

TOWN OF SEABROOK PURCHASING POLICY AND PROCEDURES

SECTION I: PURPOSE & RESPONSIBILITIES

These policies, known collectively as the purchasing policies of the Town of Seabrook, are adopted for the purpose of providing the best guarantees that tax money and public funds are spent in the most prudent fashion, as well as assuring the goods and services required by the departments of the Town are acquired in a timely manner and at the most economical price. This policy explicitly details the levels of authority granted to various governmental officials of the Town of Seabrook as well as providing for direction as to the steps involved in the procurement of goods and services for the Town. It is the Purchasing Divisions responsibility to evaluate proposed purchases in order to bid or negotiate Requisitions and contracts on behalf of the Town. In addition the Purchasing Agent is responsible for salvage or surplus property disposition, assisting in the maintenance of the Town's capital asset system, soliciting quotes and negotiating pricing for frequently used goods and services and obtaining stock for consumable supplies. The Purchasing Agent also oversees the procedures for specified services, including purchasing or renting all materials, supplies, furnishings, equipment, and other personal property for the Town, engaging independent contractors to perform various services, and contracting with consultants for special and scientific data and services. The Purchasing Agent receives instruction, general supervision and direction from the Town Manager and may supervise the work of other assigned employees.

SECTION II: DEFINITIONS

- A) “Shall”, “must” and “will” mean that the procedure is mandatory.
- B) “Should” means that the procedure is recommended.
- C) “May” means that the procedure is optional.
- D) “Purchasing System” means the process which authorizes a vendor to deliver goods or provide a service, and which assures that public funds for such goods or services *will* be encumbered for future payment. Any reference to a Department Head is also meant to include a Committee Chairperson.
- E) “Purchases” means all goods or services paid for via the Town’s Accounts Payable System, regardless of whether the source funding for the purchase is the Town’s general operating budget, grant/donated funds or special revenue/revolving account funds.
- F) “Single Vendor” is meant to pertain to multi-department purchasing, in which the Town selects one vendor to provide specialized services (such as an electrician).
- G) “Purchase Order” A legally binding document issued by the Purchasing Division that specifies the goods or services ordered from a vendor for an indicated price.
- H) “Open Purchase Order” A *Purchase Order* issued to a vendor for items or services for a specified period of time, but not exceeding the end of the current fiscal year, when it is determined to be in the best interest of the Town. After its acceptance by the vendor, *purchases may* be made against it periodically as required without calling for new *Purchase Orders* up to the dollar amount of the Open Purchase Order.
- I) “Capital Asset” See Chapter 2 in the Town’s *Capital Asset* Policy, Approved August 27, 2003.

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- J) “Request for Information (RFI)” This is a proposal requested from potential vendors to determine what products and services are potentially available in the marketplace to meet needed requirements. An *RFI* is not an invitation to bid, is not binding on either party and *may* or *may-not* lead to an *RFP* or RFQ.
- K) “Request for Proposal (RFP)” document used to solicit proposals for professional service.
- L) “Request for Qualification (RFQ)” A process used to solicit qualified consultants for services requiring a qualifications standard. Examples of this type of service include architects or engineers for public construction projects. This is a competitive process where the most qualified firm or firms are selected and then project scope, schedule and fees are negotiated.
- M) “Salvage or Surplus Property” Property and material that is no longer useful to a Town department. Departments wishing to declare items *surplus* must receive prior approval of the Board of Selectmen.
- N) “Sole Source Vendor” is intended to describe a situation in which a particular item or service is so specialized it is only available from one or two vendors, or limited by the manufacturer to one local distributor, or for any other reason the Town is unable to obtain three price quotes or bids(refer to Section X).

SECTION III: AUTHORITY

These policies are adopted by the Board of Selectmen in accordance with RSA 31:39 as it relates to the management of the Town’s prudential affairs and the authority over expenditures.

SECTION IV: CONFLICT OF INTEREST

In accordance with RSA 95:1, no person holding a public office in the Town of Seabrook, either appointed or elected, shall, by contract or otherwise, except by open competitive bidding, buy real estate, sell or buy goods or services, commodities, or other personal property of a value in excess of \$200 from the Town of Seabrook.

