



PROCUREMENT POLICY MANUAL

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CHAPTER 1 – GENERAL PROVISIONS

1.1 Purpose

The purpose of this Procurement Policy Manual is to provide all service units/departments with systematic, comprehensive guidelines of policies, procedures and practices necessary for procuring supplies, materials, equipment, or services required for departmental operations.

1.2 Goals and Objectives

The fundamental objective of all service units/departments in the purchasing function is to procure supplies, materials, equipment, or services required for departmental operations in the right quality and quantity, on a timely basis, as efficiently as possible, and at the lowest cost. In pursuit of this objective, we seek to establish practical and efficient purchasing procedures to obtain:

- the most value for each tax dollar spent;
- proper commitment and expenditure of Town funds;
- compliance with State and local legal requirements;
- fair and equitable treatment of all vendors who deal with the purchasing system of the Town;
- public confidence in the procedures followed in public purchasing;
- increased economy in procurement activities by fostering effective competition; and
- maintenance of a purchasing system of quality and integrity.

1.3 Responsibility and Requirement of Good Faith

All employees shall follow the outlined procedures for the purchase of all goods and services.

The Department Directors shall insure adherence to the procurement policies and procedures by their staff.

The Purchasing Officer shall review/audit procurement documents and shall determine whether procurement activities conducted in a consistent, practical and efficient manner and ensure that procurement policies and procedures are followed accordingly.

The Town requires all parties involved in the negotiation, performance, or administration of Town procurements to act in good faith.

1.4 Effective Date

This policy shall become effective on February 1, 2001.

CHAPTER 2 - PROCUREMENT CYCLE STAGES

There are three major stages in the procurement cycle. Each stage is equally important. If the focus is simply on purchasing, with little attention to planning and scheduling, or to contract administration, problems are certain to arise. The three stages are:

- Planning and scheduling,
- Source selection, and
- Contract administration

Part A – Planning and Scheduling

Planning is necessary in order to consolidate purchases and achieve economies of scale. Scheduling takes advantage of market cycles by anticipating the best time to buy. Departments that budget effectively estimate their need for commodities and services in advance. From these estimates, a purchasing schedule can be created that takes into account and consolidates departmental needs. Procurement planning and scheduling should go hand in hand with budget development.

Part B – Source Selection

The Department Director or his/her designee shall define what is to be bought. He/She shall develop specifications, scopes of work, decide on the appropriate purchase method, issue the solicitation and evaluate bids/offers. See Chapter 3 - Methods of Source Selection, Chapter 4 - Specifications and Bid Documents & Requirements, and Chapter 5 - Professional Service Procurement.

Part C – Contract Administration

In this stage, purchase orders are issued; bills are approved and submitted for payment.

2.1 Issuance of Purchase Order and Encumbrance of Funds

a. Initiative. Upon award of a bid, proposal or quotation a Purchase Order shall be initiated. Purchase Orders are required for all purchases greater than or equal to \$1,000. In cases, where a vendor requests a purchase order for items under \$1,000, one shall be issued. (Purchase orders are a legal contract to purchase the specified items at a specified cost.) Purchase orders begin at the department level with the issuance of a requisition that is released and approved by the department head or his/her designee. At a minimum, the requisition includes the following information:

- Vendor Name and Address
- Deliver to: Complete street and address where goods are to be shipped
- Program or Division
- Date Form prepared
- Fiscal Year

- Organization, Object, and Project Code (if applicable): Funds will come from these budget codes to pay for the purchase item
- Quantity: Number of unit being purchased
- Unit: Unit of measure such as each, reams, linear feet, cases, gallons, pounds
- Description: Complete, clear description of items including all specifications such as manufacturer, model, style, type, color, grade, etc. The requisition form provides space for notes by the issuer and any approver during the approval process that may or may not be included on the final purchase order.
- Unit Price: List current unit price
- Amount: Is automatically calculated based on quantity and unit price.
- Equipment to be Inventoried: In capturing fixed assets information for financial reporting purposes, the appropriate box Yes/No should be checked. Items with a value greater than or equal to \$5,000 qualify as fixed assets and will be added to the fixed asset inventory

The department must retain the RFPs and quotes that it received. The department will be periodically audited to make sure that it is complying with quotation and bid requirements.

b. Approval. Completed requisition requests shall be approved and processed as follows:

<u>By</u>	<u>Responsibility</u>
<u>First</u> : Department Director or his/her designee	Approves or disapproves of requisition based on the suitability of the item or service within the budget program and the availability of sufficient funds in the designated account; ensures that procurement policies and procedures are followed thoroughly by staff.
<u>Second</u> : Purchasing Officer	Reviews requisition, requests sufficient documentation to determine whether procurement transactions were conducted in a consistent, practical and efficient manner; ensures that policies and procedures are followed accordingly.
<u>Third</u> : Finance Director	Verifies appropriation accounts, and checks for sufficient funding to be encumbered.

Fourth: Town Manager

Approves and authorizes the departments to purchase the requested supplies, materials, equipment or services.

A requisition under \$25,000 does not require Town Manager approval.

Fifth: Encumbrance of Funds

The approved requisition shall be converted to a purchase order at which time funds are encumbered for the amount of the Purchase Order.

c. Distribution.

- Once a Purchase Order has been created, Finance will retain a copy in the Finance Department. The vendor copy will be returned to the department as well as a copy for the department's files.
- The vendor copy will be sent to the vendor by the department. This will authorize the vendor to supply the department with the request item. Upon issuance of a Purchase Order, its terms and conditions form a commitment to price and availability by the Vendor.
- The department will file the department's copy in the department's active purchase order file.

2.2 Review of Open Purchase Orders

Department heads shall review all open purchase orders on a regular basis to determine if the product/service will be received or if the purchase order should be cancelled.

The Finance Director or his/her designee shall review purchase orders on a quarterly or bi-annual basis to determine the status of all open encumbrances.

A periodic review shall be made by the Finance Committee of the Town Council of all outstanding encumbrances for the purpose of either canceling or allowing the encumbrance to continue.

2.3 Receipt of Goods

When supplies, materials, or equipment are delivered, the requesting department must physically examine the goods to ensure that the delivered goods are as ordered. The requesting department should check all deliveries for any damages, shortages, and conformity to specifications. Any damages, shortages or deviations from specifications

should be carefully noted and reported to the vendor and the Department Director or his/her designee so that corrective actions can be taken.

2.4 Payment of Invoice

a. Invoice Approval for Payment--PO

- **Initiative.** When the department is assured that supplies, materials, or equipment received are in good order and the invoice is accurate, the department will initiate the payment process through the Invoice Entry screen in the computer system. Only the amount of the invoice will be liquidated if the purchase order is only partially complete. However, if the remainder of the purchase order will not be filled then the entire balance should be liquidated. Original invoice must be submitted to Accounts Payable with its batch cover page.

(1) **Approval.** Payment request shall be approved by the Department Director or his/her designee for processing in the next check cycle.

b. Invoice Approval for Payment--No PO. The following types of items or services are exceptions to Purchase Orders. These items should be paid directly by entering the information into the Invoice Entry screen. Items to be paid in this manner include: supplies, materials, equipment or services that are under \$1,000; and equipment repairs, utility bills, membership dues, advertising, and grants and contributions that are equal to or greater than \$1,000.

(1) **Initiative.** The original invoice must be forwarded to Account Payable with its batch cover page and must include the following minimum information:

- Organization, object, and project (if applicable) codes. Funds will come from these budget codes to pay for the purchase item
- Amount to be paid: (See Section 2.6 Tax Exempt)
- Invoice Number: Each individual invoice number must be entered. If the screen rejects the invoice number it usually indicates that the bill has previously been paid
- Description: Clear description of items being paid
- Vendor Name and Address: Automatically enters from vendor number
- No payments are allowed from vendor statements – only original invoices

(2) **Approval.** Payment request shall be approved by the Department Director or his/her designee.

2.5 Records of bid documents

The completed bid documents shall be retained in the department's active file for six years after completion for construction projects and three years for service or supply

items. The records will be routinely audited by Finance to make sure that bidding procedures, etc., are being complied with. In return, less paper (backup documents) will be sent over to Accounts Payable.

2.6 Tax Exempt

The Town is exempt from Federal Excise Taxes and Connecticut Sales and Use Taxes. No such taxes shall be paid for supplies, materials, equipment or services.

2.7 Check Cycles

Two check cycles are performed each month. Approved batches for payment received by 12 noon on the Monday prior to the check cycle will be included in that check cycle.

During a check cycle, payments to vendors will be posted through the system.

CHAPTER 3 - METHODS OF SOURCE SELECTION AND CONTRACT FORMATION

Part A – Methods of Source Selection

The purpose of this Part is to provide Town Personnel with adequate guidelines to conduct procurement transactions by fair and open competition under varying market conditions in order to satisfy public needs for supplies, services, and construction at the most value for each tax dollar spent. Fair and open competition reduces the opportunity for favoritism and inspires public confidence that procurement activities are performed fairly and economically. This chapter describes a variety of source selection techniques that provide the best competition for all types of procurements.

- 1 Competitive Sealed Bids (Section 3.1);
- 2 Competitive Sealed Proposals (Section 3.2);
- 3 Request for Quotations (Section 3.3);
 - a. Three Written Price Quotations;
 - b. Three Verbal Price Quotations;
 - c. Two Verbal Price Quotations;
- 4 Sole Source Procurements (Section 3.4);
- 5 Emergency Procurements (Section 3.5);

3.1 Competitive Sealed Bids is the preferred method for purchases larger than the small purchase threshold (See Section 3.3 (Request for Proposals)). In this method, the Town issues an Invitation to Bid. These documents include a standard form on which vendors respond by filling out their bid – which is their offer to provide the requested goods or services for a flat price or fixed unit cost. Bids are submitted sealed, and opened in public at a predetermined time. The award is made to the vendor submitting the lowest bid – assuming the bid is responsive to the solicitation and is made by a responsible vendor. Bids are “take it or leave it” propositions.

a. Conditions for Use. Competitive sealed bidding shall be the method of source selection for all purchases in excess of one-tenth of one percent of the current tax levy pursuant to Town Charter requirements, except as provided in:

- (1) Competitive Sealed Proposals (Section 3.2);
- (2) Sole Source Procurements (Section 3.4);
- (3) Emergency Procurements (Section 3.5);
- (4) Professional Service Procurements (Chapter 5)

The current tax levy is the amount of money to be raised through taxes assessed on the current grand list. Since this amount changes every July 1, with the beginning of a new fiscal year, the calculation of one-tenth of one percent also changes (see Revenue Account # 51002 Current Levy in the Annual Budget).

b. Invitation to Bid. An Invitation to Bid is used to initiate competitive sealed bid procurement. The Invitation to Bid shall include a purchase description and shall specify the bid opening date, time, place as well as method of obtaining all bidding

documents. The Finance Director shall approve the Invitation to Bid before the Public Notice of the Invitation to Bid is published in the newspaper.

- c. *Bidding Time.*** Bidding time is the period of time between the date of distribution of the Invitation to Bid and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids (See Section e (Public Notice)).
- d. *Bidder Submission - Bid Form.*** The Invitation to Bid shall provide a form that shall include space in which the bid price shall be inserted and which the bidder shall sign and submit along with all other necessary submissions.
- e. *Public Notice.*** Public notice of the Invitation to Bid shall be given at least ten days prior to the date of the bid opening. Such notice shall be published by at least one publication in a newspaper having a circulation in Town.
- f. *Bidders Lists.*** Bidders lists may be compiled to provide the Town with the names of businesses that may be interested in competing for various types of Town contracts. The Purchasing Office and the departments shall develop and log a list of possible vendors. Unless otherwise provided, inclusion or exclusion of the name of a business does not indicate whether the business is responsible in respect to a particular procurement or otherwise capable of successfully performing a Town contract. Names and addresses on the bidders lists shall be available for public inspection provided these lists shall not be used for private promotional, commercial, or marketing purposes.
- g. *Pre-Bid Conferences.*** Pre-bid conferences may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders known to have received an Invitation to Bid. The conference should be held long enough after the Invitation to Bid have been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation to Bid unless a change is made by written amendment as provided in Section 3.1.h (Amendments to Invitations to Bids). If a transcript is made it shall be a public record.
- h. *Amendments to Invitations to Bids.***

 - (1) *Use.*** Amendments should be used to:

 - (a)** make any changes in the Invitation to Bid such as changes in quantity, purchase descriptions, delivery schedules, and opening dates;
 - (b)** correct defects or ambiguities; or

(c) furnish to other bidders information given to one bidder if such information will assist the other bidders in submitting bids or if the lack of such information would prejudice the other bidders.

(2) **Form.** Amendments to Invitation to Bid shall be identified as such and shall require that the bidder acknowledge receipt of all amendments issued. The amendment shall reference the portions of the Invitation to Bid it amends.

(3) **Distribution.** Amendments shall be sent to all prospective bidders known have received an Invitation to Bid.

(4) **Timeliness.** Amendments shall be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, such time shall be increased to the extent possible in the amendment or, if necessary, by fax or telephone and confirmed in the amendment.

i. Pre-Opening Modification or Withdrawal of Bids.

(1) **Procedure.** Bids may be modified or withdrawn by written notice received in the Purchasing Office prior to the time and date set for bid opening. No bidder may withdraw his bid within sixty (60) calendar days after the actual date of bid opening.

(2) **Disposition of Bid Security.** If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

(3) **Record.** All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

j. Late Bids, Late Withdrawals, and Late Modifications.

(1) **Definition.** Any bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of a bid received after the time and date set for opening of bids at the place designated for opening is late.

(2) **Treatment.** No late bid, late modification, or late withdrawal will be considered unless received before contract award, and the bid, modification, or withdrawal would have been timely but for the action or inaction of Town personnel directly serving the procurement activity.

(3) **Notice.** Bidders submitting late bids that will not be considered for award shall be so notified as soon as practicable.

- (4) **Records.** Records equivalent to those required in Section 3.1 i (3) (Pre-Opening Modification or Withdrawal of Bids, Records) shall be made and kept for each late bid, late modification, or late withdrawal.

k. Receipt, Opening, and Recording of Bids.

- (1) **Receipt.** All bids are to be received in the Finance Office. Upon its receipt, each bid shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening.

- (2) **Opening and Recording.** Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation to Bid. The amount of each bid together with the name of the bidder shall be recorded; the record and each bid shall be open to public inspection except to the extent the bidder designates trade secrets or other confidential proprietary data.

- l. Bid Acceptance and Bid Evaluation.** Bids shall be unconditionally accepted without alteration or correction, except as specifically called for in the bids. Bids shall be evaluated based on the requirements set forth in the Invitation to Bid, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, and criteria affecting price such as life cycle or total ownership costs. The Invitation to Bid shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the Invitation to Bid.

- m. Mistakes in Bids.** While bidders should expect to be bound by their bids, circumstances frequently arise where correction or withdrawal of bids is proper and should be permitted. Correction or withdrawal of a bid because of an inadvertent, non-judgmental mistake in the bid requires careful consideration to protect the integrity of the competitive bidding system, and to assure fairness. If the mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of a nonjudgmental mistake is permissible but only to the extent it is not contrary to the interest of the Town or the fair treatment of other bidders.

- (1) **Mistakes Discovered Before Opening.** A bidder may correct mistakes discovered before the time and date set for bid opening by withdrawing or correcting the bid as provided in Section 3.2.i (Pre-Opening Modification or Withdrawal of Bids).

- (2) **Confirmation of Bid.** When the Department Director knows or has reason to conclude that a mistake has been made, the Department Director should request the bidder to confirm the bid. Situations in which confirmation should be requested include obvious, apparent errors on the face of the bid or a bid unreasonably lower than the other bids submitted. If the bidder alleges mistake, the bid may be corrected or withdrawn if the condition set forth in Subsections

m.(3) (Mistakes Discovered After Opening but Before Award) through m.(5) (Determinations Required) of this Section are met.

(3) ***Mistakes Discovered After Opening but Before Award.*** This Subsection sets forth procedures to be applied in three situations described in Subsections (a) through (c) of this Subsection in which mistakes in bids are discovered after the time and date set for bid opening but before award.

(a) ***Minor Informalities.*** Minor informalities are matters of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, the effect on price, quantity, quality, deliver, or contractual conditions is negligible. The Department Director shall waive such informalities to allow the bidder to correct them depending on which is in the best interest of the Town. Examples include the failure of a bidder to:

- return the number of signed bids required by the Invitation to Bid;
- sign the bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intent to be bound; or
- acknowledge receipt of an amendment to the Invitation to Bid, but only if:
 - * it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or
 - * the amendment involved had a negligible effect on price, quantity, quality, or delivery.

(b) ***Mistakes Where Intended Correct Bid is Evident.*** If the mistake and the intended correct bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

(c) ***Mistakes Where Intended Correct Bid is Not Evident.*** A bidder may be permitted to withdraw a low bid if:

- a mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
- the bidder submits proof of evidentiary value which clearly and convincingly demonstrates that a mistake was made.

- (4) ***Mistakes Discovered After Award.*** Mistakes shall not be corrected after award of the contract except where the Department Director makes a written determination that it would be unconscionable not to allow the mistake to be corrected.
- (5) ***Determinations Required.*** When a bid is corrected or withdrawn, or correction or withdrawal is denied, under Subsections (3) or (4) of this Section, the Department Director shall prepare a written determination showing that relief was granted or denied in accordance with these policies.

n. Award.

- (1) Award shall be made with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid. Responsibility of bidders or offerors is described in Part C of this Chapter. *Responsive bidder* means a person who has submitted a bid that conforms in all material respects to the Invitation to Bid. *Responsible bidder* means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability that will assure good faith performance.
- (2) When all bids are determined to be unreasonable or the lowest bid on a construction project exceeds available funds, and the public need does not permit the time required to resolicit bids, then a contract may be awarded pursuant to the emergency authority in Section 3.5 (Emergency Procurements).
- (3) The Department Director shall be responsible for verifying that adequate funding is available before awarding a contract. Once a vendor/contractor has been selected, the Department Director or his/her designee shall notify the Finance Director by Memo of his/her recommendation. No purchase or contract or commitment for purchase or contract shall be made until the Finance Director shall have certified that there is a sufficient unexpended and unencumbered balance of the appropriation against which the expense is to be charged. The Finance Director shall record the amount of expenditures and contracts for future expenditures as encumbrances on the appropriation from which they are to be paid.

3.2 Competitive Sealed Proposals is the method used for goods and services above the small purchase threshold (See Section 3.3 (Request for Proposals)) where the specifications cannot be developed so that they are sufficiently precise to make a selection solely based upon price. (For example, a department needs a machine that will perform a certain operation. Each of five products on the market will perform the function, but each are constructed somewhat differently and hence have different specifications.) In the competitive sealed proposal process, the Town issues a Request for Proposals (RFP) describing, as best as it can, the item to be purchased and invites interested vendors to make proposals. A “proposal” is an offer by a vendor to provide the requested goods or services as he/she understands and recommends it at a suggested price

or unit cost. Both the specifications of the proposed goods or services, and the price are subject to negotiation. A selection committee of more than one Town employee evaluates proposals, usually. The award is made to the proposal that is most advantageous to the Town considering price and the other evaluation criteria described in the RFP.

- a. *Conditions for Use.*** A contract may be entered into by competitive sealed proposals when the Finance Director determines that the use of competitive sealed bidding is either not practicable or not in the best interest of the Town. The determination to use a RFP may be made if it is necessary to:

 - (1) use a contract other than a fixed price type;
 - (2) conduct oral or written discussions with vendors concerning technical and price aspects of their proposals;
 - (3) afford vendors the opportunity to revise their proposals;
 - (4) compare the different price, quantity, and contractual factors of the proposals submitted;
 - (5) award a contract in which price is not the determining factor;
 - (6) select a vendor based on the overall proposal when the Town is unable to draft specifications in sufficient detail due to its professional nature.
- b. *RFP.*** Proposals shall be solicited through a RFP. The RFP shall be prepared in accordance with Section 3.1.b (Invitation to Bid). The RFP must contain the project title, the general scope of work, the submission deadline, the name of the contact person, and the information requested. The Finance Director shall approve the RFP before the Public Notice of the RFP is published in the newspaper.
- c. *Proposal Preparation Time.*** Proposal preparation time shall be set to provide offerors a reasonable time to prepare their proposals. A minimum of 15 days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined by the Department Director.
- d. *Form of Proposal.*** The manner in which proposals are to be submitted, including any forms for that purpose, may be designated as a part of the RFP.
- e. *Public Notice.*** Adequate public notice of the RFP shall be given in the same manner as provided in Section 3.1e (Competitive Sealed Bids, Public Notice).
- f. *Bidders Lists.*** Bidders lists compiled and maintained in accordance with Section 3.1.f (Competitive Sealed Bids, Bidders Lists) may serve as a basis for soliciting competitive sealed proposals.
- g. *Pre-Proposal Conferences.*** Pre-proposal conferences may be conducted in accordance with Section 3.1g (Competitive Sealed Bids, Pre-Bid Conferences). Any such conference should be held prior to submission of their proposals.

