

# NORTHPORT-EAST NORTHPORT PUBLIC LIBRARY

## PROCUREMENT GUIDELINES POLICY

1. A. Every prospective purchase of goods must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once 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, taking into account past purchases and the aggregate amount to be spent in a year.

B. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000.00 and public works contracts under \$35,000.00; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under state and county contracts; and surplus and secondhand purchases from another government entity. Any questions regarding the applicability of any of these exceptions should be referred to Library counsel.

C. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services not subject to competitive bidding will be secured by use of written requests for proposals (RFP), written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

3. A. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<b><u>Estimated Amount of Purchase Contract</u></b>	<b><u>Method</u></b>
\$0.00 to \$2,000.00	No quotes required
\$2,000.00 to \$5,000.00	Two verbal quotes
\$5,000.00 to \$10,000.00	Verbal request for the goods and written/fax quotes from two vendors
\$10,000.00 to \$20,000.00	A written request (RFP) and written/fax quotes from three vendors.

<u>Estimated Amount of Public Works Contracts</u>	<u>Method</u>
\$0.00 to \$5,000.00	No quotes required
\$5,000.00 to \$10,000.00	Two verbal quotes
\$10,000.00 to \$20,000.00	Written RFP and written/fax proposals from two contractors
\$20,000.00 to \$35,000.00	Written RFP and written/fax proposals from three contractors.

B. Any written RFP shall describe the desired goods, quantity, and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

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

D. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Library and its taxpayers to make an award to other than the low proposer. If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.

Among the relevant factors to be considered are the following:

- (a) Vendor cannot guarantee delivery of goods or services within the time frame or under the conditions established by the Library;
- (b) Vendor's terms of payment are disadvantageous to the Library, e.g., full payment before commencement of work or delivery of goods;
- (c) Vendor cannot comply with the full specifications of goods or services as set forth by the Library;
- (d) Vendor's warranty for goods or services is deemed inadequate by the Library;
- (e) Vendor's after purchase support services are deemed inadequate by the Library.

5. Pursuant to General Municipal Law Section 104-b (2) (f) the solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances:

A. 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 and training, judgment integrity, and moral worth. In determining whether a service shall fit into this category, the Board of Trustees 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 municipal officials.

Professional and technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect 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 art work; management of municipally-owned property; and computer software or programming services for customized programs or services in substantial modification and customizing of prepackaged software.

B. Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits.

C. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Library is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

D. Goods under \$2,000.00 and public works contracts for less than \$5,000.00. The time and documentation required to purchase through this policy may be more costly than the item itself and, therefore, not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

E. Sole source suppliers. Competitive bidding is not required in those limited situations when there is only one possible source from which to procure goods or services such

as in the case of certain patented goods or services or public utility services. In making a sole source determination the purchaser should document among other things the unique benefits of the item to be purchased or service to be rendered and that no other item or service is substantially equivalent and that there is no possibility of competition for the good to be purchased or service to be rendered.

6. No purchase of goods or services shall be made from any vendor in which elected officials of the library, i.e. the Board of Trustees, or the library administration, i.e., the Library Director and/or Assistant Library Director, hold a full or partial interest.

7. No portion of this resolution shall be construed as preventing the competitive bidding of purchase contracts under \$20,000.00 or public works projects under \$35,000.00, if so desired.

8. This policy shall be reviewed annually by the Board of Trustees of the Library at its reorganizational meeting or as soon thereafter as reasonably practicable.

Adopted 04/1992  
Revised 07/2007, 12/2010  
Reviewed 07/2019, 07/2020, 07/2021, 07/2022, 07/2023