



TOWN OF FALMOUTH, MAINE

PURCHASING GUIDELINES AND POLICY

SECTION I - GENERAL

1. INTRODUCTION. This directive establishes the guidelines and forms for the purchase of supplies and services for the Town of Falmouth.
2. AUTHORITY FOR PURCHASING. Pursuant to Article III, Section 302.6 of the Town Charter, the authority for purchasing resides with the Town Manager who acts as Purchasing AGENT (not Director) for all departments of the Town, except the School Department.
3. PURPOSE OF A PURCHASE ORDER. A purchase order is a mechanism designed to facilitate the receipt of purchasing approval before an order is submitted to a vendor. Purchases requiring a purchase order should always reference a PO number when orders are submitted to a vendor and that PO number should always be referenced on the vendor invoice.
4. RESPONSIBILITIES OF DEPARTMENT HEADS. Department heads are responsible for the following:
 - a. To practice economy in the use of materials;
 - b. To maintain equipment in serviceable condition;
 - c. To plan future purchases to provide ample time to secure favorable prices;
 - d. To ensure compliance by employees with purchasing regulations and procedures;
 - e. To maintain standards of conduct covering conflicts of interest (Section V. 2.)
 - f. To assure that a sufficient unencumbered balance in the Department's appropriation is available before a purchase is made;
 - g. To advise the Town Manager of supplies and services required for operations;
 - h. To be empowered to reject any unacceptable supply or commodity on the ground of high cost or low quality.
 - i. To comply with Federal Purchasing Requirements contained in the *Office of Management and Budget Compliance Supplement* when spending funds from a Federal Grant greater than the Simplified Acquisition Threshold limit of \$150,000. These requirements are detailed in Appendix B and are in addition to the requirements of this policy.

SECTION II - PURCHASES OF COMMODITIES/SERVICES - GENERAL

1. **AUTHORITY.** Department heads are authorized to make purchases from vendors when the total cost is \$5000.00 or less if budgeted funds are available. Department heads are expected to investigate the local market and select items best suited for their needs by both quality and price. For purchases under \$5,000 an invoice shall be entered and scanned into MUNIS for approval and payment.
2. **PURCHASE ORDER.** Purchase orders are necessary for all leases and expenditures \$5,000.00 or over. A requisition will be entered for all purchases equal to or over \$5000.00 and will be approved by the Department Head and the Town Manager or Finance Director in his absence. Requisitions will be converted to purchase orders, and a copy will be sent to the vendor or the purchase order number will be relayed to the vendor for placement on the invoice.
 - a. Items such as solid waste tipping fees, insurance costs, legal fees, utilities and other similar operational expenses approved by Council as part of the annual budget process shall be exempt from the requirements of a Purchase Order.
3. The Town Manager shall insure that the requirements of this policy are not circumvented by multiple or separate purchases of less than \$5,000.00 to avoid the purchasing policy process and less than \$20,000.00 to avoid the formal bid process.
4. **INVOICE NECESSARY.** The person making the purchase will ensure that the invoice is to the Town of Falmouth and should also ensure that the vendor provides a legible and complete description of the item purchased on the invoice. A copy of the supplier's invoice signed by the person making the purchase will be delivered to the Department Head, who shall verify the receipt of the item and ensure that the invoice reflects the department and activity for which the purchase was made by signing the invoice. The invoice should also have the corresponding purchase order number clearly printed on the invoice so that the Finance Department can expeditiously pay the invoice. Invoices shall be scanned and input into MUNIS with purchase order attached as soon as possible. All invoices should be approved by the Department Head.

SECTION III - PURCHASE OF COMMODITIES/SERVICES EQUAL TO OR OVER \$20,000

AUTHORITY. All purchases or leases equal to or greater than of \$20,000.00 shall require a formal competitive bid process which is subject to review and approval by the Purchasing Agent/ Town Manager or Finance Director in his absence.

1. **PURCHASE ORDER.** Purchase orders are necessary for all purchases or leases equal to or in excess of \$20,000. A requisition will be entered for all purchases equal to or over \$20,000.00 and will be approved by the Department Head, the Purchasing Director, and finally the Town Manager or Finance Director in his absence. Requisitions will be converted to purchase orders and a copy

will be sent to the vendor or the purchase order number will be relayed to the vendor for placement on the invoice.

