

RESOLUTION

CENTRALIZED PROCUREMENT POLICY

OF

ROCKINGHAM COUNTY

In accordance with the provisions of the Virginia Public Procurement Act, the Board of Supervisors of Rockingham County, by resolution, hereby adopts the following policy for procurement procedures.

SECTION ONE: GENERALLY

Definitions.

The following words and phrases shall have the meaning given in this section:

Board of supervisors. The governing body of Rockingham County, Virginia.

Business. Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

Contract. Any type of county agreement, between the County and a non-governmental source for the procurement of goods, services, insurance, or construction that is enforceable by a court of law.

Contractor. Any person having a contract with the county or a using agency thereof.

County. The County of Rockingham, Virginia.

County administrator. The chief administrative officer of Rockingham County.

Employee. An individual drawing a salary or wages from the county, whether elected or not; any noncompensated individual performing personal services for the county or any department, agency, commission, council, board or any other entity established by this county, whether elected or not.

Goods. All material, equipment, supplies, printing and automated data processing hardware and software.

Governing body. The board of supervisors of Rockingham County.

Insurance. A contract whereby, for a stipulated consideration, one party undertakes to compensate the other for loss on a specified subject by specified perils.

Official responsibility. The administrative or operating authority, whether immediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction, or any claim resulting therefrom.

Nonprofessional services. Any services not specifically defined as "professional services" in this section.

Person. Any business, individual, union, committee, club, other organization, or group of individuals,

Procurement transaction. All functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

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

Public body. Any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this policy.

Purchasing agent. The employee appointed by the county administrator to perform the duties as outlined in this chapter.

Services. 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.

Specification. Any description of the physical or functional characteristics, or of the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing, or preparing a good, service or construction item for delivery.

Purpose.

The purpose of this policy is to provide for the fair and equitable treatment of all persons involved in public purchasing by the county, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

Application.

This policy applies to contracts for the procurement of goods, services, insurance, and construction entered into by the county involving every expenditure for public purchasing irrespective of its source. Except that, when the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal law and regulation which are not reflected in this policy. Nothing in this policy shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest which are otherwise consistent with law.

SECTION TWO: OFFICE OF THE PURCHASING AGENT

Establishment.

There is hereby created a purchasing system to operate under the direction and supervision of the county administrator, or his designee.

Appointment.

The purchasing agent shall be appointed by the county administrator.

Bond.

The purchasing agent shall give an official bond, to be approved by the county attorney in the sum of ten thousand dollars (\$10,000.00). The premium for such bond shall be paid out of the general operating fund of the county.

Authority.

Subject to the guidelines and prohibitions of this policy, as adopted by the board of supervisors, the purchasing agent shall have authority to procure goods, services, insurance and construction, as well as the management and disposal of supplies.

Duties.

The purchasing agent shall implement the provisions of the Virginia Public Procurement Act in Rockingham County. The purchasing agent is hereby empowered to undertake the activities described in the Virginia Public Procurement Act. For such purposes, the purchasing agent may act by and through the duly designated or authorized officers or employees of the county.

In accordance with this policy, and subject to the supervision of the county administrator, the purchasing agent shall:

- (1) Purchase or supervise the purchasing of all goods, services, insurance and construction needed by this county;
- (2) Exercise direct supervision over the county's central stores and general supervision over all other inventories of goods belonging to the county;
- (3) Sell, trade or otherwise dispose of surplus goods belonging to the county; and
- (4) Establish and maintain programs for specifications development, contract administration and inspection and acceptance, in cooperation with the public agencies using the goods, services, and construction.

Operational procedures.

Consistent with this policy, and with the approval of the county administrator, the purchasing agent may adopt operational procedures relating to the execution of the duties assigned.

Approval of purchases when absent.

In the absence of the purchasing agent, purchases shall be approved by the county administrator or his designee.

Delegation.

With the approval of the county administrator, the purchasing agent may delegate authority to purchase certain supplies, services, or construction items to other county officials, if such delegation is deemed necessary for the effective procurement of those items.

Unauthorized purchases.

Except as herein provided, no official, elected or appointed, or any employee shall purchase or contract for any goods, services, insurance or construction within the purview of this policy. Any purchase order or contract made contrary to the provisions hereof is not approved and the county shall not be bound thereby.

SECTION THREE: CONTRACT FORMATION AND METHODS OF SOURCE SELECTION**Small purchases.**

Any purchase not exceeding eighty thousand dollars (\$80,000.00) may be acquired with small purchase procedures; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this section. Procedures to be used when purchasing under this section are as follows:

- a. Except as hereinafter qualified, any purchase estimated to not exceed eighty thousand dollars (\$80,000) may be made by methods other than competitive sealed bids or competitive negotiation. All purchases shall be awarded on the basis of the quotation most advantageous to the county. The purchasing agent shall solicit quotations by direct mail request to prospective vendors or suppliers or by telephone inquiry. Reasonable efforts shall be made to obtain a minimum of three (3) quotations for each purchase.

The purchasing agent shall keep a record of all purchases and the quotations submitted, and such records shall be open to public inspection.

- b. Purchases of less than five thousand dollars (\$5,000.00) may be exempt from the procedures above.

SECTION FOUR: DISPOSAL OF SURPLUS PROPERTY

Procedure.

- (a) Surplus property of the county is defined as property that is no longer needed by the county. This could be property that has been replaced by a newer model, property that is broken or property that has become obsolete.
- (b) The county will dispose of surplus property using different methods, determined by the value of the property being disposed. If items are being sold as a lot, the value of the total lot should be used in determining the value. The director of the department from which the property originated shall be responsible for determining the value of the property.
 - (1) If the property is valued at less than one thousand dollars (\$1,000.00), then the property may be sent to the landfill to be disposed (recycled if possible).
 - (2) If the property is valued at more than one thousand dollars (\$1,000.00) it shall be deemed significant valued property, shall be declared surplus by the board of supervisors, and disposed of using one (1) of the methods listed in section (c).
- (c) Surplus property that has a value of one thousand dollars (\$1,000.00) or more must be disposed of by one (1) of the following methods:
 - (1) Advertisement on an appropriate government auction site.
 - (2) Advertisement in local paper for sealed bids.
 - (3) Negotiated sale: When property has not been sold after a sealed bid and it also has not been sold after being placed on a government auction site, it may be sold to any solicitor who has shown an interest in the property. Every effort should be made to collect as high a price as possible for the item being disposed.
 - (4) Contracted sale: A contract can be established for the sale of surplus items generated on a continuing basis, such as scrap metal or old meters.
 - a. Such contracts must be advertised in a local paper of general circulation or posted on the county's website to allow for all interested parties to submit a bid for the contract proposal.
 - (5) Trade in: When purchasing a new item and the vendor will take the item being replaced as a trade-in, the trade must be fully described with model and serial number on the invoice with the trade-in value listed as an offset to the purchase price of the new item.
- (d) Surplus property may be donated to a non-profit agency such as a volunteer fire or rescue department, public or private schools, towns, etc.

SECTION FIVE: DEBARMENT OR SUSPENSION

Authority.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the board of supervisors, after consulting with the county attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three (3) years. After consultation with the county attorney, the board of supervisors is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to debarment. The suspension shall not be for a period exceeding three (3) months. The causes for debarment include:

- (1) 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;
- (2) Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a contractor;
- (3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- (4) Violation of contract provisions, as set forth below, of a character which is regarded by the governing body to be so serious as to justify debarment action:
 - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of any bidding procedures or one (1) 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.
- (5) Any other cause the governing body determines to be so serious and compelling as to affect responsibility as a contractor including debarment by another governmental entity for any cause in this policy and for violation of the ethical standards set forth in this policy.

Issuance of written decision.

The county shall issue a written decision to debar or suspend. The decision shall state the reasons for the action taken and inform the debarred or suspended person involved of his rights concerning judicial or administrative review.

Notice of decision.

A copy of the decision required shall be mailed or otherwise furnished immediately to the debarred or suspended person.

Finality of decision.

A decision shall be final and conclusive, unless the debarred or suspended person, within ten (10) days after receipt of the decision, takes an appeal to the board of supervisors or commences a timely action in court in accordance with applicable law.

Guidance for the use of these procedures can be found in the Virginia Public Procurement Act.

Resolved by the Board of Supervisors
of Rockingham County, Virginia, on this 28th day of June 2023.