

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF JANUARY, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Peter Driesbach, a Senior at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Richard Bradshaw, Commissioner of Revenue, informed citizens that there is a new look and process to the Virginia State Income Tax form, and the Office of the Commissioner of Revenue will be available to assist with the completion of the forms.

D. PRESENTATIONS

1. 2000 Chairman's Award

Mr. Ronald A. Nervitt, 2000 Chairman, presented John E. McDonald, Manager of Financial and Management Services, with a 2000 Chairman's Award for his 24 years of outstanding, innovative, and dependable leadership in financial and management services. Mr. Nervitt read the resolution to citizens and members of the Board.

RESOLUTION**CHAIRMAN'S AWARD 2000**

WHEREAS, for twenty-four years, John E. McDonald has provided outstanding, innovative, and dependable leadership to the financial management of James City County; and

WHEREAS, John E. McDonald strived to ensure the financial health of James City County through excellence in budgeting and accounting, demonstrated in the receipt of 19 consecutive Certificates of Achievement for Excellence in Financial Reporting from the Municipal Finance Officer Association; and

WHEREAS, in 2000, under his leadership, the County entered "Y2K" without problem, County real estate records were placed in an internet accessible regional database, updated Statement of Fiscal Goals were adopted by the Board of Supervisors, and the County received a financial audit without material weaknesses for Fiscal Year 2000; and

WHEREAS, John's financial expertise is reflected in his involvement in numerous regional and public/private initiatives such as Chairman of the Middle Peninsula Juvenile Detention Commission and Williamsburg Indoor Soccer.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding public service of

JOHN E. MCDONALD

and presents him with the 2000 Chairman's Award in appreciation of his continuous contribution to excellence in James City County.

Mr. Nervitt presented a 2000 Chairman's Award to Ms. Ronnie Nowak, Administrator of Communications and Neighborhood Connections, who accepted the award on behalf of Ms. Renee Dallman. Ms. Dallman received the award for her efforts in promoting a healthy community and successfully developing the Block Buddies program. Mr. Nervitt read the resolution to the citizens and members of the Board.

RESOLUTION**CHAIRMAN'S AWARD 2000**

WHEREAS, Renee Dallman showed outstanding innovation in developing and implementing the Block Buddies, Neighborhood Health Promoter Program, which has served citizens through neighborhood-based health screenings and as a result, has been responsible for a reduction in risk factors for preventable illness and disease; and

WHEREAS, in 2000, an additional 19 residents from nine neighborhoods completed 15 weeks of training and have become health ambassadors to their communities. Graduates of the program continue their education and service, thus forming an ever-increasing network of Block Buddies Alumni who are taking a leadership role in promoting health in the community; and

WHEREAS, Renee, recognizing the need for additional funds to support the Block Buddies initiative, secured a \$3,719 United Way Venture Grant and a second Williamsburg Community Health Foundation Grant in the amount of \$30,000 to expand Block Buddies; and

WHEREAS, Renee has been creative in building successful partnerships through a cadre of professionals who provide the training, the Williamsburg Community Hospital, and the establishment of a Medical Advisory Board.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding public service of

RENEE DALLMAN

and present her with the 2000 Chairman's Award as a token of our appreciation.

2. Resolution of Appreciation – Rose G. Gross

Mr. McGlennon presented Rose G. Gross with a resolution of appreciation for her 21 years of service to the citizens of the County as the General Registrar. Mr. McGlennon read the resolution to the citizens and members of the Board.

3. Resolution of Appreciation – Peter Dreisbach

Mr. McGlennon and Mr. Harrison recognized Mr. Dreisbach for his achievements and recognition as one of twelve National Finalists for the Wendy's High School Heisman Award Program. Mr. McGlennon read the resolution aloud to citizens and members of the Board.

E. CONSENT CALENDAR

Mr. McGlennon asked if a member wished to pull an item from the consent calendar.

Mr. Goodson requested Item Number 6, Bikeway Agreement Between James City County and the National Park Service, be pulled.

