

# POLICY

No. 3019

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## PERSONAL PROPERTY PROCUREMENT AND ACCOUNTABILITY

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

### PURCHASING - GENERAL

The Coordinator of Purchasing Services (or in his/her absence, the Assistant District Superintendent for Business Services) is designated as the Board's Purchasing Agent for purposes of effecting all purchases or rentals of personal property. No other persons are authorized to effect 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 Coordinator of Purchasing Services 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 Coordinator of Purchasing Services so that BOCES may take advantage of seasonal price fluctuations.

For purposes of this policy and pursuant to Section 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

**Adopted:** November 18, 1996  
**Ratified:** December 16, 1996  
**Amended:** April 12, 2001  
**Amended:** June 12, 2003

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 resale value of \$500 or more, and supplies, parts or materials which are disposed of in lots having an aggregate resale 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 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 COORDINATOR OF PURCHASING SERVICES**

- a. The BOCES will appoint a Coordinator of Purchasing Services in accordance with the Regulations of the Commissioner of Education.
- b. Only the person designated by the Board as Coordinator of Purchasing Services may commit the BOCES to a purchase or make recommendation to the Board for approval to purchase.
- c. The Coordinator of Purchasing Services 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, expires June 30, 2005; 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 \$10,000 and all contracts for public works in excess of \$20,000 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 \$10,000.00 during a fiscal year, 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 contracting for the purchase of supplies, materials and equipment for less than \$10,000 and public works for less than \$20,000. If a contract is awarded to other than the lowest responsible bidder dollar offer or there must be justification and documentation setting forth the reasons such award furthers the prudent economical use of public moneys and is in the best interests of BOCES.

**Purchase of Supplies and Equipment**

| <b><u>Estimated Amount of Purchase</u></b> | <b><u>Procedure/ Requirement</u></b>   | <b><u>Responsibility</u></b>   |
|--|--|--|
| Less than \$1,499                          | No quote required  | At the discretion of Coordinator of Purchasing Services  |
| \$1,500 to \$2,999                         | At least two catalog quotes. Can be from a vendor web site.                                  | Obtained by the Division. Price information is to be indicated on a purchase requisition and attached to the purchase order. |
| \$3,000 to \$6,999                         | At least 2-3 written quotes, name of vendor and date of quotes. Can be from vendor web site. | Obtained by the Division. Quote information is to be indicated on a purchase requisition or attached to the purchase order.  |
| \$7,000 to \$9,999                         | 2-3 written quotes, fax, name of vendor and date of quote.                                   | Obtained by the Division. Quote information to be indicated on a purchase requisition and attached to the purchase order.    |
| \$10,000 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/Services Contracts**

| <b><u>Estimated Amount of Purchase</u></b> | <b><u>Procedure/ Requirement</u></b>           | <b><u>Responsibility</u></b>   |
|--|--|--|
| Less than \$5,499                          | No quote required.                             | At the discretion of the Coordinator of Purchasing Services. Originator of purchase request must substantiate and provide written documentation of the need for the work and choice of contractor. |
| \$5,500 to \$9,499                         | 2-3 verbal quotes with name and date obtained. | Division director must substantiate and provide written documentation of the need for the work and choice of contractor.   |

|                      |                                 |  |
|----------------------|---------------------------------|--|
| \$9,500 to \$15,999  | 2-3 written quotes              | Obtained by the Division or the Supervisor of Buildings and Grounds. Division Director or the Supervisor of Buildings and Grounds must substantiate and provide written documentation of the need for the work. Purchasing Office to review process. |
| \$16,000 to \$19,999 | 3-5 written quotes              | Obtained by the Division or the Supervisor of Buildings and Grounds. Division Director or the Supervisor of Buildings and Grounds must substantiate and provide written documentation of the need for the work. Purchasing Office to review process. |
| \$20,000 and over    | Public advertising bids or RFP. | Scope of Services to be provided by the Division or the Supervisor of Building and Grounds. Bids to be obtained by Purchasing Office and submitted to the Board for approval.  |

**Construction/ Renovations**

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.

| <b><u>Estimated Amount of Purchase</u></b> | <b><u>Procedure/ Requirement</u></b> | <b><u>Responsibility</u></b>  |
|--|--------------------------------------|---|
| Less than \$4,999                          | No quote required                    | At the discretion of the Coordinator of Purchasing Services and the Supervisor of Buildings and Grounds. Division must substantiate and provide written documentation of the need for the work. |

|                      |  |   |
|----------------------|--|---|
| \$5,000 to \$9,999   | Complete description of project. Retention of architect or engineer to insure conformance with SED Regulations. 3-5 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. |
| \$10,000 to \$19,999 | Complete description of project. Retention of architect or engineer. Submittal of plans to SED for approval and "Project No.". 3-5 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. |
| \$20,000 and over    | Same as steps above. Public, advertised bids.  | Division supplies project descriptions. Detailed specifications, drawings and requirements provided by the Supervisor of Buildings and Grounds. 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 ensure that potential bidders are not misled or confused about the specifications. Specifications will describe completely the public work or the 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 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 nor any attempt by the bidder to restrict competition.
- f. At the discretion of the Coordinator of Purchasing Services, 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.

