

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

November 16, 2010

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 1:00 p.m., Tuesday, November 16, 2010, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Susan B. Stimpson; and Robert “Bob” Woodson. Cord A. Sterling was absent.

Also in attendance were: Anthony Romanello, County Administrator; Charles Shumate, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff and interested parties.

Presentation of a Proclamation to Recognize and Commend Joseph L. Howard, Esq., upon his Retirement from Stafford County Mr. Dudenhefer presented the proclamation to Mr. Howard. Mr. Howard thanked the Board and said that he enjoyed his tenure as Stafford County Attorney.

Legislative; Presentations by the Public

Kristen Maxson	-	Dog attack / bite report
Dana Brown	-	Thanks for a responsive Utilities Dept.

Legislative; Presentations and Committee Reports by Board Members Board members spoke on topics as identified:

- | | | |
|----------------|---|--|
| Ms. Stimpson | - | Met with Legislators re. UDAs w/ Mr. Sterling |
| Mr. Woodson | - | Passed out flyers at the polls on Election Day regarding proposed UDAs |
| Mr. Crisp | - | Deferred |
| Mr. Milde | - | Speed limits, pot holes |
| | - | Joint School Board/BOS subcommittee |
| | - | PRTC, (2) meetings |
| | - | Development Fees & Review Committee Meeting |
| | - | HOT Lanes meeting at Anne Moncure ES |
| | - | VRE and VRE Town Hall meetings |
| | - | Boise, Idaho meeting regarding VRE locomotives |
| | - | Patient First opening, Garrisonville Road |
| | - | Rappahannock Business Leaders/Chamber of Commerce Meeting |
| | - | Fredericksburg Regional Alliance |
| | - | Crow's Nest |
| | - | Symposium for government contractors |
| | - | Radio interview regarding Government Island |
| | - | Government Island opening |
| | - | Coal Landing Road speed limit and construction |
| | - | Opening of Chaplin Group Home |
| Mr. Snellings | - | GEICO 20 th anniversary |
| | - | Staff to request VDOT study at the intersection of Mountain View and Kellogg Mill Road |
| Mr. Sterling | - | Absent |
| Mr. Dudenhefer | - | Commented on HOT lanes and sound barriers |
| | - | Upcoming redistricting public hearing, 1/4/11 |

Legislative; Report of the County Attorney Mr. Charles Shumate, County Attorney, noted that items for Closed Meeting discussion had been updated.

Legislative; Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, recognized the Budget staff for their 21st year being recognized with the GFOA Budget Award. He recognized employees for the “BEST” and “Make a Difference” awards. He also noted that there was an addition to the agenda of Item 30; Statistical Report” and the deletion of Items #3 and #15.

Legislative; Additions and Deletions to the Regular Agenda

Mr. Woodson motioned, seconded by Ms. Stimpson, to approve the additions and deletions.

The Voting Board tally was:

Yea: (6) Woodson, Stimpson, Crisp, Dudenhefer, Milde, Snellings
Nay: (0)
Absent: (1) Sterling

Legislative; Consent Agenda Mr. Snellings motioned, seconded by Mr. Crisp, to approve the Consent Agenda consisting of Items 1 through 17, omitting Items 6, 11 and 16.

The Voting Board tally was:

Yea: (6) Snellings, Crisp, Dudenhefer, Milde, Stimpson, Woodson
Nay: (0)
Absent: (1) Sterling

Item 1. Legislative; Approve Minutes of October 19, 2010 Board Meeting

Item 2. Finance and Budget; Approve Expenditure Listing

R10-325 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED OCTOBER 19, 2010 THROUGH NOVEMBER 15, 2010

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November 2010 that the above-mentioned EL be and hereby is approved.

Item 4. Sheriff; Budget and Appropriate Asset Forfeiture Funds to the Sheriff's Office

Resolution R10-328 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE ASSET FORFEITURE FUNDS

WHEREAS, the Sheriff's Office has requested that Asset Forfeiture Funds be budgeted and appropriated; and

WHEREAS, funds in the amount of \$300,000 are available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that the County Administrator be and he hereby is authorized to budget and appropriate Three Hundred Thousand Dollars (\$300,000) from the Asset Forfeiture Funds.

Item 5. Sheriff; Budget and Appropriate Federal Grant Funds for the COPS Technology Program

Resolution R10-315 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE U. S. DEPARTMENT OF JUSTICE GRANT FUNDS TO THE SHERIFF'S BUDGET FOR THE COPS TECHNOLOGY PROGRAM GRANT TO INITIATE THE REPLACEMENT OF THE COMPUTER-AIDED DISPATCH/RECORDS MANAGEMENT SYSTEM (CAD/RMS) TO IMPROVE INFORMATION SYSTEM NEEDS FOR STAFFORD COUNTY

WHEREAS, the Sheriff's Office has recently been awarded funds to start the project to replace the existing Public Safety System CAD/RMS; and

WHEREAS, replacement of the existing CAD/RMS was identified as the number one priority for information system needs in Stafford County's Strategic Technology Plan completed in February 2008; and

WHEREAS, the Grant will allow us to start the project this fiscal year instead of pushing to future years due to funding restrictions; and

WHEREAS, there is no local match required;

NOW, THEREFORE, BE IT RESOLVED that by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that Three Hundred Thousand Dollars (\$300,000) be and it hereby is budgeted and appropriated to the Sheriff's Office Budget.

Item 7. Parks, Recreation and Community Facilities; Authorize a Public Hearing Regarding Certain Fee Changes

Resolution R10-330 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO REVISE CERTAIN PARKS AND RECREATION FEES

WHEREAS, user fees help to finance the cost of operations and maintenance of park facilities; and

WHEREAS, increasing costs of providing services create a periodic need to increase the related fees; and

WHEREAS, staff has reviewed the existing punch card fees (adult/\$84 and youth/\$60) and recommends that increases be considered at this time; and

WHEREAS, at a meeting on October 21, 2010, the Parks and Recreation Advisory Commission unanimously recommended approval of the new punch card fees (adult/\$96 and youth/\$72); and

WHEREAS, the Board desires to consider public comments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to revise certain Parks and Recreation fees.

Item 8. Public Works; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Section 15-56 Entitled "Designation of Restricted Parking Areas

Resolution R10-336 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS"

WHEREAS, Sections 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorize the County to regulate or prohibit parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes,

camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Austin Ridge Homeowners Association has approved a resolution requesting the establishment of a restricted parking area within the Austin Ridge Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the supplemental letter to the Austin Ridge Homeowners Association Resolution No. 07-2010, requests that the following streets be designated as a restricted parking area:

- (A) Banner Spring Circle
- (B) Barlow House Court
- (C) Basket Court
- (D) Blacksmith Court
- (E) Booth Court
- (F) Boulder Drive
- (G) Brush Everard Court
- (H) Cabinet Maker Drive
- (I) Century Street
- (J) Collingsworth Street
- (K) Country Court
- (L) Dallhan Court
- (M) Dewitt Road
- (N) Drum Court
- (O) Fife Street
- (P) Folk Road
- (Q) Francis Court
- (R) Gallery Road
- (S) Goal Court
- (T) Gunston Road
- (U) Hubbard Court
- (V) Jamestown Court
- (W) Lafayette Street
- (X) Latham Lane
- (Y) Morrissey Stone Court
- (Z) Nassau Court
- (AA) Newport Court
- (BB) Oxen Court
- (CC) Patriot Way

- (DD) Raleigh Lane
- (EE) Revere Court
- (FF) Scotland Circle
- (GG) Tapestry Road
- (HH) Tavern Road
- (II) Vineyard Court
- (JJ) Wallace Lane (northern terminus to 813'south of Folk Road)
- (KK) Wheelwright Lane
- (LL) York Court

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating a restricted parking area within the Austin Ridge Subdivision.

Item 9. Public Works; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Section 15-56 Entitled "Designation of Restricted Parking Areas

Resolution R10-341 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS"

WHEREAS, Sections 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorizes the County to regulate or prohibit parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, The Manors of Park Ridge Homeowners Association has approved a resolution requesting the establishment of a restricted parking area within The Manors of

Park Ridge Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, The Manors of Park Ridge Homeowners Association resolution requests that the following streets be designated as a restricted parking area:

- (A) Blossomwood Court
- (B) Charleston Court
- (C) Cheshire Drive
- (D) Christopher Way (southern terminus to 172' north of Queens Mill Court)
- (E) Eustace Road (884' south of Northampton Boulevard/Hampton Park Road to 305' south of Sarasota Drive)
- (F) Legal Court
- (G) Prince Court
- (H) Queens Mill Court
- (I) Sarasota Drive
- (J) Savannah Court
- (K) Summer Lake Court
- (L) Westhampton Court

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating a restricted parking area within The Manors of Park Ridge Subdivision.

Item 10. Utilities; Designate a Firm to Provide Engineering Services for the Department of Utilities

Resolution R10-332 reads as follows:

A RESOLUTION TO DESIGNATE ENGINEERING FIRMS TO PROVIDE SERVICES IN SUPPORT OF THE COUNTY'S DEPARTMENT OF UTILITIES CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, the Department of Utilities solicited proposals from firms interested in providing engineering services in support of the Department of Utilities Capital Improvement Program; and

WHEREAS, thirty-three (33) firms provided proposals in response to this solicitation; and

WHEREAS, the Department of Utilities has found it efficient and in the best interest of the County and its citizens to select multiple firms to provide these services; and

WHEREAS, the selection committee reviewed the submitted proposals and selected the firms deemed most qualified to provide engineering services for Fiscal Year 2011 and two additional years thereafter; and

WHEREAS, the firms deemed most qualified are identified below;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that the firms of:

A. Morton Thomas and Associates, Inc.
CH2M Hill
Dewberry & Davis LLC
Draper Aden Associates
ECS Mid-Atlantic, LLC
Froehling & Robertson, Inc.
Hazen and Sawyer
Malcolm Pirnie, Inc.
Michael Baker Jr. Inc.
O'Brien & Gere Engineers, Inc.
Parsons
Sullivan, Donahoe & Ingalls, P.C.
Timmons Group
Whitman, Requardt & Associates, LLP
Wiley/Wilson
Williamsburg Environmental Group, Inc.

be and they hereby are authorized to provide engineering services in support of the County's Department of Utilities Capital Improvement Program for Fiscal Year 2011 and two additional years thereafter.

Item 12. Utilities; Award Contract for the Purchase of a Jet/Vac System for Sewer Cleaning

Resolution R10-340 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE A COMBINATION JET/VAC SEWER CLEANING SYSTEM

WHEREAS, the Department of Utilities desires to purchase a new combination jet/vac system to assist in properly maintaining the County sewers and to minimize the chance of backups which adversely impact its customers and citizens of Stafford County; and

WHEREAS, the combination sewer jet/vac system is available through a government-to-government procurement consortium; and

WHEREAS, Virginia Public Works Equipment Company submitted the lowest bid to this consortium for a system matching the required specifications; and

WHEREAS, funds have been appropriated in the FY2011 Capital Budget for the purchase of this system;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that the County Administrator be and he hereby is authorized to execute a contract with Virginia Public Works Equipment Company in an amount not to exceed Two Hundred Nine Thousand Nine Hundred Forty Dollars (\$209,940) for the purchase of a combination jet/vac sewer cleaning system.

Item 13. Finance and Budget; Budget and Appropriate Proffer Fund Proceeds

Resolution R10-335 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE PROFFER FUND PROCEEDS

WHEREAS, proffers totaling \$6,001 are available for road projects; and

WHEREAS, expenditures for the Mine Road project have been identified for use of the proffer funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that the County Administrator be and he hereby is authorized to budget and appropriate funds as follows:

GENERAL FUND	
Transfer to Other Funds	\$ 6,001
OTHER FUNDS:	
TRANSPORTATION FUND	\$ 6,001

Item 14. Economic Development; Request FAMPO Amend the Regional Transportation Improvement Plan (TIP) for the Purpose of Widening U.S. Route 1 from Four Lanes to Six Lanes Between Telegraph Road and the Prince William County Line, Including Improvements to the Telegraph Road Intersection within the Road Segment

Resolution R10-342 reads as follows:

A RESOLUTION TO REQUEST THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) AMEND THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR THE PURPOSE OF WIDENING U.S. ROUTE 1 FROM 4 LANES TO 6 LANES BETWEEN TELEGRAPH ROAD IN STAFFORD COUNTY AND JOPLIN ROAD IN PRINCE WILLIAM

COUNTY, INCLUDING IMPROVEMENTS TO INTERSECTIONS LOCATED THEREIN

WHEREAS, the Quantico Growth Management Committee (QGMC) was created by Stafford and Prince William counties for the purpose of identifying, assessing, and addressing impacts related to the relocation of approximately 2,700 military department investigative, security and counterintelligence jobs to Marine Corps Base Quantico (MCBQ) under the 2005 federal “Base Realignment and Closure” (BRAC) #131 action; and

WHEREAS, In October 2009, the QGMC, with support from the Virginia Department of Transportation (VDOT), identified widening a 3.3-mile segment of U.S. Route 1 between Telegraph Road in Stafford County and Joplin Road in Prince William County, including improvements to intersections and interchanges located therein as its top transportation priority; and

WHEREAS, the Department of Defense, Office of Economic Adjustment (OEA) awarded Stafford County, acting as the fiscal agent for the QGMC, an initial \$800,000 for planning and preliminary engineering of the priority project, and both counties have already pledged \$45,000 each in local matching funds as required by OEA; and

WHEREAS, Federal regulation 23 CFR 450.324 states that the TIP must include all regionally significant projects proposed to be funded with Federal funds other than those administered by the Federal Highway Administration or the Federal Transit Administration, as well as all regionally significant projects to be funded with non-Federal funds; and

WHEREAS, these improvements are consistent with the recommendations of the County Transportation Plan and the Boswell’s Corner Redevelopment Plan; and

WHEREAS, Stafford County wishes to proceed as quickly and collaboratively as possible on this project in order to improve the safety of residents, commuters and visitors to the region and provide for improved efficiency of traffic operations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November 2010, that the Board be and hereby does request the Fredericksburg Area Metropolitan Planning Organization to amend the Transportation Improvement Program by including the aforementioned U.S. Route 1 widening project.

