PURSHASING POLICY

TOWN OF FAYSTON

PURPOSE: The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the Town of Fayston 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 purchases over $2500.00 shall be made by any Town officer or employee without prior approval of the Selectboard (SB). 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 SB 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, and skill of the vendor demonstrated under prior contracts with the Town.

BID PROCESS: All purchases of $7500.00 or more shall be subject to a bid process. The bid process shall be initiated by the issuance of a request for bids prepared by the SB. Notice of the request for bids shall be made by letters to known providers soliciting bid responses, advertisements posted in three public locations within the Town and advertisements placed in a newspaper of general circulation in the region.

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 must be submitted in sealed envelopes, addressed to the Town in care of the SB, and plainly marked with the name of the bid and the time of the bid opening. Bid proposals will be date stamped on the outside of the envelope immediately upon receipt. Any bid may be withdrawn in writing prior to the scheduled time for the opening of the bids. Any bids received after the time and date specified shall not be considered and shall be returned to the bidder unopened.

Bidders shall bid to specifications and any exceptions must be noted. 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.

BID OPENING: Every bid received prior to the bid submission deadline will be publicly opened and read aloud by the SB. The bid opening will include the name and address of bidder; for lump sum contracts, the lump base bid and the bid for each alternate; for unit price contracts, the unit price for each item and the total, if state; and the nature and the amount of security furnished with the bid if required.

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

1. Price
2. Bidder's ability to perform within the specified time limits.
3. Bidder's experience and reputation, including past performance for the Town.
4. Quality of the materials and 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. Nature and size of bidder.
8. Any other factors that the SB determines are relevant and appropriate in connection with a given project or service.

The SB reserves the right at its sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's interest. The SB reserves the right to investigate the financial responsibility of any bidder to determine his or her ability to assure service throughout the term of the contract.

CHANGE 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 SB will prepare a change order specifying the scope of the change. Once approved, the contractor and an authorized agent of the Town must sign the change order.

EXCEPTIONS:

Sole Source Purchases – If the SB determines that there is only one possible source for a proposed purchase, it may waive the bid process and authorize the purchase of the sole source.

Recurring Purchases – if the total value of the recurring purchase of a good or service is anticipated to exceed $7500.00 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 the bidder without necessity of additional bids, until such time as the SB votes to initiate a new bid process.

Emergency Purchases – The SB 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 is 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.

When procuring Federal Award Funding the Town will follow the below noted Federal regulations;

1. Determine if the purchase is allowable based on the following steps and/or documents
    - § 200.317 Procurements by States and Indian Tribes.
    - § 200.318 General procurement standards.
    - § 200.319 Competition.
    - § 200.320 Procurement methods.
    - § 200.321 Contracting with small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms.
    - § 200.322 Domestic preferences for procurements.
    - § 200.323 Procurement of recovered materials.
    - § 200.324 Contract cost and price.
    - § 200.325 Federal agency or pass-through entity review.
    - § 200.326 Bonding requirements.
    - § 200.327 Contract provisions.
    - DPS grant agreement: Attachment A – Scope of Work to be Performed & Attachment B – Payment Provisions
    - Notice of Funding Opportunity (NOFO) or award announcement
    - Federal award guidelines or the award application specifications
    - 2 CFR Part 200 Subpart E Cost Principles
        - Basic Considerations, 2 CFR 200.403 Factors affecting allowability of costs
        - General Provisions for Selected Items of Cost (alphabetical listing of items of cost, their allowability and maintenance requirements).

2. Conflict of Interest: Without exception, if there is a ***real or apparent*** conflict of interest for any Town employee (Selectboard, Road Crew, Office staff or any other Town agents not mentioned) relating to the procurement of work related to Federal funds received, then that individual will recuse themselves from any action related to procurement (from the selection, award and administration of a contract). Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employe any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The foregoing Policy is hereby adopted by the Selectboard of the Town of Fayston, Vermont November 25, 2025 and is effective as of this date until amended or repealed.

Chuck Martel, Selectboard Chair

Michael Jordan, Selectboard Member

Ron Graves, Selectboard member