

Policy Information

Series 4000 - Non-Instructional/Business Operation

Regulations (1) Purchasing: Procurement Guidelines

Policy # 4310, 2.4

POLICY

2023 R1 – 4310 – 1
Administrative Regulations
Non-Instructional/Business
Operations

SUBJECT: PURCHASING REGULATIONS #1: PROCUREMENT GUIDELINES

This resolution sets forth the guidelines to meet the requirements of General Municipal Law, Section 104-b.

Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing Board has adopted internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or any other general, special or local law.

General Statements

1. The District Treasurer will maintain a current list of funds available for staff to review when needed.
2. Requisitions will be acted upon as quickly as possible to ensure adequate materials, equipment and supplies are available for staff.
3. The Purchasing Agent is the sole individual who may approve purchase orders for the BOCES.
4. Decisions on expenditures will be based on price, quality and past service.
5. 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 when the budget is adequate to cover the expense.
 - a. Three written quotes will be submitted along with a requisition for all goods and or services from \$5,000 to \$19,999 not purchased via state contract or competitive bid lists.
 - b. Quote information will be attached to the Request to Purchase and filed with the purchase order, ultimately maintained in the Accounts Payable paid files.
 - c. Vendors are required to adhere to prescribed delivery date and quality standards if they are to remain an active vendor for subsequent quotations.
6. To improve the efficiency of the procurement of certain goods and services, the Board of Education

has authorized the use of BOCES Purchase Cards. It is an efficient means to acquire goods and services for the selected purposes.

- a. The Purchasing Agent is authorize to assign Purchase Cards to BOCES staff with the staff members supervisory approval.
 - b. Minimally, on an annual basis, a current listing of approved Purchase Card holders will be presented to the Board of Education.
 - c. By virtue of the Purchasing Agent assigning a Purchase Card it is understood that purchases made on the assigned card are approved.
7. Due to the uniqueness of certain items and where it is not possible to secure three quotes, documentation and justification must accompany the requisition. This justification will be reported on the Administrative Guidelines form and also attached to the Request to Purchase.
 8. An item of less than \$5,000 which has a price at or below the state contract price may be purchased directly from a local vendor.
 9. When quotations are received, an item or service may be requisitioned at a reasonably higher price in consideration of a history of satisfactory service to the BOCES.
 10. All contracts which require public advertising and competitive bidding shall be awarded by resolution of the Board. Recommendations for the award of all such contracts shall be submitted to the Board by the District Superintendent.

Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and determining that competitive bidding is not required by law is as follows:

1. The Board is required by law to award all purchase contracts for supplies, materials and equipment involving expenditures in excess of twenty thousand dollars (\$20,000) and all contracts for public works in excess of thirty-five thousand dollars (\$35,000) to the lowest responsible bidder after advertising for public sealed bids.
2. When a contract involves acquisition of both goods and services, a judgment must be made as to the primary purpose of the contract. If the services are minor, incidental or customarily provided by the vendor in connection with the goods purchased, the contract should be viewed as a purchase contract. If the service component is extensive or predominant or involves special skills, the contract should be treated as one for public works.
3. In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a "reasonable commodity grouping") must be considered. For example, office supplies or art materials would constitute an appropriate grouping for bidding purposes.

Additionally, in determining whether the dollar requirements have been reached, allowances for any trade-in related to the purchase must be treated as an expenditure; the estimated gross cost of the item is controlling. Net cost is relevant only to the determination of the low bid.

4. Pursuant to General Municipal Law Section 104-b, a Request For Proposal (RFP) to acquire

professional services will be done, however, there are circumstances when, or types of procurement for which, in the sole discretion of the Board, the solicitation of alternative proposals may not be in the best interest of the BOCES. In the following circumstances it may not be in the best interest of the BOCES to solicit quotations or document the basis for not accepting the lowest bid:

- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must 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.

Guidelines for Purchasing Supplies and Equipment when Competitive Bidding is Not Required by Law

Estimated Amount of Purchase	Procedure/Requirements	Responsibility
Less than \$5,000	No quotes necessary	Obtained by the originator
\$5,000 - \$19,999	Three (3) formal written quotations.	Obtained by the originator
In excess of \$20,000	Public advertised bids in accordance with General Municipal Law.	Obtained by the Chief Financial Officer, Purchasing Agent.

NOTE:

1. For products available under State contract, which are below the State contract price, no further quotes are required provided the product is the same brand and model number and below the \$20,000 bid threshold.
2. When procurement can be accomplished through the following sources, competitive bidding or procedure requirements listed above are not required.
 - a. Under State Contract;
 - b. Under a County contract;
 - c. From State Correctional Institutions (Corrections Law Sections 184 and 186);
 - d. From State agencies for the blind and severely disabled (State Finance Law, Section 162);
 - e. Emergencies (General Municipal Law, Section 103[4]);
 - f. Sole source, professional services, true leases and insurance;
 - g. Second-hand equipment from another government agency.

Guidelines for Public Works Projects when Competitive Bidding is Not Required by Law

Estimated Amount of Purchase	Procedure/Requirement	Responsibility
Less than \$2,000	No quotation required.	Originator must substantiate the need and choice of contractor.
\$2,000 - \$34,999	Three (3) formal written quotations	Obtained by the Chief Financial Officer
In excess of \$35,000	Public, advertised bids	Obtained by the Chief Financial Officer

Annual Review

Comments concerning the policies and procedures shall be solicited from employees of the BOCES involved in the procurement process from time to time.

The Board shall annually review these policies and procedures. The Chief Financial Officer shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b, shall not be grounds to void action taken or give rise to a cause of action against the BOCES or any officer or employee thereof.

Board Approved
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