

## HALF HOLLOW HILLS COMMUNITY LIBRARY PROCUREMENT POLICY

1. All purchases of goods and contracts for public services shall be made in accordance with the provisions of the New York State General Municipal Law. Every prospective purchase of goods/services must be initially reviewed to determine whether it is a purchase contract or public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can be reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.
2. Except as otherwise provided by law (paragraphs 3a and 3b), all public works contracts in excess of \$35,000 and all purchase contracts in excess of \$20,000 shall be subject to competitive bidding.
  - a. Rejection of a Low Bidder based upon an initial determination that the Low Bidder is not "responsible" within the meaning of the General Municipal Law shall be made following notice to the Low Bidder of the Board's intent to so disqualify him/her and providing the Low Bidder an opportunity to be heard by the Board or its designee on the issue of his/her qualifications.
3. For public works and purchase contracts which fall below the competitive bidding thresholds stated in the aforementioned paragraph "2," the following conditions may apply:
  - a. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions, purchases under New York State, Suffolk County, Town of Babylon/Huntington, or Suffolk Cooperative Library System contracts and surplus and secondhand purchases from another government entity.
  - b. General Municipal Law 103, Subdivision 16, permits political subdivisions "to make purchases ... or to contract for services ... through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein...." Such piggyback contracts may be used if it has been "let in a manner that constitutes competitive bidding consistent with state law, and made available for use by other governmental entities."
  - c. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract or contract number indicating the source which makes the item or service exempt, a memo from the purchase detailing the circumstance which led to an emergency purchase or any other written documentation that is appropriate.
  - d. All goods and services not subject to competitive bidding will be secured by use of written requests for proposals (RFP), written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

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- e. Any questions regarding the applicability of any of these exceptions should be referred to Library Counsel.
4. The following method of purchase will be used when required by this policy in order to achieve the highest savings.

### **Estimated Amount /Purchase Contract**

### **Method**

\$0 to \$1,500	No quotes required
\$1,501 to \$3,000	Written quotes from 2 vendors
\$3,001 to \$10,000	Written quotes from three (3) vendors
\$10,001 to \$20,000	Written RFP (request for proposal) from the Library AND written quotes from 3 vendors
In excess of \$20,000	Subject to competitive bidding requirements per NYS General Municipal Law

### **Estimated Amount /Public Works Contract**

### **Method**

\$0 to \$1,500	No quotes required
\$1,501 to \$3,000	Written quotes from 2 vendors
\$3,001 to \$10,000	Written quotes from 3 vendors
\$10,001 to \$35,000	Written RFP (request for proposal) from the Library AND written quotes from 3 vendors
In excess of \$35,000	Subject to competitive bidding requirements per NYS General Municipal Law

- a. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/email quotes have been requested and the written/email quotes offered.

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- b. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.
  - c. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.
  - d. Whenever possible, the Library shall purchase items made from recycled materials (i.e. manufactured from secondary materials) if the recycled products meet contract specifications and the price of such products is reasonably competitive, as specified in Section 104A, General Municipal Law.
5. Under normal circumstances, contracts shall be awarded to the vendor or contractor with the lowest price quotation deemed responsible. If a vendor/contractor is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.
- a. For purchase contracts in excess of \$20,000 and where it is deemed in the best interests of the Library, the 'best value' analysis may be used as permitted by New York State Finance Law §163. Best Value is defined as “the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small business, certified minority- or women-owned business enterprises as defined in *Executive Law §310(1), (7), (15), (2)* or disabled-veteran-owned business enterprises as defined in *Executive Law 369-h(1)* to be used in evaluation of offers for awarding of contracts for services.”
  - b. Circumstances under which the contract may not be awarded to the lowest responsible vendor or contractor include, but are not limited to:
    - 1. Vendor cannot guarantee delivery of goods or services within the time frame or under the conditions established by the Library;
    - 2. Vendor's or contractor's terms for payment are disadvantageous to the Library, e.g. full payment before commencement of work or delivery of goods;
    - 3. Vendor cannot fully comply with the specifications for goods or services as set forth by the Library;
    - 4. Vendor's warrant for goods or services is deemed inadequate by the Library;
    - 5. Vendor's post-purchase support services are deemed inadequate by the Library.
6. Professional and technical services shall include but not be limited to the following: services of any attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an

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insurance broker; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs or services in substantial modification and customizing of prepackaged software. All professional or technical services contracts shall be reviewed no more than five years after initial agreement was executed.

