

The function of purchasing is to serve the educational program by providing the necessary supplies, equipment and related services. It shall be the goal of the Board of Education to focus on the educational welfare of the students, in conjunction with seeking maximum value for each dollar expended. In pursuit of this goal, the Board of Education shall purchase competitively, without prejudice, all goods and services necessary to support the educational and auxiliary departments of the School District.

The Board of Education designates the Assistant Superintendent for Business as the Purchasing Agent for the School District. The Assistant Superintendent for Business, under the general supervision of the Superintendent of Schools, will be responsible for administering all purchasing activities.

All purchases shall be made through the Business Office by the Purchasing Agent or designee.

The Purchasing Agent is authorized to issue purchase orders without prior approval of the Board of Education when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations.

The Purchasing Agent shall be responsible for preparing all bid specifications and a statement of general bidding conditions to be included in every notice or invitation to bid. If there are questions concerning specifications, the Purchasing Agent will consult with the requisitioner to clarify the matter so that the appropriate goods or services are obtained.

The Superintendent of Schools, with the assistance of the Assistant Superintendent for Business, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the School District. Such procedures shall comply with all applicable laws and regulations of the State of New York and the Commissioner of Education.

No contracts for goods or services made by individuals or organizations in the School District independent of the involvement of the Assistant Superintendent for Business or without Board of Education approval shall be enforceable.

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

1. to effectively supply all administrative units in the School District 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 Assistant Superintendent for Business in cooperation with the requisitioning authority. The educational welfare of the pupils is the foremost consideration in making any purchase;

3. that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the School District;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. through the use of proper internal controls, that loss or diversion of School District property is prevented.

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. In determining the necessity for competitive bidding, the aggregate (total combined District-wide) cost of a commodity estimated to be purchased in a fiscal year must be considered. 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.

The Purchasing Agent or designee is authorized to conduct bid openings. All contracts which require public advertising and competitive bidding shall be awarded by resolution of the Board of Education. Written recommendations for the award of all such contracts shall be submitted to the Assistant Superintendent for Business. When purchases or annual anticipated purchases for items or categories of items reach statute-specified amounts, bid specifications shall be developed and bids taken as required by statute. Purchases shall not be manipulated to avoid taking bids as required by statute. Small orders of similar commodities or significant underestimation of needs shall be considered an attempt to avoid the bid process.

Goods and services which are not required by law to be procured by the School District through competitive bidding will be procured in a manner so that (i) public monies are used prudently and economically and in the best interests of the taxpayers, (ii) the acquisition of goods and services of maximum quality are obtained at the lowest possible cost under the circumstances, and (iii) favoritism, improvidence, extravagance, fraud and corruption are avoided.

The Board of Education shall have reported to it all bids taken for purchase of equipment, furniture, supplies and services and shall take action approving contracts to the lowest responsible bidder meeting specifications. When it is in the best interests of the School District, contracts for purchases of materials, supplies or equipment (except printed material), may be awarded to a responsive and responsible bidder on the basis of "best value" in accordance with the requirements of General Municipal Law, section 103 and State Finance Law, section 163. When the School District determines to award a purchase contract on the basis of "best value," the bid specifications shall identify the criteria and rating system to be utilized in making a "best value" determination. The purchasing agent shall maintain documentation reflecting said criteria and rating system, as well as the evaluation of each bidder's bid in connection with same.

Whenever it is feasible, in the best interests of the School District, and permitted by applicable contract terms, purchases of materials, supplies or equipment (except printed material), shall be made through New York State and County Government contracts. Prior to making such purchases or contracts, the School District shall consider whether such contract will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. The School District, may, when permitted by law and applicable contract terms, utilize contracts let by the United States of America, any agency thereof, any state or any other county or political subdivision or district therein if such contract was let in a manner consistent with New York State law and made available for use by the School District.

Contracts and agreements for capital projects and professional services not governed by sections 103 and 104 of General Municipal Law, between the School District and contractors shall be approved by resolution of the Board of Education and shall be signed by the Board of Education President and/or the Superintendent of Schools on behalf of the Board of Education.

Procedures for Procurement of Goods and Services

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

I. Definitions

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 procurement to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

If in excess of bid limits, the following is also subject to General Municipal Law 103:

- Lease/rental of personal property (Section 1725 of Education Law);

All leases and rental agreements shall be signed by the Superintendent of Schools and/or the Assistant Superintendent for Business.

- "Lease Purchasing" agreement for instructional equipment (Section 1725-A of Education Law);

- “Installment Purchase” of equipment, machinery and apparatus (Section 109-B of General Municipal Law);
- Cooperative Bid Arrangements (Section 119-0 of General Municipal Law);
- Standardization (Section 103 of General Municipal Law); and
- Transportation contracts and cafeteria contracts covered by “Education Law” are subject to same limits as “Purchase Contracts” under Section 103 of General Municipal Law 9 Section 305, Subdivision 14, Education Law.

III. *Competitive Bidding Required*

A. *Method of Determining Whether Procurement is Subject to Competitive Bidding*

1. The School 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 School District will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.
3. The School District will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

B. *Contract Combining Professional Services and Purchase*

In the event that a contract combines the provision of professional services and a purchase, the School 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*

Only the Purchasing Agent or designee will be authorized to open and record bids. Appropriate School District administrators shall be consulted in making purchasing recommendations to the Purchasing Agent and to the Board of Education for bid award recommendations. Contracts will be awarded to the lowest responsible bidder, who has furnished security, if required, after responding to an advertisement for sealed bids.

When it is in the best interests of the School District, contracts for purchases or materials, supplies or equipment (except printed materials), may be awarded to a responsive and responsible bidder on the basis of “best value” in accordance with the requirements of General Municipal Law, section 103 and State Finance Law, section 163. When the School District determines to award a purchase contract on the basis of “best value,” the bid specifications shall identify the criteria and rating system to be utilized in making a “best

value” determination. The purchasing agent shall maintain documentation reflecting said criteria and rating system, as well as the evaluation of each bidder’s bid in connection with same.

Opportunity shall be provided to all responsible suppliers to do business with the School District. Supplier located within the School District may be given preferential consideration only when the bid submitted is identical to the low bidder. The School District will give a preference in the purchase of instructional material to those vendors who agree to provide such materials in alternative formats for students with disabilities.

D. Documentation of Competitive Bids

The School District shall maintain written documentation which shall include, but not be limited to, the method in which it determined whether the procurement is a purchase or a public work contract, Board of Education Resolutions, Memoranda, Written Quotes, Telephone Logs, Requests for Proposals (RFP’s), Proposals, Contracts, References, Original Bids and all related data including documentation when a contract is not awarded to the vendor submitting the lowest quote, setting forth the reasons therefore.

E. Purchases involving the expenditure of federal funds, federal grants and/or federal awards

For all purchase contracts involving the expenditure of federal funds, federal grants and/or federal awards, the School District shall comply with the Uniform Guidance procurement rules issued by the United States Office of Management and Budget.

IV. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the School District through competitive bidding will be procured in a manner so that public monies are used prudently and economically and in the best interests of the taxpayers.

The Purchasing Agent shall handle routine purchasing and shall have authorization to purchase supplies, equipment and services, not subject to the New York State bid law consistent with all appropriate provisions of law and as described in this Purchasing Policy.

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. A quote which exceeds the budgetary limit will be awarded only when such award is in the best interests of the School District and otherwise furthers the purposes of section 104-b of the General Municipal Law. The School District will provide justification and documentation of any such contract awarded. The School District will also provide and document any contract awarded to a vendor other than the lowest dollar offeror.

A. *Methods of Documentation*

1. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative. Quotations may be requested by the ordering department, as appropriate, from the vendors who can provide the item or service required. Quotations must be documented by the ordering department;
2. Written Quotations: Detailed vendor written formal quotations will be obtained by the order department. Vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted and name of contact.

Quotations from prospective bidders who are unable to supply the required goods or service and offer a "No Quote" response to a request, or are unresponsive to a request for a quote, are to be counted toward compliance with this requirement. In the best interest of the School District the Purchasing Agent may initiate the formal sealed bid process for any product or service, based on market conditions, an awareness of competitive advantage or an anticipated increase in cumulative purchased totals for a given commodity or class or materials.

