

Town of Bridgton

Municipal Purchasing and Sale of Supplies, Materials or Equipment Policy

Approved
9/22/2015

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SECTION I. PURPOSE

The purposes of the regulation are to standardize the purchasing procedure of the Town of Bridgton, thereby securing for the Town the advantages of a uniform purchasing policy in an effort to both save money and increase public confidence in the procedures for municipal purchasing. Additionally it is to promote the fair and equitable treatment of all suppliers of goods and services and to clearly set forth the duties and responsibilities of the department heads and the purchasing agent.

SECTION II. DEFINITIONS

1. **Bid:** For purposes of this policy, the term “request for bids” shall also include “request for proposals” or “request for qualifications”.
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 most advantageous bid for any purchase, whether through formal or informal procedures.
4. **Emergency:** Any situation or circumstance, that will inhibit a department from providing delivery of services when said services are, or may be, needed.
5. **Cooperative Purchase:** A purchase made by the Town in conjunction with, or from, another governmental or quasi-governmental agency, such as the State of Maine, school, county, another municipality, or Greater Portland Council of Governments.
6. **Field Purchase:** An informal purchase of supplies needed in small quantities from any vendor for day-to-day operation made directly by a department head or his/her designee.
7. **Formal Bid:** A written quotation received in a sealed envelope from a vendor, having been publicized, and opened at a specified day, place, and time.
8. **Invitation to bid:** The complete assembly of specific related material (whether attached or incorporated by reference) furnished to prospective bidders.
9. **Informal Bid:** A written quotation which is not required to be opened publicly at a specified day, place, and time or an oral quotation (followed up by an email, email attachment, fax or other written communication) will be accepted from a vendor.

Annually, Public Works does a generic bid request for material and equipment rental rates, which shall be considered an informal bid.

10. **Purchase:** Buying, renting, leasing, or otherwise acquiring supplies or services for a price.
11. **Purchasing Agent:** Purchasing Agent means the town manager or the town manager's designee.
12. **Services:** The lease or rental of equipment; the repair or maintenance of equipment owned by the Town or that is the responsibility of the Town; all labor furnished to the Town by persons, firms, individuals, or corporations not part of, or connected with Town government. It shall not include:
 - 12.1. Professional services provided to or for the Town by attorneys, architects, engineers, auditors, and other professional consultants;
 - 12.2. Utilities such as electricity, water, sewer, etc.
13. **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 is practicable, yet be specific enough to meet the requirements of the department; or non-technical specifications for bids which shall state in general terms how the quality requirements will be achieved. Department heads may rely on technical advice from suppliers, salesman and other agencies in developing specifications.
14. **Supplies:** All materials and equipment.

SECTION III. APPLICABILITY

This regulation shall apply to purchases made by departments and agencies of the Town, except as otherwise specified herein.

SECTION IV. APPROPRIATION

Neither the purchasing agent nor any department head shall make any purchase or allow any purchase to be made until an appropriation has been approved by the Town Meeting or Select Board, if applicable. However, the town manager may permit an item to be bid

prior to the approval of an appropriation if it is in the best interest of the Town and will so note in the bid materials that the bid approval is subject to the appropriation being approved at Town Meeting.

SECTION V. PURCHASING AGENT: POWERS AND DUTIES

The town manager shall be the purchasing agent for the Town, and supervise and manage the purchase of all supplies, materials, and equipment for use by the Town in the operation/maintenance of its departments. The purchasing agent shall also govern the sale of surplus, obsolete, or unused supplies, materials, and equipment whenever the same shall no longer be required for municipal purposes. The Select Board shall award bids for services or materials requiring bonding. Lease purchases containing non-appropriation language shall be awarded by the purchasing agent.

