

# Chapter 19. Sole Source

## Summary

This chapter identifies one of three situations when compliance with the competitive sealed bidding and competitive negotiation procedures is excused. The situation considered in this chapter exists when there is only a single vendor of the goods or services sought to be procured -- a sole source.

| Essential Information in this Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
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| <ul style="list-style-type: none"><li>• A sole source is the only vendor that is practicably available to provide the goods or services sought to be procured.</li><li>• The competitive sealed bidding and competitive negotiation procedures are excused when it is determined that the goods or services are practicably available <u>only</u> from a sole source.</li><li>• The determination of whether the goods or services may be procured only from a sole source shall be made by the purchasing agent.</li><li>• <del>In determining whether the goods or services may be procured only from a sole source, the purchasing agent shall determine whether there is only one source practicably available for the goods or services to be procured.</del></li></ul> |  |
| Key References to the Code of Virginia Applicable to this Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| Section 2.2-4303(E): Procurement from a sole source                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |

### 19-1 General

The competitive sealed bidding and competitive negotiation procedures are excused when it is determined that the goods or services are practicably available from a sole source. Other situations when these procedures are excused are discussed in chapters 20 and 21.

### 19-2 Determination of a Sole Source

If a using department desires to procure goods or services that it believes are available only from a sole source, it shall state in a writing provided to the purchasing agent: (1) a description of the goods or services, in the form of the proposed specifications or a work statement; (2) the reasons why it believes that the goods or services may be procured only from a single vendor; and (3) an explanation of the efforts made to reach its conclusion that the goods or services may be procured only from a single vendor.

The determination of whether the goods or services may be procured only from a single vendor shall be made by the purchasing agent. In making this determination, the purchasing agent shall determine whether there is only one

vendor practicably available to provide the goods and services, considering the following:

- The word “practicable” is synonymous with “feasible” or “possible”, not utter impossibility regardless of expense, time, or inconvenience.
- Whether the specifications or work statement has been so narrowly written so as to preclude multiple bidders or vendors from eligibility or to thwart competition.
- Whether, under the circumstances, the procurement of the goods or services is consistent with the ~~letter and spirit~~ goals and purposes of this manual, as set forth in eChapter 1, as well as the Virginia Public Procurement Act.

Prior to making his determination, the purchasing agent may conduct his own investigation, request additional information from the using department, and consult with the county attorney.

### **19-3 Procedure if it is Determined There is a Sole Source**

If the purchasing agent determines that the goods or services may be procured only from a single vendor, the following procedure shall apply prior to the actual procurement:

- Written determination: The purchasing agent shall make a written determination that only one vendor is practicably available to provide the goods or services, and state the basis for the determination. This written determination shall be placed in the contract file.
- Public notice of determination: The purchasing agent shall post in a designated public area or the Purchasing Office's webpage a written notice that: (1) states that only one vendor was determined to be practicably available; (2) identifies the goods or services that will be procured; (3) identifies the vendor selected; and (4) states the date on which the contract will be awarded.
- Notice period: Prior to award of the contract, the public notice of determination shall be posted for at least ten (10) days.

### **19-4 Contract Award**

The contract shall be awarded only after the expiration of the ten (10) day notice period required in sSection 19-3. The procedure to award a contract shall be as follows:

- Contract award: The purchasing agent shall award the contract to the vendor selected.

- Notice of award: The purchasing agent shall post in a public place or the Purchasing Office's webpage a written announcement of the award, which may be identified as a notice of award. The notice of award shall also include a statement that the public records pertaining to the procurement have been and are available for inspection by potential vendors. The purchasing agent is not required to provide individual notice of the award to any potential vendors.

~~The purchasing agent may consult with the county attorney as to any matter pertaining to the decision to award a contract.~~

**19-5 Procedure if Purchasing Agent Determines Sole Source Procedure does not Apply**

If the purchasing agent determines that the sole source procedure does not apply because there are other vendors practicably available, he shall notify the using department of his determination. If the using department determines the need for goods and services is still present, it will coordinate with the purchasing agent to proceed with the proper method of procurement as outlined in this manual.

