

OSSINING PUBLIC LIBRARY PURCHASING POLICY

It is the goal of the Board of Trustees to purchase competitively, without prejudice or favoritism, and to seek the maximum value for every dollar spent. Competitive bids or quotations shall be solicited in connection with purchases, pursuant to law.

Goods and services which are not required by law to be procured by the library 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.

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

1. To effectively supply all departments in the library 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 Director in cooperation with the requisitioning authority;
3. To promote efficiency by standardizing, to the extent allowed by law, the purchase of particular types or kinds of equipment, materials or supplies;
4. To ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the goals and programs of the library;
5. To maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
6. To ensure, through the use of proper internal controls, that loss and/or diversion of library property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the library. Suppliers whose place of business is situated within the library's chartered service area may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors.

PURCHASING PROCEDURES

The General Municipal Law requires that *purchase contracts* for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 during the fiscal year and *public work contracts* involving an expenditure of more than \$35,000 during the fiscal year 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 contract means a contract involving the acquisition of goods, as for example, equipment, materials, and/or supplies. *Public work* contract means a contract involving services, labor and/or construction.

I. Competitive Bidding Required

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

1. The Director 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 library will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.
3. The Director will also determine whether any exceptions to the competitive bidding requirements (as set forth in II. Quotes When Competitive Bidding Not Required) exist.

B. Contracts Combining *Public Work* with a *Purchase Contract* and/or Procurement of *Professional Services*

In the event that a contract combines elements of a *public work* contract with a *purchase contract*, the Director shall determine the applicable monetary threshold for competitive bidding by examining the total character of the transaction(s) and evaluating whether the *public work* or the purchase of goods is the central or predominant purpose of the contract. Similarly, in the event that a contract combines the provision of *professional services* with a *purchase contract* and/or a contract for *public work*, the Director, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the *professional service*, *purchase contract* or *public work* is the predominant part of the transaction.

II. Purchases/Procurements that are Not Subject to Competitive Bidding Requirements

Competitive bidding, as set forth in General Municipal Law, section 103, is not required where purchases/procurements are made in the following situations:

1. Emergency situations where:
 - a) The situation arises out of an accident or unforeseen occurrence or condition;
 - b) The building, property, or the life, health, or safety of an individual on library property is affected; or
 - c) The situation requires immediate action which cannot await competitive bidding.

The Director will inform the Board President of an emergency situation. The Board President will get a consensus from the Board to move forward on an emergency situation. At the next Board meeting the Board will pass a resolution formally

acknowledging the emergency. However, when the Board first agrees that an emergency situation exists, the Director, or the purchasing agent for the library, will make purchases at the lowest possible cost, seeking competition by informal solicitation of quotes or otherwise, to the extent practical under the circumstances.

2. When the library 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.

3. Where bidding thresholds are not met:

Purchases of goods and/or services that are not reasonably expected, alone or in the aggregate, during the fiscal year, to exceed the monetary thresholds after which competitive bidding is required (as set forth above).

4. Qualified purchases pursuant to federal, state and county contracts –

5. Preferred source providers:

When available from a preferred source provider, goods must be purchased from the preferred source provider, without soliciting bids from other sources.

6. *Professional services* contracts:

Generally, contracts that fall within the *professional services* exception to competitive bidding involve specialized expertise, use of professional judgment, or a high degree of creativity in the performance of the contract. *Professional services* include, but are not limited to: legal services, medical services, property appraisals, engineering and architectural services; investment management; and auditing.

7. Sole source provider:

Only applicable, under very limited circumstances, when there is no substantial equivalent to particular goods or services that uniquely serve the public's interest, and such goods or services are known to only be available from a single source.

8. Cooperative Purchasing:

The library shall not be required to separately and independently solicit competitive bids for purchases made through available cooperative BOCES bids, state contracts of the Office of General Services, or county contracts, in accordance with law.

III. Quotes When Competitive Bidding Not Required

A. Methods of Competition for Contracts that Not Subject to Competitive Bidding

Goods and services which are not required by law to be procured by the library 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. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

Written or verbal quotations, as set forth below, will serve as documentation if formal bidding is not required.

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, and name of vendor's representative.

Written Quotations: vendors will provide, at a minimum, the date, description of the item of details of service to be provided, price quoted, and name of contact.

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

1. *Purchase Contracts* up to \$20,000

- a) Contracts from \$1 to \$2,000: At the discretion of the Director
- b) Contracts in excess of \$2,000 up to \$5,000: Verbal quotes from at least three separate vendors (if available). Documentation will include notations of verbal quotes. Approval will be at the discretion of the Director.
- c) Contracts in excess of \$5,000 up to \$20,000: Formal written quotes from at least three separate vendors (if available). Approval will be at the discretion of the Board of Trustees.
- d) Contracts in excess of \$20,000: Sealed bids in accordance with General Municipal Law, Section 103.

2. *Public Work Contracts* up to \$35,000

- a) Contracts from \$1 to \$5,000: At the discretion of the Director
- b) Contracts in excess of \$5,000 up to \$35,000: Formal written quotes from at least three separate vendors (if available). Approval will be at the discretion of the Board of Trustees.
- c) Contracts in excess of \$35,000: Sealed bids in accordance with Municipal Law, Section 103.

3. *Professional Services Contracts*

Requests for proposals (RFPs) shall be solicited for professional services contracts in excess of \$10,000. Approval will be at the discretion of the Board of Trustees. In reviewing proposals to provide professional services to the library, the library Director and shall consider the following factors:

1. the suitability of the individual, firm or other professional service provider for the library's needs;
2. the special knowledge or expertise of the individual, firm or other professional service provider;
3. the credentials, including but not limited to applicable licensure, of the professional service provider and/or the provider's agents and employees;
4. the quality of the service provided by the individual, firm or other professional service provider; and
5. cost.

The Board reserves the right, in its sole discretion, to dispense with the solicitation of requests for proposals for professional services in a particular situation or circumstance if the Board determines that this is in the best interest of the library.

IV. Conflicts of Interest Prohibited

No Board member or any other officer or employee of the library shall have an interest in any contract entered into by the library that is prohibited by Article 18 of the General Municipal Law. Any Board member or other officer or employee of the library who has, or acquires, an "interest" in a contract with the library (regardless of whether the interest is a "prohibited" interest) shall disclose the interest to the library Director and to the library Board in accordance with Article 18 of the General Municipal Law.

V. Compliance with Law and Policy

Library officers and employees shall endeavor in good faith and with due diligence to comply with this policy, other applicable library policies, and with the provisions of Article 18 of the General Municipal Law pertaining to competitive bidding and the procurement of goods and services. The failure to comply with or the library's policies and/or applicable law regarding procurement may constitute grounds for discipline, up to and including termination, in accordance with applicable law.

The unintentional failure to fully comply with the provisions of section 104-b of the New York General Municipal Law pertaining to the procurement of goods and services that are not subject to competitive bidding will not be grounds to void action taken nor give rise to a cause of action against the library or any officer or employee of the library.

VI. Annual Policy Review

The library Board shall review this policy annually in consultation with the Library Director.

DRAFT Policy and Regulation, August 13, 2013
REVISED Policy and Regulations, April 26, 2016
Second reading and approval by BOT: June 27, 2016