



Board members

Joe Donat, City Administrator | Rebecca Valk, Corporation Counsel | Joe Vita, Commissioner of Finance |
Chris Gent, Commissioner of Public Works | Rich DuPilka, Engineer

I. Old Business

1. **Bids Opened:**
2. **Bids – Award Recommendation:**
3. **Notice to Proceed Issued-**

II. New Business

1. **Bids currently in circulation. – Bid packages available on City Website and Bidnet Direct, or the Office of the Purchasing Agent**
 - a. Pest Control Services -RFB-COP-05-25-05

2. **Bids to be Renewed-for Discussion**

III. Discussion-

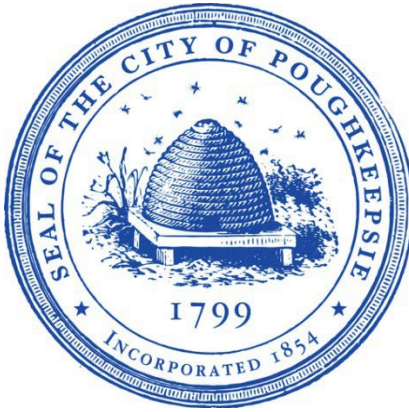
1. **Purchasing Policy revisions**

IV. RFP Contracts approved for Renewal.

- a. RFP-COP-04-24-02-Legal Services to the JW Board: Randy Alstadt

V. Executive Session-

1. Bottled Water
2. Janitorial Services
3. Car Wash Services



CITY of POUGHKEEPSIE PROCUREMENT POLICY

REVISED: Effective June 11, 2025

Hon. Yvonne Flowers
Mayor

Joseph Donat
City Administrator

Joseph Vita
Commissioner of Finance

This document is intended to outline the framework for procuring goods and services for the City of Poughkeepsie (City) in a timely manner and, at the same time, assuring the prudent and efficient use of public monies.

INTRODUCTION

In general, the provisions of the City's Procurement Policy are based on the requirements of General Municipal Law, Sections 103 and 104-b.

In part, GML, Section 103 reads "Except as otherwise expressly provided by an act of the legislature of the municipality, by a local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than **Thirty Five Thousand Dollars (\$35,000.00)** and all purchase contracts involving an expenditure of more than **Twenty Thousand Dollars (\$20,000.00)**, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein but not limited to a soil conservation district, to the lowest possible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section."

GML, Section 104-b, states "Goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption

BIDDING PROCEDURES

Competitive bidding will be utilized whenever required by law or when determined to be in the best interest of the City in accordance with GML, Section 103.

General Municipal Law Sections 103 require that annual purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsive bidder meeting the intent of the specifications after public advertising of the request for submission of sealed bids.

The requesting department with the Finance Department, Purchasing Division shall be responsible for preparing bidding specifications. All bids received shall include a non-collusion certification, an indemnification agreement, and any and all other required documents as per General Municipal Law. All Requests for Bids or Requests for Proposals are to be advertised for a minimum of five days between the first publication date and the date specified for the bid opening, and shall, at a minimum, contain a description of the goods and/or services being solicited, a statement of the time and place where all bids will be publicly opened and read, the time and place of any pre-bid meetings, and a description of where and how bid documents may be obtained. All bid openings will be conducted at a public meeting, unless otherwise specified, and all interested parties may attend.

BID PROCESS

For projects or purchases exceeding the bidding threshold, the requesting department shall submit a completed *Request for Bid* form to the Purchasing Agent. The Purchasing Agent is delegated certain duties on behalf of the Commissioner of Finance, the Purchasing Agent for the City, in accordance with the City of Poughkeepsie Charter, Section 7.03.

The requesting department(s) shall, in conjunction with the Purchasing Agent, prepare bidding specifications. Specifications should be clearly written. They should provide prospective bidders a common standard by which to be measured and provide assurance that bidders will be competing on a fair and equal basis. The specifications should indicate the basis by which bids and offers will be evaluated. Specifications should provide prospective bidders with sufficient information for them to formulate bids.

