

**TOWN OF AVON
POLICY MEMORANDUM**

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| Subject | Purchasing Procedures | No. | 3.1 |
| | | Adopted | 04/07/86 |
| | | Revised | 11/01/99 |
| | | | 02/07/05 |
| Distribution | Department Heads | | 11/05/07 |
| | | | 05/07/09 |
| | | | 02/04/10 |
| | | | 10/23/18 |
| | | Effective: | 12/01/18 |

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

CERT-134 Form for Sales Tax Exemption (Exhibit A)
Uniform Guidance Compliance Matrix (Exhibit B)
Requisition/Purchase Order (Exhibit C)
Purchasing Policy Checklist (Exhibit D)
Insurance Limitation – Coverage Requirements for Contracted Work (Exhibit E)
Professional Services Rating Form (Exhibit F)

IV. TOWN CHARTER REQUIREMENTS

A. 4.3 GENERAL POWERS AND DUTIES OF THE TOWN COUNCIL

1. 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."

B. 7.3. DUTIES OF THE TOWN MANAGER

1. 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."

C. 9.5 EXPENDITURES AND ACCOUNTING

1. 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 representative 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 representative, 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, sexual orientation, or other non-merit based factors.

B. DUTIES OF THE 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 user departments, 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 that 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, the State of Connecticut, or others, 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 representative, 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.

H. SALES TAX EXEMPTION

As a municipality of the State of Connecticut, the Town of Avon is exempt from paying sales tax on tangible personal property or services. The Purchasing agent and user departments shall make every effort to utilize this exemption when making purchases pursuant to this policy. The Department Head, or their designee, making the purchase shall complete and submit the CERT-134 form (attached to this memorandum as Exhibit A) to the Seller prior to completing the purchase, either in-person or online. Guidance on completing and submitting the CERT-134 form may be obtained from the Finance Department.

I. STATE AND FEDERAL GRANT GUIDELINES

In cases of projects approved, or anticipated to be eligible, for State of Connecticut funding or grants, the Purchasing Agent shall ensure that related purchasing processes are conducted in conformance with the specific requirements as required by the funding source.

In cases of projects approved, or anticipated to be eligible for Federal funding or grants, the Purchasing Agent shall ensure that related purchasing processes are conducted in compliance with the Office of Management and Budget's (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance"). In accordance with a recommendation by the Town's independent auditors, the Town has confirmed its compliance with Uniform Guidance through this purchasing policy, as well as the Town's Standard Instructions to Bidders, Required Contract Terms, and other policies and procedures. A Uniform Guidance Compliance Matrix is attached to this memorandum as Exhibit B.

It is the responsibility of the Purchasing Agent and the user department to ensure compliance with the most current federal guidelines at the time of purchase, specifically compliance with federal bidding thresholds, which may be subject to change.

VII. PURCHASING PROCEDURES

A. NON-AUTOMATED 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 \$5,000.00, or if otherwise directed by the Town Manager.

1. Instructions for Preparing the Requisition/Purchase Order:

Requisition/Purchase Order forms (sample attached as Exhibit C) 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.

2. Routing of the Requisition/Purchase Order:

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 the Finance Department for review. Upon receipt, the purchase order will be reviewed by the Finance Department 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 authorized representative, and will then be signed by the Town Manager, or his authorized representative 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 D). The checklist is also required for cooperative purchases, sole source purchases, or purchases that require obtaining three quotes.

The Finance Department shall be responsible for ensuring that each purchase order is recorded in the automated financial system which shall contain the purchase order number, date, vendor, originating department, account code charged, and dollar value of the order.

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 but not be limited to: (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, (4) the purchase order is not accompanied by a Purchasing Policy Checklist or the appropriate backup information if required, or (5) 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:

- a. The original (vendor's copy), if requested, is mailed or delivered to the vendor by the originating department;
- b. The entire order request packet is kept in Accounting;

B. AUTOMATED PURCHASING PROCEDURES

The following procedures shall be followed for purchases of materials, supplies, equipment, or services with a dollar value of more than \$5,000.00 by departments that have been set up to use the automated purchase order process by the Finance Department. The automated purchase order process is a function of the automated financial system. Departments that have not been set up to use the automated purchase order process shall follow the "Non-Automated Purchasing Procedures" outlined in Section VII, A of this policy.

