

# Commack Public Library Procurement Policy

Adopted August 11, 2015

## General

All purchases of goods and contracts for public services for the Commack Public Library shall be made in accordance with the provisions of New York State General Municipal Law.

Purchase contracts and public work contracts which are not required by law to be obtained pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests 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 Board of Trustees of the Commack Public Library is adopting internal 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. The term of all executed contracts (one year or greater) will be determined by the nature of the contract.

## Formal Bidding

All purchase contracts for commodities which can reasonably be expected to exceed \$20,000 during a given fiscal year shall be subject to competitive bidding, pursuant to Section 103 of General Municipal Law, and awarded by competitive offering in consideration of "best value" pursuant to NYS Finance Law 163(1)(j) or to the lowest responsible bidder.

All contracts for public works expenditures including services, labor or construction which can reasonably be expected to exceed \$35,000 shall be subject to competitive bidding pursuant to Section 103 of General Municipal Law and awarded to the lowest responsible bidder.

## Non-Bid Procurements

The Library Director, or such designee as may be appointed, is authorized to enter into purchase contracts and public work contracts on behalf of the Library valued at \$2,500 or less without prior approval from the Board of Trustees and without the solicitation of alternative proposals or quotations.

The Library Director, or such designee as may be appointed, is authorized to enter into purchase contracts and public work contracts on behalf of the Library greater than \$2,500 but less than \$5,000 without prior approval from the Board of Trustees, from the lowest dollar offerer or best value offerer provided that at least one (1) other documented quotation is received.

The Library Director, or such designee as may be appointed, is authorized to enter into purchase contracts and public work contracts on behalf of the Library greater than or equal to \$5,000 but less than \$10,000 with prior approval from the Board of Trustees, from the lowest dollar offerer (as to public work contracts) or best value offerer (as to commodity purchases) provided that at least two (2) other documented quotations are received.

The Library Director, or such designee as may be appointed, is authorized to enter into purchase contracts and public work contracts on behalf of the Library greater than or equal to \$10,000 but less than \$20,000

or more with prior approval from the Board of Trustees, from the lowest dollar offerer (as to public work contracts) or best value offerer (as to commodity purchases) provided at least three (3) other documented quotations are received, or a Request for Proposals process has been followed.

#### Documentation for Procurements

- a) Verbal Quotations: the record should include at a minimum the date of the quotation, item or work desired, price quoted, name of vendor and name of vendor's representative.
- b) Written Quotations: Vendors should provide at minimum the date of the quotation, description of items or details of work to be provided, price quotation, and name of contact. Quotations transmitted by fax or email are acceptable provided such transmission include the aforementioned information.
- c) Requests for Proposals ("RFP"): The Library may award contracts for professional services only after an appropriate number of professionals are contacted directly asking for the submission of written proposals. Request for proposals and evaluation of proposals can consider price and other factors such as experience, staffing, and suitability for needs and may include negotiations on a fair and equal basis.

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 via a memorandum to the file. In no event shall the failure to obtain the proposals be a bar to procurement.

In situations involving maintenance of duplicating equipment, communications equipment, computer equipment and other types of mechanical equipment such as but not limited to heating, air conditioning and other types of electrical equipment, it may not be possible to obtain multiple quotations at no cost because the vendor may impose a service charge to determine what repair is required. In such instances, the purchaser shall document this fact and award a contract to the vendor deemed most qualified to perform the necessary maintenance or repair.

#### Awards on Bids and Non-Bid Procurements to Other than Lowest Dollar Offerer

Under normal circumstances, contracts shall be awarded to the vendor or contractor with the lowest price quotation deemed responsible.

In addition to Section 103 of General Municipal Law statutory requirement that contracts be awarded to the lowest responsible bidder, the following criteria may also be applied when selecting a bidder:

- 1) Vendor cannot guarantee delivery of goods or services within the time frame or under the conditions established by the Library
- 2) Vendor's terms of payment are disadvantageous to the Library, e.g. full payment before commencement of work or delivery of goods
- 3) Vendor cannot comply with the full specifications of goods or services as set for the Library
- 4) Vendor's warranty for goods or services is deemed inadequate by the Library
- 5) Vendor's after purchase support service is deemed inadequate by the Library

Whenever any award is made to other than the lowest dollar offerer responding to a RFP, the reasons such an award is made should be documented as follows:

- 1) A memorandum to the file that details the manner in which the award conforms with the statutory criteria permitting awards to other than the lowest dollar offerer

- 2) Record of vendors contacted and price quotations received

#### Best Value

For purchase contract 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 NYS Finance Law 163. Best Value is defined as the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis may also identify a quantitative factor for offerers that are small business or certified minority or women owned business enterprises as defined in subdivisions 1, 7, 15 and 20 of section 310 of the Executive Law to be used in evaluation of offers for awarding contracts for services.

#### Items Exempt from Procurement Policy and Procedures

- 1) Procurements made pursuant to General Municipal Law, Sect 103(3) through COUNTY contracts
- 2) Procurements made pursuant to General Municipal Law Section 104 through NY STATE contracts
- 3) Procurements made from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran's workshops
- 4) Procurements manufactured in correctional facilities
- 5) Procurement let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein (General Municipal Law 103, Subdivision 16. 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.
- 6) Procurements of second hand purchases or surplus from another government entity
- 7) Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. The Board of Trustees will be informed of the emergency expenditure as soon as possible. The Director is authorized to take necessary action if calling an emergency meeting of the Board of Trustees beforehand is not practical.
- 8) Professional services or services requiring special or technical skill, training or other expertise (see additional section on Professional Services). Every 5 years, quotes will be obtained from vendors providing professional services.
- 9) Sole Source suppliers; In those situations where there is only 1 possible source from which to procure goods or services, such as in the case of certain patented goods or services or public utility, the purchases shall document in writing 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.
- 10) Library programs: Library program coordinator shall send out a RFP if the dollar amount is projected to reach \$20,000.

#### Professional Services

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:

- a) Whether the services are subject to state licensing or testing requirements
- b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and

- c) Whether the services require a personal relationship between the individual and municipal officers

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

- 1) Services of any attorney
- 2) Services of a physician
- 3) Technical services of an engineer or architect engaged to prepare plans, maps and estimates
- 4) Services of an insurance broker
- 5) Printing services involving extensive writing, editing or art work
- 6) Computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.

No purchase of goods or services shall be made from any vendor in which elected officials of the library (Board of Trustees) or the library administration (Library Director) hold a full or partial interest.