



# **PROCUREMENT POLICIES AND PROCEDURES**

**BOARD OF DIRECTORS  
POLICY AND PROCEDURE No. BOD 014**

**APPROVED BY MIRA BOARD OF DIRECTORS  
EFFECTIVE NOVEMBER 20, 2014**

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# MATERIALS INNOVATION AND RECYCLING AUTHORITY PROCUREMENT POLICIES AND PROCEDURES

## 1. PREAMBLE

### 1.1 General Policy

It shall be the general policy and presumption of the MIRA that Contracts for the procurement of supplies, materials, equipment, property or services shall be entered into pursuant to a Competitive Process (as defined below in Section 2.2.3 of these Policies And Procedures). MIRA is an Equal Opportunity and Affirmative Action employer and does not discriminate in its contracting for the procurement of supplies, materials, equipment, property or services, or any other of its business practices. MIRA is committed to complying with the Americans With Disability Act of 1990 (ADA) and does not discriminate on the basis of disability in its contracting for the procurement of supplies, materials, equipment, property or services, or any other of its business practices. In accordance with the *Connecticut General Statutes* Section 32-9e et seq., MIRA must set aside certain amounts of its Contracts to small contractors and minority business enterprises, and, therefore, MIRA will strive to identify and contact small contractors and minority business enterprises in order to attempt to satisfy its statutory obligations. In its Contract selection process, MIRA shall, insofar as is practicable and assuming all things are comparable between price and quality, give preference to entities or persons based in Connecticut.

### 1.2 Benefit

The provisions of these Policies And Procedures are solely for the benefit of MIRA and its member municipalities.

### 1.3 Officials Not to Benefit

None of the following individuals shall have any interest in any MIRA Contract:

- (a) An official, employee, or immediate family member of an official or employee of the State of Connecticut;
- (b) Member, ad hoc member, or immediate family member of a member or an ad hoc member of the Board of Directors of MIRA, including any member's designee(s) or said designee's immediate family member; and
- (c) Employee or immediate family member of an employee of MIRA.

## 2. AUTHORITY, EFFECTIVENESS AND DEFINITIONS

### 2.1 Authority and Effectiveness

These Policies And Procedures are adopted pursuant to Section 22a-265(6), Section 22a-266(b) and (c) and Section 22a-268a of the Act and in accordance with Section 1-121 of the *Connecticut General Statutes*. These Policies And Procedures replace those adopted December 20, 1988, as amended, April 21, 1994, November 21, 2002 and January 22, 2004.

### 2.2 Definitions

Unless the context shall otherwise require, the following words and terms shall have the following meanings:

#### 2.2.1 “Act”

“Act” shall mean the Connecticut Solid Waste Management Services Act, Sections 22a-257 et seq. of the *Connecticut General Statutes*, as amended or supplemented.

#### 2.2.2 “Agreement”

“Agreement” shall mean a Contract that results from the Request for Qualifications process specified in Section 4.5.1, the Request for Proposals process specified in Section 4.5.2 or the Request for Bids process specified in Section 4.5.3 of the Policies And Procedures and for other goods and services where the procurement of the goods and services requires terms in addition to or different from the terms provided by the Purchase Order Form.

#### 2.2.3 “Board” or “Board of Directors”

“Board” or “Board of Directors” shall mean the Board of Directors of MIRA as constituted pursuant to Section 22a-261 of the Act.

#### 2.2.4 “Competitive Process”

“Competitive Process” shall mean a contracting process by which MIRA purchases or procures goods and services that requires vendors to compete against one another for the business of MIRA, as further described in Sections 4.1 through 4.7 of these Policies And Procedures and pursuant to Sections 22a-266(b) and 22a-268 of the Act.

#### 2.2.5 “Contract”

“Contract” shall mean a written agreement, in the form of an Agreement, Purchase Order Form (“PO”) or Request For Professional Or Technical Services (“RFS”), between MIRA and a designated vendor(s) pursuant to which the vendor agrees to provide goods and services to MIRA in conformance with the provisions

specified therein and wherein all of the provisions required by the *Connecticut General Statutes* for a contract are incorporated.

2.2.6 “DAS”

“DAS” shall mean the Department of Administrative Services as defined in Section 4a-1 of the *Connecticut General Statutes*, as amended or supplemented.

2.2.7 “DEEP”

“DEP” shall mean the Department of Energy and Environmental Protection as defined in the *Connecticut General Statutes*, as amended or supplemented.

2.2.8 “DOIT”

“DOIT” shall mean the Department of Information Technology as defined in Section 4d-2 of the *Connecticut General Statutes*, as amended or supplemented.

2.2.9 “DOT”

“DOT” shall mean the Department of Transportation as defined in the *Connecticut General Statutes*, as amended or supplemented.

2.2.10 “Emergency Situation”

“Emergency Situation” shall mean a situation whereby purchases are needed to remedy a situation that creates a threat to public health, welfare, safety or critical governmental or MIRA service or function. The existence of such a situation creates an immediate and serious need that cannot be met through the normal procurement methods and the lack of which would seriously threaten: (i) the health or safety of any person; (ii) the preservation or protection of property; (iii) the imminent and serious threat to the environment; or (iv) the functioning of MIRA. Any such situation shall be documented with written evidence of said situation.

2.2.11 “Facility”

“Facility” shall mean a Resources Recovery Facility, as defined in the Act.

2.2.12 “MIRA”

“MIRA” shall mean the Materials Innovation and Recycling Authority, as defined in the Act.

2.2.13 [Omitted]

2.2.14 “Person(s)”

“Person(s)” shall mean a natural person, corporation or other artificial person including, but not limited to, a partnership, association, or municipality.

#### 2.2.15 “Personal Services”

“Personal Services” shall mean services requiring specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.

#### 2.2.16 “Policies And Procedures”

“Policies And Procedures” shall mean the entire MIRA Procurement Policies And Procedures document that is addressed herein.

