

**PURCHASING POLICY PROPOSAL  
TOWN OF POMFRET**

**Original Adoption April 2, 2014  
Amended June 20, 2018**

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

**AFFIRMATIVE ACTION AND LOCAL 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.

**CODE OF CONDUCT.** All purchases of town equipment, supplies and services must be in compliance with applicable provisions of the Town of Pomfret Conflict of Interest Policy. Copies of these can be obtained at the Town Offices, 5218 Pomfret Road, North Pomfret, Vermont 05053 or found on the Town's Website (<http://pomfretvt.us/>).

**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.

**PURCHASING AUTHORITY.**

Purchasing Agents are defined as employees, officers, or other individuals authorized by the Selectboard to purchase for the Town:

Specific positions that have been authorized to make purchases are: Treasurer, Town Clerk, Road Commissioner(s), Road Foreman, Selectboard.

Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained with each purchase and proposed procurements be reviewed to avoid unnecessary or duplicative purchases of equipment, supplies and services. Vendors will be selected based on cost and the best interest of the town, the quality of the goods

and services offered, compatibility with existing equipment and the ability, capacity, and skill of the vendor demonstrated under prior contracts with the Town or references from other customers.

Purchasing Agents shall also ensure that the competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications, restricted with limits on the geographic location of vendor, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

**Incidental Purchases.** Those designees authorized to act as Purchasing Agents may make purchases of up to \$1,000.00 without prior approval, provided those purchases are limited to the amount of the budget line item authorized by the Town.

**Minor Purchases.** Those designees authorized to act as Purchasing Agents may make purchases with a value between \$1,000.00 and \$25,000.00, only with prior approval of the Selectboard. Competitive written quotes from at least two vendors must be obtained and are limited to the amount of the budget authorized by the town.

**Major Purchases.** All purchases over \$25,000.00 require a sealed bid process and prior approval of the Selectboard.

If federal funding is used for purchases between \$3,000 (\$2,000 in the case of construction projects subject to Davis Bacon requirements) and \$150,000, price or rate quotes must be obtained from two or more qualified sources following the affirmative action provision of this policy and all provisions regarding fair and unrestricted competition.

Purchases at or exceeding \$150,000 or construction projects of any value that are funded with federal dollars must follow a sealed bid process as outlined below and also follow any procurement guidance as outlined in the 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

Purchases funded by the Federal Government, the State of Vermont, or grants from any other entity must follow all the requirements of those agencies and entities issuing the grant funding. Note that the above requirements are subject to change and the town is responsible for reviewing Federal, State, and other grant requirements for such changes.

**SEALED BID PROCESS.** The sealed bid process shall be initiated by the issuance of a Request for Bids prepared by the Selectboard or its designee. Notice of the Request for Bids shall be made by letter (U.S. mail or email) to known providers soliciting bid responses, advertisements placed in a newspaper of general circulation in the region, and on the town's website.

**BID SPECIFICATIONS.** A list of bid specifications shall be prepared for each purchase over \$25,000.00 and shall be available for inspection at the Town office. Bid specifications should include:

1. Bid name and address.
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. Specifications for the project or services including quantity, design, and performance features.
6. 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.
7. Insurance and liability requirements.
8. 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.
9. 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 <http://www.wdol.gov/dba.aspx>) and must comply with the Davis Bacon Act.
10. A copy of the proposed contract.
11. Any special requirements unique to the project or purchase.
12. Delivery or completion date.
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, and to reserve 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.
15. Notification of bid amendments will be available on the Pomfret web site.

Once a Request for Bids has been issued, the bid specifications will be available for inspection at the Town office and the Town's Web Site.

**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, if stated; 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 including 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. Any other factors that the Selectboard 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:*

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

**BID AMENDMENTS.** If specification changes are made prior to the close of the bid process, the Request for Bids will be amended and notice shall be sent to any known bidder and bidders who already submitted a bid. A new bid process may be initiated soliciting bid responses and updated on the Pomfret web site.

**CHANGE ORDER.** 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. Once approved, the contractor and an authorized agent of the Town must sign the change order.

**CREDIT CARD PURCHASES.** A town credit card may be issued to a town employee authorized by the Selectboard to be used solely for purchases for the Town of Pomfret. All receipts or invoices, must be promptly submitted to the town treasurer for documentation. No personal purchases may be made with a town credit card.

**PURCHASES FOR ORGANIZATIONS/BOARDS/OFFICIALS.** The Selectboard shall consult with organizations/boards/officials for purchases used by their department.

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

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

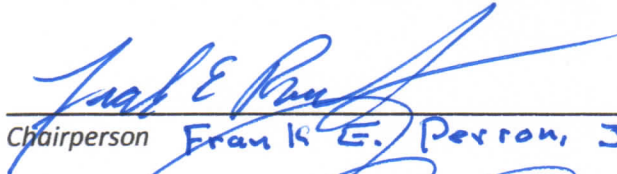
**Recurring Purchases.** If the total value of a recurring purchase of a good or service is anticipated to exceed \$25,000 during any fiscal or multiple years, the bid process shall be utilized and shall specify the recurring nature of the purchase. Once a bid has been accepted, all future purchases shall be made from that bidder without necessity of additional bids, until such time as the Selectboard votes to initiate a new bid process.

**Emergency Purchases.** The Selectboard 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 highway 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.

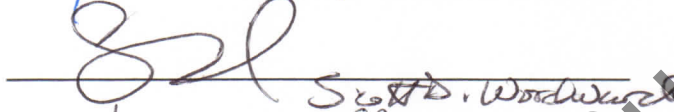
**Professional Services.** The bid process may not apply to the selection of providers for services that are characterized by a high degree of professional judgment and discretion including legal, financial, auditing, risk management, and insurance services.

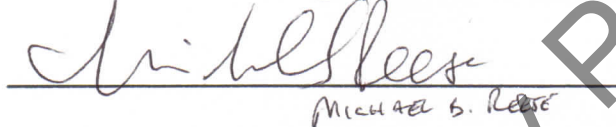
**Vermont State Purchasing Office.** The town may purchase items from vendors who offer the same price to the Town as was successfully bid to provide goods or services to the State of Vermont, without going through the bid process described herein.

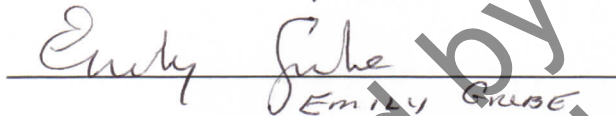
The foregoing Policy is hereby amended by the Selectboard of the Town of Pomfret, Vermont, this 20th day of June 2018 and is effective as of this date until amended or repealed.

  
Chairperson Fran K. E. Perron, Jr

  
John R. Peters, Jr

  
Scott D. Woodward

  
Michael B. Reese

  
Emily Gruse

Superseded by Purchasing Policy  
as approved October 4, 2023