \_\_\_\_\_

William Lindberg, Trustee, voting \_\_\_\_\_

Corey Bachman, Trustee, voting \_\_\_\_\_

George McManus, Trustee, voting \_\_\_\_\_

Michael Newhard, Mayor, voting \_\_\_\_\_

**Trustee Lindberg's Motions:**

3. **MOTION** to appoint Sadie Becker to the position of Village Treasurer effective January 22, 2021.

The vote on the foregoing **motion** was as follows:

Trustee Cheney \_\_\_\_ Trustee Lindberg \_\_\_\_ Trustee Bachman \_\_\_\_

Trustee McManus \_\_\_\_ Mayor Newhard \_\_\_\_

4. **MOTION** to adopt the revised Village of Warwick Procurement Policy effective January 19, 2021.

The vote on the foregoing **motion** was as follows:

Trustee Cheney \_\_\_ Trustee Lindberg \_\_\_ Trustee Bachman \_\_\_

Trustee McManus \_\_\_ Mayor Newhard \_\_\_

**5. RESOLUTION INTRODUCING A PROPOSED LOCAL LAW TO ENACT A NEW CHAPTER OF THE VILLAGE CODE ENTITLED "PROCUREMENT: BEST VALUE BID AWARDS"**

WHEREAS, the Village Board of the Village of Warwick has before it a proposed local law entitled: "A local law to amend the Village Code by enacting a new Chapter 100 entitled 'Procurement: Best Value Bid Awards.'"; and

WHEREAS, in order to consider adoption of the proposed local law it is necessary to first introduce it and hold a public hearing upon it;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law; and
2. That a public hearing on the said local law is hereby set for February 16, 2021 at 7:30 p.m.; and
3. That the Village Clerk shall publish and post notice of the public hearing.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting \_\_\_\_\_

William Lindberg, Trustee, voting \_\_\_\_\_

Corey Bachman, Trustee, voting \_\_\_\_\_

George McManus, Trustee, voting \_\_\_\_\_

Michael Newhard, Mayor, voting \_\_\_\_\_

**Trustee Bachman's Motions:**

6. **MOTION** to appoint Michael J. Batz, Sr. and Elizabeth Doty as Machine Operators and Ralph Boone and Laurence Hoard as Alternate Machine Operators for the upcoming Village Election on Tuesday, March 16, 2021 at a rate of \$13.00 per hour.

The vote on the foregoing **motion** was as follows:

Trustee Cheney \_\_\_\_ Trustee Lindberg \_\_\_\_ Trustee Bachman \_\_\_\_

Trustee McManus \_\_\_\_ Mayor Newhard \_\_\_\_

**Trustee McManus' Motions:**

7. **MOTION** to appoint Marjory Warren, Vanessa Mann, Victoria Hague, and Janet Folino as Election Inspectors and Thomas King and Mary-Ann Smith as an Alternate Election Inspectors for the upcoming Village Election on Tuesday, March 16, 2021 at a rate of \$13.00 per hour.

The vote on the foregoing **motion** was as follows:

Trustee Cheney \_\_\_\_ Trustee Lindberg \_\_\_\_ Trustee Bachman \_\_\_\_

Trustee McManus \_\_\_\_ Mayor Newhard \_\_\_\_

**Reports: *Suspended to Streamline Meeting due to COVID-19***

**Final Comments from the Floor**

**Final Comments from the Board**

**Executive Session, if applicable**

**Adjournment**

# Village of Warwick Streetlighting Costs Analysis

PREPARED BY:



Representing Capital District Regional Planning  
Commission, an Independent Contractor to NYSERDA



Representing Capital District Regional Planning  
Commission, an Independent Contractor to NYSERDA

## Contents

Intro.....	1
Streetlighting Cost Overview .....	2
Overview .....	3
Service Class .....	3
Facility Charges .....	3
Supply Charges .....	3
Delivery Charges.....	3
Discussion.....	4
Utility Conversion Process.....	4
LED Billing.....	4
Municipal Purchase and Conversion Process.....	4

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## Intro

This document provides an overview of the major components of streetlight billing, a short discussion of elements to consider, and the projected annual costs of three models of streetlight operation. The three models are (1) continuation of the current model, (2) utility conversion to LEDs, and (3) municipal purchase and conversion to LEDs. The projected costs are based upon the utility inventory of streetlights within the municipality’s jurisdiction, assumptions of the wattages used for both utility and municipal conversion to LEDs, and the rates specified in the filed Public Service Commission (PSC) rate tariff. These figures are based upon available information and may differ slightly from actual billing. It is important to note that the projected annual costs of the (2) utility conversion to LEDs and (3) municipal purchase and conversion to LEDs models do not consider payment to Orange & Rockland of the Net Book Value (NBV) of the lights or buy-back purchase price.

**This report is based on the Village of Warwick November 19, 2020 Orange & Rockland (Orange & Rockland) bill for the Village’ sole streetlighting districts, with a total of 461 streetlights included in this analysis. The list of streetlights included in this analysis, obtained directly from the Village’s streetlighting bills, is located in the “Nov19-20” tab in the enclosed “WarwickVillageO&R-Calculator-v3—2021-01-08” Excel workbook; additionally, the “Current kWh Charges” tab includes actual charges obtained from the Villages streetlighting bills.**

As shown on the Streetlighting Cost Overview on the following page, **the Village could potentially save approximately \$10,416 annually by pursuing the utility conversion process, and approximately \$58,536 annually by pursuing the municipal purchase and conversion process.** For both the utility conversion and municipal ownership models, it is important to note that not all costs are included, only annual operational charges. The utility conversion model requires payment of the net-book value of the existing lights to the utility. The municipal conversion model requires purchase of the streetlight fixtures, installation costs for LED lights, and an estimated annual maintenance cost of \$20/per light/per year was included in the Streetlight Cost Overview at the end of this report.<sup>1</sup>

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<sup>1</sup>The estimated annual maintenance cost was shared by the Town of Bethel based on a 2020 quote from NYPA.

## Streetlighting Cost Overview

<b>Current Model</b>		
Annual Costs		
	Amount	Savings
Facility	\$ 65,245.68	N/A
Electricity	\$ 9,168.92	N/A
<b>Total</b>	<b>\$ 74,414.60</b>	<b>N/A</b>
Environmental Benefit		
	Amount	Savings
Annual Electricity Use (kWh)	288,603	N/A
Annual GHG emissions (kg)	60,988	N/A

<b>Utility Convert</b>		
Annual Costs		
	Amount	Savings
Facility	\$ 60,507.36	\$ 4,738.32
Electricity	\$ 3,491.15	\$ 5,677.77
<b>Total</b>	<b>\$ 63,998.51</b>	<b>\$ 10,416.09</b>
Environmental Benefit		
	Amount	Savings
Annual Electricity Use (kWh)	109,888	178,715
Annual GHG emissions (kg)	23,222	37,766

<b>Municipal Ownership</b>		
Annual Costs		
	Amount	Savings
Facility (Maintenance)	\$ 9,220.00	\$ 56,025.68
Electricity	\$ 6,658.58	\$ 2,510.34
<b>Total</b>	<b>\$ 15,878.58</b>	<b>\$ 58,536.02</b>
Environmental Benefit		
	Amount	Savings
Annual Electricity Use (kWh)	63,767	224,835.80
Annual GHG emissions (kg)	13,475	47,512.30

## Overview

### Service Class

Street lighting services are listed in the utility's tariff as Service Classification No. 4 for Company Owned Public Street Lighting and Service Classification No. 6 for Customer Owned Public Street Lighting. Each service classification has a separate rate schedule, defined within the filed PSC tariff, which outlines the costs and fees associated with street lighting equipment, and electricity supply and demand.

Currently, the Village's streetlights are billed under Orange & Rockland's Service Classification No. 6. This category is reserved for customers that have utility owned and maintained facilities. The tariff defines the character of this service as, "Service supplied... dusk-to-dawn illumination, photo-electrically controlled, approximately 4,100 hours per year.... The Company shall own, maintain and operate all facilities used to supply service hereunder except where noted."

If the Village opts to purchase the street light facilities from Orange & Rockland, the Village's service classification would change to Service Classification No. 6. This classification is reserved for customers that own and maintain their own facilities. The tariff defines the character of this service as, "Service supplied... shall be for limited period, dusk-to-dawn, photo-electrically controlled illumination, approximately 4,100 hours per year.... The customer shall own, maintain and operate all luminaires."

All street lighting service classification operate as unmetered electric service. Orange & Rockland provides the annual billable kWh used per fixture in its rate tariff. These were determined by calculating the total wattage of a fixture, including losses incurred from the lighting ballast, and multiplying that by the annual hours of operation. For the majority of lighting fixtures, annual hours of operation approximate the number of nighttime hours per year, with bills reflecting each month's share of this total. This means that electric costs are highest during winter months and lower during summer months. (See "Current kWh Charges tab" in the Excel workbook.)

### Facility Charges

Orange & Rockland charges a monthly fee for all Orange & Rockland owned facilities, that is equipment, used to provide lighting service. This includes luminaires, poles, arm/brackets, foundations, cabling, and conduit. Orange & Rockland lists this fee on their bills as the Delivery Charge.

For municipalities that purchase or currently own their street lighting system, facility charges are not applicable. This can represent a significant reduction in expenses, although the municipality is responsible for initial purchase costs and continuing maintenance fees. In addition, Service Classification No. 6 customers must pay a \$7.20 annual pole rental charge for each light.

### Supply Charges

Supply charges are billed per kWh at either utility or selected ESCO rates, depending upon the municipality's choice in energy supplier. The Village uses the default Orange & Rockland electricity supply option. The price of this option is market variable and may fluctuate. The Village's current electricity supply rate is \$0.05295 per kWh.

### Delivery Charges

The total delivery rate incorporates the standard delivery charge in addition to applicable fees such as the System Benefits Charge, New York State Assessment, and other miscellaneous charges. For Service

Classification No. 4 customers, Orange & Rockland incorporates the delivery rate into its facilities charge. Service Classification No. 6 customers are billed a delivery charge of \$0.07265 per kWh.

## Discussion

### Utility Conversion Process

Orange & Rockland will utilize two separate paths to convert existing Service Classification No. 4 customers wishing to remain in that classification from traditional streetlight (e.g., HPS, MV, MH, etc.) to LED streetlights. One path currently available is for the municipality to provide a lump sum payment of the net book value (NBV) of the existing streetlights, following which the utility will convert streetlights in the municipality to LEDs. The net book value refers to the initial cost of the light, minus depreciation. A full discussion of this process will not be covered here. A second path will replace existing traditional streetlights with LEDs as the traditional fixtures surpass their useful life and fail.

### LED Billing

While Service Classification No. 4 customers are billed based on the fee table of company supplied lighting types, Service Classification No. 6 customers are free to choose any lighting fixtures available for purchase. Billing will therefore be based on monthly kWh used, determined by the total system wattage and monthly burn hours. Total system wattage will be calculated by Orange & Rockland from the light manufacturers' rated wattages and the quantities of lamps and auxiliary equipment in operation. A simple equation of this charge is provided below:

$$\text{kWh} = (\text{Total Wattage} \div 1,000) \text{ Times Monthly Burn Hours}$$

### Municipal Purchase and Conversion Process

The most recent Orange & Rockland rate tariff includes a special provision for the municipal purchase of streetlight systems. The details of this provision span several pages so will not be included directly in this analysis, but several details and additional considerations are provided below. The details of the provision are found in Service Classification No. 6, Special Provisions section, Customer Purchases of Company Facilities subsection.

- To begin the purchase, process a municipality must inform Orange & Rockland in writing of their desire to purchase and indicate which portion of the streetlighting system it desires to purchase. Municipalities must purchase a minimum of 10% of their streetlights or 100 streetlights, whichever is greater.
- Municipalities may request a purchase price no more than once per 12-month period. A response to a purchase price request must be provided by Orange & Rockland within 90 business days. The municipality then has 180 days to decide whether to proceed with the purchase.
- The actual purchase price of the street lighting system may be negotiated between the Orange & Rockland and the customer.
- As compared to the utility conversion process, ownership and conversion allows for a wider variety of lighting choices in terms of color temperature, wattages, and additional features.



