



MENDON PUBLIC LIBRARY PROCUREMENT POLICY

This resolution sets forth the policies and procedures of the Mendon Public Library to meet the requirements of General Municipal Law, Section 104-b.

PURPOSE

Goods and services which are not required by law to be procured 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 interest of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Library Board is adopting internal policies 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 of any other general, special or local law.

PROCEDURES FOR DETERMINING WHETHER PROCUREMENTS ARE SUBJECT TO BIDDING

Every purchase made will be initially reviewed to determine whether it is a *purchase contract** or a *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 of supply or services is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in the year.

METHODS OF COMPETITION TO BE USED FOR PROCUREMENTS

All goods and services, which are subject to required competitive bidding, will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that the goods will be purchased at the lowest price and that favoritism will be avoided.

The methods of procurement to be used are as follows:

Estimated Amount of Purchase

<i>Contract</i>	<i>Method</i>
Under \$1,000	Discretion of Library Director or Designee
\$1000-\$7,499	Documentation of three suppliers' prices-written or verbal, and formal approval of Board of Trustees
\$7,500-\$19,999	Three written, fax, email quotations, or written requests for proposals and formal approval of Board of Trustees

Estimated Amount of Public Works

Mendon Public Library Procurement Policy; adopted by the Mendon Public Library Board of Trustees, September 7, 1999, reviewed December 1, 2014, revised May 7, 2018

Contract	Method
Under \$1,000	Discretion of Library Director or Designee
\$1,000-\$2,999	Two verbal quotations and formal approval of Board of Trustees
\$3,000 - \$4,999	Two written fax or email quotations and formal approval of Board of Trustees
\$5,000-\$19,999	Three written, fax, or email quotations, or written requests for proposals and formal approval of Board of Trustees
\$20,000 +	Formal bid process approved by the Board of Trustees

ITEMS EXCEPTED FROM POLICIES AND PROCEDURES BY BOARD

The following items are not subject to competitive bidding pursuant to Section 3 of General Municipal Laws:

1. Purchase contracts under \$20,000
2. Public works contracts under \$35,000
3. Emergency purchases
 - a. 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 alternate proposals may threaten the life, health, safety, or welfare of the patrons and/or staff. This section does not preclude alternate proposals if time permits.
4. Certain municipal hospital purchases, goods purchased from agencies for the blind or disabled.
5. Goods purchased from correctional institutions.
6. Purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity.
 - a. If alternative proposals are required when purchasing surplus and second-hand goods, the Mendon Public Library is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is difficult to try and compare prices of used goods and a lower price may indicate an older product.

The following items are not subject to competitive bidding pursuant to General Municipal Law Section 104-b(2)(f)

1. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based upon 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 is such that they do not readily lend themselves to competitive procurement procedures.
 - a. In determining whether a service fits into this category, the Mendon Public Library Board shall take into consideration the following guidelines:
 - i. Whether the services are subject to State licensing or testing requirements.
 - ii. Whether substantial formal education or training is a necessary prerequisite to the performance of the service
 - iii. Whether the services require a personal relationship between the individual and Library officials

- iv. Whether the services to be rendered can be more effectively provided by a professional possessing a continuity of representation.
 - b. Professional or technical services shall include, but not be limited to, the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services, printing services involving extensive writing, editing or art work; and computer software or programming services for customized programs, or services for customized programs, or services involved in substantial modification and customizing of prepackaged software.
2. Goods or services under \$1,000. The time and documentation required to purchase through this policy may be costlier than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such contracts would be awarded based on favoritism.

The decision that a purchase not be 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, why the purchase is not subject to competitive bidding, a copy of the contract indicating the source which makes the item or service exempt, or a memo detailing the circumstances which require an emergency purchase, or any other written documentation as appropriate.

ADEQUATE DOCUMENTATION

For purchases in excess of \$1,000 documentation is required of each action taken in connection with each procurement. This documentation will be reviewed by the Library Board when approving payment.

A good faith effort shall be made to obtain the required number of quotations or proposals. If the purchaser is unable to obtain the required number of quotations or proposals, the Board will document the attempt made at obtaining the quotations or proposals. However, in no event, shall the failure to obtain the required number of quotations or proposals prevent the procurement.

AWARDS TO OTHER THAN THE LOWEST RESPONSIBLE DOLLAR OFFER

Under normal circumstances, contracts will be awarded to the lowest bidder. However, pursuant to General Municipal Law Section 04-b(2)(g), the procurement policy may contain circumstances 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. Documentation or explanation is required whenever a contract is awarded to other than the lowest responsible offeror. The documentation will include an explanation of why awarding will achieve savings or how the offeror was not responsible. If the Board determines the offeror is not responsible, this decision may not be challenged under any circumstance. The following circumstances will be considered when accepting or soliciting quotations:

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
3. Vendor cannot comply with the full specifications set forth in the bid or request
4. Vendor's after purchase support services are deemed inadequate

UNINTENTIONAL FAILURE TO COMPLY

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Mendon Public Library or any officer or employee thereof.

ANNUAL REVIEW

The Board of Trustees shall annually review these policies and procedures.