



## **PROCUREMENT POLICY OF THE EMERALD LAKE VILLAGE DISTRICT**

**PREAMBLE AND LEGAL AUTHORITY.** The following procurement policy for the Emerald Lake Village District is adopted to manage prudent affairs and promote the general welfare of the District as provided by RSA 52:3 & 3-a A and RSA 41:8 & 9 by establishing procedures and rules governing the acquisition, purchase and sale of goods and services by and for the District. It is the intent of this policy that all District Officials shall follow this policy in order to facilitate the best economical price and quality for the District and to exercise financial control over the purchases of goods and services while assuring quality and fair treatment among qualified suppliers.

### **SECTION 1. FACTORS TO BE CONSIDERED**

1.1 In deciding on vendor selection or service providers, price alone shall not be the determining factor. Consideration shall include history of vendor/provider including familiarity with the needs of the District, past record, reliability, availability of the vendor(s)/provider(s) and any other factors that in the reasonable judgement of the Board of Commissioners (BOC) would cause the selected vendor/provider to provide the best product or services overall, as dictated by the best interest of the District.

1.2 Pursuant with RSA 95:1, no District official shall, except by open competitive bidding, sell or buy goods, commodities, services or property of a value in excess of \$200.00 if the District official has any personal or other interest therein.

### **SECTION 2. DEFINITIONS**

2.1 Major purchase or contracts for the services shall be defined as those requiring a payment in excess of \$5,000.00 total, unless there is already an obligor for the commitment. These are to be pre-authorized by the BOC and posted for bidding. Pre-authorization for bidding may be made by a majority of the BOC and need not be made in a public meeting, but shall be reported in a public meeting. Exceptions to this policy apply as designated in Section 7.

2.2 Pursuant with RSA 447:16, the District shall require sufficient security by bond or otherwise covering at least 100 percent of the goods, service or project that involves expenditure of \$35,000.00 or more by the District.

2.3 Non-major purchases means any purchase of goods or services less than \$5,000.00. If a non-major purchase is proposed which total cost is between \$2,500.00 and \$5,000.00, no bidding process is required; however, the Administrator shall seek approval from the majority of the BOC in a public

meeting or by a noncontemporaneously signed manifest signed by a majority of the board as required by RSA 41:8.I.

2.4 Miscellaneous purchases means any purchases of goods or services not exceeding \$2,500.00 total and may be made in the ordinary course within the limits of budgets and appropriations unless otherwise directed by the BOC, subject to the provisions of the Policy.

### **SECTION 3. ONGOING CONTRACTS**

3.1 Where services have been provided continuously to the District on an annually renewable basis, the District shall not be required to open those services to bid regardless of amount, unless in the reasonable judgement of the BOC, it is necessary or appropriate to do so. By way of example, the BOC may renew the services for maintenance of the major elements of its infrastructure, such as continued relationships with WSO Plus for water and Eugene Edwards for roads unless the BOC determines it is necessary or appropriate to open those services to bid.

### **SECTION 4. BID PROCESSING**

4.1 When required or determined by the BOC that it is appropriate to solicit bid for major purchases of goods or services, a Bid Solicitation Sheet shall be drawn up which shall include the following: (1) Name of purchase or service to be bid; (2) Description of the project, goods or services; (3) Type of contractor or vendor; (4) Bid submittal deadline; (5) Any bond or insurance requirements; (6) Maximum amount or budget to be considered by bidders; (7) Date of desired completion or delivery date, and (8) Any special requirements or other pertinent information.

4.2 Request for bids shall be disseminated in the manner best calculated to insure competitive pricing through notice to potential vendors or contractors, including without limitation, posting on websites, solicitation of specific potential qualified bidders, advertising or other appropriate means. The Bid Specification Sheet for information shall be maintained in the District Office where it may be reviewed or provided to any potential vendor or contractor upon request.

4.3 Existing vendors or contractors shall be included within any bidding process unless the District Administrator or BOC feels that such bidder has become disqualified through poor past performance or other incapacity.

4.4 If the BOC determines that there are insufficient bids received and/or none of the bids is satisfactory, the BOC may at its option; (1) re-open bidding, or (2) choose to negotiate terms with the best available quote, as determined by the District.

## **SECTION 5. BID REQUIREMENTS AND SPECIFICATIONS**

5.1 Bids are to be submitted in sealed envelopes addressed to the District in care of the District Administrator or BOC which shall clearly identify the project or purchase, and the name and contact information of the bidder, by 5 PM of the submitted deadline date.

5.2 Any bid may be withdrawn prior to the submittal deadline, and bids received after the submittal deadline shall not be considered, unless bidding is re-opened.

5.3 The opening of the bids, if practicable in consideration of project or purchase deadlines, shall preferably be made at the next regular monthly BOC Meeting, however, the bidding shall not be invalidated if considered by the BOC as a posted workshop meeting or by unanimous consent in their discretion if unusual circumstances dictate. Bidders shall be notified of the time and date of consideration, if pre-determined and may be present in such case.

5.4 All bids to be considered, must clearly identify the bidder and contact information, the lump sum or unit pricing, and the nature of any security or bonding requested to be provided. The earliest start date if applicable, and agreement to abide by any completion or delivery deadline. However, minor deficiencies or omissions in a bid shall not invalidate the bid, and the District through its Administrator or BOC may request in such case that a bidder submit a corrected bid as a condition of consideration or selection.

