

Purchasing Policy

TOWN OF WILMINGTON

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

COMPETITIVE, INCLUSIVE, and LOCAL INVESTMENT. 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 federal requirements outlined in the grant provisions must be followed. For purchases funded in whole or in part with federal funding the Town must include and consider bidders located outside the local geographic area.

CODE OF CONDUCT. 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 their immediate family, their 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.

Refer to the Town of Wilmington Code of Ethics ordinance for additional guidance.

DOCUMENTATION. Records documenting the procurement process for any Minor or Major purchases, as those terms are defined below, 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 and/or adopted by Wilmington Selectboard, October 17, 2023.

PURCHASING AUTHORITY.

Purchasing Agents. The following employees are designated to act as Purchasing Agents for the Town: Town Manager, Department Heads, Administrative Assistant, and Cemetery Commissioners. Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained with each purchase, and Purchasing Agents 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.

Incidental Purchases. Employees who have been designated to act as Purchasing Agents may make purchases of up to \$5,000 without prior approval, provided those purchases are limited to the amount of the budget authorized by the Town.

Minor Purchases. Employees who have been designated to act as Purchasing Agents may make purchases with a value between \$5,000 and \$10,000 with prior approval of the Town Manager or Finance Officer, and are limited to the amount of the budget authorized by the Town. Although not required, competitive quotes from at least two vendors should be obtained whenever possible.

Major Purchases. All purchases over \$10,000, or multi-year contracts, at least 3 years and totaling over \$10,000, require prior approval of the Selectboard. The Selectboard shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies and services. The Selectboard 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 bidders, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

For all major purchases with a value over \$10,000, price and rate quotes shall be obtained from at least two qualified vendors, following the COMPETITIVE, INCLUSIVE, and LOCAL INVESTMENT provision of this policy, and all provisions regarding fair and unrestricted competition. Vendors will be selected based on cost, the quality of the goods and services offered, and the ability, capacity, and skill of the vendor demonstrated under prior contracts with the Town. State bid pricing, if available, may be preferable.

Purchases at or exceeding \$250,000 (\$2,000 in the case of construction projects subject to Davis Bacon requirements) or construction projects of any value funded with federal grants must follow a sealed bid process as outlined below and follow any procurement guidance as outlined in any 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.

SEALED BID PROCESS. The sealed bid process shall be initiated by the issuance of a Request for Proposal (RFP) or Request for Qualifications (RFQ) prepared by the Town Manager or its designee. Notice of the RFP or RFQ shall be made by letters to known providers soliciting bid responses, advertisements placed in a newspaper of general circulation in the region, and the town website.

BID SPECIFICATIONS. A list of bid specifications shall be prepared for each purchase over \$250,000 *funded with federal grants* and shall be available for inspection at the Town office [RFPs or RFQs may be prepared for purchases over \$10,000]. Bid specifications shall include:

- Bid name.
- Bid submission deadline.
- Date, location, and time of bid opening.
- Specifications for the project or services including quantity, design, and performance features.
- Bond and/or insurance requirements.
- Any special requirements unique to the project or purchase.
- Delivery or completion date.
- 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, 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.
- The Town (i.e., Selectboard, Town Manager) has 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 Town reserves the right to investigate the financial condition of any bidder to determine their ability to assure service throughout the term of the contract.

Once an RFP or RFQ has been issued, the specifications will be available for inspection at the Town office.

BID SUBMISSION. All RFPs or RFQs must be submitted in sealed envelopes, or electronic submission to a specific email, addressed to the Town Manager, and plainly marked with the name of the bid. RFPs or RFQs 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.

Bidders shall bid to specifications and any exceptions must be noted by the bidder. A bidder submitting an RFP or RFQ 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 their behalf without connection with or obligation to any undisclosed person or firm.

BID OPENING. Every bid received prior to the bid submission deadline will be publicly opened and read aloud by the Town Manager 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.

CRITERIA FOR BID SELECTION. In evaluating bids, the Town Manager will consider the following criteria:

- Price.
- Bidder's ability to perform within the specified time limits.
- Bidder's experience and reputation, including past performance for the Town.
- Quality of the materials and services specified in the bid.
- Bidder's ability to meet other terms and conditions, including insurance and bond requirements.
- Bidder's financial responsibility.
- Bidder's availability to provide future service, maintenance, and support.
- Nature and size of bidder.

- Contract provisions that are acceptable to the Town.
- For construction projects over \$2,000, contractor's indication of acceptance of wages in the current wage determination provided as part of the Request for Bids.
- 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 federal funds, the additional criteria shall apply:

- There shall be no preference exercised for local contractors or suppliers.
- Minority and women-owned businesses must be included in the solicitation list for the request for proposal.
- The Town Manager will not select a bidder who is listed on the Excluded Parties List System website (<https://www.sam.gov>).

CHANGE ORDERS. If specification changes are made prior to the close of the bid process, the RFP or RFQ 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, a change order specifying the scope of the change will be prepared. Once approved, the contractor and an authorized agent of the Town must sign the change order.

EXCEPTIONS. The following exceptions may apply, however there must be written documentation created and maintained that outlines the process and rationale for such exceptions:

Competitive Proposals. If time does not permit the use of sealed bids, or 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 Proposal (RFP) or Request for Qualification (RFQ) prepared by the Town Manager or its designee 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 and all notification and record keeping requirements of the sealed bid process shall be followed.

If architectural or engineering services are being solicited, this process should be used with the most qualified firm or individual awarded the bid and price or fees negotiated after the award. If competitive proposals are used, all of the above steps in the sealed bid process should be followed except that: 1) the bid submission need not be sealed; and 2) price will not be the primary factor in the proposal selection.

Sole Source Purchases. If the Selectboard determines that there is only one possible source for a proposed purchase, it may waive the bid process and authorize the purchase from the sole source.

State Bid Pricing. A state bid price is acceptable for the Selectboard to waive the bid process and authorize the purchase.

Emergency Purchases. The Selectboard or Town Manager 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.

Professional Services. The bid process may 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, risk management, insurance, engineering and architectural services.

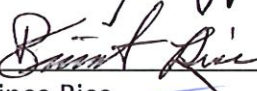
Federally funded non-competitive purchases for \$250,000 or more require a cost analysis to determine the reasonableness of the proposed pricing and should be completed in accordance with the requirements of the federal or state agency issuing the grant funding.

The foregoing Policy is hereby adopted by the Selectboard of the Town of Wilmington, Vermont, this 18th day of March and is effective as of this date until amended or repealed.

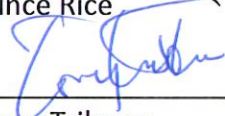
Selectboard members:




Thomas Fitzgerald



Vince Rice



Tony Tribuno



Charlie Foster



John Lebron