#### V. **ADVERTISING FOR BIDS**

- a. Advertisement for Bids ("Notice to Bidders") will 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 Coordinator of Purchasing Services 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.
- 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 handicapping conditions, 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.

**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 Coordinator of Purchasing Services.
- 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 Coordinator of Purchasing Services 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 Coordinator of Purchasing Services, 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 Coordinator of Purchasing Services 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 Coordinator of Purchasing Services, 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.
- 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, 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. EXCEPTIONS TO BIDDING

- a. Purchases exceeding \$500.00 may be made through the Office of General Services (OGS). Where 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. Printed materials may not be purchased through OGS.
- b. Purchases may be made through any of the counties that BOCES is located in or through any county adjoining a county in which BOCES is located. Where bids have been received for such purchases, the county price must be lower than the bid price and all other terms must be the same.
- c. When BOCES seeks to purchase articles which are manufactured or prepared in state 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, 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 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.
- 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.

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.

A Request For Proposal or a Request For Quotation shall be used for the purchase of professional services, or other services requiring special or technical skills or expertise, insurance, and the lease of real property. Professional services provided by the BOCES 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 Coordinator, be deemed as exempt from the RFP solicitation process. The 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 Division Directors.

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 Coordinator of Purchasing Services.
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 Coordinator of Purchasing Services 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 Coordinator of Purchasing Services 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 Coordinator of Purchasing Services 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 Office 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.
8. The procedures to be followed for consultants are detailed in the Business Office Procedures Manual.

**Professional Services/Consultants**

| <b><u>Estimated Amount of Purchases</u></b> | <b><u>Procedure/Requirement</u></b>                              | <b><u>Responsibility</u></b>  |
|---|--|---|
| Less than \$9,999                           | Not applicable   |   |
| \$10,000 to \$50,000                        | BOCES/Consultant Agreement                                       | Division Director   |
| \$50,000 and over                           | RFP solicitation or quote process and BOCES/Consultant Agreement | Division Director 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. |

**VIII. NONCOMPLIANCE WITH LEGAL COMPETITIVE BIDDING REQUIREMENTS**

Contracts awarded to one other than the lowest responsible dollar 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.

**IX. UNINTENTIONAL FAILURE TO COMPLY - General Municipal Law 104-Sub. 5**

An unintentional failure to comply fully with the provisions of Section 104-b or the governing board's 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.

**X. 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 §103.
  4. The Board of Cooperative Educational Services 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.

**XI. 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. Lease-back agreements are subject to the following conditions:

1. Lease back agreement must comply with the bidding requirements of General Municipal Law §103.
2. The Board of Cooperative Educational Services 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 Board of Cooperative Educational Services of Albany-Schoharie-Schenectady-Saratoga Counties may accept a gift, grant, bequest or devise of real property, provided the acceptance is made within the statutory authority granted to BOCES and is approved by the BOCES Board.

All potential gifts, or donations, to BOCES programs shall be immediately brought to the attention of the director of the division to which the contribution is proposed.

The director 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 District Superintendent or his/her designee shall make a recommendation to accept or reject such gifts, or donations, at a regular or special meeting of the Board of Cooperative Educational Services.

The prospective donor shall be notified by the division director that a gift or donation will not be complete until formally accepted by the BOCES Board.

The BOCES Board will review the following factors in connection with the gift:

**1. THE TERMS OF THE GIFT MUST IDENTIFY:**

- a. the subject of the gift
- b. the purpose of the gift
- c. the beneficiaries if any
- d. all conditions or restrictions that may apply

**2. NO GIFT WILL BE ACCEPTED BY THE BOARD UNLESS:**

- a. it is in support of BOCES or a BOCES program
- b. it is for a purpose for which the BOCES could legally expend its funds
- c. it does not benefit any particular named individual or individuals

Following the official acceptance of a gift or donation by the Board, the division director shall be responsible for the gift being properly entered into the inventory system.

The director will be responsible for seeing that the gift or donation is appropriately used in the manner for which it was intended.

A gift rejected by the BOCES shall be returned to the donor or his/her estate within 45 days of the Board action, together with a statement indicating the reason for rejection of such gift.

The Board of Cooperative Educational Services will not provide donors with certificates of estimated value of the gift and will not be responsible for any information presented to the Internal Revenue Service 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 \$500.00 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 Coordinator of Purchasing, that certain items be included in the inventory, which have a resale value or original cost of less than \$500.00 when it is in the best interest of BOCES to do so. The Coordinator of Purchasing Services may also designate items to be included in the inventory which have an additional cost of less than \$500.00 but have an aggregate cost of over \$500.00 when purchased by lot.

The Division Director 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 Coordinator of Purchasing Services, 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, nor the total market value of all the items of similar nature more than \$500.

Disposal of items with a market value in excess of \$500 must be approved by the Board. Valuable personal property will be sold to the highest bidder. However, property which is determined not to be marketable because it is damaged or in poor condition or is obsolete and has proven not to be marketable after at least one prior attempt at competitive bidding of similar type items or has no or little value will be exempt from the bidding procedure. Such obsolete 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. The Coordinator of Purchasing Services 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.

**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 who 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.