

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
www.trumbull-ct.gov

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005



AGENDA No. 680

- I CALL TO ORDER
- II MOMENT OF SILENCE
- III PLEDGE OF ALLEGIANCE
- IV ROLL CALL
- V BUSINESS

DATE: September 8, 2011
TIME: 8:00 p.m.
PLACE: Town Hall

NOTICE is hereby given that the Town Council of the Town of Trumbull, Connecticut will hold a regular meeting on Thursday, September 8, 2011 at 8:00 p.m. at the Trumbull Town Hall, for the following purpose.

DISCUSSION ITEMS:

- Trumbull High School Building Committee Update:
Chairman's Report; Owner's Rep Update; Architect's Update; Construction Manager Update.
 - Trumbull Babe Ruth State and New England Tournament.
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1. RESOLUTION TC23-179: To consider and act upon a resolution which would appoint McGladrey & Pullen as the Independent Auditor for the Town of Trumbull for fiscal year 2011-2012. (Finance)
2. RESOLUTION TC23-181: To Consider and act upon a resolution which would appropriate \$285,454.00 from Town Hall- Contingency 01013800-501116 (Fiscal Year 2010-2011) to various accounts for the settlement of the MATE and Highway and Parks union contracts and one (1) additional day worked in this fiscal year by all employees. (Finance)
3. RESOLUTION TC23-182: To consider and act upon a resolution which would appropriate \$331,549.45 Fiscal (Year 2010-2011) from the Available General Fund to various accounts. (Finance)
4. RESOLUTION TC 23-183: To consider and act upon a resolution which would adopt a comprehensive purchasing and bid procurement policy with an effective date of October 1, 2011 (Attached) (L&A)

5. RESOLUTION TC23-184: To consider and act upon a resolution which would authorize Timothy M. Herbst, First Selectman of the Town of Trumbull to sign and execute on behalf of the Town of Trumbull a personal service agreement with the Connecticut Department of Transportation for the STP Urban Transportation project 144-H015, the paving of Merritt Boulevard.(L&A)

VI ADJOURNMENT

COPIES OF THE RESOLUTIONS ATTACHED HERETO

Carl A. Massaro, Jr., Chairman

RESOLUTIONS

1. RESOLUTION TC23-179: BE IT RESOLVED, That McGladrey & Pullen, be and the same, is hereby appointed as the Independent Auditor for the Town of Trumbull for fiscal year 2011-2012.

2. RESOLUTION TC23-181: BE IT RESOLVED, That \$285,454.00 is hereby appropriated from Town Hall- Contingency 01013800-501116 (Fiscal Year 2010-2011), for the settlement of the MATE and Highway and Parks union contracts and one (1) additional day worked in this fiscal year by all employees, to as follows:

First Selectman - Salaries FT	01010400-501101	851.00
First Selectman - Salaries PT	01010400-501102	198.00
Tax Assessor-Salaries PT (Retro and incr hrs for PT due to retirement)	01011600-501102	11,018.00
Tax Collector - Salaries FT	01012000-501105	7,464.00
Purchasing-Salaries FT	01012200-501101	262.00
Treasurer-Salaries FT	01012400-501101	82.00
Technology - Salaries FT	01012600-501101	23,261.00
Human Resources - Salaries FT	01013000-501101	2,418.00
Employee Benefits-FICA	01013400-511150	62,599.00
Town Clerk - Salaries FT	01013600-501101	6,487.00
Custodial - Salaries FT	01014000-501101	7,388.00
Custodial - Salaries OT	01014000-501105	477.00
Custodial - Serv-Ancillary (vacancy used service)	01014000-522203	4,951.00
P & Z -Salaries - FT	01014200-501101	737.00
P & Z -Salaries - PT (Zoning Enf Officer)	01014200-501102	15,396.00
Police-Salaries - FT	01022000-501101	11,591.00
Fire Marshal - Salaries FT	01022800-501101	4,824.00
Fire Marshal - Salaries OT	01022800-501105	1,242.00
Building - Salaries - FT	01023200-501101	4,303.00
Building - Salaries - PT	01023200-501102	5,613.00
Building - Salaries - Seasonal	01023200-501103	4,352.00
Building - Salaries - OT	01023200-501105	5,182.00
PW Dir - Salaries FT-Francese final payout	01030000-501101	3,732.00
PW Dir - Salaries OT-Due to Francese Resign	01030000-501105	942.00
PW Dir-Due to Francese Resign	01030000-522203	763.00
PW-Bldg Maintenance-Salaries FT	01030200-501101	10,045.00
Engineering-Seasonal Temp	01030500-501103	2,600.00
Engineering-OT	01030500-501105	5,854.00
Counseling Ctr - Salaries FT	01050200-501101	11,034.00
Non Public School Nurses-Salaries-FT	01060400-501101	6,694.00
Libraries - Salaries FT	01070000-501101	36,703.00
Recreation - Salaries FT	01080400-501101	7,365.00
Parks-Salaries FT	01080600-501101	18,880.00
Tree Warden - Salaries FT	01080800-501101	84.00
Arts Commission - Salaries PT	01080900-501102	62.00

3. RESOLUTION TC23-182: BE IT RESOLVED, That \$331,549.45 is hereby appropriated from the Available General Fund to as follows (Fiscal Year 2010-2011):

