San Mateo County Libraries

Agenda Item III. B.

To: JPA Governing Board

From: Anne-Marie Despain, Director of Library Services

Lindsey Freeland, Financial Services Manager

Date: November 8, 2022

Meeting: November 14, 2022

Re: Approval of Procurement Policy

Background

As outlined in the Library Joint Powers Authority Agreement, the Library JPA Governing Board is responsible for creating, adopting and maintaining by-laws and related policies to provide for the conduct of library business as well as the services and programs of the system. San Mateo County Libraries policies provide the structure for the implementation of the Library's vision, mission and goals. From time to time it is necessary to evaluate and update policies to reflect current library practices, uses and issues.

Discussion

Staff is recommending the approval of an updated Procurement Policy. This policy was last approved by the Governing Board on November 15, 2021. The Procurement Policy is intended to detail the process by which the Library will obtain goods and services and also establishes guidelines and internal controls to provide reasonable assurance that the procurement process is fair, open and competitive. Legal counsel has reviewed and provided input on the recommended updates and the County's Open Data Portal continues to provide an easy accessible view of library expenditures and activity data.

Revisions include the following: 1) Include a standard provision in all contracts to require compliance with the County of San Mateo Living Wage Ordinance; 2) Increase the lowest competitive threshold from $4,999 to $9,999; 3) Increase the W9 qualification under the Small Business First Policy from $15,000 to $20,000; and 4) Add guidelines for when cooperative agreements or piggybacks may be used.

In addition to these changes, the Library will also be working with the County of San Mateo in the coming year to comply with the state-mandated requirements for recycled organic-material procurement established in California Senate Bill 1383.

Fiscal Impact

There is no fiscal impact associated with approving the recommended Procurement Policy.

Recommendation

Recommend Library JPA Governing Board approve the Procurement Policy. Operations Committee members present for the November 8, 2022 meeting concurred with this recommendation.

Attachments

1. Procurement Policy (Recommended)
1a. Procurement Policy (Revisions)

PROCUREMENT POLICY - (Recommended)

Background and Purpose

In all matters related to procurement, the San Mateo County Libraries is committed to ensuring that goods and services are of high quality, available when needed, and competitively priced. We are dedicated to maintaining the highest standards of professional behavior and ethical conduct in public purchasing.

This policy is intended to detail the process by which the Library will obtain goods (tangible) and services (non-tangible) and also establishes guidelines and internal controls to provide reasonable assurance that the procurement process is fair, open and competitive.

General Provisions

1. Administration: The Director of Library Services is ultimately responsible for procurement administration to ensure full compliance with these activities and all established terms and conditions.

2. Local Preference: When the combination of price, quality and terms and conditions are substantially equal, the Library shall give preference in purchasing to San Mateo County-based goods and service providers.

3. Minority, Women Owned, and Small Business Solicitations: Where possible, efforts should be made to solicit proposals from small businesses, and women- and/or minority-owned businesses.

4. Living Wage Ordinance**:** All Library contracts will include a standard provision requiring compliance with the County of San Mateo Living Wage Ordinance, which sets a minimum wage contractors are required to pay employees providing services under county contracts. The Library Director may approve waiving compliance on a case-by-case basis.

5. Term: The length of the contract term (beginning and ending date) may vary depending on the type of contract, but the term must not be more than five years. The maximum five-year term includes any amendments to the contract term. Language must also include a detailed scope of work, a description of the deliverables, due dates, payment amount, payment rates, payment process and schedule.

6. Splitting Contracts: Efforts to split a contract into two or more contracts for the purpose of circumventing dollar limits on approval processes or other requirements are prohibited.

7. Insurance Requirements: The following are the Library's standard insurance requirements for contracts which may be adjusted based on the nature of the goods and services being provided. The Contractor shall take out and maintain during the life of this Agreement such

Bodily Injury Liability and Property Damage Liability Insurance as shall protect him/her while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all operations under this Agreement, whether such operations be by himself/herself or by any subcontractor or by anyone directly or indirectly employed by either of them. Such insurance shall be combined single limit bodily injury and property damage for each occurrence and shall not be less than $1,000,000. All contractors performing work/services with the County Library must have a minimum of $1 million general liability insurance, $1 million auto insurance, and, to the extent legally required, statutory workers' compensation insurance, and the County Library must be named as an additional insured by insurer-issued written endorsement, a copy of which shall be provided to the Director of Library Services prior to initiation of work by contractor. Carrier's liability insurance at $0.60 per pound, per item will also be provided.

