

Middlesex County Purchasing Policies & Procedures Manual

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Purpose

This manual is designed to assist departments with the management of purchasing processes as County funds are expended for materials, supplies, equipment and contractual services. The manual is directly addressed to all County employees authorized to procure goods and services. It is also intended to describe the County's procurement policy and procedures to county taxpayers and vendors. It should be considered a guide by persons acting for the County in obtaining all needed goods and services at the lowest possible cost, while being consistent with suitable quality and time of performance expectations. This is accomplished in part through the enhancement of competition on the basis of fair opportunity and equitable treatment.

Application

This manual outlines the purchasing policies and procedures to ensure compliance with the County Purchasing Ordinance and defines a department's responsibilities in the process of purchasing goods and services. The information presented should help you understand the purchasing role and its relationship to your job. It is important that you be familiar with the material in this manual so that you avoid any delays or other problems that may arise in the purchasing process"

Duties and Functions of the Finance Director and Staff

- The County Administrator is responsible for the implementation of the Purchasing Ordinance and this manual.
- The Director of Finance & Staff:
 - ✚ Insures that written policies, administrative practices, and procedures, as adopted by the Board of Supervisors are complied with.
 - ✚ Maintains the fixed asset inventory.
 - ✚ Authorizes the transfer of supplies and equipment between departments.
 - ✚ Coordinates with the Maintenance Division the sell, trade, exchange or otherwise disposal of surplus or excess supplies, materials, and equipment.
 - ✚ Consolidates purchases of like or common items to obtain maximum economic benefit.
 - ✚ Knows and become informed of the needs of all County departments.
 - ✚ Work with County departments to establish standardization of materials, supplies, and equipment, where practical.
 - ✚ Work with County departments to promote good will between the County and its suppliers.
 - ✚ Periodically review and recommend modifications and changes to purchasing policies, administrative procedures and practices where deemed necessary to achieve the mission of the Finance Department.
 - ✚ Maintain approved vendor list.

Section One: Department Responsibility

The successful operation of the purchasing system requires a commitment by all involved parties to work in partnership. That partnership is possible if responsibilities and expectations are clearly delineated. The purpose of this section of the manual is to provide you as using departments and staff with a helpful guide to your responsibilities in partnership with the Finance Department and the vendor community at-large.

1. **Communicate the Department's Needs:** The department's needs must be communicated to the Department of Finance in order to begin the purchasing process. This communication is most often best accomplished by completing a purchase requisition.
2. **Understand the Purchasing Cycle:** A step by step explanation of the purchasing cycle along with Department of Finance responsibilities is contained in the next section of this manual. Take the time to read that section so that you develop a complete understanding of how your role and responsibilities match with the Finance Department"
3. **Importance of Adequate Lead Time:** Plan your purchasing needs so that "rush" orders or emergency orders will be unnecessary. Anything can be purchased quickly, but in almost all situations, this practice is expensive. Adequate solicitation time is an essential element of good purchasing procedures.
 - a. The Requisition you prepare must be received by Finance far enough in advance of the date you need something so that vendors may be solicited and allowed sufficient time to contact their sources for prices. The Finance staff needs time to evaluate the responses received. Remember too, that your request is not the only one received.
 - b. Remember, it is your responsibility to obtain quotations, proposals or prices unless you have been advised otherwise by Finance staff. This is necessary to due limited Finance Staff. However, assistance will be granted if needed. Working together will facilitate a successful purchasing process.
4. **Complete Information:** It is critical that you supply complete and accurate information on or with the Requisition so that you receive what is intended and receive it when and where it is intended.
5. **Vendor Contacts:** Vendor representatives should contact the Finance Department of County administration to review proper procedures. Vendor representatives should visit with user departments when only appropriate" Only the Finance Department can authorize a credit account on the behalf of the County. New vendors are allowed; however, internal control measures call for an approved vendor list and reporting requirements require proper vendor records for 1099 IRS regulations.
6. **End of the Year Purchases:** It is the County's continued desire to prudently manage ordinances and effectively plan for purchases of goods and services. In other words, we only buy what we truly need. It is important that you as a user department plan your needed purchases to insure receipt in hand of goods or services prior to the end of the fiscal year ending June 30. In this manner we can appropriately charge off the expense to your current year's budget.

