

**TOWN OF AVON
POLICY MEMORANDUM**

SUBJECT:	Purchasing Procedures	NO:	3.1
		DATE:	04/07/86
		REVISED:	11/01/99
		REVISED:	02/07/05
		REVISED:	11/05/07
		REVISED:	05/07/09
		REVISED:	02/04/10

I. PURPOSE

The purpose of this policy memorandum is to establish a systematic and uniform system for the procurement of services, supplies, materials, equipment and other commodities required by any department, office or agency of the Town other than the Board of Education. The Board of Education may adopt the Purchasing Procedures set forth in this memorandum subject to any modifications that it deems appropriate.

II. RESPONSIBILITY

It shall be the responsibility of all Town department heads to implement and adhere to the Purchasing Procedures enumerated in this memorandum.

III. FORMS AND EXHIBITS

Requisition/Purchase Order (Exhibit A)
Purchasing Policy Checklist (Exhibit B)
Insurance Limitation–Coverage Requirements for Contracted Work (Exhibit C)
Rating Form (Exhibit D)

IV. TOWN CHARTER REQUIREMENTS

4.3 GENERAL POWERS AND DUTIES OF THE TOWN COUNCIL

4.3.2 The Town Council shall have the duties and powers to:

(j.) "Approve procedures established by the Town Manager for the purchase of services, supplies, materials, equipment and other commodities required by any office or agency of the Town, including the Board of Education, provided said Board approves."

7.3 DUTIES OF THE TOWNMANAGER

7.3.2 The Town Manager shall have the following duties:

(h.) "To purchase, or cause to be purchased, subject to such procedures as shall be approved by the Town Council, all services, supplies, materials, equipment and other commodities required by any office or agency of the Town."

9.5 EXPENDITURES AND ACCOUNTING

9.5.1 (a) "No purchase shall be made by any office or agency of the Town other than the Board of Education except with the approval of the Town Manager or his authorized representative."

V. AUTHORIZATION

The Town Manager or his authorized agent is authorized to procure services, supplies, materials, equipment and other commodities which:

- A. Are authorized by an approved appropriation; and
- B. Are acquired in accordance with applicable law and this policy.

In procuring services, supplies, materials, equipment and other commodities, the Town Manager or his authorized agent is authorized to undertake cooperative procurement with the Board of Education and other governmental units, as set forth in Section VI. F, below.

VI. PURCHASING POLICY

A. OBJECTIVES: The objectives of the Purchasing Procedures set forth in this memorandum shall be as follows:

1. To procure materials, supplies, equipment, and services at the lowest cost consistent with the quality of service rendered.
2. To exercise positive financial and audit control over purchases.
3. To provide an expeditious and efficient means of procuring materials, supplies, or services.
4. To establish and consistently maintain standards of quality in materials, supplies, equipment, and services based on suitability for use.
5. To ensure that all purchasing functions and practices are conducted without regard to the political affiliation, race, color, creed, age, sex, national origin, physical or mental disability, ancestry, marital status or sexual orientation.

B. DUTIES OF PURCHASING AGENT

The Purchasing Agent shall be the Town Manager or his authorized representative and shall have the responsibility for establishing specifications for the equipment, materials,

supplies or services to be procured. The Purchasing Agent shall consult with the various departments concerned, but the determination of the quality of goods to be purchased shall rest with the Purchasing Agent.

C. SERVICE CONTRACTS

The Town Manager or if so designated by the Town Manager the Purchasing Agent shall approve and sign all contracts for services, supplies, materials, or equipment for the Town or its departments or agencies.

D. RELATIONS WITH VENDORS

The Purchasing Agent shall strive to establish and maintain a relationship of mutual confidence and satisfaction between the Town and its vendors. To effectively accomplish this, the Purchasing Agent must be aware of all contractual transactions that are conducted between the Town and its suppliers. The Purchasing Agent will refer catalogs or other advertising materials to the departments concerned. Departments which correspond directly with a vendor on technical matters concerning items to be purchased shall forward copies of the correspondence to the Purchasing Agent's office.

