

6700 PURCHASING AND BIDDING

The Board of Education views purchasing and bidding as serving the educational program by providing necessary supplies, equipment and related services. It is the goal of the Board to purchase and bid competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended.

Purchasing and bidding will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board. The Purchasing Agent has the authority to prepare, advertise and open bids for all purchase contracts and contracts for public work, if formal competitive bidding is required by law. Competitive bids or quotations shall be Solicited in connection with purchases pursuant to the New York State General Municipal Law.

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, 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. Proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement.

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, except authorized pursuant to the Policy and as required by law. In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to [General Municipal Law Section 103](#)(1). Where an entity cannot make this certification, the entity must furnish with its bid a signed statement which sets forth in detail the reasons why it cannot make such a certification. Entities that cannot make this certification may on a case-by-case basis, be awarded the bid only if:

1. The entity's investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The district makes a determination, in writing, that the goods or services are necessary for the district to perform its functions and that, absent such an exemption the district would be unable to obtain the goods or services for which the contract is offered.

The Board authorizes the receipt of sealed bids for purchase contracts(including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) in

electronic format, pursuant to the provisions of [General Municipal Law §103\(1\)](#) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

Competitive bidding is not required for procurements:

1. made under a town or county contract;
2. made under a state contract;
3. of articles manufactured in state correctional institutions;
4. from agencies for the blind and severely disabled;
5. made under cooperative bids;
6. of surplus and second-hand supplies, material or equipment from the Federal government, the State of New York or from any other political subdivision, district or public benefit corporation; or
7. Piggybacking. The District is permitted to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items by "piggybacking" on contracts led by the United States or any agency thereof, any state, and any county, political subdivision, or district of any state, including but not limited to BOCES and other school districts. The District is authorized to "piggyback" on contracts led by such governmental agencies when such contracts are procured in a manner that constitutes competitive bidding or "best value" procurement consistent with New York State Law and is not in conflict with other New York State laws and was made available for use by other governmental entities and that such availability is agreeable with the contract holder. The District is also permitted to "piggyback" on any contract which satisfies the requirements of the New York State General Municipal Law.
8. Best Value. Procurement of Goods and Services using Best Value Method of Procurement: The District is authorized to award purchase contracts in excess of ten thousand dollars (\$10,000) on the basis of "best value", rather than on the basis of the lowest responsible bid.

Procedure: Prior to soliciting the bid, the Purchasing Agent or designated representative shall determine the evaluation criteria to be used, which, whenever possible, shall be quantifiable. Said criteria should become part of the procurement record. Documentation of the award shall be in accordance with [GML Section 103](#).

The district's purchasing and bidding activities will strive to meet the following objectives:

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning authority. The

educational welfare of the students is the foremost consideration in making any purchase;

3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative bids, state contracts of the Office of General Services or town or county contracts whenever such purchases are in the best interests of the district.

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of [Section 104-b of the General Municipal Law](#).

The Purchasing Agent will not be required to secure alternative proposals or quotations for:

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items);
3. very small procurements when solicitations of competition would not be cost-effective;
4. purchases under \$1000.

The Superintendent of Schools, or his or her designee, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and bidding related activities in the district. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board or the district, as provided in [Article 18 of the General Municipal Law](#).

The unintentional failure to fully comply with the provisions of [Section 104-b of the General Municipal Law](#) or the district's policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the district or any officer or employee of the district.

The following sets forth the procedures for the purchasing and bidding of goods and services by the district:

I. Competitive Bidding

A. Method of Determining Whether Procurement is Subject to Competitive Bidding

1. The district will first determine if the proposed procurement is a purchase contract or a contract for public work.
2. If the procurement is either a purchase contract or a contract for public work, the district will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth in law.
3. The district will also determine whether any exceptions to the competitive bidding requirements exist.

B. Contract Combining Professional Services and Purchase

In the event that a contract combines the provision of professional services and a purchase, the district, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

C. Opening and Recording Bids; Awarding Contracts

The Purchasing Agent or his or her designee will be authorized to open and record bids. Contracts will be awarded to the bidder (as recommended by the Purchasing Agent), who has furnished the required security if required and complied with other terms as designated in the bid.