- h. Amendments to RFP.** Amendments to RFP may be made in accordance with Section 3.1.h (Competitive Sealed Bids, Amendments to Invitation to Bid) prior to submission of proposals. After submission of proposals, amendments to RFP shall be distributed only to offerors who submitted proposals, and they shall be permitted to amend those submitted.
- i. Modification or Withdrawal of Proposals.** Proposals may be modified or withdrawn prior to the established due date in accordance with Section 3.1.i (Competitive Sealed Bids, Pre-Opening Modification or Withdrawal of Bids). *For the purposes of this Section and Section 3.2.j (Competitive Sealed Proposals, Late Proposals, Late Withdrawals, and Late Modifications), the established due date is either the time and date announced for receipt of proposals or receipt of modification to proposals, if any; or if discussions have begun, it is the time and date by which best and final offers must be submitted, provided that only offerors who submitted proposals by the time announced for receipt of proposals may submit best and final offers.*
- j. Late Proposals, Late Withdrawals, and Late Modifications.** Any proposal, withdrawal, or modification received after the established due date at the place designated for receipt of proposals is late. They may be only considered in accordance with Section 3.1.j (2) (Competitive Sealed Bids; Late Bids, Late Withdrawals, and Late Modifications; Treatment).
- k. Receipt of Proposals.** All proposals are to be received in the Finance Office. Upon its receipt, each bid shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening.
- l. Evaluation Factors.** The RFP shall state the relative importance of price and other evaluation factors. The evaluation shall be based on the evaluation factors set forth in the RFP. Factors not specified in the RFP shall not be considered.
- m. Discussion with Responsible Offerors and Revisions to Proposals.** As provided in the RFP, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- n. Mistakes in Proposals.**
- (1) Confirmation of Proposal.** When the Department Director knows or has reason to conclude before award that a mistake has been made, the Department Director should request the offeror to confirm the proposal. If the offeror alleges mistake, the proposal may be corrected or withdrawn during any discussions that are held or if the conditions set forth in Subsection n.(2) (Mistakes Discovered After Receipt of Proposals but

Before Award) through n.(4) (Determinations Required) of this Section are met.

(2) ***Mistakes Discovered After Receipt of Proposals but Before Award.*** This Subsection sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award.

(a) ***During Discussions; Prior to Best and Final Offers.*** Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.

(b) ***Minor Informalities.*** Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under competitive sealed bidding. See Section 3.1.m.(3).(a) (Competitive Sealed Bidding; Mistakes in Bids; Mistakes Discovered After Opening but Before Award; Minor Informalities).

(c) ***Correction of Mistakes.*** If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:

- The mistake and the intended correct offer are clearly evident on the face of the proposal, in which event the proposal may not be withdrawn; or
- The mistake is not clearly evident on the face of the proposal, but the offeror submits proof of evidentiary value that clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors.

(d) ***Withdrawal of Proposals.*** If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:

- The mistake is clearly evident on the face of the proposal and the intended correct offer is not;

- The offeror submits proof of evidentiary value which clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or
- The offeror submits proof of evidentiary value, which clearly and convincingly demonstrates the intended correct offer, but to allow correction would be contrary to the fair and equal treatment of the other offerors.

(3) ***Mistakes Discovered After Award.*** Mistakes shall not be corrected after award of the contract except where the Department Director finds it would be unconscionable not to allow the mistake to be corrected.

(4) ***Determinations Required.*** When a proposal is corrected or withdrawn, or correction or withdrawal is denied under Subsection (2).(b) – (d) or (3) the Department Director shall prepare a written determination showing that relief was granted or denied in accordance with these policies.

o. Award. Award shall be made to the responsible offeror whose proposal conforms to the solicitation and is determined in writing to be the most advantageous to the Town taking into consideration price and the evaluation factors set forth in the RFP. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. The procedure described under Section 3.1.n.(3) shall also apply under this Section.

3.3 Requests for Quotations (RFQ). For purchases from \$1,000 to one-tenth percent of the current tax levy, RFQ are issued to a specified minimum number of vendors who then submit quotes (prices). A “quote” is less formal than a bid, and may be verbal. Award is given to the vendor who provides the lowest quote for the specified item. *All quotations, including the source of the quote, the contact person and the telephone number for each vendor, should be listed on the Price Quotation Form. Written, faxed, or emailed quotations must specify that the quotation’s valid for at least 30 days. If written or faxed, the quotation must be on stationary. If emailed, quote must be as an attachment. Written, faxed or (printed) email quotations must be attached to a completed Price Quotation Form.*

a. Three Written Price Quotations. A minimum of three written quotations must be obtained for purchases from \$5,000 to one-tenth of one percent of the current tax levy (see Section 3.1 for definition of Current Tax Levy).

b. Three Verbal Price Quotations. For purchases costing between \$1,000 and \$5,000 the department must obtain three verbal price quotations.

c. Two Verbal Price Quotations. For all purchases under \$1,000, two verbal price quotations are recommended.

- d. Award.* Award shall be made with reasonable promptness to the lowest quote for the requested item. The Department Director shall be responsible for ensuring adequate funds are available.

3.4 Sole Source Procurements

If determined prior to procurement that only one source is available to supply a required material or service, the procurement may be authorized. Sole source procurement will not be used unless sufficient evidence can be documented that no other type of material or service will satisfy Town requirements. Sole source procurement shall be avoided except when no reasonable alternative sources exist. Departments submitting any purchase request for consideration as a sole source provider must include written documentation stating the basis or existence of a sole source condition. The Finance Director shall approve all sole source procurements.

3.5 Emergency Procurements

- a.* An emergency procurement is defined as any purchase necessitated by uncontrollable circumstances during a time when the normal purchasing cycle is impractical or when the failure to make the purchase is potentially hazardous to the life, health or convenience of the Town's citizens. Failure to properly plan routine purchases is not considered a basis for emergency purchases.
- b.* In case of an emergency purchase during working hours, the Finance Director should be notified. If the Finance Director is satisfied that the situation is a true emergency, a manual purchase order will be issued. The vendor should be instructed to reference the purchase order number on all invoices relating to that order. If the situation does not warrant an emergency purchase order, the department shall be requested to process the purchase order through a normal process.
- c.* In case of an emergency purchase during non-working hours, the Department Director or his/her designee may make the purchase without a purchase order number. The Department Director should forward a memo to the Finance Director on the next working day giving all pertinent information, including day and time of purchase and reasons for making purchase outside of the normal procurement process.
- d. Equipment Repairs.* Because of the unusual nature of equipment repairs and the necessity to prevent delays and maintain operations, unforeseen repairs or equipment breakdowns shall be considered emergencies for the purpose of this section. Where possible, competitive pricing should be obtained for purchases made. This procedure shall be allowed for unforeseen repairs or equipment breakdowns only, and not for routine maintenance.

3.6 Town-wide Commodities

Commodities listed in Appendix E should be purchased from approved vendors through contracts awarded by the Purchasing Officer through a competitive bidding process.

Part B – Responsibility of Bidders or Offerors

3.7 Standards and Information Pertaining to Responsibility

Factors to be considered in determining whether a bidder or offeror will be a responsible contractor include financial ability, resources, skills, capability, and business integrity necessary to perform the contract. The bidder or offeror shall supply information requested concerning the responsibility of such bidder or offeror. If such bidder or offeror fails to supply the requested information, the Department Director shall base the determination of responsibility upon any available information or may find the bidder or offeror to be nonresponsible if such failure is unreasonable. Before awarding a contract, the Department Director must be satisfied that the bidder or offeror is responsible.

3.8 Right of Nondisclosure

Confidential information furnished by a bidder or offeror for bid or proposal evaluation may be of a privileged or a proprietary nature and shall not be disclosed without the consent of the bidder or offeror.

Part C – Cancellation of Invitations to Bids or Requests for Proposals

3.9 The Finance Director may cancel an Invitation to Bid or a Request for Proposals at any time prior to any contractual commitment, provided that such action is taken in the best interest of the Town. A sufficient reason for cancellation may be that the Town no longer requires the supplies, materials, equipment, or services, which were the subject of the procurement. The reason therefor shall be made part of the contract file.

Part D – Waiving of the Bidding Process

3.10 The bidding process may be waived in the event that the Town Manager advises the Council that it would be inadvisable to solicit bids because:

- the requested item is available only through a single source of supply;
- the project does not permit sufficient time to fulfill the requirements concerning competitive bids;
- a competitive bid is determined to be inappropriate or impractical.

CHAPTER 4 – SPECIFICATIONS, BIDDING DOCUMENTS AND REQUIREMENTS

4.1 Specification. Specification means any description of the physical or functional characteristics, or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

4.2 Specification Preparation. The Department Director or his/her designee shall be responsible for formulating technical specifications and preparing. The complete specifications should be clear and concise; be competitive and non-restrictive; insure the product will perform its designed function at the lowest cost; and maximize the number of bids received from qualified bidders.

4.3 Bidding Documents. Bidding Documents include the Bidding Requirements and the proposed Contract Documents. The Bidding Requirements consist of the Advertisement or Invitation to Bid, Instruction to Bidders, Supplementary Instructions to Bidders, the bid form, and other sample bidding and contract forms. The proposed Contract Documents consist of the form of Agreement between the Town and Contractor, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications and all Addenda issued prior to execution of the Contract. See G:\data\purchasing\stdBD for the Standard Bid Document file for equipment, supplies and professional services.

4.4 Preparation and Responsibility

- a. Preparation.* The preparation of the bid documents is initially the responsibility of the Department Director or his/her designee requiring the equipment or services.
- b. Responsibility of the Department Director.* The Department Director or his/her designee shall review the Standard Bid Document and determine the appropriate provisions (delivery terms and conditions, award language, bonds (if any), insurance requirements, warranties, etc.) for inclusion in the Bid.
- c. Responsibility of the Purchasing Officer.* The Purchasing Officer shall assist in this process and review bid documents for equipment, supplies and professional services prior to advertising to ensure that general provisions, bond documents, insurance requirements and the overall bid package is consistent with Town procedures.