- a. Items such as solid waste tipping fees, insurance costs, legal fees, utilities and other similar operational expenses approved by Council as part of the annual budget process shall be exempt from the requirements of a Purchase Order.
 - b. Projects that have contingency amounts identified as part of the project cost must initially create a project purchase order for the total project cost excluding contingency amounts. If it is necessary to spend contingency amounts, a separate purchase order must be created to obtain Town Manager approval and should contain a detailed explanation of the need for the use of contingency funds.
5. **INVOICE NECESSARY.** The person making the purchase will ensure that the invoice is to the Town of Falmouth and should also ensure that the vendor provides a legible and complete description of the item purchased on the invoice. A copy of the supplier's invoice signed by the person making the purchase will be delivered to the department head who shall verify the receipt of the item and ensure that the invoice reflects the department and activity for which the purchase was made by signing the invoice. The invoice should also have the corresponding purchase order number clearly printed on the invoice so that the Finance Department can expeditiously pay the invoice. Invoices shall be scanned and entered into MUNIS with purchase order attached as soon as possible. All invoices should be approved by the Department Head.

SECTION IV – BLANKET PURCHASE ORDERS

Department Heads may submit blanket purchase orders for recurring purchases, such as fuel, or for large projects that require multiple invoices.

- A. Blanket purchase orders may not be used for any use of contingency fund line items that are part of project costs. Any use of contingency funds must be identified as such and accompanied by a separate purchase order approved by the Town Manager explaining the need for the use of contingency funds.

SECTION V - VENDOR SELECTION

1. Department heads shall exercise prudence and care to assure that the appropriate vendor selection method is utilized.
2. No employee, officer, or agent of the Town of Falmouth may participate in the selection, award or administration of a contract if he or she has a real or apparent conflict of interest.
 - a. The officers, employees and agents of the Town of Falmouth may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or subcontractors.

- b. Failure to comply with these conflict of interest standards will result in disciplinary actions up to and including termination.

3. VENDOR SELECTION METHODS:

- A. For purchases under \$5,000, Department heads are expected to investigate the local market and select the items best suited for their needs by both quality and price. No formal or informal bidding process is required. For purchases equal to or exceeding \$2,000 and under \$5,000 the informal bid form at the end of this policy should be completed to document due diligence. No preapproval is needed for this process nor is direct contact with the vendor required. The documentation that prices were investigated will demonstrate the review of local market and shall be submitted on a monthly basis to the Budget and Purchasing Director.
- B. Informal bidding shall require quotations to be obtained from a vendor either in writing or by oral communication so long as oral communication is documented (see attached form). Under this method the request for quotations are not publicly advertised nor is there a formal bid opening. All informal purchases shall, whenever possible, be based on at least three competitive quotations and be awarded in accordance with the standards set forth in this manual. Generally, an informal bidding process should be used whenever a purchase or contract exceeds \$5,000 but is less than \$20,000.
 - a. Purchase requisitions for non-major projects should not include contingency amounts identified in a vendor bid. Use of contingency funds will require a separate purchase requisition with a detailed explanation of the need for the use of contingency funds.
- C. Formal bidding. Purchases and contracts of \$20,000 or more shall normally require the use of the following bid process:
 - a. Notice of invitation to bid should be published in the newspaper or mailed to an approved bidder's list. Notification should be made whenever possible at least five days preceding the last day acceptable for receipt of bids. In addition to the invitation to bid, each prospective bidder will be furnished a specification sheet and a bid proposal form.
 - b. When deemed necessary by the Town Manager, bid deposits will be required. Unsuccessful bidders shall be entitled to return of the deposit, while the successful bidder shall forfeit the bid deposit upon failure on their part to enter into a contract within ten days after award.
 - c. When deemed necessary by the Town Manager, bid bonds will be required.
 - d. Before entering into a contract, the Town Manager shall have the authority to require performance bonds in such amounts as he shall find necessary to protect the best interest of the Town.
 - e. Bid documents should specify that the Town has the right to reject any and all bids for any reason.
 - f. The Town Manager and/or Department Head shall establish a Review Team consisting of persons with specialized knowledge or understanding of the proposed project. An essential element to be included in the RFP is a presentation of the scoring system that the Review Team will utilize to select the successful consultant,

contractor, supplier, or other vendor. This process covered in Section V- 3.C.f to 3.C.i. may be waived or amended by the Town Manager, or Finance Director for reasons including, but not limited to, reasons such as specified in Section VII- Waiver Section of this document. Such waiver or amendment will occur before the RFP process is initiated.

