

04. PROCUREMENT POLICIES AND PROCEDURES

4.4. Small Purchasing Procedures

BOS Approved Amendment – April 3, 2024

4.4.1. Authorization. The Virginia Public Procurement Act, Virginia Code Section 2.2-4300 *et seq.*, (Hereinafter referred to as the “VPPA”) permits a locality to establish written small purchase procedures for single or term 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. See Virginia Code Section 2.2-4303(G). The following small purchase procedures have been established by the Board of Supervisors of Fluvanna County for use by the County when acquiring (1) materials, supplies, equipment, printing, or other goods and non-professional services from non-governmental contractors where the estimated cost is less than or equal to \$100,000, (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) specifically for vehicles such as a car truck or van where the estimated cost is less than or equal to \$200,000. Notwithstanding the foregoing, small purchasing procedures for any transportation-related construction may only be used when the estimated aggregate cost or sum of all phases is not expected to exceed \$25,000.00. 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.

4.4.2. Authority of Purchasing Agent. The “Purchasing Agent”, who is the County Administrator, has responsibility and authority for negotiating, placing and when necessary, modifying every Solicitation, Contract and purchase order issued by the County under the County’s Small Purchasing Procedures. The Purchasing Agent has signatory authority to bind the County to all contracts and purchases made lawfully under the County’s Small Purchasing Procedures.

4.4.3. General Policies

- A. The procedures established in this Section are intended to provide for competition wherever practicable and shall be applied to further this intent.
- B. 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.
- C. 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 applicable limit for the

type of goods or services being purchased as set forth in section 4.4.1 *supra*. Order splitting with the intent of keeping a small purchase under the maximum dollar amounts prescribed in section 4.4.1 is prohibited.

- D. The receipt of written quotations is preferred.
- E. All oral quotes must be documented by the employee receiving said quote. A standard County form shall be available for this purpose.
- F. When practicable, the County shall inquire about available discounts.
- G. 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 VPPA.
- H. Where the estimated cost exceeds the limit for the type of goods or services being purchased as set forth in section 4.4.1 *supra*, then the County shall follow the applicable provisions of the VPPA and the County's Procurement Policies and Procedures (the "Policy").
- I. 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 may be available for this purpose.
- J. Consistent with Section 4.1.4 of the County's Procurement Procedures, when applicable under the VPPA, the County may make use of existing contracts in other localities for the purchase of similar goods and services as a small cooperative procurement in accordance with this policy and Virginia Code Section 2.2-4304 ("Small Cooperative Procurement"). The contract price in any one (1) Small Cooperative Procurement contract shall satisfy any quotation requirements of this policy.
- K. A contract may include provisions for modification of the contract during performance, but no contract price may be increased such that the total contract price would be more than applicable limit for the type of goods or services being purchased as set forth in section 4.4.1 *supra*, without the advance written approval of the Board of Supervisors of Fluvanna County (the "Board"). 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.
- L. In the solicitation or awarding of contracts, the County shall not discriminate against an offeror because of race, religion, color, sex, national origin, age, marital status, sexual

orientation, gender identity, status as a service-disabled veteran, disability, or any other basis prohibited by state law relating to discrimination in employment.

- M. Whenever solicitations are made, the County shall include businesses selected from a list made available by the Small Business and Supplier Diversity.
- N. Whenever Solicitations are made, the County shall include and incorporated by reference the General Terms, Conditions and Instructions to Bidders and Contractors, attached to the Policy as Appendix 1, as may be amended, modified, or replaced by the Board from time to time.
- O. The County encourages the participation of small businesses and businesses owned by women and minorities in procurement transactions
- P. **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 a Contract, knowingly employ an unauthorized alien as defined in the Federal Immigration Reform and Control Act of 1986. (BOS action Oct. 1, 2008).
- Q. Compliance with the Uniform State Building Code is required for all small purchases and cannot be waived.

4.4.4. Definitions

- A. The County of Fluvanna Procurement Policies and Procedures, being the statement of purpose, Sections 4.1 to 4.7 inclusive, and Appendix I, are referred to throughout as the “Policy”.
- B. The definitions of the “Policy” as stated in Section 4.1 apply to the entire Policy, but for clarity are specifically incorporated to this Section 4.4 by reference.
- C. The term “contracts” previously defined in Section 4.1 shall be expanded to also include any decisions to purchase a good or service made in compliance with the procedures outlined in this Section 4.4, with or without a formal written contract, including documentation.
- D. “Small purchases” are single or term contracts for goods or services where the estimated sum or aggregate of all phases does not exceed the applicable limit for the type of goods or services being purchased as set forth in Article 1 *supra*.
- E. “**Professional services**”, consistent with its definition in Section 4.1, 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.