7. Requisition, Encumbrance, Delivery and Prompt Payment - Order, Receipt and Acceptance of Supplies, Services, or Construction: At the time that you requisition goods or services, funding you have identified from your budget is encumbered. Those funds are no longer available for any other purpose unless the order is canceled and the monies are released by the Finance staff. At the time the goods or services purchased are actually received and the bill paid, the encumbrance becomes an actual charge against your budget" You must promptly notify the Accounts Payable staff of receipt and acceptance of an order by submitting the signed original invoice attached to the completed purchase order if applicable. at the time monthly bills are due. Vendors are entitled to payment within a reasonable time frame. Be aware if a vendor is not performing as agreed upon and question invoicing as necessary.
8. Blanket Purchase Agreement: Specific departments, usually Maintenance and Public Works, may have a Blanket Purchase Agreement (BPA) - Blanket purchase agreements are contractual relationships which may be entered into with local vendors to obtain small dollar value expendable operating supplies or services for which low or erratic demand usage exists. A set of terms and conditions are agreed upon between the buyer and seller where in the seller will deliver or permit pick up of supplies ordered on an as needed basis; control is given to the Department who has received authorization from the Finance Department. It is mandatory that the Department Head implement internal controls measures which provide oversight. Only authorized full-time employees are allowed to make purchases under these terms. The using Department must provide a current list of authorized users to the vendor and update as necessary to reflect terminations and new employees. The price charged is on a consolidated (usually monthly) basis. Each purchase must contain an employee signature.
9. Ethics: County staff involved in the purchasing process shall not be personally or financially interested, or in any manner connected either directly or indirectly with, any contract or bid for the furnishing of supplies or articles or equipment of any kind, to any of the departments of Middlesex County. Neither shall County staff accept or receive any compensation or gratuity, directly or indirectly, from any person, firm, or corporation to whom any contract may be awarded, or has been awarded, by rebate, gift, or otherwise.
10. Purchase Order Numbers: Assigned Purchase Order number(s) should appear on all invoices for processing of payments if the purchase was requisitioned.
11. Tax Exempt Status- The County is exempt from taxes under IRS regulations. A Tax Exemption Certificate signed by the Director of Finance should be provided upon request from a vendor. The vendor should be reminded that the County is tax exempt to avoid invoicing errors.

Section Two: Purchasing Cycle & Purchase Order Guide for Departments

Purchase orders shall be required in requisition of goods and services where appropriate under the following circumstances:

GENERAL REQUISITIONS. UNDER \$500

Forms Needed: NONE, UNLESS REQUIRED BY VENDOR.

No approval is required. It is expected that the department will seek the maximum value for each expenditure and that no excessive or unnecessary purchases will be made. Departments may NOT split a purchase costing more than \$500.00 in a series of smaller individual purchases for the purpose of circumventing the rules.

REQUISITION OF ITEMS VALUED AT \$500.00 OR GREATER

Forms Needed: Purchase Order:

This procedure is used for any purchase in this category, which requires approval of the Finance Director, County or Assistant County Administrator. These purchases require the use of a Purchase Order. Orders of \$1,000 or less can be approved by the Finance Director.

RESPONSIBILITY

Requesting Department

ACTION

1. Complete a purchase order for goods/services over \$500. USE BRIGHT COMPUTER GENERATED FORMAT. Attached quotes to purchase order if appropriate;
2. Forward to the County Administrators Office /Finance Department for approval.
3. Forward approved purchase order to the vendor.
4. Submit signed copy of approved purchase order with applicable invoice.

County Administrator's Office/
Finance Department

1. Receives all purchase orders and requisitions for review, approval or denial due to budgetary considerations.
2. Forward to County Administrator for authorization if applicable.
3. Send to using department for submittal to vendor.
4. identify fixed assets per invoice review.

County Administration

1. Review for approval/denial; return to Finance Department for submittal to applicable dept.

Section Three: Procedure for Competitive Bids

General Purpose of Bidding Process

A large percentage of County dollars used for purchasing goods and services are spent on contracts which have been competitively bid.

In some instances if determined to be in the best interest of the County, the Finance Department may take advantage of existing contracts bid by the State of Virginia or other governmental entities and bypass the competitive bidding process outlined in this section of the manual.

Through the bidding process, the County accomplishes economy in our purchasing because the County awards to the lowest, most qualified bidder. The fulfillment of our needs is assured because we award to the responsive bidder who makes the lowest, most qualified bid.

Quality is controlled mostly through specifications. The concept of "lowest, most responsible bidder" includes an understanding of two terms: responsible and responsive.

When the term "responsible" is used, it refers to having the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which will assure good faith performance. Bidders who have the structure and the ability to perform as promised, and to stand behind what they deliver to the County, are responsible bidders.

When the County uses the term "responsive", it means a bid which conforms in all material respects to the requirements set forth in the invitation for bids is a responsive bid and the party submitting such a bid is the responsive bidder.

The following outlines five criteria for determining when a bidder is the lowest, most responsible, and responsive bidder:

- The financial ability to provide the services required to complete the contract as well as being current on federal, state and local taxes.
- The skill, judgment, experience and resources to capably provide the services or complete the Contract.
- The necessary facilities, staff, personnel, and equipment to complete the contract.
- The demonstrated ability to satisfactorily perform work in a prompt and conscientious manner.
- The demonstrated ability to comply in situations where the award is contingent on special considerations subject to the nature of the services or contract required.

Competitive Bidding Purchases of Goods & Services

State law requires that specific types of purchases be handled in different ways to ensure the integrity of the procurement process. The main factors determining how procurement is handled are the anticipated dollar amount of the purchase, the type of goods or service being sought, and the time frame in which a particular item or service must be obtained. Additional purchase guidelines are established within the Middlesex County organization that are in compliance with the Virginia Procurement Act" This procedure provides guidelines for the requisitioning and purchasing of goods and services identified in the County's operating budget.

Contracts are awarded to the lowest, most qualified, responsible and responsive bidder on the basis of the Base Bid, and full consideration of all alternatives, as may be in the best interest of Middlesex County" In determining the award of contract, the County will consider the scope of the work involved, time of delivery, competency of the Bidder, their ability to render satisfactory service, and past performance.

Competitive Bidding - Purchases of Goods & Services

There are a number of guidelines followed by the County in the competitive bidding process. These guidelines appear below.

1. To the extent practical and within the limitations of the County's ordinance, competitive sealed bidding is the primary method employed when awarding contracts.
2. All Invitations for Bids that are issued will include specifications, and all contractual terms and conditions applicable to the procurement.
3. Adequate public notice of the Invitation for Bids (IFB) or Request for Proposal (RFP) in the form of a Class I notice will be given within a reasonable time prior to the date set forth for the opening of bids and in no case less than ten (10) days prior to the event.
4. Bids will be opened in the presence of one or more witnesses at the time and place designated in the IFB or RFP. The amount of each bid, and other relevant information deemed appropriate, as well as the name of each bidder shall be recorded and be open to public inspection.
5. Bids will be unconditionally accepted without alteration or correction. Bids will be evaluated based upon the requirements set forth in the IFB or RFP; each will set forth the evaluation criteria to be used, such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose.
6. Contracts will be awarded with reasonable promptness by appropriate written notice to the lowest, most responsible and responsive bidder who meets the requirements and criteria set forth in the IFB or RFP.

Competitive Bidding - General Maintenance Services

It is the policy of Middlesex County that any work pertaining to the general construction, repair, remodeling or improvement of a County facility shall require the completion of a Middlesex County Contract Agreement between the party of the second and the County. This is usually required of the Finance Department upon completion of general procurement procedures as previously prescribed (i.e. obtaining of three quotes). The quotations should be kept with the signed contract to demonstrate compliance with the procurement procedures.

