

Joint Purchasing Policy DJ: PURCHASING OVERVIEW

The Pulaski County Board of Supervisors and the Pulaski County School Board (the Boards), through the direction of the County Administrator and Superintendent of Schools, respectively, will attempt to obtain high quality goods and services at reasonable cost and to ensure that all procurement procedures will be conducted in a fair and impartial manner, and in accordance with the Code of Virginia/Virginia Public Procurement Act (VPPA), this policy, and within prescribed budgetary authority as set forth by the respective Boards.

The Boards have herein promulgated the joint purchasing policy to achieve the following objectives:

- To provide greater transparency and accountability;
- To insure fair and equitable treatment for all entities who conduct business with the County;
- To provide increased efficiency in procurement activities and to maximize the purchasing value of public funds;
- To foster effective competitive negotiation;
- To demonstrate integrity throughout the purchasing process; and
- To promote uniformity of procurement across County component units, departments and offices.

We advocate equal opportunity both in purchasing and employment and encourage and seek participation from minority and women-owned businesses.

PURCHASING PROCEDURES

Use of Contracts: The Commonwealth of Virginia establishes contracts that are available for all local governing bodies and school divisions. The use of state contracts is encouraged. Similarly, purchases, regardless of amount, may be made without additional competitive procurement where an item can be obtained through an existing federal or local government contract. Further, purchases made through the Virginia Association of Counties, National Association of Counties, International City/County Management Association, Virginia Association of State College and University Purchasing Professionals, U.S. Communities and similar associations shall be treated in the same manner as state and federal contracts. Other cooperative procurement contracts may be entered into or used when it is determined by the County

Administrator or Superintendent of Schools, or their designee, that such use is in the best interest of the County or schools and the contract was awarded based on competitive negotiation. All purchases made under state or other cooperative procurement contract must be evidenced by inclusion of the contract number in a conspicuous location on the purchase order.

Technology Purchases: All information technology hardware (copiers, computers, monitors, other peripheral devices, etc.), software (computer programs, applications, etc.), or related purchases, regardless of amount, must be pre-approved by the joint services Director of Information Technology, or said Director's designee.

Purchase Orders/Purchase Requisitions: All purchases, regardless of amount, must be pre-approved. Pre-approval for purchases in excess of \$1,000.00 must be evidenced by an executed purchase order or purchase requisition. All purchases shall be evidenced by an executed purchase order, unless exempted below. Purchases and solicitation of quotations from women, minority, and locally owned businesses are strongly encouraged.

Purchases in excess of \$5,000.00 but less than \$10,000.00 may be made after soliciting a minimum of three (3) documented telephone or email quotations. This documentation must accompany the respective purchase documents in order to be processed. Purchases in excess of \$5,000.00 made from school activity funds do not need to be encumbered in the school divisions finance system, but do need to comply with purchasing procedures.

Purchases in excess of \$10,000.00 but less than \$30,000.00 shall be made after soliciting a minimum of three (3) written, email, or facsimile quotations from vendors. This documentation must accompany the respective purchase documents in order to be processed.

Purchases between \$30,000.00 and \$50,000.00 must be reviewed by the County Administrator, Superintendent of Schools, or their designee, to determine if competitive sealed bidding or competitive negotiation is required. Purchases in this range exempted from competitive sealed bidding or competitive negotiation must be evidenced by written authorization from the County Administrator, Superintendent of Schools, or their designee(s). Such purchases shall be made after soliciting a minimum of four (4) written, email, or facsimile quotations from vendors. This documentation must accompany the respective purchase documents in order to be processed.

Purchases of goods and/or services of \$50,000.00 or more shall only be made after competitive sealed bidding or competitive negotiation as provided for in this section unless otherwise permitted by law or allowed as an exception below.

Competitive Sealed Bidding: Purchases of \$50,000.00 or more, for other than professional services, shall be made through a competitive sealed bidding. The process will begin with the issuance of a written Invitation to Bid (ITB). ITB's will incorporate by reference the specifications, contractual terms, and conditions applicable to the procurement. When the terms and conditions of multiple awards are provided for in the ITB, awards may be made to more than one bidder. ITB's will be advertised at least 10 calendar days prior to the due date designated for receipt of bids. Advertisement shall be made in a newspaper of general circulation within the County, on the County and School Board purchasing websites (<http://www.pulaskicounty.org/bids.htm> and <http://pcva.us/businessfinance/purchasing/RFPs/index.htm>, respectively) and for County procurements, on public notice boards at County administration offices. All bids received will be opened and announced publicly and tabulated on the respective websites. Evaluation of bids will be based on the requirements set forth in the ITB and other criteria as determined by management (such as quality, delivery, reputation of vendor) which may contribute to an acceptable procurement. Award will be made to the lowest responsive and responsible bidder(s). Bidder's performance will be evaluated to determine responsibility. Debarment status and records will be verified at the DPS eVA website at www.eva.virginia.gov. The County Administrator, Superintendent of schools, or their designee(s), reserve the right to reject any or all bids, or any part or parts thereof, and to make the award in the best interests of the local public body.