All bids shall include a Non-Collusion Certificate, an Iran Divestment Certification, Indemnification Agreement, and all other documents required by General Municipal Law.

A Bid Bond, generally 5% of the bid, may be required on certain projects including service contracts. This bond is intended to protect the City in the event that a bidder refuses to enter into a contract after the contract is awarded or the bidder withdraws his bid before the award.

Performance Bonds in the amount of 100% of the bid are required for all construction projects. This bond offers the City protection in the event of the contractor's failure to perform in accordance with the awarded contract terms.

Prevailing wage rates apply to all projects subject to Articles 8 and 9 of the NYS Department of Labor.

All bids shall be advertised on the Empire State Purchasing Group website, www.bidnetdirect.com/newyork, and on the City website, www.cityofpoughkeepsie.com. Bids for projects or purchases that are federally, or state funded may be advertised on the New York State Contract Reporter website, www.nyscr.ny.gov.

CONTRACTOR/ SUBCONTRACTOR REGISTRY

Contractors and subcontractors submitting bids or performing construction work on public work projects or private projects covered by [Article 8 of the Labor Law](#) **need to register with the Department of Labor before submitting any new bids, quotes or commencing new work on a covered project on or after December 30, 2024.** Certificate of Registration must be received prior to commencement of work or submitted with request for quotes or formal bids.

All projects must have a Prevailing wage schedule issued by the Department of Labor

APPRENTISHIP

Any contractor or subcontractor who bids on a construction project having an anticipated value in excess of \$100,000 must have apprenticeship agreements appropriate for the type and scope of work to be performed. The apprenticeship program must have been registered with the New York State Commissioner of Labor in accordance with Article 23 of the Labor Law.

BID OPENING AND AWARD

The Board of Contract and Supply will have the option to reject all bids and re-advertise at its discretion.

All bid openings will be opened publicly and read at the time and place specified in the advertisement for bids unless otherwise specified. Bid openings can be attended by any and all interested parties.

Bids received after the specified bid opening time will not be accepted and will be returned unopened to the prospective bidder.

The BOCS shall be comprised of the City Administrator, Commissioner of Finance or the Deputy Commissioner of Finance, Commissioner of Public Works or the Assistant of Public Works, the City Engineer or the Assistant Civil Engineer, the Corporation Counsel or the Assistant Corporation Counsel. The City Administrator will act as an ad hoc member of the BOCS to break tie votes. The BOCS will normally be

assisted by the Purchasing Agent acting as the recording secretary at all meetings and awards. The Purchasing Agent will generally be in attendance at bid openings but will have no voting rights and cannot be included in the Quorum.

The following rules will govern:

1. The Purchasing Agent and the requesting department will designate any person to open and read the bids aloud.
2. The bids will be recorded in the manner provided by the BOCS and will be recorded and reported at the next regular or special meeting of the BOCS.
3. Copies of original bids will be provided to the Department Head of the originating department to determine that the bids opened meet the bid specifications.
4. A tabulation sheet shall be prepared recording all pricing submitted by responding bidders. The Purchasing Agent will assist the requesting department to evaluate bid responses and prepare a bid evaluation. If a Best Value award is to be made, the submittal will be reviewed in accordance with the criteria established in Local Law 2014-2. Local Law 2014-2 excludes purchase contracts required for the completion of a public works contract pursuant to Labor Law Article 8.
5. The Commissioner of Finance shall determine that sufficient appropriations are contained within the originating department's budget or that other means are available to fund the project or purchase.
6. The BOCS may reject any and all bids that do not meet the bid specification.
7. The originating Department Head will recommend the award and certify in writing that the prospective awardee has submitted a bid or proposal that meets the intent of the bid specifications.
8. The BOCS shall determine the responsibility and responsiveness of the prospective awardee. The originating department will notify any low bidder of a rejection based on a determination that the bidder is not responsible or responsive.
9. A majority of the BOCS must then concur with the award.
10. If federal funds are to be expended for the project or purchase, The Purchasing Agent shall be responsible to determine that the proposed awardee is eligible by all Federal standards.
11. In the event that two or more responsive/responsible bidders submit identical low bids, the BOCS will determine which is awarded the contract.
12. The Commissioner of Finance acting as the Purchasing Agent of the City will issue a Notice of Award.
13. The Purchasing Agent shall draft and submit a proposed contract to the Corporation Counsel for approval. Once approved, the Purchasing Agent will forward three (3) copies of the contract along with a signed Notice of Award to the awardee for signature and required documents. After execution by the awardee, the contract will be forwarded to the Mayor for signature. On receipt of all executed contracts, the Purchasing Agent will issue a Notice to Proceed.
14. The Purchasing Agent will issue the Non-Award Notice(s) and return all bid bonds to the bidder(s) who were not selected.
15. The BOCS may also request that a notice of Intent to Award be issued in the event that additional time is needed before making an actual award.

