

**HAMPTON ROADS REGIONAL JAIL
PROCUREMENT POLICY
Updated November, 2022**

The Hampton Roads Regional Jail Authority serves the cities of Chesapeake, Hampton, Newport News, Norfolk, and Portsmouth, Virginia.

The Purchasing function provides a centralized system for the acquisition of goods, services, insurance and construction and ensures that all goods and services are of appropriate quality and are acquired in a timely and cost-effective manner for the Regional Jail. In addition, the Hampton Roads Regional Jail seeks to provide an equal, competitive opportunity to all suppliers interested in doing business with the Regional Jail.

The Director of Administration serves as the Purchasing Administrator for the Hampton Roads Regional Jail and represents the Superintendent in all procurement activities. One Buyer works under the Director of Administration.

All procurement procedures, including those not specifically stated below shall comply with the Virginia Public Procurement Act (VPPA), Chapter 43 of the Code of Virginia. The Hampton Roads Regional Jail has adopted all mandatory sections of the VPPA.

Code of Virginia - Section 2.2-4300.C: To the end that public bodies in the Commonwealth obtain high quality goods and services at reasonable cost, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business and that no offeror be arbitrarily or capriciously excluded, it is the intent of the General Assembly that competition be sought to the maximum feasible degree, that procurement procedures involve openness and administrative efficiency, that individual public bodies enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs of the purchasing body rather than being drawn to favor a particular vendor, and that the purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered. Public bodies may consider best value concepts when procuring goods and nonprofessional services, but not construction or professional services. The criteria, factors, and basis for consideration of best value and the process for the consideration of best value shall be as stated in the procurement solicitation.

Purchase requests are made by a supervisor by submitting properly completed and approved electronic Requisitions to the Director of Administration. All requisitions must be approved by the appropriate Division Chief, Division Lieutenant, Department Sergeant and the Assistant Superintendent. Requisitions for Capital purchases or repairs must be approved by the Superintendent.

The level of competition required is determined based on the value of goods or services being procured. The procedures are as follows:

SMALL PURCHASES

When the purchase or lease of goods, or the purchase of insurance, construction or non-professional services is less than \$100,000, small purchase procedures may be used. Small purchase procedures shall provide for competition wherever practicable. See below for dollar limits for Small Purchases.

Small purchases between \$0 to \$5,000 for goods or non-professional services require one (1) informal quote. Informal quotes may be made by telephone, fax, mail or email.

Small purchases or leases between \$5,001 to \$25,000.00 for goods or non-professional services require two (2) informal quotes. Informal quotes may be made by telephone, fax, mail or email.

Small purchases or leases between \$25,001.00 to 50,000.00 for goods or non-professional services require the solicitation of three (3) or more informal quotes. Informal quotes may be made by writing by fax, mail or email.

Small purchases or leases between \$50,001 to \$100,000.00 for goods or non-professional services require the solicitation of four (4) or more informal, written quotes. Informal quotes may be made in writing by fax, mail or email.

Blanket Purchase Orders – The Regional Jail issues Blanket purchase orders (also called Open Purchase Orders) to consolidate small, repetitive purchases from a single supplier. Blanket Purchase Order vendors and amounts are determined by the Director of Administration and the Purchase Order is entered into the electronic Financial System by the Buyer. No Requisition is required.

The Hampton Roads Regional Jail maintains an informal list of vendors for small purchases.

Awards may be made to more than one bidder.

Awards for tie bids are awarded to persons, firms or corporations having principal places of business in one of the five (5) Cities served by the Regional Jail. If no bidders or more than one bidder is located within one of the five (5) Cities, the bid is chosen by lot.

Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Single or term contracts for professional services may be procured without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000.

COMPETITIVE SEALED BIDDING

When the purchase or lease of goods, insurance or non-professional services is more than \$100,000, the procedures for Competitive Sealed Bidding as described below must be used.

Procedures for Competitive Sealed Bidding:

A written invitation for bid is issued containing specifications and contractual terms and conditions applicable to the procurement.

