

Title 29: Public Property and Supplies

Chapter 49: DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

§ 903. Requisition for supplies and materials

(a) When any governmental agency is in need of any of the items mentioned in this chapter, the responsible officer thereof shall requisition therefor upon the commissioner of buildings and general services, and the commissioner of buildings and general services shall purchase the items by either advertising for bids or by letters of inquiry and the contract for those items shall be awarded to the person whose bid or quotation is in the best interest of the state. Subject to the provisions of subsections (b) and (c) of this section the commissioner of buildings and general services may reject any or all bids or quotations and with the approval of the secretary of administration procure items in such manner as may be in the best interest of the state.

(b) When purchasing any items mentioned in this chapter, the commissioner of buildings and general services, in any determination of the best interest of the state shall consider (1) specified quality; (2) price; (3) ease of access of supply; (4) incidental administrative costs; (5) proven reliability of bidder; (6) use of recycled materials or products; (7) minimizing the creation, by the state, of solid waste; (8) the extent to which the usage of the item involves the generation of pollutants; (9) life cycle costs, if required under the state agency energy plan, as implemented; (10) the interests of the state relating to the proximity of the supplier and the costs of transportation, and relating to the economy of the state and the need to maintain and create jobs in the state; and (11) the use of railroads and the increased revenues returning to the state from its railroad leasing program. The commissioner, in the commissioner's discretion, may spend up to 10 percent more for comparable products that are made of recycled materials. If products made of recycled materials are to cost more than 10 percent more than comparable products, the commissioner shall receive consent of state entities that are to use the product, before completing the order for the materials in question.

(c) Whenever any business or industry located in Vermont and employing citizens of this state has submitted a bid and the item has not been purchased from them, the commissioner of buildings and general services shall record his or her reason for assigning the order as he or she did and his or her report shall be a public record available to any interested person. All bids or quotations shall be kept on file in his or her office and open to public inspection.

(d) The commissioner of buildings and general services, with the assistance of all state agencies, shall cooperate with the generators and managers of waste materials which may be recycled and with the producers of products which use recycled materials to maximize the state's use of those materials and products, particularly where the added cost of using waste materials rather than virgin materials is less than the cost avoided by not having that waste in the waste stream. Proceeds from the sale of waste materials collected by the department of buildings and general services shall be credited to a special fund and shall be available to the department to offset the cost of recycling efforts. The goal for the purchase of recycled materials shall be at least 40 percent by the end of 2008. For purposes of this section, "recycled materials" include, but are not limited to, recycled paper products, retreaded automobile tires,

re-refined lubricating oil, used automotive parts, reclaimed solvents, recycled asphalt, recycled concrete, and compost materials.

(e)(1) Notwithstanding the provisions of subsection (a) of this section and subsection 906(d) of this chapter, the commissioner of buildings and general services will administer an equipment revolving fund to be used for internal lease purchase of equipment for state agencies. The secretary of administration will establish criteria for equipment to be purchased through this fund, including limiting amounts for specific equipment and the useful life of the equipment.

(2) Agencies or departments acquiring such equipment shall repay the fund through their regular operating budgets according to an amortization schedule established by the commissioner of finance and management. Repayment shall include charges for administrative costs of the purchase and estimated administrative inflation over the term of the payback.

(3) The secretary of administration will report to the general assembly, on February 1 each year, equipment purchased through this fund, plans for equipment purchased through the fund for the following fiscal year, the status of the fund, and a consolidated amortization schedule.

(4) The commissioner of finance and management may anticipate receipts to this fund and issue warrants based thereon.

(f) [Deleted.]

(g) The commissioner of buildings and general services, when purchasing vehicles for state use shall consider vehicles using alternative fuels when the alternative fuel is suitable for the vehicle's operation, is available in the region where the vehicle will be used, and is competitively priced with traditional fuels. (Added 1959, No. 328 (Adj. Sess.), § 13; amended 1966, No. 9 (Sp. Sess.); 1987, No. 78, §§ 18, 19; 1987, No. 243 (Adj. Sess.), § 36, eff. June 13, 1988; No. 281 (Adj. Sess.), § 311; 1989, No. 286 (Adj. Sess.), § 8; 1991, No. 75, § 5; 1991, No. 259 (Adj. Sess.), §§ 9, 10; 1995, No. 148 (Adj. Sess.), § 4(a), eff. May 6, 1996; No. 183 (Adj. Sess.), § 8, eff. May 22, 1996; 1997, No. 155 (Adj. Sess.), § 4; 2003, No. 121 (Adj. Sess.), § 42, eff. June 8, 2004; 2009, No. 33, § 57.)