

ORDINANCE NO. 4699

AN ORDINANCE to amend and reordain Section 3-3-24 (PURCHASES UNDER CONTRACT COMPETITIVELY ENTERED BY OTHER PUBLIC BODIES) of Article C (COOPERATIVE PROCUREMENT), Section 3-3-32 (COMPETITIVE BIDDING ON STATE AID PROJECTS) of Division 1 (COMPETITIVE SEALED BIDDING) of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION) and Section 3-3-62 (CONDITIONS FOR USE) of Division 2 (COMPETITIVE NEGOTIATION) of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION), 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.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article C (Cooperative Procurement) 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, be, and the same hereby is, amended by enacting amended Section 3-3-24, to read as follows:

Sec. 3-3-24 Purchases under contracts competitively entered by other public bodies.

(a) Notwithstanding any other provision of this chapter to the contrary, except ~~for contracts for architectural and engineering services as listed under subsection (b),~~ the city may purchase from another public body's contract even if the city did not participate in the request for proposal or invitation to bid, ~~if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.~~ Prior to any city purchase under a contract entered by another public body, the purchasing agent shall find that the process pursuant to which the contract was entered generally complied with the policies and procedures established by this chapter.

(b) The city may not purchase:

(1) from another public body's contract for architectural or engineering services or
(2) for construction in excess of \$200,000, from the contract of another local public body that is more than a straight line distance of 75 miles from the territorial limits of the city. The installation of artificial turf or other athletic surfaces shall not be subject to the limitations prescribed in this subsection. Nothing in this subsection shall be construed to prohibit sole source or emergency procurements awarded pursuant to the City Code Section 3-3-71 or 3-3-73.

Section 2. That Division 1 (Competitive Sealed Bidding) of Article D (Contract Formation And Methods of Source Selection), 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, be, and the same hereby is, amended by enacting amended Section 3-3-32, to read as follows:

Sec. 3-3-32 Competitive bidding on state aid projects.

No contract for the construction of any building or for an addition to or improvement of an existing building for which state funds of not less than \$350,000, in the aggregate or for the sum of all phases of a contract or project, either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of the construction, addition or improvement shall be let except after competitive sealed bidding or competitive negotiation as provided under subsection (b) of section 3-3-62. The procedure for the advertising for bids or the submission of proposals and the letting of the contract shall conform, mutatis mutandis, to this chapter. ~~No person or firm shall be eligible to bid on or submit a proposal for any such contract, or to have the same awarded to him or it, who or which has been engaged as architect or engineer for the same project under a separate contract.~~

Section 3. That Division 2 (Competitive Negotiation) of Article D (Contract Formation and Methods of Source Selection), 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, be, and the same hereby is, amended by enacting amended Section 3-3-62, to read as follows:

Sec. 3-3-62 Conditions for use.

(a) Upon a determination made in advance by the purchasing agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination. Notwithstanding the foregoing, upon a determination made in advance by the purchasing agent that the procurement of insurance by competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed broker or agent selected through competitive negotiation. The basis for this determination shall be documented in writing.

(b) Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the purchasing agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

(1) for the construction, alteration, repair, renovation or demolition of buildings or structures when the contract is expected to equal or be less than \$1.5 million;

(2) on a fixed price design-build basis or construction management basis under section 2.2-4308 of the Code of Virginia, 1950, as amended, when the contract is not expected to cost more than \$1.5 million;

(3) the construction of highways, streets and alleys;

(4) the draining, dredging, excavation or grading of, or similar work upon, real property;
or

(5) as otherwise provided in section 3-3-70.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: December 18, 2010