



Middlesex Fire District

Procurement

2025M-135 | March 2026

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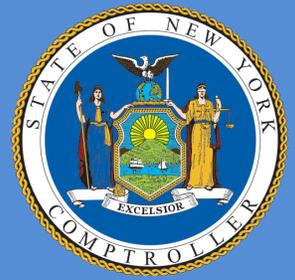
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Audit Results



Middlesex Fire District

Audit Objective	Audit Period
Did Middlesex Fire District (District) officials ensure the procurement of goods and services in an economical manner?	January 1, 2024 – October 24, 2025. We extended the audit period back to January 1, 2022 to review the purchase of a tanker truck.
Understanding the Audit Area	
<p>A board of fire commissioners and its officials should seek competition for goods and services to ensure the best value for taxpayers, prevent conflicts of interest and maintain public trust. Seeking competition also guards against favoritism, extravagance and fraud, while allowing interested vendors a fair and equal opportunity to compete.</p> <p>The Secretary/Treasurer (Treasurer) is the District's chief fiscal officer and is responsible for disbursing District funds.</p> <p>The District purchased \$251,848 in goods and services during the period of January 1, 2024 through July 16, 2025, and made a payment of \$157,992 toward the purchase of a tanker truck.</p>	

Audit Summary

District officials did not ensure the procurement of goods and services were done in an economical manner. District officials also did not demonstrate that the emergency exception to competitive bidding applied when procuring a new tanker truck. Additionally, officials did not follow the procurement policy adopted by the Board of Fire Commissioners (Board) for procurements not subject to New York State General Municipal Law's (GML) competitive bidding requirements. When District officials do not seek competition or document the methods used, taxpayers have less assurance that the purchase was made in the most prudent and economical manner, in the District's best interest, without favoritism and in compliance with applicable statutes.

Specifically, District officials did not:

- Competitively bid and award a contract valued at \$564,065 to purchase a new tanker truck.
- Seek competition by obtaining verbal or written quotes for 14 purchases totaling \$82,727.

The report includes three recommendations that, if implemented, will improve the District's procurement of goods and services. District officials disagreed with certain aspects of our findings but indicated they have initiated or plan to initiate corrective action. Appendix C includes our comments on issues raised in the District's response letter.

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the New York Office of the State Comptroller's (OSC) authority as set forth in Article 3 of GML. Our methodology and standards are included in Appendix D.

The Board has the responsibility to initiate corrective action. Pursuant to Section 181-b of New York State Town Law, a written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and forwarded to our office within 90 days. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the Board to make the CAP available for public review.

Procurement: Findings and Recommendations

Fire district officials are generally required by GML Section 103 to solicit competitive bids for purchase contracts above \$20,000. However, GML sets forth certain exceptions to the competitive bidding requirements. One exception, commonly referred to as the emergency exception, allows fire districts to procure certain goods without competitive bidding provided certain criteria are met.

In addition to GML Section 103, a fire district board is required by GML Section 104-b to adopt written policies and procedures for procuring goods and services not subject to competitive bidding requirements. The District's procurement policy outlines how officials should seek competition for purchases over certain dollar thresholds.

More details on the criteria used in this report, as well as resources/publications we make available to local officials that can help officials improve operations (Figure 1), are included in Appendix A.

Finding 1 – District officials did not demonstrate that the emergency exception to competitive bidding applied to procuring a tanker truck.

District officials did not demonstrate that the emergency exception to competitive bidding applied when procuring a new tanker truck. Without competitively bidding, District officials awarded a contract to a vendor in September 2022, valued at \$564,065, to purchase a new tanker truck. The Chairman of the Board stated that the purchase was labeled an emergency and the District did not need to seek competitive bids prior to the purchase of the tanker truck. While the Board passed a resolution in August 2022 indicating that the tanker truck was an emergency purchase, officials could not support that all the necessary criteria for such a designation were met. Specifically, officials did not show that:

- The purchase arose out of an accident or unforeseen occurrence or condition.
- The situation required immediate action, which could not await competitive bidding.