8. Legal Review: Contracts for services and vendor agreements above $200,000, or agreements that do not use the Library's standard templates, shall be reviewed by the Library's legal counsel to approve as to form and legality.

9. Authorized Signatures:
The following are authorized to approve invoices based on the amounts listed below:

Library Managers	$9,999 and Below
Director of Library Services	$200,000 and Below
Chair, Library JPA Governing Board	$200,001 and Above

The following are authorized to execute agreements, contracts, and amendments or change orders based on the amounts listed below:

Director of Library Services	$200,000 and Below
Chair, Library JPA Governing Board	$200,001 and Above

The value of an agreement shall be determined by the total amount of the agreement. For example, if a contract is for $120,000 per year for a total of two years, its value is $240,000.

10. Contract Amendments: If an existing current contract requires a change, the contract must be amended. The amendment then becomes part of the existing contract. Examples of changes include an extension of the term, a change in the amount of the contract, modifications to the scope of work, or new standard contract language that was not in place at the time of the original contract.

The requirements described in this memorandum also apply to contract amendments. If an amendment causes a contract's total payment amount to exceed $200,000, all requirements for contracts exceeding $200,000, including the requirement for approval by the JPA Governing Board Chair, must be met. Contract amendments must not be used to

circumvent solicitation requirements when a contract's total payment amount would be reasonably expected to exceed $200,000.

If a project under contract is underway and extenuating circumstances require an amendment that causes the contract total amount to exceed $200,000, an exception to the competitive process, where legally justified, may be approved by the JPA Governing Board Chair.

11. Library as Independent Contractor: When the Library receives financial compensation from a third party for the Library's provision of services, the Director of Library Services is authorized to approve and execute agreements $200,000 and below. All contracts in which the Library receives more than $200,000 must be approved by the Chair of the Library JPA Governing Board.

12. The Library Joint Powers Authority allows the Library to award a procurement to a certified small business up to $200,000 without being competitively bid, so long as the Library follows the guidelines established in the SMCL Small Business First policy.

13. The competitive thresholds outlined in this policy and the SMCL Small Business First policy refer to the total value of goods and/or services, of the same general classification, purchased from a single vendor in one fiscal year period or, if a contract is awarded, the total not to exceed amount for all years under the contract.

Selection Process for Procuring Services

Services refer to professional and non-professional services that provide support to and facilitate Library operations.

1. Services $9,999 and Below: A formal Request for Proposal (RFP) process is not required. However, internal procedures should be employed to ensure that the selection process is fair, that the provider is qualified, and that the cost is competitive.

2. Services $10,000 to $200,000: A formal RFP process is not required. However, staff are expected to exercise their best efforts to obtain a minimum of three quotes from potential providers. The results of another public agency's competitive process may also be used. Staff must document how and why each provider was selected.

3. Services $200,001 and Above: This category requires that a formal Request for Proposals (RFP) process be followed. RFPs shall be posted on the Library's website along with all answers to questions submitted by potential vendors. The purpose of this process is to ensure that the Library receives the best value in obtaining services. Another purpose of the RFP is to encourage competition and ensure that all qualified providers are given an opportunity to be considered. The determination of "best value" is not based solely on the lowest price or the highest quality. It involves a subjective weighting of efficiency, quality,

and economy, and a recommendation as to how the services might best be provided. The outcome of the evaluation of proposals should be regarded as the recommendation of the provider with whom negotiations will be initiated regarding the work and the terms of the contract. The results of another public agency's competitive process may also be used.

Contracts for professional services will generally be awarded pursuant to the above guidelines; however, it is recognized that the Library's need for consultant services will vary from situation to situation, and accordingly, flexibility will be provided in determining the appropriate evaluation and selection process to be used in each specific circumstance.

Selection Process for Procuring Goods

Goods refer to the goods, materials, software, equipment, furniture, supplies and related services procured by the Library.

1. Goods $1 to $9,999: Specific purchasing requirements are not ordinarily expected for this level of purchase. However, the use of competitive quotations, when reasonably practical, ensures the acquisitions are of sound value and guards against bias.

