

Issue Analysis Form



Date: 06/14/2022
Item: Policy Update – Procurement Policy (230.1-230.29)
Lead Department(s): Finance
Contact Person(s): Betsy Drewry

Description and Current Status

The Virginia General Assembly recently approved legislation (to take effect July 1, 2022) via Senate Bill 225 / House Bill 429 [will update *Code of Virginia* §2.2-4303.1] that increases the term contracting dollar limitations for architectural and professional engineering services.

Current Limitations and Renewals [for localities with a population of less than 50,000]
Sum of all projects completed by a single firm in one year may not exceed \$750,000
Fee Limit for any single project is \$150,000
Up to four additional term renewals

Updated / Increased Limitations and Renewals
Sum of all projects completed by a single firm in one year may not exceed **\$10,000,000**
Fee Limit for any single project is **\$2,500,000**
Up to **three** additional term renewals

Our current County policy, **230** entitled **Procurement Policy** mirrors the current state limitations (Section 230.13). Section 230.13 of our policy needs to be updated to reflect the new higher limits.

Changes are summarized below:

230.13 Architectural & Engineering Services – update this section to increase limits for multiple contracted A&E firms per project limit from \$150,000 or less, to **\$2,500,000 or less**; and annual limits from \$750,000 to **\$10,000,000** for use of such firms; and to add language allowing three additional term renewals (instead of four).

Updates to *Code of Virginia* §2.2-4303.1 have been provided as **Attachment A**. A draft of the recommended updated policy is included for board review with changes noted in red (**see Page 9**).

A draft resolution is also included for consideration and approval.

Government Path

Does this require IDA action? Yes No

Does this require BZA action? Yes No

Does This require Planning Commission Action? Yes No
Does this require Board of Supervisors action? Yes No
Does this require a public hearing? Yes No
If so, before what date? Yes No

Fiscal Impact Statement

There is no additional fiscal impact to implement recommended policy revisions.

County Impact

Approval of the recommended policy change will make the County policy mirror state law, and will afford the County more flexibility in using contracted known and responsive A&E firms for larger projects and for more projects annually. Time savings will likely result due to a reduction in the number of solicitations for professional services for projects expected to exceed \$150,000 (preparation of RFP, advertisement of RFP, evaluation of proposals, interview of candidates, and award of contract). **Per policy, all contract awards exceeding \$50,000 will still be brought to the Board of Supervisors for approval.**

Notes

INTRODUCED

INTRODUCED

SB225

22101049D

SENATE BILL NO. 225

Offered January 12, 2022

Prefiled January 10, 2022

A BILL to amend and reenact § 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations.

Patron—McPike

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for four three additional one-year terms at the option of the public body. Any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

B. The sum of all projects performed in a one-year contract term shall not exceed \$750,000, except that for: \$10 million, and the fee for any single project shall not exceed \$2.5 million.

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;

2. Any locality with a population in excess of 50,000 or school division within such locality, or any authority, sanitation district, metropolitan planning organization, transportation district commission, or planning district commission, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$8 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$5 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and

4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$8 million, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.

C. B. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

D. The fee for any single project shall not exceed \$150,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.); and

2. Any locality with a population in excess of 50,000 or school division within such locality, or any authority, transportation district commission, or sanitation district, or any city within Planning District 8, the project fee shall not exceed \$2.5 million.

The limitations imposed upon single project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

2/22/22 9:19

SB225

2 of 2

59 E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried
60 forward to any additional term, except as otherwise provided by the Restructured Higher Education
61 Financial and Administrative Operations Act (~~§ 23.1-1000 et seq.~~)
62 2. That the provisions of this act shall apply to contracts entered into on and after July 1, 2022.

2022 SESSION**SB 225 Virginia Public Procurement Act; architectural and professional engineering term contracting.**Introduced by: [Jeremy S. McPike](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)**SUMMARY AS PASSED:** (all summaries)

Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations. Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits. The bill is identical to **HB 429**.