Competitive Negotiation: Required for selection of contractors and professional service providers where the amount of the contract is anticipated to equal or exceed \$50,000.00. The process will begin with the issuance of a written Request for Proposal (RFP) indicating; the terms and conditions of the procurement, the criteria to be used in evaluating the proposal, and those capabilities or qualifications that will be required of the contractor. When the terms and conditions of multiple awards are provided for in the RFP, awards may be made to more than one offeror. RFP's will be advertised at least 10 calendar days prior to the due date designated for receipt of proposals. Advertisement shall be made in a newspaper of general circulation within the County, on the County and School Board purchasing websites (<http://www.pulaskicounty.org/bids.htm> and <http://pcva.us/businessfinance/purchasing/RFPs/index.htm>, respectively) and for County procurements, on public notice boards at County administration offices. Proposals may also be solicited directly from potential contractors and contracting with women, minority, and locally owned businesses is encouraged. All proposals received will be opened and announced publicly and tabulated on the respective websites. Evaluation of proposals will be based on the requirements set forth in the RFP and other criteria as determined by the administration of the local governing body. Award will be made to the lowest responsive and responsible bidder(s) but price need not be the sole

determining factor. Offeror's performance will be evaluated to determine responsibility. Debarment status and records will be verified through the Commonwealth's Department of General Services, Division of Purchases and Supply (DPS) eVA website at www.eva.virginia.gov. Should the public body determine that one offeror is more qualified than others under consideration; a contract may be negotiated and awarded to that offeror. The County Administrator, Superintendent of schools, or their designee(s), shall have the right to reject any or all proposals, or any part or parts thereof, and to make the award in the best interests of the local public body.

Procurement of professional services: Professional services (which include accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy and professional engineering) can only be procured by competitive negotiation. The public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. At the conclusion of discussion, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a fair and reasonable price, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Virginia Public Procurement Act and Code of Virginia: All procurement shall be made in accordance with the Code of Virginia and the Virginia Public Procurement Act (VPPA). To that end, all Invitations to Bid, Requests for Proposals, or other competitive procurement solicitations will incorporate the following nondiscrimination clause;

During the performance of this contract, the contractor agrees as follows:

The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor

agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

With the exception of purchasing thresholds as set forth in this document, any changes to the Virginia Public Procurement Act (VPPA) shall become part of this policy on the effective date of such changes. If purchasing thresholds as detailed in the VPPA become more restrictive than the thresholds listed in this policy, such thresholds in this policy shall be replaced with those listed in the VPPA.

Exceptions to Competitive Procurement:

1. Emergency Procurement - An emergency is an occurrence or event of a serious and urgent nature that requires immediate action. Emergency purchases are intended to provide an interim solution until proper procedures can be followed. Competition should be sought to the extent practicable and efforts should be made to negotiate a fair and reasonable price. Emergency purchases are not to be used for maintenance or alterations. The potential loss of year-end funds and/or poor planning is not considered adequate justification for an emergency purchase and will not be approved as such. As soon as practicable, after directing the contractor to proceed, a confirming purchase order should be prepared and attached to a written explanation describing the nature of the emergency and the reason the particular contractor was selected. All emergency purchases shall be reported to the County Administrator or Superintendent of Schools within 48 hours. In the event the County Administrator or Superintendent of Schools is unavailable, notification should be made to the Assistant County Administrator/Deputy Superintendent of Schools or the Director of Finance of the respective local governing body. Public posting is not required.
2. Sole Source Procurement: A sole source procurement is authorized when there is only one source practicably available for the goods or services required; there is no competition available. A purchase may be made or a contract negotiated and awarded to that source without competitive sealed bidding or competitive negotiation but written justification must accompany the respective purchase and/or contract documents. The written justification must document why there is only one source practicably available, what is being procured, and

why other goods could not be substituted. Sole source justification based solely on a single vendor's capability to deliver in the least amount of time is not appropriate since availability alone is not a valid basis for determining a sole source procurement. Sole source procurements greater than \$10,000.00 must be approved by the County Administrator or Superintendent of Schools, or their designee(s). Public posting is not required.

3. Other Exceptions: Competitive procurement and/or documentation of pre-approval is either not practical, available, or applicable for purchase, or disbursement of funds, for the following:

- Travel expenses including mileage reimbursement.
- Communication services, utility charges, and bulk fuel purchases.
- Academic/research consulting services or specialized or proprietary training services unavailable to the general public.
- Professional organizational membership dues.
- Legal and accreditation fees.
- Newspaper advertisements.
- Purchase card statements (but not necessarily the underlying purchases).
- Renewal of, and/or invoices pertaining to service/maintenance and insurance contracts and site licenses.
- Purchases from federal, state or other local governing bodies.
- Fees for referees, officials, umpires, judges, and those associated with participation in academic or athletic tournaments and events including team lodging and registration.
- Payroll benefits and tax liability payments.
- Surplus property.

Related Parties and Conflict of Interest: In order to foster greater transparency, accountability, and trust in government, governing body purchases from related parties are prohibited without the prior written authorization of the County Administrator,

Superintendent of Schools, or their designees. The governing body shall treat as related parties: employees and their spouses, parents, siblings, children, and members of the same household. Prohibition will extend to vending and solicitations on County and School Board property. Written authorizations must accompany related party purchase documents submitted for payment. Conflicts of interest, whether in form, substance, or appearance, are prohibited. Conflicts of interest are defined as acts by employees to advertise market, solicit, or otherwise promote the interests of a commercial or other for-profit organization for consumption or subsequent purchase by the governing body.

Violations: If any department or agency of the local governing body purchases or contracts for any supplies or contractual services contrary to the provisions of this purchasing policy, or the rules or regulations made or cited hereunder, such order or contract shall be void and the head of such department or agency shall be personally liable for the costs of such order or contract. Further, intentional violations of the purchasing policy by any employee of the local government shall result, at the discretion of the County Administrator or Superintendent of Schools, to suspension or removal, or other remedy as may be provided by law.

Adopted: