

At 4:00 PM there was a public bid opening for Electrical Maintenance and Repair Contract. As per the instructions published on or about 1/24/24 in the following newspapers, recognized by the Board of Commissioners as the official newspapers of the Manhasset-Lakeville Water District: the Manhasset Press, the New Hyde Park Illustrated, the Great Neck Record, sealed bids were received up until 4:00 pm on this date by the District Office and were opened:

<u>Company</u>	<u>Bid</u>
Baltray	\$83,279.00
Palace Electric	\$52,337.50
Wire to Water	\$31,300.00

The bid information was presented to the Superintendent for evaluation.

At 4:05 PM there was a public bid opening for Searingtown Well #1 Redrill. As per the instructions published on or about 1/17/24 in the following newspapers, recognized by the Board of Commissioners as the official newspapers of the Manhasset-Lakeville Water District: the Manhasset Press, the New Hyde Park Illustrated, the Great Neck Record, sealed bids were received up until 4:00 pm on this date by the District Office and were opened:

<u>Company</u>	<u>Bid</u>
AC Schultes Inc	\$1,488,500.00

The bid information was presented to the Superintendent for evaluation

Superintendent Schrader provided documentation with the activities of the Water District for the current week. General discussions were held relating to the operation of the District as follows. Discussions were held on each project.

Shelter Rock AOP	Temporary power brought into building. Pressure testing and disinfection of GAC vessels and UV reactor next. MCC Delivery pushed out until May.
251 Searingtown (Toll Bros)	Campbell Well's 1 and 2 rehabilitation contract signing tonight. Pump tests completed. Palace continues with electrical work. New Communication cables
Spruce Ponds	Parapet walls under construction.
Univerus	Univerus CIS go live date in April.
Searingtown AOP	Searingtown Well#1 redrill bids due tonight.
Annual Electrical Maintenance	Advertisement for Bids due tonight.
Lead Services	Self-survey letter and/or inspection requests at printer
IU Willets	GAC change out with reactivated carbon scheduled for February 13, 2024
Evans Street Water Main	Appeal to TONH on paving requirements
NYSAWWA	Annual conference Saratoga, resolution April 9-11, 2024.
Procurement Policy	Resolution updating procurement policy for Pipe, Fittings, Hydrants, Meters, and MXU's through approved annual contracts.
ESR Offices	Duct Cleaning Proposal

**RESOLUTION OF THE MANHASSET-LAKEVILLE WATER DISTRICT
RELATING TO APPROVAL OF CLAIMS
ORGANIZATION NUMBER 1**

To the Treasurer:

I certify that the claims submitted for approval were audited by the Board of Commissioners of the Manhasset-Lakeville WATER District on 2/6/2024 and are allowed in the amounts shown. You are hereby authorized and directed to pay to each of the claimants the amount indicated.

Commissioner Morris
Manhasset-Lakeville Water District

Date: 2/6/2024

Commissioner Sauvigne proposed the following motion, seconded by Commissioner Flynn

WHEREAS the purchases for goods and services identified and presented to the Board of Commissioners this date, 2/6/2024, have been found to be properly acknowledged as received or due, and have been audited according to the tenets of Town Law §176 (4a) and in compliance with the Procurement Policy of the Manhasset-Lakeville WATER District and,

WHEREAS, the audit of claims by the Board of Commissioners is a deliberate process to determine that the proposed payment is proper and just and satisfies the following criteria:

The proposed payment is for a valid and legal purpose.

The obligation was incurred by an authorized official.

The goods or commodities for which payment is claimed were actually rendered.

The obligation does not exceed the available appropriation.

The claim is in proper form; it is mathematically correct; it meets legal requirements; it does not include any charges for taxes from which the organization is exempt; it includes discounts to which the organization is entitled it does not include charges previously claimed and paid; and it is in agreement with an attached invoice.

NOW, THEREFORE, it is hereby

RESOLVED to approve payment to the vendors identified based upon the board approval on this date.

The adoption of the foregoing Resolution (#W43-24) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn

Nays: None

The Board approved the following to attend the New York State AWWA conference in Saratoga Springs from 4/09/24 through 4/11/24: Superintendent Paul Schrader, Commissioners Sauvigne, Morris and Flynn. GSA rates and travel days apply.

The adoption of the foregoing Resolution (#W44-24) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn
Nays: None

The Board of Commissioners has adopted the revised Manhasset Lakeville Water District Procurement and Purchasing Policy in the form attached as Exhibit A.

