

Winooski Natural Resources Conservation District

Competitive Purchases. All purchases and contracts shall be made at the best possible price. Purchases and contracts shall be made in accordance with the following provisions:

- A. **\$25,000 or Less.** Purchases may be processed without quotations. Awards can be made without securing competition if the Board Chair or District Manager determines that the price received is reasonable. The District is not precluded from obtaining quotes from more than one vendor if the user suspects that the price is not reasonable or determines that it is in the best interest of the District.
- B. **\$25,000 to \$50,000.** Written Quotes. Purchases shall be made according to the best obtainable price provided at least three (3) bona fide written quotes are obtained on pre-printed Request for Quotations forms or on the offering vendor's official letterhead or quote form, and submitted for approval. The Board Chair or District Manager may, at his or her discretion, waive Request for Written Quotation procedures, and require three (3) documented quotes.
- C. **\$50,000 and Above.** All purchases exceeding \$50,000 require formal bid procedures and shall be processed and executed through formal procedures. Such purchases must be approved in the current budget, and purchases not approved in the current budget require approval by the Board prior to advertising for bids. Bids may be rejected in the event that they are in excess of budgetary limits, are non-responsive to specifications, or due to irregularities in the bids specifications.
- D. **Documented and Written Quote Exceptions.** In the event there are not three (3) known vendors which have materials/services available, less than three (3) quotes are permissible provided the District retains the quotes obtained and identifies, on the quote form or on separate attachment, the names of other vendors contacted who could not provide the materials/services.
- E. **Sole Source.** The District may, at their discretion, choose to sole source purchases and contracts to vendors approved through the Districts Small Works Roster. The Small Works Roster lists vendors who have applied for placement on the roster for the completion of small works projects. Small works projects are those with an estimated cost of less than \$50,000. The District may create a small works roster for different specialties or categories of anticipated work. Each of these categories, such as fencing, hydro-seeding, stream assessments, etc., will then contain a roster or list of contractors deemed as qualified by the District, that have applied to be placed on that roster for projects to be done in the work category, or categories. This method of purchasing supersedes all other purchasing policies, however, it does not preclude the District from reverting to other policies if the District finds a Small Works approved vendor to be unqualified for a specific job or the price is not reasonable.

**Central Vermont Regional Planning Commission
Procurement Procedures**

Adopted December 1, 2003

1.0 Purpose and Authority:

This document describes the process through which the Central Vermont Regional Planning Commission will procure consultant services and equipment, and is intended to satisfy the requirements to self-certify CVRPC's procurement procedures as being in compliance with applicable federal regulations (pursuant to 49 CFR 18.36(g)3.)

These policies and procedures have been developed in accordance with the following state and federal statutes and regulations:

24 VSA Chapter 117 - Vermont Municipal and Regional Planning and Development Act.

Vermont Agency of Administration Administrative Bulletin 3.5 - Contracting Procedures for Services.

Title 49 Code of Federal Regulations (CFR) Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

U.S. Office of Management and Budget (OMB) Circulars as follows:

- OMB A-87 - costs Principles for State and Local Government.
- OMB A-102 - Administrative Requirements for Grants-in-Aid for States and Local Governments.
- OMB A-133 - Audits of States, Local Governments, and Non-Profit Organizations

2.0 Definitions:

Agency - Vermont Agency of Transportation.

Contractor - Any third party providing services or materials to CVRPC for the purpose of accomplishing the Work Plan.

Equipment - Tangible, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

Federal Agency - Federal Highway Administration, U.S. Dept. of Transportation.

FHWA - Federal Highway Administration, U.S. Dept. of Transportation.

CVRPC – Central Vermont Regional Planning Commission.

Planning Coordinator - VTrans Policy and Planning Division staff responsible for the coordination of work accomplished under the Planning Initiative.

VTrans - Vermont Agency of Transportation.

Work Plan - The schedule of work elements for which financial support is requested under the Transportation Planning Initiative.

3.0 General Procurement:

- a. CVRPC will maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.
- b. CVRPC will maintain a written code of standards of conduct as part of CVRPC's Personnel Policies governing the performance of its employees engaged in the award and administration of contracts under this program. In addition, no employee, officer or agent of CVRPC shall participate in the selection, award or administration of a contract supported by State or Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - i. The employee, officer or agent or,
 - ii. Any member of his immediate family or,
 - iii. His or her partner, or
 - iv. Any organization that employs, or is about to employ, any of the above has a financial or other interest in the firm being selected for award.

CVRPC officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. CVRPC may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by CVRPC officers, employees or agents, by consultants or their agents.