BID ERRORS

In the event that a submitted bid or proposal contains a unilateral error in calculation, the responder may withdraw the bid or proposal within three days of the bid opening or before the awarding of the contract, whichever is shorter if:

1. The error is of such magnitude that enforcement would be unconscionable, or against the public interest; and
2. The bid or proposal was submitted in good faith, and the responder submits credible evidence that the mistake was merely a clerical error; and
3. The error in the bid or proposal is due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid or proposal, which error can be clearly shown; and
4. It is possible to maintain the status quo ante, the bid or proposal may be deemed withdrawn, and any security returned. Neither the City, its agents, or employees, nor members of the Board of Contracts may agree to amend the bid or proposal in order to rectify the error.

BID PROTEST PROCEDURES

There are three basic types of protests based on the time in the procurement cycle when they occur:

1. A pre-bid or solicitation phase protest is received prior to the bid opening or proposal due date.
2. A pre-award protest is a protest against making an award and is received after receipt of proposals or bids, but before the award of the contract.
3. A post-award protest is a protest received after award of a contract.

Each protest must be in writing and delivered to the Commissioner of Finance, Purchasing Agent of the City within ten (10) calendar days of the City's notice of the intent to award, after receipt of the bid/proposal prior to bid opening and shall be addressed as follows:

Bid Protest Purchasing Agent City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

Specific contents of a protest shall include the name of the protestor, the solicitation/contract number or description, and a statement of grounds for protest.

The Purchasing Agent shall contact the department responsible for the bid and inform him/her of the bid protest. The department shall gather the relevant information about the solicitation, evaluation and award of the bid and provide it to the Purchasing Agent within ten (10) calendar days of the Bid Protest.

The Purchasing Agent will deliver all relevant information to the BOCS. The BOCS shall review the information relevant to the bid and shall render a decision on the protest no longer than thirty (30) days after the bid protest was received.

The decision shall contain the action taken and the rationale for such action, and shall be mailed by certified mail, return receipt requested, to the protestor at the address set forth in the bid protest. A copy of the decision shall be maintained by the Corporation Counsel and distributed to the Department, the BOCS,

and the Commissioner of Finance with copies to be retained by the Purchasing Agent.

An appeal of the decision may be made either by the department or the protestor as applicable. An appeal may be commenced by delivering seven (7) copies of the following within seven (7) calendar days of the release of the decision.

1. A Notice of Appeal to the Purchasing Agent,
2. A statement of the nature and the reason(s) for the appeal, including claimed errors,
3. A complete set of the documents submitted to the Purchasing Agent.

The Purchasing Agent shall promptly deliver the copies to the BOCS which shall set a hearing date for the appeal to commence, which date shall not be later than forty-five (45) days from the Notice of Appeal. The appellant and respondent will be presented with an opportunity to address the BOCS and may be accompanied by counsel if desired.

Upon the conclusion of the appeal, the BOCS shall issue a decision within thirty (30) days of the conclusion of the appeal. The decision of the BOCS shall be final and conclusive.

The City of Poughkeepsie alone will be responsible in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the City of any contractual responsibility under its contracts.

BEST VALUE

The Common Council of the City of Poughkeepsie has adopted Local Law No. 2014-2 allowing the City's Finance Commissioner the "authority to accept Best Value" in awarding purchasing contracts subject to the requirements of GML, Section 103. The Local Law excludes any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8.

