

Adopted 7/11/2008 by Barre City Council
Revised on 9/28/2010 by Barre City Council
Revised on 4/22/2014 by Barre City Council
Reviewed and adopted on 10/27/2020 by Barre City Council
Revised on 7/25/2023 by Barre City Council
Revised on 9/12/2023 by Barre City Council

CITY OF BARRE PROCUREMENT POLICY

PURPOSE:

The primary purposes of the City of Barre's purchasing policy are as follows:

1. To promote and effect, in the best interests of the City of Barre, open and intelligent purchasing of supplies, equipment and professional and other goods and services, which will result in the maximum value received for each tax dollar spent;
2. To assure realization of the principles of competitive purchasing and best buy at least cost;
3. To assist all departments and offices in reaching responsible, environmentally sound, and cost effective decisions in the procurement of quality supplies, equipment and professional and other goods and services for City use;
4. To ensure that qualified vendors will have an equal opportunity to do business with the City of Barre and to promote good will and clear communication in City vendor relations;
5. To purchase supplies, equipment and professional and other goods and services from locally based, competitively priced vendors whenever possible and when in the best interest of the Citizens of Barre; and
6. To promote waste reduction and recycling through purchases that take into consideration the use of recycled material in the manufacture of purchased products or equipment, the recyclability of the purchased product or equipment, and the minimization of waste to be disposed of by the City;

DEFINITIONS:

Major Purchases: Those purchases calling for delivery of supplies, equipment, and professional and other goods and/or services in the amount of \$25,000 or more.

Regular (Micro) Purchases: Those purchases calling for delivery of supplies, equipment, and professional and other goods and/or services in the amount of \$3,500 to \$25,000.

Incidental Purchases: Those purchases calling for delivery of supplies, equipment, and professional and other goods and/or services in the amount of less than \$3,500.

PROCEDURES:

1. **Major Purchases** require a formal bid process. The City Manager, or designee, shall act as Purchasing Agent for major purchases.

The Purchasing Agent shall prepare or cause to be prepared specifications or a request for proposal for the goods or services required, and shall advertise an Invitation to Bid as widely as possible, including posting on one or more of the following:

- a. the City Web site (www.barrecity.org);
- b. the City's official social media site(s) (Facebook);
- c. the Vermont Business Registry and Bid System (<https://www.vermontbusinessregistry.com/>); and/or
- d. in a newspaper of general circulation in the City of Barre.

The Invitation to Bid shall include the following:

- a. Identification of all evaluation factors and their relative importance. In the absence of any specific factors, the City of Barre shall evaluate bids based on the bidder's (i) ability to provide services listed, (ii) experience with similar projects/services, (iii) qualifications of staff, and (iv) total cost;
- b. The location, time and place for receiving and opening sealed bids;

- c. Information on how to obtain bid specifications and bid forms, or the request for proposal;
- d. A description of the goods or services for which bids are to be received;
- e. The right of the City of Barre to reject any or all bids if such action is deemed in the best interests of the municipality;
- f. A request for at least three (3) qualified references for (i) new bidders and (ii) any projects that would trigger the threshold of Chapter 24 of Barre City Ordinances, provided such references may be requested after selection and before award of the contract;
- g. An outline, where appropriate, of the insurance requirements of the municipality in order to limit the municipality's risk.
- h. Requirements, where appropriate, for a Bid Bond (5%), a Performance Bond (100%), and a Payment Bond (100%).

Except as noted for professional services proposals below under exceptions, such bids shall be opened publicly not less than ten (10) days following the date of the first advertisement, unless the City Manager determines that an exigent need exists for a shorter advertisement period, at the time and place specified in the published notice. Contracts for major purchases shall be awarded by the City Council. At a minimum, the following criteria shall apply:

- a. All bids shall be opened publicly at the time and place specified in the Bid Invitation.
- b. A firm, fixed price contract (lump sum or unit price) shall be awarded to a responsible bidder. See part IV for more details on vendor selection.
- c. If only one (1) bid is received, City Council approval is necessary before the award is made.
- d. Any or all bids may be rejected for any reason. The City is not required to award any contract to any bidder for any reason, including the lowest bidder.

2. **Regular Purchases** must be accomplished through competitive solicitation, but not necessarily through formal bids.

The City Manager, or designee, shall act as Purchasing Agent for regular purchases. Approval for all regular purchases must give given by the City Manager prior to purchasing being made. Regular purchases may be made through formal bid or written quotation at the discretion of the Purchasing Agent in consultation with the department head for whose department the purchase is being made. Bids or quotations should be sought from at least three (3) vendors unless (i) a sole source is approved as per the Exceptions section below or (ii) three qualified vendors cannot be identified within a reasonable period. Regular purchases shall follow established procedures for requisitions, invoices, verification, and payment.

3. **Incidental purchases** may be accomplished without the solicitation of bids or quotations. However, if practicable, quotation(s) should be solicited. The City Manager or designee shall act as Purchasing Agent for incidental purchases. As with regular purchases, incidental purchases shall be accomplished in a manner consistent with procedures adopted by the City Manager and /or their designee. This includes conformance with the designee's Purchase Order (PO) Policy.

4. When, in the best interests of the City, it is necessary to provide additional documentation to ensure the specificity and necessity of the material or service being purchased, a written contract shall be prepared and used to authorize the purchase.

5. Lists of bidders shall be maintained by the City Department purchasing the products or services, paying close attention to vendors who have bid on similar items in the past and to local vendors who provide the type of product or service being sought. Department Heads or the City Manager's designee shall also be responsible for keeping a list of bidders for moderate or routine purchases. Bid lists should be as inclusive as reasonably possible, including vendors who hold state contracts as well as qualified vendors from the City of Barre.

VENDOR SELECTION:

Vendors will be selected on a competitive basis. Purchases will be awarded to the least costly, best qualified, and most responsible vendor. Any or all bids, quotations, or proposals may be rejected if such action is deemed to be in the best

interests of the City of Barre. In determining the "least costly, best qualified, and most responsible vendor," in addition to price, the following may be considered:

1. The substantial performance of the bidder in meeting the specifications and other terms and conditions of the solicitation;
2. The ability, capacity, and skill of the vendor to perform the contract or provide the goods or services required, and to do so promptly or within the time specified;
3. The character, integrity, reputation, experience, financial resources, and performance of the vendor under previous contracts with the municipality and elsewhere;
4. The quality, availability, and adaptability of the service or goods being purchased, and the ability of the vendor to provide future maintenance if necessary.
5. A Local Vendor Allowance of up to five percent (5) may be factored into any non-federally subsidized (grant funded) purchases. This decision will be made during the bid selection process. It may be used in conjunction with other criteria specified in this section in order to choose the most qualified vendor.

EXCEPTIONS:

1. The City Council may waive the bid process or approve a sole source solicitation for Major Purchases when they deem it to be in the best interests of the municipality. The City Manager may do likewise for Regular Purchases but shall notify Council prior to the approval of such purchases. Sole source solicitations should be reviewed to determine that the price offered is fair and reasonable or that there is only one manufacturer/supplier of the goods or services to be purchased and/or that there are service/performance factors that warrant sole source procurement with a specific vendor on a case by case basis. Sole source solicitations for Federally funded purchases must be expressly authorized by the Federal awarding agency.
2. Except in cases of conflict with the Barre City Charter, the purchase of professional services shall normally be exempt from the formal bid process at the discretion of the City Manager. It is recognized that proposals for professional services (including, but not limited to, legal counsel, insurance, engineering/architectural services, and some other consulting services) are difficult to compare and that weight must be given to many considerations other than price. When soliciting professional services for new work that is not an extension of services within an on-going project, a Qualifications Based Solicitation (QBS) process will be used unless mitigating factors apply. In any case, the purchase of professional services whose cost is expected to exceed \$25,000 for a project must be approved by the City Council.
3. Except on Federally subsidized procurements, the following items are exempted from both the bid and quotation process:
 - a. Repairs on equipment;
 - b. Fire hydrants;
 - c. Utilities;
 - d. Service Contract contracting for services to maintain purchased or leased equipment
4. Purchases made subject to existing contracts issued by the State of Vermont shall be deemed exempt from the provisions of this policy.

SUSPENSION AND DEBARMENT:

Non-federal entities are prohibited from contracting with or making sub awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for supplies, equipment and professional and other goods or services equal to or in excess of \$100,000 and non-procurement transactions (grants to sub recipients).

Each responding proposer shall be registered with SAM.gov with a current Non Debarment Certification. A copy of such certification shall be provided with each quotation or proposal. In the event a proposer is not currently registered on SAM.gov, the proposer shall, as an interim step or at any point prior to being awarded the contract or receiving final payment for any such contract, include a written statement certifying that it, any sub recipients, and any of their principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in (2) above; and
4. Have not within a three-year period preceding this application/proposal had one of more public transactions (Federal, State or local) terminated for cause or default.
5. Contingent upon the above written certification at the time of submission, a proposer not registered with SAM.gov at submission will be required to register prior to the award of any contract covered in this section

EMERGENCY CLAUSE:

The provisions of this policy may be waived in the event of an emergency. An emergency situation shall be defined as one which threatens the lives or health of the people, the property of the municipality or its citizens, or the delivery of necessary services to the citizens of Barre.

During emergency situations, when normal procurement procedures would be impracticable, the following procedures shall be followed:

1. The City Manager shall approve all requests for emergency purchases. In the event that the City Manager is unavailable, their designee may approve essential purchases.
2. The Mayor, on behalf of the City Council, shall be notified, within seventy-two (72) hours of the contract, and shall be notified of all purchases made under this emergency clause weekly every Friday on a rolling basis. The City Manager or their designee shall be notified immediately of all emergency purchases made without the Manager's prior approval.

INCONSISTENT POLICIES REPEALED:

This policy shall amend and replace any conflicting provisions of any Policy of the City of Barre in effect at the time of enactment of this amended Policy.

REFERENCES:

Originally adopted by Barre City Council on July 11, 2008.

Reviewed and adopted by Barre City Council on October 27, 2020.