

EMT – Procurement Policy

§ 1. Definitions

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings.

a. Competitive procurement. "Competitive procurement" means the transmission of a written request for proposal, written request for qualifications or other invitation to compete on price or qualifications to at least 3 responsible suppliers that is to be replied to at a stated time.

a-1. Contributions. "Contributions" means payments for membership dues and fees, gifts, donations and sponsorships, including those that result in public advertisement of the entity.

b. Covered goods or services. "Covered goods or services" are those goods or services that are to be purchased by the Trust that are covered by and subject to this procurement policy. Covered goods and services does not include services subject to the Trust's rule regarding selection of energy efficiency program service providers or the awarding of grants to perform energy projects (95-648 CMR Chapter 1). Covered goods and services includes, but is not limited to:

- (1) Advertising,
- (2) Audio/visual services,
- (3) Audit services (i.e., financial and compliance audits)
- (4) Banking and other financial services,
- (5) Benefit products or services associated with employment,
- (6) Graphic design, layout, editing, printing, and mailing services,
- (7) Insurance,
- (8) IT (Information Technology), internet and webpage services,
- (9) Legal services,
- (10) Meeting room space and associated food, beverages and services,
- (11) Office equipment and supplies,
- (12) Office space,
- (13) Postage,
- (14) Technical support regarding energy technology, program design, and energy markets,
and
- (15) Temporary staff services.

c. Quotation. A "Quotation" is a fixed price offer from a vendor that cannot be changed once accepted. Quotations may be received by post, email, fax or verbally. Verbal quotations must be noted in writing by the Trust and contain the date and name of the person offering the quotation. A contemporaneous vendor advertisement shall constitute a quotation if it is recorded in the Trust files.

d. RFP. "Request for Proposal" or "RFP" means a document inviting proposals for and listing the scope of work being requested, other requirements of the Efficiency Maine Trust, and the technical evaluation criteria and cost evaluation criteria for selection of the winning bidder

e. RFQ. "Request for Qualifications" or "RFQ" means a document listing the scope of work for the being requested, other requirements of the Efficiency Maine Trust, and the technical evaluation

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criteria for selection of the winning bidder. The document normally requires only a technical response. The Trust may select one or more bidders in response to a Request for Qualifications and then request cost proposals from or negotiate the cost terms of agreement with the qualified bidder(s). The document is also known by the initials "RFQ."

- f. **The Trust.** "The Trust" means the Efficiency Maine Trust.

§ 2. Purpose

In order to secure the best value in its procurements, it is the policy of the Trust, when procuring covered goods and services, to the extent possible and consistent with the Trust's authorizing law, to:

- a. Establish competitive procurement as the standard procurement method;
- b. Specify the conditions under which competitive procurement may be waived; and
- c. For procurements exceeding \$10,000 that were not competitively procured, require that written justification for and evidence of approvals are maintained on file for 5 years.

§ 3. Policy

It is the policy of the Trust to use competitive procurement for the procurement of covered goods and services except where a waiver is appropriate and the process for authorizing and recording a waiver is followed. Competitive procurement will be satisfied where there is an RFP or RFQ process, or, for contracts valued at \$25,000 or less, competitive procurement will be satisfied if there is an RFP, RFQ, or at least three (3) quotations are received, allowing a reasonable opportunity for a response, and documentation of resulting quotations is maintained in the files.

§ 4. Waiver.

Competitive procurement may be waived under the following conditions.

- a. **Small Purchases.** For purchases of covered goods or services valued at less than \$1,000, the requirement for competitive procurement is waived.
- b. **Goods or services not conducive to competitive bidding.** The requirement for competitive procurement may be waived where the Trust seeks covered goods or services for a particular use that are not conducive to competitive bidding whether due to unique features such as location, timing, or experience or other reasons. Examples of covered goods or services that are presumptively not conducive to competitive bidding include but are not limited to: office space or conference space for a specific location, advertising for a particular media outlet, legal services where there is a specialized expertise or understanding of Trust legal issues, and postage.

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- c. Best interests of the Trust’s mission. The Trust may waive the requirement for competitive procurement when there is an emergency or the Trust finds that the required service would clearly benefit from a sole source procurement.
- d. Procedure.
 - (1) Purchases of a good or service valued at less than \$1,000 is automatically waived.
 - (2) The Executive Director may waive the requirement for competitive procurement of covered goods or services:
 - a. for contracts up to \$10,000; or
 - b. in the case of contracts for advertising, legal services, technical support or postage, for contracts up to \$25,000.
 - (3) The Board of Trustees must approve a waiver from the requirement for competitive procurement of covered goods or services for contracts valued at amounts that exceed the Executive Director’s authority to waive the requirements as described in section 4.d.(2), above.
 - (4) For all contracts valued at \$10,000 and above, decisions to waive the competitive procurement process must be recorded and maintained in the files for at least 5 years and accompanied by written justification for the waiver.

§ 5. Contributions and Lobbyists

- a. With regard to contributions, this policy replaces and supersedes any prior policies of the Trust. It is the policy of the Trust to:
 - (1) ensure that contributions are directly related to the Trust's mission and activities;
 - (2) ensure that contributions are budgeted and accounted for separately from other expenditures in the Trust’s records;
 - (3) maintain documentation to support each contribution; and
 - (4) have the Board approve the annual budget for contributions and ensure that the Board is provided reports on contributions annually;
- b. With regard to lobbyists, the Trust may not retain any person, other than entity staff, that is required to register as a lobbyist as defined in Title 3 of the Maine Revised Statutes, section 312-A, subsection 10.

§ 6. Travel, Meals and Entertainment

- a. Travel, meal and entertainment costs must be budgeted and accounted for separately from other expenditures in the Trust's records;

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- b. The Board must approve the annual budget for travel, meal and entertainment costs of the Trust and must be provided annually with reports on actual costs paid directly or reimbursed by the Trust;
- c. The Trust's detailed policies and procedures governing travel and meals are contained in the Travel Manual, approved separately by the Board.