A "Best Value" award is defined as a basis for awarding contracts "to the offeror which optimizes quality, cost and efficiency among responsive and responsible offerors."

A determination must be made in writing by the Commissioner of Finance detailing why a "Best Value" award will be made before the solicitation of bids can occur.

When it has been determined that a "Best Value" award is to be made, the criteria by which the "Best Value" will be evaluated and the process by which the evaluation and selection will be made must also be documented and included in the bid package.

The criteria used to determine Best Value shall be made in advance of the initial receipt of offers and shall be made on an objective and quantifiable analysis of such criteria. The criteria may include, but is not limited to, any or all of the following:

1. Cost of Maintenance,
2. Proximity to the end user if distance and response time is a significant term,
3. Durability,
4. Availability of replacement parts or maintenance contractors,
5. Longer product life,
6. Product performance criteria,
7. Quality of craftsmanship,

8. Price,
9. Local Employment.

REQUEST FOR PROPOSAL

1.0 Professional Services and Consultants

General Municipal Law, Section 104(b), requires that procedures be implemented to ensure that municipal governments make the most prudent use of public monies.

Generally, Professional Services involve specialized skill, training, expertise, license or degree and are not subject to Public Works requirements. As such, Architectural, Engineering, and Legal Consultant services are designed as Professional Services.

Professional Services, not subject to competitive bidding requirements, shall be competitively solicited through the Request for Proposal (RFP) process and awarded subject to a pre-determined set of weighted criteria. RFP's may be advertised similarly to bid advertisements, or they may be selectively directed and solicited from others.

The pre-determined criteria may include, but not be limited to the following:

1. Cost
2. Responsiveness –availability to meet project guidelines.
3. Qualifications – project understanding and approach.
4. Experience – similar services provided to public or private sector clients.
5. Local Employment – Businesses that employ City of Poughkeepsie residents

Where appropriate, the solicitation shall identify the relative importance and/or weight of each criterion identified. A criteria evaluation team should be identified before solicitation.

The basis for award should be documented in the procurement file in advance of the initial receipt of offers.

LOCAL EMPLOYMENT

On March 10, 2017, The Common Council of the City of Poughkeepsie adopted Resolution, R-2016-27, Amending the Purchasing Policy to Encourage Local Employment. The resolution directs the Purchasing Agent to consider as a weighted factor, the percentage of City of Poughkeepsie residents employed by a business when considering an award of a contract, not subject to competitive bidding, if such bidder is otherwise deemed responsive and responsible. If a bidder wishes to request this consideration, he\she must make this request specifically in his\her bid response and provide verifiable documentation of the percentage of his\her employees who are City residents.

The Common Counsel has enacted the following regarding the purchase of goods and services that do not have to be competitively bid, but that are intended to ensure that goal.

PROFESSIONAL SERVICES

\$1 - \$19,999	No formal quotation required. The purchase method shall be at the discretion of the Department Head. Purchase Order Required \$5,000 - \$19,000
\$20,000 - \$39,999	Two (2) Written quotations with Department Head approval. Purchase Order Required
\$40,000 - \$49,999	Three (3) Written quotations with Department Head approval. Purchase Order Required
\$50,000 and Up	Formal Request for Proposal Purchase Order Required

RFPs that are solicited under certain funding may not be subject to the quote process and may require a Formal bid. Such funding includes projects under Environmental Facilities Corporation (EFC)

Departments must procure such services in accordance with the procedures above. Requests for deviation from this process must be documented and approved by the Commissioner of Finance or the Deputy Commissioner of Finance

1.2 Multi-Year Agreements

Where a professional services contract provides an option for renewal, all provisions for the same may be fully exhausted before the particular service shall be subject to a subsequent request for proposals. Annual contracts subject to renewal must be reviewed and approved by the Department Head. Professional service agreements shall not be for a total term, including all renewals, of longer than five years

PUBLIC WORKS AND PURCHASE CONTRACTS

Per GML 103, all contracts for public work involving an expenditure of more than Thirty Five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00), shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein but not limited to a soil conservation district, to the lowest possible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section.”