Mr. Harrison made a motion to approve the remaining items on the consent calendar.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

1. Minutes, November 29, 2000, Work Session

2. Resolution of Appreciation – Rose G. Gross**RESOLUTION OF APPRECIATION****ROSE G. GROSS**

WHEREAS, Rose G. Gross has served the citizens of James City County in the General Registrar's Office since June 1979; and

WHEREAS, Rose G. Gross, through hard work, rose from part-time Assistant General Registrar, to Chief Assistant Registrar, to General Registrar in 1998; and

WHEREAS, during her 21 years of service she assisted in identifying and implementing new and innovative ways to make voter registration easier for the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its sincere appreciation and every good wish for continued success to

ROSE G. GROSS

BE IT FURTHER RESOLVED that this resolution be spread upon the January 9, 2001, minutes of this Board and a suitable copy be presented to Rose G. Gross.

3. Resolution of Appreciation Peter Dreisbach**RESOLUTION OF APPRECIATION****PETER DREISBACH**

WHEREAS, Peter Dreisbach, James City County resident and Jamestown High School student, was named one of 12 National Finalists, surpassing more than 12,000 students nationwide, for the Wendy's High School Heisman Award; and

WHEREAS, each year, Wendy's International, the National Association of Secondary School Principals, and the Downtown Athletic Club of New York join forces to recognize the top male and female scholars, citizens, and athletes among high school seniors chosen from nominations submitted by 23,000 high schools across the nation; and

WHEREAS, Peter Dreisbach is a member of the National Honor Society, National Junior Honor Society, participates in track, basketball, and football, while maintaining a Grade Point Average of 4.3/4.0; and

WHEREAS, Peter also contributes to this community through participation in the Jamestown High School Ecology Club and the Boy Scouts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby thank and honor Peter Dreisbach for his outstanding dedication to academic achievement, athletic accomplishments, and commitment to the community.

4. Virginia Recreational Trails Fund Grant Award

RESOLUTION

VIRGINIA RECREATIONAL TRAILS FUND GRANT AWARD

WHEREAS, the Virginia Department of Conservation and Recreation, in cooperation with the Federal Highway Administration, has made matching funds available for the development of trails; and

WHEREAS, funds are needed to construct a new 3,400-linear foot multiuse trail at Mid County Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$65,500 grant awarded by the Department of Conservation and Recreation in cooperation with the Federal Highway Administration to help with trail construction at Mid County Park.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

REVENUES:

From the Commonwealth \$65,500

EXPENDITURES:

Greenways and Trails(0130220800) \$65,500

5. Relocation and Restoration of the Norge Depot Grant Application

RESOLUTION

NORGE DEPOT RELOCATION AND RESTORATION GRANT APPLICATION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board to establish a project for the improvement of the relocation and restoration of the Norge Depot.

BE IT FURTHER RESOLVED that the James City County Historical Commission hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that if the James City County Historical Commission subsequently elects

to cancel this project, the James City County Historical Commission hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

7. Purchasing Policy

RESOLUTION

PURCHASING POLICY

WHEREAS, the Board of Supervisors is dedicated to providing taxpayers with maximum value for their dollars; securing high quality goods and services at reasonable cost; guaranteeing that all purchasing actions be conducted in a fair and impartial manner with no impropriety or appearance thereof; ensuring that transactions are competitive, efficient, and economical; and allowing all qualified vendors to have access to County business without arbitrary or capricious exclusion; and

WHEREAS, Code of Virginia §§ 11-35 through 11-80 known as the Virginia Public Procurement Act (VPPA), contains the public policies pertaining to governmental procurement from nongovernmental sources; and

WHEREAS, Code of Virginia § 15.2-1236 requires all purchases of and contracts for supplies, materials, equipment, and contractual services to be in accordance with Chapter 7, Title 11, of the Code of Virginia; and

WHEREAS, Code of Virginia § 11-35 allows implementation of the Virginia Public Procurement Act by ordinances, resolutions, or regulations consistent with the Act by a public body empowered by law to undertake the activities described by the Act.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Purchasing Policy dated January 9, 2001, attached hereto and made part of this resolution. The Policy shall take effect immediately upon passage.