Town Council - Legal Notices	01010000-545501	5,694.44
Purchasing-Legal Notices	01012200-545501	1,931.46
Employee Benefits - Workers Comp	01013400-511152	254,960.00
Planning and Zoning-Legal Notices	01014200-545501	6,317.64
Zoning Board of Appeals-Legal Notices	01014400-545501	1,669.00
Central Dispatch Comm-Service Clerical	01022500-522201	540.00
PW - Building Mtce - Gas/Oil	01030200-567701	55,876.91
Tree Warden - Emergency Services	01080800-578806	<u>4,560.00</u>

4. RESOLUTION TC23-183: BE IT RESOLVED HEREIN, That the Trumbull Town Council hereby adopts a comprehensive purchasing and bid procurement policy with an effective date of October 1, 2011
5. RESOLUTION TC23-184: BE IT RESOLVED, that Timothy M. Herbst, First Selectman of the Town of Trumbull be and the same, hereby is authorized to sign and execute on behalf of the Town of Trumbull a personal service agreement with the Connecticut Department of Transportation for the STP Urban Transportation project 144-H015, the paving of Merritt Boulevard.



GENERAL POLICY AND MISSION

The mission of the Town of Trumbull Purchasing Department is to provide unparalleled service to the residents of the Trumbull community by procuring the highest quality and most suitable material, equipment and services, for use by Town departments while considering such factors as quality, delivery, lowest overall cost, and liability. These Procurement Policies and Procedures are governed by the Town's Charter as approved on November 4 2003 (*Chapter III, Section 6, G*) and as required and incorporate the concept of open competitive bidding. Under this system, purchase awards are made to responsible and responsive suppliers that meet the Town's specifications, requirements, objectives, and conditions, and also have the capacity to perform and deliver the specified material, equipment or services in a timely manner.

AUTHORITY FOR PROCUREMENT

The Director of Finance serves as the Purchasing Authority for the Town, directs the purchasing program through its Purchasing Department and has responsibility to purchase and oversee the materials, equipment, supplies and services necessary for the proper and efficient operation of the Town and its departments

The Purchasing Department and the Town's designated procurement personnel, under the direction of the Purchasing Authority, are authorized to act as its agent and their foremost obligation is to comply with this procurement policy and function with integrity. It is a principle of this Town that all suppliers are treated on a fair and equitable basis. The Town's Municipal Code and Code of Ethics is the employees' and Town Officials' guide to ethical behavior in the workplace. It is incorporated herein and in total by reference.

All Town departments shall assist the Purchasing Department function in carrying out the Policies and Procedures contained herein by adhering to these Policies and Procedures. All revisions to the Town's Purchasing Policies and Procedures shall be formally issued by the Purchasing Authority.

There is a difference between policy and procedures within the context of this document, as defined below:

Policy

A *policy* is the written governing principle and guideline that is established by Town Charter and which defines general limits, direction and authority of the procurement function. All individuals involved in any way, be it advisory or functional, with the procurement process are expected to adhere to the policies and guidelines to assure compliance with all local and state statutes.

Procedure/Practice

Procedure/Practices are a series of related tasks that make up the sequence or the established way of performing the work and functions of procurement activities. Practices and procedures should incorporate or reference the Town's policies and standards as well as those imposed by State of Connecticut law and statutes.

THE ETHICS OF PROCUREMENT

General

The Town Charter and Code of Ethics define the standards of ethical behavior for all Town employees and members of advisory Boards and Commissions relating to all procurement activities. (See *Town of Trumbull Charter* - Approved November 4, 2003; *Code of Ethics of the Town of Trumbull* - Effective November 22, 1989)

Conflict of Interest

When conducting business, the Town expects its employees and advisory Boards and Commissions to treat every supplier on a fair and equitable basis and to use their good judgment at all times in the course of activities related to the procurement of goods and services for Town use.

Town officers, employees and members of advisory Boards and Commissions should have no relationship, financial or otherwise, with any entity with which the Town does business, or with any potential supplier which may be construed as a conflict of interest. Any purchase that does take place in which an officer, employee or Board/Commission member holds a substantial interest requires a written public notice prior to such purchase being made. (See *Trumbull Town Charter - Chapter III, Section 6, G, d*).

If in doubt about any particular situation, an individual should review the details with their supervisor; or consult with the Town's Ethics Board.

Unfair Buying

It is unethical to misapply the economic force represented by the ability to award orders or to make awards on the grounds of favoritism, habit buying or excluding suppliers from competition based upon unsubstantiated opinions. Furthermore, employees or members of Boards and Commissions lacking the authority to purchase shall not represent that they can make commitments to buy.

Supplier Relations

Four (4) general principles should be observed by employees Town Officials in all procurement related transactions:

- Fairness
- Integrity
- Responsiveness
- Courtesy

It is the Town's practice to grant an interview to any supplier's representative at a mutually convenient time.

Endorsement

It shall be the Town's policy not to officially endorse a supplier or its products to other potential customers of the supplier. Mere listing of the Town as a customer without promotional language is not an endorsement

Samples

The Town or its representatives shall not accept samples on a "gratis" basis except when required for evaluation. When goods valued over \$100 are delivered for evaluation or field trial, an evaluation contract or purchase order at no charge must be issued to the supplier to document the matter.

Procurement of Goods or Services for Personal Use

Under no circumstances shall any employee purchase materials, goods or services from a supplier for personal use by giving the impression that the sale is for the Town. If a supplier makes a general practice of providing discounts to Town employees, then the Town employee may accept these discounts on their personal purchases, however, the sale must not name the Town as the customer.

Gifts and Hospitality

Town employees and members of advisory Boards and Commissions may not accept, solicit, or give the appearance even indirectly of accepting loans, substantial gifts, hospitality or any other item of value or service of monetary value from any entity with which the Town does business, or is likely to do business.

