

**CVFIBER
Procurement Policy**

Adopted: November 9, 2021

A. PURPOSE AND AUTHORITY

The purpose of this document is to describe the process through which CVFiber will execute purchases and procure contractor services.

CVFiber designates the Executive Committee, Chair, and Administrative Director as Purchasing Agents. Purchasing Agents are responsible for ensuring that the best possible value for CVFiber is obtained with each purchase. Value does not mean lowest price. Value includes, but is not limited to, consideration of such factors as cost, experience, quality, and timeliness of service.

B. PROCUREMENT TYPES AND REQUIREMENTS

1. Incidental Purchases (up to \$10,000)

a. Incidental Purchase: Incidental purchase is the acquisition of supplies or services of up to \$10,000 and is referred to as the micro-purchase threshold under Federal Acquisition Regulation (FAR) 2.101. Incidental purchases may be awarded without soliciting competitive quotations if the purchasing agent considers the value to be favorable to CVFiber.

b. Budgeted Purchase: Executive Committee designated Purchasing Agents may make budgeted purchases without prior approval of the Governing Board.

c. Unbudgeted Purchase:

1. If an item is unbudgeted, and is \$1,000 or less, the Board Chair or Administrative Director is authorized to make the purchase, and the Treasurer will then report the purchase at the next Executive Committee or Board meeting.

2. If an unbudgeted expense of more than \$1,000 is required, it must be brought to the Executive Committee for approval.

2. Minor Purchases (between \$10,000 and \$250,000)

a. Budgeted Purchases:

1. Procurement of a minor purchase is the acquisition of budgeted supplies or services, the aggregate annual dollar amount of which is between \$10,000 and \$250,000 in accordance with the FAR simplified acquisition threshold.

2. Minor purchases may be awarded using a simplified bidding process.

b. Unbudgeted Purchases: Designated Purchasing Agents may make unbudgeted minor purchases only with prior approval of the Governing Board.

c. Simplified Bidding Process:

1. A simplified bidding process means that CVFiber develops a Statement of Work that identifies work to be performed, specific need(s) to be addressed and/or product(s) to be delivered and that solicits

price quotations from two or more potential vendors known to provide the specified services or products.

2. The simplified bidding process does not require a public bid posting.

3. Vendors will be selected based on value of the goods and services offered, and, where applicable, the ability, capacity, and skill of the vendor demonstrated under prior contracts with CVFiber.

3. Major Purchases (\$250,000 and above)

a. Major Purchases:

1. Procurement by major purchase is the acquisition of budgeted supplies or services, the aggregate annual dollar amount of which exceeds \$250,000.

2. All major purchases require prior approval of the Governing Board.

b. Major Purchase Process:

1. Standard RFP Process: For all major purchases a standard RFP bidding process with public posting is required.

a. The RFP must contain all requirements and conditions of the particular procurement process, a Statement of Work, and describe the criteria CVFiber is going to utilize to select the vendor.

b. CVFiber shall evaluate bids in accordance with the criteria set forth in the RFP.

2. Non-Standard RFP Process: The Governing Board may authorize a procurement process other than a standard RFP in certain circumstances.

a. Circumstances in which a procurement process other than a standard RFP are appropriate may include, without limitation:

1. where the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

2. the item or service is available only from a sole source;

3. after a number of solicitations, competition is determined inadequate to yield a superior result for CVFiber;

4. the prior experience and knowledge of the vendor relative to CVFiber or the subject matter of the engagement is likely to yield a superior result for the CVFiber with regard to risk mitigation, efficiency, speed and value of insight; or

5. due to the specific geographic location of goods or services sought, a standard RFP process is unlikely to yield a superior result for CVFiber.

C. PURCHASES MADE WITH FEDERAL FUNDS

1. If federal funding is used for purchases between \$10,000 (\$2,000 in the case of construction projects subject to Davis Bacon requirements) and \$250,000, price or rate quotes must be obtained from two or more qualified sources following the affirmative action provision of this policy described below and all provisions regarding fair and unrestricted competition.

2. For purchases and construction projects at or exceeding \$250,000, CVFiber will follow the sealed bid process if federal funding is used.

3. When procurement by sealed bids is used, CVFiber will follow procedures as defined in 2 CFR § 200.320(c), Vermont Bulletin 3.5 Section VIII(B), and consult the Vermont League of Cities and Towns model purchasing policy for other applicable State bid requirements.

D. AFFIRMATIVE ACTION AND LOCAL PREFERENCE

1. Whenever possible, qualified small, minority, and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases.

2. If the purchase is federally funded in whole or in part, minority and women owned businesses must be included in the solicitation lists and all other affirmative action requirements outlined in the grant provisions must be followed.

3. CVFiber may exercise a preference for local businesses for purchases funded exclusively by CVFiber, or where permitted by federal law, but only if such a preference does not result in value to CVFiber due to a lack of competition.

4. For purchases funded in whole or in part with federal funding, CVFiber may not exercise a preference for local businesses, unless permitted by the federal funding source.

E. PROCUREMENT CODE OF CONDUCT

1. Conflicts of Interest:

a. Employees, officers and agents of CVFiber, (in this document, “agents” includes CVFiber volunteers), who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest.

b. No employee, officer or agent of CVFiber shall participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or personal interest in the firm/vendor selected for award.

2. Disclosure:

a. An employee, officer or agent of CVFiber who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest within the context of a duly warned Governing Board or Executive Committee meeting that occurs before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.

3. Officers, employees and agents of CVFiber will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

4. Failure to Follow the Procurement Code: Officers, employees and agents who fail to follow the above Procurement Code of Conduct shall be sanctioned or disciplined, to the extent permitted by law, for violations of the above standards.

F. DOCUMENTATION

1. Records Retention:

a. Federal Funds: Records documenting the procurement process for any Minor or Major purchases, as those terms are defined above, including the reason for the specific procurement method chosen, the basis for the award and contract pricing (showing evidence that the process was fair and equitable), as well as any other significant decisions that were part of the procurement process shall be maintained for a period of at least three years from the date of the submission to the Federal government of the final expenditure report if the purchase or project was funded with federal grants, or until the completion of any litigation, claim, negotiation, audit, or other action involving the records, whichever is longer.

b. Non-Federal Funds: Records documenting the procurement process for any Minor or Major purchases made without the use of federal funds shall be maintained by CVFiber in accordance with the retention and disposition schedules as set by the Vermont State Archivist.

G. ADOPTION

The foregoing Policy is hereby adopted by the Governing Board of CVFiber this 9th day of November, 2021 and is effective as of this date until amended or repealed.

SIGNATURES

Governing Board Chair

Governing Board members: