



City of Central Falls Purchasing Rules and Regulations

City Code

Sec. 4-900. Purchasing agent.

The city clerk shall serve as purchasing agent and shall be ex officio nonvoting member of the purchasing board. He/she shall give bond for the faithful performance of his/her duties in the amount fixed by ordinance.

Sec. 4-901. Functions of the purchasing agent.

The purchasing agent shall purchase or contract for all supplies, materials, equipment and contractual service, required by any and all departments offices, boards and other agencies of the city government. The purchasing agent shall sell all supplies, materials and equipment, and real property, (as authorized by the mayor with approval of the city council), not needed for public use, and shall have authority to transfer between departments, offices, boards and other agencies of the city government any supplies, materials and equipment not needed by one but necessary to the operation of another or others. He/she shall be responsible to see that all department heads make necessary provisions for the storage of materials and equipment for use in their departments. He/she shall provide for the inspection of all deliveries of supplies, materials and equipment, to determine quantity and quality and conformance with specifications. He/she shall cause to be made and kept current an inventory of all equipment belonging to the city.

Sec. 4-902. Competitive bids.

The purchasing agent shall be required to secure competitive bids as required by the state municipal purchasing act. Except in an emergency, the purchasing agent shall not make any contract or open market purchase until the accounting division certifies that the department or other agency of the city concerned has, to defray the amount of such order, a sufficient unencumbered appropriation balance and a sufficient unencumbered allotment.

Sec. 4-903. Contract/small purchase procedures.

All expenditures for supplies, materials, equipment or contractual services, shall be made on written contracts. All such contracts shall be awarded to the lowest evaluated or responsive bidder, after public advertisement, and receipt of sealed bids, in accordance with the procedure adopted by the purchasing agent and approved by the purchasing board and in accordance with the municipal purchasing act.

Small purchases shall be made by regulations established by the purchasing agent and in accordance with state municipal purchasing act. The amounts that constitute small purchases shall be increased or decreased annually at the same rate as the Boston Regional Consumer Price Index. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

Sec. 4-904. Preference to local bidders.

Bids, specifications and all other factors being equal, preference shall be given to the bidder whose place of business is in the city.

Sec. 4-905. Standards.

The purchasing agent shall, with the assistance of department heads, classify, standardize, and prepare written specifications and general instructions to bidders required for all bids. The purchasing agent with the approval of the purchasing board shall prepare written standards for all supplies, materials and equipment purchased by city departments.

Sec. 4-906. Purchases and orders contrary to this Charter void.

Whenever any department or agency of the city government shall purchase or contract for any supplies, materials, equipment or contractual services, contrary to the provisions of this Charter or the rules or regulations made thereon, such order or contract shall be void and of no effect.

Sec. 4-907. Exceptions.

The trustees of public libraries shall not be subject to the provisions of this chapter in contracting for, or open market purchasing of books, reading materials, or scientific apparatus.

Sec. 4-908. Duties of the purchasing board.

It shall be the duty of the purchasing board to:

- (1) Approve or reject all bids except that the purchasing agent shall have no vote on the award or rejection of any bid, and to establish all policies pertaining to purchases to be implemented by the purchasing agent.
- (2) Have all bids opened in a public meeting in its presence.

Sec. 4-909. Contracts for privatization of municipal services.

All contracts or awards of bids or the privatization of any public or municipal service for the duration of more than 11 months or in excess of \$5,000.00 require the approval of the city council. state statute 45-55-9 [G.L. 1956, § 45-55-9]

Sec. 4-910. Appeal of purchasing board decision & awards.

The city council shall hear complaints and appeals from bidders who shall claim unfair discrimination against them in any awards, and sustain or overrule the purchasing board in the awarding of any contract.

Purchasing Regulations

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Section 1. Method of Source Selection

Except as otherwise authorized by law, all supplies and municipal contracts shall be purchased or awarded by:

- A. Competitive sealed bidding.
- B. Competitive negotiations.
- C. Noncompetitive negotiations.
- D. Small purchase procedures.
- E. Participation in the Rhode Island State Purchasing Master Price Agreements in accordance with R.I.G.L. § 37-2-56.
- F. Participation in cooperative purchasing agreements with other municipalities.

