

PURCHASING POLICY

I. Statement of Intent

All purchases made for Questar III or on behalf of the districts it serves shall be made in a manner which assures the prudent and economical use of public monies, in the best interest of the taxpayers, provides students with the best quality educational materials possible, facilitates the acquisition of goods and services of sufficient quality and utility at the lowest ultimate cost under the circumstances, and guards against favoritism, improvidence, fraud and corruption.

II. Purchasing Agent

The Board shall annually appoint a Purchasing Agent who shall have the authority and responsibility, under the general supervision of the Deputy Superintendent responsible for Business and Financial Services, to oversee purchasing of goods and services in accordance with law and this policy.

The Purchasing Agent shall be responsible for preparing all bid specifications and overseeing the advertisement, receipt and opening of bids. When law and policy does not require the receipt of bids, the Purchasing Agent shall be responsible for obtaining and documenting information required by this policy to demonstrate that the goods or services acquired are of sufficient quality and utility at the lowest cost under the circumstances.

The Purchasing Agent is authorized to issue purchase orders without the Board's prior approval when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations. The Purchasing Agent shall consult with the person or persons requisitioning goods or services regarding the specifications for said goods or services.

III. Procurement Requirements

- A. Purchases shall be made by competitive bid whenever required by law. Other purchases may be made by competitive bid when, in the best judgment of the Purchasing Agent, this method of procurement will best serve Questar III.
- B. The Purchasing Agent shall determine whether a procurement of goods and services is subject to competitive bidding and shall document the basis for that determination as follows:
 1. The Purchasing Agent shall determine whether the contract is primarily for the purchase of materials or for the purchase of services. Where a contract includes the purchase of both materials and services, the Purchasing Agent shall determine whether the "materials" component or the "services" component predominates.

2. The Purchasing Agent shall determine, through the use of informal quotes supplied by the materials or services providers, whether a purchase will exceed or fall reasonably below the bidding limits outlined in this policy.
 3. Unless otherwise allowed by law and authorized by this policy, all materials purchase contracts for commodity groupings that are reasonably expected to exceed an annual cost of \$20,000 and all public works (“services”) contracts that are reasonably expected to exceed an annual cost of \$35,000 shall be competitively bid pursuant to the requirements of General Municipal Law, section 103.
 4. In the event of a public emergency arising out of an accident or other unforeseen occurrence or condition, the Purchasing Agent shall document such circumstances in order to justify any need to make a procurement which would otherwise be subject to competitive bidding.
- C. The Purchasing Agent shall either submit all procurements to competitive bidding or utilize an alternative method of procurement, as follows:
1. Materials purchases falling within the range specified shall be procured either by competitive bid or by the method indicated:
 - a. \$1 - \$4,999: Catalog price, verbal quotation, or written quotation at the discretion of the Purchasing Agent.
 - b. \$5,000 - \$19,999: A minimum of three verbal or written quotations shall be secured from different vendors.
 - c. \$20,000 and over: Procurement through receipt of bids pursuant to General Municipal Law or, where appropriate, to the offerer providing “best value” as provided by this policy.
 2. Services purchases falling within the range specified shall be procured either by competitive bid or by the method indicated:
 - a. \$1 - \$6,999: Verbal quotation or written quotation at the discretion of the Purchasing Agent.
 - b. \$7,000 - \$34,999: A minimum of three verbal or written quotations shall be secured from different vendors.
 - c. \$35,000 and over: Procurement through receipt of bids pursuant to General Municipal Law or, where appropriate, to the offerer providing “best value” as provided by this policy.

3. Purchases of apparatus, materials, equipment or supplies, or contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies may be obtained through the use of a contract let by the United States of America or any agency thereof; any state; or any other political subdivision or district therein (“piggybacking”), provided that:
 - a. the contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with the New York General Municipal Law, section 103;
 - b. the contract was made available for use by other governmental entities by the issuing governmental entity; and
 - c. use of such contract would meet Questar III’s need and be cost effective as compared to other methods of procurement.
4. Purchases from preferred vendors without bidding in accordance with paragraph H. of section III of this policy.