All employees and members of advisory Boards and Commissions are required to maintain a cumulative record of all hospitality contacts with suppliers, or other business entities. The record should include the date, place, and persons in attendance, business purpose and nature of the expense.

Violations

No employee or members of advisory Boards and Commissions and its volunteers shall be excused from complying with the Purchasing Policies and Procedures, Town Ethics Standards, general principles of procurement ethics, or any of the specific rules or standards contained in this Manual. Employees should understand that violation may subject an employee to disciplinary action including, without limitation, termination of employment. Violations by members of advisory Boards and Commissions and its volunteers are covered under the rules governing the Town's Board of Ethics.

Freedom of Information (FOIA)

The Town of Trumbull follows the State of Connecticut's Freedom of Information Acts requirements. A complete copy of the Freedom of Information Act is available on the State website www.state.ct.us/foi.

CRITERIA FOR GENERAL PURCHASING AND COMPETITIVE BIDDING

Competitive bidding can take place only when there is more than one qualified supplier and when there is time to accomplish the process without jeopardizing the needs of the end user department.

As per the Town Charter the following criteria shall apply with regard to general procurement and competitive bidding:

Anticipated Expenditure	Action
\$1.00 - \$999.99	Purchase order issued to the supplier offering the lowest price for good quality and delivery.
\$1,000 - \$9,999	Secure at least three written price quotations or proposals.
\$10,000 or more	Purchasing Department issues a Formal Published Solicitation requesting a Sealed Bid or Proposal.

COMPETITIVE BIDDING

GENERAL

The Town's procurement decisions as required and whenever possible and practical, and as established by the Town charter, are to be made using a competitive bidding process. Competitive bidding for a product or service requires the allocation of sufficient time to conduct the bid process. Competitive bidding also assumes the availability of more than one qualified supplier for a specified and required good or service and is open to goods and or services that are functionally equivalent to that specified in a request for proposal/quote.

Definitions and Procedures

Bid – The offer of a qualified (supplier) bidder to provide specific goods and/or services in accordance with all specifications and condiditon indicated in a solicitation.

Bidder – A respondent to either a Request for Bid. Quote or Proposal.

Bidder Qualification Statement

For highly complex and technical or service oriented high dollar projects the Purchasing Department may require of from all responders to a bid or proposal request a "*Bidders Qualification Statement*" (Attached).

Cooperative Bid or Proposal – A request for Bid or Proposal process with one or more than one municipality represented. One of the represented municipalities act as the lead municipality and coordinates the bidding process on behalf of all other municipal participants. The Purchasing Authority shall approve all Cooperative Bid/Proposal scenarios.

Legal Notice – Advertisement of a Request for Bid, Quotation, Proposal, or Qualification. As required by Town charter all formal bid requests shall be advertised by a legal notice in a local newspaper. Additionally, notification of a bid request shall be included on the official Town of Trumbull website

www.trumbull-ct.gov and may be published on the State of Connecticut (DAS) web site and/or any other publication as deemed appropriate by the Purchasing Department or End User Department.

Total Cost of Ownership - A determination of the total costs for the projected life of a piece of equipment.

Request for Bid or Quote (RFB or RFQ) - A competitive solicitation (unsealed or sealed) of prices for specific goods and/or services based on specifications established by or for the Town. Resulting bids are final and nonnegotiable. Competitive Quotes (RFQ) are issued when the market place consists of a number of qualified suppliers, the specifications are clear and generally require no special support or services will be required.

In certain instances such as low value repetitively purchased items, end user departments may solicit pricing information for budgetary and requisition information however, end user departments shall not solicit quotations, bids, or proposals for high dollar major procurements without the direct consent of the Purchasing Department or Authority. All correspondence with suppliers concerning purchases or prospective purchases shall be submitted to the Purchasing Department.

The Town of Trumbull reserves the right to reject any and all quotes or bids deemed not to be in the best interest of the Town and to waive any defects or informalities in a bid or proposal.

Request for Proposal (RFP) - A competitive solicitation for sealed proposals from qualified suppliers to accomplish a specified scope of work or to supply specific goods, services, methodologies and/or solutions to highly technical or service oriented projects. Negotiations may be conducted after evaluation of offers. Requests for Proposals (RFP) are utilized when there are limited qualified suppliers, the specifications are complex, exact designs or specifications are not available and only generic requirements or objectives exist. The requirements include special or extended services, or for all professional services including consulting.

The main component of an RFP consist of the Town's terms and conditions, a description of the scope of work, proposal requirement, any special conditions, service requirements, insurance requirements and contract format.

With RFPs, price may not be the primary consideration. The ability of the proposer to deliver successfully the stated outcome of the Scope of Work required and provide the specific service component are most important with price being of equal importance. It is not necessarily the lowest price proposal that will be given the award, for low price without the proposer being able to provide the required deliverables is meaningless. It is the proposer who provides the best overall value and the stated outcome and service at a price that can be accommodated by the Town that will be given the award.

Negotiations may occur with RFP's.

The Town of Trumbull reserves the right to reject any and all quotes or bids deemed not to be in the best interest of the Town and to waive any defects or informalities in a bid or proposal.

The department making the recommendation for award resulting from an RFP shall forward a memorandum to the Purchasing Department stating the justification for award. Additionally any and all contracts resulting from an RFP award shall be forwarded to the Town designated attorney for review.

