

## **PROCUREMENT POLICY**

This policy sets forth the principles and procedures of The Smithtown Library to meet the requirements of General Municipal Law, Section 104-b.

### **1. Purpose**

Purchase contracts and Public work contracts which are not required by law to be obtained pursuant to competitive bidding must be procured in a manner so as to assure 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, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Board of Trustees of The Smithtown Library is adopting internal procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103, or of any other general, special or local law. The term of all executed contracts (one year or greater) will be determined by the nature of the contract and defined as proprietary or governmental and in compliance with New York State Law.

### **2. Determining Whether Procurements are Subject to Formal Bidding**

- a. All purchase contracts for commodities which can reasonably be expected to exceed TWENTY-THOUSAND DOLLARS (\$20,000) during a given fiscal year shall be subject to competitive bidding pursuant to Section 103 of General Municipal Law and awarded by competitive offering in consideration of "best value" (NYS Finance Law 163 (1)(j) or to the lowest responsible bidder.
- b. All contracts for public works expenditures including services, labor or construction which can reasonably be expected to exceed THIRTY-FIVE THOUSAND DOLLARS (\$35,000) shall be subject to competitive bidding pursuant to Section 103 of General Municipal Law and awarded to the lowest responsible bidder.
- c. There are several exceptions to the competitive bidding and competitive offering ("best value") requirements under Section 103 of General Municipal Law.
  - i. Qualifying purchases made through the NYS office of General Services, purchases made through certain county and federal contracts, purchases made through the use of certain contracts let by other states or political subdivisions, emergency purchases, professional services and purchases from a legitimate sole source or preferred sources are excluded. For the purposes of this section, professional services shall mean those services involving a relationship of trust and confidence that require specialized skills, use of expert judgment and/or a high degree of creativity. Although professional services are not subject to bidding requirements, it is the Library's policy to issue a Request for

Proposals (RFPs) on a periodic basis but not exceeding five (5) years for such services.

- ii. Operating Leases are excluded. Documentation shall include written quotations and a cost-benefit analysis of leasing versus purchasing.
- iii. Insurance is excluded. However, documentation shall include specifications, awarding resolution, and documented quotations.
- iv. Surplus and second-hand supplies, materials or equipment may be purchased without competitive bidding or competitive offering from the federal government, New York State or from any other political subdivision, district or public benefit corporation.

**3. Statutory Exceptions from These Policies and Procedures**

Except for procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran's workshops), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein, alternative proposals or quotations for purchase contracts or public work contracts 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 General Municipal Law, Section 104-b.

**4. Non-Bid Procurements**

- a. The Library Director, or such designee as may be appointed by the Board of Trustees, is authorized to enter into purchase contracts and public work contracts on behalf of the Library valued at FIVE THOUSAND DOLLARS (\$5,000) or less without prior approval from the Board of Trustees and without the solicitation of alternative proposals or quotations.
- b. The Library Director, or such designee as may be appointed by the Board of Trustees, is authorized to enter into purchase contracts and public work contracts on behalf of the Library in excess of FIVE THOUSAND DOLLARS (\$5,000) but less than TEN THOUSAND DOLLARS (\$10,000) without prior approval from the Board of Trustees, with the lowest dollar offerer or best value offerer provided at least one (1) other documented quotation is received.
- c. The Library Director, or such designee as may be appointed by the Board of Trustees, is authorized to enter into purchase contracts and public work contracts on behalf of the Library valued at TEN THOUSAND DOLLARS (\$10,000) or more but less than TWENTY THOUSAND DOLLARS (\$20,000) with the prior approval of the Board of Trustees, from the lowest dollar offerer or best value offerer provided at least two (2) other documented quotations are received.

**5. Documentation For Non-Bid Procurements**

- a. Verbal Quotations: The record should include at a minimum the date of the quotation, item or work desired, price quoted, name of vendor, and name of vendor's representative.
- b. Written Quotations: Vendors should provide at minimum the date of the quotation, description of items or details of work to be provided, price quotation, and name of contact. Quotations transmitted by telefacsimile are acceptable provided such transmissions include the aforementioned information.
- c. Requests For Proposals: The Library shall award contracts for professional services only after an appropriate number of professionals are contacted directly asking for the submission of written proposals. Requests for proposals and evaluations of proposals can consider price and other factors such as experience, staffing, and suitability for needs and may include negotiations on a fair and equal basis.

**6. Awards on Bids and Non-Bid Procurements to Other Than Lowest Dollar Offerer**

- a. Whenever any award is made to other than the lowest dollar offerer, the reasons such an award is made should be documented as follows:
  - i. A memorandum to the file that details the manner in which the award comports with the statutory criteria permitting awards to other than the lowest dollar offerer.
  - ii. Record of vendors contacted and price quotations received.
- b. Any purchase of FIVE THOUSAND DOLLARS (\$5,000) or more of commodities awarded to other than the lowest dollar offerer shall be made on the basis of "best value" or "lowest responsible bid" with the prior approval of the Board of Trustees.

**7. Items Excepted From Policies and Procedures by Board of Trustees**

The Board of Trustees sets forth the following conditions when, in its sole discretion, the solicitation of alternative proposals or quotations will not be in the best interest of The Smithtown Library.

- a. An emergency compromising the safety and welfare of staff and patrons or endangering the library's physical plant.
- b. Procurements for which there is no possibility of competition, as in a sole provider source.

**8. Input From Officers**

Comments concerning the regulations and procedures shall be solicited from officers of the Library involved in the procurement process prior to the enactment of the regulations and procedures, and will be solicited from time to time hereafter.

**9. Annual Review**

The Board of Trustees shall annually review these policies and regulations. The Library Director shall be responsible for conducting an annual review of the Procurement Policy and for an evaluation of the internal control structure established to ensure compliance with the Policy.

**10. Unintentional Failure to Comply**

The unintentional failure to comply with the provisions of General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against The Smithtown Library or any officer or employee thereof.

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**Policy 900-30**

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