

AURORA TOWN PUBLIC LIBRARY  
550 Main Street, East Aurora, New York 14052  
Agenda of the Board  
Regular Monthly Meeting  
May 24, 2022, 1:00 p.m.

1. Comments from the audience: Kimberly Johnson, Chair of B&ECPL Board of Trustees and John Spears, System Director
2. Minutes of the Meetings: April 26, 2022
3. Treasurer's Report: Monthly Financial Statements & Internal Auditor Report: April 2022
4. Director's Report: April 2022
5. Reports of Interest
  - a. The Friends are sponsoring a new HP M555dn printer with toner, additional letters / numbers for sidewalk sign, mobile storage cart for clerical office, and Sony compact camera with 10X optical zoom for ATPL.
  - b. Friends Book Donation Days will be held at the Library from 11:00 a.m. – 1:00 p.m. every Thursday. The community is welcome to contribute materials in sellable condition. Volunteers will take and check items as well as stock the Ongoing Book Sale.
  - c. Other
6. Personnel
  - a. Cleaner, PT Position
  - b. Board May Enter Executive Session
  - c. Other
7. Old Business
  - a. Annual ACT Workshop: Saturday, May 7, 2022 @ 9:15 a.m.
  - b. Other
8. New Business
  - a. Bulletin Board Policy for Review
  - b. Procurement Policy for Review
  - c. Q & A with B&ECPL Board Chair, Kimberly Johnson and System Director, John Spears
  - d. Other

The next regularly scheduled meeting will take place on June 28, 2022 at 1:00 p.m.

**AURORA TOWN PUBLIC LIBRARY**

**Treasurer's Report**

**30-Apr-22**

**LOCAL CHECKING ACCOUNT**

<b>Beginning Balance:</b>	<b>1-Apr-22</b>		<b>\$34,349.54</b>
<b>Plus Receipts/Deposits</b>		<b>Total:</b>	<b>\$220.00</b>
<b>Less Checks/Debits</b>		<b>Total:</b>	<b>\$8,147.72</b>
<b>Ending Balance:</b>	<b>30-Apr-22</b>		<b>\$26,421.82</b>

**Transaction Details**

**Receipts:**

Alice Askew Donation			\$200.00
Maria Ebersole I/M of Carolyn Pryor			\$20.00
		<b>Total:</b>	<b>\$220.00</b>

**DISBURSEMENTS:**

DEMCO (Office Supplies)			\$242.72
Bob Adler (ACT Workshop)			\$30.00
		<b>Total:</b>	<b>\$272.72</b>

**Volker Funds**

<b>Balance Forward</b>	<b>1-Apr-22</b>		<b>\$2,132.25</b>
<b>Receipts:</b>	None		\$0.00
<b>Disbursements:</b>	None		\$0.00
<b>Balance</b>	<b>30-Apr-22</b>		<b>\$2,132.25</b>

**Gallivan Funds**

<b>Balance Forward</b>	<b>1-Apr-22</b>		<b>\$0.00</b>
<b>Receipts:</b>	None		\$0.00
<b>Disbursements:</b>	None		\$0.00
<b>Balance</b>	<b>30-Apr-22</b>		<b>\$0.00</b>

**Facility Improvements**

<b>Balance Forward</b>	<b>1-Apr-22</b>		<b>\$7,088.00</b>
<b>Receipts:</b>	None		\$0.00
<b>Disbursements:</b>	LED Conversions Project (Pending 10% pmt from B&ECPL)		<b>\$7,875.00</b>
<b>Balance</b>	<b>30-Apr-22</b>		<b>-\$787.00</b>

**Internal Auditor's Report Elaine Chow**

Voucher#	Amount	Approved	Check #	Reason
L76	\$242.72	4/6/2022	1032	DEMCO (Office Supplies)
L77	\$7,875.00	4/28/2022	1033	Town of Aurora (LED Conversion Project)
L78	\$30.00	5/7/2022	1034	Bob Adler (ACT Workshop)
<b>Friends Ongoing Book Sale April \$192.00</b>				YTD \$650.00
<b>Contingency Funds</b> Counted On 4/13/2022				Total \$287.38

**Savings Account**

<b>Balance Forward</b>	<b>1-Apr-22</b>		<b>\$50,596.98</b>
<b>Interest Earned</b>			\$0.92
<b>Balance</b>	<b>30-Apr-22</b>		<b>\$50,597.90</b>

