

BOARD OF
FIRE COMMISSIONERS
Paul J. Carlo, Chairman
Thomas Roche
Brian E. Keating
Paul M. Ranellone
Anthony J. Lore, Sr.

FIRE DISTRICT
OF THE
TOWN OF EASTCHESTER, N.Y.
HEADQUARTERS
255 MAIN STREET
EASTCHESTER, N.Y. 10709-2901
Tel: (914) 793-6402
Fax: (914) 779-2759

FIRE DISTRICT
Brian Tween
FIRE CHIEF
Jamie Hedstrom
TREASURER
Marissa Isang Smith
SECRETARY to the BOARD

**Eastchester Board of Fire Commissioners
Eastchester Fire District**

-PUBLIC NOTICE-
REGULAR MEETING TO BE HELD

Meeting Location

VIRTUAL

Dial-in number: (US) +1 941-219-4270 (PIN: 989819999)

THURSDAY JANUARY 20th, 2022

EXECUTIVE SESSION - 7:00 PM

PUBLIC MEETING - 7:30 PM

MEETING AGENDA

1. OPEN MEETING
2. SALUTE TO THE FLAG
3. EXECUTIVE SESSION

Motion to enter into Executive Session to discuss employment terms for the EFD Mechanic.

4. TREASURER'S REPORT
5. PAYMENT OF BILLS

RESOLUTION NO. 23, 2022

MOTION to pay the bills and vouchers as presented. The Board has been supplied with one set of bills and one credit card bill for Board approval. Chief Tween has reviewed all prior to the meeting, except certiorari claims and those specifically marked as reviewed by the Treasurer. The Treasurer has requested the Board approve the following:

Warrant 2- 1/20/22- \$376,475.11

Credit Card – 1/18/22 - \$1,857.95

Total \$378,333.06

6. CHIEF'S REPORT
7. APPOINTMENT

RESOLUTION NO. 24, 2022

MOTION to appoint Monsignor Luke Sweeney, Pastor of Immaculate Heart of Mary Church as Fire District Chaplains of Eastchester Fire District until December 31, 2022.

8. AMENDMENT EMPLOYMENT TERMS

RESOLUTION NO. 25, 2022

MOTION to authorize an amendment to the employment terms with Tim Dalton to increase his holidays from six to eight; to include MLK Day and President's Day effective immediately. Due to the timing of this motion, MLK Day will be substituted for a floater holiday in 2022

9. EFD PROCUREMENT POLICY

RESOLUTION NO. 26, 2022

MOTION to adopt the attached resolution and amended Procurement Policy.

10. PHOTOGRAPHY/VIDEOGRAPHY SERVICES

RESOLUTION NO. 27, 2022

MOTION to approve the purchase of a photography/videography package with Westchester Drone Ops, LLC for the purposes of providing Eastchester Fire District with content to use on the upcoming redesigned website at the cost of \$2,426.75.

11. PROPERTY/CASUALTY INSURANCE
12. CHESTER HEIGHTS
13. LOCAL 916 COMMENTS
14. PUBLIC COMMENTS WELCOME
15. COMMISSIONERS COMMENTS

**A RESOLUTION ADOPTING A REVISED PROCUREMENT POLICY
AND PROCEDURE FOR THE EASTCHESTER FIRE DISTRICT**

At a meeting of the Eastchester Fire District, Board of Fire Commissioners, Westchester County, New York, held at the _____ on the _____th day of _____, 2022, the following resolution was offered:

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of goods and services which are not required by law to be competitively bid; and

WHEREAS, comments have been solicited from all officers and employees in the Fire District involved in the procurement process; and

NOW, THEREFORE, BE IT RESOLVED, by the Fire District Board of Fire Commissioners, in regular session duly convened, that the Fire District does hereby adopt the procurement policy attached hereto which is intended to apply to all goods and services purchased by the Fire District.

IT IS FURTHER RESOLVED, that by adopting this resolution, the Board repeals the Resolution entitled "A RESOLUTION ADOPTING A REVISED PROCUREMENT POLICY AND PROCEDURE FOR THE EASTCHESTER", which was adopted on or about _____, 2016; and

RESOLVED, it is the intention of the Board that this resolution shall not supersede the "comprehensive policy of financial controls" which was adopted on or about October 11, 2012, but rather the two policies shall be read and used in conjunction, and if there are conflicting items when read together, it shall be this procurement policy that shall govern; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately

CERTIFICATION

I, _____, do hereby certify that I am the Fire District Secretary of the Fire District and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Fire District Board of Fire Commissioners at a meeting thereof held at the _____ on the ___th day of _____, 2022. Said resolution was adopted by the following roll call vote:

Commissioner _____	Voted _____

The resolution was thereupon declared duly adopted by a vote of _____.