1. Instructions for Preparing the Automated Purchase Order:

The general procedure of an automated purchase order mirrors that of a non-automated purchase order, except that it is a paperless process that involves the originating department (Level 1) to enter information directly into the automated financial system, scan and attach any back-up documentation such as quotations, bid summaries, pertinent correspondence, etc. Assistance in preparing the automated purchase order may be obtained from the Finance Department and written instructions may be found in the Community Folder on the Network.

2. Routing of the Automated Purchase Order:

The submitted purchase order will be reviewed and if appropriate, approved and posted by a series of assigned approvers (Levels 2, 3, and 4) using the automated financial system. Assigned approvers will receive an automatically generated email notifying them that a purchase order is ready for their review.

Purchase orders may be disapproved for the following reasons: (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 purchase is disallowed by the Town

Manager and/or Purchasing Agent, (4) insufficient back-up documentation, or for other reasons as noted.

The assigned approver that is responsible for disapproving a purchase order shall note the reason for disapproval in the automated financial system. A purchase order that has been disapproved through the automated financial system will result in the generation of an email to the originating department and the purchase order will revert back to the Department/Level 1 approval. The originating department shall be responsible for making required changes to the purchase order and resubmitting the purchase order for approval.

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 the Change Order:

Departments shall prepare and process change orders in the same manner as they prepare Requisition/Purchase Orders (Non-automated or automated). 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). Department requests for change orders shall be explicit: identifying the account(s), dollar amount change(s), and original purchase order total versus change order total. 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.

2. 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 confirmation that the change order posted including the action taken on the original order (i.e., modification, cancellation, etc.). Purchase orders and subsequent change orders shall be cross referenced in the automated financial system and the encumbrance copy of the original purchase order will be adjusted to reflect the change order. Copies of the change order request and adjusted purchase order packet will be kept in Accounting.

D. INVOICES

An invoice is the vendor's statement of his charges against the Town for material or services rendered. Invoices based on purchase orders should contain substantially the same information as on the purchase order. It is the responsibility of the originating Department to note the applicable purchase order reference on the invoice at the time of submission to Accounting.

E. ROUTING OF THE INVOICE

The invoice will normally be mailed to the Accounting Division as is specified on the purchase order. The invoices will be date stamped by Accounting and interoffice mailed to the appropriate department for handling. In some cases, however, the invoices may be delivered with the goods at the receiving point. In such cases, the department should appropriately code the invoice and forward it to Accounting Division.

Upon receipt, the Accounting Division will check the invoice against 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 as part of the Accounts Payable processing routine. 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. Incomplete invoices will be returned to the user department for revision prior to processing.

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 \$5,000.00, 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 \$5,000.00 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 as part of after working hours conditions, 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 Accounting Division. 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. EXPENDITURES NOT REQUIRING A PURCHASE ORDER

Particular items of expenditure may be processed for payment without submitting a Requisition/Purchase Order. Expenditures 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 expenditures listed below do not require a purchase order:

- A. Electricity, gas, water and sewer
- B. Mileage, travel expenses, or meals related to Town business
- C. Advertising
- D. Postage
- E. Telephone

- 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

X. THE BID PROCESS

A. BIDDING THRESHOLDS:

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

1. Purchases having a dollar value of less than \$5,000.00 shall not require a purchase order and shall not require informal or formal bidding.
2. Purchases, having a dollar value of \$5,000.00 to \$10,000.00 shall be made by an authorized purchase order and shall require informal bids in the form of quotations from a minimum of three (3) vendors or suppliers as feasible unless waived by the Town Manager. Said quotations may be verbal or written quotations as determined by the user department
3. Purchases having an estimated dollar value of more than \$10,000.00 and not more than \$25,000.00 (or not more than one tenth (1/10th) of one percent (1%) of the current year tax levy for public works projects as defined in Item 4 of this section), 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.
4. Contracts for public works projects or services, such as for the construction, maintenance, repair or improvement of streets, drains, sewers, buildings, grounds and other municipal public works property having an estimated dollar value of more than one tenth (1/10th) of one percent (1%) of the current year tax levy 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.
5. Non-public works purchases, having a dollar value of more than \$25,000.00 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.
6. Purchases having a dollar value of less than \$25,000.00 (or not more than one tenth (1/10th) of one percent (1%) of the current year tax levy for public works projects as defined in Item 4 of this section) may be made using a formal bid

procedure should the Purchasing Agent, upon recommendation of the user department, determine a formal bid to be the most effective method for procuring a specific supply or service at the lowest price.

7. 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.

