

CENTRAL FALLS REDEVELOPMENT AGENCY PROCUREMENT POLICY

This Procurement Policy (“Policy”) seeks to ensure quality services are secured in a manner that promotes open and fair competition, and provided to the Central Falls Redevelopment Agency (“Agency”) in the most efficient manner possible.

General Provisions

General

The Agency shall: (1) provide for a procurement system of quality and integrity; (2) provide for the fair and equitable treatment of all persons or firms involved in purchasing by the Agency; (3) ensure that supplies and services are procured efficiently, effectively, and at the most favorable prices available to the Agency; (4) promote competition in contracting, and assure that Agency purchasing actions are in full compliance with applicable federal standards, state, and local laws.

Application

This Policy applies to all Procurement actions of the Agency, regardless of the source of funds.

Definitions

“City” means the City of Central Falls, Rhode Island.

“Procurement” includes the procuring, purchasing, leasing, or sale of: (1) goods, supplies, equipment, and materials; (2) maintenance and Professional Services; (3) Public Works; and (4) real property.

“Professional Services” means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, brokerage, engineering, land surveying, landscape architecture, and law.

“Public Works” means work conducted in accordance with Rhode Island General Laws (RIGL) 37-13-1.

“Reasonable Price” means similar in value to similar Procurements regionally, nationally, or internationally

Changes in Laws and Regulations

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Policy, automatically supersede this Policy. Notwithstanding anything contained herein to the contrary, in the event any of the provisions or terms set forth in this Policy are more restrictive than the procurement policy in effect for the City of Central Falls, unless otherwise required by federal, state, or local law, the Agency shall have the right to follow the less restrictive provisions applicable to the City.

PROCUREMENT METHODS

For the Procurement of (1) goods, supplies, equipment and materials in excess of \$ 1,000, the Executive Director or their authorized designee need solicit only three quotes, subject to Agency approval. No quotes need to be solicited in connection with the Procurement of goods, supplies,

equipment or materials that cost less than \$ 1,000. In all events, preference is to be given to Central Falls-based vendors, vendors committed to using Central Falls-based suppliers and stores, as well as the hiring of Central Falls residents. If more than one Central Falls-based vendor offers the desired goods, supplies, equipment or materials, quotes shall be solicited from each vendor, up to a maximum of three quotes.

For the Procurement of (2) maintenance and Professional Services, a Request for Qualifications (RFQ) shall be issued by the Agency no less than once every three (3) years for the desired services. A respondent may be qualified for all or some services. Quotes shall be solicited from each qualified vendor for each use of maintenance or professional services. The RFQ shall remain open for response for the three-year period and additional responses shall be qualified (or not) within 100 days of submittal. All maintenance and Professional Services shall be approved by the Agency, with the recommendation of the Executive Director, or their authorized designee.

For the Procurement of (3) Public Works, the Agency shall follow the process outlined in RIGL 37.

For the Procurement of (4) Real Property, other than transfer to or from the City of Central Falls, the Agency shall issue a Request for Proposals (RFP) for all leases and sales, with the exception of leases to tenants of a property at the time of acquisition. The Agency may enter into negotiation with any and all respondents to all RFPs. The purpose of the Agency, as defined in its By-laws, is to streamline the development of property that is not otherwise easily developed. The language of all RFPs shall be in full support of this purpose and all successful negotiations with respondents to RFPs shall expediently result in developed land that contributes to the economic well-being of the City of Central Falls to the greatest extent possible. Notwithstanding the foregoing, the Agency may elect to sell Real Property through a broker or real estate agent, as opposed to through an RFP, in which event the selection of the broker or real estate agent shall be performed in accordance with the process set forth above for the Procurement of Professional Services.

For the acquisition of land, the Redevelopment Agency shall pay no greater than \$100,000 (or 20%) more than the appraised value of the property (whichever is greater), unless through eminent domain. If more than one appraisal has been made, this amount shall be the average of all appraisals. The use of eminent domain shall be in accordance with RIGL. Real Property Procurement shall be approved by the Agency, with the recommendation of the Executive Director, or their authorized designee.

Noncompetitive Proposals

A. **Conditions for Use.** Procurement by noncompetitive proposals (sole-source) may be used **only** when the award of a contract is not feasible using small purchase procedures, sealed bids, cooperative purchasing, or competitive proposals, **and** if one of the following applies:

1. The item is available only from a single source, based on a good faith review of available sources;
2. An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to the Agency, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency Procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency;
3. After solicitation of a number of sources, competition is determined inadequate.

B. Justification. Each Procurement based on noncompetitive proposals shall be supported by a written justification for the selection of this method by the Executive Director, or their authorized designee. The justification shall be approved by the Agency. The justification, to be included in the procurement file, should include the following information:

1. Description of the requirement;
2. History of prior purchases and their nature (competitive vs. noncompetitive);
3. Statement as to the unique circumstances that require award by noncompetitive proposals;
4. Description of the efforts made to find competitive sources (advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc.);
5. Statement as to efforts that will be taken in the future to promote competition for the requirement;
6. Certification by the Executive Director as to the accuracy of the information; and
7. Reasonable Price

The Agency shall post written notice of the award and basis for the award on the Agency website.

Cooperative Procurement

The Agency may enter into agreements to purchase or use common supplies, equipment, or services. The decision to use a cooperative procurement agreement instead of conducting a direct Procurement shall be based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions.

VENDOR QUALIFICATIONS AND DUTIES

The Agency shall not award any Procurement until the prospective vendor has been determined to be responsible. A responsible vendor must:

- A. Have adequate financial resources to perform the contract, or the ability to obtain them;
- B. Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all the vendor's existing business commitments;
- C. Have a satisfactory performance record;
- D. Have a satisfactory record of integrity and business ethics;
- E. Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
- F. Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,
- G. Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

If a prospective contractor is not found to be responsible, a written determination shall be prepared and included in the Agency records, and the prospective vendor shall be provided the reasons for the determination, and be given the opportunity to make their case of responsibility to the Agency at a public meeting.

APPEALS AND REMEDIES

Unless otherwise permitted by law, any Procurement decisions made by the Agency (including its Executive Director) shall not be contestable or appealable by any actual or prospective vendor.

DOCUMENTATION

The Agency shall maintain records sufficient to detail the significant history of each Procurement action. These records **shall** include, but **shall not** necessarily be limited to, the following:

- A. Rationale for the method of Procurement (if not self-evident);
- B. Rationale of contract pricing arrangement (also if not self-evident);
- C. Reason for accepting or rejecting the offers;
- D. Basis for the contract price (as prescribed in this handbook);
- E. A copy of the contract documents awarded or issued and signed by the Executive Director;
- F. Basis for contract modifications; and
- G. Related contract administration actions.

Records are to be retained for a period of three years after final payment and all matters pertaining to the contract are closed.

Conflicts of Interest

No employee, officer, Board member, or agent of the Agency shall participate directly or indirectly in the selection, award, or administration of any contract if a conflict of interest, either real or apparent, would be involved. This type of conflict would be when one of the persons listed below has a financial or any other type of interest in a firm competing for the award:

- A. An employee, officer, Agency member, or agent involved in making the award;
- B. Their relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister);
- C. Their partner; or
- D. An organization which employs or is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

Gratuities, Kickbacks, and Use of Confidential Information

No officer, employee, Agency member, or agent shall ask for or accept gratuities, favors, or items from any vendor, potential vendor, or party to any subcontract, and shall not knowingly use confidential information for actual or anticipated personal gain. Without limiting the foregoing, Agency members are subject to all City and State laws, rules and regulations pertaining to procurement and the awarding of contracts.