



## PROCUREMENT POLICY

1. **Purpose.** The purpose of this policy (the “Policy”) is to establish guidelines for the Clearview Library District (the “District”) when purchasing supplies, materials, apparatuses, equipment, services, and entering into contractual agreements.
2. **Policy Statement.** The District’s procurement practices are based on the principle of maximum fair and open competition. Procurement procedures shall not restrict or eliminate competition. The practice of favoritism, whether to the user, department, or a vendor, is not permissible. All persons involved in the procurement process have a responsibility to provide fiscal stewardship when expending District funds. The taxpayers entrust the District to expend money in an efficient and effective manner. The integrity of the procurement process must be maintained. Any request to deviate from the provisions of this Policy must be submitted to the Director and approved by the Board of Trustees. Any approved exceptions will be documented in writing.
3. **Conflicts of Interest.** In accordance with the District’s Conflict of Interest Policy, purchasing from or through employees of the District or through companies in which District employees have a financial interest, either directly or indirectly, is not permitted. The purchasing power of the District shall not be used for private advantage or gain. District officials and employees are prohibited from obtaining a direct benefit from any contract in which they are involved on behalf of the District. District officials and employees are prohibited from influencing or attempting to influence award of contracts, soliciting or receiving gifts or rewards for recommending, and influencing or attempting to influence contract awards.
4. **Economy and Efficiency.** Proposed procurement actions shall be reviewed by the Director to avoid the purchase of unnecessary or duplicate items. Consideration should be given to consolidation or separation of procurement items to obtain a more economical purchase. Where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine which approach would be the most economical. To foster greater economy and efficiency, the District will seek to enter into local intergovernmental agreements for procurement or use of common goods and services.
5. **Procurement Methods.** Procurement shall be made by one of the following methods: (a) small purchase procedures; (b) competitive sealed bids (formal advertising); (c) competitive sealed proposals; or (d) noncompetitive proposals.
6. **Solicitation of Offers.** The solicitation of offers, whether by competitive sealed bids or competitive negotiation, shall adhere to the following:

6.1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured, and when necessary shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equal” description may be used to define the performance or other salient requirements of a procurement. The specific features of the names brands which must be met by offerors shall be clearly stated.

6.2. Clearly specify all requirements which offerors must fulfill and all other factors to be used in evaluating bids or proposals.

7. **Contract Pricing.** For all contract pricing, cost plus a percentage of cost method of contracting shall not be used.

## 8. **Small Purchase Procedures.**

8.1. The Purchasing Agent shall have the power to negotiate without formal competition for the purchase of any materials, professional services, services or construction not exceeding a cost of thirty thousand dollars per year of contract. Where a project has been previously bid, project managers may approve, pursuant to administrative guidelines approved by the Purchasing Agent, change orders up to the minor purchase limit established in this Subsection; provided, however, that no such change order shall authorize any expenditure of funds in excess of the amounts budgeted and appropriated for the project.

8.2. Such negotiated purchases shall be made in the open market, but wherever practical or advantageous, the Purchasing Agent shall obtain quotes from at least three suppliers. Negotiated purchases of materials, services, or construction shall be awarded to the person supplying the lowest responsible and responsive quote.

8.3. The purchasing procedures adopted pursuant to this Policy may authorize the purchase of materials, services, or professional services in the open market by other departments or agencies of the Town of Windsor, provided that no such purchase shall exceed five thousand dollars.

8.4. No procurement will be divided so as to constitute a minor purchase under this Subsection.

## 9. **Competitive Sealed Bids.**

9.1. Procurements accomplished pursuant to this Section shall be awarded to the lowest responsive and responsible bidder after competitive sealed bidding.

9.2. An invitation for bids shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.

9.3. Public notice shall be given and shall include the bid title, place, date, and time of bid opening.

9.4. All bids shall be opened in public at the time and place stated in the invitation for bids. The amount of each bid and such other relevant information as the Purchasing Agent deems appropriate, together with the name of each bidder, shall be recorded. Thereafter, the record of bids and each bid shall be available for public inspection in the office of the Purchasing Agent in the same manner as are other public records. In the event of good cause as determined by the Purchasing Agent, bid openings may be postponed.

9.5. Bids shall be unconditionally accepted without alteration or correction, except as authorized in Subparagraph 9.7. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria and/or processes for determining acceptability, such as inspection, provision of sample materials, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth all evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.

9.6. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be authorized when deemed appropriate by the Purchasing Agent.

9.6.1. Mistakes discovered before bid opening may be corrected or withdrawn in writing by the bidder. Any such corrections or notices of withdrawal must be received in the office designated in the invitation for bids prior to the time set for bid opening.

9.6.2. After bid opening, (a) a low bidder alleging a material mistake of fact may be permitted by the Purchasing Agent to correct its bid if the mistake is clearly evident on the face of the bid document and the intended correct bid is similarly evident, and (b) a low bidder alleging a material mistake of fact may be permitted by the Purchasing Agent to withdraw its bid if the mistake is (i) clearly evident on the face of the bid but the intended correct bid is not similarly correct, or (ii) not clearly evident on the face of the bid but the bidder submits evidence to the Purchasing Agent which clearly and convincingly demonstrates that a mistake was made, in which case the bidder must show the nature of the mistake and the bid price actually intended.

9.6.3. No changes in bid prices or other provisions of bids prejudicial to the interests of the District or fair competition shall be permitted.

