

**County of Bedford, Virginia  
Procurement Policy**

**Finance Department**

**Issue/Effective Date: September 1, 2024  
Approval Date: February 26, 2024  
Approved By: Bedford County Board of Supervisors**

Bedford County has prepared this Policy to define the methods by which goods and/or services are procured by all departments, agencies, and Constitutional Offices expending County, state, federal, and/or grant funds.

**Procurement - Overview**

The purpose of this Policy is to promote the County’s best interests by outlining purchasing requirements that adhere to three principle goals:

- (1) Fair and equitable treatment of all persons involved in public purchases;
- (2) Maximization of the value of public funds; and
- (3) Compliance with local, state, and federal regulations regarding public procurement.

Procurement of goods and/or services shall be conducted in a manner that conforms with the above principles and maintains compliance with state and/or federal procurement requirements. If state, federal, and/or grant agency procurement requirements conflict with this policy, the more restrictive requirements will prevail.

All departments, agencies, and Constitutional offices expending County funds must abide by this policy.

**Authority**

Bedford County’s Procurement Policy was developed pursuant to §2.2-4302 of the Code of Virginia, 1950, as amended. This Policy, in conjunction with the Virginia Public Procurement Act (“VPPA”) and the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance” - 2 CFR §200.317 - 200.326), govern the County’s purchasing transactions.

**Delegation of Authority**

The Bedford County Board of Supervisors delegates the procurement responsibility to the County Administrator subject to the limitations and terms included in this Policy. In all cases, reference to the County Administrator or other official in this Policy shall be deemed to include designees of the official. The County Administrator shall be responsible for the purchase of all goods and services for the County. The County Administrator may designate another County official to be responsible for

procurement. Any purchase not made in accordance with the applicable laws, or this Policy shall be deemed an unauthorized purchase for which the County shall not be obligated. Additionally, no obligation shall be made for any purchase more than the amount appropriated for that purpose as reflected in the budgetary accounts of the County.

Any employee who engages in purchasing goods or services in a manner inconsistent with the applicable laws or this Policy shall be subject to disciplinary measures up to, and including, termination of employment.

### Levels of Authority

#### General Authority

The County reserves the right to accept, reject or cancel any or all solicitations, or parts thereof, to waive informalities, and to reissue solicitations. The County also reserves the right to award the contract it deems will best serve its interests. It further reserves the right to award the contract on a lump sum basis, individual item basis, or such combination as shall best serve the interests of the County. This may include multiple awards if provided for in the solicitation.

#### Specific Levels of Authority

The levels of authority for the award of contracts, rejection and cancellation of solicitations, and other procurement functions, including the purchase of goods and services, construction, sole source purchases, emergency purchases, issuance of change orders, and debarment of vendors are listed below.

<u>LEVEL OF AUTHORITY</u>	<u>THRESHOLD</u>
DEPARTMENT LEVEL	
▪ Purchase of Goods, Services, and Sole Source.....	Less than \$10,000
▪ Emergency Purchases.....	Less than \$10,000
▪ Changes Orders/Contract Modifications.....	Up to 5% of the original contract amount or \$10,000, whichever is less.
PROCUREMENT STAFF	
▪ Purchase of Goods, Services, and Sole Source.....	Less than \$50,000
▪ Emergency Purchases.....	Less than \$30,000

- Change Orders/Contract Modifications..... Up to 10% of the original contract amount or \$30,000, whichever is less

COUNTY ADMINISTRATOR

- Award of Contracts for Goods, Services, Construction, and Sole Source Purchases..... Up to \$65,000
- Change Orders/Contract Modifications..... Up to 25% of the original contract amount or \$50,000, whichever is less
- Sign Contracts..... No Limit
- Renewal of Contracts..... No Limit
- Emergency Purchases, Cancellation and Rejection of Solicitations, Prequalification of Bidders/Offerors, Use of State Contracts, GSA Contracts and Other Cooperative Contracts..... No Limit

BOARD OF SUPERVISORS

- Award of Contracts for Goods, Services, Construction, and Sole Source Purchases..... Greater than \$65,000
- Change Orders/Contract Modifications..... More than 25% of the original contract amount or \$50,000, whichever is less
- Construction Award (Negotiation with low bidder)... If bid for construction project exceeds available funds by more than 10%

\*Contract approval is required regardless of previously approved budget for the goods, services, or construction being procured. Budget approval and contract approval are separate processes. All related Board of Supervisors resolutions shall be attached to the Munis requisition.

Award of Annual Contracts

For the purposes of this Policy, the procedure for award of annual contracts shall be determined by the estimated annual value of the contract for the initial term of the contract.

Issuance of Procedures

The Finance Department, under the authority of the Director of Finance, shall issue Procedures upon the approval of the County Administrator.

**Levels of Procurement Authority**

Goods and Nonprofessional Services

Up to \$10,000	Department may purchase without prior approval provided that the individual is permitted to purchase on behalf of the County and budgetary funds are available for the purchase.
Over \$10,000 up to \$65,000	Department obtains a minimum of three (3) documented quotations to be attached to the requisition in Munis
Over \$65,000 and any procurement that will result in a yearly contract (may also be used for lesser amounts when necessary)	Department will solicit for the services or goods through one of the following methods, depending on the type of service/good: (1) Competitive sealed bidding (2) Competitive negotiation Proposals shall be solicited from a minimum of three (3) vendors. All solicitation information shall be attached to the requisition in Munis.

Professional Services

Up to \$10,000	Department may purchase without prior approval provided that the individual is permitted to purchase on behalf of the County and budgetary funds are available for the purchase.
Over \$10,000 up to \$65,000	Department shall solicit for the services via an informal competitive negotiation process with at least three (3) vendors for services. If there is a Qualified Vendor List on file for the desired work, vendors shall be selected from this list. The solicitation process for all vendors shall be documented and attached to the requisition in Munis.
Over \$65,000	Department shall solicit for the services via a formal competitive negotiation process. The process shall be documented and attached to the requisition in Munis.

## **Modifications or Change Orders to Contracts**

- Fixed-price contract increases up to \$10,000.00 or 5% of the original amount of the contract, whichever is less, may be authorized by the Department Manager.
- Fixed-price contract increases up to \$30,000.00 or 10% of the original amount of the contract, whichever is less, require the advance written approval of the Procurement Manager.
- Fixed-price contract increases up to \$50,000.00 or twenty-five percent (25%) of the original amount of the contract, whichever is less, require the advance approval of the County Administrator.
- Fixed-price contract increases more than \$50,000.00 or twenty-five percent (25%) of the original amount of the contract, whichever is less, require the advance written approval of the Bedford County Board of Supervisors.

## **Contract Award - Generally**

A contract shall be awarded with reasonable promptness, by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event all bids for a construction project exceed available funds and the lowest responsive and responsible bid does not exceed such funds by more than ten (10) percent, the Board of Supervisors may authorize, when time or economic considerations preclude re-solicitation of work of a reduced scope, negotiations of an adjustment of the bid price with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds.

Contracts over \$65,000.00 must be approved by the Bedford County Board of Supervisors prior to execution regardless of previously appropriated funds.

## **Sole Source Purchases**

The sole source procurement may only be used when there is only one source practicably available for that which is to be procured. This differs from a proprietary purchase wherein the product required is restricted to the manufacturer(s) stipulated but is available through multiple distributors and competition. The department shall complete the Sole Source Request/Justification Form and submit to the Procurement Manager for approval. Once approved as a sole source purchase, the notice shall be published on the County's procurement website for 10 days prior to executing the purchase. The completed Sole Source Request/Justification Form shall be attached to the requisition in Munis.

## Emergency Purchases

An emergency is an occurrence of serious or urgent nature that demands immediate action. Emergencies include, but are not limited to, natural disasters and situations that threaten public health, safety and/or welfare such as flood, tornado, or fire. Emergency procurement should only be used when goods or services are needed immediately; goods or services are necessary to protect the public health of citizens; and when it is demonstrated that supplies are needed for immediate use in work that may vitally affect the public health, safety, or welfare. In these situations, the department shall complete the Emergency Justification Form and submit to the Procurement Manager. The Emergency Justification Form shall be attached to the requisition in Munis and posted on the County's procurement website for 10 days following the emergency purchase. Improper planning or the potential loss of funds at the end of a fiscal year is not considered an emergency.

## Debarment

Prospective contractors may be debarred from contracting for supplies, services, insurance, or construction for specified periods of time. Prior to making purchases from a vendor the department shall check the Exclusions on <https://sam.gov/content/exclusions> to determine if any prospective contractor or vendor is barred from receiving government funds. Debarment does not relieve the vendor of responsibility for existing obligations.

## Ethics and Conflicts of Interest

County staff engaged in procurement activities are subject to and should be generally familiar with the provisions of the Virginia Conflict of Interests Act, the provisions of the Virginia Public Procurement Act relative to ethics in public contracting, and the Uniform Guidance relative to conflicts of interest in procurements supported by Federal awards.

- No employee, officer, or agent may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
- No employees, officer, or agent involved in procurement may accept any gift, payment, loan services, subscription, advance, deposit of money, services, or anything of more than nominal or minimal value, present or promised, from an offeror, bidder, current vendor, contractor, or subcontractor unless consideration of substantially equal or greater value is exchanged.

- No County employee or volunteer shall accept vendor paid trips to vendor sites or other locations if the trip or any expenses associated with the trip are paid by anyone other than the employee, volunteer, or County without prior written approval of the County Administrator.
- No County employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious, or fraudulent statements or representations; or make use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry.
- No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the public body unless the employee or former employee provides written notification to the public body, or a public official if designated by the public body, or both, prior to commencement of employment by that bidder, offeror or contractor.

Any employee, officer, or agent that does not abide by the standards outlined in this section is subject to disciplinary action up to and including termination of employment.

### **Nondiscrimination**

The County does not discriminate in the solicitation or award of contracts because of race, religion, color, gender, age, disability or national origin of the bidder or offeror. It is the responsibility of County employees, particularly those employees involved in procurement, to ensure that all vendors are permitted equal opportunity and access to participate in County procurement opportunities, and that no vendor be denied equal opportunity or access because of race, religion, color, gender, or national origin.