## CONTRACT MEMBER LIBRARIES - Monthly Financial Report

LIBRARY: AURORA TOWN PUBLIC LIBRARY

MONTH: APR

SAP Acct.	Description	Adopted Budget	Budget Transfers	Year-to-Date Expenditures	Available Budget	Projected Utilization at 12/31	Projected Variance at 12/31	Comments
500000	Salaries - Full-time	0	0	0	0		0	
502000	Fringe Benefits	0	0	0	0		0	
<b>Utility Charges:</b>								
515000	Water	500	0	88	412	500	0	
515000	Sewer	900	(174)	726	0	726	0	
515000	Telephone - Maintenance	250	80	330	0	330	0	Overage-Phone Training Bill
510200	Dues and Fees	20	0	20	0	20	0	
545000	Rental Charges	0	0	0	0		0	
506200	Repairs & Maintenance Chgs.	2,450	94	589	1,955	2,544	0	
555050	Insurance Charges	0	0	0	0		0	
510000	Travel & Mileage Expenses	200	0	9	191	200	0	
530000	Other Expenses & Charges	600	0	0	600	600	0	
530000	Contingency (Bullet Aid)	0	0	0	0		0	
<b>TOTAL EXPENSES</b>		<b>4,920</b>	<b>0</b>	<b>1,762</b>	<b>3,158</b>	<b>4,920</b>	<b>0</b>	

DIRECT LOCAL INCOME	Adopted Budget	Budget Revisions	Y-T-D Revenues	To Be Realized	Projected Revenues	Projected Variance	Comments
Fines, Lost Books, etc.	3,500	0	1,906	1,594	5,718	2,218	
Copy Machines	380	0	173	207	519	139	
Print Cost Recovery	1,500	0	606	894	1,818	318	
Other Income	100	0	0	100	0	(100)	Recording Under Fines, Lost
State Funding	0	0	0	0		0	
Municipal Support	0	0	0	0		0	
Donations (priv. persons/foundations)	0	0	0	0		0	
Fundraising (events/booksales)	0	0	0	0		0	
Interest Income	0	0	0	0		0	
Misc Income	0	0	0	0		0	
Use of Fund Balance	0	0	0	0		0	
<b>TOTAL DIRECT INCOME</b>	<b>5,480</b>	<b>0</b>	<b>2,685</b>	<b>2,795</b>	<b>8,055</b>	<b>2,575</b>	

AURORA TOWN PUBLIC LIBRARY

COUNTY LEDGER

COUNTY CHECKING ACCOUNT

30-Apr-22

Beginning Balance:	1-Apr-22		\$8,241.37
Plus Receipts/Deposits		Total:	\$188.85
Less Checks/Debits		Total:	\$299.42
Ending Balance:	30-Apr-22		\$8,130.80

Transaction Details

Receipts:

Fines		\$142.70
Fines		\$14.80
Copier		\$31.35
	Total:	\$188.85

Disbursements:

Kathleen Brogan (Mileage)		\$9.42
Clark Air Systems (Filter)		\$290.00
	Total:	\$299.42

Internal Auditor's Report

Martha Buyer, Internal Auditor

Voucher#	Amount	Approved	Check #	Reason
C104	\$9.42	4/12/2022	5862	Kathleen Brogan (Mileage)
C105	\$290.00	5/7/2022	5863	Clark Air Systems (Filter)

**AURORA TOWN PUBLIC LIBRARY  
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**DIRECTOR'S REPORT  
April 2022**

<b>CIRCULATION</b>	<b>Total-month</b>	<b>Average/day</b>	<b>Average/hour</b>	<b>YTD Total</b>
<b>2022</b>	11,004*	440.16	55.86	31,972**
<b>2021</b>	7,031	334.81	43.94	25,564
<b>2020</b>	85	N/A	N/A	30,076
<b>2019</b>	12,114	484.6	56.1	49,445

\*53.6% (5,899) via self-checkout

\*\*71.7% (22,925) via self-checkout YTD

Note: Circulation for the contracting libraries was 53.0% this month (EAU was 56.5%) and 21.0% YTD (EAU was 25.1%).