# Chapter 20. Emergencies

## Summary

This chapter identifies one of three situations when compliance with the competitive sealed bidding and competitive negotiation procedures is excused. The situation considered in this chapter exists when there is an emergency requiring the prompt procurement of the goods or services.

| Essential Information in this Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
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| <ul style="list-style-type: none"><li>• An emergency may include, but is not limited to, natural disasters and situations when the goods or services are needed immediately to protect the public health safety or welfare, <u>and to prevent further damage to public property, machinery, or equipment. If a local or state emergency is declared, the emergency procurement procedures under the Act do not necessarily apply.</u></li><li>• An emergency may exist even if the emergency is self-created because of poor planning, overlooked requirements, inaccurate usage history, inadequate forecasting, or other similar reason, but the use of this procedure in these cases is discouraged.</li><li>• The competitive sealed bidding and competitive negotiation procedures are excused when it is determined that an emergency exists that necessitates the need for the procurement. <u>Emergency procurements shall be made as competitively as with such competition as is practicable under the circumstances.</u></li><li>• The determination of whether goods or services may be procured using the emergency procedure provided herein shall be made by the purchasing agent.</li></ul> |  |
| Key References to the Code of Virginia Applicable to this Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| Section 2.2-43-03(F): Procurement in an emergency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |

### 20-1 General

The competitive sealed bidding and competitive negotiation procedures are excused when it is determined that an emergency exists that necessitates the need for the procurement of the goods or services using the procedure provided herein. Emergency procedures may be used to purchase only what is necessary to cover the requirements of the emergency. Subsequent procurement needs shall be obtained using normal purchasing procedures as described herein. Other situations when these procedures are excused are discussed in  Chapters 19 and 21.

### 20-2 Determination of an Emergency

If the County's director of emergency management declares a local emergency or the governor declares a state of emergency, pursuant to Virginia Code § 44-146.21, the formalities of the Virginia Public Procurement Act do not necessarily apply.

Absent a formal declaration of an emergency, and if a using department desires to procure goods or services under circumstances it believes to be an emergency, it shall state in a writing provided to the purchasing agent: (1) a description of the goods or services, in the form of the proposed specifications or work statement; (2) the reasons why it believes that an emergency exists necessitating the goods or services; (3) an explanation of the basis of the emergency; and (4) identification of at least three vendors who may provide the goods or services; if fewer than three vendors are practicably available, it shall identify only such those vendors and state why it believes other vendors are not practicably available.

The determination of whether goods or services may be procured using the emergency procedure shall be made by the purchasing agent. In making this determination, the purchasing agent shall determine whether an emergency exists, considering the following:

- Immediate need because of natural disaster: An emergency may include, but is not limited to, natural disasters and situations when goods or services are needed immediately.
- Immediate need to protect public health: An emergency exists if it is demonstrated that the procurement of the goods or services is necessary to protect the public health of citizens.
- Immediate repair necessary: An emergency exists when it is demonstrated that immediate repair is necessary to prevent further damage to public property, machinery, or equipment.
- Provision of essential services: An emergency exists when it is demonstrated that a breakdown in an essential service is imminent or has occurred.
- Immediate need for supplies used in work: An emergency exists when it is demonstrated that supplies are needed for immediate use in work that may vitally affect the public health, safety, or welfare.
- Self-created emergency: An emergency may exist even if the emergency is self-created because of poor planning, overlooked requirements, inaccurate usage history, inadequate forecasting, or other similar reason. A self-created emergency should be carefully evaluated to ensure that the emergency circumstances are legitimate and are not an attempt to circumvent the formal competitive procedures. The use of the emergency procedure for a self-created emergency should be discouraged except when the emergency affects the public health, safety, or welfare. The potential loss of funds or funding source at the end of a fiscal year is not considered an emergency.

An emergency should not be found to exist if the need for the goods or services is not immediate. However, if the constraints of need and procurement (e.g., time required to manufacture, fabricate, produce, or deliver) are such that the need would be timely met only by immediate action to procure, an emergency may exist. Prior to making his determination, the purchasing agent may conduct his own investigation, request additional information from the using department, and consult with the county attorney.

### **20-3 Procedure if it is Determined That an Emergency Exists**

If the purchasing agent determines that an emergency exists, the following procedure shall apply prior to the actual procurement:

- Selection of vendor/procurement: From the list of known vendors provided by the using department or from vendors identified by the purchasing agent upon his own investigation, the purchasing agent shall select the vendor. The selection of the vendor shall be made as competitively as practicable under the circumstances. The selection process may consist of, but is not limited to, any procedure provided in ~~Chapter~~ 22 (small purchases), or be based on any procedure, modified for the circumstances, provided in ~~Part~~ 2 (competitive sealed bidding) or 3 (competitive negotiation). The procurement shall be made using a purchase order.
- Receipt of vendor information: Within 24 hours of the procurement approval, the using department or purchasing agent shall request and receive from the vendor proof of authorization to transact business in the Commonwealth, pursuant to Virginia Code § 2.2-4311.2; a Certificate of Insurance; and a certification of nondebarment.
- Written determination: The purchasing agent shall make a written determination that an emergency exists, state the basis for the determination, and state the basis for selecting a particular vendor. This written determination shall be placed in the contract file.
- Public notice of determination: The purchasing agent shall post in a designated public area or on the Purchasing Office's webpage a written notice that: (1) states that a contract has been or will be awarded on an emergency basis; (2) identifies the goods or services that have been or will be procured; (3) identifies the vendor selected; and (4) states the date on which the contract has been or will be awarded.
- Notice period: The public notice of determination shall be posted on the day the County awards the contract or announces its decision to award, whichever occurs first. If ~~such~~the notice is not possible because of the nature of the emergency, then the public notice shall be posted as soon thereafter as practicable. The public notice of determination shall be posted for at least ten (10) days.

## 20-4 Procedure if an Emergency Exists Outside of Normal Business Hours

If the using department determines that an emergency exists at any time other than the normal business hours of the County (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays), the following procedure shall apply if the using department cannot comply with the procedure set forth in sSection 20-3 ~~cannot be complied with~~:

- Determination of an emergency: The determination of whether the goods or services may be procured using the emergency procedure shall be made by the using department representative, who shall state in a writing provided to the head of the using department: (1) a description of the goods or services, in the form of the proposed specifications or work statement; (2) the reasons why the using department believes that an emergency exists necessitating the goods or services; (3) an explanation of the basis of the emergency; and (4) identification of at least three vendors who may provide the goods or services. ~~if~~ If fewer than three vendors are practicably available, it shall identify only ~~such~~ those vendors and state why it is believed other vendors are not practicably available. The determination of whether an emergency exists shall be based on the factors identified in ~~s~~Section 20.3.
- Selection of vendor/procurement: The using department representative shall select a vendor from the list of those he identified. The selection of the vendor shall be made as competitively as practicable under the circumstances. The selection process may consist of, but is not limited to, any procedure provided in ~~e~~Chapter 22 (small purchases), or be based upon any procedure, modified for the circumstances, provided in ~~p~~Parts 2 (competitive sealed bidding) or 3 (competitive negotiation).
- Notification to purchasing agent: At the earliest time possible on the first County business day following the emergency, the using department representative shall notify the purchasing agent of the procurement, and provide to the purchasing agent his written determination of emergency and the purchase order. The purchasing agent shall confirm the appropriateness of the determination that an emergency existed and confirm the purchase order.
- Purchase order: The purchasing agent shall issue a purchase order on the first business day following the emergency, subject to Section 20-6 below.
- Written determination: Upon receipt of the written determination that an emergency exists and the purchase order from the using department representative, the purchasing agent shall place the written determination in the contract file.
- Public notice of determination: Upon receipt of the written determination that an emergency exists and the purchase order from the using department representative, the purchasing agent shall post in a designated

public area or on the Purchasing Office's webpage a written notice that: (1) states that a contract has been or will be awarded on an emergency basis; (2) identifies the goods or services that have been or will be procured; (3) identifies the vendor selected; and (4) states the date on which the contract has been or will be awarded.

- Notice period: The public notice of determination shall be posted on the day the County awards the contract or announces its decision to award, whichever occurs first. If ~~such~~the notice is not possible because of the nature of the emergency, then the public notice shall be posted as soon thereafter as practicable. The public notice of determination shall be posted for at least ten (10) days.

## **20-5 Contract Award**

The contract shall be awarded simultaneous with or after the notice of determination that an emergency exists has been posted, as circumstances permit. The procedure to award a contract shall be as follows:

- Contract award: The purchasing agent shall award the contract to the vendor selected.
- Notice of award: The purchasing agent shall post in a public place or on the Purchasing Office's webpage a written announcement of the award, which may be identified as a notice of award. The notice of award shall also include a statement that the public records pertaining to the procurement have been and are available for inspection by potential vendors. The purchasing agent is not required to provide individual notice of the award to any potential vendors.

~~The purchasing agent may consult with the county attorney as to any matter pertaining to the decision to award a contract.~~

## **20-6 Procedure if Purchasing Agent Determines that an Emergency does not Exist**

If the purchasing agent determines that an emergency does not exist, he shall notify the using department of his determination and cancel the procurement under the emergency procedure. If the using department determines the need for the goods or services are still necessary, it will coordinate with the purchasing agent to proceed with the proper method of procurement as outlined in this manual.

