

**Gloucester County
Administrative Policy**
Gloucester, Virginia

Section: 520
Supersedes: N/A
Title: Purchasing Policies & Procedures

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Effective Date: February 28, 2023
Authorized By: County Administrator

Purchasing Policies & Procedures

520.1 Introduction

These Gloucester County Purchasing Policies and Procedures (the “Policies and Procedures”) are adopted pursuant to Chapter 22 of the Gloucester County Code of Ordinances, as amended. All section references in this document are to the Chapter 22 of the Gloucester County Code of Ordinances, as amended. In case of discrepancies between these Policies and Procedures and the Chapter 22 of the Gloucester County Code of Ordinances, the Gloucester County Code of Ordinances shall prevail.

The Purchasing Department is authorized to develop and maintain forms to implement these Policies and Procedures that are consistent therewith.

520.2 Purpose

To offer the County of Gloucester/Gloucester County Schools clear guidance to ensure purchases comply with all applicable laws.

520.3 Objective

To obtain the highest quality goods and services at a 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 offeror be arbitrarily or capriciously excluded. It is the intent that competition be sought to the maximum feasible degree.

520.4 Definitions

For purposes of these Policies and Procedures, the following words and phrases shall have the following meanings ascribed to them by Gloucester County.

“Department Manager” collectively refers to County Department Managers, Deputy County Administrators, Constitutional Officers, or other staff as authorized by the County Administrator.

“Invitation for Bids (IFB)” is the document used to solicit formal bids for large purchases where the lowest responsive and responsible bidder determines the award. Bids are sealed.

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“Large/Formal Purchase” is a purchase for (1) goods and nonprofessional services in which the aggregate cost or the sum of all phases is greater than \$50,000, (2) professional services in which the aggregate cost or the sum of all phases is greater than \$50,000, or (3) transportation- related construction in which the aggregate cost or the sum of all phases is greater than \$50,000.

“Small purchase” is a purchase under \$5,000. Small purchases shall not require competitive bidding or competitive negotiation, although competition is encouraged, wherever practicable.

“Non-Transportation-Related Construction” is a construction project that does not require Virginia Department of Transportation approval.

“Purchasing Office” and/or “Purchasing Officer,” for the purposes of these Policies and Procedures, means the County Purchasing Agent or his/her designee.

“Purchase Order” is a legally binding document created by a buyer and presented to a seller.

“Requisition” is a document used by a department manager to request that the purchase department order goods or services.

“Request for Proposals (RFP)” is the document used to solicit formal proposals for large purchases where the award is based on factors other than price, but where price is still a factor.

“Informal Request for Quotations (IRFQ)” is the document used to solicit informal quotes for small purchases. The winning quote is determined by the lowest responsive and responsible bidder, Quotes are unsealed.

“Informal Request for Proposals (IRFP)” is the document used to solicit informal proposals for small purchases. The winning proposal is determined based on factors other than price; proposals are unsealed.

“Informal Purchase” is a purchase for (1) goods, nonprofessional services, and non-transportation-related construction in which the aggregate cost or the sum of all phases is over \$5,001 not expected to exceed \$50,000, (2) professional services in which is over \$5,001 not expected to exceed \$50,000, or (3) transportation-related construction in which the aggregate or sum of all phases is not expected to exceed \$50,000.

“Transportation-Related Construction” is a construction project that requires the Virginia Department of Transportation's approval.

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“Requisition” is a request for goods or services made by an employee to the purchasing department.

“Emergency Purchase” is made to alleviate a situation in which there is a threat to health, welfare, or safety. Emergency purchases are justified when they are made to protect the public from direct peril or when an immediate repair is necessary to prevent further damage to public property, machinery, or equipment.

“Sole Source” A sole source procurement is authorized when there is only one (1) practicable source available to provide the required goods or services and competition is not available for the requirement. This differs from a proprietary purchase where the item required is restricted to a stipulated manufacturer or provider but is sold through distributors that will compete for the need.