The above section *shall* also apply to all employees of the Town of Seabrook.

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SECTION V: OBJECTIVES

- A) To provide for the centralized function of purchasing as established in these policies.
- B) To seek competitive pricing through bidding and quotation based on the dollar limits outlined in these policies.
- C) To, wherever possible, consider the use of State contracts for goods and services as such contracts *may* provide savings to the Town.
- D) To provide for a procedure for the disposal of *surplus* property as outlined in these policies.
- E) To consider the purchase of goods and services from local businesses, as well as encourage their participation in the procurement process.

SECTION VI: PURCHASE ORDERS

All *purchases shall* require a purchase order signed by the Department Head and any other individual or groups as required by these policies. A purchase order *may* not be required in cases where a bid letter or signed contract is issued in accordance with Section IX (A) or (B) of this policy.

- A) All *purchases* that are of a contractual nature or related to ongoing operational expenditures *shall* be assigned an annual open purchase order number. Vendors that fall under an open purchase order number *shall* use the specific number(s) on their invoices. The following ongoing obligations and/or *purchases*, if not awarded through a competitive bid process, *may* require an initial purchase order executed as referenced below:
 - 1. VEHICLE FUEL & HEATING OIL/PROPANE: Initial delivery after start of contract year, (all subsequent orders *shall* reference the initial [Open] order).
 - 2. CONTRACTS: Contracts for consulting or maintenance services, solid waste disposal services and lease/rental agreements *shall* require an initial purchase order at the beginning of the contract period, covering the period of performance.
 - 3. OTHER: Ongoing product *purchases* expected to accumulate above the thresholds determined in Section VII.
- B) All non-contractual or non-reoccurring operational *purchases shall* require a purchase order number and the appropriate authorizing signatures in accordance with Section VII.
- C) The following obligations and/or *purchases shall* be exempt from purchase order requirements:
 - 1. UTILITIES: Including electricity and telephone expenses.
 - 2. SERVICE/MAINTENANCE AGREEMENTS: Including ongoing equipment and software service agreements which have previously been approved through the budgeting process (with a list of such agreements maintained by the Finance Department); and ongoing contracted employee agreements such as snowplowing (subject to an approved list at the beginning of each season maintained by the Highway Department).
 - 3. HUMAN SERVICES/EMPLOYEE REIMBURSEMENTS: Including payments made on behalf of employees as part of their job description/ training; and human service contributions/payments.

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- D) If there are *purchases* for which it is not clear whether a purchase order is required, the Department Head *shall* consult with the Purchasing Agent or Town Manager for a final determination.
- E) Prior to issuing a purchase order for a new vendor, Department Heads *shall* contact the Finance Manager to determine if the appropriate tax identification forms and insurance certificates (for vendors working on Town property) are on file.
- F) **DISTRIBUTION:** One copy of the purchase order *shall* be given to the vendor if requested, one to the Administration (prior to the invoice being submitted for payment processing), and one maintained for department files.
- G) **SCOPE OF INFORMATION:** The purchase order *should*, at a minimum, contain the following information, as applicable:
 - 1. The quantity and description of product or service being purchased
 - 2. Vendor's name and location
 - 3. The unit costs
 - 4. Total amount of purchase
 - 5. Date the order was prepared
 - 6. Purchase order number
 - 7. Budget account (General Ledger) which to charge the purchase

Departments *will* use the Town's most current purchase order system and *will* adopt the purchase order module as being prepared for our in-house procurement system.

SECTION VII: PURCHASE LEVELS

- A) **PURCHASES UP TO \$2500:** The Department Head *shall* have full authority to make departmental *purchases* of goods or services up to \$2500 which are identified within the department's annual budget. Although not required, the provisions of this section encourage a Department Head to solicit multiple price quotes in order to ensure the best value for the Town.
- B) **PURCHASING BETWEEN \$2501 AND \$10,000:** In accordance with the provisions of this section, the Town Manager *shall* have full authority to approve departmental *purchases* of goods or services up to \$10,000 for those items which are identified in the Town's budget.
 - ❖ For such *purchases*, the Department Head *shall* contact as many vendors as necessary in order to obtain at least three (3) written quotations. In the event less than three (3) quotations are available; evidence of the attempt to obtain them *should* be attached to the documentation (this is generally referred to as a "no-bid response"). In addition, Department Heads are strongly encouraged to solicit a quote from at least one Local Business/ Vendor. The Department Head *shall* present these quotations to the Purchasing Agent, along with a recommendation for their approval, and once approved by the Purchasing Agent, prepare a purchase order to be signed by the Town Manager.

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- C) PURCHASES ABOVE \$10,000: *Purchases* having an estimated cost in excess of \$10,000 *shall* be bid pursuant to the competitive procurement guidelines established in these policies under Section IX-A or IX-B.
- D) MULTIPLE UNIT PURCHASES UNDER ONE PURCHASE ORDER: For situations where multiple units of the same equipment or item are to be acquired, it is expected that a purchase order be used if the total cost of the combined units is in excess of \$5000. In no instance *may* the requirement of a purchase order be avoided by making multiple individual *purchases* in succession.

SECTION VIII: MULTI-DEPARTMENT/ YEAR PURCHASING

- A) For *purchases* of goods and supplies, which cross several departments, every effort *should* be made to use one vendor and purchase in bulk, in order to take advantage of discounts that *may* be offered. For specialized office supplies such as business cards and letterhead, a standardized format *should* be used across all departments.
- B) The Town *will* attempt to establish multi-year contracts for contracted vendor services often utilized by multiple departments on an annual basis. While some services *may* not fall under the requirements of competitive procurement under Section IX, every effort *should* be made to obtain fixed pricing for a minimum three-year period, utilizing a single, pre-qualified vendor in each specialty to perform work at all town buildings. Contracts *will* be proposed for a three-year period, with a performance clause enabling the Town to end the contract early if unsatisfied with the vendor's service. The intent of the arrangement is to secure the most competitive pricing, establish enhanced vendor relations, facilitate the annual budgetary process and enhance efficiencies through a consistently applied bid award process. The maintenance services *shall* be coordinated through the Town Manager or designee.

SECTION IX: TYPES OF COMPETITIVE PROCUREMENT:

As part of the competitive procurement process, when feasible, the Town *will* give consideration to a Local Business/Vendor who bids, in an effort to support the business community in and around Seabrook. This *will* be one consideration among the other criteria discussed in (C) below, however, the intent is to provide additional weighting, for service-based competitive procurement, in order to recognize the benefits of having local services available, in addition to the criteria of price and quality of service.

- A) REQUEST FOR PROPOSALS: Certain professional services, such as architectural and engineering, auditing, and legal services are more appropriately solicited through a Request for proposals (*RFP*). This is due to the need to consider factors other than price, such as professional qualifications, previous experience in related projects, and review of support staffs backgrounds.

When soliciting for *RFP*'s the specifications *must* contain the following information: scope of services to be performed; timing; evaluation criteria; minimum qualifications of professional experience; and price.

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The Town *shall* solicit proposals from at least three (3) vendors providing the professional service. The criteria for determining the *RFP* award among responsible bid submissions are addressed in Section (C) below.

B) THE COMPETITIVE BID PROCESS:

1. For bids solicited on an annual or ongoing basis, the Purchasing office *will* maintain the contractors / bidder list, according to the type of good or service provided, based on those who have previously bid or requested to be on such a list. The bidder list *will* be maintained as a courtesy to send specifications to particular interested vendors, and to encourage the receipt of multiple bids. In addition, a public notice of bid solicitation *shall* be issued, unless waived under provisions of this policy.
2. The Purchasing office *shall* maintain contract files in accordance with the State of NH's record retention rules. Each file *shall* contain the following, minimum information for the retention period, as appropriate:
 - a) Bid specifications, public notice of bid solicitation and other relevant pre-solicitation documents;
 - b) Records of recommendations, justifications, and approvals;
 - c) Lists of those vendors/individuals sent the bid specifications as applicable;
 - d) Copy of each offer or quotation and any records or documentation. Any unsuccessful offers *will* be maintained in the contract file;
 - e) Record of any required approvals;
 - f) Notice of bid award;
 - g) The original of the signed contract or bid award letter, all contract modifications, and other change orders or amendments;
 - h) Bid, performance, or other bond documents or a reference thereto.
3. BID SPECIFICATIONS: The Department Head *shall* prepare specifications or a scope of work for bid items/services, and *shall* submit the draft specifications/scope of work to the Purchasing Agent for approval prior to solicitation of bids. As a part of the specifications, the Department Head *should* always include the following minimum items or requirements:
 - a) Requirements that bidders clearly identify the product or service on which they are bidding on all envelopes.
 - b) Requirement that bid submissions *must* be sealed, received timely, and that facsimile bids *will* not be accepted.
 - c) The bid documents *shall* note that the Town is a Tax Exempt Organization.
 - d) The terms of the contract, including effective dates, extension terms, termination clauses, and other applicable terminology as well as a contact person at the Town to address questions regarding the scope of work and project specifications.
 - e) A statement as to the availability of separate construction or engineering plans, as applicable, and any cost or deposit associated with such plans.
 - f) The payment terms as determined by the Town.
 - g) Where applicable, performance bonds *will* be required and *shall* always be required, as specified by RSA 447:16, for highway and building construction projects with a value greater than \$35,000.

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- h) A statement which reserves the Town's right to reject any and all bids, and waives any informality in the bid process.
- i) A statement which reserves the Town's right to consider substitution of equivalent items under what conditions. The specifications *shall* include a statement which requires the bidder to submit documentation for all substitutions and exceptions.
- j) Where applicable, the Town *may* hold a bidders conference to acquaint the bidders with the process, and to address any special concerns, questions or request for exceptions that *may* arise.
- k) Minimum quantity and quality requirements. These requirements *should* be specific enough to ensure the desired level of quality, but also *must* be flexible enough to elicit multiple bids (i.e. bid specifications *should* generally not include specific brand names).
- l) Specifications *shall* include where and when bids *will* be opened and by whom, as well as how bids *will* be evaluated and awarded.
- m) Specifications *shall* include a requirement that preliminary certificates of insurance, for liability and workers' compensation, be submitted with the bid showing evidence of coverage, the adequacy of which *shall* be subject to approval by the Town Manager.
- n) The following non-collusion clause *shall* be part of every bid specification package. A bidder *must* sign this statement in order for the bid to be valid.

"The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section the word "person" means any natural person, joint venture, partnership, corporation or other business or legal entity."

(Name of person signing bid)

(Date)

(Company)

- 4. PUBLIC NOTICE: The Purchasing Agent *shall* invite all bids by advertisement on the Town website, and where the value of the bid is estimated at \$25,000 and above, in at least one (1) newspaper of general circulation, in the Town of Seabrook, such publication to be at least fourteen (14) days before the time of the bid opening. All bid notices *must* remain posted in at least two public places, one of which *must* be at the Town Hall for a period of not less than two weeks (14 days).

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The Invitation to Bid (Bid Notice) *shall* include the following information:

- a) time and date by which bids *must* be delivered
 - b) address to which the bid is to be delivered
 - c) date by which the town intends to award the bid and contract the vendor
 - d) a general description of the good or service being purchased
 - e) where and when Bid Specifications *may* be obtained
 - f) where and when bids *will* be opened, and by whom
 - g) reserve the Town's right to reject any and all bids
5. AVAILIBLTY OF SPECIFICATIONS: The Purchasing Agent *shall* mail copies of the specifications to those firms/vendors as listed in the bid file as well as additional firms who *may* request a copy. The Town reserves the right to charge for copies according to size and complexity (i.e. construction drawings, etc.) or to refer vendors to the official Town website, where all bid specifications are posted.
6. SAMPLE BID PUBLIC NOTICE:

TOWN OF SEABROOK – INVITATION TO BID

The Town of Seabrook requests written sealed proposals for the (name of bid item). Copies of the proposal specifications *may* be obtained by calling the Town Managers office at (603) 474-3252.

Bidders *may* submit (#copies) of completed written sealed proposals labeled (bid name) to the Office of the Town Manager, 99 Lafayette Road, PO Box 456, Seabrook, NH 03874-0456 by (time), (date) at which time bidding *will* be closed.

The Town of Seabrook reserves the right to accept or reject any proposal if it determines such acceptance or rejection to be in the best interests of the Town of Seabrook. Failure to submit all information specified *may* be sufficient for disqualification.