Office of the Mayor  
 Board of Trustees  
 Village Clerk  
 Treasurer  
 Telephone: 845-986-2031  
 Fax: 845-986-6884

Public Works Supervisor  
 Telephone: 845-986-2081  
 Fax: 845-987-1215

Village Justice  
 Telephone: 845-986-7044  
 Fax: 845-986-2870

Building, Planning, Zoning  
 and Historical District  
 Review Board  
 Telephone: 845-986-9888  
 Fax: 845-987-1215

OFFICE OF THE CORPORATION  
 MEETINGS HELD 1ST & 3RD MONDAY OF EACH MONTH

# Village of Warwick

77 MAIN STREET  
 P.O. BOX 369  
 ORANGE COUNTY

Warwick, NY 10990

RECEIVED

JAN 19 2021

VILLAGE OF WARWICK  
 VILLAGE CLERKS OFFICE

## VACATION CARRY OVER

I ROBERT HELM request to carry-over 4 vacation days. ~~AND 2 REASONABLE~~  
 (Name of employee) (Amount)

The reason time accrued or vacation was not used: COVID 19

under article X sec.2(B) of the Village of Warwick Department of Public Works Collective Bargaining Agreement and the Employee Handbook.

Robert Helm  
 (Signature of employee)

1-12-21  
 (Date)

M. Moser  
 (Signature of Department Head)

1/13/21  
 (Date)

### VILLAGE USE ONLY

Approved by Village Board  
 Denied by Village Board

\_\_\_\_\_  
 (Time Accrued) (Time Used) (Anniversary Date)

Comments: \_\_\_\_\_

\_\_\_\_\_  
 (Board Signature)

\_\_\_\_\_  
 (Date)

**VILLAGE OF WARWICK**

**LOCAL LAW NO. \_\_ OF THE YEAR 2021**

A local law to amend Village Code Chapter 145 entitled "Zoning" by revising the Village's Zoning Districts Map to change the zoning designation of certain real property from "Light Industrial" ("LI") to "Central Business" ("CB").

Section 1. Purpose:

The purpose of this Local Law is to amend the Village's Zoning Code in order to grant the petition of the owner of certain real property located at 15 Elm Street, Warwick, New York which seeks to change the zoning designation of the said property from "Light Industrial" ("LI") to "Central Business" ("CB").

Section 2. Amendment of Code:

Village Code Section 145-21, "Zoning Districts Map," is hereby amended to revise the said Zoning Districts Map by changing the zoning designation of the real property located at 15 Elm Street, Warwick, New York and designated on the Tax Map as Section 210, Block 7, Lot 3 from "Light Industrial" ("LI") to "Central Business" ("CB").

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.

## PURCHASE AND SALE OF PROPERTY AND SERVICES

### VILLAGE OF WARWICK, NEW YORK

#### Procurement Policy

## I. OVERVIEW

### A. Introduction and Purpose

The Procurement Guideline is designed to assist the Village of Warwick in making procurement efficiently and effectively by providing staff with a source of basic, systematic guidance about procurement policies and practices while protecting the interests of the Village of Warwick and its taxpayers, on the one hand, and promoting fairness in contracting with the business community on the other.

**Appropriation Requirement-** Before a municipality may expend municipal funds, it must first appropriate funds for the purpose. **Village Law** explicitly addresses this in §-5-520(2) which provides that “no expenditure shall be made, nor shall any contract which any manner involves the expenditure of money or the incurring of any pecuniary liability be entered into, unless an amount has been appropriated for that particular purpose and is available therefor or has been authorized to be borrowed pursuant to local finance law”. Before a purchase order is provided to a supplier or contractor, or a contract is entered into, it should be approved by the Treasurer indicating the availability of an appropriation for such purpose. If there is no appropriation or an appropriation is insufficient, the purchase order or contract should not be executed until the appropriate steps are taken to amend the budget, ensuring the necessary funds are authorized and available.

### B. Competition and Maintaining a Fair and open Competition

The Village of Warwick’s procurement process is designed to:

- Ensure fair and open competition
- Guard against favoritism, improvidence, extravagance, fraud and corruption.
- Ensure that the results meet the Village of Warwick’s needs.
- Provide for checks and balances to regulate and oversee Village procurement; and
- Protect the interests of the Village of Warwick’s taxpayers.

Competition in the procurement process serves both the Village of Warwick and potential offerors by ensuring that the procurement process produces an optimal solution at a reasonable price; and allowing qualified vendors an opportunity to obtain Village of Warwick business.

## II. PROCUREMENT

**A. Procurement Vehicle and Order of Purchasing Priority**

The Village of Warwick undertakes procurements to address a wide range of needs. To meet their varying needs and their form, function and utility requirements, the Village must first identify their specific needs relevant to General Municipal Law requirements and goals.

**Procurements Subject to State Competitive Bidding-** The following items are subject to competitive bidding pursuant to General Municipal Law, § 103 and must be procured through the outline therein:

- Purchase contracts over \$20,000
- Public works contracts over \$35,000

**Procurements Not Subject to State Competitive Bidding Requirements-** The following items are either not subject to or are exceptions to General Municipal Law, § 103 competitive bidding requirements:

- Purchase contracts under \$20,000 and public works contracts under \$35,000
- Acquisition of professional services;
- Emergency purchases;
- Goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Purchases under state and county contracts;
- Surplus and secondhand purchases from another government entity.

**Documentation Required-** The determination that a purchase is not subject to competitive bidding requirements under General Municipal Law § 103 must be documented in writing by the Village Treasurer. This documentation will include:

- Written or verbal quotes from vendors; or
- A memo from department heads indicating how the decision was arrived at; or
- A copy of the contract indicating the source that makes the item or service exempt; or
- Any other written documentation that is appropriate.
- The completion of Purchasing Quotation Summary Form- **Exhibit A**

**III. GENERAL GUIDANCE FOR SOLICITATIONS**

- A. Purchase Classification-** Every purchase made by a Village official, employee or agent, must undergo initial review on a case by case basis in order to determine whether it is a purchase contract or a public works contract. Purchase contracts involve the purchase of good, supplies or equipment, while public works contracts involve services, labor, or construction. Many

times, contracts involve goods and services and it is difficult to determine which bid to apply. Generally, the rule is, if the contract involves substantial services or specialized skills, it is considered a public works contract. On the other hand, if service or labor is only a minimal or incidental part of the contract, it is considered a purchase contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can be expected that the **aggregate** amount to be spent on the item of supply or services is subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in any one budget year.

**Note: Aggregate amount determination-** Once the determination is made regarding whether the procurement constitutes a purchase contract or a public works contract, a good faith effort will be made to determine whether it is known, or can be reasonably expected, that the aggregate amount to be spent on the goods or services falls below the monetary threshold for state competitive bidding laws set forth under General Municipal Law § 103. This determination must take into account past purchases and the aggregate amount to be spent in a year. The year commences on date of first purchase.

- B. Mandatory Competitive Bidding-** Competitive bidding is mandatory for all purchase contracts (goods and equipment) over twenty thousand (\$20,000) dollars and all public works contracts (service, labor and construction) over thirty-five thousand (\$35,000) dollars pursuant to General Municipal Law § 103. In determining the necessity for bidding, the total amount to be spent for an item or commodity in a fiscal year must be considered. Competitive bidding is required when it is known or can be reasonably anticipated that the aggregate amount to be spent on purchases of an item will exceed the bid limits over the course of a fiscal year.