E. CIVIL RIGHTS COMPLIANCE

All vendors from whom the Town purchases materials, supplies, equipment, and services shall be notified of the provisions of the Town's Affirmative Action Plan requiring that all vendors comply with the Civil Rights Act of 1964, the Equal Employment Act of 1972, and where applicable, the Connecticut Fair Employment Practices Law.

F. COOPERATIVE PURCHASING

1. Whenever feasible, the Purchasing Agent may make arrangements for purchasing in conjunction with other governmental units, such as the Capitol Region Purchasing Council, Capitol Region Education Council, and the State of Connecticut, so as to make possible a better bid price based upon quantity or other considerations. In such an event, the applicable purchasing procedures shall be as provided by applicable law or as determined by the parties.
2. When the Town and the Board of Education agree to undertake a cooperative purchase of goods or services, the Town Manager and the Superintendent of Schools shall determine which of their respective purchasing procedures shall be followed with respect to the purchase.

G. PREVAILING WAGES

All construction bids shall comply with the applicable sections of the Federal and State laws pertaining to the advertisement, payment and certification of prevailing wages. For any construction bid to which the state prevailing wage laws apply, the Town will

include the prevailing wage rates in the proposal for contract. For such projects, the Town or its agent will contact the Labor Commissioner at least ten days, but not more than twenty days, prior to the advertisement for bids to obtain the prevailing wage rates applicable to the project.

VII. NORMAL PURCHASING PROCEDURES

Except as otherwise provided in these Purchasing Procedures, the following procedures shall be followed for purchases of materials, supplies, equipment, or services with a dollar value of more than \$2,000.00.

A. INSTRUCTIONS FOR PREPARING THE REQUISITION/PURCHASE ORDER

Requisition/Purchase Order forms (sample attached as Exhibit A) are available online and must be completed by the originating department in typewritten format. The originating department is responsible for completing the Requisition/ Purchasing Order in an accurate and thorough manner. Assistance in completing the purchase order may be obtained from the Purchasing Agent.

B. ROUTING OF THE REQUISITION/PURCHASE ORDER

1. Purchases with a dollar value of \$2,000.00 or more, or if otherwise directed by Town Manager.

After the requisition portion of the document has been completed by the department head or his duly authorized representative as recognized by the Purchasing Agent, the originating department will forward the Requisition/Purchase Order to Accounting for processing. The originating department shall retain a copy of the form for posting to the departmental requisition log and subsequent filing in the requisition outstanding file. Upon receipt, the purchase order will be reviewed by Accounting for certification that there is an unencumbered balance of appropriated and available funds in the account indicated. After this certification is obtained, the purchase order may be reviewed by the Town Manager or his designee and will then be signed by the Purchasing Agent as approved for purchases.

Purchases that require a sealed bid process and/or the signing of a contract by the Town Manager must also be accompanied by a completed “Purchasing Policy Checklist” (see Exhibit B). The checklist is also recommended for cooperative purchases, sole source purchases or purchases that require obtaining three quotes.

The Purchasing Agent shall be responsible for ensuring that each purchase order is recorded in a numerical purchase order log which shall contain the purchase order number, date, vendor, originating department, account code charged, dollar value of the order, date material received and date payment was made.

POLICY MEMORANDUM NO. 3.1

Disapproved orders will be returned to the department originating the request with the reason, or reasons for disapproval indicated thereon. Reasons for disapproval shall include (1) insufficient funds in the expenditure classification of the account, (2) the purchase requested is an ineligible expense for the account cited or has not been authorized for procurement during the fiscal year, (3) the requisition does not have authorized signature on it, and (4) the purchase is disallowed by the Town Manager. If the specific request has been approved for purchase, the distribution of the Requisition/Purchase Order will be as follows:

- (1) The original (vendor's copy) is mailed to the vendor by the Purchasing Agent, or if requested, returned to the originating department for delivery in person;
- (2) A copy (encumbrance) is sent to the Finance Department for encumbrance;
- (3) A copy is forwarded to the department originating the request.

C. CHANGE ORDER

A change order is a purchase order which may be used to amend, correct or cancel any previously issued purchase order. Change orders shall be initiated by the originating department by means of a requisition.