D. Documentation of Competitive Bids

The district will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract. Proper written documentation will also be required when a contract is not awarded to the vendor submitting the lowest quote, setting forth the reasons therefore. A quote which exceeds the bid limit will be awarded only when such award is in the best interests of the district and otherwise furthers the purposes of [section 104-b of the General Municipal Law](#). The district will provide justification and documentation of any such contract awarded.

E. Purchase of Instructional Materials

In accordance with Education Law the district shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district, including but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format.)

The district will establish and follow a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

F. Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, [section 1725 of the Education Law](#) requires that the district will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.

II. Competitive Bidding Procedures

The requirements for formal competitive bidding are as follows:

- A. All items must be bid when the cost of any single item or group of similar items is in excess of ten thousand dollars (\$10,000).
- B. All transportation must be bid where the cost of any single transportation service is in excess of ten thousand dollars (\$10,000). However, the requirement for competitive bidding shall not apply to extensions of contracts involving transportation of school children.
- C. All repair or contract obligations involving the use of personnel and goods in a single project must be bid when such a project's costs exceed twenty thousand dollars (\$20,000).
- D. All items and/or groups of items whose total exceed one thousand dollars (\$1,000), but is not more than ten thousand dollars (\$10,000), will require quotations via phone, catalog, fax, written or Internet.
- E. A "Notice to Bidders" shall be published in the officially designated newspaper at least one time commencing not less than five (5) days prior to the bid opening date. Notices may also be mailed to potential bidders sufficiently in advance of the scheduled bid opening date to permit timely preparation and submission of bids.
- F. Bids shall be received until the opening time designated in the official notice. All bids shall be date stamped upon receipt and shall be kept in a secure location until the time for opening.

- G. Bids shall be opened at the time and place set forth in the Notice to Bidders. There will be at least two (2) district employees present at each bid opening, including the Purchasing Agent or his/her designee. All interested parties may also attend the opening of bids.
- H. After being opened, all bids shall be recorded and analyzed. In this analysis, in order to determine whether the low bidder is "responsible," the Purchasing Agent shall consider whether the record of the bidder demonstrates or includes:
 - A. lack of adequate expertise, lack of prior experience with comparable projects, or lack of financial resources necessary to perform the work outlined in the contract in a timely, competent and acceptable manner;
 - B. engagement in criminal conduct in connection with any other government contract or the conduct of business activity that involves such crimes as extortion, bribery, fraud, bid-rigging and embezzlement;
 - C. grave disregard for the safety of employees or members of the public. The Purchasing Agent should determine whether employees will be properly trained and whether the equipment to be used is safe and functioning properly;
 - D. willful noncompliance with the state labor laws regarding prevailing wage and supplement payment requirements. All contractors on public work projects are required to pay their employees at not less than the prevailing wage;
 - E. disregard for other state labor laws, including child labor, proper and timely wage payments and unemployment insurance laws;
 - F. violations of the New York State Workers' Compensation Law including failure to provide proof of proper workers' compensation or disability coverage;
 - G. violations of any state or federal environmental statutes;
 - H. the failure to abide by state and federal statutes and regulations regarding efforts to solicit and use disadvantaged, minority and women-owned business enterprises as potential sub-contractors;
 - I. the submission of a bid which is mathematically or materially unbalanced;
 - J. the submission of a bid which is so much lower than the contracting agency's confidential estimate that it appears unlikely that the contractor will be able to complete the project satisfactorily at the price bid; or
- I. The presentation of false or misleading statements or any other issue that raises serious questions about the responsibility of the bidder.
- J. A recommendation shall be made to the Board of Education as to the bidder who has met or complied with the bid specifications.
- K. In the event there are two or more bona fide responsible bidders, the Board may make an award to one of the bidders or, in its discretion, it may reject all the bids and re-advertise the purchase. In making an award in the case of tied bidders, the Board may give consideration to a local business or supplier.
- L. Bid bonds or deposits of five percent (5%) of the bid price may be required, at the discretion of the Purchasing Agent, on all purchase contracts. Bid bonds or deposits of five percent (5%) of the bid price may be required for labor or service contracts. Performance bonds may be required up to the amount of one hundred percent (100%) of the bid price for all contracts in excess of \$25,000. Performance

bonds on contracts for less than \$25,000 may be required, at the discretion of the Purchasing Agent.

