

PROCUREMENT POLICY

TOWN OF PITTSFIELD

Purpose

The purpose of this Procurement Policy is to obtain the highest quality goods and services for the Town of Pittsfield at the lowest possible 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, and to provide for increased public confidence in the procedures followed in public purchasing.

Code of Conduct

No Town employee or agent of the Town who participates in the selection of vendors or award of contracts shall have any personal interest, either real or apparent, in the selection process. At all times, Town employees engaged in the procurement of goods and services must maintain a proper 'arm's-length' business relationship with vendors. All departments, elected or appointed, will become familiar with supply and prices of products and services needed to complete the responsibility of their office. Any dispute will be brought to the Select Board for resolution.

Definitions

1. **Major purchases.** Those purchases calling for delivery of goods or services in the amount of \$10,000 or greater.
2. **Regular purchases or leases.** Those purchases calling for delivery of goods or services in the amount of \$1,000 to \$10,000.
3. **Incidental purchases.** Those purchases calling for delivery of goods or services of less than \$1,000.

Procedures

1. **Major purchases.** Major purchases shall require a formal bid process. The Select Board or its designee will prepare specifications or a request for proposal for the article or services required, and shall advertise at least once, post in three locations in Pittsfield. Any construction designed by an engineer or architect shall be offered for competitive bidding. The invitation will include the following:
 - a. The location, time, and place for receiving and opening bids.
 - b. Information on how to obtain specifications and bid forms or request for proposal (RFP).
 - c. A description of the supplies, materials, equipment, or services for which bids are to be received.
 - d. Insurance, bonding, and liability requirements to be met.

Such bids will be publicly opened at the time and place specified. Contracts for major purchases shall be awarded by the Select Board. The Select Board 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 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 Select Board reserves the right to investigate the financial responsibility of any bidder to determine his or her ability to assure service throughout the term of the contract. Prior to awarding any contract utilizing federal funds, contractors shall be checked for suspension or disbarment on the SAM.gov website.

2. **Regular purchases.** Regular purchases must be accomplished through competitive solicitation but not necessarily through formal bids. Formal bid, or written or verbal quotation is at the discretion of the Select Board or the Town officer for whose department the purchase is being made. Any construction designed by an engineer or architect shall be offered for competitive

bidding. Bids or quotes must be sought from at least three vendors. Records of the bid process shall be maintained in accordance with 49 CFR 18.36 for all projects receiving federal funds.

3. **Incidental purchases.** Incidental purchases may be done without the solicitation of bids or quotations. However, if practical, quotations should be solicited. The Town Officer for whom the items are being purchased shall act as the agent.
4. **Vendor selection.** Vendors will be selected on a competitive basis, with the following considerations, in addition to price:
 - a. The substantial performance of the bidder in meeting specifications, terms, and conditions in the solicitation, with both the contractor and the contractor's supervisor having an understanding of the project.
 - b. The ability, capacity, and skill of the vendor to perform the contract or provide the material or service required, and to do so within the time specified.
 - c. The character, integrity, reputation, experience, financial resources and performance of vendors under previous contracts.
 - d. The ability to provide future maintenance when or if necessary.
 - e. In the event there are equal bids, preference shall be given to local vendors.

Exceptions

1. **Waiver of Bids/Sole source purchases.** The Select Board may waive the bid process or approve a sole source purchase if they determine that there is only one manufacturer/supplier for the proposed purchase. The price for sole source solicitation needs to be fair and reasonable.
2. **Emergency purchases.** The Select Board may award contracts and make purchases for the purpose of meeting the public emergency without complying with the bid process. 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.
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.
4. **Additional Exceptions.** The following are exempt from the bid and quote process: salt, equipment repairs, service contracts, electric utilities, aggregates (at competitive prices).

The foregoing Policy is hereby adopted by the Select Board of the Town of Pittsfield, Vermont, this 22nd day of January, 2018 and is effective as of this date until amended or repealed.

Charles Piso, *chair*

Peter Borden, *member*

Matthew Corron, *member*