Public notice is posted for at least 10 days on the Virginia state-wide eProcurement website at www.eva.virginia.gov. Notice may also be posted on a bid board located in the main lobby of the Jail. Copies are available upon request from the Regional Jail Administration Office. Bids are posted by the Director of Administration.

Additional supplemental vendors may be selected to receive notification by fax or email of specific solicitations.

All responses must be in a sealed envelope or package with the bid number and title listed on the exterior of the envelope or package.

All responses will remain sealed until the date and time specified for the bid opening.

Faxed and emailed bids will not be accepted. Late bids will not be accepted.

Bids are opened publicly and read aloud at the specified date and time of the bid opening. After the public reading, all bids will be open for inspection for a reasonable period of time as determined by the Superintendent or his representative.

Bids are awarded to the lowest responsive and responsible bidder meeting all terms, conditions and specifications.

Awards may be made to more than one bidder. A minimum cost savings of \$100 is preferred before splitting an order between two or more vendors.

Awards for tie bids are awarded to persons, firms or corporations having principal places of business in one of the five (5) Cities served by the Regional Jail. If no bidders or more than one bidder is located within one of the five (5) Cities, the bid is chosen by lot.

The Hampton Roads Regional Jail reserves the right to award by item, groups of items, or total bid; to cancel the bid and reject any and all bids in whole or in part, and to waive informalities in bids if it is determined to be in the best interest of the Regional Jail.

After an award is made, a Purchase Order is entered into the electronic financial system. The Purchase Order encumbers funds in the expenditure account for the purchase until payment is made or the encumbrance is canceled. Annual contract renewals do not require a requisition.

COMPETITIVE NEGOTIATION– NON-PROFESSIONAL SERVICES

If the Regional Jail determines in advance, that competitive sealed bidding is not practical or fiscally advantageous, goods, insurance and non-professional services may be purchased using Competitive Negotiation as described in the Virginia Public Procurement Act.

Procedure for Competitive Negotiation for Non-Professional Services:

A written Request for Proposal is issued containing specifications and contractual terms and conditions applicable to the procurement.

Public notice is posted for at least 10 days on the Virginia state-wide eProcurement website at www.eva.virginia.gov. Notice may also be posted on a bid board located in the main lobby of the Jail. Copies are available upon request from the Regional Jail Administration Office. Request for Proposals are posted by the Director of Administration.

Notice may also be published in at least one newspaper of general circulation.

Additional supplemental vendors may be selected to receive notification by fax or email of specific solicitations.

Pre-Proposal conferences may be held at the Regional Jail.

All responses must be in a sealed envelope or package with the RFP number and title listed on the exterior of the envelope or package.

All responses will remain sealed until the date and time specified for the RFP opening.

Faxed and emailed proposals will not be accepted. Late proposals will not be accepted.

Proposals are opened publicly at the specified date and time of the bid opening.

Two or more offeror's deemed to be fully qualified among those submitting proposals, based on the factors stated in the Request for Proposal, including price, shall be selected and negotiations will be conducted. The Regional Jail will select the offeror, which in its opinion, has made the best proposal, and shall award the contract to that offeror.

If the Regional Jail determines in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others, a contract may be negotiated and awarded to that offeror.

Awards may be made to more than one offeror if so stated in the Request for Proposal.

After an award is made, a Purchase Order is entered into the electronic financial system. The Purchase Order encumbers funds in the expenditure account for the purchase until payment is made or the encumbrance is canceled. Annual contract renewals do not require a requisition.

COMPETITIVE NEGOTIATION - PROFESSIONAL SERVICES

Professional services include work performed by an independent contractor in the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering.

Competitive negotiation must be used to procure Professional services whose sum of all phases is expected to exceed \$60,000.

However, the procurement of single or term contracts for professional services that are not expected to exceed \$60,000 may be done using small purchase procedures described above, wherever practicable.

Procedure for Competitive Negotiation for Professional Services:

A written Request for Proposal is issued containing specifications and contractual terms and conditions applicable to the procurement.

The Request for Proposal shall not request estimates of man-hours or cost for services.