#### **IV. AWARDS TO OTHER THAN THE LOWEST RESPONSIBLE DOLLAR OFFEROR**

Whenever a contract is awarded to someone other than the lowest responsible dollar offeror, the reasons why shall be documented as follows:

- A. Best Value-** Notwithstanding anything else contained in this policy, the Village may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law, § 103(1) or otherwise under this policy by either the lowest responsible bidder standard or the best value standard.
- **Definition** "Best value" is defined in State Finance Law, § 163 as, "the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors." For the purposes of this section, the Village adopts the above definition of "best value" as may be modified from time to time by the State Legislature.
  - **Applicability.** The best value standard may only be used for purchase contracts, which includes contracts for service work, but excludes any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law. When awarding contracts under the best value standard, the Village must consider the overall

combination of quality, price, and other elements of the required commodity or service that in total are optimal relative to the needs of the Village. Use of the best value standard must rely, wherever possible, on objective and quantifiable analysis. The best value standard may identify as a quantitative factor whether offerors are small businesses or certified minority- or women-owned business enterprises as defined in New York Executive Law, § 310.

- **Approval.** Use of the best value standard for the procurement of goods and services requires approval from the Village. The Board of Trustees must also approve the factors to be considered when awarding contracts under this standard.
- **Documentation Required.** The determination that a purchase may be awarded on the basis of best value must be documented in writing by the department head. This documentation may include a memo from the department head indicating how the decision was arrived at or any other written documentation that is appropriate.

#### V. ITEMS EXCEPTED FROM THIS POLICY AND PROCEDURES BY THE VILLAGE BOARD

Pursuant to General Municipal law § 104-b(2)(g), this policy may contain circumstances or types of procurements for which, in the sole discretion of the Village Board, the solicitation of alternative proposals or quotations will not be in the best interest of the Village. In the following circumstances it may not be in the best interests of the Village to solicit quotations or document the basis for not accepting the lowest bid:

A. **Professional Services** –The Village may forego competitive bidding requirements if it is seeking professional services requiring special or technical skill, training or expertise.

The individual or company must be chosen based on accountability, reliability, skill, education, judgement, integrity and moral worth. These qualifications are not necessarily found in individual(s), vendor or company that offers the lowest prices and the nature of these services that do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category the Village Board shall take into the consideration the following guidelines:

- Whether the service requires a high degree of specialized skill or expertise.
- Whether the contract involves a relationship of personal trust and confidence.
- Must not be, in substance, a purchase or public work.

Professional or technical services shall include but not limited to the following: services of an attorney or physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing; and computer software or programming services for customized program, or services involved in substantial modification and customizing of pre-package software.

Provisions should be made on frequency of RFP's for periodic solicitation at reasonable intervals.

**B. Emergencies-**Under General Municipal Law § 103(4), the Village may forego compliance with competitive bidding requirements when a situation arises that requires emergency procurement. In order to invoke this exception, the situation must (1) result from an accident or unanticipated occurrence, (2) impact public buildings, property, or the life, health, and safety of Village residents, and (3) require immediate action that cannot wait for competitive bidding. If the incident invoking the emergency clause could have been avoided or the municipality failed to act to prevent the emergency, it is unlikely that the Village can rely upon the exception. In addition, if the Village created the event necessitating emergency procurement, it may not invoke this exception. If the Village properly invokes the emergency clause, it should still work to obtain the good or service needed at the lowest cost available.

**C. Sole Source-** The Village is not required to engage in competitive bidding when it requires a good or service available from only one possible source. The Village must demonstrate that the acquisition of the good or service sought is in the public interest and is available from only one source, for which there is no equivalent. A good or service serves the public interest if there are unique benefits arising from the good or service as compared to a different good or service, no other good or service provides substantially similar benefits and the cost is reasonable when considering the benefit conferred on the Village. The Village may not use the sole source exception in anticipation that only one bid will be placed on the contract.

**D. Cooperative or Piggyback Contract-**the Village might find it more efficient to establish a contract based on another governmental entity's contract. General Municipal Law 103 (16) allows for the procurement of goods and services through contracts led by the United States or any agency thereof, any state or any other political subdivision or district therein, if such contract was led in a manner consistent with competitive bidding and has been made available for use by other governmental entities. Through cooperative purchasing, or piggybacking, a governmental subdivision has already investigated and secured the lowest price for the Village.

**E. Surplus and Second-Hand Supplies, Materials and Equipment-** The Village may purchase surplus and second-hand supplies, material or equipment without competitive bidding from the federal government or any other political subdivision or public benefit corporation. This exception does not apply to surplus and second-hand materials purchased from private entities.

