

REGULATION

Non-Instructional/
Business Operations

5410-R
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Adopted 1.25.2016
Revised 7.9.2018

SUBJECT: PURCHASING REGULATION

All purchases are to be made through the purchasing agent in the Business Office. All purchases shall have the advance authorization of the purchasing agent with requisitions and purchase orders signed by the purchasing agent prior to processing. Changes are not to be made to purchase orders after the purchasing agent has signed. Only the person designated by the Board of Education as purchasing agent may commit the district for a purchase.

Each requisition shall provide an adequate description so the purchasing agent can prepare the specifications to procure expeditiously and economically the desired commodity and/or service. The materials, equipment, supplies and/or services purchased shall be of the quality required to serve the function in a satisfactory manner, as determined by a best value criteria. It is the responsibility of the purchasing agent to make alternate suggestions if, in the judgment of the purchasing agent the specifications restrict competition, or otherwise preclude the most economical purchase of the required item(s).

During the course of the fiscal year, the purchase of similar items over the course of the fiscal year will be reviewed via budgetary code appropriations and vendor reports to determine the necessity for inclusion in the competitive bid process. Appropriate personnel will also review prior years' budgetary expenditures in preparation for the solicitation of competitive bids as necessary.

In accordance with the State Education Department Purchasing Handbook and the New York State Comptrollers Uniform System of Accounts, the district utilizes encumbrance based accounting which functions through the issuance of a requisition/purchase order. Prior to placing an order for goods or services, a requisition must be prepared, approved by the appropriate building principal or supervisor, and submitted to the purchasing agent for review and authorization. The accounts payable clerk will be responsible for placing orders with vendors as directed by the authorized requisition/purchase order.

The purchasing agent is charged to pursue the best possible price for the quality desired by investigating any/all of the following sources within the scope of the thresholds established within this document:

- a) The manufacturer's quotation department
- b) Federal contracts
- c) State contracts
- d) County contracts
- e) BOCES bids
- f) Local discount arrangements, or piggybacking
- g) Multiple quotations if when required
- h) Regional, state or national cooperative bidding

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SUBJECT: PURCHASING REGULATION (Cont'd.)

1. For contracts for purchase of goods and services or public works under \$6,000, no quotations are required.
2. For the purchase of goods and services in amounts \$6,000 or above, but under \$12,000, at least two (2) written quotations will be sought.
3. For the purchase of goods and services in amounts \$12,000 or above, but under \$20,000, at least three (3) written quotations will be sought.
4. For public works projects and associated services costing at \$6,000 or above, but under \$20,000 at least two (2) written quotations will be sought.
5. For public works projects and associated services with a cost of \$20,000 or above, but not exceeding \$34,999, at least three (3) written quotations will be sought.
6. Purchase contracts under General Municipal Law §103 and with a value of \$20,000 or more; and contracts for public works with a value of \$35,000 or more must be competitively bid.
7. Should a contract be awarded to other than the lowest responsible dollar offered, justification and documentation must detail the reasons such an award furthers the purposes of §104-B of the General Municipal Law. As a general rule, a decision about how to declare an acquisition, a purchase, or public work will be made with the predominant portion of the expense determining whether it is a public work, or a purchase.
8. Solicitation for vendor quotation and/or receipt of vendor quotations under this policy shall not apply to any of the following:
 - a) When there is only one possible source from which to procure goods, or services required in the public interest,
 - c) Sole source public works (projects and services); in the case of a sole source, verification must be documented that the item is required in the public interest and is in fact available from only one source,
 - d) Emergency procurement, see below,
 - e) Standardization for reasons of efficiency or economy for a particular type or kind of equipment, material, supplies or services in excess of the monetary threshold fixed for purchase contracts; when the purchase of goods or procurement of public work projects and services for which the Board of Education has, by a resolution by a vote of at least three fifths of all the members, established a need and authorization for standardization as provided by General Municipal Law §103.5,

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- f) When the district purchases surplus, or secondhand supplies, materials, or equipment from the federal, state, or any other political subdivision, or public benefit corporation within NYS.
- 9. Emergency Procurement - The district will not be subject to competitive bidding requirements when the Board of Education faces an emergency situation as defined under General Municipal Law Section §103.4. Where time is a crucial factor as determined by the Board of Education, or its designee where:
 - a. the situation arises out of an accident or unforeseen occurrence or condition;
 - b. a district building, property, or the life, health, or safety of an individual on district property is affected; or
 - c. the situation requires immediate action which cannot await competitive bidding.
- 10. Written solicitation and written quotations required by this policy shall be forwarded to the purchasing agent when the requisition is submitted and retained in the district purchasing records.
- 11. The purchasing agent may, with respect to any particular quoted purchase, require appropriate security from vendors.
- 12. The purchasing policy shall be reviewed annually by the Board of Education of the Westhill Central School District as required by NYS General Municipal Law §104-b.4. This will be done at the annual re-organizational meeting.
- 13. The unintentional failure to fully comply with the provisions of NYS General Municipal Law §104-b.4 or the Board's policies and procedures, shall not be grounds to void action or give rise to a cause of action against the District, or any employee thereof.
- 14. All contracts that require public advertising and competitive bidding shall be awarded by the Board of Education by resolution. Recommendations for all such awards shall be submitted by the Superintendent of Schools to the Board of Education.
- 15. The purchasing agent, or in the absence of the purchasing agent, the Superintendent of Schools or designee shall be authorized to open and record bids pursuant to law.
- 16. The purchasing agent is authorized to issue purchase orders without prior approval of the Board of Education where law does not require formal bidding procedures and when budget appropriations are adequate to cover such obligations.

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SUBJECT: PURCHASING REGULATION (Cont'd.)

17. Opportunities shall be afforded to all responsible bidders to do business with the school district. Bidders whose place of business is situated within the school 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.
18. A statement of general conditions (identified as Instructions to Bidders), as approved by the Board of Education, shall be included with all specifications to suppliers for their bids. These Instructions to Bidders shall be incorporated in all contracts awarded for the purchase of materials, equipment, and supplies, or designated services.
19. The purchasing agent shall develop and maintain lists of potential vendors and bidders for the various goods and services required by the District. Such lists shall be used to develop mailing lists for the distribution of specifications and invitations to bid. Any supplier may be included in the listing upon request except that no bid request shall be sent to, nor shall it be picked up by, any supplier who is in arrears to the District, or who is in default, as surety or otherwise, upon any obligation to this school system; nor shall a bid be considered from any supplier or contractor whose performance on any previous contract with the school system has been found to be unsatisfactory to the Board of Education.

PURCHASING EXHIBIT

PURCHASE CONTRACTS

	<u>Verbal Quotes</u>	<u>Written Quotes¹</u>	<u>Competitive Bid</u>
<\$6,000	None	None	
\$ 6,000 - \$11,999		Two	
\$12,000 - \$19,999		Three	
>\$20,000			Required

PUBLIC WORKS CONTRACTS

	<u>Verbal Quotes</u>	<u>Written Quotes¹</u>	<u>Competitive Bid</u>
<\$6,000	None	None	
\$ 6,000 - \$19,999		Two	
\$20,000 - \$34,999		Three	
>\$35,000			Required

¹All written quotations shall be submitted with the requisition.

RE: Education Law §305(14); 1709(9)(14)(22)
General Municipal Law §102; 103; 104-b; 109-a; 800 et seq.
8 NYCRR §114.3; 114.4; 170.2