Section 2. Competitive Sealed Bidding

A. Contracts exceeding \$10,000(non-construction) or \$20,000 (construction), described in Section 5 (Small purchases) shall be awarded by competitive bidding unless it is determined by the Purchasing Agent, in writing, that this method is not practicable. Factors to be considered in determining whether competitive sealed bidding is practicable shall include whether:

- (1) Specifications can be prepared that permit award on the basis of either the lowest qualified bid price or the lowest qualified evaluated bid price; and
- (2) The available sources, the time and place of performances and other relevant circumstances as are appropriate for the use of competitive sealed bidding.

B. The invitation for bids shall state whether award shall be made on the basis of the lowest bid price or the lowest evaluated or responsive bid price. If the latter basis is used, the objective measurable criteria to be utilized shall be set forth in the invitation for bids, if available.

C. Adequate public notice of the invitation for bids shall be given a sufficient time prior to the date set forth therein for the opening of bids. Such notice may include publication in a newspaper of general circulation in the state, specialized trade newspapers, and other advertisement media as determined by the Purchasing Agent, not less than seven days nor more than 21 days before the date set for opening bids.

The Purchasing Agent may make a written determination that the twenty-one day limitation is being waived and shall state the number of days, giving a minimum and maximum, before the date set for the opening of bids when public notice is to be given.

D. Sealed bids. Bids shall be sealed when submitted to the Purchasing Agent and shall be identified as bids on the envelope. Bids shall remain sealed until publicly opened as stated above.

Section 3. Competitive negotiation

A. When, under these procedures or any regulations, the Purchasing Agent determines, in writing, that the use of competitive sealed bidding is not practicable, and except as provided section 5 & Section, a contract may be awarded by competitive negotiation.

B. Adequate public notice of the request for proposals shall be given in the same manner as provided in § 5-C.

C. Contracts may be competitively negotiated when it is determined, in writing, by the Purchasing Agent that the bid prices received by competitive sealed bidding either are

unreasonable as to all or part of the requirements or were not independently reached in open competition, and for which:

- (1) Each competitive bidder has been notified of the intention to negotiate and is given reasonable opportunity to negotiate;
- (2) The negotiated price is lower than the lowest rejected bid by any competitive bidder;

and

- (3) The negotiated price is the lowest negotiated price offered by a competitive offeror.

D. The request for proposals shall indicate the relative importance of price and other evaluation factors.

E. Award shall be made by the Purchasing Board upon the recommendation of the Purchasing Agent to the responsible offeror whose proposal is determined, in writing, to be the most advantageous to the municipality, taking into consideration price and the evaluation factors set forth in the request for proposals.

F. Written or oral discussions shall be conducted with all responsible offerors who submit proposals determined, in writing, to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerors. Discussions need not be conducted:

- (1) With respect to prices, where such prices are fixed by law or regulations, except that consideration shall be given to competitive terms and conditions;
- (2) Where time of delivery or performance will not permit discussions; or
- (3) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the particular supply, service or construction item that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notifies all offerors of the possibility that award may be made on the basis of the initial offers

Section 4. Non-Competitive Negotiations

A. In the event that the bids submitted pursuant to competitive sealed bidding under § 2 result in bid prices in excess of funds available for the purchase, and the Purchasing Agent determines, in writing that there are no additional funds available from any source so as to permit an award to the lowest responsive and responsible bidder; and the best interest of the municipality will not permit the delay attendant to a resolicitation under revised specifications or for revised quantities under competitive sealed bidding as provided in § 2 ,then a negotiated award may be made as set forth in Subsection B or C of this section.

B. Where there is more than one bidder, competitive negotiations pursuant to § 2 shall be conducted with the three (two if there are only two) bidders determined, in writing, to be the lowest responsive and responsible bidders to the competitive sealed bid invitation. Such competitive negotiations shall be conducted under the following restrictions:

- (1) If discussions pertaining to the revision of the specifications or quantities are held with any potential offeror, all other potential offerors shall be afforded an opportunity to take part in such discussions; or
- (2) A request for proposals, based upon revised specifications or quantities, shall be issued as promptly as possible, shall provide for an expeditious response to the revised requirements and shall be awarded upon the basis for the lowest bid price, or lowest evaluated bid price submitted by any responsive and responsible offeror.

