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April 9, 2024

Honorable City Councilmembers
City Hall
1 Roosevelt Square
Mount Vernon, NY 10550

RE: Repeal of Outdated Procurement Legislation and Adoption of Updated Procurement Policy

Dear Honorable Members of the Mount Vernon City Council,

I am writing to propose an essential update to our city's procurement legislation, which has remained unchanged since 1992. The current procurement policy is not only outdated but also falls short of complying with New York State laws, hindering our capability to operate efficiently and inclusively in today's fast-paced environment.

This policy revision is crucial for several reasons.

- Streamlined Procurement Process:** The updated policy introduces a streamlined process for the procurement of goods and services not subject to competitive bidding. This efficiency will significantly reduce administrative burdens and foster a more agile municipal operation.
- Mandatory Annual Trainings:** To ensure all commissioners and purchasing agents are well-versed in the latest procurement practices, the policy mandates annual training sessions. This will enhance our competencies, ensuring competitiveness and inclusivity in procurement decisions.
- Enhanced Quality and Cost-Effectiveness:** By adopting modern procurement practices, we position ourselves to acquire goods and services of maximum quality at the lowest possible cost, directly benefiting our taxpayers.

1. **Guard against Improvidence and Corruption:** The proposed policy sets forth stringent procedures to prevent favoritism, extravagance, fraud, and corruption in the procurement process, thereby safeguarding the public interest.
2. **Compliance with NYS Law:** Perhaps most importantly, updating our procurement policy ensures compliance with New York State law, aligning our city with statewide standards and regulations.

The adoption of this policy will not only rectify the current non-compliance issues but will also greatly contribute to the operational excellence of our city's administration.

I urge all members to review the attached proposal carefully and support its enactment. Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

Danielle R. Browne, Esq.

AN ORDINANCE ADOPTING POLICIES AND PROCEDURES FOR PROCUREMENT OF GOODS AND SERVICES NOT SUBJECT TO COMPETITIVE BIDDING.

§1. Statement of Policy and 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 moneys, in the best interests 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, improvidence, extravagance, fraud and corruption.

To further these objectives, the City Council is hereby 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 §103, or of any other general, special or local law.

This resolution sets forth the policies and procedures of the City of Mount Vernon to meet the requirements of General Municipal Law, § 104-b.

§2. Lists of Suppliers and Contractors.

- A. The Procurement Manager, or the designated person by the Commissioner of Management Services, shall maintain lists of suppliers and contractors categorizing the various types of goods and services, which officials, department heads or their duly authorized designees may use in soliciting prices.
- B. The Procurement Manager, or the designated person by the Commissioner of Management Services, shall update such lists on an annual basis or as needed and take such steps necessary to effectuate the same.
- C. Officials, department heads or their duly authorized purchasing agents shall advise the Procurement Manager, or the designated person by the Commissioner of Management Services, of prospective suppliers or contractors which should be added to the abovementioned lists.

§3. Applicability of this Policy.

The policies and procedures outlined herein apply to the procurement of every good or service procured by the municipality that are not required to be made pursuant to the competitive bidding requirements General Municipal Law §103 or of any general, special or local law.

- A. **Purchase or Public Works Contract Determination.** Every proposed purchase must initially be reviewed to determine whether it constitutes a purchase contract or a public works contract. In general, purchase contracts involve the acquisition of commodities, materials, supplies, or equipment, while contract for public work involve labor or construction. For the purposes of this policy routine service contracts (e.g. grounds maintenance, vehicle maintenance and repair, janitorial services) will be considered purchase contracts for the applicable methods of procurement and adequate documentation.
- B. **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 reasonably be 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 Section 103. This determination must take into account past purchases and the aggregate amount to be spent in a year.
- C. **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 procedure outlined therein:
- a. Purchase contracts over \$20,000; and
 - b. Public works contracts over \$35,000.
- D. **(i) Procurements Not Subject to State Competitive Bidding Requirements.** The following items are either not subject to or are exceptions to General Municipal Law Section 103 competitive bidding requirements:
- a. Purchase contracts under \$20,000 and public works contracts under \$35,000;
 - b. Emergency purchases;
 - c. Certain municipal hospital purchases;
 - d. Goods purchased from agencies for the blind or severely handicapped;
 - e. Goods purchased from correctional institutions;
 - f. Purchases under state and county contracts; and
 - g. Surplus and secondhand purchases from another governmental entity.
- (ii) 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 said officials, department heads or their duly authorized purchasing agents and filed with the purchase order or contract therefor. This documentation may include:
- a. Written or verbal quotes from vendors; or

