

POLICY

2004

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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.

Competitive Bids and Quotations

As required by law, the Superintendent or purchasing agent 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.

A bid bond may be required if considered advisable.

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.

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

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

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.

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SUBJECT: PURCHASING (Cont'd.)

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, Section 186; State Finance Law, Sections 175-a and 175-b; 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;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons; and
- 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.

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.

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Non-Instructional/Business
Operations

SUBJECT: PURCHASING (Cont'd.)

District Plan

The District will develop a plan by July 1, 2002, to ensure that all instructional materials to be 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. The District Plan shall include those provisions mandated by Education Law and Commissioner's Regulations.

Non-Competitive Bidding Purchases

The Board's internal policies and procedures governing procurement of apparel and sports equipment, where such procurement is not required to be made pursuant to competitive bidding requirements, shall prohibit the purchase of apparel or sports equipment, from any vendor based upon either or both of the following considerations:

- a) The labor standards applicable to the manufacture of the apparel and sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
- b) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Contracts for Goods and Services

No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

No Board member or employee of the School District shall have an interest in any contract entered into by the Board or the School District.

Education Law Sections 305(14), 1604, 1709, 1950,
2503, 2554 and 3602
General Municipal Law, Articles 5-A and 18
8 New York Code of Rules and Regulations
(NYCRR) Sections 170.2, 200.2(b)(10), 200.2(c)(2)
and 200.2(i)

Adopted: 9/7/04

**Non-Instructional/Business
Operations****DUANESBURG CENTRAL SCHOOL DISTRICT
PURCHASING REGULATIONS**

The following sets forth the procedures for the procurement of goods and services by the Duanesburg School District.

I. Definitions

Purchase Contract: a contract involving the acquisition of commodities, materials, supplies or equipment.

Public Work Contract: a contract involving services, labor or construction.

II. General Municipal Law

The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$10,000 and public work contracts involving an expenditure of more than \$20,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

III. Competitive Bidding Required**A. Method of Determining Whether Procurement is Subject to Competitive Bidding**

1. The District will first determine if the proposed procurement is a purchase contract or a contract for public work.
2. If the procurement is either a purchase contract or a contract for public work, the District will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.
3. The District will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

3/4/08 – 1st Reading
3/18/08 – 2nd Reading
3/1808 - Resolution

B. Contract Combined Professional Services and Purchase

In the event that a contract combines the provision of professional services and a purchase, the District, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

C. Opening and Recording Bids: Awarding Contracts

The purchasing agent, or designee, with a second person to verify, will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder (as recommended by the purchasing agent), who has furnished the required security after responding to an advertisement for sealed bids.

D. Documentation of Competitive Bids

The District will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract. Proper written documentation will also be required when a contract is not awarded to the vendor submitting the lowest quote, setting forth the reasons therefore. A quote which exceeds the bid limit will be awarded only when such award is in the best interests of the District and otherwise furthers the purposes of Section 104b of the General Municipal Law. The district will provide justification and documentation of any such contract awarded.

E. Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, Section 1725 of the Education Law requires that the District will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Documentation: The District will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the School Attorney for review.

IV. Exceptions to Competitive Bidding Requirements

The District will not be subject to competitive bidding requirements when the Board, in its discretion, determines that one of the following situations exists:

1. Emergency situations where:

a. The situation arises out of an accident or unforeseen occurrence or condition;

b. A District building, property, or the life, health or safety of an individual on District property is affected; or

c. The situation requires immediate action which cannot await competitive bidding.

However, when the Board passes a resolution that an emergency situation exists, the district will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The District will maintain records of verbal (or written) quotes;

V. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the District through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

A. Methods of Documentation

1. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the District will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required. "Requests for Proposals" (RFPs), documented in the same manner as described herein, may also be used;
3. Requests for Proposals: the District will contact a number of professionals (engineers, architects and accounts) and request that they submit written proposals. The RFPs may include negotiations on a fair and equal basis. The RFPs and evaluation of such proposals will consider price plus other factors such as:
 - a. The special knowledge or expertise of the professional or consultant service;
 - b. The quality of the service to be provided;
 - c. The staffing of the service; and
 - d. The suitability for the District's needs.

The District may first locate prospective qualified firms by:

- a. Advertising in trade journals;
- b. Checking listings of professionals; or
- c. Making inquiries of other districts or other appropriate sources.

The District will then prepare a well-planned RFP which will contain critical details of the engagement, including the methods which it will use in selecting the service.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements, Documentation to be Maintained.

The District will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

1. Purchase Contracts up to \$10,000
Under \$1,000; One verbal quote
\$1,000 - \$5,000; Two written quotes
\$5,000 - \$10,000; Three written quotes

2. Public Work Contracts up to \$20,000
Under \$1,000; One verbal quote
\$1,000 - \$5,000; Two written quotes
\$5,000 - \$10,000; Three written quotes
\$10,000 - \$20,000; Three written quotes

3. Emergencies: Verbal quotes
Documentation will include notations of verbal quotes.

4. Leases of Personal Property: Written quotes
Documentation will include written quotes, cost-benefit analysis of leasing versus purchasing, etc. The District will note that the contract is a true lease and not an installment purchase contract.

VI. Quotes Not Required When Competitive Bidding Not Required

The District will not be required to secure alternative proposals or quotations for those procurements:

1. Under a County contract;
2. Under a State contract;
3. Of articles manufactured in State correctional institutions; or
4. From agencies for the blind and severely disabled.

In addition, the District will not be required to secure such alternative proposals or quotations for:

1. Emergencies where time is a crucial factor;
2. Procurements for which there is no possibility of competition (sole source items);
3. Procurements of professional services, which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation; or
4. Very small procurements when solicitations of competition would not be cost-effective.

