

TOWN OF KILLINGWORTH
REGULATIONS FOR COMPETITIVE BIDDING OF CONTRACTS
FOR GOODS, EQUIPMENT, MATERIALS, SUPPLIES, AND SERVICES

1. Expenditures by an officer or agency of the Town of Killingworth in excess of \$10,000.00 for supplies, equipment, materials, or services shall be put out to competitive bid as specified in Section 9.5(f) of the Killingworth Town Charter.
2. Unless otherwise provided herein, such competitive bids shall be advertised by publication of legal notice in the designated local newspaper no less than twenty-one (21) calendar days prior to the date set for opening of the bids, which date shall be set by the First Selectman. Legal notice need not contain detailed specifications other than a general description of the items or services to be bid, but such specifications shall be available to any interested bidders at the Office of the First Selectman or at townofkillingworth.com. Legal Notice shall state a specific time for the opening of the bids
3. Simultaneous with the procedure in paragraph two above, invitations to bid may be sent out from the First Selectman's Office. Each bid, whether by invitation or in response to public notice, shall be presented to the First Selectman's Office in sealed form and shall be accepted for consideration by the Board of Selectmen only if it is received prior to the deadline set forth in the bid instructions. All bids shall remain sealed until they are opened at a meeting of the Board of Selectmen convened at the specific time stated in the legal notice. Contractual acceptance of a bid shall require a majority vote of the Board of Selectmen.
4. All contracts put out to bid shall be awarded to the responsible, qualified bidder who complies with all the provisions of the invitation and submits the lowest bid, provided that the bid price is reasonable and that it is in the best interest of the Town of Killingworth to accept it. In determining whether a bidder is responsible and qualified, the Board of Selectmen will consider:

- i. the ability, capacity and skill of the bidder to perform required services;
- ii. the ability of the bidder to perform the contract or provide the service promptly within the time specified;
- iii. in relation to each bidder, the quality of any articles to be supplied, their conformity to specifications, suitability to the Town, delivery terms, and their trade-in or resale value.

The Town reserves the right to reject any or all bids. The Town specifically reserves the right to reject the low bidder.

5. If two or more bidders submit identical bids and are equally qualified, the decision of the Town to make award to one or more of such bidders shall be final. Selection shall be made by drawing lots in public, unless one of the bidders is a resident bidder, in which case preference shall be given to the resident bidder.
6. Where only one qualified or available vendor or sole source can be identified through reasonable efforts—for example, where only one vendor is authorized or certified to do such work, where parts are available only through a single dealer or distributor, or where the work is proprietary or relates to products that are proprietary and cannot be substituted—the purchase need not be put out to competitive bid. In such instances, the First Selectman must obtain the approval the Board of Finance to negotiate with the vendor in question.
7. In the event that the town receives no response to a solicitation for competitive bids, the First Selectman may proceed to negotiate for the purchase of the item or service in question.
8. Upon the Board's acceptance of the bid, the bidder shall have ten (10) business days to accept the contract. The bidder's failure to act in the ten-day period shall be construed as a refusal. The Board shall then award the contract to the next lowest responsible bidder, using the same guidelines recited above. This process shall continue until the contract is awarded and accepted.

9. The above regulations shall apply to contracts or purchases whose total value is expected to exceed \$10,000 in a given fiscal year, regardless of whether a portion thereof, or the value thereof, may be paid (or services are provided or the products are purchased) in increments of less than \$10,000. When appropriate, the Town may purchase items and services under state bids and/or contracts or participate in regional purchasing councils that have used a sealed bid procedure.
10. Notwithstanding any other provisions in these regulations, in the event that the First Selectman shall find that a state of emergency exists within the Town, he or she may make any necessary expenditures, as long as those actions are consistent with Section 7-6 (Emergencies) of the Town Charter.
11. For contracts for or purchases of goods, equipment, materials, or services for amounts not less than \$5,000 and not greater than \$10,000, multiple price quotations shall be solicited by the First Selectman. Solicitations of a minimum of three price quotations shall be considered normal procedure; however, the solicitation of two such price quotations shall be considered acceptable for unusual circumstances. Where only one qualified or available vendor or sole source can be identified through reasonable efforts—for example, where only one vendor is authorized or certified to do such work, where parts are available only through a single dealer or distributor, or where the work is proprietary or relates to products that are proprietary and cannot be substituted—one quotation will be sufficient.

A summary of all price quotations received by the First Selectman shall be forwarded to the other two Selectmen within seven (7) days of their receipt, prior to purchase by the Selectman's Office, and upon request by any selectman, the purchase will not be completed until after discussion at the next meeting of the Board of Selectmen.

12. Purchase of used equipment where comparable bids are unavailable, and it has been determined by the Board of Selectman that the purchase of a particular piece of equipment is of good value to the Town, shall not be subject to the bid requirements outlined above.

13. Existing maintenance or service contracts that have no fixed duration shall remain in effect on a renewable basis and shall not be subject to the bid requirements outlined above until such time as said contract is terminated.
14. The foregoing requirements shall not be applicable to, and the requirement for competitive bidding shall be satisfied, when the expenditure by the town is part of a project being undertaken pursuant to a federal or state grant program, and the requirements of said program provide for (a) an alternative system of interview and/or review of potential bidders and (b) the review and approval by the granting authority of all contracts entered into and expenditure made for said project.
15. These regulations shall be effective once they have been approved by the Board of Finance.

Approved by the Board of Selectmen, December 14, 2015

Catherine Iino, First Selectwoman

Approved by the Board of Finance, December 8, 2015

Nancy Gorski, Chairman