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PERSONAL PROPERTY PROCUREMENT AND ACCOUNTABILITY

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In accordance with Education Law §1950, General Municipal Law §§103, 103-d, 104, 104b and 104c, State Finance Law §163, Corrections Law §184, and 8 NYCRR §170.3 the Board of Cooperative Educational Services of Albany-Schoharie-Schenectady-Saratoga Counties (BOCES) hereby affirms its intent to acquire and account for all personal property in accordance with the following provisions.

Purchasing – General

The Purchasing Agent (or in his/her absence, the School Business Official) is designated as the individual responsible for the BOCES procurement function in accordance with General Municipal Law Section 104-b and Section 170.2 of the Commissioner’s Regulations. No other persons are authorized to approve purchases or rentals of personal property on behalf of BOCES.

Work, labor, supplies, materials, services, and equipment shall only be purchased or rented in accordance with applicable state laws and regulations - supplies, materials, and equipment shall be purchased or rented only in the quantities required to meet foreseeable demands.

To the extent possible, the Purchasing Agent shall seek to obtain the economic benefits of volume purchasing. Accordingly, where possible and in the best interest of BOCES, commonly used supplies, materials, and equipment shall be obtained in a single annual purchase, combining the needs of all divisions. Further, such purchases shall be made according to a schedule established by the Purchasing Agent so that BOCES may take advantage of seasonal price fluctuations.

The quality of goods and services purchased by BOCES shall be determined primarily by the intended use of such goods and services. In general, the Purchasing Agent, in consultation with program administrators, shall purchase the quality of goods and services necessary to meet the need at the lowest possible cost.

For purposes of this policy and pursuant to §170.3 of the Regulations of the Commissioner of Education, the following definitions are provided.

Personal Property shall mean all tangible personal property of the Board of Cooperative Educational Services that is not consumable and has a useful life of one year or more, including but not limited to equipment, supplies, parts, vehicles and materials, provided that such terms shall not include buildings or other real property or equipment which is permanently affixed to real property, or leases, notes or other written instruments.

Valuable Personal Property shall mean personal property which has a unit market value of \$500 or more.

Surplus Personal Property shall mean personal property which has no known, immediate or currently foreseeable use to the Board of Cooperative Educational Services.

Public Works shall mean the construction or repair of any building, structure, fixture or other improvement on real property including all materials used and all work, labor and other services rendered in connection with such construction or repair.

Professional Services shall mean that the service involves intellectual property, a specialized skill, training and expertise, use of professional judgment or discretion, and/or a high degree of creativity.

Procurement of Goods and Services

The procurement of goods and services for the BOCES will be based upon the following and in accordance with existing laws and regulations.

I. Appointment of Purchasing Agent

- a. The BOCES will appoint a Purchasing Agent in accordance with General Municipal Law and the Regulations of the Commissioner of Education.
- b. Only the person designated by the Board as Purchasing Agent or in his/her absence the School Business Official, may commit the BOCES to a purchase or make recommendation to the Board for approval to purchase.
- c. The Purchasing Agent shall be responsible for compliance with purchasing procedures set forth in existing New York State Law, regulation and this policy.

II. Purchases From Preferred Sources

“Preferred sources” include the following:

- a. Department of Correctional Services;
- b. Charitable not-for-profit agencies for the blind;

- c. Department of Mental Health;
- d. Charitable not-for-profit agencies for other severely disabled persons; and
- e. Veterans’ workshop operated by the Department of Veterans Affairs.

Goods and services must be purchased from a “preferred source” when they are available in the form, function and utility required by BOCES. Purchases from preferred sources are not subject to competitive bidding. (State Finance Law §162 and Correction Law §184).