8. Colonial Soil and Water Conservation District Grant

RESOLUTION

COLONIAL SOIL AND WATER CONSERVATION DISTRICT GRANT

WHEREAS, the Colonial Soil and Water Conservation District has made funds available for the development of educational trails material.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$2,100 grant awarded by the Colonial Soil and Water Conservation District to help with the cost of the kiosk at the Greensprings Trail.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

REVENUES:

From the Colonial Soil and Water Conservation District \$2,100

EXPENDITURES:

Greenways and Trails(0130220800) \$2,100

6. Bikeway Agreement Between James City County and the National Park Service

Mr. Goodson inquired if emergency vehicles would be able to access the path.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the path would not be able to handle emergency vehicles under this Agreement, however the request to have access for emergency vehicles is being discussed with the National Park Service.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

RESOLUTION

AUTHORIZING EXECUTION OF BIKEWAY AGREEMENT

BETWEEN JAMES CITY COUNTY AND THE NATIONAL PARK SERVICE

WHEREAS, both the 1998 Regional Bikeway Plan and the 1999 Sidewalk and Trail Plan recommend bikeway connections to the Colonial Parkway at Treasure Island Road and Neck-O-Land Road; and

WHEREAS, there currently exists well-worn dirt connections at both locations; and

WHEREAS, Federal and State funding will pay for the construction of both connections without County funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute an agreement with the National Park Service facilitating bikeway construction and maintenance on Colonial Park right-of-way.

F. PUBLIC HEARINGS

1. Pre-Budget Public Hearing – FY 2002 Budget

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, briefly outlined the upcoming budget schedule and invited public comment on the budget for citizen guidance in preparation of the budget.

Ms. Swindell invited citizens to visit the County web site for budget information, send budget comments by e-mail, and to attend budget work sessions in April. The County will host a call-in show at the end of March concerning the Budget, during which citizens are welcome to provide additional comments and feedback.

Mr. McGlennon opened the public hearing.

1. Ms. Julie Leverenz, President, Historic Route 5 Association, 3313 Running Cedar Way, requested the County fully fund the greenspace fund and the underground utility fund.

2. Mr. Ed Oyer, 139 Indian Circle, stated the Governor has ordered a 10 percent reduction in agency budgets in the Commonwealth for this year; that the car tax and food tax reduction plan may not survive; requested the County’s first priority after meeting needs be tax relief for low-income earners; requested that the County propose legislation to the General Assembly that would give residents in a home ten years or longer get a tax break; expressed concern about 33 taxes in the Code of Virginia; the consumer tax on the Dominion Virginia Power bills; and expressed interest in citizen’s taxes being reduced as new businesses come into the County.

As no one else wished to speak, Mr. McGlennon closed the public hearing.

2. TEA –21 Project Request, Jamestown Road Pedestrian Bridge Grant Application

Mr. Ned Cheely, Director of Parks and Recreation, stated that the Division of Parks and Recreation, in cooperation with the James City Service Authority (JCSA), requested to apply for a Transportation Enhancement Act for the 21st Century (TEA-21) project to construct a separate pedestrian bridge adjacent to Jamestown Road over Lake Powell utilizing the JCSA owned pipe-bridge.

The Board and staff discussed alternative projects and funding if the application is turned down, and restricting fishing off the bridge.

Mr. McGlennon opened the public hearing.

1. Mr. Olan Parr, Neighborhood Association of Lakewood, stated concern that the project may impact the entrance to Lakewood.

Mr. Wanner stated that the project will not interfere with access to the Lakewood subdivision.

Mr. Larry Foster, General Manager of the James City Service Authority, stated that if the application is approved, the Neighborhood Association of Lakewood would be invited to provide input and feedback in the designs.

Mr. McGlennon closed the public hearing.

Mr. Nervitt made a motion to approve the resolution.

The Board and staff held a brief discussion concerning the application process.

(0). On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY:

RESOLUTION

TEA-21 PROJECT REQUEST, JAMESTOWN ROAD PEDESTRIAN BRIDGE

GRANT APPLICATION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation may fund a transportation enhancement project in James City County; and

WHEREAS, funds are needed to assist with the construction of a separate pedestrian bridge adjacent to Jamestown Road over Lake Powell.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board to establish a project for the improvement of pedestrian facilities along Jamestown Road at Lake Powell.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, subject to James City Service Authority reimbursement, and that if James City County subsequently elects to cancel this project James City County hereby agrees to reimburse the Virginia Department of Transportation for the total costs expended by the Department through the date the Department is notified of such cancellation.

3. Case No. SUP-24-00. JCSA-Rochambeau Drive Water Main

Mr. Ben Thompson, Planner, stated that Mr. Keith Letchworth, on behalf of the James City Service Authority, applied for a special use permit to install approximately 1,750 linear feet of 12-inch water line along Rochambeau Drive between 3707 Rochambeau Drive and the entrance to the Wellington Subdivision, zoned R-1, Limited Residential; A-1, General Agriculture; B-1, General Business, and further identified as VDOT right-of-way on James City County Real Estate Tax Map No. (13-1).

Mr. Thompson stated that staff finds this proposal to be consistent with the Comprehensive Plan and recommends approval of the application with attached conditions.

The Planning Commission unanimously recommended approval of this application with conditions.

The Board and staff briefly discussed the project's connection to Stonehouse and the benefit of improved overall pressure and water flow.

Mr. McGlennon opened the public hearing.

1. Mr. Foster stated the James City Service Authority supports the application.
2. Mr. Ed Oyer, 139 Indian Circle, inquired about the connection of a 12-inch line to an 8-inch line.

Mr. Chris Dawson, Chief Engineer, stated that the intent is to replace the eight-inch water line with 8-inch line to the Stonehouse Elementary School.

Mr. McGlennon closed the public hearing.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

RESOLUTION

CASE NO. SUP-24-00. JCSA - ROCHAMBEAU DRIVE WATER MAIN

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, Mr. Keith Letchworth has applied on behalf of James City County Service Authority for a special use permit to allow a water main; and

WHEREAS, the property is located on land zoned R-1, Limited Residential District, A-1, General Agriculture District, and B-1, General Business District, and can be further identified as Virginia Department of Transportation right-of-way on James City County Real Estate Tax Map No. (13-1); and

WHEREAS, the Planning Commission, following its public hearing on December 4, voted 5-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-23-00 as described herein with the following conditions:

1. Construction, operation, and maintenance of the water transmission main shall comply with all local, State, and Federal requirements.
2. The project shall comply with all State erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.

4. If construction has not commenced on the project within twenty-four months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the water main.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not created adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
6. The applicant shall avoid removing trees, bushes and shrubs along the water main corridor. Trees, bushes, and shrubs damaged during construction that are not designated on the site plan to be removed shall be replaced with a tree, bush, or shrub an equal or other type as approved by the Planning Director.

4. TEA-21 Project Request, Jamestown-Yorktown Foundation Pathways of Discovery Grant Application

Mr. O. Marvin Sowers, Jr., Director of Planning, and Ms. Ruth Haas, Jamestown-Yorktown Foundation, stated that the Jamestown-Yorktown Foundation is applying for a Transportation Enhancement Program Grant and has requested that the Board conduct a public hearing on the application and adopt a resolution supporting the application.

The Jamestown-Yorktown Foundation will provide the financial match for the grant that would allow the "Pathways to Discovery" project to construct new pedestrian pathways at the Jamestown Settlement that will increase accessibility to outdoor exhibit areas.

The Board, staff, and Ms. Hass held a discussion concerning the growth in the number of visitors to the center, and layout of the pathway.

Mr. McGlenon opened the public hearing and, as no one wished to speak, closed the public hearing.

Mr. Goodson made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlenon (5). NAY: (0).

RESOLUTION

TEA-21 PROJECT REQUEST, JAMESTOWN-YORKTOWN FOUNDATION

PATHWAYS OF DISCOVERY GRANT APPLICATION

WHEREAS, the Jamestown-Yorktown Foundation intends to file an application with the Virginia Department of Transportation for an Enhancement Grant to construct a pedestrian pathway project known as "Pathways of Discovery" at the Jamestown Settlement; and

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government in order for the Virginia Department of Transportation to program an Enhancement Grant project in the County of James City; and

WHEREAS, the Jamestown-Yorktown Foundation hereby agrees to pay 20 percent of the total cost for planning and design, right-of-way, and construction of this project contingent upon entering into an acceptable reimbursement agreement with the Virginia Department of Transportation, and that, if the Jamestown-Yorktown Foundation subsequently elects to cancel this project, Jamestown-Yorktown Foundation hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board establish a project for the improvement of pedestrian pathways at Jamestown Settlement, as described in the "Pathways of Discovery" application submitted by the Jamestown-Yorktown Foundation.

Mr. McGlennon recessed the Board at 7:56 p.m.

Mr. McGlennon reconvened the Board at 8:47 p.m.

G. PUBLIC COMMENT

1. Mr. Richard Costello, Water Conservation Committee, clarified that golf courses utilize ponds, rivers, or lakes for irrigation; that hoses used to water flower beds and shrubs would not be regulated by the proposed watering restrictions; and that the Water Conservation Committee plans to move forward with water conservation educational programs.