- b. A memo from the said officials, department heads or their duly authorized purchasing agents indicating how the decision was arrived at; or
- c. A description of the professional services; or
- d. A copy of the contract indicating the source that makes the item or service exempt;
- e. A memo from the purchaser detailing the circumstances which led to an emergency purchase;
- f. Any other written documentation that is appropriate.

E. (i) Statutory Exceptions to Quotations/Proposals Requirements of From These Policies and Procedures. All goods and services will be secured in accordance with this policy except in the following circumstances:

- a. Purchase contracts over \$20,000 and public works contracts over \$35,000 use competitive bidding procedures under General Municipal Law §103;
- b. Goods purchased from agencies for the blind or severely handicapped pursuant to State Finance Law 175-b;
- c. Goods purchased from correctional institutions pursuant to Correction Law §186
- d. Purchases under state contracts pursuant to General Municipal Law §104;
- e. Purchases under county contracts pursuant to General Municipal Law 103(3);
- f. Purchases let by other governmental entities pursuant to General Municipal Law §103(16); or
- g. Other items excepted from this policy (see Section 6, “Items Excepted from these Policy and Procedures

(ii) Documentation Required. The determination that a purchase a purchase is not subject to this procurement policy must be documented in writing by the said official, department head, or their duly authorized purchasing agent. This documentation may include:

- a. Written or verbal quotes from vendors; or
- b. A memo from the said officials, department heads or their duly authorized purchasing agents indicating how the decision was arrived at; or
- c. A copy of the contract indicating the source that makes the item or service exempt;
- d. Opinions of the Corporation Counsel, if any; or
- e. Any other written documentation that is appropriate.

In summary, the documentation should show the category of procurement that is being made and what method of procurement is specified.

§4. Adoption of Procedures

The following procedures identify the methods of competition and the means of adequate documentation to be used for the procurement of goods and services subject to this policy.

A. Methods of Procurement

The methods of procurement to be used are as follows:

1. Discretion of officials, department heads or their duly authorized purchasing agents
2. Verbal Estimates
3. Written quotations
4. Requests for Proposals

B. Adequate Documentation

Documentation of actions taken in connection with each method of procurement is required as follows:

Estimated Amount of Purchase or Service Contract	Method
Less than \$1,000	Discretion of purchasing agent
\$1,000 - \$2,999.99	3 verbal quotes
\$3,000 - \$19,999	3 or more written quotes/RFPs
Estimated Amount of Public Work Contract	Method
Less than \$1,000	Discretion of purchasing agent
\$1,000 - \$4,999.99	3 verbal quotes
\$5,000 - \$9,999	2 written quotes
\$10,000 - \$34,999	3 or more written quotes/RFPs

- (i) 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 no event shall the failure to obtain the proposals be a bar to the procurement.
- (ii) Verbal Quotations - The telephone log or other record should record, at a minimum: date, item or service desired, price quoted, name of the vendor and name of the vendor’s representative.
- (iii) Written Quotations – Vendors should provide at a minimum: date, description of the item or details of the service to be provided; price quoted; and name of the vendor’s contact person.
- (iv) Requests for proposals – An effective way to award contracts for some professional services is to award them only after a minimum number of professionals are contacted

and asked to submit written proposals. Requests for proposals (RFPs) are traditionally used as a means of obtaining all types of professional services. RFPs are used to obtain the services of architects, engineers, accountants, underwriters, fiscal consultants, and other professionals. A RFP and evaluation of proposals can consider price plus other factors, like experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. The award should be the most advantageous to the City of Mount Vernon.

- (v) Second-Hand Equipment from Other Governments – Procurement shall be documented by, at a minimum: market price comparisons obtained either by verbal or written quotes (documented in accordance with Sections 4B(i) and 4B(ii) above).