FULL TEXT**01/10/22 Senate: Prefiled and ordered printed; offered 01/12/22 22101049D** [pdf](#) | [impact statement](#)**03/03/22 Senate: Bill text as passed Senate and House (SB225ER)** [pdf](#) | [impact statement](#)**04/11/22 Governor: Acts of Assembly Chapter text (CHAP0505)** [pdf](#)**AMENDMENTS****House committee, floor amendments and substitutes offered****House amendments adopted****House amendments engrossed****HISTORY****01/10/22 Senate: Prefiled and ordered printed; offered 01/12/22 22101049D**

01/10/22 Senate: Referred to Committee on General Laws and Technology

01/19/22 Senate: Reported from General Laws and Technology (14-Y 0-N 1-A)

01/21/22 Senate: Constitutional reading dispensed (37-Y 0-N)

01/24/22 Senate: Read second time and engrossed

01/25/22 Senate: Passed by for the day

01/26/22 Senate: Read third time and passed Senate (38-Y 0-N)

02/21/22 House: Placed on Calendar

02/21/22 House: Read first time

02/21/22 House: Referred to Committee on General Laws

02/22/22 House: Reported from General Laws with amendment(s) (22-Y 0-N)

02/24/22 House: Read second time

02/25/22 House: Read third time

02/25/22 House: Committee amendment agreed to

02/25/22 House: Engrossed by House as amended

02/25/22 House: Passed House with amendment BLOCK VOTE (99-Y 0-N)

02/25/22 House: VOTE: Block Vote Passage (99-Y 0-N)

03/01/22 Senate: House amendment agreed to by Senate (40-Y 0-N)

03/03/22 Senate: Enrolled

03/03/22 Senate: Bill text as passed Senate and House (SB225ER)

03/03/22 House: Signed by Speaker

03/04/22 Senate: Signed by President

03/11/22 Senate: Enrolled Bill Communicated to Governor on March 11, 2022

03/11/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

04/11/22 Governor: Approved by Governor-Chapter 505 (effective 7/1/22)

04/11/22 Governor: Acts of Assembly Chapter text (CHAP0505)

COUNTY OF PRINCE GEORGE ADMINISTRATIVE POLICIES Prince George, Virginia	POLICY NUMBER: 230.1 through 230.29	Page 1 of 14
	SUPERSEDES: February 9, 2021	DATE ISSUED: June 14, 2022
SUBJECT: Procurement Policy	AUTHORIZATION: Board of Supervisors	

230.1 General Provisions

It is the objective of Prince George County to establish administrative regulations to govern the process of procuring goods and/or services for use by the County. All purchases must comply with the Virginia Public Procurement Act (VPPA), as applicable. If any discrepancies arise between the County's Procurement Policy and the VPPA, the VPPA takes precedence.

230.2 Definitions

"Procurement Office" and/or "Procurement Officer", for the purposes of these Policies and Procedures, means the Deputy County Administrator of Finance or his/her designee.

"Department Director" collectively refers to County Department Directors, Deputy County Administrators, Constitutional Officers, or other staff as authorized by the County Administrator.

"Quick Quote (QQ)" is the document used to solicit informal bids for small purchases where the winning bid is determined primarily by the lowest responsive and responsible bidder. Other determining factors may apply. Bids are unsealed.

"Request for Qualifications (RFQ)" refers to the pre-qualification stage of the procurement process. Only those proponents who successfully respond to the RFQ and meet the qualification criteria will be included in the subsequent Request for Proposals (RFP) solicitation process or selected for a vendor pool. An RFQ can be used for an RFP and IFB, but is not required.

"Invitation for Bids (IFB)" is the document used to solicit formal bids for large purchases where the award is determined by the lowest responsive and responsible bidder. Bids are sealed.

"Request for Proposals (RFP)" is the document used to solicit formal proposals for large purchases where the award is based on factors other than price, but where price may still be a factor. Proposals are sealed. This procurement method is most typically used for the solicitation of services (professional and non-professional).