#### 2.2.17 “Procurement Committee”

“Procurement Committee” shall mean the committee as established by the Board responsible for developing these Policies And Procedures and implementing the same.

#### 2.2.18 “Public Notice”

“Public Notice” shall mean, at a minimum, posting of a notice of a Solicitation for goods and services on the MIRA web site and on the DAS State Contracting Portal. . The notice shall include a description of the purpose of the Solicitation and directions on how to respond to the Solicitation. Whenever practicable, the date of posting of a notice shall be at least thirty (30) days prior to the closing date for accepting responses to the notice. A good faith effort shall be exerted to aggressively solicit the participation of minority and women-owned businesses in all Solicitations.

#### 2.2.19 “Purchase Order Form” or “PO”

“Purchase Order Form” or “PO” shall mean the standard MIRA Purchase Order Form, as approved and authorized by use by the Chief Financial Officer, which may be revised from time-to-time by the Chief Financial Officer. Purchase Order Forms may be used as provided in Sections 3 and 4 of these Policies And Procedures.

#### 2.2.20 “Real Property Purchase”

“Real Property Purchase” shall refer to the purchase of real property as referred to in Section 22a-265(10) of the Act.

#### 2.2.21 “Request for Bid” or “RFB”

“Request for Bid” or “RFB” shall mean the process as described in Section 4.5.3 of these Policies And Procedures by which MIRA procures goods or services. Each RFB shall include, but not be limited to, a detailed description of the specific goods, services, jobs, or tasks requested which will contain exact specifications, the required minimum qualifications, criteria for review of bids, and the deadline for submitting bids. In the foregoing RFB process, MIRA may negotiate any terms submitted by the bidders in the RFB process.



#### 2.2.22 “Request for Proposal” or “RFP”

“Request for Proposal” or “RFP” shall mean the process as described in Section 4.5.2 of these Policies And Procedures by which MIRA procures goods or services. Each RFP shall include, but not be limited to, an outline of the work to be performed, the required minimum qualifications, criteria for review of proposals, the format for proposals and the deadline for submitting proposals. In the foregoing RFP process, MIRA may negotiate any terms submitted by the proposers in the RFP process.

#### 2.2.23 “Request for Qualification” or “RFQ”

“Request for Qualification” or “RFQ” shall mean the process by which MIRA identifies persons to perform services on behalf of, or to provide goods to, MIRA through the solicitation of qualifications, experience, prices and such other matters as MIRA determines may bear on the ability to perform services as set forth in more detail in Section 4.5.1 of these Policies And Procedures.

#### 2.2.24 “Request for Professional and Technical Services” or “RFS”

“Request for Professional and Technical Services” or “RFS” shall mean a Contract through which MIRA procures specific professional and/or technical services within an existing Contract, as set forth in Section 4.5.1 of these Policies And Procedures, from those firms selected through the Request for Qualification process.

#### 2.2.25 “Small Purchase”

“Small Purchase” shall mean a purchase of goods and services equal to or less than \$2,500 per year. Contracts may not be split in amount or duration in order to evade the intent of the Act or these Policies And Procedures.

#### 2.2.26 “Solicitation”

“Solicitation” shall mean that step in the Competitive Process in which bids, proposals and other responses are requested from potential suppliers of the goods and services that are the subject of a particular Competitive Process.

### **3. GENERAL GUIDELINES FOR CONTRACTS**

The following general guidelines will apply to all Contracts to purchase goods, property or services entered into by MIRA.

#### **3.1 Presumption of Competitive Process**

##### 3.1.1 Presumption

There shall be a presumption that Contracts entered into by MIRA shall be pursuant to a Competitive Process as referred to in Sections 4.1 through 4.7 of

these Policies And Procedures, and shall be approved by a two-thirds (2/3) vote of the full Board of Directors if in excess of \$50,000 per Fiscal Year. Contracts may not be split in amount or duration in order to evade the intent of the Act or these Policies And Procedures.

### 3.1.2 Exceptions

Notwithstanding the provisions of Section 3.1.1 above, procurements may be conducted without utilizing a Competitive Process in the following limited circumstances:

- 3.1.2.1 Emergency Situations as determined by the President, Chairman or their respective designee(s);
- 3.1.2.2 Procurements under a DAS, DEP, DOT, DOIT, or any other governmental agency agreement;
- 3.1.2.3 Goods or services for which the contractor has proprietary, patent or intellectual property rights;
- 3.1.2.4 Goods or services that are to be provided by a contractor who is mandated by the general statutes or a public or special act, as documented by MIRA;
- 3.1.2.5 Goods or services provided by a contractor who has special capability or unique experience, as determined by the Chief Financial Officer and the President if the cost of the goods or services is \$10,000 or less and as determined by a two-thirds (2/3) vote of the full MIRA Board of Directors if the cost of the goods or services is more than \$10,000;
- 3.1.2.6 Real property acquisitions covered in Section 5.1 of these Policies And Procedures;
- 3.1.2.7 Contractual arrangement with or procurement from a contractor as part of a settlement of a threatened or pending litigation, arbitration or mediation between such contractor and MIRA, as approved by a two-thirds (2/3) vote of the full Board;
- 3.1.2.8 Small purchases, subject to the restrictions specified in Section 3.1.4 of the Policies And Procedures;
- 3.1.2.9 Goods or services for which a competitive market does not exist, including, but not limited to, utility services (e.g., electricity and sewer service); and
- 3.1.2.10 Obligations incurred pursuant to the CSWS Municipal Services Agreements (“MSAs”) or to a municipality pursuant to a payment-in-lieu-of-taxes (“PILOT”) agreement, or other similar agreement. However, when applicable and appropriate, the Competitive Process

shall be used to obtain services that are required under the foregoing MSAs and/or PILOTs.

### 3.1.3 Making and Reporting an Exception

The determination that a procurement will not be conducted pursuant to a Competitive Process because it falls within an exception as set forth in Section 3.1.2 above shall be made by the President or Chairman of MIRA and reported thereafter to the Procurement Committee and the Board as soon as practicable, except that a determination of an Emergency Situation will be made as provided in Section 5.10 of these Policies And Procedures.