9.6.4. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes will be supported by a written determination made by the Purchasing Agent.

9.7. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsible bidder whose bid meets the requirements and criteria set forth in the

invitation for bids. If the lowest responsive and responsible bid exceeds budgeted funds and either time constraints or economic considerations preclude re-solicitation of work of a reduced scope, the Purchasing Agent is authorized to negotiate an adjustment of the bid price with the lowest responsive and responsible bidder or to modify the scope of work, so as to bring the bid price within the constraints of the budgeted funds.

9.8. Notwithstanding the foregoing, nothing in this Section 9 shall be deemed to limit the ability of the District to reject any or all bids when it is in the best interest of the District.

## **10. Competitive Sealed Proposals.**

10.1. Procurements for the following are eligible for award by competitive sealed proposals: (a) materials and services when the Purchasing Agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the District; (b) professional services; and (c) District improvements when the Purchasing Agent determines that the use of alternative delivery methods will provide substantial benefit to the District while retaining sufficient competitive pricing and/or performance.

10.2. Procurements accomplished pursuant to this Section shall be solicited through a request for proposals.

10.3. Public notice shall be given and shall include the proposal title, place, date, and time of proposal opening.

10.4. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be maintained containing the name of each offeror and shall be open for public inspection after the award of the contract in the office of the Purchasing Agent in the same manner as are other public records.

10.5. The request for proposals shall state evaluation factors and their relative importance.

10.6. After proposal opening, interviews may be conducted with the highest ranked responsible offeror or offerors for the purpose of clarification and to assure full understanding of, and responsiveness to, solicitation requirements. Offerors selected for interview shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submissions and prior to award in order to reflect clarifications in the proposal's scope of work or contract amount. In conducting interviews, there shall be no disclosure by the District or any officer, employee, or committee thereof, of any information derived from proposals submitted by competing offerors, nor shall there be any disclosure of information discussed by the evaluation committee in selecting the highest ranked offeror(s). After the contract has been awarded and a written contract executed with the selected offeror(s), the total points of the evaluation committee will be retained by the Purchasing Agent for a period of time consistent with the District's record retention policy. Individual rating sheets and notes prepared or utilized by members of the evaluation committee shall not be made available for public inspection.

10.7. The contract shall be awarded with reasonable promptness by written notice to the responsible offeror whose proposal is determined in writing to be the most advantageous to the District, taking into consideration the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation.

10.8. The Purchasing Agent is authorized to negotiate the final price and precise scope of work with the selected offeror.

## **11. Noncompetitive Proposals.**

11.1 Procurement through noncompetitive proposals is solicitation of a proposal from only one source, or after solicitation of a number of sources competition is determined inadequate. Noncompetitive proposals may be used when the award of a contract is not feasible under small purchase, competitive sealed bids, or competitive sealed proposals. Circumstances under which a contract may be awarded by noncompetitive negotiations are limited to the following: (a) the item is available only from a single source; (b) there exists a public exigency or emergency and the urgency for the requirement will not permit a delay incident to competitive solicitation; (c) after solicitation of a number of sources, competition is determined inadequate; (d) no acceptable bids have been received after formal advertising; (e) the procurement of architectural/engineering and other professional services; or (f) the aggregate amount does not exceed \$50,000.

11.2. In no event shall the contract price exceed commercially reasonable prices.

11.3. A full written report of the circumstances of all noncompetitive proposals shall be made by the Director to the Board of Trustees. The report shall be received by the Board of Trustees in an open meeting, and such report shall be open to public inspection.

## **12. Responsibility of Bidders and Offerors.**

12.1. In determining whether a bidder or offeror is responsible, the following shall be considered: (a) the ability, capacity, and skill of the bidder or offeror to perform the contract or provide the services required; (b) whether the bidder or offeror can perform the contract or provide the service promptly and within the time specified without delay or interference; (c) the character, integrity, reputation, judgment, experience, and efficiency of the bidder or offeror; (d) the quality of the bidder's or offeror's performance of previous contract or services; (e) the previous and existing compliance by the bidder or offeror with laws and ordinances relating to the contract or service; (f) the sufficiency of the financial resources and ability of the bidder or offeror to perform the contract or provide the service; (g) the quality, availability, and adaptability of the materials and services to the particular use required; (h) the ability of the bidder or offeror to provide future maintenance and service for the use of the subject of the contract; and (i) any other circumstances which will affect the bidder's or offeror's performance of the contract.

12.2. The Purchasing Agent shall have the authority to reject all bids or proposals or any portions thereof when the interests of the District and the public will be served thereby. All such decisions will be supported by a written determination made by the Purchasing Agent.

12.3. No bidder or offeror shall be in default on the performance of any other contract with the District or in the payment of any monies due to the District.

### **13. Construction Contracts.**

13.1. Competitive sealed bids are the preferred procurement method for all construction contracts.

13.2. The following will not be allowed to bid on, or negotiate for, a contract or subcontract related to the construction of a project: (a) an engineer or architect as an individual or firm who has prepared plans and specifications or who will be responsible for monitoring the construction; (b) any firm or corporation in which the District's architect or engineer is an officer, employee, or holds or controls a substantial interest; (c) the Board of Trustees of the District; (d) any member of the immediate family or partners in the foregoing 13.2(a) through 13.2(c); or (e) an organization which employs, or is about to employ, any person in the foregoing 13.2(a) through 13.2(d).

Adopted, May 31, 2018