



**THREE VILLAGE CENTRAL SCHOOL DISTRICT  
STONY BROOK, NEW YORK**

**BOARD OF EDUCATION AGENDA MATERIALS**

**DATE OF BOARD MEETING: July 8, 2020**

**DATE SUBMITTED: July 2, 2020**

**OFFICE OF ORIGIN: Board of Education**

**CATEGORY OF ITEM: Organizational  
Meeting**

**TITLE: ACCEPTANCE OF POLICIES 6240 - INVESTMENTS; 6700 - PURCHASING; 6710 – PURCHASING  
AUTHORITY; AND 8332 – USE OF DISTRICT OWNED CELLULAR TELEPHONES**

**Staff Recommendation:**

The policies enumerated below have been adopted by the Board of Education for District use.

- 6240 Investments
- 6700 Purchasing
- 6710 Purchasing Authority
- 8332 Use of District Owned Cell Phones

**Background-Rationale:**

These policies have been recommended by the New York State Comptroller's office to be presented for acceptance at the Annual Organizational Meeting and are subject to revision by the Board of Education.

NOT AN OFFICIAL RECORD; SUBJECT TO CHANGE

## INVESTMENTS

The objectives of the District's investment policy are to safeguard district funds and to minimize risk, to ensure that investments mature when cash is required to finance operations and to ensure a competitive rate of return. In accordance with this policy, the Treasurer or his/her designee is authorized to invest and/or deposit all funds, including proceeds of obligations and reserve funds, in time-deposit accounts, certificates of deposit, short-term government securities, repurchase agreements or other investment instruments permitted by law, subject to the investment regulations approved by the Board of Education.

To the extent feasible, investments and deposits shall be made in and through local or regional financial institutions. Concentration of investments in a single financial institution should be avoided. Diversification of investments and deposits is encouraged.

This policy will be annually reviewed by the Board and may be amended from time to time in accordance with the provisions of section 39 of the General Municipal Law.

Ref: Education Law 1604-a; 1723-a; 3651; 3652  
Local Finance Law 24.00, 25.00, 165.00  
General Municipal Law §§6-d; 6-j; 6-l-n; 6-p; 6-r; 10; 11; 39

Adoption date: December, 1991

Revised: November 30, 2010  
Reviewed: April 22, 2015

## PURCHASING

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Purchases of the same commodity cannot be artificially divided for the purpose of avoiding the threshold. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

In accordance with law, the District shall give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term "alternative format" shall mean 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 (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

The Board is also aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the New York State Office of General Services (OGS), the District will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective, so that the District may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and implementing regulation.

In order to ensure that the District avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the District in applying for Federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity, appropriate documentation of the application and purchase through any Federal program will be maintained by the business office.

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163.

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

The district shall comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.

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 funds, 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.

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, as provided by law:

1. under a County contract;
2. under a State contract;
3. of articles manufactured in State correctional institutions; or
4. from agencies for the blind and severely disabled.

The District's purchasing activity 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 conformance with State law and regulation and in cooperation with the requisitioning authority. The educational and physical 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 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 BOCES bids, New York State contracts of the Office of General Services or County contracts whenever such purchases are in the best interests of the District. In addition, the District will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

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); or
3. very small procurements when solicitations of competition would not be cost effective.

The Superintendent of Schools, 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 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 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.

Comments will be solicited from those administrators involved in the procurement process before enactment of the District's policies regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. All District policies 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 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.

Cross-ref: 6710, Purchasing Authority  
6741, Contracting for Professional Services

Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010  
(Public Law 111-195)  
Education Law §§305(14); 409-i; 1604(29-a); 1709(4-a)(9)(14)(22); 2503(7-a);  
2554(7-a)  
General Municipal Law §§102; 103; 103-g; 104; 104-b; 109-a; 800 et seq.  
State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a  
County Law §408-a(2)

Adoption date: December, 1991

Revised: March 22, 2011  
Revised: August 27, 2013

**PURCHASING AUTHORITY**

The Board of Education designates the Purchasing Agent for the School District at the Annual Organizational Meeting. The Purchasing Agent will be responsible for administering all purchasing activities and ensuring the quality and quantity of purchases made by the District.

All purchases shall be made through the Purchasing Agent.

The Purchasing Agent is authorized to issue purchase orders without prior approval of the Board when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations.

The Purchasing Agent shall be responsible for preparing all bid specifications and a statement of general bidding conditions to be included in every notice or invitation to bid. If there are questions concerning specifications, the Purchasing Agent will consult with the requisitioner to clarify the matter so as to ensure that the appropriate goods or services are obtained.

Ref: Education Law §1709(20-a)

Adoption date: December, 1991

Revised: March 8, 2011

Reviewed April 22, 2015

## **USE OF DISTRICT OWNED CELL PHONES**

The Board of Education recognizes that certain District employees will be required to carry District-owned cell phones in order to meet their job responsibilities. Such phones should be provided only when a less costly alternative is not available or is not appropriate in the circumstances.

A list of job titles requiring District-owned cell phones shall be maintained in the Business Office and reported to the Board for its approval each year at its organizational meeting in July. All cellular telephone contracts shall be secured through the appropriate purchasing process (e.g., competitive bid, RFP process) and shall be subject to review and approval by the Board. Job titles that do not require the walkie-talkie cell phone feature, shall be reimbursed for the usage of their personal cell phones at a rate recommended by the Superintendent or designee and approved by the Board of Education.

Cell phones are to be used for school district business purposes only and anything other than incidental private use is prohibited. Failure to follow these guidelines may result in revocation of the phone and discipline of the employee. In addition, since employees are issued District owned cell phones in connection with their work responsibilities, employees should not have an expectation of privacy with respect to information contained on the device (e.g., text messages, records of phone calls).

As with any District-owned equipment, employees must take proper care of cell phones and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office. Since employees are responsible for the safe return of District-owned cell phones, employees who use District-owned cell phones may be liable for damages or loss which occur during the period of its use.

At least once per year, the Business Office shall evaluate and report to the Board on the cost and effectiveness of the District's cellular telephone plan.

Ref: Fourth Amendment, U.S. Constitution  
Fourteenth Amendment, U.S. Constitution  
City of Ontario, California v. Quon 560 US \_\_\_ (2010)

Adoption date: April, 2005

Revised: March 22, 2011