### 3.1.4 Restrictions on the Use of the Small Purchase Exception

Small purchases are excepted from the requirement to use a Competitive Process if the purchase is approved by the Chief Financial Officer or the President. If the small purchase exception provided in Section 3.1.2.8 above is used for a particular vendor for a particular good or service for three consecutive years and that vendor is the sole provider to MIRA of the good or service, a Competitive Process shall be utilized to procure that good or service for the fourth year.

## 3.2 Approval of Certain Contracts

Any Contract for a period of over five (5) years in duration or a Contract for which the annual consideration is greater than \$50,000 as set forth in Section 22a-268 of the Act shall be approved by a two-thirds (2/3) vote of MIRA's full Board of Directors.

## 3.3 Non-Budgeted Expenditures

Notwithstanding anything to the contrary set forth in these Policies And Procedures and pursuant to Section 22a-268a(3) of the *Connecticut General Statutes*, any non-budgeted expenditure in excess of \$5,000 for the acquisition of real or personal property or Personal Services shall require MIRA Board approval.

## 3.4 Best Interests of Served Entity

Notwithstanding anything to the contrary set forth in these Policies And Procedures, pursuant to Section 22a-266(b) of the Act, Contracts for Resources Recovery Facilities, Solid Waste Facilities, Volume Reduction Plants or Solid Waste Management Systems, as such terms are defined in the Act, shall contain prices and terms deemed by MIRA to be in the best interests of the municipality or region to be served pursuant to such Contracts.

## 3.5 MIRA Control

Any Contract with private sector entities or persons to carry out the business, design, operating, management, marketing, planning and research and development functions of MIRA shall contain terms and conditions that will enable MIRA to retain overall supervision and control of the business, design, operating, management, transportation, marketing, planning and research and development functions to be carried out or to be performed by such private persons pursuant to such Contract.

### **3.6 Basis, Limitations and Considerations**

Any Contracts entered into pursuant to Section 22a-266 of the Act shall be entered into by MIRA on the same basis and subject to the same limitations and considerations applicable to municipal and regional resources recovery authorities pursuant to subsection (c) of Section 7-273bb of the *Connecticut General Statutes* and these Policies And Procedures.

### **3.7 Long-Term Contracts**

Whenever a long-term Contract is entered into on other than a competitive bidding basis, the criteria and procedures for said long-term Contract shall conform to the provisions of subdivision (16) of subsection (a) and subsections (b) and (c) of section 22a-266 of the Act.

### **3.8 Purchase Order Form**

#### **3.8.1 Use of the Purchase Order Form**

A Purchase Order Form shall be used for all purchases of goods and services by MIRA. Provided that the Purchase Order Form conforms to all of the statutory requirements for a Contract and has been approved for use as a Contract by MIRA Legal Services Division, the Purchase Order Form may serve as the sole Contract document for the purchase of goods of services. However, if the Purchase Order Form is used in conjunction with an Agreement and/or an RFS, the Purchase Order Form, the Agreement and/or the RFS shall contain language to ensure that there is not a conflict among the provisions of the foregoing legal documents.

#### **3.8.2 Purchases Pursuant to an RFQ, RFP or RFB Process**

For the purchase of goods and services for which the Request for Qualifications process specified in Section 4.5.1, the Request for Proposals process specified in Section 4.5.2 or the Request for Bids process specified in Section 4.5.3 has been used and an Agreement or RFS has been entered into, a Purchase Order Form for the entire amount to be expended under the Agreement or RFS during a Fiscal Year as specified in the Agreement or RFS and the approved budget, and not exceeding the amount specified in the Agreement or RFS and the budget, may be used for all purchases under the Agreement or RFS for that Fiscal Year. When the Board of Directors has duly approved an Agreement or an RFS under an Agreement, additional Board of Directors approval is not required for the Purchase Order Form covering purchases under the Agreement or RFS.

## **4. COMPETITIVE PROCESS**

### **4.1 Competitive Process**

#### **4.1.1 General Obligation**

Except as provided in Sections 3.1.2.1 through 3.1.2.10 above, or in connection with a Real Property Purchase as provided in Section 5.1 of these Policies and

Procedures, Contracts for the procurement of supplies, goods, materials, equipment, property or services by MIRA shall be entered into pursuant to a Competitive Process as detailed below and determined by MIRA.

#### 4.1.2 Multiple Purchases of a Good or Service in the Same Fiscal Year

For the purchase of goods and/or services costing \$50,000 or less and for Contracts less than three years in length, the Competitive Process specified in Sections 4.2 (for purchases of \$5,000 or less), 4.3 (for purchases of more than \$5,000, but less than or equal to \$25,000), or 4.4 (for purchases of more than \$25,000, but less than or equal to \$50,000) must be followed for the first purchase of a particular good(s) or service(s) in a Fiscal Year. Subject to the provisions of Section 4.1.3, for subsequent purchases of the same good(s) or service(s) during the same Fiscal Year, the results of the first solicitation may be used rather than undertaking a new Competitive Process for each subsequent purchase within that Fiscal Year. Contracts may not be split in amount or duration in order to evade the intent of the Act or these Policies And Procedures. This Section shall not apply to professional or technical services as specified in Section 5.3 or to purchases of more than \$50,000 as specified in Section 4.5.

#### 4.1.3 Multiple Contracts with One Vendor During the Same Fiscal Year

##### 4.1.3.1 Selecting the Competitive Process to Be Followed

##### 4.1.3.1.1 Conditions

If all of the following conditions have been met, the requirements of Section 4.1.3.1.2 shall apply:

- (a) MIRA has entered into a Contract with a vendor for goods or services during a Fiscal Year;
- (b) A subsequent Contract is proposed with the same vendor for the same good(s) or service(s) in the same Fiscal Year;
- (c) None of the Contracts individually is in excess of \$50,000 per Fiscal Year;
- (d) None of the Contracts are for professional or technical services as specified in Section 5.3; and
- (e) The cumulative value of the Contracts would exceed the upper limit imposed by Sections 4.2 (\$5,000), 4.3 (\$25,000) or 4.4 (\$50,000).

