

## Chapter A161, PURCHASING

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 3-23-1992.<sup>EN(2)</sup>  
Amendments noted where applicable.]

### GENERAL REFERENCES

**First Selectman duties -- See Charter Section 602.**  
**Expenditures and accounting -- See Charter Section 912.**

#### § A161-1. Purpose; objectives.

- A. Be it resolved by the Board of Selectmen of the Town of Simsbury that in order to amplify Sections 602 and 912 of the Town Charter and to provide a systematic and uniform standard of purchasing policies, the Board hereby adopts the following procedures which are incorporated into this chapter.
- B. Purchasing objectives:
- (1) To procure materials, supplies, equipment, public improvements, and services at the lowest cost consistent with the quality and service rendered.
  - (2) To conduct purchasing without regard to political affiliation, race, sex, age, religion, national origin, disability, family relationship or business associations of vendors, contractors or consultants.

#### § A161-2. Purchase orders required.

All proposed purchases shall be supported by a purchase order issued prior to purchase, signed by the issuing department head and the Finance Director or his agent. Oral approval may be given in emergencies but shall be followed immediately by a written purchase order.

#### § A161-3. Annual orders.

Annual orders of items used on a volume basis, which exceed, in the aggregate, \$2,000, shall follow the procedures outlined below. No scheduled purchase on the annual order shall exceed \$100 unless authorized by a purchase order.

**§ A161-4. Verbal and written quotes.**

Purchases in amounts from \$500 to \$2,000 shall have documented verbal quotes, whenever possible, from at least three vendors. Purchases in amounts from \$2,000 to \$7,500 shall have written quotes, whenever possible, from at least three vendors.

**§ A161-5. Bids; contracts required.**

Purchases or contracts expected to exceed \$7,500 shall require formal sealed bids and the execution of a written contract between the lowest responsible, qualified bidder and the Town. Such sealed bids shall be opened in public at the time and place designated in the specifications. The Town may accept substitutes that meet the same criteria as outlined in the specifications. Requests for formal sealed bids shall be issued by the issuing department head, received by the date due and turned in to the Finance Director.

- A. Bids expected to be between \$7,500 and \$25,000 shall be solicited from at least three vendors from a list of interested vendors. The vendor list shall be maintained, updated, and distributed by the Finance Director or his agent. A notice shall be published in a newspaper having a general circulation in the Hartford area, during the first week of May and the first week of June each year, inviting all interested vendors and contractors to submit their names and area of interest to the Finance Director. Vendors may be added to the list at any time, or at the initiative of the Finance Director. Every attempt shall be made to retain a list containing no fewer than three vendors. In case of exception, approval of the Board of Selectmen shall be required.
- B. Purchases or contracts expected to exceed \$25,000 shall be advertised at least 10 days prior to the bid opening in a newspaper having a general circulation in the Hartford area by means of a formal "invitation to bid."
- C. An appropriate fee may be charged for a copy of plans and specifications, said fee, or portion thereof, to be refunded upon return of the plans and specifications within the designated period.
- D. A bid bond equal to 5% of the bid, a 100% performance bond and a 100% labor and materials or payment bond shall be posted for all contracts in excess of \$15,000, other than commodities, in a manner acceptable to the Director of Finance.

**§ A161-6. Awarding of contract.**

The Finance Director or the First Selectman is authorized to award contracts, with the following

exception, which shall be awarded by action of the Board of Selectmen: any bid other than the lowest responsible bid when the contract or purchase is in excess of \$5,000.

**§ A161-7. Signing of purchase orders or contract.**

- A. The Finance Director and/or First Selectman is authorized to sign all purchase orders. The First Selectman is authorized to sign all formal contracts approved under the appropriate procedure as stipulated herein.
- B. Under an existing contract, any change order which increases the contract amount shall be subject to prior budgetary approval by the Finance Director and approved by the First Selectman for any change in the scope of the project.

**§ A161-8. Rejection of bids.**

The board, person or agent having the authority to award may reject any or all bids, part of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, or waive defects in same when the public interest will be served best thereby.

**§ A161-9. Determination of equal bids.**

In the case of equal bids involving a local and outside vendor, the local vendor shall be given preference, providing that both are equally qualified to perform the service. If two equally qualified outside (local) bidders submit equal bids, the winner shall be selected by drawing lots or the flip of a coin.

**§ A161-9.1. Local vendor preference; Town-based business. [Added 10-26-2009]**

- A. "Town-based business" defined. "Town-based business" shall mean a business with a principle place of business located within the Town of Simsbury. A business shall be considered to be a Town-based business by establishing through competent evidence that the business has a bona fide principle place of business in Simsbury. Such evidence shall include proof of fee ownership or a long-term lease of the real estate for the building where the principal place of business is operated. A documented Town-based business shall maintain such status throughout the term of any contract with the Town of Simsbury. Failure to maintain such status or to keep current on all property tax obligations to the Town of Simsbury or the Simsbury Fire District shall be grounds for the Town to terminate the contract.

