

**TOWN OF BRISTOL
SELECTBOARD POLICY REGARDING PURCHASING**

I. PURPOSE: The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the Town of Bristol at the *lowest possible-reasonable* price, to exercise financial control over the purchasing process, to clearly define authority for the purchasing function, to allow fair and equal opportunity among qualified suppliers, to encourage the use of local vendors whenever possible and to provide for public confidence that tax dollars are being spent wisely and effectively.

II. DEFINITIONS:

1. Major Purchases: Those purchases calling for delivery of goods or services in an amount of \$5,000 or greater.

2. Regular Purchases: Those purchases calling for delivery of goods and services in the amount of \$1,501 to \$4,999.

3. Incidental Purchases: Those services calling for delivery of goods and services in an amount of less than \$1,500.

4. Sole Source Vendor: Is a vendor approved by the legislative body to provide certain goods and services for the Municipality.

3-5. Emergency Purchases: Are those urgent purchases of goods and services which are required to protect the public health, safety, and welfare.

III. PROCEDURES-PURCHASING AUTHORITY:

1. Purchasing Agents. The following employees are designated to act as Purchasing Agents for the Town: Department heads, Town Treasurer, Town Clerk, Water and Sewer Operator, and others specifically authorized by the Selectboard.

Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained with each purchase and shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies and services. Purchasing Agents shall also ensure that competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications placed on vendors, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

2. Major Purchases: All purchases over \$5,000 shall be subject to approval by the Selectboard and will require a formal bid process unless such process is waived by the Board. The formal bid process will be overseen by the Town Administrator who may delegate responsibility for specific purchases to an appropriate department head. Generally, formal bidding means a publicly advertised invitation to bid, written bid specifications and/or description of performance standards, a public bid opening, with award of contract made by the Selectboard. Penalties may be specified for failure to meet deadlines or delivery dates. These

requirements may be varied according to the nature of a specific purchase subject to the Selectboard's review and approval of the process followed.

If federal funding is used for purchases between \$10,000 (\$2,000 in the case of construction projects subject to Davis-Bacon requirements) and \$250,000, price or rate quotes must be obtained from two or more qualified sources following the affirmative action provision of this policy and all provisions regarding fair and unrestricted competition.

Purchases at or exceeding \$250,000 or construction projects of any value that are funded with federal dollars must follow a sealed bid process as outlined below and also follow any procurement guidance as outlined in the grant agreement. In addition, a pricing analysis must be completed by the purchasing agent or a qualified consultant prior to issuing the request for proposal to ensure that there is a reasonable estimate against which to compare bid proposal pricing.

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~~2.~~ 3. Regular Purchases: All purchases between \$1,501 and \$4,999 will be made in accordance with a purchase order procedure. Generally, such purchases should be made through competitive solicitation such as bids, written or verbal quotes from two or more vendors. Purchase orders will be issued through the Treasurer's office and must be approved by the Town Administrator or his/her designee, prior to items being ordered. The purchase order requirement shall apply to all credit card purchases made in this category.

~~3.~~ 4. Incidental Purchases: Purchases made in this category may be made without formal bid or quotations. However, it is still the intention of this policy to encourage that competitive prices be solicited whenever such would be an efficient use of staff time relative to possible savings. The Selectboard will work with the Town Administrator and Department heads through the accounts payable warrant review process to help guide purchasing procedures made in this range. All credit card purchases in this category in excess of \$200 shall be pre-approved under the purchase order procedure outlined above under Regular Purchases and other guidelines under the Town's Credit Card Policy.

IV. SEALED BID PROCESS:

1. The sealed bid process shall be initiated by the issuance of a Request for Bids (RFB) or Request for Proposals (RFP) prepared by the Selectboard, Purchasing Agent, or his or her designee. Notice of the RFB or RFP shall be made by letters to known providers soliciting bid responses, advertisements posted in three public locations within the Town, and advertisements placed in a newspaper of general circulation in the region. Such notices are also encouraged to be listed on the State of Vermont electronic bid system.

