Monroe 2-Orleans BOCES Policy
Series 4000 – Non-Instructional/Business Operations
Policy #4310 - PURCHASING

The BOCES views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent, Wendy Vergamini, designated by the Board.

It is the goal of the BOCES to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids and quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies 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. Similar procurement to be made in a fiscal year will be grouped together for the purpose of determining whether a particular commodity/service must be bid. Exception to the competitive bidding requirement will be in accordance with law.

Goods and services which are not required by law to be procured by BOCES through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public moneys, 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.

The BOCES purchasing activity will strive to meet the following objectives:

a) To effectively supply all administrative units in the BOCES with needed materials, supplies, and contracted services;

b) To obtain materials, supplies, and contracted services at the lowest prices possible consistent with the maximum quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning authority. The educational welfare of the students is the foremost consideration in making any purchase;

c) To ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the BOCES;

d) To maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and

e) To ensure, through the use of proper internal controls, that loss and/or diversion of BOCES property is prevented.

f) Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in BOCES). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

Opportunities shall be provided to all responsible suppliers to do business with BOCES. Suppliers whose place of business is situated within the supervisory district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative bids or State contracts of the Office of General Services whenever such purchases are in the best interests of the BOCES. In

addition, the BOCES will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

BOCES may award a purchase contract using the best value method (as defined in New York State Finance Law) to a responsible and responsive bidder but not necessarily to the lowest bidder.

BOCES will provide justification and documentation of any contract awarded to a bidder other than the lowest responsible dollar bidder, setting forth the reasons why such award is in the best interests of the BOCES and otherwise furthers the purposes of section 104-b of the General Municipal Law.

BOCES has developed a plan to ensure that all instructional materials to be used in the BOCES are available in a usable alternative format for each student with a disability, including students requiring Section 504 Accommodation Plans, in accordance with their educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. The BOCES Plan shall include those provisions mandated by Education Law and Commissioner's Regulations.

The Purchasing Agent will not be required to secure alternative proposals, bids, or quotations for the following:

a) Emergencies where time is a crucial factor;

b) Procurement for which there is no possibility of competition (sole source items);

c) Procurement of professional services, which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation; or

d) Procurement of less than $2,500 when solicitations of competition would not be cost-effective.

The Assistant Superintendent for Finance and Operations with the assistance of the Purchasing Agent, shall be responsible for the establishment, updating and implementation of the procedures and standard forms for use in all purchasing and related activities. Such procedures shall comply with all applicable laws and regulations of the State and the Commissioner of Education.

No Board member, officer or employee of the BOCES shall have an interest in any contract entered into by the Board, as provided in Article 18 of the General Municipal Law. Any Board member, officer or employee who has or acquires an interest in any actual or proposed contract with the BOCES shall publicly disclose the nature and extent of such in writing. This written disclosure will be kept in the file.

Federally Funded Awards

Additionally, no Board member, officer or employee may participate in the selection, award, or administration of a contract supported by a Federal award if there is a real or apparent conflict of interest. Such a conflict of interest would arise when the Board member, officer or employee, or any member of their immediate family, partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm in the contract. The Board members, officers, or employees can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or subcontractors. Disciplinary actions could be applied for violations of such standards.

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Comments will be solicited from those administrators involved in the procurement process before enactment of BOCES policies and procedures regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. All BOCES policies regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of Section 104-b of the General Municipal Law or BOCES policies regarding procurement will not be grounds to void action taken or give rise to a cause of action against BOCES or any officer or employee of BOCES.

General Municipal Law Article 5-A
Education Law Sections 305(14)
8 New York Code of Rules and Regulations
(NYCRR) Section 170.2

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