

# Procurement Policy

This sets forth the policies and procedures of the Nanuet Public Library (the “Library”) to meet the requirements of New York General Municipal Law Section 104-b.

## PURPOSE

Goods and services which 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 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. To further these objectives, the Library’s Board of Trustees is adopting internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of New York General Municipal Law Section 103 or of any other general, special or local law.

## PROCEDURES FOR DETERMINING WHETHER PROCUREMENTS ARE SUBJECT TO COMPETITIVE BIDDING

Any purchase to be made must be reviewed initially to determine whether it is a purchase contract or a public works contract. The Library’s Board of Trustees shall conduct and make any such review and determination. After that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding pursuant to New York General Municipal Law Section 103, *et seq.*, taking into account past purchases and the aggregate amount to be spent in a year.

## **EXCEPTIONS FROM THESE POLICIES AND PROCEDURES**

Except for procurements made pursuant to New York General Municipal Law Section 103(3), New York General Municipal Law Section 104 , New York State Finance Law Section 175-b, , New York Correction Law Section 186 , any policy or procedure adopted in accordance with New York General Municipal Law Section 104-b(2)(b), or any of the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of New York General Municipal Law Section 104-b.

## **METHODS TO BE USED FOR NON-COMPETITIVE BIDDING PROCUREMENTS**

The methods of procurement to be used are as follows:

<b>Estimated Amount of Purchase Contract Method</b>	<b>Method</b>
<b>\$2,000 - \$2,499</b>	<b>2 oral quotations, to be documented in writing, or two written quotations</b>
<b>\$2,500- \$19,999</b>	<b>3 written fax/quotations or written requests for proposals</b>

<b>Estimated Amount of Public Works Contract</b>	<b>Method</b>
<b>\$2,000 - \$2,499</b>	<b>2 oral quotations, to be documented in writing, or two written quotations</b>
<b>\$2,500 - \$34,999</b>	<b>3 written fax/quotations or written requests for proposals</b>

## **ADEQUATE DOCUMENTATION**

Documentation of actions taken in connection with each such method of procurement is required as follows:

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

#### **AWARDS TO OTHER THAN LOWEST RESPONSIBLE DOLLAR OFFEROR**

Documentation and justification are required whenever a contract is awarded to other than the lowest responsible dollar offeror, and shall set forth the reasons such a contract award furthers the purposes of New York General Municipal Law Section 104-b. A determination that the offeror is not responsible shall be made by the Library, as Purchaser, and may not be challenged under any circumstances.

#### **INDIVIDUALS RESPONSIBLE FOR PURCHASING AND TITLES**

The individual or individuals responsible for purchasing are the Library Director and the Senior Account Clerk. This information shall be updated biannually.

#### **ITEMS EXCEPTED FROM POLICIES AND PROCEDURES BY BOARD**

Pursuant to New York General Municipal Law Section 104-b (2)(g), the procurement policy may contain circumstances when or types of procurements for which, in the sole discretion of the Library's Board of Trustees, the solicitation of alternative proposals or quotations will not be in the best interest of the Library. In the following circumstances, it may not be in the best interest of the Library to solicit quotations or document the basis for not accepting the lowest bid:

Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education, training, judgment, and integrity. These qualifications are not necessarily found in the individual or company that submits 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's Board of Trustees may consider one or more of the following:

(a) Whether the services are subject to State licensing or testing requirements; and/or

(b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and/or

(c) Whether the services require a personal relationship between the individual and municipal officials; and/or

(d) Whether the services to be rendered can be more effectively provided by a professional possessing a continuity of representation.

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

a) services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage; the services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and/or computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b) Emergency purchases pursuant to Section 103(4) of the New York General Municipal Law. In the event of a public emergency, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or property of the inhabitants of the locale served by the Library. Alternate proposals are not precluded if sufficient time permits.

c) Goods or services under \$2,000 are exempt from procurement under this policy. The time and documentation required to purchase the same through this policy may be more costly than the item itself and therefore would not be in the best interests of the

taxpayer.

d) To the extent not otherwise set forth or otherwise referenced herein, the Library shall comply with the provisions of New York General Municipal Law Section 104-b.

#### **ANNUAL REVIEW**

The Library's Board of Trustees shall review annually these policies and procedures. The Library Director or Secretary to the Library Board shall be responsible for conducting an annual review of the Procurement Policy, and for an evaluation of the internal control structure established in order to ensure compliance with the Procurement Policy.

#### **UNINTENTIONAL FAILURE TO COMPLY**

The unintentional failure to fully comply with the provisions of New York General Municipal Law Section 104-b shall not constitute or otherwise be construed to constitute any ground to void any action taken or give rise to a cause of action against the Library and/or any officer or employee thereof.

#### **APPROVED AND ADOPTED:**

**NANUET PUBLIC LIBRARY BOARD OF TRUSTEES, MARCH 27, 2017**

**NANUET PUBLIC LIBRARY BOARD OF TRUSTEES, JUNE 25, 2018**

**NANUET PUBLIC LIBRARY BOARD OF TRUSTEES, AUGUST 20, 2018**