# Chapter 21. Public Auction

## Summary

This chapter identifies one of ~~three~~ situations when compliance with the competitive sealed bidding and competitive negotiation procedures is excused. The situation considered in this chapter exists when the goods may be procured at a public auction.

| Essential Information in this Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
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| <ul style="list-style-type: none"><li>• The competitive sealed bidding and competitive negotiation procedures are excused when it is determined in advance that it is in the best interests of the public that the goods be procured at a public auction.</li><li>• The determination of whether it is in the best interests of the public to procure goods at a public auction shall be made by the <del>b</del><u>B</u>oard of <del>s</del><u>S</u>upervisors or the <del>s</del><u>S</u>chool <del>b</del><u>B</u>oard, as the case may be.</li><li>• The <del>b</del><u>B</u>oard of <del>s</del><u>S</u>upervisors or the <del>s</del><u>S</u>chool <del>b</del><u>B</u>oard shall make its determination at a regular meeting of the <del>b</del><u>B</u>oard.</li></ul> |  |
| Key References to the Code of Virginia Applicable to this Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| Section 2.2-4303( <del>H</del> <u>I</u> ): Procurement at a public auction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |

### 21-1 General

The competitive sealed bidding and competitive negotiation procedures are excused when it is determined in advance that it is in the best interests of the public that goods, products, or commodities (collectively referred to as “goods”) be procured at a public auction. ~~Other situations when these procedures are excused are discussed in chapters 19 and 20.~~

### 21-2 Determining Whether Best Interests of Public Served

The determination of whether it is in the best interests of the public to procure goods at a public auction shall be made by the ~~b~~Board of ~~s~~Supervisors or the ~~s~~School ~~b~~Board, as the case may be.

If a using department desires to procure goods at a public auction, it shall state in a writing provided to the ~~b~~Board of ~~s~~Supervisors or the ~~s~~School ~~b~~Board and to the purchasing agent: (1) a description of the goods, in the form of proposed specifications; (2) the reasons why the using department believes that it is in the best interests of the public to procure the goods at a public auction; ~~and~~ (3) the time, place, and organizer of the public auction; ~~and (4) the maximum amount that may be obligated for a bid or bids.~~

The **bB**oard of **sS**upervisors or the **sS**chool **bB**oard shall make its determination at a regular meeting.

### **21-3 Procedure if Procurement at Public Auction Determined to be in Best Interests of the Public**

If the **bB**oard of **sS**upervisors or the **sS**chool **bB**oard determines that it is in the best interests of the public that the goods be procured at a public auction, the following procedure shall apply prior to the actual procurement:

- Written determination: The **bB**oard of **sS**upervisors or the **sS**chool **bB**oard shall make a written determination that the purchase of goods at a public auction sale is in the best interests of the public, and state the basis for the determination. This written determination shall be presented to the purchasing agent, who shall maintain a file of the determination.
- Procurement: The purchasing agent shall attend the public auction sale and procure the goods.

The purchasing agent shall assist the **bB**oard of **sS**upervisors or the **sS**chool **bB**oard, as necessary, to **as**ensure compliance with this procedure, and may conduct his own investigation, request additional information from the using department, and consult with the county attorney.

# Chapter 22. Small Purchases

## Summary

This chapter establishes the procedures to be followed when the cost of the goods or [nonprofessional](#) services to be procured is not expected to exceed \$~~5~~100,000, [and when the cost of professional services to be procured is not expected to exceed \\$80,000](#). If goods or nonprofessional services are sought to be procured, one of the three following procedures shall apply, depending on the expected cost of the procurement: (1) procurements up to and including \$5,000; and (2) procurements greater than \$5,000 up to and including \$~~5~~100,000. A separate procedure applies when professional services are being procured.

### Essential Information in this Chapter

- The using department shall make a good faith determination as to whether the cost of the procurement is expected to exceed \$~~50~~100,000 [for goods and nonprofessional services or \\$80,000 for professional services](#).
- Neither the purchasing agent nor the using department shall procure goods or services in a piecemeal manner in order to avoid formal procurement procedures that would otherwise apply.
- The receipt of written quotations is preferred, even if verbal or telephone quotations are authorized.
- If goods or nonprofessional services are sought ~~to be procedural~~, one of three informal procurement procedures applies. A separate procedure applies when professional services are sought to be procured.

### Key References to the Code of Virginia Applicable to this Chapter

Section 2.2-4303(G): Small purchases for goods and nonprofessional services; [professional services](#)  
~~Section 2.2-4303(H): Small purchases for professional services~~

## 22-1 General

This chapter establishes the procedures to be used for single or term contracts when the aggregate or the sum of all phases is not expected to exceed \$~~5~~100,000 [for goods or nonprofessional services or \\$80,000 for professional services](#).

The following general principles apply to all procurements made pursuant to this chapter:

- Determination of estimated cost of procurement: The using department shall make a good faith determination as to whether the cost of the procurement is expected to exceed \$~~5~~100,000 [for goods or](#)

nonprofessional services or \$80,000 for professional services as provided in ~~s~~Section 4-5.

- Providing for competition: These small purchase procedures are intended to provide for competition whenever practicable, and shall be applied to further this intent.
- Piecemealing of procurement prohibited: Neither the purchasing agent nor the using department shall procure goods or services in a piecemeal manner, otherwise split a procurement into multiple procurements, or request or require that the selected vendor invoice the County at intervals, for the purpose of reducing the estimated cost of the procurement to below the applicable purchasing~~\$50,000~~ thresholds described in this manual.
- Written request for quotations are preferred: Whenever possible, the request for quotations should be made in writing. Emails are an acceptable form for a written request for a quotation. The written request shall include reference to the Albemarle County General Terms and Conditions or the applicable contract template in use (see Appendix A). If the request is oral, the using department will follow the oral request with delivery to the vendor of the General Terms and Conditions or applicable contract template in use.
- Written ~~price~~ quotations are preferred: The receipt of written quotations is preferred, even if verbal or telephone quotations are authorized, in the event that a dispute arises after the order is placed regarding terms or pricing. Emails are an acceptable form for a written quotation.
- Travel and training expenses whose costs not expected to exceed \$50,000 exempt: Travel and training expenses whose costs are not expected to exceed ~~\$510,000~~ are exempt from the procedures set forth in ~~s~~Sections 22-2, 22-3 and 22-4. These costs, which may include those for job-related training, continuing education, and associated meals, lodging, and other related and authorized expenses, are subject to the approval of the using department and the purchasing agent.
- Purchase ~~O~~order required over \$5,000: A ~~P~~purchase ~~O~~orders is required on any purchase over \$5,000.

## **22-2 Goods or Nonprofessional Services: Cost Not Expected to Exceed \$5,000**

- Where the estimated cost of goods or nonprofessional services is \$5,000 or less unless exempted (see Part 4), purchases may be made upon receipt of a minimum of one ~~(1)~~-written or telephone (oral) quotation. Additional sources may also be solicited. Other quotes received that were not solicited shall be considered. If more than one quote is received, the award shall be made to the lowest responsive and responsible bidder. A record of the quotation must be kept with the file. If a telephone quote is

solicited, a record shall be kept of the name and address of the vendor(s) contacted, the item description or service offered, price quoted, delivery dates and terms, names of persons giving and receiving the prices and the date the information was obtained. Notation on the requisition form is considered to be an adequate record.

- Additional competition should be sought whenever there is reason to believe a quotation is not a fair and reasonable price.

## **22-3 Goods or Nonprofessional Services: Cost Expected to be Greater Than \$5,000 up to and including \$5100,000**

If the cost of the goods or nonprofessional services is expected to be greater than \$5,000 up to and including \$5100,000, the following procedure shall apply:

- Scheduling: The using department should allow sufficient time for vendor(s) to provide quotations and for the County's evaluation of the quotations and completion of the administration of the contract negotiation and execution process at least five business days to complete a procurement.
- Price ~~q~~Quotation: The using department shall seek~~obtain~~ at least three (four, if the cost is expected to exceed \$30,000) written ~~price~~-quotations from vendors. When soliciting a ~~price~~-quotation, the using department shall describe the goods or services desired, the quantity, the date by which delivery or performance is expected to be made, a statement that the County is seeking competitive quotations, any technical factors that may be evaluated, and the date and time by which written ~~price~~-quotations must be received in the office of the using department.
- Posting of public notice: Purchases under this section that are expected to exceed \$30,000 shall require a written solicitation (or request for quotations), the posting of a public notice on the County's website, and may include posting on, the Virginia Department of General Services' central electronic procurement website, and/or other appropriate website(s).
- Contents of written ~~price~~-quotation: A written ~~price~~-quotation submitted by a vendor shall contain the following information: (1) the name of the vendor quoting the offer~~price~~; (2) the name of the individual quoting the offer~~price~~; (3) the manufacturer and model of the goods or a description of the services; (4) the pricing and unit price; (5) the payment terms; (6) the promised delivery or performance date; (7) the technical qualifications, if requested; and (78) the date the quotation was made.
- Selection of vendor: The using department shall select the vendor providing the best value or lowest price quotation, depending on the structure of the request for quotations. However, if the vendor fails to provide a written price quotation which contains all of the information