2. Goods $10,000 to $200,000: This category requires that informal or open market procedures be followed. An open market solicitation is used to purchase goods by soliciting from any available source, and whenever practical be based on a least three quotes and awarded to the lowest and most responsive and responsible provider. Staff must document how and why goods were selected. The results of another public agency's competitive process may also be used. An open-market blanket purchase order may be established for goods for which the Library has a recurring need on an "as-needed" basis.

3. Goods $200,001 and Above: This category requires that a formal Request for Quotations (RFQ) process be followed. RFQs shall be posted on the Library's website along with all answers to questions submitted by potential vendors. Bids are to be evaluated based on the requirements and criteria set forth in the RFQ. The evaluation shall be based on the face value of the bid and, when applicable, consider the following cost factors: the total bid price including discounts, the unit or extended price, hour rates for specified personnel, maintenance costs and warranty provisions, the cost and rate of freight shipping and handling, assembly and start up. The evaluation shall also include consideration of the following responsibility and responsiveness factors when applicable: general reputation and experience of the bidder, adherence to the requirements and condition of the RFQ, quality and quantity of merchandise offered, compatibility with existing systems, overall completeness of the commodity line offered and delivery or completion date. After the bids are evaluated, the award shall be made to the lowest responsible responsive bidder. The results of another public agency's competitive process may also be used. An open-market blanket purchase order may be established for goods for which the Library has a recurring need on an "as-needed" basis.

Cooperative Agreements / Piggybacking

The result of another public agency's competitive process may be used in lieu of completing a new competitive process if the following conditions are met:

- The competitive process was completed by a public entity or consortium of public entities and it resulted in a contract which is still in effect.
- The goods or services in the contract are the same as the goods or services the Library requires. Note that the piggyback concept may not apply in public works contracts.
- The competitive process was of the same rigor as required by the Library's competitive process.
- Consent is received from both the public agency and vendor to piggyback on the contract.

Eligible procuring agencies will include, but are not limited to: County of San Mateo, Califa, California Multiple Awards Schedule (CMAS), and Omnia Partners.

Exceptions

The competitive procurement requirements of this policy may not apply if, under particular circumstances, an exception is warranted and legally justified. If an exception applies, written approval of the exception must be obtained from the Director of Library Services.

The following are examples of circumstances that may be considered in authorizing case-by-case exceptions to this policy. These options should only be utilized when justified and necessary to meet the Library's needs and supported by objective analysis and documentation.

- Sole Source and Single Source procurements are used when obtaining products or services. A Sole Source procurement occurs if it has been determined that there is only one source for the required product or service. A Single Source procurement is a sourcing method used to procure a product or service from one source, without soliciting competition, even though there are other vendors that can provide the product or service.
- Competition is precluded because of the existence of patent rights, copyrights, or similar circumstances and there is no equivalent item or service.
- The procurement is for replacement parts or components for equipment, and no information or data is available to ensure that the parts or components obtained from another supplier will perform the same function in the equipment as the part or component to be replaced.
- The procurement is for upgrades, enhancements or additions to hardware or for enhancements or additions to software, and no information or data is available to ensure that equipment or software from different manufacturers or developers will be as compatible as equipment or software from the original manufacturer(s) or developer(s), or would void or invalidate a manufacturer's warranty or guarantee.

Small Business First Policy

San Mateo County Libraries is committed to supporting California small businesses. This policy, which is adapted from the State of California and the University of California Small Business First programs, will facilitate the Library in granting more procurement opportunities to California small businesses. The Small Business First policy is established under the following guidelines:

1. General Requirements: For the purchase of goods and/or services valued up to $200,000, that cannot already be procured through existing agreements, the Library may seek to award these procurements to a certified Small Business (SB) or Disabled Veteran Business Enterprise (DVBE) based in California.

   To purchase goods and/or services valued up to $100,000, the Library must only obtain one (1) quote from either a certified SB or DVBE based in California. To purchase goods and/or services valued between $100,001-$200,000, the Library must obtain at least two (2) quotes from certified SB or SVBE based in California.

   Note: Any reference to certified Small Businesses includes Microbusinesses (MB). For vendors that submit a W9 selecting "Individual/sole proprietor or single-member LLC" as their business type, commonly referred to as "microbusinesses" of "self-employed," they will be assumed to be a small business and will not be required to provide a Small Business certification unless payment to the vendor exceeds $20,000 in a single fiscal year or over the term of a contract. If the result of the procurement will exceed the $20,000 threshold, proof of certification will be required to qualify under the Small Business First policy.