Request for Qualifications (RFQ) or Information (RFI) - When complex specifications or unusual services are required, it may be appropriate to issue a Request for Qualifications (RFQ) or Request for Information (RFI) or to determine which suppliers can meet a requirement. These requests should clearly describe the general requirements and request suppliers to offer proof of their capabilities, or examples of their products and/or services that could meet the requirements, and experiences in similar situations. Responses to an RFQ or RFI may also facilitate in the development of specifications and a potential list of suppliers for a formal RFP/Q or, in the case of professional services, may result in the selection of a supplier or consultant.

An RFQ response may include pricing information. If pricing information is requested it shall be requested under separate sealed cover to allow a more objective evaluation of responders' qualifications. In some instances the requested pricing may be Rough Order of Magnitude (ROM) pricing to be used for budgetary purposes only. ROM pricing does not in any way obligate either the Town or the supplier.

Responsible Bidder or Offerer - A supplier or person who has the capability and capacity in all respects to meet, fully satisfy and perform the contractual requirements and specifications of the bid request and has the business integrity and reliability that will assure good faith performance.

Responsive Bidder or Offerer - A supplier or individual who has submitted a bid or proposal response to an RFQ or RFP that conforms in all material respects to that specified in the solicitation (specifications).

Specifications - Data Supplied by End User Department - The competitive bidding process requires that the desired product or service is sufficiently defined so that equal opportunity is provided to all suppliers interested in bidding. The End User Department requiring the product or service shall supply all necessary data to the Purchasing Department to be used in the preparation of and for inclusion in a Request for Bid/Proposal document. This data shall include but not be limited to:

- Detailed specifications, brand or model (or Town approve 'equal to'), statement of work, terms and conditions, drawings, material lists, inspection requirements and other pertinent data.
- Generic requirements or descriptions of the performance objectives in sufficient detail (*when exact specifications do not exist*).
- Service objectives, desired deliverables and acceptance criteria (*for services*).
- All requirements dealing with support, warranty, training, etc.
- Required delivery or completion information.
- Recommended bidders (*if known*) - suppliers the end user department believes are qualified to provide the products or services.

Upon completion of the aforementioned information the End User Department shall submit to the Purchasing Authority "*Request for Formal Bid/Quotation, Proposal, Information or Qualifications*" (Attached) along with the above mentioned Data Supplied by End User Department. Prior to the Purchasing Department issuing a formal request this formal request shall be signed by the Department Head or Board/Commission Chairman and the Finance Director.

THE COMPETITIVE BID/PROPOSAL PROCESS*Preparation of Requests for Quotation/Proposals/Bid/Information*

It is the sole responsibility of the Purchasing Department to formally issue all Town Requests for Quotation/Proposals/Bid, Information and Qualifications and any addendum thereto and it is the sole responsibility of the Purchasing Department to control and oversee all aspects of the bid/proposal process from bid/proposal development to opening and award.

All requests to change, alter, clarify, or redefine the specifications, requirements, statements and scope of work, or terms and conditions of a bid/proposal request shall not be discussed or communicated to potential bidders other than through the Purchasing Department during the bid/proposal process. Should a Town employee, department head or board or commission member bypass the Purchasing Department by communicating information to bidders during the bid/proposal process that may result in an unfair competitive advantage for potential bidders, or in differing/conflicting information, the Purchasing Department may cancel (and reissue) a bid/proposal if it is deemed to be in the best interest of the Town and integrity of the competitive bid/proposal process.

If a supplier has questions regarding any aspect of a bid/proposal request and the Town clarifies such information, that information must be shared with all of the competing suppliers. As necessary, all significant changes to a specification may result in the issuance of formal addenda to the original RFQ/RFP/RFI. Those addenda shall be provided to all competing suppliers by the Purchasing Department and if required, an extension of the due date shall be formally made by the Purchasing Department to all competing suppliers.

All formal bidding requests, as per the Town Charter, require a minimum of ten (10) days from public announcement (Legal Notice) to response due date for a formal bid submission. Additional time shall be and should be given if the procurement is of complex nature and requires extensive evaluation. Any extension of a Bid/Proposal due date shall be solely approved and issued by the Purchasing Department.

Telephone and Email Submissions

A telephone and/or emailed submission of a bid or proposal are strictly prohibited and ONLY a physical bid/proposal response to a sealed bid/proposal request shall be accepted or considered.

Pre Bid Meeting

When the complexity of the requirements of an RFQ/RFP/RFI are so defined, a meeting on Town premises with suppliers and Town personnel prior to the bid opening shall be conducted. The objectives of such a meeting are to provide a clear understanding of an RFQ/RFP/RFI statement of work, specifications and requirements and to provide close coordination of Town's specifications and requirements and the supplier's ability to meet them. Usually the meeting is held after potential bidders have had time to review the bid/proposal request or general announcement (i.e. large public building projects). In most instances these meetings are not mandatory and attendance is not a prerequisite to submitting a formal bid. In some instances, when a specifications and requirements are uniquely complex and critical a pre-bid meeting is mandatory. Should a supplier not attend a "mandatory" Pre Bid meeting that supplier's bid/proposal shall not be accepted.

The Purchasing Department shall maintain a record of all Pre Bid Meeting attendees.

Bid Deposit (Certified Check or Bid Bond)

Under circumstances as determined by the Purchasing Department, a Bid Bond in the form of a certified check or surety bond may be required. The amount required is specified in the bid invitation as a percentage of the proposed bid and set by the Purchasing Department. Should the successful bidder fail to enter into a contract or to accept a purchase order the bid deposit will be forfeited to the Town. Bid Deposits are returned to the unsuccessful bidders within ten (10) days after the execution of a contract or purchase order between a successful bidder and the Town. Bid Deposits are returned to successful bidders upon completion of a mutually agreed contract and/or issuance of a purchase order.

