

Non-Instructional/Business Operations

SUBJECT: Purchasing

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board of Education. The purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet District needs. **The District will purchase recycled products when it is to the advantage of the District to do so.**

Competitive Bids and Quotations

As required by law, the Superintendent will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the School District.

The District shall establish guidelines for the procurement of goods and services that are not governed by General Municipal Law **and rules shall be developed by the administration for the competitive purchasing of goods and services.** ~~If circumstances arise where time constraints need to be considered, documented verbal quotations may be utilized in place of written quotations.~~

~~When the purchase of a service contract falls between \$20,000 and \$35,000, the District may utilize formal bidding procedures or obtain several quotations as stated in the Purchasing Policies and Procedures Manual.~~

The District may designate certain vendors as "sole source" providers not subject to public bidding laws and maintain a separate file of these providers as stated in the Purchasing Policies and Procedures Manual.

A bid bond may be required if considered advisable by the Superintendent or his/her designee.

No bid for supplies shall be accepted that does not conform to specifications furnished unless specifications are waived by Board action. Contracts shall be awarded to the lowest responsible bidder who meets specifications. However, the Board may choose to reject any bid.

~~Rules shall be developed by the administration for the competitive purchasing of goods and services.~~

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The Superintendent may authorize purchases within the approved budget without bidding if required by emergencies and are legally permitted.

The Superintendent is authorized to enter into cooperative bidding for various needs of the School District.

For all capital projects, and other bids the District may deem appropriate, the Board of Education shall require that each formal bid be accompanied by a certified check of the bidder, or by bid bond executed by the bidder as principal and issued by a surety company approved by the Board of Education, in an amount not less than five (5) percent of the base bid.

Procurement of Goods and Services

The Board of Education recognizes its responsibility to ensure the development of procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. These goods and services must be procured in a manner so as to:

- a) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;
- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

These procedures shall contain, at a minimum, provisions which:

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions (purchases pursuant to General Municipal Law, Article 5-A; State Finance Law, Section 162; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;

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- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

Any unintentional failure to fully comply with these provisions shall not be grounds to void action taken or give rise to a cause of action against the District or any District employee.

The Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

Alternative Formats for Instructional Materials

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the School District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

District Plan

The District will ensure that all instructional materials used in the schools of the District are available in a usable alternative format for each student with a disability, including students requiring Section 504 Accommodation Plans, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students.

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SUBJECT: Purchasing**Environmentally Sensitive Cleaning and Maintenance Products**

In accordance with Commissioner's Regulations, State Finance Law and Education Law, effective with the 2006-2007 school year, the District shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The District shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used. Coordinated procurement of such products as specified by the Office of General Services (OGS) may be done through central state purchasing contracts to ensure that the District can procure these products on a competitive basis.

The District shall notify their personnel of the availability of such guidelines, specifications and sample product lists.

Standardization

Upon the adoption of a standardization resolution by a vote of at least three-fifths (3/5) of all Board members, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand dollars (\$20,000) may be awarded by the Board to the lowest responsible bidder or offerer furnishing the required security after advertisement for sealed bids in the manner provided in law. Such resolution must state that, for reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standardization resolution, the District may provide in its specifications for a particular make or brand to the exclusion of others.

Best Value

Effective January 27, 2012, General Municipal Law (GML) Section 103 was amended to permit a school district or BOCES to award purchase contracts in excess of twenty thousand dollars (\$20,000) on the basis of "best value," rather than on the basis of the lowest responsible bid. The Board of Education must adopt a resolution at a public

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meeting authorizing the award of bids based on “best value.” The Board of Education may also approve “best value” bid award recommendations on an individual basis at a scheduled public meeting. A best value award is one that optimizes quality, cost and efficiency, typically applies to complex services and technology contracts and is quantifiable whenever possible.

"Piggybacking" Law - Exception to Competitive Bidding

The District may, in its discretion, purchase certain goods and services (apparatus, materials, equipment and supplies) at costs beyond the above-referenced thresholds through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state.

This method of procurement is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;
- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law and is not in conflict with other New York State laws.

Geographic Preference in Procuring Local Agricultural Products

Schools participating in Child Nutrition Programs such as the National School Lunch Program, School Breakfast Program and/or Special Milk Program are encouraged to purchase unprocessed locally grown and locally raised agricultural products. A School District may apply an optional geographic preference in the procurement of such products by defining the local area where this option will be applied. The intent of this preference is to supply wholesome unprocessed agricultural products that are fresh and delivered close to the source.

A geographic preference established for a specific area adds additional points or credits to bids received in response to a solicitation, but does not provide a set-aside for bidders located in a specific area, nor does it preclude a bidder from outside a specified geographic area from competing for and possibly being awarded a specific contract.

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SUBJECT: Purchasing**Professional Services**

The Board of Education delegates to the Superintendent of Schools or his designee the authority to enter into contractual agreements with individuals and companies for professional services in amounts not to exceed \$50,000 in a given fiscal year. The Board of Education recognizes “professional services” as legal services, medical services, insurance, and others requiring special skill, training or knowledge derived from experience. The determination to enter into such professional service contracts must be made according to the General Municipal Law standard that the expenditure of funds under the contract constitutes a “prudent and economical use of public moneys.

Construction Contracts

The bidding of all construction contracts, except in an emergency, will be in accordance with the provision of General Municipal Law Sections 103 and 105 and shall be awarded by public vote of the Board of Education. In the case of emergency performance contracts, New York State Energy Law Article 9 will apply. School District administration is authorized to take appropriate steps during emergency conditions to assure the health and safety of building users and the protection of District assets to the extent necessary including the awarding of contracts, provided the Board of Education is advised in a timely manner during and after such emergency.

The Board of Education shall approve all change orders exceeding \$50,000 on all construction contracts resulting from the bidding process. Whenever possible, these change orders shall be approved in advance of actual work. Where the interests of the School District so dictate, the Board trustees appointed to the District’s Audit Committee may authorize the administration to proceed with the change order work pending approval by the Board of Education after the fact. The Audit Committee shall, minimally, shall ensure scope is within voter authorization and the estimate costs is reasonable and estimable.

Conflict of Interest

No employee, officer, or agent must participation in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to

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employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Annual Review

Comments concerning the District's bidding and purchasing policies and procedures will be solicited from those District employees involved in the procurement process from time to time.

The Board of Education will annually review its bidding and purchasing policies and procedures. The School Business Official will be responsible for conducting an annual review of such policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

General Municipal Law Articles 5-A,
18 State Finance Law Sections 162 and 163, 163-b

Adopted 6/12/2007

Amended: 12/09/2008, 11/09/2010; 09/13/2011; 04/09/2013; 04/30/2014;