Small Purchase Policy

As set forth in the Virginia Public Procurement Act, Section 2.2-4303 of the Code of Virginia, the Board of Supervisors have established that the County Administrator or his designee may, at his discretion, make purchases and approve contracts under the County's Small Purchase Policy. Purchases made and contracts awarded under the Small Purchase Policy will not require competitive sealed bids or competitive negotiation for single purchases or term contracts for goods, non-profession and professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000.

The following small purchase procedures were established to guide this policy:

- Small purchase procedures shall provide for competition wherever practicable to achieve the lowest cost to the county for the best quality goods and services.
- Purchases under this section that over \$500 but are not expected to exceed \$10,000 shall require the written informal solicitation of a minimum of two prospective offerors.
- Purchases under this section that expected to exceed \$10,000 shall require the written informal solicitation of a minimum of three prospective offerors.
- The County may negotiate with the offerors to determine the most qualified, responsive and suitable to achieve the best possible price for the best quality goods and services.

Section Four: Competitive Sealed Quotations and Proposals

Procedures vary somewhat on purchasing for goods and services contracts where the estimated costs exceed \$50,000. In this instance, the County is required to obtain sealed written quotations or proposals. In some instances, if determined to be in the best interest of the County, the County may take advantage of existing contracts bid by the State of Virginia or other governmental entities and bypass the competitive sealed quotations and proposals as outlined in this section of the manual. Recommendation for the bid award requires the approval of the County Administrator and Board of Supervisors.

Generally, quotations are requested when market prices of specific goods or commodities are being requested. Proposals are typically used when services, as opposed to specific goods or commodities, are being requested.

There are several guidelines that are applicable to the use of competitive sealed quotations or proposals that should be noted" They appear below:

- 1) Proposals will be solicited through a Request for Quotations or Proposals process.
- 2) Adequate public notice, including at least one class-one notice, of Requests for Quotations or Proposals will be given no less than seven (7) days prior to date and time when proposals will be received.
- 3) Pre-qualifying offerors shall be based upon criteria set forth in Requests for Quotations or Proposals per requirements as set required by the Virginia Procurement Act. (Code of Virginia 2.2-4301) Bids from non-qualified offerors shall not be accepted.
- 4) No proposals or quotations will be handled in such a manner that allows for the disclosure of contents of that quotation or proposal to competing offerors during the process of evaluation. Receipt of quotations or proposals will be acknowledged with the stamped date and time received. A summary of bids received will be prepared containing the name and address of each offeror, bid amount and other relevant information.
- 5) The bids will be evaluated by the County Administrator and designated staff using the factors or criteria established for use in determining the award.
 - a. Unless all bids are rejected by the Board of Supervisors, the lowest bid shall be awarded to the lowest responsive and responsible bidder.
 - b. Should the lowest bid not be accepted a written statement shall be provided stating the specific reason(s) why the lowest bid was not awarded per requirements set forth in the Virginia Procurement Act. (Code of Virginia 2.2-4301)

Section Five: Professional Services and Requests for Proposal

Periodically, Middlesex County requires the assistance of outside professional individuals, groups, or organizations to complete a specific task or assignment or provide a specific product or service. Examples of such purchases include the selection of professional architects or engineers for the purpose of designing public improvements. Another example where this process is used is in the acquisition of major custom software packages and related assistance. Middlesex County uses the Request for Proposal per Code of Virginia 2.2-4301 to select professional service providers for these purposes when the cost for service is expected to exceed \$50,000.00. The particular method of selection used is determined based upon the individual circumstances associated with a given task or assignment." Using this process, professional services firms who have previously demonstrated a level of expertise and experience with similar projects for the County are invited to submit a Letter of Qualification stating their approach to the Scope of Work, brief description of firm, resumes of key personnel to be assigned to the project. The firm selected as the service provider will be afforded the opportunity to negotiate a service contract with Middlesex County.

