

PURCHASING

The Bellmore-Merrick Central High School 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 general supervision of the Business official and the Purchasing Agent designated by the Board of Education. All District policy regarding the procurement process will be reviewed by the Board of Education at least annually.

It is the goal of the Board of Education 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, supplies and services 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. Purchases of the same commodity cannot be artificially divided for the purpose of avoiding the threshold. 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.

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

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. 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 conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;
3. 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;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and

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5. 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 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 cooperation BOCES bids, state contracts of the Office of General Services (OGS) or county contracts 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.

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 a 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.

The Board of Education 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, regulation and guidelines set forth by OGS, the District will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that the District may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

In order to ensure that the District avails itself of advantageous purchasing opportunities, the Board of Education authorizes the Purchasing Agent to represent the District in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board of Education. As with all purchasing activity, appropriate documentation of the application and purchase through any federal program will be maintained by the Business office.

Competitive Bidding

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board of Education authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163.

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security and confidentiality of electronic bids.

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

Competitive bidding, even if the dollar value of the purchase meets the threshold established above, is not required in the following circumstances:

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items);
or
3. professional services that require special skill or training (see policy 6741 for guidance on purchasing professional services).

Purchasing when Competitive Bidding Not Required

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 costs under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by Requests For Proposals (RFP), written or verbal quotations or any other appropriate method of procurement, except as permitted by state law for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

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

Uniform Guidance Procurement Standards

For purchases involving the expenditure of federal funds, federal grants and/or federal awards, the school district shall comply with the Uniform Guidance procurement rules issued by the OMB.

For all purchase contracts involving the expenditure of federal funds, federal grants and/or awards, the school district shall comply with the Uniform Guidance procurement rules issued by the OMB.

General Purchasing Provisions

The Superintendent of Schools, with the assistance of 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.

All District policies regarding the procurement processes will be reviewed by the Board of Education at least annually.

The unintentional failure to fully comply with the provisions of §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: Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 (Public Law 111-195)
 Education Law §§305(14); 409-I; 1604(29-a); 1709(4-a)(9)(14)(22); 2503(7-a); 2554(7-a)
 General Municipal Law §§102; 103; 103-g; 104; 104-b;109-a; 800 et seq.
 State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a
 County Law §408-a(2)

PURCHASING REGULATION

The following sets forth the procedures for the procurement of goods and services by the District:

1. Definitions:

Best value: 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 business or certified minority- or women-owned businesses as defined in State Finance Law §163.

Purchase Contract: contract involving the acquisition of commodities, materials, supplies or equipment

Public Work Contract: a contract involving services, labor or construction

2. General Municipal Law

The General Municipal Law requires that purchase contracts for materials, equipment, supplies and services involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more that \$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.

3. Competitive Bidding Required

A. Method of Determining Whether Procurement is Subject to Competitive Bidding

1. The District will first determine if the proposed procurement is a purchase contract or a contract for public work.
2. If the procurement is either a purchase contract or a contract for public work, the District will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.
3. The District will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.
4. All advertised bids shall include the following statement required by General Municipal Law §103-g: “By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of the State Finance Law §165-a.

B. Contract Combining Professional Services and Purchase

In the event that a contract combines the provision of professional services and a purchase, the District, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

C. Opening and Recording Bids: Awarding Contracts

The Purchasing Agent will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder or a purchase contract bid of best value as recommended by the Purchasing Agent, who has furnished the required security after responding to an advertisement for sealed bids.

In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State OGS cataloging significant investment in the Iranian energy section. Such statement may be submitted electronically pursuant to General Municipal law §103(1).

Entities that cannot make this certification may only be awarded the bid if:

1. The entity's investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The District makes a determination, in writing, that the goods or services are necessary for the District to perform its functions and that, absent such an exemption, the District would be unable to obtain the goods or services for which the contract is offered.

D. Documentation of Competitive Bids

The District will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract.

E. Purchase of Instruction Materials

In accordance with Education Law, the District shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., 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, including but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format.)

