**CODE OF PROCUREMENT REGULATIONS**

**LOUISA COUNTY WATER AUTHORITY**

ARTICLE I—IN GENERAL.

**Sec. 1-1.** **Short Title.**

 These regulations may be referred to as a “Louisa County Water Authority Procurement Regulations” or hereinafter as the “Regulations.”

**Sec. 1-2. Relationship to State Code.**

 Except as stated herein, the provisions of the Virginia Public Procurement Act, Va. Code §§ 2.2-4300 *et seq.*, control all procurement by the Louisa County Water Authority.

**Sec. 1-3. Definitions.**

1. All words used herein should be understood to have their usual or ordinary signification or meaning, except when they are defined by Va. Code § 2.2-4301, Virginia common law, or other provisions of law.
2. The following words are specifically defined for the purposes these Regulations:

*Authority* means the Louisa County Water Authority.

*Emergency* means uncontrollable or unforeseeable circumstances during a time when normal purchasing procedures are not available or when circumstances are such that delay in procurement may vitally affect the life, health, or safety of any person or persons.

*Purchasing agent* means the person designated by resolution of the Board of Directors of the Authority as the principal public purchasing official for the Authority, with final responsibility for all purchases made by the Authority. The purchasing agent is responsible for the following:

1. Purchasing or supervising the purchase of all goods, services, insurance, construction, and professional services needed by the Authority;
2. Selling, trading, or otherwise disposing of surplus goods belonging to the Authority;
3. Establishing and maintaining programs for specifications development, contract administration, inspection, and acceptance of goods, services, insurance, construction, and professional services;
4. Maintaining a current file of sources of goods, services, insurance, construction, and professional services, to be known as a bidder list, on which vendors may request to be included;
5. Not issuing any order for delivery on a purchase, except in an emergency, until the director of finance or his or her designee, or the general manager if the director of finance is the purchasing agent, has certified that there is to the credit of the using department concerning a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order; and
6. Performing such other functions and duties as the Board of Directors or general manager may assign.

*Small purchase of goods or services* means purchases of goods, services, or construction where the aggregate or sum of all phases is not expected to exceed $30,000 and the total amount of the expenditure has already been authorized by the Board of Directors through their approval of the current operating year’s budget .

*Small purchase of professional services* means a contract for professional services where the aggregate or sum of all phases is no expected to exceed $30,000 and the total amount of the expenditure has already been authorized by the Board of Directors through their approval of the current operating year’s budget.

**Sec. 1-4. Emergency procurement.**

1. The purchasing agent, or if the purchasing agent is unable to act the general manager, may find and declare that an emergency necessitates an emergency purchase. Such finding will be made in writing and communicated to the Board of Directors at its next regular meeting. Such written finding will include that which is being procured, the contractor selected, and the date on which the contract was or will be awarded.
2. Upon the finding required under subsection A of this section, a contract may be awarded without competitive sealed bidding or competitive negotiation. However, such procurement must be made with such competition as is practicable under the circumstances.

**Sec. 1-5. Penalty for violation.**

Any person convicted of a willful violation of any provision of this article is guilty of a class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, forfeits his or her employment.

ARTICLE II—SMALL PURCHASING PROCEDURE.

**Sec. 2-1. Exemptions from Article.**

The following items and services are exempted from the small purchases provisions of this Article and need not be procured competitively:

1. Dues, subscriptions and memberships.
2. Travel and training expenses.
3. Utility charges and services.
4. Books, magazines and periodicals.
5. Personnel services (anyone to whom a salary or fee is paid).
6. Postage or other mailing fees.
7. Minor purchases of petroleum products.

**Sec. 2-2. Compliance with procedures; contracts not to be artificially divided so as to constitute small purchase.**

 Any small purchase of goods or services or small purchase of professional services may be made in accordance with this Article; provided, however, that contract requirements may not be artificially divided so as to constitute a small purchase under this Article.

**Sec. 2-3. Purchases not exceeding 5,000 dollars.**

1. This section applies to purchases not exceeding $5,000.
2. A using department or agency may make purchases not exceeding $5,000. The purchasing officer may delegate to the using department or agency the authority to make purchases from vendors of choice so long as the purchase price does not exceed $5,000. Contract requirements may not be artificially divided so as to come within the provisions of this section.

**Sec. 2-4. Purchases of 5,000 dollars to 15,000 dollars.**

1. The using department or agency may make purchases not exceeding $15,000 in value. The purchasing officer may delegate to the using department or agency the authority to make purchases from vendors not exceeding $15,000 in value by following the procedures in this section. The purchasing officer may administratively make purchases not to exceed $15,000 by following the procedures in this section.
2. At least three telephone quotes must be obtained, whenever possible, for any purchase under this section. A telephone quote form provided by the purchasing agent must be completed listing: date, item, description, quantity, name of company, individual giving quote, pricing, term, and delivery schedule. The total of all items purchased from this requisition may not exceed $15,000. If a third quote cannot be obtained after a diligent effort to do so or because of the necessity to use a sole source supplier, that fact shall be documented in the record of the purchase.

**Sec. 2-5. Purchases of 15,000 dollars to 30,000 dollars.**

1. The purchasing agent may administratively make purchases not to exceed $30,000 by following the procedures set out in this section.
2. At least three written quotes must be obtained, whenever possible, for any purchase under this section. A written quote will be obtained from at least three vendors with a specified reply date and time. If a third quote cannot be obtained after a diligent effort to do so or because of the necessity to use a sole source supplier, that fact shall be documented in the record of the purchase.
3. The use of written quotes requires adequate time for preparation, mailing, receipt and award, generally two or three weeks from receipt of the requisition. All quotations received after the reply date and time are nonresponsive and cannot be considered.

**Sec. 2-6. Confidentiality.**

Until an award is made under this Article, the names of bidders, whether by phone, letter or sealed bid, are confidential, as are the prices quoted. Once an award is made, the information is open to public inspection in accordance with the Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 *et seq*.