

## **Patchogue-Medford Library Procurement Policy**

Patchogue-Medford Library (the “Library”) recognizes that contracts executed on behalf of the Library are subject to procurement requirements.

### **Procurement of Goods and Services not Subject to Competitive Bidding Requirements**

The Library recognizes its responsibility to ensure that goods and services not subject to competitive bidding requirements are procured in a manner so as to:

- a) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;
- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and
- c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

Any unintentional failure to fully comply with this policy shall not be grounds to void action taken or give rise to a cause of action against the Library or any Library official or participant.

This policy shall be reviewed annually by the Library's Board of Trustees.

No contract for goods or services shall be made on behalf of the Library without the express approval of the Board of Trustees.

No Board member of the Library shall have an interest in any contract entered into by the Board of Trustees of the Library.

### **Procedure for Procurement of Goods and Services by the Library**

The following sets forth the procedures for procurement of goods and services by the Library:

#### 1. Definitions

**Purchase Contract:** a contract involving the acquisition of commodities, materials, supplies, or equipment.

**Public Work Contract:** a contract involving services, labor or construction.

#### 2. General Municipal Law

The General Municipal Law requires purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and a public work contract involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

3. Competitive Bidding Required

A. Method of Determining Whether Procurement is Subject to Competitive Bidding

1. The Library will first determine if the proposed procurement is a purchase contract or a contract for public work.
2. If the procurement is either a purchase contract or a contract for public work, the Library will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.
3. The Library will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

B. Contract Combining Professional Services and Purchase

In the event that a contract combines the provision of professional services and a purchase, the Library, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

C. Opening and Recording Bids: Awarding Contracts

A designated agent of the Library will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder meeting specifications, who has furnished the required security after responding to an advertisement for sealed bids.

D. Best Value

The best value standard may only be used for purchase contracts, which includes contracts for service work, but excludes any purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law. When awarding contracts under the best value standard, the Library must consider the overall combination of quality, price, and other elements of the required commodity or service that in total are optimal relative to the needs of the Library. Use of the best value standard must rely, wherever possible, on objective and quantifiable analysis. The best

value standard may identify as a quantitative factor whether offerors are small businesses or certified minority- or women-owned business enterprises as defined in New York Executive Law § 310. Use of the best value standard for the procurement of goods and services requires approval from the Board of Trustees. The Board must also approve the factors to be considered when awarding contracts under this standard.

E. Documentation of Competitive Bids

The Library or its agent will maintain proper written documentation which will set forth the method employed to determine whether the procurement is a purchase or a public work contract. Proper written documentation will also be required when a contract is not awarded to the vendor submitting the lowest bid, setting forth the reasons therefore.

F. Leases of Personal Property

The Library will comply with all applicable competitive bidding requirements if it enters into a lease of personal property.

4. Exceptions to Competitive Bidding Requirements

The Library will not be subject to competitive bidding requirements when the Board or designee determines, in its discretion, that one of the following situations exists:

A. Emergency situations where:

1. the situation arises out of an accident or unforeseen occurrence or condition; or
2. the situation requires immediate action which cannot await competitive bidding.

However, when the Board passes a resolution that an emergency situation exists, the Library will make purchases at the lowest possible costs and direct its agent to seek competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

The Library will maintain a record of verbal (or written) quotes.

- B. The Library may obtain surplus or second-hand supplies, materials or equipment from the federal or State governments or from any political subdivision or public benefit corporation within the State. The Library will maintain market price comparisons (verbal or written quotes) and the name of the government entity.

- C. When there is only one possible source from which to procure goods or services required in the public interest.

The Library will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

- D. Professional Services Contracts: Contracts for services which involve the application of specialized expertise, the use of professional judgment or discretion or a high degree of creativity in the performance of the contract shall be procured in the manner set forth below.

