

PURCHASING POLICY

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 authority of the Purchasing Agent, or Deputy Purchasing Agent, designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$ 20,000 and public work contracts involving an 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. The Purchasing Agent or the Superintendent and/or his/her designee is authorized to conduct bid openings on behalf of the Board of Education.

In accordance with law, the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term "alternative format" shall 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.

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.

The district shall 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.

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 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.

Purchasing Policy (Cont'd)

These purchases can be secured by the following procurement methods:

- through requests for proposals;
- by written or verbal quotations;
- items under a county contract;
- items under a state contract;
- under a federal contract;
- under a contract of another political subdivision;
- by articles manufactured in state correctional institutions;
- from agencies for the blind and severely disabled;
- or through any other appropriate method of procurement.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Purchases will be made through available state contracts of the Office of General Services, county contracts, or agreements entered into by school districts for joint purchasing 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.

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.

The Purchasing Agent will not be required to secure 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); or
3. small procurements when solicitations of competition would not be cost-effective.

The Board authorizes the Superintendent of Schools and/or his/her designee and the Purchasing Agent, to establish and maintain an internal control structure to ensure, to the best of their ability, that the district's assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and district policies and regulations, and recorded properly in the financial records of the district.

Purchasing Policy (Cont'd)

The Purchasing Agent shall be 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 shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

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

The Purchasing Agent along with the Superintendent and/or his/her designee shall meet with the Board annually to review the district's purchasing policy.

The unintentional failure to 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.

Policy Adopted:

October 19, 1965

Policy Revised:

March 19, 1979

Policy Revised:

February 13, 1984

Policy Revised:

January 27, 1992

Policy Revised:

March 17, 1997

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August 28, 2017

Purchasing Policy (Cont'd)

Policy Reviewed:

August 27, 2018

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August 26, 2019

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August 24, 2020

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August 23, 2021

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October 24, 2022

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August 21, 2023

Policy Reviewed:

September 16, 2024

Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)

Education Law §§305(14); 409-I; 1604(29-a); 1709(4-a) (14)(22);2503(7-a);255(7-a)

General Municipal Law §§102; 103;103-g; 104;104-b;109-a;800 et seq.

State Finance Law §§ 97-g(3), (4), (5); 163; 163-b; 165-a

County Law §408-a(2)

Administrative Regulations

PURCHASING REGULATION

(refers to Policy 3310)

The following sets forth the procedures for the procurement of goods and services by the district:

I. Definitions

Best value: optimizing quality, cost and efficiency. The basis for best value shall reflect, whenever possible, objective and quantifiable analysis, and may also take into consideration small businesses or certified minority- or women-owned businesses as defined in State Finance Law §163.

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 \$20,000 and public work contracts involving an 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.

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 **annual** 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.

Administrative Regulations (Continued)
Competitive Bidding Required (Continued)
Method of Determining Whether Procurement is Subject to Competitive Bidding
(Continued)

4. All advertised bids shall include the following statement required by General Municipal Law 103-g: “By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.”

B. Contract Combining 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 the Superintendent/designee in his/her absence, will be authorized to open and record bids. Contracts will be awarded by the Board of Education to the lowest responsible bidder or a purchase contract bid of best value (as recommended by the Purchasing Agent), who has furnished the required security after responding to an advertisement for sealed bids.

In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to General Municipal Law §103(1). Where an entity cannot make such a certification, the entity must furnish with its bid a signed statement which sets forth in detail the reasons why it cannot make the necessary certification. Entities that cannot make this certification may only be awarded the bid, on a case-by-case basis, if:

Administrative Regulations (Continued)
Competitive Bidding Required (Continued)
Opening and Recording Bids; Awarding Contracts (Continued)

1. The entity's investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The district makes a determination, in writing, that the goods or services are necessary for the district to perform its functions and that, absent such an exemption, the district would be unable to obtain the goods or services for which the contract is offered.

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.

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 104-b of the General Municipal Law. The district will provide justification and documentation of any such contract awarded.

E. Purchase of Instructional Materials

In accordance with Education Law, the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., 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, included but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format.)

The district will establish and follow a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

Administrative Regulations (Continued)
Competitive Bidding Required (Continued)

F. 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.

G. Electronic Bids

The Board authorizes the receipt of sealed bids for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

IV. Exceptions to Competitive Bidding Requirements

The district will not be subject to competitive bidding requirements when the Superintendent or Board of Education, 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 an emergency situation exists, the district will make purchases at the lowest possible costs, seeking competition by informal

Administrative Regulations (Continued)
Competitive Bidding Required (Continued)
Exceptions to Competitive Bidding Requirements (Continued)

solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The district will maintain records of verbal (or written) quotes and attach to all purchase orders;

- 2) When the district purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the state.

Documentation: The district will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

- 3) When the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from producers and growers. The amount expended in any fiscal year by the district may not exceed an amount equal to twenty cents multiplied by the number of days in the school year multiplied by the total enrollment of the district.

Documentation: The district will maintain documentation consistent with Sections 114.3 of the Regulations of the Commissioner of Education;

- 4) When the Board separately purchases milk directly from licensed milk processors employing less than forty (40) people. The amount expended in any fiscal year by the district may not exceed an amount equal to twenty-five cents multiplied by the number of days in the school year multiplied by the total enrollment of the district or exceed the current market price.

Documentation: The district will maintain documentation consistent with Section 114.4 of the Regulations of the Commissioner of Education; or

- 5) When there is only one possible source from which to procure goods or services required in the public interest.

