

PROCUREMENT

I. Statement of Principle Regarding Procurement

The purchasing, receiving, storing, and distribution of necessary supplies, equipment, and services for use in the educational program and the various auxiliary services of the District represent a significant expenditure in the school budget.

The Berlin Central School District Board of Education hereby establishes that it is the duty of the District to procure these items and services efficiently and economically, in order to increase the purchasing power of the educational dollar.

The Board recognizes that the measure of efficient, economical purchasing is the degree to which needed goods are provided by responsible vendors, on a timely basis, in the desired quantity, at the most competitive price possible. The Board hereby establishes the following policies and procedures clearly setting forth requirements for procurement by the District.

II. Procurement Through Bidding and Other Means

Procurement shall be through competitive bidding whenever and to the full extent required by law and regulation. Whenever applicable law does not require a school district to provide goods and services through competitive bidding, the goods and services shall be procured in a manner so as to assure the prudent and economical use of public funds in the best interests of the taxpayer. Goods and services shall be bought by the District in a manner to facilitate receipt of goods and services of maximum quality at the lowest possible cost and to guard against favoritism, fraud, or corruption in such acquisition.

III. Purchasing Agent

The Board shall formally appoint a purchasing agent, in accordance with the requirements of law and applicable provisions of the Commissioner's Regulations. The purchasing agent shall be the sole individual designated and authorized to commit the District to the purchase of goods and services.

IV. Regulations

- A. In order to advance the objective set forth herein, the Board may adopt administrative regulations to further govern the District's procurement of such goods and services as may be required.

If promulgated, such regulations shall be subject to annual review by the Board at the organization meeting.

V. Supersession of All Prior Procurement Policies

As of the date on which it becomes effective this policy shall supersede all other District policies regarding the procurement of goods and services by the Berlin Central School District.

VI. Procurement Requirements

The Board of Education requires competitive bids or quotations be solicited in connection with purchases for materials, equipment and supplies involving an estimated annual expenditure exceeding \$10,000 and public work contracts involving an expenditure of more than \$20,000. Contracts will be awarded only after responsible bids have been received in response to a published bid solicitation.

Procurements for similar products to be undertaken in a fiscal year shall be grouped for the purpose of determining whether such procurement must be bid.

Goods and services that are not required by law to be procured via competitive bidding will be procured in a manner that will ensure prudent and economical use of public funds. The Board recognizes that it is in the public interest to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or other appropriate means of procurement, except under the following circumstances:

- A. Pursuant to county contract;
- B. Pursuant to State contract;
- C. Articles manufactured in State correctional institutions; or
- D. Products and services purchased from agencies for the blind and severely disabled.

The objectives of the district's procurement procedures are to:

- A. Effectively supply all administrative and instructional units in the school system with specified materials, supplies, and contracted services;
- B. Obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning authority;
- C. Maintain the educational welfare of the students in making any purchase;
- D. Ensure that all purchases fall within the framework of budgetary limitations;
- E. Maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
- F. Ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Responsible suppliers shall have the opportunity to conduct business with the school district. Suppliers whose place of business is situated within the District may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors.

Purchases will be made through Questar III or other BOCES, State contracts, county contracts or other cooperative means whenever such purchases are in the best interest of the District.

The District will provide justification and documentation of any contract awarded to a bidder other than the lowest responsible bidder, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of the General Municipal Law.

The Purchasing Agent will not be required to secure alternative proposals or quotations for:

- A. Emergencies, where time is a crucial factor
- B. Procurements for which there is no possibility of competition (sole source items);
- C. Procurements of professional services, which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation.

The Superintendent of Schools, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of additional procedures and standard forms for use in all purchasing and related activities in the District. Such procedures shall comply with all applicable laws and regulations of the State and the Commissioner of Education.

No board member, officer or employee of the District shall have an interest in any contract entered into by the Board or the District, as provided in Article 18 of the General Municipal Law and the Ethics Policy of the Board of Education.

The unintentional failure to fully comply with the provisions of the General Municipal Law or the District's policies regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

References

Education L. Secs. 305(14); 1709(9), (14), (22)

Gen. Municipal L. Secs. 100-a; 103; 103-d; 104-b; 109-a; 801 et seq.
8 NYCRR 170.2