

CITY OF HAMPTON

PURCHASING MANUAL



April 2009

City of Hampton

Purchasing Manual

I**NTRODUCTION** This manual is a general guide to the City's procurement laws, policies and procedures. The Procurement Division wants to meet your procurement needs. If you have any questions that are not answered by this manual or need further clarification, please contact us at:

City of Hampton
Department of Finance/Procurement Division
1 Franklin Street, Suite 345
Hampton, VA 23669
(757) 722-2200 Voice
(757) 722-2207 Fax
Email: bids@hampton.gov

Using Agencies with questions concerning the status of a requisition are asked to provide the requisition number when they call. A requisition number will help the Procurement Staff quickly identify the status.

Vendors checking the status of a solicitation are asked to provide the solicitation number (i.e. Quote, Bid or RFP number) and the buyer's name when they call. This information will help Procurement Staff respond quickly to their requests.

Using Agencies with questions concerning the status of payments to vendors are asked to first verify that the department processed the invoice and forwarded it to the Finance Department, Accounts Payable office. If the invoice has been forwarded, check AS400, New World System via invoice inquiry using the vendor name and invoice number. Invoices are entered by Accounts Payable into New World within 3-7 days after receipt. If the invoice has not been entered into AS400, New World, departments may contact:

City of Hampton Finance/Accounts Payable City Hall Building 22 Lincoln Street Hampton, VA 23669
Telephone: (757) 727-6230 Fax: (757) 727-6872

S**ECTIONS OF THIS MANUAL:**

This manual is divided into two (2) primary sections: Procurement Guide for City Agencies and Procurement Guide for Businesses. Both sections provide Using Agencies and vendors with a comprehensive overview of the City procurement laws, policies, procedures and guidelines. Using Agencies and vendors are encouraged to read each section.

For your convenience, a glossary of frequently used purchasing terms is provided in the back of this manual.

M**ISSION** Procurement's mission is to assist City agencies in the procurement of quality goods and/or services, at the proper place and time, and in the appropriate quantity to meet their needs, while promoting maximum competition and Small, Woman, and Minority Owned Business utilization, complying with legal and budgetary requirements, and saving taxpayer dollars.

P**rocurement GOALS**

The goals and objectives of the Procurement Division include the following:

- To provide the maximum return on the City of Hampton (City) and Hampton City Schools (HCS) expenditures.
- To serve the City and HCS departments in a responsive and responsible manner.
- To ensure all awards are made without favoritism and in compliance with the Virginia Public Procurement Act (VPPA).
- To procure goods and services using procurement techniques which result in the most efficient and economical purchase.

- To maintain thorough documentation of all purchasing activities.
- To accurately fulfill reporting requirements mandated by the appropriate federal agencies, the State, Virginia Public Procurement Act, City Council, The School Board and other grantors.
- Furnish management with timely information and advice regarding market trends and conditions affecting price and availability of goods and services.
- Obtain the maximum benefit and revenue from the disposal of reassignment of surplus, damaged, or obsolete materials and equipment.

F **UNDAMENTAL PURCHASING PRINCIPLES** The fundamental principles for competitive procurement are set out in §2.2-4300(c) of the Virginia Public Procurement Act (VPPA), Code of Virginia, 1950 as amended, which promotes that:

To the end that public bodies in the Commonwealth obtain high quality goods and services at reasonable cost;

- All procurement procedures be conducted;
- In a fair and impartial manner; and -With the avoidance of any impropriety or the appearance of impropriety;
- All qualified vendors have access to public business;
- No offeror be arbitrarily or capriciously excluded;
- Competition be sought to the maximum feasible degree;
- Rules governing contract awards be made clear in advance of the competition;
- Procurement procedures involve openness and administrative efficiency;
- Specifications reflect the procurement needs of the City rather than being drawn to favor a particular vendor; and
- The City and vendors freely exchange information concerning what is sought to be procured and what is offered

Procurement Guide for City Agencies

PROUREMENT AUTHORITY

The City Council has certified the Chief Procurement Officer and his designee to make direct purchases with unlimited delegated authority for goods and services, consultant services and information technology.

Sec 2-320 et seq. of the Municipal Code, Administration, Procurement Authority and Procedures, establishes the City's procurement policy. The School Board of the City of Hampton has adopted the Municipal Code Sec. 2-320 et seq. to establish procurement policy for HCS. The Procurement Division is appointed as agent for all HCS procurement activities. The duties of the Chief Procurement Officer or his designee and staff are specifically identified in this policy that reads

Purchasing Authority Delegated to Chief Procurement Officer and his designee

The director of finance shall be appointed by, and shall be under the supervision of the city manager. The director of finance will appoint and supervise all procurement division employees on the basis of their knowledge and experience in public procurement. The director of finance shall be the Chief Procurement Officer authorized to act a general agent on behalf of public entities utilizing the services of the procurement division, and shall be responsible, unless otherwise provided by ordinance, to the city manager for the development and administration of a centralized procurement system. The Chief Procurement Officer or his designee shall have power and shall be required to:

- Recommend and enforce administrative procedures that ensure that all procurements are made pursuant to applicable laws, ordinances, and regulations.
- Recommend and enforce specifications with respect to all goods, materials, supplies, equipment and services.
- Inspect or review the inspection reports of all deliveries of goods, materials, supplies, equipment and services, and make the final determination as to their quality, quantity and conformance with specifications.
- Resolve all claims, disputes or discrepancies arising in the course of procurement of goods, materials, supplies, equipment and services.
- Transfer to or between officers, departments or agencies or sell surplus, obsolete or unused goods, materials, supplies and equipment.
- With the approval of the chief executive officer of the applicable public entity, delegate limited authority to procure certain goods, materials, supplies, equipment or services, if such delegation is deemed necessary for the effective operation of the department.
- Perform such other duties as may be assigned by the City Manager.
- Adoption of General Purchasing Procedures

The Virginia Public Procurement Act (the VPPA) permits the City Council to accomplish procurement activities in accordance with the VPPA or in accordance with alternative policies approved by the Council. City Council as its alternative procurement policy the statutory VPPA procedures, as amended from time to time, excepting there from (i) any provision which by its context does not apply to a locality or school division and (ii) the following sections or subsections: 2.2-4303.D.1; 2.2-4306; 2.2-4307; 2.2-4309; 2.2-4313; 2.2-4314; 2.2-4347 through 2.2-4356; 2.2-4365; and 2.2-4366.

Adoption of Small Purchases Authority and Procedures

Small purchase requirements are permitted in § 2.2-4303.G and § 2.2-4304.H of the VPPA and are subject to the limitations and conditions contained in these subsections. The chief procurement officer or his designee may permit purchases up to a dollar amount of nine thousand and ninety nine and 99 cents (\$9,999.99) to be made by persons other than the procurement division. The Procurement Manager will promulgate written procedures to implement small purchases authority.

The Virginia Public Procurement Act (VPPA), §§2.2-4300, et seq, Code of Virginia, 1950, as amended, further provides guidance on public bodies pertaining to governmental procurement from nongovernmental sources.

The City Code and the Virginia Public Procurement Act shall prevail should there be a conflict between their requirements and the policies and procedures set forth in this manual.

D **ELEGATED PROCUREMENT AUTHORITY** The Chief Procurement Officer has delegated to **ALL** Using Agencies the authority to purchase goods and/or services up to and not to exceed \$9,999.99 per purchase transaction. In the exercise of its procurement authority, Using Agencies shall follow the Procedures for Using Delegated Procurement Authority contained in this manual. All orders must have a purchase order or purchasing card order issued.

All Using Agencies that have direct access to the AS400, New World System have a granted procurement authority of \$9,999.99, except for the items noted below. All orders must have a purchase order issued; Using Agency to enter a requisition and create a purchase order in the New World system.

Delegated procurement authority is designed to give Using Agency purchasing flexibility and to create a win/win/win relationship among Procurement staff, the Using Agency, and the Vendors.

Basic Do's and Don'ts in exercising your procurement authority:

DO seek competition to the maximum feasible degree, for purchases up to \$5,000.00 contact one certified minority or woman owned business where feasible. For purchases between \$5000.00 and \$9,999.99; contact a minimum of three vendors, one of which must be a minority or woman owned business.

DO follow competitive procurement practices

DO comply with the minority and women owned business requirements

DO fully document your purchases. All on-line users enter into the New World system your quote information for everything (i.e. vendors solicited, price quoted, payment terms, delivery, etc.) as an attachment to your purchase order

DO place orders directly with the vendor. All on-line users enter a requisition and create your own purchase orders for everything between \$0-\$9,999.99 (or your delegated authority limits) in the New World system, and mail to the vendor
DO submit directly to Finance/Accounts Payable, the vendor's original invoice, stamped and referencing your purchase order number.

DO use the price agreement contracts for purchases such as office supplies, furniture, computers, etc. (See Price Agreement Contracts section of this manual). Contact Purchasing for a complete listing of the price agreement contracts or you may obtain a copy from the City's Intranet Website under Departments, Procurement

DO NOT use your procurement authority to circumvent standard procurement policies and procedures or to fragment orders (splitting orders so that each is less than \$9,999.99).

DO NOT use your procurement authority to purchase IT goods and services. The Information Technology Department coordinates those purchases, and the Purchasing Division processes those items. Unless Information Technology Department has provided the Using Agency delegated IT goods and services purchasing.

The Chief Procurement Officer reserves the right to **rescind** delegated procurement authority if it is abused.

P **ROCEDURES FOR USING DELEGATED PROCUREMENT AUTHORITY** In exercising delegated procurement authority, Using Agencies are responsible for obtaining as full and open competition as is possible and practicable. [City Code, § Sec 2-320 et seq. of the Municipal Code, Administration, Procurement Authority and Procedures, establishes the City's procurement policy]. The following procedures have been established to ensure maximum competition and compliance with procurement laws, policies, procedures, and the Fundamental Procurement Principles defined in this manual. Using Agencies may exercise their discretion in complying with these requirements.

- Appoint one (1) person to procure the required item(s). This person will write the specifications, solicit quotations, evaluate quotes received, and issue an order.
- Write clear and concise specifications, so that the vendor will have sufficient detail to quote the goods/services sought.
- Be certain the specifications will allow you to make an "apples-to-apples" comparison of the quotations received. Using Agencies shall maintain a complete record of specifications, vendor contacts, price, payment terms, and delivery time for each procurement. We recommend you use a City requisition form to detail each purchase; retain a copy in your office procurement records. On-line users maintain records in the New World system.
- Determine those vendors qualified to quote on the item(s). Use your best judgment.
- Identify the required minority or women-owned vendors to include in the request for quotations.
- Obtain quotations from qualified vendors you have chosen. Quotations may be obtained either by phone, by fax, or in writing.

- When soliciting quotations, it is **mandatory** that all vendors be given the same specifications. When soliciting verbal quotations, **it is important that you read the written specifications verbatim to each vendor.**
- Identify a date when quotes are due and give each vendor the same due date.
- Evaluate all quotes received fairly and objectively, using an "applies-to-apples" comparison.
- All information regarding a vendor's pricing, specifications, and delivery time shall remain confidential during the receipt and evaluation process.
- After the award, all information, not protected under the Freedom on Information Act (FOIA), becomes public information and shall be released to interested parties.
- Auctioneering is unethical and shall not be practiced.
- Award the contract to the lowest responsive and responsible vendor.
- Upon delivery of the goods or completion of the service, approve and submit to Finance/Accounts Payable the original invoice stamped and marked for payment.
- If a vendor believes an award under the above procedures has been made in error, the vendor may appeal the award in accordance with the Vendor Protest Procedures contained in this manual.

PROCEDURES FOR INFORMATION TECHNOLOGY HARDWARE/SOFTWARE PURCHASES The City uses an organized and structured approach to the procurement of Information Technology software, equipment and services to derive the greatest benefits from its information technology investments. Information Technology is the central body responsible for assuming computer system support, inter-operability and information security, the Information Management Guide http://cityhall.hampton/ppu_it.html assigns IT the responsibility and authority for managing the processes associated with the design, acquisition, installation, maintenance, security, and retirement of **all** City-owned computer systems; for developing and coordinating those processes with stakeholders; and for insuring the compatibility of department/multi-department business technology solutions.

All purchases of information and communications technology related goods or services shall be reviewed and approved by IT prior to any procurement action, regardless of the funding source and including any potential procurements as sub-contracts to **any** equipment or services contracts issued by the City. This includes, but is not limited to, information and communications technology hardware, software, telecommunications equipment and services, radio or wireless communications goods and services, data or telecommunications cabling, systems analysis, programming, applications development, system and network design, acquisition services, installation services, maintenance services, and information security goods or services.

All software purchases and **all networking equipment and printers** must be processed through the Procurement Division (i.e. wired or wireless hubs, switches, routers, gateways, NIC cards and **all** printers). Other hardware purchases under \$100 may be processed without going through Procurement or IT (i.e. items such as cables, keyboards, or mouse).

All computer hardware, software and peripheral purchases (except as noted above) shall be processed through IT who then forwards to Procurement for processing. **Computer peripherals shall include any non-capitalized individually purchased device that connects to computer hardware or the network such as device interface boards, NIC cards, monitors, printers, scanners, plotters, digital cameras, PCMCIA cards, hubs, switches, and routers, etc.**

PURCHASE REQUISITION FORM The official form to requisition goods and services. The on-line users will be able to use the requisition form provided by the New World.Net system in by FY11.

The purpose of a Requisition is to inform the Procurement Division of the Using Agency's needs, to identify in detail the goods and services required, to provide a written certification of the availability of funds, and the serve as a tracking mechanism. A properly completed Requisition enables the Procurement Division to expedite the procurement request. Step-by-step instructions for completing the requisition form for those agencies without direct access to New World.net are provided below.

Date:

Enter the Date the requisition was initiated.

Dept/School:

Enter the name of the Department or School preparing the requisition

Budget Code Number:

Enter the budget code of the fund that will be used for the purchase. **Note:** funds must be available in the budget code identified on the requisition or the requisition will not be able to be processed and will be returned to the requesting

department. If funds are not appropriated, **do not submit a requisition**. Requisitions received for non-budgeted items will be returned. If a transfer of funds or redefinition of funds has been requested, wait until the Budget office approves funds; submit the **approved** transfer request or redefinition request form with your requisition.

Date Needed:

Enter the date the goods or services are needed by.

Item:

Enter the item number: For example Item "1" or if more than one item, item "1" followed by item "2"

Quantity:

Enter the desired quantity for each item. Type in either "Qty" for Quantity Based line item or "Amt" for Amount Based line item. An Amount Based requisition line is usually used when multiple payments will be made against that particular order.

Description of Item:

Enter a complete and detailed description of the goods/services. The description also referred to as specifications, is the most important part of the requisition. It is imperative that goods/services are accurately described where at all possible, detailed, definite specifications will be used for purchases Please remember, the individual procuring the item/service may not be as familiar with it as you. Previous purchase orders and vendors are good sources to obtain product descriptions.

Group like items on the same requisition. Placing dissimilar items on the same requisition adds unnecessary requisition processing time. Also, include packaging information in this block. Example: 5 gallons per case, 24-cartons per case, etc.

Requisitions that have incomplete or unclear descriptions may be returned to the Using Agency for additional information.

UOM (Unit of Measure):

If you are purchasing a good in a particular unit of measure, enter the unit of measure, i.e. box, carton, package, case, each in the item description. If left black, Procurement will assume the unit is "each".

Unit Price:

Unit prices or estimates are required. Pricing is required for capital items or services.

Extended Price:

Enter the extended price in the description section. An example of an extended price is 30 light bulbs @ .15 each would be \$4.50. If the requisition is for a service, enter the total amount in this section.

Note to Buyer:

Enter any additional notes or information for the Buyer in the description section.

Invoice Location:

Enter the location address you want all invoices to be mailed if different from the delivery address in the description section.

Delivery Location:

Enter the location address you want all the items/services to be delivered.

Contact Persons/Direct Phone No.:

Enter the name and phone number of the individual to be contacted should Procurement have any questions concerning the requisition. This information will expedite requisition processing.

Supplier/Name of Person Quoting:

The Using Agency is encouraged to supply suggested vendor(s), a contact person's name and phone number, for the goods or services. This information is particularly helpful for goods and services purchased infrequently. Identify any minority or women owned businesses known to the Using Agency who may be qualified to provide the goods or services. Enter this information in the Description section.

Approvals:

Print or type the name of the person signing the purchase requisition below the signature space. The person signing the requisition must be authorized. The signature certifies the items are necessary and budgeted. Enter the date the requisition is signed.

PROUREMENT CYCLE

In it's General Public Purchasing course book, the National Institute of Governmental Purchasing, Inc. (NIGP) describes the general flow of a typical commodity from cradle (identification of the need) to grave (disposal of surplus). The diagram outlining this process is as follows:

Using Agency

- Recognized the need for goods/services
- Ensures adequate funds are budgeted
- Develops specifications for the goods/services
- Submits a requisition to Purchasing

Procurement Division

- Reviews specifications for completeness and accuracy
- Determine the procurement method
- Solicits quotations, bids or proposals and makes an award
- Issues a Purchase Order or contract

Using Agency

- Administers the contract, in which the duties include:
 - Processes timely payment;
 - Ensures contract performance by City and vendor;
- Ensures vendor possesses required permits and licenses and
 - complies with required bonds and insurance requirements
- Determines when an asset is no longer of use or value
- Initiates the asset disposition

Purchasing Division

- Re-allocates or disposes of surplus, salvage or scrap assets.

The general duties and responsibilities of each City Agency in the procurement cycle are described below:

Procurement Cycle	
Agency	Duty/Responsibility
Using Agency	<ul style="list-style-type: none"> •Recognize the need for the goods or a service •Requests funds through the City's budget process •Develops the specifications/scope of work for the goods/service. Specifications must accurately describe the Using Agency's need, may not be trade restrictive, and must allow recycled products to compete with virgin materials. •Certifies the availability of funds for either the goods or services to be procured. Notes the budget/funding codes on the requisition • Prepares a <i>Capital Asset Property Disposition Form</i> if the asset to be purchased is funded as a replacement in a Capital Outlay account. On-line users will prepare and forward to Purchasing through the New World.net system.
Procurement	<ul style="list-style-type: none"> •Logs the requisition into New World.net system or manual requisition log (for offline users). •Verifies the funds were approved by Accounting. •If funds are not available or the item was not appropriated, notifies the Using Agency and returns the requisition. If funds are available, the requisition is forwarded to a Buyer for procurement action. •Buyer reviews the requisition and the specifications/scope of work for accuracy, clarity, completeness, available recycled goods, or potential trade restrictions. •Buyer selects one of the five (5) methods of procurement as described in this manual and prepares the solicitation. •Buyer identifies minority and women owned vendors to be included in the solicitation. •Buyer receives and tabulates quotations, bids or proposals and ensures compliance with specifications. •Buyer reviews the results with the Using Agency, when necessary, and makes an award •A purchase order/contract is prepared, signed by the Chief Procurement Officer or designee, and mailed.
Using Agency	<ul style="list-style-type: none"> •The Using Agency's designated Contract Administrator administers the Purchase Order/contract. (See Contract Administration Policy and Contract Administrator's Duties in this manual). •Using Agency receives goods or services from the Vendor, processes a payment by submitting original invoice to Finance/Accounts Payable in accordance with Vendor Payment Procedures contained in this manual.
Accounts Payable	<ul style="list-style-type: none"> • Processes payment from original invoice; authorizes payment; and mails check to the vendor.
Using Agency	<ul style="list-style-type: none"> • At the end of a goods useful life, the Using Agency initiates disposal of the good in accordance with the City's Surplus Disposition Policy contained in this manual.
Purchasing	<ul style="list-style-type: none"> • Administers the disposition of City assets.

FIVE METHODS OF PROCUREMENT Upon receipt of a requisition, the Procurement staff selects the procurement method which best satisfies the Using Agency's needs and complies with all legal mandates. Five standard methods of procurement are used:

1. **Small Purchases:** This process involves the procurement of goods and/or services under \$30,000.

- The solicitation methods used for small purchases are verbal or written Request for Quotations and Internal Pricing.
Internal Pricing is the procurement from existing price agreement contracts or State Contracts.
- The Procurement Division or its delegated representative solicits, receives, evaluates, and awards informal bids.
- A contract is awarded to the lowest responsive and responsible quoter, as defined in the Glossary section of this manual.
- All purchases, other than those by Internal Pricing, made under the small purchases policy must comply with the requirements set forth for including minority or women owned vendors in the solicitation process.

2. Competitive Sealed Bids:

- Procurement solicits competitive sealed bids (formal sealed bids) for goods and/or services with a dollar value of \$30,000 or more. Formal sealed bids are solicited using a written Invitation to Bid.
- A notice of the Invitation to Bid is posted in the Procurement Division, with eVA, www.eva.state.va.us, and may also be published in a newspaper of general circulation, at least ten (10) calendar days prior to the bid closing date. See the Procurement Guide for Business section of this manual for a complete listing of where Invitations to Bids are posted.
- The bidders list shall include at least four (4) DMBE certified minority or woman owned businesses. Procurement shall also identify additional minority or woman owned firms that may be included.
- Vendors may deliver their bids to the Procurement Division. All bids shall be received and time stamped in the Procurement Division on or before the closing date and time stated in the Invitation to Bid. Bids received after the closing date and time will not be considered and shall be returned unopened to the vendor.
- Envelopes/packages containing bids must be sealed and clearly state on the outside of the envelopes/package the company name, bid number, and closing date and time.
- Formal bids are opened at the closing date, time and place stated on the Invitation to Bid. This session is open to the public. The Chief Procurement Officer or designated representative shall read each bidder's name, prices, delivery times, and payment terms. No decision of award or rejection will be made during the bid opening.
- Formal sealed bids are evaluated, and a "Notice of Intent to Award" indicating the vendor selected and their pricing is posted in the Procurement Division and with eVA, www.eva.state.va.us for a period of ten (10) days. The award is made by the Chief Procurement Officer or designated representative.

3. Competitive Negotiations:

- Services or insurance may be procured by competitive negotiations upon a written determination by Procurement that competitive sealed bidding is neither practicable nor fiscally advantageous [VPPA, §2.2-4303c].
- Notice of every request for proposals (RFP) shall be provided to each business included in the relevant category of the Minority and Woman Contractors list maintained by Procurement. In addition, Procurement shall research the Virginia Department of Minority Business Enterprise (DMBE) database and forward such notices, upon request, to any minority organization or other interested party.
- Services procured through competitive negotiations fall into two (2) categories: (1) Professional Services and (2) Other Than Professional Services.
 - **Professional Services.** All professional services expected to exceed \$30,000 shall be procured through competitive negotiations [VPPA, §2.2-4301(3)(a)]. Professional services include 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, [VPPA, §2.2-4301]. The procedures for procurement of professional services associated with Architect and Engineer Services are set out in the Architect and Engineer Policy in this manual.
 - **Other Than Professional Services.** Competitive negotiations for other than professional services are solicited by a Request for Proposal (RFP) [VPPA, §2.2-4301(3)(b)] when the estimated cost of services are

expected to exceed \$30,000. RFPs are posted in the Procurement Division, with eVA, www.eva.state.va.us and shall be published in a newspaper of general circulation, at least ten (10) calendar days prior to the closing date. See the Procurement Guide for Business section of this manual for a complete listing of where Request for Proposals are posted.

- Vendors may deliver their proposals to the Procurement Division. However, all proposals shall be received and time stamped in the Procurement Division on or before the date and time stated in the RFP. Proposals received after the closing date and time will not be considered and shall be returned unopened to the vendor.
- Envelopes/packages containing proposals must be sealed and clearly state on the outside of the envelope/package the company name, RFP number, and closing date and time.
- The names of firms submitting proposals shall be read public. No other information shall be provided at that time.
- Proposals received will be reviewed, evaluated and ranked. Competitive negotiations may then be conducted with the firm(s) that submitted the most acceptable proposal(s).
- Price is not the sole determining factor in selecting the successful offeror. Other criteria (such as offeror's experience, capability and skills, and actual services to be provided) are evaluated.
- A contract will be awarded to the offeror, who in the City's opinion, submitted the best proposal. [VPPA, §2.2-4301, Competitive Negotiations].

1 **Sole Source:** "Upon a determination in writing that there is only one source practicably available for that which is procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation". [VPPA, §2.2-4303(E)].

2 **Emergency Purchases:** An emergency is a situation in which (1) an immediate threat to the public health, safety or welfare is involved, (2) or immediate action is required to protect or preserve public properties without delay,(3) or breakdown in essential service. [City Code, §2-328)].

The five methods of procurement, their respective dollar limits, and procedural requirements are further detailed in the following chart. Buyers, or individuals with delegated procurement authority, may use their discretion in obtaining as full and open competition as is possible and practicable. [City Code, §2-326.

Five Methods of Procurement

Limits	Procedures
1. Small Purchases	
\$0 - \$4,999.99	<ul style="list-style-type: none"> The Chief Procurement Officer has delegated to all Using Agencies the authority to purchase goods or services under \$5,000 in accordance with the provisions of the <i>Delegation of Procurement Authority</i> section of this manual. Of the quotations solicited, the Using Agency will solicit at least one quote from a DMBE certified minority or woman owned business if available, when feasible. Agencies are encouraged to seek out minority or woman owned businesses for these transactions. This procedure also applies to credit card purchases.
\$5,000 - \$9,999.99	<ul style="list-style-type: none"> Using Agency solicits either telephone or written quotations, when practicable, solicits minimum of three (3) quotations, depending on dollar volume and amount of competition. Of the three (3) quotations solicited, the Using Agency will solicit at least one bid from a DMBE certified minority or woman owned business if available.
\$10,000 - \$29,999.99	<ul style="list-style-type: none"> Using Agency submits to Purchasing a requisition for purchases between \$10,000 - \$29,999.99. Buyer solicits written informal quotations. When practicable, the Buyer solicits written informal quotations to a minimum of four (4) bidders or offerors, <i>VPPA</i>, §2.2-4303(G). Of the four quotations solicited, the Buyer will solicit at least two bids from DMBE certified minority or woman owned businesses if available.
2. Formal Sealed Bids	
> \$30,000	<ul style="list-style-type: none"> Using Agency submits a requisition to Procurement, attaching a clear definition of the scope of the work and contract specifications. Procurement solicits competitive sealed bids, as required by <i>VPPA</i>, §2.2-4303. Procurement includes DMBE certified minority and woman owned businesses as required by the City ordinance.
3. Competitive Negotiations	
> \$30,000	<p>Professional Services (accounting, architecture, land surveying, dentistry, medicine, optometry or professional engineering as defined in <i>VPPA</i>, §2.2-4301(3)(a), Competitive Negotiations, expected to exceed \$30,000, shall be procured by a Request for Proposal (RFP). DMBE certified minority and woman owned businesses are notified as required by the City ordinance.</p>
< \$10,000	<p>For Other Than Professional Services \$10,000 or less: Using Agency may use the <i>Procedures for Hiring Consultant Under \$10,000</i> contained in this manual, if its use is pre-approved by Procurement. Of the informal proposals solicited, the Using Agency will solicit at least one bid from a DMBE certified minority or woman owned business if available.</p>
> \$30,000	<p>For Other Than Professional Services greater than \$30,000: Using Agency submits a requisition to Procurement and attaches to the requisition a detailed description of the scope of work to be performed and specific contract terms. (See the <i>Request for Proposal Guidelines</i> in this manual). Procurement includes DMBE certified minority and woman owned businesses as required as required by the City ordinance.</p>

Five Methods of Procurement	
Limits	Procedures
4. Sole Source Procurements	
None	<p>•Using Agency submits a Council Agenda Item to Clerk of Council, reviewed by Procurement and City Attorney and attaches to the Council Agenda item, the following: - Detailed specifications for the product or services to be purchased from a sole source vendor: -All research conducted by the department which justifies sole source; -A written recommendation to Procurement that the goods or services are to be procured from a sole source; -Any other supporting documentation, suitable to defend the sole source selection in a court of law; and -The Buyer will assist with as requested to negotiate the contract price and terms with the sole source vendor and prepare a purchase order for signature by the Chief Procurement Officer or designee.</p>
5. Emergency Purchases	
None	<p>Emergency during normal working hours: • Department Head has authority to secure, by open market procedure, at lowest obtainable price, any supplies or contractual services, regardless of the amount. • Department Head shall file a full report of the circumstances of the emergency. Emergency not within normal working hours: • A department head may purchase directly supplies or services. •Department head shall file with the Chief Procurement Officer a requisition and copy of the delivery record, together with a written report of the circumstances of the emergency.</p> <p>In all cases of emergency: •The Using Agency shall submit a written report to the Chief Procurement Officer, signed by the department head, detailing the aspects of the emergency. The written report shall be accompanied by a requisition. •The department head shall solicit pricing in a manner consistent with the emergency and Procurement shall issue a confirming purchase order. Where feasible and practicable, DMBE certified minority and woman owned businesses shall be contacted to assist in resolving the emergency situation.</p>

NOTE: Should the City of Hampton close due to inclement weather, etc., on a date that a Bid/RFP is due to close, then those Bids/RFPs will open on the next "full" business day (8:30 a.m. to 5:00 p.m.)

DOLLAR LIMITS

Wherever a dollar limit is referenced in this manual, it applies to:

- The total amount to be purchased: Example: A purchase of two (2) vehicles, costing \$6,000 each (\$12,000 total), exceeds the Using Agency's \$9,999.99 procurement authority and a requisition must be sent to Procurement.
- The total amount to be expended over the initial contract term: Example: A three-year contract for maintenance services, which will cost \$15,000 per year or a total of \$45,000 over the initial contract term, must be solicited using a competitive sealed bid, because it exceed \$30,000.

RREQUEST FOR PROPOSAL GUIDELINES Outlined below are the steps followed in the Request for Proposal (RFP) process for **nonprofessional services**, including the duties and responsibilities of City agencies. They are intended as a general guideline. Actual steps may vary with each RFP. City and State procurement laws and Procurement Division procedures shall take precedence.

