

**POLICY AND PROCEDURES GOVERNING PROCUREMENTS  
OF GOODS AND SERVICES ENACTED IN ACCORDANCE WITH  
GENERAL MUNICIPAL LAW § 104-b**

The following procedures shall be followed regarding all procurements of goods and services including those which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103 (1).

**DETERMINATION OF WHETHER PUBLIC BIDDING IS REQUIRED**

The Assistant Superintendent of Management Services and/or the Purchasing Agent shall determine whether public bidding is required.

The determination of public bidding for a particular item shall be based on the total acquisition cost of the same or similar items during the entire school year or term of the contract.

See Chart 6700-E.1 incorporated as part of this policy.

**WHEN PARTICULAR ALTERNATE PROPOSALS SHALL BE USED**

All documentation shall be filed with the Purchasing Agent and the Board shall, in its resolution of award, make reference to the quotations received and the fact that the documents regarding the quotations are filed with the Purchasing Agent.

**PROCEDURE WHEN AWARD IS NOT MADE TO THE LOWEST SUPPLIER**

An award need not be awarded to the lowest supplier when:

- the award is based on best value.
- the bidder is not a responsible bidder.
- the language submitted by the bidder imposes conditions which, in the written opinion of the District Superintendent or attorney, are not in the best interests of BOCES.
- the bidder fails to demonstrate that the item or service can be delivered at the appropriate time.
- the proposed product, in the written opinion of the Purchasing Agent, is not compatible with the products which interact with the product desired to be acquired.
- in relation to personnel services, that there is an existing relationship and such continued relationship is in the best interests of BOCES.
- in relation to personnel services, that the experience or educational basis is not the same. It is the desire of the Board to acquire the best professional services available to meet the needs of BOCES. When proposals are received for personnel services, the Board shall

consider the professional experience of the applicants in rendering similar services to other school districts or to this school district. When personnel services are awarded on the basis of experience and background, the resolution of the Board shall identify the various elements considered in making the award.

### **WHEN NO BID IS RECEIVED**

When the procedures are followed and no bid is received, the Purchasing Agent, in consultation with the Assistant Superintendent of Management Services, shall make the determination whether it is in the best interest of the BOCES to re-bid the project or to negotiate the work through the receipt of a quote, or quotes, and enter into contract accordingly. All documentation shall be filed with the Purchasing Agent and the Board shall, in its resolution of award, make reference to the quotations received and the fact that the documents regarding the quotations are filed with the Purchasing Agent.

### **PROCEDURES OF § 103 (1)**

In all situations, the District Superintendent may elect to follow the procedures of General Municipal Law § 103 (1) even though bidding is not required by law or the anticipated cost is under the statutory limits.

### **ALTERNATE FORMAT**

BOCES shall give preference in purchasing instructional materials to any vendor able to provide those materials in alternative formats.

### **COOPERATIVE PURCHASING**

The Board of Cooperative Educational Services endorses the concept of cooperative purchasing when such method is in the best interest of BOCES. The Purchasing Agent is authorized to explore the possible participation by the Supervisory district in cooperative purchasing ventures with other district and municipalities. All proposals and contracts for cooperative purchasing ventures shall be submitted to the BOCES Board for consideration and approval.

All construction contracts must be advertised, bid on and awarded in accordance with the BOCES' policy and procedures for competitive bidding. No school building may be erected, purchased, repaired, enlarged or remodeled, nor will an advertisement for bids for the execution of the plans and specifications for a school building be placed in the supervisory district, at an expense that will exceed \$10,000 until the plans and specifications have been submitted to the Commissioner of Education and his/her approval received. Such plans and specifications will show in detail the ventilation, heating and lighting of such buildings.

### **ANNUAL REVIEW**

This policy shall be reviewed annually. The annual review shall take place during the first six weeks of the beginning of the school year. This policy shall be considered a continuing policy unless modified by resolution of the Board.

### **PRIOR CONSULTATION**

Before enacting this resolution, comments concerning the policies and procedures were solicited from the District Superintendent, Assistant Superintendent of Management Services, District Treasurer, and Purchasing Agent.

Adopted June 14, 2023