

TOWN OF CORINTH, VERMONT
PURCHASING POLICY
Adopted August 15, 2018,
Amended March 19, 2024

PURPOSE. The purpose of this Purchasing Policy is to obtain high-quality goods and services for the Town of Corinth, to exercise financial control over the purchasing process, and to clearly define authority for the purchasing function.

AFFIRMATIVE ACTION AND LOCAL PREFERENCE. When possible, qualified small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases. The Town may exercise a preference for local businesses for purchases funded exclusively by the Town but only if such a preference does not result in unreasonable prices. For purchases funded in whole or in part with federal funding the Town may not exercise a preference for local businesses.

CODE OF CONDUCT. Employees, officers and agents of the Town who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer or agent of the Town shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

1. the employee, officer or agent,
2. any member of his or her immediate family,
3. his or her partner, or
4. an organization which employs, or is about to employ, any of the above, has a financial or personal interest in the firm/vendor selected for award.

An employee, officer or agent of the Town who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest within the context of a duly-warned Selectboard meeting that occurs before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.

Officers, employees and agents of the Town will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

Officers, employees and agents who fail to follow the above Code of Conduct shall be sanctioned or disciplined, within the parameters permitted by law, for violations of the above standards, as determined by the Selectboard or, in the event of breach of the Code of Conduct by a member of the Selectboard, then by a neutral third party chosen in public meeting.

PURCHASING AUTHORITY.

Purchasing Agents. Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained. The following employees are designated to act as Purchasing Agents for the Town:

1. Town Treasurer
2. Town Clerk
3. Highway Foreman
4. Lister, Chair

Incidental Purchases. Employees who have been designated to act as Purchasing Agents may make purchases of up to \$250.00 without prior approval, provided those purchases are limited to the amount of the budget authorized by the Town.

Minor Purchases. Employees who have been designated to act as Purchasing Agents may make purchases with a value between \$250.01 and \$3,500.00 only with prior approval of the Select board and are limited to the amount of the budget authorized by the Town.

Major Purchases. All purchases over \$3,500.01 require prior approval of the Select board. The Select board shall review all proposed procurements of equipment, supplies and services. The Select board shall also ensure that competition is not restricted. If federal funding is used for purchases between \$3,000 and

\$150,000, price or rate quotes must be obtained from two or more qualified sources.

For all major purchases with a value between \$3,500.01 and \$300,00.00, price and rate quotations shall be obtained from at least two qualified vendors to ensure that the Town has received a fair and reasonable price.

Purchases at or exceeding \$150,000 or construction projects of any value that are funded with federal dollars must follow a sealed bid process as outlined below.

SEALED BID PROCESS. The sealed bid process shall be initiated by the issuance of a Request for Bids prepared by the Select board or its designee. 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. When applicable to federal funding, the sealed bid process shall include distribution of information in the bid solicitation that reflects applicable federal factors of affecting allowable costs.

BID SPECIFICATIONS. A list of bid specifications includes:

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 project or purchase.
7. Delivery or completion date.
8. Language that reserves for the Select board 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 Select board reserves the right to investigate the financial condition of any bidder to determine his or her ability to assure service throughout the term of the contract.
9. Any federally required or applicable terms including those at 2CFR 200, Subpart E, the NOFO, award application, and the terms of the award agreement.

BID SUBMISSION. All bids must be submitted in sealed envelopes, addressed to the Town in care of the Select board, 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 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 by the bidder. 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 Selectboard. The bid opening will include the name and address of bidder; for lump sum contracts, the lump sum base bid and the bid for each alternate; for unit price contracts, the unit price for each item and the total, if stated; and the nature and the amount of security furnished with the bid if required.

ALLOWABILITY OF COSTS, APPLICABLE FEDERAL FACTORS. Purchases funded in whole or in part with federal funding shall be based on, among other factors, information regarding the federal award guidelines, the award application, the criteria of the Notice of Federal Opportunity, any applicable grant agreement and the applicable regulations of 2 CFR Part 200 Subpart E delineating cost principles and allowability of costs. Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

- (a) Be necessary and reasonable for the performance of the award and be allocable thereto under these principles.
- (b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- (c) Be consistent with policies and procedures that apply uniformly to both federally financed and other

purchasing activities of the Town.

(d) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.

(e) Be determined in accordance with generally accepted accounting principles (GAAP), except as otherwise provided for by federal regulation.