1. PREPARATION OF A CHANGE ORDER

Change orders will be prepared and processed in the same manner as are Requisition/Purchase Orders. The change order will have included in the body "Change Order to Purchase Order No._____" Change Orders will not be used to purchase items which were not contemplated in the original purchase order (i.e., items dissimilar to the original order). When a requisition is used to cancel a purchase order, a copy from the department will be forwarded along with the appropriate copies of the change order to the Finance Department.

D. ROUTING OF THE CHANGE ORDER

When completed, the change order will be distributed in the same manner as the original purchase order. The requisitioning department will receive a copy of the change order indicating; the action taken on the original order (i.e., modification, cancellation, etc.). Purchase orders and subsequent change orders shall be cross referenced in the purchase order log and the encumbrance copy of the original purchase order will be adjusted to reflect the change order.

E. INVOICES

An invoice is the vendor's statement of his charges against the Town for material or services rendered. Invoices are based on purchase orders and should contain substantially the same information as on the purchase order.

F. ROUTING OF INVOICE

The invoice will normally be mailed to the Town Accountant, as is specified on the purchase order. In some cases, however, the invoices may be delivered with the goods at the receiving point. In such cases, the using department should forward it to the Town Accountant.

Upon receipt, the Town Accountant or his designee will check the invoice against his copy of the purchase order to ensure that the terms are as specified; that discounts, if any, have been given, and that all calculations are complete and correct. The invoice will then be forwarded to the Town Manager or his authorized representative for payment authorization. Payment to vendors will be made only upon receipt of an invoice that is properly coded, signed by the department, and indicates whether this is a partial or complete purchase.

VIII. PURCHASING IN EMERGENCY SITUATIONS OR UNDER EXTRAORDINARY CONDITIONS

This section authorizes purchases to be made in emergency situations or under extraordinary conditions.

Emergency situations shall be defined as situations in which the operation of a department would be seriously hampered, life, limb or property may be endangered, or the health or welfare of the general public is seriously threatened.

Extraordinary conditions shall be defined as conditions which are not known until after an operation has commenced, and which require unanticipated parts, equipment or materials to be obtained in order to complete the operation. By way of example, and not as a limitation, extraordinary conditions may be present in construction projects or automotive equipment repair involving difficult to secure parts.

A. PROCEDURE:

Under the above enumerated conditions, department heads may authorize the purchase of required items in excess of \$2,000.00, if, to the best of their knowledge, the account to be charged has a sufficient unencumbered balance for the amount of the purchase. These purchases may be made directly without a purchase order.

1. During Normal Working Hours - During normal working hours, in the case of emergency purchases of \$2,000.00 or more or if otherwise directed by the Town Manager, the department will prepare a purchase order and obtain approval of the Purchasing Agent. The

purchase order will be provided to the vendor as evidence that the purchase has been approved by the Purchasing Agent and also to be used as reference on the vendor's invoice to the Town.

2. After Working Hours - If the previously enumerated conditions occur at times other than normal working hours, the using department may purchase the commodities required directly from the vendor. At the time of the purchase, the department will secure a sales ticket, delivery slip, or invoice for the material from the vendor.

B. FOLLOW-UP PROCEDURES

After a purchase is made under these conditions, a Requisition/Purchase Order will be prepared in the usual manner. If a purchase order number has been assigned by the Purchasing Agent, this number shall be included on the requisition. The nature of the conditions necessitating such a purchase shall be given briefly on an accompanying letter or memorandum. The sales ticket or invoice will then be forwarded to the Town Accountant. The requisition or the applicable copies of a completed Requisition/Purchase Order for a purchase made under these conditions will be forwarded to the Purchasing Agent no later than the following workday. The Purchasing Agent will then formally issue the purchase order to the vendor which will be marked "Confirming Order - Do Not Reorder".

Extreme care should be taken in the use of this particular provision as it is not to be used as a method of evading the purchasing system. Purchases made under these conditions are costly; they are made hurriedly, usually on a non-competitive basis; and they may not be made at the best available price. Every effort should be made to keep purchases of this nature to an absolute minimum.