III. Bidding Requirements

- a. The BOCES shall award all purchase contracts for supplies, materials and equipment involving expenditures in excess of \$20,000 and all contracts for public works in excess of \$35,000 to the lowest responsible bidder after advertising for public sealed bids.
- b. When a contract involves acquisition of both goods and services, a judgment must be made as to the primary purpose of the contract. If the services are minor, incidental or customarily provided by the vendor in connection with the purchase, the contract should be viewed as a purchase contract. If the service component is extensive or predominant or involves special skills, the contract should be treated as one for public works.
- c. When it can reasonably be anticipated that purchases of a single item or related items or that purchases of the same or related services will aggregate or exceed \$20,000 within the twelve month period commencing on the date of purchase, the purchases are subject to competitive bidding unless there is an applicable exception. For example, office supplies or art materials could be related items for bidding purposes.

In any case where there is a trade-in allowance, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid.

The following policy and guidelines shall be followed when procuring supplies, materials and equipment for less than \$20,000 and public works for less than \$35,000. In the event a bid is awarded to a vendor other than the lowest responsible bidder, written justification setting forth the reasons such award furthers the prudent economical use of public moneys and is in the best interests of BOCES must be included in the bid documentation.

Purchase of Material, Supplies, Equipment and Non-Professional Services

Estimated Amount of Purchase	Procedure/ Requirement	Responsibility/Documentation
\$1,499 or less	No quote required	Two verbal quotes may be required at the discretion of Purchasing Agent. If required, the vendor name, amount quoted and date of the quote will be written on the purchase requisition.
\$1,500 to \$2,999	At least two catalog quotes. Can be from a vendor web site.	Obtained by the Division. Vendor name, amount quoted, and date of the quote will be written on the purchase requisition.
\$3,000 to \$6,999	At least 2 written quotes. Can be from vendor web site.	Obtained by the Division. Quote information must include the name and address of the vendor, amount quoted and the date of the quote, and is to be attached to the purchase order.

\$7,000 to \$19,999	At least 3 written quotes.	Obtained by the Division. Quote information must include the name and address of the vendor, amount quoted and the date of the quote, and is to be attached to the purchase order.
\$20,000 and over	Public, advertised bids.	Obtained by the purchasing department. Bid Number must appear on purchase order. Bid file maintained in Purchasing Office.

Public Works: Construction/ Renovation Projects

In all instances plans, scope of work, specifications, permits and certificates of occupancy shall be prepared or obtained.

Coordination and responsibility of work shall be given to the Supervisor of Buildings and Grounds or Architect.

Estimated Amount of Purchase	Procedure/ Requirement	Responsibility/Documentation
\$4,999 or less	No quote required	Two verbal quotes may be required at the discretion of the Purchasing Agent or the Supervisor of Buildings and Grounds. Division must substantiate and provide written documentation of the need for the work. If required, the vendor name, amount quoted and date of the quote will be written on the purchase requisition.
\$5,000 to \$9,999	Complete description of project. At least 3 written quotes.	Division supplies project description. Division must substantiate and provide written documentation of the need for the work. Quotes obtained by the Supervisor of Buildings and Grounds. Quote information must include the name and address of the vendor, amount quoted and the date of the quote, and is to be attached to the purchase order. The Supervisor of Buildings and Grounds will determine if the retention of architect or engineer to ensure conformance with SED Regulations is necessary.
\$10,000 to \$34,999	Complete description of project. At least 5 written quotes.	Division supplies project description. Division must substantiate and provide written documentation of the need for the work. Quotes obtained by the Supervisor of Buildings and Grounds. Quote information must include the name and address of the vendor, amount quoted and the date of the quote, and is to be attached to the purchase order. The Supervisor of Buildings and Grounds will determine if the retention of architect or engineer to ensure conformance with SED Regulations is necessary.
\$35,000 and over	Public, advertised bids.	Division supplies project descriptions. Detailed specifications, drawings and requirements provided by the Supervisor of Buildings and Grounds and the BOCES architect as required by SED regulations. Bids obtained by the Purchasing Office.