Public notice is posted for at least 10 days on the Virginia state-wide eProcurement website at www.eva.virginia.gov. Notice may also be posted on a bid board located in the main lobby of the Jail. Copies are available upon request from the Regional Jail Administration Office.

Notice may also be published in at least one newspaper of general circulation.

Additional supplemental vendors may be selected to receive notification by fax or email of specific solicitations.

Pre-proposal conferences may be held at the Regional Jail.

All responses must be in a sealed envelope or package with the RFP number and title listed on the exterior of the envelope or package.

All responses will remain sealed until the date and time specified for the RFP opening.

Faxed and emailed proposals will not be accepted. Late proposals will not be accepted.

Proposals are opened publicly at the specified date and time of the RFP opening.

Informal discussion will be held with two or more offeror's deemed to be fully qualified, responsible and suitable on the basis of the proposal submitted. The offeror may be asked for non-binding, total project cost estimates only during the informal discussions. At the conclusion of the discussions the Regional Jail shall rank in order of preference two or more offeror's whose professional qualifications and proposed services are deemed most meritorious. Negotiations will begin with the offeror ranked first. If a satisfactory and advantageous contract is negotiated at a fair and reasonable price the award shall be made to that offeror. If a contract cannot be negotiated with the offeror ranked first, negotiations shall be formally terminated and negotiations shall be conducted with the second ranked offeror, and so on until a contract can be negotiated at a fair and reasonable price.

If the Regional Jail determines in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others, a contract may be negotiated and awarded to that offeror.

After an award is made, a Purchase Order is entered into the electronic financial system. The Purchase Order encumbers funds in the expenditure account for the purchase until payment is made or the encumbrance is canceled. Annual contract renewals do not require a requisition.

CONSTRUCTION MANAGEMENT AND DESIGN-BUILD CONTRACTING

The Regional Jail adheres to all requirements of Chapter 43.1 of the Code of Virginia for Construction Management and Design-Build construction.

SOLE SOURCE

If the Regional Jail determines in writing that there is only one source practicably available for the goods or services required, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. Notice of Sole Source purchases will be published on the Virginia state-wide eProcurement website at www.eva.virginia.gov.

EMERGENCY PURCHASES

A contract may be awarded without competitive sealed bidding or competitive negotiation when an event occurs that is of a serious or urgent nature that threatens personal safety, life or property and immediate action

is required. A written determination of the basis for the emergency and for the selection shall be included in the file. Notice of Emergency Purchases will be published on the Virginia state-wide eProcurement website at www.eva.virginia.gov.

JOINT AND COOPERATIVE PROCUREMENT

The Regional Jail may, at its discretion, participate in, sponsor, conduct or administer a cooperative procurement agreement on behalf of or in conjunction with other public bodies, including the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association, in accordance with Virginia Code Section 2.2-4304.

JOB ORDER CONTRACTING

A job order contract may be awarded by the Regional Jail for multiple jobs, provided the jobs require similar experience and expertise, the nature of the jobs is clearly identified in the solicitation, and the contract is limited to a term of one year or when the cumulative annual project fees reach the maximum authorized amount of \$5 million. Individual job orders shall not exceed \$500,000. Order splitting with the intent of keeping a job order under the maximum dollar amounts as stated above is prohibited.

Job order contracts may be renewable for two additional one-year terms at the option of the Regional Jail. The fair and reasonable prices as negotiated shall be used in determining the cost of each job performed. Contractors may be selected through either competitive sealed bidding or competitive negotiation.

EXEMPTION FROM COMPETITION

The following are exempt from competition as listed in the Code of Virginia, VPPA:

- Purchase of goods or services performed by the Virginia Department for the Blind,
- Nonprofit sheltered workshops or other nonprofit transitional or supported employment services,
- legal services,
- Industrial development authority or regional industrial facility authority,
- And a community development authority.

BRAND NAMES

Unless otherwise provided in the Invitation to Bid, the name of a certain brand, make or manufacturer shall not restrict bidders to the specific brand, make or manufacturer named and shall be deemed to convey the general style, type, character, and quality of the article desired. Any article that the public body in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted.

