

Amelia County Small Purchase Procedures

A. General: The Virginia Public Procurement Act permits a locality to establish written small purchase procedures for purchases from non-governmental contractors that do not require competitive sealed bids or competitive negotiation, on the condition that such procedures provide for competition wherever practicable. Section 2.2-4303(G)(H), Code of Virginia, 1950, as amended. The following small purchase procedures have been established by the Board of Supervisors of Amelia County for use by the County when acquiring (1) materials, supplies, equipment, printing, or other goods and nonprofessional services from nongovernmental contractors where the estimated cost is less than or equal to \$200,000, (2) professional services through single or term contracts if the aggregate or the sum of all phases is not expected to exceed \$80,000, and (3) transportation-related construction if the aggregate or sum of all phases is not expected to exceed \$25,000. In general, the objective of this policy shall be to provide the County and its taxpayers with the best value possible - reflecting high quality and best price - through efficient and effective use of the competitive market.

B. General Policies:

1. The procedures established in this chapter are intended to provide for competition wherever practicable and shall be applied to further this intent.
2. The County may choose to require more formal bidding procedures or more stringent requirements in addition to or in lieu of the methods provided in these procedures. Reasons for imposing such requirements may include, but shall not be limited to, (1) a belief that a more competitive price could be obtained or (2) to comply with more stringent funding source procurement requirements.
3. The County shall not procure goods or services in a piecemeal manner, split procurement into multiple parts, or request that the selected vendor invoice the County at intervals for the purpose of reducing the estimated cost of the procurement below the small purchase thresholds permitted under state law or under Section A.
4. The receipt of written quotations is preferred.
5. All oral quotes must be documented by the employee receiving said quote. A standard County form shall be available for this purpose.
6. When practicable, the County shall inquire about available discounts.
7. The County may, but shall not be required to, follow the methods provided in these procedures for procurements of goods or services which are exempt from requirements of competition under the Virginia Public Procurement Act (Virginia Code Section 2.2-4300, et seq.).

8. Where the estimated cost exceeds \$200,000 for goods and nonprofessional services, \$80,000 for professional services, or \$25,000 for transportation-related construction, the County shall follow the applicable provisions of the Virginia Public Procurement Act (Virginia Code Section 2.2-4300, et seq.).
9. In the event that the required number of quotes cannot be obtained, the purchaser must document either that there are no other vendors available to provide the good or perform the service (single source determination), or that a reasonable effort was made to contact other vendors with no response. Documentation of such reasonable effort to contact vendors should include copies of fax confirmation sheets or letters requesting the quote and confirmation from the purchaser that no response was received. A standard County form shall be available for this purpose.
10. When applicable, the County may make use of existing contracts in other localities for the purchase of similar goods and services. The contract price shall satisfy the purpose of one quotation.
11. A contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than twenty five percent of the amount of the contract or \$ 50,000, whichever is greater, without the advance written approval of the Board of Supervisors of Amelia County. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of an offeror from the consequences of an error in its quote or offer.
12. In the solicitation or awarding of contracts, the County shall not discriminate against an offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.
13. Whenever solicitations are made, the County shall include businesses selected from a list made available by the Department of Minority Business Enterprise.
14. The County encourages the participation of small businesses and businesses owned by women and minorities in procurement transactions.
15. Compliance with Immigration Law. Pursuant to § 2.2-4311.1. of the Code of Virginia, the Contractor does not, and shall not during the performance of this Contract, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986. (BOS action Oct. 1, 2008)

C. Definitions:

1. The term "contracts" does not necessarily mean a formal written contract, but includes decisions to purchase a good or service made in compliance with the procedures outlined in this policy Including documentation.

2. "Small purchases" are single or term contracts for goods or services where the estimated sum or aggregate of all phases does not exceed \$200,000 for goods and non-professional services, \$80,000 for professional services, or \$25,000 for transportation-related construction.
3. "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.
4. "Nonprofessional services" means any services not specifically identified as professional services in the definition of professional services.
5. The estimated cost of a contract shall be according to a single purchase order, not the annual total for a particular vendor. However, unit orders shall not be split in order to reduce the invoice total.
6. A quotation may be either written or oral. A supplier's current price list may serve the same purpose as obtaining a quote. It is the responsibility of the employee receiving an oral quote to document thoroughly the price and good or service provided.