- g. The responders to the RFP must submit two separate sealed envelopes to the Town. One sealed envelope shall be clearly marked QUALIFICATIONS. The information contained in this envelope shall not contain any discussion of price or cost. The information contained in this envelope shall present the qualifications of the firm, qualifications of individuals within the firm, references, understanding of the project, permitting issues, unusual design issues, and similar material that will allow the Review Team to rate the proposal, in accordance to the previously defined scoring criteria. The second sealed envelope shall be clearly marked COST ESTIMATE and shall contain a detailed breakdown of the Scope of Services including estimated costs for services.
- h. Upon receipt of the proposals, the Review Team will open the QUALIFICATIONS documentation of each responder, but shall not open any COST ESTIMATE envelope. The Review Team shall score the QUALIFICATIONS presentation of each responder and the Review Team shall rank the proposals from most qualified to least qualified. At this point, the Review Team may schedule interviews with the most qualified firms to further refine the ranking. Only after the ranking of most qualified to least qualified is complete will the Review Team open the sealed COST ESTIMATE envelopes of the most qualified responders. The Review Team shall have the latitude to determine the number of COST ESTIMATE proposals opened. No COST ESTIMATE envelope shall be opened from any responder not meeting minimum qualifications.
- i. A file shall be maintained that contains all QUALIFICATIONS envelopes from all RFP responders, the Review Team Report, and the Contract for Services. The file shall be available for public inspection upon request.

If State or Federal regulations or agreements require deviation from the above Qualification Based Selection methodology, then the State or Federal methods shall be used to secure professional services.

- 4. SPECIFICATIONS. The responsibility for preparing specifications rests with the department head, subject to approval by the Town Manager.
- 5. BID SUMMARY FORM. Upon return of the bid proposals (formal or informal) from the vendors, the department heads will summarize the prices offered on a quotation summary form and recommend to the Town Manager the vendor to be chosen. The Town Manager will determine the lowest and best bid.
- 6. THE FOLLOWING FACTORS SHOULD BE CONSIDERED IN AWARDING EACH BID:
 - a. The stated bid price.

- b. The ability, capacity and skills of the bidder to perform the contract or provide the purchase within the time specified without delay or interference.
- c. The character, integrity, judgment, experience and efficiency of the bidder.
- d. The quality of performance of previous contracts or purchases.
- e. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the purchase.
- f. Quality, availability and adaptability of the contract or purchase.
- g. The ability of the bidder to provide future maintenance service on the items to be purchased.
- h. Responsiveness to the scope of conditions attached to the bid.
- i. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- i. The financial capability of the bidder to perform the contract or provide the service.
- j. Environmental Preference (see Section XI.

If all bids received are for the same total amount with quality and service being equal, the contract shall be awarded to a Falmouth business establishment.

7. **CONTRACT REQUIRED.** Any awarded bid for consultants or services must be accompanied by a Town contract.

SECTION VI – WAIVER SECTION

SPECIFICATIONS. A waiver from the above bid process may be granted, by the Town Manager, for any of the following reasons:

- a. Single supplier of the product.
- b. The Town has a current contract with the vendor.
- c. The Town has a current business relationship with the vendor and it is beneficial to have continuous service.
- d. The Town has purchased a like item or service from this vendor within the previous nine months and can receive a similar price.
- e. When factual data exists that the price under consideration is the best available price and that due to circumstances beyond the control of the administration, there is insufficient time to execute the normal bid process or when the matter under consideration is unique or non-competitive. (ex. plow blade is broken and need a new one right away or ambulance life support system needs to be replaced).
- f. Price has been determined by a current and still valid bid process conducted by a recognized operating division of the state or county governments or the Board of Education or a joint group composed of municipalities or quasi-municipal entities.
- g. When projects are entirely funded with private funds.

