

SUBJECT: COMPETITIVE BIDDING AND OFFERING**Procedures for Determining Whether Procurements are Subject to Bidding or Offering**

Whether the procurement of goods and services is subject to competitive bidding or offering is determined by the following criteria:

- 1) The Board will award all purchase contracts for supplies, materials, and equipment involving expenditures in excess of \$20,000 and all contracts for public works in excess of \$35,000 to the lowest responsible bidder after advertising for public sealed bids. However, the District may, in its discretion, award purchase contracts on the basis of "best value."
- 2) The Board will treat contracts for commodities, services, or technology as "purchase contracts" within the meaning of the Article 5-A of the General Municipal Law. Contracts concerning items or projects involving labor or both labor and materials will generally be treated as "contracts for public works."
- 3) In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a "reasonable commodity grouping") must be considered.
- 4) In determining whether the dollar requirements have been reached, allowances for any trade-in related to the purchase must be treated as an expenditure; the estimated gross cost of the item is controlling. Net cost is relevant only to the determination of the low bid.

Opening of Sealed Bids and Offers

Sealed bids and offers will be received, time-stamped, recorded, and kept in a safe place until the appointed day and time when they are publicly opened and read.

Bids and offers will be checked and analyzed for compliance with specifications and law. The District reserves the right to reject any and all bids and offers for valid cause, or to waive technical defects, qualifications, irregularities and omissions if, in its judgment, the action serves the best interests of the District. Also reserved is the right to reject bids and offers and to purchase items on State Contract if those items can be obtained on the same terms, conditions, specifications, and at a lower price.

Exceptions to Competitive Bidding or OfferingGeneral

When procurement is accomplished through the following sources, or through other legally permissible means, the competitive bidding or offering procedure requirements listed above are not required.

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SUBJECT: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

- 1) Under state contract;
- 2) Under a county contract;
- 3) From state correctional institutions;
- 4) From state agencies for the blind and severely disabled;
- 5) Directly from producers or growers of eggs, livestock, fish and dairy products (other than milk), juice, grains or fresh fruits and vegetables;
- 6) Directly from licensed milk processors employing less than 40 people;
- 7) Emergencies;
- 8) Sole source, professional services, true leases, and insurance;
- 9) Second-hand equipment from another government agency;
- 10) By "piggybacking" on contracts let by the United States or any agency thereof, any state, and any county, political subdivision, or district of any state.

***Apparel and Sports Equipment Purchases**

In purchasing apparel and sports equipment, the Board will only accept bids from "responsible bidders." A determination that a bidder on a contract for the purchase of apparel or sports equipment is not a "responsible bidder" will be based upon either or both of the following considerations:

- 1) The labor standards applicable to the manufacture of the apparel or sports equipment including, but not limited to, employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
- 2) The bidder's failure to provide information sufficient for the Board to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Determining Consistency with General Municipal Law Section 103

The District is permitted to purchase certain goods and services through the use of contracts let by the United States or any U.S. agency, any state, and any county, political subdivision, or district of any state, provided these contracts have been made available for use by other governmental entities and have been let to the lowest responsible bidder or on the basis of "best value" in a manner consistent with General Municipal Law Section 103.

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SUBJECT: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

A contract will be considered let if:

- 1) There was a public solicitation for bids or offers;
- 2) Sufficient procedures, such as the submission of sealed bids or offers, were used to secure and preserve the integrity and confidentiality of the process;
- 3) Specifications, or similar documents providing a common standard for bidders or offerers to compete fairly, were prepared in advance of the submission of bids or offers;
- 4) The contract was awarded to the lowest responsible bidder or on the basis of "best value."

Purchase Orders

The Purchasing Agent will be authorized to issue pre-numbered purchase orders for all goods and services where a budgetary appropriation has been made. When formal bidding or offering procedures are required, the purchase order will be issued after the Board award of the contract and will refer to the bid or offer submitted and the specifications, and will bear the price or prices indicated by the vendor or contractor in the bid or offer.

Blanket purchase orders issued yearly will be used where appropriate.

Purchase orders will indicate the address for delivery. All goods received must be accepted by an authorized District employee who must certify that the goods were received in good condition, before payment can be approved.

No payment for goods or services will be made unless an itemized invoice showing the name of the person or firm to whom payment is due is present; a receiving copy of the purchase order bearing the signature of an authorized school employee is present; and the invoice has been issued in response to an approved purchase order.

Annual Review

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

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

July 7, 2020