IX. BLANKET PURCHASE ORDERS

The function of a blanket purchase order is to establish a contract with a specific supplier for a type of goods or services bought on a recurring basis and where the Town determines that entering into a blanket purchase order would be more efficient than processing a series of individual purchase orders for such goods or services. A blanket purchase order will be issued by the Purchasing Agent at the beginning of a fiscal year to a particular vendor for an estimated dollar amount to be purchased during that fiscal year. The blanket purchase order will allow the using department to draw against the purchase order when ordering required supplies during a fiscal year.

A. INSTRUCTIONS FOR COMPLETING A BLANKET PURCHASE ORDER

Departments using supplies for which blanket purchase orders are applicable will submit a Requisition/Purchase Order form to the Purchasing Agent five working days prior to the first anticipated need for the year. The requisition will be prepared and routed in the same manner as requests for other purchases. The description

column of the Requisition/ Purchase Order will contain the statement: "This is a blanket order for the year ending _____."

The supplies to be purchased during the year will be described in a general manner, such as automotive parts, office supplies, etc. In addition, blanket orders must specifically state the pricing arrangements and any other conditions in a sufficiently clear and concise manner so as to permit the proper comparison of vendor invoices with the blanket order.

B. PROCEDURES FOR ORDERING SUPPLIES UNDER A BPO

After the department has received its copy of the blanket purchase order, those supplies generally described on the order may be obtained directly from the vendor. No single item purchased on a blanket purchase order may exceed 20% of the blanket purchase order. Orders may be verbal or in writing but must make reference to the blanket purchase order to which the supplies are to be charged. The receipt of individual shipments shall be recorded so that the department may be aware of the remaining unexpended balance of the purchase order. When the dollar authorization of the blanket purchase order is exhausted, the department will forward another Requisition/Purchase Order to the Purchasing Agent requesting an additional blanket purchase order for the remainder of the fiscal year. Vendor delivery tickets or other documentation will be required for orders placed against every blanket purchase order.

X. EXPENDITURES NOT REQUIRING A PURCHASE ORDER

Particular items of expenditure may be processed for payment without submitting a Requisition/Purchase Order. Expenses of this nature are usually recurring obligations of the Town, and the amount to be charged is not known until after the service has been performed or until after a specified billing period has elapsed.

The expenses listed below do not require a purchase order:

- A. Electricity, gas water and sewer
- B. Mileage, travel expense or meals related to Town business
- C. Advertising
- D. Postage
- E. Telephone and Telegraph
- F. Rents and leases of a specific nature i.e. real property
- G. Association dues and subscriptions
- H. Payroll deductions
- I. Judgments and claims
- J. Insurance payments
- K. Legal Fees

XI. THE BID PROCESS

The following purchasing requirements and procedures are established for the purchase of supplies and services by Town departments:

1. Purchases having a dollar value of less than \$2,000.00 shall not require a purchase order and shall not require informal or formal bidding.
2. Purchases, having a dollar value of \$2,000.00 to \$5,000.00 shall be made by an authorized purchase order and shall require informal bids in the form of verbal quotations from a minimum of three (3) vendors or suppliers as feasible unless waived by the Town Manager. Purchases having an estimated dollar value of more than \$5,000 and not more than \$10,000 (or up to \$25,000 for Public Works projects), shall be made by an authorized purchase order and shall require competitive bids in the form of documented written quotations from a minimum of three (3) vendors or contractors.
3. Contracts for public works projects, such as for the construction, repair or improvement of streets, drains, sewers, buildings and other municipal public works property having an estimated dollar value of more than \$25,000 shall be made by an authorized purchase order signed by the Purchasing Agent and shall require formal bid procedure unless waived by the Town Council, upon recommendation of the Town Manager.
4. Other purchases having a dollar value of more than \$10,000 shall be by an authorized purchase order and shall require formal bid procedure unless waived by the Town Council, upon recommendation of the Town Manager.
5. In cases where the low bidder is not being recommended for an award, the department shall clearly document in a memo to the Purchasing Agent the reason for selecting another vendor, e.g. delivery, quality, vendor experience with the Town, etc. The Purchasing Agent may at his/her own discretion require approval by the Town Manager.