According to the Board meeting minutes in June 2022, the aging truck being replaced by the tanker truck was no longer repairable. However, the Board did not develop a truck replacement schedule until after the tanker truck was purchased. The lack of planning, by not developing an equipment replacement schedule or multiyear capital plan prior to purchasing the tanker truck, did not make this an unforeseen occurrence. Furthermore, because the estimated buildout time of the new tanker truck was two years, the Board had time to seek competition before awarding the contract. Additionally, because of the two-year buildout, the total cost subsequently increased an additional \$3,392 more than the awarded contract due to using a newer model year chassis. On May 6, 2025 the Treasurer made a \$157,992 payment towards the tanker truck purchase. As of October 24, 2025, more than three years after the Board made the emergency declaration, the District had still not taken possession of the new tanker truck.

When District officials do not seek competition or document the methods used, taxpayers have less assurance that the purchase was made in the most prudent and economical manner, in the District's best interest, without favoritism and in compliance with applicable statutes.

Recommendations

District officials should:

1. Evaluate, in consultation with legal counsel, declarations for emergency purchases to ensure they are consistent with the emergency exception to competitive bidding prior to making the purchase, as well as maintain appropriate documentation to demonstrate that all criteria are satisfied to support the decision to use the exception.
2. Maintain an equipment replacement schedule or multiyear capital plan.

Finding 2 – District officials did not procure goods and services in an economical manner.

District officials did not follow the procurement policy for purchases not subject to competitive bidding. Despite being required in the District's procurement policy, District officials did not obtain verbal or written quotes for all 14 purchases totaling \$82,727 requiring them or maintain documentation explaining the lack of quotes. The Treasurer told us that she tried to get District members to document quotes received with little success.

Furthermore, we reviewed five of the 14 purchases totaling \$16,435 for fire gear, including boots, helmets, pants and coats, and determined that the District could have saved between \$4,863 and \$6,682 if officials had purchased these items through a New York State Office of General Services (OGS) contract extended to fire districts according to GML Section 104. Finally, we reviewed the remaining 103 purchases¹ totaling \$169,121 that were not subject to verbal or written quotes under the District's procurement policy and did not identify any purchases that were of a personal or non-District nature.

When District officials do not seek competition or document the methods used to procure goods and services, taxpayers have less assurance the purchase was made in the most prudent and economical manner, in the District's best interest, without favoritism and in compliance with applicable statutes.

¹ This does not include the \$157,992 payment toward the tanker truck purchase.

Recommendation

3. District officials should procure goods and services according to applicable statutes and the District's procurement policy and retain relevant supporting documentation.

Appendix A: Profile, Criteria and Resources

Profile

The District provides fire protection and crash fire rescue services within the Town of Middlesex and a portion of the Town of Italy in Yates County. An elected five-member Board is responsible for the District's overall financial management and safeguarding its resources.

The Treasurer provides claim vouchers to the Board at each meeting for its approval. Members purchasing items are responsible for receiving and documenting quotes and submitting the documentation to the Treasurer.

Criteria – Procurement

When procuring goods and services, a fire district board of fire commissioners should ensure goods and services are procured according to statutory requirements and good business practices. Fire district officials are generally required by GML Section 103 to solicit competitive bids for purchase contracts exceeding \$20,000. As a general rule, when the purchase contract is subject to competitive bidding, the fire district should award the contract to the lowest responsible bidder. However, GML sets forth certain exceptions to the competitive bidding requirements. One exception, commonly referred to as the emergency exception, allows fire districts to procure certain goods without competitive bidding in the case of an emergency. However, for the emergency exception to apply, the following criteria must be met:

1. There was a public emergency arising out of an accident or other unforeseen occurrence or condition;
2. The circumstances affected public buildings, public property or the life, health, safety or property of the inhabitants of the fire district; and
3. The situation required immediate action, which cannot await competitive bidding.

In addition to GML Section 103, a fire district board of fire commissioners is required by GML Section 104-b to adopt written policies and procedures for procuring goods and services not subject to competitive bidding requirements. The procurement policy may set forth circumstances or types of procurement for which solicitation of alternative proposals will not be in the fire district's best interest and should describe procedures for maintaining documentation to support and verify actions taken.

The District's procurement policy requires that every purchase be reviewed to determine whether it is a purchase contract or a public works contract and whether the purchase is subject to competitive bidding. The decision that a purchase is not subject to competitive bidding should be documented in writing by the individual making the purchase. The District's procurement policy requires that goods and services over \$2,500 not subject to competitive bidding be secured through use of request for proposals, written or verbal quotations, or other methods to ensure competitive procurement and avoid

favoritism. The purchaser should document all attempts to obtain the required number of proposals or quotations. Documentation and an explanation are required when a contract is not awarded to the bidder with the lowest responsible quote or proposal.