The adoption of the foregoing Resolution (#W45-24) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn
Nays: None

RESOLUTION OF THE MANHASSET-LAKEVILLE WATER DISTRICT RELATING TO APPROVAL OF EXPENDITURES

Commissioner Morris proposed the following motion, seconded by Commissioner Sauvigne

WHEREAS, the purchase of goods and services identified and presented to the Board of Commissioners this date, 2/6/2024 have been found to be properly acknowledged as requested expenditures, according to the Procurement Policy of the Manhasset-Lakeville Water District,

NOW, THEREFORE, it is hereby

RESOLVED to approve purchase to the vendors identified on Board of Commissioners Expenditure Request form submitted to the Board by the Superintendent as follows:

Approval of Expenditures:

VENDOR	DESCRIPTION	AMOUNT	BUDGET NUMBER	PURCHASE SUPPORT
T Mina	6" DIP and 6" SS Repair Clamps	\$5,786.76	8340 260	AC
Bancker Construction	Water Main Repair/Installation Executive Dr.	\$69,938.00	8310 300	GC
TOTAL	REQUESTED	\$75,724.76		

The adoption of the foregoing Resolution (#W46-24) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Flynn, Commissioner Sauvigne, Commissioner Morris

Nays: None

There was no board correspondence.

Meeting adjourned at 5:30 p.m. I hereby certify the aforementioned is a true and exact copy of the Minutes of Meeting held on February 6, 2024.

Steven Flynn, Secretary

:ap

EXHIBIT A

**MANHASSET-LAKEVILLE WATER DISTRICT
PROCUREMENT & PURCHASING POLICY**

Purpose

Goods and services which are not required by law to be procured 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 interest of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, waste, extravagance, fraud and corruption. To further these objectives, the Board of Commissioners (the "Board") is adopting internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 and 104b or of any other general, special or local law. This policy shall apply to all Claims other than Excepted Claims, as defined below.

Excepted Claims

"Excepted Claims" shall mean

(a) claims for

(i) the payment of fixed salaries of officers or employees,

(ii) the principal of or interest on obligations issued for the purposes of the Manhasset-Lakeville Water District ("The District"),

(iii) fixed amounts becoming due on lawful contracts for periods exceeding one (1) year, and

(iv) amounts that the District may be required to pay to the New York State Employees' Retirement System on account of contributions for past and current services of officers and employees, all of which are expressly excepted from the audit of claims requirements of Town Law Section 215-1-b, and

(b) expenditures from the petty cash fund of the District, not to exceed \$250.00, established under authority of Town Law Section 215-1-c, for payment by the District Treasurer of certain payments in advance of audit.

Identification of Purchasing Agents

In accordance with the NYS General Municipal Law, Section 104-b.2.f., the following individuals are identified as purchasing agents for the District:

Paul Schrader – District Superintendent
Andrew Salvemini – Supervisor of Plant Operations
Hilary Grossman – Business Manager

Procedures for Determining Whether Procurements are Subject to Bidding

(a) Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Although “purchase contract” and “contract for public work” are not defined in New York State General Municipal Law §103, the Office of the State Comptroller has opined that “purchase contract” applies to the procurement of commodities, equipment, materials and supplies, while the term “contract for public work” applies to contracts for services, labor or construction. If a contract involves the acquisition of commodities, equipment, materials or supplies, as well as the purchase of services, labor or construction, (e.g., when an item of equipment is purchased and installed by the vendor), the “total character” of the arrangement, as well as the underlying purpose of the competitive bidding statute, will be examined to make the determination. District personnel making this determination may, if desired, consult with counsel to the District for advice in rendering such determination.

(b) Once the determination described in the preceding clause is made, District personnel shall determine, taking into account past purchases and reasonably anticipated needs for the upcoming year, whether the aggregate amount anticipated to be spent on the item of supply or service during the year will or can be reasonably expected to exceed the applicable competitive bidding threshold amount.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

- a. Purchase contracts under \$20,000.00
- b. Public works contracts under \$35,000.00
- c. Emergency purchases as defined in Section 103 (4) of the General Municipal Law
- d. Preferred source – NYS law requires municipalities purchase certain commodities from New York State Department of Correctional Services, The New York State Industries for the Disabled, The New York State Industries for the Blind, and The New York Sole Source - To qualify, at a minimum, no other products available provide an equivalent or similar benefit, the cost is reasonable, there is no possibility of competition from other dealers or distributors
- e. Purchases under State and County Contracts
- f. Surplus and second-hand purchase from another governmental entity, and
- g. “Piggy-back” purchases, pursuant to GML §103.16., under contracts publicly let by the United States, any agency of the United States, any state or political subdivision or district of any State, if let to the lowest responsible bidder or on the basis of best value consistent with GML §103, and made available to other governmental entities (collectively, “Piggy-back Contracts”).

The decision that a purchase is not subject to competitive bidding will be documented in writing by the Purchasing Agent. This documentation may include written or verbal quotes from vendors, a memo from the Purchasing Agent indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the Purchasing Agent detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate. This procedure does not eliminate the requirement that the Board formally approve the declaration of every emergency.