A. BID PREPARATION

Any department which utilizes the bid process in accordance with the preceding requirements shall request a bid number from the Purchasing Agent prior to preparing the specifications. The date of the bid opening will be determined in coordination with the Purchasing Agent's office. A bid folder, labeled with the bid number and commodity, will be prepared by the Purchasing Agent.

The department will prepare the bid specifications in the format approved by the Purchasing Agent, incorporating the bid number and date of bid opening in the specifications. The completed specifications should be returned to the Purchasing Agent at least three weeks prior to the anticipated date of bid openings.

B. INSURANCE REQUIREMENTS

Contractors that are employed by the Town to perform work on Town buildings or property or to provide other products or services that may expose the Town to potential damage or liability shall be required to obtain and maintain during the course of the project insurance to protect the Town from losses arising from the work. The types and amounts of such insurance shall be as specified in Exhibit C to this Policy Memorandum, titled "Insurance Limitations – Coverage Requirements for Contracted Work," subject to such modifications as the Town Manager or his designee may deem appropriate. The Town shall be named as an additional insured on all such policies, with the exception of Workers Compensation policies. Generally, an insurance certificate evidencing all required insurance policies shall be provided to the Town prior to the commencement of the work.

C. CIVIL RIGHTS COMPLIANCE

The following nondiscrimination clause shall be used in all bid specifications:

"The Bidder is required to comply with all provisions of the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, United States Executive Orders 11246, 11375, 11478, and if applicable, the Connecticut Fair Employment Practice Law and Executive Order No. 3 of Governor Meskill."

D. DISTRIBUTION OF INVITATIONS TO BID AND REQUESTS FOR PROPOSALS

The Purchasing Agent will post the invitation to bid or request for proposal on the Town's website and advertise it in a newspaper of general area circulation at least ten days prior to the bid opening. The newspaper will be requested to return an affidavit of publication when required by the Purchasing Agent.

With respect to items or services as to which an invitation to bid is appropriate, the Purchasing Agent shall maintain on file a list of bidders by commodity, item or service. New bidders will be added on written request by providing their name, address, phone number and commodity, item, or service provided. In addition, the Purchasing Agent shall also maintain on file a list of businesses owned and operated by members of protected classes as defined by the Civil Rights Act of 1972 and the Connecticut Fair employment Practices Law.

Bidders may be removed from the bid list by the Purchasing Agent for such reasons as:

- (1) failure to submit a bid for the commodity, item or service offered;
- (2) failure to act responsibly in dealings with the Town or other customer;
- (3) failure to provide the commodity, item, or service promised.

The Purchasing Agent will send the invitation to bid or request for proposal and accompanying specifications to all firms and persons on the bid list for the commodity or service and to any other firms that the Purchasing Agent may deem suitable. A list of the firms to which the bid was sent will be included in the file for this bid. Additional copies of the complete specifications will be prepared for firms to pick up in response to the newspaper advertisement or posting on relevant websites.

E. BID OPENING

At the predetermined date and time, bids will be opened and tabulated on a bid tabulation form. At the opening, the apparent low bidder will be announced.

The bids will then be reviewed in detail by the user department and Purchasing Agent to ensure that the apparent low bidder meets all specifications and is qualified and responsible. If the apparent low bidder does not meet the specifications, or is not judged qualified or responsible, the next lowest bidder's bid will be reviewed for compliance with the specifications, qualifications and responsibility. The foregoing process will be followed until a bidder is found to meet the specifications and requisite qualifications and responsibility. The bid of any firm or person may be rejected if their past performance is such that the Town feels that there is a substantial risk that they may not provide satisfactory service.

F. POST BID NEGOTIATION

Changes in the proposed scope of the bid may be made after bid openings, provided that the basic bid is still in its essential form. If the Town decides to make substantial changes to the invitation to bid or request for proposal all bidders shall be provided opportunity to submit new prices in writing.