Payment and Performance Bond

Under circumstances as determined by the Purchasing Department and in some instances State of Connecticut statute, a Payment and/or Performance Bond may be required from a successful bidder. Notification of this requirement shall be stated in the formal bid/proposal request. The Town holds Payment and/or Performance Bonds until all contract obligations are satisfactorily met. The Payment and/or Performance Bond will be forfeited to the Town should the successful bidder fail to comply with the terms and conditions set forth in the specifications and the award. Payment and/or Performance Bonds are to be made payable to the Town of Trumbull

Other Bid Request Components

Other components that may be included in a bid request may be, but not be limited to the following:

- Insurance requirements
- Contract format
- Scope of services required
- Organization and staffing information
- Schedule information
- Supplier history
- Key personnel resumes
- Executive summary (firm history, similar projects, organizational chart, etc)
- Claims, disputed, litigation
- References

Bid/Proposal Addenda

In those instances where it is deemed that addenda to an already advertised bid is required, it is the sole responsibility of the Purchasing Department to issue said addenda in a format that assures maximum communication to potential responders. As stated in all formal bid requests, it is the sole responsibility of a bidder to verify any addendums that may have been issued relating to a RFB or RFQ. Any notice of addenda shall be published on the Town website. Failure to submit a response that does not address any changes or addendums may result in a disqualification of a proposal submission

Bid/Proposal Opening – Due Date and Time

Formal bid/proposal openings, at which received bid/proposals shall be open and read aloud, shall be held at the date, time, and place stated in the formal bid/proposal request issued by the Purchasing Department. Should a change to the bid/proposal time be required, it is the sole responsibility of the Purchasing Department to issue an addendum changing the due date and time of a bid/proposal

opening. In the event of the closing of the Town Hall due to weather or any other unforeseen condition the opening date shall be postponed until the same time on the next day that the Town Hall is open for business.

Sealed bid/proposal openings shall be conducted by the Purchasing Department or Purchasing Authority or its designee. The Purchasing Department shall maintain a record of bid/proposal opening attendees, record all responses, and maintain a file (in the Purchasing Department) of all ORIGINAL bid/proposal responses.

Any bid/Proposal marked or received after the time or date set in the request is ineligible and shall not be opened or considered.

Per the Freedom of Information Act suppliers have the right to request bid information. This information is usually available twenty-four hours after the bid opening. If a negotiation is to take place, the Town has the right to consider any information which is essential to the negotiation process confidential until the negotiation is concluded.

Bid /proposals received may be inspected by making an appointment with the Purchasing Department.

Bid/Proposal Review

No award shall be officially made at a bid opening. The Purchasing Agent along with the End User Department Head or designated board or commission member shall review and analyze (including a financial or technical evaluation if necessary) all supplier bids/proposals with care considering all appropriate factors dictated by the requirements of the original request. The End User Department shall make a recommendation, in writing, to the Purchasing Department regarding a procurement resulting from a formal solicitation. More complex solicitation responses may require more a more formal review or Qualification Based Selection Process (QBS).

Change Orders

All requests for change orders to an existing Town purchase order or contract shall be forwarded to the Finance Director prior to any expenditure relating to that change order request is encumbered.

No change order shall be approved without competitive bidding unless it is within the scope of the work of the original project and the cumulative amount of all change orders does not exceed twenty (20) percent of the original price.

If an anticipated change order will increase the total of cumulative change orders above the twenty percent limit, written approval of the Finance Director and First Selectman is required.

Qualifications Based Selection (QBS) Process

Generally responses to a complex and detailed RFQ or RFP result in a formal selection process referred to as a Qualifications Based Selection Process. Qualifications Based Selection (QBS) refers to a procurement process established by the United States Congress as part of the *Brooks Act* (Public Law 92-582; see also 40 U.S.C. 1101 et. seq.) and further developed as a process for public agencies to use for the selection of architectural and engineering services for public construction projects. A Qualifications Based Selection Process (QBS) is the method by which companies are chosen based on the ranking of their qualifications specific to chosen criteria established by a Town Department

and/or board or commission and a selection panel comprised primarily of Town employees and/or board or commission members. QBS is used where the project or service requirements are so unique or complex where it is required that selection criteria be primarily influenced by the bidder's knowledge and experience for similar or related projects or service. This process generally requires an interview process that shall be coordinated by the Purchasing Department.

When a QBS process is desired by the requesting department and/or board or commission that has the responsibility for the project or service, that department head and/or board or commission chairman shall include that requirement in the RFP or RFQ specifications. Generally if it is the intention of the Town to use a QBS selection panel, that information and the selection criteria is included in the RFP or RFQ documents.

With all QBS processes, a selection panel shall be recommended by the department head and/or board or commission chairman. In all instances one of the members of a selection panel shall be the Purchasing Authority or a designated member of the Purchasing Department.

The initial purpose of the selection panel shall be to establish the specific criteria and assign weights by which responses received shall be evaluated. The specific criteria and related weights to be used in the evaluation process by the selection panel must be stated in all documents relating to the QBS procurement process. Additionally, the selection panel shall formulate a set of questions that will be utilized in the interview process. The Purchasing Department shall coordinate the date and time for interviews to occur and formally invite all attendees.

Proposals received shall be evaluated by the same selection panel. Each member of the selection panel shall evaluate independently by numerical scoring all responses received using the criteria and weighting established for the second step of the QBS process, that being the bid or proposal evaluation process. From each selection panel member's scoring shall be derived a combined scoring of the full selection panel, which shall lead to a ranking of all bids/proposals received. The numerical scoring of each selection panel member shall be kept as part of the records related to each QBS process.