Item 17. Planning and Zoning; Initiate an Amendment to a Conditional Use Permit for Assessor’s Parcel 28-117

Resolution R10-349 reads as follows:

A RESOLUTION TO INITIATE AN AMENDMENT TO A CONDITIONAL USE PERMIT ON ASSESSOR’S PARCEL 28-117

WHEREAS, Conditional Use Permit application CUP2700594 was approved by Resolution R07-454, which allowed a church in the A-1, Agricultural zoning district; and

WHEREAS, CUP2700594 included a condition requiring that the play areas would be enclosed by a wooden slat fence; and

WHEREAS, Living Hope Lutheran Church has constructed a vinyl fence instead of a wooden fence; and

WHEREAS, the Board believes that it is in the public interest to amend the condition of Resolution R07-454 to allow a vinyl fence; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of such an amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that an amendment to Conditional Use Permit CUP2700594 be initiated by the Board to allow the outdoor play areas to be enclosed by a vinyl fence; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is instructed to prepare the Conditional Use Permit application and refer the matter to the Planning Commission for a public hearing and its recommendations.

Parks, Recreation and Community Facilities; Authorize the County Administrator to Sign a Contract for the HVAC System in the Administration Building and the Courthouse

After commenting that he was concerned that no Request for Proposal was made to local companies and that the County was planning to go with a Fairfax County vendor instead, Mr. Snellings motioned that in the future, RFPs be sent out giving local vendors the option of responding with a bid. Mr. Snellings further questioned possible delays in service calls if an out-of-town vendor was awarded the contract for the HVAC system. Mr. Romanello responded that Trane is the contractor and they have locally affiliated repair personnel available should there be any maintenance or repair issues with the new systems. Mr. Snellings withdrew his motion.

Mr. Snellings motioned, seconded by Mr. Milde to adopt proposed Resolution R10-331.

The Voting Board tally was:

Yea: (6) Snellings, Milde, Crisp, Dudenhefer, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution R10-331 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT TO REPLACE HVAC UNITS AT THE ADMINISTRATION BUILDING AND THE COURTHOUSE

WHEREAS, HVAC units at the Administration Building and the Courthouse are in excess of twenty (20) years of age and have failed many times, resulting in costly repairs and disrupted services to staff and citizens performing County business; and

WHEREAS, the new units will be more energy efficient and are expected to save the County approximately \$33,000 per year; and

WHEREAS, the County participates in a cooperative procurement agreement with the County of Fairfax through the Metropolitan Washington Council of Governments; and

WHEREAS, the County of Fairfax has a contract with Centennial Contractors Enterprises, Inc., with a Rider Clause extending services to Stafford County; and

WHEREAS, pursuant to the Rider Clause, the County obtained a bid from Centennial Contractors Enterprises, Inc., for \$757,212 to install HVAC systems at the Administration Building and the Courthouse;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that it be and hereby does authorize execution of a contract with Centennial Contractors Enterprises, Inc., to replace HVAC units at the Administration Building and the Courthouse in an amount not to exceed Seven Hundred Fifty-seven Thousand Two Hundred Twelve Dollars (\$757,212).

Utilities; Award Contract for the Installation of a Waterline and Water Services for the Roseville Plantation Large Water Project

Mr. Crisp asked for additional information on Roseville Plantation and asked if it is within the current USA. Mr. Critzer replied that it is not. Mr. Woodson asked about the \$8,000 hook-up cost and asked if homeowners were aware of the cost to participate. Mr. Romanello responded that residents were aware of the fees involved.

Mr. Crisp motioned, seconded by Mr. Woodson, to defer this item until after the Comprehensive Plan is adopted. No vote was taken on Mr. Crisp's motion.

Ms. Stimpson made a substitute motion, seconded by Mr. Milde, to defer this item to the November 30th Board meeting.

The Voting Board tally was:

Yea: (5) Stimpson, Milde, Snellings, Crisp, Dudenhefer
Nay: (1) Woodson
Absent: (1) Sterling

Public Works; FRED Bus Shelters Update and Authorization

Mr. Snellings commented that there is currently only one bus shelter in the southern part of the County and asked why that is. Mr. Dudenhefer replied that money for the shelters was directed to the northern part of the County due to population, ridership statistics, etc. He added that there are some good candidates on the proposed list.

Hearing no objections, the Board added Drew Middle School, Onville Road and Olde Forge to the list of potential bus shelter locations.

Mr. Snellings motioned, seconded by Mr. Woodson, to adopt proposed Resolution R10-350.

The Voting Board tally was:

Yea: (6) Snellings, Milde, Crisp, Dudenhefer, Stimpson, Woodson
Nay: (0)
Absent: (1) Sterling

Resolution R10-350 reads as follows:

A RESOLUTION TO AUTHORIZE ACQUISITION OF THREE (3) BUS SHELTERS

WHEREAS, the Board desires to install three (3) bus shelters at existing Fredericksburg Regional Transportation System (FRED) stops in Stafford County; and

WHEREAS, County staff has been unable to secure permission to install these bus shelters to date; and

WHEREAS, the Potomac Regional Transportation Commission desires to close out the grant received pursuant to the American Relief and Recovery Act for this purpose; and

WHEREAS, Stafford County can proceed immediately to acquire the bus shelters for installation after suitable sites are identified;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that the County Administrator be and he hereby is authorized to receive delivery of three (3) bus shelters for later installation at sites in Stafford County with any balance of funds authorized for use for the FRED sign program.

Human Services; Update on Heather Empfield Public Day School and Transition Center and Consideration of an Endorsement of a Human Services Master Plan Concept

In addition to Ms. Donna Krauss, Dr. Sue Clark, Director of Special Education, was on hand to answer Board member's questions. Mr. Crisp stated that a Human Services Master Plan was a great idea and that as a member of the Community Policy and Management Team (CPMT), he had an opportunity to review the Concept ahead of time. He continued, saying that it is a good way to manage resources that are available to the County and its residents.

Ms. Stimpson inquired about the \$325,000 CSA savings and asked about the original source of CSA funds. Ms. Krauss responded that CSA funds come from shared services and state/federal reimbursement for services rendered. Mr. Romanello added that the money is now in the County's undesignated fund balance. Ms. Stimpson noted that she has trouble paying \$25,000 for a document. Ms. Krauss said that it is not payment for just a document but that it is payment for a process and a tool will be invaluable in working with partner agencies. Ms. Krauss talked about a recent, well-attended, roundtable held with the County and its partner agencies. Ms. Stimpson asked why, if a roundtable was already held, was a \$25,000 study necessary and wondered if it could not be done in-house rather than using a consultant. Mr. Woodson responded that it requires an expert to put the process together and that spending \$25,000 would, in the long run, save Stafford's citizens money.

Mr. Crisp said that it requires an expert in the field to recognize where significant savings may be found and that the \$325,000 CSA savings was a pleasant surprise. Mr. Snellings said that he served on the DSS Board in the past and that he thinks that the money (\$25,000) would be well spent especially because overlapping services cost the County

money. Mr. Dudenhefer said that he thought that overlapping services had already been identified and were eliminated in last year’s budget.

Ms. Krauss said that it is not an overnight process and added that the Master Plan concept would provide a holistic, collaborative approach but that the County is not there yet. Mr. Milde asked about the Human Services Plan in Hanover County and stated that he was interested in the results of their Study. Ms. Krauss offered to provide that information.

Hearing no objections, at the request of the Board, the words “not to exceed \$25,000” were added to the finalized resolution.

Mr. Crisp motioned, seconded by Mr. Woodson to adopt proposed Resolution R10-329.

The Voting Board tally was:

Yea: (6) Snellings, Milde, Crisp, Dudenhefer, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution R10-329 reads as follows:

A RESOLUTION TO ENDORSE THE CONCEPT OF A HUMAN SERVICES MASTER PLAN

WHEREAS, the Human Services Office identified a need to develop a Human Services Master Plan to take a proactive and preventative approach in addressing the needs of the community; and

WHEREAS, it has been identified that by developing and implementing a Human Services Master Plan, the quality of service delivery within the County will become more efficient as it addresses the needs of families and children;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that it be and hereby does endorse the concept of developing a Human Services Master Plan in a cost not to exceed Twenty-five Thousand Dollars (\$25,000).

Following the vote on R10-329, Ms. Krauss and Dr. Clark provided the Board with an update on the Heather Empfield Public Day School and Transition Center.

Discuss Broadband Service in Stafford County Ms. Cathy Riddle, Public Information Administrator, gave a presentation and answered Board members questions. Members of the Telecommunications present were Ms. Danielle Davis, Mr. Russ Moulton and Mr. Bob Thomas.

Mr. Dudenhefer said that telecommuters cannot get Broadband access and said that it costs \$70,000 to hook up to Broadband. Mr. Woodson noted that one survey indicated 81% and another indicated 95% and asked which data base was used and which number was correct? Ms. Riddle said that different databases were used which accounted for the discrepancy in the percentages. Mr. Woodson cited numerous areas of the County that were not Broadband accessible and suggested that Verizon, Comcast, and Cox get together to come up with an outside agreement at no cost to the County.

Mr. Dudenhefer asked Mr. Moulton to identify the County's role in encouraging cable providers to work towards providing Broadband access for the entire (or almost the entire) County. Mr. Moulton said that the County has to be careful to not push too hard; that there is no way to force additional services and that the County is mostly at the mercy of the cable providers. Services provided are market driven and the County has to work towards building a win/win situation with the cable providers.

Mr. Milde talked about satellite service cutting off communication and stated that Broadband is a big deal for citizens and for schools as well. Mr. Snellings said that it is a huge issue in the Hartwood District. He added that Hart Lake Estates was promised cable connection by Comcast but it was never delivered.

Mr. Dudenhefer asked Mr. Moulton if it would help to have an elected official working on the Broadband issue. Mr. Crisp and Mr. Milde were appointed to work with the Telecommunications Commission and to report back to the Board in three months. Mr. Milde said that he supports tasking staff with providing an accurate list of who, in the County, has Broadband coverage. Ms. Riddle said that the Telecommunications Commission was working on a survey for all citizens using traditional methods as well as Twitter, Facebook, the County's webpage and the Free Lance-Star newspaper. Ms. Davis

talked about Franklin County’s successful venture and the Governor’s Commission on Broadband Service.

Recess: At 3:05 P.M., the Chairman declared a recess.

Call to Order: At 3:20 P.M., the Chairman called the meeting back to order.

Legislative; Discussion of Legislative Priorities At Mr. Woodson’s suggestion, the Board deferred this item to the November 30th Board meeting. Mr. Dudenhefer asked that Board members review proposed Resolution R10-337 and at the November 30th meeting, have ideas and input for the list which will be presented to the legislative delegation.

Discuss Tax Relief for Disabled Veterans Commissioner of the Revenue, Mr. Scott Mayausky, said that Personal Property tax relief for Disabled Veterans is for one vehicle. Real Estate tax relief is for the primary residence. If the disabled veteran dies, the spouse of retains eligibility for the tax relief so long as she remains in the residence and does not remarry.

Mr. Milde asked for a definition of being 100% disabled. Mr. Shumate said that disability is determined by the Department of Veterans Affairs.

Ms. Stimpson thanked Mr. Milde for bringing up the subject of tax relief for disabled veterans.

Legislative; Authorize the County Administrator to Proceed with Drafting a Request for Proposal (RFP) and Soliciting Proposals for the Computer Aided Dispatch (CAD) System Mr. Romanello presented the item and answered Board members questions.

Mr. Dudenhefer asked, “Why now?” Mr. Romanello said that it was built into the FY2012 Capital Improvements Plan and it will take two years to draft and bid the RFP and that the Public Safety departments were anxious to move forward with the new system. Mr. Dudenhefer asked about the age of the current system. Mr. Romanello responded, 1995, and added that it predates use of the Internet. Sheriff Jett talked about struggles with 1995 technology and that the current CAD was custom fit to a much

smaller agency and that at present, there is a six-month training curve on the existing CAD. Mr. Dudenhefer asked if the new system utilizes GPS technology, Sheriff Jett responded, “Yes.” Ms. Stimpson asked about communication with neighboring localities; Sheriff Jett said that it would provide communication from Washington D.C. to Richmond, excluding Caroline County who has not made the needed updates to their system.

