

ARTICLE 2 PURCHASING, BIDDING AND CONTRACT PROCEDURES

Sec. 2-201 Competitive Bidding

1. Competitive Bidding Required.
 - A. Town Contracts over \$5,000. Unless otherwise provided by vote of Town Meeting, and except as provided herein, contracts awarded by the Town for the purchase of goods and services costing in excess of \$5,000 shall be executed only after competitive bidding. Public notice of invitations to bid shall be as provided herein.
 - B. Public Notice. The public notice must describe the project or work to be done in general terms, the date and place that bids are due, and the place where a complete invitation to bid and bid information packet may be obtained. The public notice shall be posted at the Town Office and shall be published at least two times in the Kennebec Journal with the last notice published not less than seven days prior to the closing date.
 - C. Bids to be Sealed. Bids shall be prepared and sealed in the manner directed in the invitation to bid or accompanying instructions and shall not be opened by any person until after the closing at the time and place and in the manner provided in the invitation to bid.
2. Acceptable Bids.
 - A. Acceptance not required. Bids are offers made to the Town to do the work described in the invitation to bid. The Board of Selectmen is not obligated to accept any bid, and may reject any bids. If the Board decides to reject any bids, the reason for its decision to reject any bid shall be incorporated into the minutes of the meeting.
 - B. Responsive Bids. A bid that is accepted must conform in all material respects to requirements stated in the invitation to bid, including, without limitation, timely submission, complete response to information requested, absence of reservations or restrictions, security bond, and insurance.
 - C. Qualified Bidders. A bidder must be qualified and capable of doing the work at the times, or within the time, required. The Board of Selectmen shall require bidders to provide information or evidence relating to their qualifications, experience, financial ability, personnel, equipment, and other matters relating to the performances of the contract.
 - D. Low Bid. Except as provided herein, contracts of \$5,000 or more, shall be awarded to a qualified bidder making the lowest responsible bid. Contracts shall be approved by the Board of Selectmen, in open session, after review of all bids submitted. All invitations to bid, notices, information packets, all bids, and related communications shall be maintained by the Town as public records.
3. Exemptions.
 - A. The Board of Selectmen may waive the requirements under subsections 1 and 2 if the Board, by recorded vote determines that:
 - 1) Competitive bidding would not be in the public interest because of an emergency affecting the protection of life and property; or
 - 2) The unique nature of the property or services required preclude competitive bidding, provided that, the Board shall, to the extent practicable, request

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proposals from qualified providers of the products or services required in order to consider qualitative factors that may be in the best interest of the Town and to negotiate pricing and terms.

- B. Decisions made by the Board of Selectmen under this Section, and the reasons for such decisions, shall be made in open meeting and shall be recorded in the minutes of that meeting. Contract negotiations may be made in executive session to the extent permitted by law.
- 4. Conflicting Provisions. The provisions of this Section may be waived or modified if the Board of Selectmen finds that such provisions conflict with the requirements of a federal or state agency relating to a contract or purchase by the Town. The provisions of this Section supersede conflicting provisions of any ordinance, order, or resolve of the Town.

Revised: June 14, 2018 Town Meeting