



Purchasing Ordinance

Enacted March 18, 2008

Purpose The regulations are written to standardize the purchasing procedure of the Town of Bristol thereby securing the advantages of a centralized and uniform purchasing policy intended to save the taxpayers' money and increase public confidence in the procedures for municipal purchasing; to promote the fair and equitable treatment of all suppliers of goods and services; and to set forth the duties and responsibilities of the Purchasing Agent and the Board of Selectmen.

Definitions

1. **Approved vendors** Those vendors identified by the Purchasing Agent, who maintains a list of approved vendors for bidding purposes. The Purchasing Agent shall keep detailed lists on file at all times.
2. **Bid most advantageous to the Town** A bid chosen on the basis of price, quality of merchandise, suitability of merchandise, and service reputation of the vendor, and therefore may not necessarily mean the lowest bid received.
3. **Competitive bidding** The process of obtaining the bid most advantageous to the Town for any purchase, whether through formal or informal bidding procedures.
4. **Informal bid** A written or oral quotation obtained from an approved vendor but not required to be opened publicly at a specified day, place and time.
5. **Field purchase** An informal purchase of supplies needed in small quantities for day-to-day operation made directly by any employee from any vendor.
6. **Formal bid** A written quotation obtained in a sealed envelope from an approved vendor or through advertisement and opened at a specific day, place and time.
7. **Cooperative purchase** A purchase made by the Town in conjunction with or from another governmental or quasi-governmental agency, such as but not limited to, the State of Maine, Bristol Fire & Rescue, the School Department or another municipality.
8. **Purchase** Buying, renting, leasing, or otherwise acquiring supplies or services for a price.
9. **Purchasing Agent** The Town Administrator or the Town Administrator's designee.
10. **Services** The lease or rental of all grounds, buildings, offices, space or equipment required by the Town, the repair or maintenance of equipment

or real property owned by or the responsibility of the Town and all labor furnished to the Town by persons, firms, individuals or corporations not part of or connected with the Town government. "Services" shall not include professional services provided to or for the Town by lawyers, architects, engineers, auditors and consultants. Nor shall "services" include utilities such as electricity, water, and phone services.

11. **Specifications** Standards, including quality, set by department heads as a guide to the Purchasing Agent and as a measure of that which successful vendors must achieve. Specifications shall be either technical specifications for bids, which shall state formulations as broadly as practicable, yet shall be specific enough to describe the requirements of the Town or non-technical specifications for bids, which shall state the quality required in general terms.
12. **Supplies** All supplies, materials and equipment.

Applicability These regulations shall apply to purchases made on behalf of all departments of the Town, except Bristol Fire and Rescue and the Bristol/South Bristol Transfer Station.

Appropriation The Purchasing Agent shall not make any purchase or allow any purchase to be made in excess of annually appropriated funds unless approved at a Special Town Meeting.

Purchase Limits Any employee may make a field purchase when the total purchase price for the goods or services being purchased is less than \$50.00. A receipt for the field purchase must be provided to the Purchasing Agent within 3 days.

1. The Purchasing Agent or his/her designee shall make all purchases exceeding \$50.00.

Competitive Bidding

1. Competitive bids shall be required for all purchases in excess of \$5,000.00 unless specifically exempted by this ordinance or by action of Town Meeting.
2. Informal bidding procedures shall be allowed when a purchase price is less than \$10,000.00, unless the Board of Selectmen recommends use of formal bidding procedures.
3. The Purchasing Agent may make cooperative purchases without competitive bidding if the Board of Selectmen determines the purchase is being made after competitive bidding by the cooperative entity or at a price more advantageous than the Town would be likely to obtain by competitive bidding.
4. The Board of Selectmen may waive the requirements for competitive bidding for any purchase in cases of emergency or when the purchase is inappropriate for competitive bidding due to the nature of the item, time constraints or other factors, provided that the Purchasing Agent shall file a full and complete statement of the reasons, signed by the Board of Selectmen, for waiving competitive bidding. The Purchasing Agent shall not make any purchase or allow any purchase to be made until an appropriation therefore has been approved by Town Meeting.

