Thomas Jefferson Planning District Commission
Procurement Policy

ADOPTED – October 4, 2024
AMENDED – October 1, 2026

I. PURPOSE

The purpose of this Procurement Policy is to establish procedures for staff of the Thomas Jefferson Planning District Commission (TJPDC) to follow in connection with the purchase of goods and services. This policy is designed to ensure the timely and efficient acquisition of goods and services at reasonable cost, consistent with good business practices, and to assure full and open competition among vendors interested in doing business with the TJPDC. This policy contains written standards of conduct covering conflicts of interest and governs the performance of employees engaged in the selection, award, and administration of contracts. This policy replaces all prior procurement policies and purchasing procedures of the TJPDC. This does not replace the guidelines for the Public-Private Education and Infrastructure Act of 2002 (PPEA), which is of a different nature.

II. GOVERNING REQUIREMENTS

a. State Procurement Policy: As a public body, TJPDC is subject to the provisions of the Virginia Public Procurement Act.

b. Federal Uniform Requirements: Much of TJPDC's funding has a federal source. TJPDC shall procure all goods and services paid for with federal funds in a manner consistent with the Federal government's Office of Management and Budget (OMB) Uniform Guidance: Administrative Requirements, Costs Principles and Audit Requirements for Federal Awards, 2 CFR Chapter I, Chapter II, Part 200, *et al* (commonly referred to as the Omni Circular or Super Circular).

c. Grantor Specific Requirements: If any specific grantor mandates conditions or requirements that are more specific or restrictive than those set forth within this Policy, TJPDC will comply with the grantor's conditions and requirements.

d. Commission Bylaws and Directives: Per the TJPDC Bylaws, all individual payments of a regular and recurring nature and payments of a special or nonrecurring nature less than or equal to $100,000 shall be authorized with approval of the annual budget or project resolution by the Commission, with the Chair or Treasurer and the Executive Director authorized to approve such payments. In addition, all individual payments of a special or nonrecurring nature in excess of $100,000 shall be approved by the Commission by project resolution or by individual expenditure approval. The Commission may also take formal action to provide authorization, funding, instructions, delegations of authority, conditions, or requirements specific to a particular procurement transaction.

III. GENERAL PROVISIONS

a. Equal Opportunity: Staff responsible for purchasing shall take affirmative steps to assure that small and minority firms and women's businesses are solicited wherever they are potential qualified sources. Staff shall also consider the feasibility of dividing total requirements into smaller tasks or quantities or setting delivery schedules in such a way as to facilitate participation by small and minority firms and women's businesses, when permitted.

b. Basis of Payment: The basis of payment (fixed price, unit price, hourly rate, etc.) shall be appropriate to the specific procurement and must be specified in the final contract between the TJPDC and a contracting party. Cost plus a percentage of cost and percentage of construction cost methods of contracting are specifically prohibited where Federal funds are to be used.

c. Written Authorization: Whatever purchase or procurement method is used, a written contract and Notice to Proceed signed by both the TJPDC and the Contractor or a Purchase Order signed by the TJPDC is necessary and must be in place before the TJPDC is under an obligation to pay for goods or services. All contracts must include reference to the RFP, the submitted winning proposal, any mutually agreed changes to the scope, basis of payment, and TJPDC Terms and Conditions as binding.

d. Intergovernmental Agreements: TJPDC may enter into intergovernmental agreements, such as MOAs, with other public bodies to promote the cost-effective use of shared services. Intergovernmental agreements may be utilized without a formal procurement process.

e. Documentation: TJPDC shall maintain records sufficient to detail the history of all procurements.

   Approval: All purchases for goods and services between $1,000 and $10,000 shall be approved by the Supervising Director and the Finance Director. All purchases for good and services greater than $10,000 must be additionally approved by the Director of Operations and the Executive Director.

