

Attachment A: Summary of Purchasing Manual Re-Write 2024

Statement of Purpose

The primary objective of updating the procurement manual is to make it easier for County staff to procure goods and services in a way that is fair, impartial, administratively efficient, in alignment with state law, and accessible to all qualified vendors.

Main changes from the current purchasing manual

The main areas of change between the [current version of the purchasing manual](#) and the proposed version are as follows:

- Alignment with Virginia Public Procurement Act revisions
 - Edits to County policies to allow closer alignment with Virginia Code, e.g. changes to small purchase thresholds.
 - \$300,000 for non-transportation related construction
 - \$200,000 for goods or nonprofessional services
 - \$25,000 for transportation-related construction
- Adoption of Best Practices
 - Creation of separate chapter covering ethics in procurement.
 - Designation of certain responsibilities to specific participants where the 2018 manual was unclear or used the passive voice.
 - Language assigning the purchasing agent duty to monitor SWaM participation in County procurement.
 - Language encouraging using departments to have diversity in procurement evaluation committees.
- Clarity of Content
 - Addition of in-text references to the Virginia Code, with hyperlinks, to ease legal reference.
 - Condensing SWaM-related content into the chapter relating to general requirements and policies (removing SWaM-dedicated chapter).
 - Moving General Terms from an appendix into a chapter within the body of the Manual and including clear, concise language for contractual disputes therein.
 - Addition of in-text web links to County or external resources where appropriate.
 - Consolidation of information regarding competitive sealed bidding into one chapter.
 - Consolidation of information regarding competitive negotiation into one chapter.
 - Consolidation of information regarding common situations exempt from competitive procurement into one chapter.
 - Creation of separate definitions chapter, with removal of terms already defined in Virginia Code.
 - Removal of procedural language that can be categorized as “best practice,” is not County policy, and does not appear in the VPPA.
 - Edits for concision and clarity.
 - Re-arrangement of chapter order.

Changes by Chapter

1. Introduction

Summary:

This chapter states the mission of the Office of Procurement, identifies the purposes of the manual, provides an overview of the principal features and requirements of the Virginia Public Procurement Act (VPPA), and identifies the types of procurements subject to the manual and the VPPA.

Changes:

- Definitions removed and made into their own chapter
- Adding email address for ease of contact
- Formatting change for readability
- Insertion of Virginia Code references into the text (rather than at top of chapter)

2. Definitions

Summary:

This chapter defines certain words and phrases used in the manual, referring to the Virginia Code for terms predefined in the VPPA.

Changes:

- “Definitions” broken out from Introduction chapter
- Reference to the VPPA for terms defined therein, and removal of terms already defined in the VPPA.
- Regularized style (capitalization, terminology, etc.)
- Certain terms eliminated or combined with others (for example “contract administration” eliminated in favor of “contract management.”)
- Addition of certain definitions taken from other localities’ procurement policies, when a definition is lacking in the 2018 Albemarle procurement manual or the VPPA (for example “cooperative procurement”).
- Addition of summaries of certain key Virginia Code Acts (for example, the State and Local Government Conflict of Interests Act)
- Pronoun changes to gender neutral language
- Insertion of Virginia Code references into the text (rather than at top of chapter)

3. Ethics in Public Procurement

Summary:

This chapter sets forth requirements and policies that apply to ethics and conflicts of interest in procurements by the County, referring to the VPPA and the State and Local Government Conflict of Interests Act.

Changes:

- “Ethics” broken out from General Requirements chapter
- Addition of a general overview of the necessity of ethics in public procurement (summary)
- Insertion of Virginia Code references into the text (rather than at top of chapter)
- Change of designated official for notification of disclosure of subsequent employment to be County Executive.
- Removal of redundant section that does not refer to public employees
- Shortening or eliminating phrases that do not directly apply to the County.
- Pronoun changes to gender-neutral language
- Insertion of a reporting mechanism for ethics concerns
- Insertion of language concerning a certification of compliance with ethics standards for County employees.

