

ORANGE COUNTY, VIRGINIA

BOARD OF SUPERVISORS

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JAMES K. WHITE, DISTRICT TWO
S. TEEL GOODWIN, DISTRICT THREE
JAMES P. CROZIER, DISTRICT FOUR
LEE H. FRAME, DISTRICT FIVE



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MOTION: FRAME
SECOND: JOHNSON

January 12, 2021
Regular Meeting
Res. No. 210112 – 7A

RE: RESOLUTION TO ADOPT A PUBLIC PROCUREMENT POLICY FOR THE COUNTY OF ORANGE, INCLUDING ITS CONSTITUTIONAL OFFICERS, AND TO DESIGNATE THE COUNTY ADMINISTRATOR AS THE PURCHASING AGENT FOR THE COUNTY

WHEREAS, public purchasing embraces a fundamental obligation to the general public to ensure that procurements are accomplished in accordance with the intent of the laws enacted by the appropriate legislative body. The intent of the Virginia General Assembly is set forth in the Code of Virginia with the Virginia Public Procurement Act (VPPA). To the end that public bodies in the Commonwealth obtain high quality goods and services at reasonable cost, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business and that no bidder or offeror be arbitrarily or capriciously excluded, it is the intent of the General Assembly that competition be sought to the maximum feasible degree, that individual public bodies enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs of the purchasing body rather than being drawn to favor a particular vendor, and that purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered. Since competition is sought to the maximum feasible degree, when conducted fairly and honestly, competitive procurement does not guarantee that a preferred brand or vendor will be selected; instead, that the most favorable prices will be obtained for that quality level which is specified; and

WHEREAS, Orange County intends, through this resolution, to assure the best quality and price for products and services; to protect the assets and funds of Orange County; to maintain above-board relations with all suppliers within the Procurement Laws and Business Ethics as dictated by Federal, State, and Orange County governments; and to provide safeguards for maintaining a procurement system of quality and integrity;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of January, 2021, that the Orange County Board of Supervisors hereby adopts the following:

A purchasing system is hereby established which shall operate under the direction and supervision of the County Administrator, who shall be the Purchasing Agent for the County. The Purchasing Agent may delegate the administrative purchasing responsibility to a responsible subordinate, upon approval by the Board of Supervisors.

The Purchasing Agent shall serve as the principal public purchasing official for the County and shall hereby assume the administrative purchasing responsibility, including the operation of the centralized purchasing system of all supplies, equipment, materials, services, and commodities for departments, officers, and employees of the County, including Constitutional Officers insofar as their funds are derived from the County budget, but not including the School Board and the Social Services Board, as well as for the management of the disposal of surplus supplies and equipment.

The Purchasing Agent shall:

- A. Purchase or supervise the purchase of all goods, services, insurance, and construction needed by the County;
- B. Sell, trade, or otherwise dispose of surplus goods belonging to the County;
- C. Establish and maintain programs for specification development, contract administration, inspection, and acceptance, in cooperation with the County department or public body that has requested the good, service, insurance, or construction;
- D. Prepare and update standard specifications;
- E. Inspect, or require the using department to inspect, all deliveries of goods, services, or construction purchased through the Purchasing Agent to assure conformance with the contract specifications;
- F. Procure for the County the highest quality goods, services, insurance, and construction at the lowest overall cost;
- G. Endeavor to obtain maximum feasible competition for all procurement and sales;
- H. Keep informed of current developments in the field of procurement, pricing methodology, market trends, and new products;
- I. Establish and promulgate procedures to carry out the provisions of this policy;
- J. Prepare and adopt standard procurement definitions and forms;
- K. Prepare and maintain solicitation and contract files containing descriptions of commodities and prices of goods and services;
- L. Maintain an electronic file of sources for goods and services to be known as a "bidder's list" on which vendors can request to be included;
- M. Refuse to issue any purchase order until there has been certification of availability of funds; and
- N. Perform other functions and duties as required by this policy or as the County Administrator or his designee may assign.

The County Administrator, or his designee, may delegate authority to purchase certain goods, services, or construction to departments, to other County employees, or to public bodies, if such delegation is in writing and is deemed necessary for the effective execution of procurement for those items.

The Purchasing Agent shall have the authority to disapprove any purchase as to the quantity or quality of the commodity requested, and shall have the authority to change specifications.