For purposes of these Policies and Procedures, the following words and phrases shall have the meanings ascribed to them by the VPPA, as it may be amended from time to

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 2 of 14
---------------------------------------	--	--------------------------------------	---------------------

time. The definitions as of July 1, 2019 are reprinted below; however, please consult the most recent version of the VPPA to ensure the definitions have not changed. (*VPPA 2.2-4301*)

“Best value” as predetermined in the solicitation, means the overall combination of quality, price, and various elements of required services that, in total, are optimal relative to County needs.

“Construction” means building, altering, repairing, improving, or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.

“Goods” means all material, equipment, supplies, printing, and automated data processing hardware and software.

“Nonprofessional services” means any services not specifically identified as professional services in the definition of professional services.

“Professional services” means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering.

“Responsible bidder” or “offeror” means a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required.

“Responsive bidder” means a person who has submitted a bid that conforms in all material respects to the Invitation to Bid.

“Services” means any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

230.3 Delegated Authority

Department Directors, or their designees, have the delegated authority to make small purchases of less than \$2,999.99 without prior approval from the Procurement Office. For all purchases \$3,000 and over, a completed Purchase Requisition Form shall be sent to the Procurement Office for procuring goods and services. Purchase Requisitions shall be submitted at least 10 business days prior to need-by date for purchases under \$5,000 and at least 20 business days prior to need-by date for purchases \$14,999.99 and over. In the event that a Purchase Requisition is received outside of these parameters, the Finance Office, at its sole discretion, may waive the deadline.

230.4 General Procurement Guidelines

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 3 of 14
---------------------------------------	--	--------------------------------------	---------------------

- A. Tax Exempt – Prince George County is exempt from sales tax for goods/services purchased in or delivered to Virginia; however, retail sales of prepared meals, charges for lodging and purchases of goods in other states are subject to sales tax. All staff making purchases on behalf of Prince George County, no matter the dollar amount, are responsible for ensuring that no taxes are added to tax exempt purchases. If taxes are added to an exempt purchase, the employee who made the purchase is responsible for seeing that taxes are removed or credit received. Failure to remove taxes could result in the employee personally paying for taxes on that purchase. Tax exempt forms are available from the Finance Office.
- B. Any authorized online purchases shall be made from an account that is set up with tax exempt status. The Finance department is the only department allowed to setup online accounts on behalf of the County. See the Expense Reports and Purchase Card/Accounts Policy (Policy Number 170.1-170.3) for details regarding purchases using the County’s P-Cards.
- C. Proposed purchases must be included in the County’s budget. If a proposed purchase is not included in the budget, approval must be received from the County Administrator prior to beginning the procurement process.
- D. The use of eVA’s Quick Quote and Virginia Business Opportunity (VBO) is used by the Procurement Office. Solicitations must be posted on the County website (using the eVA website as the platform) and can be sent to local vendors when requested that provide the good/service.
- E. A current IRS Form W-9 must be obtained from each vendor with which the County does business. All corporations must have an active registration with the State Corporation Commission, if required. All vendors providing a service must have a current business license and current certificate of insurance that meets County requirements.
- F. Shipment address for all County purchases must be made to a valid County facility address. Emergency purchase shipments can be made to the County Emergency Communication’s Center.

230.5 Procurement Thresholds (Goods and Non-Professional Services)

The regulations and procedures outlined in this policy are to apply to all goods and/or services purchased by the County whether by Invitation to Bid or Request for Proposal, except as stated in Section 230.7. Thresholds are determined by the vendors total Fiscal Year spending.

[The sum of a purchase equals the total cost for all phases or terms. Example: If a contract is for 3 years, the sum of the purchase = [cost per year] x 3. This total shall be used when determining how to procure a product/service.]

- 1. **\$0 - \$2,999.99** Department representative will obtain the best price and then buy directly from the vendor. The lowest possible price without

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 4 of 14
---------------------------------------	--	--------------------------------------	--------------

sacrificing quality should always be the objective. If a purchase order is required by the vendor, the Department Director will create and approve a purchase requisition that is forwarded to the Procurement Officer to convert to a purchase order. The Procurement Officer will provide the approved purchase order to the department to forward to the vendor.

2. \$3,000 - \$9,999.99 Department representative will obtain a minimum of three written or electronic quotes, use County contract pricing or cooperative contract pricing. A purchase requisition will be completed electronically and approved by the Department Director with three (3) quotes or estimates from available county or cooperative contract attached. The purchase requisition will be sent to the Procurement Officer to be encumbered and then forwarded to the County Administrator for final approval. Once final approval has been given, the Procurement Officer will convert the purchase requisition to a purchase order and forward to the requesting department to provide to the vendor.

3. \$10,000 - \$19,999.99 A written request for goods or services will be sent to the Procurement Officer in order to obtain a minimum of three written or electronic quotes unless. If use of a County or cooperative contract is recommended, a detailed, itemized, line-item estimate must be attached. Once quotes or estimates are obtained, a purchase requisition will be completed and approved electronically by the Department Director. This approval will constitute approval of the purchase. The purchase requisition will then be returned to the Procurement Officer to be encumbered and then forwarded to the County Administrator for final approval. Once final approval has been given, the Procurement Officer will convert the purchase requisition to a purchase order and forward to the requesting department to provide to the vendor.

4. \$20,000 - \$49,999.99 Specifications and scope of work will be forwarded to the Procurement Officer for preparation of a competitive sealed bid or competitive negotiation package. Competitive sealed bid or competitive negotiation packages will be publicly posted. Once competitive sealed bid or competitive negotiation packages are received, they will be evaluated and a purchase order and/or contract will be prepared by the Department Head, Procurement Officer and County Attorney to be approved and executed by the County Administrator and approved as to form by the County Attorney.

5. \$50,000 + Specifications and scope of work will be forwarded to the Procurement Officer for preparation of a competitive sealed bid or

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 5 of 14
---------------------------------------	--	--------------------------------------	--------------

competitive negotiation package. Competitive sealed bid or competitive negotiation packages will be publicly posted. Once competitive sealed bid or competitive negotiation packages are received, they will be evaluated and a purchase order and/or contract will be prepared by the Department Head, Procurement Officer and County Attorney and forwarded to the Board of Supervisors for approval. Once approval has been given, the contract and/or purchase order will be executed and approved by the County Administrator and approved as to form by the County Attorney.

Goods and/or services purchased from County Contracts and other valid, approved cooperative contracts do not require quotes, but do require a purchase order that references the specific contract for that good or service.

230.6 Purchasing Thresholds for Professional Services (which the Virginia Public Procurement Act (VPPA) defines as: "...work performed by an independent contractor within the scope of practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering...")

1. Less than \$50,000 Competitive negotiation is not required for professional services that will not exceed \$50,000 for all phases of work to be performed. Competition must still be sought when practicable. If competition is not practicable, a written justification from the Department Director documenting the need for the service, time constraints, as well as justifying the reasonableness of the pricing must be completed and made a part of the contract file. Copies of any additional quotes, if obtained, must also be included in the contract file and must accompany the contract and/or purchase order for work performed under this section.

Purchases \$3,000 or greater must be sent to County Administrator for approval, making available any quotes obtained and/or justification letter.

2. \$50,000 + Specifications and scope of work will be forwarded to the Procurement Officer for preparation of a competitive negotiation package. Competitive negotiation packages will be publicly posted. Once competitive negotiation packages are received, they will be evaluated and a purchase order and/or contract will be prepared by the Department Head, Procurement Officer and County Attorney and forwarded to the Board of Supervisors for approval. Once approval has been given, the contract and/or purchase order will be approved and executed by the County Administrator and approved as to form by the County Attorney.

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 6 of 14
---------------------------------------	--	--------------------------------------	---------------------

230.7 Exemptions

Prince George County has determined that competition normally is either not practicable or available for purchases of the following goods and services; at least one quote must be obtained and documented.

The following are exempt from the purchasing requirements stated in the previous sections:

- A. Purchases from the Department of Corrections, State contracts, State warehouses, and cooperative procurements.
- B. Goods or personal services purchased for public assistance and social services programs or any goods or personal services purchased under the Children's Services Act (§ 2.2-5200 et seq.) if the procurement is made for an individual recipient.
- C. Legal Services or expert witnesses or other services associated with litigation or regulatory proceedings.
- D. Purchases for special work when the Sheriff and/or Chief of Police certifies to the County Administrator that the items are needed for undercover police operations.
- E. Training to include on and off-site training fees
- F. Dues, Subscriptions and Memberships
- G. Utility Charges
- H. Athletic Officials/Referees: Umpires, referees, and other sports officials to officiate competitive athletic and sporting events sponsored by Prince George County Parks & Recreation. The services include observing the play, detecting infractions of rules, and imposing penalties established by the rules and regulations of the various sports
- I. Perpetual Software and Hardware Maintenance Competitively purchased software and hardware that requires annual maintenance and support including upgrades to keep the product current, is considered both proprietary and perpetual, as maintenance cannot be provided by anyone other than the source code or current holder. For that reason, maintenance does not require the same competitive justification as other purchases so long as the original purchase is competitive and the same company provides the maintenance, until the product is no longer utilized. Using departments must verify that the price is fair and reasonable and that the product is still available through the current provider with each purchase.
- J. Temporary staffing for a short-term basis
- K. Other procurement exemptions as stated in the Virginia Public Procurement Act (VPPA), Code of Virginia

230.8 Bonds – Construction Contracts

- A. **Performance Bond**

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 7 of 14
---------------------------------------	--	--------------------------------------	--------------

A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract. Must be provided for every Construction Contract \$100,000 or more.

B. Payment Bond

A payment bond in the sum of the contract amount. The bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded, or to any subcontractors, in furtherance of the work provided for in the contract, and shall be conditioned upon the prompt payment for all materials furnished or labor supplied or performed in the furtherance of the work. Must be provided for every Construction Contract \$100,000 or more.

C. Bid Bond

A bid bond from a surety company selected by the bidder that is authorized to do business in Virginia, as a guarantee that if the contract is awarded to the bidder, he will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall be five percent (5%) of the amount bid. Must be provided for every Construction Contract \$100,000 or more as indicated in the RFP or IFB.

D. Bond Formats

The County will accept either a surety bond or a letter of credit to satisfy the bond requirements. The County will provide the necessary format for the surety bond or letter of credit.

230.9 Procedure For Obtaining a County Purchase Order

- For purchases \$3,000 or greater, the department must obtain and document three quotes (as stated in Section 230.5).
- The department will enter a requisition into the Munis system. The department director will approve the requisition through Munis. The requisition will then flow to the Procurement Officer and then to the County Administration for final approval.
- Once approved by County Administration, the requisition will flow to the Procurement Officer to check for quote documentation and creation of a purchase order.

230.10 Paying Invoice / Receipt Against a County Purchase Order

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 8 of 14
---------------------------------------	--	--------------------------------------	--------------

Upon execution of a Contract or Purchase Order, the Department Director or his/her designee shall oversee the product receipt or service completion.

Upon receipt of goods/services, department shall verify that all goods/services were received and in good condition. Anything missing, damaged, incomplete or not satisfactory to the Contract shall be reported to the Vendor immediately.

The Department Director shall obtain and review detailed, itemized, line-item invoices; sign off once item(s) is/are received in satisfactory condition; and submit invoices to Accounts Payable for payment. Accounts Payable shall pay vendors following submittal by Department Director of approved invoice. It is recommended that purchases under \$3,000 be paid by County P-Card when possible.

Partial Shipment or Service – The Department Director of the requesting department must approve the invoice by written signature and forward to Finance, along with a copy of the purchase order. A note should also be made that this is a partial receipt, and which purchase order line items are being paid, and amount per line.

Completed Shipment or Service - The Department Director of the requesting department must approve the invoice by written signature and forward to Finance, **along with a copy of the purchase order.** If a balance remains on the purchase order, the Department Director should provide instructions on whether to close or fully liquidate the purchase order.

230.11 Sole Source Purchase

Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. Department Directors must document, in writing, the justification for the sole source, and the sole source purchase must be approved by the County Administrator or Finance Director after consultation with the County Attorney in advance of the purchase. The County shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the County website (using eVA website as the platform) on the same day the public body awards or announces its decision to award the contract, whichever occurs first. (*VPPA section 2.2-4303*)

230.12 Emergency Purchase

Emergencies are defined as situations posing an immediate danger to persons and/or public property, or a State of Emergency as declared by the Governor and/or County Administrator. Emergency purchases are to be used to cover the requirements of the

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 9 of 14
---------------------------------------	--	--------------------------------------	--------------

emergency only. Subsequent requirements shall be obtained using normal purchasing procedures.

The potential loss of funds at the end of a fiscal year is not considered an emergency. In case of an emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor must be documented by the Department Director and included in the contract file. The County shall issue a written notice stating that the contract/purchase order is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the County website (using eVA website as the platform) within a day after the public body awards or announces its decision, whichever occurs first or as soon thereafter as practicable. A purchase order shall be prepared for emergency awards, regardless of the dollar amount. *(VPPA section 2.2-4303)*

230.13 Architectural & Engineering Services

Prince George County may procure annual term contracts with multiple Architectural & Engineering firms using the RFP procedures set out in 230.6 above. During the contract term, projects should be distributed among the selected contractors according to demonstrated areas of experience and expertise, time for deliverables, and familiarity with like projects. All projects shall have a written task order, issued by the Procurement Office, which clearly outlines the scope of work to include projected timeline and cost, using fair and reasonable prices, as negotiated. The fee for any single project shall not exceed ~~\$2,500,000~~ ~~\$150,000~~. The sum of all projects performed in one contract term (one year) shall not exceed ~~\$10,000,000~~ ~~\$750,000~~. ~~Such term contracts may be renewable for three additional terms at the option of the County.~~

230.14 Information Technology Procurement

All Purchase Requisitions and applicable specifications for information technology equipment and services, including but not limited to computers, printers, telephones, mobile devices, TV's, projectors, toner, hardware and software, must first be reviewed by the County's Director of Information Technology.

230.15 Term Contracts for Nonprofessional Services

Prince George County may procure annual term contracts for nonprofessional services with multiple firms using the Invitation for Bid (IFB) for proposal process. All county departments shall use such firms for nonprofessional services. If the firm cannot provide the necessary services for a county department, the Department Head must receive approval from the County Administrator to bid out services that are covered under a term contract. Notice of term contracts available for use will be posted on County website (using eVA website as the platform).

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 10 of 14
---------------------------------------	--	--------------------------------------	-------------------------

230.16 Contracts and Approvals

A Purchase Order shall be issued for all purchases over \$3,000 by the Procurement Office. Other departments are not permitted to issue Purchase Orders. Any procurement for goods or services costing \$19,999.99 or more shall require a written contract. All written contracts require approval and signature by the County Administrator after review and approval as to form by the County Attorney. Any procurement for goods or services costing \$50,000 or more shall also require approval by the Prince George County Board of Supervisors prior to execution. When a contract requires Board approval, the Department Director must prepare an explanatory memo (Issue & Analysis Form) in cooperation with the Finance Director for the Board meeting. Only the County Administrator has final authorization to sign any contracts, quotes or agreements regardless of amount.

Any contract amendments or change orders shall be reviewed by the Procurement Office and approved by the County Administrator and/or Finance Director prior to incurring additional expenses and/or completing work. No fixed-price contract may be increased by more than twenty-five percent (25%) or \$50,000, whichever is greater, without advance approval of the Prince George County Board of Supervisors.

230.17 Insurance

Contractor's must be insured when performing services on County owned property. These are the County's basic requirements.