C. When after competitive sealed bidding, it is determined, in writing, that there is only one responsive and responsible bidder, a noncompetitive negotiated award may be made with such bidder.

Section 5. Small Purchases

Procurements, not to exceed an aggregate amount of \$20,000 for construction and \$10,000 for all other purchases, may be made without bids or in accordance with small purchase regulations promulgated by the City. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

Requirements set in this section shall be used as a minimum. All efforts shall be made to achieve the highest cost saving to the City while maintaining high quality.

Type of Purchase	Purchase Amount	Requirements
Non-Construction	\$1,001-\$10,000	Three written quotes to be documented on Small Purchase Bid Sheet and submitted to Purchasing Agent for approval.
	≥\$10,001	Public Competitive Sealed Bidding
Construction	\$5,001.00- \$20,000.00	Three written quotes to be documented on Small Purchase Bid Sheet and submitted to Purchasing Agent for approval.
	≥\$20,001	Public Competitive Sealed Bidding

The above guidelines shall be reviewed every three years after publication of these regulations to account for cost of living increases (COLA) or at shorter intervals when determined by the Purchasing Agent.

Section 6. Sole source, emergency, and cooperative purchasing agreements.

A. A contract may be awarded for a supply, service or construction item without competition when, under these regulations, the Purchasing Agent determines, in writing, that there is only one source for the required supply, service or construction item.

Sole source categories may include:

- (a) items of a unique nature which are unavailable from other sources due to patents or proprietary processes;
- (b) books, maps, periodicals, and technical pamphlets, films, video and audio cassettes obtained from publishers;
- (c) certain computer software;
- (d) licenses - computer software, electronic transmittal;
- (e) specialized replacement/repair parts or expansion parts necessary to maintain the integrity of system or function, e.g. scientific research;
- (f) works of art for museum or public display;
- (g) specialized services for which there is only one documented accepted source, such as transactions involving unique professional services and/or educational institutions, e.g., visiting speakers or professors, and performing artists; repair/maintenance agreements with manufacturers;

(h) advertisements, public notices in magazines, trade journals, newspapers, television;

B. Notwithstanding any other provision of this chapter, the Purchasing Agent may make or authorize others to make emergency procurements when there exists a threat to public health, welfare or safety under the emergency conditions as defined in those regulations or where the procurement will be in the best interest of the City as established by these or any other properly promulgated rules and regulations; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency, and for the selection of the particular contractor, shall be included in the contract file.

C. Cooperative purchasing agreements. Nothing in this chapter shall prevent the Purchasing Agent from entering into and participating in cooperative purchasing agreements with the state government or other local governments. He/she may participate in or sponsor, conduct, and/or administer a cooperative purchasing agreement for the acquisition of supplies, services, construction or any manner of item with any other public purchasing activity in the state, provided that the essential requirements of this chapter are met and the interest of the City is best served. The Purchasing Agent may establish intermunicipal agreements for joint purchasing of common-use items and may participate with the State Division of Purchases, Department of Administration, in contracts for the purchase of items necessary for the operation of the City, which items are in common usage to those procured by the state. The Purchasing Agent may also participate in collaborative and cooperative purchasing groups as approved by the State Attorney General's Office, as permitted by § 45-40.1-4(f) of the Rhode Island General Laws. The City will be bound by such terms and conditions as the state Purchasing Agent may prescribe and will be responsible for payment directly to the vendor under each purchase contract. Such purchases made under this section shall be excluded from the competitive bidding provisions of this division.

Section 7. Quality -Based Selection Process & Procedures

When the Purchasing Agent determines that the city needs the services of a professional architect or engineer, the purchasing agent shall follow the qualification based selection process for the procurement of architectural and engineering consulting services.

Qualifications-Based Selection (QBS) is a process used by the City to select architects and/or engineers based on the design professionals' qualifications and competence in relation to the project.