D. Procurement Methods:

1. One quotation:
 - a. Purchases where the estimated cost of goods, professional services, or nonprofessional services does not exceed \$5,000 may be made upon receipt of a written or oral quote from one vendor.
 - b. The County shall seek additional quotations whenever there is reason to believe a materially better value could be found.
 - c. Where more than one quote has been obtained for goods or nonprofessional services, the County shall select the supplier with the lowest responsive and responsible quote. It shall be consistent with this policy for the County to consider product quality, service, and vendor reliability to reach this determination.
 - d. Where more than one quote has been obtained for professional services, the County shall negotiate with the vendor determined to be the most qualified, responsible and suitable; cost shall not be the sole determining factor. If a satisfactory contract cannot be negotiated with such vendor, negotiations shall then be undertaken with the second most qualified, responsible and suitable vendor, and so on until a satisfactory contract is agreed upon.

2. Two quotations:

- a. Purchases where the estimated cost of goods, professional services, or nonprofessional services exceeds \$5,000 but does not exceed \$30,000 may be made upon receipt of written or oral quotes from two vendors, subject to the provisions of Section 8(9) above.
- b. For goods and nonprofessional services, the County shall select the supplier with the lowest responsive and responsible quote. It shall be consistent with this policy for the County to consider product quality, service, and vendor reliability to reach this determination.
- c. For professional services, the County shall negotiate with the vendor determined to be the most qualified, responsible and suitable; cost shall not be the sole determining factor. If a satisfactory contract cannot be negotiated with such vendor, negotiations shall then be undertaken with the second most qualified, responsible and suitable vendor, and so on until a satisfactory contract is agreed upon.

3. Three written quotations:

- a. Purchases where the estimated cost of goods, professional services, or nonprofessional services exceeds \$30,000 but does not exceed \$100,000 may be made upon receipt of written quotes from three vendors, subject to the provisions of B(9) above.
- b. For goods and nonprofessional services, the County shall select the supplier with the lowest responsive and responsible quote. It shall be consistent with this policy for the County to consider product quality, service, and vendor reliability to reach this determination.
- c. For professional services, the County shall negotiate with the vendor determined to be the most qualified, responsible and suitable; cost shall not be the sole determining factor. If a satisfactory contract cannot be negotiated with such vendor, negotiations shall then be undertaken with the second most qualified, responsible and suitable vendor, and so on until a satisfactory contract is agreed upon.

4. Four written quotations:

- a. Purchases where the estimated cost of goods or nonprofessional services exceeds \$100,000 but does not exceed \$200,000 may be made upon receipt of written quotes from four vendors, subject to the provisions of B(9) above; or, in the case of professional services the estimated costs of services exceeds \$50,000 but does not exceed \$80,000.

- b. Written informal solicitation of a minimum of four bidders or offerors shall be required.
 - c. The County shall select the supplier with the lowest responsive and responsible quote. It shall be consistent with this policy for the County to consider product quality, service, and vendor reliability to reach this determination.
- E. Exceptions to competitive requirements: Amelia County has determined that competition normally is either not practicable or available for small purchases of the following goods or services which, accordingly, may be purchased without receipt of quotes from additional vendors:
 - 1. Books, preprinted materials, reprints and subscriptions (e.g., print or electronic), prerecorded audio and video cassettes and slide presentations when only available from the publisher/producer.
 - 2. Any items purchased cooperatively through another public body's contract in accordance with the Virginia Public Procurement Act.
 - 3. Academic/research consulting services.
 - 4. Honoraria, entertainment (speakers, lecturers, musicians, etc.).
 - 5. Royalties and film rentals when only available from producer or protected Distributors.
 - 6. Membership dues.
 - 7. Advertisements such as in newspapers, magazines, journals, radio, television, etc.
 - 8. Utility charges.
- F. Additional Exceptions to competitive requirements: The Board of Supervisors may make an exception to have fewer quotes within a given range if it determines that a purchase is of an urgent enough nature that the timing of following the adopted procedure will cause harm to operations or prices. The County Administrator has the same authority, but his determination and request must be approved by the Board of Supervisors.
- G. Contract requirements:
 - 1. Every contract of more than \$10,000 shall include the following provisions:
 - a. During the performance of this contract, the contractor agrees as follows:

- i. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or 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.
 - ii. 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.
 - iii. Notices, advertisements 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.
 - iv. The contractor will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
- b. During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, of illegal drugs of any kind.