

PURCHASING

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board.

All contracts for the purchase of materials, equipment or supplies involving an estimated annual expenditure of equal to or exceeding \$20,000 will be subject to advance approval of the Board. All public works contracts involving an estimated annual expenditure equal to or exceeding \$35,000 will be subject to advance approval of the Board. However, emergency purchase contracts or public works contracts exceeding the limits set forth above may be entered into prior to Board approval under the conditions that (1) there exists a bona fide emergency, certified by the Superintendent of Schools, for which delay would be injurious to health, safety or property; (2) the Superintendent of Schools or his/her designee immediately informs the members of the Board of the emergency, the reason for an immediate contract, the identity of the contractor, and the terms of the contract; and (3) formal approval of the contract by the Board is placed on the Board's meeting agenda of the next regular or special meeting. All contracts for the provision of professional services will be subject to approval of the Board.

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Contracts for purchase of material, equipment or supplies of less than \$20,000 and public works contracts of less than \$35,000, for which Board approval is not required, may be entered into by the Superintendent of Schools and/or his/her designees. The Superintendent will inform the Board of those individuals who are authorized to enter into such contracts.

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The district will comply with the requirements of Section 103-g of the General Municipal Law, which prohibits (with limited exceptions) the award of a competitively bid contract with an entity that invests significantly in the Iranian energy sector.

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Competitive Bidding and "Best Value" Purchasing

It is the goal of the Board to seek the maximum educational value for every dollar expended. Accordingly, purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder. However, the Board authorizes the district to enter into a purchase contract if in its determination it will be advantageous to award such purchase contract on the basis of "best value", as defined in Section 163 of the State Finance Law.

For those purchase contracts to be awarded through competitive bidding, bids or quotations will be solicited in a manner consistent with applicable law. Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an

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expenditure of more than \$35,000 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. In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic form, pursuant to the provisions of Section 103(1) of the General Municipal Law.

In accordance with law, the district will give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term “alternative format” will mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

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The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the Office of General Services (OGS), the district will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that the district may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

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, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except as permitted by state law for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another governmental entity;
5. through permitted cooperative purchasing agreements in accordance with applicable law;
6. of articles manufactured in state correctional institutions; or
7. from agencies for the blind and severely disabled.

The district's purchasing activity will strive to meet the following objectives:

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities will be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, state contracts of the Office of General Services or county contracts whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

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Special Circumstances

A. "Piggybacking"

Where permitted by law, purchases may be made through available cooperative BOCES bids, or by "piggybacking" onto contracts of the United States or agencies thereof or the federal General Services Administration (GSA), the New York State Office of General Services (OGS), departments or agencies of New York State, any New York State county, or any state or any county or political subdivision or district therein, whenever such purchases are in the best interests of the district or will result in cost savings to the district.

It is the district's responsibility to review each "piggybacking" contract corresponding to a proposed purchase, upon the advice of counsel as necessary, to determine whether the original contract does not conflict with state law or regulation, and meets the following requirements:

1. The contract must have been let by the United States, or any agency thereof, any state, or any other political subdivision or district therein;

2. The contract must have been made available for use by other governmental entities; including New York State local governments;
3. The contract must have been let to the lowest responsible bidder or on the basis of best value, in a manner consistent with General Municipal Law §103. Those main elements are: (a) public solicitation of bids or offers; (b) secure or confidential bids or offers; (c) use of a common standard for bidders or offers to compete fairly; and (d) awarded to the lowest responsible bidder, or responsible offeror of best value, which optimizes quality, cost and efficiency.
4. r responsible offeror of best value, which optimizes quality, cost and efficiency.

B. Instructional Material in Alternate Formats

In accordance with law, the district will give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term “alternative format” will mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

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C. Environmentally Sensitive (“Green”) Cleaning Products

The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the Office of General Services (OGS), the district will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that the district may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

D. Recycled Products

The district is authorized to give a preference to vendors of recycled products whenever they meet the district’s specifications and the price is reasonably competitive, as defined in General Municipal Law §104-d.

Commented [NH1]: At its 2/8/24 meeting, the Committee decided not to incorporate into Policy 6700 that the district will utilize the GreenNY purchasing specifications. At its 12/17/24 meeting, the Committee confirmed this decision.

E. E-Rate and Other Federal Discounts

In order to ensure that the district avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the district

in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity, appropriate documentation of the application and purchase through any federal program will be maintained by the business office.

Commented [NH2]: At its 2/8/24 meeting, the Committee decided not to incorporate into Policy 6700 that the district will give a preference to suppliers of American rock salt or sodium chloride. At its 12/17/24 meeting, the Committee confirmed this decision.