IV. Bid Specifications

- a. Although the BOCES has broad discretion to set reasonable standards and limitations when preparing bid specifications, particular care and thoroughness are essential to minimize misunderstandings of the specifications by potential bidders. Specifications will describe completely the public work, commodity, item or services to be purchased, and should be written in a way that promotes competitive bidding to the greatest extent possible.
- b. If a brand name product represents an industry-wide standard, it may be specified as a specification standard of supply provided that the specifications indicate that products which are reasonably equivalent are acceptable. Where, for reasons of efficiency or economy, there is need for standardization in the purchase of a particular type or kind of equipment, material or supplies, the Board may adopt a standardization resolution. Such resolution shall contain a full explanation of the reasons it is needed and be adopted by a vote of at least three-fifths (3/5) of the total number of Board members with no vacancies. The resolution should contain a statement of the reasons for its adoption. Notwithstanding the adoption of a standardization resolution, compliance with competitive bidding requirements is still required; any vendor who can furnish the specified item must be afforded the opportunity to bid.
- c. Stock item specifications of manufacturers, producers and/or assemblers located in New York State may be used in developing specifications for items to be let for bid in purchasing contracts.
- d. The BOCES reserves the right to reject any and all bids or to waive minor irregularities or variances in the bid.
- e. Every bid or proposal must be accompanied by a signed statement, affirmed under the penalties of perjury, certifying that there was no collusion with any other bidder over prices in the bid or any attempt by the bidder to restrict competition.
- f. At the discretion of the Purchasing Agent, bid specifications may require a "Bid and/or Performance Security" to be submitted by all of the bidders with their bid submittal. The Bid Security requirement of 5% of the total bid amount has several purposes. It serves as security for the BOCES that the bid will be kept open for the period specified and that the bidder will enter into a contract in accordance with the specifications after an award is made. It also protects the BOCES from the submission of bids by financially irresponsible bidders. The Performance Security is to guarantee faithful performance of the contract in accordance with the bid specifications. The Bid/Performance Security shall be in the form of a surety bond, certified check, cashiers' check, irrevocable bank letter of credit, or any other reasonable type of security which is the functional equivalent thereof.
- g. Every bid or proposal must be accompanied by a signed statement, affirmed under the penalties of perjury, certifying that the bidder is not on a list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector.

V. Advertising for Bids

- a. Advertisement for Bids ("Notice to Bidders") shall be published in the official newspaper and such other newspapers as may be designated by the BOCES. The notice will state the time and place where the bids received will be publicly opened and read. It will contain a general description of the items or equipment being sought, where and when trade-in goods, if any, may be inspected and how formal specifications and detailed plans may be obtained. At a minimum, the notice must be published at least once not less than five days before the time when bids are to be opened and read. The Purchasing Agent shall have the discretion to establish a longer period to advertise for bids based on the complexity of the bid and the needs

of BOCES. Advertisements may also be placed in trade publications or other publications of general interest and advertised additionally as applicable to the particular bid, in an effort to increase the pool of bidders.

- b. Notices, with copies of the specifications and bidding forms, may be mailed to potential vendors or internet posting of bid specifications may be utilized at the discretion of the Purchasing Agent.
- c. Preference in the purchase of instructional materials shall be given to vendors who agree to provide materials in an “alternative format” as defined in the Education Law Section 4401, for students who are qualified with disabilities as defined in 29 USC §701. 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 student with disabilities, including but not limited to Braille, large print, open and closed caption, 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 BOCES 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.
- d. In an effort to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance and in accordance with law, regulations and guidelines set forth by the Office of General Services (OGS), BOCES will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities wherever feasible. Cleansers purchased must first and foremost, be effective so that BOCES may continue to purchase non-green products as necessary.
- e. BOCES authorizes the Purchasing Agent to represent the BOCES in applying for federal programs designed to discount prices for goods and services. Specifically, to abide by the rules and regulations associated with applying for telecommunications services discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board.