The same guidelines in sections three and four apply to Request for Proposals for Professional Services with the following additions:

- Formal interviews are conducted with a short list or all responders by the County Administrator and/or designated staff.
- An evaluation/ranking system is used and non-binding fee estimate accepted from offerors.
- The draft professional service agreement is negotiated with the top ranked offeror; if unsuccessful, the second ranked offeror is contacted and negotiations begun with that offeror.
- A recommendation for award is made based on successful negotiations with the successful offeror.
- The Board of Supervisors may approve or deny a recommendation for award or further remand the proposed professional services agreement back to staff for further negotiation or clarification.
- The final professional service agreement is executed after approval from the Board of Supervisors with successful offeror.
- The successful offeror is provided with a notice to proceed within a reasonable time frame.

Section Six: County Equipment Auction or Sealed Bid

The Finance Department under the direction of the County Administrator is responsible for the County Auction or Sealed bid. The County is authorized to sell or otherwise dispose of surplus or excess supplies, materials, and equipment as declared surplus by the Board of Supervisors.

Items that are non-functioning, dangerous or damaged beyond their usefulness may be disposed of with approval of the Director of Finance. All such items shall be disposed of in the trash or taken to the landfill. In no event shall County employees be allowed to keep such items for personal use.

Section Seven: Exception to competitive Bidding

Emergency Purchases

Emergency Procurement, such when purchases are required and timely response is critical to protect life, property or the welfare. For purposes of this section, an emergency is an unforeseen occurrence or combination of circumstances which calls for immediate action that is primarily the responsibility of Middlesex County or is necessary to protect the County's interests. In order to qualify as an emergency, the response to the situation cannot await completion of normal procurement methods or the convening of a special meeting of the County Board to approve deviation from normal procurement methods.

In the event of an emergency, the County Administrator or designee may authorize such departure from normal procurement methods as is necessary to fulfill the County's responsibilities or to protect the County's interests under the circumstances, pending the approval of the County Board. A written statement of the nature of the emergency and of the County responsibilities and/or County interests involved shall be presented for the consideration of the County Administrator or designee at the time authorization to depart from normal procurement methods is requested. A written record shall be made of the grounds for authorizing any departure from normal procurement methods, and the extent of the departure that is authorized.

Other Exceptions

Middlesex 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:

1. Books, pre-printed materials, reprints and subscriptions (e.g., print or electronic), pre-recorded audio or visual cassettes and slide presentations when only available from the publisher/producer.

2. Procurement purchased under state or cooperative procurement contracts.
4. Academic/research consulting services.
5. Honoraria, entertainment (speakers, lecturers, musicians, etc.)
6. Royalties and film rentals when only available from the producer or protected distributors.
7. Membership dues.
8. Advertisements such as in newspapers, other publications and other media.
9. Utility charges.
10. Legal services associated with actual or potential litigation