3. Requests for Proposals (RFP): The School District will prepare a well-planned RFP which will contain critical details of the goods/services, procurement, including the methods which it will use in selecting the service. The School District will consider the following factors in developing its RFP:
 - the special knowledge or expertise of the professional or consultant service;
 - the quality of the service to be provided;
 - the staffing of the service; and
 - the suitability for the School District's needs.

The School District may locate prospective qualified firms by:

- advertising in trade journals;
- checking listings of professionals; and/or
- making inquiries of other districts or other appropriate sources.

4. Procurement of Professional Services:

The School District may engage the services of professionals without the need for seeking alternative proposals. The individual or company should be chosen based on

accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

B. *Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurement; Documentation to be Maintained*

Quotes/ bids should be used only when all other means of purchasing have been exhausted. Quotes must be obtained for all purchases under the bid limits listed below. Limits are total cost of similar items/services to be purchased in a fiscal year – not per purchase order or per job. Quotes will be processed at the discretion of the Purchasing Agent.

The School District will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurement in the most cost-effective manner possible:

1. *District-Wide Purchase Contracts below \$20,000 (including service contracts for work not covered by Article 8 of the Labor Law)*

a. **Less than \$100.00:** No quote required.

b. **\$101 - \$2,000:** One verbal quote. Documentation must be attached to Purchase Order.

c. **\$2,001 - \$4,000:** Three verbal quotes to include all vendor discounts and fees. Documentation must be attached to Purchase Order.

d. **\$4,001 - \$19,999:** A minimum of three written quotes, to include all vendor discounts and fees. Documentation must be attached to Purchase Order.

Any purchases over \$20,000.00 require the Business Office to procure the bids for goods/services in accordance with law.

2. *District-Wide Public Works Contract below \$35,000*

All price quotes for public work contracts must contain a prevailing wage schedule. Please contact the Business Office for prevailing wage schedule information.

Limits below are total cost of similar services to be performed during the entire fiscal year.

a. **Less than \$2,000:** No quote required.

b. **\$2,001 - \$4,000:** Three verbal quotes to include all vendor discounts and fees. Documentation must be attached to Purchase Order.

c. **\$4,001 - \$34,999:** A minimum of three written quotes, to include all vendor discounts and fees. Documentation must be attached to Purchase Order.

Payment to vendors will not be processed without certified payroll.

Any public works contract over \$35,000 requires the Business Office to procure the bids for goods/services in accordance with law.

C. *Purchases/Public Works: Methods of Competition for Procurements Specifically Exempted from Competitive Bidding Requirements:*

Competitive bidding, as set forth in General Municipal Law, section 103, is not required where procurements are made in the following situations. The School District will not be required to secure alternative proposals or quotations for these procurements. However, documentation from the vendors supplying said goods/services, as indicated, will be maintained by the School District:

1. in emergency situations where:
 - a. the situation arises out of an accident or unforeseen occurrence or condition;
 - b. a School District building, property, or the life, health, or safety of an individual on School District property is affected; or
 - c. the situation requires immediate action which cannot await competitive bidding.

The Board of Education may pass a resolution which shall declare an emergency prior to the purchase, if feasible. However, when the Board of Education passes such a resolution that an emergency situation exists, the School District will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

When it is not feasible to obtain a resolution passed by the Board of Education prior to the purchase, the Assistant Superintendent for Business and the Superintendent of Schools must be notified that an emergency situation exists. Approval to make necessary purchases must be obtained from the Assistant Superintendent for Business and/or Superintendent of Schools. They will then be responsible for notifying the Board of Education of the emergency situation.

Documentation: A memorandum may be filed with a copy of the purchase order attached which will explain how the purchase meets the criteria for an emergency exception. The School District shall maintain records of verbal (or written) quotes.

Documentation must be attached to the purchase order showing that proper notifications were made and approvals were obtained.

2. when the School 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 School District will maintain market price comparisons (verbal or written quotes) and the name of the government entity.

3. when the School District purchases goods, supplies and services from municipal hospitals under joint contracts and arrangements entered into pursuant to section 2803-a of the Public Health Law.

Documentation: The School District will maintain the legal authorization, Board of Education authorization and market price comparisons.

4. when there is only one possible source from which to procure goods or services required in the public interest.

Documentation: The School 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 good. Such documentation shall be provided by the ordering department and attached to the purchase order.

5. when the School District purchases goods, supplies and services from New York State Office of General Services.

Documentation: The School District will maintain written documentation of the New York State Office of General Services contract award, including the OGS award number and date.

6. when the School District procures goods/services pursuant to the County contract for which the School District is eligible for participation.

Documentation: The School District will maintain written legal authorization, Board of Education authorization and documentation from the County concerning the terms of use and scope of said contract.

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7. when the School District procures goods/ services pursuant to participation in a cooperative bidding consortium.

Cooperative purchasing shall be promoted with other school districts, Board of Cooperative Educational Services and Government Entities whenever feasible. The School District shall participate in such bids when opportunities arise that will have cost-effective results.

Participation in Cooperative Bidding Consortia must be pre-authorized by resolution of the Board of Education.

Documentation: shall include contact number and name of governmental agency. The School District will maintain legal authorization and Board of Education authorization for the procurement.

8. when the School District procures goods/ services pursuant to a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision therein.

Whenever it is feasible, in the best interests of the School District and permitted by applicable contract terms, purchases of materials, supplies or equipment (except printed material), shall be made through New York State and County Government contracts. Prior to making such purchases, the School District shall consider whether such contract will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. The School District, may, when permitted by law and applicable contract terms, utilize contracts let by the United States of America, any agency thereof, any state or any other county or political subdivision or School District therein if such contract was let in a manner consistent with New York State law and made available for use by the School District.

Documentation: shall include contact number and name of governmental agency. The School District will maintain legal authorization and Board of Education authorization for the procurement.

9. when the School District procures goods manufactured in state correctional institutions, Industries for the Blind of NYS, and NYS Industries for the Disabled.

Documentation: shall include contract number and name of governmental agency;

10. when the School District procures professional services or services requiring special or technical skills, training, or expertise, such as: legal and medical services; property appraisals; engineers and architects; investment management; auditing; and claims management. The Board of Education may solicit requests for proposals if it is in the best interest of the School District.

Documentation: shall include quotes and proposals and all related data.

11. when the School District purchases food items exempt from bidding as indicated under General Municipal Law section 103(9).

Documentation: shall include documentation consistent with section 114.3 and 114.4 of the Regulations of the Commissioner of Education.

12. when the School District purchases insurance, as there is an obligation to the taxpayer to adopt insurance practices that will obtain the best coverage for the lowest cost.

Documentation: shall include quotes and proposals and all related data.

13. when the School District purchases from monopolies. Competitive bidding is not required where object of the contract is controlled by a monopoly, such as in the case of natural gas and electric utilities.

Documentation: shall include name of governmental agency.

14. when the School District contracts for state-mandated operations that require certifications of contracts, such as inspection of underground gas tanks.

Documentation: shall include all related data.

15. When the School District purchases information technology and telecommunications hardware, software and professional services through cooperative purchasing permissible pursuant to federal general services administration information technology schedule seventy or any successor schedule.

Documentation: The School District will maintain legal authorization and Board of Education authorization for the procurement.

In all cases, the Board of Education may elect to solicit proposals, if it is deemed in the best interest of the School District.

V. *Procurement from Other than the "Lowest Responsible Dollar Offeror"*

Bids shall be awarded to the lowest responsible bidder whose product or service meets or exceeds specifications. The person or persons participating in the decision determining if a bidder is or is not responsible must provide written justification and documentation on such statements. This information will become part of the bid file.

The past performance and/or reliability of the bidder providing the product/services shall be a factor in determining the lowest responsible bidder.

It shall be the practice of this School District to maintain accurate and complete records as to the performance of any contractor/vendor so that "failure to perform" can be well documented.

Further, the School District shall cooperate fully with other school districts in providing such information between and amongst themselves for the purposes of selecting the lowest responsible bidder in future contracts or bids for goods or services.

The School 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 School District and otherwise furthers the purposes of section 104-b of the General Municipal Law.

VI. *Internal Control*

The Board of Education authorizes the Assistant Superintendent for Business to establish and maintain an internal control structure so that School District's assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and School District policies and regulations, and recorded properly in the financial records of the School District.

The School District will not be responsible for purchases made without prior authorization. Employees deviating from this procedure will be notified immediately.

All School District regulations regarding the procurement processes will be reviewed by the Board of Education at least annually.

