

Town of Fair Haven Municipal  
Purchasing Ordinance

Be it ordained that the Fair Haven Board of Selectman hereby adopt the following ordinance governing the purchase of vehicles, equipment, supplies, pursuant to the requirements of VSA 24 Section 1972.

This ordinance pertains to the expenditure of locally generated funds only and is not intended to supplant or otherwise interfere with the purchasing requirements of State or Federal Grant programs.

Definitions:

Open and competitive bid - A request for bids to be submitted in writing by a certain date, sealed to be opened at the same time and place stated in the request for review and acceptance or rejection by the official or officials proposing the purchase of the items or services. The request is to be published in the Lake Region Free Press and the Rutland Herald including Glens Falls Post Star if necessary inviting the bids and giving enough of a description of the type of item or service being requested to inform and interest the prospective bidders telling where and when a written description of the requirements of or the item or service to be bid on may be obtained.

Competitive request for proposals - REP A written invitation for proposals to supply an item or services to be submitted by a certain date, sealed, to be opened at the same time and place stated in the request for review and discussion and acceptance or rejection by the official or officials requesting the items or services. The invitation shall contain sufficient information to inform the prospective proposers what is being requested and a time and place where the information necessary to form a proper proposal may be obtained. The invitation for proposals shall be published in Lake Region Free Press and the Rutland Herald and the Glens Falls Post Star if necessary.

Town as referred to in # 6 of this ordinance only - The town as referred to in this ordinance shall be a quorum of the Select Board [ at a duly warned meeting or by phone in an emergency } or any person or official authorized by said quorum of the Select Board.

Written bid - An offer or proposal in writing containing all necessary matters such as; price, description of item or service, time period to be delivered. Bond for performance, insurance and any other detail required by the proposal to purchase.

Price quote - A written offer to sell or supply a specified article or service at a fixed price certain [ if time or good circumstance dictate, an oral price quote may be accepted by telephone In that circumstance purchaser shall make a record in writing memorializing the price, object, vendor, date and terms of the quote].

Emergency - A serious situation or occurrence that happens unexpectedly and demands immediate action.

HOW A BID IS PUT OUT-

1. Any purchase of a vehicle (s), equipment, supply (ies), material (s), or service (s), in excess of five hundred dollars (500.00) but less than two thousand dollars (2000.00) shall not be authorized unless the department or official making the purchase has demonstrated to the Board that a minimum of two (2) price quotes were obtained prior to making the purchase in a timely manner.

2. Any purchase of two thousand dollars (2,000.00), but less than five thousand dollars (5,000.00) shall not be authorized unless the department or official proposing the purchase has demonstrated to the Board that a minimum of three (3) written bids or price quotes were obtained in a timely manner.

3. Any purchase of five thousand dollars (5,000.00) or more shall be put out to either an open and competitive bid, or an open and competitive request for proposals (RFP). The best bid or proposal shall be accepted except as specified in this ordinance. This determination shall be based upon a combination of the best prices, quality, ability to meet all parts of the specification and vendor support. In all cases the Town of Fair Haven reserves the right to reject any or all bids or proposals when they: do not meet the Town's stated requirements, specifications, or standards; are late or otherwise defective or when it is deemed to be in the interests of the Town of Fair Haven.

4. Notwithstanding the provisions of paragraph 1, 2, and 3 of this ordinance, professional services, such as attorneys, engineers or auditors are not required to be put out to bid or RFP, but may be if so desired by the Board of Selectman or the Town Manager or the appropriate certificate of insurance, performance bond, bonding or other assurance of satisfactory performance or indemnity shall be obtained, maintained or may be required to be on file, or other requisite language for the particular professional, may be required by the Board or Town Manager if so desired, but are not required by this ordinance.

5. Notwithstanding the provisions of paragraph 1, 2, and 3 of this ordinance, where one brand is preferred for logical reasons over another, the specifications may read Brand XXX or equal. The burden of proof shall be on the vendor of the non-named brand to prove it is an equal product.

6. The Town also reserves the right to suspend the requirements of this ordinance when the purchase of a vehicle (s), equipment, supply (ies), material (s), or service (s) can be made through a single source only, through a State bid price contract; when the cost of soliciting or obtaining additional bids, quotes or proposals exceeds any savings to the Town that might result from such action or in case of an emergency or natural disaster, that precludes timely obtaining of bids, quotes or proposals for necessities.

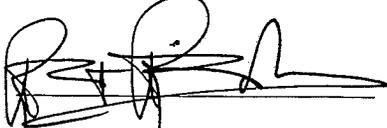
7. Any purchase made, contract awarded, proposal or bid accepted for ten thousand dollars (10,000.00) or more shall not be authorized unless the seller, vendor, contractor or bidder provides the Town with suitable assurances, including but not limited to a performance bond of value equal to the bid or proposal, a surety deposit of no less than twenty-five (25) percent of the value of the bid or proposal, payable to the Town of Fair Haven, said deposit to be held in an escrow account under the sole control of the Town of Fair Haven. Warranties or other devices assuring that the Vehicle (s), equipment, supply (ies), material (s), or service (s) being provided meet the stated requirements of the Town of Fair Haven.

8. The Board of Selectman may make such amendments and/or changes to this ordinance that appear to it's judgement to be necessary for the efficient operation and/or in the best interest of the Town of Fair Haven, pursuant to the requirements of VSA 24, Section 1972.

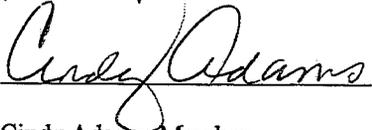
9. All rules, regulations, ordinances, policies, procedures or other regulatory provisions in conflict herewith are hereby repealed.

10. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part (s).

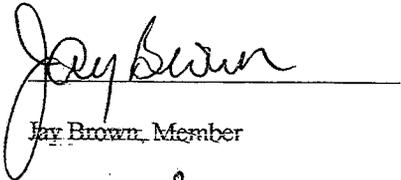
This ordinance shall become effective at midnight March 1, 2001



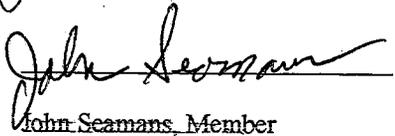
Bob Richards, Chairman



Cindy Adams, Member



Jay Brown, Member



John Seamans, Member



John Lulek, Clerk