

## PURCHASING REGULATION

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 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.
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.

**PURCHASING REGULATION, Con't.****C. Opening and Recording Bids; Awarding Contracts**

The Purchasing Agent or designee 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 bid advisor), who has furnished the required security where required, and 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).

Entities that cannot make this certification may only be awarded the bid if:

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. 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, including 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.

**E. 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.

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G. Environmentally-Sensitive Cleaning and Maintenance Products

The district will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The purchasing agent will consult with the Green Guidelines provided by the Office of General Services.

IV. 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.

BID/QUOTES

Commodity Purchases

Up to \$1,000	Quotes may be obtained but not required.
\$1,001 to \$3,000	Telephone quotations should be obtained from 2 to 3 vendors unless circumstances do not permit. The purchase should be made from the lowest responsible vendor that meets the specifications of the commodities to be purchased. A record will be kept as to name of vendor contacted, name of vendor's representative spoken to, on what date, the amount of the quote and item or service desired.
\$3,001 to \$19,999	Written quotations shall be obtained from at least three (3) vendors when possible. The purchase shall be made from the lowest responsible vendor that meets the specifications of the commodities to be purchased. Vendors will provide at a minimum, the date, description of the item or details of the service to be provided, price quoted, name of vendor and vendor's contact.
\$20,000 or more	Formal bidding procedures as per Government Municipal Law Section 103 shall be followed.

Public Works Contracts

Up to \$10,000	Telephone quotations should be obtained from 2 to 3 vendors unless circumstances do not permit. The contract should be made from the lowest responsible vendor that meets the specifications of the commodities to be purchased. A record will be kept as to the name of vendor contacted, name of vendor's representative spoken to, on what date, the amount of the quote and item or service desired.
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\$10,001 - \$34,999	Written quotations must be obtained from at least three (3) contractors. The contract shall be awarded to the lowest quotation that meets the specification of the work to be completed.
\$35,000 or more	Formal bidding procedures as per General Municipal Law Section 103 shall be followed

V. Piggybacking of other Government Contract - GML§103 (16)

General Municipal Law §103 (16) the so-called “piggybacking” exception to competitive bidding authorizes school districts to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of such items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. There are three prerequisites that must be met in order for a procurement to fall within the piggybacking exception:

- (a) The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein. Therefore, there must be an underlying contract let by a governmental entity. Contracts developed for use by a governmental entity, but let by a private party do not satisfy this requirement.
- (b) The contract must have been made available for use by other governmental entities. In general, this would be satisfied if the bidding documents or contract includes language extending the terms, conditions and price(s) of the contract to other governmental entities. A Contractor/Vendor simply offering to extend to the District prices, terms or conditions, which it provided to another governmental entity will not satisfy this element.
- (c) The contract must have been let to the lowest responsible bidder in a manner consistent with General Municipal Law Section 103. When determining whether a non-New York contract was let in a manner consistent with General Municipal Law Section 103, the purchasing agent should look for the following elements:
  - i. Public solicitation or advertisement of bids;
  - ii. Submission of sealed bids or other procedures to ensure that bidders do not know each other’s prices;
  - iii. Bid specifications that are clear, unambiguous, and which allow bids to be compared on an equal basis; and
  - iv. Award of the contract to the lowest responsible bidder.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.