The selection panel shall make a written report of its selection, the criteria used and its recommendation for award to the department head. The department head shall write a memorandum to the Director of Purchasing requesting that the award be made to the specified company.

The Town of Trumbull reserves the right to reject any and all quotes or bids deemed not to be in the best interest of the Town and to waive any defects or informalities in a bid or proposal.

Supplier Selection and Awards

Purchase orders and/or contracts are awarded solely by the Purchasing Authority through its Purchasing Department) to the *lowest responsive and responsible bidder* whose bid/proposal complies with all of the provisions of the Request for Proposal/Quotation required to render it acceptable. The lowest proposed price is only one of the factors used in the selection process; the proposer who provides the best overall value and ability to provide the stated outcome and service, at a price that can be accommodated by the Town, shall be selected. Other factors such as quality, performance and/or technical capability, service, ability to meet delivery requirements, supplier history, references, etc. may

outweigh the lowest proposed price. Additional factors to be considered, are the content and quality of the proposal and how well it addresses the needs of the criteria of the Request for Proposal/Quote/Bid. Any scoring matrix used in the selection process shall be fairly and equitably applied to all responding bidders.

The Purchasing Department shall consult with the End User Department in its bid evaluation process for more complex and technically sophisticated procurements. It is the objective of the Purchasing Department to assure that all goods and services purchased meet the stated required needs (specifications) of the End User Department.

It should also be noted that simply because a supplier was previously the low bidder and supplier of a particular good or service, that shall not be used as evidence that said supplier is the best source for the current requirement.

The Town of Trumbull reserves the right to reject any and all bids, quotes, or proposals not deemed to be in the best interest of the Town, or to accept that bid, quote or proposal which appears to be in the best interest of the Town.

The Town reserves the right to waive any informality or to reject any or all proposals and advertise for new proposals, if in its opinion the best interest of the Town will be served. The Town may require any or all bidders to present evidence of experience, ability and financial standing as well as a list of personnel or equipment they will have available for the execution of a contract or purchase order.

A department making a recommendation for award shall state in writing to the Purchasing Department the justification for the award. This recommendation shall be permanently filed in the related bid file.

Withdrawal of Award

The Town reserves the right to withdraw an award made to a bidder/proposer if the bidder/proposer does not satisfy the conditions upon which the award was based within the specified time frame. Such conditions could consist of, but not be limited to, insurance and bond requirement documentation. Other valid reasons for the Town's withdrawal of an award could include, but not be limited to erroneous or false information submitted in the bid/proposal or funding becoming unavailable for the goods, service or project. Acceptance of the award shall not be deemed complete until a contract has been fully executed between the Town and bidder. Such contract shall incorporate all terms and conditions set forth in the bid/proposal and any further terms and conditions required by the Town.

Bid Waiver

Under certain circumstances it may be in the best interest of the Town to waive the requirement for the competitive bid/proposal process for a specific procurement. The provision for a waiver of the bid/proposal process is contained in *Chapter III, Section 6, G* of the Town Charter.

All requests to waive Town Charter the bid/proposal process requirements (Bid Waiver) shall be submitted via formal memorandum directly to the First Selectman (with a copy to the Director of Finance and Purchasing Department). The memorandum shall contain pertinent information relative to the procurement along with rationale and reasoning as to why a waiver of the Charter requirement is deemed to be "*in the best interest of the Town*". Additionally, the request shall address the total anticipated dollar expenditure and general ledger account to be charged. Any proposed bid waiver of

five hundred thousand dollars (\$500,000.00) or higher shall require Town Council approval, with an affirmative vote of 2/3 of the entire membership.

Purchases made in conjunction with the Bid Waiver Process shall only be issued to a supplier by the Purchasing Department upon the First Selectman's signed approval of a Bid Waiver request and upon receipt of a formal requisition.

Conflict of Interest

No purchase shall be made from nor shall services (other than services as an officer, agent, or employee of the Town) be secured from any officer or employee of the Town, or from any partnership or corporation in which such officer or employee is a partner or officer, or holds a substantial interest, unless such relationship and the fact that such purchase is contemplated shall be made known in writing to the agency making such purchase, and notice thereof posted, for at least five (5) days before such purchase be made, in the office of the agency making such purchase and in a public place in the Trumbull Town Hall.

Prevailing Wages

In contracts for new construction of any public works project where the total cost of all work to be performed by all contractors and subcontractors exceeds four hundred thousand dollars (\$400,000) and in contracts for remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project where the total of all work to be performed by all contractors and subcontractors exceeds one hundred thousand dollars (\$100,000), all tradesmen and laborers hired to perform under the contract shall be paid at the prevailing wage rates for the same work in the same trade in the Town and shall receive the fringe benefits normally offered at that time for the particular trade. "Prevailing rates" as used herein shall mean the latest rates published by the State of Connecticut Department of Labor unless otherwise required to qualify for a federal grant pertaining to the contract. As used herein, the term "contractor" shall include the general or prime contractor and shall include subcontractors performing work under the contract.

Upon receipt of request for and RFP or RFQ, the Purchasing Department shall request current prevailing wage rates from the State of Connecticut Department of Labor for inclusion in the formal bid/proposal.

