

## **ESVA 9-1-1 Commission Officers and Meetings**

### **Organizational Expectations/Guidelines**

*This document, annually at the first meeting each year (generally the January meeting), shall be reviewed and approved by the 9-1-1 Commission.*

*A copy of the resolution creating the 9-1-1 Commission (serving as a charter for the organization) shall be maintained as part of this document.*

*A copy of approved (by the 9-1-1 Commission) guidelines of non-appropriated fund balance expectations shall be maintained as part of this document.*

*An agenda template (serving as a guideline for agendas at 9-1-1 Commission meetings), with consent agenda guidelines shall be maintained as part of this document.*

*A copy of public hearing guidelines/public participation agenda guidelines shall be maintained as part of this document.*

*The approved Procurement Policy of the 9-1-1 Commission shall be maintained as part of this document.*

*This document shall be maintained, at least in the following locations: 1. 9-1-1 Commission website, 2. Document management locations used by ESVA 9-1-1 supervisory staff, such as iOPS and applicable shared folders.*

#### Mission Statement

The mission of the Eastern Shore of Virginia 9-1-1 Center...To provide professional processing of emergency and non-emergency calls, without delay, and to dispatch fire and emergency services in a prompt and proficient manner for the Eastern Shore of Virginia residents and visitors.

#### Purpose and Basic Principles

##### *Purpose*

- (a) To enable the 9-1-1 Commission to transact business expeditiously and efficiently;
- (b) To protect the rights of each individual Commission member;
- (c) To preserve a spirit of cooperation among Commission members; and
- (d) To determine the pleasure of the Commission on any matter.

##### *Basic Principles*

- (a) Only one (1) subject may claim the attention of the Commission at one time;
- (b) Each item presented for consideration is entitled to full and free discussion;
- (c) Every member has rights equal to every other member;
- (d) The will of the majority must be carried out, and the rights of the minority must be preserved;
- (e) The personality and desires of each member should be merged into the larger unit; the ESVA 9-1-1 Commission.

#### Rules of Interpretation

- a) These Rules of Procedure are rules of parliamentary procedure and are for the convenience of its members only. They do not have the force of law.
- (b) Only members of the Commission have standing to raise a point of order or to challenge a ruling of the Chair or other action of the Commission on the basis of compliance or non-compliance with these Rules of Procedure (small boards) or, if the questioned action is not expressly covered by these procedures, by Robert's Rules of Order (small boards). In no event may questions over compliance herewith be raised judicially. Violations of these Rules of Procedure must be raised prior to a vote on the matter under discussion. If a challenge is raised in a timely manner by a Commissioner with standing as provided for herein, the only relief shall be the correction of the error in conformance with the Rules of Procedure. If a challenge is not timely made, the right to challenge a violation is waived. In no event will a violation hereof result in the voiding or overturning of any action of the Commission.

#### Interaction Between Commission and Staff

- (a) Criticism of any staff member shall be directed to the 9-1-1 Director. Under no condition shall criticism of the work or personality of any staff member be voiced in public meeting. If there is a problem and satisfaction cannot be obtained through the 9-1-1 Director, the concerned Commissioner member may request that the issue be docketed for discussion at a closed meeting.
- (b) If the 9-1-1 Director feels that a request for assistance from an individual Commissioner cannot reasonably be accommodated with the existing work load and priorities, the individual Commissioner shall be so advised, and, if necessary, the matter shall be placed on the next available meeting agenda for further guidance.

#### Officers

- The officers of the 9-1-1 Commission shall be a Chairman, Vice-Chairman, and Secretary-Treasurer. A. The Chairman shall preside at all 9-1-1 Commission

meetings, represent the 9-1-1 Commission as needed, and serve as the immediate conduit to the 9-1-1 Commission from the 9-1-1 Director position; with any of these or other implied duties of the position delegated as needed. B. The Vice-Chairman shall execute the duties of the Chairman in his absence or as delegated by the Chairman, C. The Secretary-Treasurer shall, as needed, work with the 9-1-1 Director and other staff on any duties associated with typical responsibilities associated with a Secretary and Treasurer position.

- Officer elections (which shall be determined by a plurality of votes) shall be held during the first meeting each calendar year (generally the January meeting), with a nominating committee appointed at the preceding meeting (generally the November or December meeting), unless otherwise designated by the Chairman or 9-1-1 Commission. The purpose of the nominating committee shall be to provide a slate of officers for the upcoming calendar year. The terms of the positions shall be for one-year.

### Meetings

- The January, April, May, July, October, and November 9-1-1 Commission meetings shall be held in Accomack County at the Accomack County Emergency Operations Center (outside Melfa) unless otherwise directed by the Chairman or 9-1-1 Commission. The February and August 9-1-1 Commission meetings shall be held in Accomack County at the ESVA 9-1-1 Center (in Accomac) unless otherwise directed by the Chairman or 9-1-1 Commission. The March, June, September, and December meetings shall be held in Northampton County, at the Northampton County Board of Supervisors Chambers unless otherwise directed by the Chairman or 9-1-1 Commission.
- The times of regular monthly meetings shall be 5:30PM, on the last Thursday of each month, unless otherwise directed by the Chairman or 9-1-1 Commission.
- Special meetings shall be called by the Chairman or at the request of three 9-1-1 Commissioners.
- At any meeting, a majority of Commissioners shall be needed to establish a quorum.
- The meetings of the 9-1-1 Commission are considered open/public meetings, unless otherwise directed by the Chairman or 9-1-1 Commission (following applicable state laws for closed/executive sessions). Employees of the 9-1-1 Commission are permitted to attend 9-1-1 Commission meetings, however if attending while on duty, will only do so with the authorization of the 9-1-1 Director or his designee.
- Individuals addressing the 9-1-1 Commission during the public comment period shall be afforded no more than three (3) minutes to address the 9-1-1 Commission, unless granted additional time by the Chairman. Individuals shall state their name and address prior to addressing the 9-1-1 Commission.

### Expectations - 9-1-1 Center Supervisory Staff - Meetings

- The 9-1-1 Director or his designee shall provide 9-1-1 Commissioners the packet for upcoming 9-1-1 Commission meetings, generally no less than forty-eight hours before

each meeting, generally consisting of the following: agenda, minutes from the most recent meeting, 9-1-1 Director Report, 9-1-1 Consultant Report, consent agenda items, budget documents, action items, payables, and any other documents directed by the Chairman, and other documents, as determined by the 9-1-1 Director that would be helpful to provide ahead of time.

- The 9-1-1 Director is expected to attend 9-1-1 Commission meetings to provide a report, needed information, and answer questions from 9-1-1 Commissioners. If unable to attend, shall assure another representative of the supervisory staff of the 9-1-1 Center attends in his absence.
- The 9-1-1 Commission, shall have personnel of the 9-1-1 Center supervisory staff serve as the recording secretary of 9-1-1 Commission meeting activities (similar to a clerk position). The individual serving in this capacity shall accurately maintain the records of 9-1-1 Commission minutes at the 9-1-1 Center.
- The expectation is for 9-1-1 Commissioners to have the provided meeting packet information with them for participation in 9-1-1 Commission meetings; with only a limited supply of packets (paper) available at 9-1-1 Commission meetings.

