

# POLICY

2012

Fiscal Management

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## **PURCHASING**

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the authority of the Purchasing Agent designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible and responsive bidder, however the Board authorizes that purchase contracts may be awarded on the basis of best value. Best value means optimizing quality, cost and efficiency. The basis for best value shall reflect, whenever possible, objective and quantifiable analysis and may also take into consideration small businesses or certified minority-owned or women-owned businesses.

The district shall comply with the requirements of General Municipal Law Section 103-g which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector.

### **Purchase of Instructional Materials - Alternative Formats**

In accordance with law, the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

### **Purchase of Cleaning and Maintenance Products**

The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulations and guidelines established by the Office of General Services (OGS), the district will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Since cleansers purchased must, first and foremost clean, the district may continue to purchase non-green

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products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with the district's standard purchasing procedures and regulations.

## **Purchase of Apparel and Sports Equipment**

The Board prohibits the purchase of apparel and sports equipment from any vendor based upon one or both of the following considerations, even if such vendor's quote is the lowest price:

- The labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions and the use of child labor;
- The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

## **E-Rate Procurement**

In selecting service providers for all eligible goods and/or services for which Universal Service Fund ("E-rate") support is requested, the district shall:

1. Receive and document requests for competitive bids and comply with applicable state procurement processes and Board policies and procedures.
2. Wait a minimum of 28 days after the posting date of the FCC Form 470 on the USAC Schools and Libraries website before making commitments with the selected service providers. All contracts shall be signed after the first allowable contract date and before submission of Form 471.
3. Review and discuss all bids submitted and select the most cost-effective service offering, with price being the primary factor considered.
4. Maintain control of the competitive bidding process by not surrendering control to a service provider who is participating in the bidding process and not including service provider contact information on the FCC Form 470.

In order to ensure that the district avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the district in applying for federal programs designed to discount prices for goods and services. Appropriate documentation of the application and purchase through any federal program will be maintained by the Business Office.

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

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Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except for procurements:

- Under a county contract;
- Under a state contract;
- Under a federal contract;
- Under a contract of another political subdivision
- Of articles manufactured in state correctional institutions; or
- From agencies for the blind and severely disabled.

The district's purchasing activity will strive to meet the following objectives:

- To effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
- To obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning authority. The educational welfare of the students is the foremost consideration in making any purchase;
- To ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
- To maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
- To ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, state contracts of the Office of General Services, county contracts, or agreements entered into by school districts for joint purchasing whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

The district will provide justification and documentation of any contract awarded to an offer-or other than the lowest responsible dollar offer-or, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

The Purchasing Agent will not be required to secure alternative proposals or quotations for:

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- Emergencies where time is a crucial factor;
- Procurements for which there is no possibility of competition (sole source items); or
- Very small procurements of \$500.00 or less when solicitations of competition would not be cost-effective.

The Board authorizes the Superintendent of Schools, with the assistance of the Purchasing Agent and the Treasurer, to establish and maintain an internal control structure to ensure, to the best of their ability, that the district's assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and district policies and regulations, and recorded properly in the financial records of the district.

The Purchasing Agent shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board or the district, as provided in Article 18 of the General Municipal Law.

The Purchasing Agent shall meet with the Board annually to review the district's procurement procedures including this purchasing policy and regulation.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the district or any officer or employee of the district.

Ref: Education Law §§305(14); 1604(29-a); 1709(4-a)(9)(14)(22); 2503(7-a); 2554(7-a)  
General Municipal Law §§102; 103; 104-b; 109-a; 800 et seq.

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