

**PURCHASING POLICIES
AND
PROCEDURES**

PURCHASING - INTRODUCTION/CONTENTS

Purchasing is a very critical and complex function regulated by State law, court decisions and the Harpursville Central School District Board of Education policy. The obvious goal of the purchasing function is to secure materials and services of the right quality and in the right quantity, to the right place at the right time for the lowest possible price, all within the regulations that govern the purchasing function. Sometimes, however, the elements of this goal contradict with one another. The individuals identified below will work with you to best try to meet your needs within the regulations that govern the purchasing function.

Our Board has assigned primary responsibility for the purchasing function to:

Purchasing Agent – John Read
Deputy Purchasing Agent – Tracy Baker

Your primary contact for purchasing-related questions is:

John Read (786-8554 ext. 2241)

John Read is located at the Central Business Office.

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HARPURSVILLE CENTRAL SCHOOL DISTRICT PURCHASING POLICY

Principles

The Board of Education policy is to purchase competitively without prejudice and to seek maximum education value of every dollar expended.

Purchasing procedures employed shall comply with all applicable laws and regulations of the State and the Commissioner of Education.

All contracts, which require public advertising and competitive bid, shall be awarded by resolution of the Board.

Pursuant to the General Municipal Law no Board member, officer, or employee of the School District or their families will have a financial interest in any contract entered into by the Board. This will also preclude acceptance of any gratuities, financial or otherwise, by the above persons, from any supplier of materials or services to the District.

Purchasing Authority

At its annual reorganization meeting the School Board names a purchasing agent who can then commit the district to purchase orders. The purchasing agent reviews and approves purchase orders, develops and implements purchasing procedures, directs the record keeping, evaluates the purchasing operation and trains staff about purchasing.

Emergency Purchases - The purchasing agent may authorize purchases within the approved budget as required by emergencies as legally permitted without bidding. The purchasing agent and in his/her absence the deputy purchasing agent are the only persons authorized to sign purchase orders except in the case of emergency when the Superintendent shall also be authorized.

Public Bidding

The purchasing agent determines whether formal competitive (public) bidding is required. The purchasing agent may follow the public-bidding procedures of General Municipal Law 103 even when bidding is not required.

A statement of general conditions, as approved by the Board of Education, shall be included with all bid specifications. These general conditions shall be incorporated into all contracts awarded for the purchase of materials, equipment and supplies.

Bid Award

The bid must be awarded to the lowest bidder unless one or both of the following apply:

The bidder is not responsible. This includes but is not limited to the following: delivery experience, poor quality, packaging restrictions, etc.

The bid is not responsive (It takes exceptions to the District's terms, conditions and specifications and thus would not be in the best interest of the District.)

If an award is made to other than the low bidder, the Board resolution must document the specific reasons.

Exceptions to Bidding

Documentation must be prepared setting forth the reasons whenever it is determined competitive bidding is not required. Without public bidding and regardless of the total cost per year, the purchasing agent may purchase from:

- County contracts
- State contracts
- State correctional institutions, and
- Agencies for the blind and severely disabled,
- Or as otherwise permitted by law

If the purchase does not fall into a class of similar items or services whose purchases total at least \$20,000 per year for purchase contracts (or \$35,000 per year for public works contracts), no public bidding is necessary but quotations should be solicited for items or services.

Sole Source - The purchasing agent may authorize a vendor as a sole source if, in fact, it is the only known source for the item/service, if the item/service provided by the vendor is required for the proper and efficient operation of the District, if there is no reasonable equivalent item/service to that requested, and if the cost of the item/service is reasonable considering the benefits to the District of using the item/service.

Professional Services - The procurement of professional services are exempt from public bidding requirements if it would be in the best interest of the District to continue an existing professional service. Additionally, professional services are excepted if the vendor will provide personal services to the School District and the individuals who will provide these services have special qualifications to provide these services such as licenses, education, technical skills, training or expertise, and that the nature of the services provided requires a unique or confidential relationship with the District and that the cost of the item/service is reasonable considering the benefits to the District of using the item/service.

Local Purchasing

It is the intention of the Board of Education to purchase materials and supplies of quality at the lowest possible cost through widespread competition. If all other conditions are equal, purchases will be made from local merchants.

Cooperative Purchasing

The Board of Education will consider participation in cooperative bidding/purchases with other school districts, BOCES or other governmental agencies whenever feasible and legal for the various needs of the District.

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 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.

"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, and any county, political subdivision 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."

This "piggybacking" 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 subdivision 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 and is not in conflict with other New York State laws.

The "piggybacking" amendment and the "best value" amendment may not be combined to authorize a municipality to "piggyback" onto a cooperative contract which was awarded on the basis of "best value." In other words, while a school district or BOCES may authorize the award of contracts on the basis of "best value", it may not "piggyback" onto a purchasing contract awarded by another agency on the basis of "best value."

Procedures

Procedures consistent with law and with this policy shall be established.

Input from Staff

Prior to their adoption, and annually, comments concerning this policy and procedures will be solicited from staff that is involved in the purchasing process.

Annual Review

The Board of Education must review this policy as part of the Board's annual reorganization. The policy is considered a continuing policy unless modified by Board resolution.

Unintentional Failure to Comply

Unintentional failure to comply with General Municipal Law 104-b is not grounds to void action taken, neither can it give rise to a cause of action against the District or any of its employees.

Alternative Formats

When purchasing instructional materials, the District shall give preference to those vendors who demonstrate or affirm that the instructional materials can be provided to the district in alternative formats as required by General Municipal Law, Sections 103 (1) (5) and 104-b.

BOARD APPROVALS

The Board of Education approves all contracts and many other purchasing-related actions. In particular, Board approval is required for:

1. Authorization to solicit cooperative bids for items/materials
2. Authorization to participate in cooperative bids
3. Bid awards
4. Installment purchase agreements
5. Agreements and contracts for software, maintenance, etc. (See the procedure titled "Approval of Agreements and Contracts." (page 6) .

The Board of Education must approve many purchasing-related actions based on resolutions and/or other attachments to the agendas for their meetings. All contracts which require public advertising and competitive bidding shall be awarded by resolution of the Board. Recommendations for the award of all such contracts shall be submitted to the Board (through the Purchasing Agent) by the Superintendent or his/her official designee.

All actions requested by department personnel that are purchasing-related must have the approval of the respective department director/chairperson, Superintendent or his/her official designee, and the Purchasing Agent prior to preparation for Board approval. If concurrence is reached by all three areas, the resolution will be prepared and forwarded to the district clerk for inclusion into the Board's Agenda for approval.

If you have any questions, please contact the Purchasing Agent at 786-8554.

APPROVAL OF AGREEMENTS AND CONTRACTS

The Board of Education must approve all contracts, and any maintenance, software or other agreements that require an official District signature. Directors and Coordinators are responsible for submitting contracts and agreements to the Purchasing Agent along with any supporting documentation.

BIDDING REQUIREMENTS

State law and Harpursville Central School District Board of Education policy require competitive bidding whenever:

- The District anticipates purchasing \$20,000 or more in a group of similar items or services (called a commodity group)

Exceptions to the bidding process include the following circumstances:

- Cost of item and total commodity group under \$20,000/ year (See Quotation Process).
- The purchase is from a Contract resulting from a bid by the Purchasing Department or another division
- The purchase is from a cooperative bid in which the District was a participant
- The purchase is from a county contract (Broome or Tioga County)

- The purchase is from a state contract
- The purchase is from a state correctional institution
- The purchase is from an agency for the blind or severely handicapped
- The Sole Source Designation Process applies (see page 12)
- The Professional Services Designation Form applies (see page 14)

If your division must prepare a competitive public bid, contact the Purchasing Agent for samples, assistance and the timetable.

* Note: This may not be an all-inclusive list, but it covers the items most frequently encountered.

QUOTATION/NON-PUBLIC BID PROCESS

State law and the Harpursville Central School District Board of Education policy permit the purchase of supplies, goods, services and public works without going through the public bidding process when the cost of acquisition falls below the public bidding limits and the acquisition does not otherwise fall in a class of similar items or services which are purchased during the year which are subject to the public bidding limits (\$20,000/year for purchase contracts and \$35,000/year for public works contracts).

