FISCAL MANAGEMENT 4400

GENERAL PROCUREMENT STANDARDS

Procurement of Goods and Services

Purchasing Authority

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 Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. 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.

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.

Purchasing Process

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 will 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, 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 General Municipal Law Section 104-b;
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, state 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 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 District will develop administrative regulations to establish procedures for the procurement of goods and services.

Competitive Bidding

Except as otherwise provided by law, all contracts for public work involving an expenditure of more than thirty-five thousand dollars ($35,000) and all purchase contracts involving an expenditure of more than twenty thousand dollars ($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 the District. The District may, in its discretion, reject all bids or offers and re-advertise 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.

Competitive bidding is required when:

a) If the total purchases of a commodity, service, or technology during the twelve month period following the date of the first purchase is reasonably expected to total more than the threshold amounts described above, then the purchase shall be made through the competitive bidding process.

b) If a commodity, service, or technology is potentially subject to the bidding requirements of Section 103 of the General Municipal Law, but it has been purchased without competitive bidding in an amount less than the threshold amounts described above, then additional purchases of that commodity, service, or technology from the same provider are not permitted if the additional purchase would cause the total value of the reasonably expected purchases of that commodity, service, or technology over a twelve month period to exceed the threshold amounts for competitive bidding.

c) Pursuant to the Iran Divestment Act of 2012, each bidder or offeror must certify that they are not on the list created and maintained by the State Office of General Services (OGS).

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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 of 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 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.

Piggybacking

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, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

Instructional Materials

Pursuant to Section 200.2 of the Commissioner's Regulations, the District shall give preference in the purchase of instructional materials to those vendors who agree to provide such instructional materials in alternative formats for students with disabilities.

Responsibilities

The Superintendent and the School Business Administrator may develop more specific procurement procedures for the guidance of District employees that are consistent with these Policies. They shall ensure that all District employees involved in purchasing and business functions are familiar with these Policies and that all District employees follow these Policies.

Each employee involved in the procurement process is responsible to become familiar with these procedures and to follow their requirements, to seek clarification and direction from the Purchasing

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Agent whenever they are unsure how to proceed in compliance with these Policies, and to inform the Purchasing Agent of any concerns regarding compliance.

Personal Purchasing Prohibited

No goods or services shall be purchased in the name of the District, or through the District's procedures other than goods or services purchased for use in conducting the District's business. No one may purchase goods or services for personal use, or on behalf of any organization other than the District, through the District's purchasing procedures.

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 Administrator 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.

Oriskany Central School District

Legal Ref: General Municipal Law § 102, 103, 104-b, 109-a; 800 et seq., Education Law § 207, 305 (14), 1604, 1709, 1725, 1950, 2053, 2554, 3602, 4403, 1725; State Finance Law 163; 8 NYCRR 200.2

Adopted: 12/09/02, 07/06/04

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