   Businesses must be certified by the California Department of General Services Office of Small Business and DVBE Services (OSDS) or other accepted certifying agency. The list of acceptable certifications will be approved by the Director of Library Services and posted on the Library's website and will be updated as needed.

2. Quotes Not Attained: If the Library is unable to obtain the necessary quotes form a SB or DVBE, the purchase will be subject to the standard competitive thresholds and processes outlined in the Library procurement policy.

3. Program Exemptions: The following purchase and/or agreement types are exempt from the Small Business First policy: interagency, federal government, research sub-awards, local government, higher education institutions, revenue/reimbursement contracts, statutorily exempt, policy exempt, emergency, local assistance/subvention, proprietary contracts, and situations where the nature of the product or service sought, per the Director of Library Services' discretion, precludes use of a small business. The Small Business First program does not apply to circumstances where Federal, grant, court decision, or court order requirements dictate how funds can be expended.

PROCUREMENT POLICY - (Revisions)

Background and Purpose

In all matters related to procurement, the San Mateo County Libraries is committed to ensuring that goods and services are of high quality, available when needed, and competitively priced. We are dedicated to maintaining the highest standards of professional behavior and ethical conduct in public purchasing.

This policy is intended to detail the process by which the Library will obtain goods (tangible) and services (non-tangible) and also establishes guidelines and internal controls to provide reasonable assurance that the procurement process is fair, open and competitive.

General Provisions

1. Administration: The Director of Library Services is ultimately responsible for procurement administration to ensure full compliance with these activities and all established terms and conditions.

2. Local Preference: When the combination of price, quality and terms and conditions are substantially equal, the Library shall give preference in purchasing to San Mateo County-based goods and service providers.

3. Minority, Women Owned, and Small Business Solicitations: Where possible, efforts should be made to solicit proposals from small businesses, and women- and/or minority-owned businesses.

4. Living Wage Ordinance**:** All Library contracts will include a standard provision requiring compliance with the County of San Mateo Living Wage Ordinance, which sets a minimum wage contractors are required to pay employees providing services under county contracts. The Library Director may approve waiving compliance on a case-by-case basis.

5. Term: The length of the contract term (beginning and ending date) may vary depending on the type of contract, but the term must not be more than five years. The maximum five-year term includes any amendments to the contract term. Language must also include a detailed scope of work, a description of the deliverables, due dates, payment amount, payment rates, payment process and schedule.

6. Splitting Contracts: Efforts to split a contract into two or more contracts for the purpose of circumventing dollar limits on approval processes or other requirements are prohibited.

7. Insurance Requirements: The following are the Library's standard insurance requirements for contracts which may be adjusted based on the nature of the goods and services being provided. The Contractor shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect him/her while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all operations under this Agreement, whether such operations be by himself/herself or by any subcontractor or by anyone directly or indirectly employed by either of them. Such insurance shall be combined single limit bodily injury and property damage for each occurrence and shall not be less than $1,000,000. All contractors performing work/services with the County Library must have a minimum of $1 million general liability insurance, $1 million auto insurance, and, to the extent legally required, statutory workers' compensation insurance, and the County Library must be named as an additional insured by insurer-issued written endorsement, a copy of which shall be provided to the Director of Library Services prior to initiation of work by contractor. Carrier's liability insurance at $0.60 per pound, per item will also be provided.

8. Legal Review: Contracts for services and vendor agreements above $200,000, or agreements that do not use the Library's standard templates, shall be reviewed by the Library's legal counsel to approve as to form and legality.

9. Authorized Signatures:
The following are authorized to approve invoices based on the amounts listed below:

Library Managers	~~$4,999~~ $9,999 and Below
Director of Library Services	$200,000 and Below
Chair, Library JPA Governing Board	$200,001 and Above

The following are authorized to execute agreements, contracts, and amendments or change orders based on the amounts listed below:

Director of Library Services	$200,000 and Below
Chair, Library JPA Governing Board	$200,001 and Above

The value of an agreement shall be determined by the total amount of the agreement. For example, if a contract is for $120,000 per year for a total of two years, its value is $240,000.

10. Contract Amendments: If an existing current contract requires a change, the contract must be amended. The amendment then becomes part of the existing contract. Examples of changes include an extension of the term, a change in the amount of the contract, modifications to the scope of work, or new standard contract language that was not in place at the time of the original contract.