SECTION VI. PURCHASE LIMITS

The following purchasing (dollar) limits shall pertain to all purchases made by, or on behalf of, the Town of Bridgton; except as otherwise provided within this policy:

1. A department head, or the department head's designee, may make a field purchase when the total purchase price for the goods and service being purchased is less than \$5,000. The Public Works Director, with approval of the purchasing agent, may make a field purchase when the total purchase price for the goods and services being purchased is less than \$10,000 and more than \$5,000.
2. Purchases made in emergency circumstances shall be considered to be exempted from the aforementioned limit. Notification that an emergency exists shall be made to the town manager. A discussion between the department head and town manager shall take place specifying the nature of the emergency, the source of funding for the emergency purchase, and the most advantageous manner in which to make the purchase.

SECTION VII. COMPETITIVE BIDDING

The procedure for competitive bidding shall be as follows:

1. Competitive bids shall be required for all purchases in excess of \$25,000 unless specifically exempted by this Policy or by action of the Town Meeting or Select Board.

2. Informal Bidding procedures shall be allowed when a purchase is required to be competitive bid if the total purchase price is more than \$5,000 and less than \$25,000, unless the purchasing agent recommends use of formal bidding procedures due to project complexity, funding source requirement, or to insure that the Town is receiving the best price or value.
3. Formal Bidding procedures are specified in Section VIII and shall be followed by the purchasing agent or his/her designee.
4. The purchasing agent may make cooperative purchases without competitive bidding, if the purchasing agent determines the purchase being made after competitive bidding by the cooperative entity is at a price more advantageous than the Town would be likely to obtain by competitive bidding on its own.
5. The purchasing agent may waive the requirements for competitive bidding 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 statement of the reason(s) for waiving competitive bidding.

SECTION VIII. FORMAL BIDDING (\$25,000 >)

The procedure for formal bidding shall be as follows:

1. Invitation for bids: The department head or purchasing agent shall prepare the invitation for bids, describing the Town's requirements clearly, accurately, and completely, but avoiding unnecessarily restrictive specifications that unduly limit the number of bidders. The purchasing agent shall determine that the requirements are clearly, 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 X, hereof.
2. The department head or purchasing agent shall publicize the invitation for bids through the following methods at least ten (10) calendar days prior to the time set for public opening of sealed bids:
 - 2.1. Distribution to prospective bidders;
 - 2.2. Posting at approved posting locations in Town;
 - 2.3. Town of Bridgton website;

- 2.4. Appropriate Web based bid sites;
- 2.5. Appropriate professional or trade publications; and/or
- 2.6. All other means as the purchasing agent determines is appropriate.
- 3. Bidders shall submit sealed bids to the Town prior to the date and time specified for the opening of bids. No email, attachment, or faxed bids will be accepted.
- 4. Late bids shall not be accepted.
- 5. Bids shall be publicly opened at the time and place specified in the invitation to bid. A contract may then be awarded to the responsible bidder whose bid meets all specifications required by the Town and whose bid is determined to be the most advantageous to the Town. Award may be delayed pending verification of the bidder's credentials, insurance (if required), and references or review of the bids received.
- 6. Nothing in this Section shall preclude the Town from rejecting any and all bids, as provided in Section X, hereof.

SECTION IX. INFORMAL BIDDING (\$5,000 to \$25,000)

The procedure for informal bidding shall be as follows:

- 1. Request for Bids: The department head or purchasing agent shall prepare the request for bids, describing the Town's requirements clearly, accurately, and completely, but avoiding unnecessary restrictive specifications for requirements that unduly limit the number of bidders. The purchasing agent shall determine that the requirements are clearly, accurately, and completely stated within the request for bids. Every request for bids shall note that all purchases are subject to the conditions set forth in Section X, hereof.
- 2. The purchasing agent or department head shall publicize the request for bids through:
 - 2.1. Distribution to prospective bidders (*e.g.* personal contact including mail, email, phone call);
 - 2.2. Town of Bridgton website;
 - 2.3. Web based bid sites (if appropriate);
 - 2.4. Professional or trade publications (if appropriate).
- 3. Bidders shall submit bids to the Town prior to the date and time specified for the receipt of bids. If less than three bids are received or if in the opinion of the department head

or purchasing agent, no bids are acceptable, re-bidding may be required. Verbal bids are acceptable in certain circumstances, but shall be noted in the bid file in accordance with Section X (1.5).

4. Late bids shall not be accepted.

SECTION X. ADMINISTRATIVE PROCEDURES & CONDITIONS

Competitive bids shall be administered by the purchasing agent and shall be subject to the following conditions:

1. The department head or purchasing agent shall establish a bid master file which includes a check-off sheet and all required documentation including, but not limited to, the following:
 - 1.1. Bid specifications
 - 1.2. Conflict of Interest form
 - 1.3. Copy of advertising/web postings and where
 - 1.4. Mailing/contact list
 - 1.5. Bid responses
 - 1.6. Bid tabulation
 - 1.7. Award letter/rejection letters (required for Formal Bidding only)
 - 1.8. Post bid results on the Town website
 - 1.9. Notes from any bid specification review meetings with participant roster (required for Formal Bidding only)
2. Bid format:
 - 2.1. Bid packages will be, whenever possible, standardized.
 - 2.2. Bid specifications will be, whenever practical, in a standardized format depending on the category of goods or services sought.
 - 2.3. Establishing bids specifications shall be the responsibility of the department head or purchasing agent.
3. Bid advertising shall follow the procedures specified in Sections VII and VIII.
4. Request for Bids shall be mailed or advertised at least ten (10) calendar days prior to the deadline set for the receipt of bids.
5. The department head or purchasing agent may hold a bid specification meeting when a

particular project is complex or when it will clarify the project or service required. The meeting shall be open to all interested perspective bidders. Said meeting time and place shall be included in the bid documents and all advertisements.

6. Bids shall be noted with the time and date received.
7. The department head or purchasing agent shall keep a record of all bids submitted, and such records shall be open for inspection.
8. All bidders shall be notified in writing of bid results within ten days after the bids are opened for Formal Bidding only.
9. Tie bids shall be resolved by the town manager.
10. All bids shall be awarded on the basis of the bid most advantageous to the Town, which may or may not be the lowest bidder.
11. The Town reserves the right to reject any and all bids, or to accept the bid that appears to be in the best interest of the Town, investigate the qualifications of any bidder, and to waive or not waive any and all formalities in the bids when making an award.
12. If an award is made to other than the low bidder, the purchasing agent shall file a statement 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 for the Formal Bidding process only, unless required as part of a grant.
13. Subject to Section X (10), (11), and (12), the Town may give preference to local bidders if the difference between the lowest responsible bids submitted by companies or individuals located in Bridgton and those not located in Bridgton is 5% or less. For purposes of this section, "Located in Bridgton" shall mean bidders whose company headquarters are in Bridgton and/or who pay excise tax on their vehicles in Bridgton and/or who pay personal property tax in Bridgton. Individuals shall be classified as "Located in Bridgton" if they are residents of the Town of Bridgton. Competing bids submitted by companies/individuals located in Bridgton, as defined above, within 5% of each other shall be considered in accordance with the provisions of Section X (10), (11), and (12). This provision is required for Formal Bidding only.
14. The Town retains custody of all bids submitted, pursuant to this Policy.

SECTION XI. DUTIES OF DEPARTMENT HEADS

1. Determine acceptable quality of commodities and supplies to be purchased.
2. The department heads are empowered to reject any unacceptable supply of goods and or materials provided to the Town by a vendor on the grounds of low quality. The department head shall notify the purchasing agent of the rejection and supply a written report supporting the rejection.
3. Prepare requisitions with an eye towards cooperative purchasing, and keep corresponding records to facilitate correct accounting charges. Department heads shall be responsible for signing off on invoices for goods and services purchased by their department.
4. When appropriate, report to the purchasing agent the following:
 - 4.1. Items beyond use;
 - 4.2. Items being replaced or to be replaced;
 - 4.3. Items no longer of use to the department operations.
5. Maintain adequate supplies on hand to minimize the need for direct field purchases.
6. All other duties as outlined in this document.