D. Professional services.

1. Unless otherwise required by law, professional services (e.g. banking, legal, consulting, insurance, architectural or engineering) are not required to be competitively bid. These services may be procured through the use of written requests for proposal within the discretion of the Board.
2. Questar III shall utilize a competitive request for proposal process for obtaining its annual audit. No audit engagement shall be for a term longer than five years.

E. The Purchasing Agent shall document all actions taken in connection with each such method of procurement as follows:

1. Where a written quotation or request for proposals is used, the original of each such quotation or RFP shall be filed with the Purchasing Agent for the statutory records retention period.
2. The Purchasing Agent shall retain records of all verbal quotes solicited and received on any such procurement on a form created for this purpose and appended to the purchasing documentation.
3. The Purchasing Agent shall make a record of all bids received, which shall include the time a place of bid opening, a description of each bid properly received and opened, the bid amount and a description of any bid that was not timely received or was incomplete and therefore not considered.

4. Where the purchase or contract for services is obtained by piggybacking on another governmental contract, in accordance with paragraph C. of this section III., above, the Purchasing Agent shall maintain documentation of the following:
 - a. copy of such contract let by the United States of America or any agency thereof; any state; or any other political subdivision or district therein and an analysis that the contract terms and conditions are otherwise consistent with procurement requirements;
 - b. a determination that such contract was, by its terms, made available to Questar III for use;
 - c. documentation that such contract was let to the lowest responsible bidder or best value, including documentation relating to such process and analysis of its consistency with processes otherwise required by New York law; and
 - d. a cost-benefit analysis demonstrating that utilizing such contract is cost effective, including consideration of other procurement methods.

- F. Whenever any contract is awarded to other than the lowest offerer, the Purchasing Agent shall document the reasons such an award furthers the purpose of General Municipal Law 104-b and this policy as follows:
 1. A written statement of the reasons for such an award shall be executed by the Purchasing Agent and forwarded to the Questar III Business Official for review.
 2. Acceptable reasons for such a determination may include, but not be limited to, the following:
 - a. The bidding vendor is determined to be a “nonresponsible” bidder and support for this determination is provided in the documentation.
 - b. An alternative offered as “equal” does not, in the opinion of the Purchasing Agent or the program administrator, meet the specifications originally intended as the basis of the solicitation
 - c. The award is made to the offerer providing “best value.” Best value is defined to mean that offer which optimizes quality, cost and efficiency, among responsive and responsible offerers. In assessing best value the Purchasing Agent shall consider price and non-price factors such as reliability of a product, efficiency of operation, maintenance requirements, useful lifespan of product, timeliness of performance, experience of a service provider with similar contracts. Whenever possible, the basis for best value should reflect objective and quantifiable analysis, in order to determine that the offer optimizes quality, cost and efficiency,

- G. The Board of Education sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the Questar III Board of Education, the solicitation of alternative proposals or quotations will not be in the best interest of the BOCES. Such circumstances may include, but not be limited to, the following:
1. When there is a demonstrable advantage in retaining a particular product or service provider for purposes of maintaining continuity of such product or service in an ongoing program.
 2. When the Questar III Board of Education has adopted a resolution standardizing a particular product or service for the purpose of minimizing maintenance and repair costs.
- H. The Purchasing Agent is authorized to purchase goods and services through the following sources without competitive bidding:
1. From the New York State Office of General Services, the New York State Department of Correctional Services, or the New York State Industries for the Handicapped.
 2. Surplus items purchased from another Board of Cooperative Educational Services, a school district, or from the Federal Property Assistance Distribution Center administered by the New York State Office of General Services.
- I. The Board of Education shall annually review these policies and procedures. The Purchasing Agent 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 procurement policy. The Deputy Superintendent responsible for Business and Financial Services shall make recommendations to the Questar III Board of Education regarding amendments to this policy as they may from time to time be required.
- J. The unintentional failure to fully comply with the provisions of General Municipal Law 104-b shall not be grounds to void action taken or give rise to a cause of action against Questar III or any officer or employee thereof.