

PURCHASING POLICY
TOWN OF BELVIDERE, VERMONT

ADOPTED August 4, 2021

Revised: October 11, 2023

Revised: April 17, 2024

Revised: October 3, 2024

PURPOSE: The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the Town of Belvidere 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 public confidence in the procedures followed in public purchasing.

AFFIRMATIVE ACTION AND LOCAL PREFERENCE. 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 requirements outlined in the grant provisions must be followed. The Town may exercise a preference for local businesses for purchases funded exclusively by the Town but only if such a preference does not result in unreasonable prices or rates due to a lack of competition. The Town may not exercise a preference for local businesses over purchases funded in whole or in part with federal funding.

CODE OF CONDUCT. Elected officials, 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 elected official, officer, or agent of the Town shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, is involved. Such a conflict would arise when:

- The elected official, officer, or agent,
- Any member of the elected official, officer, or agent's immediate family,
- The elected official, officer, or agent's 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 elected official, officer or agent of the Town who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest within the context of a duly-warned Selectboard meeting that occurs before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting, which minutes shall be retained as part of the official record surrounding the bid or purchase. Elected officials, officers, and agents of the Town will not solicit nor accept gratuities, favors, or anything of monetary value from potential contractors, vendors, consultants, or parties to sub-agreements.

Elected officials, officers, and agents who fail to follow the above Code of Conduct must be sanctioned or disciplined, to the extent permitted by law, for violations of the above standards.

DOCUMENTATION. Records documenting the procurement process for any purchases, including, when required as specified below, the reason for the specific procurement method chosen, the basis for the award, and pricing (showing evidence that the process was fair and equitable), shall be maintained by the Town in accordance with the retention and disposition schedules as set by the Vermont State Archivist, or within the Federal Guidelines if federal funding is used.

WHEN PROCURING WORK TO BE PAID WITH FEDERAL FUNDS:

The Town of Belvidere will review the following documents to determine the allowability of costs:

- DPS grant agreement: Attachment A – Scope of Work to Be Performed & Attachment B – Payment Provisions
- Notice of Funding Opportunity (NOFO) or award announcement
- Federal award guidelines or the award application specifications
- 2 CFR Part 200 Subpart # Cost Principles
 - Basic Considerations, 2 CFR 200.403 Factors affecting allowability of costs
 - General Provisions for Selected Items of Cost (alphabetical listing of items or cost, their allowability and maintenance requirements)

The Town of Belvidere will include State Agreement, Attachment C – Standard State Provisions, and applicable Federal Contract Provisions for Contracts and Grants, to all sub-contractors.

The Town of Belvidere will check the status and maintain documentation of the status of contractors for suspension or debarment with SAM.gov

PURCHASING AUTHORITY.

Purchasing Agents. The following elected officials are designated to act as Purchasing Agents for the Town:

- Road Commissioner
- Town Clerk & Treasurer
- Selectboard Chairperson
- Collector of Delinquent Taxes

Purchasing Agents are responsible for ensuring the best possible price and quality are obtained with each purchase and Purchasing Agent shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies, and services. Purchasing Agent shall also ensure competition is not restricted with limits on the geographic location or 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. Elected officials who has been designated to act as Purchasing Agent may make purchases of up to:

- Road Commissioner: \$3,000
- Town Clerk/Treasurer: \$500
- Selectboard Chairperson: \$500
- Collector of Delinquent Taxes: \$500

without prior approval, provided those purchases are limited to the amount of the budget authorized by the Town, and the Selectboard is notified of the purchase at the time it is made, and prior to any work being started.

Minor Purchases. Elected officials who has been designated to act as Purchasing Agent may make purchases with a value between:

- Road Commissioner: \$3,000 and \$25,000
- Town Clerk/Treasurer: \$500 and \$3,000
- Selectboard Chairperson: \$500 and \$3,000
- Collector of Delinquent Taxes: \$500 and \$3,000

only with prior approval of the Selectboard and provided those purchases are limited to the amount of the budget authorized by the Town. Competitive quotes from at least three vendors must be obtained.

Major Purchases. All purchases over:

- Road Commissioner: \$25,000
- Town Clerk/Treasurer: \$3,000
- Selectboard Chairperson: \$3,000
- Collector of Delinquent Taxes: \$3,000

require prior approval of the Selectboard. Competitive cost quotes from two or more vendors must be obtained through a "Request for Proposal" (RFP). This process shall be initiated by the issuance of an RFP prepared by the Selectboard or its designee. Notice of the RFP shall be made by letters or email to known providers soliciting bid responses, notices placed on the Town's website (townofbelviderevt.com) and State of Vermont Business Assistance Network registry website (vermontbusinessregistry.com), and advertisement(s) placed in a newspaper of general circulation in the region. The Selectboard shall record all "no bid" responses to show consideration by those possible bidders. 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. Vendors and bidders will be selected based on cost, the quality of the goods and services offered, and the ability, capacity, and skills demonstrated under prior business with the Town. In addition, a pricing analysis (estimate) must be completed by the Purchasing Agent or a qualified consultant prior to issuing the request for proposal or request for bids to ensure there is a reasonable estimate against which to compare bid proposal pricing.

All Major Purchases with a value between \$100,000 and \$150,000:

must follow a sealed bid process as outlined within this policy, or the alternate bid process as outlined within this policy, and follow any procurement guidance as outlined in any grant agreement used to fund the purchase.

All Major Purchases at or exceeding a value of \$150,000:

must follow a sealed bid process as outlined within this policy, follow any procurement guidance as outlined in any grant agreement used to fund the purchase, and require 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.