For purposes of these Policies and Procedures, the following words and phrases shall have the meanings ascribed to them by the Gloucester County Code of Ordinances, Chapter 22, as it may be amended from time to time. The definitions are reprinted below; however, please consult the most recent version of the Gloucester County Code of Ordinances, Chapter 22, to ensure the definitions have not changed.

“Best value” As predetermined in the solicitation, the overall combination of quality, price, and various elements of required services that in total are optimal relative to the county's needs.

“Brand name specification” A specification limited to one or more items by manufacturers' names or catalog numbers.

“Board of supervisors” The elected governing board of Gloucester County.

“Competitive negotiation” is a method of contractor selection utilizing a written request for proposal, followed by discussions with responsive, responsible offerors.

“Competitive sealed bidding” is a method of contractor selection utilizing a written invitation to bid, public opening and announcement of all bids received, evaluation of bids based upon the requirements set forth in the invitation, and award to the lowest responsive, responsible bidder.

“Construction” Building, altering, repairing, improving, or demolishing any structure, building or highway, and any draining, dredging, excavating, grading, or similar work upon real property.

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“Contract” All types of agreements, regardless of what they may be called, for the procurement of goods, services, insurance, or construction.

“Contractor” Any person having a contract with the county.

“County administrator” is the statutory purchasing agent for the county or designee.

“Direct or indirect participation” Involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or acting in any other similar capacity.

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

“Informality” 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 schedule for the goods, services or construction being procured and does not give a competitive advantage as a result thereof.

“Nominal value” So small, slight or the like, in comparison to what might properly be expected, as scarcely to be entitled to the term, but in no case to be more than ten dollars (\$10.00).

“Nonprofessional services” Any services not specifically identified as professional services.

“Professional services” 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” An agreement between the county and a nongovernmental source that is enforceable in a court of law.

“Purchasing manager” The head of the central purchasing department of the County of Gloucester, or his/her designee.

“Responsible bidder or offeror” A person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance, and who has been prequalified, if

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required. A person who has submitted a bid which conforms in all material respects to the invitation to bid.

“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.

520.5 Delegated Authority

The County Administrator has delegated the responsibility of Purchasing Agent to the Central Purchasing Department. The designee is authorized to execute all contracts, agreements, and purchase orders on behalf of the county and schools. Central Purchasing is responsible for buying, in the best interest of the county, all materials, supplies, services, and equipment for all county departments, agencies, and schools. The Purchasing Agent is further authorized to delegate small purchases to county departments, agencies, and schools.

Department Managers, or their designees, have the delegated authority to make small purchases of less than \$5,000 without prior approval from the Purchasing Department. A purchase order is not required unless the item being procured is from an established term contract.

For all purchases \$5,000 and over, a completed request shall be sent to the Purchasing Department for procuring goods and services. The request shall include detailed specifications. Requisitions shall be submitted at least 30 days prior to need-by date for purchases under \$50,000 and at least 60 days prior to need-by date for purchases \$50,000 and over. If a Requisition is received outside of these parameters, the Purchasing Department, at its sole discretion, may waive the deadline.

520.6 General Procurement Guidelines

A. Tax-Exempt - Gloucester County is exempt from sales tax for goods/services purchased in or delivered to Virginia; however, retail sales of prepared meals, charges for lodging and purchases of goods in other states are subject to sales tax. All staff making purchases on behalf of Gloucester County, no matter the dollar amount, are responsible for ensuring that no taxes are added to tax-exempt purchases. If taxes are added to an exempt purchase, the employee who made the purchase is

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responsible for seeing that taxes are removed, or credit received. Tax-exempt forms are available from the Fiscal Services Department or on the County website.

B. Any authorized online purchases shall be made from an account that is set up with tax-exempt status. The Purchasing Department is the only department allowed to setup online accounts on behalf of the County. See the Purchasing Charge Card Program Policy for details regarding purchases using the County's PCards.

C. Proposed purchases must be included in the County's budget. If a proposed purchase is not included in the budget, approval must be received from the Fiscal Services prior to beginning the procurement process.