Additional Procurement Resources

Figure 1: OSC Publication

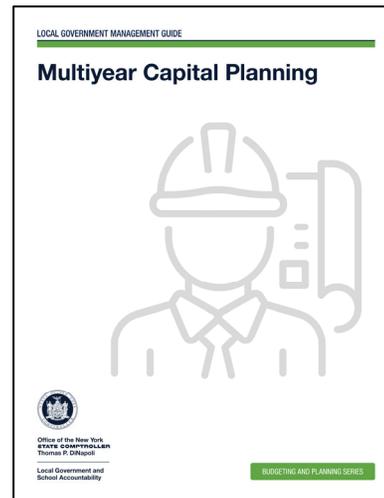
OSC *Local Government Management Guides* and other information resources are available on our website to help officials understand and perform their responsibilities.

Seeking Competition in Procurement



<https://www.osc.ny.gov/files/local-government/publications/pdf/seeking-competition-in-procurement.pdf>

Multiyear Capital Planning



<https://www.osc.ny.gov/files/local-government/publications/pdf/multiyear-capital-planning.pdf>

- “Piggybacking” Law: Exception to Competitive Bidding – <https://www.osc.ny.gov/files/local-government/publications/pdf/piggybacking-law.pdf>
- GML is available on the New York State Senate website² to help officials understand and perform their responsibilities per the law.

In addition, our website can be used to search for audits, resources, publications and training for officials: <https://www.osc.ny.gov/local-government>.

² <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>:

Appendix B: Response From District Officials

The District submitted one response to two audit reports (*Middlesex Fire District – Fiscal Transparency (2025M-130)* and *Middlesex Fire District – Procurement (2025M-135)*). Our rebuttal notes are related to *Middlesex Fire District – Procurement (2025M-135)*.



**Middlesex Fire District
Board of Commissioners
5537 Water Street
PO Box 145
Middlesex, NY 14507**

February 25, 2026

This Response also includes our corrective action plan (CAP)

Dear Auditors,

First, Even though Middlesex Fire District was not thrilled to be audited, it was good to have items brought to our attention. The items mentioned will help the Board of Fire Commissioners operate more efficiently while overseeing the town's taxpayers funds that support the Fire District's emergency equipment/response.

Second, We would like to thank our District and Fire/CFR department volunteers. They give up a lot of time for training, drills, and most importantly emergencies. They do this in all kinds of conditions – cold, heat, wind, rain, and snow. Having to deal with hazards like electrical, hazardous chemicals, mud, lakes, rivers, rope & rescue, etc. They respond 24 hours per day seven days a week. Thank you!

Fiscal transparency, section 130:

In reviewing the “Audit Summary” outlined on page 2 of the report, our treasurer does a very good job with monthly and annual financial reports to the commissioners.

The board members were not aware of an annual financial report needing to be on file with the Office of the State Comptroller. As brought to our attention at the first meeting we had with the auditors. We have passed a policy entitled “Annual Financial Report”. This policy basically states: Treasurer will provide to the District Fire Commissioners confirmation that the the required AFR statement was completed and submitted to the New York State Comptroller's Office at the March board meeting. A reminder was also added to the chairman's calendar for the month of February to remind treasurer that the report is due no later than the end of March.

On your recommendations on page 5, Chairman will put on his docket calendar for organizational meeting in January of every year a note, to remind Treasurer to make sure to complete the AFR for the State. This will be done after the Treasurer has been elected.

Procurement, Section 135:

Note page 1 Finding #2: Statement is not correct. While the main issue for the most part is really adequate documentation of checking for value of purchase.

Purchasing the lowest price is not always the most economical manner. Example some items that are cheaper may not have the lifespan of something a little more expensive.

We take that into consideration when we look at purchasing something.

On page 2, under audit summary, first sentence – “District officials did not ensure the procurement of goods and services were done in an economical manner.”

Overall, we do this by looking online, sending emails inquiries and making phone calls.

