



Legislation Text

File #: 20-0404, Version: 1

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 9, 2019

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Article C (COOPERATIVE PROCUREMENT) Section 3-3-24 (PURCHASES UNDER CONTRACTS COMPETITIVELY ENTERED BY OTHER PUBLIC BODIES), Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION), Division 1 (COMPETITIVE SEALED BIDDING); Section 3-3-33 (PUBLIC ACCESS TO PROCUREMENT INFORMATION), Section 3-3-39 (BID BONDS ON CONSTRUCTION CONTRACTS), Division 2 (COMPETITIVE NEGOTIATION); Section 3-3-64 (PUBLIC NOTICE), Section 3-3-69 (CONTRACTING FOR PROFESSIONAL SERVICES BY COMPETITIVE NEGOTIATION), Division 3 (MISCELLANEOUS PROVISIONS); Section 3-3-72 (SMALL PURCHASES), all of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

ISSUE: Amendments to the City Code purchasing provisions to reflect General Assembly changes to the Code of Virginia; and other miscellaneous purchasing ordinance changes.

RECOMMENDATION: That City Council adopt the proposed ordinance to amend certain sections of the City Code's purchasing provisions on first reading, and schedule it for second reading, public hearing and final passage on Saturday, December 14, 2019.

BACKGROUND: In its last session the General Assembly amended the Virginia Public Procurement Act ("VPPA") and made several changes. The City Code needs to be amended to reflect these changes in State law. In addition, although not part of the State mandated new procurement laws, staff would like to clarify the City Code, as stated above, to provide clear direction on current procurement processes.

A. VPPA Amendments

The ordinance would amend the City Code to adopt recent General Assembly changes to the Code of Virginia

as follows:

- City Code §§ 3-3-24 is being amended to be consistent with changes to Code of Virginia §§ 2.2-4304. Currently the City has an allowance for riding another public entity's construction contracts if they are under \$200,000 and are not located more than a 75-mile, straight line distance from the territorial limits of the City. The Code of Virginia now stipulates that construction contracts are not rideable. Both the City and Virginia Codes have the same exemptions for sole source, emergency, installation of artificial turf & track surfaces, stream restoration and stormwater management practices - including all associated & necessary construction and maintenance.
- City Code § 3-3-33 is being amended to reflect the revisions to the Code of Virginia § 2.2-4342 that added limitations to what can be declared trade secrets or proprietary information by submitting vendors. The Code of Virginia precludes a bidder from declaring an entire submission to be a trade secret or any portion of a bid that does not contain a trade secret.
- City Code Section § 3-3-64 is being amended for consistency with the new provisions of the Code of Virginia §2.2-4302.1, §2.2-4302.2 and §2.2-4303 related to the posting of notices related to solicitations. The Code of Virginia now allows but does not require publishing a notice in a newspaper. A notice related to solicitation now can be posted solely on an appropriate website(s).

The above changes would bring the City Code into alignment with changes to the Code of Virginia.

B. City Code Section 3-3-39 Amendment:

Staff recommend amending City Code § 3-3-39 to correct an erroneous reference to the Virginia Code section relevant to the section.

C. City Code Section 3-3-69 Amendment:

Staff recommend amending City Code § 3-3-69 related to contracting for professional services by competitive negotiation to: 1) remove set current longstanding City Code threshold level of \$50,000 and make generic the language that authorizes the City Manager to increase thresholds for the City's purchasing limits per § 3-3-14 (b) and does not exceed the VPPA set threshold which has recently been increased from \$60,000 to \$80,000; and 2) clarify in the City Code purchasing process previously devolved to the City Attorney for the procurement of legal services.

D. City Code Section 3-3-72 Amendment:

Section 3-3-72 of the City Code currently sets small purchase limits at the maximum level set forth in the VPPA. This proposed amendment would allow the City Manager to set lower small purchase limits. Small purchases are less formal and entail purchases not requiring competitive sealed bids or competitive negotiations.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Ordinance Cover
2. Ordinance

STAFF:

Laura Triggs, Deputy City Manager

Kendel Taylor, Director of Finance

Randy Burns, Purchasing Agent, Finance Department

Sarah McElveen, Assistant City Attorney