

**PURCHASING POLICY
TOWN OF POMFRET, VERMONT**

Approved October 4, 2023

PURPOSE. The purposes of this Purchasing Policy are:

- To obtain the highest quality equipment, supplies and services for the Town of Pomfret at the lowest reasonable price;
- To exercise financial control over the purchasing process;
- To authorize and direct purchasing agents of the Town;
- To facilitate fair and equal opportunity among qualified suppliers; and
- To encourage public confidence in the purchasing process.

PURCHASING PREFERENCE. Whenever possible, local, small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases and all other affirmative action requirements outlined in the grant provisions must be followed.

Purchasing agents (as defined below) may exercise a preference for local, businesses for purchases made exclusively with Town funds, provided that the does not result in unreasonable prices or rates due to a lack of competition. No local preference may be given for purchases made with federal funding.

CONFLICTS OF INTEREST AND PROHIBITED CONDUCT. All purchases of equipment, supplies and services with Town funds are “official actions” as defined in the Town of Pomfret Conflict of Interest Policy and subject to the terms thereof, including enforcement procedures. The Conflict of Interest Policy is available at the Town Offices, 5218 Pomfret Road, North Pomfret, and on the Town’s Website, <https://pomfretvt.us>.

In addition to the prohibitions described in the Conflict of Interest Policy, no purchasing agent may solicit or accept gratuities, favors or anything of value from contractors, potential contractors, subcontractors or potential subcontractors. Nor may purchasing agents divide purchases into smaller amounts or quantities for the purpose of avoiding the requirements of this Purchasing Policy.

RECORDKEEPING AND DOCUMENTATION. Records documenting the purchasing process shall be retained for the longer of three years and the period in which the purchased good or service is in the Town’s use.

Records for purchases that are subject to litigation or audit shall be retained at least until such litigation or audit is completed. Purchases made with federal funding may be subject to more stringent recordkeeping requirements, in which case those requirements must be satisfied.

Documentation required for incidental purchases (as defined below) shall include the related invoice in the name of the Town (not in the name of an individual or business) or an itemized receipt or order confirmation.

Documentation required for minor purchases, medium purchases and major purchases (each as defined below) shall include, as applicable, record of the Selectboard's approval, competitive quotes, request for proposal, proposals received, an explanation of the basis for the proposal selected, and records of any other significant decision that was part of the purchasing process.

Records shall be maintained by the Town in accordance with the retention and disposition schedules as set by the Vermont State Archives & Records Administration.

PURCHASING AUTHORITY AND RESPONSIBILITIES. Only individual employees, public officers and agents who have been explicitly authorized by the Selectboard as "purchasing agents" may purchase equipment, supplies or services with Town funds. The Selectboard hereby authorizes the following purchasing agents: Selectboard, Treasurer, Clerk, Road Commissioner(s), Road Foreman, Cemetery Commission, Trustees of the Abbott Memorial Library, designee of the Pomfret-Teago Volunteer Fire Department, and designee of the Pomfret FAST Squad. The Selectboard may from time to time authorize or deauthorize purchasing agents and shall keep a written record of such actions.

Upon their authorization and before making any purchases, purchasing agents shall review this policy and the Credit and Debit Card Policy to understand how to comply with their requirements, sign the Acknowledgement below, and submit the signed version to the Treasurer.

Purchasing agents shall:

- Ensure optimal price and quality for equipment, goods and services are obtained by utilizing pricing agreements and contracts;
- Review each purchase to avoid unnecessary or duplicative purchases;
- Select vendors based on:
 - Cost;
 - Quality of the goods and services offered;
 - Compatibility with existing equipment;
 - Ability, capacity and skill of the vendor (as demonstrated under prior contracts with the Town or references from other customers); and
 - The purchasing preference described above;
- Ensure competition is not limited by geographic location of vendors (subject to the purchasing preference described above), unreasonable requirements or qualifications, restricted with limits on the geographic location of vendor, or anticompetitive pricing practices; and
- Confirm that vendors doing work on Town premises carry adequate general liability and workers' compensation insurance.