The Common Counsel has enacted the following regarding the purchase of Goods and Public Works services:

PUBLIC WORKS CONTRACTS	
ESTIMATED COST	REQUIREMENT
\$0.00 TO \$4,999.00	No Requirement to get quotes – No Purchase Order Required
\$5,000.00 to \$ 19,999.00	2 Written or Electronic Quotes – Purchase Order Required

\$20,000.00 to \$34,999.00	3 Written or Electronic Quotes – Purchase Order Required
\$35,000.00 and above	Formal Advertised Bid

WICKS LAW GML, Section 101

Separate specifications for all contracts for the erection, construction, reconstruction, or alteration of buildings when the entire cost exceeds \$500,000.00 be prepared so as to permit separate bidding for:

1. Plumbing and gas fitting
2. Steam heating, hot water heating, ventilation, and air conditioning apparatus; and
3. Electric wiring and standard illumination fixtures.

PURCHASE CONTRACTS

PURCHASE CONTRACTS	
ESTIMATED COST	REQUIREMENT
\$0.00 TO \$4,999.00	No Requirement to get quotes – No Purchase Order Required
\$5,000.00 to \$ 19,999.00	2 Written or Electronic Quotes – Purchase Order Required
\$20,000.00 and above	Formal Advertised bid

DEPARTMENT RESPONSIBILITY

Department Heads have the responsibility, first and foremost, to manage their respective budgets as adopted by the Common Council. Department Heads must first determine whether the item or service to be acquired is a Purchase or a Public Works contract. Then, based on the estimated cost of that product or service and the charts, requesting Departments will provide any/all documentation required to make purchases. Quotes and Purchase Orders shall be completed by the requesting department and processed by the Finance Department **BEFORE** the purchase is made. Any purchase made that does not conform to these procedures is null and void and the employee responsible for the purchase may be subject to disciplinary action including written warnings that could lead to personal financial responsibility for unauthorized purchases.

EXCEPTIONS TO THE COMPETITIVE BIDDING REQUIREMENT

- a) Purchases through the NYS Office of General Services
- b) Purchases under county or other municipal contract (Piggybacking). In the interest of increased efficiency, the purchase of goods and services through the NYS Office of General Services contracts or the “Piggybacking” on contracts existing through the Dutchess County Office of Central Services or those of other political subdivisions is strongly encouraged. The use of the competitive bidding process for the purchase of commodities otherwise readily available through these contracts will normally not be necessary except under extenuating circumstances, e.g., immediate need and

availability through another vendor.

- c) Professional Services, not subject to GML 103, competitive bidding.
- d) “Sole source supplier” shall mean a manufacturer, software developer, or service provider that sells direct and there are no other sources offering an “or equal.” For consideration of sole source status, the entity must provide the Purchasing Agent with a letter, on official letterhead, detailing their sole source status.
- e) Single source supplier is defined as a distributor/wholesaler/retailer that has a contractual agreement to provide services within a specific geographic territory to the exclusion of all others. For consideration of single source status, the entity must provide to the Purchasing Agent a letter, on official letterhead, detailing their single source status.
- f) Emergencies defined as arising out of an accident or other unforeseen occurrence of conditions whereby circumstances affecting public buildings, public property, or the life, health, safety of property of the inhabitants of the City of Poughkeepsie require immediate action which cannot await the competitive bidding process. An Emergency Declaration, signed by the Mayor of the City of Poughkeepsie, is required to be forwarded to the Purchasing Agent. Lack of anticipation or planning cannot be deemed as cause for the Emergency Declaration.
- g) Preferred Source
 - i) Purchases through agencies for the blind and/or severely handicapped.(NYSPSP)
 - ii) Goods made by correctional facilities (Corecraft)
 - iii) Goods or Services provided by the Disabled. (NYSID)
- h) Second-hand goods or surplus from Federal, State, or other political subdivision.
- i) Products offered by the Federal Government, Government Services Administration (GSA) Schedules 70 & 84, 1122 Public Safety Purchasing Program, NJPA, and other cooperative agreements.
- j) Leases defined as true leases, not installment purchases.
- k) Work performed by municipal employees under municipal cooperation agreements.

