

COMPETITIVE BIDDING

I. Competitive Bidding Required

- A. The Purchasing Agent shall insure that a competitive bidding process compliant with the General Municipal Law and these Policies is conducted prior to entering into:
1. a public works contract involving an expenditure of more than thirty-five thousand dollars (\$35,000.00); contracts for the purchase of labor, construction, and some services fall into this category;
 2. a purchase contract involving an expenditure of more than twenty thousand dollars (\$20,000.00); contracts for the purchase of materials, equipment, and supplies fall into this category; or
 3. a lease of personal property for a period of time not to exceed the current school year.
- B. In the event that a contract combines the provision of professional services not subject to the bidding requirement, and a purchase that is otherwise subject to the bidding requirement, the Waterville Central School District (the District) will determine whether the professional service or the purchase is the predominant part of the transaction, and proceed with the bidding process if the purchase component is predominant and is in excess of the applicable monetary threshold.

II. Competitive Bidding Not Required

- A. Contracts for public work or the purchase of supplies, material, or equipment may be entered into without competitive bidding in the case of a public emergency arising out of an accident or other unforeseen occurrence that creates circumstances that require immediate action to preserve public property or the life, health, safety, or property of District residents, employees, or students.
- B. Surplus and second-hand supplies, materials, and equipment may be purchased without competitive bidding from the federal government, the State of New York, or another political subdivision or district within the State.
- C. Competitive bidding is not required when there is, in fact, only one (1) source for the product or service being purchased. This exception includes monopoly markets, such as public utilities.
- D. Competitive bidding is not required for the procurement of professional services which, because of the specialized or confidential nature of the services, do not lend themselves to procurement through competitive bidding.

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III. The Bidding Process

- A. The Purchasing Agent has the authority to prepare, advertise and open bids for all purchase contracts and contracts for public work.
- B. A Notice to Bidders shall be published in the officially designated newspaper commencing not less than five (5) days prior to the bid opening date. Notices may also be mailed to potential bidders sufficiently in advance of the scheduled bid opening date to permit timely preparation and submission of bids.
- C. Bids shall be received until the opening time designated in the official notice. All bids shall be date stamped upon receipt and shall be kept in a safe, locked location until the time of opening.
- D. Bids may be received through electronic format where the Purchasing Agent has confirmed that the District's hardware and software enable it to:
 - 1. comply with Article Three of the State Technology Law, and related regulation;
 - 2. document the time and date of receipt;
 - 3. authenticate the identity of the sender;
 - 4. maintain the security of the information transmitted; and
 - 5. maintain the confidentiality of the information of the bid or offer until the date and time of bid opening.
- E. Bids shall be opened at the time and place set forth in the Notice to Bidders. There will be at least three (3) district employees present at each bid opening, including the Purchasing Agent or the Purchasing Agent's designee. All interested parties may also attend the opening of bids.
- F. After being opened, all bids shall be recorded and analyzed. The Purchasing Agent shall make a recommendation to the Board of Education regarding an award on the basis of best value (as defined in Section 163 of the State Finance Law) to a responsible and responsive bidder. Alternatively, the Purchasing Agent may recommend that all bids be rejected.

In the event there are two (2) or more bona fide low responsible bidders, the Board may make an award to one (1) of the low bidders or, in its discretion, it may reject all the bids and re-advertise the purchase.
- G. Bid bonds, deposits or performance bonds may be required, at the discretion of the Purchasing Agent. The need for such security can be determined on a case-by-case basis.

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- H. Every bid shall contain the certification, properly executed by the bidder, required by Section 103-d of the General Municipal Law.
- I. Minor deviations from specifications or compliance with bidding requirements may be waived by the Board, upon the recommendation of the Purchasing Agent. The Purchasing Agent shall determine all questions of comparability or equivalency.
- J. State contracts and group bids through the BOCES Cooperative Purchasing may be used to fulfill bid requirements.

Waterville Central School District

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

Adopted: 1/25/11

Revised: 11/18/14, 02/13/24