

PROCUREMENT POLICY OF THE EMERALD LAKE VILLAGE DISTRICT

PREAMBLE AND LEGAL AUTHORITY. The following rules for the Emerald Lake Village District are adopted pursuant to the powers granted by RSA 52:3, in order to govern and facilitate the process of acquiring, buying, and obtaining goods and services for the District at the lowest possible price consistent with quality and relevant circumstances, and to exercise financial control purchases of goods and retention of services while assuring quality and fair treatment among qualified suppliers.

NOW THEREFORE, pursuant to the legal authority specified above and such other authority as provided by the General Laws of the State of New Hampshire, the Commissioners of the Emerald Lake Village District repeal any prior rules and adopt the following procurement policies governing acquisition and contracts for goods and services:

SECTION 1. FACTORS TO BE CONSIDERED

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

SECTION 2. DEFINITIONS

2.1 Major purchases or contracts for 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 Board of Commissioners and posted for bidding. Pre-authorization for bidding may be made by a majority of the Board of Commissioners, and need not be made in a public meeting, but shall be reported in a public meeting. Exceptions to this policy apply as designated below in SECTION 7.

2.2 Non-major purchases means any single 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 a majority of the Commissioners, which approval need not be made in a public meeting.

2.3 Miscellaneous purchases means any purchases of good or services not exceeding \$2500.00 total and made in the ordinary course and scope of District administration, in which case the District Administrator may bind the District for such purchase of goods and services at his or her discretion.

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 judgment of the Commissioners, it is necessary or appropriate to do so. Specifically, the best interests of the District include continuity of services for maintenance of the major elements of its infrastructure, such as continued relationships with WSO for water and Eugene Edwards for roads.

SECTION 4. BID PROCESS

4.1 When it is determined by the District Administrator that it is appropriate to solicit bids for major purchases of goods or services, a specification shall be drawn up which shall include the following: (1) Description and Name of purchase or service to be bid; (2) Bid submittal deadline; (3) Specifications for the actual project, services, or purchase including quantity, design, performance features, etc; (4) Any bond or insurance requirements; (5) Maximum amount or budget to be considered by bidders, (6) Any special requirements; and, (7) Date of desired completion or delivery date, as well as any 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 or 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 feels that such potential bidder has become disqualified through poor past performance or other incapacity.

4.4 If the District Administrator or Board of Commissioners determines that there are insufficient bids received and/or none of the bids is satisfactory, the District may at their 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 Board of Commissioners which shall clearly identify the project or purchase, and the name and contact information of the Bidder, by 5 pm of the submittal 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 meeting of the Board of Commissioners; however, the bidding process shall not be invalidated if considered by the Board of Commissioners at 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 Commissioners 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 any 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 her/his/its own behalf on the merits without connection with or obligation to any undisclosed person or firm. If subcontractors are required 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 prior to close of the bidding process, the solicitation of bids may be amended and notice sent to bidders who have already submitted prior to the deadline.

5.7 The Board of Commissioners 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 BID SELECTION

6.1 Evaluation of bids may take into consideration the following factors, and 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 Bidders' availability to provide future service, maintenance and support for goods or services provided, nature and size of Bidder; and, any other factors which the Commissioners determine are relevant and appropriate in connection with a given project, service, or proposed acquisition.

6.2 The Board of Commissioners reserves 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 bid 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 for the proposed service, project or acquisition which is readily available;

(2) Instalments: If the service or acquisition is phased, then additional instalments which may exceed \$5,000,000 are not required to be separately bid;

(3) Emergencies: In case of emergencies, where the District Administrator or Board of Commissioners determines that any delay in receipt of services or goods may constitute a public safety hazard or other serious, immediate impairment of the District's ability to deliver services to its residents;

(4) Required or Pre-Approved Vendors: Where the District is required by a governmental 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) Professionals: 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 subjected 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 contracts 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 Board of Commissioners 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 this ___ day of _____, 2014.

/s/ _____
John Dahood, Chair

/s/ _____
Denise DeForest, Commissioner

/s/ _____
Martha Caron, Commissioner



BID SOLICITATION

NAME OF PROJECT/SERVICE/GOODS: _____

DESCRIPTION: _____

TYPE OF CONTRACTOR/VENDOR: _____

BID SUBMITTAL DEADLINE: _____

BOND AND/OR INSURANCE REQUIREMENTS: _____

MAXIMUM AMOUNT/BUDGETED AMOUNT: _____

DATE OF COMPLETION/DELIVERY DATE FOR FINISHED WORK: _____

SPECIAL REQUIREMENTS: _____

SPECIFICATIONS: _____

(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 LAST FISCAL YEAR
FINANCIAL STATEMENTS ARE AVAILABLE:** _____

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

FOR QUESTIONS, PLEASE CALL:

Scott Osgood
emeraldlakedistrict.dso@gmail.com
603-464-3128

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