

# TOWN OF WAITSFIELD

## Purchasing Policy

### I. **POLICY OBEJCTIVES.** The primary objectives of this policy are as follows:

- A. To create a process for purchasing goods and services that will increase efficiency; promote fairness, accountability and confidence;
- B. To promote and implement open and intelligent purchasing of supplies, equipment and services, which will result in the maximum value received for each tax dollar spent;
- C. To promote waste reduction and recycling through purchases that take into consideration the use of recycled material in the manufacture of purchased products or equipment, the recyclability or re-use of the purchased product or equipment, and the minimization of waste to be disposed of by the municipality;
- D. To assist management in reaching responsible, environmentally sound, and cost-effective decisions in the procurement of quality supplies and services for municipal use;
- E. To assure realization of the principles of competitive purchasing and best buy at least cost;
- F. To purchase goods and services that support local businesses when ever possible and when in the best interest of the citizens of Waitsfield;
- G. To ensure that all qualified vendors will have an equal opportunity to do business with the Town of Waitsfield and to promote good will and clear communication in municipality-vendor relations.

### II. **PROCEDURES.**

- A. Major Purchase. All purchases costing \$10,000 or more shall be subject to a sealed bid process and approval by the Selectboard. The responsible Town officer or employee shall prepare specifications or a request for proposals for the goods or services required and shall advertise an Invitation to Bid as widely as possible, including publication at least once in a newspaper of general circulation in Waitsfield. The bid specifications should include the following:
  - 1. The bid name;
  - 2. Bid submission deadline and the date, location, and time when bids will be opened;
  - 3. A description of the supplies, materials, goods, equipment, or services being sought, including quantity, design, and performance features as applicable;

4. Information on how and where to obtain more detailed specifications, bid forms (if applicable), or the request for proposal;
5. The right of the Town of Waitsfield to reject any or all bids if such action is deemed in the best interest of the municipality;
6. Bond or insurance requirements; and
7. Any other pertinent information.

All bids must be submitted in sealed envelopes and 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 date and time specified shall not be considered and must be returned to the bidder unopened.

If changes are made to the specifications prior to the close of the bid process, the Invitation to Bid will be amended and notice sent to any bidder who already submitted a bid and a new bid process must be initiated.

Bidders shall bid to specifications and any exceptions must be noted. 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.

Bids shall be opened publicly not less than seven (7) days following the date of the first advertisement, at the time and place specified in the published notice. Contracts for major purchases shall be awarded by the Selectboard. Vendors will be selected in accordance with Section III below.

- B. Regular Purchase. All purchases of goods and/or services costing \$1,000 to \$4,999.99 shall not require prior approval of the Selectboard if the expenditure is included within a line item budget approved by voters. Purchases of goods and/or services costing \$5,000 to \$9,999 shall require approval by the Selectboard. Town officers and employees must solicit quotes from at least two vendors unless the Selectboard has approved a sole source vendor or unless the bid process described in Section II.A. is used. Vendors should be selected based the criteria in Section III.A. below.
- C. Incidental Purchase. Purchases for goods or services costing less than \$1,000 may be accomplished without solicitation of bids or quotes; however, quotes should be solicited if practicable and selection based on the criteria in Section III.A. Incidental purchasing choices shall be made based on cost, quality of goods and services, and the best interests of the municipality.

- D. Recurring Purchases. If the total value of a recurring purchase of a good or service is anticipated to exceed \$10,000 during any fiscal year, the bid process described in Section II.A. shall be used 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.
- E. Professional Services. The purchase of professional services may be exempt from the formal bid process by the Selectboard. It is recognized that proposals for professional services, including, but not limited to, legal counsel, insurance, financial, auditing, engineering or architectural services, risk management, and some other types of consulting services are difficult to compare and that weight must be given to many considerations other than price. In any case, the purchase of professional services whose cost is expected to exceed \$5,000 for a project must be approved by the Selectboard
- F. Selection of Professional Services by Boards and Commissions. Boards, commissions, and committees of the Town of Waitsfield may solicit the services of a consultant, contractor, or other service provider only with the approval of the Selectboard and under the following provisions:
1. The cost is within the parameters of an approved funding source or an approved line item budget;
  2. The Selectboard is notified in advance of the project and method of solicitation; and
  3. Information is presented to the Selectboard, verbally or in writing, along with the request for approval, that explains the considerations that went into the recommendation.

### **III. VENDOR SELECTION.**

- A. Vendors will be selected on a competitive basis. Purchases will be awarded to the least costly, best qualified, and most responsible vendor. Any or all bids, quotes, or proposals may be rejected if to do so is deemed to be in the best interests of the municipality. In determining the least costly, best qualified, and most responsible vendor, the following factors should be considered:
1. The lump sum or per unit price of the goods or services to be provided;
  2. The substantial performance of the vendor in meeting the specifications and other terms and conditions of the solicitation;
  3. The ability, capacity, and skill of the vendor to perform the contract or provide the goods or services required and to do so promptly or within the specified time;

4. The character, integrity, reputation, experience, financial resources, and performance of the vendor under previous contracts with the municipality or elsewhere;
  5. The quality, availability, and adaptability of the service or goods being purchased, and the ability of the vendor to provide future maintenance, if necessary, and
  6. The distance the goods or service must travel in order to be provided or delivered so to support local investment and to minimize the use of fossil fuel.
- B. The Selectboard may waive the bid process and authorize a purchase from a sole source vendor in extraordinary circumstances and if deemed to be in the best interests of the municipality. Town officers or employees may do likewise for regular purchases. Sole source purchases should be reviewed to determine that the price offered is fair and reasonable and/or that there is only one manufacturer or supplier of the goods or services to be purchased. Approval shall take into account general availability of the goods or services, quality and cost of the goods and services, and the ability, capacity and skill of the vendor demonstrated under prior contracts with the municipality or elsewhere.
- C. Lists of vendors may be maintained by the department or division purchasing the products or services, paying close attention to vendors who have bid on similar items in the past and to local vendors who provide the type of product or service being sought. Vendor lists should be as inclusive as reasonably possible, including vendors who hold state contracts as well as vendors from within the municipality and its vicinity.

#### **IV. EXCEPTIONS.**

- A. The following items are exempted from both the bid and quotation process:
1. Repairs on equipment;
  2. Utilities;
  3. Routine maintenance or service contracts.
- B. Purchases made subject to existing contracts issued by the State of Vermont shall be deemed in compliance with the provisions of this policy.
- C. To the extent they differ from any provisions of this policy, the procurement procedures prescribed by funding agencies in connection with the administration of grants shall take precedent.

- V. COOPERATIVE PURCHASING.** The Town may enter into cooperative lease or purchase agreements with other municipalities, at the discretion of the Selectboard.

**VI. EMERGENCY PURCHASES.** The provisions of this policy may be waived in the event of an emergency. An emergency situation is one which is a significant and imminent threat to the lives or health of the people, the property of the municipality or its citizens, or the delivery of necessary services to the citizens of Waitsfield. During emergency situations, when normal procurement procedures would be impracticable, the Town officer or employee shall have the authority to purchase emergency supplies and services while acting in the best interests of the Town in accordance with an approved Emergency Operation Plan. Emergency expenditures 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.

Emergency purchases can be costly. They are made hurriedly, usually without competitive bidding, and often not at the best price. Consequently, every effort should be made to avoid them.

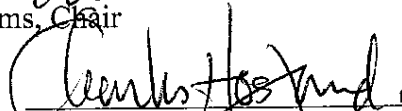
**VII. CONFLICT OF INTEREST.** No employee, officer, or agent of the Town of Waitsfield shall participate in the selection, or in the award or administration, of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent; any member of his immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The municipality's officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontractors.

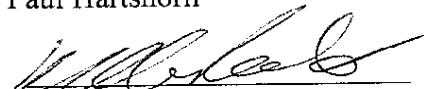
**VIII. BUY AMERICAN.** Preference may be given to the purchase of products and services that are produced, grown, or manufactured in the United States if it is priced no more than 6 percent higher than the bid or offered price of the nondomestic material, including all costs of delivery and any applicable duty, whether or not assessed. Costs would be based on those in effect on the date of opening bids or proposals.

Adopted and signed at the Town of Waitsfield, Washington County, State of Vermont, this 14<sup>th</sup> day of December, 2009 by the Waitsfield Selectboard:

  
Kate Williams, Chair

  
Paul Hartshorn

  
Charles Hosford

  
William Parker

  
Sal Spinoza