(f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally financed program in either the current or a prior period.

(g) Be adequately documented.

(h) Cost must be incurred during the approved budget period or as allowed by the Federal awarding agency at its discretion.

CRITERIA FOR BID SELECTION. In evaluating bids, the Select board 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. Bidder's availability to provide future service, maintenance, and support.
8. Nature and size of bidder.
9. Contract provisions that are acceptable to the Town.
10. Any other factors that the Selectboard determines are relevant and appropriate in connection with a given project or service.
11. Federal criteria for allowability as stated above.

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.

EXCEPTIONS. The following exceptions may apply, however there must be written documentation created and maintained that outlines the process and rationale for such exceptions:

COMPETITIVE PROPOSALS. If time does not permit the use of sealed bids, or the award will be made on the basis of non-price related factors, a competitive proposal process shall be initiated by the issuance of a Request for Bids (RFB) or Request for Qualifications (RFQ) prepared by the Selectboard or its designee that includes the factors that will be used to evaluate and compare the proposals. Bids or qualifications shall be obtained from an adequate number of qualified sources (at least two vendors) to ensure that the Town has received a fair and reasonable price.

SOLE SOURCE PURCHASES. If the Selectboard determines that there is only one possible source for a proposed purchase, it may waive the bid process and authorize the purchase from the sole source.

EMERGENCY PURCHASES. The Select board 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 in 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, risk management, and insurance services with a value of up to \$50,000.

The foregoing Policy as amended is hereby adopted by the Selectboard of the Town of Corinth, Vermont, this 19th of March, 2024, and is effective as of this date until amended or repealed.

Holly Groschner
Holly Groschner, Chair

Carl Demrow
Carl Demrow

Stephen H Devoto
Stephen Devoto

Signature: Holly Groschner
Holly Groschner (Mar 20, 2024 11:57 EDT)

Email: hollyg.corinthselectboard@gmail.com

Signature: Carl Demrow
Carl Demrow (Mar 22, 2024 09:57 EDT)

Email: cdcorinth@gmail.com

Signature: Stephen H Devoto

Email: devoto.corinth@gmail.com










Revised for 2024 BRIC - Amended Purchasing Policy as Approved

Final Audit Report

2024-03-22


Created:	2024-03-20
By:	HOLLY GROSCHNER (HOLLYGROSCHNER@GMAIL.COM)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAnL0vNgqf260Mpgg6eUjHrOBNW04GYP39

"Revised for 2024 BRIC - Amended Purchasing Policy as Approved" History

-  Document created by HOLLY GROSCHNER (HOLLYGROSCHNER@GMAIL.COM)
2024-03-20 - 2:28:54 PM GMT- IP address: 172.99.226.126
-  Document emailed to Holly Groschner (hollyg.corinthselectboard@gmail.com) for signature
2024-03-20 - 2:28:58 PM GMT
-  Document emailed to Carl Demrow (cdcorinth@gmail.com) for signature
2024-03-20 - 2:28:58 PM GMT
-  Document emailed to Stephen Devoto (devoto.corinth@gmail.com) for signature
2024-03-20 - 2:28:58 PM GMT
-  Email viewed by Carl Demrow (cdcorinth@gmail.com)
2024-03-20 - 2:43:05 PM GMT- IP address: 104.28.55.230
-  Email viewed by Holly Groschner (hollyg.corinthselectboard@gmail.com)
2024-03-20 - 3:57:15 PM GMT- IP address: 66.249.83.40
-  Document e-signed by Holly Groschner (hollyg.corinthselectboard@gmail.com)
Signature Date: 2024-03-20 - 3:57:59 PM GMT - Time Source: server- IP address: 172.99.226.126
-  Email viewed by Stephen Devoto (devoto.corinth@gmail.com)
2024-03-21 - 5:12:54 PM GMT- IP address: 66.249.83.41
-  Document e-signed by Stephen Devoto (devoto.corinth@gmail.com)
Signature Date: 2024-03-21 - 5:17:43 PM GMT - Time Source: server- IP address: 172.99.226.220- Signature captured from device with phone number XXXXXXXX4752

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Signature Date: 2024-03-22 - 1:57:51 PM GMT - Time Source: server- IP address: 104.28.39.72

 Agreement completed.

2024-03-22 - 1:57:51 PM GMT