

TOWN OF GOULDSBORO BIDDING AND PURCHASING POLICY

Adopted: August 28, 2025

This policy repeals and replaces all bidding and purchasing policies of the Town of Gouldsboro.

1. PURPOSE

The Select Board of the Town of Gouldsboro (the “Town”) adopts this policy in order to standardize the purchasing procedure of the Town consistent with applicable laws and sound business practices; promote the fair and equitable treatment of all suppliers of goods and services; and establish the duties of the Town Manager. The Town Manager shall be responsible for developing and implementing administrative procedures for the procurement and purchase of goods and services consistent with this policy.

2. BIDDING AND PURCHASING REQUIRED BY LAW

- A. Maine Law.** Maine law requires the Select Board to competitively bid the construction, major alteration, or repair of buildings or public improvements which are constructed, acquired, or leased in whole or in part with state funds in excess of \$25,000, except for road and bridge improvements supervised by MaineDOT.
- B. Federal Law.** In the event the Town intends to procure and purchase goods or services using a federal award that is subject to the Uniform Grant Guidance, codified at 2 CFR Part 200 (“UGG Federal Award”), the Town Manager shall be responsible for developing, updating as necessary, and implementing written procedures to govern such procurements and purchases. The written procedures shall be consistent with all applicable federal laws and rules. For federally funded procurements, wherever this policy or any of the Town’s administrative procedures are inconsistent with federal laws or rules, the provisions of the federal laws or rules shall control.
- C. Real Estate.** This policy does not apply to the acceptance, acquisition, or purchase of real estate.

3. BIDDING AND PURCHASING NOT REQUIRED BY LAW

- A. Formal Procurement.** When state or federal law does not specify the procurement method, the Town’s preferred method for procuring goods or services estimated to cost \$25,000 or more shall be either (i) competitive bidding or (i) request for proposals (RFP), as determined by the Town Manager consistent with the following standards:
 - (i) Competitive Bidding.** Competitive bidding will be used when the goods or services to be procured can be described with enough specificity such that cost of responsive bids can be directly compared. The contract will be awarded to the lowest responsive bid from a responsible bidder. A “responsive” bid is a bid that conforms to the bid specifications in all material respects. A “responsible” bidder is a bidder that possesses the qualifications and capacity to perform the work or services competently and in a timely manner, and has a history of satisfactory performance and a reputation for industry standard business practices and legal compliance.
 - (ii) Requests for Proposals (RFP).** Requests for proposals (RFP) will be used when the goods or services are not sufficiently definable to allow for fair comparison of competitive bids.

For instance, an RFP may solicit different solutions and pricing for what the Town wishes to acquire or achieve. Proposals will be evaluated based on the criteria provided in the RFP, which may include suitability of merchandise, reputation of the respondent, and price. The contract is normally awarded to the responsible contractor whose responsive proposal provides the best overall value to the Town, not necessarily the proposal with the lowest price.

- B. Informal Procurement.** For procurement of goods or services estimated to cost more than \$5,000 but less than \$25,000, the Town Manager shall obtain written or oral quotes from no fewer than two vendors and the Select Board shall select the vendor and award the contract or issue a purchase order based on the best interest of the Town as determined by the Select Board in its sole discretion.
- C. Field Purchases.** For procurement of goods or services estimated to cost \$5,000 or less, including for informal purchases of supplies needed in small quantities for day-to-day municipal operations, the Town Manager shall obtain written or oral quotes from no fewer than two vendors and shall award the contract or issue a purchase order based on the best interest of the Town as determined by the Town Manager in his/her sole discretion.
- D. Sole Source Procurement.** The Town Manager may waive the competitive bidding, RFP, or informal procurement process when the Town Manager determines in his/her sole discretion that quality, expertise, time factors, emergencies, or other important considerations outweigh the possible benefits of using such procurement processes. In each such case, the Town Manager shall inform the Select Board of his/her decision and the reasons for it. Such information shall be provided in advance of entering into a contract where practicable.
- E. Cooperative Purchasing.** When competitive bidding is not required by law or this policy, the Town Manager may utilize cooperative purchasing to make purchases of goods or services in conjunction with or from another governmental or quasi-governmental entity, such as the State of Maine, a school administrative unit, or another municipality, based on that entity's procurement policy. In each such case, the Town Manager shall inform the Select Board of his/her decision to utilize cooperative purchasing and the reasons for it. Such information shall be provided in advance of entering into a contract where practicable.
- F. No Local Preference^[ADI].** When procuring and purchasing goods or services, the Town will not give preference to locally owned or operated businesses, except if (i) local preference is authorized by law; (ii) local preference is rationally related to the advancement of a legitimate municipal interest; or (iii) bids or proposals submitted by locally owned or operated businesses are equally favorable with bids or proposals submitted by other businesses.