4.5 Contract Performance and Payment Bonds

Performance and payment bonds are generally required on any contract for which a lack of performance would result in financial loss to the Town. Contracts that most frequently require bonds are construction contracts. When required, the following bonds shall be delivered to the Town and shall become binding on the parties upon the execution of the contract:

- a. Performance Bond.* A performance bond executed by a surety company authorized to do business in Connecticut, in an amount equal to 100% of the portion of the contract price that does not include the cost of operation, maintenance, and finance.
- b. Payment Bond.* A payment bond executed by a surety company authorized to do business in Connecticut, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the construction work provided for in the contract. The bond shall be in an amount equal to 100% of the portion of the contract price that does not include the cost of operation, maintenance, and finance.

4.6 Insurance

The Town may require the successful contractor to submit a certificate of insurance depending on the type of purchase or contract involved. This certificate of insurance must name the Town as additional insured and provide protection for any legal liability, which may arise during the execution of the contract.

The Risk Manager maintains an insurance certificate file for all vendors doing work for the Town.

CHAPTER 5 – PROFESSIONAL SERVICE PROCUREMENT

Professional services shall mean those services within the scope of the practice of architecture, professional engineering or any other professional services as defined by the Town Manager.

Policies and Procedures for Professional Service Procurement are still being revised and will be distributed.

5.1 Applicability

Professional services that are equal to or greater than \$20,000 shall be procured as provided in this Chapter. When a contract for professional services is expected to be less than \$20,000, the provisions of Section 3.3 (Requests for Quotation) shall apply.

5.2 Policy

The Town shall publicly announce all procurements for professional services that are equal to or greater than \$20,000 and to negotiate contracts for professional services on the basis of demonstrated competence and qualification for the type of services required, and at fair and reasonable prices.

5.3 Public Notice

A public notice for procurement of professional services shall be published in accordance with Section 3.1b (Invitation to Bid). Such notice shall be published sufficiently in advance of when responses must be received in order that firms have an adequate opportunity to submit a statement of qualifications and performance data. The notice shall contain a brief statement of the services required which adequately describes the project and specifies how a solicitation containing specific information on the project may be obtained.

5.4 Solicitations

A solicitation shall be prepared in the form of a Request for Proposals, which describes the Town's requirements and sets forth the evaluation criteria. The following information may be included in the solicitation:

- (1) the type of services required;
- (2) a description of the work involved and its location;
- (3) the estimated commencement and completion dates of the work;
- (4) the estimated cost range and cost limitations;
- (5) the date by which statements of qualifications and performance data must be submitted in response to the notice;
- (6) any limitations on eligibility for consideration; and
- (7) a statement that discussions will be held with three or more firms considered being the most highly qualified to provide the required services.

The solicitation shall include notice of any conference to be held and the criteria to be used in evaluating the statements of qualifications and performance data and selecting firms, including but not limited to:

- (1) competence to perform the services as reflected by technical training and education; general experience; experience in providing the required services; and the qualifications and competence of persons who would be assigned to perform the services;
- (2) ability to perform the services as reflected by workload and the availability of adequate personnel, equipment, and facilities to perform the services expeditiously; and
- (3) past performance as reflected by the evaluations of private persons and officials with respect to such factors as control of costs, quality of work, and an ability to meet deadlines.

In addition to the information set forth in this section, the solicitations for architect and engineer may contain a requirement that firms interested in providing the required services submit a supplemental statement of qualifications and performance data by a specified date. Such supplemental statement may include, but need not be limited to, the following information:

- (1) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services; and
- (2) a listing of other contracts under which services or projects similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the solicitation.

5.5 Evaluation of Statements of Qualifications and Performance Data; Selection of Firms for Discussions

- a. Evaluation.* The Selection Committee shall evaluate all statements and supplemental statements of qualifications and performance in light of the criteria set forth in the solicitation.
- b. Fewer Than Three Responses to Public Notice.* If fewer than three responses are received in response to the public announcement, a second public announcement shall be made. If, after this announcement, there remain fewer than three responses, the Selection Committee shall evaluate the responding firm or firms. If the firm or firms responding are qualified, the procedures set forth in Section 4.8 (Negotiation) shall be followed.
- c. Selection of Firms for Discussion.* The Selection Committee shall select for discussions no fewer than three firms evaluated as being professionally and

technically qualified. Each firm shall be notified in writing of the date, time, and place of discussions, and, if necessary, shall be provide with additional information on the project and the services required. Such notice shall provide that a representative of each firm must attend discussions in order for the firm to be considered further.

5.6 Discussions. The purpose of discussions shall be to:

- a.* Determine each firm's general capabilities and qualifications for performing the contract; and
- b.* Explore the scope and nature of the required services and the relative utility of alternative methods of approach.

5.7 Selection of the Most Qualified Firms

After discussions, the Selection Committee shall reevaluate and select, in order of preference, no fewer than three firms, which it deems to be, the most highly qualified to provide the required services. The Selection Committee shall prepare a memorandum of the selection process, which indicates how the evaluation criteria were applied to determine the ranking of the three most highly qualified firms.

