

POLICY

PROCUREMENT AND PURCHASING

I. All purchases of goods and contracts for public works shall be made in accordance with the provisions of New York State General Municipal Law.

1. COMPETITIVE BIDDING:

Except as otherwise provided by statute as set forth hereinafter, all public works contracts in excess of \$35,000 shall be subject to competitive bidding. All purchase contracts in excess of \$20,000 shall be subject to competitive bidding.

- (a) For products specific to a vendor, or specific in design, that are a "sole source" whereby there do not exist other sources of the goods required, competitive bidding shall not be required.
- (b) For emergency or exigent circumstances in order to preserve Library property or the health and safety of patrons and staff, competitive bidding shall not be required.

Under normal circumstances, contracts shall be awarded to the vendor or contractor with the lowest price quotation deemed responsible. Circumstances under which the contract may not be awarded to the lowest responsible bid vendor or contractor include, but are not limited to:

- (1) Vendor cannot guarantee delivery of goods or services within the time frame or under the conditions established by the Library;
- (2) Vendor's or Contractor's terms for payment are disadvantageous to the Library, e.g., full payment before commencement of work or delivery of goods;
- (3) Vendor cannot fully comply with the Specifications for goods or services as set forth by the Library;
- (4) Vendor's warranty for goods or services is deemed inadequate by the Library;
- (5) Vendor's post-purchase support services are deemed inadequate by the Library;
- (6) Vendor or Contractor's references and past performance are deemed unsatisfactory by the Library.

Note: Rejection of a Low Bid based upon an initial determination that the Low Bidder is not "responsible" within the meaning of the General Municipal

Law shall be made following notice to the Low Bidder of the Board's intent to so disqualify him/her and providing the Low Bidder an opportunity to submit a written response and proof to the Board or its designee on the issue of his/her qualifications and ability to perform the contract obligations.

2. NON-COMPETITIVE BIDDING: PROCUREMENT THROUGH CONTRACTS:

Any item or items, the cost of which exceeds or is expected to exceed \$20,000 in any fiscal year, may be purchased through State, County or other public purchase contracts as authorized by General Municipal Law §103(3), §103(16) and 104-b, if such contracts exist. If no State, County, Federal, School District, BOCES or other applicable public works contract is available, the competitive bidding procedure of General Municipal Law §103 will be followed.

Any services contracted (defined as public works pursuant to General Municipal Law §103), with cost exceeding \$35,000, unless the service can be obtained through a State or County or other public contract as enumerated above, the competitive bidding procedure of General Municipal Law §103 shall be followed.

3. NON-COMPETITIVE BIDDING: PROCUREMENT:

For public works and purchase contracts with costs which fall below the competitive bidding thresholds stated in the aforesaid Paragraph "1" the following conditions shall apply:

Any item or items, the cost of which does not or is not expected to exceed \$20,000 in any fiscal year, or the procurement of any service or services, the cost of which does not or is not expected to exceed \$35,000 may be purchased in accordance with the attached procedure. The Library Director is delegated the discretion of not making a purchase from the vendor or contractor offering the lowest price, provided a record is kept wherein the reason or reasons for not accepting the lowest offer is documented. The reason or reasons shall be based on one or more of the following:

- a) vendor cannot guarantee delivery within the time frame or under the conditions established by the Library
- b) vendor's or contractor's terms for payment are disadvantageous to the Library; e.g. payment before commencement of work or delivery of goods
- c) vendor cannot fully comply with the specifications for goods or services as set forth by the Library
- d) failure of the product to perform in a manner comparable with products previously used
- e) vendor warranty for goods or services is deemed inadequate by the Library
- f) vendor's post-purchase support services are deemed inadequate by the Library
- g) other reasons not in conflict with the intent of General Municipal Law §104b.

Procedure: Procurement of Material under Competitive Bid Thresholds

Whenever feasible, State Contracts, County Contracts, Municipal and Cooperative Agreements and local and State government contract bids pursuant to General Municipal Law §103 (16) may be used for purchases that are not required to be bid. When it is determined not to purchase through the aforesaid contracts or agencies, the following procedure will be followed:

For products specific to a vendor, or specific in design, that are a "sole source" whereby there do not exist other sources of the goods required, quotations shall not be required.

For purchases of single items with costs under \$2,500, a minimum of three telephone quotations shall be required, although efforts may be made to obtain competitive pricing.

For purchases of single items with costs between \$2,500 and \$19,999 efforts should be made to obtain three fax, e-mail or written quotations, unless there are fewer than three sources of supply available. The results of any solicitation must be attached to the purchase order.

For procurement of services (includes labor) under \$5,000 a minimum of three telephone quotations shall be required, although efforts may be made to obtain competitive pricing.

For procurement of services (includes labor) with costs between \$5,000 and \$34,999 a minimum of three fax, e-mail or written quotations should be solicited, unless a minimum of three quotations are not obtained notwithstanding reasonable efforts. The results must be attached to the purchase order.

It will be the policy of the Library Board of Trustees to award contracts for goods and services, as recommended by the Director, based on quoted price, references and any other factor it deems to be in the Library's best interest.

The following shall be provided for on all purchase orders, or on attached forms

1. Name, address and telephone number of the vendor;
2. Name of the contact person at the company, when applicable
3. Item(s) to be purchased, specifying quantity, brand name and model number if available.
4. Unit price of each item, the extended price, and the total price of the order including shipping costs.
5. State Contract # when applicable

Proposals for contracts for professional services requiring special skill or training such as: legal and medical services; property appraisals, engineers and architects; investments

management and auditing; and claims management may be solicited. However, the Board of Trustees retains discretion to decide if the solicitation of requests for proposals for professional services is in the best interest of the organization.

The Board of Library Trustees reserves the right to waive the above procedures in Emergency situations that are declared. This particularly applies to situations that relate to the health and safety of members of the staff and public, as well as imminent property damage to the Library building and its contents.

Only the Director and the Assistant Library Director are authorized to sign purchase orders. Contracts may be signed by the President or Vice President of the Library Board or another Board Member or by the Library Director when authorized by the Board of Library Trustees.

No purchase of goods or services shall be made from any vendor in which any member of the Board of Trustees, or the Library Administration, i.e., the Library Director, hold a full or partial interest

Adopted: 9/21/15