<b>Library of Things</b>	<b>2022</b>
<b>Monthly</b>	2
<b>Year-to-date</b>	10

<b>SYSTEM e-BRANCH</b>	<b>Month 2022</b>	<b>Month 2021</b>	<b>Change</b>	<b>YTD 2022</b>	<b>YTD 2021</b>	<b>Change</b>
Online Renewals	20,453	82,751	-75.3%	247,262	294,681	-16.1%
Interlibrary Loans	1,214	1,021	18.9%	4,621	4,072	13.5%
D-Loadable Audio Books	43,135	37,873	13.9%	172,487	148,939	15.8%
D-loadable Streaming Videos	43	72	-40.3%	287	464	-38.1%
eBooks	72,286	76,983	-6.1%	303,249	315,405	-3.9%
Downloadable Music/Music Videos	0	22,601	-100.0%	0	105,189	-100.0%

<b>YEAR</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
<b>DAYS/HOURS OPEN</b>	25/197	21/160	0/0	25/216

**DAYS CLOSED:** 4/15, Good Friday

<b>COMPUTER USE</b>	<b>2022</b>	<b>2021</b>	<b>% Change</b>
<b>Monthly</b>	296	232	27.6%
<b>Year-to-date</b>	1,174	786	49.4%

Note: Computer use for the contracting libraries was 16.7% this month and 29.1% YTD.

<b>WIFI USE</b>	<b>2022</b>	<b>2021</b>	<b>% Change</b>
<b>Monthly</b>	2,010	1,486	35.3%
<b>Year-to-date</b>	7,312	5,396	35.5%

Note: Wifi use for the contracting libraries was 9.9% this month and 24.0% YTD.

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**DIRECTOR'S REPORT  
April 2022**

<b>NEW LIBRARY CARD MEMBERSHIP</b>	<b>Total-month</b>	<b>YTD</b>
<b>Adults</b>	15	57
<b>Children</b>	5	23

<b>PATRON COUNTER</b>	<b>2022</b>	<b>2021</b>	<b>% Change</b>
<b>Monthly</b>	5,110	3,512	45.5%
<b>Year-to-date</b>	17,956	11,731	53.1%

Note: Door counts for the contracting libraries were 20.3% this month and 30.4% YTD.

<b>Programs and Number of Sessions</b>	<b>Age group</b>	<b>Attendance</b>
Earth Protectors (Friends)	6-11 years	15
Reading Club (Friends)	6-11 years	3
Lego Club	6-11 years	14
Read to a Dog (5) (SPCA)	All	11
Trip to the Moon (Friends)	6-11 years	15
Book-A-Tech Trainer (5)	Adult	5
Screen Free Fun Day (Friends)	All	45
Unwind & Design Silk Scarves (20) (Friends)	Adult	20
Spring Craft to Go (22)	6-11 years	22
L is for Library (10) (Friends)	0-2 ½ years	10
Story Time to Go (40) (Friends)	0-5 years	40
Create-a-Card Club (15) (Friends)	Adult	15
Tutor (10)	6-11 years	10

<b>Friends Ongoing Book Sale (Before Tax)</b>	<b>Month</b>	<b>YTD</b>
<b>Dollar Amount</b>	\$192.00	\$650.00

**Display Case:** 4/12, Sinking Ponds

**Community Room Exhibits:** 4/23, East Aurora Art Society

**Building condition:** Concrete was repaired around the railing on the front steps.

**Professional Development/Meetings**

4/12, 4/22, 4/27, 5/2, 5/3—Getting Started with Libby, Overdrive—Karen, Jennifer, Marj, Kathy C., Claudia, Jan

4/19, 5/3—Overview of Northstar & Training, Northstar Digital Literacy—Paula & Kathy B.

4/25—How to Perform Tasks in the Northstar Admin Portal—Paula

4/25—Northstar Digital Literacy Certificate Assessment, Northstar Digital Literacy—Paula

5/2— Talking to Patrons about Northstar Assessments, Northstar Digital Literacy—Paula

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**DIRECTOR'S REPORT  
April 2022**

**Programs: May 2022**

Aurora Book Club - Adults, 19+ - May 5 @ 6:30 p.m.

Unwind & Design: Upcycled Container Herb Planter Take-Home Kit - Adults, 19+ - May 10 – Participants will be called to pick-up their take-home kit the week of the program.

Reading Club - Children, 6-12 - May 11 @ 3:45 p.m.

K-3 Story Time: We Dig Worms - Grades K-3 – May 17 @ 4:00 p.m.

LEGO Club – Children, 6-12 – 1/20, 2/17, 3/17, 4/7, 5/12 @ 4:00 p.m. **\*\*Sorry Program Registration is Full\*\***

What is Op Art– Children, 6-11 – May 19 – Participants will be called to pick-up their take-home kit the week of the program.

Read to a Dog - Children and their Families, All Ages – May 21 @ 11:00 a.m., 11:20 a.m., 11:40 a.m.

**Programs: June 2022**

Roycroft Chamber Music Festival Concert - All Ages - June 9 @ 6:30 p.m.

Summer Craft - To Go - Children 4 - 12 - June 9 - Participants will be called to pick-up their take-home kit.

K-3 Story Time, Treasure Hunt: X Marks the Spot! - Children, Grades K-3 - June 11 @ 11:00 a.m.

Book a Technology Trainer - Adults, 19+ - June 13 @ 10:00 a.m., 11:00 a.m., 1:00 p.m. & 2:00 p.m. –One-on-One Appointments are 45 minutes long

Unwind & Design: Macramé Patriotic Star Take-Home Kit - Adults, 19+ - June 21 – Participants will be called to pick-up their take-home kit the week of the program.

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**DIRECTOR'S REPORT  
April 2022**

**ATPL Months at a Glance: 2022**

<b>Month of 2022</b>	<b>Circulation</b>	<b>Patron Count</b>	<b>Computer Use</b>	<b>Wi-Fi</b>
January	6,638	4,289	280	1,703
February	6,895	4,018	268	1,571
March	7,435	4,539	330	2,028
April	11,004	5,110	296	2,010
May				
June				
July				
August				
September				
October				
November				
December				
<b>YEAR TOTAL</b>				

**Out of all B&ECPL locations, ATPL ranks YTD:**

12 out of 37 in circulation of materials (9<sup>th</sup> for April)

12 out of 37 in patron visits (10<sup>th</sup> for April)

4 out of 37 in WI-FI (3<sup>rd</sup> for April)

22 out of 37 in computer use (24<sup>th</sup> for April)

**For Pre-Pandemic Comparison**

<b>Month of 2019</b>	<b>Circulation</b>	<b>Patron Count</b>	<b>Computer Use</b>	<b>Wi-Fi</b>
January	11,994	6,410	648	1,455
February	12,674	7,028	646	1,162
March	12,663	8,011	762	1,662
April	12,114	7,707	766	1,515
May	11,332	7,658	703	1,866
June	11,042	7,195	676	1,727
July	14,402	8,477	702	1,561
August	13,167	8,245	819	1,641
September	10,642	7,043	707	1,742
October	11,498	7,940	826	1,777
November	10,423	6,719	677	1,679
December	9,512	5,887	646	1,432
<b>YEAR TOTAL</b>	<b>141,463</b>	<b>88,320</b>	<b>8,578</b>	<b>19,219</b>



## AURORA TOWN PUBLIC LIBRARY

### **Bulletin Board Policy**

The Aurora Town Public Library (ATPL) recognizes its role as a source of community information. It is the policy of the ATPL that bulletin boards within the library are available for the posting of notices related to library business, library-sponsored or partnered activities, and items of educational, cultural or civic interest to the Erie County community. Posting of notices does not indicate ATPL endorsement of the ideas, issues or events promoted by those notices.

1. ATPL bulletin boards are intended for items such as announcements of educational, social, cultural, or entertainment activities, **fliers** flyers, brochures, or schedules sponsored by nonprofit organizations or government agencies relating to services provided to citizens, etc. Bulletin boards are not intended to be used as a forum for the expression of the views or opinions of individuals or groups.
2. Any notice to be considered for posting must be submitted to ATPL management for approval. Only authorized ATPL personnel may post or remove notices. Notices posted without authorization will be removed.
3. In fairness to the numerous community groups, the ATPL may limit the frequency and volume of posting notices from the same organization.
4. All notices posted on ATPL bulletin boards must contain the name and contact information of the sponsoring agency and / or its authorized representative.
5. Notice size (physical dimensions) may be restricted to maximize available space.
6. Notices will be removed when they are no longer timely or when space is required for more current items.
7. The ATPL assumes no responsibility for the preservation or protection of any materials delivered for posting. Materials will not be returned.
8. The following will not be accepted for posting:
  - Materials endorsing or opposing the election of any candidate for public office;
  - Materials endorsing or opposing the adoption of federal, state or local legislation;
  - Materials promoting commercial products or services.
9. Posting authorization is based on the provisions of this Policy and not on the content, viewpoints, beliefs or affiliations of the organizations permitted to post notices.
10. Failure to comply with this **P**olicy may result in the denial of posting privileges.