Pursuant to General Municipal Law Section 104-b (2) (f) the solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances:

- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. In determining whether a service shall fit into this category, the Board of Trustees shall take into consideration the following guidelines:
  1. Whether the services are subject to State licensing or testing requirements.
  2. Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
  3. Whether the services require a personal relationship between the individual and municipal officials.
- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten life, health or safe operation, safety or welfare of Library property or individuals. This section does not preclude alternate proposals if time permits. The Library Board of Trustees shall be made aware of and be given updates regarding the emergency and any purchases or agreements for services rendered as soon as practicable. The Library Director or Assistant Library Director will provide updates as necessary at the next Board of Trustees meeting.
- c. Purchases of surplus and second hand goods from any source. If alternate proposals are required, the Library is precluded from purchasing surplus and second hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
- d. Goods under \$1,500 and public works contracts for less than \$1,500. The time and documentation required to purchase through this policy may be more costly than the item itself and, therefore, not in the best interest of the taxpayer. In addition, it is not likely that such *de minimis* contracts would be awarded based on favoritism.
- e. Sole source suppliers. Competitive bidding is not required in those limited situations when there is only one possible source from which to procure goods or services such as in the case of certain patented goods or services or public utility services. In making a sole source determination the purchaser should document among other

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things the unique benefits of the item to be purchased or service to be rendered and that no other item or service is substantially equivalent and that there is no possibility of competition for the good to be purchased or service to be rendered.

- f. Library Programs and Bus Trips. If it is determined that a service/program/bus trip can only be provided by a 'sole source supplier' or it is not possible to obtain the required number of quotes, this must be documented. Most library programs are unique and the presenter will be considered as a sole source or providing professional services. Whenever possible, library program planners that contract with outside vendors (programmers or bus trip companies) should provide an RFP if the dollar amount reaches the threshold required by the Estimated Amount for a Purchase Contract (see 4.a.).
  - g. Director's Authorization. The Director shall establish procedures for approval of purchases consistent with this policy. The Library Director, or appointed designee, is responsible for signing and maintenance of purchase orders and contracts. The Director may approve purchases and/or written contracts up to \$5,000.00 when necessary for the efficient operation of the library. A purchase or contract that exceeds \$5,000.00 must be presented and ratified by the Library Board of Trustees for their approval at an open meeting, notwithstanding Section b of this provision, if multiple expenses pertain to the same event or program and the cumulative total exceeds \$5,000.00, Board approval is required.
- 7. Department Heads are responsible for preparing material requisitions and/or RFP's with required supporting documentation for Library purchases and contracts. All material requisitions, contracts, purchase orders, and/or invoices are approved by the Director or Assistant Director. The Director or Assistant Director may delegate portions of that duty to appropriate staff.
  - 8. E-Bids
    - a. New York State law authorizes local governments to receive electronic bids in connection with purchase contracts. The bid advertisement must designate how the electronic bid will be received (such as designating a website or email address where the bid should be sent.) The submission of bids in electronic format may not be required as the sole method for the submission of bids and paper bids must still be accepted. All other minimum requirements of the competitive bidding process remain the same.
    - b. However electronic bids are received, they must comply with Article 3 of the New York State Technology Law (the "Electronic Signatures and Records Act"). At a minimum, an electronic bid must document the time and date of the receipt, authenticate the identity of the sender, ensure the security of the information transmitted and ensure the confidentiality of the bid until the time and date established for the opening of bids.
  - 9. Any actual or perceived conflict of interest involving vendors shall be addressed in accordance with the Library's Code of Ethics and Conflict of Interest Policy, the Ethics Policy for Library Trustees, and the Nepotism Policy.

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10. This policy shall be reviewed annually. The Library Director, in consultation with the Business Manager, shall be responsible for conducting an annual evaluation of the effectiveness of the Procurement Policy and its procedures and an evaluation of the control procedures established to ensure compliance with the policy, and shall be responsible for reporting back to the Board of Trustees.
11. Unintentional Failure to Comply. The unintentional failure to comply fully with the provisions 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 Library or any officer or employee thereof.
12. All Library checks of \$5,000 or more, with the exception of payroll, must bear the actual or facsimile signature of at least two authorized signers.

Adopted: 11/20/91  
Reaffirmed: 12/15/92  
Amended: 9/17/07  
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