G. BID AWARD

The Town Manager or his authorized agent shall make the formal award of bid or contract for all municipal services, supplies, materials, equipment and other commodities except that the Town Manager or other authority as determined by law shall recommend the formal award of bid or contract to the Town Council for approval for the following:

1. Professional consulting or technical services having a value in excess of one-tenth of one percent of the current tax levy.
2. Capital improvements having a value in excess of one-tenth of one percent of the current tax levy.
3. Purchases for which the Town Council has waived the formal bidding requirement.

4. Purchases as determined by resolution of the Town Council, or required by law.

Once the lowest responsible and qualified bidder is determined and award of the bid is authorized, the Purchasing Agent will prepare a purchase order to confirm the bid award, and a contract to be signed if required. When the contract and/or purchase order has been signed all bidders will be notified of the award and the firm the contract was awarded to. No bidder shall have any contract right under an invitation to bid or request for proposal unless and until it enters into a signed contract or purchase order with the Town.

The completed bid file for the specific bid will consist of:

1. The completed bid tabulation form.
2. One blank copy of the bid specification.
3. Affidavit of publication, or clipping of the bid.
4. The bid list of all firms invited to and actually participating in the bid.
5. All bids submitted.
6. A copy of the contract and/or letter notification of the bid award.
7. A copy of the purchase order or contract.
8. Copies of letters sent to other bid participants.
9. Insurance Certificate (if applicable).

XII. EXCEPTIONS TO THE BID PROCESS

The purchasing requirements and procedures set forth in Section XI of this memorandum shall not apply to the purchase of the following supplies, materials, services, goods, commodities or construction:

1. Those furnished by a monopoly utility.
2. Those having or requiring a single source of supply.
3. Those required to meet a public emergency as determined and approved by the Town Manager and reported to the Town Council at its next regularly scheduled meeting.
4. Those made through or administered by Federal, State, regional, cooperative or other municipal purchasing agencies as approved by the Town Manager.
5. Professional or technical services within the scope of Section XIII of this memorandum.
6. Those exempted or determined by law.
7. Those made through State or Federal surplus property agencies.
8. Those furnished by other quasi-governmental non-profit organizations, such as the Avon Volunteer Fire Department, Avon Public Health Nursing, Secret Lake Association, etc.
9. Specialized products or services within the scope of Section XIV of this memorandum.

XIII. PROFESSIONAL SERVICES PROCUREMENT PROCESS

This professional services procurement process is applicable for professional services that involve the expenditure of ten thousand dollars (\$10,000) or more. This process may be used for professional services of a lower dollar threshold as determined by the Town Manager or his designee. Professional services shall mean architecture, engineering, construction management, planning, medical, accounting, data processing, registered land surveying, appraisal, financial, legal, or information technology services, and any other professional service as defined by the Town Manager.

The following procedures shall apply in connection with requests for proposals (“RFPs”) for professional services procurement, except when such professional services are obtained for school building construction projects or other projects for which state reimbursement is sought.

A. SELECTION COMMITTEE

A selection committee will be established to review and evaluate the RFP responses received for professional services. The makeup of the committee shall be either three or five members, to be determined by the Town Manager or the Purchasing Agent if the selection is delegated by the Town Manager.

B. ADVERTISING

The request for professional services will be posted on the Town’s website and advertised in a newspaper having general area circulation and in customary trade journals where applicable. A request will also be sent to firms on file with the Purchasing Agent, or as recommended by the user department.

C. REQUEST FOR PROPOSALS

The RFP must contain:

- a. The project title
- b. The general scope of work or service being requested
- c. The submission deadline
- d. The name of the contact person
- e. The information requested

The RFP shall instruct the respondents to submit one original and sufficient copies (as determined by the Purchasing Agent) of their response. Responses submitted must be accompanied by a statement of professional qualification containing the following information but not limited to:

- a. A background and qualification statement on the firm, team participants and their discipline capabilities, principals, staff availability and location(s).
- b. The qualification and position with the firm of those individuals who will be assigned to the project including work performed on similar projects.

- c. A brief description of similar projects of other municipal work, including a list of reference names, telephone numbers, and addresses where similar work was performed over a specified period of time.
- d. A short description of the consultant's approach to the needs of the project and a general time schedule for completing the work.
- e. A short description of the typical fee structure and, if applicable, the actual fees proposed for the project.
- f. A concluding statement as to why the consultant is best qualified to meet the needs of the Town and should be selected.

