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PURCHASING PROCEDURES

The **Albemarle County** School Board is committed to ensuring accountability and transparency in the procurement of goods and services. All procurements made by Albemarle County Public Schools~~the school division~~ shall be in accordance with the Virginia Public Procurement Act (VPPA), Albemarle County Purchasing Manual, all other applicable federal and state laws, and Albemarle County School Board policy.

Procurement procedures will be conducted in an open, fair, and impartial manner with the avoidance of impropriety or the appearance of impropriety. All division employees involved in procurement matters are required to comply with the established procurement procedures, applicable federal and state laws and School Board policy.

Unless otherwise authorized or exempted by law, all procurements must be made using competitive methods. Any applicable rules pertaining to procurement must be made clear in advance and before the process begins. Specifications should reflect the needs of the division and must not favor a particular vendor or unnecessarily restrict competition.

~~All procurements made by Albemarle County Public Schools (the "School Division") are in accordance with the Virginia Public Procurement Act and the Albemarle County Purchasing Manual.~~

Conflicts of Interest

School Board members and all employees involved in procurement must comply with the Virginia State and Local Government Conflict of Interest Act and procurement integrity laws. A School Board member or an employee may not participate in any procurement activities in which they have a prohibited financial or personal interest or any other conflict prohibited by law or guidance set forth in the Albemarle County Purchasing Manual.

Required Contract Provisions

All school division contracts must include the required certifications, representations, and provisions required by the VPPA and other applicable federal and state laws. These requirements may include, as applicable:

- Contractor eligibility and certification regarding certain offenses if the contractor or employee may come into direct contact with students;
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- Nondiscrimination in employment requirements;
- Immigration compliance requirements;
- Prohibition on the use of forced or indentured child labor; and
- Requirements for contracts specific to Information Technology Goods and Services.

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Certification Regarding Certain Offenses

As a condition of awarding a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities, the School Division requires the contractor to provide certification of whether any individual who will provide such services has not been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02; any offense involving the sexual molestation, physical or sexual abuse or rape of a child, or any crime of moral turpitude.

This requirement does not apply to a contractor or employees of the contractor providing services to the School Division in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or employees of the contractor will have no direct contact with students.

Award of Contracts When Individuals Who Will Provide Services Have Been Convicted of Certain Crimes

The School Division will not award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code §19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, rape of a child, or the solicitation of any such offense.

The School Division may award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, ~~-~~rape of a child, or the solicitation of any such offense, provided that in the case of a felony conviction, the Governor has restored the individual's civil rights.

~~Unauthorized Aliens~~

~~The School Division shall provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in Virginia, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.~~

~~Discrimination by Contractor Prohibited~~

~~The School Division includes the following provisions in every contract aligned with the~~

~~thresholds in the Albemarle County Purchasing Manualof more than $10,000:~~

~~1. During the performance of this contract, the contractor agrees as follows:~~

~~a. The contractor will not discriminate against any employee or applicant for employment on the basis of belonging to a protected class as outlined in Albemarle County School Board Policies GB, *Equal Employment Opportunity* and JB, *Equal Educational Opportunities*, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.~~

~~b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.~~

~~c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.~~

~~2. The contractor will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of the thresholds established in the Albemarle County Purchasing Maunal $10,000, so that the provisions will be binding upon each subcontractor or vendor.~~

~~Conflicts of Interest~~

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Adopted: July 1, 1993
Amended: November 4, 2004; August 10, 2006; September 6, 2007; August 14, 2008; January 28, 2016; October 8, 2020; May 13, 2021; March 13, 2024; September 25, 2025
Equity Review: October 8, 2020; May 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended §§, 2.2.- 4311, 2.2-4311.1, 22.1-296.1

Cross Ref.: GCDA, *Effect of Criminal Conviction*
KN, *Sex Offender and Crimes Against Minors Registry Notification*

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