- c. CVRPC will review proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis should be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- d. In order to foster greater economy and efficiency, CVRPC will endeavor to enter into State and local intergovernmental agreements for procurement or use of common goods and services.
- e. CVRPC will endeavor to use Federal and State excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- f. CVRPC will maintain records sufficient to detail the significant history of procurement. These records will include, but not be limited to, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- g. CVRPC will use time and material-type contracts only:
 - a. after a determination that no other contract is suitable, and

- b. if the contract includes a ceiling price that the contractor exceeds at its own risk.
- h. CVRPC alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protest, disputes, and claims. These standards do not relieve CVRPC of any contractual responsibilities under its contracts.
- i. CVRPC will have protest procedures to handle and resolve disputes as part of all contracts awarded, and shall, in all instances of such occurrences, disclose information regarding the protest to the Agency. A protestor must exhaust all State and local potential remedies before pursuing a protest with the Federal Agency. Review by the Federal agency will be limited to alleged violations of federal laws or regulations, or CVRPC's protest procedures.
- j. All procurement transactions will be conducted in a manner providing full and open competition. CVRPC will be alert to organizational conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Awards will be made to the contractor whose offer is most responsive to the solicitation and is most advantageous to CVRPC.
- k. Solicitations for goods and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. Such a description shall not, in competitive procurement, contain features that unduly restrict competition. Brand name or equal description may be used as a means to define the performance of other salient requirements of a procurement, and when so used, the specific features of the name brand which must be met by bidders shall be clearly specified.
- l. Positive efforts shall be made by CVRPC to utilize Vermont's small businesses and minority-owned businesses as sources of supplies and services. Such efforts will allow these sources the maximum feasible opportunity to compete for contracts.
- m. Some form of price or cost analysis shall be made in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indications together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, accurate allocation and allowability. CVRPC must make independent estimates before receiving bids or proposals.
- n. All bids must be binding. Increases may be granted only in cases in which CVRPC and VTrans (for contracts funded through VTrans) agree in writing that there is work required beyond that in the scope of the original bid specifications.
- o. Small purchases (below \$10,000 in aggregate) may be procured using a process that solicits price or rate quotations from at least three qualified sources, and for contracts funded through VTrans, receives approval from the Planning Coordinator. Small purchases (below \$250 aggregate) of consumable supplies shall be exempt from this requirement.
- p. For those purchases above \$10,000, CVRPC shall use either a sealed bid or a competitive proposal process. In either case, provision shall be made to publicly advertise the solicitation and secure an

adequate number of bid/proposals. CVRPC will develop and use technical evaluation and review criteria, and choose the contractor's proposal that best responds to the bid/proposal specifications.

- q. Procurement by non-competitive proposals may be used with the written approval of VTrans (for contracts funded through VTrans) only if it is determined that either the small purchase, sealed bid or competitive proposal process is not feasible, AND one of the following circumstances applies:
1. The item is available only from a single source;
 2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 3. After solicitation from a number of sources, competition is determined inadequate.

The following requirements shall apply in a competitive negotiation situation:

1. Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. All qualified sources may submit a proposal. The request for proposals shall be publicized.
 2. The request for proposal shall identify all significant evaluation factors, including price or cost where required and their relative importance.
 3. Provision shall be made for technical evaluation of the proposals received, determination of responsible bidders for the purpose of written or oral discussions, and selection for contract award.
 4. Award may be made to the responsible bidder whose proposal will be most advantageous, price and other factors considered.
- r. All solicitations for engineering and design-related services shall follow the procurement process outlined in 23 CFR, Part 172 for contracts funded through VTrans.
- s. CVRPC will comply with 19 VSA 10a for procurement of Architectural Engineering (A/E) and related professional services for contracts funded through VTrans. Only Agency pre-qualified firms for A/E may be used as approved by program engineer.
- t. For contracts funded through VTrans, CVRPC's procurement file must contain the Planning Coordinator's written or e-mailed approval of:
1. The technical specifications for all proposed procurement (purchases or personal services contracts).
 2. The list of firms to be notified about a procurement request. Full and open competition is required.

3. The final draft contract or agreement or purchase order including submission of cost estimates, a description of the cost on price analysis performed by CVRPC, and the technical evaluation of all proposals.
- u. A procurement selection committee shall be established. For contracts funded through VTrans, the Planning Coordinator shall be appointed as a non-voting member.
- v. For contracts funded through VTrans, CVRPC shall use pro-forma contracts and agreements for contractual compliance with State and Federal requirements as provided by VTrans.
- w. CVRPC shall prepare a technical evaluation for the proposals received.
- x. For contracts funded through VTrans, the Agency will be billed direct, eligible costs associated with the work program at actual cost or less.

4.0 Purchase of Equipment:

For contracts funded through VTrans, all equipment must be approved as part of the approval of the overall annual work plan and title to the equipment shall be jointly held by VTrans and CVRPC. The purchased equipment must be directly related to the implementation of the work plan and is to be used only for the originally authorized purpose. If the equipment is no longer needed, CVRPC will notify VTrans of this for possible use on other projects or programs supported by VTrans or FHWA. However, when acquiring replacement equipment approved by VTrans, CVRPC may use the equipment to be replaced as a trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment.

CVRPC will not use equipment acquired with Federal or State grant funds to provide services for a fee in order to compete unfairly with private firms that provide equivalent services.