- M. Every bid shall contain the certification, properly executed by the bidder, required by [Section 103-d of the General Municipal Law](#).
- N. Minor deviations from specifications or compliance with bidding requirements may be waived by the Board, upon the recommendation of the business official. The business official shall determine all questions of comparability or equivalency.

III. Exceptions to Competitive Bidding Requirements

The district will not be subject to competitive bidding requirements when the Board of Education, in its discretion, determines that one of the following situations exists:

- A. Emergency situations where:
 - A. the situation arises out of an accident or unforeseen occurrence or condition;
 - B. a district building, property, or the life, health, or safety of an individual on district property is affected; or
 - C. the situation requires immediate action which cannot await competitive bidding.

Documentation: The district will maintain records of verbal or written quotes;

- B. When the district purchases surplus or second-hand supplies, materials or equipment from the Federal or State governments or from any other political subdivision or public benefit corporation within the State.

Documentation: The district will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

- C. When there is only one possible source from which to procure goods or services required in the public interest.

Documentation: The district will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable (e.g., sole source letter).

IV. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the

taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

A. Methods of Documentation

- A. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, and if possible the name of vendor's representative;
- B. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. Written quotations will serve as documentation if formal bidding is not required. A copy of a webpage shall be considered acceptable as a written quotation.

Requests for Proposals (RFPs), documented in the same manner as described herein, may also be used;

- 3. Requests for Proposals: the district will contact a number of professionals and request that they submit written proposals. The RFPs may include negotiations on a fair and equal basis. The RFPs and evaluation of such proposals will consider price plus other factors such as:
 - a. the special knowledge or expertise of the professional or consultant service;
 - b. the quality of the service to be provided;
 - c. the staffing of the service; and
 - d. the suitability for the district's needs.

The district will then prepare a well-planned RFP which will contain critical details of the engagement, including the methods which it will use in selecting the service.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained

The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost- effective manner possible:

- 1. Purchase Contracts up to \$10,000
 - a. Contracts from \$1 to \$1,000: no quotes needed.
 - b. Contracts from \$1,001 to \$3,000: Three quotes solicited (verbal, catalog, faxed, written, or Internet). All quotes must be recorded and kept available for inspection.
 - c. Contracts from \$3,001 to \$5,999: A minimum of three written quotes from potential supplier are required to be solicited. No more than two Internet quotes will be accepted.

- d. Contracts from \$6,000 to \$9,999: A minimum of four written quotes are required be solicited. No more than two Internet quotes will be accepted.

In all instances, it is expected that the requestor will use his/her best judgment in obtaining prices when utilizing district funds for the purchase of goods or services.

- 2. Public Work Contracts up to \$20,000
 - a. Contracts from \$1,000 to \$5,000: Three Verbal quotes. Documentation will include notations of verbal quotes
 - b. Contracts in excess of \$5,001 and \$9,999: Three written quotes
 - c. Contracts in excess of \$10,000 to \$20,000: Five written quotes
- 3. Professional Services: RFP
 - a. All professional service contracts in excess of \$5,000 shall be approved by the Board of Education on an annual basis. RFP's are to be conducted annually with the exception of, architects, auditors, physicians, residency officer, special education service providers, insurance providers, third party plan administrators for Workers Compensation, unemployment insurance, athletic trainers, temporary office assistance, Director of Security and Medicare which will require written proposals, minimally every five years. RFP's for school attorneys involve the application of specialized expertise, a relationship of personal trust and confidence and the use of professional judgment. Accordingly, the Board of Education will determine annually if a solicitation for a RFP is in the best interest of the District. No later than February 15 of each year, the Superintendent of Schools shall inquire of the Board of Education if it directs such RFP's to be conducted for the following school year and not await the end of the five year period from the most recent RFP for that professional service

(1) Contracts less than \$5,000 will be at the discretion of the Superintendent of Schools, or his or her designee.

(2) Contracts from \$5,000 to \$15,000 will be sought from at least three sources by way of formal written quotations and the award will be made upon the recommendation of the Superintendent of Schools and the approval of the Board of Education.