VII. *Standardization*

The Board of Education may standardize by resolution on a particular type of material or equipment. Standardization restricts a purchase to a specific model or type of equipment or supply. For example, to limit the purchase of trucks to a specific manufacturer or model on the basis of past performance. The resolution, shall state that for reasons of efficiency and/or economy there is a need for standardization. There shall be a full explanation supporting the action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements

VIII. *Notice to Vendors*

Written notice shall be available to all suppliers detailing the School District's purchasing policy. Vendors deviating from the approved purchasing policy shall be informed of the possible consequences, including, but not limited to, removal from vendor list.

Implied authority shall not bind the School District to purchases not approved by the Purchasing Agent.

The following statement may be stamped on all purchase orders, and/or included in vendor notification of School District policy.

“Please be advised that if you provide product or service to the School District without a written Purchase Order, signed by the Purchasing Agent, you do so at your own risk. You have NO assurance of payment.”

IX. Quality, Cost Control, Repair, Replacement or Purchases

The Board of Education shall purchase the highest quality goods and services at the most reasonable cost within its budget limitations. Specifications will be reviewed by the Purchasing Agent, or designee, after recommendations have been received from appropriate administrators. Cost control on all purchases of equipment, supplies and/or services is to be carried out by the Purchasing Agent with recommendations from appropriate administrators to obtain the quality desired and/or services requested.

If the cost of repair of an item exceeds 75% of the cost to replace the item, the Purchasing Agent may, in cooperation with the appropriate administrator and within the approved budget, authorize the purchase of a new item in lieu of repair.

X. Energy Efficient Purchasing

- A. *Energy Efficient Items:* The Board of Education authorizes the purchase of energy efficient items, whenever practical.
- B. *Recycled Materials:* The Board of Education authorizes the use of recycled products whenever practical.
- C. *“Green” Product Purchasing:* In accordance with Education Law 409-I, the School District shall follow the guidelines, specifications and sample list of environmentally sensitive cleaning and maintenance products provided by the Commissioner of General Services when purchasing and utilizing such products in its facilities.

XI. Purchase Orders

The Purchasing Agent shall be authorized to issue pre-numbered or computer generated purchase orders for all goods and services for which an appropriation has been made in the budget. Purchase orders will be issued after completion of the competitive procurement process and award of the contract by the Board of Education, when applicable. Bid proposals, specifications and/or contracts must be attached to the purchase orders.

Purchase orders must reflect all information relevant to the purchase including the address for delivery. All goods delivered and received must be delivered to a building in the School District

and accepted by an authorized School District employee who will certify that the goods were received in good condition before payment is approved.

XII. Ethics of Purchasing

Code of Ethics for School Purchasing Officials:

- to consider first the interests of the local government and the betterment of its government;
- to endeavor to obtain the greatest value for every dollar expended;
- to be receptive to advice and suggestions from department heads, insofar as such advice and suggestions are not in conflict with legal or moral restrictions in purchasing procedures;
- to strive for knowledge of equipment and supplies in order to recommend items that may either reduce cost or increase efficiency;
- to insist on and expect honesty in sales representation whether offered verbally or in writing, through the advertising or in a sample of a product submitted;
- to give all responsible bidders equal consideration and the assurance of unbiased judgment in determining whether their product meets specifications;
- to discourage the offer of, and to decline, gifts which in any way might influence the purchase of municipal equipment and supplies;
- to accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions; and
- to cooperate with government and trade associations in the promotion and development of sound business methods in the purchasing of equipment and supplies.

XIII. Prohibited Interests

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

XIV. Annual Review

All School District policies regarding the procurement processes will be reviewed by the Board of Education at least annually. Comments regarding the purchasing process shall be solicited from appropriate School District personnel involved in the procurement process as is deemed necessary. New regulations and procedures must then be adopted by Board of Education resolution.

XV. Unintentional Failure to Comply

VALLEY STREAM UNION FREE SCHOOL DISTRICT TWENTY-FOUR

PURCHASING

Policy 3301

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

Cross Ref: Policy 8250 Board Member, School District Officers and Employee Code of Ethics

Ref: General Municipal Law §§102; 103; 104-b; 109-a; 800 et seq.
State Finance Law § 163
8 NYCRR §§114.3; 114.4; 170.2

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