D. The use of eVA's Quick Quote and Virginia Business Opportunity (VBO) is recommended, especially when there are few local vendors from whom to purchase a particular good or service. Solicitations may be posted on the County website, electronic bidding portals, and sent to local vendors that provide the good/service.

E. A current IRS Form W-9 must be obtained from each vendor with which the County does business. All corporations must have an active registration with the State Corporation Commission. All Vendors providing a service must have a current business license and certificate of insurance.

F. Split purchases are strictly prohibited. A split purchase is one in which the original purchase requirement for the same or similar goods or services is broken into multiple smaller purchases to avoid going through the formal procurement process. If the Purchasing Department deems a department to be conducting split purchasing, the Purchasing Department may require such department to go through the Purchasing Department to procure all expenditures, regardless of amount.

G. Any contract awarded that will be paid for using federal funds shall comply with all applicable federal procurement standards 2 C.F.R §§200.317-200.326. Gloucester County's Terms and Conditions for Federally Funded Projects shall be included with each contract or purchase order.

H. Procurements that include or integrate with the County's information technology system must be approved by the Information Technology Director or designee prior to sending a procurement request to the Purchasing Department.

520.7 Methods of Procurement

A. All county contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be

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awarded after competitive sealed bidding, unless otherwise authorized by law and this policy.

B. Sole Source Procurement Procedures

In cases where only one source (vendor) is practically available to provide the goods or services being procured, sole source procurement may be used. In sole source procurement, a contract may be negotiated and awarded to the sole source provider without competition.

When sole source procurement is necessary due to a lack of availability of alternate sources for a good or service, the Department Manager shall use the Sole Source Justification Form to provide a written determination of the basis for the Sole Source

Reasonable efforts should be made to obtain other quotes on substantially similar good or services prior to deciding. The Sole Source Provider Determination Form shall be included in the purchasing file. Upon award, the contract shall be processed. Purchasing staff shall issue a Purchase Order.

C. Cooperative Procurement and Gov't to Gov't

Gloucester County may participate in, sponsor, conduct or administer a cooperative procurement agreement on behalf of or in conjunction with one or more public entities provided that such cooperative procurement complies with Gloucester County Code of Ordinances, Chapter 22. Department Managers shall submit to the Purchasing Department a completed Purchase Requisition detailing the goods/services needed, noting their request for use of cooperative procurement, and include the Cooperative Procurement Checklist and all attachments to the Purchasing Department for review. Contracts shall be processed per Section 10. Purchasing staff shall issue a Purchase Order.

D. Public Auction

If the purchasing manager determines that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction. The determination must be in advance of the purchase, in writing that documents the basis for this determination.

520.8 Open Market Small Purchase Procedures for Purchases of \$50,000 or Less

The following guidelines apply to single or term contracts for goods, nonprofessional services, and non-transportation-related construction. A summary chart of these small purchase guidelines is attached as EXHIBIT A.

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The sum of a purchase equals the total cost for all phases or terms. (Example: If a contract is for 3 years, the sum of the purchase = [cost per year] x 3). This total shall be used when determining how to procure a product/service.

A. Items Not Exceeding \$5,000

Small purchase of items in an amount not exceeding five thousand dollars (\$5,000) may be purchased directly by a department. These purchases need not follow the competitive bidding process. Staff, with authority and approval of the Department Manager to proceed, shall obtain a minimum of one (1) documented quote. Quotes must document vendor name, name of vendor's representative, date, phone number, and price quoted. Staff is encouraged, but not required, to obtain more than one quote. Staff shall make award to the vendor with the best price and shall place orders.

Purchase Orders are only required if the procured item is on an existing term contract.

B. Goods, Services or Construction \$5,001 - \$50,000

Department Managers shall submit to the Procurement Department a completed request detailing the goods/services needed. Upon verification of funding, the Purchasing Department shall solicit quotes/proposals from vendors by using the Informal Request for Quotations or other written means.

Quotes shall be solicited from a minimum of four (4) vendors.

Once the opportunity is advertised, all communications must be to the entire group of potential bidders to ensure that everyone is receiving the same information. This is done either during the prebid meeting or through Purchasing staff as an addendum to the Invitation for Bids.

Once quotes are received, and references and certifications checked, the Purchasing Department shall make award to the lowest responsive and responsible vendor or best value and issue a Purchase Order.

For all construction projects or services, the Purchasing Officer shall prepare a Contract which shall be approved as to form by the County Attorney and signed by the vendor and Purchasing Staff. The Purchasing Department shall provide a copy of the Contract to the Department Manager upon execution.

520.9 Large/Formal Procurement Methods

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A. Goods, Nonprofessional Services and/or Non-Transportation Related Construction Where the Sum of All Phases/Contract Periods Is Expected to Exceed \$50,000

i. Competitive Sealed Bidding: Invitation for Bids (“IFB”)

Department Managers shall submit to the Purchasing Department a completed Requisition detailing the goods/services needed. Upon verification of funding, the Purchasing Department shall use the information to prepare the Invitation for Bids (IFB), which shall set out the specifications and contractual terms and conditions applicable to the procurement.

Once the opportunity is advertised, all communications must be to the entire group of potential bidders to ensure that everyone is receiving the same information. This is done either during the prebid meeting or through Purchasing staff as an addendum to the Invitation for Bids.

Sealed bids shall be due to the County at a specified date and time.

After the deadline for receipt of bids, the Purchasing Department conducts a public bid opening. Purchasing Staff shall review all bids, shall determine the lowest responsive and responsible bidder(s), and shall recommend the award to the Department Manager. The Department Manager shall submit a recommendation to award to the Purchasing Department. A formal Notice of Award is posted, and the contract is drafted by purchasing staff. The contract(s) must be approved as to form by the County Attorney and signed by the vendor and purchasing staff. Purchasing staff shall issue a Purchase Order.

Multiple contracts may be awarded only when provided for in the IFB.

Construction may be procured only by competitive sealed bidding except as defined in Section 22-7 of the Gloucester County Code of Ordinances.

ii. Competitive Negotiation: Request for Proposals (“RFP”)

If competitive sealed bidding for goods and/or nonprofessional services is either not practicable or not fiscally advantageous to the public, the Department Manager may request that the Purchasing Department permit competitive negotiation for the procurement. See 7.B. below for the competitive negotiation process, with one difference: when using competitive negotiation for goods and/or nonprofessional services, the pricing/cost of services may be requested

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in the RFP. Pricing/cost of services may be a criterion on which the decision shall be based, but it need not be the sole or primary basis for the decision.

B. Professional Services Where the Sum of All Phases/Contract Periods Is Expected to Exceed \$50,000

Competitive Negotiation: Request for Proposals

Department Managers shall submit to the Purchasing Department a completed Requisition detailing the services needed. Department Managers shall work with the Purchasing Department to provide any specifications or other information necessary. Upon verification of funding by the Fiscal Services Department, The Purchasing Department shall use the information to prepare a Request for Proposals (RFP), which shall set out the specifications, contractual terms and conditions, and criteria used to evaluate proposals. The Department Head approve the RFP prior to issuance. Proposals shall be due to the County at a specified date and time.

After the deadline for receipt of proposals, a committee shall evaluate all proposals based on the criteria set out in the RFP and shall determine which offeror submitted the best proposal. Then, the committee shall enter negotiations with such offeror. Non-binding estimates of total project costs (including man-hours) and/or price for services may be discussed beginning with the "negotiation stage." Best and Final Offers will also be obtained prior to closing negotiations. Upon satisfactory negotiations with the offeror, the committee shall recommend to the Purchasing Department that a contract be awarded to the successful offeror. The contract must be approved as to form by the County Attorney and signed by the Offeror and Purchasing Department. The Purchasing Department shall issue a Purchase Order.