VI. Opening and Award Bids

- a. Bids shall be kept in a safe location until the time of their opening. A record of all bids received will be maintained by the Purchasing Agent.
- b. All bids received shall be opened and read at the time and place specified. All interested parties may be present when bids are opened and read. If no spectators are present, the Purchasing Agent or other designated official will have one or more persons serve as witness to the process.
- c. A bid may be withdrawn after a showing that the bidder made an unilateral error or mistake in calculating the bid because of an error in arithmetic or an unintentional omission provided that the error is made known to the Purchasing Agent prior to the award of a contract or three (3) days after the bid opening, whichever is sooner.
- d. The low bid shall be evaluated to determine whether the bidder is “responsible.” Factors to be considered in determining whether the low bidder is responsible include, but are not limited to, ability to perform the work, skill, prior experience, financial resources, integrity and reliability. BOCES may require the low bidder to submit references and financial information. When it is determined that a low bidder is not responsible, the basis for rejecting the bid will be stated in the Board minutes and the bidder shall be given an opportunity to rebut the determination.
- e. In the discretion of the Board or the Purchasing Agent, all bids may be rejected. In such case, BOCES may re-advertise for new bids as provided in this policy.
- f. After the bids have been opened and analyzed and the Purchasing Agent has made a

recommendation to the Board for action, the contract may be awarded by the Board to the lowest responsible bidder who has met or complied with the bid specifications. Bid Summary Sheets showing detailed item by item cost comparisons of all bids received shall be prepared and made available to the Board.

- g. BOCES action to award a contract or reject any or all bids will be done by formal resolution of the Board at a regular or special meeting.
- h. Upon the recommendation of the Purchasing Agent, the BOCES may waive technical or minor noncompliance with the bid specifications if it is in the best interest of the BOCES. However, it may not waive noncompliance which is material or substantial. Materiality will be determined by the Purchasing Agent.
- i. When no bids are received, the BOCES may re-advertise for bids and/or directly solicit bids from potential vendors. However, where the BOCES has taken steps in good faith to obtain bids, and none are received, it may make purchases in the open market until conditions change.
- j. In the case of tie bids, the BOCES may draw lots to eliminate the charge of favoritism or reject all bids and re-advertise the purchase. However, the contract may not be split among the tied bidders.

VII. Standardization

Standardization of supplies, materials, equipment and services is authorized by General Municipal Law Section 103, and may be applied to a specific make, model, or type of supply, material, equipment, or services – provided it is in the best interest of BOCES, as determined by the Purchasing Agent.

The Purchasing Agent shall recommend standardization only in instances where the criteria are efficiency, economy, continuity of décor, or to meet specific educational requirements.

In accordance with General Municipal Law Section 103, such standardization shall require a 3/5 majority vote of the Board, and shall eliminate the need for an “or equal” provision in bid specifications. However, it shall not eliminate the need for public bids, where appropriate.

VIII. Exceptions to Competitive Bidding

- a. Purchases may be made through the NYS Office of General Services (OGS). Where BOCES bids have been received for such purchases, the OGS price must be lower than the bid price and all other terms must be the same.
- b. Purchases may be made through available BOCES bids, by “piggybacking” onto contracts of the United States or agencies thereof, departments or agencies of New York State, any New York county, or any state or any county or political subdivision or district therein, whenever such purchases are in the best interests of BOCES or will result in cost savings, provided the contract has been let to the lowest responsible bidder or on the basis of “Best Value” in a manner consistent with Section 103 of the General Municipal Law. Factors relevant to the decision to “piggyback” may include cost, staff time, delivery arrangements, quality of goods and services, and suitability of such goods and services to the BOCES needs. The Purchasing Agent will keep documentation indicating why “piggybacking” is in its best interests, and that the originating contract was let in a manner consistent with applicable bidding requirements
- c. When BOCES seeks to purchase articles which are manufactured or prepared in NYS Correctional facilities such articles must be purchased from the Department of Correctional