- **If the District plans to purchase less than \$20,000 of a group of similar items in the current year, then bidding is not required by law.**

When purchases do not require public bidding, quotations are required as follows:

1. Purchase order total \$1 to \$999 - at least one (1) quotation required. Multiple quotations are recommended for orders over \$100.
2. Purchase order total \$1,000 - \$ 4,999 at least three (3) written or verbal quotations should be solicited and shall be recorded on forms provided by the district.
3. Purchase order total \$5,000 - \$ 9,999 at least three (3) preferably five (5) written quotations should be solicited and shall be recorded on forms provided by the district.
4. Purchase order total of \$10,000-19,999 a minimum of five (5) written quotations or preferably a formal "Request for Quote" conducted by the Purchasing Department, should be solicited and shall be recorded by the district.

HARPURSVILLE CENTRAL SCHOOL DISTRICT

P.O. Box 147
Harpursville, NY 13787

Verbal Quotation Data Form

Date _____

Vendor Name _____

Address _____

Contact Person _____

Vendor Phone# _____

Vendor FAX # _____

Description of items or services desired: Price per Unit:

Total Price _____

Delivery Charge? _____

Quote requested by: _____

DO NOT USE FOR ORDERING - THIS IS A REQUEST FOR QUOTATION ONLY

HARPURSVILLE CENTRAL SCHOOL DISTRICT

VERBAL QUOTE REQUEST FORM FOR ITEMS \$1.00 TO \$4999.99

ITEM DESCRIPTION: _____

1. VENDOR NAME: _____

ITEM P/N: _____

PRICE: _____

DATE QUOTED: _____

2. VENDOR NAME: _____

ITEM P/N: _____

PRICE: _____

DATE QUOTED: _____

3. VENDOR NAME: _____

ITEM P/N: _____

PRICE: _____

DATE QUOTED: _____

SIGNATURE: _____

HARPURSVILLE CENTRAL SCHOOL DISTRICT

P.O. Box 147
Harpursville, NY 13787

Written Quotation Data Form

To: _____

From: Purchasing Agent
Harpursville Central School District
PO Box 147
Harpursville, NY 13787

Date: _____

The Harpursville Central School District is requesting a written quotation from your company on the following item(s) and/or services:

Please return this written quotation by mail (to the above address) or by FAX to (607-693-1480)

_____ on or before _____.

Description of items or services Price per Unit

Delivery charges: _____

Contact person: _____

Vendor Telephone Number: _____

Quote prepared by: _____

Signature: _____

DO NOT USE FOR ORDERING - THIS IS A REQUEST FOR QUOTATION ONLY

Purchase Orders

Purchases of all equipment, supplies and services must be made using a Purchase Order Form. Every purchase order must reference the Basis of Order (e.g. an existing contract or a quotation). The Quotation Form must be submitted with each order where multiple quotations were solicited, along with any written quotations received.

Requisitions begin the purchase order process and shall be completed and forwarded through the Nvision Financial System to the Purchasing Agent, who shall review the order to insure that it is complete, that the items/services are appropriate, that the public bidding requirements have been met, and that competitive quotations were obtained as outlined above. The Purchasing Agent may accept and approve, modify or reject any standard Purchase Order request based upon this review. Once requisitions are approved by the Purchasing Agent, Purchase Orders will be forwarded to the vendor. Purchase Orders that do not adhere to policy/procedures will be returned to the requesting division.

Sole Source Designation Process

State law and District policy permits waiving of public bidding or the standard quotation process for purchases from a sole source vendor. However, prior to issuing a sole source purchase order, the District Purchasing Agent will need an approved Sole Source Designation form for the vendor.

A sole source designation links one unique vendor to a particular item or service. A sole source situation does not exist if more than one vendor supplies the desired item or service.

