

Resolution Regarding the 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 approximately 1600 schools and to ensure the wise and prudent use of public money; 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, 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, 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, at the Panel's first meeting on September 14, 2009, after the amendment of the New York State Education Law by Chapter 345 of the Laws of 2009, the Panel adopted the Temporary Procurement Policy attached hereto as Appendix A on a temporary basis in accordance with Education Law § 2590-g(9); and

WHEREAS, in accordance with Education Law § 2590-g(9), the Panel's emergency adoption of the Temporary Procurement Policy remains in effect for sixty days thereafter; and

WHEREAS, the Department of Education has prepared a draft permanent procurement policy which is currently under review by the New York City Law Department; and

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

WHEREAS, the Department of Education needs the Temporary Procurement Policy to continue to remain in effect in order to continue to provide necessary services for children and to ensure the safe and orderly operation of the school system until the permanent procurement policy is adopted; now therefore be it

RESOLVED, that the Temporary Procurement Policy shall remain in effect on a temporary basis for an additional sixty day period until the Panel adopts the permanent procurement policy, after full public notice and comment, in accordance with Education Law § 2590-g(8).