

2017 Proposed Updates to the Spotsylvania Procurement Policy

1. Table of Contents: page numbers all updated and new sections added for 2-28 and 2-29 (Procedures for Construction Management & Design Build)
2. 1-1 Purpose: #4 “offerer” change to “offeror”
3. 1-4 Definitions:
 - underlined terms added last year that were not underlined for consistency
 - added new definitions for Construction Management, Design Build and Complex Projects (terms used in new policy sections 2-28 and 2-29)
 - Competitive sealed bidding: cleanup of formatting and corrected section references
4. 1-6 Delegation of Authority: corrected section reference in (f)
5. 2-8 Competition: corrected section reference in (f) and (j)
6. 2-9 Exceptions to Competition: added three (3) new exceptions:
 - (r) Energy conservation or operational efficiency measures under an energy performance-based contract entered into by another contracting entity pursuant to Virginia Code Chapter 6.1 of Title 11, as set out in §11-34.3(B), in a cooperative procurement.

2017 Legislation HB1712 added the new Code of VA Section but it did not become part of the VA Public Procurement Act (VPPA). Per the new Virginia Code, the County may use cooperative procurement for energy conservation or operational efficiency measures, except for roof replacement projects, by purchasing from another entities cooperative contract (meaning the services were competitively solicited by another entity and the contract included cooperative use language). The Procurement Manager is recommending this addition for ease of reference.
 - (s) Services related to the management of assets for Postemployment Benefits as set out in Section §15.2-1548 of the Code of Virginia.
This has been an exception to competition for several years but is not part of the VPPA. The Procurement Manager is recommending this addition for ease of reference.
 - (t) An entity that is constructing road improvements pursuant to a proffered zoning condition or special exception condition in order to expand the scope of the road improvements in accordance with Section §15.2-2303.2 (C) of the Code of Virginia.
This exemption is not part of the VPPA. The County Attorney’s Office recommended this addition be added to the policy for ease of reference.
7. 2-12 Cancellation, Rejection of Bids; Waiver of Informalities: corrected section references in (b) and (c)
8. 2-21 Employment Discrimination by Contractor Prohibited; Contractor Compliance with Federal and State Law: added full VA Code sections for ease of reference in (d)
9. 2-22 Public Inspection of Certain Records: changed order & formatting of the lettering

2017 Proposed Updates to the Spotsylvania Procurement Policy

- 10.** 2-28 Construction Management: New section added for procedures to use Construction Management procurement method
2017 Legislation HB2366-amended various sections of the VPPA
- 11.** 2-29 Design Build: New section added for procedures to use Design Build procurement method
2017 Legislation HB2366-amended various sections of the VPPA
- 12.** Sections 3-5 and 3-6 for Bonding Requirements: added new footnotes (same footnote) to acknowledge higher state limits to help track legislative changes not implemented
2017 Legislation HB2017 – reason for the addition of the footnotes
- 13.** 3-7 Action on Payment Bond: corrected section references
- 14.** 4-2 Appeal of Denial of Withdrawal of Bid: corrected section reference in (a) and (b)
- 15.** 4-3 Determination of Non-Responsibility: changed section reference to lowercase “b”
- 16.** 5-3 Proscribed Participation by Public Employees in Procurement Transactions: corrected VA Code Reference