

Policy Information

Series 4000 - Non-Instructional/Business Operation

Regulations (2) Purchasing: Competitive Purchasing

Policy # 4310, 2.4

POLICY

2023

R2 - 4310

Administrative Regulations
Non-Instructional/Business
Operations

**SUBJECT: PURCHASING
REGULATIONS #2: COMPETITIVE PURCHASING OF GOODS AND SERVICES**

General Statements

The purchasing policy of the BOCES is to secure supplies, materials, equipment and services in an efficient, economical and timely fashion to meet the BOCES needs.

Specifications shall be developed with the involvement of staff that use the purchased goods and services and are, therefore, in a position to effectively recommend acceptable levels of quality required for each program. Quality levels shall provide for accomplishment of program objectives.

The purchasing procedures employed shall comply with all applicable laws and regulations of the State and Commissioner of Education.

Authority/Responsibility

In accordance with law, the BOCES must identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated annually.

The Board shall appoint a Purchasing Agent for the BOCES. The District Superintendent shall recommend candidates to the Board for their consideration for this appointment. The Purchasing Agent shall be responsible for the development and supervision of the purchasing system for the BOCES.

The Purchasing Agent shall be responsible for the management and issuance of BOCES Purchase Cards. Once a Purchase Card is issued to an individual, that individual is authorized to make purchases within the limits assigned by the Purchasing Agent. The Purchasing agent will be responsible for the reconciliation and approval of the purchase order to the financial institution who issued the Purchase Cards.

The acquisition of services, equipment, and supplies is centralized in the purchasing department, which functions under the supervision of the Purchasing Agent, and through whose office all purchase order transactions are conducted.

Whereas the Purchasing Agent has authorized the use of Purchase Cards, the acquisition of services, equipment, and supplies is de-centralized to the individual departments.

Quality

The purchasing function shall consider circumstances and use as determining factors in quality selection. The Board of Education expects the purchasing agent to make every effort to receive the maximum educational value for every dollar expended.

Items commonly used in the various schools or units thereof shall be grouped into standard specifications whenever consistent with educational goals and in the interest of efficiency or economy through volume purchasing.

Vendors and Contractors

One of the purposes of the purchasing function is to purchase competitively, without prejudice or favoritism. Each order shall be placed on the basis of quality, price, delivery and past service being a factor if all other considerations are equal.

Competitive bids or quotations shall be solicited in connection with all purchasing in accordance with applicable State Laws and Regulations of the Commissioner of Education. Competitive bids from other municipal and governmental agencies may also be utilized when such purchases are in the best interest of BOCES. Purchase order contracts shall be awarded to the lowest responsible bidder complying with specifications and with other stipulated bidding conditions. Documented reasons for the low bids not meeting specifications shall be the sole basis for rejection and submitted with bid tabulation and evaluation.

No Board member, officer or employee of the BOCES shall be interested financially in any contract entered into by the Board. This shall also preclude acceptance of any gratuities, financial or otherwise, by the above persons, from any supplier of materials or services to the BOCES.

Requesting Bids and Quotations

The purpose of obtaining bids or quotations is to encourage competition in the procurement of supplies, equipment and services which will be paid for from public funds. Competitive bids or quotations shall be solicited in connection with all purchases whenever feasible and in the best interest of the BOCES.

Contracts will be awarded to the lowest responsible bidder. Residence or place of business of the local bidders may be a consideration only in cases where identical bids have been submitted.

All purchase contracts for materials, equipment or supplies involving an annual expenditure of over twenty thousand dollars (\$20,000) and all public works involving an expenditure of more than thirty-five thousand dollars (\$35,000) shall be awarded by the BOCES to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. However, the BOCES may, in its discretion, award purchase contracts on the basis of "best value" to a responsive and responsible bidder or offerer, provided the Board of Education has authorized such action by rule, regulation or resolution adopted at a public meeting.

All purchase contracts for materials, supplies or equipment shall be governed by the prevailing regulations contained in New York State General Municipal Law, Section 103. When required, the purchasing agent (or the designated person) is authorized to open sealed bids and record the same pursuant to law.

All purchase 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 Purchasing Agent.

A statement of "General Conditions", such as approved by the Board, shall be included with all specifications submitted to suppliers for their bids. These general conditions shall be binding in all contracts, where applicable, which are awarded for the purchase of materials, equipment and supplies. The conditions shall include items regarding delivery, service and duration of bid and the penalties of non-compliance.

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.

Bid Opening

Sealed bids should be received, recorded and kept in a safe place until the appointed day and time when they are publicly opened and read. It is important to note that the law requires SEALED BIDS; therefore, "FAXED" bids MAY NOT be accepted.

Bids should be checked and analyzed for compliance with specifications and law. The right to reject all bids for valid cause is reserved to the BOCES. Also reserved is the right to reject, for cause, any bid in whole or in part; to waive technical defects, qualifications, irregularities and omissions if in its judgment the best interests of the BOCES will be served. Also reserved is the right to reject bids and to purchase items on State Contract if such items can be obtained on the same terms, conditions, specifications, and at a lower price.

State Contracts

The purchasing agent is authorized to issue purchase orders without prior approval of the Board where formal bidding procedures are not required by law, and when budget appropriations are adequate to cover such obligations. Informal quotations will be sought whenever practical.

Purchases shall be made through available State contracts of the Office of General Services Division of Standards and Purchase, whenever such purchases are in the best interest of the BOCES. However, whenever possible, if quotations can be obtained from suppliers locally at similar prices and equal quality to the State contract, then residence or place of business may be considered if all bidding conditions are met.

Purchase Orders

The Purchasing Agent shall be authorized to issue purchase orders for all goods and services where a budgetary appropriation has been made. When formal bidding procedures are required by law, the purchase order will be issued after the Board award of the bid and will refer to the bid submitted, to the specifications which will be attached as part of the contract and will bear the price or prices indicated by the bidder in the bid.

Purchase orders shall also indicate the address for delivery. All goods received must be accepted by an authorized BOCES employee who shall certify that the goods were received in good condition, before payment can be approved.

Opportunity shall be provided to all responsible suppliers to do business with the BOCES. To this end the Purchasing Agent shall develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such bidder lists shall be used in the development of a mailing list for distribution of specifications and invitations to bid. Any supplier may be included in the list upon request. The Board reserves the right to disqualify bidders/vendors whose service is deemed unsatisfactory or who provide unsatisfactory or inferior material, equipment or products.

No payment for goods or services shall be made unless both an itemized invoice showing name of the person or firm to whom payment is due, and a receiving copy of the purchase order, bearing the signature of an authorized BOCES employee are present. Furthermore, the invoice must have been issued in response to an approved purchase order.

Petty Cash

Petty Cash Funds shall be established and used in accordance with Commissioner of Education Regulation 170.3. The Board shall annually take formal action to authorize locations in the District where funds are to be established, the dollar amount(s), and to designate the administrator(s) responsible for the funds so established.

The purchasing procedures employed shall comply with all applicable laws and regulations of the State and Commissioner of Education.

Board Approved

9/16/09

11/17/10

1/15/14

5/21/14

2/15/23

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