BE IT FURTHER RESOLVED, that the provisions of Virginia Code in the Virginia Public Procurement Act (VPPA) are hereby adopted as the procurement policy of Orange County.

BE IT YET FURTHER RESOLVED, as follows:

1. All Constitutional Officers and Department Directors shall obtain reasonable prices for all purchases regardless of dollar value or commodity.
2. All County Departments and Constitutional Officers must submit a Requisition for Purchase for all proposed purchases totaling \$10,000 or more and use the best method possible for obtaining the lowest price. In determining the estimated contract amounts, Departments and Constitutional Officers shall include total annual requirements. Procurements shall not be artificially divided to avoid or circumvent the procurement process.
3. All Information Technology procurements of \$500 or greater shall be pre-approved by the Information Technology Director.
4. For small purchase single or term contracts for goods or services totaling \$10,000-\$100,000, users shall solicit a minimum of three (3) quotes in writing, unless obtaining three (3) written quotes is impractical or not feasible. Goods or services costing \$100,000 shall require Board of Supervisors approval. If only one (1) quote is obtained for a good or service, and emergency and/or sole source circumstances do not apply, Board of Supervisors approval shall be required. The County Administrator may reserve the right to request formal solicitation procedures for procurements valued at \$100,000 or less.
5. For goods or services with an expected aggregate greater than \$100,000, or for professional services with an expected aggregate amount to or greater than \$80,000, formal solicitation procedures shall apply, which utilize competitive sealed bidding, two-step competitive sealed bidding, or competitive negotiation. Competitively negotiated procurement for goods or services other than professional services shall require written justification and approval by the Board of Supervisors.
6. Pursuant to §2.2-4310 and §15.2-965.1 of the Code of Virginia, County employees involved with the procurement process shall cooperate with state and federal agencies to facilitate the participation of small businesses and, businesses owned by women, minority, and service disabled veterans in the procurement transactions of Orange County. Orange County grants no preferences or set-asides to such businesses. The Management Services Department may assist any such business in completing or understanding bids or proposals.
7. *Emergency Procurement*: An emergency circumstance may arise in order to protect personal safety, life, or property that requires immediate action to avoid termination of essential services or a hazardous condition. In such cases, a Purchase Order or contract may be awarded by the County Administrator without competitive bidding or competitive negotiation, but shall be made with as much competition as practicable. A written determination and justification establishing the basis for the emergency and for the selection of the particular contractor or

vendor must be submitted by the end user to the Management Services Department and County Administrator prior to purchase. The County Administrator, or their designee, will approve or disapprove the purchase as an emergency procurement. The approved written determination shall become part of the procurement file. For purchases with a total cost of \$50,000 or greater, a written notice stating that the purchase and/or contract is being awarded, or has been awarded on an emergency basis, shall be publicly posted for ten (10) calendar days, beginning on the day of the award or the decision to award or as soon thereafter as is practicable. Notwithstanding the foregoing, if an emergency occurs at times other than regular business hours, the concerned user may purchase directly the required goods or contractual services after receiving approval from the County Administrator or his designee. The requesting user shall, whenever practicable, secure competitive bids and order delivery to be made by the lowest responsible bidder. The user shall also, as soon as practicable, submit a tabulation of bids received, if any, a copy of the delivery record, and a written explanation of the circumstances of the emergency to the Management Services Department. The County Administrator, or his designee, shall notify the Board of Supervisors of all emergency procurements valued at \$100,000 or greater.

- 8. *Sole Source*: A contract and/or purchase order may be awarded without competition when it is determined, in writing, after conducting a good faith review of available sources, that there is only one (1) source practicably available for the required good or service. Negotiations shall be conducted, as appropriate, to obtain the best price, delivery, and terms. A written notice shall be issued stating that only one source was determined to be practicably available, identifying that which is being procured, the contractor selected, and the date on which the contract or purchase will be awarded. For purchases exceeding \$50,000, a notice of sole source shall be publicly posted on the day of award or the day of the decision to award, whichever occurs first. All sole source procurements shall be reviewed and approved by the Management Services Department, County Attorney, and County Administrator prior to purchase.

Votes:
Johnson: Aye
White: Aye
Crozier: Aye
Frame: Aye

For Information: Thomas E. Lachenev, County Attorney
Stephanie Straub, Assistant to the County Administrator
Amanda Amos, Procurement Coordinator

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Clerk to the Board of Supervisors