

VENDOR'S GUIDE



HOW TO DO BUSINESS
WITH FREDERICK COUNTY

Version 1: 1/1/2024

COUNTY OF FREDERICK, VA



PROCUREMENT POLICIES & PROCEDURES

The Finance Department assist the County in purchasing required goods and services in accordance with the Code of Virginia Section 2.2-4300 et al— Virginia Public Procurement Act (VPPA) and policies and regulations adopted by the Board of Supervisors, which can be found at www.fcva.us/purchasing.

PURCHASING OBJECTIVE

It is the desire of Frederick County (FCVA) to conduct business with qualified vendors who understand and support our mission, vision, values and goals.

FCVA strives to purchase goods and services in an open and fair manner to receive the best value for money spent on behalf of its citizens.

PURCHASING PRINCIPLES

The guiding principles for competitive procurement are set out in the Code of Virginia, Title 2.2; Virginia Public Procurement Act, Chapter 43 and the Frederick County Board of Supervisors Policies, which promote:

- ◆ All procurement procedures are conducted in a fair and impartial manner;
- ◆ All qualified vendors have access to public business;
- ◆ No vendor is arbitrarily or capriciously excluded;
- ◆ Competition is sought to the maximum feasible degree;
- ◆ Rules governing contract awards are clear in advance of the competition; and



ETHICS IN PUBLIC PROCUREMENT

Frederick County employees follow a strict code of conduct in relation to procurement transactions. An employee may not participate in a procurement transaction when the employee, employee's partner or any member of the immediate family:

- ◆ Is employed by a vendor involved in the procurement; or
- ◆ Holds an executive position with the vendor, or owns or controls an interest of more than 5% in the company; or
- ◆ Has a pecuniary interest arising from the procurement; or
- ◆ Is negotiating, or has an arrangement concerning prospective employment with the vendor.

VENDOR VISITS & FEEDBACK

Vendors are encouraged to visit the Purchasing Office at the FCVA Administration Building. To make an appointment, please contact the Purchasing Manager at 540-722-8386. Office hours are 8:30 a.m.—5:00 p.m., Monday through Friday.

The Purchasing Office is committed to providing excellent customer service to those Vendors conducting business with the County. If Vendors are able to identify opportunities on how FCVA can improve the quality of services it provides, they are encouraged to provide feedback to the Purchasing Office.

THE SIX PROCUREMENT METHODS

Depending on the value, type and complexity of the goods or services being procured, the County may use a variety of processes/methods to obtain the goods or services needed.

1. Small Purchase Procedures (\$0—\$79,999 OR \$99,999)
2. Competitive Bidding (IFB)
3. Competitive Negotiations (RFP)
4. Sole Source
5. Emergency
6. Cooperative Procurement

SMALL PURCHASE

FCVA identifies Small purchases as those purchases that are under \$80,000 for professional services and under \$100,000 for goods and non-professional services, where identifying vendors is easy and departments are able to manage the procurement process internally.

- ◆ Where the aggregate or sum of all phases is less than \$10,000—a minimum of one written quotes is required by the requesting Department
- ◆ eVA must be utilized for ALL purchases \$10,000 or more. In lieu of eVA, a rideable or cooperative contract is permitted.
- ◆ All vendors must be registered with eVA to be awarded a contract with the County



Competitive Bidding (IFB)

For the purchase of goods, services, construction and insurance, with an expected aggregate or sum total for all phases, over a three-year period, the Purchasing Manager will make public an Invitation for Bids (IFB). The IFB will be posted on eVA, the Commonwealth of Virginia's online procurement system.

An IFB is used when the County can clearly specify its requirements—price is the main factor in determining the award. Many include minimum qualification requirements. The IFB Process includes: posting the IFB publicly for a minimum of 10-days, a public opening and announcement of all bids received, bids are evaluated and an award is made to the lowest responsive and responsible bidder.

Competitive Negotiations (RFP)

For the purchase of goods, services, construction and insurance, with an expected aggregate or sum total for all phases, over a three-year period, the Purchasing Manager will make public a Request for Proposals (RFP). The RFP will be posted on eVA, the Commonwealth of Virginia's online procurement system.

