

PURCHASING

The Board 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 must 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.

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 procurement of goods and services deemed necessary to meet District needs.

Competitive Bids and Quotations

As required by law, the Purchasing Agent will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the School District.

A bid bond may be required if considered advisable.

No bid for supplies shall be accepted that does not conform to specifications furnished unless specifications are waived by Board action. Contracts shall be awarded to the lowest responsible bidder who meets specifications. However, the Board may choose to reject any bid.

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Purchasing Agent is authorized to enter into cooperative bidding for various needs of the School District with Board approval:

Procurement of Goods and Services

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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 (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Sections 175-a and 175-b; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), 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 Section 104-b of General Municipal Law;
- c. Set forth when each method of procurement will be utilized;
- d. Required 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, stating the reasons; and
- 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.
- g. Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be update annually.

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~~ or any District employee.

The Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

Piggy Back Language

General Municipal Law Section 103 was amended to allow school districts to purchase certain goods and services (apparatus, materials, equipment and supplies) 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. The amendment authorizes the school district to "piggyback" on contracts let by outside governmental agencies in a manner that constitutes competitive bidding "consistent with state law." This "piggybacking" 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 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 and is not in conflict with other New York State laws.
- d. The "piggybacking" amendment and the "best value" amendment many not be combined to authorize a municipality to "piggyback" onto a cooperative contract which was awarded based on "best value." In other words, while a school district or BOCES may authorize the award of contracts based on "best value", it may not piggyback onto a purchasing contract awarded by another agency based on "best value."

Pursuant to General Municipal Law Section 103, a purchase contract may be awarded to either the lowest responsible bidder or on the basis of "best value" whose product or service meets or exceeds bid specifications. A request for proposal (RFP) shall be developed and contain the required specifications. Whenever possible, bid requirements shall include standardized equipment and materials, which shall not eliminate the need for competitive bidding. The RFP will be sent to businesses that provide the necessary service and/or advertised to the general public. The District may request financial data and other information from vendors and request that an inspector representing the District is permitted to visit the vendor's plant or facilities. "Best value" bid award recommendations on an individual bid basis at a scheduled public meeting. A "best value" award is one that optimizes quality, cost and efficiency, typically applies to complex services and technology contracts and is quantifiable whenever possible.

Alternative Formats for Instructional Materials

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the School District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

The District will develop a plan yearly to ensure that all instructional materials to be used in the school of the District are available in a usable alternative format for each student with a disability, including students requiring Section 504 Accommodation Plans, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disables students. The District Plan shall include those provisions mandated by Education Law and Commissioner's Regulations.

Geographic Preference in Procuring Local Agricultural Products

Schools participating in Child Nutrition Programs such as the National School Lunch Program, School Breakfast Program and/or Special Milk Program are encouraged to purchase unprocessed locally grown and locally raised agricultural products. A school district may apply an optional geographic preference in the procurement of such products by defining the local area where this option will be applied. The intent of this preference is to supply wholesome unprocessed agricultural products that are fresh and delivered close to the source.

A geographic preference established for a specific area adds additional points or credits to bids received in response to a solicitation, but does not provide a set-aside for bidders located in a specific area, nor does it preclude a bidder from outside a specified geographic area from competing for and possibly being awarded a specific contract.

Computer Software Purchases

Software programs designated for use by students in conjunction with computers of the District shall meet the following criteria:

- a. A computer program which a student is required to use as a learning aid in a particular class; and

- b. Any content-based instructional materials in an electronic format that are aligned with State Standards which are accessed or delivered through the internet and based on a subscription model. Such electronic format materials may include a variety of media assets and learning tools including video, audio, images, teacher guides, and student access capabilities as such terms are defined in Commissioner's Regulations.

Environmentally Sensitive Cleaning and Maintenance Products

The District shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The District shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used. Coordinated procurement of such products as specified by the Office of General Services (OGS) may be done through central state purchasing contracts to ensure that the District can procure these products on a competitive basis.

The District shall notify their personnel of the availability of such guidelines, specifications and sample product lists.

Apparel and Sports Equipment Purchases

Competitive Bidding Purchases

The Board of Education will only accept bids from "responsible bidders." A determination that a bidder on a contract for the purchase of apparel is not a "responsible bidder" shall be based upon either or both of the following considerations.

- a. The labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensations, working conditions, employee rights to form unions, and the use of child labor; or
- b. The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Non-Competitive Bidding Purchases

The Board's internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to competitive bidding requirement, shall prohibit the purchase of apparel or sports equipment from any vendor based upon either or both of the following considerations:

- a. The labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensations, working conditions, employee rights to form unions, and the use of child labor; or
- b. The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Contracts for Goods and Services

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 contracts from the Purchasing Agent.

No Board member or employee of the School District shall have an interest in any contract entered into by the Board or the School District.

Upon the adoption of a resolution by a vote of at least three-fifths of all Board Members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than ten thousand dollars may be advertised for sealed bids in the manner provided in law.

Petty Cash Funds

Petty cash accounts may be established for the payment of properly itemized bills for materials, supplies, or services, under conditions calling for immediate payment. No such fund shall exceed \$100.

An original legible receipt is required for every payment from the Petty Cash Fund.

Those who use this Fund, shall report all expenses and turn in receipts to the Business Office on the work day following their return.

APPROVED: BOARD OF EDUCATION

DATE: June 30, 1992

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October 2, 2001
February 26, 2008
July 9, 2019