Coverage Required	Required Limit	Description
Business Automobile Liability	\$1,000,000.00	Combined Single Limit per Occurrence as Applicable
Professional Liability	\$1,000,000.00	- Professional Services only
Commercial General Liability*	\$1,000,000.00 \$2,000,000.00 \$2,000,000.00	- Combined Single Limit per Occurrence - General Aggregate Limit per Project - Products and Completed Operations Aggregate
Employer's Liability	\$100,000.00	- Each Offense per Person or Organization
Umbrella Excess Liability	\$1,000,000.00	- Per Occurrence and Aggregate as Applicable
Worker's Compensation & Employer's Liability	\$ 500,000.00 \$ 500,000.00 \$ 500,000.00	- Per Accident - Disease per Employee - Policy Limit Disease

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 11 of 14
---------------------------------------	--	--------------------------------------	------------------

--	--	--

*Must reflect that the Commercial General Liability policy names “**the County of Prince George elected and appointed officials, officers, consultants, agents and employees, and affiliate or subsidiary boards**” as an additional insured by endorsement to the policy.

***The Certificate Holder must be listed as:**

County of Prince George
c/o Finance Department
6602 Courts Drive
Prince George, VA 23875

230.18 Non-Discrimination Clause

Please refer to VPPA section 2.2- 4310-4311.

230.19 Drug-Free Workplace

Please refer to VPPA section 2.2- 4312

230.20 Faith-Based Organizations

Please refer to VPPA section 2.2- 4343.1

230.21 Small, Woman and Minority-Owned (SWAM)

The County of Prince George will make a concerted effort to include one or more vendors certified by the Virginia Department of Small Business and Supplier Diversity as small businesses, businesses owned by women, minorities, and service disabled veterans, and employment services organizations among those contacted. This effort is not intended to give preference in making an award, but is intended to provide SWAM vendors a chance to participate in procurement opportunities. All solicitations posted to eVA (the Commonwealth’s electronic procurement portal) meet this requirement. (VPPA section 2.2-4310B).

230.22 Cancellations, rejection of bids, waiver of informalities

The County of Prince George may cancel and/or reject any and/or all responses to competitive sealed bids or competitive negotiations, and any other solicitations. The reason(s) for the cancellation and/or rejection shall be made a part of the procurement file. The County cannot cancel and/or reject a solicitation response solely to avoid awarding a contract to a particular responsive and responsible vendor.

The County may also, at its discretion, waive informalities in solicitation responses. (VPPA section 2.2-4319)

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 12 of 14
---------------------------------------	--	--------------------------------------	-------------------------

230.23 Negotiation with the lowest bidder

Unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that if the bid from the lowest responsible bidder exceeds available funds. The County of Prince George may then negotiate with the apparent low bidder to obtain a contract price within available funds. (*VPPA section 2.2-4318*)

230.24 Order Splitting Prohibition

The placement of multiple orders within five business days from one vendor for the same, like, or related goods or services to avoid using the appropriate method of procurement or to remain within delegated purchasing authority is prohibited.

230.25 Conflict of Interest

Please refer to VPPA section 2.2-4367- 4377.

230.26 Notice to Cure

A Cure letter is used when a contractor has failed to perform or deliver as substantiated by a Procurement Complaint Form. It provides the contractor a period of time to correct or “cure” the deficiency and places the contractor on notice as to the consequences for failure to take the required corrective action. The notice will be given in writing advising the contractor that non-delivery or non-conformance is a breach of a contract and, if the deficiency is not corrected within a stated number of days, the County of Prince George will terminate the contract for default and hold the contractor liable for any excess costs.

230.27 Default

In case of default by a contractor for failure to deliver or perform in accordance with the contract specifications or terms and conditions, the state may procure the articles or services from other sources and hold the defaulting contractor responsible for any resulting additional purchase and administrative costs. The County will normally repurchase from the next low bidder or purchase competitively by re-solicitation. If the repurchase results in increased costs to the County, a letter will be sent to the defaulted contractor requiring payment within a specified time frame for additional costs. If payment is not received within specified time frame, Debarment proceedings may be instigated (see 230.28.).

Contractors shall not be liable for any excess cost if the failure to perform arises out of any act of war, order of legal authority, strikes, act of God, or other unavoidable causes not attributed to their fault or negligence. Failure of a contractor's source to deliver is generally not considered to be an unavoidable cause. The burden of proof rests with the contractor.

