

Executive Summary Attachment A: Work for Purchasing Manual Re-Write 2025

Statement of Purpose

The primary objective of updating the procurement manual is to make it easier for County staff to procure goods, services and construction in a way that is fair, impartial, administratively efficient, in alignment with state law, and accessible to all qualified vendors.

Main changes from the current purchasing manual

The main areas of change between the current version of the purchasing manual and the proposed version are as follows:

- Alignment with Virginia Public Procurement Act revisions
- Additional Definitions
- Updates to General Terms
- Clarity of Content
- Moving PPEA and PPTA guidelines, previously adopted, directly into the Purchasing Manual as chapters 13 & 14 and aligning with State requirements (posting timelines, as example).

Changes by Chapter

1. Introduction

Summary:

This chapter states the mission of the Office of Procurement, identifies the purposes of the manual, provides an overview of the principal features and requirements of the Virginia Public Procurement Act (VPPA), and identifies the types of procurements subject to the manual and the VPPA.

Changes:

- Update Section 1-3 (the purposes of this manual) to include the Guidelines for the PPEA and PPTA
- Update to Chapter Numbers to include the above revision

2. Definitions

Summary:

This chapter defines certain words and phrases used in the manual, referring to the Virginia Code for terms predefined in the VPPA.

Changes:

- Updated definitions directly from the VPPA for the following terms:
 - Best value
 - Construction
 - Construction management contract

- Employment services organization
- Goods
- Informality
- Multiphase professional services contract
- Nonprofessional services
- Professional services
- Public body
- Responsible bidder or offeror
- Services
- Added the following terms:
 - Nutrient credit
 - Real property

4. General Requirements

Summary:

This section sets forth certain requirements and policies that apply to all procurements: required provisions for contracts entered into by the County; the County's policy regarding small, women-owned, minority-owned, and service disabled veteran-owned (SWaM) business participation in procurement; vendor signatories; the public nature of certain procurement records; and communication requirements.

Changes

- Update chapter references to reflect addition of PPEA and PPTA guidelines
- Corrected typographical error

6. Choosing the Right Procurement Procedure

Summary:

Briefly explains the procedures available for the procurement of goods and services and explains the methodology for choosing the procedure most appropriate for the procurement sought.

Changes:

- Updated 6-6 to specifically identify partner agencies and those agencies where the County is the fiscal agent.

7. Informal Procurement (Request for Quotes)

Summary:

Establishes procedures to be followed when the expected costs of goods or services sought do not exceed the small purchase thresholds established by the VPPA.

Changes:

- Updated chapter reference

- Added language to 7-5.1 that real estate is not governed by VPPA and does not need to be acquired by either purchase order or purchase card transaction.

8. Competitive Sealed Bidding (Invitation for Bids)

Summary:

Provides the procedures for procuring goods and nonprofessional services using the competitive sealed bidding procedure, as determined by the VPPA.

Changes:

- Update Chapter references

9. Competitive Negotiation (Request for Proposals)

Summary:

Provides the procedures for procuring goods and services using the competitive negotiation procedure, as determined by the VPPA.

Changes:

- Update Chapter references

10. Design-Build Procurement

Summary:

Outlines the procedures for using departments to procure and administer projects in which the vendor agrees to both design and build the structure, roadway, or other item specified by the contract.

Changes:

- Update Chapter references

11. Construction Management

Summary:

Outlines the procedures to be followed for the procurement of construction management services.

Changes:

- Update Chapter references

12. Procurements Exempted or Excepted from Competitive Procedures

Summary:

Outlines the specific instances in which compliance with competitive procedures is excused or exempted. This chapter consolidates chapters from the 2018 manual covering sole source, emergency, public auction, and other exceptions and exemptions allowed under Virginia Law.

Changes:

- Update Chapter references
- Update 12-4.2 to reflect incorporation of PPTA and PPEA guidelines as chapters of the purchasing manual

13. PPEA Guidelines

Summary:

The Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) allows responsible public entities (RPEs) to partner with private entities to develop qualifying projects such as schools, infrastructure, technology systems, utilities, recreational facilities, and other public-purpose projects. PPEA guidelines govern how unsolicited, competing, and solicited proposals are submitted, reviewed, evaluated, and approved.

Changes:

- Align time for posting unsolicited proposals with the state code at 45 days (previously 90 days in County guidelines)
- Removed requirement for 8 copies of printed/paper submissions
- Process clarity improved — the flow now mirrors how a PPEA proposal actually moves through the County system: framework → proposal → evaluation → negotiation → approval → implementation.
- New practical subsections (Negotiation, Post-Award, Appendices) enhance usability for practitioners and align with how jurisdictions actually administer PPEA projects.
- Update Chapter number and section numbers throughout

14. PPTA Guidelines

Summary:

Virginia General Assembly has enacted the Public-Private Transportation Act of 1995 (the “PPTA”) (Virginia Code § 33.2-1800 et seq.). PPTA provides Albemarle County and other responsible public entities with the opportunity to create public-private partnerships for the development of a transportation projects for public use if the County determines there is a need for the project and that the use of PPTA procedures may provide the project to the public in a more timely or cost-effective fashion.

Changes:

- Update Chapter number and section numbers throughout
- Added missing reference for required independent Audit for Agreements for a project with estimated construction cost over \$50 million
- Specifies “10 working days” after Board acceptance and adds step for presenting “major business points” to the Board
- Aligned timeline for posting unsolicited proposal from 45 days to 120 days
- Update delivery location for proposals to the Purchasing Agent’s office

15. Vendor Qualification (previously Chapter 13)

Summary:

Establishes procedures concerning the qualification of a vendor to participate in a procurement.

Changes:

- Update Chapter number and section numbers throughout

16. Vendor Protest (previously Chapter 14)

Summary:

Establishes right of vendors to protest the County's decision to award and outlines procedures for dealing with protest.

Changes:

- Update Chapter number and section numbers throughout

17. General Terms (previously Chapter 15)

Summary:

Moved General Terms from appendix into chapter 15 to indicate the requirement of the Board of Supervisors' adoption of any future revisions.

Changes:

- Update Chapter number and section numbers throughout
- Add to "contractual claims and dispute resolution" section
 - Provide that contracts may include a provision for consideration of contract claims which establishes timelines and governs resolution
 - Add that a contractor's failure to timely notify the Purchasing Agent of intent to file a claim constitutes a waiver of the claim
 - Require that claims be submitted to the Purchasing Agent and that failure to do so constitutes a waiver of the claim
 - Add that a contractor's failure to provide requested information to the Purchasing Agent will result in denial of the claim
 - Add that the decision of the Purchasing Agent is final and conclusive unless timely appealed; requires appeals comply with the VPPA
 - Add disclaimer that nothing in the Manual prohibits the County from instituting legal action against a Contractor.
- Add to "Default" Section
 - Add points to be considered for finding that a contractor is in default
 - Add language that requires the using department to notify procurement when a contractor is not performing and efforts that should be taken to try to resolve disputes

- Adopt Choice of Law provision in accordance with Virginia Code § 2.2-4311.3 for contracts for the acquisition of information technology good or services – require to comply with Virginia law
- Add hyperlink to Virginia Code § 2.2-4311.3

18. Bonds and Securities (previously Chapter 16)

Summary:

Identifies forms of security that vendors may be required to provide as part of a procurement.

Changes:

- Changed thresholds for security requirements to align with the VPPA (\$500,000 for non-transportation-related construction and \$350,000 for transportation-related construction).
- Removal of language that can be categorized as “best practice”, are not explicitly policy, and do not appear in the VPPA.

Appendix B

Summary:

Appendix B includes Exceptions to Chapter 7 Informal procurements. Reserved use of Appendices to indicate content which is maintained by Purchasing Agent and does not require Board approval.

Changes:

- Added definition for Nutrient Credit
- Added definition for Textbooks
- Added definition for Virtual School Programming