AUTHORITY. The authorization for the waiver will remain the same as the purchase order process. If the amount of the purchase is equal to or over \$5,000, the waiver needs to be granted by the Town Manager or the Finance Director in his absence.

SECTION VII - RECEIPT OF SUPPLIES, SERVICES, OR PRODUCTS

1. FULL RECEIPT. The department head or department designee will notify the Finance Department upon receiving by stamping the purchase order with the receiving stamp and forwarding the stamped copy of the purchase order form together with the invoice and other documents accompanying shipment to the Finance Department.
2. PARTIAL RECEIPT. If partial shipment of an order is received, the department head or department designee should note what remains to be received. The invoice or packing slip should also be noted that the order is incomplete and the Finance Department should be notified.
3. INSPECTION AND ACCEPTANCE. The department head or department designee will be responsible for the inspection of supplies or services received. He/she will determine that the supplies or services are as specified and satisfactory before accepting same.
4. PAYMENT OF TRANSPORTATION CHARGES. All orders to suppliers will normally specify that transportation charges will be prepaid by the supplier to point of delivery.

SECTION VIII - MISCELLANEOUS.

1. PETTY CASH. Cash purchases may be made in small amounts through the petty cash fund. The amount of a cash purchase should not exceed \$20. Persons making cash purchases will be reimbursed upon presentation of a receipt to the person authorized to disburse petty cash. Petty cash is not to be taken from any clerk's cash drawer.
2. SURPLUS AND OBSOLETE EQUIPMENT AND MATERIALS. Equipment or material that is obsolete or surplus is to be reported to the Town Manager for disposition instructions.
3. ACCEPTING EQUIPMENT ON TRIAL. No equipment or accessory may be put to use by any department for the purpose of testing its suitability or fitness in advance of purchase, without the approval of the Town Manager, Finance Director, or Purchasing Director. In all cases, proof of insurance must be furnished by the supplier or contractor.
4. JOINT PURCHASING. The Town Manager shall have the authority to join with other units of government in cooperative purchasing when the best interests of the Town would be secured.

SECTION IX – CREDIT CARD AND P-CARD POLICY

The Town will have two credit cards. There will be one for Community Programs and one for the other Departments. The Town has a P-Card program through American Express. Each department has a P-Card assigned to the Department Director.

COMMUNITY PROGRAMS

1. **AUTHORITY.** Authorization for use of the credit card is under the discretion of the Director of Community Programs.
2. **SPECIFICATONS.** The card will have to be signed out. A sign-out sheet will include the date, time signed out, time signed in, employee name, employee signature, vendor, and reason for purchase.
3. **USAGE.** The card will be used for on line purchases and for expenditures where timing prohibits them from going through the purchase order process. These purchases will need the approval of the Director of Community Programs, who will initial the sign-out sheet. A receipt must be obtained for every purchase. Any item or service purchased should follow the purchase order process.
4. **ACCOUNTABILITY.** The receipts need to be attached to the monthly statement and forwarded to the Finance Department for review and payment. There must be a receipt for every item purchased. Statement amounts must be divided into the appropriate general ledger account numbers for proper posting.
5. **ABUSE.** Abuse can be separated into two categories. One category would be using the credit card when the purchase could have gone through the purchase order process and the other category is using a Town credit card for a personal purchase. Using the credit card instead of the purchase order process could result in elimination of the card. Personal use of the Town credit card will result in repayment from the employee for the purchase and could result in discipline including termination of employment. In both cases, all disciplinary actions are at the discretion of the Town Manager.

TOWN HALL

1. **AUTHORITY.** Authorization for use of the credit card is under the discretion of the Town Manager, Finance Director, or Purchasing Director.

