



February 19, 2014

Procurement Policy

Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest 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 an internal policy and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or any other general, special, or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

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

Procedure

Every purchase to be made 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 reasonably be expected that the aggregate amount to be spent on the item or supply or service is not subject to competitive bidding, taking into account past purchases and the pursuant to Section 103 of General Municipal Law; purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases, goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another government entity.

Documentation

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation 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 indicating the source which makes the item service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

Statutory Exceptions to Quotations/Proposals Requirements of This Policy and Procedures

2 Library Lane
New Hartford, NY 13413
Phone: (315) 733-1535
FAX: (315) 733-0795

Except for procurements made pursuant to General Municipal Law, section 103 (3) (through certain county contracts), section 104 (through certain State and Federal contracts), State Finance Law, section 162, Correction Law, sections 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

Methods of Competition to be used for Non-Bid Procurements

Up to \$1,000	Discretion of Director
\$1,000-\$1,999	Minimum of three oral quotations and formal approval of Board of Trustees
\$2,000-\$19,999	Minimum of three written quotes and formal approval of Board of Trustees
Over \$20,000	Formal bid process approved by the Board of Trustees

Adequate Documentation

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

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 of proposals or quotations, 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 the procurement.

Awards to Other than the Lowest Responsible Dollar Offeror

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

Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstance.

Items Excepted from this Policy and Procedures by the Board

Pursuant to General Municipal Law Section 140-b(2)(f), the procurement policy may contain the certain circumstances when or types of procurements for which, in the sole discretion of the Library Board, the solicitation of alternative proposals or quotations will not be in the best interest of the library. In the following circumstances it may not be in the best interest of the New Hartford Public Library to solicit quotations or document the basis for not accepting the lowest bid:

- 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 and integrity. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the New Hartford Public Library shall take into consideration the following guidelines:

- 1) Services are subject to State licensing or testing requirements;
- 2) Substantial formal education or training is necessary prerequisite to the performance of services;
- 3) Services requiring a personal relationship between the individual and the Board members; and/or
- 4) Services to be rendered can be more efficiently provided by a professional possessing a continuity of representation.

Professional or technical services shall include but not be limited to the following:

- a) Services of an attorney, engineer, seeking insurance coverage and/or services of an insurance broker;
- b) Services of a certified public accountant, investment management services, printing services involving extensive writing, editing and artwork, management of Library owned property, and computer software or programming services for customized programs, or services for customized programs, or services involved in substantial modification and customizing of prep-packaged software; and
- c) 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 alternative proposals may threaten life, health, safety or welfare of residents.

Adopted: August 11, 1993 - as Policy on Purchasing

Revised: February 19, 2014 - as Procurement Policy

Revised June 16, 2017 as Procurement Policy