

## **FINANCIAL Procurement**

**I. STATEMENT** Goods and services that are not subject to competitive bidding shall be procured in a manner as to assure the prudent and economical use of public funds in the best interest of the taxpayers.

**II. PURPOSE** To facilitate the acquisition of goods and services by the Red Jacket Community Library of greatest quality for the least cost; to provide guidance for officials and employees for the procurement of goods and services; and to guard against favoritism, improvidence, extravagance, fraud, and corruption.

### **III. POLICY**

#### **A. OFFICERS AND EMPLOYEES RESPONSIBLE FOR PURCHASING**

1. Individuals responsible for purchasing are limited to the Library Director or Youth Services Librarian.

#### **B. PROCUREMENTS SUBJECT TO COMPETITIVE BIDDING**

1. Purchase contracts involving expenditures in excess of \$20,000 and contracts for public work involving expenditures in excess of \$35,000 are generally subject to competitive bidding under Section 103 of the General Municipal Law.
2. Exemptions to bidding provided by law include, but are not limited to purchases made through the New York State Office of General Services

#### **C. METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS**

1. Every prospective purchase of a good or service or public work contract shall be evaluated to determine whether the aggregate cost in the fiscal year is subject to competitive bidding requirements.
2. Purchases with aggregate costs not rising to the level of competitive bidding are authorized as follows:
  - a. Purchases for goods and services estimated to cost less than \$500 shall be at the discretion of the Library Director or Youth Services Librarian;
  - b. Purchases for goods and services estimated to cost at least \$500, but less than \$2,000 shall be at the discretion of the Library Director;
  - c. Purchases for goods and services estimated to cost at least \$2,000, but less than \$10,000 shall be at the request of the Library Director with approval by the Board of Trustees based on a minimum of two vendor price comparisons, or two written or verbal quotations;
  - d. Purchases for goods and services estimated to cost at least \$10,000, but less than \$20,000 shall be at the request of the Library Director with approval by the Board of Trustees based on three written quotations;
  - e. Public works contracts that involve contracts estimated to cost less than \$35,000 shall require approval by the Board of Trustees, based on three written quotations. The term

“public works” would apply to those contracts or projects involving labor or both material and labor where labor is a substantial component, 50% or more, of the cost. Paying prevailing wages in accordance with New York State Department of Labor shall be required for public works projects. Acceptable quotations must include prevailing wage schedules provided by New York State.

- f. Public work projects related to any alteration of the facility owned by the Manchester-Shortsville Central School District shall be recommended by the Library Director to the Board of Trustees only after consultation with the Facilities Committee and the Superintendent of Schools.
3. A good faith effort shall be made to obtain the required number of price comparisons or quotations. If the purchaser is unable to obtain the required number of price comparisons or quotations, the Library Director shall establish any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b. In no event shall the failure to obtain quotations impede procurement of needed goods and services.

#### D. AWARDS TO OTHER THAN THE LOWEST BIDDER

1. Circumstances under which any purchase contract may not be made to the lowest responsible dollar offeror include, but are not limited to the following:
  - a. Delivery of goods or services are outside the time frame or conditions established by the Library;
  - b. Terms of payment are disadvantageous to the Library, i.e., full payment before commencement of work or delivery of goods;
  - c. Full compliance with specifications of goods or services as set forth by the Library cannot be met;
  - d. Warranty for goods or services is deemed inadequate by the Library;
  - e. Support services are deemed inadequate by the Library.

#### E. EXEMPTIONS FROM WRITTEN QUOTATIONS

1. Alternative methods of competition for goods and services shall be secured by use of either written requests for proposals, verbal quotations, or other methods of procurement except for:
  - a. Procurements made pursuant to General Municipal Law, section 103(3), through county contracts, or section 104, through State contracts, State Finance Law, section 163, Correction Law, sections 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions);
  - b. Purchases from agencies for the blind or severely handicapped;
  - c. Purchases of surplus and secondhand goods from any source;
  - d. Emergency purchases that are purchased immediately, the delay of which may threaten the life, health, and safety or welfare of the staff and/or public;
  - e. Sole source purchases, where a good or service provides a unique benefit to the public, is available from a single supplier, and for which there are no substantial equivalents.
2. When making purchases through the New York State Office of General Services, the Library Director shall verify that a vendor quote is in agreement with State contract prior to ordering.