Mr. Woodson motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-338.

The Voting Board tally was:

Yea: (6) Woodson, Stimpson, Crisp, Dudenhefer, Milde, Snellings

Nay: (0)

Absent: (1) Sterling

Resolution R10-338 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO DIRECT STAFF TO DRAFT A REQUEST FOR PROPOSAL (RFP) AND SOLICIT PROPOSALS FOR A COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM (CAD/RMS)

WHEREAS, the County’s 2008 Strategic Technology Plan identified replacement of the Sheriff’s Computer Aided Dispatch and Records Management (CAD/RMS) as the number one application system priority for the County; and

WHEREAS, the approved FY11 – FY14 Capital Improvement Plan has recommended the project for funding in FY12; and

WHEREAS, in October, 2010, the County received a \$300,000 federal grant from the federal Office of Community Oriented Policing Services (COPS) to be used for a new CAD/RMS;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November 2010, that the County Administrator be and hereby is authorized to instruct staff to proceed with drafting a RFP and soliciting proposals for a Computer Aided Dispatch and Records Management System.

Legislative; Closed Meeting At 3:46 p.m. Mr. Woodson motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM10-24.

The Voting Board tally was:

Yea: (6) Woodson, Stimpson, Crisp, Dudenhefer, Milde, Snellings

Nay: (0)

Absent: (1) Sterling

Resolution CM10-24 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting the following: (1) Law Enforcement Briefing on Domestic Terrorist Activity Issues; (2) Legal Advice regarding the Comprehensive Plan Advertisement; and (3) Legal Advice regarding the Fairfield Inn & Suites Rezoning, Comp Plan Amendments, and CUP Application; and

WHEREAS, pursuant to Section 2.2-3711 A.7 and A.19, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 16th day of November, 2010, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 5:15 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Snellings motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM10-24a.

The Voting Board tally was:

Yea: (6) Snellings, Crisp, Woodson, Stimpson, Dudenhefer, Milde

Nay: (0)

Absent: (1) Sterling

Resolution CM10-24(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON NOVEMBER 16, 2010

WHEREAS, the Board has, on this the 16th day of November, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 16th day of November, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 5:16 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order At 7:00 P.M., the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

Pledge of Allegiance Mr. Dudenhefer led the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentations by the Public

The following persons desired to speak:

- | | | |
|----------------|---|---|
| Robert Hopkins | - | Congratulations to the Board and the County |
| Paul Waldowski | - | Water Bill/Dumpsters/UDAs/SWM |
| Dean Fetterolf | - | Board emails |

Planning and Zoning; Consider an Amendment to the Land User Component of the Comprehensive Plan Regarding Parcels 30-2C and 30-2D

Planning and Zoning; Amend and Reordain the Zoning District Map to Reclassify Assessor's Parcels 30-2C and 30-2D from R-1, Suburban Residential to B-2, Urban Commercial, Located at 40 Derrick Lane

Planning and Zoning; Authorize a Conditional Use Permit to Allow a Hotel at 40 Derrick Lane Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Ben Litalien
Raeann Litalien
Sylvia Pendleton
Patricia Ashby
Darlene Pack
Douglas Pack
Pastor Daniel Jones
Robert Goodchild
Sharon Goodchild
Austin Haughton
John Parker, Jr.
Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Stimpson, to defer these items to the December 14th Board meeting.

Mr. Woodson stated that he was against deferral, that he read Mr. Milde's e-mail and had spoken with residents and the President of Clark Construction who was vehemently opposed to the hotel's construction at that location. Mr. Woodson reiterated that he would vote "No" for the deferral.

The Voting Board tally was:

Yea: (5) Milde, Stimpson, Crisp, Dudenhefer, Snellings
Nay: (1) Woodson
Absent: (1) Sterling

Recess: At 9:02 P.M., the Chairman declared a recess.

Call to Order: At 9:12 P.M., the Chairman called the meeting back to order.

Planning and Zoning; Consider a Conditional Use Permit at 1006 Warrenton Road Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Mr. Snellings asked about sidewalks in the area, Mr. Harvey responded saying that even with the widening of Route 17 plans would accommodate a sidewalk. Mr. Dudenhefer asked for assurance about VDOT's plans, if they include a sidewalk and if staff was confident that the unusual phasing approach to this CUP won't affect the proposed widening of Route 17.

Ms. Stimpson asked when gasoline pumps were originally discontinued at the location. Mr. Harvey responded that it was in the 1990's and that if they had been in continuous use to present day, this issue would not have come before the Board.

Charles Shumate, County Attorney, requested that the Board adjourn to Closed Meeting for a discussion on a legal matter relative to this discussion.

Mr. Woodson motioned, seconded by Ms. Stimpson, to adjourn to Closed Meeting allowed by Section 2.2-3711 (A-7).

The Voting Board tally was:

Yea: (6) Woodson, Stimpson, Crisp, Dudenhefer, Milde, Snellings

Nay: (0)

Absent: (1) Sterling

Resolution CM10-25 reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON NOVEMBER 16, 2010

WHEREAS, the Board has, on this the 16th day of November, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 16th day of November, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from

open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Call to Order At 5:39 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Ms. Stimpson motioned, seconded by Mr. Snellings, to return to Open Session.

The Voting Board tally was:

Yea: (6) Stimpson, Snellings, Crisp, Dudenhefer, Milde, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution CM10-25(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
NOVEMBER 16, 2010

WHEREAS, the Board has, on this the 16th day of November, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 16th day of November, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Mr. Dudenhefer asked the applicant if he understood the risks he was undertaking. The applicant responded in the affirmative. Mr. Leming, legal counsel for the applicant, said that they spent seven (7) months dealing with the issues, that the Conditions are very tightly drafted, and the deed is in escrow with the County Attorney to be recorded by VDOT.

Mr. Milde asked about the phasing approach and why the applicant is not making all of his renovations at one time. Mr. Leming stated that his client was financially unable to undertake the entire project at one time.

The Chairman opened the public hearing.

The following person desired to speak:

Clark Leming

Paul Sisson

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Woodson, to continue the public hearing to the November 30th Board meeting, afternoon session.

The Voting Board tally was:

Yea: (6) Milde, Woodson, Crisp, Dudenhefer, Snellings, Stimpson

Nay: (0)

Absent: (1) Sterling

Public Works; Amend Stafford County Code, Chapter 15, Article III, Division 2 Entitled “Parking of Watercraft, Boat Trailers, Motor Homes, Camping Trailers, Commercial Vehicles and Parking for Commercial Purposes on Public Highways Mr. Michael Neuhard, Deputy County Administrator, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following person desired to speak:

Cheryl Gray

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O10-58.

The Voting Board tally was:

Yea: (6) Milde, Woodson, Crisp, Dudenhefer, Snellings, Stimpson

Nay: (0)

Absent: (1) Sterling

Ordinance O10-58 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS"

WHEREAS, Sections 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorize the County to regulate or prohibit parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Brentwood Estates Homeowners Association has approved a resolution requesting the establishment of a restricted parking area within the Brentwood Estates Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board has conducted a public hearing in accordance with the notice of provision of Section 15.2-1427 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board has carefully considered the recommendations of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this, the 16th day of November 2010 that Stafford County Code, Section 15-56, entitled "Designation of Restricted Parking Areas" be and it hereby is amended and reordained as follows, all other portions remain unchanged:

(f) The following constitute the restricted parking areas within Stafford County where the provisions of this ordinance are in full force and effect:

(2) Brentwood Estates Subdivision on the following named streets:

- (A) Grace Court
- (B) Joseph Court
- (C) Riverton Drive (southern terminus to 177' north of Grace Ct/Joseph Ct)
- (D) Whitestone Drive

Planning and Zoning; Authorize and Amendment to a Conditional Use Permit for a Telecommunications Facility at 122 Mountain Avenue Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Ms. Stimpson asked if the County has a telecommunications plan. She stated that she is not comfortable continuing to approve plans and suggested piggybacking on the Leeland Station pole. Mr. Harvey responded that the recommended location of the pole at 122 Mountain Avenue had to do with providing enhanced service availability and that piggybacking on the pole at Leeland Station would not provide adequate coverage in the targeted area. Ms. Stimpson said she would not vote against it but reemphasized that the County needs a plan.

Mr. Milde said there was an unwritten plan to not approve any new towers with the exception of public safety towers.

Mr. Dudenhefer suggested pulling it out and dusting it off. Mr. Crisp talked about the suggested pole's low impact design and asked for a description of the physical design of the pole. Mr. Greg Rappasorda, ATT representative for the applicant, noted that Condition 5A provided a description.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Resolution R10-236.

The Voting Board tally was:

Yea: (6) Milde, Woodson, Crisp, Dudenhefer, Snellings, Stimpson

Nay: (0)

Absent: (1) Sterling

Resolution R10-236 reads as follows:

A RESOLUTION TO AMEND A CONDITIONAL USE PERMIT, PURSUANT TO APPLICATION CUP1000042, TO ALLOW A SECOND TELECOMMUNICATIONS FACILITY IN AN A-1, AGRICULTURAL, ZONING DISTRICT ON ASSESSOR'S PARCEL 54-45A, GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, AT&T Mobility, applicant, has submitted application CUP1000042 requesting an amendment to a Conditional Use Permit to allow a second telecommunications facility in an A-1, Agricultural, Zoning District on Assessor's Parcel 54-45A; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance which permits this use in an A-1, Agricultural, Zoning District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of November, 2010, that a Conditional Use Permit, pursuant to application CUP1000042, be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is for a telecommunication facility to be located on Assessor's Parcel 54-45A.
2. There shall be two (2) free-standing towers permitted on the property. This site shall be limited to one 495-foot tall guyed tower and one 175-foot monopole tower. The height of these telecommunication towers shall not be increased, except for a lighting-rod or similar appurtenances.
3. There shall be no lights on the telecommunications tower unless required by the Federal Aviation Administration (FAA).
4. There shall be no signs on the telecommunication tower or any other structures on the site other than an identification sign required by the Federal Communications Commission (FCC) or other federal or state agency.
5. Low impact design methods shall be incorporated into the design of the tower as shown on the plan, including:
 - a) All cables from the tower to the equipment shelters shall be located below the top rail of the solid board on board screening fence.
 - b) At any height above the screening fence, RF transmission cables associated with the tower shall be located within the tower itself. Notwithstanding the forgoing, such transmission cables may exit the tower at the appropriate cable ports for connection to the respective antennas located at each cable port location.
 - c) If any antenna mounting platform(s) is utilized on the tower, all such platforms shall be a low profile design.
6. Once the equipment is determined to be obsolete, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. Within

- twelve (12) months of cessation of use of the facility, the equipment and the tower shall be removed by the owner.
7. There shall be no habitable structures located on the subject property.
 8. Access to the facility shall be from Mountain Avenue.
 9. The applicant shall construct an eight (8) foot tall chain-link fence with barbed wire to protect all proposed structures and the 175-foot monopole tower from Mountain Avenue and any other adjacent properties. All existing and future providers/carriers will construct eight (8) foot tall chain-link fences with barbed wires on proposed future lease areas as identified on the Generalized Development Plan entitled “AT&T Woodlawn – Star Publishing 10070906_461G1913” dated December 29, 2009 and stamped May 28, 2010.
 10. The applicant shall place a metal, rust-resistant sign, at least four (4) square feet in area, on the eight (8) foot tall chain-link fence facing Mountain Avenue with the name of the current owner of the telecommunications facility and a 24-hour, toll-free or local phone number in case of emergency. All future lessees will be required to place this type of sign on their required eight (8) foot tall chain-link fence prior to obtaining a building and/or zoning permit.
 11. Storage of supplies and equipment shall not be visible from any adjoining properties.
 12. Any future lessees on either of the two free-standing towers must provide an intermodulation study showing that their telecommunications equipment will not interfere with Stafford County’s public safety communications signals on this telecommunications facility prior to obtaining a building and/or zoning permit.
 13. If building permits are not obtained within five (5) years from the date of approval, this conditional use permit shall expire.
 14. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Finance and Budget; Amend and Reordain Stafford County Code, Chapter 20, “Procurement Code” Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O10-60.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Woodson

Nay: (0)

Absent: (1) Sterling

Ordinance O10-60 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 20, ENTITLED “PROCUREMENT CODE”

WHEREAS, Stafford County Code, Chapter 20, entitled “Procurement Code,” is a lengthy series of Articles and Sections detailing local procurement regulations and policies; and

WHEREAS, the County desires to amend its Procurement Ordinance to mirror the Virginia Public Procurement Act, Virginia Code § 2.2-4300 et seq.; and

WHEREAS, the General Assembly amends the Virginia Public Procurement Act to reflect current operating efficiencies; and

WHEREAS, amendments to the County Code require a public hearing; and

WHEREAS, the County would gain operating efficiencies by amending its procurement code to mirror the Virginia Public Procurement Act; and

WHEREAS, numerous other localities in the Commonwealth reference or adopt procurement in accordance with the Virginia Public Procurement Act; and

WHEREAS, the Board has carefully considered the recommendations of the staff and the testimony at the public hearing; and

WHEREAS, the Board finds that this ordinance allows the County to follow the Virginia Public Procurement Act and promotes efficient operations;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16h day of November, 2010, that Stafford County Code, Chapter 20, be and it hereby is amended and reordained as follows:

Chapter 20 - PROCUREMENT CODE
ARTICLE I. - IN GENERAL

Sec. 20-1. - Title.