For projects requiring architectural and/or engineering services, the design determines the construction costs, financial and functional feasibility as well as the operation and maintenance costs during the life of the project.

The QBS selection system ensures that the best firm is selected to design the project, and to represent the City during construction. The QBS prevents competing design firms from "fee bidding". The City may request that a fee structure (in a separate sealed envelope) be submitted with qualifications. It is opened only at the Negotiation phase.

A selection team, that includes the director of the department requesting the services, shall rate the proposals including qualifications, philosophies, project management, and client references contained within their submittals.

The top-rated firm will be invited into negotiation to develop a detailed scope of work, a formal contract and detailed fee, based on approved scope of work.

If the agency cannot negotiate a reasonable fee with the first-ranked firm, it will terminate negotiations with that firm and start with the second-ranked or then third-ranked firm if required, until a successful agreement is reached.

Section 8. Requests for Proposal

Requests for Proposal (RFP) shall be utilized to solicit competitive offers in all cases where:

- Lowest price is not the sole or primary consideration to be used in determining an award; or
- Performance is neither specific nor objective, and open to the offeror's interpretation; or
- It is otherwise anticipated that offers may be substantially different and that there is insufficient common ground for objective comparison; or
- It is anticipated that changes will be made after proposals are opened and that the nature of the proposals and/or prices offered will be negotiated prior to award.
- Wherever possible, the Request for Proposal shall define the performance or benefit required and shall set forth specific criteria to be utilized in evaluation of offers.
- Offers shall be evaluated by a committee comprised of a representative of the Office of Purchases, representative of the user agency, and other appropriate parties on the basis of:
 - The qualifications of the offerors, established by professional accomplishment and previous experience;
 - Aspects of offers which provide benefit, other than those based on cost; and
 - Other provisions of offers which are determined to serve the best interests of the City.
- Nothing herein shall be construed to preclude the possibility of determining an award solely on the basis of cost.
- The evaluation of offers, including the weight assigned to various aspects of the offerors, and all award determinations, including the reasons for a selection recommendation, shall be fully documented.

Section 9. Awards

After a bid is opened, the Director of the department requiring the goods or services, or his/her designee, shall submit an advisory response as to the lowest evaluated or responsive bidder in the case of merchandise, or the highest qualified firm in the case of services.

The Department Director, or his/her designee, shall submit an advisory response to the Purchasing Board who, upon approval of recommendation, shall award the bid.

The Purchasing Agent shall give notice to the successful vendor of the award, and of any further requirement prior to a Purchase Order/Contract being issued.

The Purchasing Agent shall transmit notice of bid award to the City Solicitor for development, negotiation, and final ratification of contract.

Section 10. Bid Protest Procedures

Upon receipt of a Formal Bid Protest the following procedures apply:

Review of submitted packages from all parties involved in claim by the Purchasing Agent to

1. Determine if the claim involves any of the following:
2. Procedure (as outlined RIGL)
3. Technical Defect
4. Informality in Bid Response.

The right is reserved, as the interest of the City may require, to reject any or all bids, to waive any technical defect or informality in bids received, and to accept or reject any bid or portion thereof.

If the determination of the Purchasing Office is an instance that can be waived, the Purchasing Agent will do so in writing to all parties involved.

If claim is found to have standing, a written assessment of the review is provided by the Purchasing Agent to the City's Legal Department for review.

Section 11. Bidder List

A bidder list shall be maintained by the Purchasing Agent consisting of the names and contact information of suppliers of various goods and services from whom bids, proposals, and quotations can be solicited.

The Purchasing Agent may add or delete suppliers from Bidders List based on information made available.

Section 12. Approved Vendors

An approved vendor list shall be maintained by the Purchasing Agent consisting of the names and contact information of suppliers of various goods and services of all vendors approved by the Purchasing Board.

The Purchasing Agent shall communicate with the vendor and with department of accounts payable to ensure efficient and complete management of vendor data.

Section 13. Violations of purchasing laws and regulations

Deliberate disregard for regulations, policies and procedures shall be subject to disciplinary action, including dismissal of City employees and debarment of vendors conducting business with the City.