#### Budget-Financial Related

- The 9-1-1 Commission shall adopt and maintain an operating budget, serving as a guiding document for the financial actions and priorities of the 9-1-1 Commission. This document shall be approved annually, following the budget schedules of both Accomack and Northampton Counties, with 9-1-1 Commission adoption generally occurring after both county budgets have been adopted. Minor budget modifications shall be approved by the 9-1-1 Director or designee (with notification to the 9-1-1 Commission). These minor budget modifications will generally involve the reassignment of funds between line items within the same budget (capital or operational). Major budget modifications shall be reviewed and approved by the 9-1-1 Commission. These major budget modifications will generally involve the transfer of funds between different budgets (capital or operational), unplanned use of fund balance, or significant changes to the financial priorities established in the adopted budget.
- The procurement actions/decisions/practices of the 9-1-1 Commission, shall be governed by the Procurement Policy adopted by the 9-1-1 Commission and maintained in the document.
- The 9-1-1 Director or designee shall notify the 9-1-1 Commission of grant requests issued on behalf of the 9-1-1 Commission. Upon receipt of a grant (grant being awarded), the 9-1-1 Commission shall be notified. Any approval of a grant submission or grant award, by the 9-1-1 Commission, shall be at the discretion of the 9-1-1 Director (or designee) or the Chairman.

#### Other - Miscellaneous

- The 9-1-1 Commission shall maintain a Policy Manual (covering employee related policies and expectations). Minor (superficial/cosmetic/other) modifications shall be promulgated by the 9-1-1 Director or designee (with notification to the 9-1-1

Commission). Major (significant/other) modifications shall be reviewed and approved by the 9-1-1 Commission.

- In an effort to understand and track employees leaving or changing status with the 9-1-1 Commission, the 9-1-1 Director or his designee, shall attempt an exit interview. If completed, the exit interview, in summary form, shall be provided to the 9-1-1 Commission (in open meeting).
- Generally occurring early each year, all 9-1-1 Commissioners (following applicable state laws) shall complete an Annual Financial Disclosure Statement; which shall be maintained in an appropriate location (ESVA 9-1-1 Center, Accomack County Administrative Office, Accomack County Sheriff's Office, Northampton County Administrative Office, or Northampton County Sheriff's Office).
- Standing Committee of the 9-1-1 Commission – Personnel Committee – Five members of the 9-1-1 Commission.

#### Appendix - List

- Appendix A - Agenda Template Document/Consent Agenda Guidance
- Appendix B - Robert's Rules of Order for Small Boards - Guidance
- Appendix C - Non-Appropriated Fund Balance Expectations Document
- Appendix D – Public Hearing/Public Participation Guidelines
- Appendix E – Remote Meeting Participation
- Appendix F – Procurement Policy (approved 4/25/24)
- Appendix G - Resolution Document - Creating 9-1-1 Commission

## APPENDIX A - MEETING AGENDA TEMPLATE/CONSENT AGENDA GUIDANCE

The normal order of business at regular ESVA 9-1-1 Commission meetings shall be as follows; with latitude to adjust provided at the presiding officers discretion. When formulating each regular meetings agenda, the 9-1-1 Director (or designee) shall confer with the Chairman on agenda formulation.

- A. Call to Order
- B. Invocation/Pledge of Allegiance
- C. Public Participation
- D. Consider Minutes of Previous Meeting
- E. Consent Agenda Item(s)
- F. Review and Approve Budget Report
- G. 9-1-1 Director Report
- H. Consider Action Item(s)
- I. 9-1-1 Consultant's Report
- J. Chairman's Report and Informational Issues
- K. Other Business
- L. Payables - Approval\*
- M. Adjournment

\* It is noted the payables are informally reviewed and approved by the Chairman as they are submitted for payment from 9-1-1 Center staff to the County of Northampton.

### Consent Agenda Guidance

Items included on the Consent Agenda will be non-controversial items generally requiring no discussion/explanation prior to Commission action or items which have already been discussed/explained and do not require further discussion/explanation. Consent Agenda items may include, but are not limited to:

- Reports provided for information (outside of the traditional Director's Report).
- Minor budget modifications, not resulting in changes to the Commission's overall revenue expectations and/or overall expenditure expectations.
- Correspondence requiring no action or explanation.

- Minor policy revisions, that are cosmetic in nature (cleaning up/providing clarity), and not changing the overall intent and meaning of the policy.
- Final approval of proposals, contracts, or reports that have been fully discussed and vetted at previous meetings.
- Submission of routine grant requests that do not obligate any funds from the grant request.

#### General Consent Agenda Procedures

1. Consent agenda items will be developed by the 9-1-1 Director in consultation with the Chairperson or other presiding officer (in the absence of the Chairperson) of Commission meetings. Consent Agenda items shall be placed on the overall agenda immediately after the approval of the previous meeting minutes.
2. Items on the Consent Agenda shall be provided to Commission members, generally no less than forty-eight hours prior to a Commission meeting, with the appropriate documents provided to allow Commissioners to fully review the items. This will generally be provided along with other traditional meeting preparation documents (minutes from previous meeting, Director Report, Consultant Report, agenda, and substantial policy changes).
3. Upon reaching the Consent Agenda in the overall agenda (during a Commission meeting), the presiding officer shall inquire if there is any objection to any item on the consent agenda (wishing the item to be removed from the Consent Agenda). Any item(s) requested to be removed will be placed on the overall agenda for discussion/action in a location determined by the presiding officer; either immediately following the approval of the other Consent Agenda items (if applicable) or other location as determined by the presiding officer.
4. The remaining Consent Agenda item(s) will be read by the presiding officer and then approved as a group without further discussion. Consent Agenda items shall be considered en-masse by a single vote of the Commission, but shall be recorded separately in the minutes of the meeting (the Secretary including the full text of items adopted as part of the Consent Agenda).
5. Any other Consent Agenda procedures shall be established and executed by the Chairperson or other presiding officer.

## APPENDIX B: ROBERT'S RULES OF ORDER FOR SMALL BOARDS

The following information is from Robert's Rules of Order for large organizations. The ESVA 9-1-1 Commission shall utilize the *Rules for Small Boards* which is less formal and requires no seconds to motions.

**PROCEDURE IN SMALL BOARDS.** In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

- There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- Informal discussion of a subject is permitted while no motion is pending.
- Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as in an assembly, except that a vote can be taken initially by a show of hands, which is often a better method of such meetings.
- The chairman need not rise while putting questions to vote.
- The chairman can speak in discussion without rising or leaving the chair; and subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.
- Members are required to obtain the floor before making motions or speaking, which they can do while seated.