2. SPECIFICATONS. The card will have to be signed out from the Purchasing Director. A sign-out sheet will include the date, time signed out, time signed in, employee name, employee signature, vendor, reason for purchase, and general ledger account.
3. USAGE. The card will be used for on line purchases and for expenditures where timing prohibits them from going through the purchase order process. These purchases will need the approval of the Town Manager, Assistant Town Manager, Finance Director, or Purchasing Director, who will initial the sign-out sheet. A receipt must be obtained for every purchase. Any item or service that can be obtained should be obtained through the purchase order process.
4. ACCOUNTABILITY. The receipts need to be attached to the monthly statement and forwarded to Accounts Payable for payment. There must be a receipt for every item purchased. Statement amounts must be divided into the appropriate general ledger account numbers for proper posting.
5. ABUSE. Abuse can be separated into two categories. One category would be using the credit card when the purchase could have gone through the purchase order process and the other category is using a Town credit card for a personal purchase. Using the credit card instead of the purchase order process could result in elimination of the card. Personal use of the Town credit card will result in repayment from the employee for the purchase and could result in discipline including termination of employment. In both cases, all disciplinary actions are at the discretion of the Town Manager.

P-CARD

6. AUTHORITY. Authorization for use of the P-Card is under the discretion of the Town Manager, Finance Director, or Purchasing Director.
7. SPECIFICATONS. The P-card is the responsibility of the department manager. All uses of the P-Card must be pre-approved by the department manager.
8. USAGE. The card will be used for on-line purchases and for expenditures pre-approved by the department manager. A receipt must be obtained for every purchase and uploaded into MUNIS monthly in accordance with the Finance Department P-Card instructions.
9. ACCOUNTABILITY. There must be a receipt for every item purchased. Statement amounts must be divided into the appropriate general ledger account numbers for proper posting.
10. ABUSE. Abuse can be separated into two categories. One category would be using the P-Card without the pre-approval of the department head and the other category is using a Town P-Card for a personal purchase. Personal use of the Town P-Card will result in repayment from the employee for the purchase and could result in discipline including termination of employment. In both cases, all disciplinary actions are at the discretion of the Town Manager.

SECTION X – ACQUISITION OF TEMPORARAY PROPERTY FOR HIGHWAY, STORMWATER, AND WASTEWATER COLLECTION AND TREATMENT PURPOSES 1. TEMPORARY PROPERTY RIGHTS.

1. The Town may acquire temporary rights for purposes of constructing highways, and other infrastructure related to stormwater, sewage disposal, and wastewater collection and treatment, without the approval of the Town Council.
2. TEMPORARY PROPERTY RIGHTS shall be defined for purposes of this policy to mean: property rights required to install, maintain, and repair town infrastructure that will be restored and released upon completion of work. Such property rights shall be acquired by reaching an agreement on reasonable valuation, including, when deemed advisable, the use of an independent appraiser. The Town may, but does not need to, use an independent appraiser to determine property value if the value of the property is less than \$5,000. If the value of the property is greater than \$5,000, an independent appraisal shall be considered and is required if the value of the property is greater than \$10,000.

SECTION XI - ENVIRONMENTALLY PREFERABLE PROCUREMENT

1. PURPOSE

This policy reflects the Town of Falmouth’s commitment to advancing environmental sustainability by incorporating environmental considerations into public purchasing decisions.

2. BENEFITS OF ENVIRONMENTALLY PREFERABLE PURCHASING

The Town of Falmouth recognizes that environmentally preferable purchasing can benefit people, the environment, and the local economy. Anticipated benefits of implementing this policy include, but are not limited to, reducing negative impacts to human health and the environment, reducing carbon emissions, reducing and removing harmful products from the workplace, reducing costs and liabilities, promoting environmental innovation, and supporting a local green economy.

3. ALIGNMENT WITH FALMOUTH POLICIES, COMMITTEES AND PRIORITIES

This policy is intended to build on the Town of Falmouth’s existing and future environmental sustainability priorities and policies.

4. SCOPE OF POLICY

All Town of Falmouth employees involved with purchasing activities will make good faith efforts to understand and implement the provisions of this policy.

5. DEFINITIONS

The following definitions are applicable to terms referenced in this policy.

Environmentally Preferable Purchasing is the procurement of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose.