##### 4.1.3.1.2 The Competitive Process to Be Followed

If all of the conditions specified in Section 4.1.3.1.1 have been met, the Competitive Process to be followed for the subsequent Contract shall be the Competitive Process corresponding to the total amount that would be expended for the good(s) or service(s) from the vendor, including purchases under the subsequent Contract. Contracts may not be split in amount or duration in order to evade the intent of the Act or these Policies And Procedures.

#### 4.1.3.2 Board Report

##### 4.1.3.2.1 Conditions

If all of the following conditions have been met, the requirements of Section 4.1.3.2.2 shall apply:

- (a) MIRA has entered into a Contract with a vendor for goods or services during a Fiscal Year;
- (b) MIRA enters into a subsequent Contract with the same vendor for the same good(s) or service(s) in the same Fiscal Year;
- (c) None of the Contracts individually is in excess of \$50,000 per Fiscal Year; and
- (d) The cumulative value of the Contracts exceeds \$50,000 in the Fiscal Year.

##### 4.1.3.2.2 Report to Be Submitted

If all of the conditions specified in Section 4.1.3.2.1 have been met, a report shall be submitted to the appropriate committee(s) of the Board of Directors documenting the multiple Contracts and expenditures thereunder. Board of Directors approval is not required for the initial or subsequent Contracts in a Fiscal Year when all of the conditions specified in Section 4.1.2.2.1 have been met. Contracts may not be split in amount or duration in order to evade the intent of the Act or the Policies And Procedures. This Section shall not apply to professional or technical services as specified in Section 5.3.

#### 4.1.4 Multiple RFSS with One Service Provider During the Same Fiscal Year

##### 4.1.4.1 Conditions

If all of the following conditions have been met, the requirements of Section 4.1.4.2 shall apply:

- (a) MIRA has entered into an RFS pursuant to Section 4.5.1 for services during a Fiscal Year;
- (b) MIRA enters into a subsequent RFS with the same service provider for the same or other services in the same Fiscal Year;
- (c) Either
  - (1) None of the RFSs individually is in excess of \$50,000 per Fiscal Year; or
  - (2) All of the RFSs individually in excess of \$50,000 have received Board approval;
- (d) The cumulative value of all of the RFSs which have not received Board approval exceeds \$50,000 in the Fiscal Year.

#### 4.1.4.2 Report to Be Submitted

If all of the conditions specified in Section 4.1.4.1 have been met, a report shall be submitted to the appropriate committee(s) of the Board of Directors documenting the multiple RFSs and expenditures thereunder. Board of Directors approval is not required for the initial or subsequent RFSs in a Fiscal Year when all of the conditions specified above are met. RFSs may not be split in amount or duration in order to evade the intent of the Act or the Policies And Procedures.

## 4.2 Purchases of \$5,000 or Less

### 4.2.1 Process

If a good-faith estimate of the value of goods and services to be purchased is \$5,000 or less per Fiscal Year and for which the exception from the Competitive Process for Small Purchases in Section 3.1.2.8 has not been used, at least three potential suppliers shall be solicited for bids. The Solicitation may be made verbally (e.g., by telephone) and the bids may be submitted by vendors verbally (e.g., by telephone). If a vendor submits a bid verbally, MIRA shall send to the vendor a written notice specifying the amount of its bid (See [Form F&A 265.5](#)). Public Notice of the Solicitation is not required. However, if Public Notice of the Solicitation is made, such Public Notice shall satisfy the requirement of soliciting at least three potential suppliers.

#### 4.2.2 Government Approved Vendors

Notwithstanding the requirements of Section 4.2.1 above, goods and services costing \$5,000 or less per Fiscal Year may be purchased from a vendor approved by DAS, DEP, DOT, DOIT, or any other governmental or cooperative agency arrangement under the terms of said DAS, DEP, DOT, DOIT, or any other governmental or cooperative agency arrangement, in lieu of any of the other requirements of the Competitive Process.

#### 4.2.3 Approval

Any purchase of goods and services costing \$5,000 or less per Fiscal Year pursuant to Sections 4.2.1 and 4.2.2 above requires the approval of the head of the MIRA division for which the goods and services are being purchased or his/her assigned proxy.

### **4.3 Purchases of More Than \$5,000, But Less Than or Equal To \$25,000**

#### 4.3.1 Process

If a good-faith estimate of the value of goods and services to be purchased is more than \$5,000, but less than or equal to \$25,000 per Fiscal Year, at least three potential suppliers shall be solicited for bids. The Solicitation must be made in written form and the bids must be submitted by vendors in written form. Public Notice of the Solicitation is not required. However, if Public Notice of the Solicitation is made, such Public Notice shall satisfy the requirement of soliciting at least three potential suppliers.

#### 4.3.2 Government Approved Vendors

Notwithstanding the requirements of Section 4.3.1 above, goods and services costing more than \$5,000, but less than or equal to \$25,000 per Fiscal Year may be purchased from a contractor approved by DAS, DEP, DOT, DOIT, or any other governmental or cooperative agency arrangement under the terms of said DAS, DEP, DOT, DOIT, or other governmental or cooperative agency arrangement, in lieu of any of the other requirements of the Competitive Process.

#### 4.3.3 Approval

Any purchase of goods and services costing more than \$5,000, but less than \$25,000 per Fiscal Year pursuant to Sections 4.3.1 and 4.3.2 above requires the approval of the head of the MIRA division for which the goods and services are being purchased and the Chief Financial Officer or the President. Any non-budgeted expenditure in excess of \$5,000 for acquiring real or personal property or Personal Services shall require MIRA Board approval.