2. Ms. Emily Martin, 4947 Burnley Drive, stated that the citizens of the County get mixed information concerning water conservation efforts since the Board continues to authorize construction of new homes and developments.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that following the Board Requests and Directives, the Board recess for a James City Service Authority meeting following which the Board would reconvene into closed session pursuant to Section 2.1-344 (A)(1) of the Code of Virginia to consider appointments of individuals to County Boards and/or Commissions. Following the closed session, the Board would adjourn until January 23.

Mr. Wanner requested the Board appoint members to the High Growth Coalition and the Superintendent's Focus Group for Secondary Education Programming.

The Board agreed to have Mr. Goodson and Mr. McGlennon serve on the High Growth Coalition and Mr. Kennedy serve on the Superintendent's Focus Group for Secondary Education Programming.

I. BOARD REQUESTS AND DIRECTIVES – None

Mr. McGlennon recessed the Board at 8:57 p.m.

J. CLOSED SESSION

Mr. McGlennon reconvened the Board at 9:07 p.m.

Mr. McGlennon made a motion to go into closed session pursuant to Section 2.1-344 (A)(1) of the Code of Virginia as recommended by the County Administrator.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

At 9:13 p.m. Mr. McGlennon reconvened the Board onto open session.

Mr. Nervitt made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

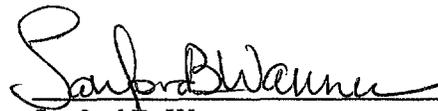
Mr. Harrison made a motion to appoint Mr. Joe McCleary to a four-year term on the Planning Commission, term to expire on January 31, 2005.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

Mr. Harrison made a motion to appoint Mr. A. Joe Poole, III, to an at-large seat on the Planning Commission, to serve for a four-year term, term to expire on January 31, 2005.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Goodson, McGlennon (4). NAY: Nervitt (1).

Mr. Kennedy made a motion to adjourn at 9:26 p.m.


Sanford B. Wanner
Clerk to the Board

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CHAPTER 1 - GENERAL PROVISIONS

Section 1 - Title

This document shall be known as the James City County Purchasing Policy.

Section 2 - Organization

The James City County Purchasing Office is part of the Department of Financial and Management Services. It operates under the supervision of the Assistant Manager of the Department of Financial and Management Services. The Purchasing Director supervises all Purchasing Office operations.

Section 3 - Responsibility

The Purchasing Office, through the Purchasing Director, is responsible for managing all County procurement activity and implementing this Purchasing Policy. The Office shall utilize modern purchasing and supply management techniques and ensure all procurement activity complies with applicable laws and generally accepted professional standards. The Purchasing Director provides methods to handle delegated purchasing authority.

Section 4 - Duties

The Purchasing Director shall prepare and maintain a Purchasing Manual containing detailed rules and regulations consistent with this Policy and the laws of the Commonwealth of Virginia governing the operations of County purchasing. The Purchasing Director shall propose amendments to the James City County Purchasing Manual for approval by the Assistant Manager of the Department of Financial and Management Services.

The Purchasing Director shall coordinate purchasing procedures among departments by becoming acquainted with the needs of each, assisting in the preparation of specifications, locating the sources of needed products or services and providing follow-up after delivery. Purchasing shall review the quality, quantity, and kind of goods and services requested and recommend alternatives, if appropriate.

The Purchasing Director shall act as the County's representative on matters pertaining to purchasing as defined within this Policy and the James City County Purchasing Manual.

The Purchasing Director shall ensure procurement actions are properly documented and maintain all related records.

The Purchasing Director shall pursue the implementation of a fully automated and integrated purchasing system including use of electronic media for vendor communications, solicitation, distribution, and e-commerce activities.

Section 5 - Cooperative Procurement

The County may participate in, sponsor, conduct, or administer a cooperative procurement agreement 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. Nothing herein shall prohibit the assessment or payment by direct or indirect means of any administrative fee that shall allow for participation in any such arrangement.

Section 6 - Definitions

Best Value means the overall combination of quality, price, and various elements of required goods and services that in total are optimal relative to the County's needs. Purchasing shall use best value bid evaluation when procuring certain goods and nonprofessional services when it is in the best interests of the County to allow factors other than price to be considered in making an award. The factors to be used in making the award and the numerical weighting for each factor are predetermined in a solicitation. Best value bid evaluation factors may include any of the following:

- Quality of the good or service;
- Operational costs incurred by the County if the bid is accepted;
- Life-cycle costing;
- Reliability of delivery and implementation schedules;
- Maximum facilitation of data exchange and systems integration; Warranties, guarantees, and return policy;
- Vendor financial stability;
- Consistency of proposed solution with County's planning documents and strategic direction; Quality and effectiveness of the business solution and approach;
- Industry and program experience;
- Prior record of vendor performance;
- Vendor expertise with projects of similar scope and complexity;
- Consideration of potential product acceptance by all user groups;
- Proven development methodologies and tools; and
- Innovative use of current technologies and quality results.

Competitive Sealed Bidding is a formal method of selecting the lowest responsive and responsible bidder. It includes the issuance of a written Invitation for Bid (IFB), public notice, a public bid opening, and evaluation based on the requirements set forth in the IFB. The Purchasing Director may elect for prequalification of bidders or include a statement of any requisite qualifications of potential contractors in the IFB. Multiple awards may be made when so specified in the IFB. An IFB may be issued to vendors electronically. Bids may be submitted electronically if specifically authorized in the IFB.

Competitive Negotiation is a formal method of selecting the top rated offeror. It includes the issuance of a Request for Proposals (RFP), public notice, evaluation based on the criteria set forth in the RFP and allows negotiation with the top rated offeror. Any unique

capabilities or qualifications required of the contractor shall be set forth in the RFP. An RFP may be issued to vendors electronically. Offers may be submitted electronically if specifically authorized in the RFP.

Construction shall mean building, altering, repairing, improving, or demolishing any structure, building, road, drainage or sanitary facility, and any draining, dredging, excavation, grading, or similar work upon real property.

Emergency shall be deemed to exist when a breakdown in machinery and/or a threatened termination of essential services or a dangerous condition develops, or when any unforeseen circumstances arise causing curtailment or diminution of essential services.

Firm shall mean any individual, partnership, corporation, association, or other legal entity permitted by law to practice in the Commonwealth of Virginia; or any other individual, firm partnership, corporation, association, or other legal entity qualified to perform professional services.

Goods shall mean all material, equipment, supplies, printing, and automated data processing hardware and software.

Informality shall mean a minor defect or variation of a bid or proposal from the exact requirements of the IFB or RFP which does not affect the price, quality, quantity, or delivery schedule for the goods, services, or construction being procured.

Nonprofessional services shall mean any service not specifically identified below as a professional or consultant service.

Procurement transaction shall mean all functions that pertain to the obtaining of any goods, services, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration.

Professional or consultant services shall mean work performed by an independent contractor within the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy, or professional engineering. Professional services shall be procured by competitive negotiation.

Public body shall mean any legislative, executive, or judicial body, agency, office, department, authority, post, commission, committee, institution, board, or political subdivision created by law to exercise some sovereign power or to perform some governmental duty and empowered by law to undertake the activities described in this policy.

Public contract shall mean an agreement between a public body and a nongovernmental source that is enforceable in a court of law.

Public or County employee shall mean any person employed by the County, including elected officials or appointed members of governing bodies.

Responsible bidder shall mean an individual, company, firm, corporation, partnership, or other organization who has the capability in all respects to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance and who has been prequalified if required.

Responsive bidder shall mean shall mean an individual, company, firm, corporation, partnership, or other organization who has submitted a bid which conforms in all material respects to the Invitation for Bids.

Services shall mean any work performed by an independent contractor wherein the services rendered does not consist primarily of acquisition of equipment or materials or the rental of equipment, materials, and supplies.

Surplus property shall mean any property that exceeds the requirements of the entire County.

Targeted business shall mean businesses that are small, locally-owned, locally-operated, or owned by a woman or minority.

Value Engineering shall mean review of a project's architectural and engineering drawings and specifications by an independent team of engineers and/or architects. The independent team makes recommendations that focus on achieving like-performance at reduced costs. Value engineering must be applied as early in the design cycle as feasible to achieve maximum benefits. For large construction projects, value engineering studies are performed during the schematic stage and then at approximately the 30-40 percent design stage.

