The provisions contained in this regulation are adopted as “alternative policies and procedures” pursuant to “Code of Virginia” § 2.2-4343.A.11, and the Prince William County School Board hereby avails itself of the exemption provided by this code section to the fullest extent permitted by law.

I. Purpose

This regulation defines Prince William County Public Schools (PWCS) purchasing principles for the Purchasing Office in accordance with applicable laws, policies, and regulations, and with generally accepted professional standards in such a manner as to ensure consistency and clarity. Regardless of the source of funds by which a contract is to be paid, the “Virginia Public Procurement Act” (VPPA) of the “Code of Virginia” and related School Board policies apply to the procurement for all goods and services by all departments and schools for both appropriated and activity funds. This regulation does not apply to PTA, PTO, Booster Clubs, or any other associations or organizations when purchases are made directly by such groups. The application of this regulation will ensure that all purchasing transactions are conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that no bidder or offeror be arbitrarily or capriciously excluded, that all qualified vendors have access to public business, and that competition is sought to the maximum feasible degree. Electronic procurement will be instituted to the maximum extent practicable that budgetary dollars will permit, utilizing competitive principles and incorporating automated systems, processes, and technology to include, but not limited to, the following:

A. Vendor central registration and source selection;
B. Requisitioning;
C. Solicitation development;
D. Soliciting and receiving formal and informal bids and proposals;
E. Bid/proposal tabulation and evaluation;
F. Electronic ordering;
G. Public posting;
H. Electronic receiving;
I. Electronic invoicing; and
J. Electronic data record keeping and various reporting capabilities.
II. Procurement Authority, Delegation, and Responsibility

The Prince William County School Board delegates authority to the Supervisor of Purchasing to enter into contract(s) for the purchase or lease of goods or services (professional and nonprofessional) and construction, as the centralized purchasing agency, on behalf of PWCS. The Supervisor of Purchasing serves as the chief purchasing agent for PWCS and is authorized to award contracts and issue purchase orders for the procurement of goods and services (professional and nonprofessional) and construction up to and including two hundred fifty thousand dollars ($250,000). The Supervisor of Purchasing will submit recommendations for contract awards exceeding two hundred fifty thousand dollars ($250,000) to the School Board on the Consent Agenda for approval prior to contract execution. The Supervisor of Purchasing delegates the authority to all budget holders, except Facilities Services, to issue Decentralized Purchase Orders (PDs) and make procurement (credit) card purchases up to fifteen thousand dollars ($15,000) for the procurement of non-contract goods and services. Facilities Services is authorized to issue Decentralized Purchase Orders (PDs) up to twenty thousand dollars ($20,000). All budget holders are also delegated the authority to issue and approve Delivery Orders (DOs) from Master Agreements (MAs) up to and including $100,000 for contract purchases. When exercising this delegated authority, the budget holder creates a DO document and approves the transaction electronically through the financial system as “Authorized Purchasing Official.” The budget holder is responsible for certifying that funds have been budgeted, appropriated, and that the goods and services are necessary to meet operational requirements. Activity fund expenditures shall be made in compliance with the Student Activity Financial System, and the “Financial Guidelines Manual.” Failure to comply with procurement policies, regulations, and procedures may result in withdrawal of the budget holder’s delegated authority.

The Supervisor of Purchasing further delegates and authorizes budget holders to approve and sign the following contracts for events involving activity funds: book fairs, charter bus services, dances, field trips, fundraisers, institutional membership applications, interscholastic athletic contracts, proms, rental of facilities for graduation, and sports officials. Contracts, vendor documents, and agreements for these activities that exceed fifteen thousand dollars ($15,000) shall be submitted to the Purchasing Office for review and approval prior to signature if they include indemnification, penalty for late payment, and limited liability clauses that do not protect the School Board.

Budget holders have the authority to further delegate purchasing authority in circumstances of temporary absences such as professional leave, annual leave, sick leave, etc. This temporary delegated authority must be reflected on the financial system security documentation maintained by the Director of Financial Services and reported to the Purchasing Office.
III. Procurement Documents/Transactions

A. Centralized Purchase Order (PC) — A contractual document used only by the Purchasing Office to procure goods/services from funds as requested and specified on a Purchase Requisition (RQS) by the budget holder.

B. Decentralized Purchase Order (PD) — A contractual document used by the budget holder to directly purchase, prepay, or pay for goods/services within the delegated purchasing authority.

C. Modification — A contractual document used to modify or cancel specifications or requirements originally created on any of the procurement documents (PC, PD, DO, CT, RQS, etc.). A purchase order modification is required for any dollar amount that exceeds $100. Unit price changes are not allowed if the item(s) purchased is from an existing Master Agreement (requirements contract), or were obtained as a result of telephonic or written price quotes. A fixed price contract may not be increased by more than 25 percent of the amount of the contract or $50,000, whichever is greater, without the advance written approval of the Supervisor of Purchasing. Modifications/Change Orders exceeding $250,000 shall be submitted to the School Board for approval. Additionally, the Purchasing Office is authorized to increase or decrease the dollar amount on a pre-encumbered Purchase Requisition (RQS) when issuing a Centralized Purchase Order (PC). This increase shall not exceed the greater of 10 percent or $500.

D. Delivery Order (DO) — A contractual document used by all budget holders to directly purchase, prepay, or pay for goods/services from an existing Master Agreement (MA) source specifically established in the financial system by the Purchasing Office.

E. Construction Purchase Order (CT) — A contractual document used only by the Purchasing Office to procure construction-related services from funds as requested and specified on a Purchase Requisition (RQS) by the budget holder.

F. Purchase Requisition (RQS) — A transaction used by a budget holder to request and authorize the Purchasing Office to procure goods/services. The Purchase Requisition (RQS) initiates the purchasing process and creates a pre-encumbrance of funds in the financial system.

G. Vendor Contract/Acknowledgement — A document issued by the vendor which serves as an offer or a counter offer to the specifications and requirements of either a Centralized (PC) or Decentralized (PD) Purchase Order. Since vendor contractual terms and conditions usually vary from those on the PWCS Purchase Order or contract, budget holders are not authorized to sign vendor documents, contracts, or
agreements unless approved by the Purchasing Office. (Exceptions: Contracts for events involving activity funds of $15,000 or less for book fairs, charter bus services, dances, field trips, fundraisers, institutional membership applications, interscholastic athletic contracts, proms, facility rental for graduation, and sports officials).

IV. Methods of Procurement

A. Small Purchases — The VPPA permits PWCS to adopt written procedures for purchases not requiring the use of competitive sealed bidding or competitive negotiation for a single form contract for goods and services if the aggregate or sum of all phases is not expected to exceed $100,000. Purchases made under these adopted procedures shall provide for competition whenever practicable, and do not require public bid openings or advertising of competitive negotiated procurements.

1. Purchases for $5,000 ($10,000 for Facilities Services) or less, single quotations — Purchases from nongovernmental sources where the total cost is $5,000 ($10,000 for Facilities Services) or less may be made upon the receipt of one fair and reasonable price (verbal, telephonic, or written) quote. To avoid allegations of mistakes, unfairness, or other potential errors, and fraudulent practices, verbal quotes shall be documented in the Secondary Reason field of the financial system or the procurement credit card log.

2. Purchases over $5,000 ($10,000 for Facilities Services) but not more than $15,000 ($20,000 for Facilities Services), three quotations — Purchases from nongovernmental sources where the total cost exceeds $5,000 ($10,000 for Facilities Services), but is not more than $15,000 ($20,000 for Facilities Services), may be made after soliciting quotes from three qualified sources. Purchasing will not accept any requisitions for less than $15,000 from schools and departments or $20,000 from Facilities Services unless approved in advance by the Supervisor of Purchasing. Sources may be solicited by mail, facsimile, or electronically. A record of the sources solicited shall be documented in the Secondary Reason field of the financial system or the procurement credit card log and/or with a quote log that is posted on the intranet. The quote log must include the name of the vendor, person contacted, price, delivery, and shipping information. Purchases from websites must be documented that competition was obtained by printing the screen pages showing the cost, shipping, and delivery terms. The award shall be to the lowest responsive and responsible bidder. (Note: budget holders are limited to approve PDs up to $15,000 ($20,000 for Facilities Services). Requirements exceeding $15,000 ($20,000 for Facilities Services) must be sent to the
Purchasing Office on an RQS unless prior arrangement is made between the Supervisor of Purchasing and the budget holder.

3. Purchases over $15,000 ($20,000 for Facilities Services) up to and including $100,000 — The informal solicitation process may be used for purchases from nongovernmental sources for a single or term contract for goods and services where the estimated total cost is greater than $15,000 ($20,000 for Facilities Services) up to and including $100,000. Informal solicitations may be made by mail, facsimile, or electronically. Budget holders are responsible for generating an RQS in the financial system and providing a description of the requirements, specifications, or a statement of needs. The Purchasing Office shall issue an unsealed bid/proposal to at least four qualified sources when available. When using this method, the specifications and/or the statement of needs must be capable of being described accurately and completely so an award can be made to the lowest responsive and responsible bidder. Unsealed bids/proposals that exceed $30,000 will be publicly posted on the Purchasing Office web page for a period of three to 10 days prior to the date set for receipt of bids/proposals. The award notice shall be posted for 10 days immediately following the actual time of award.

B. Competitive Sealed Bidding — Purchases from nongovernmental sources for goods and services other than professional services where the estimated total cost for the sum of all phases is expected to exceed $100,000 shall be made by the Purchasing Office through competitive sealed bidding. A concerted effort shall be made to identify responsible vendors as sources of supply for the goods or services being procured. The Purchasing Office shall advertise and issue an Invitation for Bid (IFB) to at least six qualified sources when available. When using this method, the specifications and or scope of work must be described accurately and completely so that responses can be evaluated against the description in the IFB and award made to the lowest responsive and responsible bidder. IFBs will be publicly posted on the Purchasing Office web page for a minimum of 10 days prior to the date set for receipt of bids. The award notice shall be posted for 10 days immediately following the actual time of award.

C. Negotiation with the lowest bidder — Unless all bids are cancelled or rejected, PWCS reserves the right granted by § 2.2-4318 of the “Code of Virginia” to negotiate with the lowest responsive and responsible bidder to obtain a contract price within the funds available whenever such a low bid exceeds available funds budgeted for this requirement prior to the issuance of the IFB. Negotiation with the low bidder may include both modifications of the bid price and the scope of work/specifications to be performed. The Purchasing Office shall initiate such negotiations with the lowest
responsive and responsible bidder, which exceeds available funds and the budget holder that wishes to negotiate a lower contract price.

D. Competitive Negotiation — The Purchasing Office shall use competitive negotiation for the procurement of professional (that exceed $60,000) and nonprofessional services when the estimated amount exceeds $100,000. The Purchasing Office shall advertise and issue a Request for Proposal (RFP) to at least six qualified sources for a minimum of 10 days prior to the proposal due date. RFPs shall be advertised in a newspaper of general circulation and publicly posted on the appropriate Purchasing web pages at least 10 days from the proposal due date.

1. Nonprofessional Services — The procurement of nonprofessional services from non-governmental sources shall be obtained in accordance with the established methods of procurements; i.e., small purchase, competitive sealed bidding, competitive negotiation, sole source, and emergency. Some examples of nonprofessional services include, but are not limited to, the following: transportation, charter bus, landscaping, security, physical therapists, photography, equipment reconditioning, training, consulting, vending, and any other service not listed as professional services under number two following.

2. Professional Services — The procurement of professional services from non-governmental sources shall be obtained by the Purchasing Office in accordance with the applicable provisions of the VPPA. Professional services are defined as work performed within the scope of practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy, and professional engineering. The Purchasing Office may negotiate multi-year contracts for professional services.

E. Unsealed Proposals — The Purchasing Office, with the assistance of budget holders, may obtain professional services between $15,000 ($20,000 for Facilities Services) and $60,000 or goods and nonprofessional services between $15,000 ($20,000 for Facilities Services) and $100,000 by issuing an unsealed proposal.

F. Sole Source Purchases — A sole source procurement is authorized when there is only one source practically available for the goods or services required. For sole source purchases exceeding $5,000 ($10,000 for Facilities Services), a completed “Sole Source Procurement Documentation Form” is required by the budget holder and must be approved in advance by the Supervisor of Purchasing documenting that there is only one source practically available for that which is being procured. Competition is not available in a sole source situation, thus distinguishing it from a proprietary purchase where the product/service required is restricted to the manufacturer(s) stipulated, but is
sold through distributors and competition can be obtained. All Sole Source Procurements, regardless of the dollar amount, must be publicly posted on the Purchasing web page for at least 10 days.

G. Emergency Purchases — An emergency is an occurrence of a serious and urgent nature that demands immediate action to protect personal safety, life, property, or to avoid termination of essential services that would cause dangerous conditions. Failure to initiate purchases in a timely manner, such as impending end-of-year deadlines, would not constitute an emergency. In cases that do qualify as an emergency, a purchase order or contract may be awarded by the Purchasing Office without competitive bidding or competitive negotiation; however, emergency procurement shall be made with as much competition as is practicable under the circumstances. Additionally, the Purchasing Office is responsible for verifying that the price is a fair and reasonable price in emergency situations. A completed “Emergency Documentation Form” establishing the basis for the emergency and for the selection of the particular vendor, along with a requisition, shall be submitted by the budget holder to the Purchasing Office prior to creating an obligation. The Supervisor of Purchasing shall approve or disapprove the purchase as an emergency procurement. All emergency procurements, regardless of the dollar amount, must be publicly posted on the Purchasing Office web page for at least 10 days, beginning the day of award or decision to award is announced, whichever occurs first.

H. Exceptions to Competitive Requirements — It has been determined that competition normally is either not practicable or available for purchases of the following goods or services. However, one quote must be obtained and documented. Note: The budget holder is limited to approve PDs up to $15,000 ($20,000 for Facilities Services). Requirements exceeding $15,000 ($20,000 for Facilities Services) must be sent to the Purchasing Office on an RQS.

1. Purchases under $5,000.

2. Rental of facilities for graduation ceremonies, dances, and proms.

3. The following selected categories of goods and services up to and including $100,000:
   
   a. Books, preprinted materials, reprints and subscriptions, pre-recorded audio and video cassettes, compact discs, slide projections, etc. when only available from the publisher/producer;
   b. Academic/research consulting services;
c. Honoraria, entertainment (speakers, lecturers, musicians, performing artists);
d. Off-site training that is specialized, proprietary, and not typically available to the general public for which competition is generally unavailable, and requires a registration fee;
e. Royalties and film rentals when only available from the producer or protected distributors;
f. Professional organizational membership dues;
g. Writers;
h. Artists (does not include graphic artists), original works of art, and original or authentic antique period art frames;
i. Photographers other than for graduations and yearbooks; e.g., for official photographs/portraits;
j. Advertisements in newspapers, magazines, journals, etc.;
k. Conference facilities (to include conference support and related lodging and meals) only when the use of a specific facility is directed by an outside donor, sponsor, or organization (for the purchase of conference facilities under other conditions);
l. Accreditation fees, testing, and evaluation services;
m. Purchase of used equipment and materials. (See Section V., paragraph D.);
n. Surplus property;
o. Utility charges;
p. Fundraisers (See PWCS Regulation 341-1);
q. Purchases from the federal government, other states, and their agencies or institutions, and public bodies;
r. Grant programs that specify a specific product or service provider that is required for receipt of the grant; and
s. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed $100,000.

V. Types of Contracts for Goods and Services

A. Computer-Related Equipment and Software — The purchase of all computer equipment and software (including software pilot programs) shall require prior coordination and approval from the Director of Information Technology and the Purchasing Office, and shall be in conformance with guidelines contained in Regulation 295-1, “Computer Systems and Network Services — PWCS Responsible Use and Internet Safety Policy.” The budget holder must complete and submit to Information Technology the following forms: (1) Evaluation Form for All Software and Computer/Network Peripheral Devices; (2) Technical Review Form; and (3) Software Approval Routing List.
B. Installment Purchases — The purchase of goods under the installment/lease purchase, with the exception of copiers, shall be approved by the Director of Financial Services prior to submission of requirements to the Purchasing Office (see Regulation 322-1, “Lease Purchase Agreements”). Installment/lease purchases are defined as the purchase of goods where the payment for the purchase is deferred through installment/lease payments to include the payment of interest and financed by the seller or a third party. These purchases shall be handled in accordance with the appropriate method of procurement. The purchase order, in the extended description field on the commodity page, shall state the full contract amount and term length, and state how the encumbrances will be paid for each fiscal year covered by the contract. The encumbrances shall only be for the amount to be paid in the current fiscal year. These purchase transactions shall include a non-availability funds clause.

C. Rental Agreements — The procurement process for rental/lease agreements (one or more years) of equipment shall be handled in accordance with the appropriate method of procurement. Purchase orders, in the extended description field on the commodity page, shall state the full contract amount and term length and state how the encumbrances will be paid for each fiscal year covered by the agreement. The encumbrances shall only be for the amount to be paid in the current fiscal year. All purchase orders shall include a non-availability funds clause.

D. Used Equipment — The purchase of used equipment (that which has been previously owned and used) may be negotiated by the Purchasing Office and/or the budget holder. The budget holder shall obtain a written statement from someone who is technically knowledgeable of the type of equipment to be purchased and its future usefulness. Upon receipt of such statement, the budget holder must provide a written determination and justification as to why the purchase would be in the best interest of PWCS to the Supervisor of Purchasing. If the estimated total price exceeds $100,000, the Purchasing Office shall post a notice of intent to award on the Purchasing Office web page for 10 calendar days prior to the date of award.

E. Employee Versus Contractor — There is a recognized need for the procurement of individual services when such services cannot be provided by PWCS or other government personnel resources; e.g., contracting with a performing artist, a guest lecturer, seminar leader, consultant, painting and design artist, piano tuner, interpreter, educational/student diagnostic evaluator, or teacher assistant. In each case, a distinction shall be made between “temporary employees” and “independent contractors” due to regulations imposed by the Internal Revenue Service, Social Security Administration, Virginia Employment Commission, and Virginia Industrial Commission. Generally, the difference between the “independent contractor” and the “temporary employee” lies in his/her relationship to the School Division. Given this,
when the need arises, the Director of Financial Services shall be responsible for determining whether the individual is classified as either a contractor or an employee.

F. Cooperative Contracts — A contract awarded by a government purchasing agency which specifically authorizes other public jurisdictions to purchase goods or services directly from the contractor at the same prices, terms, and conditions. The overall administration of cooperative procurements is the responsibility of the issuing agency. Participating agencies should fully administer their portion of the contract.

G. Firm Fixed Price — Firm unit or total prices are established at the time of order placement or contract award for the goods or services. Fixed price contracts may result from bidding or negotiation processes. When fixed price contracting is used, specifications shall be clear and costs predictable resulting in minimum risk to PWCS. This type of contract encourages efficient performance and is least costly to administer. The use of firm fixed price contracting may be inappropriate if requirements or specifications are unclear or indefinite. See section III, paragraph C, restrictions on modifying a firm fixed price contract.

H. Requirement Contracts — Requirement type contracts are agreements for performance over a specified period of time (usually 12 months or longer) when quantities are indefinite. Requirement contracts have no fixed total dollar amount and are unit price based. Such contracts establish a framework under which goods/services are purchased in a repetitive high volume basis and annual costs are expected to exceed $100,000. Purchase order activity against the requirement contract ultimately determines its total value.

I. Spot Purchases — A one-time purchase made in the open market. If it is under the small purchase threshold, it will be made in accordance with the applicable small purchase procedures. If it is over the small purchase threshold, it will be made by competitive sealed bidding or by an exception thereto authorized by law.

J. Service Contracts — Time and material contracts are agreements for supplies or services on the basis of billable hours which include overhead, administrative fees, profit, and materials cost. Details of the work are known, but the scope of the work is not known. Time and material contracts are suitable for maintenance, design, engineering, and emergencies. Competition shall be sought on the basis of labor hourly rate and cost of materials. Because there is usually no incentive for contractors to contain costs, billed costs shall be analyzed thoroughly for legitimacy and accuracy prior to approval for payment. A detailed job estimate with associated rates and itemized material costs shall be provided by the contractor before authorizing the work to be performed. Under the VPPA, §2.2-4331, paragraph B., except in the case of an
emergency affecting the public health, safety, or welfare, no contract shall be awarded on the basis of cost plus a percentage of cost.

VI. Initiating the Procurement Process

A. Centralized Purchasing — (goods, services, or equipment not under an existing contract and costing more than $15,000 [$20,000 for Facilities Services]) – Budget holders/bookkeepers shall electronically submit a Purchase Requisition (RQS) by means of the financial system to the Purchasing Office to request the procurement of goods, services, or equipment. By submitting and approving an RQS through the financial system with detailed specifications or statement of needs, the budget holder shall certify and verify that requested goods or services are budgeted, appropriate, and necessary. Upon receipt of an RQS, the Purchasing Office shall determine availability of goods/services from a contract source and the method of procurement. Based on the specifications or statement of work provided, the Purchasing Office shall assign a buyer who is responsible for soliciting competitive bids/proposals, evaluating bid/proposal responses, making award to the lowest responsive and responsible bidder or highest rated offeror, and issuing a Centralized Purchase Order (PC) through the financial system or written two party contract as required. If anticipated requirements for goods/services will be repetitive, high volume needs for the foreseeable future, and annual cost of requirements are expected to exceed $100,000 and $60,000 for professional services, the Purchasing Office may award a requirements contract for one or more years to one or more vendor sources through competitive sealed bidding or competitive negotiations. The School Division will benefit from consolidating and standardizing similar requirements for annual periods; e.g., favorable pricing through volume purchasing, reduction in procurement lead time and administrative effort, and receipt of consistent quality and services.

B. Decentralized Purchasing — Budget holders may issue and approve Decentralized Purchase Orders (PD) up to $15,000 ($20,000 for Facilities Services) for the procurement of non-contract goods and services. On Master Agreements, budget holders may issue and approve Delivery Orders (DO) up to $100,000 for the procurement of contract goods and services in accordance with procedures delineated in this regulation. When exercising this delegated authority, the budget holder shall approve this transaction electronically through the financial system as “Authorized Purchasing Official.” The budget holder shall be responsible for the transaction, securing requisite number of quotes, and certifying that goods/services are budgeted, appropriate and necessary, and that the procurement complies with established policies, regulations, and procedures. The Supervisor of Purchasing may suspend this authority for failure to follow this regulation.
C. Order Splitting — The intentional splitting of a known purchase requirement into smaller quantities or lots with the intention of spreading the purchase order and credit card purchases over a period of days, weeks, or months in order to circumvent the competitive bidding process is prohibited. When the Purchasing Office reviews purchase orders and finds orders intentionally split, these separate orders will be cancelled and consolidated into one purchase order, causing further delays in the procurement process. Furthermore, if intentional splitting of orders is detected, delegated purchasing authority may be withdrawn and the budget holder held responsible.

VII. Late Bids or Proposals

Bids or proposals received after the date and time specified for receipt in the solicitation shall not be considered. Late sealed bids or proposals shall not be accepted or shall be marked “late” and returned unopened to the bidder or offeror. If bids or proposals are scheduled to be received during a period of suspended school business operations, the buyer shall schedule the receipt and opening for the same time on the next regular business day when the Purchasing Office is open for business. This course of action for suspended operations shall be included in all solicitations.

VIII. Withdrawal of Bids or Proposals

A bid/proposal may be amended and/or withdrawn by a bidder or offeror if the request is received in writing before the due date and hour. The request must be signed by a person authorized to represent the vendor or firm that submitted the bid/proposal. Submission of a subsequent bid/proposal, unless specifically identified as an additional bid, shall constitute the withdrawal of any prior one submitted by the same bidder or offeror on the same Invitation for Bid/Request for Proposal.

Withdrawal of bids/proposals after opening is governed by “Code of Virginia” § 2.2-4330. The bidder/offeror shall give notice in writing of his/her claim of right to withdraw his/her bid/proposal within two business days after the conclusion of the bid opening or receipt of proposals procedure, and shall submit original work papers with such notice.

IX. Protest of Award or Decision to Award

Any bidder or offeror who desires to protest the award or decision to award a contract shall submit such protest in writing to the Supervisor of Purchasing no later than 10 days after public notice of the award, or the announcement of the decision to award, whichever occurs first. No protest shall lie for a claim that the selected bidder or offeror is not a responsible bidder or offeror. The written protest shall include the basis for the protest and the relief
sought. The Supervisor of Purchasing shall issue a decision in writing within 10 days stating the reasons for the action taken, and provide a copy of the decision to the Prince William County School Board, the Superintendent of Schools, and the Purchasing Office. This decision of the Supervisor of Purchasing shall be final unless the bidder or offeror institutes legal action as provided in the VPPA § 2.2-4364.

X. Debarment

Debarment as used in this section means action taken by the Purchasing Office of PWCS to exclude individuals or firms from contracting with the School Division for goods, services, and construction for specified periods of time. Debarment does not relieve the contractor of responsibility for existing obligations. The purpose of debarment is to protect PWCS from risks associated with awarding contracts to persons or firms having exhibited an inability or unwillingness to fulfill contractual requirements, and to protect interest and integrity of the procurement process by preventing individuals or firms who have displayed improper conduct from participating on PWCS requirements for specific periods of time.

A. Causes for Debarment — An individual or firm may be debarred for any of the following reasons:

1. If the Supervisor of Purchasing terminates a vendor’s contract for default.

2. If a contractor states an unwillingness or inability to honor a binding bid, quote, or proposal.

3. Violation of the terms of a PWCS contract or subcontract, including but not limited to: (a) willful failure to perform in accordance with the terms of one or more contracts; or (b) a history of failure to perform; or (c) a history of unsatisfactory performance on one or more contracts.

4. If a vendor falsifies or misrepresents a manufacturer’s specifications in order to appear responsive to a solicitation.

5. If a vendor confers or offers any gift, gratuity, favor, or advantage, present or future, to any PWCS employee who exercises any official responsibility for a procurement transaction as defined in the “Code of Virginia” § 2.2-4368.

6. If a vendor fails to disclose a condition constituting a conflict of interest by any officer, director, owner, or partner of the vendor in a contract or purchase order awarded by PWCS.
7. If the Supervisor of Purchasing determines that a vendor has used abusive or obscene language or a threatening manner toward PWCS personnel during the performance of their duties or as a result of the performance of their duties.

8. If a vendor is convicted of any criminal offense involving public contracting.

9. If a vendor is convicted of any offenses indicating a lack of moral or business integrity.

10. If a vendor fails to pay any excess costs pursuant to a termination for default.

11. If the School Division has evidence indicating that an individual or firm is not a responsible vendor.

B. Debarment Period

1. Debarment for goods, services, and construction projects shall be for a period of one to three years or indefinitely, at the discretion of the Supervisor of Purchasing. Debarment shall commence upon written notification.

2. Debarment for construction projects shall be indefinite or until such time the vendor provides evidence the appropriate action(s) has been taken to correct conditions that resulted in their debarment.

3. The prescribed duration of the debarment may be lifted or suspended by the Supervisor of Purchasing at any time if it is in the best interest of PWCS.

4. A debarred vendor can apply for reinstatement at any time, in writing, to the Supervisor of Purchasing providing evidence of the actions taken to remedy the reason for debarment or prevent the recurrence of the situation that caused the debarment action to be taken and indicating the reason that lifting the debarment would be in the best interest of PWCS.

C. Debarment Notification and Appeal — A vendor being debarred from contracting with PWCS shall be notified in writing. The notice shall state the reasons for the action taken. This decision shall be final unless the vendor appeals within 10 days of receipt of the notice by written request to the Supervisor of Purchasing.

XI. Receipt/Payment of Goods and Services

A. Goods Received Through Central Receiving Warehouse
1. Budget holders issuing purchase orders, or placing confirming telephone orders within their delegated purchasing authority should note the following procedures to expedite processing of items shipped directly to the Central Receiving Warehouse:
   a. Advise the vendor that the name of the ordering department/school and purchase order number must be identified on the packing slip and each shipping container.
   b. Type the ordering person’s name and department in the body of the purchase order.
   c. Submit a copy of purchase orders being received through the warehouse to Supply Services the same day the order is placed.

2. Orders not processed as outlined above may result in delays.

B. Inspection of Goods and Services — It shall be the responsibility of the budget holder to inspect and ensure that goods received and/or services performed are in accordance with the specifications of the centralized (PCs) or decentralized (DOs) purchase orders. When signing the receiving report to verify receipt of goods and services, the budget holder or their designated representative shall carefully inspect the merchandise for hidden damages and defects and ensure that the items ordered are the same items received. The Supply Services Office shall check each shipment received through Central Receiving for visible damage. The conformity to the specifications of the centralized and decentralized purchase orders, Master Agreements, or service contracts is the ultimate responsibility of the budget holder. They must determine the acceptability of the goods or services purchased. Payment shall be made promptly for completed delivered goods or services by the required payment date. The required payment date shall be either:

1. The date on which payment is due under the terms of the contract for the provision of the goods or services.

2. If the date is not established by contract, not more than 30 days after goods or services are received or not more than 30 days after the invoice is rendered, whichever is later.

3. Separate payment dates may be specified for contracts under which goods or services are provided in a series of partial executions or deliveries to the extent that the contract provides for separate payment for partial execution or delivery.
XII. Vendor Performance Complaints

When a vendor delivers goods or performs services that are unsuitable or inferior to the needs and expectations of the budget holder, the Purchasing Office shall be promptly notified so that appropriate action can be taken to rectify/cure the situation. Since the Purchasing Office must follow prescribed procedures while filing or following up on complaints, the budget holder shall complete and submit a Vendor Complaint Form describing the item, the length of time the item has been in use, the reason(s) for the complaint, and the purchase order number and vendor name. Upon receipt, the Purchasing Office shall take the necessary steps to ensure that the problem is resolved and the vendor complaint is maintained on file. These Vendor Complaint Forms are necessary in order to develop history, evaluate vendor performance, and if required, take appropriate and timely action. Vendor failure to respond in a timely manner may result in removal from the vendor database.

XIII. Vendor Assistance in Specification Preparation

Advice or assistance may be received from a vendor in identifying the features and characteristics needed to satisfy a requirement; however, no person who, for compensation, prepares an IFB or RFP for PWCS shall submit a bid or proposal for that procurement or disclose to any bidder or offeror information concerning the procurement which is not available to the public. This does not prohibit vendors or budget holders from freely exchanging information concerning what is sought to be procured and what is offered. Budget holders should contact the Purchasing Office for assistance in identifying restrictive and proprietary features which could be challenged by other vendors and result in either delays, or cancellations in the procurement process. When the budget holder does receive advice or assistance from a vendor in preparing specifications for a purchase, the name of the vendor(s) providing assistance shall be reported to the Purchasing Office in writing. Vendor assistance in evaluating available products and preparing specifications does not imply that such vendor will receive a purchase order or contract award. The budget holder may be personally responsible and held accountable for any misrepresentations of this nature.

XIV. Conflict of Interest

No PWCS employee shall participate in a procurement transaction when the employee has a financial interest in the firm supplying the goods or services. Accordingly, caution shall be exercised when considering the hiring of a School Division employee or member of a School Division employee’s household and/or immediate family. All PWCS personnel are subject to the requirements and penalties in the Virginia State and Local Government Conflict of Interests Act and § 2.2-4367 through § 2.2-4377, “Code of Virginia” entitled, “Ethics in Public Contracting.” Prior to making a purchase from School Division employees, relatives,
or members of their immediate family, such employee or relative shall submit a memorandum to the Supervisor of Purchasing indicating their financial interest in the firm and stating their intent to provide goods or services to the School Division.

XV. Solicitation/Acceptance of Gifts

All transactions relating to the expenditure of appropriated and activity funds require the highest degree of public trust. To eliminate conflict of interest or inappropriate standards of conduct, PWCS personnel are not authorized to solicit, demand, accept, or agree to accept from any vendor any payment, loan subscription, advance, deposit of money, services and/or anything, present or promised, unless consideration of substantially equal or greater value is exchanged. Additionally, PWCS personnel are not authorized to obtain PWCS discounts for personal purchases. Budget holders shall exercise caution when dealing with vendors to ensure that proper procurement procedures and policies are followed, and the interests of PWCS are protected.

XVI. Procurement Audits/Assistance Reviews

The Purchasing Office shall be responsible for conducting a periodic audit(review) of procurement transactions made by each budget holder. Findings as a result of the audit shall be documented and discussed with the budget holder and associate superintendent(s) for action as appropriate.

XVII. Procurement Records

A complete official contract file shall be maintained in the Purchasing Office for each centralized purchase transaction exceeding $15,000 ($20,000 for Facilities Services), containing all information necessary to understand the why, who, what, where, and how of the transaction. A Purchasing Office record shall be established for a purchase transaction which has reached the solicitation stage. A Decentralized Purchase Order (PD) file shall be maintained by schools and central departments for all purchases.

XVIII. Required Data and Certification Prior to Contract Award

A. Prior to awarding a contract or issuance of a purchase order for services that require the contractor and/or their employees to have direct contact with students, the contractor and any employee of the contractor who will be in the presence of students during regular school hours or during school sponsored activities shall certify that they have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child to be verified by the submission of a Certificate of Compliance.
B. This certification shall be binding on the contractor and his employees throughout the contract period and the contractor shall provide PWCS with immediate notice of any event which renders this certification untrue. Direct contact with students is defined as being in the presence of students during regular school hours or during school sponsored activities and programs. The certifications signed by contractors shall be part of the official purchase order and contract file maintained by schools, central departments, and the Purchasing Office. These files are subject to periodic reviews and audits.

The Associate Superintendent for Finance and Support Services (or designee) is responsible for implementing and monitoring this regulation.

The Associate Superintendent for Finance and Support Services (or designee) is responsible for reviewing this regulation in 2019.