

INTRODUCED: February 14, 2022

AN ORDINANCE No. 2022-031

To amend City Code § 21-40, concerning joint and cooperative procurement, to conform the City's cooperative procurement law to the optional provisions of Va. Code § 2.2-4304.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 28 2022 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 hereby is **amended** 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 28 2022 REJECTED: _____ STRICKEN: _____

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

(b) *Purchases* [~~off of other public bodies' contracts~~] by City.

(1) [~~By City.~~] 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 any authority, department, agency or institution of the Commonwealth,~~] 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, or stormwater management practices, including all associated and necessary construction and maintenance.

(2) [~~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~~] 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) [~~Exceptions. The City may not purchase architectural or engineering services from the contract of any other public body or any authority, department, agency~~

~~or institution of the Commonwealth. No other public body may purchase from the City's contracts for architectural or engineering services]~~ 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.

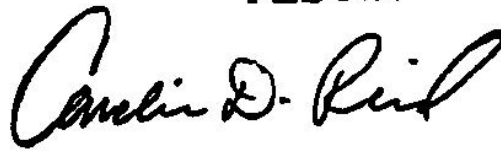
(c) *Policies and procedures to be followed.* If the City is the party conducting the procurement, the procurement shall comply with the policies and procedures set forth within this chapter and the rules and regulations promulgated to implement this chapter. If the City is not the party conducting the 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 [~~off of Federal contracts~~] by other public bodies.* [~~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]~~ 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 upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Amelia D. Reed". The signature is written in a cursive, flowing style.

City Clerk




CITY OF RICHMOND


INTRACITY CORRESPONDENCE


O&R REQUEST


DATE: January 24, 2022 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar Stoney, Mayor 

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer 

THROUGH: Sabrina Joy-Hogg, Deputy Chief Administrative Officer 

FROM: Betty J. Burrell, Director of Procurement Services 

RE: Amendments to City's Public Procurement Laws – Joint and cooperative procurement (City Code § 21-40)

ORD. OR RES. No. _____

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”).

REASON: The proposed ordinance would amend section 21-40 of the City Code to Va. Code § 2.2-4304(A) to clarify the City’s authority to make purchases off of state contracts through cooperative procurement and to re-organize section 21-40 to group the provisions within that section in a more cohesive manner.

RECOMMENDATION: The City Administration recommends adoption of this ordinance.

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.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None.

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

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

REQUIRED CHANGES TO WORK PROGRAM(S): No changes to work programs are required.

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

STAFF: Betty J. Burrell, Director of Procurement Services, 804-646-5798