Purchasing Policy Price Range Grid

		Competative Bids	
Purchase Price	Field Purchase	Informal	Formal
\$1 < \$5,000			
\$5,000 < \$25,000			
\$25,000 >			
Public Works Dept		Competative Bids	
Purchase Price	Field Purchase	Informal	Formal
\$1 < \$5,000			
\$5,000 < \$10,000	TM Approval		
\$5,000 < \$25,000			
\$25,000 >			

Town of Bridgton
Municipal Purchasing and Sale of Supplies, Materials or Equipment Policy
Check-Off Sheet

As per the Municipal Purchasing and Sale of Supplies, Materials or Equipment Policy adopted by the Board of Selectmen on September 22, 2015 the purchasing agent shall establish a master file which includes this check-off sheet and all required documentation including, but not limited to the following:

Bid For: _____

_____ Bidder Information Form

_____ Bid specifications

_____ Conflict of Interest Disclosure Form

_____ Copy of advertising/web postings and where

_____ Mailing/contact list

_____ Bid responses (Bids shall be noted with time and date received)

_____ Bid tabulation

_____ Award letter/rejection letters (required for Formal Bidding only)

_____ Post bid results on the Town website

_____ Notes from any bid specification review meetings with participant roster (required for Formal Bidding only)

_____ All bidders shall be notified in writing of bid results within ten days after the bids are opened (required for Formal Bidding only)

_____ If an award is made to other than the low bidder, the purchasing agent shall file a statement 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 for the Formal Bidding process only, unless required as part of a grant.

OFFICIAL BID RESPONSE FORM

UPON ACCEPTANCE BY THE TOWN OF BRIDGTON AND SIGNED BELOW, THIS OFFICIAL BID RESPONSE FORM AND SUCH OTHER DOCUMENTS AS STATED IN THE INSTRUCTIONS AND GENERAL CONDITION TO BIDDERS, SHALL SERVE AS THE CONTRACT.

BIDDER INFORMATION

The undersigned declares that the signer of this proposal is:

INDIVIDUAL doing business as: _____

PARTNERSHIP doing business as: _____

CORPORATION entitled: _____

Organized under the laws of the State of _____ having its principal offices at:

Authorized Signature

Printed Name and Title of Authorized Signer

Firm or Corporate Name

Contact Name and Title

Street Address

E-mail Address

City/Town, State, Zip Code

Telephone Number

Date Signed

Fax Number

Social Security or Federal ID Number
(voluntary)

OFFICIAL BID RESPONSE FORM

UPON ACCEPTANCE BY THE
TOWN OF BRIDGTON AND
SIGNED BY THE TOWN
MANAGER, THIS
**OFFICIAL BID
RESPONSE FORM** AND
SUCH OTHER DOCUMENTS AS
STATED IN THE
INSTRUCTIONS AND
GENERAL CONDITION TO
BIDDERS, SHALL SERVE AS
THE CONTRACT.

Signature

Robert A. Peabody Jr.

Typed Name

Town Manager

Title

Date

OFFICIAL BID RESPONSE FORM

REFERENCES

REFERENCES: Three (3) References with name, address, telephone number, and e-mail address:

Name	Address	Telephone Number	E-Mail Address

Contractor shall be required to complete and provide the Town with a W-9.

**TOWN OF BRIDGTON
CONFLICT OF INTEREST DISCLOSURE FORM**

For purposes of determining any possible conflict of interest, all responders, must disclose if the Town of Bridgton, or its employee(s), are owners, corporate officers, employees, etc. of their business.

Indicate either “Yes” (if a Town employee is also associated with your business), or “No”. If “Yes”, give person(s) name(s) and position(s) with your business.

☐ YES

☐ NO

NAME(S)	POSITION(S)

COMPANY NAME: _____

BY (Printed Name): _____

BY (Signature): _____

TITLE: _____

ADDRESS: _____

PHONE NUMBER: _____

E-MAIL ADDRESS _____