D. PROFESSIONAL SERVICES RATING FORM

Evaluation of responses will be ranked utilizing Exhibit D, a sample form for the point basis. The criteria evaluation points must relate to responses of the vendors or as included in the RFP. The rating criteria shall be included within the RFP package.

In cases of projects approved or anticipated to be eligible for Federal or State funding or grants, the Town Manager shall assure that the selection process be conducted in conformance with the specific requirements associated with the type of funding or grant.

E. POST RFP NEGOTIATION

Following the evaluation process, a short list of the most suitable firms and proposals will be developed. The selection committee will then interview all firms on the short list and present to the Town Manager the top firms (up to three) ranked by preference, based on the initial project proposal and the abilities demonstrated in the interview. Any necessary negotiations with respect to fees or other matters will subsequently be conducted by the Town Manager or his designee. Upon tentative award by the Town Manager or the Town Council pursuant to Section XI G, the Purchasing Agent will prepare a purchase order or other contract documents for signature by the appropriate individuals. No award will be effective unless and until a binding purchase order or other contract is signed by the Town.

XIV. PROCUREMENT OF SPECIALIZED PRODUCTS OR SERVICES USING THIRD-PARTY CONSULTANT

The Town Manager may deem it in the interests of the Town to retain a third-party expert or consultant to manage the procurement process for specialized products or services where, in the judgment of the Town, the Town would benefit from such expertise. In cases where the expert or consultant employs a procurement process of its own design that will in the judgment of the Town Manager or his designee protect the interests of the Town, the Town shall not be required to follow the Purchasing Procedures provided in this memorandum.

XV. RESTRICTIONS ON CONTRACTING WITH TOWN PERSONNEL

- A. No Town employee and no Business in which the employee or the Spouse or Dependent of the employee has a personal or financial interest (other than a less than 1% equity interest in a company whose shares or other units of equity are publicly traded) shall provide, or contract to provide, goods or services to any Town Entity in exchange for payment or other consideration. These restrictions shall remain in effect for one year following the termination of employment of a Town employee.
- B. No Public Official and no Business in which a Public Official has an ownership interest of more than 1% shall provide, or contract to provide, goods or services to any Town Entity in exchange for payment or other consideration. These restrictions shall remain in effect for one year following the termination of office of a Public Official.
- C. The capitalized words used in subsections A and B of this Section XV shall have the following meanings:

“Business” means a corporation, partnership, limited liability company, partnership, joint venture, sole proprietorship or any other person or entity that operates on a for-profit or not-for-profit basis.

“Dependent” means (i) a person under the age of eighteen who resides with a Public Official or (ii) a person who would qualify as a dependent on a federal income tax return.

“Public Official” means (i) the Town Manager and the Town Treasurer, (ii) any person elected by the voters who serves without compensation on a Town Entity, and (iii) any person appointed by the Town Council who serves without compensation on a Town Entity.

“Spouse” means a person to whom a Public Official is related by marriage, civil union or domestic partnership.

“Town Entity” means the Town Council, the Board of Finance, the Board of Assessment Appeals, the Planning and Zoning Commission, the Zoning Board of Appeals, the Building Code Board of Appeals, the Water Pollution Control Authority, the Inland Wetlands Commission, and any other commission, committee, authority and governmental entity of the Town with the exception of the Avon Board of Education and any other commission, committee, authority or governmental entity of the Board of Education.

XVI. POLICY FOR INTERNAL USE ONLY

This Purchasing Procedures memorandum is for internal use only and not for the benefit of any bidder or other third party. No deviation from the Purchasing

Procedures shall be a basis for a challenge to a contract award by a disappointed bidder or other third party.

XVII. WAIVER

The Town Manager may modify or waive any of the Purchasing Procedures contained in this memorandum if he determines such modification or waiver to be in the interests of the Town.

XVIII. ADMINISTRATION

The Town Manager shall be responsible for the development and implementation of the appropriate administrative procedures and regulations to implement this policy.