- Services and may not be purchased from any other source unless the Commissioner of Correctional Services certifies that articles sought to be purchased cannot be furnished by the Department of Correctional Services.
- d. In the case of a public emergency as defined in General Municipal Law Section 103, contracts for public works or purchase of equipment, material or supplies may be let without competitive bidding. A public emergency exists when an accident or other unforeseen occurrence or condition affects the life, health or safety of the public.
 - e. Contracts for professional services may be let without competitive bidding. Professional services involve intellectual property, specialized skill, training and expertise, the use of professional judgment or discretion, and/or a high degree of creativity. (See the below for RFP guidelines)
 - f. Surplus and second hand equipment, material and supplies may be purchased from another governmental agency or a public benefit corporation without competitive bidding.
 - g. Recycled products manufactured from secondary materials may be purchased at reasonably competitive prices (i.e., up to 10% cost premium). Where printing is purchased on recycled paper, it shall bear the official New York State recycling emblem.
 - h. Items which can be obtained from only one source may be purchased without competitive bidding. All sole source procurements require that the vendor complete a Vendor Sole Source Affidavit, and all sole source procurements must also be approved by a majority vote of the Board.
 - i. Contracts for insurance may be let without competitive bidding.
 - j. Contracts for the use of real property for a stated period of time are leases and may be let without competitive bidding; provided however, that contracts where the term is for the probable useful life of the real property or where the lessor is assured of recovering its full capital cost, or where the contract contains an option to purchase are not true leases, but are options to purchase and are subject to competitive bidding.
 - k. Purchases may be made through certain federal GSA contracts (Schedule 70 Information Technology and Telecommunications – Article 5A, Section 103.1-b.)

In all instances where competitive bidding is not required, purchases shall be made in a manner which will promote the prudent and economical use of public moneys and which facilitates the acquisition of goods and services of the desired quality at the lowest possible cost under the circumstances, and which guards against favoritism, improvidence, extravagance, fraud and corruption.

BOCES will not be required to secure alternative proposals or quotations for those procurements as permitted by state law:

1. under a county contract
2. under a state contract
3. under a federal contract
4. under a contract of another political subdivision
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled

A Request For Proposal (RFP) or a Request For Quotation (RFQ) shall be used for the purchase of professional services, or other services requiring special or technical skills or expertise, intellectual property, insurance, and the lease of real property. Professional services purchased by the BOCES to be provided to the user districts, which are so unique or specific in nature (i.e., performances, speakers, training, continued support, etc.) may, at the discretion of the

Purchasing Agent, be deemed as exempt from the RFP solicitation process. The Purchasing Agent’s determination may be made based upon various factors including but not limited to, the obvious uniqueness of the service or upon the supporting documentation provided by the Director/Assistant Superintendent.

The following guidelines have been established for formal RFP’s:

1. A committee of persons having some knowledge or expertise appropriate in the subject matter shall assist in the development of the RFP, under the direction of the Purchasing Agent.
2. An RFP notification will be published in one or more newspapers as designated by the Board. The notification will state the time and place where the RFP’s will be publicly acknowledged as received. It will give a general description of the services required and how proposal documents may be obtained. At a minimum, the notice shall be published at least once not less than five days before the time that the proposal shall be acknowledged as received. Advertisements may also be placed in trade publications or other publications of general interest and advertised additionally, as applicable, to the particular RFP, in an effort to increase the pool of respondents.
3. A determination will be made by the Purchasing Agent as to a reasonable amount of time that should elapse between the advertisement and/or mailing and the proposal acknowledgment, which would be sufficient to allow for the completion and submission of a responsive proposal. This determination will be based on both the anticipated complexity of the proposal submittal, as well as, the particular needs of BOCES.
4. Each proposal received shall be evaluated by the Purchasing Agent and/or his/her appointed designee(s) or committee having some knowledge or expertise appropriate to evaluate the subject matter, according to the evaluation criteria stated in the RFP documents.
5. The Purchasing Agent will provide a recommendation of award to the Board based on the above evaluation.
6. In the event that the services requested are or involve the use of copyright protected materials, supporting documentation must be provided to the Purchasing Agent for review when submitting a purchase order.
7. The procurement of consultants will be made in the same manner as other professional services. However, in addition to the above requirements, a BOCES/Consultant Agreement contract number will need to be submitted on the purchase order if the cost exceeds \$10,000. All such consultant agreements require approval by the Board of Cooperative Educational Services.