Request for Proposal (RFP) – Guidelines	
Agency	Responsibility
Using Agency	<ul style="list-style-type: none"> •Identify the needs and estimate the total contract cost •Ensure funds are available for: the cost of the contract •Define the RFP specifications: - Purpose - Background -Scope of Work, including specific terms and conditions -Elements of the preparation guidelines for Offeror’s proposals • Prepare requisition •Ensure proper authority signs requisition •Forward requisition, with detailed specifications attached, to Procurement
Procurement	<ul style="list-style-type: none"> •Verify funds are available •Draft the RFP: -General Terms and Conditions; and - Identify the evaluation criteria •Select an Evaluation Committee with the help of the Using Agency •Determine advertising methods and advertise the RFP •Provide notification to each business included in the relevant category of the DMBE certified Minority and Woman Contractors Bid List. • Solicit RFP •Facilitate the RFP process: <ul style="list-style-type: none"> •Pre-Proposal Conference may be held at the discretion of the buyer and using agency. The pre-proposal conference gives prospective offerors an opportunity to ask questions and clarify details in the RFP. This step is considered value-added. Information provided at the pre-proposal conference will help offerors better understand the project and, as a result, submit their best proposals. •RFP Closing Date and Time – A closing date and time is set by Procurement. Only the names of the offerors who submit proposals are available to the public. •Initial Proposal Review – The buyer reviews all proposals received to determine whether the offeror responded to the requirements of the RFP, including submission of the Woman and Minority Participation Plan as required by City ordinance. Responsive proposals are forwarded by Procurement to the Evaluation Committee. •Ranking/Short Listing Session(s) – The Committee independently scores each proposal and later meets to discuss the scores and to identify a “short-list” of those offerors with whom the City will negotiate. •Negotiation Session(s) – Negotiations are then conducted with two (2) or more short-listed offerors. During negotiations, the contract requirements, terms, conditions, and price are negotiated to arrive at each offeror’s “best and final offer”. •Award Meeting(s) – Upon completion of negotiations, the committee meets to select the offeror who submitted the best proposal. •Maintain the City’s official RFP file: <ul style="list-style-type: none"> •Forward committee members the RFP evaluation package containing: Register of all proposals received; A copy of each proposal received; Evaluation Matrix to be used for scoring each proposal; and A copy of the Ethics in Public Contracting sections from the VPPA. •Retain copies of the documents supporting the review, selection, and award processes. •Award a contract to the offeror with the <i>best</i> proposal.

Request for Proposal (RFP) – Guidelines

Agency	Responsibility
Evaluation Committee	<p>•Members – The evaluation committee usually consists of a minimum of one procurement professional and one member from the Using Agency. Other committee members may include individuals who have experience in similar projects or RFPs. A properly selected evaluation committee avoids the appearance of impropriety and allows for unbiased procurement selections that represent various perspectives and ensures equal opportunity for the City’s business, regardless of race, religion, color, sex, national origin or handicap. •Duties – The evaluation committee will: •Assist in drafting the RFP and/or approve the RFP Scope of Work; •Attend the pre-proposal conference and proposal opening; •Evaluate and rank proposals received; •Attend the short-list session; •Develop negotiation questions and/or strategies; •Participate in offeror interviews and contract negotiations; •Perform post-negotiation ranking; and •Recommend the best or most advantageous proposal. •Ethics – Each committee member is bound, at all times during the procurement process to the <i>Ethics in Public Contracting</i> provisions of <i>VPPA</i>, §2.2-4367, et seq. A committee member who is not in compliance with the ethics requirements shall be removed from the committee. The committee member shall not divulge any information gained from participation on the committee until after a contract is awarded. •Confidentiality – All documents and correspondence (verbal or written) pertaining to the RFP shall remain confidential until after a contract is awarded.</p>
Contract Administrator	<p>•The Contract Administrator is responsible for administering the contract during the initial term and any extensions. (See <i>Contract Administration Policy</i> and <i>Contract Administrator Duties</i> section of this manual).</p>

A **UTHORITY TO SIGN CONTRACTS** Who has authority to sign contracts? City Code, §2-323 grants the Chief

Procurement Officer or designee the authority to award contracts for the procurement of goods and services. Using Agencies **are not authorized** to sign contracts over \$5,000.00 unless specifically granted such authority by the City Manager in accordance with the City’s Contract Execution Policy or under the Delegated Procurement Authority section of this manual. If a vendor asks you to sign a contract, please contact Procurement.

Types of Contracts:

- 1 **Purchase Order** is the simplest contract form and is executed by the Chief Procurement Officer or designee. A purchase order is issued for the majority of requisitions received by Procurement.
- 2 **Contractor’s Standard Contract** is usually developed by professional associations or by the vendor’s legal department. If a pre-printed contract is submitted to you for signature, notify Procurement. Use of vendor’s standard contract should be avoided whenever possible.
- 3 **Formal Contract** consolidates all of the terms and conditions of the RFP or Bid into a contract document, which is approved as to content by the Using Agency, approved by Finance as to availability of funds, reviewed by the City Attorney’s Office as to legal sufficiency, and signed by both the City Manager and the successful vendor. Upon selection of the successful vendor, the Using Agency is responsible for drafting the formal contract document, with the assistance of the Procurement Division.

F **RAGMENTING ORDERS** What is fragmenting orders? Delegated procurement authority is based on the requisition

total (not the unit cost). For example, if your agency’s procurement authority is \$500, you must submit a requisition whenever the **total purchase** is greater than \$500. Splitting an order so that the total cost is within your spending authority is referred to as fragmenting.

Example: Your agency’s procurement authority is \$500. You plan to purchase four (4) office chairs at a cost of \$150 each. A

requisition must be sent to Procurement because the total purchase is \$600. To split the purchase and ask the vendor to bill you for each chair separately is **fragmenting** and is a violation of the City's procurement procedures.

The Purchasing Agent reserves the right to **rescind** a Using Agency's delegated procurement authority should fragmenting occur.

P **PRICE AGREEMENT CONTRACTS** Price agreement contracts are used by Procurement to consolidate City purchases. Combining quantities and buying over a fixed contract term guarantees the City the highest quality product at the lowest competitive price. Examples of commodities purchased through price agreement contracts include furniture, office supplies, tires, computers, industrial supplies, janitorial supplies, automobiles, etc. There are several rules that Using Agencies must follow with respect to the use of price agreement contracts.

- Using Agency may not purchase the item contained in price agreement contracts from any other source during the term of the contract.
- Unless otherwise authorized by Purchasing, a requisition must be submitted to Purchasing for any purchases from price agreement contracts.

P **PURCHASE ORDER** Upon bid award, Procurement issues a purchase order and sends a copy to the Using Agency. The purchase order is a legal contract that binds the City and the vendor. Neither the vendor nor the Using Agency is authorized to alter terms and conditions of a contract without the Procurement Division's approval.

C **CONTRACT ADMINISTRATOR DUTIES** After a purchase order is issued by Procurement, the Using Agency's contract administrator is responsible for administering the contract during the initial contract term and any extension. The contract administrator shall, among other things:

- Ensure the vendor complies with each of the contract terms and conditions;
- Obtain Procurement's approval, via a change order, for **ALL** changes or modifications to the contract, in particular those changes which affect price, performance, time frames or scope of the work to be performed;
- Ensure the vendor complies with all insurance, bonding, and licensing requirements;
- Ensures the City receives the goods or services for which it contracted;
- Stamp original invoice authorizing payment to the vendor. Submit the stamped vendor's original invoice to Finance/Accounts Payable;
- Complete a Capital Asset Add Document for all purchases of capital items. Submit the form to Finance/Capital Assets;
- Ensure the vendor receives timely and accurate payment(s);
- Document each occurrence of vendor nonperformance and contact Procurement when vendor is in default of the contract;
- For construction contracts and contracts for services, ensure that the contractor has submitted the documentation regarding the actual woman and minority-owned business participation efforts undertaken in connection with the contract, prior to final payment, as required by City Code,;
- Ensure funds are encumbered each fiscal year, should the contract extend beyond one (1) fiscal year; and
- Evaluate the contract for renewal at least four (4) months in advance of the contract expiration date. If the contract is to be renewed, submit a requisition requesting renewal to Procurement. If it will not be renewed and a new contract will be solicited, submit a requisition, attaching proposed changes to the contract. Approximately four (4) to six (6) months is needed to draft, solicit, and execute a new contract.

C **HANGE ORDERS** **What is a change order?** A change order is used to modify a contract whenever a change in the contract will affect price, performance, contract term, delivery, or the scope of the work of the contract. Change orders should be the exception, rather than the rule.

Is there a limit on how many change orders may be issued?

No, however, there is a limit on the cumulative dollar amount. A public contract may include provisions for modifications of the

contract during performance. Fixed contracts may not be increased by more than twenty-five percent (25%) of the amount of the contract or \$30,000, whichever is greater. [City Code and VPPA, §2.2-4309(A)(C)].

Who may approve change orders?

- For construction contract change orders, less than \$5,000, the department director or his designee who is responsible for contract administration is authorized to approve change orders. A copy of each change order shall be forwarded to the Director of Finance and to the Procurement Manager.
 - Construction contract change orders over \$5000.00 are forwarded to the City Manager's Office for approval.
 - All other contract change orders shall be forwarded to the Procurement Division.
- **Procedures to obtain a change order:**
- Using Agency ensures that sufficient funds to cover the change order are budgeted in the appropriate budget account(s).
 - Using Agency submits a requisition to Procurement. Detail on the requisition the exact change to be made, original contract amount, the amount and description of the contract change, and any changes to the time for completion of the original contract.
 - Procurement reviews the request, and if approved, issues a formal change order via a purchase order. Procurement submits a copy of the change order (Purchase Order) to the department and vendor. If the amount of the contract change is less than \$100 or 10% of the original purchase order, payment may be made without a change order, Procurement may note the change on the original purchase order, submit a copy to Finance/Accounts Payable and notify the Using Agency (no formal change order is issued).

Emergency Change Orders: The department head, who is responsible for contract administration, has the authority to determine that work shall begin immediately due to emergency situation or when the delay involved in the execution of a change order would prove costly or detrimental to the City. The department head shall obtain the Chief Procurement Officer's prior approval if emergency expenditures will exceed \$10,000. In the event a Using Agency authorized a change order in accordance with this paragraph, the Using Agency shall submit a written notification to the Chief Procurement Officer, signed by the department head or designee, detailing all actions taken. If approved, Procurement will issue a confirmation change order.

Personal Liability: City employees may be personally liable for any contract change not authorized by a change order issued by the Procurement Division.

Procedures Interpretation: Interpretation of these procedures shall be the sole discretion and responsibility of the Chief Procurement Officer.

CAPITAL ASSETS Using Agencies must submit a purchase requisition to Procurement for **ALL** new or replacement capital assets. An Asset Property Disposition Form must be properly completed and attached to the requisition for any replacement asset which is funded through the Capital Outlay budget accounts. Ensuring the Asset Property Disposition Form is attached to the requisition will avoid unnecessary delays to processing your procurement request.

Fleet Services Division will prepare the Asset Property Disposition Form for all automotive units and rolling stock.

TRAVEL AND TRAINING Requisitions are not required for travel and may not be required for training reimbursement for conferences, seminars, etc.

PROCEDURES FOR HIRING CONSULTANTS UNDER \$10,000 Consulting services are defined as advice or assistance of a purely advisory nature provided to a City Agency by an outside individual, firm, or organization for a predetermined fee. All requests to hire consultants shall be coordinated through the City's Procurement Division.

Using Agencies in need of consulting services where the total cost of services shall not exceed \$10,000, may solicit proposals if

approval is first obtained through Procurement. The following procedures shall be followed:

- The director of the Using Agency shall submit a memorandum to the Procurement Division notifying the Division of the need for consulting services.
- The Director designate one person (Buyer) to solicit request. This person shall write the specifications, solicit proposals, and evaluate proposals received.
- The specifications shall be written in as much detail as possible to enable contractors to incorporate all that is necessary in the price quoted. The specifications must allow an apples-to-apples comparison of proposals received from offerors.
- When practicable, the Using Agency shall contact three (3) or more qualified firms and request written proposals for the services to be provided.
- Of the informal proposals solicited, the Buyer will solicit at least one bid from a DMBE certified minority or woman owned business if available.
- Solicit proposals from the qualified offerors chosen. When soliciting proposals:
- Proposals may be solicited verbally or in writing. The Using Agency shall inform prospective offerors that price is not the sole determining factor in contract award; factors such as the offeror's experience, capability and skills, resources, and actual services to be provided will also be considered.
- It is **mandatory** all offerors be given the same specifications. When soliciting verbal proposals, **it is imperative to read the written specifications verbatim to each offeror.**
- Determine and tell all offerors when their proposals are due back. **DO NOT** give some offerors more time than others.
- To obtain the best proposal, the Using Agency **may** enter into negotiations with the offerors that submitted proposals. Offeror's price and all terms and conditions may be negotiated. Upon mutual agreement of both parties, modifications may be made to an offeror's proposal. However, auctioneering is unethical and shall not be employed by the Using Agency in conducting any negotiations. It is imperative that the information contained in each proposal be kept confidential until after the contract is awarded.
- After evaluating the proposals, the Using Agency shall prepare a written recommendation to the Procurement Division stating which firm should be awarded the contract. Said recommendation shall include the agency's specific justification(s) for its award determination. The Using Agency shall be responsible for justifying why a particular firm was deemed the most advantageous.
- The Using Agency shall prepare and submit a requisition to the Procurement Division for the services requested. Written award recommendation and the proposals received shall accompany the requisition. It is imperative that the recommended offeror's proposal and any negotiated contract changes be attached to the requisition. These documents will serve as the basis for the contract between the City and contractor.
- Upon approval by the Procurement Division, a purchase order and contract will be drafted and mailed to the recommended contractor.

LEASE OF CITY PROPERTY. For leases of City property, refer to the City Attorney's Office for the procedures set out in the Lease/Franchise Administrative Policy.

PROCUREMENT TRAINING The Procurement Division offers a standard training course in Basic Procurement. The Basic Procurement training course is a pre-requisite to allowing AS400, New World access and increased delegated procurement authority. This course is taken at the same time as the AS400 New World Purchasing Module training.

BUY RECYCLED The City's Buy Recycled Procurement Policy(Green Procurement), contained in this manual, defines the duties and responsibilities of Using Agencies in ensuring that recycled products compete with virgin materials. In exercising procurement decisions, Procurement and the Using Agencies are to:

- Promote the purchase and use of recycled and recyclable products;
- Inform vendors of the City's interest in recycled products;
- Evaluate specifications for possible uses of products with recycled content;
- Revise specifications language to ensure recycled products compete with virgin materials; and
- Consider each product's life-cycle cost in evaluating price.

ETHICS The ethical responsibility of City employees and agents of the City having official responsibility for a procurement

transaction are set out in VPPA, §2.2-4367, et seq, Ethics in Public Contracting.

Official responsibility is any administrative or operating authority, whether immediate or final, to initiate, approve, disapprove, or otherwise affect a procurement transaction, or any claim resulting therefrom.