CVRPC will be responsible for the management of the equipment while its in use in such a manner that, at a minimum, the following requirements are met:

- a. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of the property, who holds title, the acquisition date, the cost of the property, the location and use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
- b. A physical inventory of the property must be taken and the results reconciled with the property records at least every two years.
- c. A control system must be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage, or theft shall be investigated.
- d. Adequate maintenance procedures must be developed to keep the property in good condition.
- e. Proper sales procedures designed to ensure the highest possible return must be developed and implemented if CVRPC is authorized to sell the property.

When original or replacement equipment acquired under an agreement is no longer needed for the original project or program, disposition of the equipment will be made as follows:

- a. Items of equipment with a current per-unit market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation.
- b. Items of equipment with a current per-unit market value in excess of \$5,000 may be retained or sold and VTrans shall have the right to an amount calculated by multiplying the current market value or proceeds from sale by VTrans' share of the equipment.

In cases where CVRPC fails to take appropriate disposition actions, VTrans may direct CVRPC to take excess property and disposition actions. The Federal Government may reserve the right to transfer title to the Federal government or a third party when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

- a. The property shall be identified in the agreement or otherwise made known to CVRPC in writing.
- b. The Federal awarding agency (FHWA) shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal government fails to issue disposition instructions within the time frame, CVRPC will follow the instructions as described above. When title is transferred, CVRPC will be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value.

5.0 Purchase of Supplies:

Title to supplies acquired under an agreement will vest upon acquisition to CVRPC. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the agreement, and if the supplies are not needed for any other Federally sponsored programs or projects, CVRPC shall compensate VTrans for its share.

Adopted by the Central Vermont Regional Planning Commission Executive Committee,

DATE December 1, 2003

Friends of Northern Lake Champlain

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PROCUREMENT PROCEDURES

Nov. 28, 2011

1. Contracts \$15,000 or Less

For contracts of \$15,000 or less it is not necessary to use the standard Friends of Northern Lake Champlain (FNLC) competitive solicitation process. At the time of contract execution, FNLC must place in the official contract file a written explanation for selecting the contractor. Such explanation will include the following:

- a. A description of the qualifications of the contractor that demonstrates that the contractor will provide high quality services and/or products
- b. A description of the prices charged by the contractor and an explanation as to why such charges are both cost effective and reasonable
- c. And/or as specified by grantor

2. Contracts Greater Than \$15,000 but Not More Than \$100,000 – Simplified Bid Process

FNLC may enter into a contract over \$15,000 but not more than \$100,000 following a simplified bid process.

- a. A “simplified bid process” means that FNLC has developed a specific and detailed statement of work for the service or product desired and has solicited written price quotations from a set of pre-qualified contractors providing the specified services or products.
- b. A pre-qualified contractor is one who has been determined by FNLC to be generally qualified to perform the requested type of work.
- c. FNLC may also post the bid request on the FNLC website
- d. FNLC may include other processes as specified by grantor
- e. Criteria and reasons for selecting a contractor will be placed in the official contract file.

3. Contracts Greater Than \$100,000

For contracts greater than \$100,000, FNLC will use a standard bid process similar to the bid process described in Vermont Agency of Administration, Bulletin No. 3.5, titled “Contracting Procedures”, dated July 15, 2008.

Adopted by vote of FNLC Board
Nov. 28, 2011

Town of Thetford

PURCHASING POLICY

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

PURCHASE AUTHORIZATION. No non-emergency purchases over \$5,000 shall be made by any Town officer or employee without prior approval of the selectboard. When making any purchase not subject to the bid process described below, officers and employees must solicit quotes from at least two vendors unless the selectboard has approved a sole source vendor. Vendors will be selected based on cost, the quality of the goods and services offered, and the ability, capacity, flexibility and skill of the vendor demonstrated under prior contracts with the Town.

BID PROCESS. All non-emergency purchases of \$10,000 or more shall be subject to a bid process. The bid process shall be initiated by the issuance of a request for bids approved by the selectboard. Notice of the request for bids shall be made by letters to known providers soliciting bid responses, and preferably with advertisements posted in three public locations within the Town, and advertisements placed in a newspaper of general circulation in the region. This policy is designed to provide instruction to town employees. No provision in this Purchasing Policy shall be construed as to grant rights of recourse to bidders if this policy is not followed.

BID SPECIFICATIONS. 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. Any special requirements unique to the purchase.
7. Delivery or completion date.

Once a request for bids has been issued, the bid specifications will be available for inspection at the Town office.

BID SUBMISSION. All bids should 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. Any bid may

be withdrawn in writing - including by email 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. 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.

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 and demonstrated flexibility.
4. Quality of the materials and 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. All other factors that the selectboard determines are relevant and appropriate in connection with a given project or service.

The selectboard reserves the right at its 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.

CHANCE ORDERS. 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 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 or the change. The contractor and the Town must sign the change order.

EXCEPTIONS

Sole Source Purchases. If the selectboard determines that there is one optimal 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 anticipated to exceed \$1,000 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 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 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 judgment and discretion including legal, financial, auditing, engineering, risk management, and insurance services.

The foregoing Policy is hereby adopted by the selectboard of the Town of Thetford, Vermont, this day of 12/14/2009 and is effective as of this date until amended or repealed.