



Book	AUFSD Policies
Section	Section 5000: Non-Instructional/Business Operations
Title	Purchasing: Competitive Bidding and Offering
Code	5410
Status	Active
Adopted	July 3, 2012
Last Revised	September 9, 2014

**SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING**

Except as otherwise provided by law, all contracts for public work involving an expenditure of more than \$35,000 and all purchase contracts involving an expenditure of more than \$20,000 shall be awarded by the District to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. However, the District may, in its discretion, award purchase contracts on the basis of "best value" to a responsive and responsible bidder or offerer, provided the Board of Education has authorized such action by rule, regulation or resolution adopted at a public meeting.

No bid or offer shall be accepted that does not conform to specifications furnished unless such specifications are waived by Board action. The District may, in its discretion, reject all bids or offers and readvertise for new bids or offers in a manner consistent with New York State law.

All contracts requiring public advertising and competitive bidding or offering will be awarded by resolution of the Board.

Except as authorized by law, no Board member or employee of the School District shall have an interest in any contract entered into by the School District.

**Standardization**

Special requirements apply to procurements that must be competitively bid and necessitate the purchase of a specific make or brand of material or equipment. Pursuant to Section 103(5) of the GML, school districts that seek to contract for the purchase of a particular type or kind of equipment, material, or supplies exceeding \$20,000 may only do so after adopting a resolution by 3/5 of all Board members stating that, for reasons of efficiency or economy, there is a need for standardization. Additionally, such resolution must contain a full explanation of these reasons.

**"Piggybacking" Exception to Competitive Bidding**

The District may, in its discretion, purchase certain goods and services (apparatus, materials, equipment and supplies) 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, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

**Annual Review**

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 and 18  
State Finance Law Sections 162, 163 and 163-b

NOTE: Refer also to Policy #5411 -- Procurement of Goods and Services

Adopted: 7/3/12  
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