520.10 Architectural & Engineering Services

Gloucester County may procure annual term contracts with multiple architectural & engineering firms using the RFP procedures set out in the formal procurement process. During the contract term, projects should be distributed among the selected contractors according to demonstrated areas of experience and expertise, time for deliverables, and familiarity with like projects. All projects shall have a written task order, issued by the Purchasing Department, which clearly outlines the scope of work to include projected timeline and cost, using fair and reasonable prices, as negotiated. The Purchasing Department shall issue a Purchase Order.

520.11 Information Technology Procurement

All Requisitions and applicable specifications for information technology equipment and services, including but not limited to computers, printers, telephones, mobile

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devices, hardware, and software, must first be reviewed by the Department of Information Technology.

520.12 Electronic Submission

The County may accept electronic submissions from vendors via eVA or other secured electronic procurement solutions for all small purchases and informal procurements. Submissions shall be received by the date/time set for the deadline as listed in the solicitation.

520.13 Contracts and Approvals

A Purchase Order shall be issued for all purchases over \$5,000 by the Purchasing Department. Other departments are not permitted to issue Purchase Orders. All written contracts/agreements require approval and signature by the County Attorney and Purchasing Staff. Only the County Administrator has final authorization to sign any contracts, quotes, or agreements regardless of the amount.

The Purchasing Department shall approve all contract amendments and change orders prior to incurring additional expenses and/or completing work.

520.14 Requisitions

A requisition serves as a tool to inform the Purchasing Department of the needs of the User Departments and to correctly define the service or product. In addition, the requisition signifies authority to charge a specific account number and to certify that sufficient funds are available in the account specified. Each purchasing user is assigned a password and is given a specific level of access to applications and approval levels by cost center in the County's CentralSquare FinPlus Software. The Department Head approves requisitions. All requisitions must be reviewed and approved by the Department Manager, Director, or designee. Requisitions are initiated by the user department in CentralSquare FinPlus Procurement module.

The following instructions are provided as a guide on the required information when completing the automated purchase requisition.

- **Approval Name:** This number is designated by specific fund. (Example: 10-County, 20-Schools)
- **Date:** The date the requisition was established.
- **Deliver by Date/ Requested:** It is important to enter a delivery date for the item, service, or project, particularly if there is a need for delivery within a specified period. The date must be realistic and should take into consideration the lead

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- time required for processing.
- **Vendor:** search in the system for the recommended vendor and address.
- **Freight:** for goods please input- FOB Destination Gloucester, VA.
- **Requisition number:** The system automatically assigns consecutive requisition numbers.
- **Ship To:** enter the correct delivery address for the user department.
- **Buyer:** the name of the person making the request.
- **Attention:** the name of the supervisor or main point of contact.
- **Description:** The description of the item or service should be clear and precise. Provide a detailed description of each item. Include suggested manufacturer and product numbers whenever possible. Indicate color, size, or other pertinent information. Additional information relating to the item may be entered under the notes field.
- **Quantity:** Enter the number of units of the specific item required.
- **Unit of Measure (Measure):** State how the item will be measured or packaged, such as each, dozen, LS (lump sum), etc.
- **Unit cost:** Enter the estimated price for each item. The actual price may vary after solicitation.
- **Budget unit and Account number:** Enter the General Ledger expenditure account to be charged for the items on the requisition. The system will provide a list of accounts upon request.
- **Project number:** Enter the project number, if applicable. This field maintains the records for all project numbers.
- **Requisition quotes:** Provide vendor name, address, telephone number and price quotes, if applicable.
- **Requisition comments:** Provide general information about the request, such as the project title, contact person or other internal comments that will not be printed on the Purchase Order form.

Please refer to the FinPlus Create Requisition Guide for further processing details.

Processing Time: Processing time or lead time is critical; therefore, requisitions should be prepared in advance, to allow sufficient time for the purchasing process to take place and adequate time for delivery of the product or services required.

520.15 Purchase Orders

A purchase order (PO) is a legally binding document created by a buyer and presented to a seller. In lieu of a formal contract the PO serves as a Contract. A Purchase Order authorizes the vendor to ship and invoice for materials and/ or services as specified. Purchase orders that are clear, concise, and complete will help prevent any unnecessary misunderstandings and contract disputes with suppliers.

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The back of the PO defines the terms and conditions on which goods or services are purchased. Because the PO is intended to evidence the commitment between The County and a vendor, it is important that where a PO is required, it be issued in advance of delivery of the goods or services purchased. The vendor's acceptance of a Purchase Order is the acceptance of all Terms and Conditions defined on the PO.

Uses for a Purchase Order:

- Purchase orders do more than simply initiate a transaction. They provide valuable documentation for tracking and logging a transaction as well. Purchase Orders are reference materials for the following:
- Completing audits
- Preparing financial statements
- Tracking orders and avoiding duplicate orders
- Preparing budgets

The Purchase Order system is fully automated and produces a consecutively numbered purchase order after the requisition is processed. Purchase orders are issued to a vendor after the award of a quotation or bid/proposal solicitation. The vendor shall unconditionally accept all terms and conditions to produce a contract.

The information provided on a Purchase order is as follows:

- The Purchase Order Form contains a pre-assigned number and preprinted general terms and conditions and billing information.
- Vendor Number, Name, and Address;
- Ship to Address for the City;
- Requesting Department;
- Terms of Payment;
- Delivery Date;
- Item Description, including Color, Size, Catalog or Part Number, Make and Model, etc. The description may also reference a particular service to be performed, and may include other relevant information such as the bid number, award date, warranty information, bid specifications or bid form may be attached;
- Quantity, Unit of Measure, Unit Price, Extended Price, and Total Price;
- Special Delivery Instructions, Shipping Terms, and FOB Point: Every effort will be made to obtain pre-paid FOB destination terms. The FOB point is the place at which ownership and liability for the parcel changes from the vendor to the County.
- Specific Terms and Conditions, when applicable.
- Signature of the Purchasing Officer.

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Special Purchase Order Type - Blanket Purchase Order: Blanket orders are used primarily to make payments for services that are provided for on a regular and consistent basis, and in some cases for the regular delivery of a consistent quantity. The blanket order is used to initiate orders and pay for ongoing services to avoid constant individual orders. A contract must be in place that has been approved by the appropriate staff before issuing a blanket purchaser order.

520.16 Change Order

Change orders provide a method for amending existing purchase orders, blanket purchase orders or contracts. A change order is a written modification to a contract or purchase order, which normally establishes a change in the work, the cost impact on the contract, if any, and the extent of the adjustment in the contract time, if any.

Authorization

The level of authority for approval of a change order request is the same level of authority required to approve the original requisition. Additionally, special consideration shall be taken as to whether the change order fits within the scope of the procurement and agreement.

Procedure

Change orders are initiated for purposes of adjusting quantities, price changes, addition or deletion of items, account number corrections, cancelations or changes related to shipping.

Change order requests must be processed for all changes that affect the original Purchase Order. Any contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than 10 percent of the amount of the original contract or \$10,000.00, whichever is greater, without the advance approval of the County Administrator, provided that sufficient funds are available and provided, further, that the Board of Supervisors have been informed of the modification and approved the modification through appropriation of funds. Notification to Board shall include a summary of all previous modifications to the contract.

The department requesting the change order shall email the request to the Purchasing Department. The change order request must include the vendor name, purchase order number, monetary dollar breakdown per account number and a clear and concise explanation for the changes; i.e., increase in quantity required for addition of freight charges, addition of item necessary for...etc.

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Change order requests that indicate a price increase for specific items must include proper justification.

520.17 Modifications to Contracts

Any changes to a contract shall be in writing in the form of a contract modification form prior to proceeding with the change in work. The requesting department or division shall initiate and forward the proposed contract modification form to the Purchasing Department for review. Contract changes must be substantiated in writing and must include any proposed adjustment in the contract sum or contract time. If the change provides for an adjustment to the contract sum, the adjustment shall be based on one of the following methods: Mutual acceptance of a lump sum for the work properly itemized and supported by sufficient substantiating data to permit evaluation; Unit prices stated in the contract documents or subsequently agreed upon; Cost to be determined in a manner agreed upon by the parties and a mutually acceptable fixed or percentage fee. The contract modification form and supporting documents shall be submitted for approval to the appropriate authority (which shall include the Purchasing Officer and the County Attorney or designee).

The Purchasing Manager or designee will process and issue the approved modification or change order or submit to the County Administrator or designee for approval.

520.18 Receipt of Goods/Services and Payment of Invoices

Upon execution of a contract or purchase order, the Department Manager or his/her designee shall oversee the product receipt or service completion.

Upon receipt of goods/services, the department shall verify that all goods/services were received and in good condition. Anything missing, damaged, incomplete, or not satisfactory to the contract shall be reported to the vendor immediately.

The Department Manager shall review invoices; sign off once item(s) is/are received in satisfactory condition and submit invoices to the Fiscal Services Department for payment. Accounts Payable shall pay vendors following submittal by the Department Manager of the approved invoice. It is recommended that purchases under \$5,000 be paid by County PCard when possible.

520.19 Debarment

The Purchasing Manager may debar contractors from contracting for particular types of goods, services, insurance, or construction. A debarred contractor may not enter negotiations to contract with the County or make an offer, proposal or bid in response

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to a Request for Proposals, an Invitation to Bid or any other form of solicitation by the County, for supplies, services, insurance, or construction. Debarment of a contractor applies to any successor company formed with the same resources, owners, or stockholders as of the debarred entity.

Grounds for debarment include:

- A. A 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.
- B. Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification, or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a county contractor.
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
- D. Violation of contract provisions, as set forth below, of a character which is regarded by the board of supervisors to be so serious as to justify debarment action:
 - i. Deliberate failure, without good cause, to perform in accordance with the specifications or within the time limit provided in the contract; or
 - ii. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; if failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be a basis for debarment.
- E. Any other cause the County Administrator determines to be as serious and compelling as to affect responsibility as a contractor, including debarment by another governmental entity for any cause and violation of the ethical standards set forth in this chapter.

The Administrative Appeals Procedure shall apply to any administrative appeals.

The steps in the debarment process are as follows:

- A. Once the County Administrator or his/her designee becomes aware of information that a contractor should be debarred, he or his designee shall review the information with the Purchasing Office and shall determine the minimum debarment period. The minimum debarment period shall be commensurate with the seriousness of the cause.
- B. The County shall inform the contractor of the debarment by letter signed by the County Administrator and/or designee, sent certified mail, return receipt required, stating the reasoning for debarment and the minimum length of time that the contractor shall be debarred.

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- C. The contractor shall have ten (10) days following receipt of the written letter in which to request an appeal.
- D. Upon the expiration of time for appeal, or upon the affirmation of the debarment penalty, as applicable, the County shall cause the contractor's name to be placed on the debarment list maintained in the Purchasing Office.
- E. After a contractor's minimum debarment period expires, the contractor may request in writing to the County Administrator that the contractor wishes to have his/her name removed from the debarment list and to be reinstated as eligible to conduct business with the County. The contractor may include information supporting his/her reinstatement request.
- F. The County Administrator or designee shall review the debarred contractor's written request and shall notify the debarred contractor of his/her decision concerning reinstatement within ten (10) business days of receipt of said request.

520.20 Emergency Procurement Procedures

Emergency procurement may be used to procure goods and services without the use of competitive sealed bidding or competitive negotiations. Emergency procurement may be used only in cases of an emergency affecting public health, safety, or welfare.

Term contracts for emergency goods and services shall be procured and kept up to date. It is recommended that all annual maintenance contracts contain emergency rates and clauses in them. The County shall make its best efforts to use all available term, local, and cooperative contracts before using emergency procurement.

When procurement is necessary for the immediate life and safety of a human being or recovery needs and when the Procurement Policy cannot be reasonably followed, after advising the Purchasing Department, the Department Manager shall use the Emergency Purchase Justification Form to provide a written determination of the basis for the emergency and for the selection of the particular contractor. This written determination shall be included in the purchasing file. Purchasing staff shall issue a Purchase Order. When practicable under the circumstances, such procurement shall provide for competition and follow applicable procedures set forth in this policy. A purchase that may be eligible for reimbursement by FEMA or other federal funds, shall follow Federal Guidelines.

