

TOWN OF EXETER PURCHASING POLICY AND PROCEDURES

I. Purpose

- a) This policy is intended to provide the policies and procedures necessary for the conduct of purchasing activities for the Town of Exeter. This policy is designed to:
- b) Encourage maximum competition through fair and equal opportunity to those qualified and interested bidders.
- c) Provide a uniform procedure for the procurement of material, equipment, supplies, and services.
- d) Ensure that the taxpayers are getting the “best overall value” for their dollars.
- e) Apply to all Town Departments under the authority of the Town Manager.

II. Procedures

- a) All purchases require prior approval by the Department Manager.
- b) All purchases and expenditures for service shall have a purchase order. The only exception is if the finance director has a written contract or agreement on file.
- c) Purchase orders shall be issued prior to purchase.
- d) Some of the factors considered when determining the “best overall value” are:
 - i Price
 - ii Quality
 - iii Warranty
 - iv Service
 - v Availability
 - vi Past Performance with Town of Exeter
 - vii References

III. For Purchases:

- a) **Under \$500:** Employees are encouraged to do whatever is practical to secure competitive pricing from multiple sources. The telephone quotation form may be utilized to document pricing.
- b) **Between \$500 and \$2,999.99:** Informal bids from at least three sources must be obtained. Bids should be documented on the "telephone quotation form" or may be supported by written quotations from vendors. This documentation should be attached to the purchase order. The Town Manager or where applicable, the Department Manager, must approve the purchase prior to the issuance of a P.O.
- c) **Between \$3,000 and \$24,999.99:** Informal written bids from at least three sources must be obtained. Faxed quotations are acceptable. Purchases must be supported by written quotations from vendors. Direct solicitation is allowed. Award of purchase requires the approval of the Town Manager or the Department Manager.
- d) **Over \$25,000:** The formal sealed bid is used for major purchases. An invitation to bid must be publicly advertised in the legal paper of record at least fourteen (14) days prior to the date set for opening. Bid specifications require the approval of the Town Manager. Formal bids must be received sealed and in writing by a posted deadline. Bid openings under this section will take place at a regular Selectmen's meeting.

All bids shall be opened before the public at a date, time and place designated in the bid request. Late bids will not be accepted. Award of purchase or contract requires the approval of the Town Manager and Board of Selectmen.

If at least three bids are not received the Town Manager may require a re-bid. In order to facilitate this process, any bid process where three bids are not received will be brought before the Board with a recommendation from the Town Manager whether or not to conduct a re-bid.

IV. Professional Service Contracts

Either the Request for Proposal (RFP) or the Request for Qualifications (RFQ) process (or a combination) may be used. The primary difference between the two processes is that in the RFP process a specific proposal is received and evaluated. The proposal includes a scope of work and a cost proposal. In the RFQ process, Statements of Qualifications (SOQs) are received and selection is made upon those qualifications. In this process, a mutually acceptable scope of work and contract amount is negotiated with the successful bidder.

The RFP/RFQ must be approved by the Town Manager, must be in writing and must be posted in the town's official posting place, and publicly advertised in the legal paper of record at least fourteen (14) days prior to the date set for opening. Proposals or SOQs must be submitted to the town in a sealed envelope marked with the name of the request as indicated in the instructions.

Proposals shall be opened before the public at a date, time and place designated in the RFP. All proposals shall be opened under dual control by the Town Manager, Public Works Director, Finance Director (or their designee) and other pertinent Town staff, except those exceeding \$25,000 in value, which will be opened at a regular Board meeting. The proposals shall be analyzed (based upon the "best overall value" to the town) and documented including staff recommendation. Award shall be made by the Town Manager. Professional service contracts in excess of \$25,000 also require approval of the Board of Selectmen.