Alternate Bid Process. Quotes for services may be obtained from the pre-selected "At the Ready" contractor (also "ATR" Contractor) list without advertising because advertising was completed via an RFQ process following the open and inclusive advertising process described in the prior paragraph, "Sealed Bid Process", to create the "At the Ready" list. ATR Contractors with current work contracts with the town will be required to respond to a Request for Proposals, which will include a Scope of Services.

SEALED BID PROCESS. The sealed bid process shall be initiated by the issuance of an RFP prepared by the Selectboard or its designee. Notice of the RFP shall be made by letters or email to known providers soliciting bid responses, notices placed on the Town's website (townofbelviderevt.com) and State of Vermont Business Assistance Network registry website (vermontbusinessregistry.com) and advertisement(s) placed in a newspaper or general circulation in the region.

BID SPECIFICATIONS. A list of bid specifications shall be prepared for each purchase over \$100,000, or at the discretion of the Selectboard, and once an RFP notice has been issued, the list of specifications shall be available for inspection at the Town office, or the office of the Town's designee. Bid specifications shall include:

1. Bid name.
2. Bid submission deadline.
3. Date, location, and time of bid opening.
4. Specifications for the project or services including quantity, design, and performance features.
5. Bond and/or insurance requirements.
6. A copy of the proposed contract.
7. Any special requirements unique to the project or purchase.
8. Delivery or completion date.
9. For purchases at or exceeding \$150,000, 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.
10. If state or federally grant funded, the bidders must also include affirmation of Davis Bacon compliance if that is a requirement of the state or federal agency providing the funding. A statement that contractors will be provided with a copy of the most current wage determination (from the U.S. Department Of Labor website at: <https://dol.gov/agencies/whd/government-contracts/service-contract/tools>).
11. 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, and to make an award which in its sole and absolute judgement 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.

BID SUBMISSION. All bids must be submitted in sealed envelopes (or email if specified in the RFP or RFQ), addressed to the Town in care of the Selectboard, or to the Town's designee, and plainly marked with the name of the bid/request. Responses to the RFP or RFQ, also referred to as "Bid proposals" will be date and time stamped on the outside of the envelope immediately upon receipt (or when email is allowed be date and time stamped vis the email system). 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 the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same work, and the bidder is competing solely on his/her 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 the name of each bidder read aloud by the Selectboard. The Selectboard may then choose to deliberate on the contents of each bid in Executive Session. All bids considered will be available to the public after deliberations are concluded, and a bid is accepted.

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

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/or 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. For construction projects over \$100,000, contractor's indication of acceptance of wages in the current wage determination provided if part of the Request for Proposal.
11. Any other factors 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. The Town of Belvidere will utilize and maintain the information obtained from the VT Agency of Administration Minority and Women Owned Business Enterprises website to search for contractors. [Minority and Women Owned Business Enterprises](#).
14. The Selectboard will not select a bidder who is listed on the Excluded Parties List System website (<https://bgs.vermont.gov/purchasing-contracting/debarment>).

CHANGE ORDERS. If specification changes are made prior to the close of the bid process, the RFP 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, 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.

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 an RFP or Request for Qualifications (RFQ) prepared by the Selectboard or its designee that includes the factors that will be used to evaluate and compare the proposals. Bids, proposals, or qualifications shall be obtained from an adequate number of qualified sources (at least two vendors) to ensure 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 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 there is only one possible source for a proposed purchase, it may waive the bid process and authorize the purchase from the sole source.

Recurring Purchases. If the total value of a recurring purchase of a good or service is anticipated to exceed:

Road Commissioner: \$50,000

Town Clerk/Treasurer: \$5,000

Selectboard Chairperson: \$5,000

Collector of Delinquent Taxes: \$5,000

during any fiscal year, the 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 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 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 shall not apply to the selection of providers for services that are characterized by a high degree of professional judgement and discretion including legal, financial, auditing, risk management, and insurance services with a value of up to \$50,000.

Federally funded non-competitive purchases for \$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.

At the Ready Contractors

As an alternate procurement process, the Town may follow the below procedures for awarding contracts for services.

1. Advertise widely for road construction services (3 weeks or more prior to submittal deadline) by letters or email to known providers and soliciting bid responses with RFQ notices placed on the Town's website (townofbelviderevt.com) and State of Vermont Business Assistance Network registry website (vermontbusinessregistry.com), and advertisement(s) placed in a newspaper of general circulation in the region and requiring submission of a cost sheet for labor and equipment rates.
2. The town Selectboard will select three or more roadway construction contractors or professional services to be listed on the town's "At the Ready" contractor list. The rationale for selected contractors will be described in a written RFQ selection summary for "pre-positioned contracts" to be on this pre-qualified list - see FEMA guidance for minimum procurement requirements.
3. At the Ready contractors will be on the list for 3-year periods - providing town officials with their services and hourly rates for their labor and equipment and kept "on file" at the town office.
4. In a disaster, the town will directly call on one or more "At the Ready" contractors for emergency protective measures (ex. CAT B eligible work) and those available would respond.
5. After the emergency passes, as determined by the town emergency management team, which can be 72 hours or longer depending on the emergency, road work will pause.
6. The Town will then write up a scope of services for non-emergency repairs, debris clean-up, and mitigation projects and then reach out to all contractors on the "At the Ready" list for cost proposals. No advertising will occur but bid proposals from "At the Ready" contractors will be reviewed by the town Selectboard.

Selected contractors will enter into a new town contract for that specific scope of work to ensure the work is in the best interests of the Town and FEMA contract guidelines are met.

The foregoing Policy is hereby adopted by the Selectboard of the Town of Belvidere, Vermont, and is effective as of this date until amended or repealed.

Approved by the Belvidere Selectboard on the 20 day of November, 2024.

Earl H. Dominguez

Chair

Kenneth Adams Jr.

Member

Kip LA

Member