

11-5 Bidding and Purchasing Policy Ordinance

Section I

General Purpose

To establish procedures for the purchase of goods and services for the Town of Stafford, with the exception of the Board of Education.

- A) This document is intended to provide guidance as to how and when certain services should be competitively bid. The policy is intended to promote fairness among the competitive bid process while maintaining a flexible system of service procurement,
- B) All employees, including supervisors and department heads and any others authorized to make purchases for the Town will be responsible for following the provisions outlined in this policy when making purchases with Town funds, and
- C) The purpose of this policy is to obtain the best possible value to the Town and to protect the public interest.

Section II

Advertising

Advertising for all products and services shall include, in addition to any other appropriate media sources within available appropriations, and on the Internet or Town Website.

Section III

Bidder Qualifications

The Town of Stafford reserves the right to establish requirements for bid qualifications. The Department Head in the process of approving or rejecting a bid or proposal shall consider the following factors:

- A) The ability, capacity and skill of the bidder to perform the contract or provide the services required in relation to the standards and specifications required,
- B) Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference,
- C) The character, integrity, reputation, judgment, experience and efficiency of the bidder,
- D) The quality of performance of previous contracts or services provided to the Town, and
- E) Previous compliance by the bidder with ordinances related to contract bidding.

- F) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide service,
- G) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

Section IV

Procedure of Competitive Bidding

- A) All purchasing of products or services exceeding \$10,000 of the Town's approved budget for any particular fiscal year, in which price is the primary criterion, shall be by sealed bid,
- B) All sealed bids shall be opened by the Department Head issuing the Request for Proposal (RFP) along with the presence of two other Town Employees.
- C) The sealed bids shall be kept secure within the department issuing the RFP, and
- D) Purchase orders, along with all required bond documents must be submitted with and attached to the signed contractual bid document.

Section V

Awarding of a Bid

The Department Head issuing the RFP shall review the bid submissions and will then make a recommendation to the Board of Selectmen for approval. The bid contract will then be awarded to the bidder who has successfully offered the best possible value to the Town, and if such projects, products or services are approved budgetary items and that the award is within budgetary limitations. The Town reserves the right to reject any or all bids.

Section VI

Local Vendor Preference

Notwithstanding other grant restrictions or statutory requirements that supersede the competitive bidding requirements of this policy, the Board of Selectmen shall award the bid contract to a contractor having his/her principal place of business in the Town of Stafford subject to the following conditions:

- A) The bid amount is not more than five percent (5%) higher than the lowest qualified bid. The local bidder must agree to match the lowest qualified bid. If more than one qualified local business submits a bid within this five percent (5%) threshold, then the business with the lower bid shall receive the local preference.

Section VII

No Response

In the event that the department head and/or board does not receive any response, or receives fewer than three (3) responses, to any published notice, the department head and/or Board may than proceed to solicit other qualified contractors.

Section VIII

Non-Bidding Requirements

For products and services of five thousand dollars \$5,000 and up to \$10,000 of the Town's approved budget for any particular fiscal year, Town employees or officials must make every effort to obtain three price quotations, and attach them to the completed purchase order. If a product or service being purchased is unique, or difficult to obtain quotations, Town employees or officials must note this in writing and attach this explanation to the completed purchase order form. Department approvals are required on all invoices prior to being processed by two members of the Board of Selectmen.

Section IX

Sale of Town Properties

In the event of the sale of Town property, the Board shall publish in addition to any other appropriate media sources, a notice of sale in a newspaper circulating in the area most likely to attract purchasers and may solicit, in writing, written offers from persons deemed to be most likely to be interested in purchasing such town property.

Section X

Exceptions

This Bidding and Purchasing Policy, and the restrictions herein stated, shall not apply to the following circumstances:

A) Board of Education Purchasing: Purchases of products or services requested by the Board of Education, if it has adopted its own purchasing policy, except that it shall apply to joint purchasing or contracting by the Town and Board of Education.

B) Five Thousand Dollars (\$5,000) or Less: Purchase of products or services of five thousand dollars (\$5,000) or less, in total.

C) Sole Source Contracts: Unique products or services, upon written determination that only one practical source for the required product or service is available.

D) Professional Services: Professional services shall be exempt from this Policy except as provided in Section XI.

E) Cooperative Purchasing: Products or services acquired through Cooperative Purchasing Agreements shall not apply to the Policy. Primary examples of which include State contracts and the Capital Region Purchasing Council.

F) Emergencies: If an emergency presents itself in which normal procedures of this Policy must be suspended due to a public safety risk, the First Selectmen or his/her designee shall be empowered to do so.

G) Preemptive Legislation: This Policy will not apply to special products, services or projects that are procured through preemptive State or Federal legislation.

H) Recurring Expenditures: Recurring expenditures such as utility bills, service maintenance contracts, and professional development costs shall be exempt from Policy provisions.

I) Artistic Endeavors: Work that is original and creative in character in a recognized field or artistic endeavor and the result of which depends on a person's invention, imagination or talent.

J) Overriding Public Interest: If the Board of Selectmen determines that it is essential to protect the public interest, it may waive any provision of this ordinance for any single proposal for products or services, on a case by case basis.

Section XI

Professional Services

A) Professional services are defined as work requiring knowledge of an advanced type in a field of study and which frequently requires special credentialing, certification or licensure. Such areas include but are not limited to architectural, appraisal, actuarial, banking services, engineering, legal, insurance brokering and information technology services.

B) Professional services and consulting services of over ten thousand (\$10,000) dollars shall be publicly solicited by a Request for Proposal (RFP), and awarded through the use of competitive negotiation. Eligible applications shall be reviewed by the Board of Selectmen or his/her designee.

C) Professional service providers shall not be dependent on the Town as their sole client and must be clearly considered an independent contractor as defined by state and federal laws, regulations and court decisions.

D) Any and all professional fees, commissions or other remuneration must be expressly disclosed before a contract is awarded.

Approved at Town Meeting 12-20-05

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