



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 08/02/16 03:00 PM
Department: County Attorney
Category: BOS request to Set
Prepared By: Christina Neale
Department Head: Norman Sales

**ADOPTED
ORDINANCE**

(ID # 1945)

✓ Vote Record - Ordinance 1945						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ned Creasey	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Manuel Alvarez	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Robert Minnick	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

An ordinance to amend Chapter 11 (Purchasing; Surplus Property), Article IV (Contract Formation and Methods of Source Selection), Section 11-32 (Sole source procurement) and Section 11-33 (Emergency purchases) of the Goochland County Code of Ordinances to comply with state law regarding public notice requirements for emergency and sole source procurements

WHEREAS, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia (1950, amended) enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, the Board of Supervisors wishes to amend the requirements for emergency and sole source procurements to require publication of the County’s written notices on its website in compliance with state law; and

WHEREAS, the Board of Supervisors wishes to amend and update the County Code for the foregoing reasons; and

WHEREAS, this ordinance is required to serve the health, safety, and welfare of the citizens of Goochland County; and

WHEREAS, the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator’s Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063; and

WHEREAS, a public hearing was conducted on Tuesday, August 2, 2016, at 7:00 p.m. at the Goochland County Administration Building, Board Meeting Room 250, 1800 Sandy Hook Road, Goochland, Virginia 23063 after proper advertisement was made, as required by law.

NOW, THEREFORE, BE IT ORDAINED, that the Goochland County Code is hereby amended and this ordinance is hereby enacted as follows:

1. Chapter 11 (Purchasing; Surplus Property), Article IV (Contract Formation and

Methods of Source Selection) of the Goochland County Code is hereby amended as follows:

...

Sec. 11-32. - Sole source procurement.

A contract may be negotiated and awarded without competition when the purchasing director determines in writing, documenting the basis for the determination, after conducting a good faith review of available sources, that there is only one (1) source practicably available for the required good, service, insurance, or construction item. The purchasing director shall conduct negotiations, as appropriate, to obtain the best price, delivery, and terms. The county shall issue a written notice stating that only one (1) 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. This notice shall be posted on the county's website. ~~in a designated public area or~~ It may also be posted in a designated public area or published in a newspaper of general circulation on the day the public body county awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. ~~Public notice may also be published on the county website.~~ A record of sole source procurements shall be maintained that lists each contractor's name, the type of each contract, the item(s) procured and the identification number of each contract file.

Sec. 11-33. - Emergency purchases.

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. If any emergency occurs during regular county business hours, the using department shall immediately notify the purchasing director who shall either purchase the required supplies or contractual services, authorize the department to do so, or disapprove the emergency purchase. A written explanation of the circumstances of the emergency and for the selection of the particular contractor shall be filed with the purchasing director.

If an emergency occurs at times other than regular business hours, the concerned department may purchase directly the required goods or contractual services. The department, shall, however, whenever practicable, secure competitive telephone bids and order delivery to be made by the lowest responsible bidder. The department shall also, as soon as practicable, submit to the purchasing director a tabulation of bids received, if any, a copy of the delivery record, and a written explanation of the circumstances of the emergency.

An emergency situation exists when the safety, health, or welfare of the public is vitally affected by: (a) a breakdown in machinery and/or threatened termination of essential services (including maintenance and repair of essential office equipment), or (b) the development of a dangerous condition, or (c) any other circumstance in which supplies are needed for immediate use in the discretion of the purchasing director with the approval of the county administrator.

Monthly, the purchasing director shall submit a list of all emergency purchases in excess of one thousand dollars (\$1,000.00) to the county administrator. The purchasing director 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 contractor was or will be awarded. This notice shall be posted on the county's website. It may also be posted in a

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designated public area or published in a newspaper of general circulation on the day the county awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. ~~Public notice may also be published on the county's website.~~

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- 2. Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the Gochland County Code are readopted in their entirety as if set forth herein.**
- 3. This ordinance shall be effective immediately.**

A COPY ATTEST:

John A. Budesky, County Administrator
Gochland County Board of Supervisors