IV. DEFINITIONS

a. Goods: All material, equipment, supplies, printing and automated data processing hardware and software.
b. Services: Any work performed by an independent contractor wherein the service rendered does not consist primarily of the acquisition of equipment or materials or the rental of equipment of materials and supplies.
c. Responsible bidder or offeror: A vendor who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will ensure good faith performance, and who has been prequalified, if required.
d. Responsive bidder: A vendor who has submitted a bid which conforms in all material respects to the invitation for bids.
e. Professional Services: Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy, or professional engineering.
f. Nonprofessional Services: Any services not specifically identified as a professional service.
g. Vendor: A natural person, corporation, partnership, sole proprietorship, joint venture or other entity, other than a governmental entity, who has goods or services for sale, and a faith-based organization who has goods or services for sale for programs funded by a block grant provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law § 104-193), and participates in the procurement processes identified in this manual. A vendor includes, in the appropriate context, a bidder, offeror or contractor.

V. SELECTION OF CONTRACTORS

a. Free and Open Competition: All of TJPDC's procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, free and open competition.

b. Methods of Procurement: TJPDC will implement one of the following methods to select a supplier or contractor:

   i. Micro-purchases: Supplies or services with an aggregate dollar amount no more than $10,000 may be awarded without competitive quotes, so long as TJPDC considers the price to be fair and reasonable. To the extent practicable, TJPDC will distribute micro-purchases among qualified suppliers. Micro-purchases above $1,000 must be approved by the Supervising Director and the Finance Director

ii. Small Purchases: These provisions apply to simple and informal purchases of single or term contracts for goods and services, excluding professional services, and including single or term contracts for nonprofessional services, up to $100,000, or professional services, up to $80,000, in the aggregate or the sum of all phases.

   1. $10,001 to $100,000: In addition to obtaining approval from the Supervising Director and the Finance Director, obtain additional approval of the Director of Operations and the Executive Director. For professional services, if the aggregate or sum of all phases is expected to exceed $80,000 competitive negotiation must be utilized instead. If the purchase is not considered professional services, valid options are to purchase through a state contract vendor, solicit four written proposals/quotes, or utilize formal procurement. Any solicitation shall be in writing and shall contain sufficient detail to allow accurate pricing of the goods or services to be procured. If a simple description of goods or services will not be sufficient, a Statement of Work (SOW) shall be included as part of the solicitation of quotes. Where a SOW is necessary, it shall be accompanied by a list of factors that will be used to evaluate responses. Documentation of each solicitation, and any written quotes received in responses, shall be placed in the contract file. Use of GSA and other state or local government purchasing schedules, as a source of contractors to be solicited, is encouraged.

iii. Competitive Sealed and Unsealed Bidding: This method is used for construction and procurement of goods and services under the following conditions: a complete, adequate, and realistic specification or purchase description is available, two or more responsible bidders are willing and able to compete, the procurement lends itself to a fixed price contract, and the selection of the successful bidder can be made principally on the basis of price. Unsealed Bidding is allowed for purchases from $10,001 to $100,000. Over $100,000, the bids must be sealed. The process for competitive bidding shall include the following:

   1. Issue and publicize an Invitation to Bid (IFB) containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement, and a statement of any requisite qualifications of potential contractors.
   2. Public notice of the IFB must be made for at least 10 days prior to the date set for receipt of bids. Notification shall include posting on the Virginia Department of General Services' central electronic procurement website, eVA. In addition, TJPDC may publish in a newspaper of general circulation and solicit bids directly from potential contractors, including certified businesses selected from a list made available by the Virginia Department of Small Business and Supplier Diversity.
   3. Staff will perform a cost or price analysis to make an independent estimate prior to receiving proposals for purchases over $100,000.
   4. Public opening and announcement of all bids received.
   5. Evaluate the bids based on the requirements in the Invitation to Bid.
   6. Contracts must be awarded to the lowest priced responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the Invitation to Bid, awards may be made to more than one bidder.

iv. Competitive Unsealed Request For Proposals: This method is used for procurement of good and services, excluding construction, under the following conditions: a realistic set of requirements is available, two or more responsible bidders are willing and able to compete, the procurement lends itself to a fixed price or cost-reimbursement contract, and the selection of the successful offeror can be made principally on the basis of overall value. The process for competitive procurement shall include the following:

1. Issue and publicize a Request for Proposals (RFP) containing or incorporating by reference the requirements and contractual terms and conditions applicable to the procurement, and a statement of any requisite qualifications of potential contractors.
2. Public notice of the RFP must be made for at least 10 days prior to the date set for receipt of proposals. Notification shall include posting on the Virginia Department of General Services' central electronic procurement website, eVA. In addition, TJPDC may publish in a newspaper of general circulation and solicit proposals directly from potential contractors, including certified businesses selected from a list made available by the Virginia Department of Small Business and Supplier Diversity.
3. Staff will perform a cost or price analysis to make an independent estimate prior to receiving proposals for purchases over $100,000.
4. Evaluate the proposals based on the requirements in the Request for Proposals.
5. Contracts must be awarded to the highest scoring responsive and responsible offeror. When the terms and conditions of multiple awards are provided in the Request for Proposals, awards may be made to more than one offeror.

v. Competitive Negotiation: This method is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids or unsealed RFP. This method must be used for professional services over $80,000. The process shall include:

1. Issue and publicize a formal Request for Proposal (RFP), identifying all evaluation factors and their relative importance. Public notice is required at least 10 days prior to the date set for receipt of bids.
2. Solicit proposals directly from at least four qualified sources.
3. Perform a cost or price analysis to make an independent estimate prior to receiving proposals.
4. Evaluate the proposals following a written procedure for conducting a technical review of the proposals and for selecting recipients.
5. For goods, non-professional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited on the basis of the factors in the RFP, including price if so stated in the RFP. Negotiations shall then be conducted with each offeror selected. After negotiations, TJPDC shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror. Should TJPDC determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified that the others under consideration, a contract may be negotiated and awarded to that offeror.
6. For professional services, individual discussions will be held with two or more offerors deemed fully qualified, responsible and suitable based on the evaluation factors in the RFP. The RFP shall not request estimates of man-hours or cost for

services. Negotiations shall then be conducted, beginning with the offeror ranked first. If a satisfactory contract can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. If the terms and conditions for multiple awards are included in the RFP, TJPDC may award contracts to more than one offeror.

vi. Sole Source or Emergency Procurement: Non-competitive procurement soliciting a proposal from only one source is limited to circumstances when the item is available only from a single source, or the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation, and/or competition is determined inadequate after solicitation of a number of sources. The following process is required:

1. TJPDC will prepare a written notice/request documenting the basis for non-competitive procurement.
2. Perform a cost or price analysis to make an independent estimate prior to receiving the proposal.
3. For Federal funding, the awarding agency or pass-through entity expressly authorizes non-competitive proposals.
4. For state funding, the written notice shall be posted on the Virginia Department of General Services' central electronic procurement website, eVA. In addition, TJPDC may publish in a newspaper of general circulation on the day it awards or announces its decision to award the contract, whichever occurs first.
5. Documentation shall be included in the contract file.

vii. Joint and Cooperative Procurement:

1. The TJPDC may participate in or conduct a joint procurement agreement in conjunction with one or more of its member localities for the purpose of combining requirements to increase efficiency or reduce administrative expenses in the acquisition of good, services, or construction. Joint procurement may include contracts for architectural or professional engineering services related to multiple construction projects provided that:
   a. Projects require similar experience and expertise.
   b. The nature of the projects is clearly identified in the Request for Proposal.
2. The TJPDC may purchase from another public body's contract or from the contract of the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for:
   a. Contracts for architectural or engineering services; or
   b. Construction.

viii. Cancelation or Rejection: A request for proposals may be canceled or any or all proposals rejected when doing so is in the best interests of the TJPDC. Any such determination must be documented in writing with the business reasons for the cancelation or rejection stated.

VI. CONFLICT OF INTEREST

a. No Conflict: No employee, officer or agent of the TJPDC shall participate in the procurement of goods or services if he or she has a real or apparent conflict of interest. A conflict would arise if the employee, officer or agent, or any members of his or her immediate family, his or her partner, has a financial or other interest in or a tangible personal benefit from a firm considered for the contract.

b. Disciplinary Action: Violation of the conflict of interest policy constitutes unsatisfactory work performance. Per TJPDC's Employee Handbook, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral admonishment, written reprimand, suspension, demotion or dismissal.