

Northwest Vermont Communications Union District

Purchasing Policy

PURPOSE AND AUTHORITY

The purpose of this document is to describe the process through which the Northwest Vermont Communications Union District (NWCUD) will execute purchases and procure contractor services.

NWCUD designates the Chair, Vice Chair, and Executive Director as Purchasing Agents. Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained with each purchase.

The Purchasing Agents will determine the purchasing method to be used based on the type and estimated price of the purchase.

NWCUD reserves the right to reject any or all bids if it determines such rejection to be in the best interest of the organization.

PROCUREMENT TYPES AND REQUIREMENTS

Incidental Purchases (up to \$10,000)

Incidental purchase is the acquisition of supplies or services of up to \$10,000 and is referred to as the micro-purchase threshold under Federal Acquisition Regulation (FAR) 2.101. Purchasing Agents may make budgeted purchases without prior approval of the Governing Board. If an item is unbudgeted and is \$1,000 or less, the Purchasing Agents are authorized to make the purchase, and the Treasurer will then report the purchase at the next Board meeting. If an unbudgeted expense of more than \$1,000 is required, it must be brought to the Governing Board for approval. If the expense represents a deviation from the approved budget of more than 10% of a major (top level) line item, it must be approved by the Governing Board. Incidental purchases may be awarded without soliciting competitive quotations if the purchasing agent considers the price to be reasonable.

Minor Purchases (between \$10,000 and \$250,000)

Procurement by minor purchase is the acquisition of budgeted supplies or services, the aggregate annual dollar amount of which is between \$10,000 and \$250,000 in accordance with the FAR simplified acquisition threshold. Minor purchases may be awarded using a simplified bidding process. Designated Purchasing Agents may make unbudgeted minor purchases only with prior approval of the Governing Board.

A simplified bidding process means that NWCUD develops a Statement of Work that identifies work to be performed, specific need(s) to be addressed and/or product(s) to be delivered and that solicits price quotations from two or more potential vendors known to provide the specified services or products. The simplified bidding process does not require a public bid posting. Vendors will be selected based on cost, delivery, the quality of the goods and services offered, and the ability, capacity, and skill of the vendor demonstrated under prior contracts with NWCUD.

Major Purchases (\$250,000 and above)

Procurement by major purchase is the acquisition of budgeted supplies or services, the aggregate annual dollar amount of which exceeds \$250,000. All major purchases require prior approval of the Governing Board.

For all major purchases a standard RFP bidding process with public posting is required.

The Governing Board may authorize a procurement process other than a standard RFP in certain circumstances. Circumstances in which a procurement process other than a standard RFP are appropriate may include, without limitation:

- a) where the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- b) the item or service is available only from a sole source.
- c) after a number of solicitations, competition is determined inadequate to yield a superior result for the CUD.
- d) the prior experience and knowledge of the vendor relative to the CUD or the subject matter of the engagement is likely to yield a superior result for the CUD with regard to risk mitigation, efficiency, speed and value of insight.
- e) due to the specific geographic location of goods or services sought, a standard RFP process is unlikely to yield a superior result for the CUD.

For all major purchases with a value above \$250,000 a standard RFP bidding process is required. The RFP must contain all requirements and conditions of the particular procurement process. An RFP must contain a Statement of Work and describe the criteria the NWCUD is going to utilize to select the vendor. NWUD must evaluate bids in accordance with the criteria set forth in the RFP.

PURCHASES MADE WITH FEDERAL FUNDS

If federal funding is used for purchases between \$10,000 (\$2,000 in the case of construction projects subject to Davis Bacon requirements) and \$250,000, price or rate quotes must be obtained from two or more qualified sources following the affirmative action provision of this policy described below and all provisions regarding fair and unrestricted competition.

For purchases and construction projects at or exceeding \$250,000, NWCUD will follow the sealed bid process if federal funding is used. When procurement by sealed bids is used, the NWCUD will follow procedures as defined in 2 CFR § 200.320(c), Vermont Bulletin 3.5 Section VIII(B), and consult the Northwest Regional Planning Commission model purchasing policy for other applicable State bid requirements.

AFFIRMATIVE ACTION AND LOCAL PREFERENCE

Whenever possible, qualified small, minority, and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases. If the purchase is federally funded in whole or in part, minority and women-owned businesses must be included in the solicitation lists and all other affirmative action requirements outlined in the grant provisions must be followed. The NWCUD may exercise a

preference for local businesses for purchases funded exclusively by the NWCUD district, or where permitted by federal law, but only if such a preference does not result in unreasonable prices or rates due to a lack of competition. For purchases funded in whole or in part with federal funding, the NWCUD may not exercise a preference for local businesses, unless permitted by the federal funding source.

PROCUREMENT CODE OF CONDUCT

Employees, officers, and agents of the NWCUD, (in this document, “agents” includes NWCUD volunteers), who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer, or agent of the NWCUD shall participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or personal interest in the firm/vendor selected for award.

An employee, officer, or agent of the NWCUD who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest within the context of a duly warned Governing Board meeting that occurs before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.

Officers, employees, and agents of the NWCUD will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

Officers, employees, and agents who fail to follow the above Procurement Code of Conduct shall be sanctioned or disciplined, to the extent permitted by law, for violations of the above standards.

DOCUMENTATION

Records documenting the procurement process for any Minor or Major purchases, as those terms are defined above, including the reason for the specific procurement method chosen, the basis for the award and contract pricing (showing evidence that the process was fair and equitable), as well as any other significant decisions that were part of the procurement process shall be maintained for a period of at least three years from the date of the submission to the Federal government of the final expenditure report if the purchase or project was funded with federal grants, or until the completion of any litigation, claim, negotiation, audit, or other action involving the records, whichever is longer. Otherwise, records shall be maintained by the NWCUD in accordance with the retention and disposition schedules as set by the Vermont State Archivist.

The foregoing Policy is hereby adopted by the Governing Board of the Northwest Vermont Communications Union District, this 5th day of November and is effective as of this date until amended or repealed.

DocuSigned by:

A handwritten signature in black ink that reads "Everett McGinley". The signature is written in a cursive style with a large, prominent "E" at the beginning.

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Everett McGinley

NWCUD Board Chairman

Date signed 11/5/2021.