

SUBJECT: PURCHASING – COMPETITIVE BIDDING/OFFERING

The purpose of obtaining bids or quotations is to encourage competition in the procurement of supplies, equipment and services, which will be paid for from public funds. Competitive bids for quotations shall be solicited in connection with all purchases whenever feasible and in the best interest of the District.

Except as otherwise provided by law, all contracts for public work involving an expenditure of more than twenty thousand dollars (\$20,000) and all purchase contracts involving an expenditure of more than thirty thousand (\$35,000) shall be awarded by the District to the lowest responsible bidder furnishing the required security after advertisements for sealed bids. However, the District may, in its discretion, award purchase contracts on the basis of “best value” to a responsive and responsible bidder or offerer provided the Board of Education has authorized such action by rule, regulation or resolution adopted at a public meeting.

No bid or offer shall be accepted that does not conform to specifications furnished unless such specifications are waived by Board action. The District may, in its discretion, reject all bids or offers and re-advertise for new bids or offers in a manner consistent with New York State Law.

All contracts requiring public advertising and competitive bidding or offering will be awarded by resolution of the Board. Recommendations for the award of such contracts shall be forwarded by the Purchasing Agent to the Business Official for his/her review. If approved, recommendations for award shall be submitted to the Board.

ACCEPTABLE PROCUREMENT METHODOLOGIES:

The District will utilize one of the five acceptable procurement methodologies, which include:

1. Micro Purchases (.99 to \$999);
2. Small Purchase Procedures (\$1,000 to \$20,000);
3. Sealed Bids;
4. Competitive Proposals;
5. Non-Competitive Proposals (Sole Source).

SUBJECT: PURCHASING – COMPETITIVE BIDDING/OFFERING**PROCEDURES FOR DETERMINING WHAT IS SUBJECT TO BIDDING OR OFFERING**

Whether the procurement of goods and services is subject to competitive bidding or offering is determined by the following criteria:

1. The Board will award all purchase contracts for supplies, materials and equipment involving expenditures in excess of \$20,000, and all contracts for public works in excess of \$35,000 to the lowest responsible bidder after advertising for public sealed bids. However, the District may, in its discretion, award purchase contracts on the basis of “best value.”
2. When a contract involves acquisition of both goods and services, a judgment must be made as to the primary purpose of the contract. If the services are minor, incidental or customarily provide the vendor in connection with the goods purchased, the contract should be viewed as a purchase contract. If the service component is extensive or predominant or involve special skills, the contract should be treated as one for public works.
3. In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a “reasonable commodity grouping”) must be considered.

Additionally, in determining whether the dollar requirements have been reached, allowances for any trade-in related to the purchase must be treated as expenditure; the estimated gross cost of the item is controlling. Net cost is relevant only to the determination of the low bid.

EXCEPTIONS TO COMPETITIVE BIDDING OR OFFERING

When procurement is accomplished through the following sources, or through other legally permissible means, the competitive bidding or offering procedure requirements listed above are not required.

1. Under State Contract or County Contract;
2. From State Correctional Institutions (Correctional Law Sections 184 and 186);
3. From State Agencies for the blind and severely disabled (State Finance Law-Section 175-B);
4. Directly from producers or growers of eggs, livestock, fish, and dairy product (other than milk), juice, grains, or species of fresh fruit and vegetables;
5. Directly from licensed milk processors employing less than forty (40) people;
6. Emergencies;
7. Sole source, professional services, true leases and insurance;
8. Second-hand equipment from another government agency;
9. By “piggybacking” on contracts let by the United States or any agency thereof, any state, and any county, political sub-division or district of any state.

SUBJECT: PURCHASING -- COMPETITIVE BIDDING/OFFERING**APPAREL AND SPORTS EQUIPMENT PURCHASES**

In purchasing apparel and sports equipment, the Board of Education will only accept bids from “responsible bidders.” A determination that a bidder on a contract for the purchase of apparel or sports equipment is not a “responsible bidder” shall be based upon either or both of the following considerations:

1. The labor standards applicable to the manufacture of the apparel or sport equipment including, but not limited to, employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
2. 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.

STANDARDIZATION

Upon the adoption of a standardization resolution by a vote of at least three-fifths (3/5) of all Board members, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand dollars (\$20,000) may be awarded by the Board to the lowest responsible bidder or offerer furnishing the required security after advertisement for sealed bids in the manner provided by the law. Such resolution must state that, for reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standard resolution, the District may provide in its specifications for a particular make or brand to the exclusion of others.

Items that are commonly used in various schools shall be standardized whenever consistent with the educational goals and in the interest of efficiency and economy.

BEST VALUE

Effective January 27, 2012, General Municipal Law (GML) Section 103 was amended to permit a school district or BOCES to award purchase contracts in excess of twenty-thousand dollars (\$20,000) on the basis of “best value,” rather than on the basis of the lowest responsible bid. The Board of Education must adopt a resolution at a public meeting authorizing the award of bids based on “best value.” The Board of Education may also approve “best value” bid award recommendations on an individual bid basis at a scheduled public meeting. A best value award is one that optimizes quality, cost, and efficiency, typically applies to complex services and technology contracts and is quantifiable whenever possible.

SUBJECT: PURCHASING -- COMPETITIVE BIDDING/OFFERING**PIGGYBACKING LAW – EXCEPTION TO COMPETITIVE BIDDING**

On August 1, 2012, General Municipal Law (GML) Section 103 was amended to allow school districts to purchase certain goods and services (apparatus, materials, equipment and supplies) through the use of contracts let by the United States or any agency thereof, any state, any county, political sub-division or district of any state. The amendment authorizes school districts and BOCES to “piggyback” on contracts let by outside governmental agencies in a manner that constitutes competitive bidding “consistent with state law.” As such, the District may, in its discretion, purchase certain goods and services (apparatus, materials, equipment and supplies) at costs through the use of contracts let by the United States or any agency thereof, any state, any county, and political sub-division or district of any state.

This method of procurement is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political sub-division or district therein;
- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State Law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

DETERMINING CONSISTENCY WITH GENERAL MUNICIPAL LAW SECTION 103

The District is permitted to purchase certain goods and services through the use of contracts let by the United States or any agency thereof, any state, any county, and political sub-division or district of any state, provided such contracts have been made available for use by other governmental entities and have been let to the lowest responsible bidder or on the basis of the “best value” in a manner consistent with General Municipal Law Section 103. A contract will be considered let in a manner consistent with General Municipal Law Section 103 if:

1. There was a public solicitation for bids or offers;
2. Sufficient procedures, such as the submission of sealed bids or offers, were used to secure and preserve the integrity and confidentiality of the process;
3. Specifications, or similar documents providing a common standard for bidders or offerers to compete fairly, were prepared in advance of the submission of bids or offers;
4. The contract was awarded to the lowest possible bidder or on the basis of “best value.”

Adopted: 07/05/2005

Amended: 06/15/2016

Amended: 11/28/2018