Environmentally Sustainable or Preferable Products and Services are products and services that have a reduced negative impact on human health and the environment when compared with competing products that serve the same purpose. In comparing products and services, the Town should consider raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance, reuse, disposal of products, end of life management, and service delivery where applicable. These products do not harm human health, are less polluting, minimize waste, maximize use of bio-based or recycled materials, conserve energy and water, and reduce the consumption or disposal of hazardous materials.

Life Cycle Costing is accounting for the total cost of ownership, including initial costs, energy and operational costs, longevity and replacement costs, and end of life management costs.

6. METHODS FOR POLICY IMPLEMENTATION

Implementation of this policy depends upon the actions of all Town departments making every reasonable effort to reduce waste, increase energy efficiency, and avoid use of materials that harm human health and the environment, by actively integrating environmental sustainability into the decision-making process for all purchases. Methods for increasing the use of environmentally preferable products and services under this policy include the following:

6.1. Request for Proposals / Bid Process

- a) Requests for Proposals. Include an environmental sustainability section in all applicable RFPs. The following suggested language is provided for guidance:
 - (1) *“Bidders are asked to view the Town of Falmouth’s environmentally preferable procurement policy [\(add link\)](#) and demonstrate how their proposal will support the policy by describing environmentally-preferred attributes of the products and services to be purchased. Bidders are also encouraged to highlight company-wide environmental sustainability policies and practices (examples of environmental sustainability are outlined in the [Town of Falmouth’s Sustainable Business Recognition Program](#)).*
- b) Specifications. Where appropriate and feasible, incorporate environmentally preferable attributes for products or services into the specifications in the bid request documents.
- c) Selection Criteria. Factor environmental sustainability into the process for review and selection of town bids. Bids will receive additional credit for utilizing environmentally preferable products or services, and / or demonstrating environmentally sustainable business practices. The amount of additional credit awarded will vary depending upon types of products or services, as well as overall importance of the contract for supporting the Town of Falmouth’s climate goals.

6.2. Town Purchasing

- a) Town of Falmouth employees involved with purchasing will use this policy as a guide to inform environmentally preferable purchasing decisions.
- b) Where practicable and appropriate, Town employees shall take action to implement this policy in vendor contracts, grant agreements, concession agreements, Town-sponsored events, and where purchasing is related to use of Town property.
- c) Recognizing that reducing product purchases can help avoid unnecessary consumption of resources and waste generation, the Town of Falmouth will seek to avoid any unnecessary purchasing and select higher quality products with a longer life-span when feasible.
- d) Recognizing that some environmentally preferable products may cost more than comparable products, cost alone shall not be used to determine whether an environmentally preferable product should be purchased. Purchasing decisions will consider life-cycle costing which is the total cost of the product, including operation, maintenance and disposal, which is often more economical over time.
- e) Unless there are no practicable alternatives, the Town will not purchase polystyrene foam cups, bowls and plates, or any other single-use food service wares that cannot be recycled or composted in the Town's programs.
- f) Recycled and sustainably sourced paper should be purchased whenever possible.
- g) Where practicable, purchasing associated with Town building renovations, or new construction will utilize materials, building systems, and operations that support energy efficient and sustainable strategies.
- h) This policy is intended to support the Town's efforts to advance carbon emission reduction targets established in the Falmouth Climate Action Plan. These strategies include but are not limited to continued implementation of renewable energy, conversion to LED lighting, and purchase of electric vehicles.
- i) Employees involved with purchasing will use the guidance provided in Appendix A as well as other available resources to help inform environmentally preferable purchasing decisions.

6.3. Training / Resources

- a) This policy and associated guidance shall be shared with all existing employees who are involved with purchasing.
- b) All new employees involved with purchasing shall be made aware of this policy and its purpose during new employee training.
- c) The Town will conduct outreach to raise awareness about this policy among existing vendors and contractors.
- d) A copy of this policy and associated guidance shall be made available on the Town website.

6.4. Measuring Progress

Town Manager shall develop targets and performance metrics to help evaluate progress in implementing this policy. Initial targets include:

- a) 100% of RFPs include a sustainability section by June 30, 2023;
- b) All applicable town employees involved with purchasing will receive training regarding this policy by June 30, 2023; and
- c) Town Manager will develop additional targets associated with achieving Falmouth's climate action goals.