The requirements described in this memorandum also apply to contract amendments. If an amendment causes a contract's total payment amount to exceed $200,000, all

requirements for contracts exceeding $200,000, including the requirement for approval by the JPA Governing Board Chair, must be met. Contract amendments must not be used to circumvent solicitation requirements when a contract's total payment amount would be reasonably expected to exceed $200,000.

If a project under contract is underway and extenuating circumstances require an amendment that causes the contract total amount to exceed $200,000, an exception to the competitive process, where legally justified, may be approved by the JPA Governing Board Chair.

11. Library as Independent Contractor: When the Library receives financial compensation from a third party for the Library's provision of services, the Director of Library Services is authorized to approve and execute agreements $200,000 and below. All contracts in which the Library receives more than $200,000 must be approved by the Chair of the Library JPA Governing Board.

12. The Library Joint Powers Authority allows the Library to award a procurement to a certified small business up to $200,000 without being competitively bid, so long as the Library follows the guidelines established in the SMCL Small Business First policy.

13. The competitive thresholds outlined in this policy and the SMCL Small Business First policy refer to the total value of goods and/or services, of the same general classification, purchased from a single vendor in one fiscal year period or, if a contract is awarded, the total not to exceed amount for all years under the contract.

Selection Process for Procuring Services

Services refer to professional and non-professional services that provide support to and facilitate Library operations.

1. Services ~~$4,999~~ $9,999 and Below: A formal Request for Proposal (RFP) process is not required. However, internal procedures should be employed to ensure that the selection process is fair, that the provider is qualified, and that the cost is competitive.

2. Services ~~$5,000~~ $10,000 to $200,000: A formal RFP process is not required. However, staff are expected to exercise their best efforts to obtain a minimum of three quotes from potential providers. The results of another public agency's competitive process may also be used. Staff must document how and why each provider was selected.

3. Services $200,001 and Above: This category requires that a formal Request for Proposals (RFP) process be followed. RFPs shall be posted on the Library's website along with all answers to questions submitted by potential vendors. The purpose of this process is to ensure that the Library receives the best value in obtaining services. Another purpose of the RFP is to encourage competition and ensure that all qualified providers are given an

opportunity to be considered. The determination of "best value" is not based solely on the lowest price or the highest quality. It involves a subjective weighting of efficiency, quality, and economy, and a recommendation as to how the services might best be provided. The outcome of the evaluation of proposals should be regarded as the recommendation of the provider with whom negotiations will be initiated regarding the work and the terms of the contract. The results of another public agency's competitive process may also be used.

Contracts for professional services will generally be awarded pursuant to the above guidelines; however, it is recognized that the Library's need for consultant services will vary from situation to situation, and accordingly, flexibility will be provided in determining the appropriate evaluation and selection process to be used in each specific circumstance.

Selection Process for Procuring Goods

Goods refer to the goods, materials, software, equipment, furniture, supplies and related services procured by the Library.

1. Goods $1 to ~~$4,999~~ $9,999: Specific purchasing requirements are not ordinarily expected for this level of purchase. However, the use of competitive quotations, when reasonably practical, ensures the acquisitions are of sound value and guards against bias.

2. Goods ~~$5,000~~ $10,000 to $200,000: This category requires that informal or open market procedures be followed. An open market solicitation is used to purchase goods by soliciting from any available source, and whenever practical be based on a least three quotes and awarded to the lowest and most responsive and responsible provider. Staff must document how and why goods were selected. The results of another public agency's competitive process may also be used. An open-market blanket purchase order may be established for goods for which the Library has a recurring need on an "as-needed" basis.

3. Goods $200,001 and Above: This category requires that a formal Request for Quotations (RFQ) process be followed. RFQs shall be posted on the Library's website along with all answers to questions submitted by potential vendors. Bids are to be evaluated based on the requirements and criteria set forth in the RFQ. The evaluation shall be based on the face value of the bid and, when applicable, consider the following cost factors: the total bid price including discounts, the unit or extended price, hour rates for specified personnel, maintenance costs and warranty provisions, the cost and rate of freight shipping and handling, assembly and start up. The evaluation shall also include consideration of the following responsibility and responsiveness factors when applicable: general reputation and experience of the bidder, adherence to the requirements and condition of the RFQ, quality and quantity of merchandise offered, compatibility with existing systems, overall completeness of the commodity line offered and delivery or completion date. After the bids are evaluated, the award shall be made to the lowest responsible responsive bidder. The results of another public agency's competitive process may also be used. An open-market

blanket purchase order may be established for goods for which the Library has a recurring need on an "as-needed" basis.