B. 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.

C. 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 E to this Policy Memorandum, titled "Insurance Limitations – Coverage Requirements for Contracted Work," subject to such modifications as the Town Manager or his representative 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.

D. 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."

E. 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.

The Purchasing Agent may send the invitation to bid or request for proposal and accompanying specifications to any firm(s) that the user department or 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.

F. 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.

G. 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.

H. BID AWARD

The Town Manager or his authorized representative 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 year tax levy.
2. Capital improvements, service contracts or materials purchases having a value in excess of one-tenth of one percent of the current year 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 as required by law.

Once the lowest responsible and qualified bidder is determined and award of the bid is authorized, the Purchasing Agent or user department 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 to which the contract was awarded. 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).
10. Direct Deposit Information (if requested by the Purchasing Agent/Accounting Division)

XI. EXCEPTIONS TO THE BID PROCESS

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

- A. Those furnished by a monopoly utility.
- B. Those having or requiring a single source of supply.
- C. 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.
- D. Those made through or administered by Federal, State, regional, cooperative or other municipal purchasing agencies as approved by the Town Manager.
- E. Professional or technical services within the scope of Section XII of this memorandum.
- F. Those exempted or determined by law.
- G. Those made through State or Federal surplus property agencies.
- H. Those furnished by other quasi-governmental non-profit organizations, such as the Avon Volunteer Fire Department, Avon Public Health Nursing, Secret Lake Association, etc.

- I. Specialized products or services within the scope of Section XIII of this memorandum.

XII. PROFESSIONAL SERVICES PROCUREMENT PROCESS

The following purchasing requirements and procedures are established for the procurement of professional services by Town departments. 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.

A. INFORMAL PROPOSALS

Professional Services that involve the expenditure of less than \$50,000 shall not require a formal solicitation of proposals (i.e. a request for proposals (RFP)). However, the user department shall make every effort to solicit informal proposals from two (2) or three (3) qualified vendors, consultants, or contractors to perform the service.

B. FORMAL PROPOSALS

Professional services that involve the expenditure of \$50,000 or more shall require a formal competitive solicitation process for sealed proposals from qualified suppliers, as outlined below, unless an alternative procurement procedure is developed to the benefit of the Town, as outlined in Subsection C of this Section, and at the discretion of the Town Manager. This process may be used for professional services of a lower dollar threshold as determined by the Town Manager.

The following procedures shall apply in connection with formal requests for proposals ("RFPs"), for professional services procurement. The following procedures shall not apply when such professional services are obtained for school building construction projects or other projects for which state reimbursement is sought.

1. 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.

2. 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.

3. 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.

4. PROFESSIONAL SERVICES RATING FORM

Evaluation of responses will be ranked utilizing Exhibit F, 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.

5. 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 representative. Upon tentative award by the Town Manager or the Town Council pursuant to Section XI H, "Bid Award," 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.

C. REQUESTS FOR QUALIFICATIONS (RFQ) AND REQUESTS FOR INFORMATION (RFI)

When complex specifications or unusual services are required, it may be appropriate to issue a Request for Qualifications (RFQ) or a Request for Information (RFI) to determine which suppliers can meet the Town's requirements. These requests should clearly describe general requirements and request suppliers to offer proof of their capabilities, or examples of their products and/or services that could meet the requirements, and experiences providing similar services. Responses to an RFQ or an RFI may facilitate in the development of specifications and a potential list of suppliers for a formal RFP/Q or, may result in the selection of a supplier or consultant, following negotiation by the Town Manager or his representative.

An RFQ response may include magnitude pricing to be used for budgetary purposes only. If pricing information is requested it shall be submitted in a separate sealed cover. An RFI response shall not include pricing.

The use of an RFQ or RFI prior to, or instead of, a formal RFP shall be at the discretion of the Town Manager, upon recommendation of the user department.

XIII. PROCUREMENT OF SPECIALIZED PRODUCTS OR SERVICES USING THIRD PARTY CONSULTANTS

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 representative protect the interests of the Town, the Town shall not be required to follow the Purchasing Procedures provided in this memorandum.

XIV. 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 XIV shall have the following meanings:
 - 1. “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.
 - 2. “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.
 - 3. “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.
 - 4. “Spouse” means a person to whom a Public Official is related by marriage, civil union or domestic partnership.
 - 5. “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.

XV. 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.

XVI. 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.

XVII. ADMINISTRATION

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

Approved by Town Council: 10/23/2018

Effective date: 12/01/2018