

**LAKEVIEW PUBLIC LIBRARY**  
**PROCUREMENT OF GOODS AND SERVICES POLICY**

This policy is enacted in accordance with the requirements of General Municipal Law and is intended to establish purchasing and procurement criteria in the best interest of the taxpayers of the Lakeview Public Library. It is the goal of the Board of Trustees of the Library to purchase competitively, without prejudice or favoritism, and to seek the maximum value for monies expended.

The following sets forth the procedures for the procurement of goods and services by the Library:

Definitions:

Goods Contract: a contract involving the acquisition of commodities, materials, supplies or equipment.

Public Works Contract: a contract involving services, labor or construction.

General Municipal Law §103:

The Purchasing Agent shall comply with Section 103 of the General Municipal Law. All contracts for public works from any non-exempt entity involving an estimated annual expenditure of more than \$35,000 and all purchases of Goods from any non-exempt entity involving an estimated annual expenditure of more than \$20,000 shall be awarded to the lowest responsible bidder in accordance with specifications provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) may be awarded on the basis of “best value” as defined by NYS Finance Law §163, to a responsive and responsible bidder or offerer in the manner provided by NYS General Municipal Law.

NYS Finance Law defines “best value” as the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among

responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority or women owned business enterprises as defined in subdivisions 1, 7, 15 and 20 of NYS Executive Law §310, or service-disabled veteran-owned business enterprises as defined in subdivision 1 of NYS Executive Law §369-h, to be used in evaluation of offers for awarding of contracts for services.

#### Procurements that are Competitively Bid

The General Municipal Law requires that purchase contracts for commodities, materials, supplies or equipment involving an estimated annual expenditure exceeding \$20,000 and public works contracts for services, labor or construction, involving estimated annual expenditures exceeding \$35,000, will be awarded only after responsible bids have been received in response to public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for purposes of determining whether a particular item must be bid.

The Library Director or, in his/her absence, the Library Board President, shall serve as the Library's Purchasing Agent. The Purchasing Agent is authorized to notice all bids and develop bid materials. Contracts shall be awarded to the lowest responsible bidder who meets specifications, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) may be awarded on the basis of "best value" as defined by NYS Finance Law §163, to a responsive and responsible bidder or offerer in the manner provided by NYS General Municipal Law. The Library reserves all rights under law, including, without limitation, the right to reject any bid in whole or in part. The Library also reserves the right to waive any informality as to non-material errors or omissions in the bid specifications.

#### Procurements that are Not Competitively Bid

Goods and services which *are not* required by law to be procured by competitive bidding will be procured in a manner to ensure the prudent and economical use of public monies to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances.

The procurement of public work projects and services for the purchase of goods which do not require competitive bidding under law include:

1. Goods – commodities, equipment, materials or supplies costing \$20,000 or less.
2. Public Works – services, labor or construction costing \$35,000 or less.
3. Specialized Services – professional or unique services. Unique services references services which require a particular training and/or experience, consulting services, and such other services as have been previously determined by appropriate regulatory, administrative and/or judicial authority not to require competitive bidding.
4. Sole Source -- procurements for which there is no possibility of competition in that the purchase may only be procured from a single manufacturer or supplier or the nature of the special equipment/materials and/or special expertise are required under a public works contract and can only be procured from a single vendor.
5. Emergency Procurement – goods contracts or public work contracts which are urgently required. Emergency Procurements arise under the following situations, as determined by the Board of Trustees or its designee:
  - a. The situation arises out of an accident or unforeseen occurrence and/or condition; and/or
  - b. A Library building, property, or the life, health or safety of an individual on Library property is affected; and/or
  - c. The situation requires immediate action which cannot await competitive bidding.
6. Exempt Purchase – Procurements:
  - a. under a USA, state, or county contract, as in accordance with law;
  - b. of articles manufactured from the Department of Correctional Services' Correctional Industries Program;
  - c. from the approved, charitable, non-profit making agencies for the blind;
  - d. from approved, charitable, non-profit making agencies for the severely disabled, qualified special employment programs for mentally ill persons, and qualified veterans workshops.

The Library will make purchases from correctional institutions, non-profit making agencies for the blind, severely disabled, qualified special employment programs for mentally ill persons and qualified veterans workshops, as provided by and in accordance with law.

Where procurements are not subject to competitive bidding, alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations, or any other appropriate method of procurement except for procurements:

1. under a USA, state or county contract, as in accordance with law;
2. of articles manufactured from the Department of Correctional Services' Correctional Industries Program;
3. from the approved, charitable, non-profit making agencies for the blind;
4. from approved, charitable, non-profit making agencies for the severely disabled, qualified special employment programs for mentally ill persons, and qualified veterans workshops.

In addition, the Purchasing Agent will not be required to secure alternative proposals or quotations for:

1. emergencies where time is a critical factor;
2. procurements for which there is no possibility of competition in that the purchase may only be procured from a single manufacturer or supplier (sole source items); or
3. expenditures for public work projects and services of \$2,500 or less or goods of \$2,000 or less.

The Purchasing Agent is responsible for setting forth in writing when each method of procurement will be used, accounting for which method best serves the purposes of General Municipal Law, and the cost effectiveness of each method.

The Director shall be responsible for the establishment and implementation of the regulations and forms for use in purchasing and related activities in the Library. Such regulations shall comply with all applicable laws and regulations. The regulations shall, without limitation, include procedures for determining whether a procurement is subject to competitive bidding and, if not, documenting the basis for such determination with certain exceptions; providing the dollar limits for the use of verbal and written quotations when competitive bidding is not required as well as the required procedures and documentation supporting all decisions made by the Purchasing Agent; and that set forth circumstances where alternative proposals and quotes would not be in the best interests of the Library. The Library shall provide justification and documentation when a contract is awarded to other than the lowest dollar offered, of the reason such award furthers the purpose of the General Municipal Law.

No Board member, officer or employee of the Library shall have any interest in any contract entered into by the Board or the Library, as provided in Article 18 of the General Municipal Law.

Comments will be solicited from those involved in the procurement process regarding purchasing policies. Procurement policies will be reviewed at least annually.

References: General Municipal Law §§103; 104-b; 109-a; 800 et seq.  
Lakeview Public Library Purchasing Regulation

Adopted by the Board of Trustees: February 15, 2023