We have to find items that fit our present equipment and not at all vendors make/

See Note 1 Page 15

supply same equipment. There are no fire equipment stores like generic auto stores. We are held captive by the fire equipment manufacturers and their salesmen. Furthermore, we have learned that equipment/especially safety equipment has to be easy to use and be comfortable. The quicker and easier a firefighter can complete a task the safer the firefighter is. An example would be inexpensive, bulky gloves, forcing you to take gloves off to adjust equipment or put it together safely. Cheaper turnout gear may have more cancer causing materials in their manufacture. More expensive gear does not. We prefer to have our volunteers safe. It has long been noted the more comfortable the gear, the more the volunteer will use it, wear it and be safe. This being said, we agree that our documentation showing that overall we did do diligence in purchasing is lacking in some areas. The board was using the understanding that grouping individual purchasing from a vendor and grouping them together so we could review them under one voucher and pay with one check regardless of total purchase of \$2500 was OK. Thus saving district time to review several vouchers and writing several checks to the same vendor.

The Board understands and agrees with seeking competitive bids for goods and services for the reason you mention on page 2 of report 135. We have changed our vouchers to reflect the need of purchaser to follow our procurement policy and included printed details of the procedure on the back of the new vouchers.

Page 4, finding one, We we agree that we interpreted "emergency exception" incorrectly. However saying "The Board's lack of planning, by developing an equipment, replacement schedule or multi year capital plan, did not make this an

unforeseen occurrence”. That is not correct. At our first meeting, we showed you our “Budget Forecast” that goes out to 2033 and includes the Capitol Reserve Fund and our truck replacement schedule. As a relatively small volunteer department it would be unwise if we didn't do this. We generally use 25 years for truck replacement age.

See
Note 2
Page 15

Trucks at times don't last that long and repair cost prohibit fixing it compared to buying a replacement. We have to adjust. Also government mandates pop up now and then.

This district does a good job adjusting and working not to overburden our taxpayers.

The board did meet and talk to three different manufacturers before going with Four Guys. Basically they were the only one that could meet design and cost. The \$3392 additional cost you mentioned was due to Covid. Because of low inventory and parts availability to build the truck. By the time the chassis was being built, we were “forced” to accept a new model chassis and manufacturer said, “Take it or we'll sell it to someone else”. Thus delaying getting the tanker into service to the district.

The \$157,992 payment was for the finished chassis as per contract agreement – which is standard within the industry.

The Board now recognizes this tanker should have been bid, we did compare three manufacturers. Board has also acknowledged the use of legal council would be of help in considering these things.

Respectfully submitted,

Middlesex Fire District Board of Commissioners

Chairman Raymond Lafler Jr.

See
Note 3
Page 15



**Middlesex Fire District
Board of Commissioners
5537 Water Street PO Box 145
Middlesex, NY 14507**

February 25, 2026

CAP Response:

Fiscal Transparency 2025M-130:

The auditors made two recommendations at the treasure should do the following:

1. Keep contact information up-to-date on the OSC website to maintain excess.
2. Prepare and file the delinquent AFR's for the 2019 - 2024 fiscal years and file all future AFR's with OSC within 60 days of the end of the fiscal year, as required by GML section 30.

GML Section 30: CAP Response

Finding 1: The treasurer now has the link to update the board contact information. Furthermore, a reminder has been put on the chairman's calendar for the January meeting to remind treasure to update information.

This action has already been done in January 2026.

Finding 2: treasure has been in contact with OSC and has worked out and agreeable understanding to fulfill the delinquent AFR's.

Treasurer has already started on the agreed plan to file past AFR's with OSC as of January 2026. Sabra Dunton Treasurer

___ February 25, 2026

Procurement 2025M-135:

The audits made three recommendations that the District Officials should do.

-
1. Evaluate and with consultation of legal council, declarations for emergency purchases to ensure they are consistent with the emergency exception to competitive bidding prior to making the purchase. As well as maintain appropriate documentation that all criteria are satisfied to support the decision to use the exception.
 2. Development maintain an equipment replacement schedule or multi year plan.
 3. District officials should procure goods and services according to applicable statues and the district procurement policy with relevant supporting documentation.

CAP Response: Procurement 2025M-135:

Finding 1: It has been discussed by the board and agreed that legal council is to be used on matters of this nature. We have since used legal council on some policy and equipment issues. Use of council will be ongoing as issues arise.