230.28 Debarment

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 13 of 14
---------------------------------------	--	--------------------------------------	------------------

The Prince George County Board of Supervisors through its designee, the County Administrator, may debar contractors from contracting for particular types of goods, services, insurance or construction. A debarred contractor may not enter into negotiations to contract with the County or make an offer, proposal or bid in response to a Request for Proposals, an Invitation to Bid or any other form of solicitation by the County, for supplies, services, insurance or construction. Debarment of a contractor applies to any successor company formed with the same resources, owners or stockholders as the debarred entity. Grounds for debarment include (*VPPA Section 2.2-4321*):

- A. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
- B. Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a county contractor.
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
- D. Violation of contract provisions, as set forth below, of a character which is regarded by the Board of Supervisors to be so serious as to justify debarment action:
 - i. Deliberate failure, without good cause, to perform in accordance with the specifications or within the time limit provided in the contract; or
 - ii. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
- E. Any other cause the County Administrator determines to be as serious and compelling as to affect responsibility as a contractor, including debarment by another governmental entity for any cause and violation of the ethical standards set forth in this chapter.

The Procurement Office shall establish procedures for the prompt reporting, investigation and referral of matters appropriate for consideration.

The steps in the debarment process are as follows:

- A. Once the County Administrator or his designee becomes aware of information that a contractor should be debarred, he or his designee shall review the information with the Procurement Office and the County Attorney and shall determine the minimum debarment period. The minimum debarment period shall be commensurate with the seriousness of the cause.
- B. The County shall inform the contractor of the debarment by letter signed by the County Administrator and/or designee, sent certified mail, return receipt required, stating the reasoning for debarment and the minimum length of time that the contractor shall be debarred.

SUBJECT: Procurement Policy	POLICY NUMBER 230.1 through 230.29	DATE ISSUED: June 14, 2022	Page 14 of 14
---------------------------------------	--	--------------------------------------	-------------------------

- C. The contractor shall have five (5) business days following receipt of the written letter in which to request a meeting with the County at which he/she shall be allowed to present written or oral evidence as to why the debarment should not occur.
- D. Upon the expiration of time for appeal, or upon the affirmation of the debarment penalty, as applicable, the County shall cause the contractor's name to be placed on the debarment list maintained in the Procurement Office.
- E. After a contractor's minimum debarment period expires, the contractor may request in writing to the County Administrator that the contractor wishes to have his name removed from the debarment list and to be reinstated as eligible to conduct business with the County. The contractor may include information supporting his reinstatement request.
- F. The County Administrator or designee shall review the debarred contractor's written request and shall notify the debarred contractor of his decision concerning reinstatement within ten (10) business days of receipt of said request.

230.29 Cooperative Procurement

Prince George County may utilize cooperative procurement agreements with public entities provided that such cooperative procurement complies with the VPPA (VPPA Section 2.2-4304).

The Department Head and/or the Purchasing Officer will actively research and allow the use of Cooperative Contract's for department needs. A listing of cooperative contracts available for use will be made available by the Procurement Officer. The Department Heads shall use these contracts unless the contractor is unable or not available to perform the services to meet the department's needs. If the contractor on the listing of cooperative contracts does not meet the needs of the department, the Department Head must notify the Purchasing Officer in writing and request to use another contractor.

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 14th day of June, 2022:

Present:

Vote:

Marlene J. Waymack, Chair
Donald Hunter, Vice-Chair
Floyd M. Brown, Jr.
Alan R. Carmichael
T. J. Webb

A-5

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION; PROPOSED REVISIONS PRINCE GEORGE COUNTY ADMINISTRATIVE POLICY; SECTION 230.1 THROUGH 230.29, ENTITLED *PROCUREMENT POLICY*

WHEREAS Prince George County Administrative policy entitled *Procurement Policy* has been reviewed by staff and it has been determined that the existing policy requires modifications to update section 230.13 for state approved increases to annual and project limits for term contracts with architectural and professional engineering firms;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Prince George this 14th day of June, 2022, does hereby amend the Prince George County Administrative Policies by revising the policy entitled *Procurement Policy* as requested.

A Copy Teste:

Jeffrey D. Stoke
County Administrator