#### **4.4 Purchases of More Than \$25,000, But Less Than or Equal To \$50,000**

##### **4.4.1 Process**

If a good-faith estimate of the value of goods and services to be purchased is more than \$25,000, but less than or equal to \$50,000 per Fiscal Year, at least three potential suppliers shall be solicited for bids. The Solicitation must be made in written form and the bids must be submitted by vendors in written form. Public Notice of the Solicitation is not required. However, if Public Notice of the Solicitation is made, such Public Notice shall satisfy the requirement of soliciting at least three potential suppliers. Nothing in the Policies And Procedures shall prohibit the use of the Request for Bids process specified in Section 4.5.3 or the Request for Proposals process specified in Section 4.5.2 for the purchase of goods and services costing more than \$25,000, but less than or equal to \$50,000 per Fiscal Year.

##### **4.4.2 Government Approved Vendors**

Notwithstanding the requirements of Section 4.4.1 above, goods and services costing more than \$25,000, but less than or equal to \$50,000 per Fiscal Year may be purchased from a contractor approved by DAS, DEP, DOT, DOIT, or any other governmental or cooperative agency arrangement under the terms of said DAS, DEP, DOT, DOIT, or other governmental or cooperative agency arrangement, in lieu of any of the other requirements of the Competitive Process.

##### **4.4.3 Approval**

Any purchase of goods and services costing more than \$25,000, but less than \$50,000 per Fiscal Year pursuant to Sections 4.4.1 and 4.4.2 above requires the approval of the head of the MIRA division for which the goods and services are being purchased, the Chief Financial Officer and the President. Any non-budgeted expenditure in excess of \$5,000 for acquiring real or personal property or Personal Services shall require MIRA Board approval.

#### **4.5 Purchases of More Than \$50,000**

For the purchase of goods and services costing more than \$50,000 per Fiscal Year, the Competitive Process shall be utilized and Public Notice of the Solicitation is required. Pursuant to Section 3.2 of the Policies And Procedures, any Contract for a period of over five (5) years in duration or a Contract for which the annual consideration is greater than \$50,000 requires approval by a two-thirds (2/3) vote of MIRA's full Board of Directors. Pursuant to Section 3.3 of the Policies and Procedures, any non-budgeted expenditure in excess of \$5,000 for the acquisition of real or personal property or Personal Services shall require MIRA Board approval.

## 4.5.1 Requests for Qualification (“RFQ”)

### 4.5.1.1 Invitation to Submit Qualifications

Subject to the provisions of Section 5.3, MIRA shall invite interest by Public Notice, and, at MIRA’s sole discretion, publication of the notice of solicitation in one or more trade papers or journals and/or by such other means, such as direct solicitation, that shall produce a good response to the invitation and allow small and/or minority contractors to apply. Normally the RFQ process should be used for professional type services [e.g., legal or engineering]. The Request for Qualification shall solicit the qualifications, experience, prices, terms and such other matters as MIRA determines may bear on the ability to perform. At MIRA’s option, sessions for informational purposes may be held between the date of the last publication of the notice of the solicitation and the closing date for accepting responses to the solicitation. MIRA shall have the right to negotiate with bidders over the terms, prices or rates submitted by the bidder in the RFQ invitation. The Procurement Committee or other committee of cognizance shall identify person(s) to evaluate the qualifications submitted in response to Requests for Qualifications concerning the selection of auditors, legal counsel, underwriters and any other matters the Board or any of the Board’s committees reserve for themselves. The President shall identify person(s) to evaluate the qualifications submitted in response to Requests for Qualifications for all other matters. When the President has identified the persons to evaluate qualifications submitted in response to a RFQ and if the contract(s), if any, resulting from the RFQ requires Board approval, the President shall identify such persons in the documentation submitted to the Board requesting the Board’s approval of such contract(s).

### 4.5.1.2 Selection of Firms to Make Oral Presentation

On the basis of the written qualifications submitted, a limited number of firms may be selected to make oral presentations to MIRA. Such selection shall be in the sole discretion of MIRA.

### 4.5.1.3 Selection of Firms for On-Call List

From the firms that submit the written qualifications, the Board shall select firm(s) to constitute an On-Call List. To be on the On-Call List, selected firms must execute services Agreements with MIRA. MIRA may request services from firms on the On-Call List to be provided to MIRA. However, MIRA does not guarantee any work for a firm that is on the On-Call List and has signed a service Agreement with MIRA.

#### 4.5.1.4 Request for Professional and Technical Services or RFS

After completing the RFQ process above, MIRA may determine in its sole and absolute discretion, to engage the services of any one or more professional or technical services provider(s) qualified through the RFQ process. Prices for said services shall be based upon the rates/prices submitted in the RFQ submission or prices negotiated pursuant to Section 4.5.1.1.

#### 4.5.2 Request for Proposals “RFP”

##### 4.5.2.1 RFP Process

MIRA may determine to engage the services of a private sector entity or Person to provide MIRA goods or services. Normally the RFP process should be used where the bidder provides MIRA some insight or plans in its bid, and all bidders are not necessarily of comparable or equal quality. Each Request for Proposal shall include, but not be limited to, a description of the work that MIRA wants to be performed by the Proposer for this RFP [but it may not necessarily contain the exact specifications], the required minimum qualifications, criteria for review of proposals, the format for proposals and the deadline for submitting proposals. After MIRA obtains proposals for a RFP solicitation, MIRA may negotiate any of the terms of said RFP. The Procurement Committee or other committee of cognizance shall identify person(s) to evaluate the proposals submitted in response to Requests for Proposals concerning the selection of auditors, legal counsel, underwriters and any other matters the Board or any of the Board’s committees reserve for themselves. The President shall identify person(s) to evaluate the proposals submitted in response to Requests for Proposals for all other matters. When the President has identified the persons to evaluate proposals submitted in response to a RFP and if the contract(s), if any, resulting from the RFP requires Board approval, the President shall identify such persons in the documentation submitted to the Board requesting the Board’s approval of such contract(s).

