

INTRODUCED: June 12, 2023

AN ORDINANCE No. 2023-186

To amend City Code § 21-40, concerning joint and cooperative procurement, for the purpose of conforming 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: JUN 26 2023 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: _____ 7 _____ NOES: _____ 0 _____ ABSTAIN: _____

ADOPTED: _____ JUN 26 2023 _____ 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, ~~[or]~~ stormwater management practices, or the installation of playground equipment, including all associated and necessary construction and maintenance.

(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.

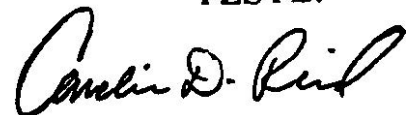
(c) *Policies and procedures to be followed.* If the City is the party conducting the procurement, the procurement shall comply with the policies and procedures set forth within this chapter and the rules and regulations promulgated to implement this chapter. If the City is not the party conducting the 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 upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carlin D. Reil".

City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2023-0328

File ID: Admin-2023-0328

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

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In Control: City Clerk Waiting Room

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Final Action:

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Patron(s):

Enactment Date:

Attachments: OR Attachment - Text of 21-40 changes (2023-04-27 SMM), OR Attachment - Text of 21-40 clean (2023-04-27 SMM), Admin-2023-0328_Finance Com_6-15-23_Procurement_Cooperative

Enactment Number:

Contact:

Introduction Date:

Drafter: Sue.Kochanski@rva.gov

Effective Date:

Approval History

| Version | Seq # | Action Date | Approver | Action | Due Date |
|---|-------|-------------|-----------------------|----------------|-----------|
| 1 | 1 | 5/10/2023 | Sue Kochanski - FYI | Notified - FYI | |
| 1 | 2 | 5/10/2023 | Rene Almaraz - FYI | Notified - FYI | |
| 1 | 3 | 5/17/2023 | Rene Almaraz | Approve | 5/17/2023 |
| Notes: • Va. Code § 2.2-4304(B) has now excluded the prohibition for the installation of playground equipment using a cooperative procurement to purchase construction. • This O/R will amend section 21-40 of the City Code and bring it in line with the similar state law within the Virginia Public Procurement Act, Va. Code §§ 2.2-4300—2.2-4377. | | | | | |
| 1 | 4 | 5/17/2023 | Cynthia Osborne - FYI | Notified - FYI | |
| 1 | 5 | 5/17/2023 | Sabrina Joy-Hogg | Approve | 5/19/2023 |
| 1 | 6 | 5/17/2023 | Lincoln Saunders | Approve | 5/19/2023 |
| 1 | 7 | 6/7/2023 | Mayor Stoney | Approve | 5/19/2023 |

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|-----------------------|---------------------|--------------|----------------|-----------------|------------------|-------------------------|----------------|
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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.

FISCAL IMPACT / COST:

- If Adopted: This proposed ordinance should not impose any cost in the upcoming fiscal year or succeeding fiscal years.
- If Not Adopted: N/A

FISCAL IMPLICATIONS: This proposed ordinance should not impose any costs on the City in the foreseeable future.

BUDGET AMENDMENT NECESSARY: No budget amendment is necessary if this proposed ordinance is adopted.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: July 1, 2023.

REQUESTED INTRODUCTION DATE: June 12, 2023.

CITY COUNCIL PUBLIC HEARING DATE: June 26, 2023.

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: Finance and Economic Development (June 15, 2023).

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

Presentation to the Finance and Economic Development Standing Committee, Richmond City Council

**Amendment to City's Procurement Law: Joint and Cooperative Procurement
Admin-2023-0328**

Department of Procurement Services
Rene M. Almaraz, Director
June 12, 2023



DEPARTMENT OF
**PROCUREMENT
SERVICES**

Joint and Cooperative Procurement

Purpose

- To amend section 21-40 of the City Code, concerning joint procurement and cooperative procurement in relation to the installation of playground equipment.
- 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”).

Changes to Joint and Cooperative Procurement

Reason and Benefit

- Cooperative procurement for the installation playground equipment has been prohibited under the Va. Code in the past.
- Va. Code § 2.2-4304(B) has excluded the prohibition for the installation of playground equipment using a cooperative procurement to purchase construction.
- This proposed ordinance would amend section 21-40 of the City Code and align it with Va. Code
- While these are not mandatory provision of the Virginia public Procurement Act, by adopting its language,
 - The City may benefit by allowing agencies to deliver these good and services at a lower cost.
 - The City may benefit by shortening the procurement lead time by using cooperative contracts for these goods and services.

Recommendation

Summary

- This change eliminates the prohibition of using cooperative contracts for the installation of playground equipment.

Recommendation

- The Administration respectfully requests Committee approval for Council's consideration and adoption on June 26, 2023.

Are there any questions?