To the extent possible, equipment needed for emergency purposes shall be rented only, not purchased. The Federal Emergency Management Agency ("FEMA") and other disaster recovery agencies may not reimburse the purchase of equipment.

Refer to the County's Emergency Operations Plan, Code of Virginia §[44-146.18:1](#), the Virginia Department of Emergency Management website at www.vdem.virginia.gov, and FEMA's website at www.fema.com for additional information.

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520.21 Small Businesses and Businesses Owned by Women and Minorities (SWAM) and Disabled Veterans

Gloucester County shall not discriminate against any bidder or offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service-disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. In order to facilitate the participation of small businesses and businesses owned by women and minorities and disabled veterans in procurement transactions, Gloucester County either shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity (<http://www.dsbsd.virginia.gov>) whenever solicitations are made and/or post the solicitation on the Commonwealth of Virginia's electronic procurement website (eVA) at <http://www.eva.virginia.gov>.

520.22 Ethics in Public Contracting

The provisions of the Gloucester County Code of Ordinances, Chapter 22, Article VI, relating to ethics in public procurement, shall apply to all Gloucester County procurement.

520.23 Other Exemptions from Competitive Requirements

Gloucester County has determined that competition normally is either not practicable or available for purchases of the following goods and services. Refer to the Gloucester County Code of Ordinances, Chapter 22, Section 19.

- A. Contracts for the printing of ballots, statements of results or other materials essential to the conduct of election.
- B. Purchases on state contracts, cooperative contracts, from the state penitentiary and from the state purchasing department warehouse.
- C. Legal services, law books and supplies for the county attorney and the commonwealth's attorney, and expert witnesses and other services associated with actual or potential litigation and administrative proceedings.
- D. Purchases of services or goods (i) which are performed or produced by persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired or (ii) which are performed or produced by nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services for the handicapped.
- E. In the administration of public assistance and social services programs, goods and personal services may be procured for direct use by the recipients of such programs without competitive sealed bidding or competitive negotiations if the procurement is made for an individual recipient. Contracts for the bulk procurement

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of goods or services for the use of recipients are not exempted from the requirements of Gloucester County Code of Ordinances, Chapter 22, Section 19.

F. The county may enter into contracts without competitive sealed bidding or competitive negotiation for insurance if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance by use of competitive principles and provided that the purchasing manager has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The writing shall document the basis for this determination.

520.24 Availability and Distribution of “Purchasing Policies & Procedures”

A copy of the “**Purchasing Policies & Procedures**” shall be available for review in the County Administrator’s Office and the Purchasing Department. A copy of this policy shall also be available for review on the County’s website and County’s intranet. Department/agency heads are responsible for distributing this policy to their employees. Distribution may be in either paper or electronic form.

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PROCUREMENT MATRIX

EXHIBIT A

AMOUNT (\$)	TYPE	PROCESS FOR QUOTES	NO OF VENDORS SOLICITED	DECISION CRITERIA	Requisition REQUIRED	PO REQUIRED	CONTRACT REQUIRED
0.01-5,000	GOODS, SERVICES, CONSTRUCTION	ORAL OR WRITTEN	1	BEST PRICE		YES, if item is on a Term Contract	DEPARTMENT CONDUCTS Construction Projects Only
5,001-50,000	GOODS, SERVICES, CONSTRUCTION	IRFQ or IRFP INFORMAL Process	4	LOWEST RESPONSIVE AND RESPONSIBLE VENDOR	X	X	PURCHASING CONDUCTS Only for Services/Construction
50,000 +	GOODS, SERVICES, CONSTRUCTION	IFB OR RFP FORMAL PROCESS	UNLIMITED Public Posting	LOWEST RESPONSIVE AND RESPONSIBLE BIDDER OR COMPETITIVE NEGOTIATIONS	X	X	PURCHASING CONDUCTS X