

PURCHASING PROCEDURES

All procurements made by the school division are in accordance with the Virginia Public Procurement Act (VPPA), or the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002, as outlined in Policy DJFA.

Certification Regarding Sex Offenses

In accordance with the Code of Virginia § 22.1-296.1, as a condition of awarding a contract for the provision of services that require the contractor or its employees to have direct contact with students on school property during regular school hours or during school-sponsored activities, the School Board requires the contractor to provide certification of whether any individual who will provide such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02; any offense involving the sexual molestation, or physical or sexual abuse or rape of a child, or any crime of moral turpitude.

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

Award of Contracts When Individuals Who Will Provide Services Have Been Convicted of Certain Crimes

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

The School Board may award a contract for the provision of services that require the contractor or its employees to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, the Governor has restored the individual's civil rights.

Immigration Reform and Control Act

The School Board shall stipulate in all written contracts a requirement for contractors to comply with the federal Immigration Reform and Control Act of 1986 as it relates to the employment of individuals or subcontracting agreements.

Discrimination by Contractor Prohibited

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

1. During the performance of this contract, the contractor agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of age, race, national origin, ancestry, disability, religion, gender, gender identity, gender expression, sex, sexual orientation, genetic information, pregnancy, marital status, status as a parent, political affiliation or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
 - b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
 - c. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
2. The contractor will include the provisions of the foregoing paragraphs a, b, and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding on each subcontractor or vendor.

Adopted: October 24, 1996
Amended: April 4, 2002
Amended: January 29, 2004
Amended: July 2, 2007
Amended: May 29, 2008
Amended: April 21, 2016
Amended: February 18, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-4300 et seq., 2.2-4311, 2.2-4311.1, 22.1-296.1.

Cross Refs.: DJFA Purchasing Procedures – Public-Private Construction Services
GBA/JFHA Sexual Harassment/Harassment Based On Race, National Origin, Disability, Religion, Gender, Gender Identity, Gender Expression and Sexual Orientation
GCDA Effect of Criminal Conviction
IGBGA Online Courses and Virtual School Programs
KN Sex Offender Registry Notification