Statutory Exceptions From These Policies and Procedures

Except for procurements made pursuant to General Municipal Law, Section 103 (3) (through county contracts) or Section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veterans’ workshops), Correction Law, Section 186 (articles manufactured in correctional institutions), purchases under Piggy-back Contracts, or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law, Section 104-b.

Method of Competition to Be Used for Non-Bid Procurements

Except as otherwise provided herein, all goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price or “best value,” as contemplated under GML§103(1), pursuant to resolution of the Board adopted April 7, 2020 (copy attached as Exhibit A), and that favoritism will be avoided.

The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Amount of Goods or Commodity Purchase</u>	<u>Amount of Public Works Contract</u>	<u>Method</u>
\$5,000 – 19,999.99	\$5,000–34,999.99	Solicitation of 3 written quotes or Request for Proposal (RFP)

- (1) If any public works contract is awarded following compliance with the applicable method set forth above, and after the awarding thereof, a change order relating thereto is submitted to the District, the amount of which, when added to the original contract amount, would have required a different method of analysis at the outset, no additional approvals will be required hereunder with respect to such change order, provided that the amount of the change order represents not more than 20% of the contract price originally approved. If such change order amount exceeds 20% of the original contract amount, then the change order shall be considered under the method applicable to a contract having a dollar amount equal to the

amount of the change order. Notwithstanding the foregoing, if the aggregate amount of the contract price plus change order price exceeds \$35,000, then the District personnel responsible for such change order shall consult with counsel to the District to determine whether the best interests of the District are served by compliance with competitive bidding requirements otherwise applicable to public works contracts in an amount greater than \$35,000.

- (2) Reasonable shipping and handling costs not exceeding 10% of any purchase contract amount shall be excluded from the computation of amounts of purchase contracts for the purposes of the foregoing table.

When the District seeks to purchase more than one type of industrial supply or equipment at the same time from the same vendor for convenience, each such type will be considered separately when determining the amount of the purchase for purposes of the applicable method of purchase. For example, if the aggregate amount of supply item "X" is \$4,500, and the aggregate amount of supply item "Y" is \$4,750, then the purchase of both items shall be deemed two separate purchases, each less than \$5,000, even though the aggregate cost for both items exceeds \$5,000. Whenever reasonably possible, purchases of industrial supplies and equipment should be under then-effective government contracts that are eligible for piggy-back purchases or are otherwise available as purchase resources for the District under applicable law.

Adequate Documentation

Documentation of actions taken in connection with each such method of procurement is required.

Awards to Other Than Lowest Responsible Dollar Offeror

Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings, or represent "best value," or how the offeror was not responsible. "Best value" is a basis for awarding contracts for products, using objective and quantitative methods, to the vendor that optimizes quantity, cost, and efficiency. A determination that the offeror is not responsible shall be made by the Purchasing Agent after reviewing the circumstance with counsel to the District, after which, the award may not be challenged under any circumstances.

Items Excepted from Policies and Procedures

Pursuant to General Municipal Law Section 104-b (2) (g), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body (The Board), the solicitation of alternative proposals or quotations will not be in the best interests of the District. In the following circumstances it may not be in the best interests of the District to solicit quotations or document the basis for not accepting the lowest bid:

(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. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board shall take into consideration the following guidelines:

1. Whether the services are subject to State Licensing or testing requirements.
2. Whether substantial formal education or training is a necessary prerequisite to the performance of the services.
3. Whether the services require a personal relationship between the individual and District officials.

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

(b) Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

(c) Purchase of surplus and second-hand goods from any source. If alternate proposals are required, the District is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and lower price may indicate an older or less serviceable product.

(d) Goods or services under \$5,000. The staff and administrative time, documentation, and associated costs required to comply with purchase procedure applicable to purchases of goods or services equal to or greater than \$5,000 may be unreasonable, and wasteful of taxpayer resources, in the context of proposed purchases under \$5,000. Furthermore, it is unlikely that contracts with a value less than \$5,000 would be awarded based on favoritism. Proposed purchases of goods or services under \$5,000 shall be reviewed by the Purchasing Agent to ensure that larger purchases are not artificially segmented in an attempt to avoid compliance with purchase procedure applicable to purchases of goods or services equal to or greater than \$5,000.

(e) Purchases under duly authorized inter-municipal cooperation agreements.

Use of Bank Credit Cards

The Board may authorize the use of Bank Credit Cards for purchases if it determines same to be in the best interests of the District.

Purchase Orders and Signing Authority

All purchases shall be made by the issuance of a Purchase Order by the Purchasing Agent. Purchase on claim forms will be routinely scrutinized by the Purchasing Agent and/or the Treasurer to verify that such purchases are legitimate and are not an attempt to avoid complying with the procedures necessary for larger purchases.

There are two main types of purchase orders: Standard Purchase orders and Blanket Purchase Orders.