Dated: _____

PROCUREMENT POLICIES AND PROCEDURES FOR THE EASTCHESTER FIRE DISTRICT

I. Procedures for determining whether competitive bidding is required.

A. Procedure: Every prospective purchase or contract must be initially reviewed to determine whether it is a “purchase contract” or a “public works contract”. Purchase contracts involve the acquisition of commodities (materials, supplies, or equipment), while contracts for public work involve services, labor, or construction. When a contract involves acquisition of both goods and services, the Fire District shall review, on a case-by-case basis, the “total character” of each procurement. If a contract involves a substantial amount of services so that the acquisition of commodities is only incidental to the work, or when the component of the contract requiring goods cannot be separated from the services, the Fire District shall consider it a contract for public work for the purposes of the determining the monetary threshold. Conversely, if services or labor are only minor or incidental to the acquisition of goods, the Fire District shall consider it a purchase contract.

Once the procurement is determined to be a purchase contract or a public works contract, the procurement must be examined and categorized as follows:

1. Competitive Bidding (award procurement to “lowest responsible bidder”) or Competitive Offering (award procurement based on “best value”) is required for:

a.) Purchase contracts of more than \$20,000.00; and

b.) Contracts for public works of more than \$35,000.00.

However, competitive offering (best value awards) cannot be used for purchase contracts necessary for the completion of a public works contract covered by the prevailing wage provisions of Article 8 of the State Labor Law.

2. Analysis of the monetary threshold:

a.) In determining whether the monetary thresholds in (A)(1) above will be exceeded, the Fire District shall consider the aggregate amount reasonably expected to be expended for all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase, whether from a single vendor or multiple vendors. Commodities, services or technologies that are similar or essentially interchangeable will be considered as the “same” for this purpose. Prior years’ budgetary appropriations should be referred to for this information and compared with current projections.

b.) No portion of this resolution shall be construed as preventing the competitive bidding or competitive offering of purchase contracts which are \$20,000 or less or public works projects which are \$35,000 or less, if so desired.

3. Competitive Bidding and Competitive Offering is not required: Even if a procurement is over the monetary thresholds described in (A)(1) above, competitive bidding/offering is not required if the procurement falls into any of the categories listed below. Furthermore, such categories are not subject to the requirements of Section II below unless otherwise stated therein:

a.) Professional services or services requiring special or technical skill, training or expertise—The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. In determining whether a service is a “professional” service, the following shall be considered:

- (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.

Professional and technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps 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.

b.) Emergency purchases (GML § 103(4))—Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to competitively bid or seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits. Where by virtue of the nature of the emergency option, a review by the Fire District Board is not available, approval may be given by the Fire District Supervisor or Acting Fire District Supervisor, or any Fire District Board Member of the appropriate legislative committee.

c.) Purchases of surplus/second-hand materials, supplies, equipment from the Federal government, the State of New York or from any other political subdivision, district or public benefit corporation (GML § 103 (6))—If alternate proposals are required herein, the Fire District 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 \$500 and public works contracts for less than \$500—The time and documentation required to purchase 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 a 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 Fire District service area.

g.) Lease of equipment with operators so long as the project is under the complete control and supervision of the Fire District—However, in such event competitive proposals are to be solicited from vendors who can provide a similar type service when the Fire District 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 Fire District Board.

h.) Other—Procurements made pursuant to General Municipal Law § 103(3) (through certain county contracts), § 103(8) (certain municipal hospital or nutrition program purchases), § 103(9)-(10) (certain food and milk purchases), § 104 (through certain State and Federal contracts), State Finance Law § 162, Correction Law §§ 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions), or pursuant to any other exemption of recognized by the laws of the State of New York.

B. Documentation - Determination that purchase contract or public works contract is or is not subject to competitive bidding/offering requirements shall be documented as follows, and kept with the records of the purchase:

1. Copies or notations of all written dollar amounts.
2. Notation of all verbal dollar amounts.
3. Where appropriate, reference to prior years budgetary purchase amount information.
4. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception must be made.
5. In the case of “best value”, the basis for determining best value, as well as the justifications behind choosing “best value” rather than competitive bidding for the relevant contract must be thoroughly and accurately documented.
6. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records.

