

INTRODUCED: June 8, 2026

AN ORDINANCE No. 2026-150

To amend City Code § 21-40, concerning joint and cooperative procurement, for the purpose of conforming the City’s cooperative procurement laws to the optional provisions of Va. Code § 2.2-4304.

Patron – Mayor Avula

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 22 2026 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 21-40 of the Code of the City of Richmond (2020) be and is hereby **amended** and reordained as follows:

Sec. 21-40. Joint and cooperative procurement.

(a) *Joint procurement agreements.* The City may participate in, sponsor, conduct or administer a joint procurement agreement in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia or the United States General Services Administration, for the

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction.

(b) *Purchases by City.*

(1) Except for contracts for architectural or engineering services or construction, the City may purchase from the contract of another public body, from the contract of the Metropolitan Washington Council of Governments, or from the Virginia Sheriffs' Association even if it did not participate in the request for proposals or invitation for bids, if the request for proposals or invitation for bids specified that the procurement was being conducted on behalf of other public bodies. For purposes of this subsection (b)(1), "construction" shall not include the installation of artificial turf and track surfaces, stream restoration, stormwater management practices, ~~[or]~~ the installation of playground equipment, including all associated and necessary construction and maintenance, or roofing maintenance, repair, restoration, and component replacement of existing facilities that do not involve modification to the structure.

(2) The City may purchase from any authority, department, agency or institution of the Commonwealth's contract even if the City did not participate in the request for proposals or invitation for bids, if the request for proposals or invitation for bids specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies.

(3) As authorized by the United States Congress and consistent with applicable Federal regulations, and provided the terms of the contract permit such purchases, the City may purchase goods and nonprofessional services from a United States General Services

Administration contract or a contract awarded by any other agency of the United States government, upon approval of the Director.

(c) *Policies and procedures to be followed.* If the City is the party conducting the procurement, the procurement shall comply with the policies and procedures set forth within this chapter and the rules and regulations promulgated to implement this chapter. If the City is not the party conducting the procurement, then the procurement shall comply with the policies and procedures of the public body conducting the procurement. Prior to any City purchase under a contract entered by another public body, the Director shall find that the process pursuant to which the contract was entered generally complied with the policies and procedures established by this chapter and the rules and regulations promulgated to implement this chapter.

(d) *Purchases by other public bodies.* A public body may purchase from the City's contract even if it did not participate in the request for proposals or invitation for bids, if the request for proposals or invitation for bids specified that the procurement was being conducted on behalf of other public bodies.

(e) *Utility marking services.* The City, which is also a utility operator, may purchase services through or participate in contracts awarded by one or more utility operators which are not public bodies for utility marking services, as required by the Underground Utility Damage Prevention Act, Code of Virginia, § 56-265.14 et seq. A purchase of services under this subsection may deviate from the procurement procedures set forth in this chapter, upon a determination made in advance by the Director and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public and the contract is awarded based on competitive principles.

§ 2. This ordinance shall be in force and effect as of July 1, 2026.

DATE: 5/11/26
TO: The Honorable Members of City Council
THROUGH: The Honorable Danny Avula, Mayor
THROUGH: Mr. Odie Donald, II, Chief Administrative Officer
FROM: Rene M. Almaraz, Director of Procurement Services
RE: Amendments to City’s Public Procurement Laws – Joint and cooperative procurement (City Code § 21-40)

PURPOSE: To amend section 21-40 of the City Code, concerning joint procurement and cooperative procurement, to bring section 21-40 in line with the purpose of similar state law within the Virginia Public Procurement Act, Va. Code §§ 2.2-4300—2.2-4377 (the “VPPA”).

BACKGROUND: Pursuant to Va. Code § 2.2-4343(A)(10), the City has “opted out” of the VPPA, by adopting alternative policies and procedures in the form of Chapter 21 (“Public Procurement”) of the Code of the City of Richmond which are (i) based on competitive principles and (ii) generally applicable to the procurement of goods and services by the City. These alternative policies and procedures remain valid so long as they incorporate provisions of the VPAA, set forth in Va. Code § 2.2-4343(A)(12) and often referred to as “mandatory” provisions. In addition, over the years, the City has found it beneficial to include provisions similar to those in the VPPA even if those particular provisions are not mandatory.

Section 21-40 of the City Code closely resembles Va. Code § 2.2-4304 of the VPPA. Through the 2026 General Assembly session, Va. Code § 2.2-4304(B) was amended (effective July 1, 2026) as a result of SB 326. This proposed ordinance aligns City Code § 21-40(b) with Va. Code § 2.2-4304(B). This proposed ordinance amends section 21-40(b) of the City Code to exclude roofing maintenance, repair, restoration, and component replacement of existing facilities that do not involve modification to the structure from the prohibition on using cooperative procurement to purchase construction.

Va. Code § 2.2-4304 is not a mandatory provision of the VPPA, under Va. Code § 2.2-4343(A)(12). However, adopting its language in City Code § 21-40 would be beneficial to the City’s efforts to deliver goods and services to using agencies at a lower cost in money and time by allowing the City to exercise the authority found in Va. Code § 2.2-4304 to make purchases off of more cooperative contracts.

COMMUNITY ENGAGEMENT: n/a

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: n/a

FISCAL IMPACT: This proposed ordinance should not have any cost in the upcoming fiscal year or succeeding fiscal years.

DESIRED EFFECTIVE DATE: July 1, 2026.

REQUESTED INTRODUCTION DATE: June 8, 2026.

CITY COUNCIL PUBLIC HEARING DATE: June 22, 2026.

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Finance and Economic Development (June 17, 2026).

AFFECTED AGENCIES: Department of Procurement Services, Office of the City Attorney.

RELATIONSHIP TO EXISTING ORD. OR RES.: Amends City Code § 21-40.

ATTACHMENTS: Draft Amendments to City Code § 21-40.

STAFF: Rene M. Almaraz, Director of Procurement Services, 646-5020