(3) Contracts above \$15,001 will be sought by way of a formal RFP and the award will be made upon the recommendation of the Superintendent of Schools and the approval of the Board of Education.

Professional Service contracts awarded to other than the lowest respondent must be documented as to the rationale for the rejection of the lowest proposal.

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

- (1) Emergencies where time is a crucial factor;
- (2) Procurements for which there is no possibility of competition (sole source items);
- (3) Very small procurements when solicitations of competition would not be cost-effective.

The Superintendent of Schools, or his or her designee, shall provide the Board of Education with an annual report regarding the status of all professional service contracts recommended for continuation/renewal no later than February 1 of each year.

V. Procurements from Other Than the Lowest Responsible Dollar Offeror

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of [section 104-b of the General Municipal Law](#).

VI. Internal Control

The Board authorizes the Superintendent of Schools, or his or her designee, with the assistance of the Purchasing Agent, to establish and maintain an internal control structure to ensure, to the best of their ability, that the district's assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and district policies and regulations, and recorded properly in the financial records of the district.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district's regulations regarding purchasing and from time to time thereafter. The regulations must then be adopted by Board resolution. All district regulations regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of [section 104-b of the General Municipal Law](#) or the district's regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

Purchases Directly Charged to a Federal Award

To the extent that its requirements are not already included in this Policy, the District will comply with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, [2 C.F.R. Part 200](#), ("Uniform Guidance") when making purchases directly charged to a federal award. The District's contracts with respect to these purchases will contain the applicable provisions set forth in [Appendix II to Part 200](#), Contract Provisions for Non- Federal Entity Contracts Under Federal Awards.

As required by the Uniform Guidance, the below provisions apply only to procurements for goods and services that are directly charged to a federal award and are to be applied in addition to all other provisions set forth above in this Policy. The below provisions do not apply to indirect costs.

General Procurement Standards

(a) The District will maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(b)

(1) The District will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the District may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct will provide for the possibility of disciplinary action for violations of such standards by officers, employees, or agents of the District.

(c) The District's procedures will avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(d) The District will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited, to the following:

rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(e)

(1) The District may use a "time and materials type contract" only after it determines that no other contract is suitable and provided that the contract includes a ceiling price that the contractor exceeds at its own risk. "Time and materials type contract" means a contract for which the cost to the District is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract will set a ceiling price that the contractor exceeds at its own risk. Further, the District will assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(f) The District alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes and claims. These standards do not relieve the District of any contractual responsibilities pursuant to its contracts. The Federal awarding agency will not substitute its judgment for that of the District unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority with proper jurisdiction.

B. Competition

(a) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of this policy and applicable law. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals will be excluded from competing for those procurements. Some of the situations considered to be restrictive of competition include, but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process

(b) The District will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(c) The District will have written procedures for procurement transactions. These procedures will ensure that all solicitations:

- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, will set forth those minimum essential characteristics and standards to which it will conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which will be met by offers will be clearly stated; and
- (2) Identify all requirements which the offerors will fulfill and all other factors to be used in evaluating bids or proposals.

(d) The District will ensure that all prequalified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District will not preclude potential bidders from qualifying during the solicitation period.

C. Contracting with Small and Minority Businesses, Women's Business Enterprises (SMWBE) and Labor Surplus Area Firms

(a) The District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises and labor surplus area firms are used when possible.

(b) Affirmative steps will include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

D. Federal Awarding Agency or Pass-Through Entity Review

(a) The District will make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes that review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the District desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-

through entity may still review the specifications, with the review usually limited to the technical aspects of the proposed purchase.

(b) The District will make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents (for example, requests for proposals or invitations for bids, or independent cost estimates).

(c) The District is exempt from the pre-procurement review in paragraph (b) above if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of the Uniform Guidance.

(1) The District may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews will occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;

(2) The District may self-certify its procurement system. Such self-certification will not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the District that it is complying with these standards. The District will cite specific policies, procedures, regulations or standards as being in compliance with these requirements and have its system available for review.

Ref:

[Education Law §§305\(14\); 1709\(9\) \(14\) \(22\)](#)

[General Municipal Law §§102; 103; 104-b; 109-a; 800 et seq.](#)

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Valley Stream Central High School District