

## **Policy Information**

### **Series 4000 - Non-Instructional/Business Operation**

#### **Purchasing**

Policy # 4310, 2.4

## **POLICY**

2023 4310

Non-Instructional/  
Business Operations

### **SUBJECT: PURCHASING**

It is the policy of the Board of Cooperative Educational Services that a purchasing system be developed and maintained which provides safe, reliable products, materials and services which benefit the educational program. The Board declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended.

The BOCES 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 purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet BOCES needs.

### **Competitive Bids and Quotations**

As required by law, the District Superintendent 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 BOCES.

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 District Superintendent shall be authorized to arrange for emergency service or purchase in the event of an occurrence which endangers the health and safety of students and staff. The Board shall be notified when such action is taken by the District Superintendent.

The District Superintendent is authorized to enter into cooperative bidding for various needs of the BOCES.

### **Request for Proposal Process for the Independent Auditor**

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The BOCES may, however, permit an independent auditor engaged under an existing contract for such

services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

## **Procurement of Goods and Services**

The Board of Cooperative Educational Services recognizes its responsibility, and it shall be its policy, to ensure the development of regulations and procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. Such 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 Superintendent of Schools is charged with the responsibility of developing regulations and procedures which will 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, Article 5-A; State Finance Law, Section 162; 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 General Municipal Law Section 104-b;
- c. Set forth when each method of procurement will be utilized;
- d. Require 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;
- 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 BOCES;
- g. Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated annually; and
- h. Will give a preference in the purchase of instructional materials to vendors who agree to provide instructional materials in alternative formats (for additional details on the procurement of instructional materials, refer to Policy 7230 and corresponding regulations).

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 BOCES or any BOCES employee.

The Board of Education shall solicit comments concerning the BOCES 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.

## **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 BOCES). 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.

## **BOCES Plan**

As required by federal law and New York State Regulations, the BOCES has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials are available in a usable alternative format for students with disabilities. Each BOCES has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a BOCES does or does not participate in NIMAC, the BOCES will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards. The New York State Education Department (NYSED) recommends that BOCES choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, contracts with publishers executed on and after December 3, 2006 for textbooks and other printed core materials must include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website:  
<http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

## **Environmentally Sensitive Cleaning and Maintenance Products**

In accordance with Commissioner's Regulations, State Finance Law and Education Law, effective with the 2006-2007 school year, the BOCES 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 BOCES 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 BOCES can procure these products on a competitive basis.

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

## **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 contract from the Purchasing Agent.

The Purchasing Agent may require bid security on all bids in excess of \$20,000, on all contracts for service, and on all contracts which allow product delivery over a period of six months or more.

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

Upon the adoption of a resolution by a vote of at least three-fifths (3/5) 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 twenty thousand dollars (\$20,000) may be awarded by the Board to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in law.

### **“Piggybacking” Exception to Competitive Bidding**

The BOCES may, in its discretion, purchase certain goods and services (apparatus, materials, equipment and supplies) at costs beyond the above-referenced thresholds 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.

This method of procurement 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 other 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, or was awarded on the basis of best value, and is not in conflict with other New York state laws.

20 United States Code (USC) Section 1474(e)(3)(B)  
Education Law Sections 305(14), 409-i, 701, 1604, 1709, 1950, 2503, 2554 and 3602  
General Municipal Law Articles 5-A and 18  
State Finance Law Sections 162 and 163-b

8 New York Code of Rules and Regulations (NYCRR) Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Commissioner of Education Regulation 170.3

Board Approved

9/16/09

11/17/10

1/15/14

5/21/14

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