4. General Requirements

Summary:

Sets forth requirements and policies applying to all procurements

Changes

- Relocated and expanded section on ethics in public procurement to its own chapter, highlighting the importance of ethics in public procurement.
- Removal of sections that can be categorized as best practice, are not explicitly policy, and do not appear in the VPPA (e.g. “timing of public inspection”)
- Insertion of Virginia Code references into the text (rather than at top of chapter)
- Insertion of information from chapter relating to small, women-owned, minority-owned, and service disabled veteran-owned (SWaM) businesses. Changes to this information include:
 - Removal of a separate definitions section for the SWaM chapter
 - Insertion of link to the Virginia Department of Small Business and Supplier Diversity
 - Removal of commitments to ensure direct solicitation of SWaM businesses whenever they are potential vendors.
 - Assignment of duty to encourage SWaM participation to purchasing agent, as opposed to non-specific entity “the County”
 - Creation of new language to encourage using departments to have diverse evaluation committees
 - Creation of new requirement to monitor SWaM participation, and assignment of duty to purchasing agent.
 - Insertion of link to SWaM-related resources on the County website.
 - Assignment of duty for preparing contracts to Office of Procurement.
 - Assignment of responsibility for decision on extra contract provision to purchasing agent
 - Assignment of responsibility for certain contractual claims to vendor
 - Change of time limit for dispute agreement to align with VPPA
 - Insertion of Virginia Code references into the text (rather than at top of chapter)

- Removal of language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.
- Removal of language referring to contractual claims process.
- Edits for clarity and concision

5. Participants in the Procurement Process: Powers and Duties

Summary:

Describes the powers and duties of the purchasing agent, the using departments, the County risk manager and the County Attorney’s Office in procurement. The chapter also identifies unauthorized purchases and the consequences thereof.

Changes:

- Renamed chapter from “Powers and Duties of Participants in the Procurement Process” to “Participants in the Procurement Process: Powers and Duties.”
- Insertion of Virginia Code references into the text (rather than at top of chapter)
- Edited the subsection on the purchasing agent to clarify that the Board of Supervisors designates the purchasing agent by resolution.
- Edit from “the county attorney” to “the county attorney’s office”
- Addition of information on the role of school division counsel to the section on the county attorney’s office.
- Language change to clarify responsibility and liability in case of an unauthorized procurement.
- Grammatical changes to aid clarity

6. Choosing the Right Procurement Procedure

Summary:

Briefly explains the procedures available for the procurement of goods and services and explains the methodology for choosing the procedure most appropriate for the procurement sought.

Changes:

- Insertion of Virginia Code references into the text (rather than at top of chapter)
- Edits for concision and clarity
- Removing language that is repeated elsewhere in the manual (e.g. description of exempt or excepted situations)
- Changed dollar thresholds for competitive procurement procedure requirements from \$100,000 to \$200,000 (\$300,000 for non-transportation related construction) to align with the VPPA.

7. Informal Procurement (Request for Quotes)

Summary:

Establishes procedures to be followed when the expected costs of goods or services sought do not exceed the small purchase thresholds established by the VPPA.

Changes:

- Changed dollar threshold for small purchases to \$200,000 to align with the VPPA
- Changed thresholds for requirement of purchase order and proof of seeking multiple quotes to \$10,000 from \$5,000.
- Requirement to post request for quote (RFQ) for purchases greater than \$50,000 rather than greater than \$30,000.
- Edits for clarity and concision
- Relocate Library of Virginia retention schedules into chapter.
- Removal of procedural language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.

8. Competitive Sealed Bidding (Invitation for Bids)

Summary:

Provides the procedures for procuring goods and nonprofessional services using the competitive sealed bidding procedure, as determined by the PPA.

Changes:

- Chapter is a combination of 6 chapters of the 2018 manual so that everything on competitive sealed bidding can be found in one chapter.
- Insertion of Virginia Code references into the text (rather than at top of the chapter)
- Changed dollar threshold for competitive sealed bidding requirement for goods and services to \$200,000 and for non-transportation related construction to \$300,000 to align with the VPPA.
- Addition on procedural step for using departments requiring department to ascertain fund availability and Procurement Initiation Form.
- Edits for clarity and concision
- Removal of language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.
- Removal of requirement for using department to contact a list of potential bidders to simplify procedure.
- Edits to clarify policy details
- Insertion of links to the Office of Procurement website where necessary.