Administrative Regulations (Continued)
Competitive Bidding Required (Continued)
Exceptions to Competitive Bidding Requirements (Continued)

Documentation: The district will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

V. Standardization

Upon the adoption of a resolution by a vote of 3/5ths of the Board stating that, for reasons of efficiency or economy, there is a need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than \$20,000 may be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. The resolution must contain a full explanation of the reasons for its adoption.

VI. 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 and be attached to all purchase orders.

A. Methods of Documentation

1. Verbal Quotations: the telephone log will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative; See Exhibit E.1
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. The district will maintain documentation consistent with Exhibit E.2 that will include advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentations, if formal bidding is not required;

Administrative Regulations (Continued)
Quotes When Competitive Bidding Not Required (Continued)
Methods of Documentation (Continued)

3. Requests for Proposals: the district will contact a number of professionals (e.g., architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and request that they submit written proposals. The RFP's may include negotiations on a fair and equal basis. The RFP's 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 will 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
4. 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. Purchase/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 \$20,000
 - a. Contracts from \$1,000 to \$2,500: 3 Verbal quotes;
Documentation will include notations of 3 verbal quotes
 - b. Contracts in excess of \$2,501 to \$19,999: 3 Written quotes
2. Public Work contracts up to \$35,000
 - a. Contracts from \$2,500 to \$5,000: 3 Verbal quotes;
Documentation will include notations of 3 verbal quotes
 - b. Contracts in excess of \$5,000 to \$34,999: 3 Written quotes

Administrative Regulations (Continued)**Quotes When Competitive Bidding Not Required (Continued)****Purchase/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained (Continued)**

3. Emergencies: Verbal quotes; Documentation will include notations of verbal quotes for amounts up to \$500. Fax or written quotes are needed for anything above this amount.
4. Insurance: Written quotes; Documentation will include 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" (RFP's), documented in the same manner as described herein, may also be used.
5. Professional Services: RFP; Documentation will include written proposals.
6. Second Hand Equipment from Other Governments: Written quotes; Documentation will include market price comparisons (verbal or written quotes) and the name of the government.
7. Certain food and Milk Purchases: Written quotes; Documentation will be consistent with Sections 114.3 and 114.4 of the Regulations of the Commissioner of Education.
8. Sole Source: Written or verbal quotes; Documentation will include, among other things, the unique benefits of the patented item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable, when compared to conventional methods. Notations of verbal quotes will be maintained by the district. In addition, the district will document that there is no possibility of competition for the procurement of the goods.

VII. Quotes Not Required When Competitive Bidding Not Required

The district will not be required to secure such alternative proposals or quotations for those procurements as permitted by state law:

Administrative Regulations (Continued)**Quotes Not Required When Competitive Bidding Not Required (Continued)**

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.
5. under a federal contract;
6. under a contract of another political subdivision;
7. under a county contract;
8. under a state contract;
9. of articles manufactured in state correctional institutions; or
10. from agencies for the blind and severely disabled.

VIII. Procurements From Other Than The Lowest Responsible Dollar Offeror

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.

IX. MWBE and Labor Surplus Area Firms

The district shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. (See Exhibit E.3) Affirmative steps must include:

- 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- 2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
- 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;

Administrative Regulations (Continued)
MWBE and Labor Surplus Area Firms (Continued)

- 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- 6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed (1) through (5).

Adoption date:

October 18, 2010

Revised:

January 28, 2013

Reviewed:

August 24, 2015

Reviewed:

August 29, 2016

Reviewed:

August 28, 2017

Reviewed:

August 27, 2018

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March 18, 2019

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August 26, 2019

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August 24, 2020

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October 24, 2022

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August 21, 2023

Reviewed:

September 16, 2024

Purchasing Exhibit
Verbal Quotation - Telephone Log

Date Called: _____

Item or Service Desired: _____

	Vendor Name	Vendor Representative Name	Quantity	Unit Price	Shipping (if applicable)	Total Quote
1	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
2	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
3	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

Purchasing Exhibit

Methods of Competition to be Used for Non-Bid Procurements

	Verbal Quotes			Written Quotes		RFP*	Other See E.3
	0	3	More Than 3	3	More Than 3		
Purchase Contracts up to \$20,000							
Under \$500	X						
\$1000 - \$2,500		X					
\$2,501 - \$19,999				X			
Public Work Contracts up to \$35,000							
Under \$2,500	X						
\$2,500 - \$5,000		X					
\$5,001 - \$34,999				X			
Emergencies							X
Insurance					X		
Professional Services						X	
Leases of Personal Property							X
Second-Hand Equipment from Other Governments							X
Certain Food and Milk Purchases							X
Sole Source (For example, patented or monopoly item)							X

*RFP: Request for Proposal

Adoption Date: May 20, 2009

Revised: August 20, 2012

Reviewed: October 24, 2022

Reviewed: August 21, 2023

FEDERAL PROCUREMENT PROCEDURES EXHIBIT

The District is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of Federal procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. To that end the District will:

- a. use its own documented procurement procedures which reflect applicable State, local, and laws and regulations, which conform to applicable Federal law and the standards.
- b. maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- c. avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- d. award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- e. maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- f. Not award a contract to the parties listed on the government-wide exclusions in the System for Award Management ("SAM").
- g. Adhere to Federal law and standards.

Where appropriate, the District will:

- a. enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- b. use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- c. use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
- d. use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost is the sum of:
 - i. The actual cost of materials; and
 - ii. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

- iii. Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. The District will assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
- e. Require contracts in excess of \$10,000 address termination for cause and for convenience by the District including the manner by which it will be effected and the basis for settlement.

Adopted:

August 26, 2019

Reviewed:

October 24, 2022

Reviewed:

August 21, 2023