

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Emergency/Small/Sole Source Purchases

A. Emergency Purchases

An emergency shall be deemed to exist when a breakdown in machinery or equipment and/or a threatened termination of essential services or a dangerous condition develops, or when any unforeseen circumstances arise causing curtailment or diminution of an essential service or where materials or services are needed to prevent loss of life or property.

In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be submitted to the School Board and included in the contract file. Public notice will be made as required by law or regulation.

B. Small Purchases/Professional Service Contracts

All purchases of goods, contractual services, insurance and capital improvements where the aggregate or sum of all phases is estimated to be less than \$100,000 in value, shall not be subject to the requirements of the competitive sealed bidding procedures as described in School Board Policy 3-35 or competitive negotiation. However, when the aggregate or sum of all phases is estimated to be between \$30,000 and \$100,000, the purchasing authority will, when practicable, obtain three informal solicitations or proposals, document such solicitations or proposals, and document the basis for choosing the vendor/contractor. If no other vendor/contractor is practicably available to provide the goods or services or the purchasing authority is unable to obtain solicitations or proposals, the purchasing authority will document this information and proceed with the purchase.

The following items, when purchased in dollar amounts below \$100,000, shall be exempt from competition:

1. Instructional Materials-as determined by the Director of Purchasing;
2. Instructional Software and Digital Resources;
3. Assessment Test; and
4. Industry Standard Certifications.

Single or term contracts for professional services shall not be subject to the requirement of competitive negotiation of School Board Policy 3-38 where the aggregate or the sum of all phases is not expected to exceed \$30,000; however, the purchasing authority shall provide

for competition wherever practicable. Professional services are exempt from these provisions.

C. Sole/Single Source Purchases

1. When only one known source exists or can be practicably identified or only one single supplier can fulfill the requirements for a purchase or the provision of services, the purchasing authority may purchase or enter into a contract without using competitive processes if the following procedures are followed.

Acceptable reasons for sole/single source purchases:

- a. Only one known source exists for the supplies or services as determined by documented research;
- b. No other reasonable alternative source exists or can reasonably be identified that meets the purchasing authority's requirements;
- c. Only one source meets the business needs of the purchasing authority (e.g. compatibility; unique or special features or services);
- d. Procurement of public utility services;
- e. Compatibility (such as purchasing authority requires specific piece of equipment to be compatible with existing equipment);
- f. Limited or proprietary systems, services (i.e. additional licenses, updates, specialized replacement parts, etc.);
- g. A unique professional expert is required;
- h. Sales territories or product availability within limited geographic boundaries;
- i. Unique or proprietary services owned or licensed by a person or corporation (motivational speakers, comedians, artists, musicians, singers, actors, etc.); and
- j. Other reasons consistent with applicable law and regulation and as approved by the Director of Purchasing.

2. What does not constitute acceptable reasons for sole/single source purchases

- a. Purchasing authority's preference for a brand name product or service or preference for particular vendor/contractor;

- b. The "uniqueness" alone of a good or service without justification of the reasons no other good or service will meet the requirements and without written agreement of the Director of Purchasing that no other good or service can meet the requirements; and
- c. Failure of the purchasing authority to follow purchasing procedures or plan adequate time to complete competitive procurement procedures or contract approval process.

3. Sole/single source procedure

- a. Purchasing authority must provide written justification to support the sole/single source request. Such request must include the following:
 - 1) A description of the unique features or reasons that justify not following competitive negotiation procedures;
 - 2) Documented research supporting the determination that the vendor/contractor is the only known source or only practicably identifiable source;
 - 3) Documented compatibility, licensing or related issues; and
 - 3) Other supporting evidence.

4. Approval of sole/single source determination

- a. The purchasing authority will submit the written justification and supporting documentation to the Director of Purchasing for approval prior to purchasing goods or services;
- b. The Director of Purchasing or designee will review the supporting documentation and approve the written justification, reject the written justification or request further supporting information for consideration before rendering a decision;
- c. Public notice of the sole/single source determination will be made in accordance with applicable law or regulation; and
- d. The purchasing authority will not be authorized to proceed with the purchase or contract for services or goods without approval from the Director of Purchasing.

Editor's Note

See also the School Division's "Purchasing Services Handbook."

Legal Reference

Code of Virginia §2.2-3100, et seq., as amended. State and Local Government Conflict of Interests Act.

Code of Virginia § 2.2-4300, et seq., as amended. Virginia Public Procurement Act.

Code of Virginia §2.2-4370, as amended. Disclosure of subsequent employment.

Related Links

School Board **Policy 3-35**

School Board **Policy 3-38**

Adopted by School Board: February 16, 1993

Amended by School Board: October 19, 1999

Amended by School Board: August 2, 2000

Amended by School Board: September 3, 2002

Amended by School Board: December 20, 2011

Amended by School Board: September 16, 2014

Amended by School Board: February 13, 2018

Amended by School Board: 2020

APPROVED AS TO
LEGAL SUFFICIENCY