9. Competitive Negotiation (request for Proposals)

Summary:

Provides the procedures for procuring goods and services using the competitive negotiation procedure, as determined by the PPA.

Changes:

- Chapter is a combination of 8 chapters of the 2018 manual so that everything on competitive negotiation can be found in one chapter.
- Removal of language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.
- Edits for clarity and concision
- Insertion of Virginia Code references into the text (rather than at top of the chapter)
- Changed dollar threshold for competitive negotiation to \$200,000 to align with the VPPA
- Clarification of selection committee process by assigning convening duty to purchasing agent
- Removal of requirement for using department to contact a list of potential bidders to simplify procedure.
- Adapted policy on establishing a shortlist of vendors to establish a stronger guideline - “the selection committee should not invite more than five vendors to interview.”
- Removal of repetitious language

10. Design-Build Procurement

Summary:

Outlines the procedures for using departments to procure and administer projects in which the vendor agrees to both design and build the structure, roadway, or other item specified by the contract.

Changes:

- Insertion of Virginia Code references into the text (rather than at top of chapter)
- Edits for clarity and concision
- Removal of language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.
- Removal of in-chapter definitions section

11. Construction Management

Summary:

Outlines the procedures to be followed for the procurement of construction management services.

Changes:

- Insertion of Virginia Code references into the text (rather than at top of chapter)
- Edits for concision and clarity
- Assigned responsibility for establishment of guaranteed maximum price and notification of non-competitive procurement to the construction manager

12. Procurements Exempted or Excepted from Competitive Procedures

Summary:

Outlines the specific instances in which compliance with competitive procedures is excused or exempted. This chapter consolidates chapters from the 2018 manual covering sole source, emergency, public auction, and other exceptions and exemptions allowed under Virginia Law.

Changes:

- Chapter is a combination of 3 chapters of the 2018 manual, as well as select sections of 2 other chapters.
- Assigns duty of determining sole source or emergency situation to purchasing agent
- Edits for clarity and concision
- Removal of repetitious language
- Insertion of Virginia Code references into the text (rather than at top of the chapter)
- Removal of language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.
- Minor edits to align more closely with the County style guide.
- Addition of section referring to public-private partnerships, with reference to the Board of Supervisors’ resolution of March 20, 2024 and the Board of Supervisors’ resolution of July 3, 2019.

13. Vendor Qualification

Summary:

Establishes procedures concerning the qualification of a vendor to participate in a procurement.

Changes:

- Addition of web links to the website of the U.S. Treasury list of surety corporations.
- Edits for clarity and concision
- Removal of language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.
- Addition of language to clarify standards for prequalification
- Addition of language to align with Virginia Code

14. Vendor Protest

Summary:

Establishes right of vendors to protest the County’s decision to award and outlines procedures for dealing with protest.

Changes:

- Removal of language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.
- Edits to make clearer distinction between two different responses to upheld protests, based on the grounds for the protest being upheld (arbitrary or capricious versus fraud or corruption).

15. General Terms

Summary:

- Moved General Terms from appendix into chapter 15 to indicate the requirement of the Board of Supervisors' adoption of any future revisions.

Changes:

- Added contractual claims content for contractors wishing to make a claim upon the County

16. Bonds and Securities

Summary:

Identifies forms of security that vendors may be required to provide as part of a procurement.

Changes:

- Changed thresholds for security requirements to align with the VPPA (\$500,000 for nontransportation-related construction and \$350,000 for transportation-related construction).
- Removal of language that can be categorized as "best practice", are not explicitly policy, and do not appear in the VPPA.

Appendices

Summary:

Reserved use of Appendices to indicate content which is maintained by Purchasing Agent and does not require Board approval.

Changes:

- Moved General Terms from appendix into chapter 15 to indicate the requirement of the Board of Supervisors' adoption of any future revisions.
- Removed lists of templates
- Revised and renamed Appendix A for Special Terms and Appendix B for Exceptions to Chapter 7 Informal procurements, both which are maintained by Purchasing Agent within Office of Procurement.