



<b>Wintergreen Fire and Rescue Standard Administrative Policy</b>	
Subject:	Procurement
Reference Number:	ADM 01-021
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Signature of Approval	Curtis Sheets, Chief

**Purpose:**

Wintergreen Fire & Rescue must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ CFR 200.317 through 200.327.

**Policy:**

Every purchase of goods and services to be made by Wintergreen Fire & Rescue using Federally granted funds, must comply with the following procurement policy.

**Competition**

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

All goods and services using federal grant funds will be secured by use of written requests for proposals, written quotations, or any other method that ensures that goods will be purchased at the lowest price and that favoritism will be avoided.

The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract

Under \$1000  
\$1,000 - \$ 2,999  
\$3,000 and above

Method

1 Written Quotation  
2 Written Quotations  
3 Written Quotations

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempts made to obtain the proposals or quotes.

When using federal grant funds, documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible quote or proposal. This documentation will include an explanation of how the award will achieve savings or how the quote or proposal was not responsible. A determination that the quote or proposal is not responsible shall be made by the purchaser.

When using federal grant funds, Wintergreen Fire & Rescue should incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

As appropriate and to the extent consistent with law, Wintergreen Fire & Rescue will, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

Wintergreen Fire & Rescue shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, Wintergreen Fire & Rescue shall not preclude potential bidders from qualifying during the solicitation period.

Methods of Procurement

Wintergreen Fire & Rescue will use one of the following methods of procurement when purchasing items with federal funds:

Procurement by micro-purchases - Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$50,000. To the extent practicable, Wintergreen Fire & Rescue shall distribute micro purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations.

Procurement by small purchase procedures - Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold (\$250,000). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. If this method is used, the following requirements apply:

- Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- Proposals must be solicited from a minimum of three qualified sources, where possible;
- The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- The item is available only from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- After solicitation of several sources, competition is determined inadequate.

#### Professional or Technical Services

Professional service or services requiring special or technical skill, training, or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price. Additionally the nature of the services may be such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Chief of Fire & Rescue or designee shall take into consideration the following guidelines:

- Whether the services are subject to State licensing or testing requirements;
- Whether substantial formal education or training is a necessary prerequisite to the performance of the services;
- Whether the services require a personal relationship between the individual and Fire District officials.

Professional or technical services are defined as services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps, and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of the Fire and/or Rescue Department owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software. Also included are repairs or maintenance of specialized fire equipment, where only the original vendor has the facilities and expertise to perform service or repair.

#### Leased Equipment or Goods

Equipment and goods to be leased by the Fire Department or Rescue Squad will not be subject to this policy since a lease does not involve an actual purchase of goods. However when using federal grant funds, installment purchase contracts which involve an actual purchase will be subject to this policy and competitive bidding rules.

#### Exceptions

Goods or services under \$500 - The time and documentation required to purchase such goods or services would likely be more costly than the item itself and would therefore not be in the best interest of the community. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

When using federal grant funds, Wintergreen Fire & Rescue must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

#### Conflict of Interest

No Wintergreen Fire & Rescue member, employee, consultant, or designated agent of Wintergreen Fire & Rescue will take part or have an interest in the award of any purchase transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee, or designated agent of Wintergreen Fire & Rescue, are partners of such individuals, immediate family members, or an organization that employs or intends to employ any of the above has a financial or other interest in any of the competing firms. Refer also to [ADM 01-012](#) Conflict of Interest policy.