V. Public Auction

With the approval of the Town Manager, purchases may be made through public auction. The department must provide to the Town Manager in writing, quotes from like products in order to provide a realistic price comparison. Upon receiving this information, and verifying budget availability, written authorization indicating the amount "not to exceed" may be granted allowing the Department Manager or their designee to attend the auction and bid on that particular product.

If a purchase is made through a public auction, all documentation must be retained and submitted to the Finance Department.

VI. Cases not Requiring Bidding Procedure

The Town Manager may approve a purchase order without bid under the following conditions:

- a) Item is to be purchased under State or Federal Bid lists
- b) Only one known source of purchase, and there is no comparable substitute product or service; Written documentation supporting the sole source must be provided
- c) Specific type or brand of supply or part necessary for acceptable operation of a machine or device, or as required by warranty or contract on the machine or device; written documentation supporting the purchase of a specific brand or part necessary for acceptable operation of a machine or device must be provided.
- d) An item or service that is required on an emergency basis

- e) An item previously awarded within the past twelve (12) months, subject to approval of the Board of Selectmen.

VII. Emergency Procurements

Emergency Procurements Definition: Emergency procurements may be made when there is a threat to public health, welfare or safety, provided that such emergency procurement shall be made with such competition as is practical under the circumstances.

Examples of emergency procurements include repair of a water or sewer line break, storm damage to town infrastructure requiring immediate repair, structural repairs to municipal buildings that would otherwise cause the building to be closed to the public, etc.

In case of an emergency requiring immediate purchase of materials, supplies, equipment or services, the Town Manager hereby authorizes the Department Managers to approve such emergency purchase if the situation permits. The Town Manager shall be notified as soon as possible as to the emergency and the associated purchases. A written determination for the basis of the emergency and for the selection of the particular contractor or vendor shall accompany the purchase order and voucher. As soon as is practicable, standard purchasing procedures will be reinstated. Records of each emergency procurement shall be placed on file with the Finance Department.

VIII. Artificial Division Prohibited

Purchases shall not be artificially divided so as to create lower purchase amounts and therefore avoid some requirements of this policy. Whether or not a proposed purchase constitutes artificial division shall be determined by the Town Manager.

IX. Local Advantage

The Town of Exeter will make every effort to purchase from businesses located within the Exeter area if the purchase fits into the category of "best overall value." It must be noted that The Town of Exeter employees have a responsibility to the taxpayers of the Town to ensure that bids are awarded to vendors offering their products or services at the "best overall value" to the Town.

X. Cancellation and Rejection of Bids

An invitation to bid, request for proposal, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or part, as may be

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specified in the solicitation when it is in the best interest of the Town. The reasons shall be made part of the formal bid file.

XI. Pre-qualifications of Suppliers

Prospective suppliers may be pre-qualified for particular types of supplies and technical and construction services.

A "Request for Qualifications" will be solicited and advertised in order to establish a pre-qualified vendors list. Upon establishment of a pre-qualified vendors list, requests for proposals or requests for quotations may be submitted to individuals or companies on the list.

XII. Ethics in Public Purchasing and Contracting

It shall be unethical for any Town employee involved in making procurement decisions to have personal investments in any business entity that will create a substantial conflict between their private interests and their public duties.

It shall be unethical for any person to offer, give, or agree to give any Town of Exeter employee, or for any Town of Exeter employee to solicit, demand, accept, or agree to accept from any vendor or business, a gift or gratuity in any amount in connection with any decision, approval, disapproval, or recommendation concerning a solicitation.

Inexpensive advertising items, bearing the name of a vendor, such as pens, pencils, paper weights, cups, candy, calendars, etc., are not considered articles of value or gifts in relation to this policy.

Failure to comply with the provisions of this policy will result in disciplinary action.

XIII. Authority

These policies are adopted by the Board of Selectmen in accordance with RSA 41:8 as it relates to their management of the Town's prudential affairs and their authority over expenditures.

Adoption Date: by Board of Selectmen at August 27, 2007 meeting.

Effective Date: September 4, 2007