CHAPTER 2 - PURCHASING POLICIES

Section 1 - Compliance

All James City County procurement transactions shall comply with the Code of Virginia, the James City County Purchasing Policy, and the James City County Purchasing Manual. Fiscal partners of the County, organizations that utilize the County as their fiscal agent, and County Departments/Constitutional Officers exempt from regular purchasing requirements through special provisions of the Virginia Public Procurement Act, Section 11-45 and/or other sections of the Code of Virginia will be subject to this compliance policy if the procurement is handled through the James City County Purchasing Office. The James City County Purchasing Office encourages the adoption of this Policy by the governing bodies/individuals of the aforementioned entities.

Section 2 - Purchasing Methods

Use of Competitive Sealed Bidding or Competitive Negotiation

Unless otherwise authorized by law or provided for in this Policy or the James City County Purchasing Manual, all County contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchases of services, insurance or construction shall be awarded after competitive sealed bidding or competitive negotiation.

Competitive Sealed Bidding and Competitive Negotiation

Whenever the County seeks to procure a good or service estimated to cost more than \$30,000, an Invitation to Bid or a Request for Proposals shall be issued. Best value concepts may not be considered when procuring construction or professional services. Purchases shall not be split to avoid the \$30,000 limit. An Invitation to Bid shall either be advertised in a newspaper of general circulation or posted in a designated public area at least ten days prior to the date bids are due. A Request for Proposals shall be advertised once in a newspaper of general circulation in James City County at least ten days prior to the date proposals are due. Responses to Formal Sealed Bids and Proposals are secured unopened until the date and time specified in the advertisement.

The Purchasing Director shall have the authority to waive informalities in bids/proposals, reject all bids/proposals, parts of all bids/proposals, or all bids/proposals for any one or more good or service included in a solicitation when in the Director's judgment the public interest may thereby be served. The Purchasing Director shall determine the responsibility and responsiveness of a bid.

Sole Source

Sole source procurement is authorized when there is only one source practicably available for the required goods or services. Competition is not available in a sole source situation;

thus distinguishing it from a situation where the product required is restricted to the manufacturer(s) stipulated, but is sold through distributors and competition between them can be obtained. Sole source justification based solely on a single vendor's capability to deliver in the least amount of time is not appropriate since availability alone is not a valid basis for determining a sole source procurement. All sole source procurements require Purchasing Director approval.

Emergency

In case of an emergency, as defined herein, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practical under the circumstances. The Purchasing Director shall approve all emergency purchases. If an emergency occurs at a time other than regular County business hours, the Department Manager may purchase the required goods or services in an amount not to exceed \$50,000. Emergency procurements over \$50,000 shall be approved by the County Administrator or designee. The Department Manager shall, not later than the next business day, submit a requisition, tabulation of bids received (if any), delivery record, and a brief explanation of the emergency.

Small Purchases

Any procurement not expected to exceed \$30,000 in expenditure of public funds, from any source, may be made in accordance with the following small purchase limits as approved by the James City County Board of Supervisors on August 8, 2000. Procurements up to \$1,000 may be made upon receipt of one written or verbal quote.

3 Phone Quotes Required	\$1,001-\$5,000
3 Written Quotes Required	\$5,001-\$30,000

Award shall be made to the lowest responsive and responsible vendor that supplies a quote. If quotes are not obtained, a statement of the reasons why the quotations were not possible shall be recorded by the Purchasing Director. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this policy. Similar items or services may be combined for formal competition at the Purchasing Director's discretion.

Purchasing Card

Selected County personnel may be issued Purchasing Cards to use for small purchases and emergency procurements. The competition requirements for small and emergency purchases shall apply. All Purchasing Card transactions shall conform to the James City County Purchasing Card Policy and Procedures. The Purchasing Card Policy and Procedures are part of the James City County Purchasing Manual.

Section 3 - Prequalification

Prospective contractors may be prequalified for particular types of goods, services, insurance or construction and consideration of bids or proposals limited to prequalified contractors.

Any prequalification procedures shall be established in writing and sufficiently in advance of their implementation to allow potential contractors a fair opportunity to complete the process.

The Purchasing Director may deny prequalification to any contractor only upon finding one of the following:

- a) The contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the contractor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the County shall be sufficient to establish the financial ability of such contractor to perform the contract resulting from such procurement.
- b) The contractor does not have appropriate experience to perform the construction project in question.
- c) The contractor has had judgments entered against him for the breach of contracts for construction.
- d) The contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with the County without good cause. If the County has not contracted with a contractor in any prior construction contracts, the County may deny prequalification if the contractor has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause. In all instances, any such substantial noncompliance shall be documented.
- e) The contractor has been convicted within the past five years of a felony involving moral turpitude regarding any procurement or performance of a construction contract.
- f) The contractor failed to provide to the County in a timely manner any information requested by the County relevant to items a) through e) of this section.