This chapter shall be known and may be cited as the "Procurement Code of Stafford County, Virginia."

Sec. 20-2. - Definitions.

For purposes of this chapter, the following terms have the meanings ascribed to them herein, except where the context clearly requires another meaning:

Best value means the overall combination of quality, price, and various elements of required services that in total are optimal relative to the county's needs.

Change order means a written order, signed by a person authorized in this chapter or otherwise, directing a contractor to make changes which the changes clause of the contract authorizes to be ordered without the consent of the contractor.

Construction or construction contract means contracts for the building, altering, repair, improvement or demolition of any public structure or building, or other public improvements of any kind to any public real property. It shall not include the routine operation, routine repair, or routine maintenance of existing buildings, structures or real property, including publicly owned or operated utility lines or storm sewers.

Contractor means any individual, committee, club, association or other organization or group of individuals, or any corporation, partnership, sole proprietorship, joint stock company, joint venture or any other private legal entity, having or proposing a contract with the board of supervisors or any using department.

Contracts means all types of county agreements, regardless of what they may be called, for the procurement or disposal of services, supplies or construction.

Nonprofessional services means any services not specifically identified as professional services in the definition of professional services.

Potential bidder or offeror means a person who, at the time the board of supervisors negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under such contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

Procurement means buying, purchasing, renting, leasing or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the obtaining of any supply, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.

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

Purchasing officer means an employee, designated by the finance director as the head of the central purchasing division, authorized to exercise any or all of the authority and perform any duty pertaining thereto which the finance director may delegate to others, in accordance with the provisions of this chapter.

Requisition means a document or documents, in a form prescribed by the finance director, which constitutes demand by the using department for the provision of supplies, services or construction.

RFP means a request for proposals.

Service contract means any contract which may be entered into by or on behalf of the board of supervisors or any using department for the provision of any service, to include time, labor or effort by the contractor, but not involving the delivery of a specific end product, other than reports incidental to the required performance; provided that the term shall not include contracts for regular employment in the county service; and provided further that it shall not include any contract for professional services which may be governed by an independent policy pertaining to such services. The term "services" shall specifically include, but not be limited to, banking services.

Supplies means all property, articles or things, including, but not limited to, all equipment and materials, but not including real property or any interest in real property, which are to be used by or furnished to any using department.

Using department means all departments, offices, constitutional officers, agencies, divisions, boards, districts or services within the county government, deriving their support, in whole or in part, from funds budgeted and appropriated by the board of supervisors, specifically including, but not limited to, the school board and the social services department. This term shall include volunteer fire and rescue companies, except as may be otherwise provided in this chapter.

(Ord. No. 082-64, § 100.4, 1-18-83; Ord. No. 085-44, 8-6-85; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-3. - Violations of chapter.

The willful violation of any provision of this chapter or any rule or regulation adopted hereunder shall constitute a class 1 misdemeanor. Upon conviction, any employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.

(Ord. No. 082-64, § 100.8, 1-13-83; Ord. No. 003-19, 3-18-03)

Cross reference—Penalty for Class 1 misdemeanor, § 1-11.

Sec. 20-4. - Purpose and general application of chapter.

(a) The regulations contained in this chapter are promulgated by ordinance of the board of supervisors pursuant to sections 2.2-4300(c) and 2.2-4302 of the Code of Virginia, to effectuate the purposes of those sections with regard to procurement and disposition of supplies, services and construction for the county.

(b) Except as otherwise specifically provided, the regulations prescribed in this chapter shall apply to any contract for supplies, services or construction entered into after their effective date, unless the parties agree to their application to a contract solicited or entered into prior to their effective date.*

Editor's note— The ordinance from which this chapter is derived became effective on July 1, 1983, as to the school board, and on January 1, 1983, as to all other county departments and agencies.

(c) Except as otherwise specifically provided, the regulations contained in this chapter shall apply to every expenditure of funds appropriated by the board of supervisors, by or on behalf of the board or any using department, specifically including, but not limited to, the county school board, constitutional officers of the county and the social services department of the county, for the procurement of any supplies, services or construction, except as otherwise provided by law or this chapter. Such regulations shall apply to all dispositions of county supplies.

(Ord. No. 082-64, §§ 100.1, 100.2, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-5. - Compliance with chapter.

All procurements of supplies, services and construction shall be made in accordance with the provisions of this chapter.

(Ord. No. 082-64, § 200.1, 1-18-83)

Sec. 20-6. - Chapter does not prevent compliance with conditions of grant, gift or bequest.

Nothing contained in this chapter shall prevent the board of supervisors or any using department from complying with the terms and conditions of any grant, gift or bequest.

(Ord. No. 082-64, § 100.2, 1-18-83)

Sec. 20-7. - Rights of school board as to purchases; chapter not applicable to procurement of capital improvements by school board.

Notwithstanding any other provision of this chapter, the school board shall retain its right to specify the goods and services it wishes to purchase and to approve or reject all purchases made on its behalf. Furthermore, this chapter shall not apply to the

procurement of capital improvements by the school board which shall be governed by applicable state law.

(Ord. No. 882-64, § 100.2, 1-18-83)

Sec. 20-8. - Conflict of interests.

For the purposes of this chapter, conflict of interests shall be governed by the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq. of the Code of Virginia) and by title 2.2, chapter 43, article 6 (§ 2.2-4367 et seq.), of the Code of Virginia, Ethics in Public Contracting.

(Ord. No. 082-64, § 500.1, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-9. - County not to discriminate against persons on basis of race, creed, sex, etc. Stafford County shall not discriminate against any person on the basis of race, color, creed, religion, national origin, sex or handicapped status.

(Ord. No. 082-64, § 600.1, 1-18-83)

State law reference—Similar provisions, Code of Virginia, § 11-44.

Sec. 20-10. - General powers and duties of county administrator as purchasing agent.

(a) The county administrator shall be the purchasing agent for the county and shall be under the supervision and control of the board of supervisors for the faithful execution and performance of such function. He shall perform the purchasing function through the department of finance, but he shall remain ultimately responsible for that function.

(b) The county administrator shall make all procurements and dispositions for the county in such manner and with such exceptions as may be provided for in this chapter. He shall have authority to transfer or trade supplies between using departments and he shall have charge of the storerooms and warehouses of the county.

(c) The county administrator is hereby authorized to develop and implement suitable specifications or standards for any or all supplies to be purchased by the county. He shall, except where otherwise provided, inspect or provide for the inspection of all deliveries to ensure their compliance with the specifications so established.

(d) The county administrator may delegate all authority to act as purchasing agent to the finance director, except as otherwise provided in this chapter.

(Ord. No. 082-64, §§ 100.4, 100.5, 1-18-83; Ord. No. 003-19, 3-18-03)

State law reference—County administrator to act as purchasing agent, Code of Virginia, § 15.1-117(12).

Sec. 20-11. - General powers and duties of finance director under chapter; purchasing officer generally.

(a) The finance director personally shall interpret the meaning and application of this chapter and his decision on questions pertaining thereto shall be final. The director may seek the assistance of the county attorney's office in rendering any decision or interpretation requested.

(b) The finance director shall maintain complete records pertaining to the performance of the procurement and disposition functions assigned to him by this chapter. With the exception of materials provided in connection with competitive procurements, prior to opening of bids or the award of a contract in competitive negotiations, such records shall be public documents and shall be open for inspection in accordance with the provisions of the Virginia Freedom of Information Act.

State law reference—Code of Virginia, § 2.2-3700 et seq.

(c) The finance director is hereby authorized to delegate any and all of the authority and duties set forth in this chapter not reserved specifically to him to such other officers and employees of the county as he shall deem appropriate. He may designate a person to be purchasing officer, one for the county and the other for the school board, who shall be

employees of the finance department, but such designation shall not be deemed to relieve the finance director of responsibility for supervision and control of the purchasing function assigned to him by this chapter.

(d) Any purchasing officer designated pursuant to this section shall perform such duties as may be assigned by the finance director consistent with this chapter, and shall have charge of the central purchasing division of the county.

(Ord. No. 082-64, §§ 100.5, 100.6, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-12. - Purchasing manual.

(a) The county administrator is hereby authorized to promulgate, after consultation with the finance director, a purchasing manual, which shall establish rules for the internal administration of the central purchasing division and such other matters as may be provided herein, including the method and manner of administratively processing procurements and sales. Such rules shall be consistent with this chapter and the laws of the United States and the commonwealth and shall have the force and effect of law.

(b) Rules which may be promulgated by the county administrator in accordance with subsection (a) above shall be in effect from the date on which they are promulgated and may be amended, altered or repealed by him as he shall deem appropriate; provided, however, that copies of all such action by the county administrator with regard to such rules shall be immediately forwarded to the board of supervisors, which may overrule the county administrator. The board of supervisors additionally reserves to itself the authority to amend, alter or repeal any provision of the rules so promulgated.

(c) In addition to rules that may be promulgated as provided for above, the purchasing manual shall contain, at a minimum, the following items:

(1) The regulations set out in this chapter, kept current, and references to state and federal law which may be applicable to certain procurements or sales.

(2) Specimen copies of all forms, including standard invitations for bids, standard contracts and standard specifications.

(3) Internal operating procedures of the central purchasing division, including the manner of processing requisitions and purchase orders and methods for expediting purchases when the finance director determines them to be necessary.

(4) A detailed procedure to be followed for all procurements for the school board to implement the provisions of section 20-7.

(5) Such other matters as the county administrator shall deem necessary and proper to the efficient administration of the central purchasing division or which shall be authorized in this chapter.

(Ord. No. 082-64, §§ 100.2, 100.7, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-13. - Cooperation with department of minority business enterprise.

Within the limits of the funds appropriated and the provisions of law, the finance director shall cooperate with the department of minority business enterprise, the United States Small Business Administration, and other public or private agencies in promoting the purposes of that office.

(Ord. No. 082-64, § 600.2, 1-18-83; Ord. No. 003-19, 3-18-03)

State law reference—Similar provisions, Code of Virginia, § 11-48.

Sec. 20-14. - Unauthorized procurements and dispositions generally.

(a) No person shall have the authority to bind the county or any using department to any contract, except as provided in this chapter.

(b) Any procurement or disposition made by any person in the name of the county or any using department, which procurement or disposition is not in compliance with this

chapter or the purchasing manual, or both, shall be deemed unauthorized. Any person who makes an unauthorized procurement or sale may be personally liable therefor to the vendor or purchaser of supplies, services or construction. Such sales or procurements shall be voidable, in the discretion of the board of supervisors.

(c) The county administrator and his employees shall not be liable and shall be held harmless for any unauthorized procurement or disposition which was not initiated or approved by them.

(d) A determination as to whether any procurement or disposition was unauthorized shall be made, in the first instance, by the purchasing officer, if there be one. He shall report his finding to the finance director, who shall consult with the county attorney's office. If the finance director personally determines that the procurement or disposition was unauthorized, he shall bill the person allegedly responsible for the amount of any damages sustained by the county. The person allegedly responsible shall have a right of appeal to the county administrator, provided that the appeal is filed, in writing, within fourteen (14) calendar days of the submission of a bill to him. Should an appeal be denied, or not taken in a timely fashion, and the bill not be paid, the county attorney's office shall undertake legal proceedings to recover the money owed.

(e) Any unauthorized procurement or disposition may be grounds for termination from county service of the responsible employee or for the imposition of other adverse action which may be provided for in the county personnel regulations.

(Ord. No. 082-64, § 100.8, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-15. - Requisition or purchase order and sufficient funds (budgeted, unencumbered and appropriated) required.

The finance director shall not make procurement for any using department unless and until he has received, in advance, a properly completed requisition or purchase order for which there are budgeted, unencumbered and appropriated funds sufficient to pay for the proposed procurement, except as may be otherwise provided in this chapter.

(Ord. No. 082-64, §§ 100.4, 100.5, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-16. - Initiation and processing of requisitions.

A requisition shall be initiated by the using department and processed by the finance director in accordance with such rules as the county administrator shall promulgate in the purchasing manual referred to in section 20-12.

(Ord. No. 082-64, § 100.4, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-17. - Compliance with federal law and regulations as to expenditure of federal assistance or contract funds.

Where the procurement of any supplies, services or construction involves the expenditure of federal assistance or contract funds, the county administrator shall comply with such federal law and authorized regulations as are mandatorily applicable and which may not be reflected in the regulations set out in this chapter.

(Ord. No. 082-64, § 100.2, 1-18-83; Ord. No. 003-19, 3-18-03)

State law reference—Similar provisions, Code of Virginia, § 11-39.