F. ***“Nonprofessional services”***, consistent with its definition in Section 4.1, means any services not specifically identified as professional services in the definition of professional services.

G. 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.

H. 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.

4.4.5. Small Procurement Methods

A. One quotation. 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.

1. The County shall seek additional quotations whenever there is reason to believe a materially better value could be found.
2. 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 these Small Purchasing Procedures for the County to consider product quality, service, and vendor reliability to reach this determination.
3. 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.

B. Two Quotations

1. 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 4.4.3(J) above.
2. For goods and nonprofessional services, the County shall select the supplier with the lowest responsive and responsible quote. It shall be consistent with these these Small

Purchasing Procedures for the County to consider product quality, service, and vendor reliability to reach this determination.

3. 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.

C. Three Written Quotations

1. Purchases where the estimated cost of goods, professional services, or nonprofessional services exceeds \$30,000 but does not exceed \$60,000 may be made upon receipt of written quotes from three vendors, subject to the provisions of Section 4.4.3(J) above.
2. For goods and nonprofessional services, the County shall select the supplier with the lowest responsive and responsible quote. It shall be consistent with these Small Purchasing Procedures for the County to consider product quality, service, and vendor reliability to reach this determination.
3. 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. Notwithstanding the foregoing, small purchases of transportation-related construction may only be used when the estimated aggregate cost or sum of all phases is not expected to exceed \$25,000.00.

D. Four Written Quotations

1. Purchases where the estimated cost of goods, professional services, or nonprofessional services exceeds \$60,000 but does not exceed \$100,000 (\$200,000 for vehicle purchases) may be made upon receipt of written quotes from four vendors, subject to the provisions of Section 4.4.3(J) above. Notwithstanding the foregoing, small purchases of professional services may not exceed the limit of \$80,000 as set forth in section 4.4.1.
2. Written informal solicitation of a minimum of four bidders or offerors shall be required.
3. For goods and nonprofessional services, the County shall select the supplier with the lowest responsive and responsible quote. It shall be consistent with these Small

Purchasing Procedures for the County to consider product quality, service, and vendor reliability to reach this determination.

4. 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.
5. Notwithstanding the foregoing, small purchases of transportation-related construction may only be used when the estimated aggregate cost or sum of all phases is not expected to exceed \$25,000.00

4.4.6. Exceptions to Competitive Requirements. Fluvanna 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:

- A. Books, pre-printed materials, reprints and subscriptions (e.g., print or electronic), pre-recorded audio and video cassettes and slide presentations when only available from the publisher/producer;
- B. Any items purchased on state contract;
- C. Academic/research consulting services;
- D. Honoraria, entertainment (speakers, lecturers, musicians, etc.);
- E. Royalties and film rentals when only available from producer or protected distributors;
- F. Membership dues;
- G. Advertisements such as in newspapers, magazines, journals, radio, television, etc.; and
- H. Utility charges.

4.4.7. Contract Requirements

- A. Every purchase under these Small Purchasing Procedures for \$10,000 or more must be in the form of a formal written contract approved as to form and include and incorporate by reference the General Terms, Conditions and Instructions to Bidders and Contractors attached to the Policy as Appendix 1. A formal written contract can be used for purchases under 10,000 at the County Purchasing Agent's discretion.

B. All small purchases made hereunder shall be subject to the provisions of paragraph 48 of the General Terms, Conditions and Instructions to Bidders and Contractors attached to the Policy as Appendix 1.

Adopted: Board of Supervisors, November 20, 2002

Amended to include procurement of professional services: February 18, 2004

Amended to include compliance with immigration law provision: October 1, 2008

Amended to increase professional services threshold to \$50,000 in compliance with §2.2-4303 (H) of the Code of Virginia: September 16, 2009.

Amended to be incorporated into the County's Procurement Policies and Procedures: April 3, 2013.

Amended to allow one quote for Small Cooperative Procurements September 20, 2017.

Amended to increase threshold limits and to address other changes in the Virginia Public Procurement Act July 7, 2021.

Amended to address difficulties in purchasing vehicles and contract requirement on April 5, 2023.

Amended to remove Attachment A for purchases of more than \$500 but less than \$10,000 on April 3, 2024.