CREDIT AND DEBIT CARD PURCHASES. Purchasing agents who have been authorized to use a Town credit or debit card may utilize their card solely to purchase equipment or supplies for the Town. Such purchases are subject to this Purchasing Policy and the Credit and Debit Card Policy. A purchasing agent's failure to follow these policies is grounds for cancellation of the purchasing agent's credit or debit card.

PURCHASING PROCEDURES. Purchases of equipment, supplies or services with Town funds are classified by their monetary cost. The procedures for such purchases are described below. The Selectboard shall consult with individuals or entities on purchases of equipment, supplies or services to be used by their respective department or organization.

All purchases are limited to the amount of the applicable line item of the approved budget then in effect. When in doubt, the Selectboard should be consulted on the applicability of a line item to a proposed purchase, and the Treasurer should be consulted on the availability of funds in the applicable line item.

Incidental Purchases (up to \$2,500.00). Purchasing agents may make incidental purchases without prior approval.

Minor Purchases (from \$2,500.01 to 15,000.00). Purchasing agents may make minor purchases only upon approval at by the Selectboard at a public meeting and as documented in the minutes thereof. When feasible, minor purchases will be approved only on the basis of at least two competitive, written quotations from qualified vendors.

Medium Purchases (from \$15,000.01 to 50,000.00). Purchasing agents may make medium purchases only upon approval by the Selectboard at a public meeting and as documented in the minutes thereof. Subject to the exceptions described below, medium purchases may be approved only on the basis of at least two competitive, written quotations from qualified vendors.

Major Purchases (greater than \$50,000.00). Purchasing agents may make major purchases only upon approval by the Selectboard at a public meeting and as documented in the minutes thereof. Subject to the exceptions described below, major purchases may be approved only on the basis of sealed bid process meeting the requirements described below.

Purchases Made with Federal or State Funding. Purchases made with federal or state funds may be subject to more stringent procedural requirements for their approval, in which case those requirements must be satisfied. See in particular, the Davis-Bacon and Related Acts, <https://www.dol.gov/agencies/whd/government-contracts/construction>.

Federally funded non-competitive purchases of \$150,000 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.

Federal and state requirements are subject to change and purchasing agents must ensure they are familiar with the current requirements before approving a purchase made with federal or state funds.

PURCHASING PROCEDURE EXCEPTIONS. The purchasing procedures described above may altered for any of the following reasons, provided that any such exception be made in a public meeting and documented in writing. Not all exceptions below may be available for purchases made with federal or state funding.

Sole Source Purchases. If the Selectboard determines that there is only one qualified source for a proposed purchase after conducting a good faith review of available sources, it may waive the quote or sealed bid process and authorize the purchase from the sole available source after determining that the price offered is fair and reasonable.

Recurring Purchases. If the total value of a recurring purchase of a good or service is anticipated to exceed \$25,000 or \$50,000 during one or more fiscal years, the quote or sealed bid process (as applicable) shall still be utilized and shall specify the recurring nature of the purchase. Once a quote or sealed bid has been accepted, future purchases may be made from the same bidder without first obtaining quotes or sealed bids as long as the quote or bid price remains the same.

Emergency Purchases. The Selectboard may approve purchases in the event of a public emergency without first obtaining quotes or sealed bids. Such purchases must be deemed necessary to address an ongoing emergency such that any delay would endanger persons or property or result in substantial impairment of the delivery of Town services.

Professional Services. The quote or sealed bid process need not apply to the selection of providers of services (including without limitation engineering and architectural services) that are characterized by a high degree of professional judgment and discretion including without limitation legal, financial, auditing, risk management, and insurance services.

State of Vermont Equivalent Terms. The quote or sealed bid process need not apply to purchases of equipment, goods and services from vendors who offer substantially the same terms and pricing to the Town as are provided the State of Vermont.

SEALED BID PROCESS. The sealed bid process begins with the a request for proposals (RFP) prepared by the Selectboard or its designee and sent to qualified providers.

RFPs shall be published on the Town’s website and on the Vermont Business Registry and Bid System, <http://www.vermontbusinessregistry.com/>. RFPs may also be published in a newspaper of general circulation in the region and/or sent to providers believed to be eligible for selection.