**G. Shared Services, Efficiencies and Municipal Corporation.** Municipalities are encouraged and authorized to share services and work together when possible to reduce costs.

#### VI. Purchase Orders-

That the Board of Trustees authorizes payment in advance of audit claims for public utility services including electric, gas, water, sewer and telephone services, postage, freight, and

express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustees disallows.

**VII. Approval of Purchases-** All purchases and contracts not budgeted for goods or services over \$500.00 shall require the Mayor's approval and consensus of the Board, unless they are part of a previously approved project or activity. All purchases and contracts not requiring independent Village Board approval must be authorized by an elected Village Official or Village Clerk before initiating.

**VIII. Method of Purchase-** Documentation of actions taken in connection with each method of procurement is required as follows:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$0-\$1999	Discretion of Department Head
\$2,000-19,999	3 written/fax/email quotations Or written requests for proposals
Above \$20,000	Competitive bidding

<u>Estimated Amount of Public Works Contracts</u>	<u>Method</u>
\$0-1,999	Discretion of Department Head
\$2,000-34,999	3 written/fax/email quotations Or written requests for proposals
Above \$35,000	Competitive bidding

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 proposals in writing.

**IX. The following are considerations that apply to most solicitations:**

**A. Procurement Ethics-** procurements are an expenditure of public monies, and public employees must always ensure that all procurements are conducted so as not to cause any concern that special considerations have been shown to the vendor.

**B. Mandatory Requirements**-procurements whether using an Invitation for Bids, Request for Proposals, or other method, must comply with a number of different statues, regulations, and policy requirements. Principal among these are:

- Sales tax certification.
- Prevailing wage schedules;
- Reference and compliance with Executive Law Article 15-A (M/WBE & EEO);
- Workers' compensation insurance and disability benefits insurance;
- Legal authority to do business in New York State

**X. Required Statements for Submissions Made Pursuant to Competitive Bidding**

**A. The Iran Divestment Act**- Every written offer made to the Village must contain the following statement subscribed and affirmed by the offeror as true under the penalties of perjury. By submission of this offer, each offeror and each person signing on behalf of any offeror certifies, and in the case of a joint offer each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each offeror is not on the list created pursuant to State Finance Law § 165-a(3)(b).

**B. Statement of Non-Collusion** Every written offer made to the Village must contain the following statement subscribed and affirmed by the offeror as true under the penalties of perjury.

By submission of this offer, each offeror and each person signing on behalf of any offeror certifies, and in the case of joint offeror each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:

- The prices in this offer have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- Unless otherwise required by law, the prices quoted in this offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to opening, directly or indirectly, to any other offeror or to any competitor; and
- No attempt has been made or will be made by the offeror to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

**C. Statement for Non-Bid Procurements**- Offers submitted in a manner other than competitive bidding shall also contain the above statements; however, the failure to include them shall not result in automatic rejection.

**XI. ANNUAL REVIEW**

The governing board of the Village shall annually review and, when necessary, update this policy and its procedures.

**VILLAGE OF WARWICK PROCUREMENT POLICY - EXHIBIT A  
PURCHASING QUOTATION SUMMARY FORM**

- |  |   |
|--|---|
| <b>▶ Purchase Contracts (Single Item Purchase)</b> | <b>Public Works Contracts (Services/Construction)</b> |
| \$2,000 - \$19,999                                 | (3) Written/Email/Fax Quotes                          |
| Above \$20,000                                     | Mandatory Competitive Bidding                         |
|  | \$2,000 - \$34,999                                    |
|  | Above \$35,000  |
- ▶ Aggregate purchases totaling over \$20,000 -- must follow mandatory competitive bidding process.
- ▶ This form must be attached to voucher and invoice for Board approval.

