

PLAINEDGE PUBLIC LIBRARY

PROCUREMENT POLICIES AND PROCEDURES

Adopted by Board of Trustees, January 24, 1992

Revised by the Board of Trustees, October 18, 2010

Revised by the Board of Trustees, April 18, 2022

*Procurement Policies and Procedures will be reviewed annually.

In compliance with General Municipal Law 104-B, effective, February 4, 2022, the Library's procurement procedures for determining whether procurements are subject to bidding will be as follows:

Every purchase to be made by the Library must be reviewed to determine whether it is a purchase contract or public works contract. Once the 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 items or service are not subject to competitive bidding. Past purchases and the aggregate amount to be spent in a year will be taken into account when accessing the aggregate amount.

Any item or items, the cost of which exceeds or is expected to exceed \$20,000 in any fiscal year, will be procured through State or County purchase contracts, as authorized by General Municipal Law 103 and 104, if such contracts exist. Vendors will be solicited to determine if a government purchase is available. If no State, County, or Federal contract is available, the competitive bidding procedures of General Municipal Law 103 will be followed.

Where a service, meeting the definition of a public work is to be procured, and the cost of such product or service exceeds \$35,000, unless the product or service can be obtained through a State or County contract, the competitive bidding procedures of General Municipal Law 103 shall be followed.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases, goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts as referenced above, surplus and second-hand purchases from another governmental entity; and pursuant to GML 103(16) through use of a contract let by United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with GML 103 and made available for use by other governmental entities.

Procurement of any item or items, the cost of which does not or is not expected to exceed \$20,000 in any fiscal year, or any service meeting the definition of a public work, not exceeding \$35,000 shall be based on solicitation of offers, either in writing, by email, by telephone, or verbally. A record shall be maintained, indicating the date and source of the response to the solicitation.

AWARDS TO OTHER THAN LOWEST RESPONSIBLE OFFERER

The Library Director is delegated the discretion of not making a purchase from the offer or of the lowest price, provided a record is kept wherein are documented the reason or reasons for not accepting the lowest offer. The reason or reasons shall be based on one or more of 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 or Contractor's terms for payment are disadvantageous to the Library, e.g. full payment before commencement of work or delivery of goods.
- c. Vendor cannot fully comply with the specifications for 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 post-purchase support services are deemed inadequate by the Library.
- f. Failure of the product to perform in a manner comparable with products previously used.
- g. Other reasons not in conflict with the intent of General Municipal Law 104-B

SUBSCRIPTIONS EXEMPTED

In accordance with the provisions of General Municipal Law 104-B, the purchase of subscriptions to magazines, periodicals and newspapers is hereby exempted from the solicitation process because: a) such items are often handled by a sole-source vendor, therefore the solicitation process would be meaningless; b) in those cases where subscriptions may be available from more than one source, there is no guarantee that when a change in vendors takes place, there will not be a hiatus in the receipt of a title, thereby lessening the information-providing function of the Library, and thus diminishing the usefulness of the Library to the public, which is deemed not to be cost effective.

INTERESTED TRUSTEES OR ADMINISTRATIVE PERSONNEL

No purchase of goods or services shall be made from any vendor or contractor in which any member of the Board of Trustees or the Library Administration hold a full or partial interest.

ITEMS EXCEPTED FROM POLICIES AND PROCEDURES BY BOARD

Pursuant to General Municipal Law Section 140-B(2)(g), the procurement policy may contain circumstances when or types of procurements for which, in the sole discretion of the library board, 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 Plainedge Public Library to solicit quotations or document the basis for not accepting the lowest bid:

- 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 and integrity. 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 Plainedge Public Library Board 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 relations between the individual and municipal officials.
- (d) Whether the services to be rendered can be more effectively provided by a professional possessing a continuity of representation.

COMPETITIVE BIDDING

Adopted by Board of Trustees January 18, 1973

RESOLVED, that the Massapequa Post and the Massapequan Observer be designated as the Library's official newspapers for the purpose of complying with the competitive bidding statutes and that the Library Director be designated as the Board's official agent to open sealed bids received in response to advertisements in those papers and that they are so authorized to open such bids.

EQUIPMENT

Adopted by Board of Trustees May 17, 1963

Amended October 17, 2001

Amended January 12, 2009

Amended April 18, 2022

Director is authorized to purchase necessary equipment, new supplies, or approve necessary building repairs:

(a) up to \$1,000 per purchase and may not exceed 10 purchases within 30 days;

(b) up to \$10,000, subject to a concurring agreement by the Board President.

If the value of a purchase for necessary equipment, new supplies or building repairs is between \$10,000-\$20,000, director may purchase, subject to the approval of the Library Board of Trustees at the next Board meeting.

LEGAL ADVERTISING

Adopted by Board of Trustees February 13, 1963

Massapequa Post and Massapequan Observer chosen as official papers.