Adopted by the Aurora Town Public Library Board October 23, 2012. Amended May 23, 2017. **Amended May 24, 2022.**

AURORA TOWN PUBLIC LIBRARY PROCUREMENT POLICIES AND PROCEDURES AS  
REQUIRED UNDER GENERAL MUNICIPAL LAW SECTIONS 103 and 104-B.

## I. STATEMENT OF PURPOSE

The purpose of these policies and procedures is to protect taxpayers by assuring that competition is sought in a reasonable, cost-effective manner for all Aurora Town Public Library (ATPL) procurements where practicable and required by law. Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner to assure the prudent and economical use of public moneys, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to "guard against favoritism, improvidence, extravagance, fraud and corruption" as required by New York State (NYS) General Municipal Law (GML) §104-b.

The ATPL at its discretion may utilize the services of the Buffalo & Erie County Public Library Business Office, following Buffalo & Erie County Public Library Procurement Policies, to undertake procurement on behalf of the ATPL for some or all of the situations addressed in this policy. The policies and procedures below apply when the ATPL itself undertakes a procurement activity.

## II. PROCUREMENT PROCEDURES

(REF., GML §§ 103,104,104-b)

### A. Bidding Procedures

When analyzing a request for acquisition of goods and services, an initial determination must be made as to whether a particular procurement is subject to competitive bidding. Some preliminary issues should be considered: Is the proposed procurement a purchase contract or a contract for public work? Is the amount requested above the applicable limit provided by law? Do any exceptions apply (e.g. state contract, sole source, and/or public emergency)? **If the amount requested is less than the bidding limits required, what procedures apply that promote competition and maintain a level of efficiency consistent with ATPL requirements?**

### B. Bidding Guidelines

NYS GML §103 requires advertised bidding for procurements over \$20,000 for general commodities/services (Purchase Contract), and \$35,000 for public work. Although not defined in GML §103, the Office of the State Comptroller has expressed the opinion that the term "purchase contract" applies to the procurement of commodities (e.g. equipment, materials, supplies, and some services), while the term "contract for public work" encompasses contracts for services, labor and construction (see 1987 Opns St Comp No. 87-46, p 70; 1979 Opns St Comp No. 79-762, p160). If it is determined that competitive bidding



(GML §103) is not applicable for an acquisition, documentation must justify how the decision was reached.

Procurements of commodities/services between \$5,000 and \$20,000 and contracts for public work between \$5,000 and \$35,000 are subject to the informal bid process. ~~Procurements between \$1,000 and \$5,000 may be undertaken using verbal, telephone, fax, written, or single source quotations.~~ For procurements less than \$5,000, verbal, telephone, e-mail fax, written, or single source quotations may be used. Procurements under \$1,000 may be undertaken using the Library requisition for equipment and non-stock items process.

Consideration must be given to acquisitions made of the same or similar items over the course of the fiscal year where the aggregate value may exceed the competitive bidding threshold. Orders that may exceed \$5,000 over the course of the year must follow the informal bid process unless those purchases are made off current available County, State, Federal or other Municipal contracts or for other reasons bidding is not practical. Multiple purchase orders to one vendor will be allowed if that vendor has an existing **SAP Outline Agreement and / or Contract** with the ATPL ~~covering said purchases~~. All others need to comply with the applicable procedures herewith.

### **C. Formal Competitive Bid Process**

On purchases of \$20,000 and greater for commodities/services, and contracts for public work greater than \$35,000, the formal sealed bid process must be used. Bid specifications are prepared by the requesting unit and the ATPL Director. Each formal bid is advertised in a newspaper with a circulation of 50,000 or greater covering ATPL's chartered service area. In addition, all formal bids are advertised on the Internet and can be downloaded by interested parties and prospective bidders accordingly.

