

5410 - Purchasing: Competitive Bidding and Offering

2018 5410

Non-Instructional/Business Operations

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING

Except as otherwise provided by law, all contracts for public work involving an expenditure of more than \$35,000 and all purchase contracts involving an expenditure of more than \$20,000 shall be awarded by the District to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. However, the District may, in its discretion, award purchase contracts on the basis of "best value" to a responsive and responsible bidder or offeror, provided the Board of Education has authorized such action by rule, regulation or resolution adopted at a public meeting.

No bid or offer shall be accepted that does not conform to specifications furnished unless such specifications are waived by Board action. The District may, in its discretion, reject all bids or offers and readvertise for new bids or offers in a manner consistent with New York State law.

All contracts requiring public advertising and competitive bidding or offering will be awarded by resolution of the Board.

Except as authorized by law, no Board member or employee of the School District shall have an interest in any contract entered into by the School District.

Standardization

Upon the adoption of a standardization resolution by a vote of at least 3/5 of all Board members, purchase contracts for a particular type or kind of equipment, materials or supplies of more than \$20,000 may be awarded by the Board to the lowest responsible bidder or offeror furnishing the required security after advertisement for sealed bids in the manner provided in law. Such resolution must state that, for reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standardization resolution, the District may provide in its specifications for a particular make or brand to the exclusion of others.

For Procurement of Goods and Services that are Not Subject to Competitive Bidding

For procurement of goods and services that are not subject to competitive bidding requirements, the following procedures are required:

- a) Any purchases between \$7,500 and \$19,999 will obtain three written quotes.
- b) Any purchases between \$5,000 and \$7,499 will obtain two verbal quotes.
- c) Any purchases between \$2,000 and \$4,999 will obtain two online quotes.

"Piggybacking" Exception to Competitive Bidding

The District may, in its discretion, purchase certain goods and services (apparatus, materials, equipment and supplies) at costs beyond the above-referenced thresholds through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state.

This method of procurement is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;
- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

Annual Review

Comments concerning the District's bidding and purchasing policies and procedures will be solicited from those District employees involved in the procurement process from time to time.

The Board of Education will annually review its bidding and purchasing policies and procedures. The School Business Official will be responsible for conducting an annual review of such policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

Conflict of Interest

No Wayland-Cohocton Central School officer or employee will have an interest in any contract with the Wayland-Cohocton Central School when such employee has the authority or the responsibility to negotiate, prepare, authorize or approve a contract or authorize or approve its payment, audit bills or claims, or appoint an officer or employee who has any of these responsibilities. Any officer or employee who has or acquires an interest in any actual or proposed contract with the Wayland-Cohocton Central School shall publicly disclose the nature and extent of such interest in writing. This written disclosure will be kept on file.

Federally Funded Purchasing Conflict of Interest Statement

No employee, officer or agent may participate in the selection, award, or administration of a contract supported by a federal award if there is a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, or any member of his or her immediate family, partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees or agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary actions will be applied for violations of such standards.

NOTE: Refer also to Policies #5411 -- Procurement of Goods and Services
#5412 -- Alternative Formats for Instructional Materials

Adopted: 4/11/11

Revised: 11/14/16; 1/22/18; 6/18/18