II. Methods of Competition to be used for Non-Bid Procurement: When competitive bidding/offering is not required, the Fire District shall utilize the following requirements for achieving competition:

Contract/Purchase (estimated cost)	Verbal Quotes			Written Quotes		RFP
	0-1	2 or more	3 or more	2	3 or more	
Purchase Contracts						
Up to \$250	X					
\$251 - \$1,000	X					
\$1,001 - \$2,000		X				
\$2,001 - \$10,000				X		
\$10,001 - \$19,999					X	
\$20,000 or above					X	
Contracts for Public Works						
Up to \$1,000	X					
\$1,001 - \$5,000				X		
\$5,001 - \$10,000					X	
\$10,001 - \$20,000					X	
\$20,001 - \$34,999					X	
\$35,000 or above					X	
Professional Services						
Up to \$2,000					X	
\$2,001 - \$4,000					X	
\$4,001 - \$20,000						X
\$20,000 or above						X

A. A good faith effort shall be made to obtain the required number of proposals or quotations. However, it is acknowledged that, though the suggested number of quotes should be diligently sought, they may not always be practically available. The Fire District shall compile a list of all vendors from whom quotes or proposals were requested and the specific quotes or proposals offered. All available verbal and written quotes and proposals shall be presented to the Fire District Board, which shall determine whether the proposed procurement is cost effective and in the best interest of the Fire District.

B. Documentation of actions taken in connection with each such method of procurement is required as follows: Attached to the purchase documents (i.e. invoices, voucher, bill, etc.) shall be notes of any verbal quotes and notations of or copies of any written quotes, any requests for proposals responses, or other proposals, contracts, or other documentation of the non-bid procurement process. If a vendor or contractor is not deemed responsible or responsive to the request, facts supporting that judgment shall also be documented and filed with the records supporting the procurement. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records. In no event shall the failure to obtain the specified number of quotations or proposals be a bar to procurement.

III. Awards to Other Than Lowest Responsible Bidder:

A. Whenever any contract is awarded to other than the lowest responsible dollar bidder, the reasons such an award furthers the purpose of General Municipal Law § 104-b as set forth herein above shall be documented as follows:

Notations and/or copies of all documents, and notations of verbal or other data justifying why any purchase is made from other than the lowest responsible vendor or contractor submitting a complying quotation or proposal, as being in the best interest of the government unit, shall be included with the purchase records. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records

B. Whenever any contract is awarded based on the “best value” standard, the Fire District Board shall comply with Local Law #2 of the Year 2013 “CONTRACTS AWARDED TO BEST VALUE BIDDERS”.

IV. “Piggybacking” Law: The Fire District may “piggyback” onto another governmental contract in accordance with General Municipal Law and upon consultation with the Fire District’s legal counsel.

A. Contract subject to Piggybacking: Pursuant to Section 103(16) of the General Municipal Law, purchases of goods and services may be made through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be let in a manner that consistent with New York State competitive bidding law (public solicitation of sealed bids, bid specifications, award to lowest responsible bidder or best value bidder, etc.) and the contract must be made available for use by other governmental entities. Piggybacked contracts are not subject to the competitive bidding requirements of Section 103 of the General Municipal Law.

B. Authorization to Piggyback: Pursuant to and in accordance with GML section 103(16), the Fire District is hereby permitted to “piggyback” off of other municipal contracts, as described above, as well as, in the Fire District’s discretion, make available its own purchase and public works contracts to other appropriate municipalities.

V. Input from Officers and Employees:

The Fire District shall solicit input and comments from officers and employees of the Fire District who are involved in the procurement process prior to the enactment of new or revised policies and procedures.

VI. Annual Review:

The Fire District Board shall annually review these policies and procedures. The Fire District Supervisor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. It is contemplated that the annual review will be made during annual budget preparation, or such other time as the Fire District Supervisor may designate.

VII. Deviations; Unintentional Failure to Comply:

It is the purpose of this policy to assist Fire District officials in obtaining the best value for the Fire District consistent with the stated purpose of this resolution. It is acknowledged that perfect compliance is not always practical. In such cases, consistent with the requirement of GML § 104, the reasons for any deviations shall be noted with the purchase files. Furthermore, the unintentional failure to fully comply with the provisions of this General Municipal Law § 104-b shall not be grounds to void action taken or give rise to a cause of action against the Fire District or any officer or employee thereof.