In determining the necessity for competitive bidding, the aggregate amount to be expended in a fiscal year for an item or commodity to be purchased, or for the same type or similar public work, must be considered. It is established that the purpose of the bidding statutes may not be frustrated or avoided by artificially splitting or breaking up contracts into lesser agreements, or entering into a series of agreements, for sums below the bidding limitations. As a general rule, items or work of the same or similar nature which are customarily provided by the same vendor or contractor should be treated as a single item for the purposes of determining whether the dollar threshold will be exceeded (see, e.g., 1992 Opns St Comp No. 92-46, p115).

### **D. Informal Bidding Process**

Purchases of commodities and/or services between \$5,000 and \$20,000 and contracts for public work between \$5,000 and \$35,000 will be procured by the ATPL Director using bids first obtained from three sources where practical. Deviations from this policy must be approved by the Director in writing, which shall become part of the purchase documentation. Purchase requisitions and/or inquiry bid files or items within this

threshold will include a notation indicating the names of at least three vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract award will be to the lowest responsible bidder. Informal bids may be sealed (written), e-mail, facsimile (fax), or telephone quotes at the Director's discretion. Any exceptions to this process must be documented pursuant to the Responsibilities/Exceptions section of this policy.

#### **E. Special Purchase Situations**

In other instances where it is determined competitive bidding is not required, such as emergencies, sole source procurements, or professional services, written justification must be attached to the file. The following is a description of procedures for making these types of procurements.

1. Sole Source (No-Bid) Contracts: When circumstances are presented to the Director, which serves the public interest indicating valid reasons that a request can be met by only one qualified vendor, the Director may waive the bidding requirement. Goods and services, which may be procured from only one source, are defined as "sole source" items. It is important to note that there must be a single supplier of the item or service and there are no substantial equivalents. Sole source situations generally exist when an item is manufactured by only one firm, and a vendor has the exclusive franchise or distributorship for an item.

To initiate a sole source purchase, the Director's staff must be confident that conditions exist in the marketplace such that the requested goods or services are available from only one supplier and no substantial equivalents exist. In making these determinations, the Director will document the unique benefits to the ATPL of the item or service as compared to other products available in the marketplace. (See, gen.,1988 Opns St Camp No. 88-35, p 65)

Even though there is only one source of supply, the Director's staff must still obtain a quotation for the vendor. Upon receipt of the properly executed quotation (written, fax, e-mail), the staff will then proceed to write the purchase order.

Since market conditions change over the years, a previously substantiated sole source may find new entrants to a formerly monopolized market. All sole sources should be verified. It can be a situation where the staff knows the marketplace has changed or it simply may be the need to verify the marketplace has not changed. It is understood that the mere likelihood that only one firm will bid is insufficient to justify sole source procurement. {1983 Opns St. Comp. No 83-124, p156)

2. Emergencies: GML 103(4), provides that purchases may be made without competitive bidding in the event that a public emergency arises due to an accident or other unforeseen occurrence.



Emergencies do not include situations caused by a lack of planning on the part of the ATPL unit. While it will be the ATPL unit that requests an emergency purchase, the ATPL Director with approval of the ATPL's legal counsel will determine if it qualifies as an actual emergency. ATPL legal counsel will determine if the statutory criteria are met on a case-by-case basis. If approved, the ATPL Director may issue an emergency declaration.

When circumstances support an emergency procurement, the requesting unit must submit the required written emergency declaration for the ATPL Director or his / her designee. The requesting unit and/or Director's staff must then locate a source for the required goods or service. The goal must always be to obtain the lowest price from the vendor who can best meet the delivery requirements. If the item is included in an ATPL and /or Buffalo & Erie County Public Library or Erie County contract listing, the contract vendor should be contacted first. Once the sources and price have been established, an emergency purchase order will be processed. It should be noted that in the event of a contract for services, the emergency contract will not exist for a term beyond the reasonable limits of the existence of the emergency situation. Similarly, in the case of an emergency involving the acquisition of commodities, the quantity acquired will be no more than needed to address the emergency situation at the time.

The procurement procedure will be the same as a routine informal or formal bid except that advertising and bidding is not required. The purchase order must state "Emergency purchase approved by (Name), ATPL Director." A copy of the ATPL Director's written emergency declaration must be attached to the purchase order.