4. PROCEDURES FOR FORMAL PROCUREMENT

A. Competitive Bidding Procedures.

- (i) Invitation for Bids.** The Town Manager shall prepare an invitation for bids, describing with specificity the goods or services that are the subject of the bid and the Town's requirements. The invitation to bid shall specify the deadline for submitting bids and the time and place of public bid opening. Bid alternates may be permitted at the discretion of the Town Manager. Every invitation to bid shall state that the procurement is subject to the conditions set forth in Section 5.A of this policy.

- (ii) **Publication.** The Town Manager shall publicize the invitation for bids through distribution to prospective bidders and by posting on the Town's website. The Town Manager, at his/her discretion, may choose to use additional means of publication of the invitation for bids. While no preference shall be made for local vendors, every attempt shall be made to ensure that local vendors are notified of applicable advertised bids.
- (iii) **Written Bids.** Bids shall be in writing and submitted in sealed envelopes to the Town prior to the date and time specified for the opening of bids. Late bids will not be accepted, and no bidder will be permitted to withdraw a bid after the deadline for bids specified in the invitation to bidders.
- (iv) **Bid Opening and Reading.** Bids shall be publicly opened at the time and place specified in the invitation to bid. The Town Manager, or in his/her absence or disability, a Select Board member designated for the purpose by the Chair of the Select Board, shall open all bids. If any persons who are not Select Board members or employees of the Town or if any representatives of the press are present, bids shall, at that time, either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.
- (v) **Award.** A contract will be awarded by the Select Board to the responsible bidder whose responsive bid is the lowest responsive bid. An award may be delayed pending verification of a bidder's credentials and references or review of the bids received.

B. RFP Procedures.

- (i) **Request for Proposal.** The Town Manager shall prepare a request for proposals (RFP) specifying the manner of submission of proposals and the evaluation criteria to be used by the Select Board to select a contractor. Every RFP shall state that the procurement is subject to the conditions set forth in Section 5.A of this policy.
- (ii) **Evaluation.** Proposals will be evaluated by the Select Board based on criteria appropriate for the goods or services specified in the RFP. At the Select Board's request, the Town Manager may provide an evaluation and make a recommendation.
- (iii) **Award.** A contract will be awarded by the Select Board to the responsible contractor whose responsive proposal provides the best overall value to the Town, not necessarily the proposal with the lowest price.

C. Procedures for Informal Procurement and Field Purchases.

- (i) **Informal Quotes.** The Town Manager shall solicit quotes for goods or services either by written notice sent to vendors or by calling vendors and recording the quote.
- (ii) **Evaluation and Award.** The Select Board or Town Manager, as appropriate, shall select the vendor and award the contract or issue a purchase order based on the best interest of the Town.

5. PROCUREMENT CONDITIONS AND ADMINISTRATIVE PROCEDURES

- A. Procurement Conditions.** The Town reserves the right to accept or reject any or all bids or proposals, to investigate the qualifications of any bidder or respondent, and to waive or not waive

any and all informalities or technical/immaterial nonconformities in the bids or proposals or with procedures if in the best interests of the Town, and to exercise judgment in evaluating bids and proposals.

- B. Statement.** If an award is made on a sole-source basis or to other than the low bidder or respondent, the Town Manager shall file a full and complete statement of the reasons justifying the sole-source procurement or the reasons for determining that the low bidder or respondent was not responsible, that the low bid was nonresponsive, or that the low response was not in the best interest of the Town.

6. CONFLICT RESOLUTION; PROTESTS AND CLAIMS

- A. Submission of a Protest.** A bidder or respondent to an invitation to bid or RFP may protest a contract award if they believe that it was made in a manner inconsistent with this policy, specifications, or applicable law. A protest must be submitted to the Town Manager in writing within five (5) business days after receipt of notification of the award being made, with all documents supporting the protest.
- B. Review of Protest.** The Town Manager shall review the protest and supporting documents and render a decision in writing within twenty (20) business days of receipt of the protest. The Town Manager may also convene a meeting with the bidder or respondent to attempt to resolve the problem.
- C. Appeal.** If the bidder or respondent is not satisfied with the Town Manager's decision, they may appeal to the Select Board. The Town Manager will provide reasonable notice to the bidder or respondent of the time for the Select Board's consideration of the protest. The Select Board's decision shall be final.

7. LIMITATIONS OF THIS POLICY

This policy is intended solely as an internal guide to purchasing by the Town. It does not afford any bidder, respondent, vendor, or contractor any property or contractual rights against the Town. No bidder, respondent, vendor, or contractor shall have any enforceable rights against the Town based upon this policy or alleged violations of this policy.

Legal Reference: 34 CFR Parts 74 and 80 (Education Department General Administrative Regulations ("EDGAR")) (for federal awards made prior to 12/26/2014)

2 CFR Part 200 (Uniform Administrative Requirements) (for federal awards made on or after 12/26/2014)

5 M.R.S. § 1741 (State-funded Public Improvements)

A true copy, attest:

Brianna L. Mitchell, Town Clerk

Dated: _____

A true copy, attest:

Brianna L. Mitchell

Brianna L. Mitchell, Town Clerk

Dated: August 28, 2025