

# **PROCUREMENT POLICY**

## **I. Purpose**

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure 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. To further these objectives, the governing board is adopting internal policies and procedures governing all procurement of goods and services which are not required to be procured pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law, as follows:

## **II. General**

- A. Only the Library Director, members of the Library's management staff (administration and department supervisors), or another person designated by the Board of Trustees, may commit the Library to make purchases. Further, with the few exceptions described herein and those purchases requiring action to secure immediate safety of employees or the public, all purchases require advanced planning and the adherence to the processes outlined in this policy. Each supervisor, supported by the Library administration, is responsible for securing the required quotes or bids, or investigating alternative suppliers to ensure the most economical purchase of required items. The Library Director shall have the final authority on all resulting purchase decisions.
- B. Materials, equipment, supplies, and services purchased by the Library shall be of a quality and quantity required to serve the functions of the Library in a satisfactory manner. Reasonable efforts will be made to obtain the maximum quality at the lowest possible cost.
- C. Purchases that can be made using New York State approved contract pricing and/or discount programs constitute an exception to local competitive bidding requirements and do not require additional quotes or bids. In the event that a pricing and/or discount program can be found that results in greater cost savings to the Library than a comparable State contract, that pricing and/or discount program may be used.

## **III. Formal Bidding and Documentation**

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

### **A. Procedure:**

All procurement must be examined and categorized as either competitive or non-competitive under General Municipal Law, Section 104-b, General Municipal Law, Section 103, or other applicable sections of law. For example:

**I. Non-Competitive Bidding:**

- a). Purchase under \$10,000.00.
- b). Contract for public work below \$20,000.00.
- c). Articles manufactured in a New York State correctional facility.
- d). Purchases from agencies for the blind or severely handicapped.
- e). Purchases under a County contract.
- f). Purchases under a State contract.
- g). Emergency purchases.
- h). Sole source purchases.
- i). Professional services.
- j). True leases.
- k). Insurance.
- l). Second-hand equipment from another government.

**2. Competitive Bidding:**

- a). Purchase contract of \$10,000.00 or more.
- b). Contracts for public work of \$20,000.00 or more.

**B. Statutory Exceptions From These Policies and Procedures:**

Except for procurement made pursuant to General Municipal Law, Section 103(3) (through county contracts), or section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services may be secured by use of written requests for proposals, written quotations, verbal quotations or any other method or procurement which furthers the purposes of General Municipal Law, Section 104-b.

**C. Adequate Documentation:**

Documentation of actions taken in connection with each such method of procurement is required as follows:

- I. Attached to the purchase documents (i.e. invoices, voucher, bill, etc.) shall be notes of any verbal quotes or copies of any written quotes, any requests for proposals responses, or other proposals, contracts, or other documentation of the non-bid procurement process. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records.

2. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exemption must be made.
3. The purpose of this policy is to assist Guilderland Public Library Administration and Managers to obtain the best value for the Guilderland Public Library, consistent with the stated purpose of this resolution. It is acknowledged that perfect compliance is not always practical. In such cases, consistent with the requirement of GML Section 104, the reasons for any deviations shall be noted with the purchase files.

**D. Awards to Other Than Lowest Responsible Dollar Offerer:**

Whenever any contract is awarded to other than the lowest responsible dollar offerer, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b as set forth herein above shall be documented as follows:

Notations and/or copies of all documents, and notations of verbal or other data justifying why any purchase is made from other than the lowest responsible vendor or contractor submitting a complying quotation or proposal, as being in the best interest of the government unit, shall be included with the purchase records. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records.

**E. Items Excepted From Policies and Procedures by Board:**

The Board sets forth the following circumstances, when/or if types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotes will not be in the best interest of the Guilderland Public Library for:

1. Emergencies or other matters where time is a crucial factor.
2. Procurement for which there is not viable competition (sole source items).
3. Procurement of professional services or services which because of the confidential nature of the services, do not lend themselves to procurement through solicitation.
4. Very small procurement for which solicitations of competition would not be cost effective.

**IV. Annual Review.**

Pursuant to General Municipal Law, Section 104-b(4), the governing board shall annually review this policy. The Director, in consultation with the Treasurer, shall be responsible for conducting an annual evaluation of the internal control structure established to ensure compliance with the procurement policy.

**V. Unintentional Failure to Comply.**

The unintentional failure to comply with the provision of General Municipal Law, Section 104-b, shall not be grounds to void action taken or give rise to a cause of action against the Guilderland Public Library or any officer or employee thereof.

Citations

Adopted: December 8, 2010  
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