POLICY 103
PROCUREMENT AND PURCHASING

The Board of Trustees views purchasing as serving the Library’s mission by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Director.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum 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 and supplies 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 Library’s purchasing activity will strive to meet the following objectives:

1. to effectively supply all 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 conformance with state law and regulation and in cooperation with the requisitioning Library staff;
3. 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;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. 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. Where permitted by law, purchases may be made by “piggybacking” onto contracts of the New York State Office of General Services (OGS), or other governmental agencies as permitted by law, whenever such purchases are in the best interests of the Library or will result in cost savings to the Library. It is the Library’s responsibility to review each “piggybacking” contract corresponding to a proposed purchase, to ensure the original contract was let in a manner consistent with the requirements of state law. In addition, the Library will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

The Director shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the Library. Such procedures shall comply with all applicable laws and regulations of the state. Only the Director and the Assistant Director are authorized to sign purchase orders. Contracts may be signed by the President or Vice President of the Library Board or another Board Member or by the Library Director when authorized by the Library Board of Trustees.
No Board member, officer or employee of the Library shall have an interest in any contract entered into by the Board or the Library, as provided in Article 18 of the General Municipal Law.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the Library’s policies regarding procurement 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.

**Competitive Bidding**

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

The Library 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.

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 section 165-a of the state finance law.”

**Exceptions to Competitive Bidding**

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);
3. professional services that require special skill or training;
4. purchases such as surplus or second-hand items from governmental entities, certain food and milk items, or goods and services from municipal hospitals; or
5. where the Library is purchasing through (or is “piggybacking” onto) the contract of OGS or other governmental agencies as permitted by law.

**Purchasing When Competitive Bidding Not Required or Monetary Thresholds Not Met**

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 avoid favoritism, improvidence, extravagance, fraud and corruption.
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.

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. For example, with regard to insurance, the Library will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required.

3. Requests for Proposals: the Library will utilize RFP’s to engage professional services providers.

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

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 $100 to $1,000: Make reasonable efforts to obtain three verbal quotes
      Documentation will include notations of verbal quotes.
   b. Contracts in excess of $1,000 to $20,000: Make reasonable efforts to obtain three written quotes

2. Public Work Contracts up to $35,000
   a. Contracts from $1,000 to $10,000: Make reasonable efforts to obtain three verbal quotes
      Documentation will include notations of verbal quotes.
   b. Contracts in excess of $10,000 to $35,000: Make reasonable efforts to obtain three written quotes

Quotes Not Required Under Certain Circumstances

The Library will not be required to secure alternative proposals or quotations for those procurements as permitted by state law as, for example, when purchasing under a contract of OGS or other governmental agency, or involving the purchase of articles manufactured in state correctional institutions, or purchasing from agencies for the blind and severely disabled.
Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)
General Municipal Law §§102; 103; 103-g; 104; 104-b; 109-a; 800 et seq.
State Finance Law §§163; 165-a

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