STANDARDIZATION – GENERAL MUNICIPAL LAW, Section 103(5)

Bidding for a particular brand or model requires that the Common Council adopt a resolution explaining the reason for standardization by a 3/5 vote.

Guidelines:

1. A substantial amount of equipment of the same make is presently being used by the municipality and uniformity of the make is essential to economy of efficiency,
2. Service facilities are peculiarly adapted to the handling of a particular make of equipment and cannot be converted economically,
3. The municipality has on hand a substantial supply of spare parts for a particular make of equipment, and they cannot be disposed of except at a substantial loss,
4. The design, plan, or method of construction of an installation is particularly suited to a particular make of equipment and cannot be altered economically,
5. Local geographic or atmospheric conditions require the use of a particular make of equipment to the exclusion of all others,
6. Employees are trained to operate one make of equipment and cannot be trained economically to operate other makes.

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 but does not limit the vendors it can be purchased from.

Standardization should be used very sparingly and only after careful consideration of the ramifications to future purchases and maintenance costs as this tends to reduce or, in some way, eliminate competition thus causing the City more than it may save by standardizing.

PROCUREMENT CARDS

The intent of the Procurement Card (P-Card) Program is to provide a streamlined process for the procurement of goods and services costing less than \$999.00 with a single purchase limit of \$999.00. The single purchase limit may be increased up to \$4,999.00 for certain departments upon approval of the Department Head and the Commissioner of Finance or the Deputy Commissioner of Finance.

Department Heads are responsible for annually designating which employees are given P-Cards, distributing a Procurement Card Program Policy to each designated employee, enforcing the Procurement Card Program Policy, and confirming that all purchases made by the card are accounted for on an expense report.

All employees should refer to the separate Procurement Card Program Policy and are responsible for compliance. Failure to comply with reporting requirements will result in the suspension of P-Card privileges at the discretion of the Commissioner of Finance.

STANDARDS OF CONDUCT

Any City employee who has, will have, or acquires an interest in, any actual or proposed contract with the City of Poughkeepsie of which he/she is an officer or employee, shall publicly disclose the nature of such interest in writing to the Board of Contract Supply as soon as he/she has knowledge of and actual or prospective interest. This written disclosure will be made a part of the official minutes of the Board of Contract Supply. If an officer or employee of the City of Poughkeepsie has reason to believe that he/she may have a conflict of interest, the office of the Corporation Counsel should be contacted immediately.

Employees shall not engage in outside employment which is inconsistent with their City responsibilities. For example, furnishing advice or services to a firm bidding on or planning to bid on a contract with the City of Poughkeepsie, or which is presently doing business with the City.

No employee, officer, agent, immediate family member, or Board member of the City of Poughkeepsie shall participate in the selection, award, or administration of a contract with the City if a conflict of interest, real or apparent, is involved.

City of Poughkeepsie employees, officers, agents, or Board members will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements with the City.

Employees occupying positions which are directly involved in the City of Poughkeepsie procurement process are required to disclose any interest in businesses which engage in bid activities with the City.

Failure to abide by these Standards of Conduct will result in disciplinary action, up to and including

termination. If said employee is a member of a union and is bound by a collective bargaining agreement with the City of Poughkeepsie, the sanctions undertaken will be addressed within the agreement.

PURCHASING RESPONSIBILITY

General Municipal Law, Section 104-b requires the identification of the individual or individuals responsible for purchasing and their respective titles. As such, the following identifications are made with the areas of responsibility:

Joseph Vita – Interim Commissioner of Finance and Purchasing Agent of the City

Karen Sorrell – Deputy Commissioner of Finance

Shirley Davison – Purchasing Agent

Rebecca A. Valk – Corporation Counsel

KEY REFERENCES

1. New York State GML § 103- Goods and Services
2. GML 104- Services
3. State Finance Law § 163-Best Value
4. Article 23 of the Labor Law-Apprenticeship
5. Uniform Guidance (2 CFR Part 200, Subparts A through F)- Federal Funded