2. BID SPECIFICATIONS. A list of bid specifications shall be prepared for each purchase over \$[250,000] and shall be available for inspection at the Town office. Bid specifications shall include:

- a. Bid name,
- b. Bid submission deadline,
- c. Date, location, and time of bid opening,
- d. Specifications for the project or services including quantity, design, and performance features,
- e. Bond and/or insurance requirements,
- f. Any special requirements unique to the project or purchase,
- g. Delivery or completion date.
- h. Penalties, if any, for failure to meet deadlines or delivery dates.

For construction projects, language that sets a requirement for a bid guarantee in the amount of 5% of the bid price from all bidders, as well as performance and payment bonds in the amount of 100% of the contract price from the contractor awarded the bid. If federally grant funded, the bidders must also include costs for Davis-Bacon compliance if that is a requirement of the federal agency providing the funding.

For construction projects over \$2,000 subject to Davis-Bacon, a statement that contractors will be provided with a copy of the most current wage determination (from the DOL website at <http://www.wdol.gov/dba.aspx>) and must comply with the Davis Bacon Act.

Language must be included that reserves for the Selectboard the right at its sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's interest. The Selectboard reserves the right to investigate the financial condition of any bidder to determine his or her ability to assure service throughout the term of the contract.

Once a Request for Bids has been issued, the bid specifications will be available for inspection at the Town office.

3. BID SUBMISSION. All bids must be submitted in sealed envelopes, addressed to the Town in care of the issuer of the RFB or RFP, and plainly marked with the name of the bid and the time of the bid opening. Bid proposals will be date stamped on the outside of the envelope

immediately upon receipt. Any bid may be withdrawn in writing prior to the scheduled time for the opening of bids. Any bids received after the time and date specified shall not be considered and shall be returned to the bidder unopened.

Bidders shall bid to specifications and any exceptions must be noted by the bidder. A bidder submitting a bid thereby certifies that the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same work, and that the bidder is competing solely on his/her behalf without connection with or obligation to any undisclosed person or firm.

4. BID OPENING. Every bid received prior to the bid submission deadline will be publicly opened and read aloud by the issuer of the RFB or RFP or his or designee. The bid opening will include the name and address of bidder; for lump sum contracts, the lump sum base bid and the bid for each alternate; for unit price contracts, the unit price for each item and the total, if stated; and the nature and the amount of security furnished with the bid if required.

5. CRITERIA FOR BID SELECTION. In evaluating bids, the Selectboard will consider the following criteria:

- a. Price,
- b. Bidder's ability to perform within the specified time limits,
- c. Bidder's experience and reputation, including past performance for the Town,
- d. Quality of the materials and services specified in the bid,
- e. Bidder's ability to meet other terms and conditions, including insurance and bond requirements,
- f. Bidder's financial responsibility,
- g. Bidder's availability to provide future service, maintenance, and support,
- h. Nature and size of bidder,
- i. Contract provisions that are acceptable to the Town,
- j. For construction projects over \$2,000 subject to Davis-Bacon requirements, contractor's indication of acceptance of wages in the current wage determination provided as part of the Request for Bids, and/or
- k. Any other factors that the Selectboard determines are relevant and appropriate in connection with a given project or service.

The Selectboard will not select a bidder who is listed on the Excluded Parties List System website (<https://www.sam.gov>).

6. CHANGE ORDERS: If specification changes are made prior to the close of the bid process, the RFB or RFP will be amended and notice shall be sent to any bidder who already submitted a bid and a new bid process will be initiated. Once a bid has been accepted, if changes to the specifications become necessary, the Selectboard or their designee will prepare a change order specifying the scope of the change. Once approved, the contractor and an authorized agent of the Town must sign the change order.

V. VENDOR SELECTION: It is the intention of the Selectboard that vendors will be selected on a competitive basis. Purchases shall be awarded to the lowest, best qualified and responsible bidder. The following may be considered in selecting vendors:

1. The ability, capacity and skill of the vendor to perform the contract or provide the material or service required, and meet the specifications and other terms and conditions of the solicitation, and to do so promptly or within the time specified.
2. The character, integrity, reputation, experience, financial resources and past performance of the vendor.
3. The quality, availability and adaptability of the service or product being purchased and the ability of the vendor to provide future maintenance if necessary.
4. Purchases will be made through local vendors if all other parameters are substantially equal.
5. The Selectboard reserves the right at its sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to reopen the bid process, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's interest.

