

SUBJECT: PROCUREMENT OF GOODS AND SERVICES**Purchasing Authority**

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board. The Purchasing Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. No contracts for goods and services will be made by individuals or organizations in the school that involve expenditures without first securing approval for the contract from the Purchasing Agent.

Except as authorized by law, no Board member or employee of the District will have an interest in any contract entered into by the District.

Purchasing Process

The Board recognizes its responsibility to ensure the development of procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. These goods and services will be procured in a manner so as to:

- a) Assure the prudent and economical use of public moneys in the best interests 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.

These procedures 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, provide that alternative proposals or quotations for goods and services will 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;

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- 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 District; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. This information will be updated biennially.

Any unintentional failure to fully comply with these provisions will not be grounds to void action taken or give rise to a cause of action against the District or any District employee.

The District will develop administrative regulations to establish procedures for the procurement of goods and services.

Procedures for Purchasing Goods and Services

The Purchasing Agent shall review all purchase requisitions to determine whether the items being requested have been properly bid or must be bid and verify availability of funds for the items being purchased.

On items not required by law to be bid, the Purchasing Agent shall ensure that goods and services being requested by District employees are at a reasonable price. The following dollar limits apply whenever items are not required by law to be procured pursuant to competitive bidding.

Equipment, Materials and Supplies

<u>Dollar Limit</u>	<u>Procedure</u>
\$1 to \$5,000	PA shops as needed
\$5,001 to \$10,000	A minimum of three (3) quotes, verbal or faxed
\$10,001 to \$19,999	A minimum of three (3) formal written quotes

Public Works Contracts for Services

(All public works projects must include prevailing wage agreements for workers.)

\$1 to \$10,000	PA shops as needed
\$10,001 to \$35,000	A minimum of three (3) verbal or faxed quotes

Non-Instructional/Business
Operations**Professional Services**

Professional services are generally those services that require specialized skills, training, professional judgment, expertise, and creativity. Examples include attorneys, architects, and engineers. The procurement of professional services falls within an exception to competitive bidding. In order to procure professional services, the District will use the request for proposals (RFP) process as set forth in General Municipal Law in order to protect the District's interests and to avoid the appearance of favoritism or impropriety. Although not necessarily bound to select the lowest bidder in response to its RFP, the District will adequately document its selection process to demonstrate its economical and prudent use of public monies and to ensure fair competition.

Emergency

In an emergency, as declared by the Superintendent of Schools, the following authority shall apply:

- The Purchasing Agent has the authority to acquire goods or services up to \$100,000 without regard to this procedure; and
- The Superintendent of Schools has the authority to acquire goods and services in excess of \$100,000 without regard to this procedure.

The Board of Education will be notified of the nature of the emergency immediately. The action taken must be provided in writing to the Board of Education as soon as practical after the emergency has been addressed.

For professional service contracts at or below \$20,000, the District may, but is not required, to utilize requests for proposals ("RFP"). Rather, the Purchasing Agent, along with the administrator making the request for the service, may utilize any of the following measures in lieu of a formal RFP: (1) written quotations; (2) verbal quotations; and/or (3) any other method of procurement that ensures the prudent and economical use of public monies.

For contracts for professional services that exceed \$20,000, the District will use the RFP process. Although not necessarily bound to select the lowest bidder in response to a RFP, the District will adequately document its selection process to demonstrate its economical and prudent use of public monies and to ensure fair competition.

In reviewing responses to the RFPs, the District will consider, at a minimum, the following factors:

1. the suitability of the individual/firm for District's needs;
2. the special knowledge or expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the services provided by the individual/firm;
5. cost; and
6. the staffing available from the firm or the time available to the individual.

Education Law §§ 1604, 1709, 1950, 2503, 2554, and 3602 General Municipal Law Articles 5-A and 18 General Municipal Law § 119-o, General Municipal Law 103(16).

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering #5412 -- Alternative Formats for Instructional Materials