

CHAPTER 52 COMPETITIVE BIDDING

- 52.1 **PURPOSE.** The purpose of this Chapter is to benefit property holders, taxpayers and other residents of the Village of Vermontville by securing the best goods and/or services at the lowest price practicable. The terms of this Chapter are not intended to inure to the benefit or enrichment of bidders.
- 52.2 **REQUIRED PURCHASING PROCESS.** The Village Council of the Village of Vermontville shall conduct all purchasing in accordance with this Chapter.
- 52.3 **COMPETITIVE BIDDING REQUIREMENTS.** Except as provided herein, all contracts or purchase orders for the purchase of goods or services by the Village of Vermontville shall be conducted through a sealed competitive proposal or bidding process. The following exceptions may apply, at the discretion of the Village Council.
- A. The competitive proposal requirement shall not apply to contracts for emergency repairs or services, or intergovernmental contracts. For the purposes of this section, an emergency is defined as anything that threatens life or property as well as an unexpected and pressing situation requiring swift procurement action apart from regular procedures.
 - B. Purchases of professional services, equipment, supplies, or other goods and services, valued at or below Five Hundred Dollars (\$500) shall be at the discretion of the Village Department of Public Works, Village Clerk, Village President, Trustees, committee, or any combination thereof without use of a competitive bidding process. Provided, however, the Five Hundred Dollars (\$500.00) limit shall apply only to one time or single purchase amounts. In the event such purchase of goods or services is a part of a larger purchase totaling more than \$500.00, the terms of this sub-paragraph B shall not apply.
 - C. Purchases of goods or services expected to cost more than Five Hundred Dollars (\$500.00) but less than Twenty Thousand Dollars (\$20,000.00), shall be conducted either under a competitive, sealed bid process in accord with Section 52.5 hereof, or open bid process with at least three bids sought. The decision to implement an open bid process shall be made by resolution of the Vermontville Village Council. For the purpose of this section, an open bid process shall include a good faith effort by the Village to establish a balanced, fair and competitive process of procurement, but the requirements of Section 52.5 need not be met.
 - D. Certain goods or services available from only one supplier or sole-source suppliers shall not be subject to the requirements of Section 52.5. The terms of this exemption shall extend to the following classes of purchases:
 - 1) the purchase of equipment for which there is no comparable competitive product,
 - 2) the purchase of public utility services which are natural or provided by regulated monopolies,

- 3) the purchase of component or replacement parts for which compatibility is the overriding consideration,
- 4) the purchase of a used item,
- 5) the purchase of a particular product or service for testing, experimental or trial purposes.

52.4 RESPONSIBILITY TO AWARD. Upon the authorization by the Village Council of a solicitation for sealed competitive bids, the Village Council shall determine if the authority to award a bid shall be delegated to a named Village official or if the Village Council reserves the right to itself the authority to award the bid.

52.5 COMPETITIVE PROCUREMENT PROCESS. As to contracts for which sealed competitive bids are required under the terms of this Chapter, a request for proposals (RFP) or bids shall be prepared by the Village official, employee, committee, board or commission having the responsibility for the proposed contract or purchase. Such a request for proposals or bids shall be approved by the Vermontville Village Council.

- A. The request for proposals or bids shall require interested bidders to provide the following information, as appropriate:
 - 1) A description of the services or goods desired;
 - 2) The desired beginning or delivery date;
 - 3) The desired ending, completion, or termination date.
 - 4) The minimum qualifications for bidders
 - 5) Any required warranties;
 - 6) Any required references;
 - 7) Performance bonds or other guaranties of performance;
 - 8) A firm statement of price, acquisition costs, fees, or other financial obligations of the Village.
- B. A request for proposals or bids shall also include a statement of the deadline by which bids must be submitted, the date, time and place for the public opening of bids, and the address to which the bids are to be submitted.
- C. All requests for proposals or bids shall include a statement that the Village of Vermontville Council reserves the right to accept or reject any or all bids, to waive informalities or errors in the bidding process. Also, the statement shall include the right to accept any bid deemed to be in the best interest of the Village of Vermontville, including bids that are not for the lowest amount among all bids submitted. A statement of the village policy of nondiscrimination toward all bidders to include "The Village of Vermontville does not discriminate on the basis of race, sex, age, religion, color, national origin, height, weight, marital status, or on the basis of disability or handicap."

- D. In determining the proposal or bid deemed to be in the best interest of the village, the following factors, among other, may be considered:
- 1) Price,
 - 2) Financial responsibility of the bidder,
 - 3) Past records of transactions with the bidder,
 - 4) Experience necessary to conform to the specifications of bid documents,
 - 5) Adequacy of equipment,
 - 6) Ability to complete the work within the time specified, and
 - 7) Other pertinent considerations as may be determined by the named Village official or Village Council seeking proposals or bids.
- E. The Vermontville Village Council may reject bids for the following reasons, among others: Failure of the bidder to respond to the requirements of the request for bid; Submission of a late bid, mistake or error by the bidder; Fraud, collusion, or conflict of interest; Any previous “violations of public trust” by the bidder.
- F. Responses to requests for proposals or bids by the Village of Vermontville shall be submitted in a sealed envelope to the Village clerk by a date and time specified in the request for bids and shall be marked on the outside of the envelope, “sealed bid for (indicate goods or services) for the Village of Vermontville.” The Village Clerk or other member of the Vermontville Village Council shall publicly open all bids submitted, at the date and time indicated on the request for bids. All bidders shall be timely notified of any award of a contract, or of a decision not to award a contract.

52.6 SALE OF PROPERTY. The Vermontville Village Council adapt the procedures outlined in this Chapter to apply to the sale of any Village property with an estimated value in excess of Five Hundred Dollars (\$500.00).