

BOARD OF SUPERVISORS  
 COUNTY OF RUSSELL  
 LEBANON, VIRGINIA

Ordinance

At a regular meeting of the Russell County Board of Supervisors held in the Russell County Government Center, Lebanon, Virginia, on the 1st day of April, 2013.

<u>Present</u>	<u>Vote</u>
Jon Bowerbank, Chairman	Aye
Joseph Puckett, Vice Chairman	Aye
Bob Gibson	Aye
Ernest "Shy" Kennedy	Aye
Larry Rasnake	Aye
Danny L. Brown	Aye
Rebecca Dye	Aye

On motion of Joseph Puckett, seconded by Larry Rasnake, which carried 7-0, the following ordinance was adopted:

**WHEREAS**, Section 2.2-4300 of the Code of Virginia of 1950, as amended, known as the "Virginia Public Procurement Act," was enacted to enunciate the public policies pertaining to governmental procurement from nongovernmental procurement that may or may not result in monetary consideration for either part; and

**WHEREAS**, IT IS THE INTENT OF THE "Virginia Public Procurement Act" to 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, that all qualified vendors have access to public business and that no offeror be arbitrarily excluded, that competition be sought to the maximum feasible degree, that procurement procedures involve openness and administrative efficiency, that individual public bodies enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards be made 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 the purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered; and,

**WHEREAS**, the General Assembly prescribed methods of procurement as set forth in Section 2.2-4304 of the Code of Virginia of 1950, as amended; and

**WHEREAS**, the General Assembly, pursuant to Section 2.2-4303(G) and (H) of the Code of Virginia of 1950, as amended, has authorized public bodies to establish purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed \$100,000 and not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$60,000, provided that the public body adopted such procedures in writing; and

**WHEREAS**, it is the intention of the Russell County Board of Supervisors for Russell County, Virginia, a public body as defined in the "Virginia Procurement Act," to adopt written

purchase procedures not requiring competitive sealed bids or competitive negotiation for single term contracts for goods and services not to exceed \$100,000 and single or term contracts professional services not to exceed \$60,000.

**TITLE**

1. Pursuant to Section 2.2-4303(G) and (H) of Code of Virginia of 1950, as amended, Russell County, Virginia, a public body, hereby adopts procedures for not requiring competitive sealed bids or competitive negotiation for single terms contracts for goods and services not expected to exceed \$100,000 and professional services not expected to exceed \$60,000 which shall be known as "**THE RUSSELL COUNTY, VIRGINIA SMALL PURCHASES PROCUREMENT POLICY.**"

**PURPOSE**

2. The purpose of "The Russell County, Virginia, Small Purchase Procurement Policy" is to enunciate the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement that may or may not result in monetary consideration for either party. This resolution shall apply whether the consideration is monetary or nonmonetary and regardless of whether the County, the contractor, or some third party is providing the consideration.

**INTENT**

3. It is the intention of Russell County, Virginia, to obtain high quality goods and services at reasonable cost that the procurement of goods and services other than professional services not exceeding \$60,000 for single or term contracts be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety and that all qualified vendors have access to public business and that no offeror be arbitrarily or capriciously excluded. It is the intent of the Russell County Board of Supervisors that competition be sought to the maximum feasible degree, that procurement procedures involve openness and administrative efficiency, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs of Russell County rather than being drawn to favor a particular vendor, and that Russell County and the vendor freely exchange information concerning what is sought to be procured and what is offered.

**DEFINITIONS**

4. The following definitions shall apply to "Russell County, Virginia Small Purchases Procurement Policy."

**"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 the County's 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.

**"CONSTRUCTION MANAGEMENT CONTRACT"** means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

**"GOODS"** means all material, equipment, supplies, printing and automated data processing hardware and software.

**“INFORMALITY”** means a minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid, or the Request for Proposal, which does not affect the price, quality, quantity or delivery or delivery schedule for the goods, sevices or construction being procured.

**“MULTIPHASE PROFESSIONAL SERVICES CONTRACT”** means a contract for the providing of professional services where the total scope of work of the second or subsequent phase of the contract cannot be specified without the results of the first or prior phase of the contract.

**“NON-PROFESSIONAL SERVICES”** means any services not specifically identified as professional services in the definition of professional services contained in this paragraph.

**“POTENTIAL BIDDER OR OFFEROR”** means a person who, at the time Russell County negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under the contract, and who at such time is eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

**“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.

**“PUBLIC CONTRACT”** means an agreement between Russell County, Virginia, and a nongovernmental source that is enforceable in a court of law.

**“RESPONSIBLE BIDDER”** means a person or entity 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.

#### **PROCEDURE FOR GOODS AND SERVICES**

5. A. The County Administrator may at his discretion enter into negotiations for single or term contracts for goods and services other than professional services where the aggregate or the sum of all phases is not expected to exceed \$100,000. Neither competitive sealed bids nor competitive negotiations as defined in section 2.2-4301 of the Code of Virginia, 1950 as amended, shall be required to enter into a contract contemplated herein.  
B. Purchases under this subsection that are expected to be less than \$500.00 shall require the written informal or oral solicitation of a single quotation of a bidder or offeror known by the County Administrator to commonly provide the goods and services being contracted for.  
C. Purchases under this subsection that are expected to be from \$500.00 to \$10,000 shall require the written informal or oral solicitation of a minimum of two bidders or offerors known by the County Administrator to commonly provide the goods and services being contracted for.  
D. Purchases under this subsection that are expected to be from \$10,000 to \$30,000 shall require the written or oral solicitation of a minimum of three bidders or offerors.  
E. Purchases under this subsection that are expected to exceed \$30,000 shall require the written informal solicitation of a minimum of four bidders or offerors.  
F. All oral solicitations and responses shall be reduced in writing by the County Administrator and made available to the Board of Supervisors for their review and recordation into the permanent minutes of the meeting of the Board of Supervisors

wherein the contract is approved.

G. Written informal solicitations shall contain or incorporate by reference the specifications and contractual terms and conditions applicable to the procurement.

H. The response to the written informal solicitation shall address specifications, contractual terms, conditions and price applicable to the procurement.

I. Should the Russell County Board of Supervisors, upon recommendation of the County Administrator, determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

J. Award of contract shall be made based on a "Best Value" determination.

K. The name(s) and address(es) of each bidder or offeror submitting a proposal to either a written informal solicitation or oral solicitation, and the date and response to the solicitation shall be filed and maintained by the Russell County Board of Supervisors.

L. The Russell County Board of Supervisors shall be responsible for the final approval of all contracts herein.

#### **PROFESSIONAL SERVICES**

6. A. The County Administrator may at his discretion enter into negotiations for single or term contracts for professional services where the aggregate or the sum of all phases is not expected to exceed \$60,000. Competitive negotiation for said services as defined in Section 2.2-4301 of the Code of Virginia, 1950, as amended, shall not be required to enter into a contract contemplated herein.  
B. Contracts under this subsection that are expected to be less than \$3000 shall require the written informal or oral solicitation of a minimum of two bidders single quotation or offerors known by the County Administrator to commonly provide the goods and services being contracted for.  
C. Contracts under this subsection that are expected to be from \$3,000 to \$10,000 shall require the written informal or oral solicitation of a minimum of three bidders or offerors.  
D. Purchases under this subsection that are expected to be from \$10,000 to \$60,000 shall require the written or oral solicitation of a minimum of four bidders or offerors.  
E. Contracts shall be awarded to an individual deemed fully qualified, responsible and suitable on the basis of responses to a solicitation by the County Administrator.  
F. Should the Russell County Board of Supervisors, upon recommendation of the County Administrator, determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.  
G. The name(s) and address(es) of each bidder or offeror submitting a proposal to either a written informal solicitation or oral solicitation, and the date and response to the solicitation shall be filed and maintained by the Russell County Board of Supervisors.  
H. The Russell County Board of Supervisors shall be responsible for the final approval of all contracts herein.

#### **GENERAL**

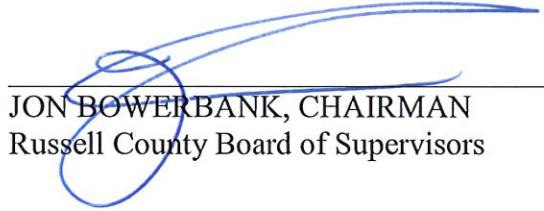
7. All procurement procedures under these procedures shall be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety

and no vendor or offeror shall be arbitrarily or capriciously excluded. Preference shall be given to those vendors or offerors whose qualifications, professional qualifications and proposed services are deemed most meritorious.

8. All procurement's not subject to "Russell County, Virginia Small Purchases Procurement Policy" shall be made in accordance with the provisions of the Virginia Public Procurement Act as enacted by the Virginia General Assembly in Section 2.2-4300, et seq of the Code of Virginia, 1950 as amended.
9. This Ordinance shall supersede and take the place of all previous ordinances and policies prescribing procurement methodology, as previously adopted.
10. All ordinances and portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.
11. Should any part or provision of this Ordinance be found to be invalid due to conflict with federal or state law or regulation, or found to be otherwise invalid by any court of competent jurisdiction, such invalidity shall in no way affect any other provision of this Ordinance, and the invalid portion of such Ordinance shall be deemed to be deleted herefrom without affecting any other provision of this Ordinance.

This ordinance shall become effective April 1, 2013.

Adopted this 1st day of April, 2013.

  
JON BOWERBANK, CHAIRMAN  
Russell County Board of Supervisors

Attest: Rufus W. Hood  
Clerk