Section 4 - Value Engineering

All projects with an estimated cost exceeding \$1 million shall have an independent Value Engineering review unless it is waived, in writing, by the County Administrator. This requirement also includes projects overseen by another governing body but using County funds.

Section 5 - Contract Approval Authority

The Purchasing Director shall award contracts if the amount is \$50,000 or less. Awards over \$50,000 and up to \$100,000 shall be authorized by the County Administrator. The Board of Supervisors shall authorize the award of all contracts over \$100,000.

Section 6 - Authority to Amend or Terminate a Contract

Any James City County contract that includes provisions for modification of the contract during performance may be amended by the Purchasing Director. Any single or cumulative increase to a fixed price contract that would result in a new contract amount over \$50,000 requires written approval of the County Administrator. Any single or cumulative increase to a fixed-price contract greater than twenty-five percent of the original contract or \$50,000, whichever is greater, requires written approval of the Board of Supervisors.

The Purchasing Director may terminate any contract for convenience, cause, or non-appropriation of funds in accordance with the contract terms and conditions after consultation with the Office of the County Attorney.

Section 7 - Preferences and Tie Bids

In accordance with the Code of Virginia, James City County does not grant preferences or set-asides except in the case of tie bids. If all bids are for the same total amount or unit price (including authorized discounts and delivery times) and if the public interest will not permit the delay of readvertisement for bids, the Purchasing Director shall be authorized to award the contract to the resident James City County tie bidder whose firm has its principal place of business in the County, or if there be none, to the resident Virginia tie bidder, or if there be none, to one of the tie bidders by drawing lots.

Section 8 - Vendor Outreach

The Purchasing Office is the County's main contact point with vendors. As such, the Office will pursue outreach activities that may include developing specialized publications, attending/hosting trade fairs, and encouraging vendor visits with Office staff.

Section 9 - Antidiscrimination

James City County conforms, as applicable, to the provisions of the Federal Civil Rights Act of 1964, as amended; the Virginia Fair Employment Contracting Act of 1975, as amended; the Virginians With Disabilities Act; the Americans With Disabilities Act and Sections 11-44 and 11-51 of the Virginia Public Procurement Act. All bidders/offerors who submit bids/proposals to the County are required to certify they conform to these same antidiscrimination requirements.

Section 10 - Assistance To Targeted Businesses

The County shall undertake every reasonable effort to increase the opportunity for participation in the procurement process by targeted businesses. To this end, the Purchasing Office shall:

1. Make targeted businesses aware of the County's procurement policies. Any targeted business seeking assistance in understanding or completing any bids or proposals should seek the assistance of the Purchasing Department.

The Purchasing Director may **suspend** a person or company from consideration for award or contracts for a period up to three months upon a finding of probable cause that might lead to debarment.

Section 12 - Excess and Surplus Property

The Purchasing Director shall be responsible for:

1. Redistribution of serviceable excess personal property.
2. Disposal of surplus County personal property through sealed bid, auction, trade-in, or fixed price sale. Some personal property may also be disposed of by junking, sale as scrap metal, or cannibalization. Sale of surplus personal property shall be based wherever feasible on competitive bids. If the amount of the sale is estimated to exceed \$5,000 for a single item, sealed bids shall, unless the Board of Supervisors shall provide otherwise, be solicited by public notice inserted at least once in a newspaper of countywide circulation and at least five calendar days before the final date of submitting bids.
3. Disposal of unclaimed property in the hands of the Police Department in accordance with the Code of Virginia Sections 15.1-133 and 15.1-133.01.

Surplus County property may be donated to charitable and other non-County activities where appropriate. The Purchasing Director shall evaluate the request for donation and determine the requested item is not needed by any County agency. Other factors to be considered in the evaluation are availability of the requested item, serviceability, compatibility to the intended use and potential benefits to the County. Public relations and goodwill are valid benefits.

Section 13 - Public Purchasing Ethics

All James City County procurement is subject to and will be conducted in accordance with Article 4, Sections 11-72 through 11-80 of the Virginia Public Procurement Act entitled "Ethics in Public Contracting," the State and Local Conflict of Interests Act, and the Governmental Frauds Act.