

## Article 6 - Purchasing of Goods and Services

**Section 4-6.1. Statement of Policy; contractual authority of school superintendent; contracts not requiring sealed bids or competitive negotiation.** — A. The School Board is of the opinion that Suffolk Public Schools should seek to obtain a high quality of goods and services and that goods and services should be obtained at a reasonable cost. Furthermore, the School Board is of the opinion that the procurement of goods and services should be conducted in a fair and impartial manner with avoidance of any impropriety or the appearance of impropriety, and that all qualified vendors should have access to public business and that no offeror should be arbitrarily or capriciously excluded.

B. The school superintendent or his/her duly authorized designees shall execute all contracts, including cooperative procurement agreements, on behalf of the School Board subject to the federal and state codes and school board policies. All public contracts entered into by the school superintendent with non-governmental contractors, for the purchase or lease of any such good and/or service, shall be in accordance with the Virginia Public Procurement Act (hereinafter "Act"). In addition, prior to awarding a contract for the provision of services that require the contractor or its employees to be in the presence of students during regular school hours or during school-sponsored activities, the school superintendent will require the contractor and, when relevant, any employee who will have direct contact with students, to provide certification:

- (1) that they have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and
- (2) that they have not been convicted of a crime of moral turpitude.

C. Pursuant to written procedures not requiring competitive sealed bids or competitive negotiation, the school superintendent may enter into single or term contracts for goods and services other than professional services and non-transportation related construction if the aggregate or sum of all phases is not expected to exceed \$100,000, and transportation-related construction if the aggregate amount is not expected to exceed \$25,000; however, such small purchase procedures shall provide for competition wherever practicable. Such small purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000. Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code. (Adopted September 14, 2000; Ordinance #00/01-02; Revised: February 14, 2008; Ordinance Number 07/08-6; Effective Date: February 14, 2008; Revised: May 12, 2016; Ordinance Number 15/16-32; Effective July 1, 2016; Revised: October 11, 2018, Ordinance Number 18/19-26, Effective Date: October 11, 2018; Ordinance 20/21-1, Effective Date: October 8, 2020).

**Legal Authority** - Virginia Code §2.2-4300 *et seq.* (1950), as amended.

**Section 4-6.1:1. Other Professional Services and Non-Transportation Related Construction Costs Exception. Deleted** (Adopted September 8, 2016; Ordinance Number 16/17-6; Effective Date: July 1, 2017; Ordinance Number: 20/21-2; Effective Date: October 8, 2020)

**Section 4-6.2. Appointment of Purchasing Manager and duties of the school superintendent; spot purchases by employees.** — A. The superintendent, with the School Board's approval, will designate a qualified employee to serve as the purchasing manager for Suffolk Public Schools. In this capacity, the manager will prepare requests for proposals, bids, certain responses, analyze and tabulate proposals and bids for the superintendent to enter into contracts and/or make bid awards. Any contract entered into and/or bid awarded by the superintendent must not exceed funds available in the School Board's Adopted Budget in any fund or category. The procurement process will be in accordance with the Virginia Public Procurement Act and policies of the School Board. Once the superintendent approves a contract and/or bid, the purchasing manager will then purchase the required supplies, materials, equipment and contracted services subject to federal and state laws and School Board policies.

B. Individuals whose work requires frequent small purchases may be authorized to make spot purchases of supplies and equipment in accordance with established procedures. All personnel of Suffolk Public Schools who desire to purchase equipment and supplies must follow the established procurement procedures within their departments or schools for the issuance of a requisition or purchase order. All purchase orders must be forwarded to the superintendent or superintendent's designee for approval and processing. (Adopted July 13, 1995; Revised/Effective Date: June 9, 2022; Ordinance 21/22-39)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 4-6.3. Certification; Exceptions; Unauthorized Aliens; Discrimination Prohibited.** — A. As a condition of awarding a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities, Suffolk Board requires the contractor to provide certification that any individual who will provide such services have not been convicted of a any violent felony set forth in the definition of a barrier crime in subsection A of Virginia Code Section 19.2-392.02; any offense involving the sexual molestation or physical or sexual abuse or rape of a child, or any crime of moral turpitude.

B. The School Board will not award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child.

C. The School Board may award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on

school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, the Governor has restored the individual's civil rights.

D. This requirement does not apply to a contractor or employees of the contractor providing services to Suffolk Public Schools in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or employees of the contractor will have no direct contact with students.

E. The School Board provides in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in Virginia, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

F. The School Board includes the following provisions in every contract of more than \$10,000:

(1) During the performance of this contract, the contractor agrees as follows:

- (a) The contractor 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. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- (b) The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
- (c) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

(2) The contractor will also include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

(Adopted March 12, 2009; Ordinance Number 08/09-31; Effective Date: July 1, 2009; Revised September 8, 2011; Ordinance Number 11/12-11; Effective Date: September 9, 2011; Revised May 12, 2016; Ordinance Number 15/16-33; Effective Date: July 1, 2016; Revised April 15, 2021; Ordinance Number 20/21-20)

**Legal Authority** — Virginia Code §§22.1-296.1, 2.2-3411, 2.2-4311.1 (1950), as amended.