5.5 A bidder shall adhere to specifications with an exceptions noted in its bid and the basis for such exceptions; and submission of a bid certifies that the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same work unless fully disclosed, and that the bidder is competing solely on his/her/its own behalf on the merits without commotion with or obligation to any undisclosed person or firm. If subcontracts are requires or contemplated by the bidder, they shall be disclosed in advance or explanation made.

5.6 If a change order or alterations to specifications is made by the BOC prior to close of bidding process, the bidding process is closed and the bids received are rejected. A new request for bids are advertised with the new alterations or specifications to allow responsible bidder to submit those bids based on the new specifications. (Knowing the Territory, Chapter 6. IV. C refers)

5.7 The BOC shall determine which, if any bids, to select. The Commissioners may also designate backup bidder(s) and request their bids remain open, until a final contract with a vendor or contractor is fully executed.

## **SECTION 6. CRITERIA FOR BIDS SELECTION**

6.1 Evaluation of bids may take into consideration the following factors, the price alone shall not be determinative: Pricing, ability to perform with the specified time limits, experience and reputation including past performance of the bidder, quality of materials and services specified in the bid, ability to

meet other terms and conditions including insurance and bond requirements, the financial responsibility of the bidder, the bidder's availability to provide future service, maintenance and support for goods or services provided, nature and size of bidder; and, any other factors which the BOC determine are relevant and appropriate in connection with a given project, service or proposed acquisition.

6.2 The BOC reserve the right to reject all bids, or to reject specific bids in whole or in part, to waive any informalities or any irregularities in a bid, to accept a bid even though it may not be the lowest, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the District's interests.

6.3 No minimum number of bids must be received before consideration and selection may be made.

6.4 All bids shall specify a time frame for the quoted pricing which must be a minimum of thirty (30) days from the submittal deadline. Any increase in costs or estimates before to execution of a contract by the successful bidder shall not be borne by the District, but by the bidder unless the District agrees otherwise for good and sufficient cause.

## **SECTION 7. EXCEPTIONS TO BID REQUIREMENTS**

7.1 Bidding is not required for major purchases and contracts if any of the following criteria apply:

- (1) Uniqueness: It is determined that there is only one possible source or the proposed service, project or acquisition which is readily available;
- (2) Installments: If the service or acquisition is phased, then additional installments which may exceed \$5,000.00 are not required to be separately bid;
- (3) Emergencies: In case of emergencies, where the District Administrator or BOC determines that any delay in receipt of goods or services may constitute a public safety hazard or other serious, immediate impairment of the Districts' ability to deliver services to its residents.
- (4) Required or Pre-Approved Vendors: Where the District Administrator is required by a government agency, by a lender or through and as a condition of bond financing, to employ or use specified vendors or contractors, or, where the service or product is available from an approved bid list awarded by the State of New Hampshire, County, or Federal Government or an agency connected with a government agency.
- (5) Professional: Professionals providing ongoing services such as legal or accounting services, engineering or other professional services characterized by high degree of professional judgment and discretion, shall not be subject to the bidding process in their selection to represent the District or provide such services.

- (6) Special Contracts: If the District decides to enter into contract with nonprofit organizations or government or quasi-government agencies, bidding shall not be required.
  
- (7) Special Situations: Bidding is not required for special situations as determined by the BOC in its best judgment, including but not limited to utility purchases, advertising, financing or borrowing, maintenance contracts for existing equipment, the need for standardization on new services or purchases, etc.

Adopted by vote of the Board of Commissioners on April 4, 2018

\_\_\_\_\_/S/\_\_\_\_\_  
Diane Cunningham, Chairman

\_\_\_\_\_/S/\_\_\_\_\_  
Linda Whiting, Commissioner

\_\_\_\_\_/S/\_\_\_\_\_  
Wayne Held, Commissioner



## BID SOLICITATION

**NAME OF PROJECT/SERVICES/GOOD:**

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**DESCRIPTION:**

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**TYPE OF CONTRACTOR/VENDOR:**

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**BID SUBMITTAL DEADLINE:** \_\_\_\_\_

**BOND AND/OR INSURANCE REQUIREMENTS:**

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**MAXIMUM AMOUNT/BUDGET AMOUNT:** \_\_\_\_\_

**DATE OF COMPLETION/DELIVERY DATE FOR FINISHED WORK:** \_\_\_\_\_

**SPECIAL REQUIREMENTS:**

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**SPECIFICATIONS:**

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(Break down by project site as applicable)  
(See attachments for additional information)

**YEARS IN BUSINESS OF BIDDER:** \_\_\_\_\_

**APPROXIMATE FINANCIAL NET WORTH OF BIDDER AS OF ALST FISCAL YEAR  
FINANCIAL STATEMENTS ARE AVAILABLE:**

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**NOTICE:** Attached hereto or available by request are copies of the Procurement Policy of the Emerald Lake Village District which governs solicitation, submission, and consideration of bids.

For questions, please contact:

Emerald Lake Village District  
Office: 147 West Main Street – Suite 103, Hillsborough, NH 03244  
Mail: PO Box 2217, Hillsborough, NH 03244