PUBLIC INSPECTION OF RECORDS

All procurement records shall be open for inspection as provided for in the Code of Virginia section 2.2-4342 and the Freedom of Information Act section 2.2-3700.

NON-DISCRIMINATION

Discrimination as described in the Code of Virginia, VPPA section 2.2-4310 is prohibited. In the solicitation or awarding of contracts, The Hampton Roads Regional Jail shall not discriminate against a bidder or offeror

because of race, religion, color, sex, national origin, age, disability, status as a service-disabled veteran, or any other basis prohibited by state law relating to discrimination in employment.

DISCRIMINATION IN EMPLOYMENT

The provisions of VPPA section 2.2-4311 of the Code of Virginia shall be included in every contract of \$10,000 or more. Contractors will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor.

FEDERAL IMMIGRATION LAW

The Code of Virginia, VPPA section 4311.1 prohibits a contractor from knowingly employing unauthorized alien workers or otherwise violating the provisions of the Federal Immigration Reform and Control Act of 1986.

DRUG-FREE WORKPLACE

All contractors doing business with the Hampton Roads Regional Jail must maintain a drug-free workplace as required in the Code of Virginia, VPPA section 2.2-4312.

PROMPT PAYMENT

All contractors doing business with the Hampton Roads Regional Jail must adhere to the requirements of the prompt payment clause as stated in the Code of Virginia, VPPA section 2.2-4354 and 2.2-4355.

AWARD PROTESTS AND CONTRACT DISPUTES

A protest of award or decision to award must be submitted and will be resolved in accordance with the Code of Virginia, VPPA section 2.2-4360-4362. Contractual disputes must be submitted and will be resolved in accordance with VPPA section 2.2-4363.

BUSINESSES AUTHORIZED TO TRANSACT BUSINESS IN THE COMMONWEALTH OF VA

The Hampton Roads Regional Jail shall include in every written contract a provision that a contractor organized as a stock or non-stock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as otherwise required by law in accordance with the Code of Virginia, VPPA, section 2.2-4311.2

ETHICS IN PUBLIC PROCUREMENT

The staff members of the Hampton Roads Regional Jail hold to the highest standards of fairness and integrity in the performance of their work. All provisions of the Code of Virginia, Article 6, Ethics in Public Contracting, section 2.2-4367 through section 2.2-4377 and the State and Local Government Conflict of Interests Act section 2.2-3100 are adhered to.

CONTRACTS

Modification of the contract - A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than twenty-five percent of the amount of the contract or \$50,000, whichever is greater, without the advance written approval of the Authority Board of Directors. No contract amount may be increased without adequate consideration.

The Regional Jail may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

Approval of contracts - Major contracts and Capital projects that are funded through the Capital Repair and Replacement Reserve Fund must be approved the Authority Board prior to entering into a contract or issuing a purchase order.

Tasks

Supervisor:

Requests for purchases are submitted via electronic Requisition form with quantities, complete descriptions and appropriate approvals from a Division Chief, Lieutenant, Sergeant, and Assistant Superintendent. Equipment requires the Superintendent's approval.

Director of Administration:

Reviews requisitions for completeness, authorization, method of procurement, proper account charge and available funds. The Director of Administration also approves the Requisition.

Director of Administration and Buyer:

Incorporates specifications into Invitation for Bid or Request for Proposal document and publishes notice of the solicitation to the appropriate website(s) and/or newspaper(s).

Director of Administration and Buyer:

Evaluates bids and proposals, awards the contract, enters/converts Purchase Orders into the electronic financial system and manages the contracts.

Buyer:

Solicits competition for small purchases, evaluates the price quotes, awards the orders, enters/converts the Purchase Orders and Purchase Order changes in the electronic financial system and expedites orders.

Buyer:

Conducts contractor site-visits and coordinates contracted services with Operations. Coordinates with all user departments to obtain goods and services necessary for regular and emergency operations.

Jeffrey D. Vergakis, Superintendent

Date