

**RESOLUTION APPROVING THE MATHEWS COUNTY PROCUREMENT POLICY**

**WHEREAS**, pursuant to provisions of the Virginia Public Procurement Act (Chapter 43 of Title 2.2, §2.2-4300 through 2.2-4377 of the Virginia Code (1950), as amended);

**NOW, THEREFORE, BE IT RESOLVED** by the Mathews County Board of Supervisors that the Mathews County Procurement Policy is approved as follows:

**MATHEWS COUNTY PROCUREMENT POLICY**

**Purpose:**

The purpose of this policy is to provide for the acquisition of needed services, equipment and materials for the County government in a manner that is most cost-effective for the citizens of Mathews County and that is flexible enough to ensure the continued efficient operation of County governmental functions. Cost-effectiveness as used herein shall not only include consideration of sale or purchase cost but other factors such as quality and availability of service, product, warranty, product durability, experience and other factors reflecting the capabilities of vendors doing business with the County. This small purchase procedure does not require competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000, and for professional services if the aggregate or the sum of all phases it not expected to exceed \$100,000; however, such small purchase procedures shall provide for competition whenever practicable.

**Enabling Authority:**

This policy has been promulgated and adopted per Chapter 43, Section 2.2-4300, of the Virginia Public Procurement Act.

**Purchasing Agencies:**

Each department shall be responsible for acquiring operating equipment, services, and materials within its current appropriated departmental budget and in conformance with the procedures given herein. Each department shall maintain files for all purchases subject to audit and in conjunction with the Library of Virginia’s Records Retention Act.

**Procurement Procedures:** (Cost ranges shall be used in conjunction with projected, budgeted, or other pre-quotation estimates for goods or services to be procured).

- A. Purchases of goods and services, or professional services less than \$10,000 shall require solicitation of verbal quotes from not fewer than three vendors or suppliers. The County Administrator or designee may waive the requirement to obtain the three documented verbal quotes where it is determined that it is not

- practical or economically beneficial to do so.
- B. Purchases under this section that are expected to exceed \$10,000 shall require a written informal solicitation of a minimum of three prospective contractors. Purchases of goods and services, or professional services estimated to cost over \$10,000 but less than \$50,000, or transportation-related construction services up to 25,000, may be awarded after obtaining at least three written quotes. Purchases of goods and services and non-transportation-related construction services estimated to cost over \$50,000, but up to \$200,000, or professional services up to \$80,000, may be awarded on basis of the best value after obtaining at least four written quotes.
  - C. All other purchases will be governed by Virginia Public Procurement Act.
  - D. Minimum number of quotations required per paragraph A of this section shall not apply if bids are solicited through public notice.
  - E. In determining an award within the above referenced cost ranges, the procuring department shall not only consider price, but also, when applicable, the quality and availability of maintenance and repair service, product durability, warranties and guarantee provisions, trade experience of the vendor and the capability of the Vendor to expand or diversify service or products as County departmental needs grow. Therefore, cost is an important factor in making a prudent award determination; however, it is by no means the only evaluation criteria.

**Exemptions:**

The following items are exempt from the purchasing procedure given in the above section:

- A. Sole source procurements (e.g., portions of utility or mechanical systems that due to their manufacture by only one company precludes the solicitation of quotations from more than one vendor).
- B. Procurements for the expansion, continuation, replacement, repair or upgrading to an existing system or project (e.g., expanding a building-wide computer or telephone network which, in consideration of compatibility of equipment and the desirability of dealing with one vendor for efficient and responsive service and repairs, necessarily requires the continued procurement of equipment from the same vendor).
- C. Emergency procurements (e.g., repairs requiring immediate or prompt attention, often necessitated by emergencies, whereby more than one vendor may be able to provide that service but due to the emergency or urgency status of the situation, time constraints or the availability of vendors, solicitation of multiple proposals may not be practical).
- D. State, municipal and governmental contracts and pools (e.g., office equipment and supplies purchased through entities such as the Virginia Department of Purchases, Supplies, and insurance pools established by the Virginia Division of Risk Management, The Virginia Association of Counties, the Virginia Municipal League).
- E. Procurements of products and goods made from recycled materials

- (e.g., office letterhead printed on recycled paper).
- F. Procurements of goods and services exempted from requirements for competitive procurement per the Code of Virginia.
  - G. Professional and other services which may be exempt from bidding or other procurement requirements per the Virginia Public Procurement Act (e.g., legal services). However, nothing herein shall prohibit the solicitation of sealed bids or proposals for such services.
  - H. Whenever it is in the County's interest to exempt additional acquisitions beyond those listed herein, the Board of Supervisors may do so as long as such an exemption is in compliance with the Virginia Public Procurement Act.

### **Conflict with Other Laws:**

The Virginia Public Procurement Act shall supersede and shall govern whenever a conflict arises between the Act and the Mathews County Small Purchase Policy. Furthermore, the Act shall govern all procurements not addressed or exempted by this policy.

### **Procurement of American-made and Locally Sold Products:**

When goods and services of comparable quality and price (including consideration of warranties, maintenance, durability, and service provisions, etc.) are available, preference should be given to the purchase of American, especially Virginia, made products. Mathews County businesses should be utilized when possible and when it is determined to be cost-effective and prudent after consideration of all relevant purchasing evaluation criteria.

### **BID NEGOTIATION POLICY**

As provided by § 2.2-4318 of the Code of Virginia, the Mathews County Board of Supervisors hereby adopts the following policy.

If award of a contract to the lowest responsive and responsible bidder is precluded because of limitations on available funds, the Board of Supervisors reserves the right to negotiate the Bid amount with the lowest responsive, responsible bidder to obtain a contract amount within the available funds. The negotiations may involve changes in either the features or scope of the work. Such negotiations may include reducing the quantity, quality, or other cost saving mechanisms involving items in the Bid amount, including unit prices (if any) and/or allowances (if any) that affect the Bid amount, and/or Alternatives (if any).

In such a case, the Board of Supervisors shall notify the lowest responsive and responsible bidder that such a situation exists and the Board or its agent and the bidder shall then conduct their negotiations in person, by mail, by telephone or by any means that they find convenient.

If an acceptable contract can be negotiated, the changes to the Bid amount and Bid Documents agreed upon in the negotiations shall be summarized in a "Post Bid Addendum," and included in the contract.

If the Board of Supervisors and the lowest responsive and responsible Bidder cannot

negotiate a Contract within available funds, the Board shall terminate negotiations and reject all bids.

**ADOPTED BY THE MATHEWS COUNTY BOARD OF SUPERVISORS ON July 26<sup>th</sup>, 2022**