## PARLIAMENTARY PROCEDURES AT A GLANCE

<b>To Do This:</b>	<b>You Say This:</b>	<b>May You Interrupt Speakers?</b>	<b>Must You Be Seconded?</b>	<b>Is the Motion Debatable?</b>	<b>Is the Motion Amendable?</b>	<b>What Vote is Required?</b>
Adjourn the meeting	I move that we adjourn	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote required
Recess the meeting	I move that we recess until ...	May not interrupt speaker	Must be seconded	Not debatable	Amendable	Majority vote required
Complain about noise, room temp., etc.	Point of privilege	May interrupt speaker	No second needed	Not debatable	Not amendable	No vote required
Suspend further consideration of something	I move we table it	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote required
End debate	I move the previous question	May not interrupt speaker	Must be seconded	Debatable	Amendable	$\frac{2}{3}$ 's vote required
Postpone consideration of something	I move we postpone this matter until ...	May not interrupt speaker	Must be seconded	Debatable	Amendable	$\frac{2}{3}$ 's vote required
Have something studied further	I move we refer this matter to a committee	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required
Amend a motion	I move that this motion be amended by...	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required
Introduce business (a primary motion)	I move that...	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required

<b>To Do This:</b>	<b>You Say This:</b>	<b>May You Interrupt Speakers?</b>	<b>Must You Be Seconded?</b>	<b>Is the Motion Debatable?</b>	<b>Is the Motion Amendable?</b>	<b>What Vote is Required?</b>
Object to procedure or to a personal affront	Point of Order	May interrupt speaker	No second required	Not debatable	Not amendable	No vote required; Chair decides
Request information	Point of Info	If urgent, may interrupt	No second required	Not debatable	Not amendable	No vote required
Ask for a vote by actual count to verify a voice vote	I call for a division of the house	May not interrupt speaker	No second required	Not debatable	Not amendable	No vote required unless someone objects
Object to considering some undiplomatic or improper matter	I object to consideration of this question	May interrupt speaker	No second required	Not debatable	Not amendable	$\frac{2}{3}$ 's vote required
Take up a matter previously tabled	I move we take from the table	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote required
Reconsider something already disposed of	I move we now (or later) reconsider our action relative to ...	May interrupt speaker	Must be seconded	Debatable if orig. motion is debatable	Not amendable	Majority vote required
Consider something out of its scheduled order	I move we suspend the rules and consider ...	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	$\frac{2}{3}$ 's vote required
Vote on a ruling by the chair	I appeal the chair's decision	May interrupt speaker	Must be seconded	Debatable	Not amendable	Majority in the negative required to reverse chair's decision

### APPENDIX C - NON-APPROPRIATED FUND BALANCE GUIDELINES

The ESVA 9-1-1 Commission's recommended non-appropriated fund balance is equal to 8% of the 9-1-1 Commission's annual budget for operational expenses. This represents just under one-month of expenses in a non-appropriated fund balance if needed for emergency conditions or unanticipated expenses.

## APPENDIX D – Public Hearing Guidelines/Other Public Participation Guidelines

### ESVA 9-1-1 Commission – Public Hearing Procedures and Expectations

The principal purpose of a public hearing is to provide an opportunity for members of the public to provide input to the ESVA 9-1-1 Commission regarding the subject to the public hearing. Members of the 9-1-1 Commission may ask questions of speakers as necessary to clarify their comments or to obtain other information pertinent to the subject matter of the public hearing; however, the time expended in response to such questions shall not be deducted from the time allocated to any speaker or from the time allocated to proponents or opponents. At the close of the public hearing, the Chairman may inquire to appropriate 9-1-1 Commission staff whether there is any additional information to convey, or written statements with requests that they be read into the Public Record.

A public hearing is not a debate. Its express purpose is to receive additional facts, comments and opinions on public hearing topic (agenda item). Public hearings before the 9-1-1 Commission shall be conducted in accordance with the following procedures, unless statutory requirements compel additional actions or otherwise directed by the Chairman.

- A sign-up sheet will be provided at an appropriate location at the location of the meeting for those wishing to address the 9-1-1 Commission during the public hearing.

- The clerk (Recoding Secretary) shall maintain, as part of the meeting records, the sign-up sheet as well and noting the name of each speaker (from the public) participating in the public hearing in the minutes.

1. The Chairman or designee will read aloud the specific public hearing notice (or other appropriate documents) being considered at the beginning of the hearing and will then open the public hearing.
2. The 9-1-1 Director or applicable staff designee will present a staff report on the proposed public hearing matter.
3. The Chairman will then recognize any members of the public desiring to speak on the proposed public hearing matter. The Chairman will first recognize those members of the public who have signed up to speak from the sign-up sheet.
4. Each speaker will state his full name and address and identify (if any) any economic or professional relationship he or she has related to the public hearing topic/matter. Each speaker shall be allotted three (3) minutes to speak. Speakers will be allowed to receive one additional three-minute donation of time from someone else.
5. Speakers are not to engage in debate with 9-1-1 Commission staff or 9-1-1 Commissioners. Speakers are to speak directly to the issue before the 9-1-1 Commission and are not to engage in any campaigning for political office, promotion of a private

business venture or use language of a personal nature which insults or demeans any person or which, when directed at a public official, is not related to his or her official duties.

6. After all speakers have been heard that wish to speak at the public hearing, the 9-1-1 Commission shall vote to close the hearing, as directed by the Chairman, and if needed, will then take up discussion on the proposed matter for a potential vote of adoption, denial, or other action.

The Chairman has the right and duty to maintain proper order in accordance with these procedures.

#### Other Public Participation Guidelines (Public Participation Agenda Item)

1. Unless otherwise directed by the presiding officer or the 9-1-1 Commission, members of the public are not required to sign-up prior to addressing the 9-1-1 Commission; the presiding officer will request anyone to address the 9-1-1 Commission to communicate such, when requested.
2. Individuals addressing the 9-1-1 Commission during this period shall be provided three (3) minutes; speakers will be allowed to receive one additional three (3) minute donation of time from someone else in attendance.
3. Prior to addressing the 9-1-1 Commission, individuals shall provide their name and physical address (to be recorded in the minutes).
4. Written material, to be read during this period, can be submitted. If submitted ahead of the meeting, shall be read by the presiding officer and included with the minutes. Lengthy written material submitted (as determined by the presiding officer) may be read in summary, with the entire written material included in the minutes.

## APPENDIX E – REMOTE MEETING PARTICIPATION (Last Modified 1/30/25)

The ESVA 9-1-1 Commission may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the 9-1-1 Commission notifies the chair that:

a. they are unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance; (for purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability as defined in § 51.5-40.1 (Virginia Code) and uses remote participation counts toward the quorum as if the individual was physically present); or

b. there is a medical condition of a member of the member's family requiring the member to provide care that prevents the member's physical attendance or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance (for purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present); or

c. their principal residence is more than 60 miles from the meeting location identified for such meeting; or

d. they are unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a 9-1-1 Commissioner to this section is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded to the next whole number, whichever is greater.

The notification of remote participation shall include the mode/mechanism for meeting participation and approval to participate remotely shall be granted by the chair of the 9-1-1 Commission (or designee), following this policy.

If participation by a 9-1-1 Commissioner through electronic communication means is approved, the 9-1-1 Commission shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved, the minutes shall also include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition/family member's medical condition (requiring the member to provide care to such family member) that prevented the member's physical attendance (whichever is applicable), or, if due to distance (if applicable), or the specific nature of the personal matter cited by the member (if applicable). If a member's participation from a remote location is disapproved because such participation would violate this policy adopted, such disapproval shall be recorded in the minutes of the 9-1-1 Commission with specificity.

This policy shall be applied strictly and uniformly, without exception, to the entire 9-1-1 Commission membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

A quorum of the 9-1-1 Commission shall be physically assembled at one primary or central meeting location and arrangements shall be made for the voice of any remote participant to be heard by all persons at the primary or central meeting location.

