

**Policy # 43**

**PROCUREMENTS OF GOODS AND SERVICES ENACTED IN ACCORDANCE WITH  
GENERAL MUNICIPAL LAW § 104-b**

The following procedures shall be followed regarding all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103 (1).

**DETERMINATION OF WHETHER PUBLIC BIDDING IS REQUIRED**

The Superintendent shall determine whether public bidding is required. If the determination is made that public bidding is not required because of the cost of acquisition, the Superintendent shall make a written certification specifying the estimated cost and the basis of such determination. The cost of a particular item will be based on the total acquisition cost of the same or similar items during the entire school year or the term of the contract. Such certificate shall be filed with the Clerk of the District.

If the determination is made that bidding is not required because the law does not require competitive bidding for the particular event, product, or services, the Superintendent shall file with the Clerk of the Board a written opinion by the school attorney so stating.

The resolution of award shall make reference to the certification or opinion filed with the Clerk of the Board.

**WHEN PARTICULAR ALTERNATE PROPOSALS SHALL BE USED**

In relation to acquisitions in excess of \$1,000, written quotations shall be obtained after the solicitation of proposals from at least three vendors. Quotations from current catalogs, including the current State contract catalog, shall be considered a written proposal.

If the cost of acquisition shall be \$1,000 or less, the procedure for acquisitions in excess of \$1,000 may be followed, or oral quotations may be obtained. When oral quotations are received, a written memorandum shall be maintained indicating, at least, the date of the quotation, the name of the company, the person who gave the quote, the item quoted, and the actual quotation.

All documentation shall be filed with the Clerk of the District and the Board shall, in its resolution of award, make reference to the quotations received and the fact that the documents regarding the quotations are filed with the Clerk of the District.

**PROCEDURE WHEN AWARD IS NOT MADE TO THE LOWEST SUPPLIER**

An award need not be awarded to the lowest supplier when:

- the bidder is not a responsible bidder.

- the language submitted by the bidder imposes conditions which, in the written opinion of the school Superintendent or attorney, are not in the best interests of the district.
- the bidder fails to demonstrate that the item or service can be delivered at the appropriate time.
- the proposed product, in the written opinion of the Superintendent, is not compatible with the products which interact with the product desired to be acquired.
- in relation to personnel services, that there is an existing relationship and such continued relationship is in the best interests of the district.
- in relation to personnel services, that the experience or educational basis is not the same. It is the desire of the Board to acquire the best professional services available to meet the needs of the district. When proposals are received for personnel services, the Board shall consider the professional experience of the applicants in rendering similar services to other school districts or to this school district. When personnel services are awarded on the basis of experience and background, the resolution of the Board shall identify the various elements considered in making the award.
- The District shall give preference in purchasing instructional materials to any vendor able to provide those materials in alternative formats.

#### **WHEN NO BID IS RECEIVED**

When the procedures are followed and no bid is received, the Board of Education shall, by resolution, set forth another method to follow to obtain a quote. The procedures shall then be followed.

#### **PROCEDURES OF § 103 (1)**

In all situations, the Superintendent may elect to follow the procedures of General Municipal Law § 103 (1) even though bidding is not required by law or the anticipated cost is under the statutory limits.

#### **INSTRUCTIONAL MATERIALS IN ALTERNATIVE FORMATS**

*The Board of Education directs the District administration to create a plan for providing disabled students instructional materials and alternative formats appropriate to their individual needs. Such plan shall be reviewed on an annual basis.*

**or**

*The Board of Education will provide disabled students with instructional materials in alternative formats appropriate to their individual needs. Should the students move into the District with specific needs that require supplemental instructional materials, the District will purchase those instructional materials.*

We also recommend incorporating the following language into the District's procurement policy:

*The District shall give preference in purchasing instructional materials to any vendor able to provide those materials in alternative formats.*

### **ANNUAL REVIEW**

This policy shall be reviewed annually. The annual review shall take place during the first six weeks of the beginning of the school year. This policy shall be considered a continuing policy unless modified by resolution of the Board.

### **PRIOR CONSULTATION**

Before enacting this resolution, comments concerning the policies and procedures were solicited from the Superintendent, Assistant Superintendents, individuals in the business office, building principals and other administrators, as well as the clerk, treasurer, internal auditor, and purchasing agent.

First Reading:	April 5, 2017
Second Reading:	April 24, 2017
BOE Adoption:	April 24, 2017