Bid Specifications. A list of bid specifications shall be included in each RFP and made available for inspection at the Town office. Bid specifications shall include:

1. Bid name.
2. Bid submission deadline.
3. Date, location, and time of bid opening.
4. Requirement that responses to specifications are in the same order as listed in request for bid.
5. 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.
6. Specifications for the project or services including quantity, design, and performance features.
7. Bond and/or insurance and liability requirements.
8. A copy of the proposed contract.
9. Any special requirements unique to the project or purchase.
10. Delivery or completion date.

11. 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.
12. 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.
13. Request for customer references with names and contact information.
14. Language that reserves for the Selectboard 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, to make an award which in its sole and absolute judgment will best serve the Town's interest. The Selectboard reserves the right to investigate the financial condition of any bidder to determine his or her ability to assure service throughout the term of the contract.

Once an RPF has been issued, the bid specifications will be made available at the Town Offices, 5218 Pomfret Road, North Pomfret, and on the Town's Website, <https://pomfretvt.us>.

Bid Submission. All bids must be submitted in sealed envelopes, addressed to the Town in care of the Selectboard, and plainly marked with the name of the bid and the time of the bid opening. Bid proposals 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 and shall be returned to the bidder unopened.

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

Bid Opening. After the specified bid deadline, every bid received prior to the bid submission deadline will be publicly read aloud by the Selectboard. 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; and the nature and the amount of security furnished with the bid if required.

Criteria For Bid Selection. In evaluating bids, the Selectboard will consider the following criteria:

1. Price.
2. Bidder's ability to meet bid specifications.
3. Bidder's proven ability to perform within the specified time limits.
4. Bidder's experience and reputation, including past performance for the Town and references

by the bidder's customers.

5. Quality of the materials and services specified in the bid and compatibility with existing materials and equipment.
6. Bidder's ability to meet other terms and conditions, including insurance and bond requirements.
7. Bidder's financial capacity and responsibility.
8. Bidder's availability to provide future service, maintenance, and support.
9. Nature and size of bidder.
10. Contract provisions that are acceptable to the Town.
11. For construction projects over \$2,000, the bidder's acceptance of wages in the current wage determination provided as part of the RFP.
12. Any other factors that the Selectboard determines are relevant and appropriate in connection with a given project or service.

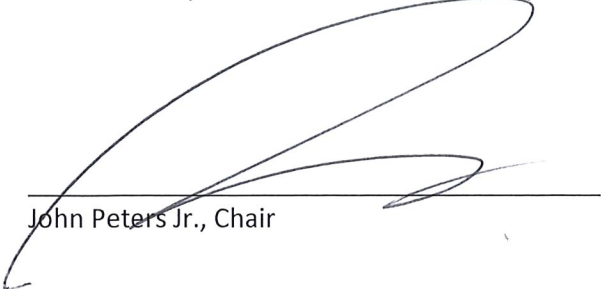
For purchases made with federal funding, the following criteria also apply:

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

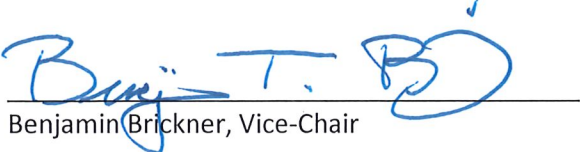
Specification Changes. If specification changes are made before the bid submission deadline, the RFP will be amended and notice shall be sent to any known bidder and bidders who already submitted a bid. If the amendment is substantial, the Selectboard may restart the bidding process. Once a bid has been accepted, if changes to the specifications become necessary, the Selectboard will prepare a change order specifying the scope of the change for written approval by the bidder and Selectboard.

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APPROVED by the Selectboard this 4th day of October, 2023, and effective until amended or repealed.



John Peters Jr., Chair



Benjamin Brickner, Vice-Chair



Meg Emmons



Steve Chamberlin



Emily Grube

[Remainder of page intentionally blank. Purchasing Agent Acknowledgement follows.]

**PURCHASING POLICY
PURCHASING AGENT ACKNOWLEDGEMENT**

TOWN OF POMFRET, VERMONT

I have read the Purchasing Policy approved on October 4, 2023, and the Credit and Debit Card Policy approved on July 17, 2023, understand these policies, and agree to comply with their requirements.

Purchasing Agent (*print name*)

Purchasing Agent (*signature*)

Date