##### 4.5.2.2 Request for Additional Services

After completing the RFP process above and executing an Agreement with the successful bidder, MIRA may determine, in its sole and absolute discretion, it needs to engage the successful bidder for additional services related to but beyond the original scope of the RFP. Such a request for additional services shall be negotiated with the successful bidder and, if possible, based upon the rates/prices submitted in the RFP submission or prices negotiated pursuant to Section 4.5.2.1 above. Any such request for additional services must adhere to the

approval process for Contracts outlined in these Policies And Procedures.

#### 4.5.3 Request for Bids or “RFB”

##### 4.5.3.1 RFB Process

MIRA may determine to engage the services of a private sector entity or Person to provide MIRA goods or services. Normally the RFB process should be used where the primary criterion for MIRA is the price for common or everyday goods or services, and all bidders are of comparable or equal quality. Each Request for Bids or RFB shall include, but not be limited to, a detailed description of the specific goods, services, jobs, or tasks requested which will contain exact specifications, the required minimum qualifications, criteria for review of bids, and the deadline for submitting bids. In the foregoing RFB process, MIRA may negotiate any terms submitted by the lowest responsive bidder in the RFB process. The Procurement Committee or other committee of cognizance shall identify person(s) to evaluate the bids submitted in response to Requests for Bids concerning the selection of auditors, legal counsel, underwriters and any other matters the Board or any of the Board’s committees reserve for themselves. The President shall identify person(s) to evaluate the bids submitted in response to Requests for Bids for all other matters. When the President has identified the persons to evaluate bids submitted in response to a RFB and if the contract(s), if any, resulting from the RFB requires Board approval, the President shall identify such persons in the documentation submitted to the Board requesting the Board’s approval of such contract(s).

##### 4.5.3.2 Request for Additional Services

After completing the RFB process above and executing an Agreement with the successful bidder, MIRA may determine, in its sole and absolute discretion, it needs to engage the successful bidder for additional services related to but beyond the original scope of the RFB. Such a request for additional services shall be negotiated with the successful bidder and, if possible, based upon the rates/prices submitted in the RFB submission or prices negotiated pursuant to Section 4.5.3.1 above. Any such request for additional services must adhere to the approval process for Contracts outlined in these Policies And Procedures.

#### 4.6 Rejection of Proposal

In connection with Sections 4.1 through 4.5, all submitted bids and proposals may be rejected by MIRA.

#### **4.7 Award of Contract**

In connection with Sections 4.1 through 4.6, MIRA shall select the bidder(s) or contractor(s) deemed to have submitted the most responsive qualified bid(s) or proposal(s), and is deemed in the best interest of MIRA. Contracts greater than \$50,000.00 herein shall be deemed approved by the Board if two-thirds (2/3) of the full Board approves a Contract. As soon as is practicable, MIRA and the selected bidder(s) or contractor(s) shall finalize the Contract(s) embodying the bidder's(s') or contractor's(s') bid(s) or proposal(s). The final Contract shall be deemed awarded to the selected bidder or contractor upon actual execution of the Contract. In its selection of the most responsive bid(s), MIRA may consider, at its sole discretion, some or all of the following selection criteria:

- (a) The quality, availability, adaptability, and efficiency of use of the products and services to the particular use required;
- (b) The degree to which the provided products and services meet the specified needs of MIRA, including consideration, when appropriate, of the compatibility with and ease of integration with existing products, services, or systems;
- (c) The number, scope, and significance of required conditions or exceptions attached or contained in the bid and the terms of warranties, guarantees, bonds, return policies, and insurance provisions;
- (d) Whether the contractor can supply the product or service promptly, or within the specified time, without delay or additional conditions;
- (e) The competitiveness and reasonableness of the total cost or price, including consideration of the total life-cycle cost and any operational costs that are incurred if accepted;
- (f) A cost analysis or a price analysis including the specific elements of costs, the appropriate verification of cost or pricing data, the necessity of certain costs, the reasonableness of amounts estimated for the necessary costs, the reasonableness of allowances for contingencies, the basis used for allocation of indirect costs, and the appropriateness of allocations of particular indirect costs to the proposed contract;
- (g) A price analysis involving an evaluation of prices for the same or similar products or services. Price analysis criteria include, but are not limited to: price submissions of prospective contractors in the current procurement, prior price quotations and contract prices charged by the vendor, prices published in catalogues or price lists, prices available on the open market, and in-house estimates of cost;
- (h) Whether or not the contractor can supply the product or perform the service at the price offered;

- (i) The ability, capacity, experience, skill, and judgment of the contractor to perform the contract;
- (j) The reputation, character and integrity of the contractor;
- (k) The quality of performance on previous contracts or services to MIRA or others;
- (l) The previous and existing compliance by the contractor with laws and ordinances or previous performance relating to the contract or service, or on other contracts with MIRA or other entities;
- (m) The sufficiency, stability, and future solvency of the financial resources of the contractor; and
- (n) The ability of the contractor to provide future maintenance and service for the use of the products or services subject to the contract.

## **5. GUIDELINES FOR PARTICULAR CONTRACTS**

Subject to the provisions of Sections 3 and 4 of these Policies And Procedures, the following specific types of goods, property and services may be acquired in accordance with the specific procedures outlined in Sections 5.1 through 5.13.

### **5.1 Real Property Acquisition**

#### **5.1.1 Acquisition Process**

Pursuant to the Act, MIRA may purchase real property. Whenever practicable, property will be acquired from a public or regulated entity, but the foregoing Competitive Process does not apply to a real property acquisition.

#### **5.1.2 Appraisals**

No real property shall be purchased by MIRA without at least two (2) written appraisals.

5.1.2.1 The appraisers shall be selected on the basis of knowledge of the area and expertise in appraising the type of property under consideration and in accordance with Section 4.5.2 of these Policies And Procedures.

5.1.2.2 The appraisers shall provide factual data concerning the property to be appraised including, but not limited to, market data, highest and best use, methodology to be applied, complete legal description, justification for time adjustments with supporting data and final conclusions.

#### **5.1.3 Board Approval**

The acquisition of real property shall be authorized by a two-thirds (2/3) vote of the full Board of Directors based upon the written appraisals of the real property

obtained pursuant to Section 5.1.2. The Board may also direct the President or Chairman to negotiate an option to purchase the property, subject to such conditions as the Board deems appropriate.

#### 5.1.4 Negotiations

In the event the owner does not agree to the offered price, if the owner secures a written appraisal from an expert appraiser, the Board may authorize the President or Chairman to continue negotiations recognizing the owner's appraisal.

#### 5.1.5 Notification of Town

Prior to the purchase of any real property, the President or Chairman shall notify in writing the Chief Executive Officer of the town in which the property is located.

#### 5.1.6 Condemnation

In the event an agreement cannot be reached for the acquisition of the property based on the appraisals, the President or Chairman, with the approval of the Board, can pursue condemnation of the property in accordance with the Act.

### **5.2 Sale of Real Property**

#### 5.2.1 Sale Process

Pursuant to the Act, MIRA may sell real property, but the Competitive Process does not apply to the sale of real property. Whenever practicable, property will be sold to a public or regulated entity.

#### 5.2.2 Appraisals

No real property shall be sold by MIRA without at least two (2) written appraisals.

5.2.2.1 The appraisers shall be selected on the basis of knowledge of the area and expertise in appraising the type of property under consideration and in accordance with Section 4.5.2 of these Policies And Procedures.

5.2.2.2 The appraisers shall provide factual data concerning the property to be appraised including, but not limited to, market data, highest and best use, methodology to be applied, complete legal description, justification for time adjustments with supporting data and final conclusions.

#### 5.2.3 Board Approval

The sale of real property shall be authorized by a two-thirds (2/3) vote of the full Board of Directors based upon the written appraisals of the real property obtained pursuant to Section 5.2.2.

#### 5.2.4 Notification of Town

Prior to the sale of any real property, the President or Chairman shall notify in writing the Chief Executive Officer of the town in which the property is located.

### 5.3 Professional or Technical Services

#### 5.3.1 Definition

Professional or Technical Services include, but are not limited to, legal, accounting, insurance brokerage, surety bonding, executive recruitment, auditing, architectural, engineering, public relations, financial advisory, management consulting, bond underwriting, system management, facilities management, telecommunications, security and lease services.

#### 5.3.2 Board Approval

All Contracts, including, but not limited to, Agreements and RFSs, for such services in excess of \$50,000 per year shall be approved by a two-thirds (2/3) vote of MIRA's full Board of Directors. Contracts for such services may not be split in amount or duration in order to evade the intent of the Act.

#### 5.3.3 Competitive Process

Such services shall be procured through a Competitive Process as referred to in Section 4.5.1 of these Policies And Procedures.

#### 5.3.4 Submission of Rates

As part of the Request for Qualifications and RFS process, such service providers shall commit to provide services at specified rates for the duration of the qualification period or any particular Agreement awarded.

#### 5.3.5 Solicitation Frequency

Notwithstanding anything to the contrary set forth in this Section 5.3, MIRA shall solicit proposals at least once every three (3) years for each such professional services which it uses.

### 5.4 Waste Handling, Processing and Storage Equipment

Waste Handling, Processing and Storage Equipment include, but are not limited to, equipment, fixtures or systems relating to solid waste handling and processing such as scales, storage, silos, shredders, cranes, conveyors, loaders, electrical and mechanical controllers, or similar equipment. All Contracts for such equipment in excess of \$50,000 shall be approved by a two-thirds (2/3) vote of the full Board of Directors. Such equipment shall be procured through a RFB Contract. Contracts may not be split in amount or duration in order to evade the intent of the Act.



## **5.5 Transfer Stations and Transportation**

In procuring services with respect to the establishment, management and operation of transfer stations and the transportation of solid wastes therefrom to a Solid Waste Facility, as defined in the Act, MIRA shall, insofar as is practicable and assuming all things are comparable between price and quality, give preference to entities or persons based in Connecticut. All Contracts for such services in excess of \$50,000 per year shall be approved by a two-thirds (2/3) vote of the full Board of Directors. Such services shall be procured through an RFP or RFB Contract. Contracts may not be split in amount or duration in order to evade the intent of this section.

## **5.6 Facility Management**

In accordance with *Connecticut General Statutes* Section 22a-266(c), facility management Contracts shall be procured through a Competitive Process subject to the provisions of Section 4.5.2 of these Policies And Procedures as applicable. All Contracts for such services in excess of \$50,000 per year shall be approved by a two-thirds (2/3) vote of the full Board of Directors.

## **5.7 Construction Contracts**

Except as permitted by Section 3, construction Contracts shall be procured through a RFB (Section 4.5.3) or RFP (Section 4.5.2) Competitive Process. However, MIRA may utilize a pre-qualification RFQ process to pre-qualify bidders for complicated construction projects. MIRA shall have the right to negotiate with bidders over the prices or rates submitted by the bidder in the RFQ invitation. For construction Contracts with a total value of One Million (\$1,000,000.00) Dollars or more, MIRA shall require that Two (2%) Percent of the total value of the construction Contract be held back from payment to the contractor until one year expires from the date the construction project is accepted in whole by MIRA.

## **5.8 Waste Hauling/Disposal and Daily Cover Contracts**

Waste Hauling/Disposal and landfill cover Contracts shall be procured through a Competitive Process.

## **5.9 Authorization of Change Orders, RFSs and Amendments**

Any change order, RFS, or similar amendment to any Contract previously authorized pursuant to these Policies And Procedures may be authorized and executed on behalf of MIRA by its President or Chairman, or by another officer of MIRA duly designated by the Board; provided, however, that any such change order or similar amendment which, either alone or together with all other such change orders or similar amendments to such Contract, exceeds \$50,000 over the original contract price, shall be prior authorized only by the two-thirds (2/3) vote of the full Board.

## **5.10 Emergency Procurements**

In the event of an Emergency Situation as defined herein, the procedures for pre-approval of Contracts in these Policies And Procedures by the Board do not apply. When the

President, Chairman, or their designee determines that an Emergency Situation has occurred, the President, Chairman, or their designee is authorized to enter into a Contract under either a competitive or sole source basis, in such amount and of such duration as the President, Chairman, or their designee determines shall be necessary to eliminate the Emergency Situation. Such Emergency Situation contract(s) for cost of the goods or services in excess of \$10,000, with written evidence of said Emergency Situation, shall be presented to the Board for ratification as soon as practicable following the execution of the Contract. The Board shall ratify such emergency Contract unless it is determined that under no circumstances would a reasonable person believe that an Emergency Situation existed.

### **5.11 Market Driven Purchases and Sales**

Recognizing MIRA operates in an industry that has market driven goods and services, MIRA needs to purchase and sell certain goods or services in a short time-period in order to optimize prices and/or revenue to MIRA. Examples of such market driven goods and services include, but are not limited to, the following: the acquisition of cover soil for landfills; the sale of glass, plastic, paper, cardboard, newspaper, and metals; and the procurement of waste export and diversion services from time to time due to excess deliveries and/or unscheduled outages. MIRA may utilize an expedited purchase or sale procedure for market driven goods and services but MIRA must strive to get the most price quotes as are practicable without jeopardizing the prices or revenue to MIRA. Recognizing the intent of these Policies And Procedures is to have a Competitive Process for all goods and services, this section should be limited in its use and used only when absolutely necessary. When MIRA determines such a market driven purchase or sale is necessary, MIRA shall utilize the provisions of this section but report to the Board the market driven transaction as soon as is practicable and obtain Board approval if such approval is necessary.

### **5.12 Disposition of MIRA Personal Property**

If MIRA desires to dispose of any piece of its personal property that has a fair market value of One Thousand (\$1,000.00) Dollars or greater, MIRA shall dispose of any such piece of personal property through a Competitive Process that conforms to the intent of the Act and these Policies And Procedures.

### **5.13 Information Technology Software and Related Software Support Services**

Information technology software and related software support services that require significant initial investment and for which a change in the software provider would result in significant costs to MIRA in addition to the cost of a procurement process are not “professional services” pursuant to Section 22a-268a (4) (ii) of the *Connecticut General Statutes* or Section 5.3.5 of these Policies And Procedures and, therefore, MIRA is not required to solicit proposals for such software and related software support services at least once every three years. Such software and related software support services include, but are not limited to, payroll, accounting and internet access software and related software support services. For such software and related software support services, MIRA shall undertake a review of the competitive market at least once every three years to determine

whether or not there are options available that would justify a competitive process for the procurement of the Information Technology software and related software support services and shall provide a report of such review to the appropriate committee(s) of the MIRA Board of Directors. If such options are available, MIRA shall undertake a competitive process to procure the Information Technology software and related software support services.

## **6. MISCELLANEOUS**

### **6.1 Method of Contracting of Projects**

#### **6.1.1 Splitting Projects and Contracts**

MIRA may enter into one comprehensive Contract for the management or operation of a MIRA Project or MIRA may divide a MIRA Project into any number of separate and distinct Contracts to manage or operate the MIRA Project. Whenever a MIRA Project is divided into more than one Contract, each Contract shall be treated as an independent Contract for purposes of these Policies And Procedures. Contracts to operate or manage a MIRA Project may not be split in amount or duration in order to evade the intent of the Act. All Contracts for the management or operation of a MIRA Project in excess of \$50,000 per year shall be approved by a two-thirds (2/3) vote of the full Board of Directors.

#### **6.1.2 Competitive Process**

Whenever MIRA determines that a Contract for the management or operation of a MIRA Project shall be awarded on other than a Competitive Process basis, the Board shall follow the provisions of Section 22a-266(c).

#### **6.1.3 Applicability**

Notwithstanding that it may not be required by Section 22a-266(c) of the Act, this Section 6.1 shall apply to any Contract entered into after March 17, 1987 for management or operation of any MIRA Project or Solid Waste Facility (as defined in Section 22a-260 of the Act as well as any Facility as defined herein).

### **6.2 Mutual Purchasing**

Nothing herein shall be construed as preventing MIRA from joining with other public instrumentalities of the State, or State Agencies, in a mutual purchasing agreement or understanding or otherwise availing itself of a low responsible bid or award of a Contract for supplies, materials, equipment or contractual services if such arrangement or understanding is determined to be in the best interests of MIRA.

### **6.3 Solid Waste Processing Discretion**

Pursuant to Section 22a-266(c) of the Act, MIRA shall have power, in its discretion, either to purchase on a centralized basis, heavy solid waste processing equipment to be installed

in waste management projects, or to require such purchase and installation as part of a construction Contract. MIRA shall conduct its contracting and purchasing operations in accordance with these Policies And Procedures.

#### **6.4 Dispute Clause**

At MIRA's sole and absolute discretion, any dispute in connection with a MIRA Contract or other matter may be adjudicated through arbitration, mediation, or in a judicial proceeding. Any such judicial proceeding in connection with the foregoing shall be tried before a judge of the Superior Court of Connecticut.

#### **6.5 No Invalidity**

Failure to follow any insubstantial procedure or policy herein shall not render any action taken ineffective unless such action is ineffective under the Act or other applicable law.

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**Beginning June 6, 2014, MIRA upon its creation promulgated this Policy as the Successor to CRRRA**

#### **MIRA REVISION 1**

Prepared By: Laurie Hunt, Director of Legal Services and Thomas Edstrom, Risk Manager  
Approved By: Board of Directors  
Effective Date: 07/24/2014

#### **MIRA REVISION 2**

Prepared By: Laurie Hunt, Director of Legal Services and Roger Guzowski, Contract and Procurement Manager  
Approved By: Board of Directors  
Effective Date: 11/20/2014