Professional Services/Consultants

Estimated Amount of Purchases	Procedure/ Requirement	Responsibility/Documentation
\$9,999 or less	Not applicable	
\$10,000 to \$50,000	BOCES/Consultant Agreement	Director/Assistant Superintendent
\$50,000 and over	RFP solicitation or Quote process and BOCES/Consultant Agreement	Director/Assistant Superintendent must substantiate the need and provide a detailed scope of services to the Purchasing Office if method is by formal RFP. Division and Purchasing to evaluate proposals. Upon award, a purchase order can then be processed.

IX. Noncompliance with Legal Competitive Bidding Requirements

Contracts awarded to other than the lowest responsible bidder must be justified and documented by the BOCES.

Noncompliance with legal competitive bidding requirements, as a general rule, renders the contract in question void and unenforceable.

It is a misdemeanor for any person or corporation to conspire to prevent or otherwise subvert legal competitive bidding on a contract for public work or purchase which has been advertised for bidding.

X. Unintentional Failure to Comply - General Municipal Law §104-b

An unintentional failure to comply fully with the bidding provisions of Section 104-b or the BOCES Board policies and procedures governing the purchase of goods and services which are not subject to competitive bidding shall not be grounds to void action taken or give rise to a cause of action against the political subdivision or BOCES or any officer or employee thereof.

XI. Installment Purchase Contracts

- a. Installment purchase agreements may be used to acquire equipment, machinery and apparatus, but may not be used for improvements to real property. An installment purchase contract is an agreement which provides for periodic payments to be applied toward the purchase price or transfers title at the end of the term to the BOCES automatically or for a nominal sum, or for an option price which is an amount less than the fair market value at the time of purchase. Such agreements are subject to competitive bidding requirements if the total amount to be paid over the life of the agreement, finance charges, exceeds the statutory threshold.
- b. Terms and conditions under which BOCES may enter into installment purchase agreements are as follows:
 1. The maximum term is the period of probable usefulness of the equipment, machinery or apparatus or five (5) years, whichever is less.
 2. Contract payments must be substantially level or falling, must separately state principal and interest, may not be made from the proceeds of bonds, and are exempt from taxation for municipal and state purposes.
 3. Installment purchase contracts are subject to the bidding requirements of General Municipal Law Section 103.
 4. The BOCES must adopt a resolution authorizing the contract. The resolution must contain a determination that the contract is in the best interest of BOCES and state the basis for that determination.
 5. The contract must contain a “non-funding” clause which provides for cancellation of the contract as a result of the withdrawal or requests for services.
 6. The contract is contingent upon approval of the Commissioner of Education.
 7. The contract price may not include the cost of maintenance and support for the items being purchased.

XII. Lease Back Agreements

BOCES may enter into lease-back agreements for the purpose of purchasing data processing equipment. Under a lease-back agreement, BOCES may accept from a leasing company a sum of money sufficient to purchase data processing equipment from the manufacturer thereof, pay such sum to the manufacturer, receive the equipment and title thereto, and convey the title to the leasing company with a simultaneous lease of the equipment from the leasing company to BOCES for a specified period of years. Leaseback agreements are subject to the following conditions:

1. Lease back agreement must comply with the bidding requirements of General Municipal Law Section 103.
2. The BOCES must adopt a resolution authorizing this agreement determining that it is in the best financial interest of BOCES and stating the basis for the determination.
3. The agreement is contingent upon approval of the Commissioner of Education.