State of Connecticut Contractor PreQualification Program

The State of Connecticut's Contractor Prequalification Program, *Public Act 03-215* and Revisions under *Public Act 04-141*, requires that all contractors prequalify before they can bid on projects that meet the following criteria:

- Project must be for construction, alteration, remodeling, repair or demolition of a public building
- Estimated cost of the project is more than \$500,000
- Project is funded in whole or in part with State of Connecticut funds

Prequalification information shall be submitted with related bid/proposal responses at the required date and time. Failure to submit the required Prequalification information may result of rejection of a bid/proposal response. Note: In certain instances, the Town may accept a proposal if a Pre-qualification application is in process with the State. That situation must be disclosed in by the responder in the bid/proposal submittal.

Contract Development

Building improvements, public works construction and/or maintenance projects, and services shall be procured through the competitive bidding (RFB/RFP) process and developed into contracts.

Formats for contracts shall be in a manner established and approved by the Town's Attorney. The Purchasing Authority and/or Purchasing Department shall coordinate this effort through final contract execution.

GENERAL PROCUREMENT

A department/commission head shall designate authorized staff personnel to prepare actual purchase requisitions. All requisitions shall include estimated prices along with recommended supplier information and must be approved by the Department Head or designated individual. The approved requisition is then forwarded to the Finance Director (Purchasing Authority) via the Town's Financial System (MUNIS) for approval and then released to the Purchasing Department for Purchase Order processing.

The Purchasing Department is responsible for issuing all Purchase orders. Purchase Orders shall not be issued unless appropriated funds are available.

In all procurement activities the Purchasing Department shall comply with Town, State of Connecticut and Federal guidelines.

THE BUYING PROCESS

Definitions and Procedures

Contract - A contract is a written agreement between the Town and another party stating the term and conditions under which such party will perform a service or provide a product. The contract must designate terms, conditions and prices for providing goods or services within a specific period of time. There are two basic contract forms used by the Town - purchase orders and formal contracts (which may also be referred to as Agreements).

All formal contracts shall be executed by the Purchasing Authority (Finance Director). No other Town official, board or commission member is authorized to execute a formal contract with another party to perform a service or provide a product to the Town.

Requisition - The document and process used by a Town Department, agency, board or commission to authorize and request the Town's Purchasing Authority to purchase any and all supplies, materials, services, equipment and other commodities as required.

A requisition shall include a complete description of the goods or services, required delivery/completion dates, any supporting documentation such as drawings, specifications, etc, recommended suppliers (if any), and an estimate of the anticipated unit cost.

The Purchasing Authority determines the format, form, and method to be utilized for the requisition and procurement of goods or services. Generally all requisitions shall be created in the Town's Financial System.

Purchase Order - A Purchase Order authorizes a supplier to furnish goods or services and acknowledges the commitment of the Town to pay in accordance with the agreed upon terms with a firm performance date. The purchase order represents an offer to the seller, and it is not a contract until the supplier has either acknowledged the purchase order in writing or has performed (delivered) in accordance with the terms of the purchase order.

A purchase order contains a description of the specific item or services being purchased that are specific to that order.

The basic parts of a purchase order may include:

- Purchase Order Number (with change number if applicable)
- Requisition Number
- Tax Exempt Number
- The full legal name and address of the supplier
- The Town ship to location
- Supplier (supplier) number
- Freight payment terms
- Description (in a brief and accurate manner) of the goods or services being purchased, quantity, unit cost and extended price
- List of attachments, if applicable
- Signature of an authorized buyer and Town agent
- Reference to a bid or contract that is in force if applicable

The Purchasing Authority determines the format, form, and method to be utilized for the purchase of goods or services.

Established Catalog Price is a price included in a catalog, price list or other form that is publicly available and maintained by the supplier. In most instances the Town should typically realize a discount off a catalog price.

Sole Source Item is when only one source is located, after a thorough search of the marketplace that can provide a particular product or service to meet the Town's requirements.

Single Source Item occurs when a requirement is defined so narrowly that only one supplier can provide the product or service. Generally this is not in the Town's best interest and goods and or services that are functionally equivalent should be specified in a request for proposal/quote. However, if such a situation is unavoidable, full justification for such a limitation should be documented by the End User Department and depending on the dollar threshold may require approval through the Bid Waiver process.

Some reasons for selecting a sole or single source may include the following:

- The supplier is the only authorized distributor of a specified product or service in the immediate area.
- Emergency conditions exist where the urgency of obtaining the items or service needed outweighs all considerations of possible price savings through competitive bidding.
- A reasonable attempt to identify comparable sources has been unsuccessful.

Supplier Identification

The Purchasing Department has overall responsibility for supplier identification and qualification. Supplier identification and qualification is a continuing process ensuring that our suppliers are providing the Town with the best values in terms of total cost, quality and service. A list of suppliers will be

maintained and the marketplace will be periodically tested and suppliers added or deleted to ensure that the Town has an appropriate number of suppliers to meet its requirements.

New Suppliers

There will be no commitment to purchase goods or services from a supplier not listed in the most current Supplier Data Base (MUNIS) without prior approval of the Purchasing Department.

Should a department, board or commission wish to add a new supplier to the Supplier Data Base a "New Supplier Request Form" (attached) shall be completed and forwarded to the Purchasing Department for acceptance prior to any solicitation or purchase is made with the new supplier.

It is the sole responsibility of the Purchasing Department to determine if a new supplier is approved to supply the Town with goods or services.

Consideration for Supplier Acceptance may be as follows:

References provided through contracts with firms currently served by the supplier.

