

PURCHASING POLICY

Purchasing Agent.

The Town Manager is designated by the Charter as the Purchasing Agent for the Town. Accordingly, the Town Manager and Department Heads are authorized to spend within budget appropriations. No purchase of supplies, material and equipment shall be made unless funds are appropriated by the Town Council, except as otherwise provided in the Town Charter or by other specific act of the Town Council.

Conflict of Interest

No person authorized to act on behalf of the Town shall enter into any agreement, contract, purchase order, etc., with any individual, firm, corporation, organization, or entity, in which said person or immediate family member has a financial interest. The act of doing so will be cause for disciplinary action.

Town personnel, regardless of their authorization to act on behalf of the Town, are obligated to disclose any potential conflicts of interest and must recuse themselves from participating in any decision making for the Town related to such conflict.

Purchases of Goods and Services; under \$10,000.

Purchases for goods and services involving less than Ten Thousand Dollars (\$10,000.00) may be made in the open market by the Purchasing Agent or their designated Department Head(s) without competitive bids or quotes so long as the cost of the goods or services are considered reasonable by the Purchasing Agent.

Purchases of Goods and Services; \$10,000 - \$25,000.

Purchases for goods and services involving an expenditure of Ten Thousand Dollars (\$10,000.00) to Twenty-Five Thousand Dollars (\$25,000.00) may be made in the open market by the Purchasing Agent without competitive bids so long as the of cost of the goods or services are reasonable. The required procedure shall be to solicit and evaluate written price and rate quotations from at least three (3) qualified sources.

Purchases of Goods and Services; over \$25,000

On all purchases of goods and services involving an expenditure greater than Twenty-Five Thousand Dollars (\$25,000.00), the required procedure shall be to seek competitive bids affixing a date and time limit for the reception of bids along with an outline of the evaluation criteria.

All bids for federally funded projects shall be advertised in a paper of general circulation at least 14 days prior to the close of the bid. All other projects are allowed to use the Town's website and social media at least fourteen (14) days prior to the date of closing of bids.

The Town shall solicit from at least three (3) qualified sources. All bids shall be in writing, sealed, with outside envelope or wrapper plainly marked according to the terms stipulated in the bid document and mailed to or filed with the Purchasing Agent. No official or employee of the Town shall open such a bid until the appointed time. At the time and place stated in the notice, all bids shall be opened and publicly read by the Town Purchasing Agent or by someone designated by them for that purpose. All such bids may be inspected by those present.

Purchases of Goods and Services; over \$100,000.

In addition to the procedures above for purchases over \$25,000, purchases greater than One Hundred Thousand Dollars (\$100,000) shall be approved by Ordinance of the Town Council.

Awards.

(a) Recommendations for award of purchases over \$10,000 by Department Director(s) shall be submitted to the Purchasing Agent, including a summary of how the required bidding or quoting process listed above was satisfied.

(b) Awards following competitive bids or proposals shall be made by the Purchasing Agent or their designee, to the most qualified bidder, price, quality and service considered. Bid Documents shall outline the evaluation criteria. Nothing herein shall be construed to affect the authority of the Purchasing Agent to reject any bid if it is in the best interest of the Town to do so.

(c) Awards following competitive proposals or competitive sealed bids which contain federal funding must give preference to qualified minority, woman, or veteran owned business enterprises so long as the bidder can adequately fulfill the contract for the price identified in the bid, assuming the quoted bid price falls within the appropriated budget for the purchase.

Records.

Records of all submitted bids and awards shall be retained by the Purchasing Agent or their designated Department Head(s) according to State Records Retention Guidelines. All such records are to be considered public records unless specifically exempted by State Law.

Waiver of Bid Process.

When the nature of a purchase renders the competitive bidding process ineffective by virtue of the specialized and professional nature of the goods or service, the Purchasing Agent shall document the nature of the purchase and the technique used to ensure the best quality and price for the Town. A waiver of the bid process may be authorized by the Town Manager when the services or goods are:

- a) A single source item;
- b) Must meet compatibility requirements with existing equipment owned by the Town or by a contracted third party;
- c) A specialized service with only one vendor available; or
- d) A product or service is unique and easily established as one of a kind.

Emergency Purchases.

In the case of any emergency circumstances, a Department Head, acting with the advice and approval of the Town Manager, may require the immediate purchase of materials, supplies, apparatus, or property in the open market at the lowest price obtainable. The Purchasing Agent shall notify the Town Council as soon as possible after the emergency situation has subsided, as to the steps taken to affect the purchase, the emergency situation that existed, and the methodology utilized to assure the best possible price given the attendant circumstances.

Combined Purchases.

The Town Purchasing Agent is hereby authorized to combine with other units of Government, the Maine Municipal Association, or any other organization formed to increase the purchasing power of the Town for purchasing purposes, in which event such regulations as may be jointly agreed to shall be applicable in lieu of the regulations herein.

Federal Procurement, Award, and Contracting Requirements

The following includes additional steps that must be included in bid proposals and contracts for federally funded purchases:

- A. For purchases exceeding Two Thousand Dollars (\$2,000), competitive quotes must be obtained;
- B. All bids for federally funded projects shall be advertised in a paper of general circulation at least 14 days prior to the close of the bid;
- C. Bid notices and proposal must state the type of federal funding included in the project;
- D. Bids for construction contracts in excess of Two Thousand Dollars (\$2,000) must state that Davis Bacon Labor Standards apply and the bid must contain the labor wage rates applicable to the type of work being solicited;
- E. Contracts over Ten Thousand Dollars (\$10,000) must address termination for cause and for convenience by the entity including the manner by which it will be effected and the basis for settlement;
- F. Contracts over One Hundred Thousand Dollars (\$100,000) that involve the employment of mechanics or laborers must include a provision for compliance with Title 40 U.S.C. 3702 and 3704.
- G. Bids for an award exceeding One Hundred Thousand Dollars (\$100,000) shall file the required certification under the Byrd Anti-Lobbying Amendment;
- H. The Town must perform an independent estimate before receiving any bids or

proposals on any projects in excess of One Hundred and Fifty Thousand Dollars (\$150,000);

- I. The Town will comply with any and all additional regulations where additional Uniform Guidance regulations may exist where it's a subrecipient or may have its own subrecipients.
- J. Contracts shall not be awarded to parties who have been suspended or debarred from participating in government contracts. To verify vendor has not been excluded, sam.gov can be utilized; and
- K. All contracts shall include the following when applicable:
 - a. Equal Employment Opportunity clause;
 - b. Town's rights to inventions made under a contract or agreement;
 - c. Contain a provision on compliance with the Clean Air Act and the Federal Water Pollution Control Act;
 - d. Contain mandatory standards and policies relating to energy efficiency in compliance with the Energy Policy and Conservation Act;
 - e. Comply with Section 6002 of the Solid Waste Disposal Act;
 - f. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide such sanctions and penalties as deemed appropriate; and
 - g. Address termination for cause and for convenience by the Town, including the manner in which such termination will be effected and the basis for settlement.