Sec. 20-18. - General requirements for contracts.

(a) All contracts for twenty-five thousand dollars (\$25,000.00) or more to which the county is a party shall be in writing.

(b) All contracts shall be in a form prepared by the county and approved by the county attorney or his designee, or shall be individually prepared for a specific procurement, and all such contracts shall incorporate provisions of this chapter by reference insofar as they may apply. Nothing herein shall prevent the use of a contract prepared by a vendor, if a standard contract has not been prepared for the procurement or

if such use has been approved by the county attorney's office. Notwithstanding the provisions of this section, the provisions of this chapter shall be deemed incorporated, insofar as they may be applicable, into any contract to which a using department or the board of supervisors shall be a party, whether specifically referenced therein or not.

(c) All contracts shall be in the name of the board of supervisors, or where appropriate, in the name of a using department which has independent statutory authority to enter into contracts; provided, however, that all leaseholds entered into by any using department shall be in the name of the board.

(Ord. No. 082-64, § 100.11, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-19. - Specific provisions to be included in contracts.

(a) Generally. Every contract to which the county is a party shall expressly contain the provisions required by this section, in addition to such other terms and conditions as may be agreed to among the parties.

(b) Termination for convenience of county. Each contract shall contain appropriate provisions which permit work or delivery thereunder to be terminated, in whole or from time to time in part, whenever the county administrator shall determine that such termination is in the best interests of the county and which provide for fair and reasonable compensation to any contractor who is so terminated.

(c) Termination for default. Each contract to which the county is a party shall contain an express provision which permits termination of the contract for failure of the contractor to perform his contractual obligations.

(d) Termination for non-funding. Each contract to which the county is a party which requires that the county make payments beyond the fiscal year in which such contract was made shall contain a provision for termination of the contract in the event that the board of supervisors shall cease to appropriate funds for the purposes of the contract.

(e) Examination and copying of contractor's records. Unless the county attorney's office shall authorize an exception to this subsection, each contract for more than twenty-five thousand dollars (\$25,000.00) shall expressly provide that the contractor shall agree that the finance director, or his duly authorized agent, shall, until the expiration of three (3) years following the final payment on the contract, have access to and the right to examine and copy any directly pertinent books, documents, papers and records of the contractor involving transactions related to the contract in question. Such contracts shall further contain a provision to the effect that the contractor shall include a similar access, examination and copying requirement in any subcontract which is for more than ten thousand dollars (\$10,000.00). Such contracts and subcontracts shall further provide that, in the event there is litigation or arbitration involving the contract, rights of access, examination and copying thereunder shall continue until any litigation, appeals, claims or arbitration shall have been finally disposed of.

(f) Employment discrimination. Every contract of over ten thousand dollars (\$10,000.00) shall include the provisions in the following:

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

a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, age, disability or any other basis prohibited by state law relating to discrimination in employment, except where religion, sex or national origin 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.

(2) The contractor will include the provisions of the foregoing paragraphs a., b. and c. in every subcontract or purchase order of over ten thousand dollars (\$10,000.00) so that the provisions will be binding upon each subcontractor or vendor.

(g) Faith-based clause. This public body does not discriminate against faith-based organizations in accordance with Code of Virginia, § 2.2-4343.1, or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

(Ord. No. 082-64, § 100.12, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

State law reference—Provisions similar to subsection (f) above, Code of Virginia, § 11-51.

Sec. 20-20. - Legal review of certain contracts.

All contracts for fifty thousand dollars (\$50,000.00) or more shall be reviewed by the county attorney's office, prior to award of the contract, except where the contract is a lawful renewal of an existing contract to which there has been no material change. The county attorney shall review nonstandard contracts at any amount.

(Ord. No. 082-64, § 100.9, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-21. - Execution of contracts.

(a) Contracts for twenty thousand dollars (\$20,000.00) or less which may be entered into by a using department under this chapter shall be executed by the director of the using department, or his principal deputy, and by no other person, if authorized by the county administrator.

(b) The county administrator is authorized to execute contracts less than one hundred thousand dollars (\$100,000.00) subject to purchasing guidelines and subject to the approved budget and appropriated funds.

(c) Contracts which are to be entered into directly by the board of supervisors may be signed by the county administrator or his designee.

(d) Contracts which may be entered into directly by the central purchasing division shall be executed by the purchasing officer or such other person as the finance director may direct.

(Ord. No. 082-64, § 100.11, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-22. - Contract administration.

(a) The using department shall, unless the finance director shall otherwise direct, inspect and approve or disapprove all deliveries under contracts and the performance thereunder. Discrepancies in deliveries or in the performance of the contract shall initially be brought to the attention of the vendor by the using department. The using department shall also promptly notify the purchasing officer of any such discrepancy. Failure to satisfactorily resolve any deficiency that has been identified shall be brought to the attention of the purchasing officer, who shall institute formal complaint with the vendor. If satisfaction is still not forthcoming, the finance director shall contact the county attorney for further proceedings.

(b) Notwithstanding any other provision of this chapter, the board of supervisors may specifically provide for separate contract administration in construction contracts.

(Ord. No. 082-64, § 100.10, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-23. - Central stores revolving fund.

The county administrator may provide a central stores revolving fund, in such amount as he may determine from time to time, to finance the purchase, storage and issuance of standard supplies, for the convenience of the county. Such fund shall be administered by the director of public services and he shall be responsible for the actual operation of such fund. The county administrator may include rules in the purchasing manual with respect to such fund.

(Ord. No. 082-64, § 100.13, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-24. - Blanket purchase agreements and purchase orders.

(a) Blanket purchase agreements are requirements-type contracts for supplies which are regularly required by using departments only on an as-needed basis and which supplies are not readily available from central stores.

(b) The finance director may determine those supplies which may reasonably be acquired by the county on such contracts for the use of one or more using departments and may require any or all using departments to obtain such supplies by requisitions filed against such uniform blanket purchase orders.

(c) The county administrator is authorized to promulgate such rules as may be necessary to account for the accumulation of funds among several using departments for application against a uniform blanket purchase order.

(d) Blanket purchase agreements shall be instituted on an annual basis, unless the finance director shall authorize a shorter term, and any such blanket purchase agreement shall be subject to the requirements for bidding which are applicable to the reasonable estimated value of such agreement.

(e) No blanket purchase agreement shall be of itself construed to constitute a contract with the vendor for the full estimated amount of the annual agreement, and a contractual obligation shall exist with any vendor only to the extent that requisitions shall have actually been made against such agreement.

(f) It shall be the responsibility of the head of the using department to ensure that no unauthorized purchases are made against any properly awarded blanket purchase agreement, and he shall report any unauthorized purchase to the finance director, in accordance with this chapter.

(Ord. No. 082-64, § 100.14, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-25. - Procurements of less than two thousand five hundred dollars (\$2,500.00).

Procurements of less than two thousand five hundred dollars (\$2,500.00) shall be made directly by the using department, after having made such reasonable investigation into price and other terms as may be necessary to protect the interests of the county.

(Ord. No. 082-64, § 200.4, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-26. - Procurements from state penitentiary or pursuant to joint purchasing agreements.

Procurements of supplies from the state penitentiary or through state, federal, council of governments or other political jurisdiction bids, or any other source with which the county has entered or shall enter a joint purchasing agreement, shall be exempt from the competitive bidding requirements of this chapter; provided, that other provisions of this chapter shall apply where otherwise appropriate.

(Ord. No. 082-64, § 200.8, 1-18-83)

State law reference—Cooperative procurement, Code of Virginia, § 11-40.

Sec. 20-27. - Sole source procurements.

Sole source procurements shall be exempt from the regulations of this chapter for competitive bidding. Where services or supplies are only available from a single source, because of legal requirements, specific patents or copyrights, peculiar qualifications and skills, technical specifications or other reasons, the finance director may obtain such supplies or services from the sole source. It shall be the responsibility of the using department to justify the need for sole source procurement. Upon a determination in writing from the using department 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 finance director 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 or published in a newspaper of general circulation on the day the board of supervisors awards or announces its decision to award the contract, whichever occurs first. The finance director or his designee is authorized to enter into direct negotiations with the sole source supplier to obtain such terms and conditions as he may determine to be in the best interest of the county. He shall, at the outset of such negotiations, set detailed cost and price objectives, and shall maintain a record of negotiations with the sole source supplier.

(Ord. No. 082-64, § 200.8, 1-18-83; Ord. No. 085-44, 8-6-85; Ord. No. 003-19, 3-18-03)

Sec. 20-28. - Purchases for special police work.

Purchases for special police work shall be exempt from the regulations of this chapter governing competitive bidding. When the sheriff certifies to the finance director that any items are needed for special police work, including undercover police operations, the finance director may procure the needed items without competitive bidding.

(Ord. No. 082-64, § 200.8, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-29. - Emergency procurements generally.

(a) Emergency procurements shall be exempt from the regulations of this chapter for competitive bidding.

(b) For the purposes of this chapter, an emergency shall be deemed to exist when there is a breakdown in any county service or any time that supplies are needed for immediate use in work which may be essential to, or may vitally affect, the public health, safety or general welfare. An emergency may include work undertaken under court order or in anticipation of court order.

(c) If an emergency occurs during office hours, the using department shall notify the purchasing officer and he shall either procure supplies or services directly or authorize the using department to do so.

(d) If an emergency occurs after office hours, the using department shall procure necessary supplies or services. The head of the using department shall forward a requisition to the central purchasing division, within seventy-two (72) hours after the emergency situation, together with a written justification for the procurement and a copy of the delivery record.

(e) The head of the using department shall initially determine in writing whether an emergency exists which justifies the application of these provisions, and shall make a written determination of the basis for the emergency and for the selection of the particular

contractor. The purchasing officer 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 on the day the board awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. If, upon subsequent review, the finance director personally determines that no emergency actually existed, he shall proceed under the regulations pertaining to unauthorized procurements. Prior authorization for emergency procurements shall be obtained from the finance director personally whenever possible.

(Ord. No. 082-64, § 200.8, 1-18-83; Ord. No. 085-44, 8-6-85; Ord. No. 003-19, 3-18-03)

Sec. 20-30. - Confirming orders for emergency procurements.

When any using department makes an emergency procurement, it shall execute a requisition. Such requisitions shall be forwarded directly to the purchasing department for review and processing.

(Ord. No. 082-64, § 200.5, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-31. - Review and payment of demands on open accounts, etc.

Demands for payment made on open accounts for supplies, services or construction or emergency procurements, for which contracts have previously been awarded, shall be forwarded directly to the finance director for review and payment.

(Ord. No. 082-64, § 200.5, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-32. - Public inspection of procurement records.

(a) Except as provided herein, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen or any interested person, firm or corporation in accordance with the Virginia Freedom of Information Act.

(b) Cost estimates relating to a proposed procurement transaction prepared by or for the county shall not be open to public inspection.

(c) Any bidder or offeror, upon request, shall be afforded the opportunity to inspect bid and proposal records within a reasonable time after the opening of all bids, but prior to award, except in the event that the county decides not to accept any of the bids and to reopen the contract. Otherwise, bid and proposal records shall be open to public inspection only after award of the contract.

(d) Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

(e) Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction or prequalification application submitted pursuant to the Virginia Public Procurement Act, Code of Virginia, subsection B of § 2.2-4317, shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the bidder, offeror or contractor must invoke the protections of this subsection prior to or upon submission of the data or other materials and must identify the data or other materials to be protected and state the reasons why protection is necessary.

(Ord. No. 082-64, § 100.3, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

State law reference—Similar provisions, Code of Virginia, § 11-52; Virginia Freedom of Information Act, § 2.1-340 et seq.

Sec. 20-33. - Sale, transfer or other disposal of property.

(a) The finance director is authorized to sell, trade, transfer or otherwise dispose of any property which is the property of the board of supervisors and is determined to be surplus either to the using department or the county generally.

(b) The using department shall be required to certify what of its property is surplus to it and may be disposed of. The finance director shall determine whether such property is surplus to the county generally. Such determination shall be final. The using department shall be responsible for the storage, maintenance and safekeeping of all supplies in its charge, including surplus property, and for the transportation of surplus property to the site of sale or other disposal.

(c) The finance director may authorize any using department to sell any property certified to be surplus to the county generally; provided that any such sale shall be consistent with this section.

(d) When the head of the using department certifies to the finance director that any property is irreparable or unsalvageable, and that the costs of storage are excessive, and that such property could not be sold for sufficient funds to cover the costs of storage or other disposal, upon receipt of written authorization from the finance director, the head of the using department may cause such property to be transported to the county landfill for disposal. The head of the using department shall make and keep, for not less than two (2) years, a complete written record of all such dispositions of property.

(e) The county administrator may promulgate additional rules in the purchasing manual governing in-house transfers and trades not inconsistent with this section.

(f) Sales of surplus property deemed by the finance director to be worth more than five thousand dollars (\$5,000.00) shall be by electronic auction competitive verbal bids, at public auction or by other method. The finance director shall determine which method is likely to obtain the highest price in each case or class of cases, and his decision shall be final.