7. ACCEPTANCE OF BIDS: The Purchasing Agent *shall* accept all bids up to the time specified for receipt in the Public Notice. All bids *will* be dated and time stamped by the Purchasing Office and/or logged onto a bid receipt log. The Town *will* maintain a log of all vendors that pickup bid specification packages. Any late bids *will* be rejected and returned unopened. A bidder *may* correct, modify, or withdraw a bid by written notice received in the Purchasing Office before the time and date set for the bid opening.
- a) Bids *must* be submitted in accordance with the bid solicitation. If a bidder chooses to use its own bid form or a letter to submit a bid, the bid *will* be considered only if the bidder explicitly, in written form, accepts all terms and conditions of the invitation and further, that the award of the bid would result in a binding contract under the terms and conditions of the solicitations and other terms and conditions contained in the submitted bid which do not conflict with those in the solicitation.

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8. BID OPENING: All bids *will* be opened by the Town Manager, Purchasing Agent and/or designee at the time and date specified in the Public Notice. The names and quotes for all bidders *shall* be listed in the Bid File and made available for public inspection. The Purchasing Agent *shall* notify all bidders of any changes in the opening time and/or date.
9. BID CORRECTIONS: After the bid opening, the bidder *may* not amend, correct, modify, or change in any fashion a bid which would be contradictory to the interests of the Town of Seabrook or fair competition. The Purchasing Agent *may* waive minor informalities, or allow the bidder to make corrections, as long as the intent of the bid is not disturbed.
10. BID AWARD: Bids meeting the specifications *shall* be reviewed by the Department Head in consultation with the Purchasing Agent and others as needed. A list of all bids received, as well as a recommendation, *shall* be made to the Town Manager for approval. The criteria for determining the bid award among responsible bid submissions are addressed in Section (C) below.

The Purchasing Agent *shall* recommend to the Town Manager who *will* then award to the successful bidder.

11. CONTRACTOR QUALIFICATIONS: To be determined responsible, a prospective contractor *must*:
 - a) Have adequate financial resources to perform the contract, or the ability to obtain them by the date of the bid opening;
 - b) Be able to comply with the required or proposed delivery or performance schedules;
 - c) Have a satisfactory performance schedule;
 - d) Have a proven record of integrity and business ethics;
 - e) Have the necessary organization, experience, technical skills, and support staff, or the ability to obtain them;
 - f) Have the necessary production, construction, and repair equipment and parts required to fulfill the contract requirements.
 - g) Provide at least two references and phone numbers, if requested.

C. RFP AND BID EVALUATION CRITERIA:

Among responsible bidders that have satisfied the minimum requirements of the bid specification/*RFP*, selection *should* be made considering the following: price, qualifications and service capabilities based on interview, proposal review, reference checks, and site visits as applicable, as well as local vendor consideration. The selection criteria *shall* be addressed by the Purchasing Agent when presenting the recommendation for bid award to the Town Manager.

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SECTION X: MISCELLANEOUS PROVISIONS:

- A) SOLE SOURCE PROCUREMENT: (Exception to Bid). When in the best interest of the Town, a procurement process in which a good or service is procured from a single source without competition. A sole source situation exists when only one brand *will* meet the requirements and there is only one source of supply for that brand. Both the Purchasing Agent and the Town Manager *must* certify that such a procurement is both necessary and in the best interest of the Town of Seabrook.
- B) STATE/ OTHER BIDS: If the budgeted item/service to be purchased has been included in a bulk contract awarded through a competitive bid process conducted by the State of New Hampshire or other similar purchasing consortiums that *may* be available, and municipalities are eligible to participate in this contract, and if under \$10,000, the item/ service *may* be exempt from Section VII B of this policy, if approved by the Purchasing Agent. If the item/ service is greater than \$10,000, Department Heads *shall* present this request to the Town Manager for approval and waiver of the bid process under Section XII of this policy.
- C) CHANGE ORDERS: Whenever a change of monetary, time or other requirements occurs on the original purchase order, a new order with the updated information *must* be submitted by the Department Head, modifying the purchase order. The modified order *will* be re-routed for approval with the notation “Modifying or Changing Purchase Order No. _____”.
- D) EMERGENCY PURCHASES:
- ❖ Emergency Public Works/Construction Projects: An emergency situation exists when a sudden unexpected incident poses a clear and imminent threat to public health, safety, property, and/or essential public services. The affected department *shall* contact the Purchasing Agent and/or Town Manager for concurrence that an emergency situation exists. The Purchasing Agent *shall* be contacted for concurrence immediately, regardless of whether the situation occurs during regular business hours or not. Once the department receives concurrence from both, the department *shall* take appropriate action and make any purchase of goods and/or services deemed necessary to mitigate the emergency. If the aggregate cost of an emergency public works project exceeds \$10,000 in total cost, the normal bidding process *may* be waived. If the normal bidding process has been waived, an initial report of the waiver and the emergency *must* be made to the Town Manager by the individual so authorized within 7 days of the emergency.
 - ❖ Other: For emergency situations other than public works/construction, the department *shall* contact the Purchasing Agent immediately for verification that an emergency situation exists, regardless of whether this occurs during regular business hours or not. The Purchasing Office *will* provide instructions on how to issue payment to the vendor responding to the emergency.

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SECTION XI: CREDIT CARD PURCHASES:

Please refer to the Seabrook Credit Card Policy (By selectmen vote 08-09-07), which is being reviewed and amended.

SECTION XII: EMPLOYEE REIMBURSEMENTS:

Employee reimbursements *must* be approved by the Department Head and include all supporting documentation, including copies of receipts for cash *purchases* or a copy/image of the check if a personal check is used. Every effort *should* be made to avoid using personal funds for Town *purchases* if a Town credit card or purchase order can be utilized instead. All employee reimbursements *shall* be submitted with a standard request for check form and appropriate supporting documentation to ensure compliance with Town policies, Collective Bargaining Agreements and/or Internal Revenue Service requirements. The Benefits Manager is responsible for reviewing documentation to ensure Internal Revenue Service requirements are met and to assess the payroll tax impact of any reimbursement or fringe benefit arrangement. If a Department Head is seeking reimbursement, it is their responsibility to obtain approval from the Town manager or designee. No employee *shall* authorize their own reimbursement.

SECTION XIII: WAIVERS:

The Board of Selectmen *may* vote to waive any portion of this policy if the Board deems it to be in the best interest of the Town of Seabrook.

SECTION XIV: SURPLUS PROPERTY DISPOSAL

The Purchasing Agent shall be responsible for the administration of *surplus* Town-owned property or *salvage*. *Surplus* property or reclaimed property *may* be disposed of by means of auction, *surplus* bid, equipment trade-in, recycling or donation as prescribed by the Board of Selectmen.

In an attempt to save funding and maximize Town assets to the end of their useful life, any department that has *surplus* property in usable condition *should* contact the Purchasing Division by e-mail describing the *surplus* property, attaching photographs if possible. The Purchasing Division *will* distribute this email to each department for possible transfer. If there is no response from other Town departments, the department with the *surplus* property *shall* submit the same to the Purchasing Agent for presentation to the Board of Selectmen for approval to dispose as surplus. That presentation shall include a recommendation by the Purchasing Agent and Department Head on the methodology for disposition.

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SECTION XV: AMENDMENTS:

These policies *may* from time to time be amended by the vote of the Board of Selectmen at a regularly scheduled Selectmen's Meeting. Notice of proposed changes shall be posted in at least two (2) public places, one of which *must* be Town Hall, at least 14 days from the date of the meeting.

SECTION XVI: EFFECTIVE DATE:

These policies shall be effective upon a vote of the Board of Selectmen and shall replace any and all bid procedures or policies previously enacted by the Town.

This policy was adopted by the Board of Selectmen on 16TH day of JUNE, 2014

Edward J. Hess Jr.
Edward J. Hess, Jr., Chairman

BOARD OF SELECTMEN:

Raymond Smith
Raymond Smith, Vice-Chairman

Aboul B. Khan
Aboul B. Khan, Clerk

Kelly J. O'Connor
Witness

Date: 6/16/14

Recorded and Received
9:55 AM
Cheryl Dancer
Deputy Town Clerk