6.5. Reporting and Updates

The Finance Director and Sustainability Coordinator shall work with department heads to prepare and submit an annual report to the Town Manager on progress and results associated with implementation of this policy. If applicable, the report will highlight any challenges to implementation and propose amendments as needed to improve or expand the policy.

7. GUIDANCE FOR ENVIRONMENTALLY PREFERABLE PURCHASING

Factors that should be considered when determining if a product or service is environmentally preferable may include, but are not limited to:

- Minimal virgin material used in product or service life cycle
- Maximum recycled materials used in product or service life cycle
- Life cycle costing of products and services
- Reuse of existing products or materials in product or service life cycle
- Recyclability, biodegradability, and whether a product is compostable
- Less packaging
- Produced locally or in Maine
- Lower greenhouse gas emissions and other air pollutants
- Water, energy, and fuel efficiency
- Reduction or elimination of toxins and other hazardous materials
- Use of renewable resources, energy, and fuel
- Durability and maintenance requirements
- Ultimate disposal of the product (ease of reuse, recycling, refurbishment, or remanufacture)

Selecting products that meet environmental standards and / or certifications developed by government agencies or other recognized experts can inform environmentally preferable procurement of goods and services. Acceptable standards should be:

- Developed and awarded by an impartial third-party organizer (not the manufacturer);

- Developed through a public, transparent, and broad stakeholder process; and
- Represent specific and meaningful criteria for the product or service category.

Examples of widely recognized standards include: EPEAT for electronics, Forest Stewardship Council for sustainably sourced paper and other products, EnergyStar for energy efficient appliances and other products, GREENGUARD for furniture and building materials, and Green Seal for janitorial products. Additional information about these and other resources to help Town employees identify environmentally preferable products and services are provided in Appendix A as a companion to this policy.

APPENDIX A

The following information is provided as a resource to help Falmouth employees identify environmentally preferable options for purchasing common products and services.



Safer Choice is a U.S. Environmental Protection Agency certification program that helps buyers identify products with safer chemical ingredients, without sacrificing quality or performance. About 1,900 products such as fragrance-free and non-toxic cleaners carry the Safer Choice label.

Search for Safer Choice products: <https://www.epa.gov/saferchoice/products>



Energy Star is the government backed symbol for identifying energy efficient products. Energy Star also provides a benchmarking tool to track sustainable impact of energy efficient purchases. The website provides links to the Energy Star products such as heating and cooling systems, appliances, water heaters, lighting, building products, office equipment, and electronics.

Links to products and access to benchmarking tool: <https://www.energystar.gov/>



U.S. Environmental Protection Agency's (EPA) [Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing \(PDF\)](#) provides

resources and links to 40 private sector standards and ecolabels. Includes links to search for products that meet environmental standards in categories such as food service ware, construction, custodial supplies, [electronics](#), grounds and

[landscaping](#), copy paper, and furniture.

EPA environmental procurement program website: <https://www.epa.gov/greenerproducts>



Electronics Product Environmental Assessment Tool (EPEAT) is a free resource to help identify and select sustainable electronics. Includes user-friendly, searchable database of products, and a calculator to identify and report on benefits of purchasing EPEAT registered products. EPEAT products tend to meet higher sustainability standards than those with only the **Energy Star** label. Product

categories include computers and displays, imaging equipment, mobile phones, network equipment, photovoltaic modules and inverters, servers, and televisions

Access product database: <https://www.epeat.net/>



Forest Stewardship Council certifies forest-sourced products and operations that meet standards for environmental impacts, labor rights, legal issues, and indigenous rights. Look for the label on paper and other products made with forest resources. Understanding FSC labels for paper and other products: <https://fsc.org/en/fsc-labels>

APPENDIX B.

