



City of Fitchburg, Massachusetts  
Purchasing Department

**POLICY FOR PROCUREMENT OF WINTER OPERATIONS**

**OBJECTIVE**

The goal of this policy is to provide a reference tool for staff to understand the procurement process for winter operations, and to ensure that said procurements comply with general law, local ordinances, and best practices.

**AUTHORITY**

Snow plowing is exempt under MGL c. 30B, §1(b)(17). However, the service must still be procured through the Purchasing Department. The Chief Procurement Officer (CPO) provides guidance, internal support, and procurement assistance in the development and solicitation of snow operations contracts.

**PROCUREMENT PROCEDURE**

Annually, the Department of Public Works (DPW) reviews competitive rates for snow operations contractors and submits a request for procurement to the CPO, along with any suggested changes to the contract and application. The following critical items are described or included in the contract/application packet:

- Hourly rates
- Application/Contract
- Application is accepted on a first-come, first-served basis
- Application, including proof of insurance and vehicle list, is due by deadline
- Not all applications are guaranteed a route assignment

The CPO utilizes information provided by the DPW and prepares a solicitation packet, which is provided to interested individuals and contractors. CPO is responsible for public notice; however, it is not required.

The DPW Business Manager is designated to collect and review applications and forms for compliance with requirements, and shall collect insurance certificates and exemption forms. The DPW Business Manager shall determine if the interested individual/contractor is responsible and able to perform the work. DPW will arrange for inspection of the equipment to be used in performance of the contract, and may schedule a meeting for contractors at or near the start of the winter season.

**CONTRACT**

A contract packet is considered complete when all items are returned from the vendor, including:

- Signed Application/Agreement
- Certificate of Liability Insurance
- Certificate of Worker's Compensation Insurance or Exemption Form
- W-9 (Request for Taxpayer Identification) Form

The contract will travel the following track: 1) Chief Procurement Officer; 2) Department Head; 3) City Auditor; 4) City Solicitor; 5) Mayor. Routing of the executed contract shall be the responsibility of the Procurement Office. Upon receiving the Mayor's signature, the contract is considered fully executed and ready for distribution.

**CONTRACT MANAGEMENT**

The City should not be forced to continually award contracts to a problem Contractor. The DPW Commissioner is responsible for monitoring the progress and performance of the contract, and shall report any performance issues

in writing to the CPO. The DPW Commissioner shall utilize the contract language to terminate a contract if the Contractor is not performing the work according to the contract. Future contracts may not be awarded to a Contractor having documented performance issues.

### **LIABILITY AND INSURANCE**

Contractors shall be responsible for protecting their own work and all nearby properties from damage from their performance with particular attention to trees, shrubs, lawns, steps, walks, mailboxes, etc. It shall be the Contractors' responsibility to immediately report any damage(s) to the Commissioner of Public Works or designee.

Contractor shall carry insurance to adequately protect against claims arising from snow removal operations. In no case shall the limits be less than:

Automobile Liability: at least \$100,000 per person/\$300,000 per accident for Bodily Injury, and \$100,000 Property Damage per accident.

Worker's Compensation Insurance: Individuals, independent contractors, owner/operators, sole proprietors, businesses, corporations, LLC's or any entities engaged in an employer/employee relationship are required to provide Worker's Compensation coverage for themselves and all employees, including substitute drivers and owner operators. Sole proprietors only may sign and submit an Exemption Form with respect to this requirement.

A Certificate of Insurance naming the City of Fitchburg as certificate holder shall be filed with the DPW Business Manager prior to commencement of any Contract operations. The "Description" section shall contain the following sentence: "The City of Fitchburg is an additional insured under this policy." All policies and certificates shall contain an endorsement requiring at least thirty (30) days written notice of non-renewal, restrictive amendment, or cancellation of coverage to the City. Compliance by the Contractor with the insurance requirements shall not relieve the Contractor from liability under the full indemnity provisions contained herein. Failure to provide insurance as established above shall be considered a breach of Contract and grounds for immediate termination of the Contract.

The City will perform random insurance verification on all policies during the term of the contract. Any Contractor found to be uninsured at the time of the verification check shall result in immediate termination of the contract.