

TOWN OF HARDWICK PROCUREMENT POLICY

Adopted December 4, 2025 (Replacing Purchasing Policy Adopted May 3, 2018)

PURPOSE

The purpose of this Procurement Policy is to obtain the highest quality goods and services for the Town of Hardwick at the lowest possible price, to exercise financial control over the purchasing process, to clearly define authority for the procurement function, to allow fair and equal opportunity among qualified suppliers, and to ensure compliance with applicable state and federal laws, including the procurement standards established under Uniform Grant Guidance (2 CFR §§ 200.317–200.327) when federal funds are used.

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. For purchases funded in whole or in part by federal awards, the Town shall comply with 2 CFR §200.321, which requires affirmative steps to ensure the use of minority businesses, women's business enterprises, and labor surplus area firms. These steps include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Ensuring such businesses are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, to permit maximum participation by such businesses;
4. Establishing delivery schedules, where requirements permit, to encourage participation;
5. Using the services of the Small Business Administration and the Minority Business Development Agency as appropriate.

The Town may exercise a preference for local businesses for purchases funded exclusively by the Town but only if such a preference does not result in unreasonable prices or restrict fair competition. No local preference shall be applied to federally funded procurements.

CODE OF CONDUCT

Employees, officers, and agents of the Town who are involved in procurement shall avoid real, apparent, or potential conflicts of interest. No employee, officer, or agent shall participate in the selection, award, or administration of a contract if a conflict of interest exists, including when:

- The employee, officer, or agent,
- Any member of his or her immediate family,
- His or her partner, or
- An organization employing any of the above has a financial or personal interest in the firm selected for award.

Conflicts of interest shall be disclosed publicly at a duly warned Select Board meeting before the bid selection or purchase occurs and documented in meeting minutes. Officers, employees, and agents shall neither solicit nor accept gratuities, favors, or anything of monetary value (other than items of nominal value not exceeding \$50) from contractors, potential contractors, or parties to subagreements. Violations of this Code may result in disciplinary action.

The Town shall also comply with 2 CFR §200.318(c)(2) regarding organizational conflicts of interest, ensuring that contractors or consultants who develop specifications or requirements for a procurement shall be excluded from competing for that procurement.

DOCUMENTATION

Records documenting the procurement process for any Moderate or Major purchase, including justification for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract price, shall be maintained for a minimum of three (3) years after submission of the final expenditure report to the federal awarding agency, or longer if required by audit, litigation, or other federal or state retention schedules.

PURCHASING AUTHORITY

Purchasing Agent: The Town Manager, or his/her designee as stipulated in the Town Charter §704J, shall serve as the Purchasing Agent.

Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained with each purchase and shall review all proposed procurements to avoid unnecessary or duplicative purchases. Purchasing Agents must ensure open and fair competition and compliance with federal procurement standards where applicable.

Routine Purchases

Purchases up to \$4,999.99 may be made without prior approval, provided they are within the approved budget. Quotations should be solicited periodically when practicable.

Moderate Purchases

Purchases between \$5,000 and \$14,999.99 require prior approval of the Town Manager and must remain within the approved budget. Competitive quotes from at least two qualified vendors should be obtained whenever possible.

Major Purchases

Purchases of \$15,000 or more require prior approval of the Select Board and shall follow the sealed bid process unless an exception applies. The Select Board shall ensure that competition is open and unrestricted.

For federally funded procurements:

- Micro-purchases (< \$10,000): May be awarded without soliciting competitive quotations if the price is reasonable.
- Small purchases (< \$250,000): Require price or rate quotations from at least two qualified sources.
- Sealed bids/competitive proposals (≥ \$250,000): Require formal solicitation and compliance with 2 CFR §200.320.

A cost or price analysis shall be conducted for all procurements exceeding the Simplified Acquisition Threshold (\$250,000) and for noncompetitive procurements as required under 2 CFR §200.324.

SEALED BID PROCESS

The sealed bid process shall be initiated by the issuance of a Request for Bids (RFB) or Request for Proposals (RFP) prepared by the Town Manager or designee. Notice shall be made via letters to known providers, public postings in at least three locations, and publication in a newspaper of general circulation.

Bid specifications shall include project scope, insurance and bond requirements, and applicable federal provisions. For federally funded construction projects, Davis-Bacon Act compliance and current wage determinations must be included.

Bids must be submitted in sealed envelopes marked with the bid name and opening time. Bids received after the deadline shall not be considered. Bids will be publicly opened and read aloud.

In evaluating bids, the Select Board shall consider price, quality, capacity, performance, experience, financial responsibility, and compliance with requirements. No award shall be made to a contractor listed on the federal SAM.gov exclusion database.


EXCEPTIONS

1. Competitive Proposals: May be used if sealed bidding is not feasible or if award will be based on factors other than price. Proposals must be solicited from at least two qualified sources.
2. Sole Source Purchases: Permitted only when one source is available, and the rationale is documented per 2 CFR §200.320(f).
3. Recurring Purchases: Annual or recurring contracts exceeding \$15,000 shall be bid periodically.
4. Emergency Purchases: The Town Manager may authorize emergency purchases without a bid process when delay would endanger persons or property or substantially impair services.
5. Professional Services: Competitive proposals should be used for architectural or engineering services, with selection based on qualifications and fees negotiated thereafter per 2 CFR §200.320(d)(5).

ADOPTION

This Procurement Policy replaces the Town's Purchasing Policy adopted May 3, 2018, and is effective upon adoption by the Select Board.

Adopted by the Hardwick Select Board on December 4, 2025.



Eric Remick, Chair



Ceilidh Galloway-Kane, Vice Chair



Shari Cornish



Tim Ricciardello



Danny Hale