- B. Local vendor preference. For the procurement of any goods advertised for bid pursuant to the Town's Purchasing Regulations, as amended, the lowest responsible bid shall be determined in the following order:
- (1) Any Town-based business which has submitted a responsible, responsive bid for purchases exceeding \$2,500 but less than \$250,000, which is not more than 5% higher than the lowest qualified bid or quote, may be awarded the contract so long as such Town-based business meets the specification requirements and details and agrees to provide the supplies, materials, equipment, commodities and/or services which are the subject of such procurement at the same price and the same contract terms as the lowest qualified bid received. Notwithstanding the foregoing, to qualify for the bid award, each Town-based business shall meet all other terms, conditions and requirements set forth in the purchasing regulations and the bid solicitation. This section shall not apply to bids for purchases in excess of \$250,000.
  - (2) In the event that more than one Town-based business submits a bid or quote not more than 5% higher than the lowest qualified bid or quote, the award shall be to that Town-based business originally submitting the lowest qualified bid or quote.
- C. Implementation of local bidder preference. Any bidder claiming to meet the requirements of a Town-based business as defined in this section shall be required to submit a signed Town-based bidder affidavit form with the bid submittal. Such affidavit shall include a certification that the Town-based business is paid in full on all current property tax obligations owed to the Town of Simsbury and the Simsbury Fire District. Failure to submit the Town-approved affidavit form shall result in disqualification as a Town-based bidder and ineligibility for contract award unless such requirement is waived by the Town upon a finding by the Town that such waiver is in the Town's best interest. This section applies to bids submitted by vendors and contractors that will directly supply the Town's requirements and specifically excludes agents and/or subcontractors of general contractors.
- D. Restrictions on use of local bidder preference. This section shall not apply to any bid solicitation where the preference created by this section would violate federal and state law or any existing contracts. This section shall not apply in bid solicitations where the bid requested involves a cooperative purchasing arrangement between the town and other municipalities, the State of Connecticut or the Capitol Region Council of Governments Purchasing Council.
- E. Expiration. This section shall expire on November 1, 2013, unless it is reauthorized by the Board of Selectmen.

**§ A161-10. Exemption from bids.**

- A. Purchases made through or on the basis of regional or state agency bids shall be exempted from any bidding procedures.
- B. A purchase may be made or contract awarded for a supply, service or construction item without a competitive bid when it is determined that there is only one source for the required supply, service or construction item. Such determination shall be made after appropriate advertisement in the newspaper, trade magazine, or similar medium of general circulation.

**§ A161-11. Professional services contracts.**

Contracts for professional services (legal, engineering, architectural, etc.) shall not be governed by these regulations, but every effort shall be made to secure well-qualified professionals at the best terms possible for the Town.

**§ A161-12. Emergencies.**

- A. In case of emergency the First Selectman may, or in the best interest of the Town, the Board of Selectmen may, waive the procedures outlined herein, and the Board of Selectmen may prescribe alternative procedures for specific situations.
- B. Emergency situations shall be those in which the operation of a department would be seriously hampered; or in which life, limb or property may be endangered; or in which the health or welfare of the general public is seriously threatened.

**§ A161-13. When effective; revisions.**

These bidding and purchasing regulations shall become effective as of March 23, 1992, and may be revised or amended from time to time by formal action of the Board of Selectmen.

**§ A161-14. Board of Education transactions.**

Separate procedures shall be established for Board of Education transactions.

**§ A161-15. Conflict with Charter or state law.**

In the event of any conflict between these procedures and the Charter of the Town of Simsbury or the Connecticut General Statutes, these procedures shall be construed to conform to the Charter or statutes, as the case may be.

**§ A161-16. Review and adoption.**

The procedures outlined herein shall be reviewed, amended if necessary, and adopted by the Board of Selectmen on an annual basis. These procedures shall remain in effect until amended.

---

## **Chapter A162, RULES OF PROCEDURE**

---

[HISTORY: Adopted by the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

---

### **ARTICLE I, Board of Selectmen [Adopted 12-7-2009<sup>EN(3)</sup>]**

---

**§ A162-1. Adoption of standards.**

The Board of Selectmen adopts Robert's Rules of Order as a general guide for the conduct of all regular and special meetings. The Board of Selectmen will conduct its business in accordance with all other applicable rules and regulations including state statutes and the Town Charter.

**§ A162-2. Inclusion of items on agenda; distribution of agenda.**

When possible, the agenda, along with relevant resource material, will be distributed to the Board members four days prior to the meeting. Items not specifically included on the agenda may be included by a two-thirds vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting. Under no circumstances will any item be added to the agenda later than 9:00 p.m. or two hours after the beginning of the meeting, whichever is earlier. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.

**§ A162-3. Placement of items on agenda by Board member.**

A member of the Board may have an item placed on the agenda by contacting the First Selectman or Director of Administrative Services at least seven days prior to the meeting.

**§ A162-4. State of the Town Message.**