(g) Property that has been certified by the head of the using department as surplus may be used for trade-in value in connection with any procurement, provided that, if the procurement is required by this chapter to be by competitive bids, the bidder shall be required to state the value that he assigns the property to be traded in as a part of his bid, and to provide prices both with and without trade-in.

(h) Whenever any person acquires county property disposed of pursuant to this section, and is required to remove the property from premises owned by the county, such person shall execute a written agreement to indemnify and hold the county harmless from any and all liability which may be incurred during removal. Such person shall provide the finance director with evidence of the existence of liability insurance covering the risks potentially involved and, if required by law, worker's compensation insurance.

(Ord. No. 082-64, §§ 400.1, 400.2, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Secs. 20-34—20-45. - Reserved.

Sec. 20-46. - General requirements for procurements of twenty-five thousand dollars (\$25,000.00) or more.

All procurements of supplies and services estimated to be twenty-five thousand dollars (\$25,000.00) or more shall be made on the basis of sealed competitive bids, except as otherwise provided in this chapter. The finance director shall solicit bids from prospective contractors by mailing them invitations for bids prepared as provided in this article, by posting a copy of the invitation for bids on a bulletin board at the central purchasing office and, where required by law or policy of the board of supervisors, or where deemed appropriate by the finance director, by publication of a notice of invitation

for bids in a newspaper of general circulation in the county or elsewhere. The finance director may advertise the bid by means of professional or trade publications. All notices shall be designed and intended to obtain as many bidders reasonably able to meet the specifications as possible, but no procurement shall be subject to challenge solely on the ground that a qualified bidder was not solicited. The finance director may require the using department to identify potential bidders for receipt of notice in accordance with this section.

(Ord. No. 082-64, § 200.2, 1-18-83; Ord. No. 092-67, 9-8-92; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-47. - General requirements for procurements for two thousand five hundred dollars (\$2,500.00) or more but less than twenty-five thousand dollars (\$25,000.00).

(a) Procurements of supplies or services estimated to cost two thousand five hundred dollars (\$2,500.00) or more, but less than five thousand dollars (\$5,000.00), may be made by the department director in the open market, without sealed bids. The department director shall solicit no fewer than three (3) verbal quotes for such supplies or contractual services by mail, telephone, electronic mail, and fax or by other public notice. The department director shall maintain a public record of all quotes received, and shall indicate such records which quote was accepted. Any quote in excess of five thousand dollars (\$5,000.00) shall be confirmed in writing by the bidder as soon as possible.

(b) Procurements of supplies or services estimated to cost five thousand dollars (\$5,000.00) or more, but less than twenty-five thousand dollars (\$25,000.00), may be made by the department director in the open market, without sealed bids. Except as otherwise provided in this chapter, the department director shall solicit no fewer than three (3) written quotes for such supplies or contractual services by mail, by fax, by electronic mail or by other public notice. The department director shall maintain a public record of all quotes solicited and all quotes received, and shall indicate in such records which quote was accepted.

(Ord. No. 082-64, § 200.3, 1-18-83; Ord. No. 092-67, 9-8-92; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-48. - Exemptions generally.

(a) Notwithstanding any other provision of this chapter, the items listed in this section are exempt from the requirements of competitive bidding, but shall comply with other provisions of this chapter. They may be solicited and contracted for by the finance director as he shall deem appropriate. The list of exempt items may be amended by the board of supervisors whenever it deems it appropriate. The finance director, may, however, elect to comply with any or all of the requirements for competitive bidding for the items listed in this section.

(b) The exempt items and categories of items are as follows:

- (1) Advertising.
- (2) Audit fees.
- (3) Bank service charges.
- (4) Books, manuscripts and pamphlets.
- (5) Care, search and housing of prisoners.
- (6) Legal services, including, but not limited to, court costs, witness fees (lay and expert), transcripts, court reporters, exhibits and the like, jury verdicts and settlements.
- (7) Dues, subscriptions and publications, Dunn & Bradstreet reports.
- (8) Educational films.
- (9) Freight charges.
- (10) Self-insurance claims.

- (11) Inspection fees and costs.
- (12) Perishable food.
- (13) Prescriptions/medicines.
- (14) Service and maintenance agreements.
- (15) Travel and related fees.
- (16) Tuition and training.
- (17) Utility services.

(c) Notwithstanding that any item may be exempt from competitive bidding as a consequence of this section, any expenditure one hundred thousand dollars (\$100,000.00) or more for such item must be approved by the board of supervisors, unless such procurement has been previously approved by the board in connection with the annual budget process or in the case of emergencies.

(Ord. No. 082-64, § 200.6, 1-18-83; Ord. No. 092-67, 9-8-92; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-49. - Preparation and contents of invitation for bids; equal brand provisions.

(a) Competitive bids, where required, shall be solicited by invitations for bids which shall be prepared by the finance director, with such assistance from the using department as he shall require. Invitations for bids shall be comprised generally of an invitation, instructions to bidders, plans and specifications for the supplies or services desired and proposed contracts. They may include such other information as the finance director deems appropriate and necessary.

(b) Invitations for bids and specifications for all supplies or services shall include the following provisions relating to equal brand products other than those which may be set forth by name or other clear identification in the specifications:

(1) The name of a certain brand, make, manufacturer or definite specifications is to denote the quality standard of article desired, but does not restrict bidders to the specific brand, make, manufacturer or specification named; it is to set forth and convey to prospective bidders the general style, type, character and quality of article desired; and

(2) Wherever in specifications or contract documents a particular brand, make of material, device or equipment is shown or specified, such brand, make of material, device or equipment shall be regarded merely as a standard. Any other brand, make of material, device or equipment which is recognized as the equal of that specified, considering quality, workmanship and economy of operation, and is suitable for the purpose intended, shall be considered responsive to the specifications.

(Ord. No. 082-64, § 200.9, 1-18-83; Ord. No. 003-19, 3-18-03)

State law reference—Nonrestrictive character of use of brand names in invitations to bid, Code of Virginia, § 11-49.

Sec. 20-50. - Cancellation of invitation for bids.

Any invitation for bids or other solicitation may be canceled when the finance director determines that it is in the best interests of the county to do so. The reasons therefor shall be made a part of the record in the matter.

(Ord. No. 082-64, § 200.10, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-51. - Prequalification of prospective contractors.

(a) The finance director is authorized to prequalify prospective contractors prior to any solicitation of bids, whether for supplies, services, insurance, or construction, by requiring prospective contractors to submit such information as the director shall deem appropriate, including samples, financial reports and references; provided, however, that opportunity to prequalify shall be given to any prospective contractor who has not been suspended or debarred under this chapter.

(b) The finance director may refuse to prequalify any prospective contractor, provided that written reasons for refusing to prequalify are made a part of the record in each case. The decision of the director shall be final.

(c) In considering any request for prequalification, the finance director shall determine whether there is reason to believe that the prospective contractor possesses the management, financial soundness and history of performance which indicate apparent ability to successfully complete the plans and specifications of the invitation for bids. The finance director may employ standard forms designed to elicit necessary information or may design other forms for the purpose.

(d) Prequalification of a prospective contractor shall not constitute a conclusive determination that the prospective contractor is responsible and such contractor may be rejected as non-responsible on the basis of subsequently discovered information.

(e) Failure of a prospective contractor to prequalify with respect to a given procurement shall not bar the contractor from seeking prequalification as to future procurements or from bidding on procurements which do not require prequalification.

(Ord. No. 082-64, § 200.11, 1-18-83; Ord. No. 003-19. 3-18-03; Ord. No. 006-21, 2-7-06)

State law reference—Prequalification of prospective contractors, Code of Virginia, § 11-46.

Sec. 20-52. - Submission of sealed bids.

Written sealed bids, where required by this chapter, shall be returned to the finance director. Bid submission may be in any sealed envelope which is clearly identified by project or procurement name, the name of the bidder, the due date and time of bid opening, and which further states plainly that the envelope is not to be opened prior to bid opening. Should any bid be received which is not so identified, the bidder assumes the risk that the submission will be opened prior to bid opening. Bids so opened shall be disqualified.

(Ord. No. 082-64, § 200.13, 1-18-83; Ord. No. 003-19. 3-18-03)

Sec. 20-53. - Alternate bids.

Any bidder may submit a bid which he knows varies materially from the specifications. Such bid shall be clearly labeled as an ALTERNATE BID and may be provided in addition to, or in lieu of, a responsive bid. Such bids may be accepted only where no responsive bid is received and only when the alternate bid is in substantial compliance with the specifications.

(Ord. No. 082-64, § 200.14, 1-18-83)

Sec. 20-54. - Bidder's certification as to price.

All bidders may be required to certify, in writing at the time of bid, that the price being offered to the county in connection with the particular solicitation is the price offered to the bidder's most favored customers.

(Ord. No. 082-64, § 200.15(g), 1-18-83)

Sec. 20-55. - Rejection of bids.

The finance director may reject any or all bids.

(Ord. No. 082-64, § 200.15(a), 1-18-83; Ord. No. 003-19. 3-18-03)

Sec. 20-56. - Opening of bids.

Bids shall be opened publicly in the presence of one or more witnesses, at the time and place designated in the invitation for bids or any amendment thereto. Bids which are received after the time designated shall not be opened or considered.

(Ord. No. 082-64, § 200.15(c), 1-18-83)

Sec. 20-57. - Withdrawal of bid after opening.

(a) Any bidder for supplies, services or construction 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. If a bid contains both clerical and judgment mistakes, a bidder may withdraw his bid from consideration if the price bid would have been substantially lower than the other bids due solely to the clerical mistake, that was 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 shall 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. The finance director shall require, and so state in the invitation for bids, the following procedure for withdrawal of a bid:

(1) The bidder must give notice in writing of his claim of right to withdraw his bid within two (2) business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice.

(2) 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 (5%).

(3) If a bid is withdrawn under this section, the lowest remaining bid shall be deemed to be the low bid.

(4) No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to, or perform any subcontract or other work agreement for, the person 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, without the approval of the finance director. The person or firm to whom the contract was awarded and the withdrawing bidder are jointly liable to the county in an amount equal to any compensation paid to, or for the benefit of, the withdrawing bidder without such approval.

(b) The finance director may contest withdrawal of any bid by any means provided by law.

(Ord. No. 082-64, § 200.16, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

State law reference—Withdrawal of bids due to error, Code of Virginia, § 11-54.

Sec. 20-58. - Evaluation of bids.

Bids shall be evaluated on the basis of requirements which may be set forth in the invitation for bids and which may include criteria to determine acceptability as to inspection, testing, quality, workmanship, delivery and suitability for a particular purpose.

(Ord. No. 082-64, § 200.15(e), 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-59. - Waiver of bid informalities.

The finance director may waive any informality in any bid; provided, however, that bids or amendments thereto which are received after the time specified for the opening of bids will neither be opened nor considered.

(Ord. No. 082-64, § 200.15(f), 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-60. - Award of contract generally.

(a) All procurements of supplies or services which are subject to the competitive bidding requirements set forth in this article shall be unconditionally awarded to the lowest responsive and responsible bidder, without alteration or correction, by the finance director, except where authority to award or reject is given to some other person or reserved to the board of supervisors, or where only alternate bids are received and handled in accordance with section 20-53.

(b) The contract shall be awarded with reasonable promptness by written notice to the successful bidder. Nothing herein shall prevent the finance director from giving notice of intention to award to the apparently successful bidder, but such notice shall not constitute award.

(Ord. No. 082-64, § 200.15(b), (h), 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-61. - Procedure when only one responsive and responsible bid received.

In the event that only one responsive and responsible bid is received for supplies or services which require solicitation of sealed bids, the invitation for bids may be canceled and the items rebid, unless the finance director determines that the price bid is reasonable and in the best interests of the county, on the basis of price comparison, value analysis, prior price history, an engineering estimate or other method which establishes the reasonableness of the price bid. When the finance director personally determines that the above methods of establishing price reasonableness are not feasible, he may authorize his agents to enter into negotiations with the single responsible and responsive bidder. Such negotiations shall consist of detailed discussions with regard to the cost of labor, materials, overhead and profit. The finance director shall establish a detailed cost/price objective which he determines to be in the best interests of the county, prior to the initiation of any negotiations. Any bidder who is party to such negotiations shall be required to certify that his price proposal is complete, current and accurate prior to the initiation of such negotiations. A record of negotiations shall be prepared upon the completion thereof, which shall detail the most significant considerations which resulted in the agreed upon contract price.

(Ord. No. 082-64, § 200.15(d), 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-62. - Tie bids.

(a) In the case of a tie bid, preference shall be given to goods, services and construction produced in Virginia or provided by Virginia persons, firms or corporations, if such a choice is available; otherwise the tie shall be decided by lot.

(b) Whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder who is a resident of Virginia.

(c) Notwithstanding the provisions of subsections (a) and (b), in the case of a tie bid in instances where goods are being offered and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the greatest amount of recycled content.

(Ord. No. 082-64, § 200.17, 1-18-83; Ord. No. 003-19, 3-18-03)

State law reference—Similar provisions, Code of Virginia, § 11-47.