C. **Required Statements for Submissions Made Pursuant to Competitive Bidding.** If the goods or services to be procured must be acquired by competitive bidding pursuant to General Municipal Law §103 or any other general, special or local law, the following statement must accompany such bid:

- a. **The Iran Divestment Act.** Every written offer made to the City of Mount Vernon 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, under penalty or 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).

The City of Mount Vernon may award an offer to an offeror who cannot make the statement of non-investment on a case-by-case basis if:

- i. The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
- ii. The City of Mount Vernon makes a determination that the goods or services are necessary for the City of Mount Vernon to perform its functions and that, absent such an exemption, the City of Mount Vernon would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

No contract may be awarded to any persons determined to be engaged in investment activities in Iran as indicated by New York State Office of General Services.

- b. **Statement of Non-Collusion.** Every written offer made to the City of Mount Vernon 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 offer each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:

- i. 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;
 - ii. 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
 - iii. 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. **Statements 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 their automatic rejection.

§5 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 City of Mount Vernon 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.
- a. **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 City of Mount Vernon adopts the above definition of “best value” as may be modified from time to time by the State Legislature.

- b. **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 City of Mount Vernon 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 City of Mount Vernon. 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 the New York Executive Law §310.
 - c. **Approval.** Use of the best value standard for the procurement of goods and services requires approval from the City of Mount Vernon. The City Council must also approve the factors to be considered when awarding contracts under this standard.
 - d. **Documentation Required.** The determination that a purchase may be awarded on the basis of best value must be documented in writing by public officials, department heads or their duly authorized purchasing agents. This documentation may include a memo from the said officials, department heads or their duly authorized purchasing agents indicating how the decision was arrived at or any other written documentation that is appropriate.
- B. Additional justifications for awarding a contract to or purchasing from other than the lowest responsible dollar offeror would be, among other considerations, that the lowest dollar offeror has a history of:
- a. Not making timely deliveries;
 - b. Delivering inferior quality goods; or
 - c. Providing inferior quality services.

§6. Items Excepted from these Policies and Procedures by the City Council

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 City Council, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Mount Vernon 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.

- a. In determining whether a service fits into this category the public official, department head, or their duly authorized purchasing agents making the purchase shall take into consideration the following guidelines:
 - i. Whether the services are subject to state licensing or testing requirements;
 - ii. Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
 - iii. Whether the services require a personal relationship between the individual and municipal officials.
- b. “Professional or technical services” shall include but not be limited to the following services of:
 - i. An attorney;
 - ii. Services of a physician
 - iii. Technical services of an engineer engaged to prepare plans, maps and estimates;
 - iv. Securing insurance coverage and/or services of an insurance broker;
 - v. Services of a certified public accountant;
 - vi. Investment management services;
 - vii. Printing services involving extensive writing, editing or art work;
 - viii. Management of municipally owned property; and
 - ix. Computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.
- c. To the extent practicable, professional services should be obtained through requests for proposals issued by the City of Mount Vernon’s officials, department heads or their duly authorized purchasing agents. All RFPs are to be reviewed by said officials, department heads or their duly authorized purchasing agents, who will make a recommendation to the City Council for final approval. The determination of the RFP will be based on clearly described and documented criteria, and will include the evaluation of the service provider’s accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. The City of Mount Vernon must provide documentation, such as but not limited to a memorandum, outlining its evaluation and the basis for awarding the contract for professional services.
- d. In the event an RFP is not used to procure a professional service, no contract shall be awarded without written documentation, such as but not limited to a memorandum, outlining the procurement process, the evaluation methods used, and the basis for awarding the contract.

- e. Procurements of professional services in excess of the sum of Five Thousand (\$5,000.) Dollars annually to any one contractor, though not subject to competitive bidding requirements, are hereby required to be in the form of a written Professional Service contract, signed by the party providing the service. and the City of Mount Vernon, and shall detail the costs of the professional service. Such Professional Service Contracts shall be subject to the approval of the City Council and the Board of Estimate and Contract, unless such professional services procurement is specifically provided for by another method in the Charter of the City of Mount Vernon (eg. Section 153 of the Charter of the city of Mount Vernon) or in State Law.