Competitive Bidding

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163. Other exceptions to competitive bidding are outlined below.

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

The district will comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.

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Exceptions to Competitive Bidding

Competitive bidding, even if the dollar value of the purchase meets the threshold established above, is not required in the following circumstances:

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items);
3. professional services that require special skill or training (see policy 6741 for guidance on purchasing professional services);
4. purchases such as surplus or second-hand items from governmental entities, certain food and milk items, or goods and services from municipal hospitals; or
5. where the district is purchasing through (or is “piggybacking” onto) the contract of another governmental entity, where the original contract complies with the requirements of New York State law for competitive bidding.

Purchasing 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, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except as permitted by state law for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. through permitted cooperative purchasing agreements in accordance with applicable law;
6. of articles manufactured in state correctional institutions; or
7. from agencies for the blind and severely disabled.

“Piggybacking” onto the contract of other governmental agencies is permitted where the original contract is in conformance with the goals of this section.

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General Purchasing Provisions

The Board minutes will record the action taken by the Board on each bid, including the following:

1. the number of bidders;
2. name of each vendor bidding;
3. bid by each vendor; and
4. dollar amount of the award.

When the bid being considered involves many items and the analysis cannot be summarized on one page, the minutes will record the following:

1. category of items
2. name of the lowest responsible bidder;
3. dollar amount of the award; and
4. a statement that the detailed analysis is filed in the office of the Assistant Superintendent of Business,

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The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

In selecting service providers for all eligible goods and/or services for which Universal Service Fund (E-rate) support will be requested, the Administration will;

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1. receive and document requests for competitive bids for all eligible goods and/or services for which Universal Service Fund support will be requested and comply with applicable state and local procurement processes included in its documented policies and procedures;
2. Wait a minimum of 28 days after the posting date of the FCC Form 470 on the USAC Schools and Libraries website before making commitments with the selected service providers. Make sure all contracts are signed after the first allowable contract date and before submission of Form 471.
3. Review and discuss all bids submitted and select the most cost effective service offering, with price being the primary factor considered. Use a bid log provided by Erate Exchange to document bids received;
4. Maintain control of the competitive bidding process by not surrendering control to a service provider who is participating in the bidding process and not including service provider contract information on the FCC Form 470.

As a general practice, the District will make payment of claims submitted to the Business Office predicated on purchase orders or authorizations for payment completed and approved in advance of the incurring of the expense. However, the Board of Education recognizes that certain circumstances may arise in which an expense will be incurred by an employee of the District or a member of the Board before generation and approval of the appropriate purchase order for that expense. The Claims Auditor is authorized to approve, and the District is authorized to pay, such claims in the absence of a purchase order provided (a) prior to the incurring of the expense by the employee or Board member, advance approval has been provided for the function or activity for which payment in the absence of a purchase order is requested; and (b) supporting documentation for the expense (e.g. approved Board resolution, contract validly executed by the District, approved conference request form) is submitted to the Business Office along with the claim. The Claims Auditor will inform the Board, monthly, as to each claim submitted for payment without a purchase order, whether the claim was paid and, if the claim was paid, a description of the documentation submitted in support of the payment of such claim.

The Superintendent of Schools, with the assistance of the Purchasing Agent, is responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures will comply with all applicable laws and regulations of the state and the Commissioner of Education. Additionally, the district will develop, maintain, and implement policies and procedures with respect to federal procurement that will be maintained in a federal funds procedural manual.

No Board member, officer or employee of the school district is permitted to have an interest in any contract entered into by the Board or the district, as provided in Article 18 of the General Municipal Law.

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Commented [NH3]: Added to meet recommendations of internal auditors as approved by the Board on 2/15/24.

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The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the district or any officer or employee of the district.

Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2011 (Public Law 111-195)
Education Law §§305(14); 409-i; 1709(4-a) (9) (14) (22)
General Municipal Law §§102; 103; 103-g; 104; 104-b; 104-d; 109-a; 800
et seq.
State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a
County Law §408-a(2)
8 NYCRR Part 114

Cross-ref: 6670, Claims Auditor
6700-R, Purchasing Regulation
6720, Competitive Bidding Requirements
6740, Purchasing Procedures
6741, Contracting for Professional Services
6760, Payment Procedures

Adoption date: November 14, 1994

Revised: June 8, 2009
January 11, 2010
February 2, 2012
February 7, 2013
June 3, 2021

***FOR FIRST READING 1-9-25 [REVISIONS SHOWN IN
TRACK CHANGES]***