Sec. 20-63. - Negotiations with successful bidder.

No negotiations may be entered into with an apparently successful bidder with respect to any contractual term or condition which would constitute a material change in the specifications or the contract price.

(Ord. No. 082-64, § 200.15(i), 1-18-83)

Sec. 20-64. - Record of bids.

Each bid received, with the name of the bidder, shall be entered on a record and each successful bidder shall be specifically noted on such record after the award of the contract.

(Ord. No. 082-64, § 200.15(b), 1-18-83)

Sec. 20-65. - Protest of award—Generally.

(a) Any bidder or offeror may protest the award of, or the decision to award, a contract to any other bidder or offeror, by submitting a written protest to the finance director within the times specified in this section.

(b) No protest shall lie for any claim that the selected bidder or offeror is not a responsible bidder or offeror, except as provided in section 2.2-4359 of the Code of Virginia, nor shall any protest lie for any matter which the finance director determines could reasonably have been ascertained prior to the time set for the opening of bids or proposals, unless such protest shall have been filed in writing not less than ten (10) working days prior to such time.

(c) Any protest, other than one required to be made before the opening of bids or proposals, shall be filed not later than ten (10) calendar days after the award or decision to award the contract to the successful bidder or offeror is publicly posted.

(d) Any protest shall state in detail the basis therefor and the specific relief requested.

(e) The finance director shall inform the county attorney's office of the receipt of any protest and shall provide all relevant information and documentation.

(f) The finance director shall personally decide all protests within ten (10) days of receipt thereof, and shall issue written findings as provided in this article. His decision shall be final, unless appealed within ten (10) days to the county administrator. The county administrator shall conduct a hearing conforming to the requirements of section 2.2-4365 of the Code of Virginia. The decision of the county administrator shall be final unless appealed to the circuit court of the county within thirty (30) days of receipt of the written decision.

(g) Any potential bidder or offeror on a contractor negotiated on a sole source or emergency basis who desires to protest the award or decision to award such contract shall submit such protest in the same manner no later than ten (10) days after posting or publication of the notice of such contract as provided in section 20-29.

(Ord. No. 082-64, § 200.18, 1-18-83; Ord. No. 085-44, 8-6-85; Ord. No. 003-19, 3-18-03)

Sec. 20-65.1. - Legal actions.

(a) A bidder or offeror, actual or prospective, who is refused permission or disqualified from participation in bidding or competitive negotiation, or who is determined not to be a responsible bidder or offeror for a particular contract, may bring an action in the appropriate circuit court challenging that decision, which shall be reversed only if the petitioner establishes that the decision was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the invitation to bid.

(b) A bidder denied withdrawal of a bid under this chapter may bring an action in the appropriate circuit court challenging that decision, which shall be reversed only if the bidder establishes that the decision of the county was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the invitation to bid.

(c) A bidder, offeror, or contractor, or a potential bidder or offeror on a contract negotiated on a sole source or emergency basis in the manner provided, whose protest of an award or decision to award is denied, may bring an action in the appropriate circuit court challenging a proposed award or the award of a contract, within ten (10) days, which shall be reversed only if the petitioner establishes that the proposed award or the award is not an honest exercise of discretion, but rather is arbitrary or capricious or not in accordance with the Constitution of Virginia, statutes, regulations, ordinances or the terms and conditions of the invitation to bid or request for proposal.

(d) If injunctive relief is granted, the court, upon request of Stafford County, shall require the posting of reasonable security to protect Stafford County.

(e) A contractor may bring an action involving a contract dispute with Stafford County in the appropriate circuit court.

(f) A bidder, offeror or contractor need not utilize administrative procedures meeting the standards of this Code, if available, but if those procedures are invoked by the bidder, offeror, or contractor, the procedures shall be exhausted prior to instituting legal action concerning the same procurement transaction unless the county agrees otherwise.

(g) Nothing herein shall be construed to prevent the county from instituting legal action against a contractor.

(Ord. No. 085-44, § 200.18.1, 8-6-85; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-66. - Same—Remedies.

(a) In the event that the finance director determines that a decision to award a contract is arbitrary or capricious, prior to the award of a contract, then the sole relief shall be a finding to that effect and he may cancel the proposed award or revise it to comply with law.

(b) In the event that the finance director makes the determination required in subsection (a) of this section after a contract has been awarded, the sole remedy shall be a finding to that effect and relief as provided in section 2.2-4360 of the Code of Virginia. In no case may the protester be awarded anticipated profits or the costs or expenses of protest or appeal of any decision to the courts.

(c) In the event that the finance director determines that a protest filed under section 20-65(b) of this article is well-founded, he may cancel the solicitation or revise it to comply with law.

(d) The validity of any contract awarded in good faith in accordance with this chapter shall not be affected by any protest or appeal, and award of a contract need not be delayed for the period during which a bidder or offeror may protest; provided that, in the event of a timely protest, no award shall be made unless the finance director personally determines that it is necessary to proceed to award without delay to protect the public interest, or unless the bid or offer would otherwise expire.

(Ord. No. 082-64, § 200.19, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-67. - Bid bonds.

The finance director may require that each bidder on a competitively bid procurement for supplies or services for one hundred thousand dollars (\$100,000.00) or more submit with his bid, a certified check, payable to the county, for a sum not to exceed five percent (5%) of the bid total, as a guarantee that the bidder will enter into a contract for the supplies or services sought should he be awarded the contract. In lieu of a certified check, it shall be sufficient that the bidder provide an irrevocable letter of credit or corporate surety bond, issued by a company licensed to do business as a surety in Virginia, for a sum equal to the amount of any certified check which would otherwise have been required. The

conditions of such bond shall be established by the finance director, unless otherwise established by law. Noncompliance with this section may require the rejection of the bid. Annual bid bonds may be accepted.

(Ord. No. 082-64, § 200.20, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-68. - Payment and performance bonds.

(a) The finance director may require any bidder for supplies or services to execute a performance bond in an amount equal to one hundred percent (100%) of the contract price solely for the protection of the county, conditioned upon the faithful performance of the work in strict conformity with the contract documents.

(b) The finance director may require any successful bidder for supplies or services to execute a payment bond in an amount equal to one hundred percent (100%) of the price specified in the contract, conditioned upon the faithful payment of all persons who have and fulfill contracts which are directly with the contractor for performing labor or furnishing materials in the prosecution of the work provided for in any such contract.

(c) Any performance or payment bond required hereunder shall be in the form of a certified check, irrevocable letter of credit or a bond executed by a surety company authorized to do business as a surety in the commonwealth.

(Ord. No. 082-64, § 200.21, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Secs. 20-69—20-80. - Reserved.

Sec. 20-81. - When authorized; factors to be considered for authorization.

(a) When the finance director personally determines in writing (specifically setting forth the basis for the determination) that the use of competitive sealed bidding is either not practicable or is not advantageous to the county or any using department, a contract for supplies or for other than professional services may be entered into by competitive sealed proposals.

(b) In making his determination under this section, the finance director shall consider whether:

(1) Quality, availability or capability is overriding in relation to price in procurements for research and development, technical supplies, or special services;

(2) The initial installation needs to be evaluated together with subsequent maintenance and service capabilities, and what priority should eventually be given these requirements in the best interest of the county; or

(3) The marketplace will respond better to a solicitation permitting not only a range of alternative proposals, but also evaluation and discussion of them before making an award (for example, with respect to the acquisition of data processing hardware and software.

(Ord. No. 082-64, § 201.1, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-82. - Solicitation of proposals generally.

Proposals shall be solicited under this article through requests for proposals and adequate public notice shall be provided to obtain the widest range of offerors.

(Ord. No. 082-64, § 201.2, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-83. - Preparation and contents of RFP.

(a) When authorization has been received to employ competitive sealed proposals, a request for proposals shall be prepared by such person as the finance director shall direct.

(b) RFPs shall contain at least the following information:

(1) The type of supplies or services required;

(2) A description of the work involved and its location;

- (3) An estimate of when and for how long the services shall be required;
- (4) The type of contract which will be used;
- (5) A date by which proposals shall be submitted;
- (6) A statement that all proposals shall be in writing;
- (7) A statement that information received will not be disclosed to other offerors during selection;
- (8) A statement of the minimum information that the proposal must contain, to include, where appropriate:
 - a. The name of the offeror, the location of the offeror's principal place of business;
 - b. If deemed relevant by the draftsman of the RFP, the age of the offeror's business and average number of employees over a previous period of time, as may be specified;
 - c. The abilities, qualifications and experience of all persons who would be assigned to provide the required services or supplies;
 - d. A listing of other contracts under which services similar in scope, size or discipline to the required services were performed or undertaken within a previous, specified period of time, and a list of current references, including telephone numbers, who may be contacted with respect to such contracts;
 - e. A plan giving as much detail as practical explaining how the required services shall be performed, or how the required services shall be provided or of what they shall consist; and
- (9) The factors, including the offeror's proposed compensation, to be used in the evaluation and selection process, listed in descending order of their relative importance or accorded a prespecified point value. Such criteria shall include, among other relevant things, proximity to the place where services are to be performed, the offeror's present workload, and the applicability of prior experience and the suitability of the supplies to meet the identified needs.

(Ord. No. 082-64, § 201.3, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-84. - Criteria for evaluation of proposals.

The criteria which shall be used in the evaluation of competitive sealed proposals shall be set forth in detail in the request for proposals, as provided in section 20-83(b)(9) and shall be strictly adhered to in the selection process. Any such criteria may include judgmental factors, in addition to objective factors, relating to the procurement.

(Ord. No. 082-64, § 201.4, 1-18-83)

Sec. 20-85. - Opening and register of proposals.

Proposals shall be opened so as to avoid disclosure of contents of offers to competing offerors during the process of negotiation. A register of proposals shall be provided in accordance with rules promulgated by the county administrator in the purchasing manual.

(Ord. No. 082-64, § 201.5, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-86. - Discussions with responsible offerors.

As shall be provided in the request for proposals and as may be further provided in this article, discussions may be conducted with responsible offerors who submit proposals determined by the finance director to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion of proposals, and revisions thereto may be made by the offeror after submissions and prior to award, for the purpose of making and obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(Ord. No. 082-64, § 201.6, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-87. - Negotiations with selected offeror.

(a) A specific person designated by the finance director shall negotiate a contract with the selected offeror, for the required supplies or services at a compensation determined to be fair and reasonable. Assistance in the conduct of negotiations may be requested of the county attorney's office.

(b) Negotiations under this section shall be directed toward:

(1) Making certain that the offeror has a clear understanding of the scope of the services or the supplies, specifically the essential requirements involved in providing the required supplies or services;

(2) Determining that the offeror will make available the necessary personnel and facilities to perform the services in the required time, or provide the needed supplies; and

(3) Agreeing upon compensation which is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity and nature of such services or the supplies required.

(Ord. No. 082-64, § 201.7, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-88. - Award of contracts; protests.

Award of a contract shall be made by the county administrator to the responsible offeror whose proposal is most advantageous to the county and with whom negotiations have been successful. The county attorney's office shall be consulted with respect to the form and content of the contract with the selected offeror. Protests shall be made in accordance with the provisions of article II of this chapter governing bid protests.

(Ord. No. 082-64, § 201.8, 1-18-83)

Secs. 20-89—20-100. - Reserved.

Sec. 20-101. - Application of article.

Contracts for construction shall be governed generally by this chapter, and by the additional regulations set out in this article. Where a regulation set forth in this article is in conflict with any other provision of this chapter, the provisions of this article shall govern.

(Ord. No. 082-64, § 300.1, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-102. - Applicability of state and federal law.

Contracts for construction which are subject to the provisions of state and federal law shall be governed thereby and by the regulations of this chapter, where they do not conflict with such law.

(Ord. No. 082-64, § 300.5, 1-18-83)

Sec. 20-103. - Solicitation of bids.

Bids for construction shall be solicited by the finance director by means of formal invitations for bids, instructions to bidders, plans and specifications for the project and proposed contracts for the work, which shall be prepared by the finance director in consultation with appropriate persons, including architects, engineers and other consultants who may be employed by the county for the purposes of any project. Invitations may be distributed by any such party employed by the county.

(Ord. No. 082-64, § 300.2, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-104. - Award of contract; rejection of bids.

(a) All contracts for construction of one hundred thousand dollars (\$100,000.00) or more shall be awarded by the board of supervisors, in accordance with the regulations governing the award of contracts generally. The board may reject any or all bids, without giving reason therefor.

(b) Construction contracts for less than one hundred thousand dollars (\$100,000.00) may be awarded by the county administrator in accordance with the regulations

governing the award of contracts generally, subject to purchasing guidelines and subject to approved budget and appropriated funds. The county administrator may reject any or all bids, without giving reason therefor.

(c) The board of supervisors may direct that the authority provided in this section may be exercised by any other person than herein specified.

(Ord. No. 082-64, § 300.3, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-105 - Bid bonds.

(a) All bids or proposals for construction contracts for one hundred thousand dollars (\$100,000.00) or more shall be accompanied by a bid bond from a surety company selected by the bidder that is authorized to do business in Virginia, as a guarantee that if the contract is awarded to the bidder, he will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent (5%) of the bid amount.

