

Resolution Regarding the Emergency Adoption of a Temporary Procurement Policy

WHEREAS, pursuant to Education Law § 2590-h(36), the Chancellor has the power and the duty to develop a procurement policy to ensure the delivery of necessary goods, materials and services consistent with law for use by over 1600 schools and to ensure the wise and prudent use of public money; and

WHEREAS, pursuant to the law such a procurement policy shall include the measures, processes and protections required by Education Law § 2590-h(36); and

WHEREAS, pursuant to Education Law § 2590-g(1) the Panel for Educational Policy (Panel) has the power and duty to approve the procurement policy; and

WHEREAS, the September 14, 2009 meeting is the first meeting of the Panel after the amendment of the New York State Education Law by Chapter 345 of the Laws of 2009, which was signed into law on August 11, 2009; and

WHEREAS, pursuant to Education Law § 2590-g(8), approval of a procurement policy is subject to a public review process and as part of that process, information about the procurement policy must be circulated and the proposed text made available for public comment at least 45 days prior to the Panel's vote on the policy; and

WHEREAS, the Chancellor intends to propose a permanent procurement policy consistent with the Law and to follow the full public review process in accordance with Education Law § 2590-g(8), including giving notice of the text of such policy for public review and comment at least 45 days prior to the Panel's vote on such policy; and

WHEREAS, Education Law § 2590-g(9) recognizes that emergency circumstances will sometimes require the Department of Education to act before the passage of the 45 day review and comment period in order to preserve student health and safety and ensure the general welfare of the school system, and when the public review process contemplated by Education Law § 2590-g(8) is contrary to the public interest; and

WHEREAS, the Department of Education needs a temporary procurement policy in place immediately in order to continue to provide necessary services for children and to ensure the safe and orderly operation of the school system until a permanent procurement policy is adopted; now therefore be it

RESOLVED, that the Temporary Procurement Policy attached hereto as Appendix A is approved in accordance with Education Law § 2590-g(9) and shall remain in effect on a temporary basis until the Panel adopts a permanent procurement policy, after full public notice and comment, in accordance with Education Law § 2590-g(8).