Procedure for Formal Bidding. Shall be as follows:

1. Invitation for Bids. The Purchasing Agent shall prepare the invitation for bids, describing the Town's requirements clearly, accurately and completely, but avoiding unnecessarily restrictive specifications or requirements that might unduly limit the number of bidders. The term "invitation for bids" means the complete assembly of related (whether attached or incorporated by reference) material furnished prospective bidders for the purpose of submitting sealed bids. The Board of Selectmen shall determine that the requirements of the Town are clearly and accurately and completely stated within the invitation to bid. Every invitation to bid shall note that all purchases are subject to the conditions set forth in Section 9 hereof.
2. The Purchasing Agent shall publicize the invitation for bids through distribution to prospective bidders, posting on the bulletin board at Town Hall, advertising in a newspaper with local and/or regional circulation, or such other means as the Board of Selectmen determines is appropriate at least ten (10) calendar days prior to the time set for public opening of sealed bids.
3. Bidders shall submit sealed bids to the Town prior to the date and time specified for the opening of bids. Late bids shall not be accepted and no bidder shall be permitted to withdraw a bid after the deadline for bids specified in the invitation to bidders.
4. Bids shall be publicly opened at the time and place specified in the invitation to bid. A contract shall be awarded to the responsible bidder whose bid conforms to the invitation bid and will be the most advantageous to the Town. Award may be delayed pending verification of a bidder's credentials and references or review of the bids received.
5. Nothing in this section shall preclude the Town from rejecting any and all bids as provided in Section 9 of this policy.

Procedure for Informal Bidding

1. The Purchasing Agent shall solicit competitive bids either by written notice to approved vendors or by advertisement in a newspaper having at least local circulation. The notice shall contain specifications as to required quantity and quality, the availability of bid packages or other details, and the date and time when bids must be received. If bids will be opened publicly and read, the notice shall also specify the date, time and location where they will be opened and read. Any solicitation or advertisement shall note that all purchases are subject to the conditions set forth in Section 9.
2. All bids shall quote delivered prices, terms of payment and cash discounts if applicable. No oral quotation will be accepted.
3. The Purchasing Agent shall attempt to solicit at least three (3) approved vendors on every purchase subject to informal bidding procedures. If less than three (3) bids are received, or if in the opinion of the Board of Selectmen no bids are acceptable, re-bidding may be required.
4. In all cases the bid most advantageous to the Town, price, quality, and other factors being considered, shall be awarded.

Administrative Procedures and Conditions

Competitive Bids shall be administered by the Purchasing Agent and shall be subject to the following conditions:

1. The Purchasing Agent shall keep a record of all bids submitted and such records shall be opened to proper inspection by any person.
2. All bidders shall be notified in writing of bid results within ten (10) days after the bids are opened.
3. Tie bids shall be resolved by the Purchasing Agent.
4. All bids shall be awarded on the basis of the bid most advantageous to the Town.
5. The Town reserves the right to accept or reject any or all bids, to investigate the qualifications of any bidder, and to waive or not waive any and all informalities in the bids when making an award.
6. If an award is made to other than the low bidder, the Purchasing Agent shall file a full and complete statement, signed by the Board of Selectmen, of the reasons for determining that the low bid was not the bid most advantageous to the Town, together with all papers relating to the bidding process.
7. The Town will retain custody of all bids submitted to the Town pursuant to this policy.

Duties of Employees

1. Determine acceptable quality of commodities and supplies to be purchased.
2. Cooperate with the Purchasing Agent in establishing lists of approved specifications and vendors.
3. Share knowledge of special factors which will implement a policy designed to enable the Town to minimize cost and maximize quality.
4. Supply the Purchasing Agent with a list of estimated annual requirements of frequently used supplies, thereby fostering cooperative purchasing.
5. Prepare requisitions with an eye toward cooperative purchasing and keep corresponding records to facilitate correct accounting charges.
6. Be empowered to reject any unacceptable supply or commodity on the ground of high cost or low quality, and provide the Town Purchasing Agent a written detailed report of any rejection.
7. Report to the Purchasing Agent the following:
 - Items beyond use
 - Items being replaced or to be replaced
 - Items no longer of use to department operations
8. Foster regular purchasing to minimize field purchases.