There are two criteria, which must be met in order for a Sole Source Designation to be approved:

1. A department head must certify that the item or service is required for the proper and efficient operation of the District, that there are no known alternate equivalent item/service to those requested, and that the cost of the item/service is reasonable considering the benefits to the District of using the item/service.
2. There must be documentation that the desired item or service can only be obtained from one vendor. There are four possible reasons for this:
 - a. Vendor has a sole or protected distributorship in the area so that other vendors do not compete.
 - b. The originating company has no distributors and only sells its products directly to the end user.
 - c. The vendor who supplied an item must continue to provide maintenance in order to protect warranties.
 - d. The vendor is the only one in the area certified by the manufacturer to provide maintenance/warranty service on District equipment already purchased.

The District can document that only one vendor can supply the item or service in one of two ways. First, and most common, is written verification from the vendor that one of the conditions listed above exists. The District can solicit documentation from a vendor by using a Sole Source Information Request letter. Second, if the District is unable to get a vendor to submit sole source information, the requesting department can submit a statement that after a reasonable number of attempts at seeking competition, only one vendor has submitted bids. Thus, the apparent lack of competition demonstrates the market-based recognition of a de-facto sole source situation.

The sole source designation is initiated by a department by using the Sole Source Designation form. It is forwarded, along with the purchase order, to the Purchasing Agent.

SOLE SOURCE DESIGNATION

I request a Sole Source Designation for the company/vendor shown below. The item/service listed below is required for the proper and efficient operation of the Harpursville Central School District, and the cost of the item/service is reasonable considering the benefits to the District of using the item/service. To the best of my knowledge, the referenced company/vendor is the only source for the specific item/service listed below, and there is no alternate equivalent item/service to those listed below.

Vendor Name: _____

Address: _____

Telephone: _____

Specific Item/Service Provided: (list all - use separate sheet if necessary)

1. _____

2. _____

3. _____

4. _____

Check reason for Sole Source Designation:

- 1. Vendor has a sole or protected distributorship in the area so that other vendors do not compete.
- 2. The originating company has no distributors and only sells its products directly to the end user.
- 3. The vendor who supplied an item must continue to provide maintenance in order to protect warranties.
- 4. The vendor is the only one in the area certified by the manufacturer to provide maintenance/warranty service on District equipment already purchased.

Attach supporting documentation for this request, either a letter of verification from the vendor or company, or a memo outlining the inability to obtain bids from any other vendors.

Submit this completed form to the Harpursville Central School District Purchasing Agent.

REQUESTED BY: _____

Department Director/Chairperson

Date

Reviewed and Approved: _____

Purchasing Agent

Date

PROFESSIONAL SERVICES DESIGNATION

I request that the following services be obtained as professional services, and thus not subject to public bidding requirements. It is my opinion that the services identified below are required for the proper and efficient operation of the Harpursville Central School District, and the cost of the services is reasonable considering the benefits to the District of using the services.

Description of Services:

Proposed Vendor:

Name: _____

Address: _____

Has this vendor previously done work for the District: Yes _____ No _____ Don't Know _____

I certify that the proposed vendor will provide personal services to the Harpursville Central School District, that the individuals who will provide these services have special qualifications to provide these services, such as licenses, education, technical skills, training or expertise, and that the nature of the services provided requires a unique or confidential relationship with the District.

I further certify that any purchases of items, which may be provided to the District in conjunction with the provision of such services, are incidental to the total cost of the services provided, and cannot be reasonably obtained separately through standard purchasing procedures. Items, which I anticipate obtaining as part of the professional services, are:

Description of Items: _____

Submit this completed form to the Harpursville Central School District Purchasing Agent.

REQUESTED BY: _____
Department Director/Chairperson Date

Reviewed and Approved: _____
Purchasing Agent Date

First reading: March 27, 1995
Second reading of amended policy, adoption April 10, 1995
Reviewed: July 29, 1996
Amended: April 8, 2002
Amendment-First Reading: October 22, 2007
Second Reading & Adoption: November 26, 2007
Amendment-First Reading: December 10, 2007
Second Reading & Adoption: January 14, 2008
First Reading of third Amendment: July 13, 2016
Second Reading & Adoption: August 22, 2016