Gifts/Donations

The BOCES may accept a gift, grant, bequest or devise of real property, provided the acceptance is made within the statutory authority granted to BOCES and has received the approval of the BOCES Board. Only the BOCES Board may accept for the BOCES any bequest or gift or money, property or goods, except that the District Superintendent may accept on behalf of the BOCES Board any such gift of less than \$200 in value.

All potential gifts or donations to BOCES shall be immediately brought to the attention of the cognizant Director/Assistant Superintendent. The Director/Assistant Superintendent shall recommend the acceptance or rejection of the gift to the District Superintendent or his/her designee and notify the donor of the recommendation. The Director/Assistant Superintendent shall notify the prospective donor that a gift or donation will not be complete until formally accepted by the BOCES Board.

The District Superintendent or his/her designee shall make a recommendation to accept or reject such gifts or donations at a regular or special BOCES Board meeting.

The BOCES Board reserves the right to refuse to accept any gift which does not contribute towards the achievement of the BOCES' goals or the ownership of which would tend to deplete the resources of the BOCES. In granting or withholding its consent, the BOCES Board will review the following factors:

1. The terms of the gift must identify:
 - a. the subject of the gift
 - b. the purpose of the gift
 - c. the beneficiary or beneficiaries if any
 - d. all conditions or restrictions that may apply.
2. No gift or trust will be accepted by the BOCES Board unless:
 - a. it is in support of and BOCES or a BOCES program;
 - b. it is for a purpose for which the BOCES could legally expend its own funds; and
 - c. it does not benefit a particular or named individual or individuals.
3. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.

Following the official acceptance of a gift or donation by the BOCES Board, the Director/Assistant Superintendent shall ensure that the gift is properly entered into the inventory system. The Director/Assistant Superintendent will be responsible for seeing that the gift or donation is appropriately used in the manner for which it was intended. The BOCES will attempt to honor the intent of the donor in its use of the gift, but reserves the right to use any gift it accepts in the best interest of the BOCES' educational program.

Any gift accepted by the BOCES Board or the District Superintendent shall become the property of the BOCES, may not be returned without the approval of the BOCES Board, and is subject to the same controls and regulations as are other properties of the BOCES.

Any gift rejected by the BOCES Board shall be returned to the donor or his/her estate within 4 days of the BOCES Board action, together with a statement indicating the reasons for the rejection of such gift.

The BOCES will not provide donors with certificates of estimated value of the gift and will not be responsible for any valuation information presented to the IRS by individual donors.

Inventory Control – General

A perpetual inventory of all valuable fixed assets belonging to BOCES shall be prepared and maintained by the Business Office. Valuable fixed assets are tangible personal property that are not consumable, have a resale value or original cost of \$500 or more, and have a useful life of one year or more. Such assets may include equipment, software, materials and vehicles but exclude buildings, permanent fixtures and other real property.

The District Superintendent may designate, based on the recommendation of the Purchasing Agent, that certain items be included in the inventory, which have a resale value or original cost of less than \$500 when it is in the best interest of BOCES to do so. The Purchasing Agent may also designate items to be included in the inventory which have an additional cost of less than \$500 but have an aggregate cost of over \$500 when purchased by lot.

Each Director/Assistant Superintendent shall be responsible for all personal property under his/her control. Each Division shall report its current inventory of fixed valuable assets to the Business Office and shall report all acquisitions, transfers and deletions from that inventory as well as the location and condition of all such assets on a current basis.

Each year the inventory of all personal property owned by the BOCES and housed in BOCES owned and rented facilities, will be verified by designated staff members of each Division.

The Division verification shall be provided to the Business Office for review and physical site visit confirmation. Each Division shall have a physical inventory performed periodically by a professional appraisal consultant, as determined to be in the best interest of BOCES, in order to document the existence and the condition of each item in inventory.