5. Requests for Proposals or Quotes When Competitive Budding Not Required

A. Methods of Documentation

1. Verbal Quotations: a telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contract. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required. "Requests for Proposals" (RFPs), documented in the same manner as described herein, may *also* be used;
3. Requests for Proposals: When required, the Library will contact a number of professionals (e.g., architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and request that they submit written proposals. The RFPs will allow negotiations on a fair and equal basis. The RFPs and evaluations of such proposals will consider price plus other factors such as:
  - a. the special knowledge or expertise of the professional or consultant services;
  - b. the quality of the service to be provided;
  - c. the staffing of the service; and
  - d. the suitability to meet THE LIBRARY's needs.

The RFP will contain critical details of the engagement, including the methods which the Library will use in selecting the service.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained

The Library will require the following methods of competition to be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

1. Purchase Contracts up to \$20,000

- a. Contracts from \$1 to \$2,500: no quotes required
- b. Contracts from \$2,501 to \$5,000: verbal quotes
- c. Contracts from \$5,001 to \$20,000: written quotes

2. Public Work Contracts up to \$35,000

- a. Contracts from \$1 to \$2,500: no quotes required
- b. Contracts from \$2,501 to \$5,000: verbal quotes
- c. Contracts from \$5,001 to \$10,000: written quotes
- d. Contracts from \$10,001 to \$35,000: Requests for Proposals (RFPs)

3. Professional Services Contracts

- a. Contracts from \$1 to \$15,000: no quotes required
- b. Contracts from \$15,000 to \$35,000: verbal quotes
- c. Contracts from \$35,001 or more: written quotes or Requests for Proposals (RFPs)

4. Emergencies: verbal quotes

Documentation will include notations of verbal quotes.

5. Insurance: written quotes

Documentation will include bid advertisements, specifications and the awarding resolution. RFPs, documented in the same manner described herein, may also be used.

6. Leases of Personal Property: written quotes

Documentation will include written quotes, cost-benefit analysis of leasing versus purchasing, etc. The Library will note that the contract is a true lease and not an installment purchase contract.

7. Second Hand Equipment from Other Governmental Entities: written quotes

Documentation will include market price comparisons (verbal or written quotes) and the name of the governmental entity.

8. Sole Source: written or verbal quotes

Documentation will include, among other things, the unique benefits of the patented item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable, when compared to conventional methods. Notations of verbal quotes will be maintained by the Library. In addition, the Library will document that there is no possibility of competition for the procurement of the goods.

6. Quotes Not Required When Competitive Bidding Not Required

The Library will not be required to secure alternative proposals or quotations for those procurements:

1. under a contract let by the United States of America or any agency thereof, any state or any other county or public subdivision or district therein in accordance with the General Municipal Law;
2. pursuant to State Finance Law § 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veterans' workshops);
3. pursuant to Correction Law § 186 (articles manufactured in correctional institutions).

In addition, the Library will not be required to secure such alternative proposals or quotations for:

1. emergencies where time is a factor;
2. procurements for which there is no possibility of competition (sole source items);
3. procurements of professional services, which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation;
4. very small procurements when solicitations of competition would not be cost-effective;
5. insurance;
6. second hand equipment from other governments;
7. other methods excepted by law from the competitive bidding process.

7. Procurements from Other than the "Lowest Responsible Dollar Offeror"

The Library will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interest of the Library and otherwise furthers the purposes of section 104-b of the General Municipal Law.

8. Internal Control

The Board shall ensure that its agent maintains an internal control structure so that the best of their ability, the Library's assets will be safeguarded against loss from unauthorized use disposition, that transactions will be executed in accordance with the law and the Library policies and regulations, and recorded properly in the financial records of the Library.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the Library 's regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the Library or any officer or agent of the Library.

9. The Iran Divestment Act

Every bid made to the Library must contain the following statement subscribed and affirmed by the bidder as true under the penalties of perjury:

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief

that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.

The Board may award a bid to a bidder who cannot make the statement of non-investment on a case-by-case basis if:

1. The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The Board makes a determination that the goods or services are necessary for the Board to perform its functions and that, absent such an exemption, the Board would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

No contract may be awarded to any persons determined to be engaged in investment activities in Iran as indicated by New York State Office of General Services.

Adopted June 17, 2014, reviewed July 2015, reviewed July 2016, reviewed July 2018.