- Financial stability
- Experience
- Capabilities and technological abilities

Disqualified Supplier and Bidders

The Purchasing Department has the authority to declare suppliers who default on quotations and services, and suppliers who are in default of payment of taxes and other obligations to the Town, disqualified from receiving further business from the Town for a stated period of time. Suppliers may be removed from the Purchasing Department's supplier list for a period up to two years. Reinstated suppliers shall be on "probation" for a period of one year. If further problems occur a supplier may be permanently removed from the supplier list.

Unauthorized Purchases

Unless as herein provided, it shall be unlawful for any Town official, department head, employee, board or commission member to purchase any good or services for Town government other than through the Purchasing Department. Any purchases ordered outside of the provisions included herein shall not be approved and the Town shall not be bound to accept or pay for those purchases.

REQUISITION/ORDERING PROCEDURES

Requisition Preparation and Time Frame

Purchase requisitions shall be issued and approved by department heads or authorized designees for all purchases for materials and services through the Town's Financial System. The requisition must include supplier name and address, account number to be charged, date of issue, quantity and description of goods and services, price, date required, and any such documentation as may be required by the Purchasing Department to facilitate the procurement. A hard copy of the printed MUNIS requisition, signed by the department head with all supporting documentation, shall be submitted concurrently to the Purchasing Department. In all instances, departments shall assure sufficient lead time to prevent emergencies and allow for standard processing of a Purchase Order and delivery of requested goods and or services.

All requisitions created in the Munis system are first electronically forwarded to the Finance Director for approval and then released (electronically) to the Purchasing Department. It shall be noted that the Purchasing Department cannot process a requisition in the MUNIS system until such time that it has been approved and released by the Finance Director.

Verbal Request for Pricing/Procurement

It is generally not the policy of the Purchasing Department to accept verbal requisitions from departments. Exceptions shall be considered by the Purchasing Department in the case of legitimate emergencies.

Verbal Orders

Verbal orders are purchase orders placed to a supplier in person or by telephone. Verbal orders shall be authorized by a department head in the case of an emergency and held to a minimum and used for services or commodities where the total cost is less than \$1,000.

Emergency Purchase Orders

If the need by a department for goods and/or services is immediate and/or emergency, and the total purchase of material, equipment, supplies or services is anticipated to be less than \$1000, a Purchase Order may be issued directly by the Purchasing Department to a supplier. This action may occur only after a (manual) requisition is signed by the department head or appropriate board or commission member. This \$1000 limit pertains to the TOTAL procurement NOT the unit cost.

If the need for goods and/or services is immediate, and the total purchase is anticipated to exceed \$1000 an approved Bid Waiver from the First Selectman is required (see Bid Waiver procedure). A purchase order shall then be issued by the Purchasing Department upon receipt of the signed Bid Waiver and signed manual requisition.

Manual Requisitions

In the case of emergencies a manual requisition may be utilized by an end user department for the purchase of material, equipment, supplies or services is anticipated. Manual Requisitions shall be immediately presented to the Purchasing Authority along with all necessary supporting documentation for written approval of the Purchasing Authority. Upon approval of the Purchasing Authority the Manual Requisition shall be forwarded directly to Purchasing Department and a purchase order shall be issued to a supplier.

Manual requisitions may also be used to request routine "low dollar" miscellaneous office supplies under five hundred (\$500) dollars in total. These requisitions shall be signed by the Department Head and directly forwarded to the Purchasing Department for processing.

Publicly Bid Contracts

The Town shall avail itself of State and/or Federal contracts when it is considered to be in the best interest of the Town to do so, and participate in existing contracts which have been competitively bid under rules corresponding to those set forth by the Town's Charter. Acceptable cooperative purchasing contracts shall include those specifically extended to political subdivisions and municipalities and issued by Public Purchasing Association of Connecticut (PPAC), Connecticut Regional Council of Governments (CRCOG), and the State of Connecticut, Connecticut Regional Education Council (CREC), through the Department of Administrative Services (DAS) and the Department of Information Technology (DOIT). The use of such contracts shall be approved by the Purchasing Department and the terms and conditions set forth in the contract shall be adhered to in by the Town.

In order for a Publicly Bid Contract to be considered the contract must be in force at the time of the procurement and be for the goods and/or services referenced in the contract. The contract number shall be included on the requisition and purchase order.

Sale of Surplus Town Equipment

Surplus property/equipment owned by the Town of Trumbull shall be disposed of by the following procedure:

The department head shall notify the Purchasing Authority in writing of the surplus property/equipment and provide the description – (year, model, manufacturer, and age, etc) and general condition. The final decision to sell surplus Town equipment and disposition of the proceeds from the sale shall be made by the Purchasing Authority. Surplus items may be offered to other departments within the Town including the Board of Education. All surplus property/equipment shall be sold "as is".

Upon approval of the Purchasing Authority, the Purchasing Department shall advertise in a local newspaper and on the Town website the surplus property/equipment that is available, including its condition, and location. The advertisement shall call for sealed bids that shall be due to the Purchasing Department, or its designated agent at an announced date, time and location determined by the Purchasing Department at which time the responses shall be publically opened. An award will be made to the firm or person who bids the highest dollar figure for each item.

Payment for surplus shall be made by Certified Check to the Town of Trumbull. The removal of sold property/equipment shall be within a reasonable agreed to time period between Town and Buyer after the sale. All proceeds from the sale of Town surplus property/equipment shall immediately be forwarded to the Purchasing Authority.

The Town of Trumbull reserves the right to reject any and all bids, not deemed to be in the best interest of the Town, or to accept a bid which appears to be in the best interest of the Town.

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TOWN OF TRUMBULL
PURCHASING POLICY AND PROCEDURES

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ATTACHMENTS