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## **PROCUREMENT POLICY**

Approved August 19, 2018. Revised 6/21/2021, 12/12/2022.

This resolution sets the policy and procedures of the Bloomfield Public Library ("Library") to meet the requirements of New York State General Municipal Law, section 104-b. Furthermore, this policy helps the Board of Trustees ("Board") and the Library Director ("Director") to meet their fiduciary obligations, avoids favoritism, and supports the regular review of the Library's expenditures by the Board. The Board adopts this policy to exercise good fiscal stewardship.

Goods and services that 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; and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, the Board is adopting an internal policy 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.

### **1. Proper Documentation**

In order to help assure budgetary compliance, maintain sound recordkeeping, track deliveries against orders, and otherwise operate on a businesslike basis, the Library shall maintain a system of written, sequentially numbered purchase order forms for the procurement of any item, except for those items, if any, that are specifically excluded under this policy. Purchases estimated to cost \$500 or more require prior written approval from the Director.

Purchases using personal funds, vendor credit accounts, the library credit card, or those requiring payment by check estimated to cost less than \$500 require subsequent approval from the Director.

### **2. Purchases Using Personal Funds**

Staff using personal funds for Library expenditures may be reimbursed by the Library up to \$100 for instances without prior written authorization by the Director, but with the Director's subsequent approval. Staff may be reimbursed up to \$500 only in instances with prior written approval by the Director, as long as claims for reimbursement are submitted within two weeks of purchase and include receipts signed by staff.

Sales tax shall be reimbursed at the discretion of the Director.

Subsequent to the Director's approval of the purchase, staff may be reimbursed for purchases made with personal funds by a check from the Library, pending approval of disbursement by the Board.

### **3. Pre-Payment of Bills**

The Treasurer may pre-pay approved expenses by Library checks signed by the Treasurer, before approval of the monthly disbursements by the Board. A list of any such payments will be made to the Board at the next regularly scheduled Board meeting. In the absence of the Treasurer, the Finance Officer may sign the checks.

#### **3.1 Expenses Approved For Pre-Payment:**

Prepayment expenses include payroll, benefits, utilities, leases, maintenance service agreements, the credit card bill, expenses that carry a significant penalty for late payment, expenses related to emergency services as approved by the Director, and purchases with a deadline that precedes the next monthly Board Meeting, as approved by the Board President.

#### **3.2. Purchases Using Credit**

The Library maintains a bank credit card and vendor credit accounts to facilitate the daily operations of the Library. The bank credit card is to be used for emergency purchases and purchases for which other forms of payment are impossible, impractical, or likely to result in unreasonable delays between the purchase of a good or service and its receipt. Vendor credit account purchases are defined as those made through companies with which the Library has existing purchase accounts, including but not limited to, Amazon.com, Staples, and Wegmans.

With prior approval from the Board of Trustees, a bank credit card will be established in the name of the Library and the Director with a maximum credit limit set by the Board. The card will be held by the Director. The use of the credit does not replace purchase orders or other purchasing procedures. All purchases must be for Library use and benefit only; neither the credit card nor any other credit accounts may be used for the purchase of personal items.

### **4. Director's Purchases**

The Director must sign both the requestor and Director's signature fields when making purchases. The Director must wait for approval of the list of disbursements by the Board before being reimbursed for purchases made using personal funds.

### **5. Procurements Subject to Bidding**

All purchases of supplies or equipment that will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid, per the requirements of General Municipal Law, Section 103.

### **6. Exemptions from Quotations/Proposals Requirement**

Alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, oral quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b, 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 163,

Correction Law, sections 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions)

- Purchases from agencies for the blind or severely handicapped
- Purchases of surplus and secondhand goods from any source
- Emergency purchases that are purchased immediately, the delay of which may threaten the life, health, and safety or welfare of the staff and/or public.
- Sole source purchases, where a good or service provides a unique benefit to the public, is available from a single supplier, and for which there are no substantial equivalents.

## **7. Items Excepted From this Policy and Procedures by the Board**

Pursuant to General Municipal Law, this policy may contain circumstances when, or types of procurement for which, at the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipal entity. In the following circumstances, it may not be in the best interests of the Library to solicit quotations or document the basis for not accepting the lowest bid.

In cases of professional services or services requiring special or technical skill, training or expertise, the individual or company must be chosen on accountability, reliability, responsibility, skill, education, and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Library 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 library officials.

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

- Services of an attorney;
- 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 artwork;
- Property management;
- Computer software or programming services for customized programs or services involved in substantial modification and customizing or pre-packaged software.

## **8. Methods of Competition to be Used for Non-Bid Procurement**

The total aggregate cost of every prospective purchase of a good or service or public work contract is evaluated to determine whether the aggregate cost in the fiscal year reaches competitive bidding requirements. Purchases with aggregate costs not rising to competitive bidding levels are authorized as follows:

- Purchases for goods or services estimated to cost \$500 to \$3,999 shall require prior written approval of the Manager.
- Purchases for goods and services estimated to cost \$4,000 to \$6,999 require two quotations, one which is written, and the approval of the Manager.
- Purchases for goods or services estimated to cost from \$7,000 to \$9,999 shall require two written quotations and the approval of the Manager.
- Purchases for goods or services estimated to cost over \$10,000 shall require three written quotations and approval of the Board.
- Public work contracts estimated to cost less than \$4,999 shall require the written approval of the Manager.
- Public work contracts estimated to cost \$5,000 to \$9,999 shall require two quotations, one which is written, and approval of the Manager.
- Public work contracts estimated to cost \$10,000 to \$19,999 shall require two written quotations or proposals and approval of the Board.
- Public work contracts estimated to cost over \$20,000 shall require three written quotations or proposals and approval of the Board.

The preceding provisions in this Paragraph 8 do not apply to the purchase of books, videos, or other items, regardless of medium, that are purchased by the Library, in the ordinary course of business, for its collection, for use by its patrons.

### **9. Adequate Documentation**

A good faith effort shall be made to obtain the required number of quotations or proposals. If the person seeking to make a purchase is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the quotations or proposals. In no event shall the failure to obtain a proposal be a bar to procurement.

The Director shall establish the necessary and reasonable procedures and rules in the execution of this policy.

Catalog or online pricing cannot substitute for oral or written quotations.

### **10. Awards to Other than the Lowest Responsible Dollar Offer**

The Library may not always award a contract to the lowest responsible dollar offer. Circumstances may include, but are not limited to:

- Bidder cannot guarantee delivery of goods or services within the time frame or under the conditions established by the Library
- Bidder's terms of payment are disadvantageous to the Library, ie full payment before commencement of work or delivery of goods
- Bidder cannot comply with full specifications of goods or services as set forth by the Library
- Bidder's warranty for goods or services is deemed inadequate by the Library
- Bidder's support services are deemed inadequate by the Library

General Municipal Law, section 104(b), the Library shall document whenever any contract is awarded to a bidder other than the lowest responsible dollar offer. Notations and/or copies of all

documents and notations of verbal or other data justifying why any purchase is made from other than the lowest responsible vendor or contractor submitting a complying quotation or proposal, as being in the best interest of the Library, shall be included with the purchase records. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records.

### **11. Ongoing Use Evaluation**

The Bloomfield Public Library's Procurement Policy will be periodically evaluated in accordance with all local, state, and federal laws and regulations by the Director and Board of Trustees. Modifications must be reviewed and approved by the Board of Trustees at an open meeting. Questions or concerns regarding Bloomfield Public Library or this policy should be directed to the Director.

### **12. Unintentional Failure to Comply**

The unintentional failure to comply fully 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 Bloomfield Public Library or any officer or employee thereof.

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