Section Eight: Definition of Terms

1. **Blanket Purchase Agreement:** An arrangement under which a purchaser contracts with a vendor to provide the purchaser's requirements for an item(s) or a service, on an as-required and over-the counter basis. Properly prepared, such an arrangement sets a limit on the period of time it is valid and the maximum amount of money which may be spent at one time or within a specified period and specifically identifies those persons authorized to accept goods.
2. **Competitive Bidding:** The offer of firm bids by individuals or firms competing for a contract, privilege, or right to supply specified services or goods"
3. **Contract:** All types of County agreements, regardless of what they may be called, for the procurement of goods, services, or construction.
4. **Contract Administration:** The management of all facets of a contract to assure the Contractor's total performance is in accordance with the contractual commitments and that the obligations of the Contractor under the terms and conditions of the contract are fulfilled.
5. **Emergency:** An occurrence of a serious and urgent nature that demands immediate action.
6. **Goods:** Material, equipment, supplies, printing materials, etc.
7. **Non-Professional Services:** Any services not specifically identified as professional services in the definition of professional services.
8. **Procurement:** The procedures for obtaining goods or services, including all activities from the planning steps and preparation, and processing of a requisition, through receipt, and acceptance of delivery and processing of a final invoice for payment.
9. **Professional Services:** Work performed by an independent contractor within the scope of their practiced service (i.e. actuarial, auditing, architecture, land surveying, engineering and other services).
10. **Purchase Order:** The form used by the Finance Department to execute a purchase transaction with a vendor. It serves as notice to a vendor that an award has been made and that performance (delivery of goods or service) can be initiated under the terms and conditions of the contract.
11. **Purchase Requisition:** The form used by departments to request the purchase of goods, services and equipment prior to making a purchase commitment.
12. **Qualified Bidder:** A bidder who has provided proof in a form specified by the County of that bidder's financial ability, equipment and experience in the work prescribed and other related factors as provided within the bid and/or within the Virginia Procurement Act and has been declared by Middlesex County as being qualified.
13. **Quotation:** A statement of the market price of one or more commodities; or the price specified to a representative of the County.
14. **Requests for Proposals (RFP):** All documents, whether attached or incorporated by reference, utilized in soliciting proposals.
15. **Requests for Quotations (RFQ):** All documents, whether attached or incorporated by reference, utilized in soliciting quotations primarily for goods or commodities.

16. Responsible Bidder or Offeror: A person presently having the capability in all respects to perform fully the contract requirements and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.
17. Responsive Bidder: A person who has submitted a bid which conforms in all material respects to the requirements set forth in the Invitation to Bids and is complete.
18. Services: 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. (Code of Virginia 2.2-4301)
19. Specification: Any description of the physical or functional characteristics or of the nature of a supply, service, or construction item. It may include a description of any requirements for inspecting, testing, or preparing of goods, service or construction item for delivery.
20. Vendor: One who sells goods or services.

Section Nine: General Conditions

The following statements reflect general County policies concerning the letting of County Contracts governed by the Virginia Procurement Act. All notices of solicitations for bids or proposals shall contain a provision substantially addressing the required subject matter below (Non Discrimination/Affirmative Action).

Required Language in contracts covered by the Virginia Procurement Act

Non - Discrimination / Affirmative Action.

- a. During the performance of a contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment except where there bona fide occupational qualification reasonably necessary to the normal operation of the contractor. Notices setting forth the above language shall be posted in conspicuous places, available to employees and applicants for employment"
- b. The contractor, in all solicitations or advertisements for employees placed by or on the contractor's behalf, will state that such contractor is an equal opportunity employer.
- c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulations shall be deemed sufficient for the purpose of meeting the above requirements.
- d. The contractor will include the provisions of paragraphs (a), (b) and (c) in every subcontract or purchase order of over \$10,000 so that the provision will be binding upon each subcontractor or vendor.

Compliance with Immigration Law.

Pursuant to Section 2.2 - 4311.1 of the Code of Virginia, the contractor does not, and shall not during the performance of a contract with the County, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Section Ten: General Contract Terms

Every contract of more than \$10,000 shall include the following provisions:

- During the performance of the contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, possession, or use of a controlled substance is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibitions; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the

contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance during the performance of the contract.

- During the performance of the contract, the contractor may be required to submit a bid bond and/or performance bond from a surety company selected by the bidder which is legally authorized to do business in Virginia. Bonds shall serve as guarantee to insure satisfactory completion of the work for which the contract or purchase order was awarded. Certified checks may be accepted in lieu of performance bonds if deemed acceptable by the purchasing agent.
- During the performance of the contract, the County Administrator may issue change orders of an amount not to exceed 10% of the base contract amount without prior authorization from the Middlesex County Board of Supervisors.
- During the performance of a Time and Material Contract the contractor will be required to submit detailed invoices for all time and material used on the project, including a fee as a percentage of all project costs. The invoice shall be detail enough to ascertain adherence to contract specifications and requirements.