Cooperative Agreements / Piggybacking

The result of another public agency's competitive process may be used in lieu of completing a new competitive process if the following conditions are met:

- The competitive process was completed by a public entity or consortium of public entities and it resulted in a contract which is still in effect.
- The goods or services in the contract are the same as the goods or services the Library requires. Note that the piggyback concept may not apply in public works contracts.
- The competitive process was of the same rigor as required by the Library's competitive process.
- Consent is received from both the public agency and vendor to piggyback on the contract.

Eligible procuring agencies will include, but are not limited to: County of San Mateo, Califa, California Multiple Awards Schedule (CMAS), and Omnia Partners.

Exceptions

The competitive procurement requirements of this policy may not apply if, under particular circumstances, an exception is warranted and legally justified. If an exception applies, written approval of the exception must be obtained from the Director of Library Services.

The following are examples of circumstances that may be considered in authorizing case-by-case exceptions to this policy. These options should only be utilized when justified and necessary to meet the Library's needs and supported by objective analysis and documentation.

- Sole Source and Single Source procurements are used when obtaining products or services. A Sole Source procurement occurs if it has been determined that there is only one source for the required product or service. A Single Source procurement is a sourcing method used to procure a product or service from one source, without soliciting competition, even though there are other vendors that can provide the product or service.
- Competition is precluded because of the existence of patent rights, copyrights, or similar circumstances and there is no equivalent item or service.
- The procurement is for replacement parts or components for equipment, and no information or data is available to ensure that the parts or components obtained from another supplier will perform the same function in the equipment as the part or component to be replaced.
- The procurement is for upgrades, enhancements or additions to hardware or for enhancements or additions to software, and no information or data is available to ensure that equipment or software from different manufacturers or developers will be as compatible as equipment or software from the original manufacturer(s) or developer(s), or would void or invalidate a manufacturer's warranty or guarantee.

Small Business First Policy

San Mateo County Libraries is committed to supporting California small businesses. This policy, which is adapted from the State of California and the University of California Small Business First programs, will facilitate the Library in granting more procurement opportunities to California small businesses. The Small Business First policy is established under the following guidelines:

1. General Requirements: For the purchase of goods and/or services valued up to $200,000, that cannot already be procured through existing agreements, the Library may seek to award these procurements to a certified Small Business (SB) or Disabled Veteran Business Enterprise (DVBE) based in California.

   To purchase goods and/or services valued up to $100,000, the Library must only obtain one (1) quote from either a certified SB or DVBE based in California. To purchase goods and/or services valued between $100,001-$200,000, the Library must obtain at least two (2) quotes from certified SB or SVBE based in California.

   Note: Any reference to certified Small Businesses includes Microbusinesses (MB). For vendors that submit a W9 selecting "Individual/sole proprietor or single-member LLC" as their business type, commonly referred to as "microbusinesses" of "self-employed," they will be assumed to be a small business and will not be required to provide a Small Business certification unless payment to the vendor exceeds ~~$15,000~~ $20,000 in a single fiscal year or over the term of a contract. If the result of the procurement will exceed the ~~$15,000~~ $20,000 threshold, proof of certification will be required to qualify under the Small Business First policy.

   Businesses must be certified by the California Department of General Services Office of Small Business and DVBE Services (OSDS) or other accepted certifying agency. The list of acceptable certifications will be approved by the Director of Library Services and posted on the Library's website and will be updated as needed.

2. Quotes Not Attained: If the Library is unable to obtain the necessary quotes form a SB or DVBE, the purchase will be subject to the standard competitive thresholds and processes outlined in the Library procurement policy.

3. Program Exemptions: The following purchase and/or agreement types are exempt from the Small Business First policy: interagency, federal government, research sub-awards, local government, higher education institutions, revenue/reimbursement contracts, statutorily exempt, policy exempt, emergency, local assistance/subvention, proprietary contracts, and situations where the nature of the product or service sought, per the Director of Library Services' discretion, precludes use of a small business. The Small Business First program does not apply to circumstances where Federal, grant, court decision, or court order requirements dictate how funds can be expended.