**3. Professional Services:** Professional, technical or consulting services are not the type of services which may properly be the subject of competition based solely on the compliance with the objective, uniform standards of the bid specification, pursuant to a bid being awarded to the lowest responsible bidder. The determination of whether the professional service exemption is applicable must be made on a case-by-case basis, examining the particular services needed. Generally professional services include, but are not limited to, the specialized expertise of interpreters, consultants, attorneys, engineers or architects.

Contracts for professional, technical or other consultant services having a value of \$20,000 or more are procured by the use of Requests for Proposals (RFP). The ATPL Director's staff, subject to the review and approval of the Director, shall advertise the Request for Proposals (RFP), and designate a committee of three to review the proposals and choose a vendor. RFPs are distributed to interested parties and are advertised on the Internet and can be downloaded by interested parties and prospective proposers accordingly. Though not required, the ATPL may **also** advertise in trade publications. The review committee or staff designee will select a vendor from the responses received and create a proposal to submit to the ATPL Director for review and recommendation to the ATPL Board of Trustees, which



upon review and by **Resolution** may provide approval to contract.

Contracts for legal counsel and professional, technical or other consultant services related to the ATPL legal issues having a value of \$20,000 or more shall be subject to review by the ATPL Director, who may utilize an RFP process or submit written justification for the contract which shall be reviewed by the ATPL Board of Trustees, which upon review and by Resolution may provide approval to contract. Contracts for professional, technical or other consultant services having a value of less than \$20,000 shall be subject to review and approval by the ATPL Director, who may, within the limits of the appropriations provided therefore, contract for said services.

4. **True Lease:** Leases for real property shall not be considered a purchase or contract. True lease agreements are neither purchases nor contracts for public works and, thus, are not subject to competitive bidding under GML 103 (Exley v Village of Endicott, 21NY2d 426, 434 NYS2d992). Lease agreements require the ATPL Director's authorization before any procurement activity can begin. Documentation for the leasing versus purchasing decision should be made and should include a cost benefit analysis. Final approval to authorize entering into a lease with an annual value of under \$20,000 shall be by the ATPL Director. Final approval to authorize entering into a lease with an annual value of \$20,000 or more shall be by **Resolution** adopted by the ATPL Board of Trustees. The competitive bidding statutes cannot be circumvented by casting an agreement which is truly a purchase or a contract for public work in terms of a lease.

5. **Insurance:** Insurance requirements for vendors are to be reviewed and approved by the ATPL's legal counsel on a periodic basis. The purchase of insurance is to be conducted through the ATPL Director or her/his designee in consultation with the ATPL's legal counsel.

6. **Second Hand Equipment acquired from other government agencies:** The requesting ATPL unit must have approval from the appropriate outside government official as well as budgetary approval from the Director before the purchase of surplus and second hand supplies, material or equipment is initiated. The ATPL Director will verify that the purchase price is fair through market price comparisons via industry publications and other procurement sources. Competitive bidding is not required according to GML §103 (6) (21 Opns St comp, 1965, p 615).

#### **F. Single Source Purchases (\$1000 to \$5000)**

For purchases between \$1000 and \$5000, the ATPL Director has the option to award a purchase order to a single source vendor, usually recommended by the requesting unit. It is the Director's responsibility to ensure that the purchase price is fair through price comparisons from available sources. If there is reason to believe that the price quote is not within an acceptable range for the product or products in question, the Director may request an informal quote or bid using the Informal Bidding Process.

### G. Exempted from GML 103, 104-b

Procurements from Industries for the Blind or Industries for the Disabled (NYSID - See also State Finance Law, §162), New York State Correctional Industries (CORCRAFT - See also Correction Law, §§ 184,186), and Federal, State, or Local contracts **or Approved Purchasing Cooperative Agreements** are exempted from GML 103 competitive bidding and GML 104-b purchasing policies. Although General Municipal Law exempts these types of purchases from the requirements of written or verbal quotations, use of the exemption must be documented with relevant information and/or copies of Federal, State or Local contracts.

