

The following procedures govern the acquisition of materials, equipment and supplies as well as contractual and professional services, which are required by the Town of Bel Air to perform its various functions.

1. General

- A. Contractual services and the purchase of materials, equipment and supplies shall be approved by the Town Administrator or appropriate Department Head, provided such purchase is not in excess of \$7,500 and funds are appropriated in the current fiscal year budget. Such purchases of services and materials shall not be subject to competitive procurement. The Town Administrator is authorized to approve contractual services and the purchase of materials, equipment and supplies in excess of \$7,500 if the project has previously been approved by the Board of Town Commissioners, or is funded in the current fiscal year budget and the Town Administrator advises the Board of Commissioners prior to such approval.
- B. Formal written bids for more than \$7,500 shall be submitted to the Board of Town Commissioners for approval at a public meeting.
- C. Formal written bids for less than \$7,500 may be approved by the Town Administrator provided funds have been appropriated in the current fiscal year budget.
- D. Contracting for routine professional services is exempt from the competitive provisions of this policy. Provisions to be followed shall be in accordance with Article 6, Section 602(i) of the Town Charter and paragraph 3 of this policy.
- E. When in the best interest of the Town, the Town Administrator may undertake programs involving joint or cooperative purchase or “piggyback” with other public jurisdictions.
- F. After a contract for contractual services in excess of \$7,500 has been awarded and executed in accordance with the competitive procurement procedures set forth in this policy, the Town Administrator, in his/her discretion, may approve an assignment of the contract from the service provider responsible for performing the contract to a purchaser of substantially all the assets of the service provider or the business of the service provider when the Town Administrator determines such an assignment is in the best interest of the Town.
- G. Whether the purchase of materials, equipment, supplies or services is competitive or not, the Town of Bel Air reserves the right to reject any and all proposals or bids and is not obligated to select the lowest bid or proposal submitted.
- H. In case of an emergency which requires immediate purchase of materials, equipment, supplies or contractual services, the Town Administrator, in his/her discretion is authorized to secure at the lowest obtainable price, any materials,

equipment, supplies or contractual services regardless of the amount of the expenditure, when such purchases are necessary to prevent delays in the work which may vitally affect the life, health or general welfare of the citizens of the Town.

- I. With the prior approval of the Town Administrator, only Department Heads may sign the following contracts if the amount does not exceed \$3,000:
  - 1. Annual renewal contracts
  - 2. Contracts for services
  - 3. Contracts to purchase materials, equipment or supplies
  
- J. All purchase orders must be signed by a Department Head See policy I.E.7, “Finance/Payment of Invoices”, for positions that are authorized to sign invoice vouchers.
  
- K. Once a contract award has been approved by the Board of Town Commissioners for goods and/or services of any kind, construction, demolition, architect-engineering services, etc., the contract amount shall not be exceeded under any circumstances. There shall not be any additive change orders to a contract without the Town Administrator’s prior approval, and all change orders shall be first negotiated then made in writing. Once the Town Administrator has approved a change order, it may only then be signed by a Department Head.

2. Competitive Procurement

Except as otherwise provided in this policy, the purchase of materials, equipment and supplies or the retention of contractual services (consulting or professional) in excess of \$7,500 will be governed by the following procedures:

- A. Materials, Equipment and Supplies
  - 1. A formal notice shall be placed in a local newspaper and on the Town’s website soliciting bids for the items requested.
  - 2. The bids shall be opened by the appropriate Town officials at the time stated within the public notice and recorded on the prescribed forms.
  - 3. The recorded bids will be reviewed and studied by appropriate Town officials and a written recommendation forwarded to the Board of Town Commissioners through the Town Administrator for final approval at a public meeting.
  - 4. The Town of Bel Air reserves the right to reject any and all proposals or bids and is not obligated to select the lowest bid or proposal submitted.
  - 5. The Board of Town Commissioners reserves the right to suspend paragraph 2.A. of this policy when deemed appropriate.

B. Consultants or Professional Services

Procedures for retaining consultants or professional services on a long-term basis (in excess of one year) or for a substantial project in excess of \$7,500 will be governed by the following procedures:

1. A Proposal Review Committee consisting of the Town Administrator and appropriate Department heads will be established on an ad hoc basis.
2. The Town will advertise for bids by placing a notice in a local newspaper and on the Town's website and/or mailing a letter to interested parties.
3. The Committee will review and evaluate formal proposals and the Town Administrator will provide a written recommendation to the Board of Town Commissioners for approval at a public meeting.
4. The Town of Bel Air reserves the right to reject any and all proposals or bids and is not obligated to select the lowest bid or proposal submitted.

3. Routine Professional Services

Procedures for contracting for routine professional services on a short term basis (maximum one year) or for a small project less than \$7,500 will be governed by the following.

- A. Proposals will be solicited informally or formally, as appropriate.
- B. Proposals will be reviewed by appropriate staff members and the Town Administrator.
- C. A written contract will then be negotiated by the Town Administrator and the appropriate Department Head.
- D. The Town of Bel Air reserves the right to reject any and all proposals or bids and is not obligated to select the lowest bid or proposal submitted.

