



Comsewogue Public Library

Procurement Policy

This policy sets forth the principles and procedures of the Comsewogue Public Library to meet the requirements of General Municipal Law, Section 104-b.

1. 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 monies, 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 Comsewogue Public Library hereby adopts internal policies and procedures governing all procurements of goods and services which are not required to be obtained pursuant to the competitive bidding requirements of General Municipal Law, Section 103, or any other general, special or local law.

2. Determining Whether Procurements are Subject to Formal Bidding

- a. All purchase contracts for commodities or services which can reasonably be expected to exceed TWENTY THOUSAND DOLLARS (\$20,000) during a given fiscal year shall be subject to competitive bidding pursuant to Section 103 of General Municipal Law.
- b. All contracts for public work which can reasonably be expected to exceed THIRTY-FIVE THOUSAND DOLLARS (\$35,000) shall be subject to competitive bidding pursuant to Section 103 of General Municipal Law.
- c. The following types of procurements are not required to be competitively bid under Section 103 of General Municipal Law:
 - i. Purchases made directly from a qualified contract held by: the New York State Office of General Services; any Suffolk County agency; any preferred source, as defined by the State Finance Law; any other qualified Public Authority or qualified Public Benefit Corporation.
 - ii. Work or services of public utilities regulated by the New York State Public Service Commission, for which the rates charged to consumers have been tariffed in accordance with the provisions of Public Service Law.
 - iii. Procurement of professional services. For the purposes of this section, professional services shall mean those services involving a relationship of trust and confidence that require specialized skills, use of expert judgment, and/or a high degree of creativity.
 - iv. Operating Leases. Documentation shall include written quotations and a cost-benefit analysis of leasing versus purchasing.

- v. Insurance. Documentation shall include specifications, awarding resolution, and documented quotations.
- vi. Second-Hand Equipment from Other Governments. Documentation shall include market price comparisons.

3. Statutory Exceptions from these Policies and Procedures

Except for procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contracts), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran's workshops), Corrections Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein, alternative proposals or quotations for goods and services shall be secured by the use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law, Section 104-b.

4. Non-Bid Procurements

- a. The Library Director, or such designee as may be appointed by the Library Director, is authorized to make purchases on behalf of the Library for commodities and services valued at ONE THOUSAND DOLLARS (\$1,000) or less without prior approval from the Board of Trustees and without the solicitation of alternative proposals or quotations.
- b. The Library Director, or such designee as may be appointed by the Library Director, is authorized to make purchases on behalf of the Library for commodities and services valued between ONE THOUSAND DOLLARS (\$1,000) and FIVE THOUSAND DOLLARS (\$5,000) without prior approval from the Board of Trustees, from the lowest dollar offerer, provided at least one other documented quotation is received.
- c. The Library Director, or such designee as may be appointed by the Library Director, is authorized to make purchases on behalf of the Library for commodities and services valued in excess of FIVE THOUSAND DOLLARS (\$5,000) but less than TEN THOUSAND (\$10,000) without prior approval from the Board of Trustees, from the lowest dollar offerer, provided at least two (2) other documented quotations are received.
- d. The Library Director, or such designee as may be appointed by the Library Director, is authorized to make purchases on behalf of the Library for commodities and services valued in excess of TEN THOUSAND DOLLARS (\$10,000) but less than TWENTY THOUSAND DOLLARS (\$20,000) with the prior approval of the Board of Trustees, from the lowest dollar offerer, provided at least two (2) other documented quotations are received.
- e. The Library Director, or such designee as may be appointed by the Library Director, is authorized to enter into public work contracts on behalf of the Library valued at TWENTY THOUSAND DOLLARS (\$20,000) or more but less than THIRTY-FIVE THOUSAND DOLLARS (\$35,000) with the prior approval of the Board of Trustees, from the lowest dollar offerer or best value offerer provided at least three (3) other documented quotations are received.

5. Documentation Needed for Non-Bid Procurements

- a. **Verbal Quotations:** The record should include at a minimum the date of the quotation, item or service desired, price quoted, name of vendor, and name of vendor's representative.
- b. **Written Quotations:** Vendors should provide at a minimum the date of the quotation, description of items or details of services to be provided, price quotation, and name of contact. Quotations transmitted by fax and email are acceptable provided such transmissions include the aforementioned information.
- c. **Requests for Proposals:** The Library shall award contracts for professional services only after three professionals are contacted directly asking for the submission of written proposals. Requests for proposals and evaluations of proposals may consider price and other factors such as experience, knowledge of library and municipal law, continuity and suitability for the Library's needs.

6. Awards to Other than the Lowest Dollar Offerer

- a. Whenever any award is made to other than the lowest dollar offerer, the reasons such an award is to an offerer other than the lowest dollar offerer should be documented as follows:
 - i. A memorandum to the file that details how the award meets the statutory criteria for awards to other than the lowest dollar offerer.
 - ii. Record of vendors contacted and price quotations received.
- b. Any purchase of more than ONE THOUSAND DOLLARS (\$1,000) awarded to other than the lowest dollar offerer shall be made only with the prior approval of the Library's Board of Trustees.

7. Items Excepted from Policies and Procedures by Board of Trustees

The Board of Trustees sets forth the following circumstances when, or types of procurements for which, in its sole discretion, the solicitation of alternative proposals or quotations will not be in the best interest of the Comsewogue Public Library:

- a. An emergency where time is a crucial factor
- b. Procurements for which there is no possibility of competition
- c. Procurements valued at ONE THOUSAND DOLLARS (\$1,000) or less
- d. Procurements for which the appropriate number of documented quotations are requested and not received.

8. Annual Review

The Board of Trustees shall annually, at its reorganizational meeting, review these policies and procedures. The Library Director shall be responsible for conducting an annual review of the procurement policy and the internal control structure established to ensure compliance with the procurement policy each July.

9. Unintentional Failure to Comply

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

10. Best Value Award

The Governing Board of the Comsewogue Public Library authorizes the use of a Best Value Award methodology, in the competitive bidding process, for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law). Contract may be awarded on the basis of best value, as authorized by section 103 of the General Municipal Law and as defined in section one hundred sixty-three of the state finance law.

Board Approved Resolution (#10) – December 17, 2013

11. “Piggybacking” – an Exception to Competitive Bidding

Pursuant to NY General Municipal Law Section 103 (16) the Library adopts the subject statutory prerogative to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state, or any other political subdivision or district therein; such procurement to be effected under the terms of the Guidance Memorandum issued in November of 2012 by the Office of the State Comptroller.

Board Approved Resolution (#11) – April 15, 2014

Board Approved – October 15, 2013

Board Approved Additions – December 17, 2013 & April 15, 2014

Board Reviewed & Reaffirmed - July 21, 2020

Revised & Board adopted – March 16, 2021