Inventory and Disposal of Donated Vehicles

The Inventory of Donated Vehicles Form must be submitted to the Clerk of the Board at the time the vehicle is delivered to the BOCES. The information will be used to prepare the appropriate acceptance resolution by the BOCES Board.

Vehicles are to be disposed of in accordance with established procedures, the individual requesting the disposal shall submit a written request to the Supervisor of Buildings and Grounds who will assume responsibility, in cooperation with the Purchasing Agent, for the vehicle disposal.

Disposal of Obsolete Personal Property

When personal property owned by the BOCES becomes worn out, obsolete, surplus or otherwise unusable by the BOCES, the District Superintendent or his/her designee may authorize the disposal of such property in a manner that is to the best advantage of BOCES, provided the unit market value of the item is not more than \$500. Disposal of items with a market value in excess of \$500 must be approved by the Board.

Personal property will be sold to the highest bidder. However, property which is determined by the Purchasing Agent not to be marketable because it is damaged, in poor condition, or obsolete, or has little or no value will be exempt from the bidding process. In addition, personal property which has proven not to be marketable after at least one prior attempt at competitive bidding (within the past 12 month period) of similar type items will also be exempt from the bidding procedure. Such exempt property may be disposed of in one of the following ways:

- Offered for sale through first come basis at a fixed cost;
- Used as a trade-in on new property;
- Sold through a negotiated sale; purchaser may not be an officer or employee of the BOCES;
- Sold as scrap to local dealers;
- Taken to a landfill or approved site for disposal or recycling.

Surplus computers, computer software and computer equipment may be donated to public schools, public libraries, and other public and private institutions for secular educational use, and to “not-for-profit institutions” for use by individuals with disabilities, pursuant to Section 104c of the General Municipal Law.

No BOCES employee shall dispose or cause to be disposed of any property belonging to BOCES through any procedure other than that authorized by Board policy. The Purchasing Agent shall oversee the procedure for disposal of all BOCES personal property.

Revenue from the authorized sale of personal property may be retained by the Division if such revenue was included in the Division’s adopted budget; otherwise, all proceeds will be recorded in the Administrative budget.

Use of BOCES-Owned Property for Personal Reasons

BOCES owned property, supplies, equipment and tools may not be borrowed or used for personal projects or private gain.

The theft or unauthorized use of BOCES personal property for personal purposes is strictly prohibited. Anyone believing that BOCES property has been stolen or used for personal purposes is to report such violation to the District Superintendent. The District Superintendent or his/her designee shall investigate the allegation and take appropriate disciplinary action. Where necessary, law enforcement authorities will be notified.

However, there may be situations when it is in the interests of the BOCES for an employee to take property, equipment or supplies home for professional use. In such instances, the employee will be required to receive prior written approval from his/her immediate supervisor. A signed copy of the written approval must be on file prior to removing any equipment from the BOCES.

Miscellaneous Provisions

Any employee who shall willfully violate any of the provisions of this policy may be dismissed, suspended, fined or reprimanded by the BOCES Board subject to any applicable law, rule or regulation.

The District Superintendent shall be responsible for the enforcement of this policy and shall designate other Administrative staff that are authorized to take action in accordance with such policy when appropriate.

Upon ratification, copies of this policy will be distributed to and reviewed with all BOCES staff.

The Board shall annually review this policy and make any amendments it deems necessary. Any such amended policy shall be submitted to the Commissioner for approval within 30 days of its adoption by the BOCES.

Ref: Education Law §§207; 305(14); 1604(29-a); 1709(4-a), (9), (12), (14), (22); 1950, (4)(v), (18); 2503(7-a); 2554(7-a)
General Municipal Law §§102; 103; 104-b; 109-a; 800 et seq.
8 NYCRR §170.3(i)

Adoption date: December 17, 2007
Amended: November 15, 2010
Amended: October 15, 2012
Amended: May 20, 2013
Amended: April 20, 2015
Amended: June 20, 2016
Annual Review: May 15, 2017 (no changes)