Procurement transaction is defined as all functions that pertain to the obtaining of any goods, services, or construction, including:

- Description of requirements;
- Selection and solicitation of vendors or sources;
- Preparation and award of the contract, and
- All phases of contract administration.

In summary, no City employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the City when the employee knows that:

- 1 The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction;
- 2 The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent (5%);
- 3 The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or
- 4 The employee, the employee's partner, or any member of the employee's immediate family is in negotiation, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor. (VPPA, §2.2-4369).

In addition to the VPPA, the Ethics in Public Contracting, any employees of the Procurement Division are held strictly to the high ethical standards of the National Institute of Governmental Purchasing, Inc. (NIGP) Code of Ethics.

AUCTIONS – VEHICLES AND EQUIPMENT City Code, §2-338, et seq, tasks the Procurement Division with the responsibility for the centralized control and disposal of excess, obsolete and salvageable materials and equipment.

The City of Hampton utilizes an on-line auction site, <http://www.publicsurplus.com/>, to sell surplus equipment. E-auctions on this site are held throughout the year, as deemed necessary. Vehicles are sold through the City contracts as administered by Fleet Services. The City periodically holds on-site auctions of equipment as deemed necessary.

Procurement Guide for Businesses

OFFICE HOURS

City business hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

NOTE: Should the City of Hampton close due to inclement weather, etc., on a date that a Bid/RFP is due to close, then those Bids/RFPs will open on the next "full" business day (8:00 a.m. to 4:30 p.m.)

SALES VISITS The Procurement Division acts as a liaison between suppliers and City agencies. Sales representatives are a valuable resource for obtaining specifications and information on product advancements. The City values their visits; and staff are available to discuss their ideas and concerns. However, Procurement recommends that sales representatives call for an appointment to ensure the buyer familiar with their product category is available.

POSTING BIDS The Procurement Division seeks maximum competition. In achieving this goal, the City publicizes outstanding Bids and RFPs as follows:

1. Posted on the Bid Board in the Procurement Division, 1 Franklin Street, Suite 345, Hampton, Virginia; 23669
2. Posted on the Internet, www.hampton.gov/bids-contracts, which will link with;
3. Bid/RFP notices are posted with Virginia eProcurement eVA at www.eva.state.va.us ;
4. Advertised in Tuesday edition of the Daily Press and Hampton Roads Voice; and
5. Solicitation packages are available from the Procurement Division

BIDDERS LIST The Procurement Division maintains a list of prospective bidders categorized by class and type of commodity. To be placed on the bidders list, a vendor must complete and return a bidders application form. Vendors may complete the application on www.hampton.gov/bids-contracts vendor registration link. Virginia's eProcurement solution eVA (www.eva.state.va.us) maintains a prospective bidders list, as well, based on the NIGP commodity classification codes. It is the vendor's responsibility to keep their applications current by notifying the Procurement Division and/or eVA when changes occur regarding the products or services offered, address, ownership, or status as bidder.

Placement on the bidders list does not guarantee receipt of a Request for Quotation (RFQ), Invitation to Bid (ITB), or Request for Proposal (RFP). It is the vendor's responsibility to check the bid notices posted by the Procurement Division. However, if a vendor is registered with eVA, this will **guarantee** a notice of all Invitation to Bids and Requests for Proposals within in their commodity category.

Bidders may be removed from the bidders list if they do not respond to solicitations. However, a bidder may be retained on the bidders list by simply responding with a "No Bid" if they are interested in bidding on the item(s) in the future.

The City reserves the right to validate and update the bidders lists from time to time, which may require the bidder to renew the bidders application which is on file.

The Procurement Division also utilizes the Virginia Department of Minority Business Enterprise (DMBE) database to assure communications with minority vendors in the State of Virginia. To be considered a minority or women owned business doing business with the City of Hampton, it is required that minority vendors register with the Virginia Department of Minority Business Enterprise.

DEBARMENT Pursuant to City Code, §2-341 the Chief Procurement Officer has the authority to bar a vendor from doing business with the City of Hampton when the public interest will be best served by such removal. Debarment as used in this section means action taken by the Director of Finance, or designee to exclude individuals or firms from contracting with City departments for particular types of goods or nonprofessional services for specified periods of time. Debarment actions must be coordinated with the Minority Business Development Coordinator. Debarment does not relieve the contractor of responsibility

for existing obligations.

The purpose of debarment is to protect the City from risks associated with awarding contracts to persons or firms having exhibited an inability or unwillingness to fulfill contractual requirements, and to protect City interests and the integrity of the City's procurement process by preventing individuals or firms who have displayed improper conduct from participating on City requirements for specific periods of time.

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

- a. Breach (including anticipatory breach) of contract with the City.
- b. Stating an unwillingness or inability to honor a binding bid. A mere request to withdraw a bid, which does not otherwise state an unwillingness or inability to perform, is not a cause for debarment.
- c. Stating an unwillingness or inability to honor the minority or women owned business subcontracting plan submitted with a binding bid.
- d. Falsifying or misrepresenting subcontracting information in order to appear responsive to a solicitation.
- e. Falsifying or misrepresenting manufacturer's specifications in order to appear responsive to a solicitation.
- f. Conferring or offering to confer any gift, gratuity, favor, or advantage, present or future, upon any employee of a state agency who exercises any "official responsibility" for a "procurement transaction" as those terms are defined in the Code of Virginia, § 2.2-4368. It is not necessary that the offer be accepted by the employee, or that the offer is made with intent to influence the employee in an official act. Extending to any City employee exercising official responsibility for a procurement transaction any discount or privilege not available to all City employees is considered to be offering an advantage.
- g. Failing 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 the City (Code of Virginia, § 2.2-3106).
- h. Any cause indicating that the individual or firm is not a responsible vendor.
- i. A determination by the Director of Finance, or designee that a vendor has used abusive or obscene language or a threatening manner toward City purchasing personnel during the performance of their duties or as a result of the performance of their duties.
- j. Sale, under nonemergency conditions, of building materials, supplies, or equipment for any building or structure constructed by or for the City by an independent contractor employed to furnish architectural or engineering services, but not construction for such building or structure or from any partnership, association or corporation in which such architect or engineer has a personal interest (Code of Virginia, § 2.2-3101 and § 2.2-4374).
- k. Sale, under nonemergency conditions, of building materials, supplies or equipment for any building or structure constructed by or for the City by any person who has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the City to furnish architectural or engineering services in which such person has a personal interest as defined in Code of Virginia, § 2.2-3101.
- l. Sale of goods or services to the City when such sale is prohibited by any debarment then in effect.
- m. Conviction of any criminal offense involving public contracting. Examples include, but are not limited to, bribery (Code of Virginia, § 18.2-447) and knowingly making a false statement in regard to collusion on a solicitation (Code of Virginia, § 18.2-498.4). Conviction for any of the above of any officer, director, owner, partner, agent, or related business entity of a vendor shall constitute grounds for the removal of the vendor.

- n. Court judgment finding a violation of either federal or state antitrust laws.
- o. Conviction of any offenses indicating a lack of moral or business integrity.
- p. Failure to pay procurement costs pursuant to a contract termination for default.

It is not necessary that there be a judicial determination of violations contained in subparagraphs a. through l. and p. for debarment to occur.

If the debarring official finds that the cause for debarment reflects on the contractor's traits or tendencies only with regard to certain goods or services, the debarment may apply only to such goods or services. Otherwise the debarment shall apply to all goods and services within the purview of the debarring authority (City).

Ineligibility or Disqualification of Manufacturer. Should any manufacturer commit any of the acts described above, bids offering material, equipment, or supplies manufactured by that firm may be rejected even though the bid is submitted by a vendor in good standing.

Debarment Period. Debarment shall be for a period of ninety (90) days to three (3) years, at the discretion of the debarring official, except as follows. The debarment for subparagraphs m., n., and o. shall be for a period of three (3) years. The debarment for subparagraph p. shall be for a period of one year or until the procurement costs are paid or until the contract breach is resolved, whichever is longer. Debarment shall commence upon notification, or if later, upon expiration of any existing debarments.

Notwithstanding the prescribed duration of the debarment, at the discretion of the Director of Finance or designee, a debarment may be lifted or suspended at any time if it is in the best interest of the City. A debarred individual or firm can apply for reinstatement at any time in writing to the debarring official citing actions taken to remedy the reason for debarment or prevent recurrence of the situation that caused the debarment action to be taken and otherwise indicating that lifting or suspension of the debarment would be in the best interest of the City. Examples of actions that the Director may take into consideration include, but are not limited to:

- a. Repayment by a debarred contractor of additional costs resulting from a default action for which the contractor had previously failed to reimburse the City and was debarred.
- b. Disassociation with individuals or firms responsible for the debarment.

Suspension. Suspension is a type of ineligibility based upon adequate evidence that a vendor has committed any of the grounds for debarment as listed above. In the event that an indictment against a vendor or its principles exists for any of the reasons listed in subparagraphs m., n., or o., the indictment shall constitute adequate evidence for suspension. The period of suspension shall not exceed one year unless requested by the Commonwealth Attorney. The process for suspension will be governed by the same procedures used for debarment/ineligibility.

Adequate evidence means information sufficient to support the reasonable belief that a particular act or omission has occurred.

BRAND NAMES OR ALTERNATES Unless otherwise stated in the Invitation to Bid or Request for Quotations, the name of certain brand, make or manufacturer does not restrict bidders to the specific brand, make or manufacturer named. Specifications of a brand name convey the general style, type, character, and quality of the article desired. Any article, which the City, at its sole discretion, determines to be an equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted. [VPPA, §2.2-4316]. The decision to approve an alternate shall be made by the Procurement Division after consultation with the Using Agency. Written comments from prospective bidders (vendors) concerning the specifications or alternates may be accepted by the Chief Procurement Officer or designee for consideration if submitted at least ten (10) days prior to the date set for receipt of bids.

ERRORS IN SUBMITTING BIDS If any error is detected prior to the bid closing date or the proposal opening date, the vendor may retrieve the bid or proposal from the Procurement Division. Proper identification showing proof of employment

shall be required. The error may be corrected by drawing a single line through the mistake, making the correction, and initialing it in ink.

The vendor must resubmit the bid or proposal and ensure it is time stamped before the specified closing/opening date and time.

The legal requirements for withdrawal of bid due to error after the bid opening are set forth in VPPA, §2.2-4330.

C **ONTRACT AWARD** Contracts shall be awarded to the lowest responsive and responsible bidder. A responsive bidder is defined as one who has submitted a bid which conforms in all the material respects to the Invitation to Bid. A responsible bidder is defined as one 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. (See VPPA, §2.2-4301).

All notices of award or intent to award for all Invitations to Bid and Requests for Proposals will be publicly posted for inspection with eVA and in the City of Hampton Procurement Division at the following location:

1 Franklin Street, Suite 345, Hampton, Virginia 23669 and on its website www.hampton.gov/bids-contracts

City of Hampton reserve(s) the right to negotiate with the lowest responsible vendor in the event that price exceeds available funds. Such negotiation shall be in compliance with Sec. 2-337(e) Code of Hampton, Virginia.

City of Hampton reserve(s) the right to reject any and all responses, to make awards in whole or in part, and to waive any informalities in submittals.

N **OTIFICATION OF SUCCESSFUL VENDOR** Successful vendors are notified by receipt of a signed purchase order or by any other contractual agreement indicating bid award.

B **ID TABULATION** **What is a bid tabulation?** A bid tabulation summarizes, in matrix format, the names of the bidders who submitted a bid, the quantity, unit cost, and extended cost for each item bid or services, and the total bid price quoted.

When is the bid tabulation prepared? The bid tabulation is prepared after the bid closing date and time.

How does a bidder obtain a copy? Bidders may obtain a bid tabulation by including with their bid a self-addressed, stamped envelope clearly marked with a request for the bid tabulation. Or after the bid award, a bidder may request a copy of the bid tabulation by telephone at which point the bid tabulation will be faxed. Bid tabulations will also be available on the City of Hampton website (www.hampton.gov/bids-contracts) within two business days of the bid opening. Bid tabulations will not be read to bidders over the telephone.

Virginia eProcurement Solution, eVA posts all Invitation to Bid tabulations on their web-site, www.eva.state.va.us.

P **UBLIC INSPECTION OF RECORDS** VPPA, §2.2-4342 states that all proceedings, records, contracts and other public records relating to procurement transactions shall be open to inspection by any interested person, firm, or corporation in accordance with the Virginia Freedom of Information Act (§2.2-3700 et seq).

Cost estimates prepared by the City relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspections.

Upon request, each bidder of record for a for a **competitive sealed bid** (Invitation to Bid) shall be afforded an opportunity to inspect bid records within a reasonable time after the bid opening, but prior to award, except in the event the public body decides not to accept any of the bids and reopen the contract. Otherwise, at no point shall bidders be allowed to view the bid documents, either during bid opening or after, and the bid records shall be open to public inspection **only after a contract is awarded**.

Upon request, each offeror of record for a **competitive negotiation** (RFP) shall be afforded an opportunity to inspect

proposal records within a reasonable time after the evaluation and negotiations of proposal are completed, but prior to award, except in the event the City decides not to accept any of the proposals and to re-solicit the contract. Otherwise, RFP records shall be open to public inspection **only after a contract is awarded**.

Trade secrets or proprietary information submitted by a bidder or offeror in connection with the procurement are not subject to public disclosure under the Virginia Freedom of Information Act (FOIA). However, the bidder or offeror shall invoke the protections of this section prior to or upon submission of the data or other materials, and must identify **clearly** the data or other materials to be protected and state in writing the reasons why protection is necessary.

Public inspection of records will be allowed between the hours of 10:00 a.m. and 4:00 p.m. on regularly scheduled City workdays. The Procurement Division reserves the right to require individuals to schedule an appointment if inspection of records will be time consuming, if an extensive review of the files is required, or if divisional staffing is not sufficient to provide this service.

COPY COST Cost of copies shall be in accordance with the City Freedom of Information Act policy. Payment is due at the time the copies are made, and may be made in cash or check. The Procurement Division will issue a receipt upon request.

TAX EXEMPT Vendor shall not include state, local and federal taxes in any prices quoted to the City. The City's federal tax exemption number is 54-6001336. A tax exemption certificate will be furnished upon request.

INVOICES

In order to receive payment for goods or services furnished to the City, the vendor shall submit an **"original"** invoice to the Using Agency at the invoice address shown on the purchase order.

The vendor's original invoice shall detail the following:

- The vendor's invoice number;
- The City's purchase order number;
- A complete description of the goods or services furnished, including quantities, unit prices and extensions, the discount terms, and
- The name of the Using Agency to whom the shipment was made.

VENDOR PAYMENT After delivery, acceptance of the goods or services, and receipt of an **"original"** invoice, the Using Agency will authorize payment. Finance/Accounts Payable issues a payment check to the vendor. Vendors should direct questions concerning payment to the invoiced Using Agency.

