

Rhode Island Energy Efficiency and Resource Management Council

Procurement Guidance Document

Adopted: 7/20/2017

I. PURPOSES

The underlying purposes of this Procurement Policy are:

- a. To simplify, clarify, and modernize purchasing activities undertaken by Rhode Island Energy Efficiency and Resource Management Council (“EERMC”);
- b. To permit the continuous development of purchasing policies and practices;
- c. To provide for increased public confidence in the procedures followed in public procurement;
- d. To ensure fair and equitable treatment of all persons who deal with the procurement systems of the EERMC;
- e. To provide increased economy in EERMC procurement activities by fostering effective competition;
- f. To provide safeguards for the maintenance of a procurement system of quality, integrity and the highest ethical standards;
- g. To promote the underlying purposes and polices of the Rhode Island State Purchases Act, R.I. Gen. Laws § 37-2-1 et seq.; and
- h. To provide for clearly defined accountability and responsibility for procurement actions.

II. ADMINISTRATIVE PRACTICES AND POLICIES

- a. The EERMC will operate an effective procurement system through the adoption and oversight of policies and procedures relating to purchasing activities.
- b. The Executive Director of the EERMC will serve as the Chief Purchasing Officer for the EERMC, subject to a majority vote of the EERMC at a regularly scheduled meeting.
- c. The EERMC Chief Purchasing Officer shall determine courses of action when the policies and procedures outlined herein require interpretation or when procurement disputes arise or conflicts occur.
- d. The EERMC will strive to adhere to the general principles, policies and practices set forth in the State Purchases Act.
- e. The EERMC may utilize the State Central Purchasing Authority as a procurement agency provided that such activity is conducted in accordance with all purchasing policies, procedures and regulations promulgated by the State Chief Purchasing Officer.
- f. The EERMC may, at its discretion, make use of Master Price Agreements entered into between the State of Rhode Island and vendors of goods and services.
- g. The EERMC may, at its discretion, make use of Cooperative Contracts entered into with any agency of the federal government, the State of Rhode Island and its subdivisions, or with any agency of another state.
- h. All EERMC procurement contracts shall be awarded as the result of:
 1. Request for Proposals;
 2. Existing State of Rhode Island Master Price Agreements;
 3. Small Purchase Procedures; or
 4. The utilization of the State Central Purchasing Authority.

- i. All changes to scope of work, price, or other terms shall be approved by the EERMC and be detailed in “change order” documents incorporating any contract amendments.
- j. The EERMC shall be under no obligation to consider an offer which has been submitted without solicitation.
- k. Multi-year contracts for goods and services may be entered into for periods not extending beyond five (5) years from when the contract was executed if the following three criteria are met:
 - (1) funds for the first year are available;
 - (2) contracts contain a standard clause which states that implementation of the contract beyond the first fiscal year shall be subject to the availability of funds; and
 - (3) multi-year contracts specify the annual costs and total value of the goods and/or services provided each year.

III. SOLICITATIONS THAT ARE NOT ISSUED THROUGH THE STATE CENTRAL PURCHASING AUTHORITY

A. Request for Proposals (RFPs) solicitation policies:

- a. All EERMC RFPs shall be written using the most current EERMC RFP template approved by the EERMC. Upon request by the EERMC, or in the event there is no applicable approved EERMC RFP template, the contents of the RFP must be approved by the EERMC prior to issuance. The evaluation criteria and weight will be outlined in the RFP.
- b. Notices of RFPs shall be published in sufficient time to afford suppliers a fair opportunity to respond prior to the bid opening date and time.
- c. Evaluation and scoring of proposals shall be conducted by a technical review team as designated by the EERMC Chief Purchasing Officer.
- d. In the event that the split of available evaluation points between technical and cost components varies from the standard split contained within the approved RFP template, the EERMC Chief Purchasing Officer shall provide a justification memo to the EERMC at the time of selection recommendation.
- e. The EERMC Chief Purchasing Officer, or the technical review team through delegated authority from the EERMC Chief Purchasing Officer, will review RFPs and make a recommendation to the EERMC.
- f. The EERMC has final approval authority over the selection of an offeror and the execution of any resulting contracts.
- g. No contract will be executed until two (2) calendar weeks after the EERMC’s final selection of an offeror to provide an opportunity for the submission of timely bid protests provided that the EERMC may lessen this time period if it is in the best interest of the EERMC.

B. State of Rhode Island Master Price Agreements (MPAs) policies:

- a. The EERMC may make use of any current MPAs entered into between the State of Rhode Island and vendors of goods and services.
- b. The EERMC and any duly authorized agent thereof shall comply with all applicable rules and requirements specified in a MPA’s User Guide or other central document.
- c. Evaluation of proposals shall be conducted by the EERMC, or any duly authorized agent(s) thereof, in accordance with the MPA’s User Guide or other central document.

- d. The EERMC has final approval authority over the selection of a vendor and the execution of any resulting contracts.

C. Small Purchase (not exceeding \$5000) policies:

- a. Small purchases are purchases not exceeding \$5,000.
- b. Procurements shall not be artificially divided so as to constitute a small purchase under this section.
- c. Competitive bids shall not be required for purchase orders up to \$5000 in value if the prices are considered to be reasonable.
- d. Specific action to verify the reasonableness of a price shall be taken when it is suspected that the price may not be reasonable, e.g., comparison to previous price paid or personal knowledge of the item involved.
- e. When practicable, an effort shall be made so that purchase orders up to \$5000 in value shall be distributed equitably among suppliers. Quotations should be solicited from the previous supplier and other bidders prior to placing a repeat order so as to ensure equitable distribution and enhance competition. Additional bidders should be different from previously unsuccessful bidders.
- f. Bids shall only be solicited from vendors with the ability to complete the proposed scope of work. Evaluation of bids should be based solely on the total fixed price offered.
- g. The EERMC may delegate its final approval authority over the selection of a vendor and the execution of any resulting contracts for small purchases, subject to a majority vote of the EERMC at a regularly scheduled meeting.