

TOWN OF BENNINGTON
Adopted Sept. 23, 2019

PURPOSE. The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the Town of Bennington 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.

POLICY REVIEW. It is recommended that the Select Board review this policy every 5 years.

CODE OF CONDUCT.

- **Affirmative Action:** Whenever possible, qualified small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases.
- **Conflict of Interest::** 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 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.

An employee, officer, or agent of the Town, who is involved in the procurement and selection of a bid or purchase, and who has real or apparent conflict of interest must disclose that conflict of interest in writing to the Town Manager.

- **Gifts and Gratuities:** Employees of the Town will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements with the intent of personal gain for that employee or future Town contracts/procurement.
- **Donations:** Solicitation of donations for publicly-known programs (ie: K-9, New Experience Camp, Employee Recognition, Bennington In Bloom, etc.) are allowed with permission from the Town Manager.

The Town may take disciplinary action, including dismissal, against a Town employee who fails to follow the above Code of Conduct.

PURCHASING AGENT.

The Town Manager (or designee) is the primary Purchasing Agent with Full Purchasing Authority. The following employees are authorized by the Town Manager to act as Purchasing Agents with Limited Purchasing Authority. Additional authorities and restrictions are detailed in the Purchase Categories and Limits section.

Finance Director	Facilities Director
Chief Assessor	Public Safety Director
Community Development Director	Collections Director
Human Resource Director	Planning Director/Zoning Administrator
Recreation Director	Town Clerk
Public Works Director	Assistant Town Clerk
Assistant Public Works Director	Building Inspector
Assistant Town Manager	

For each purchase, Purchasing Agents are responsible for compliance with this Purchasing Policy. It shall be a violation of this Purchasing Policy to make purchases in increments for the sole purpose of avoiding the following requirements of the Purchase Categories and Limits.

PURCHASE CATEGORIES AND LIMITS.

Incidental Purchases. Employees who have been designated to act as Purchasing Agents may make purchases up to \$5,000 without prior approval, provided those purchases are for items within the approved Town budget.

Minor Purchases. Employees who have been designated to act as Purchasing Agents may make purchases with a value between \$5,001 and \$ 25,000 only with prior approval of the Town Manager, provided those purchases are for items within the approved Town budget. Whenever possible, competitive quotes from at least two vendors should be obtained.

Major Purchases. All purchases between \$ 25,001 and \$100,000 require prior approval of the Town Manager. Price and rate quotes shall be obtained and documented from at least two qualified vendors to ensure that the Town has received a fair and reasonable price.

In addition, all major purchases with a value between \$100,001 and \$250,000 require prior approval of the Town Manager and must follow the Sealed Bid Process.

Large Purchases. All purchases over \$250,000 require prior approval of the Town Manager, must follow a Sealed Bid Process and in addition, be advertised in appropriate local news sources.

PURCHASE CATEGORIES AND LIMITS (CONT.).

Grant Funded Purchases. If grant funding is used for purchases that are between the federally-mandated micro-purchase threshold (set at \$10,000 in 2018) (\$2,000 in the case of construction projects subject to Davis Bacon requirements) and \$250,000 (the large purchase or simplified acquisition threshold set under federal regulations in 2018), price or rate quotes must be obtained from two or more qualified sources, be documented and follow any procurement guidance as outlined in the grant agreement. Non-federal grant funded purchases need not follow these additional requirements if buyer can definitively determine that the grant is 100% non-federally funded and that those requirements are not specified in the grant agreement.

Contracts. Multi-year contracts may be entered into with prior approval of the Town Manager. Additionally, the Town Manager shall notify the Select Board within 30 days of the award.

Recurring Purchases. If the total value of a recurring purchase of a good or service is anticipated to exceed \$100,000 during any fiscal year, the sealed bid process shall be utilized and shall specify the recurring nature of the purchase. Once a bid has been accepted, all future purchases may be made for the contract period from that bidder without necessity of additional bids or additional approval from the Town Manager.

Non-Purchase Order Payments. The following categories may be paid outside of the purchase approval process due to the nature of the service and in an effort to minimize clerical effort and expedite the payment process.

- **Employee Benefits:** Benefits may be required or optional. If optional, the employee's authorization must be documented. They include such items as insurances, retirement payments, union dues, child support, donations, etc. that are deducted from employee paychecks.
- **Utilities:** Heating Fuel, Electric, Phone, Internet, TV, etc.

Credit Card Purchases. This policy applies to all credit card purchases. Refer to the Credit Card policy for additional requirements.

SEALED BID PROCESS. The sealed bid process shall be initiated by the issuance of a Request for Bid.

- Bids must be solicited from an adequate number of sources.
- Sufficient time must be allowed for potential vendors to submit bids.
- Invitation for bids will be advertised on appropriate web-based platforms and as deemed appropriate by the Town and shall include one or more of the following: letters to known contractors, posting in trade publications or on similar websites, local newspapers, or Vermont publications.
- Will include any specifications for the bidder to properly respond.
- All bids will be publicly opened at the time and place determined by the invitation to bid.
- A contract will be awarded to the lowest responsive and responsible bidder that best meets the Criteria for Bid Selection as determined by the Purchasing Agent.
- Any or all bids may be rejected by the Town.

CRITERIA FOR BID SELECTION. In evaluating bids, the following criteria may be considered:

1. Price.
2. Bidder's ability to perform within the specified time limits.
3. Bidder's experience and reputation, including past performance for the Town.
4. Quality of the materials and services specified in the bid.
5. Bidder's ability to meet other terms and conditions, including insurance and bond requirements.
6. Bidder's financial responsibility.
7. Bidder's availability to provide future service, maintenance, and support.
8. Nature and size of bidder.
9. Contract provisions that are acceptable to the Town.
10. Any other factors that the Town Manager determines are relevant and appropriate in connection with a given project or service.

In addition to the above, in the case of a contract supported by grant funds, additional criteria required by a grant agreement may apply.

EXCEPTIONS.

Purchase/Award Exceptions. Select Board shall be notified within 30 days of the purchase or award.

1. **Competitive Proposals.** If the award will be made on the basis of non-price related factors, a competitive proposal process shall be initiated by the issuance of a Request for Qualifications (RFQ) and/or a Request for Proposal (RFP) approved by the Town Manager that includes the factors that will be used to evaluate and compare the proposals. Bids or qualifications shall be obtained from an adequate number of qualified sources (at least two vendors) to ensure that the Town has received a fair and reasonable price.
2. **Sole Source Purchases.** If the Town Manager determines that there is only one possible source for a proposed purchase, the Town Manager may waive the bid process and authorize the purchase from the sole source.
3. **Emergency Purchases.** The Town Manager may award contracts and make purchases for the purpose of meeting the 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 impairment of the delivery of Town services.

Professional Services Exception. Select Board shall be notified no later than April 30th of each year.

1. **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, discretion and continuity including legal, financial, auditing, engineering, and insurance services including risk management. Any contract shall not exceed one year.

The foregoing Policy is hereby adopted by the Select Board of the Town of Bennington, Vermont, this 23 day of September '19 and is effective as of this date until amended or repealed.

Chairperson