**DESCRIPTION OF PURCHASE**

<b>BUDGETED PURCHASE</b> <input type="checkbox"/> YES <input type="checkbox"/> NO		<b>BUDGET CODE</b>	<b>CURRENT LINE BALANCE</b> \$
			Signature: _____ Date: _____
<b>BUDGETED AMOUNT</b> \$		<b>IF NO EXPLAIN</b>	
<b>#</b>	<b>DATE OF QUOTE</b>	<b>VENDOR/SUPPLIER</b>	<b>TOTAL COST</b>
1			\$
2			\$
3			\$

**VENDOR SELECTED**

IF NOT LOWEST BID EXPLAIN WHY

IF ONLY (1) QUOTE EXPLAIN OR IF A SOLE SOURCE

**EXCEPTIONS TO COMPETITIVE BIDDING**

<b>OTHER GOVERNMENTS</b>  STATE - COUNTY MUNICIPAL BID CONTRACTS	<b>NAME OF AGENCY</b>		
	<b>VENDOR/SUPPLIER</b>		<b>CONTRACT#</b>
	<b>TOTAL COST \$</b>		<b>BID PERIOD EXPIRES</b>
	<b>ADDITIONAL INFORMATION</b>		

**\*\*EMERGENCY PURCHASE\*\* - Must meet one of the following situations**

- 1) Result from accident or unanticipated incident
- 2) Impact public buildings, property, or the life, health & safety of municipal residents
- 3) Requires immediate action that cannot wait for competitive bidding

REASON FOR EMERGENCY PURCHASE - ATTACH ADDITIONAL DOCUMENTATION

**DEPARTMENT APPROVAL**

Name/Title: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature: \_\_\_\_\_

**VILLAGE OF WARWICK  
LOCAL LAW NO. \_\_ OF THE YEAR 2021**

A local law to amend the Village Code by enacting a new Chapter 100 entitled "Procurement: Best Value Bid Awards".

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by authorizing the Village Board to, in its discretion, award certain contracts that are subject to competitive bidding under General Municipal Law §103 of the on the basis of the "lowest responsible bidder" or of "best value" as defined in New York State Finance Law §163.

Section 2. Amendment of Code:

The Village Code of the Village of Warwick is hereby amended to add a new Chapter 100 entitled "Procurement: Best Value Bid Awards " which shall read as follows:

§ 100-1 Best Value Bid Awards.

- A. As provided in this Chapter, the Village may, in its discretion, award any purchase contract, including a contract for services, on the basis of "best value" as that term is defined in New York State Finance Law §163. Village Board approval shall be required for all awards of contracts on a best value basis.
- B. The provisions of this Chapter do not apply to purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under State law from the best value option.

§ 100-2 Standard for Best Value.

- A. Best value in regard to contracts for purchase or procurement of goods and services shall be based upon a determination by the Village Board that an award of the contract selected from among the responsive and responsible bidders optimizes the quality, cost and efficiency of the goods or services being purchased or procured by the Village in accordance with the terms of this Chapter.
- B. Although contract price is one consideration in determining best value, the lowest contract price offered will not necessarily constitute the best value among the proposed contracts tendered by the responsive and responsible bidders.

- C. Where possible, the determination of best value shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
- D. The criteria may include, but shall not be limited to, any or all of the following:
  - (1) product performance;
  - (2) quality of craftsmanship;
  - (3) proximity of the contractors;
  - (4) product life;
  - (5) cost of maintenance; and
  - (6) warranties.

§ 100-3. "Piggybacking" of Purchases.

- A. The Village of Warwick may, for purposes of public purchases, utilize the provisions of General Municipal Law §103 with regard to so-called "piggybacking" of purchases. The Village may piggyback whenever allowed by law, including but not limited to the following situations and criteria:
  - (1) Bids are solicited or bid lists generated by the United States Government or New York State (and its political subdivisions and School Districts) provided that such bids or bid lists are generated in such a manner as complies with General Municipal Law §103.
  - (2) A bid or bid list is generated by a governmental entity other than the United States Government or New York State when such bid or bid list was generated in a manner consistent with or materially equivalent to the requirements of General Municipal Law §103.
  - (3) A foreign bid or bid list is specifically approved for piggybacking through the New York State Office of General Services.

§ 100-4. Procurement Policy Superseded.

Any provision of this Chapter which is inconsistent with the provisions of the Village's Procurement Policy shall be deemed superseded by the provisions of this Chapter."

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.