(b) No forfeiture under a bid bond shall exceed the lesser of (1) the difference between the bid for which the bond was written and the next low bid, or (2) the face amount of the bid.

(c) Nothing in this section shall preclude a public body from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than one hundred thousand dollars (\$100,000.00).

(Ord. No. 006-21, 2-7-06)

Sec. 20-106. - Payment and performance bonds.

(a) The finance director shall require any bidder for a construction contract of one hundred thousand dollars (\$100,000.00) or more to execute a performance bond in an amount equal to one hundred percent (100%) of the price specified in the contract, solely for the protection of the county, conditioned upon the faithful performance of the work in strict conformity with the plans, specifications and conditions for same.

(b) The finance director shall require any successful bidder for a construction contract of one hundred thousand dollars (\$100,000.00) or more to execute a payment bond in an amount equal to one hundred percent (100%) of the price specified in the contract, conditioned upon the faithful payment of all persons who have and fulfill contracts which are directly with the contractor for performing labor or furnishing materials in the prosecution of the work provided for in such contract.

(c) Any performance or payment bond required hereunder shall be in the form of a certified check, irrevocable letter of credit or a bond executed by a surety company authorized to do business as a surety in the commonwealth.

(Ord. No. 082-64, § 300.4, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-107. - Change orders.

Any owner's representative appointed by the board of supervisors, or should there be no such representative, the county administrator, may approve any change order which does not involve a change in the contract price or the time of performance, or which involves a cumulative change in the contract price of not more than an estimated twenty-five thousand dollars (\$25,000.00), or a change in the time of performance of not more than an estimated thirty (30) days. Changes not authorized herein to be made by the owner's representative or the county administrator shall be made only upon direction of the person or body who or which executed the contract.

(Ord. No. 082-64, § 300.6, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-108. - Special provisions for design-build, fast track and construction manager contracts.

(a) Notwithstanding any other provision of this chapter, the board of supervisors may authorize the use of design-build, fast track or construction manager type contracts for construction. When such authorization has been given, it shall not be necessary to bid the work competitively, nor shall the provisions of this chapter with respect to construction be applicable.

(b) The county administrator, in consultation with the county attorney, shall execute such requests for proposals and enter into such negotiations as he shall deem appropriate to enter into a contract for the work under this section. Any such contract shall be submitted to the board of supervisors for approval prior to execution of the contract documents. The county administrator may designate any person to administer the contract on behalf of the county.

(Ord. No. 082-64, § 301.1, 1-18-83; Ord. No. O06-21, 2-7-06)

Secs. 20-109—20-120. - Reserved.

Sec. 20-121. - Reserved.

Editor's note—

Ord. No. 003-19, adopted March 18, 2003, deleted § 20-121, which pertained to definition and derived from Ord. No. 082-64, Addendum, § 1, adopted Jan. 18, 1983.

Sec. 20-122. - Applicability of article.

(a) This article governs the selection of professional services by using departments and by the board of supervisors and such selection shall not be subject to the competitive bidding requirements of this chapter.

(b) This article shall apply to those using departments subject to the provisions of this chapter. It shall govern the format for the drafting of requests for proposals, and the procedure to be followed in their use.

(c) The procedure set forth in this article is recommended for any procurement of professional services, but shall be required only for professional services reasonably estimated to cost of thirty thousand dollars (\$30,000.00) or more.

(Ord. No. 082-64, § 200.7, Addendum, § 1, 1-18-83; Ord. No. 092-67, 9-8-92; Ord. No. 003-19, 3-18-03; Ord. No. O06-21, 2-7-06)

Sec. 20-123. - Board authorization required for certain contracts.

Contracts for professional services, excluding those obtained pursuant to subsection 20-124(4), anticipated to cost thirty thousand dollars (\$30,000.00) or more may be entered into only with the specific authorization of the board of supervisors.

(Ord. No. 082-64, Addendum, § 1, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. O06-21, 2-7-06)

Sec. 20-124. - Determination of need for professional services; approving authority.

(a) The head of the using department in the area most directly affected by the need for professional services shall determine, in the first instance, the need for professional services. He shall recommend selection of a professional to the appropriate approving authority, as provided herein.

(b) If the funds necessary for acquisition of professional services have not previously been budgeted and appropriated by the board of supervisors, the using department shall prepare a request for such action and forward it to the county administrator for approval and presentation to the board. The board shall either approve or disapprove the request, in whole or in part. Approval shall constitute authorization for the using department to obtain the identified professional services, in accordance with this article.

(c) When the board approves a request, as provided in subsection (b) above, or when the funds for professional services have already been included in a using department's

budget and appropriated in accordance with that budget, such services may be acquired by an approving authority as follows:

(1) Professional services estimated to cost less than twenty thousand dollars (\$20,000.00) shall be obtained by the head of the using department. After approval by the purchasing department, the head of the using department is authorized to sign such contract.

(2) Professional services estimated to cost twenty thousand dollars (\$20,000.00) or more, but less than thirty thousand dollars (\$30,000.00), shall be obtained by the using department. After approval by the purchasing department, the county administrator or his designee is authorized to sign such contract.

(3) Professional services estimated to cost thirty thousand dollars (\$30,000.00) or more shall be obtained only by the issuance of a written request for proposal indicating the general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the contractor.

(4) The county attorney shall have the authority to obtain professional services for a total sum of less than fifty thousand dollars (\$50,000.00) without executing a standard contract for services, as long as the county attorney accepts a contractor's proposal or engagement letter in writing and promptly sends the acceptance, and the proposal or engagement letter, to the purchasing department.

(Ord. No. 082-64, Addendum, § 2, 1-18-83; Ord. No. 092-67, 9-8-92; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-125. - Format for RFP.

Requests for proposals for professional services shall be prepared in the same format provided in article III of this chapter governing competitive sealed proposals.

(Ord. No. 082-64, Addendum, § 3, 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-126. - Distribution of RFP; advertising for prospective offerors.

The person charged with responsibility for the RFP for professional services shall ensure that it is widely distributed among persons and firms reasonably able to provide the required services. When such person determines that sufficient time exists, he shall advertise for prospective offerors in newspapers of general circulation, in trade journals and other publications and as he shall otherwise deem appropriate to obtain the highest practical number of responses.

(Ord. No. 082-64, Addendum, § 4, 1-18-83)

Sec. 20-127. - Receipt and handling of proposals.

Proposals submitted under this article shall be dated and the time received shall be recorded thereon. Proposals shall not be publicly opened nor disclosed to any person not a member of the evaluation committee referred to in section 20-128, except the county administrator or county attorney or their designees. Nothing contained in any offer shall be open for public inspection until such time as an award has been made, except as may be otherwise required by the Virginia Freedom of Information Act (Code of Virginia, § 2.2.-3700 et seq.).

(Ord. No. 082-64, Addendum, § 6, 1-18-83; Ord. No. 003-19, 3-18-03; Ord. No. 006-21, 2-7-06)

Sec. 20-128. - Evaluation of proposals.

(a) Following distribution of the RFP under this article, the approving authority shall appoint an evaluation committee which shall review and evaluate any proposals which are received and prepare a recommendation to the approving authority.

(b) The evaluation committee shall evaluate proposals solely on the basis of the evaluation factors which were set out in the RFP.

(Ord. No. 082-64, Addendum, §§ 5, 7, 1-18-83; Ord. No. 006-21, 2-7-06)

Sec. 20-129. - Discussions with offerors.

(a) The evaluation committee appointed pursuant to this article may conduct discussions with any offeror and shall invite three (3) to five (5) offerors for such discussions. The purposes of the discussions shall be limited to the determination in greater detail of the offeror's qualifications and the exploration, with the offerors, of the scope and nature of the required services, the offeror's proposed method of performance, the relative utility of alternate methods of approach and cost of the services. A record shall be kept and maintained for a reasonable time of all such discussions.

(b) No information may be conveyed to any offeror which was submitted by any other offeror in the conduct of discussions under this section.

(c) Proposals may be modified or withdrawn at any time prior to the conclusion of the discussions entered into under this section.

(Ord. No. 082-64, Addendum, § 8, 1-18-83)

Sec. 20-130. - Selection of best qualified offerors.

(a) Following discussions provided for in section 20-129 to determine the qualifications of the offerors, the evaluation committee shall select, in the order of their respective qualifications ranking, no fewer than three (3) acceptable offerors (or such lesser number, if less than three (3) acceptable proposals were received) deemed to be best qualified to provide the required services.

(b) The evaluation committee shall forward its recommendations to the appropriate approving authority as provided in this article, which authority shall select the best qualified offeror.

(Ord. No. 082-64, Addendum, § 9, 1-18-83; Ord. No. 006-21, 2-7-06)

Sec. 20-131. - Submission of cost or pricing data by selected offeror.

The offeror selected by the approving authority pursuant to section 20-130 may be required to submit cost or pricing data to the person responsible for the preparation of the RFP at a time specified prior to the commencement of negotiations in accordance with section 20-132.

(Ord. No. 082-64, Addendum, § 10, 1-18-83)

Sec. 20-132. - Negotiations with selected offeror.

Negotiations with the best qualified offeror selected under this article may be conducted in accordance with article III of this chapter governing competitive sealed proposals.

(Ord. No. 082-64, Addendum, § 11, 1-18-83)

Sec. 20-133. - Award of contract.

If a contract can be agreed upon with the best qualified offeror pursuant to negotiations provided for in section 20-132, the contract shall be awarded to that offeror.

(Ord. No. 082-64, Addendum, § 12, 1-18-83)

Sec. 20-134. - Failure of negotiations to produce contract.

(a) If a contract cannot be agreed upon between the county and the first qualified offeror under this article, a written record stating the reasons therefor shall be placed in the file and the county negotiator shall advise the offeror of the termination of negotiations.

(b) Upon failure of negotiations to produce an acceptable contract, the county negotiator may enter into negotiations with the next most qualified offeror as determined by the evaluation committee's recommendation to the approving authority under this

article. If negotiations with such offeror again fail, the negotiator shall terminate the negotiations and commence them with the next most qualified offeror.

(c) If all negotiations fail to produce a contract with any of the three (3) most qualified offerors, the evaluation committee may make additional recommendations to the approving authority.

(Ord. No. 082-64, Addendum, § 13, 1-18-83; Ord. No. 006-21, 2-7-06)

Sec. 20-135. - Records of negotiations.

The county negotiator shall keep detailed records of any negotiations which were entered into in accordance with any provision of this article.

(Ord. No. 082-64, Addendum, § 14, 1-18-83; Ord. No. 003-19, 3-18-03)

Secs. 20-136—20-145. - Reserved.

Sec. 20-146. - Authority.

(a) After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the finance director personally, after consultation with the using department and the county attorney, shall have authority to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three (3) years.

(b) The finance director, after consultation with the using department and the county attorney, shall have authority to suspend a person from consideration for award of contracts, if there is probable cause for debarment. The suspension shall not be for a period exceeding three (3) months.

(Ord. No. 082-64, § 200.12(1), 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-147. - Grounds.

The grounds for debarment or suspension pursuant to this article include the following:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

(b) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a contractor with the county.

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.

(d) Violation of contract provisions, as set forth below, of a character which is regarded by the finance director to be so serious as to justify debarment action:

(1) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(2) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.

(e) Any other cause the finance director determines to be so serious and compelling as to affect responsibility as a county contractor, including debarment by another governmental entity.

(Ord. No. 082-64, § 200.12(2), 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-148. - Decision generally.

The finance director shall issue a written decision to debar or suspend. The decision shall:

(1) State the reasons for the action taken; and

(2) Inform the debarred or suspended person involved of his rights to review as provided in this article.

(Ord. No. 082-64, § 200.12(3), 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-149. - Copy of decision to be furnished to person involved.

A copy of the decision under section 20-148 shall be mailed or otherwise furnished immediately to the debarred or suspended person.

(Ord. No. 082-64, § 200.12(4), 1-18-83; Ord. No. 003-19, 3-18-03)

Sec. 20-150. - Finality of decision; appeal.

A decision under this article shall be final and conclusive, unless fraudulent, or the debarred or suspended person appeals in writing to the county administrator within fourteen (14) calendar days of notice of disbarment or suspension. The county administrator shall conduct a hearing at which the debarred or suspended person may be present and present evidence. The decision of the county administrator shall be final.

(Ord. No. 082-64, § 200.12(5), 1-18-83)

Chapter 20 PROCUREMENT CODE

ARTICLE I. – PROCUREMENT CODE OF STAFFORD COUNTY

Sec. 20-1. The purpose of this code is to provide for fair and equitable public purchasing, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity.

State law reference: Virginia Code § 2.2-4300 et seq.

Sec. 20-2. All procurement by the County shall be carried out in accordance with the Virginia Public Procurement Act, Virginia Code § 2.2-4300 et seq.

Sec. 20-3. The County Administrator shall establish and promulgate regulations in accordance with and implementing the Virginia Public Procurement Act, Virginia Code § 2.2-4300 et seq.

Adjournment At 10:32 p.m., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman