800-01 — Procurement

Statement of Purpose

This resolution sets forth the policies and procedures of the Fairport Public Library to meet the requirements of General Municipal Law, Section 104-b.

Goods and services which are not required by law to be procured 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 Library Board is adopting internal policies and 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.

Procedures for Determining Whether Procurements Are Subject to Bidding

Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. The Procurement Policy Verification Form will be used to document this review and will be attached to all contracts when presented for signature. Once that 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 item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

- purchase contracts under $20,000
- 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; and surplus and second-hand purchases from another governmental entity
- purchases that are made by “Piggybacking” or by use of other state or federal contracts. These contracts must be made available for use by other governmental entities, per the Piggybacking exception added to GML 103.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item of service exempt, a memo from the purchaser detailing the

circumstances which led to an emergency purchase or any other written documentation that is appropriate.

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), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services 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.

Methods of Competition to Be Used for Non-Bid Procurements

The methods of procurement to be used are as follows:

Estimated Amount of Purchase

Contract	*Method*
$1,000 - $7,499	Documentation of three suppliers' prices – written or verbal
$7,500 - $19,999	3 written, fax, email quotations, or written requests for proposals

Estimated Amount of Public Works

Contract	*Method*
$1,000 - $2,999	2 oral quotations
$3,000 - $4,999	2 written, fax, or email quotations
$5,000 - $34,999	3 written, fax, email quotations, or written requests for proposals

Adequate Documentation

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

Awards to Other Than Lowest Responsible Dollar Offeror

Documentation and an explanation are required whenever a contract is awarded to someone other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

Items Excepted from Policies and Procedures by Board

Pursuant to General Municipal Law Section 140-b(2)(f), 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 Fairport 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 is such that they do not readily lend themselves to competitive procurement procedures.

   In determining whether a service fits into this category, the Fairport 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
   c. whether the services require a personal relationship between the individual and Library officials
   d. whether the services to be rendered can be more effectively provided by a professional possessing a continuity of representation.

   Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; 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 art work; management of municipality owned property; and computer software or programming services for customized programs, or services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

   Recognizing that seeking competition for professional services and insurance coverage may be an opportunity to generate cost savings for the taxpayers, processes will be used whenever deemed prudent by the Board of Trustees to seek competitive proposals for these services.

   a. Competitive bids for insurance coverage, excluding health care, will be solicited periodically.
   b. Requests for Proposals (RFPs) or Requests for Qualifications (RFQs) will be issued for professional services whenever the Board of Trustees determines that the process will add value and potentially reduce costs for a particular service.

b) Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits.

c) Purchases of surplus and second-hand goods from any source. If alternative proposals are required, the Fairport Public Library is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually

obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d) Library Materials (books, magazines, audiovisual materials, online databases, and other such materials intended for patron use) are generally purchased from vendors offering volume discounts or vendors offering a state contract. Materials available only from the publisher are generally purchased with little or no discount. Purchases of library materials generally are not subject to competitive bidding regulations.

e) Goods or services under $1,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such contracts would be awarded based on favoritism.

Annual Review

The Board of Trustees shall annually review these policies and procedures. The Library Director and Library Board Budget Committee 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.

Unintentional Failure to Comply

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

Adopted: January 14, 2014
Reviewed: August 11, 2020; July 13,2021; July 12, 2022; July 11, 2023; July 8, 2025
Revised: August 12, 2014; July 17, 2018; July 9, 2024;