B. Emergency purchases. For purpose of this section, an emergency refers to an occurrence that presents an immediate threat to public property, the life, safety, health, welfare or property of residents or the public, or threatens to curtail or terminate an essential service to residents or the public. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, property or welfare of the residents or City of Mount Vernon. This section does not preclude alternate proposals if time permits. Emergency purchases will be made at the discretion of the appropriate department head with the appropriate documentation as to the nature of the emergency.

- a. Documentation required – Procurement of goods and/or services shall be documented by, at a minimum:
 - i. the nature of the emergency - a situation:
 - 1. arising out of an accident or unforeseen occurrence or condition;
 - 2. affecting public buildings, public property or the life, health, safety or property of the City’s residents; and
 - 3. that requires immediate action which cannot await competitive bidding.
 - ii. the verbal or written quote (documented in accordance with Sections 4B(i) and 4B(ii) above); and
 - iii. any other relevant information.
- b. Pre-approved contractors – There shall be an established list of preapproved contractors and service providers which shall be contacted and retained as necessary in emergency situations. The Mayor shall be authorized to enter into contracts with said contractors and service providers during emergencies. The provisions of this section shall not preclude the hiring of contractors and service providers which are not on the list if deemed necessary due to the nature of the emergency.

C. Sole Source. Under State Finance Law §163, “sole source” is defined as “a procurement in which only one offeror is capable of supplying the required commodities or services,” and no substantial equivalent exists. To qualify under the sole source exception, the City

of Mount Vernon 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 particular good or service as compared to a different good or service, no other good or service would provide substantially similar benefits, and the cost is reasonable when considering the benefit conferred upon the municipality.

- a. Documentation Required – Procurement shall be documented by, at a minimum:
 - i. the unique benefit of the sole source item as compared to other items available in the market place;
 - ii. the fact that no other item provides substantially equivalent or similar benefits; considering the benefits received, that the cost of the sole source item is reasonable when compared to conventional items; and
 - iii. that, as a matter of fact, there is no possibility of competition for the procurement of said sole source item.

D. Preferred Source. Prior to entering into the competitive bidding process, the City is required by law to purchase commodities and services from Preferred Sources if the offering meets the form function, and utility required at a price no more than 15% above the prevailing market rate from the organizational priority listing below:

1. Department of Correctional Services' Correctional Industries Program
[Corcraft]
2. Approved, charitable, non-profit making agencies for the blind [NYSID]
3. Equal priority to approved, charitable, nonprofit agencies for the severely disabled, qualified special employment programs for mentally ill persons, and qualified veterans' workshops. [NYSPSP]

Utilizing Preferred Sources bypasses the need for a competitive bid process, streamlines procurement, and advances social and economic goals.

- E. **Purchases of surplus and secondhand goods from any source or goods purchased at auction.** If alternate proposals are required, the City of Mount Vernon would be precluded from purchasing surplus and secondhand 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 a lower price may indicate an older product.
- F. **Goods or services under \$1,000.** The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contractors would be awarded based on favoritism.
- G. **Cooperative or Piggyback Contracts.** General Municipal Law §103(16) allows for the procurement of certain goods (including apparatus, materials, equipment and supplies) and services through contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, if such contract was let in a manner consistent with competitive bidding, and has been made available for use by other governmental entities. The stated purpose is to reduce administrative and product cost, and increase efficiencies. Through cooperative purchasing, or piggybacking, a

governmental subdivision has already investigated and secured the lowest possible price for the municipality. It is the responsibility of the City Council to review each proposed procurement to determine, on advice of the Corporation Counsel as appropriate, whether the procurement falls within this exception. Three items must be considered:

- a. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein; and
- b. The contract must have been made available for use by other governmental entities; and
- c. The contract must have been let in a manner that constitutes competitive bidding consistent with state law.

If it is determined that all three items to consider have been met, the City Council shall allow this exception to the requirements of competitive bidding and this policy. The determination that cooperative purchasing is allowed shall be documented and a copy of the government contract off which piggybacking is allowed must be included in such documentation.