## **PROCUREMENT POLICY**

### **Eastern Shore of Virginia 9-1-1 Commission**

#### **SECTION 1**

##### **PURPOSE AND APPLICABILITY**

These regulations are for the use by the Eastern Shore of Virginia 9-1-1 Commission (9-1-1 Commission). They were prepared to assist all employees with the purchasing function and its activities, and modeled after the Northampton County Procurement Policy last adopted in March 2024. Authority for these regulations is Virginia Public Procurement Act (VPPA or Act), of the *Code of Virginia*, Chapter 43, Title 2.2, as amended. These regulations are adopted to obtain high quality goods and services at a reasonable cost, to conduct all procurement procedures in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety and to provide access to public business for all qualified vendors, and that no offeror be arbitrarily or capriciously excluded. Rules governing contract awards will be made clear in advance of the competition, specifications will reflect the procurement needs of the 9-1-1 Commission rather than being drawn to favor a particular vendor, and the 9-1-1 Commission and the vendor will freely exchange information concerning what is sought to be procured and what is offered, and will cooperate with the Department of Minority Business Enterprise, the United States Small Business Administration, and other public and private agencies. In addition, surplus property is to be disposed of on a competitive basis.

Procurement of goods and services and disposal of surplus property will be conducted in accordance with the Virginia Public Procurement Act, as amended, hereinafter referred to as the Procurement Act or VPPA, except as amended by alternative policies adopted by the 9-1-1 Commission. The provisions of the VPPA are incorporated herein by reference, except as amended by alternative policies, and reference is made to that Act in the event further information or clarification is required. In the event of conflict between this Policy and the VPPA, the requirements of the VPPA shall control.

#### **SECTION 2**

##### **GENERAL REQUIREMENTS**

A. All 9-1-1 Commission employees have the responsibility to obtain necessary goods or services according to 9-1-1 Commission procedures. Authorized 9-1-1 Commission staff should select a vendor for all estimated expenditures in accordance with approved operational procedures and the Procurement Act. For purchases less than \$5,000, competitive telephone or written price quotations from more than one vendor are suggested, but not required. For purchases over \$5,000 Requests for Quotations from at



least three vendors will be required,. All quotes and bid information should be documented in appropriate 9-1-1 Commission files.

B. For information technology needs, the appropriate 9-1-1 Commission staff should coordinate purchases with the Information Technology Department (Northampton County) in order to ensure compatibility and that all information technology considerations have been addressed.

C. No obligation will be made for any purchase in excess of the amount appropriated for that purpose as reflected in the line-item budgetary accounts of the 9-1-1 Commission.

D. The Procuring Agent shall give preference to foods, services and construction produced in Northampton and Accomack Counties or provided by persons, firms or corporations having principal places of business in Northampton and Accomack Counties in the case of a tie bid, in Competitive Sealed Bidding, if such choice is available. The 9-1-1 Commission shall adhere where applicable to preferences listed in the VPPA, *Virginia Code* § 2.2-4300 et. seq.).

E. The 9-1-1 Director's office will conduct necessary advertising for the procurement of budgeted items.

F. Appropriate 9-1-1 Commission staff should submit a purchase order requisition (or other utilized purchasing documentation) for all necessary purchases over \$5,000. The requisition should include a summary of the quotes or bids obtained as required in compliance with this policy and the Procurement Act. After verifying the availability of funds, the 9-1-1 Director or designee will approve purchase orders for requisitions between \$5,000 and \$12,500. The 9-1-1 Director will approve purchase orders for requisitions between \$12,500 and \$25,000.

G. The 9-1-1 Commission will approve all purchases in excess of \$25,000 prior to the issuance of a purchase order, or Notice of Award.

H. A vendor list will be maintained in the Accounts Payable Office of Northampton County. Any vendor may be placed on or removed from the list by written request (following procedures for Northampton County). Any vendor on the list that ceases to meet the minimum standards as set forth by a particular Department in Northampton County shall be removed from the list. 9-1-1 Commission staff may mail notices (or otherwise notify) of invitation to bid, requests for proposals, or quotations to all vendors listed in the appropriate category. The list shall be reviewed and updated annually by Northampton County.

I. Any purchase not made in accordance with these Regulations will be deemed an unauthorized purchase, for which the 9-1-1 Commission will not be obligated.

J. Any employee of the 9-1-1 Commission who engages in purchasing goods or services in a manner inconsistent with these Regulations shall be subject to disciplinary measures,

up to and including financial responsibility for his actions.

K. Purchases may not be arbitrarily “split” in order to qualify for a lower level purchasing procedure.

### SECTION 3 METHODS OF PROCUREMENT

A. Petty Cash Procedures - Accounts may be used for small purchases such as postage, tolls, and reimbursements. Because it is limited, such purchase account use may not be feasible depending on the available balance at the time of the request. Receipts for proper documentation are required and must be submitted for reimbursements.

B. Direct Purchase – Appropriate 9-1-1 Commission staff with the appropriate authority may purchase goods or services not expected to cost more than \$5,000 when the vendor charges the 9-1-1 Commission “on account” (the vendor will invoice the 9-1-1 Commission). Competitive quotes should be used whenever practicable. If more than one quote is obtained, all quote material should be retained in the appropriate 9-1-1 Commission files. If more than one quote is obtained, the purchase must be made from the lowest responsive and responsible bidder. Purchase orders will not be issued unless the individual or vendor requests it.

C. Informal Quotes – Informal quotes for non-professional services are required for purchases between \$5,000 and \$25,000. Informal quotes may be obtained by telephone, facsimile, e-mail, or other means. A minimum of three vendors must be contacted for each purchase, if available. A summary of the quotes will be recorded on a requisition for purchase order and forwarded with any supporting documentation to the 9-1-1 Director or designee. Upon review of the requisition and verification of available funds, a purchase order (or other purchase documents) will be issued and forwarded to the requesting individual. Only after the purchase order is approved may the requesting authorized 9-1-1 Commission staff place the order for goods or services. The 9-1-1 Director or designee will approve the issuance of purchase orders for goods and services between \$5,000 and \$12,500. The 9-1-1 Director will approve the issuance of purchase orders for goods and services between \$12,500 and \$25,000.

D. Formal Quotes – Formal written quotes are required for purchases between \$25,000 and \$50,000. For the purchase of professional services, however, competitive negotiation may be a better alternative (see F). For formal quotes, written solicitations will be mailed (or otherwise delivered) to qualified vendors from the vendor list maintained in the accounts payable office (Northampton County), or to other vendors deemed qualified by the authorized 9-1-1 Commission staff. A minimum of three written quotes is required unless an exception for fewer quotes is approved by the 9-1-1 Director. A summary of the quotes will be recorded on a requisition for purchase order and forwarded with the original written quotes to the 9-1-1 Director. Upon review of the requisition and supporting documentation, and verification of available funds, a purchase order will be issued and forwarded to the requesting 9-1-1 Commission staff. Only after the purchase order is

approved may the requesting 9-1-1 Commission staff place the order for goods or services. When the formal quote method is used for services, a written contract with the selected service provider is required. The 9-1-1 Director will approve the issuance of purchase orders for goods and services between \$25,000 and \$50,000, after approval from the 9-1-1 Commission.

E. Formal Bids and Proposals - Formal Invitations to Bid and/or Requests for Proposals are required for Goods, Non-Professional Services, and Non-Transportation Construction Projects expected to cost greater than \$50,000 and require approval by the 9-1-1 Commission is for requisitions of this value.

F. Professional Services Professional services means work performed by an independent contractor within the scope of the practice of services, such as accounting, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy, and professional engineering.

At least one documented proposal is required for professional services costing up to \$4,999.99 and it must include the vendor name, representative, date, phone number and detailed description of services to be provided and price. Obtaining more than one proposal is encouraged, but not required.

For professional service costing from \$5,000.00-\$39,999.99, appropriate 9-1-1 Commission staff shall submit to the 9-1-1 Director a completed Purchase Requisition detailing the services needed and including the 9-1-1 Commission's General Terms and Conditions. RFPs shall be posted on eVA and/or the 9-1-1 Commission website and may be sent to local vendors that provide the service. Proposals shall be solicited from a minimum of three (3) vendors. The 9-1-1 Director and other appropriate 9-1-1 Commission staff together shall evaluate all proposals based on criteria as set out in the RFP and then shall enter into negotiations with the offeror who, in their opinion, submitted the best proposal. Upon satisfactory negotiations, the 9-1-1 Commission shall extend an offer of contract award. The 9-1-1 Director or designee shall prepare a Contract which shall be reviewed by the attorney for the 9-1-1 Commission and signed by the vendor and 9-1-1 Director. Contracts of \$25,000 and over must be approved by the 9-1-1 Commission prior to execution.

For professional services where the sum of all phases and contract periods are expected to exceed \$40,000 a request for proposal with competitive negotiation is required. The RFP shall be reviewed by the attorney for the 9-1-1 Commission prior to issuance. Proposals shall be due to the 9-1-1 Commission at a specified date and time. Non-binding estimates of total project costs (including man-hours) and/or price for services may be discussed beginning with the "negotiation stage." The contract must be approved by the 9-1-1 Commission, reviewed by the attorney for the 9-1-1 Commission, signed by the Offeror, and the 9-1-1 Director..

G. Large Purchase Procurement: Good, Nonprofessional Services and /or Non-Transportation Related Construction Where the Sum of All Phases/Contract Periods is

Expected to Exceed \$100,000.

i. Competitive Sealed Bidding: Invitation for Bids (“IFB”) – The sealed bidding method of purchasing includes the following elements:

1. Distribution of written invitations to bid (ITB) to potential bidders. The ITB must contain or incorporate by reference the specifications and contractual terms and conditions applicable to the procurement. Unless bidders have been prequalified, the invitation to bid will 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. No ITB for construction services shall condition a successful bidder’s eligibility on having a specified experience modification factor, as defined by Va. Code § 2.2-4302.1
2. Public notice of the invitation to bid at least ten (10) days prior to the date set for receipt of bids by posting in a designated public area, publication in a newspaper of general circulation in Northampton/Accomack County, or other appropriate area or trade publications, and at the 9-1-1 Commission’s discretion, by posting on the Department of General Services central electronic procurement website, known as eVA. In addition, bids may be solicited directly from potential contractors. The designated public area for posting shall be the public notice bulletin board in the County Administration Building in Eastville (for Northampton County) and in the County Administration Building in Accomac (for Accomack County).
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 by the 9-1-1 Commission. When the terms and conditions of multiple bids are so provided in the invitation to bid, awards may be made to more than one bidder.
6. Goods or nonprofessional services, except construction services and bulk quantities of materials used in road and highway construction and maintenance, may be procured by reverse auction, as defined by Va. Code § 2.2-4301.

7. Construction services must be procured by competitive sealed bidding, unless bidding is not practicable or fiscally advantageous to the public and this fact is documented in writing.
8. Competitive sealed bidding will not be required for procurement of professional services.

ii. Competitive Negotiation: Request for Proposals (“RFP”) – Competitive negotiation is a method of contractor selection which is used in cases where sealed bidding would be impractical because of the difficulty in specifying exactly what is to be purchased, or where price is only one of a number of important factors bearing on contractor selection. It is the required procedure for professional services but may also be used for non-professional services (ex. systems integration, software development) or goods. Professional services are defined as work performed by an independent contractor within the scope of the practice, such as accounting, architecture, land surveying, landscape architecture, medicine, optometry, or professional engineering. If competitive negotiation is used for other than professional services, the 9-1-1 Commission must find in writing that competitive sealed bidding is not in the public’s best interest. The following elements will be included in competitive negotiation:

1. Issuance of a written Request for Proposal (RFP) indicating in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the proposal (experience, qualifications, etc.) and the relative weight given to each; and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor. The RFP shall also indicate whether or not a numerical system will be used in the evaluation of a proposal. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals. No Request for Proposal for construction authorized by this chapter shall condition a successful offeror's eligibility on having a specified experience modification factor as defined by Va. Code § 2.2-4302.2. The Code specifies that the RFP shall not, however, request that offerors furnish estimates of man-hours or costs for services.
2. Public notice of the Request for Proposal at least ten (10) days prior to the date set for receipt of proposals by posting in a public area normally used for posting of public notices or by publication in a newspaper of general circulation in Northampton/Accomack County or other appropriate areas, or trade publications, and, at the 9-1-1 Commission’s discretion, by posting on the Department of General Services central electronic procurement website, known as eVA. In addition, proposals may be solicited directly

from potential contractors. The designated public area for posting shall be in the County Administration Building in Eastville (for Northampton County) and in the County Administration Building in Accomac (for Accomack County).

3. Selection will be made of two (2) or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the request for proposal. At this stage, nonbinding estimates of project costs may be discussed. Negotiations will then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award will be made to that offeror by the 9-1-1 Director, if authorized, or the 9-1-1 Commission. Otherwise, negotiations with the offeror ranked first will be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the 9-1-1 Commission or the 9-1-1 Director determine in writing and in their sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

4. Notwithstanding any of the above provisions, the provisions of Va. Code § 2.2-4302.2 are hereby incorporated by reference.

iii. Professional Services Where the Sum Of All Phases /Contract Periods is Expected to Exceed \$40,000. Competitive Negotiation: Request for Proposals. Appropriate 9-1-1 Commission staff shall provide information on services needed, the Procuring Agent shall prepare a Request for Proposals, and the 9-1-1 Commission's attorney shall review prior to issuance.

iv. Transportation-Related Construction Where the Sum of All Phases/Contract Periods Is Expected to Exceed \$12,500. Follow procedures set forth in H(ii) above.

#### SECTION 4 CLASSIFICATION OF PURCHASES

Purchases of goods and services will be classified as scheduled/enumerated in the policy.

High risk contract: A high risk contract is one in which the initial cost is greater than Five-Hundred Thousand Dollars (\$500,000.00) OR one in which the initial cost is greater than Two-Hundred-Fifty Thousand Dollars (\$250,000.00) AND includes one of the following caveats:

- a. The anticipated term of the contract is greater than five (5) years;

b. The items or services procured, or similar items or services, have not been procured within the previous five (5) years.

i. Prior to issuing a solicitation for a high-risk contract, the 9-1-1 Commission shall submit such solicitation for review by (i) 9-1-1 Commission's attorney or other attorney as directed by the 9-1-1 Commission, (ii) if directed by the 9-1-1 Commission, to the Northampton and/or Accomack County Financial Director for solicitations for goods and nonprofessional and professional services that are not for information technology and (iii) if directed to by the 9-1-1 Commission, to the Department Head for Information Technology (Accomack and/or Northampton County) for solicitations for goods and services related to information technology. Such reviews shall be completed within 30 business days and include an evaluation of the extent to which the solicitation complies with applicable state law and policy, as well as an evaluation of the appropriateness of the solicitation's terms and conditions. In addition, the review shall ensure that such solicitations for high-risk contracts contain distinct and measurable performance metrics and clear enforcement provisions, including penalties or incentives, to be used in the event that contract performance metrics or other provisions are not met.

ii. Prior to awarding a high-risk contract, the 9-1-1 Commission shall submit such contract for review by (i) 9-1-1 Commission's attorney or other attorney as directed by the 9-1-1 Commission (ii) if directed by the 9-1-1 Commission, to the Northampton and/or Accomack County Financial Director for solicitations for goods and nonprofessional and professional services that are not for information technology and (iii) if directed to by the 9-1-1 Commission, to the Department Head for Information Technology (Accomack and/or Northampton County) for solicitations for goods and services related to information technology.. Such reviews shall be completed within 30 business days and include an evaluation of the extent to which the contract complies with applicable state law and policy, as well as an evaluation of the legality and appropriateness of the contract's terms and conditions. In addition, the review shall ensure that such high-risk contracts contain distinct and measurable performance metrics and clear enforcement provisions, including penalties or incentives, to be used in the event that contract performance metrics or other provisions are not met.

## SECTION 5

### APPLICABLE EXCEPTIONS AND EXEMPTIONS

#### **Exceptions.**

- A. The 9-1-1 Commission may enter into contracts without competition in the following transactions:

1. For the purchase of goods and services that are produced or performed by persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Visually Impaired. (VPPA *Code of Virginia*, §2.2-4344(A)(1)(a)).

2. For the purchase of goods and services that are produced or performed by employment services organizations that offer transitional or supported employment services serving individuals with disabilities (VPPA *Code of Virginia*, §2.2- 4344(A)(1)(b)).

3. For legal services, expert witnesses and other services associated with litigation or regulatory proceedings (VPPA *Code of Virginia*, §2.2-4344(A)(2)).

4. For the acquisition of real estate or any interest in real property (see *R.I.S.E., Inc. v. Kay*, 768 F. Supp. 1141 (E.D. Va. 1992)).

5. For the donation of goods or services, without consideration. (see Opinion of the Attorney General 06-068 (11/30/2006)).

6. For contracts, agreements, and memoranda of understanding between the 9-1-1 Commission and one or more public bodies or governmental entities (VPPA *Code of Virginia*, §2.2-4301, Definition of “Public Contract”).

7. For acquisition of goods or services exempt from procurement under the Public-Private Transportation Act (*Code of Virginia*, §33.2-1819) or under the Public- Private Education Facilities and Infrastructure Act (*Code of Virginia*, §56-575.16).

B. The 9-1-1 Commission may enter into contracts without competitive sealed bidding or competitive negotiation in accordance with applicable exemptions as specified in the VPPA *Code of Virginia*, §2.2-4345 for public bodies.

## SECTION 6

### COOPERATIVE PROCUREMENT

The 9-1-1 Commission may participate in a cooperative procurement effort with one or more public bodies, or agencies of the United States, for the purpose of combining requirements to increase efficiency or reduce administrative expenses associated with the procurement of goods and services subject to the provisions of the VPPA *Code of Virginia*, § 2.2-4304. No Cooperative Procurement shall be permitted unless



the RFP or IFB specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies. Any public body that enters into Cooperative Procurement with a locality whose governing body has adopted alternative procurement policies and procedures in accordance with state law shall comply with the alternative procurement policies and procedures adopted by the governing body of such locality.

Cooperative procurement shall not apply to contracts for (1) architectural or engineering services, or (2) construction contracts, except construction contracts for (a) the installation of artificial turf and track surfaces, (b) stream restoration, (c) stormwater management practices, including all associated and necessary construction and maintenance, or (d) any other exceptions enacted by the General Assembly.

## SECTION 7 EMERGENCY PURCHASES

A. An emergency will be deemed to exist when goods or services are needed to restore or continue an essential service or where the time required to follow normal purchasing procedures may endanger the safety, health, or welfare of the public or of the 9-1-1 Commission's employees or facilities.

B. For purchases under \$10,000, the following procedures will be used in emergency circumstances:

### 1. Procedures during office hours

The authorized 9-1-1 Commission staff will immediately notify the 9-1-1 Director, who will either purchase directly or authorize the purchase of the needed supplies or services. Documentation should be submitted with the invoice when received documenting the approval for emergency purchasing procedures and describing the circumstances.

### 2. Procedures during other than office hours

The authorized 9-1-1 Commission staff will purchase directly any supplies or services needed to meet an existing emergency. Whenever possible, the 9-1-1 Director should be notified orally of the emergency but, in any event, a written determination of the basis for the emergency and for the selection of the particular vendor or contractor if selected by the using department and a written determination clearly marked "emergency purchase confirmation" will be delivered to the 9-1-1 Director within twelve (12) working hours after the identification of the emergency. Documentation should be submitted with the invoice when received documenting the emergency circumstances.

C. For purchases over \$10,000, the following procedures will be used in emergency circumstances:

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 9-1-1 Commission 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. This notice shall be posted in a designated public area or published in a newspaper of general circulation (Accomack and Northampton Counties) on the day the 9-1-1 Commission 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 Department of General Services' central electronic procurement web site, known as eVA, and other appropriate web sites.

## SECTION 8 SOLE SOURCE PROCUREMENT

The 9-1-1 Commission must approve all instances of sole source procurement. Upon a determination in writing by the 9-1-1 Commission 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 9-1-1 Commission 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. This notice shall be posted in a designated public area and published in a newspaper of general circulation (Accomack and Northampton Counties) on the day the 9-1-1 Commission awards or announces its decision to award the contract, whichever comes first. Public Notice should also be published on the Department of General Services' central electronic procurement web site and other appropriate web sites.

## SECTION 9 PREQUALIFICATION OF BIDDERS – NORTHAMPTON COUNTY

*While the 9-1-1 Commission may have access to lists of pre-qualified bidders maintained by Northampton County, the 9-1-1 Commission will not contribute or otherwise manage this list and its formulation.*

A. The County Administrator, upon consultation with Department Head, is authorized to prequalify bidders prior to any solicitation of bids, whether for goods or services, by requiring prospective bidders to submit such information as the County Administrator and

Department Head deem appropriate, including samples, financial reports, and references; provided, however, that opportunity to prequalify will be given to any prospective bidder, and a determination of failure to qualify will be documented by the Department Head.

B. In considering any request for prequalification, the County Administrator and Department Head will determine whether there is reason to believe that the bidder possesses the management resources, financial soundness, and history of performance which indicate apparent ability to successfully complete the plans and specifications of the invitation to bid. The County Administrator and Department Head may employ standard forms designed to elicit necessary information.

C. Prequalification of a bidder will not constitute a determination that the bidder is responsible, and such bidder may be rejected as nonresponsible on the basis of subsequently discovered information. Failure of a bidder to prequalify with respect to a given procurement will not bar the bidder from seeking prequalification as to future procurements, or from bidding on procurements which do not require prequalification.

#### SECTION 10 WITHDRAWAL OF BID DUE TO ERROR

A. A bidder for a public construction contract may withdraw his bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor, or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

B. The procedure for bid withdrawal must be stated in the advertisement for bids and in the invitation. The 9-1-1 Director will select one of these procedures for withdrawal of bids:

1. The bidder will give notice in writing of his claim of right to withdraw his bid within two business days after the conclusion of the bid opening procedure; or
2. The bidder will submit to the 9-1-1 Director his original work papers, documents and materials used in the preparation of the bid within one day after the date fixed for submission of bids. The work papers will be delivered by the bidder in person or by registered mail at or prior to the time fixed for the opening of bids. The bids will be opened one day following the time fixed by the 9-1-1 Commission for the submission of bids. Thereafter, the bidder will have two hours after the opening of the bids within which to claim in writing any mistake as defined herein and withdraw his bid. The contract will not be awarded by the 9-1-1 Commission until the two-hour period has elapsed. Such mistake will be proved only from the original work papers, documents and materials delivered as required herein.

C. No bid may be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent. If a bid is withdrawn under the authority of this section, the lowest remaining bid will be deemed to be the low bid. No bidder who is permitted to withdraw a bid will, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted. If the 9-1-1 Director desires the withdrawal of a bid under the provisions of this section, the bidder will be notified in writing stating the reasons for the decision.

## SECTION 11

### REJECTION AND AWARD OF BIDS AND COMMENTS ON SPECIFICATIONS

The 9-1-1 Commission reserves the right to accept or reject any or all bids or parts of bids, to waive irregularities, and to request rebids. The 9-1-1 Commission also reserves the right to award the contract as it deems will best serve its interest. It further reserves the right to award the contract on a split order basis, lump sum, or individual item basis, or such combination as will best serve the interest of the 9-1-1 Commission unless otherwise specified.

Any vendor wishing to make comments concerning specifications or other provisions of 9-1-1 Commission Invitations to Bid or Requests for Proposals, may do so by submitting such comments in writing to the 9-1-1 Director no later than seven (7) working days prior to the specific date of opening.

## SECTION 12

### ARCHITECTURAL AND ENGINEERING TERM CONTRACTS; LIMITATION

- A. A contract for architectural or professional engineering services relating to multiple projects may be awarded, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first. Such contracts may be renewable for three additional terms at the option of the public body. Any unused amounts from one contract term shall not be carried forward to any additional term. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed. The sum of all projects performed in a contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million.
- B. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

## SECTION 13

### SURPLUS PERSONAL PROPERTY

The following procedures will be used in declaring 9-1-1 Commission personal property surplus and disposing of same:

- A. Any item or group of items of personal property of the 9-1-1 Commission which are declared surplus by the 9-1-1 Director to which such items are assigned and further by the 9-1-1 Commission will be sold by the 9-1-1 Director, unless the 9-1-1 Commission approves the donation of such items to another local entity, non-profit or charitable organization.
- B. Sales will be conducted whenever feasible by competitive bids.
- C. Sales will be made subject to the following:
  - 1. An item or group of items having a fair market value of Five Thousand Dollars (\$5,000) or more will be advertised at least once in a newspaper having general circulation within Accomack and Northampton Counties at least ten (10) days prior to sale. Sale will be to the highest bidder by sealed bids opened publicly, or at public auction, or as advertised.
  - 2. An item or group of items having a fair market value less than Five Thousand Dollars (\$5,000) will be sold by the 9-1-1 Director through competitive practices wherever practicable.
  - 3. The 9-1-1 Director may withdraw the offer of sale on any personal property at such time as in his opinion, it is in the best interest of the 9-1-1 Commission to do so.

## SECTION 14

### DISCRIMINATION PROHIBITED

In the solicitation or awarding of contracts, the 9-1-1 Commission, , shall not discriminate against a bidder or offeror because of race, religion, color, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, businesses selected from a list made available by the Department of Small Business and Supplier Diversity, which list shall include all companies and organizations certified by the Department, must be included. Micro-Businesses are encouraged to apply and requested to self-identify as part of the Competitive Bidding and Competitive Negotiation Process.

The 9-1-1 Commission, as much as feasible, shall establish programs to facilitate the participation of small businesses, businesses owned by women, minorities, and service disabled veterans, and employment services organizations in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to Virginia Code § 2.2-4310(C) or, where applicable, by the 9-1-1 Director pursuant to Virginia Code § [15.2-965.1](#), and shall include specific plans to achieve any goals established therein.

The 9-1-1 Director shall ensure that procurement activities are conducted in accordance with applicable procurement laws. In procuring goods or services, or in making disbursements, the 9-1-1 Commission shall not discriminate against a faith-based organization on the basis of the organization's religious character or impose conditions that (a) restrict the religious character of the faith-based organization, except as provided in *Code of Virginia*, § 2.2-4343.1(F), or (b) impair, diminish, or discourage the exercise of religious freedom by the recipients of goods, services, or disbursements.

## SECTION 15

### CONTRACTS OVER \$10,000.00

In any contract for services or goods over \$10,000.00, the contractor must agree to the following:

- 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 nondiscrimination 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.
- d. During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the

contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

## SECTION 16

### PROCUREMENT OF FEDERALLY FUNDED CONTRACTS

All contracts for goods and services that are funded in whole or part by the United States shall comply with applicable federal laws, regulations, and conditions, subject to approval of the 9-1-1 Commission in the event such law, regulation or condition is in conflict with the VPPA. See Code of Virginia, § 2.2-4343(B) Also, to the extent permitted by the laws and regulations of the Commonwealth of Virginia, the following shall apply:

1. The 9-1-1 Commission shall strive to include value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. As used in this article, "value engineering" shall mean a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at an overall lower cost.
2. The 9-1-1 Commission shall negotiate profit as a separate element of the price for each contract in which there is no competition and in all case where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the amount of the contractor's investment, the amount of subcontracting involved, the quality of the contractor's record of past performance, and industry profit rates in the surrounding geographical area for similar work.
3. In order to eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, IFBs, RFPs, must be excluded from competing for such procurements. Additionally, restrictive conditions that may hinder fair competition shall not be permitted. Restrictive conditions include without limitation: (1) placing unreasonable requirements and qualifications on Businesses, (2) requiring unnecessary experience and excessive

bonding, (3) allowing noncompetitive pricing practices between Businesses, (4) awarding noncompetitive contracts to consultants that are on retainer contracts, (5) allowing or promoting organizational conflicts of interest, (6) specifying only “brand name: products instead of allowing an equal product to be offered, and (7) acting in an arbitrary manner.

## SECTION 17 DEBARMENT

Prospective contractors may be debarred for unsatisfactory performance from contracting with the 9-1-1 Commission for particular types of supplies, services, insurance of construction, for a period of time specified by the 9-1-1 Commission. “Unsatisfactory performance” includes, without limitation, i) early termination of a contract due to breach, default, or other cause; ii) failure of a public body, including the 9-1-1 Commission, to renew a contract due to dissatisfaction with the quality of work performed by the contractor; iii) conviction of the contractor, or any principal thereof, of a crime of moral turpitude; iii) a finding of unethical behavior by the contractor, or any principal thereof, by a court of law, administrative agency, hearing officer, or quasi-judicial body; and/or iv) a statement or finding from a public body, including the 9-1-1 Commission, that work performed by the contractor pursuant to a contract was of poor quality or was otherwise unsatisfactory.

Upon a decision by the 9-1-1 Commission to debar a contractor for unsatisfactory performance, the contractor may not enter into negotiations to contract with the 9-1-1 Commission or make an offer, proposal or bid in response to a RFP, IFB, or other form of solicitation by the 9-1-1 Commission, for supplies, services insurance, or construction. The 9-1-1 Commission shall give the contractor written notice of the date, time, and location of the meeting at which the 9-1-1 Commission will consider debarment, and the contractor shall have the right to object either in writing or by appearance during the public comment portion of a 9-1-1 Commission meeting. If the 9-1-1 Commission votes to debar the contractor, it shall establish the period of time during which such debarment shall remain in effect. The decision of the 9-1-1 Commission shall be final. (VPPA *Code of Virginia*, § 2.2-4321)

## SECTION 18 APPROVAL AUTHORITY

The type of approval needed to award contracts shall be based on the total contract amount, which shall include the estimated aggregate or sum of all phases of a contract. All awards for goods and services that are estimated to exceed \$25,000 shall first be presented to the 9-1-1 Commission for approval of the award before the purchase order or Notice of Award is issued.

9-1-1 Director shall have the authority to approve the award of contracts



competitively solicited where the contract amount is not estimated to exceed \$25,000. Individuals (provided the authority by the 9-1-1 Director) shall have the delegated authority to procure goods and services and authorize purchases where the contract amount is not estimated to exceed \$25,000 provided that competition is sought in accordance with the provisions contained herein.

A requisition or purchase request shall be prepared by the using individual and forwarded to the 9-1-1 Director in accordance with the provisions described herein when the contract amount is expected to exceed \$5,000.

All Purchase Orders resulting from competitive procurement shall incorporate by reference the 9-1-1 Commission's General Terms and Conditions and shall be executed by the 9-1-1 Commission and the Vendor.

The 9-1-1 Commission's attorney shall review and approve all contracts and Purchase Orders estimated to exceed \$25,000. The 9-1-1 Commission's attorney shall also approve as to form all contracts referenced in *Code of Virginia*, § 15.2-1237.

## SECTION 19 ETHICS IN PUBLIC CONTRACTING

The provisions of Sections 2.2-4367 through -4377, relating to ethics in public procurement, shall apply to all 9-1-1 Commission procurement procedures.

## SECTION 20 PROCUREMENT POLICY – GENERAL TERMS AND CONDITIONS

*Although not included as part of the Procurement Policy for the 9-1-1 Commission, the general terms and conditions from Appendix I of the Northampton County Procurement Policy, shall be used as appropriate and as needed by the 9-1-1 Commission related to contracts and procurement.*

## SECTION 21 SPECIAL TERMS AND CONDITIONS FOR FEDERALLY FUNDED CONTRACTS

*Although not included as part of the Procurement Policy for the 9-1-1 Commission, the special terms and conditions from Appendix II of the Northampton County Procurement Policy, shall be used as appropriate and as needed by the 9-1-1 Commission related to contracts and procurement.*

APPENDIX G - RESOLUTION CREATING THE ESVA 9-1-1 COMMISSION

*L. APPROVED*

*Jimmy Payne / Donald Hart*

A JOINT RESOLUTION CREATING AN AGREEMENT BETWEEN THE  
COUNTY OF ACCOMACK, VIRGINIA AND THE COUNTY OF NORTHAMPTON,  
VIRGINIA, TO JOINTLY PROMOTE  
EMERGENCY SERVICES  
WITHIN THE COUNTIES OF ACCOMACK AND NORTHAMPTON  
AND THE ESTABLISHMENT OF THE  
EASTERN SHORE OF VIRGINIA 9-1-1 COMMISSION

WHEREAS, the Counties of Accomack and Northampton wish to participate in the universal numbering system known as 911 to provide the prompt and efficient response to emergency situations; and

WHEREAS, pursuant to the provisions of Section 15.1-21 of the Code of Virginia of 1950, as amended, the power and powers, privileges of authority exercised or capable of being exercised by a political subdivision may be exercised jointly with another subdivision;

NOW, THEREFORE, BE IT RESOLVED AND AGREED BY THE COUNTY OF ACCOMACK AND THE COUNTY OF NORTHAMPTON AS FOLLOWS:

(1) That the County of Accomack and the County of Northampton hereby establish the Eastern Shore of Virginia 9-1-1 Commission.

(2) That said Commission is created to carry out the purposes stated in Paragraph 3 hereof. Said Commission shall be and is hereby deemed a separate legal entity from the Counties of Accomack and Northampton. The Commission shall be composed of twelve (12) members, said members to be appointed by the Boards of Supervisors of said Counties, which members, except for the County Administrator and law-enforcement officers herein after referred to, shall serve at the pleasure of the appointed Board and may be removed at any time without cause. Accomack County shall appoint two members from that Board to serve on the Commission; Northampton County shall appoint one member from that Board to serve on the Commission. The County Administrator of each County shall be appointed a member to said Commission by virtue of his position. From each county there shall be appointed the Sheriff or his designee, one firefighter and one rescue squad member. The first sergeant of State Police Area 31 or his designee shall be appointed a member by virtue of his position. Commission members may be compensated for attending meetings at a rate not to exceed \$35.00 per meeting and the Commission shall determine if mileage is to be paid for members.

(3) That the purposes of said Commission are to manage the 9-1-1 system in order to save the lives and property of the citizens of Accomack and Northampton counties by use of a universal emergency number.

(4) That the affairs and activities of said Commission shall

be financed each year by the levying of a tax on each telephone line in Accomack County and in Northampton County pursuant to the Code of Virginia of 1950, as amended, Section 58.1-3813, the same rate of tax being in effect in each County, said sums to be paid to the Fiscal Agent of the Commission within thirty days of receipt by the respective County Treasurers. In accordance with the provisions of Section 15.1-162, the approval of said budget shall not obligate either County to appropriate said sums contained therein.

(5) That the existence of this Agreement and the Commission established pursuant hereto shall be perpetual unless terminated in accordance with the provisions of paragraph 6 hereof.

(6) That this Agreement may be cancelled by either County by giving to the other written notice, by registered or certified mail, at the office of the County Administrator prior to the beginning of any calendar quarter of its intention to terminate at the end of the next ensuing quarter. Upon the expiration of said next ensuing quarter, said Agreement shall be deemed to be terminated and said Commission dissolved except for that period of time necessary for the limited purpose of disposing of any assets of the Commission. All assets, or the proceeds thereof, of said Commission shall be divided in the same proportion as funds were paid to the Commission by each County over the preceding five years upon termination and dissolution

(7) That this Agreement and the Commission established pursuant hereto shall be deemed to be effective retroactive to July 1, 1990 upon the joint adoption of this Agreement by the governing body of Accomack County and the governing body of Northampton County.

BE IT FURTHER RESOLVED that the County Administrator of Accomack County certify a true copy hereof to the County Administrator of the County of Northampton.

Approved at a duly called meeting of the Accomack County Board of Supervisors held on July 18, 1990.

A COPY -

TESTE:

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Arthur K. Fisher  
County Administrator