#### F. LIBRARY MATERIAL EXCEPTED FROM COMPETITION PROCEDURES

1. Library material as defined in the Collection Development Policy and purchased from vendors offering volume discounts or vendors offering a State contract discount or national discount program for libraries are exempt from methods of competition procedures found in this policy.
2. When selecting a vendor offering discounts for the purchase of library material, consideration shall be given to price, availability, ease of use, promptness of service, cataloging services, and compatibility with the current integrated library system among other factors.

#### G. SERVICES EXCEPTED FROM COMPETITION PROCEDURES

1. Processes will be used whenever deemed prudent by the Board of Trustees to seek competitive proposals for professional services and insurance coverage.
  - a. Request for proposals (RFPs) will be issued for professional services whenever the Board of Trustees determines that the process will add value and potentially reduce costs for a particular service.
2. When procuring professional or technical services requiring special skill, training, or expertise, it may not be in the best interests of the Library to solicit quotations. In these cases, the individual or company must be chosen on accountability, reliability, responsibility, skill, education, training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.
3. Professional or technical services shall include, but not be limited to the following:
  - a. Services of an attorney;
  - b. Services of a certified public accountant;
  - c. Investment management services;
  - d. Printing services involving extensive writing, editing or art work;
  - e. Computer software or programming services for customized programs or services involved in substantial modification and customizing or pre-packaged software.
4. In determining whether a service fits into this category, the Library Director shall take into consideration the following guidelines:
  - a. Whether the service is subject to State licensing or testing requirements;
  - b. Whether substantial formal education or training is a necessary prerequisite to the performance of the service; and
  - c. Whether the service requires a personal relationship between the service provider and library officials.

#### H. ADEQUATE DOCUMENTATION

1. Written quotations should include dates, description of items or services, price, and name of contact.

2. Whenever the required number of price comparisons or quotations for the purchase of goods or services cannot be obtained, the purchaser shall document the attempts made with a written explanation of the alternative method of procurement used as established by the Library Director.
3. Whenever a purchase contract is awarded to other than the lowest responsible dollar offeror, the reasons shall be documented with copies of all quotations and related documents, any notations of verbal or other data, and any written explanation justifying why the purchase is made.
4. Copies of quotations, purchase contracts, and award decisions shall be maintained by the Library Director or shall accompany the voucher and related paperwork which support payment for such goods or services.
5. Inventory records for computer hardware and software licenses should be updated at the time of purchase in support of the Information Technology (IT) Security Policy. Purchase orders provide a record of licenses on hand to avoid duplicate purchases.

I. ANNUAL REVIEW

1. The Finance and Audit Committee with the Library Director and Treasurer shall annually evaluate the effectiveness of this policy and report their findings to the Board of Trustees.
2. The Board of Trustees shall annually review and, when necessary, update this policy.

J. UNINTENTIONAL FAILURE TO COMPLY

1. 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 Red Jacket Community Library or any officer or employee thereof.

**IV. REFERENCES**

- A. Office of the New York State Comptroller (2014). *Local Government Management Guide: Seeking Competition in Procurement*. Division of Local Government and School Accountability 110 State Street, Albany, New York 12236. Retrieved from:  
<https://www.osc.state.ny.us/files/local-government/publications/pdf/seekingcompetition.pdf>

Revision History	
12/21/2020	Annual review, no substantive revisions; minor grammatical revisions only.
12/9/2019	Revised C.2.b. with an upper limit of \$2,000 (from \$1,000). Amended C.2.e with the statement: "Paying prevailing wage ... ". Added paragraphs E.2. and H.5.