required by the preceding paragraph or if the purchasing agent determines that the vendor is not responsible, then the purchasing agent shall select the vendor providing the next best value or lowest price quotation and shall state the basis for the decision in writing and place it in the procurement file.

The purchasing agent may require that any procurement of goods or services otherwise subject to this section comply with the competitive sealed bidding or competitive negotiation procurement procedures set forth in ~~p~~Parts 2 or 3.

## **22-4 Professional Services: Cost Not Expected to Exceed \$580,000**

If the cost of professional services (as defined in ~~s~~Section 1-5 of this ~~M~~manual) is not expected to exceed \$~~58~~0,000, the following procedure shall apply:

- Scheduling: The purchasing agent should allow sufficient time for vendor(s) to provide quotations and for the County's evaluation of the quotations and completion of the administration of the contract negotiation and execution process~~at least five business days to complete the procurement.~~
- Negotiation with one or more vendors: If the cost is not expected to exceed \$15,000, the using department is authorized to negotiate with one or more vendors. If the cost is expected to be greater than \$15,000 up to and including \$~~58~~0,000, the using department shall contact and interview a minimum of three vendors. The negotiations may be conducted either in person or by telephone, and shall consist of identifying the services desired, the date by which performance is expected to be made, the qualities of the vendor described in the following paragraph, and the cost for ~~such~~the services.
- Selection of vendor: The using department shall recommend to the purchasing agent the vendor to be selected. If the using department negotiated with more than one vendor, the using department shall recommend the vendor it determined to be the most qualified, responsible, and suitable; cost shall not be the sole determining factor. The purchasing agent shall notify the selected vendor, whose selection shall be contingent upon the County and the vendor entering into a written agreement.
- Written agreement: The purchasing agent shall provide the appropriate template or prepare a written agreement approved by the county attorney ~~which shall contain, at a minimum, the following information: (1) the name of the selected vendor; (2) a detailed description of the services to be provided; (3) the cost of the services to be provided; (4) the payment terms; and (5) the promised performance date.~~

The purchasing agent may require that the procurement of professional services otherwise subject to this section comply with the competitive negotiation procedure set forth in ~~p~~Part 3.

## **22-5 Excepted Items from Competitive Requirements**

The purchasing agent has determined that competition for certain goods and services is impracticable because of the nature and value of the goods and services or because these items have historically proven to be available from only a single source. As such, these specific goods and services, as listed in Appendix C, are excepted from competitive requirements, so long as the value does not exceed the small purchase threshold. The purchasing agent, in consultation with the county attorney's office, is empowered to amend the list without prior approval of the Board of Supervisors.

- Procedure: Where a ~~using~~ department's or entity's estimated cost of goods or nonprofessional services does not exceed \$100,000 (or as otherwise restricted herein) for the goods and services detailed in Appendix C, purchases may be made upon receipt of one written quotation. A record of the quotation must be kept with the file and must be consistent with documentation as described in Section 22-2. ~~Such~~The document shall also cite the specific exemption from the list in Appendix C. The documentation shall be provided to the purchasing agent or his designee upon request.

Departments should attempt to seek additional competition whenever there is reason to believe a quotation is not a fair and reasonable price.

Purchases of items listed in Appendix C must be accomplished through either a purchase order or a purchase card transaction.

- Agreements: Contract templates maintained by the Purchasing Office (see Appendix A) should be used to form all contracts between the County ~~or~~ the School Board, and the vendors. Using departments or entities do not have authority to sign agreements provided by a vendor. In no event should a contract that is authorized pursuant to the Exemption List in Appendix C exceed a term of 5 years, including renewals, without express, written permission from the purchasing agent.
- Record Retention: Retention and timely destruction of all procurement records relating to exempt purchases (quotation, two-party agreements, purchase justifications, etc.) are the responsibility of the using departments or entities and must conform to the Library of Virginia retention schedules, including but not limited to GS-02.