VENDOR PROTEST PROCEDURES

(A) **Administrative Process.** Any bidder or offeror may protest the award or decision to award a contract by submitting such protest in writing to the Procurement Manager, no later than ten (10) calendar days after the award or announcement of the decision to award, whichever occurs first. No protest shall be for a claim that the selected bidder or offeror is not a responsible bidder or offeror. All protests and subsequent appeals shall be in writing and shall include the basis for the protest and the relief sought. The Chief Procurement Officer or designee shall issue a decision in writing ten (10) calendar days after receipt of the written protest. The Chief Procurement Officer or designee shall state the reasons for his/her decision, and this decision shall be final.

(B) **Legal Action.** Any bidder or offeror who desires to protest the award or decision to award a contract shall submit such protest in writing to the public body, or an official designated by the public body, no later than ten (10) days after the award or the announcement of the decision to award, whichever occurs first. Any potential bidder or offeror on a contract negotiated on a sole source or emergency basis who desires to protest the award or decision to award such contract shall submit such protest in the same manner no later than ten (10) days after posting or publication of the notice of such contract.

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 public body or designated official shall issue a decision in writing within ten (10) days stating the reasons for the action taken. This decision shall be final unless the bidder or offeror appeal within ten (10) days of the written decision by instituting legal action. Nothing in this

subsection shall be construed to permit a bidder to challenge the validity of the terms or conditions of the Invitation to Bid or Request for Proposal.

In addition, nothing in these Vendor Protest Procedures shall be construed to prevent the City from instituting legal action against a bidder or offeror.

(C) **Effect of Appeal Upon the Contract.** Pending final determination of a protest or appeal, the validity of a contract awarded and accepted in good faith in accordance with this section shall not be affected by the fact that a protest or appeal has been filed.

(D) **Stay of Award During Protest.** An award need not be delayed for the period allowed a bidder or offeror to protest. But, in the event of a timely protest, no further action to award the contract will be taken unless there is a written determination that proceeding without delay is necessary to protect the public interest or unless the bid or offer would expire.

(E) **Cancellation of Award and Relief.**

- (1) If, prior to an award (receipt by successful contractor of a signed purchase order or contract), it is determined that the decision to award is arbitrary and capricious, then the protesting party's sole relief shall be a finding to that effect. The Chief Procurement Officer shall cancel the proposed award or revise it to comply with the law.
- (2) If, after an award, it is determined that an award was arbitrary or capricious, then the protesting party's sole relief shall be as hereinafter provided. Where the award has been made and performance has not begun, the performance of the contract may be enjoined. Where the award has been made and performance has begun, the Chief Procurement Officer may declare the purchase order or contract void upon a finding that this action is declared void, the performing contractor shall be compensated for the cost of performance up to the time of such declaration. In no event shall the performing contractor be entitled to lost profits.

BOND REQUIREMENTS What is a bond? A bond is a written instrument, issued by a surety, guaranteeing faithful performance by the contractor.

Why require bonding? Bonds reduce the City's financial risk in the event a contractor fails to perform or defaults on a contract. Bonds transfer the risk of contractor default to a third party – the surety company who issues the bond.

What are the different types of bonds? Five (5) types of bonds are frequently used in contracts to procure goods and services:

1. **Bid Bond** guarantees that the bidder will enter into a contract if selected as the lowest responsive and responsible bidder. If a bidder does not accept the award, the bid bond is forfeited. VPPA, §2.2-4336(A)(1) requires that, except in cases of emergency, all bids or proposals for construction contracts in excess of \$100,000 be accompanied by a bid bond. The amount of the bid bond shall not exceed five percent (5%) of the total contract. Bidder shall submit the bid bond with their bid. If the bid bond is not submitted with the bid, the Bidder is non-responsive.
2. **Performance Bond** guarantees that a contractor will perform the contract in accordance with the contract terms. The surety who issues the bond may either complete the contract or pay damages up to the bond limit. This bond is used most frequently in construction contracts. VPPA, §2.2-4337(A) requires a performance bond in the sum of the contract amount for all public construction contracts exceeding \$100,000.
3. **Contract Bond**, similar to a performance bond, guarantees the contractor will perform pursuant to the terms and conditions of the contract. While performance bonds are used primarily for construction projects, contract bonds are used for service contracts such as microcomputer purchases, grass-cutting services, software systems & installation services, and computer programming services.
4. **Payment Bond** guarantees the contractor will pay all suppliers and subcontractors who assist in the performance of the work. VPPA, §2.2-4337(A) requires a payment bond in the sum of the contract for any construction contract exceeding \$100,000.
5. **Fidelity Bond** is similar to an insurance policy and guarantees against losses that may result from proven acts of dishonesty on the part of the contractor's employees. Fidelity bonds are often required in service contracts when the

contractor's employees will handle cash or are exposed to opportunities for theft.

When should a bond be required? As indicated, bonds protect the City against risk. A bond should be required whenever a contractor's default exposes the City to financial liability. The protection offered by the bond is weighed against the potential for the bond requirement to inflate the contract cost to hinder competition. Oftentimes, individuals or small businesses are unable to obtain a bond. A fundamental objective to public procurement is to maximize competition. Therefore, it is essential to be realistic in setting bond requirements.

How much should the bond amount be? Except as required by law, the bond amount depends on an assessment of the City's financial risk, the estimated contract value, the importance of the service to be performed, and whether service disruption would be detrimental to the City. For example, the City's risk may only be 10% or 15% of the contract amount. To require a bond for 100% of the contract amount may be arbitrary and capricious. Procurement Division works closely with the Risk Management Division to identify the type and amount of bonds appropriate for each procurement contract.

EQUAL OPPORTUNITY AND MINORITY BUSINESS PARTICIPATION It is the City's policy to contribute to the establishment, preservation, and strengthening of businesses owned by minorities and to encourage their participation in City procurement activities. Notwithstanding these policies, VPPA, §2.2-4301 requires that City contracts be awarded to the lowest responsible and responsive bidder as defined in the Glossary of this manual.

- **The City of Hampton Minority and Woman Owned Business Program Plan can be found in Appendix A:**

Employment Discrimination Prohibited: VPPA, §2.2-4311 prohibits employment discrimination by contractors hired by the City and requires that every City contract over ten thousand dollars (\$10,000) include the language to this effect.

Bid Requirements for Construction Contracts: The City of Hampton Minority and Woman Owned Business Program Plan sets forth the requirements for minority-owned business opportunities in construction contracts.

Contracts for Goods and/or Services: The City of Hampton Minority and Woman Owned Business Program Plan sets forth the requirements to ensure minority-owned business opportunities for goods or services contracts:

Contracts for Professional and Other Than Professional Services Procured by Competitive Negotiations: The City of Hampton Minority and Woman Owned Business Program Plan sets forth the requirements which provide minority-owned business opportunities for service contracts:

Penalties: City Code, §2-341 defines the following penalties for noncompliance with the provisions of the City of Hampton Minority and Woman Owned Business Program Plan , (Debarment).

- Any bidder or contractor that intentionally makes a material misrepresentation in connection with any of the information required by this subdivision shall be debarred from contracting with the City for a period of up to two (2) years from the date of notification of such debarment.
- Prior to final payment, each contractor shall submit a report documenting its efforts undertaken in compliance with its Woman and Minority Participation Plan. The report shall include, at a minimum: A statement of whether any subcontractors were utilized; a list of any woman-owned and minority-owned subcontractors utilized; a brief description of the work performed by each woman-owned and minority-owned subcontractor; the amount paid to each woman-owned and minority-owned subcontractor; and any additional Good-faith Minority and Woman-owned Business Participation efforts the contractor made in connection with the contract. A contractor will not receive final payment under a contract until he submits documentation of actual woman-owned and minority-owned business participation efforts as described in this subsection.
- If actual woman and minority participation substantially deviates below the levels outlined in the Woman and Minority Participation Plan, the contractor shall provide an explanation for the deviation within ten days of a request by the City for such explanation. If the explanation for the deviation lacks reasonable justification that rises to the level of dishonesty or in the event the contractor refuses to submit an explanation for the deviation, the contractor may be debarred from contracting with the City for a period of up to two (2) years from the date of notification of such debarment.
- Debarment of any bidder or contractor pursuant to this subdivision shall be deemed to include the debarment of any successor corporation, partnership, firm or other entity controlled or managed by any officer, director, partner or controlling shareholder of the debarred bidder or contractor.

GLOSSARY OF PURCHASING TERMS

Auctioneering is the unethical practice of divulging one vendor's price to other vendors for the purpose of inducing a vendor to lower his price.

Bid is a vendor's written response to an Invitation to Bid. The bid may become the contract, if accepted by the City.

Bidder is any vendor who submits a written response, either a bid or a "no bid" to an Invitation to Bid.

Blanket Order is a contract under which a vendor agrees to provide goods or services to the City on a demand basis Annual Needs). The contract generally establishes prices, terms, conditions, and the period covered (no quantities are specified). Using Agencies purchase directly from the vendor items listed under the contract. (See also price agreement contract).

Change Order is a formal addendum to a contract (purchase order). A change order is required whenever a change in the contract terms will affect price, performance, the contract term, delivery, or the scope of the work of the contract.

Contract Breach is a vendor's failure to perform an act or duty required by the contract.

Contract Default is any occurrence or act which cuts short the rights or remedies of one of the parties to a contract. Default usually occurs upon a party's failure to remedy a contract breach.

Goods are movable things also know as personal property. Goods are most commonly thought of as things for sale. Goods do no include real property or items attached to real property which may not be severed from the real property without injury to the real property.

Informal Bid is a request for price quotations, either written or verbal, where total anticipated expenditures are not expected to exceed \$50,000. Also referred to as a Request for Quotation (RFQ).

Initial Contract Term: For goods, the initial contract term is either: (a) the period of time from date of the purchase order to the delivery of the goods by the vendor and acceptance by the City; or (b) clearly stated in the Request for Quotations or Invitation to Bid. For service contracts, the initial contract term is usually set out in the terms and conditions of the contract.

Internal Pricing is the method of procurement for small purchases which includes purchasing from existing price agreement contracts or the State Contracts and soliciting telephone quotations.

Invitation to Bid is the formal, written solicitation document used for the procurement of goods and/or services expected to cost \$50,000 or more. The Invitation to Bid contains all terms and conditions under which the successful bidder is to perform.

Offeror is a vendor who submits a written response to a Request for Proposal (RFP).

Payment Terms are the methods of and time frames for payment under a contract. Unless otherwise stated in the solicitation or contract, the City's payment terms shall be Net 30 calendar days.

Payment Voucher Stamp is used for authorizing vendor payment for goods and/or services by "stamping" the "original" invoice and completing information required.

Price Agreement Contract is a contract where the City contracts with a vendor to supply required goods or services at a pre-determined price. Examples of the price paid may be a fixed price or a percentage off manufacturer's list price. Using Agencies purchase directly from the vendor, the items covered under the price agreement contract. (See also blanket order).

Proposal is a vendor's response to a Request for Proposal. It details the vendor's capabilities and skills, experience, services to be provided, and preliminary prices. All elements of a proposal are negotiable.

Purchase Requisition is the City's official form to requisition goods and/or services.

Quote/Quotation is a vendor's response to a Request for Quotation. The vendor may submit either a written or verbal quote.

Request for Proposal is the formal, written solicitation document used for the competitive negotiations method of procurement to procure professional services in excess of \$30,000 and other than professional services in excess of \$50,000. A request for proposal (RFP) sets forth the background of the project, the general and specific contract requirements, terms and conditions.

Responsible Bidder/Quoter is a bidder or quoter 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. (VPPA, §2.2-4301).

Responsive Bidder/Quoter is a bidder or quoter who has submitted a bid or quote which conforms in all material respects to the specifications required by the bid or quote. (VPPA, §2.2-4301).

Scope of Work are the sections of a Request for Proposal that defines the Using Agency's needs and set forth the specific contract terms and conditions.

Service Contract is an agreement seeking a contractor's time and effort rather than the delivery of a good.

Specifications are a complete and detailed description of the set of technical requirements to be satisfied by a product, material, or process. Well-written specifications include performance measures which identify whether the requirements have been satisfied or met. The most desirable specification is expressed in numerical units of measure with performance boundaries or limits.

Using Agency is any department, bureau, agency or other entity to which a budget number has been assigned by the City's Budget Department or which is authorized to expend City funds.

Vendor is one who sells something; a "seller".

APPENDIX A

City Administrative Policies

Minority and Woman Owned Business Program Plan

Policy targets identified by City Council at the April 2009 Council Session included a policy for minority and woman owned business utilization goals. City Council had adopted a resolution promoting the increase utilization of minority and woman owned businesses. This directive takes the City's commitment one step further by providing guidance for proactive procurement of goods and services increasing utilization of minority and woman owned businesses.

2.0 Directive

The City of Hampton Minority and Woman Owned Business Program Plan is attached as Attachment A.

Approved as to Content: Procurement and Purchasing Oversight Committee (PPOC), Jessica R. Spencer, Minority Business Coordinator, Lisa A. Cumming, Procurement Manager, Karl S. Daughtrey, Director, Department of Finance 04/29/09 **Approved as to Legal Sufficiency** Cynthia Hudson, City Attorney 04/29/09 **Approved:** Molly Ward, Mayor, 04/29/09

DRAFT Asset Disposition Policy

1.0 Purpose and Need

The City of Hampton desires to protect City assets, to optimize its return-on-investment in assets and to maximize each assets useful life. The purpose of this directive is to provide guidelines and procedures for the centralized control of the disposition of excess, obsolete, salvageable or extensively damaged City assets. The assets covered by this directive include (1) capital assets; (2) non-capital assets with salvage value; and (3) non-capital assets without salvage value.

2.0 Directive

Department heads shall be responsible for the maintenance, care, custody and control of City assets assigned to their budget units. Further, except as otherwise set forth herein, written authorization from the Procurement Division shall be obtained prior to the disposition of City assets.

3.0 Responsibility and Authority

Pursuant to Section 2-338, et seq, of the Code of the City of Hampton, the Procurement Division shall be responsible for centralized control and disposal of excess, obsolete and salvageable property of the City. The Chief Procurement Officer shall be responsible for administration of this directive.

4.0 Definitions

- 1 **Asset** is any tangible personal property owned by the City, either with or without value. Asset, as used in this directive, does not include either City real property owned by the Virginia Beach School System.
- 2 **Budget Fund** is the accounting fund to which each Budget Unit is assigned. Example of budget funds include the General Fund, Risk Management Internal Service Fund.
- 3 **Budget Unit** is a department, bureau, agency or other entity to which a budget unit number has been assigned by the City's Budget Department.
- 4 **Capital Assets** include all assets carried on the city capital assets inventory which is managed and controlled by the Department of Finance, Comptroller's Office, and Inventory Section. The dollar limit for Capital Asset purchases shall be defined by the Department of Finance and the Budget Department.
- 5 **Disposal/Disposition** includes sale, replacement, trade-in, transfer, trade, loan, scrap, discard or any other means of disposal of assets.
- 6 **Inventory Section** is the Capital Assets Inventory Section of the Finance Department, Comptroller's Division.
 - a. **Non-Capital Assets** include any assets not on the City's capital assets inventory. Examples of non-capital assets include, calculators, dictation equipment, uniforms, and scrap metal.
 - b. **Non-Capital Assets With Salvage Value** are Non-Capital Assets which are no longer functionally of use to the Owner Agency, but which may be of use to another Budget Unit or which may be transferred, sold, auctioned, traded, or otherwise exchanged for value.
 - c. **Non-Capital Assets Without Salvage Value** are Non-Capital Assets which have no market or resale value to another City agency.
2. **Owner Agency** is a Budget Unit of the City having care, custody and control of Capital or Non-Capital Assets. This directive does not apply to Assets owned by the School Board.
3. **Chief Procurement Officer** is the Director of the Department of Finance; **Chief Procurement Officer designee** is the division head of the Procurement Division.
4. **Replacement Capital Assets** are those Assets funded in the capital outlay replacement accounts, as defined in the City's operating budget and capital improvement programs.
5. **Recipient Agency** is the Budget Unit to which a Surplus Asset has been transferred or loaned.
6. **Surplus Asset** includes any excess obsolete, salvageable, or non-salvageable, Capital or Non-Capital Asset which is sold, replaced through the budget process, transferred or loaned to another Budget Unit, discarded, scrapped, traded-in, or otherwise removed from service by any other means of disposal.