VI. EXCEPTIONS:

1. Sole Source Purchases: The Selectboard may authorize a sole source purchase in cases where it determines that there is only one reasonable source for a proposed purchase and may waive the bid process.
2. Emergency Purchases: The Town may award contracts and make purchases for the purpose of meeting a public emergency without following the above procedures. Emergency purchases will be made under the direction of the Town Administrator in consultation with the Selectboard. Emergency purchases may include immediate repair

or maintenance of Town property, vehicles, or equipment if the delay in such repair or maintenance would endanger persons or property or result in substantial impairment of the delivery of important Town services.

3. Professional Services: The bid process shall not apply to the selection of providers for services that are characterized by a high degree of professional judgment and discretion including legal, financial, auditing, engineering, risk management and insurance services. The Selectboard, in its sole discretion, shall determine when purchase of such services shall be subject to a request for proposal process and when to forego such process.

4. Recurring Purchases: If the total value of a recurring purchase of a good or service is anticipated to exceed \$[5,000] during any fiscal year, the bid process shall be utilized and shall specify the recurring nature of the purchase. Once a bid has been accepted, all future purchases shall be made from that bidder without necessity of additional bids, until such time as the Selectboard votes to initiate a new bid process.

5. General Exceptions: Items such as but not limited to equipment repairs, utility services (phone, electricity, internet), service contracts, and ongoing repetitive purchases, as determined from time to time by the Selectboard and Town Administrator shall be exempt from the competitive purchasing guidelines above.

VII. CODE OF CONDUCT:

1. Employees, officers and agents of the Town who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer or agent of the Town shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or personal interest in the firm/vendor selected for award.

2. An employee, officer or agent of the Town who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest within the context of a duly warned Selectboard meeting that occurs before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.

3. Officers, employees and agents of the Town will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

4. Officers, employees and agents who fail to follow this Code of Conduct shall be sanctioned or disciplined to the extent permitted by law.
5. The most currently adopted Town of Bristol Conflict of Interest Policy is incorporated herein by reference.

VIII. AFFIRMATIVE ACTION AND LOCAL PREFERENCE.

1. Whenever possible, qualified small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases. If the purchase is federally funded in whole or in part, minority and women owned businesses must be included in the solicitation lists and all other affirmative action requirements outlined in the grant provisions must be followed.
2. The Town may exercise a preference for local businesses for purchases funded exclusively by the Town but only if such a preference does not result in unreasonable prices or rates due to a lack of competition. For purchases funded in whole or in part with federal funding the Town may not exercise a preference for local businesses.

IX. DEBARMENT:

1. The Town shall not contract with or make sub-awards to parties that are suspended or debarred or whose principals are suspended or debarred **when the transaction is supported by state or federal funds.** Covered transactions include procurement transactions (purchases of goods or services) equal to or more than \$25,000 and non-procurement transactions such as grants or cooperative agreements of any amount.

X. DOCUMENTATION:

1. Records documenting the procurement process for any Regular or Major purchases, including the reason for the specific procurement method chosen, the basis for the award and contract pricing (showing evidence that the process was fair and equitable), as well as any other significant decisions that were part of the procurement process shall be maintained for a period of at least three years from the date of the submission to the Federal government of the final expenditure report if the purchase or project was funded with federal grants, or until the completion of any litigation, claim, negotiation, audit, or other action involving the records, whichever is longer. Otherwise, records shall be maintained by the Town in accordance with the retention and disposition schedules as set by the Vermont State Archivist.

This policy is hereby adopted by the Bristol Selectboard this _____ day of _____, 2021.

Michelle Perlee, Chair

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John Heffernan, Vice Chair	
Ian Albinson	
Joel Bouvier	
Darla Senecal	

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