~~Further, procurements utilizing cooperative purchasing agreements created by the~~ **Approved Purchasing Cooperative Agreements include those created by the National Cooperative Purchasing Alliance, US Communities OMNIA Partners, Public Sector (formerly US Communities and the National Intergovernmental Purchasing Alliancing), The Cooperative Purchasing Network, Connecticut Consortium Cooperative Purchasing, National Association of State Procurement Officials (NASPO), National Joint Powers Alliance Sourcewell (formerly National Joint Powers Alliance), National Inter-Government Purchasing Alliance, PEPPM Technology Bidding and Purchasing Program, and the National Purchasing Partners (NPP) to provide materials, equipment, supplies or services. may substitute for the GML 103 competitive bidding and GML 104-b purchasing policies described herein. Agreements not listed above that are approved for use by Erie County shall also qualify for use by the ATPL.**

Requirements of section II.e.3, professional services, may also be waived by use of such cooperative agreements.

### H. Responsibilities / Exceptions

The Director is the responsible Purchasing Agent for the ATPL. The Director and ATPL staff are responsible for following the policies and procedures described herein and all relevant laws as they pertain to competitive bidding. (GML §104-b (2)(f)). If an award is made to a vendor other than the lowest price offered, written documentation stating the basis for such award and a justification that the award is in the best interest of the ATPL, must be provided to and retained by the ATPL Director.

### I. Updating Policies and Procedures

The ATPL Board of Trustees shall review this policy and procedures at least annually and shall solicit comments from the ATPL Director (GML §104-b (3),(4)).



## J. Unintentional Failure to Comply

The unintentional failure to comply with the provisions of GML 104-b shall not be grounds to void action taken or give rise to a cause of action against Aurora Town Public Library or any officer or employee thereof. (GML §104-b (5)).

## III. DOCUMENTATION PROCEDURES

### A. ~~QUOTES~~ Quotes

1. ~~MINIMUM INFORMATION REQUIREMENTS~~ Minimum Information Requirements- At a minimum, all quotations should include the date, item description, name of the vendor and vendor's representative, vendor contact information.
2. ~~VERBAL/TELEPHONE QUOTES~~ Verbal / Telephone Quotes- The information is recorded on the purchase order and becomes part of the purchasing document.
3. ~~SINGLE SOURCE QUOTES~~ Single Source Quotes- The Director, or his/her designee, will solicit one written, faxed, or verbal quotation. Written or faxed / **emailed** quotations are attached to the file copy of the purchase order. All verbal quotations will be documented on the purchase order in accordance with the above verbal / telephone quotes procedure.~~4.~~
4. ~~WRITTEN QUOTES~~ Written Quotes- When utilizing written quotes, where practicable a minimum of three quotations should be solicited and documented. "Request For Quotation" or "Informal Bid Request" forms are used and attached to the file.
5. ~~FAX QUOTES~~ Fax Quotes- Fax / **email** quotes may be accepted for any quotation under \$20,000 for commodities / services and under \$35,000 for contracts for public work.

### B. ~~PRICE VERIFICATION~~ Price Verification

Director's staff is required to verify New York State contract and / or cooperative purchasing agreement pricing when applicable and practical. If price lists are not available through NYS OGS and / or the respective cooperative purchasing agreement sponsor, Director / Manager staff must receive pricing from the vendors and shall include some written affidavit of price validity.

### C. ~~BID LANGUAGE~~ Bid Language (Extensions/Alternate submissions)

When bids are to be used in multiple time periods and/or for multiple orders requiring the vendor to hold pricing, it is mandatory that language in the bid document states the intention to do the same. The language must be clear and concise and should leave no doubt with respect to its intended use. The same holds true for the alternative bid



submissions. The language must be clear and if the alternates are to be accepted, the Director should make every effort to notify all potential vendors of our acceptance of the same.

D. ~~POST BID NEGOTIATIONS~~ Post Bid Negotiations

Post bid negotiations are the responsibility of the Director or his / her designee. ATPL units are not permitted to assume this responsibility.

E. ~~REQUEST FOR PROPOSALS~~ Request for Proposals

RFPs are used for obtaining professional, technical and consulting services (which may or may not include legal services). The requesting ATPL unit is responsible for submitting specifications to the ATPL Director for review. If it is determined that the service is not biddable, the ATPL Director may proceed in accordance with State and local laws. Evaluations are conducted in accordance with process described in the Professional Services section of this policy.

Approved April 28, 2015 per Resolution by the Aurora Town Public Library Board of Trustees. This policy supersedes the procurement related stipulations of all previously adopted Board resolutions. Amended May 23, 2017. **Amended January 23, 2018. Amended May 24, 2022.**