5.8 Negotiation

The Department Director shall negotiate a contract with the highest qualified firm at compensation, which the Department Director determines in writing to be fair and reasonable to the Town. In making such determination, the Department Director shall take into account, in the following order of importance, the professional competence of offerors, the technical merits of offers, and the price for which the services are to be rendered. Should the Department Director be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the Department Director determines to be fair and reasonable to the Town, negotiations with that firm shall be formally terminated. The Department Director shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Department Director shall formally terminate negotiations. The Department Director shall then undertake negotiations with the third most qualified firm. Should the Department Director be unable to negotiate a contract at a fair and reasonable price with any of the selected firms, the Department Director shall select additional firms in order of their competence and qualifications, and the Department Director shall continue negotiations in accordance with this Section until an agreement is reached.

5.9 Award of Contract

Written notice of the award shall be sent to the firm with whom the contract is successfully negotiated. Each firm with whom discussions were hold shall be notified of the award. Notice of award shall be made available to the public.

CHAPTER 6 – COOPERATIVE PURCHASES

6.1 Capitol Region Purchasing Council

The Capitol Region Purchasing Council handles cooperative bids for standard items that are used by many towns within the capitol region. The Town of Windsor participates in these bids when it is in the best interest of the Town to do so.

6.2 State Contracts

Towns are allowed to order items from vendors per the State contract, using the State contract pricing. The use of these contracts saves time and allows Towns to take advantage of the discounts given to the State. The Town of Windsor shall participate in these contracts when it is in the best interest of the Town to do so.

CHAPTER 7—INTERNET BASED PURCHASING

7.1 Town's Position on Internet Purchasing

There are numerous advantages to utilizing the Internet for purchasing. The Town is presently reviewing the opportunities available. The chief advantages of Internet purchasing are

- Agglomerated buying (the Town can group its purchases with the purchases of many others to achieve better buying power).
 - Internet sites have capability to perform this task in many efficient, automated ways. Many of these techniques are evolving (along with the Internet), and show substantial potential. This can substantially expand the role of “purchase pooling” beyond that described in Section 6. In that section, purchase pooling involves working with a specific local group (such as the purchasing council), or taking the time and effort to contact other local governmental entities. The Internet sites offer the possibility of automating this “matching” of potential purchasers (purchasepooling.com is one such site that is pursuing this). By automating the tasks we save time, and more importantly expand the number of other purchasers that we can partner up with.
 - Meanwhile, some sites (such as that run by the ICMA (International City Manger Association)) are taking the first steps in this area. They do not automatically match up buyers and sellers as they log on. The service that they do provide is to pre-negotiate prices for many products. They can show the vendors that they are likely to deliver a substantial number of buyers, and the vendors consequently are willing to offer items at highly competitive rates. Under this style, we are not directly matching buyers and sellers, but rather are assuming (perhaps just a day ahead of time) what demand will be. This is not in substance different from the Purchasing Council; however, by making it easier for buyers to find out about items for purchase, and then making it easy to execute the order for a purchase, they have both streamlined the process and brought together a larger group of potential buyers.

7.2 Currently Allowed Internet Based-or-Assisted Purchasing

The Town will, at the present, allow certain types of Internet based purchasing (further types will be allowed after further review). These are:

- Online purchasing from approved vendors. Individual subaccounts would be set up for the respective department, with purchasing authorization residing with the department or division head (or designee). The underlying documentation for Accounts Payable would be the account history obtained straight from the web site.
- Soliciting quotes from online sites
- Posting bids or quote solicitations on online sites (in addition to the required notices discussed elsewhere in this document)

CHAPTER 8 – ETHICS, VENDOR RELATIONS AND EQUAL OPPORTUNITY

8.1 Ethics

Due to individual departments making the initial purchasing decisions and initiating the process, a high standard of professional ethics is essential among all employees who participate in, or who can influence those involved in, making procurement decisions. It shall be understood that no employees shall participate in any procurement process if a conflict of interest, real or apparent, may be involved. Any employee in a situation of conflict should refrain from any participation in the transaction. This will assist in maintaining public trust.

All procurement activities must be conducted in a manner that is in all respects fair, is without collusion or fraud, and avoids the appearance of impropriety. The following examples are subject to unethical practices and must be avoided:

- Persons external to the process attempting to influence vendor selection;
- Circumventing competitive bidding requirements;
- Splitting purchases in order to remain within small purchase limits;
- Using emergency procedures in the absence of an emergency;
- Using sole source when competition is available;
- Denying one or more vendors the opportunity to bid or propose;
- Using unnecessarily restrictive specifications;
- Removing companies from the bidders list without just cause;
- Requiring unnecessarily high bonding;
- Making information available to some but not all vendors; or
- Giving unfavored vendors inaccurate or misleading information.

Furthermore, not following proper purchasing ethics could result in legal action being taken against the Town and/or a bid award being overturned.

8.2 Vendor Relations

Maintaining good vendor relations is the responsibility of all employees. Prompt, fair, and courteous treatment should be given to vendors at all times. Business relations should be maintained only on a basis of honesty and impartiality. Vendor disputes are inevitable, but should be settled promptly, fairly and only on the basis of facts. It is important that any unfavorable interaction with a vendor be reported to the appropriate authority.

8.3 Equal Opportunity

The Town of Windsor is an equal opportunity employer. The Town does not approve of discrimination of any kind.