

Mount Morris Library

112 Main Street
Mount Morris, NY 14510

Bidding & Procurement Policy

This resolution sets the policy and procedures of the Mount Morris Library (“the Library”) to meet the requirements of New York State General Municipal Law 104-b. Furthermore, this policy helps the Library Director (“the Director”) and Board of Trustees (“the Board”) meet their fiduciary obligations, avoid favoritism, and support the Board’s regular review of the Library’s expenditures. The Board adopted 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 as to assure the prudent and economical use of public money 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 103 or of any other general, special, or local law.

Proper Documentation

All purchases must include a completed Payment Request Form and proper receipt/invoice documentation. Purchases requiring the use of the library’s credit card as well as all purchases estimated to cost \$1,000 or more require prior written approval from the Director.

Purchases using a credit card and purchases requiring payment by check estimated to cost less than \$1,000 require subsequent approval from the Director. Charge card purchases defined as those made through companies with which the Library has an existing purchase account, including but not limited to Amazon, Staples, and Wal-Mart.

Purchase Using Personal Funds

Staff using personal funds for Library expenditures will 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 in which there is prior written approval by the Director and claims for reimbursement are submitted within two weeks of purchase and included receipts signed by staff.

Sales tax will not be reimbursed exempt in cases approved by the Director.

Subsequent to the Director's approval of the purchase, staff will be reimbursed for purchases made with personal funds with cash from the Petty Cash Fund for expenditures up to \$25. Approved expenditures between \$26 and \$1,000 will be reimbursed by check from the Library pending approval of the disbursement by the Board.

Petty Cash Fund

The Library maintains a Petty Cash Fund up to \$100 to be used to reimburse staff for the purchase of materials, supplies, or services under conditions requiring immediate payment.

The following guidelines must be followed:

- Receipts and cash on hand must always total the authorized fund amount. All disbursements from such funds will be supported by received bills or other evidence documenting the expenditure.
- Proper documentation, as described above, will be retained for all purchases made from the Petty Cash Fund.

Procurements Subject to Bidding

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

Minority and Women Owned Businesses

It is the policy of the Library to take affirmative action to ensure that minority business enterprises (MBEs) and women owned business enterprises (WBEs) are given the opportunity to demonstrate their ability to provide the Library with goods and services at competitive prices. MBEs are defined as independent business concerns which are at least 51 percent owned and controlled by minority group members. WBEs are defined as independent business concerns which are at least 51 percent owned and controlled by women who are citizens of the US or permanent resident aliens.

NYS Executive Law Article 15-A requires the Library and the vendors and contractors with whom it does business to make a good-faith effort to procure materials, supplies, equipment and services (including printing) from NYS-certified MBEs or WBEs. This procedure applies to all procurements exceeding \$25,000 for labor, services, supplies, equipment, or materials and for procurements exceeding \$100,000 for the acquisition, construction, demolition, replacement, major repairs, or renovation of real property and improvements.

Exemptions from Quotations/Proposals Requirement

Alternative proposals or quotations for goods and services shall be secured by the 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 104-b, except for:

- Procurements made pursuant to General Municipal Law, 103(3), through county contracts, or 104, through State contracts, State Finance Law, 163, Correction Law 184 and 186
- 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, 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.

Items Exempted from this Policy and Procedures by the Board

The Library may encounter circumstances in which it may not be in the best interests of the Library to solicit quotations, alternative proposals, 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, 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:

- Whether the services are subject to State licensing or testing requirements
- Whether substantial formal education or training is a necessary prerequisite to the performance of the services
- 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 from customized programs or services involved in substantial modification and customizing or pre-packaged software

Methods of Competition to be Used for Non-Bid Procurement

Every potential purchase must first be reviewed to determine whether it is a purchase contract or a public works contract. The term “public works contract” would apply to those contracts or projects involving labor or both material and labor where labor is 50% or more of the cost. 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 and services estimated to cost \$500 to \$3,999 require prior written approval from the Director
- 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 Director
- Purchases for goods and services estimated to cost from \$7,000 to \$9,999 require two written quotations and the approval of the Director
- Purchases for goods and services estimated to cost over \$10,000 require three written quotations and approval of the Board of Trustees
- Public work contracts estimated to cost less than \$9,999 require the written approval of the Director
- Public work contracts estimated to cost \$10,000 to \$19,999 require two written quotations or proposals and approval of the Board of Trustees
- Public work contracts estimated to cost over \$20,000 require three written quotations or proposals and approval of the Board of Trustees

Adequate Documentation

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

The Director will 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.

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, i.e. 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

In accordance with General Municipal Law 104-b, the Library will 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 will be included with the purchase records. If full compliance with this provision is not practical, a written note of explanation will be made and placed with the purchase records.

Unintentional Failure to Comply

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

Adopted by the Board of Trustees on March 4, 2024