Finding 2: as noted in our response letter, we do have an equipment replacement schedule in a multi year capital plan. As discussed with the auditors, even though districts plan projects out to 2033, there needs to be a more detailed/complete equipment replacement schedule.

The board along with the fire, chief and assistant chief have already been discussing updating the schedule. Being a small district, this plan must remain flexible for the unknown equipment repairs, government/regulator mandates and an increase increases an ongoing operating cost.

Finding 3: The board and treasure have already taken steps in the fall of 2025 and rectified district procurement process and most importantly the documentation of

obtaining goods and services. We've updated our vouchers with this policy on on the back of the voucher with an area for documenting price, quotes, etc. when dealing with various vendors. Board has also taken time to review/discuss policy with approved purchasers for the district.

Chairman Middlesex Board of Fire Commissioners

Raymond Lafler Jr. _____

Respectfully submitted,

Middlesex Board of Fire Commissioners

Chairman: Raymond Lafler Jr _____

Treasurer: Sabra Dunton _____

February 25, 2026

Appendix C: OSC Comments on the District's Response

Note 1

We did not state or recommend that District officials base purchasing decisions solely upon the lowest price. While price is one component of purchasing, there are others (e.g., quality). Additionally, the District's procurement policy requires documentation and an explanation when a purchase contract is not awarded to the vendor who provided the lowest responsible quote. Please refer to the Additional Procurement Resources in Appendix A for further guidance.

Note 2

We clarified the audit report to note District officials created a vehicle replacement plan after the new tanker truck was purchased.

Note 3

This audit report and the associated findings and recommendations pertain to the District, not the fire department.

Appendix D: Audit Methodology and Standards

We obtained an understanding of internal controls that we deemed significant within the context of the audit objective and assessed those controls. Information related to the scope of our work on internal controls, as well as the work performed in our audit procedures to achieve the audit objective and obtain valid audit evidence, included the following:

- We interviewed District officials and reviewed Board meeting minutes and the procurement policy to gain an understanding of the District's procurement process.
- We reviewed available purchasing documentation from January 1, 2024 through July 16, 2025 for all 117 purchases totaling \$251,848 and the tanker truck payment totaling \$157,992 made on May 6, 2025 to determine whether officials complied with the procurement policy and competitive bidding statutes and adequately documented purchasing decisions.
 - We used our professional judgment to select a sample of five purchases for fire gear totaling \$16,435, for which we knew there were available OGS contracts to determine whether District officials received a competitive price.
- We extended the audit period back to January 1, 2022 to review Board meeting minutes and sales agreements after reviewing the \$157,992 truck payment to determine whether it was competitively purchased.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or relevant population size and the sample selected for examination.

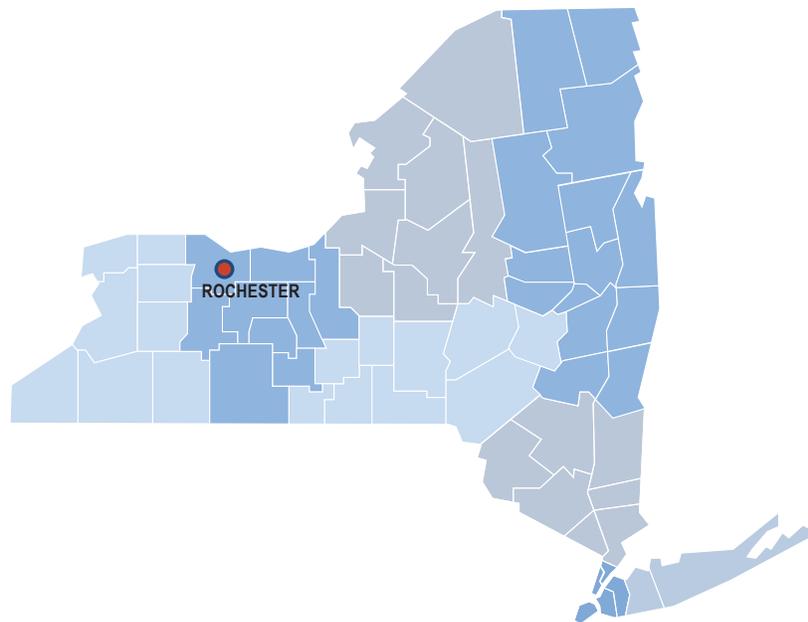
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