The District will establish and follow a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will received those materials at the same time that they are available to non-disabled students.

F. Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, Education Law §1725 requires that the District will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Documentation: The District will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

G. Environmentally-Sensitive Cleaning and Maintenance Products

The District will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The purchasing agent will consult with the Green Guidelines provided by the OGS.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.

4. Exceptions to Competitive Bidding Requirements

The District will not be subject to competitive bidding requirements when the Board of Education, in its discretion, determines that one of the following situations exists:

A. Emergency situations where:

1. the situation arises out of an accident or unforeseen occurrence or condition;
2. a District building, property, or the life, health, or safety of an individual on District property is affected; or
3. the situation requires immediate action which cannot await competitive bidding

However, when the Board of Education passes a resolution that an emergency situation exists, the District will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The District will maintain records of verbal (or written) quotes, as appropriate;

- B. when the District purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the state.

Documentation: The District will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

- C. when the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from producers or growers. The amount expended in any fiscal year by the District may not exceed an amount equal to fifteen cents multiplied by the number of days in the school year multiplied by the total enrollment of the District.

Documentation: The District will maintain documentation consistent with §114.3 of the Regulations of the Commissioner of Education;

- D. when the Board of Education separately purchases milk directly from licensed milk processors employing less than forty (40) people. The amount expended in any fiscal year by the district may not exceed an amount equal to twenty five (25) cents multiplied by the number of days in the school year multiplied by the total enrollment of the District or exceed the current market price.

Documentation: The District will maintain documentation consistent with §114.4 of the Regulations of the Commissioner of Education;

- E. when the District purchases goods, supplies and services from municipal hospitals under joint contracts and arrangements entered into pursuant to §2803-a of the Public Health Law.

Documentation: The District will maintain the legal authorization, Board of Education authorization and market price comparisons; or

- F. when there is only one possible source from which to procure goods or services required in the public interest.

Documentation: The District will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

- G. When the district purchases professional services that require special skill or training, such as but not limited to audit, medical, legal or insurance services or property appraisals.

Documentation: The District will keep proper documentation in accordance with policy 6741.

5. Quotes When Competitive Bidding Not Required

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 interest of the taxpayers. Alternative proposals or quotations will be secured by RFP, written or verbal quotations or any other appropriate method of procurement, as set forth below.

A. Methods of Documentation

1. Verbal quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. Written or verbal quotation forms will serve as documentation if formal bidding is not required.
3. RFP: the district will utilize RFPs to engage professional services providers in accordance with policy 6741.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained

The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective matter possible:

1. Purchase Contracts up to \$20,000
 - a. Contracts from \$100 to \$1,000: Verbal quotes at the discretion of the Purchasing Agent. Documentation will include notations of verbal quotes.
 - b. Contracts in excess of \$1,000 to \$20,000: Written quotes from at least three (3) separate vendors.
2. Public Work Contracts up to \$35,000
 - a. Contracts from \$1,000 to \$2,000: Verbal quotes at the discretion of the Purchasing Agent. Documentation will include notations of verbal quotes.
 - b. Contracts from \$2,000 to \$10,000: Written quotes from three (3) separate vendors

- c. Contracts in excess of \$10,000 to \$35,000 Written quotes from three (3) to five (5) separate vendors

6. Quotes Not Required When Competitive Bidding Not Required

The district will not be required to secure alternative proposals or quotations for those procurements as permitted by state law:

- a. under a county contract;
- b. under a state contract;
- c. under a federal contract;
- d. under a contract of another political subdivision;
- e. of articles manufactured in state correctional institutions; or
- f. from agencies for the blind and severely disabled.

7. Procurements from Other than the “Lowest Responsible Dollar Offeror”

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

8. Internal Control

The Board of Education authorizes the Business office with the assistance of the Purchasing Agent, 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.

All District regulations regarding the procurement processes will be reviewed by the Board of Education at least annually.

The unintentional failure to fully comply with the provisions of General Municipal Law §104-b or the District’s regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the District or any officer or employee of the district.