5.0 Specific Requirements

- 1 Asset Disposition Authority – Departments shall not sell, replace; trade with; transfer to; or loan to any outside company or individual or any other Budget Unit (except as provided in the Transfer and Loan sections of the directive); discard; scrap; trade-in; or otherwise dispose of Capital Assets or Non-Capital Assets with Salvage Value without the prior,

written approval of the Chief Procurement Officer or designee. Disposal of Capital Assets and Non-Capital Assets With Value is the sole discretion of the Chief Procurement Officer or designee.

2 Disposition Methods:

The Purchasing Division may use any of the following disposal methods to dispose of Surplus Assets;

- a. Auction – A public auction is most frequently used to dispose of Capital Assets such as vehicles and rolling stock.
 - b. Formal Sealed Bid – The Surplus Asset is sold to the highest responsible and responsive bidder.
 - c. Loan – Under this method of disposition, the temporary use of a Surplus Asset is granted to a Budget Unit other than the Owner Agency or, with written approval of the Purchasing Agent, to another public entity or non-profit organization.
 - d. Spot Bid – In the event any of the other disposition methods set forth herein are neither practicable or fiscally advantageous, the Purchasing Division may contact buyers on an informal basis to determine the appropriate and best price for the Surplus Asset under the current market conditions.
 - e. Trade-In – Budget Units shall not use trade-in allowances to offset the cost of a new or replacement Asset. However, the Purchasing Division may negotiate a trade-in allowance. In the event a trade-in is authorized by Purchasing, the Budget Unit will be charged for the gross item cost; and the trade-in allowance will be credited to the Budget Fund.
 - f. Transfer to Other Public Entities – Prior to placing an asset on the open market for sale, the Purchasing Division may transfer it to another public entity for a negotiated price or, with written justification, at no cost.
3. Surplus Asset Property Disposition Forms:
Owner Agencies shall record the disposition of all Assets on an Asset Property Disposition Form. A copy of the Asset Property Disposition Form shall be maintained in the Owner Agency's inventory files.
4. Determination of Surplus Asset Salvage Value:
- a. Capital Asset – Determination of a Capital Asset's salvage value is the sole responsibility of the Procurement Division with assistance of the Owner Agency.
 - b. Non-Capital Asset – Determination of a Non-Capital Asset's salvage value may be made by the department director of the Owner Agency.
5. Proceeds from Surplus Asset Disposition:
- Proceeds from the disposition of a Surplus Asset shall be returned to the City General Fund and not to the Owner Agency's budget unit and account code. For example, if a surplus police car originally purchased from the General Fund is auctioned, the proceeds would be returned to the General Fund sale of salvage account.
6. Physical Move of Surplus Assets:
- a. Surplus Capital Asset – With the exception of vehicles, rolling stock and microcomputers, the Owner Agency shall notify the Inventory Section of the physical move of a surplus Capital Asset. Inventory Section will update inventory records.
7. Damaged Asset – Subject of Insurance Claim:
When damage to a Capital or Non-Capital Asset is the subject of an insurance claim, the Procurement Division and Risk Management will coordinate the disposal of the asset.
8. Directive Interpretation and Exceptions:
Interpretation of the intent and application of this directive shall be the sole discretion of the Chief Procurement Officer or designee. The Chief Procurement Officer or designee is authorized to grant exceptions to this directive.
9. Surplus Capital Assets – Disposal Procedures:
- a. Replacement Capital Assets – When requisitioning a replacement Capital Asset, the Owner Agency shall submit to the Procurement Division, along with the requisition, an Asset Property Disposition Form. Requisitioning of Capital Asset replacements will not be processed without a properly completed Asset Property Disposition Form.

Upon request of the replacement asset, the Owner Agency shall contact the Inventory Section and Procurement Division to arrange disposal of the Surplus Asset.

- b. Disposal of Surplus Capital Assets (Other Than By Replacement)
 - i. Owner Agency's Duty – To dispose of the Surplus Capital Asset, other than by replacement, the Owner Agency shall submit an Asset Property Disposition Form to the Procurement Division.
 - ii. Procurement Division's Duty – The Procurement Division will review the Asset Property Disposition Form, dispose of the asset using the most cost-effective and efficient disposal method, and submit a copy of the Asset Property Disposition Form to the Comptroller's Office, Inventory Section.
 - iii. Inventory Section's Duty – Inventory Section shall update the Capital Asset Inventory.

10. Surplus Non-Capital Asset Disposal Procedures:

- a. Non-Capital Assets With Salvage Value:
 - i. Owner Agency's Duty – To dispose of surplus Non-Capital Assets with Salvage Value, the Owner Agency shall submit an Asset Property Disposition Form to the Procurement Division. Examples of Non-Capital Assets with Salvage Value include desks, chairs, computer workstations, typewriters, tires and automotive bodies. The Asset Property Disposition Form shall include a complete description, quantity and estimated value of the Non-Capital Asset and shall be signed by the Owner Agency's department director.
 - ii. Procurement Division's Duty – Upon receipt of an Asset Property Disposition Form, which includes the Surplus Asset's estimated salvage values, Procurement will dispose of the asset using the most cost effective and efficient disposal method and coordinate with the Owner Agency pick-up of the Non-Capital Asset.
- b. Non-Capital Assets Without Salvage Value:
Owner Agency's Duty – After determination by the department director or his designee that a Non-Capital Asset has no salvage value, the Owner Agency may dispose of the Non-Capital Asset. The Owner Agency shall document disposition on an Asset Property Disposition Form and retain a copy in the Owner Agency's inventory files.

11. Transfer of Surplus Assets:

This section of the directive addresses the transfer of Surplus Assets under three scenarios:

- a. Transfer from one department to another department within the same Budget Fund;
- b. Transfer from one Budget Unit to Budget Unit within the same department and Budget Fund; and
- c. Transfer between two Budget Funds, regardless of whether the Budget Units are the same department.

12. Transfer of Surplus Assets to Another Department Within the Same Budget Fund:

- a. Capital Assets – To transfer a surplus Capital Asset to another department's Budget Unit within the same Budget Fund, the Owner Agency shall submit to the Procurement Division an Asset Property Disposition Form signed by the department director; Procurement will review the transfer request and, if approved, forward a copy of the Asset Property Disposition Form to the Inventory Section. Inventory Section will update the Capital Asset Inventory, notify the Owner Agency of the transfer and the move of the Non-Capital Asset to the Recipient Agency. The Non-Capital Asset becomes the property of the Recipient Agency; and the Recipient Agency shall be responsible of its maintenance, care, custody, control, and future disposition in accordance with this directive.

13. Transfer of Surplus Assets Within a Department in the Same Budget Unit:

A department director may transfer Surplus Assets from one Budget Unit to another Budget Unit within the department if the Budget Unit is within the same Budget Fund.

Whenever a Capital Asset is transferred to another Budget Unit within the same department and Budget Fund, the Owner Agency shall report the transfer to the Inventory Section via an Asset Property Disposition Form signed by the department director.

14. Transfer of Surplus Assets Between Budget Funds:

- a. Surplus Capital Assets:

Prior to transferring a surplus Capital Asset between Budget Funds, the Owner Agency shall submit to the Procurement Division and Asset Property Disposition Form signed by the department director. If approved, Procurement will forward a copy of the Asset Property Disposition Form to the Inventory Section; and Inventory Section will update the Capital Asset Inventory, documenting the move of the surplus Capital Asset to the Recipient Agency.

Ownership of the surplus Capital Asset shall be transferred to the Recipient Agency; and the Recipient Agency shall be responsible for the care, custody and control of the transferred Capital Asset.

However, the Recipient Agency shall not replace the surplus Capital Asset through the budget process.

b. Prior to transferring a Surplus Non-Capital Asset to another budget fund, the Owner Agency shall submit to the Procurement Division an Asset Property Disposition Form signed by the department director. Procurement will review the request to determine if there is a use for the asset by any other agency. If approved, Procurement shall notify the Owner Agency, who shall arrange the move of the Non-Capital Asset to the Recipient Agency. The Non-Capital Asset becomes the property of the Recipient Agency; and the Recipient Agency shall be responsible for its maintenance, care, custody, control, and future disposition in accordance with this directive.

15. Loan of Surplus Assets:

- a. General Requirement – The Recipient Agency shall be accountable for the maintenance, care, custody, and control of loaned Surplus Assets during the loan period.
- b. Loan of Surplus Capital Assets:
 - i. The loan of all Surplus Capital Assets shall be administered and coordinated by the Procurement Division. Owner Agencies desiring to loan a surplus Capital Asset to another Budget Unit, shall submit to the Procurement Division an Asset Property Disposition Form, signed by the department director.
 - ii. In the event a loaned surplus Capital Asset needs repair, the Recipient Agency shall contact the Inventory Section for Repair Authorization.
 - iii. Recipient Agency shall not replace loaned Capital Assets through the budget process.
 - iv. When the Recipient Agency no longer needs a loaned Surplus Capital Asset, the Recipient Agency shall submit to the Procurement Division an Asset Disposition Form requesting its removal. The Procurement Division may, loan it to another Budget Unit, or otherwise dispose of it in accordance with this directive.
- c. Loan of Surplus Non-Capital Assets:

Owner Agencies may loan Non-Capital Assets to another Budget Unit within the same Budget Fund. The loan shall be documented in the Owner Agency's inventory files, using an Asset Property Disposition Form signed by the department director.

The Recipient Agency shall return the loaned Non-Capital Asset to the Owner Agency when the Recipient Agency no longer has a use for it. The Owner Agency shall then take such other action as is necessary to dispose of the asset in accordance with this directive.

16. City Employees' Personal Interest in Surplus Assets:

No City employee, whether permanent or temporary, shall convert to personal use any Surplus Asset, whether capital or non-capital, with salvage value or without salvage value.

17. Surplus items:

Surplus Assets are listed on the City of Hampton Public Surplus webpage for a limited period of time. To view assets stored on the surplus site, click on (www.publicsurplus.com) Assets listed may be transferred to departments. To request a surplus Capital Asset or Non-Capital Asset, the Budget Unit shall complete an Asset Property Disposition Form and submit to the Procurement Division.

This Directive shall become effective immediately upon its approval by the City Manager and shall supersede the City's current Surplus Disposition Directive.

Approved as to Content: Draft, Director, Department of Finance **Approved as to Legal Sufficiency** Draft
Approved: Draft, City Manager

CITY OF HAMPTON

MINORITY AND WOMAN OWNED BUSINESS

PROGRAM PLAN

APRIL 17, 2009

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EXECUTIVE SUMMARY

The City of Hampton is implementing new strategies to solicit and utilize minority and women owned businesses. This effort is a result of a Disparity Study conducted by MGT of America, Inc. on the City of Hampton's procurement activities. The final report dated January 2006 indicated that minorities and women were underutilized by the City in most business categories in relation to the availability of such firms to do business within the Hampton Roads Region.

After the completion of the Study, the City of Hampton, with endorsement by City Council and the Purchasing and Procurement Oversight Committee (PPOC) has taken steps to remedy this situation including the funding of a Minority Business Program Office and hiring of staff to implement strategies to address the underutilization of minority and woman owned business participation. Based upon the research conducted by MGT of America, Inc., and public comments, there are multiple reasons for the underutilization of minority and woman owned businesses (M/WBE) within the City procurement activities. These reasons include, but are not limited to, the lack of:

- minority business program staff to assist firms
- resources to assist contractors and City staff in soliciting M/WBE quotes
- consistent marketing of M/WBE incentives
- training development activities
- accountability on the part of City staff to support M/WBE participation
- established goals for M/WBE participation
- written program guidelines to advance M/WBE participation

As a result, the City of Hampton has developed a Minority and Woman Owned Business Program Plan that indicates the program necessary to achieve each goal. The program goal and objectives of each are listed below:

1. Increase opportunities for participation of M/WBE businesses
 - establish a minority business program office
 - set an overall annual goal for M/WBE participation
 - set M/WBE goals on individual contracts
 - raise the performance bond threshold to support M/WBE utilization
2. Increase awareness of M/WBE program and identify M/WBE vendors
 - hold solicitation meetings on contracts of \$100,000 and above

- require small, women and minority owned businesses to be certified by the State Department of Minority Business Enterprise (DMBE)
- develop a small business directory
- enhance City web site
- develop a bi-annual newsletter to keep the community aware of program accomplishments
- hold networking events to promote program, educate businesses on opportunities and broker relationships
- utilize local minority focused newspapers to solicit M/WBE vendors and to inform the community
- identify M/WBE vendors within HUB Zones and educate them on designated benefits
- encourage M/WBE businesses to visit the Minority Business and Procurement offices and interact with City staff to learn more about opportunities and processes

3. Revise the bidding procedures and guidelines to increase potential for M/WBE participation

- bid advertisement and contract language will be revised to solicit and encourage M/WBE participation
- revise bidding procedures and guidelines for informal and formal purchases to increase number of required quotes from M/WBE vendors
- review feasibility of bidder rotation, smaller size contracting and sole sourcing as a means to increase M/WBE participation

4. Provide training and financial assistance

- develop training seminars in response to needs of firms
- promote mentor-protégé training
- promote business cluster meetings
- offer financial assistance to firms; NX Level Program
- review of small and minority business loan program guidelines to incorporate performance bond loans

5. Implement an effective monitoring process for vendors and City staff

- minority business program staff will work with Departments to attain M/WBE participation goals
- develop forms to document internal efforts of City staff
- evaluate performance of all contractors on larger city contracts
- revise the performance evaluation plan for City management to include efforts to increase M/WBE utilization
- submittal of quarterly reporting for both City and Schools to PPOC
- review recommendations and activities within eighteen months to evaluate trends, achievements, etc.

The goal for the City of Hampton is to increase M/WBE utilization within all procurement activities. To determine the success of this effort; performance measures must be achieved within the designated timeframes following approval by City Council.