- H. **Shared Services, Efficiencies and Municipal Cooperation.** The City of Mount Vernon is encouraged and authorized to share services and work together with other municipalities when possible to reduce costs.
- I. **True leases.** The courts have held that “true lease” agreements are neither purchases nor contracts for public work and, thus, are not subject to bidding under General Municipal Law §103.
 - a. Documentation Required: Procurement shall be documented by, at a minimum:
 - i. Written quotes
 - ii. Cost-benefit of leasing versus purchasing
 - iii. any other relevant information.

§7. Other Considerations.

- A. **Ethics and Conflicts of Interest.** When engaging in procurement activities, officials, department heads or their duly authorized designees shall conduct themselves in accordance with City Code Chapter 24.
- C. **Internal Control.** A system of internal control shall be established by the Department of Finance and shall provide for periodic review and monitoring of procurement procedures as outlined herein which shall be reported to the City Council.
- D. **Benefit-Cost Analysis.** Benefit-cost analysis involves weighing the benefit against the cost in order to make a choice among alternatives that will yield the maximum benefit at the least cost. When implementing the policies and procedures outlined herein, officials, department heads or their duly authorized designees should consider the financial benefit of their actions taken to procure goods and services, which should be economically more beneficial than their cost.
- E. **Environmental Awareness.** Officials, department heads or duly authorized designees shall take into consideration the environmental impact of goods and their energy efficiency when procuring the same.

- F. **Maintenance and Durability.** Further consideration shall be given to the cost of maintaining said goods, and the durability, repairability and reliability of same.
- G. **Standardization of purchase.** Standardization of a particular type of material or equipment must be approved by a City Council resolution setting forth the reasons for a need for standardization as defined in General Municipal Law §103. Such resolution shall state reasons of efficiency or economy

§8 Individual(s) Responsible for Purchasing

- A. Purchasing Agent
- B. Procurement Manager
- C. Commissioner of Management Services
- D. Comptroller
- E. Assistant Comptroller

§9 Input from Officials, Department Heads and Purchasing Agent.

Comments concerning the policies and procedures have been solicited from officials, department heads, and the Purchasing Agent of the City of Mount Vernon involved in the procurement process prior to the enactment of this resolution. Further comments will be solicited from time to time as the City Council may desire.

§10 Annual Review.

The City Council shall review these policies and procedures annually, and when necessary, and evaluate whether the lists maintained by the City Clerk are being effectively utilized by officials, department heads or their duly authorized designees to implement the requirements of General Municipal Law § 104-b.

The Committee Chairpersons of Finance and Planning and Legislation and Public Works shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy, and shall be responsible for reporting back to the City Council.

§11 Unintentional Failure to Comply.

In the event of an unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b, the following corrective steps should be taken:

1. **Immediate Review:** Upon discovery of any unintentional noncompliance, an immediate review shall be conducted to assess the extent and impact of the noncompliance.

2. **Notification:** The officer or employee who identifies or learns of the noncompliance shall notify their supervisor and the Corporation Counsel's Office.
3. **Documentation:** All details of the noncompliance, including how it was discovered, the nature of the noncompliance, and any immediate actions taken, must be documented.
4. **Rectification Plan:** A rectification plan must be developed and implemented to correct the noncompliance. This plan should outline the steps to be taken to ensure compliance and prevent future occurrences.
5. **Review and Approval:** The rectification plan shall be reviewed and approved by the appropriate supervisory personnel and, if necessary, by the City Council.
6. **Implementation:** The approved rectification plan shall be implemented promptly to address any issues arising from the noncompliance.

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 City of Mount Vernon or any officer or employee thereof.

§12 Training.

- A. **Annual Training:** All department heads, purchasing agents, and relevant employees will undergo a mandatory training session annually conducted by the Corporation Counsel or an appointed representative, in collaboration with the Purchasing Manager or Agent on these procurement policies. This training will reinforce the City's procurement procedures, ethical guidelines, and any recent policy changes.
- B. **Training Documentation:** Participation in annual training will be recorded and filed in the Office of the City Clerk