



Purchasing and Procurement Policy

Purpose

This policy and the procedures herein adopted by the Board of Trustees of the Lyons Public Library are designed to meet the requirements of New York State General Municipal Law, Section 103 and Section 104-b. Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest 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.

Procurements subject to bidding

All purchases of supplies or equipment that will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid, per the requirements of General Municipal Law, Section 103.

Exemptions from bidding

Books, magazines, audio-visual, and other materials intended for patron use are generally purchased from vendors offering a state contract or volume discounts. Materials available only from the publisher are generally purchased with little or no discount. Purchases of library materials are generally not subject to competitive bidding regulations

Exemptions to bidding are provided by law to include services and goods on state or county contract; purchases from agencies for the blind or severely handicapped; purchases from correctional institutions; purchases of surplus and second-hand goods from any source; and emergency purchases that are purchased immediately, the delay of which may threaten the life, health, and safety or welfare of the staff and/or public. Also included are sole source purchases, where a good or service provides a unique benefit to the public, is available from a single supplier, and for which there are no substantial equivalents.

Items exempted from this policy and procedures by the board

Pursuant to General Municipal Law, the procurement policy may contain circumstances when, or types of procurement for which, at the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipal entity. In the following circumstances, it may not be in the best interests of the Lyons Public Library to solicit quotations or document the basis for not accepting the lowest bid.

In cases of professional services or services requiring special or technical skill, training or expertise, the individual or company must be chosen on accountability, reliability, responsibility, skill, education, and training, judgment, integrity, and moral worth. 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.

Professional or technical services shall include but not be limited to the following: services of an attorney; technical services of an engineer engaged to prepare plans, maps, and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; property management; and computer software or programming services for customized programs or services involved in substantial modification and customizing or prepackaged software.

In determining whether a service fits into this category, the Lyons Public Library 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 relationship between the individual and library officials.

Methods of competition to be use for non-bid procurement

The total aggregate cost of every prospective purchase of a good or service or public work contract is evaluated to determine whether the aggregate cost in the fiscal year reaches competitive bidding requirements. Purchases with aggregate costs not rising to competitive bidding levels are authorized as follows except in the case of emergency purchases that are purchased immediately, the delay of which may threaten the life, health, and safety or welfare of the staff and/or public.

- Purchases for goods and services estimated to cost up to \$1,000 shall require prior written approval of the Director.
- Purchases for goods and services estimated to cost between \$1,001 and \$19,999 shall require approval of the Board of Trustees.

Adequate documentation

A good faith effort shall be made to obtain the required number of quotations or proposals. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the quotations or proposals. In no event shall the failure to obtain the proposals be a bar to procurement. The Director shall establish the necessary and reasonable procedures and rules in the execution of this policy.

Award to other than the lowest responsible dollar offer

Whenever any contract is awarded to other than the lowest responsible dollar offer, the reasons such an award furthers the purpose of General Municipal Law, section 104(b), as set forth herein shall be documented accordingly. Notations and/or copies of all documents and notations of verbal or other data justifying why any purchase is made from other than the lowest responsible vendor or contractor submitting a complying quotation or proposal, as being in the best interest of the Lyons Public Library, shall be included with the purchase records. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records. Circumstances under which the award may not be made to the lowest responsible bidder include, but are not limited to:

- Bidder cannot guarantee delivery of goods or services within the time frame or under the conditions established by the library
- Bidder's terms of payment are disadvantageous to the Library, e.g., full payment

before commencement of work or delivery of goods

- Bidder cannot comply with full specifications of goods or services as set forth by the Library
- Bidder's warranty for goods or services is deemed inadequate by the Library
- Bidder's support services are deemed inadequate by the Library

Unintentional failure to comply

The unintentional failure to comply fully 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 Lyons Public Library or any officer or employee thereof.

Adopted: February 17, 2015

Revised: December 20, 2022, February 21, 2023