A RFP is a method of procurement used when the specifications or scope of work for the goods or services cannot be clearly defined. An RFP tends to be utilized for technical and complex procurements and offerors are encouraged to offer creative solutions that are customized to the County's needs. A pre-established evaluation criteria and scoring method, which can include price, is included in the RFP. Typically this criteria includes qualifications & experience, technical approach/methods, timeline, and price.



SOLE SOURCE

Department Head and verification by the Purchasing Manager, that there is only one source practicably available for that which is to be procured, FCVA may negotiate a contract and award to that source without competitive sealed bidding or competitive negotiation.



EMERGENCY PROCUREMENT

In case of emergency, FCVA may make a purchase or award a contract without competitive sealed bidding or competitive negotiation. An emergency situation exists when the safety, health or welfare of employees is at risk. Emergency Purchases does not exempt the Department from seeking a fair and reasonable price. **Written determination is required.** Examples include:

- ◆ a breakdown in machinery resulting in a threatened termination of essential services;
- ◆ the development of a dangerous condition
- ◆ any other circumstance in which supplies are needed for immediate use.

COOPERATIVE PROCUREMENT

FCVA may participate in a Cooperative Procurement agreement for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services, except construction. FCVA may purchase from another public body's contract or from 3rd Party Cooperative Procurement Organizations, even if it did not participate in the RFP or IFB. However, the RFP or IFB MUST include language allowing other localities to utilize the formal solicitation.

FCVA may purchase goods and Non-Professional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, in accordance with the Virginia Public Procurement Act

PURCHASE ORDERS, CHANGE ORDERS, & CONTRACTS

While there are exceptions, Vendors should be aware that all purchases \$5,000 or more for goods and/or services by the County must have a corresponding Purchase Order (PO). Upon vendor acceptance of the PO, the Purchase Order Instructions, Payment terms, and Terms & Conditions are also accepted, unless negotiations occurred prior to the issuance of the PO.

Change Order requests must be submitted to the originating department.

Contracts, Agreements, Business Associate Agreements, and acceptance of Vendor Terms and Conditions must be reviewed and approved by the County's Procurement and Legal Team. After review, any necessary negotiations, and finalization, Procurement shall stamp approval of the contract. The final approved version shall be incorporated into any Purchase Order issued by the County. If the Vendor Terms and Conditions have not been approved, stamped and fully executed by both parties, the purchase has not been approved.



BIDDER / OFFEROR REGISTRATION

Vendors interested in doing business with the County are required to register online with eVA. Registering with eVA allows vendors to receive notification when the County and other government agencies post solicitations for goods and/or services. Vendors will be notified based on the commodity codes selected during registration. Registration is free.

Additionally, eVA offers vendor outreach events, training, and catalog punchout purchases.

www.eva.virginia.gov

VENDOR REQUIREMENTS

All vendors must comply with all federal, state, and local statutes, ordinances, and regulations. Vendors must also possess all necessary licenses, permits, and insurance required to conduct business with the County.

COUNTY PAYMENT METHODS

The county issues payment to vendors for goods and services received using the following methods:

- ◆ VISA Purchasing Card (P-Card)

VISA credit card is the county's preferred method of payment for the purchase of all goods and services, regardless of amount; and will be used as the payment method for all vendors who are VISA merchants.

- ◆ Automated Clearing House (ACH)

ACH electronically transfers funds from the county's bank account to the vendor's designated bank account. There is no dollar threshold. Vendor must submit a completed ACH enrollment form; and

- ◆ Check



A paper check is the method of payment for non-VISA merchants and vendors not accepting ACH payments. The check is mailed to the vendor through the United States Postal Service. Hand delivery or vendor pick up is not permitted.

In order for payment to be processed by either of the (3) three methods listed above, a Substitute W-9 Request for Taxpayer ID Number & Certification must be submitted to the Finance Department.

TAXES

The county is exempt from State Sales and Use Tax on all tangible personal property purchases or leased by the County for its use or consumption. Tax exemption certification will be supplied upon request.

The following are additional exemptions granted to the county:

- ◆ Commonwealth of Virginia Sales and Use Tax Certificate of Exemption (ST-12);
- ◆ Commonwealth of Virginia Communications Sales and Use Tax Certificate of Exemption (CT-10);
- ◆ Rental Tax (Code of VA 58.1-3510.6 D);
- ◆ Consumer Utility Tax – includes City of Winchester and Frederick County taxes. (Code of VA 58.1-3812; City of Winchester Code Article V, Section 27-64; Frederick County Code Article VIII, 155-38,A);
- ◆ E 911 Fee – excludes Federal E 911 Fee. (Code of VA 56-484.17 subsection B; City of Winchester Code Article VIII, Section 27-112; Frederick County Code Article VIII, 155-38, A);
- ◆ Public Rights-of-Way Use Fee (City of Winchester Code Article XV, Section 27-192; per Edward T. Land, Transportation Engineer Right of Way and Utilities at VDOT);
- ◆ Federal Excise Tax (Internal Revenue Code Section 4253(i)); and
- ◆ Regulatory Cost Recovery Fee – Land lines only. (per FCC).

Purchasing E-Z Guide

\$0 up to \$4,999	Quotes/competition is not required, although it is strongly encouraged.
\$5,000—\$9,999	ONE (1) written quote required. The Request for Quotes Form is required for all purchases \$5,000—\$99,999.
Goods & Non-Professional Services \$10,000—\$99,999	The use of eVA is required to publicly post Requests for Quotes, Unsealed Bids, Unsealed Proposals., etc. In lieu of eVA, a rideable or cooperative contract is permitted.
Professional Services \$10,000—\$79,999	The use of eVA is required to publicly post Requests for Quotes, Unsealed Bids, Unsealed Proposals., etc.
Sole Source	Complete the Sole Source & Emergency Purchases form. Sole Source Procurements are for when competition is not available and only one source is practicably available for the required goods or service. APPROVAL FOR SOLE SOURCE PURCHASES at or more than \$5,000 MUST BE APPROVED PRIOR TO COMMENCEMENT OF THE PROCUREMENT.
Emergency Purchases	Complete the Sole Source & Emergency Purchases form and Quote Form. Emergency Purchases are for a serious and urgent nature for any amount that demand immediate action to protect personal safety, life or property.
Invitation for Bids (IFB) \$100,000 +	For goods or non-professional services expected to be \$100,000 or more, when you can clearly identify the goods or non-professional services you're procuring, and you can award to the lowest responsive and responsible bidder.
Requests for Proposals (RFP) Goods & Non-professional services \$100,000 +	For more complex procurements expected to be \$100,000 or more, especially non-professional services, where you want to be able to negotiate requirements and pricing after proposals have been received. Price is just one of many factors to be considered. For goods or services when you want vendors to submit proposals on how best to satisfy a procurement need.
Requests for Proposals (RFP) Professional Services \$80,000 +	Professional Services expected to be \$80,000 or more, MUST be procured using the RFP / Competitive Negotiations method. Per the Virginia Public Procurement Act are: accounting, actuarial services, architecture, dentistry, land surveying, landscape architecture, law, medicine, optometry, pharmacy, or professional engineering.

* Purchase Orders are not required for object codes: 1001, 1002, 2000, 3001, 3002, 3005, 3007, 3010, 3011, 5101, 5102, 5103, 5204, 5205, 5300, 5506, 5600, 5700, 5801, 8008, 9001 & 9002. However, quotes or IFB/RFP are required according to procurement methods.

** Solicitation exemptions: Sole Source Procurement, Emergency Procurement, Procurement from government sources and other public bodies, Surplus Property, Cooperative Purchasing.

Additional Resources can be found at:

- ◆ **Frederick County Terms and Conditions**
www.fcva.us/purchasing
- ◆ **View solicitations and awards at**
www.eVA.virginia.gov
- ◆ **Virginia Public Procurement Act**
<https://law.lis.virginia.gov/vacode/title2.2/chapter43/>
- ◆ **Virginia Small Business & Supplier Directory**
<https://directory.sbsd.virginia.gov>



Questions?

Vendors may obtain additional information or clarification of any part of the procurement process in Frederick County, by contacting the Purchasing Manager by phone at 540-722-8386, email at mneal@fcva.us or by mail at 107 N. Kent Street, 3rd Floor, Winchester VA 22601.

Missi Neal, Purchasing Manager

County of Frederick, VA ~ Finance Department

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