4. Special Procurement

Materials, equipment, supplies and consulting and professional services normally subject to the procurement provisions, will be considered exempt and may be approved by the Town Administrator subject to final approval by the Board of Town Commissioners, if appropriate, in the following situations:

- A. Emergency acquisition of maintenance or repair services, such as vehicle engine replacement or pump replacement necessary to ensure the effective performance of the Town's mission.

- B. Purchase of materials, equipment, supplies or services where only one source is practical because the provider of the services or product is the sole source of services or parts for the equipment or the task required.
- C. Purchases or services, the knowledge of which must be kept highly confidential. Most such purchases would be in connection with police matters.
- D. Emergency acquisition of materials, equipment, supplies or contractual services at the lowest obtainable price regardless of the amount of the expenditure, when such purchases are necessary to prevent delays in the work which may vitally affect the life, health, or general welfare of the citizens of the Town.
- E. The Town of Bel Air reserves the right to reject any and all proposals or bids and is not obligated to select the lowest bid or proposal submitted.

5. Sustainable Procurement

A. Purpose

The Town of Bel Air recognizes its responsibility to minimize negative impacts on human health and the environment while supporting a diverse, equitable and vibrant community and economy. The Town understands that the types of products and services the Town buys have inherent social, human health, environmental and economic impacts and that procurement decisions should embody the Town commitments to sustainability.

B. Policy

1. General Policy Statement

Bel Air employees will procure materials, products or services in a manner that integrates fiscal responsibility, social equity, and community and environmental stewardship and will incorporate the following factors when writing specifications for, or procuring, materials, products, or services. Environmental factors to be considered include, but are not limited to, a product's environmental and economic effects throughout its lifetime (Life Cycle Assessment) related to:

- Pollutant releases and toxicity, especially the use of persistent, bioaccumulative and toxic (PBT) chemicals
- Source Reduction
- Waste generation
- Greenhouse gas emissions
- Energy consumption
- Depletion of natural resources
- Impacts of biodiversity
- Recycled content

Social equity to be considered include, but are not limited to:

- Human health impacts
- Use of local businesses

Fiscal Factors to be considered include, but are not limited to:

- Use reduction; buy only what you really need
- Life-cycle cost assessment, lowest total cost

While not all factors will be incorporated into every purchase, it is the intent of this policy that Town employees will make a good faith effort to incorporate and balance these factors to the maximum extent possible.

## 2. Use of Best Practices

Town employees will utilize best practices based on leading edge sustainability factors, standards and procedures in an effective way that is successful and replicable.

## 3. Use of Social and Environmental Product or Service Labels

Town employees are encouraged to use independent, product or service label standards when writing specifications for, or procuring materials, products or services, such as Energy Star, Green Globes, BREEAM, LEED, and Cradle to Cradle.

In addition, whenever possible, label standards used in product or service specifications should represent standards that take into account multiple attributes and life-cycle considerations, with claims verified by an independent third-party.

## 4. Code and State Law

It is the intent of this policy to complement Town code and State laws.

## C. Implementation and Responsibilities

### 1. Product and Service Standards

The Town Department Directors shall be responsible for:

- Ensuring Town staff utilize product and service standards and best practices that comply with this policy.
- Ensuring that when the need for developing a Town standard or best practice in sustainable procurement, staff will collaborate with other applicable departments, so as to harmonize standards throughout the Town.

### 2. Specifications and Contracts

The Town Department Directors shall be responsible for:

- Ensuring that specifications written by their department comply with this policy and incorporate sustainable procurement best practices.

- Ensuring that evaluation criteria for determining the responsibility of prospective contractors incorporate sustainability factors that meet the intent of this policy.
- Developing and integrating sustainable procurement boilerplate language into solicitation document templates.

### 3. Education

The Town shall be responsible for:

- Building awareness of this policy through incorporation of information into routine employee training and external trainings.
- Developing employee sustainable procurement resources such as, but not limited to, standards, specifications, tools and best practices.
- Taking the lead in communicating to existing and potential contractors and the public about this policy and related Town requirements.

### 4. Data Collection and Performance Reporting

The Town shall be responsible for cooperating in gathering information for the purposes of tracking, reporting, and evaluating the Town's sustainable procurement activities and evaluating the effectiveness of this policy.

### 5. Resources

The Town shall commit to providing the resources to support the implementation and coordination of this policy. This includes activities such as, but not limited to, employee training and resources, professional services and educational materials.

### 6. Policy Review

The Town shall periodically review this policy for updates or to otherwise determine whether this policy is in alignment with other Town sustainability efforts and policies.

Adopted: October 10, 1983  
Approved By: Board of Town Commissioners  
Readopted: November 7, 1988  
Amended: February 1, 1993  
Amended: March 16, 2009  
Revised: October 17, 2011  
October 1, 2012  
June 2, 2014