

STILLWATER PUBLIC LIBRARY PURCHASING POLICY

The Stillwater Public Library (“Library”) establishes this Purchasing Policy to comply with the General Municipal Law of the State of New York, generally accepted auditing standards, and the principles of responsible fiscal management.

OBJECTIVES

The Library’s purchasing activity will strive to meet the following objectives:

1. to effectively supply needed materials, equipment, supplies, and contracted services;
2. to obtain materials, equipment, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed in conformance with state law and regulation;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the goals and programs of the Library; and
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions.

FORMAL COMPETITIVE BIDDING

Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment, supplies and services involving an estimated annual expenditure exceeding \$20,000 and public work contracts 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.

Purchases of the same commodity may not be artificially divided for the purpose of avoiding the bidding threshold. 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.

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder. The Library is, however, also authorized to award purchase contracts on the basis of best value, as defined in State Finance Law §163.

A decision that competitive bidding is not required for a particular purchase must be supported by written justification.

WHEN COMPETITIVE BIDDING IS NOT REQUIRED

Goods and services which are not required by law to be procured by the Library through formal competitive bidding will be procured in a manner so as to ensure 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. The basis for any determination that competitive bidding is not required by law must be documented.

Purchase of commodities and/or services between \$5,000 and \$20,000 and contracts for public work between \$5,000 and \$35,000 will be procured by the Library using informal bids first obtained from at least three sources where practical. Such informal bids must be secured by requests for proposals, written quotations or documented oral quotations. Such documentation must include the names of the vendors contacted, the date contacted, the price quoted, and the name of the individual who provided the quote.

Purchase of commodities and/or services and contracts for public work under \$5,000 may be undertaken using written quotations, verbal quotations, or any other method of procurement designed to further the purposes of this policy, as approved by the Board of Trustees.

A contract award will be to the lowest responsible dollar offeror.

An exception to the foregoing requirements must be supported by written justification and approved by the Board of Trustees.

SPECIAL PURCHASE PROVISIONS

Competitive bidding, even if the dollar value of the purchase meets the threshold established in the General Municipal Law, is not required in certain circumstances, including the following:

1. Emergencies where time is a crucial factor. Purchases may be made without competitive bidding in the event that a public emergency arises due to an accident or other unforeseen occurrence.
2. Procurements for which there is no possibility of competition (sole source items). In the event that the Library needs to make a purchase from a specific vendor (i.e., a sole source supplier) such that competitive quotes and/or bids are not practical, the supervisor making the purchasing request must submit a written justification for an exemption to the Board of Trustees, who will review the request and determine whether to allow such an exemption. A written copy of the request and the decision must be included in the documentation of the purchase.
3. Professional services that require special skill or training. All contracts for professional, technical or other consultant services shall be subject to review and approval by the Board of Trustees. In general, the Library will conduct a formal Request for Proposal (RFP) process to secure professional, technical or other consultant services expected to cost \$20,000 or more. At the discretion of the board of Trustees, contracts for legal counsel having a value of \$20,000 or more may be subject to an RFP process or supported by written justification which shall be reviewed by the Board of Trustees. For multi-year

services (i.e., legal counsel, auditing service, insurance broker/consultant, etc.) the Library will complete an RFP process for the service at least every 5 years.

4. Surplus or second-hand supplies, material, or equipment may be purchased from the federal government, the State, or another municipality without the necessity of obtaining quotes or bids.

EXEMPTIONS

The following procurements are exempted from both competitive bidding and the requirement to obtain alternative proposals or quotations:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

RESPONSIBILITIES

The Director or President of the Board of Trustees, may commit the Library to make purchases as approved by the Board. The policies and procedures described herein and all relevant laws as they pertain to procurement shall be followed.

With the few exceptions described herein and those purchases requiring action to secure the immediate safety of employees or the public, all purchases require advanced planning and adherence to the processes outlined in this policy.

Any exception to the policies and procedures described herein must be supported by written justification and documentation and receive advance written approval of the Board of Trustees. Where a contract is awarded to an offeror other than the lowest responsible dollar offeror, such documentation must set forth the basis for such award and reasons why such award is in the best interests of the Library and otherwise furthers the purposes of section 104-b of the General Municipal Law.

ANNUAL REVIEW

The Library's Board of Trustees shall review this Policy at least annually and shall solicit comments from the Director and Treasurer.

UNINTENTIONAL FAILURE TO COMPLY

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or Library policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the Library or any officer or employee of the Library.

Adopted: May 9, 2017