

SUBJECT: PURCHASING

This policy sets forth the policy and procedures of the WSWHE BOCES Board of Education to meet the requirements of General Municipal Law, section 104-b.

Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers; to facilitate the acquisition of goods and services of maximum quality at the lowest identified cost under the circumstances; and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board is adopting an internal policy 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 of any other general, special, or local law.

Procedures for determining Whether Procurements are Subject to Bidding

The criteria for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is contained in Appendix A to this policy.

Statutory Exceptions to Quotations/Proposals Requirements of This Policy and Procedures

Except for procurements made pursuant to General Municipal Law, section 103 (3) (through certain county contracts), section 104 (through certain State and Federal contracts), State Finance Law, section 162, Correction Law, sections 184 and 186 (from "preferred sources," including articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

Methods of Competition to be Used for Non-Bid Procurements

The methods of procurement to be used are as follows:

On April 9, 2014 the Board authorized that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law Section 163.

Adequate Documentation

Documentation requirements and responsibilities are contained in Appendix B to this policy.

Awards to Other than the Lowest Responsible Dollar Offeror

Whenever any contract is awarded to other than the lowest responsible dollar offeror, the reasons that such an award furthers the purpose of General Municipal Law, section 104-b such as best value awards, shall be fully documented.

Items Excepted from this Policy and Procedures by the Board

The board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of WSWHE BOCES.

On April 9, 2014 the Board authorized to extend the authority of WSWHE BOCES to purchase apparatus, materials, equipment, supplies and associated services for such items through the use of contracts let by other government entities ("piggybacking") based on lowest responsible bid or on the basis of best value in a manner consistent with General Municipal Law Section 103.

Alternative Formats for Instructional Materials

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a timely manner for instruction and 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.

Individual(s) Responsible for Purchasing

The Board of Education will annually appoint purchasing officers and will designate a person to assign work to the purchasing officers.

Input From Administrators

Comments have been solicited from administrators of WSWHE BOCES involved in the procurement process prior to the enactment of this policy and procedures, and will be solicited from time to time hereafter.

Annual Review

The Board of Education shall annually review and, when needed, update this policy and procedures.

Unintentional Failure to Comply

The unintentional failure to comply fully 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 WSWHE BOCES or any officer or employee thereof.

Adopted: February 13, 2002
Revised: September 12, 2007
Revised: June 8, 2011
Revised: February 14, 2018

Appendix A—Categories of Procurement

Most proposed procurements generally fit into one of the 16 categories in the following table. This table identifies whether these categories are within the requirements of General Municipal Law (GML) Section 103, or within local procurement policies and procedures required by GML Section 104-b.

	Subject to Competitive Bidding (section 103)	Local Policies and Procedures (section 104-b)
Purchase Contracts and Contracts for Public Work if No Other Exception Applies⁵⁷		
1. Purchase Contracts – In excess of the \$20,000 Threshold	X	
2. Purchase Contracts – Below the \$20,000 Threshold		X
3. Contracts for Public Work – In excess of the \$35,000 Threshold	X	
4. Contracts for Public Work – Below the \$35,000 Threshold		X
Procurements Exempt from the Requirements of section 103 and the Quotations/Proposals Requirement of section 104-b		
5. Preferred Sources (State Finance Law, section 162; Correction Law, sections 184, 186)		X
6. State Contracts; certain Federal contracts (GML, section 104)		X
7. County Contracts (GML, section 103[3])		X
8. Additional exemptions provided for in local policies and procedures (e.g., “piggybacking” on certain other government contracts in accordance with the prerequisites in GML, section 103 [16]); other local exemptions). ⁵⁸		X
Procurements Exempt from section 103		
9. Emergency (GML, section 103 [4])		X
10. Sole Source		X
11. Professional Service		X
12. True Leases	X	
13. Insurance		X
14. Surplus/Second-hand Materials, Supplies, Equipment from Certain Other Governments (GML, section 103 [6])		X
15. Certain Food and Milk Purchases (GML, section 103 [9], [10])		X
16. Certain Municipal Hospital or Nutrition Program Purchases (GML, section 103 [8])		X

Appendix B –Documentation Requirements and Responsibilities

Materials, supplies, equipment or services which are not subject to competitive bidding and are not purchased through state contract or a mandated procurement source must still be made in the best interest of BOCES.

Quotation and Bid Requirements to be used for the purchase of equipment and supplies:

<u>AMOUNT OF PURCHASE</u>	<u>REQUIREMENT</u>	<u>RESPONSIBILITY</u>
Less than \$2,000	No quotation requirement	The requisitioner will indicate the suggested vendor.
\$2,000 to \$6,999	2 Verbal or Written Quotations	Obtained by the requisitioner and submitted to the Business Office.
\$7,000 to \$19,999	3 Written Quotations	Obtained by the requisitioner and submitted to the Business Office.
\$20,000 and Over	Advertised, Public Bids	Obtained by the Purchasing Officers and submitted to the Board for approval.

Quotation and Bid Requirements to be used for Public Work Contracts are as follows:

<u>AMOUNT OF PURCHASE</u>	<u>REQUIREMENT</u>	<u>RESPONSIBILITY</u>
Less than \$6,000	No quotation requirement	The requisitioner will indicate the suggested contractor.
\$6,000 to \$11,999	2 Verbal or Written Quotations	Obtained by the requisitioner and submitted to the Business Office.
\$12,000 to \$ 34,999	3 Written Quotations	Obtained by the requisitioner and submitted to the Business Office.
\$35,000 and Over	Advertised, Public Bids	Obtained by the Purchasing Officers and submitted to the Board for approval

The quotation should contain a complete description of the item(s), quantity and the unit on which the price is quoted (per dozen, gross, each, etc.). All quotations will be sent to the Purchasing Officers with the purchase order for approval.