Standard Purchase Orders are for items and/or services known at the time of order. Therefore, Standard Purchase Orders will not be approved without itemized details of the products or services being ordered.

Blanket Purchase Orders, or open-ended accounts, are normally prepared for a 12 month period to eliminate the necessity for the issuance of separate orders for groups of items that are purchased frequently from the same vendor (ex. office supplies) as well as to permit purchasing items of this nature on an "as needed" basis.

(a) Purchases Over \$5,000

1. The District Superintendent must submit each purchase request for a purchase equal to or greater than \$5,000 to the Board on the *BOARD OF COMMISSIONERS EXPENDITURE REQUEST FORM* (copy attached) at a scheduled Board meeting.
2. Multiple purchase requests for multiple vendors can be submitted on one such Request Form.
3. The Board's approval shall be in the form of a resolution, which shall be set forth in the minutes of the Board meeting at which same is approved.
4. Once the Board adopts a purchase approval resolution, District personnel may create the associated purchase order.
5. All written quotes shall be attached to the Purchase Order.

(b) Purchases that do not require prior Board Approval – and which Blanket Purchase orders are acceptable:

Purchasing agents are authorized to initiate purchase orders without additional Board authorization for:

1. Purchases less than \$5,000.
2. Purchases from other Governmental entities and agencies.
3. Utilities.
4. Legal Services, Laboratory Services, and Information Technology Services that are billed monthly, based upon the services provided the previous month, by the vendors previously approved by the Board to render such service.
5. Fuel, including gasoline and diesel.
6. Operational chemicals, including Sodium Hydroxide (Caustic) and White Crystal Solar Salt.
7. Pipe, Hydrants, Fittings, Meters, and MXU's purchased through an approved annual contract not to exceed the authorized annual budget

The Board will monitor these purchases by reviewing and approving the supplier invoices in SAP.

Confirming Purchase Orders may be generated for the purpose of items or services in the case of an emergency that has been approved by the Board of Commissioners. Confirming Purchase Orders may not be used to correct errors in the procurement of goods or services.

Input from Officers

Comments concerning the policies and procedures shall be solicited from officers of the District therein involved in the procurement process prior to the enactment of new policies and procedures, and will be solicited from time to time hereafter.

Annual Review

The governing board shall annually review these policies and procedures. The Treasurer 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.

In addition, the annual vendor payment summary will be reviewed annually to determine if the sum of all payments for all goods or services purchased from a particular vendor exceeds the competitive bidding thresholds established in this policy. If it is reasonably expected that the goods or services provided by a particular vendor will exceed the competitive bidding threshold during the year then commencing, then such goods and services shall be bid as an annual contract.

Payment Requirements

- 1. Original invoice
- 2. Signed proof of claim form and signed purchase order
- 3. Dated verification that the goods have been received / services has been performed
- 4. If contract is paid on an hourly basis, timesheets showing the hours worked and the applicable rate contained in the agreement
- 5. If applicable, copy of the signed agreement and copy of a resolution if the purchase was based upon a bid

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the District or any officer or employee thereof.

Date: _____

Approved by Board of Commissioners:

Brian J. Morris, Chairman

Mark S. Sauvigne, Treasurer

Steven L. Flynn, Secretary

Exhibit A

Resolution adopting Best Value Exception to Competitive Bidding for Purchases

WHEREAS, the Board of Commissioners desires to take advantage of authority created under the New York State General Municipal Law Section 103, providing local governments with flexibility to award certain purchase contracts on a “best value” basis, even where best value may be determined on factors other than the lowest responsible bidder; and

WHEREAS, counsel to the Board of Commissioners has advised the Board that formal action by resolution is required in order to vest the District with such flexibility;

NOW, THEREFORE, it is hereby RESOLVED, as follows:

Policy of the Board of Commissioners of the Manhasset-Lakeville Water District authorizing purchases on the basis of “Best Value,” for purposes of New York State General Municipal Law § 103.

§ 1. Purchase Contracts.

- A. Definitions. As used in this Policy, the following terms shall have the following meanings:

BEST VALUE - best value as defined in State Finance Law § 163, as such may be amended from time to time.

PURCHASE CONTRACT - all purchase contracts, including service contracts, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law, as same may be amended from time to time.

- B. Pursuant to the provisions of General Municipal Law § 103, the Board of Commissioners is hereby authorized, if and when it is determined by such Board to be in the best interests of the District, to award a particular purchase contract on the basis of best value.
- C. Such authority may be exercised by the Board of Commissioners with regard to any such purchase contract whether or not it reaches the threshold requiring competitive bidding pursuant to General Municipal Law § 103.

Manhasset-Lakeville Water & Fire District				
QUOTES FOR EXPENDITURES				
Verbal or Written				
Description of Goods or Services:				
Date	Contractor	Phone #	Amount	
1)				
2)				
3)				
Written quotes attached.				