The following Federal requirements are in addition to Town of Falmouth Purchasing Policy requirements for spending of Federal Grant amounts awarded greater than \$150,000 (Simplified Acquisition Threshold). These requirements cover all actions related to the use of contractors including selection, performance monitoring, contract provisions, bonding requirements and record retention requirements

1. CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS.

- a. The Town of Falmouth must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible
- b. Affirmative steps must include:
 - i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists
 - ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources
 - iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises
 - iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises
 - v. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce
 - vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (i.) through (v.) of this section

2. CONTRACT COST AND PRICE

- a. Employees must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications
- b. Employees must make independent estimates before receiving bids or proposals
- c. Employees must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed
- d. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used

3. BONDING REQUIREMENTS

- a. For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity

may accept the bonding policy and requirements of the Town of Falmouth provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected

- b. If such a determination has not been made, the minimum requirements must be as follows:
 - i. Bid guarantee from each bidder equivalent to five percent of the bid price
 - ii. Performance bond on the part of the contractor for 100 percent of the contract price
 - iii. Payment bond on the part of the contractor for 100 percent of the contract price

4. CONTRACT PROVISIONS

- a. All contracts made by the Town of Falmouth under the Federal award must contain provisions covering the following, as applicable:
 - i. Contracts for more than the simplified acquisition threshold must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate
 - ii. Contracts in excess of \$10,000 must address termination for cause and for convenience by the Entity including the manner by which it will be effected and the basis for settlement
 - iii. Equal Employment Opportunity
 - iv. When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by Entities must include a provision for compliance with the Davis-Bacon Act
 - v. Contract Work Hours and Safety Standards Act - contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704
 - 1. 3702 - work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week
 - 2. 3704 - no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous
 - vi. Rights to Inventions Made Under a Contract or Agreement
 - vii. Contracts and sub-grants of amounts in excess of \$150,000 must contain a provision that requires compliance with Clean Air Act and the Federal Water Pollution Control Act
 - viii. Mandatory standards and policies relating to energy efficiency in compliance with the Energy Policy and Conservation Act
 - ix. Debarment and Suspension - A contract award must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM)

- x. Byrd Anti-Lobbying Amendment - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification

5. SUBRECIPIENT AND CONTRACTOR DETERMINATIONS

- a. The Town of Falmouth may concurrently receive Federal awards as a recipient, a subrecipient, and a contractor, depending on the substance of its agreements
- b. Pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor
- c. Characteristics which support classification of the Town of Falmouth as a subrecipient include when the Entity:
 - i. Determines who is eligible to receive what Federal assistance
 - ii. Has its performance measured in relation to whether objectives of a Federal program were met
 - iii. Has responsibility for programmatic decision making
 - iv. Is responsible for adherence to applicable Federal program requirements specified in the Federal award
 - v. In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose, as opposed to providing goods or services for the benefit of the pass-through entity
- d. Characteristics indicative of a procurement relationship between the Town of Falmouth and a contractor are when the Entity receiving the Federal funds:
 - i. Provides the goods and services within normal business operations
 - ii. Provides similar goods or services to many different purchasers
 - iii. Normally operates in a competitive environment
 - iv. Provides goods or services that are ancillary to the operation of the Federal program
 - v. Is not subject to compliance requirements of the Federal program as a result of the agreement

6. RETENTION REQUIREMENTS FOR RECORDS

- a. Financial records, supporting documents, statistical records, and all other Town of Falmouth records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report
- b. Exceptions are the following:
 - i. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken
 - ii. Town of Falmouth is notified in writing by the Federal awarding agency, , or pass-through entity to extend the retention period
 - iii. Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition
 - iv. When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the Entity

BID (REVIEW) FORM

For Purchases Equal to or Between \$5,000 and \$20,000

(This form should also be used for informal market reviews for purchases
equal to and greater than \$2,000 and less than \$5,000)

DATE: _____

DEPARTMENT: _____

REQUESTED SUPPLY, PRODUCT, OR SERVICE:

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ORAL OR WRITTEN#	VENDOR NAME	BID AMOUNT	CONTRIBUTING FACTORS*
	1.		
	2.		
	3.		
	4.		

NOTE #: All bids received in writing are attached to this form.

NOTE *: Contributing factors could include warrantee, service costs,
vendor history, etc.

REASON IF CONTACTED LESS THAN 3 VENDORS:

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