Section 14. Code of Ethics and Professional Behavior

The City of Central Falls

Section 15. Cancellation of invitation for bids and requests for proposals

An invitation for bids, a request for proposals, and other solicitation may be cancelled, or all bids or proposals may be rejected, if the Purchasing Agent determines in writing that the action is in the best interest of the City.

The department director or project manager of a bid, may submit, to the Purchasing Agent a request that at bid be cancelled.

If a solicitation results in none of the proposals being reasonably close to expectations, the Purchasing Agent may declare all bids unacceptable and re-solicit the procurement.

Nothing in and these regulations shall be construed to interfere with or invalidate the results of the due diligence conducted by the Purchasing Agent to determine whether bids are responsive and responsible.

If a solicitation results in only one proposal, the price of which is not reasonably close to expectations, the Purchasing Agent may declare the bid unacceptable and either re-solicit the procurement or negotiate the price with the vendor.

The Purchasing Agent may eliminate bidders whose offers are clearly noncompetitive prior to re-solicitation.

Section 16. Prevailing Wage

Any construction over \$ 1,000.00 is required, by state law, to pay state prevailing wage. A current copy of the most recent Prevailing Wage scale is obtained from the State of Rhode Island, Department of Labor and Training, Division of Professional Regulation or at the Davis-Bacon Wage Determination link. It is also by request for each construction bid document.

Prevailing Wages also applies to all other (Non-Construction) Requirements. If the City's requirement is sealed bid, the DAVIS-BACON Wage Determination applies.

Section 17. Definitions

The words defined in this section shall have the meanings set forth below whenever they appear in this chapter, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular section, group of sections or provisions:

Business

Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legal entity through which business is conducted.

Construction

Unless otherwise provided by law, shall mean the process of building, altering, repairing, improving, or demolishing any public structures or building or other public improvements of any kind to any public real property. It does not include the routine maintenance or repair of existing structures, buildings or real property performed by salaried employees of the Town in the usual course of their job.

Contract

All types of agreements, including grants and orders, for the purpose of disposal of supplies, services, construction or any other item. It shall include awards, contractors of a fixed-price, cost, cost-plus-a-fixed fee or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts, purchase orders and construction management contracts. It also includes supplemental agreements with respect to any of the foregoing. "Contract" does not include labor contracts with employees of the Town.

Contractor

Any person having a contract with the City.

Data

Recorded information, regardless of form or characteristic.

Designee

A duly authorized representative of a person holding a superior position.

Employee

An individual drawing a salary from the City, either elected or not, and any nonsalaried individual performing personal services for the City.

May

Permissive.

Municipality

The City of Central Falls

Negotiation

Contracting by either of the methods set forth in this document.

Person

Any business, individual, organization or group of individuals.

Procurement

The purchasing, buying, renting, leasing or otherwise obtaining of any supplies, services or construction. It shall also include all functions that pertain to the obtaining of any supply, service or construction item, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.

Purchasing Agent

The City Clerk or his or her designee or such other person designated pursuant to law and charter.

Regulations

The rules and regulations adopted by the City concerning the implementation of the provisions of this chapter.

Responsible Bidder or Responsible Offeror

A. Responsible bidder or responsible offeror. In determining a responsible bidder or responsible offeror, in addition to price and responsiveness, the following factors may be considered:

- (1) The ability, capacity and skill of the bidder or offeror to perform the contract or provide the service required;
- (2) Whether the bidder or offeror can perform or provide the service promptly or within the time specified without a delay or interference;
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder or offeror;
- (4) The quality of performance of previous contracts or services;
- (5) Previous and existing compliance by the bidder or offeror with laws and ordinances relating to the contract or service;
- (6) The sufficiency of the financial resources and ability of the bidder or offeror to perform the contract or provide the service;
- (7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(8) The ability of the bidder or offeror to provide future maintenance and service for the use of the subject contract;

(9) The number and scope of conditions attached to the bid or offer.

B. Equal bids or offers; local vendors. If all bids or offers received are for the same total amount or unit price, quality, responsiveness, responsibility and service being equal, the contract shall be awarded to a local bidder or offeror. A local bidder or offeror shall be one who owns or operates a business within the Town.

History

Revised June 21, 2021: Section 6