

ORANGE COUNTY, VIRGINIA

BOARD OF SUPERVISORS

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MOTION: CROZIER

May 26, 2015

SECOND: GOODWIN

Regular Meeting

Res. No. 150526 – 10B

RE: RESOLUTION TO AMEND THE ORANGE COUNTY PROCUREMENT POLICY

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 26th day of May, 2015, that the Orange County Board of Supervisors hereby establishes a purchasing system 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 of the Board of Supervisors.

The Purchasing Agent shall serve as the principal public purchasing official for this 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, except for the School Board and the Board of Social Services, as well as for the management of the disposal of surplus supplies and equipment.

The Purchasing Agent shall:

- A. Purchase or supervise the purchase for all goods, services, insurance, and construction needed by this 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 a pre-solicitation and contract file containing descriptions of commodities and prices of goods and services;
- L. Maintain a current file of sources for goods and services, including construction and insurance, 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 funds availability; and
- N. Perform other functions and duties as required by this policy or as the County Administrator or his designee may assign.

The Purchasing Agent or his designee may delegate authority to purchase certain supplies, services, or construction items to Departments, other County employees or 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.

The Purchasing Agent will prepare and maintain a manual containing rules and procedures consistent with this Resolution.

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, Virginia.

BE IT YET FURTHER RESOLVED, that

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 \$5,000 or more. 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 Manager.
4. For small purchase single or term contracts for goods/services totaling \$5,000-\$100,000 users shall solicit a minimum of three (3) quotes in writing, unless obtaining three (3) written quotes is impractical or not feasible, upon which written documentation shall be supplied. Goods/Services costing over \$60,000 shall require Board of Supervisor approval. If only one (1) quote is obtained for a good/service and emergency and/or sole source circumstances do not apply, Board of Supervisor approval shall be required. The Purchasing Agent may reserve the right to request formal solicitation procedures for procurements valued at \$100,000 or less.
5. For goods/services with an expected aggregate amount to or greater than \$100,000 or for professional services with an expected aggregate amount to or greater than \$60,000; formal solicitation procedures shall apply which utilize competitive sealed bidding, two-step competitive sealed bidding, or competitive negotiation.
6. Pursuant to § 2.2-4310 and § 15.2-965.1 County employees involved with the procurement process shall cooperate with state and federal agencies to facilitate the participation of small, women, minority, and service disabled veteran-owned businesses in the procurement transactions of Orange County. Orange County grants no preferences or set-asides to such businesses. The Finance 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 Purchasing Agent 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/vendor must be submitted by the end user to the Finance Office and Purchasing Agent prior to purchase. The Purchasing Agent 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 \$60,000 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 end user may purchase the required goods or contractual services after receiving approval from the Purchasing Agent. 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 to the Finance Office and Purchasing Agent a tabulation of bids received, if any, a copy of the delivery record and a written explanation of the circumstances of the emergency. The Purchasing Agent shall notify the Board of Supervisors of all emergency procurements valued at \$60,000 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/service. Negotiations shall be conducted, as appropriate, to obtain the best price, delivery, and terms. For purchases \$5,000 and greater, 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/purchase will be awarded. For purchases exceeding \$60,000, a notice of sole source shall be publically 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 Finance Department, County Attorney, and County Purchasing Agent prior to purchase.

Votes:

Ayes: Johnson, White, Goodwin, Crozier, Frame.

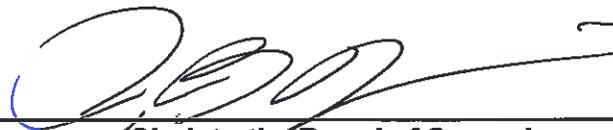
Nays: None.

Absent from Vote: None.

Absent from Meeting: None.

**For Information: Thomas Lacheney, County Attorney
Glenda Bradley, Finance Director
Stephanie Straub, Financial Management Specialist**

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Clerk to the Board of Supervisors