Within six months:

- enhance City web site to include M/WBE resources, etc.
- small business directory accessible for Departments and external customers
- performance evaluation process revised to reflect new management philosophy

Within one year:

- to have hosted at least four (4) training and networking events
- implemented one (1) mentor-protégé relationship
- 25% increase in small purchases awarded to M/WBE businesses by each City Department
- 25% increase in construction subcontracts awarded to M/WBE owned businesses
- 25% increase in construction contracts awarded to M/WBE businesses
- review small and minority business loan program guidelines

Within eighteen months:

- 90% of contracts awarded to M/WBE businesses complete with no default
- 90% of bids submitted indicate contract goals are met prior to award
- 90% of prime contractors complete work achieving M/WBE contract goals
- 50% increase in small purchases awarded to M/WBE businesses by each City Department
- 50% increase in construction subcontracts awarded to M/WBE businesses
- 50% increase in construction contracts awarded to M/WBE businesses
- 50% increase with businesses securing a small and minority business loan

The City of Hampton's ultimate goal is to increase and sustain utilization of M/WBE vendors in an atmosphere of collaboration and support from staff, City leaders, businesses, agencies and other partners. This effort is envisioned to build a harmonious relationship with the M/WBE community while providing the highest quality of goods and services to citizens.

INTRODUCTION

The City of Hampton is implementing a new strategy to solicit and utilize minority and woman owned businesses in an array of services in support of the City's procurement activities. The City's historical record in buying goods and services from minority and woman owned businesses (M/WBE) is documented in the 'City of Hampton and Hampton City Schools Disparity Study' conducted by MGT of America, Inc. The final report dated January 2006, which revealed that minority and woman owned businesses were underutilized by the City in most business categories in relation to the availability of such firms to do business with the City.

The City of Hampton has taken steps to remedy this situation by targeting M/WBE businesses for contracting and development opportunities. The City will promote diversity and equal business opportunity to minority and woman owned businesses in the procurement of goods and services for its citizens.

These steps are not intended to impede the participation of other small businesses but an attempt to ensure full and equitable participation of protected groups.

The City of Hampton is the first locality within the Commonwealth of Virginia to have taken the step of conducting a Disparity Study which illustrates its' commitment to this endeavor.

MISSION STATEMENT

The City of Hampton seeks to increase opportunity of minority and woman owned businesses within the City's procurement activities. The City will encourage equitable participation by minority and woman owned businesses in the provision of goods and services to its citizens. Strategies for removal of barriers for minority and woman owned business participation will be implemented in the least restrictive manner as a means to ensure equal business opportunity.

PROGRAM GOALS

The City of Hampton's Minority and Woman Owned Business Program goals are to:

- Increase opportunities for participation of minority and woman owned businesses in Hampton's procurement activities
- Increase awareness of the Minority and Woman Owned Business Program and identify minority and woman owned vendors
- Revise Hampton's bidding procedures and guidelines to increase potential for minority and woman owned business participation
- Provide training and financial assistance to Hampton's minority and woman owned businesses
- Implement an effective monitoring process for vendors and City Departments

OBJECTIVES

While assuring that the highest quality of goods and services are obtained via the competitive bidding process, the City will implement the following objectives to accomplish the established program goals.

Increase opportunities for participation of minority and woman owned businesses in Hampton’s procurement activities

- Establish a Minority Business Program office

The Economic Development Department has enhanced its staffing to include the Minority Business Program office, which affords minority businesses location assistance, workforce development and mentoring within the City’s business clusters. The Minority Business Program office will include a Minority Business Coordinator, Contract Compliance Specialist and administrative support staff to implement the Minority Business Program. This office will work closely with the Procurement Department, the Purchasing and Procurement Oversight Committee (PPOC), the Hampton City Schools and City Departments to support minority and woman owned businesses.

- Establish an annual overall aspirational goal for minority business participation and for woman owned business participation. These goals are based upon the recommended race and gender goals by business categories indicated in the Disparity Study. The goals represent approximately 80% of the available minority and woman owned firms within the relevant market area.
- Establish minority and woman owned business goals by business category for contractor and subcontracting activity.

The minority and woman owned business goals established for contractors by business category are indicated below.

Construction Prime Contractors	Goal established
Minorities	4.34
Non-minority women	3.82
Architecture and Engineering	
Minorities	2.86
Non-minority women	4.76
Professional Services Consultants	
Minorities	2.40
Non-minority women	4.70

Other Service Vendors	Goal established
Minorities	3.68
Non-minority women	3.30
Goods and Supplies Vendors	
Minorities	1.13

Non-minority women	2.04
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The minority and woman owned business goals established for subcontractors by business categories are indicated below. The business categories represent those categories that would likely have subcontracting opportunities.

Construction Subcontractors	Goal established
Minorities	4.34
Non-minority women	3.82
Architecture and Engineering	
Minorities	2.86
Non-minority women	4.76
Professional Services Consultants	
Minorities	2.40
Non-minority women	No goal

The above goals are indicated in the Disparity Study, which reflects that the City of Hampton spent roughly 3.2% of its total procurement dollars on minority and woman vendors. Of that amount 1.2% was spent with minority businesses while 2.0% went to non-minority woman owned businesses. Non-minority woman owned businesses received roughly 60% of dollars spent while minority businesses received much less.

- Setting of minority and woman owned business goals on individual contracts

An individual contract minority and individual woman owned business goals will be established on all contracts of \$100,000 and above, within the business categories of Construction, Professional Services and Consultant Services. These business categories represent those categories with the greatest procurement dollars. The \$100,000 threshold ensures that there will be sufficient work and duration of the contract for goal establishment. It is anticipated that such contracts will consist of construction of new libraries, schools, recreational centers and other similar size projects within the City. The contract goal will be set jointly by the Minority Business and Procurement offices. Consideration will include the dollar value of the contract, items of work, duration of contract and available, qualified minority vendors within the region. The contract minority and woman owned business goals will reflect no less than the recommended minority and woman owned business goals within each business category as indicated in the Disparity Study.

Construction Subcontractors	Goal established
Minorities	4.34%
Non-minority women	3.82
Architecture and Engineering	

Minorities	2.86
Non-minority women	4.76
Professional Services Consultants	
Minorities	2.40
Non-minority women	No goal

- Review of performance bond limits to support minority and woman owned business utilization

Most M/WBE businesses experience difficulties securing capital to expand and build their work capacity as they move toward self-sufficiency. Currently, the City of Hampton requires performance bonds on contracts totaling \$10,000 and above, which can prevent many small businesses from bidding due to lack of capital to secure the bonding coverage. One method to assist these businesses is by raising the bid, performance and payment bond levels; therefore reducing the burden for the small business. It is recommended that the City examine its threshold of liability and raise the performance bond limits to \$100,000, which is the standard among other localities within the Hampton Roads region.

Increase awareness of the Minority and Woman Owned Business Program and identify minority and woman owned vendors.

- Solicitation meetings will be held on contracts of \$100,000 and above to assist in attaining the contract minority and woman owned business goal. These meetings will be advertised via the local newspapers and other means to attract a variety of small business vendors. Partnering efforts among small businesses will be stressed to enable M/WBE vendors to secure larger contracting opportunities.

All bids submitted to the City from a non-minority owned business will include a subcontracting form indicating what minority and woman owned vendors will be utilized to achieve the contract goals.

- The City will require that all minority and woman owned businesses desiring to do business with the City of Hampton become a certified Small Woman and Minority owned business (SWAM) by the State Department of Minority Business Enterprise (DMBE). This step supports the efforts of the Commonwealth of Virginia, increases the availability of firms within the region and adds validity to utilization data for the City.
- Utilization of local minority focused newspapers, expansion of City web site, bi-annual e-newsletter and networking events to enhance bidding activity

Local minority focused newspapers such as the *Hampton Roads Voice* will be utilized to advertise City contract opportunities to generate interests within the small business community.

Advertisements about business opportunities within the City of Hampton will be promoted in various trade magazines geared toward the targeted business categories (i.e. Construction, Architecture and Engineering, etc.).

Expansion of the City of Hampton's web site would include links to various local agencies; Small Business Development Centers (SBDC), Procurement and Technical Assistance Centers (PTAC), and applicable bidding forms.

A bi-annual newsletter will be developed to keep the business community abreast of the City's program accomplishments, schedule of upcoming advertisements and other related issues.

Networking events will be implemented to promote the City's Minority and Woman Owned Business Program, educate businesses on the procurement process, and broker business relationships. The networking events will help develop long standing business relationships for vendors.

- Revise the minority and woman owned business directory

The minority and woman owned business directory will be revised to reflect certified DMBE businesses within the Hampton Roads Region that are in the City's vendor listing. This directory will be available on the City web site for internal and external customer use. The Directory will serve as a database for certified vendors registered to do work with the City and will include two subgroups: City of Hampton minority businesses and City of Hampton woman owned businesses.

Consequently, the new Small Business directory will assist contractors, consultants and City Departments with soliciting bids from bona fide minority and woman owned vendors.

The Department of Minority Business Enterprise (DMBE) certifies minority and woman owned businesses according to state and federal guidelines. This requirement will add to the validity of the City's program, increase awareness of minority and woman owned vendors, and ensure accuracy of utilization data. Additionally, this requirement is a step toward prevention of fraudulent activity.

Any minority owned business that is not a certified SWAM vendor, will not be considered for meeting the contract goals as established or included in the minority business participation data.

The same applies to a woman owned business performing work on City contracts. If the firm is not a certified SWAM vendor the participation dollars will not be included in the City's utilization data.

- Identify minority and woman owned vendors within the designated HUB Zones within the City and educate the businesses on HUB zone designation benefits

Revise Hampton's bidding procedures and guidelines to increase potential for minority and woman owned business participation

- Revision of bid advertisement and contract language to solicit and encourage minority business participation

Examples of such language are listed below:

-Minority and Woman Owned businesses are strongly encouraged to apply

-The City of Hampton actively seeks to involve minority and woman owned businesses in its procurement process. All bidders are strongly encouraged to support the City in achieving this goal.

-Resources available for soliciting minority and woman owned firms include the City of Hampton Small Business Directory at www.hamptonva.biz and the listing of certified SWAM vendors at the Department of Minority Business Enterprise at dmbe@dmbe.virginia.gov. Language will be included in all City of Hampton solicitation for procurement activities. This language does not eliminate nor replace any anti-discrimination clauses included in all contracts of \$10,000 and above.

- Revise the bidding procedures and guidelines for informal and formal purchases to increase minority and woman owned business utilization

The bidding guidelines for informal and formal procurement purchases will be revised to increase the number of required minority and woman owned vendors in the solicitation process. Minority and woman owned business quotes or evidence of solicitation of these quotes will be required on all procurement purchases and efforts will be documented for review and auditing purposes.

This additional step will allow greater opportunity for minority and woman owned firms, and reveal work areas lacking sufficient representation. Such areas can be utilized in recruitment and mentoring

of new small businesses.

- Establishment of a task force to examine the feasibility of bidder rotation, smaller size contracting and sole sourcing as a means to increase minority business opportunities. The task force will have established timelines to make recommendations to the City. All recommendations will have advisory input from the PPOC committee. Members of the task force will include City staff.

Provide training and financial assistance to minority and woman owned businesses

- Development of training seminars in response to needs of firms

Training seminars will be developed based upon the needs of the minority and woman owned vendors. Training needs will be identified via the performance evaluation process and periodic surveys. It is anticipated topics will include bonding, securing capital, bidding and proposal development.

The Minority Business Office will work with other small business specialists such as the Small Business Development Centers (SBDC), Procurement Technical Centers (PTAC), Virginia Department of Business Assistance (VDBA), Department of Minority Business Enterprise (DMBE), etc. to implement a responsive training program.

- Promote mentor-protégé training to assist minority and woman owned businesses with skill development and increase work capacity. Minority and woman owned businesses will be mentored by a local prime contractor or consultant. Mentor-protégé training will be implemented and monitored by the Minority Business Program office. This training will assist minority and woman owned businesses with growth potential and expand them into non- traditional work areas.

Mentor-protégé opportunities will be available to assist contractors in meeting contract goals. This program affords hands on training to the smaller less experienced business while allowing the seasoned contractor the opportunity to give back to the community and promotes good working relationships.

- Promote business cluster meetings to minority and woman owned businesses. These informal meetings can serve as a starting point for a minority and woman owned business to network with larger companies and to learn of new techniques within a given field.
- Offer financial assistance for training to certified minority and woman owned businesses based in the City of Hampton.

The Hampton Roads Small Business Development Centers (SBDC) located in Hampton regularly offers courses such as; steps to start a business, understanding budgets and cash flow, organizational matters, legal matters, tax workshop, government contracting, marketing and

web site development to small businesses. The Minority Business Program office will continue to refer firms to the SBDC for courses and one on one assistance.

SBDC also offers a one night a week twelve week training course entitled, NX Level Entrepreneurial Training Program; which is for the small business owner that wishes to expand their business to the next level. The cost of the course is \$500.00 per participant, which includes all course materials. The Minority Business Program will assist any suitable firm up to half of the cost (\$250.00) of participation in this class. This incentive is offered to certified minority and woman owned firms that reside in the City of Hampton. The amount of financial assistance will depend upon the availability of funds. The allocation of such funds will be approved by the City Industrial Development Authority (IDA).

- Recommend changes to the Industrial Development Authority (IDA) to enhance the City's Small and Minority Business Loan program

One incentive offered by the City is the small and minority business loan program, which is available to certified small and minority businesses located within the City. The program should be expanded to include loans for performance bonds, a crucial area in which most minority and woman owned vendors could use assistance. The collateral would be the City contract in lieu of other traditional assets. The repayment schedule would coincide with the contract duration to assist with ensuring repayment to the City. These changes would merely circulate City monies while assisting minority and woman owned vendors secure more contracts.

Implement an effective monitoring process for vendors and City Departments

- Minority Business office will monitor efforts and work with department heads, the Procurement Office and contractors to assist with attaining minority and woman owned goals.

Develop forms to document City departments' efforts to solicit and utilize minority and woman owned businesses for small purchases

Develop forms to document efforts within the procurement process to solicit and utilize minority and woman owned firms

- Implement a performance evaluation of all contractors to include minority and woman owned firms

The City of Hampton will utilize a performance evaluation process that will include documenting the quality of work and business practices of all vendors used on city contracts of \$100,000 and above. The Procurement Division can enlist the assistance of Project Managers with conducting the performance evaluation on these contracts. The Contract Compliance

Specialist within the Minority Business Office will assist in the review of each minority and woman owned firm working on City projects.

The evaluation process will indicate areas where minority and woman owned vendors would benefit from training to further develop their skills. Training development is necessary for any business to build its' work capacity.

- Revise the performance evaluation plan for City management to include evaluation of diversity initiatives

The performance evaluation process should include a review of steps taken by each manager and department head to support the City's goal of inclusiveness. This process will evaluate the consistency of each department in adhering to the procurement guidelines with supporting documentation.

- Quarterly reporting of minority and woman owned business participation for both City and School procurement activity.
- Monitor the success of the minority and woman owned business program by review of program goals, objectives and achievements within eighteen months. This review will include study of trends, utilization by business categories, budgetary requirements, survey of minority and woman owned business participants, survey of prime contractors, applicable city ordinances, etc. to determine program areas in need of revision or process changes.

MONITORING MECHANISMS

To determine the success of this effort and document accomplishments; monitoring mechanisms will be incorporated to document overall minority and woman owned business utilization and within each business category.

Efforts will be taken to increase the minority and woman owned business utilization in each business category:

- Construction
- Architecture and Engineering Consultants
- Professional Service Consultants
- Other Services

- Goods and services
- Miscellaneous

The monitoring process includes solicitation efforts and goal attainments.

Solicitation efforts will be monitored by comparison of the number of minority and woman owned vendors notified about opportunities or solicited for quotes and the actual number of responses received. Minority and woman owned vendors will be contacted by the Minority Business Program staff to determine reasons, for lack of responsiveness.

Goal attainments by Contractors will be monitored by the Minority Business Program and Procurement Offices to ensure that goals are attained and supporting document exists. When goals are not attained; contact will be made to Contractors and minority/woman owned vendors to learn of any issues or reasons that may have impeded the achievement of the goal.

Performance evaluations on contractors performing on the larger City contracts will aide in determining and resolving issues, and will assist with training development.

Monitoring will include quarterly reports by the City and Hampton City Schools which will be reviewed by the PPOC committee to gauge success as the program is implemented. Quarterly reports will coincide with the State fiscal year and reflect individual contract goals, participation totals for each contract, and the breakdown by type of firm. This information will be reported for contractors and subcontractors in each established business category.

The performance measures for the program will be reviewed and achievement determined at the six months and one year stages.

A comprehensive review of the Plan will be conducted within eighteen months after approval by City Council. This review will include statistics, issues revealed, documentation by Departments, performance evaluation results, accomplishments to determine the next steps for the City.

The performance management process for Department Manager is another measuring tool for success of the program.

The City Council will be appraised every six months as to the program accomplishments, issues, etc.

DEFINITIONS

Business Categories

Construction-prime related or work completed by a vendor that may have subcontractors, the purchase order issued to the 'lead' vendor and anything related to the construction of a project.

Architecture and Engineering-professional services within the scope of the practice of architecture or professional engineering as defined by the Virginia Public Procurement Act, usually involving research, design, development, construction, alteration, or repair of real property.

Professional services-work performed by independent contract within the scope of the practice of accounting, actuarial services, land surveying, law, dentistry, medicine, optometry, or pharmacy.

Other services-includes all other types of services not included in the professional or architecture/engineering categories. Examples of such services include but are not limited to installation, repairs, and maintenance that are required of vendors.

Goods and services-includes supplies or anything purchased or available for purchase, other than real property or services.

Miscellaneous-includes purchase orders issued without a commodity code.

Race/Gender

Minority will include individuals who are part of a bona fide minority group as defined below:

- Black- persons having origins in any part of Africa

- Hispanic-persons of Mexican, Puerto Rican, Cuban, Central or South Americas or other Spanish culture
- Latino-persons of Portuguese, Brazilian or other Portuguese culture
- Asian-persons having origins in China, Japan, Korea, Vietnam, Philippines and Samoa Islands
- Asian Pacific-persons of India, Pakistan, and other Pacific Islanders
- American Indian or Alaskan Native-persons having origins in any of the original peoples of North America

Women will include females who are not part of a bona fide minority group as defined above. Minority female utilization will be captured as part of the minority utilization statistics.

Small, Women and Minority Owned Business (SWAM)

A Small Business is an independently owned and operated business which together with affiliates has 250 or less employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

A small woman owned business is 51% owned and controlled by a woman or women.

A small minority owned business is 51% owned and controlled by a member or members of one of the following ethnic groups: African American, Asian American, Hispanic American, Native American and Eskimo/Aleut.

BIDDING PROCEDURES

All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation, unless otherwise authorized by law.

“Competitive sealed bidding” is a method of contractor selection, other than for professional services, which includes the following elements:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the City or School Board of the City of Hampton has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.
2. Public notice of the Invitation to Bid at least 10 days prior to the date set for receipt of bids by posting in a designated public area, or publication in a newspaper of general circulation, or both. Public notice may also be published on the Commonwealth’s central electronic procurement website (eVA) and other appropriate websites. In addition, bids may be solicited directly from potential contractors. Any additional solicitations shall include businesses selected from a list made available by the Department of Minority Business Enterprise.
3. Public opening and announcement of all bids received.
4. Evaluation of bids based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability.
5. Award to the lowest 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.

The bid tabulation shall be open to public inspection at the time of the bid opening and will be posted publicly on the City website. Only the information disclosed at bid opening is considered to be public information under § 2.2-4342. Public inspection of certain records under the Virginia Freedom of Information Act, § 2.2-3700 et seq., is permitted after the award is made. Cost estimates relating to a proposed procurement transaction prepared by or for the City or School Board of the City of Hampton shall not be open to public inspection. Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a

reasonable time after the opening of all bids but prior to award, except in the event that the City or School Board of the City of Hampton decides not to accept any of the bids and to reopen the contract. Otherwise, bid records shall be open to public inspection only after award of the contract.

“Competitive negotiation”

All professional services shall be procured by competitive negotiation. Professional services means 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. All other procurements can be made by competitive negotiation only after written determination that competitive sealed bidding is not practical or fiscally advantageous to City or School Board of the City of Hampton requirements.

“Competitive negotiation” is a method of contractor selection that includes the following elements:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the contractor.
2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting in a public area normally used for posting of public notices and by publication in a newspaper or newspapers of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Public notice may also be published on the Commonwealth’s central electronic procurement website (eVA) and other appropriate websites. In addition, proposals may be solicited directly from potential contractors.
3. Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award, except in the event that the public body decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.

Any inspection of procurement transaction records shall be subject to reasonable restrictions to ensure the security and integrity of the records.

Award of Contract: Consistent with the award clauses currently used in solicitations:

For competitive bids, the City or School Board of the City of Hampton intends to award a contract to the lowest responsible and responsive bidder, without discrimination on the grounds of race, color, sex, or national origin. At their sole discretion, the City or School Board of the City of Hampton may reject any or all bids in whole or in part if such action is determined to be in the City's or School Board's best interest. The City or School Board reserve the right to enter into any contract deemed to be in its best interest, including the award of this contract to more than one contractor.

Tie bids will be settled based on the following criteria:

In the event two or more bidders are tied in price while otherwise meeting all of the required conditions, awards will be determined as follows:

- Should there be a Virginia firm tied with an out of state firm, the award shall be made automatically to the Virginia firm,
- Tie bids involving Virginia produced or manufactured products, when known, and items produced or manufactured outside of Virginia shall be resolved in favor of the Virginia commodity.
- Tie bids involving Virginia firms must be resolved in favor of the Virginia firm located in the same taxing jurisdiction as the City (Hampton).
- Tie bids involving Virginia firms in the same taxing jurisdiction as the City shall be resolved by the flip of a coin (or lot) in the office of the Procurement Manager witnessed by all interested parties.

For competitive negotiations, the City or School Board of the City of Hampton intends to award a contract to a fully qualified Offeror submitting the best proposal based on the criteria set forth herein and as determined by the City or School Board of the City of Hampton in its sole discretion. At the City's or School Board of the City of Hampton's sole discretion, the City or School Board may reject any or all proposals in whole or in part if such action is determined to be in the City or School Board's best interest. The City or School Board reserves the right to enter into any contract deemed to be in its best interest, including the award of this contract to more than one contractor.

The City of Hampton procures goods and services from nongovernmental sources using the following methods:

Small Purchases:

Single Quote 0-\$5000

Where feasible, quotes must be obtained including at least one DMBE certified minority or woman owned vender. Quotes may be obtained orally or in writing. The City or School Board of the City of Hampton departments must document efforts to utilize minority and woman owned vendors. Where multiple quotes are received, departments will award to the lowest responsible bidder. Departments must document when quotes can not be reasonably obtained. A record of the quotation must be kept with the file. If a telephone quote is solicited, a record shall be kept of the name and address of the vendor(s) contacted, the item description or service offered, price quoted, delivery

dates and F.O.B. point, names of persons giving and receiving the prices and the date the information was obtained. Notation on the requisition form is considered to be an adequate record. When using a charge card as the payment method, quotes should be obtained as well, however it may not be practical in pick up or over the counter sales.

Informal Solicitations:

Departmental bids: transactions from \$5001.00 to \$9,999.99

Departments will solicit three quotes to include at least one DMBE certified minority or woman owned vendor. Solicitation of quotes can be made by telephone, facsimile or by written request. Departments must document when quotes can not be reasonably obtained. A record of the quotation must be kept with the file. If a telephone quote is solicited, a record shall be kept of the name and address of the vendor(s) contacted, the item description or service offered, price quoted, delivery dates and F.O.B. point, names of persons giving and receiving the prices and the date the information was obtained.

Procurement Division bids: Transactions from \$10,000.00 to \$29,999.99

Procurement Division will solicit a minimum of four written quotes of which two must be solicited from two DMBE certified minority or woman owned vendors. Documentation of efforts to solicit two DMBE certified minority or woman owned vendors must be maintained with the bid file.

Formal Solicitations: Transactions from \$30,000 – 99,999.99

Sealed competitive bids or competitive negotiations will be solicited and require a minimum of four (4) DMBE certified minority or woman owned vendors. Documentation of efforts to solicit four DMBE certified minority and woman owned vendors must be maintained with the solicitation file.

The Contract Compliance Specialist within the Minority Business Program office will review informal transaction documentation to include number of transactions, dollar value of award, firms contacted for quotes and names of award vendors. The Contract Compliance Specialist will work with each Department to assist them in the procurement process. This exchange of information will assist with recruitment of minority and woman owned vendors in business categories lacking sufficient representation.

The City's Small Business Directory is one tool that Departments can use to solicit quotes from businesses certified by the Department of Minority Business Enterprise (DMBE).

Transactions of \$100,000 and above will reflect an individualized minority and woman owned goal on each contract; dependent on availability of firms, type of work, length of contract and dollar value of contract.

Prime Contract solicitations for construction, architecture & engineering services and professional service consultants of \$100,000 or more will require bidders to include, as part of their proposal or bid, a subcontracting plan or strategy to include certified minority and woman owned vendors during the course of the contract work.

- A listing of all certified minority and woman owned subcontractor vendors
- The dollar value of each subcontract
- A description of type of work to be performed under each contract
- SWAM certification number and contact information for each minority and woman owned firm

Prime Contractor subcontractor/supplier solicitation information will be submitted to document firms contacted for quotes.

Prime Contractor solicitations and resulting contracts will require each successful bidder to report actual subcontract payments quarterly to the City Procurement Department to ensure accurate utilization records.

All bids submitted must include a subcontracting plan to be considered when determining the lowest responsible and responsive bidders by the City.

Changes to the subcontracting plan will require approval from the Procurement Office and Minority Business Program Office during the life of the contract.

Failure of a contractor to adhere to their subcontracting plan can result in the loss of payment and/or debarment from bidding by the City of Hampton.

In these cases; contractors will be requested to submit documentation of good faith efforts used to meet their subcontracting plan. Determination of efforts will be made on an individual contract basis. It is recommended that contractors pre-qualify or determine the subcontractors' capabilities prior to subletting work.

(Please note: this requirement should not be construed as authorizing or directing the exclusion of non-SWAM owned businesses; rather, the purpose is to include as many qualified businesses as possible).

Any Prime Contractor that is a DMBE certified minority or woman owned vendor that is awarded a contract of \$100,000 and above is not required to submit the above information as, the Prime is a certified business.

Other types of procurements include:

Sole Source Procurements:

Upon a determination in writing by the governing body (City Council or School Board) that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The City or School Board of the City of Hampton shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded.

Emergency Procurements:

In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The City or School Board of the City of Hampton shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded.

Cooperative Procurements:

As allowed by the Virginia Public Procurement Act, the City or School Board of the City of Hampton may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services.

**CITY OF HAMPTON
DEPARTMENTAL MINORITY AND WOMAN OWNED BUSINESS SOLICITATION
TELEPHONE RECORD FOR GOODS AND SERVICES**

Date	Department	Bidder #1	Bidder #2	Bidder #3
Firm name				
Address				
Phone no.				
Fax no.				
Email address				
Quantity	Item description	Unit Price/Total Price	Unit Price/Total Price	Unit Price/Total Price

Completed by: _____ Date: _____

CITY OF HAMPTON

**SUBCONTRACTOR/SUPPLIER UTILIZATION FORM
POTENTIAL MINORITY AND WOMAN OWNED BUSINESS PARTICIPATION**

Project no. _____ **Date submitted:** _____

Bid goal % _____ **Total Contract Value** _____

Firm name	Certification no.	Type (M/W)	Percent bid	Dollar value	Type of work

I/We propose that the certified DMBE businesses will be used on this contract as stated herein and assure that during the life of the contract. I/We will meet the goal established by the City of Hampton.

Bidder _____

Signature _____

Title _____ Date _____

CITY OF HAMPTON

SUBCONTRACTOR/SUPPLIER SOLICITATION AND UTILIZATION FORM (ALL)

Project no. _____ Date _____

The bidder certifies that this form accurately represents its solicitation and utilization or non-utilization as indicated of the DMBE certified minority and woman owned businesses listed below for performance of work on this project. The bidder certifies that he/she has had direct contact (email, fax, phone) with the named firms regarding performing work on this project.

Bidder _____ Signature _____

Vendor no.	Name of firm	Telephone no.	SWAM Yes/No	Utilized Yes/No

**CITY OF HAMPTON
CONTRACTOR PERFORMANCE EVALUATION**

PLEASE EVALUATE THE CONTRACTOR AND SUBCONTRACTOR FOR THE PROJECT SPECIFIED ONLY

PROJECT NO. _____

DATE _____

COMPLETED BY _____

Safety and Environmental Compliance

1. Contractor meets safety requirements of OSHA and other public agencies and has good safety practices without constant reminders.

Yes

No

Sometimes

Comments:

Quality of Work and Service

2. Contractor meets quality/service requirements by complying with specifications and good practices without constant reminders.

Yes

No

Sometimes

Comments:

3. Contractor meets overall project work schedule and has necessary manpower and equipment to perform the work

Yes

No

Sometimes

Comments:

4. Contractor demonstrates ability to manage work force and communicates with others when necessary.

Yes

No

Sometimes

Ethical Practice

5. Contractor meets ethical practice requirements.

Yes

No

Sometimes

Comments:

6. Contractor has altered reports, documents such as falsification of certified payrolls, violation of labor and tax laws.

Yes

No

Sometimes

Comments:

7. Overall rating of contractor at end of contract or completion of work.

Excellent

Good

Acceptable

Unacceptable

Comments:

RESOURCES

City of Hampton and Hampton City Schools Disparity Study, MGT of America, Inc. final report January 2006.

City of Hampton Purchasing and Procurement Oversight Committee (PPOC)

Executive Order 33 (2006), Office of the Governor, Commonwealth of Virginia

Executive Order 103 (2005), Office of the Governor, Commonwealth of Virginia

State Public Procurement Act, Commonwealth of Virginia

Virginia Department of Minority Business Enterprise (DMBE),
Richmond, Virginia

Virginia Department of Transportation (VDOT), Richmond, Virginia