



AGENDA

REGULAR MEETING OF TOWN COUNCIL
CHRISTIANSBURG TOWN HALL
100 EAST MAIN STREET
DECEMBER 10, 2019 – 7:00 P.M.

REGULAR MEETING

I. CALL TO ORDER

- A. Moment of Reflection
- B. Pledge of Allegiance

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

- A. Amendments to Chapter 28 “Solid Waste and Recycling” of the Christiansburg Town Code regarding the elimination of dumpster service and provision of recycling carts to commercial customers.

IV. CONSENT AGENDA

- A. Approval of Minutes of November 12, 2019, November 14, 2019, November 18, 2019, and November 19, 2019.
- B. Resolution recognizing Chris Tuck for his 8 years of service on the Montgomery County Board of Supervisors.
- C. Approval of amendment to the Professional Services Engineering Contract with Mattern and Craig in the amount of \$30,000 for additional construction engineering and inspection services for Falling Branch Intersection Project.
- D. Reschedule public hearing to February 25, 2020 for consideration of solid waste flow control ordinance.
- E. Schedule Public Hearing on January 28, 2020 for a Conditional Use Permit request by Steven LaPlante for residential use as permitted in the R-3, Multi-Family Residential zoning district for property located at 1305 Radford Street, N.W. (tax map no. 525 -2 - 49B), in the B-3, General Business District. The property is designated as Business/Commercial on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

V. INTRODUCTIONS AND PRESENTATIONS

- A. Montgomery County Clerk of Circuit Court Erica Conner to administer Oath of Office for Town Council for Sam Bishop, Johana Hicks, and Henry Showalter with terms of January 1, 2020 to December 31, 2023.
- B. Introduction of New Employees:
 - 1. John Kirtner, Public Works Department
 - Zach Butler, Maintenance Worker Trainee, Utilities
 - 2. J.W. Bishop, Public Works Department
 - John Dudding, Utility Maintenance Tech I
- C. Blacksburg Transit Director Tom Fox to provide an update on services.

VI. CITIZEN COMMENTS

VII. COMMITTEE REPORTS

- A. Stipes and Collins – Street Committee Report/Recommendation on:
 - 1. Subdivision Plat for NRV Marketplace, LLC Showing New Parcel L from a portion of Revised Lot 1.
- B. Bishop and Sachs – Central Business District Committee Report/Recommendation on:
 - 1. Creation of Public Art Advisory Board
 - 2. Downtown Clock

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

- A. [Resolution to approve budget modification #2 for FY 2019-2020.](#)
- B. [Resolution to appropriate funds per budget modification #2 for FY 2019-2020.](#)
- C. [Resolution to authorize the filing of a 2020 Construction Grant through the Appalachian Regional Commission.](#)
- D. Reappointment of Karen Drake, Jeremy Williams, and Shirley Hallock to the Aquatic Advisory Board. The terms are from January 1, 2020 through December 31, 2022.
- E. Reappointment of Jessica Davis and Hil Johnson to the Christiansburg Planning Commission. The terms are from January 1, 2020 through December 31, 2023.
- F. [Monthly bill list.](#)
- G. [Council certification of 2020 Fire Officers.](#)

H. Approval of Safe Ride Home Program for New Year's Eve.

I. Discussion regarding Southwest Virginia High School Invitational Swim Meet Facility Rental Fees.

J. [Changes to Small Purchases Policy.](#)

IX. STAFF REPORTS

A. Town Manager

B. Town Attorney

C. Other Staff

X. COUNCIL REPORTS

XI. OTHER BUSINESS

XII. ADJOURNMENT

Upcoming Meetings of Council:

~~December 24, 2019, 7:00 P.M. – Regular Meeting~~ **CANCELLED DUE TO HOLIDAY**

January 14, 2020, 7:00 P.M. – Regular Meeting

January 28, 2020, 7:00 P.M. – Regular Meeting



**TOWN OF CHRISTIANBURG
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Public Hearing

Meeting Date:

December 10, 2019

ITEM TITLES:

Amendments to Chapter 28 “Solid Waste and Recycling” of the Christiansburg Town Code regarding the elimination of dumpster service and provision of recycling carts to commercial customers.

DESCRIPTION:

The proposed ordinance makes amendments to the Solid Waste and Recycling chapter of the Town Code in order to:

- 1) Eliminate the dumpster service provided by the Town, effective date January 31, 2020.
- 2) Add provision for commercial uses to have a recycling cart as a Town solid waste customer, effective date January 31, 2020.

POTENTIAL ACTION:

Hold Public Hearing

DEPARTMENT(S):

Administration

PRESENTER:

Randy Wingfield, Town Manager

Information Provided:

Draft Ordinance

<https://christiansburg.box.com/s/s7mbq81xk4vbljun5jim49b4gpc7zgc2>

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
NOVEMBER 12, 2019 – 7:00 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON NOVEMBER 12, 2019 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael D. Barber; Vice-Mayor Steve Huppert; Samuel M. Bishop; Merissa Sachs; Henry Showalter; Bradford J. Stipes. ABSENT: Harry Collins.

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren; Clerk of Council Michele Stipes; Town Attorney Jim Guynn; Finance Director/Treasurer Val Tweedie; Public Relations Director Melissa Demmitt; Planning Director Will Drake; Justin St. Clair.

I. CALL TO ORDER

- A. Moment of Reflection
- B. Pledge of Allegiance.

II. ADJUSTMENT OF THE AGENDA

- A. Councilman Stipes made a motion to add to the agenda a resolution of support for the reappointment of Dr. Sherwood Wilson to the NRV 911 Authority, the NRV Water Authority, and the Virginia Tech-Montgomery Executive Airport, and to present the resolution to the Virginia Tech Board of Visitors for consideration. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye. The resolution was added as item 7 under Discussions by Mayor and Council.

III. PUBLIC HEARINGS

- A. Community Development Block Grant 2018 Consolidated Annual Performance and Evaluation Report.

Assistant Town Manager Andrew Warren explained that the Town of Christiansburg, as a recipient of Community Development Block Grant (CDBG) funding, was required by the U.S. Department of Housing and Urban Development (HUD) to prepare the Consolidated Annual Performance and Evaluation Report (CAPER). The 2018 CAPER compares the actual performance measures with those measures listed in the 2018 Annual Action Plan. There was no one to speak for or against this matter.

- B. Ordinance for Shared Mobility Systems for Hire, specifically addressing the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles.

There was no one to speak for or against the request.

IV. CONSENT AGENDA

- A. Approval of Minutes of October 22, 2019.
- B. Resolution Recognizing November 30, 2019 as Small Business Saturday.
- C. Schedule public hearing on November 19, 2019 for Fiscal Year 2019-20 Budget Amendment.
- D. Schedule public hearing on January 14, 2020 for consideration of solid waste flow control ordinance.
- E. Reschedule public hearing regarding amendments to Chapter 28 "Solid Waste and Recycling" of the Christiansburg Town Code to December 10, 2019.

Councilman Showalter made motion to approve the Consent, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

V. INTRODUCTIONS AND PRESENTATIONS

- A. Lisa Bleakley, Director of Montgomery Tourism Development Council (MTDC), to provide an update on tourism activities.

Lisa Bleakley, Executive Director of the MTDC, presented Council with an update on the 2019 tourism activities in Christiansburg, and introduced continued strategic planning efforts for 2020 that included the relocation of the MTDC's visitor center to downtown in the Great Roads on Main building. Ms. Bleakley talked about the important role of tourism in the local economy and shared a short video about the positive effects of tourism development efforts since the beginning of the "Virginia is for Lovers" branding. Council was presented with a six-year travel economic impact for Montgomery County, along with correlating tax revenue that indicated a steady upward trajectory. The six-year comparison report was prepared by Virginia Tourism Corporation. Ms. Bleakley presented Christiansburg's lodging and meals tax data for the first three quarters of 2019, and called attention to the increased numbers during a typical time of tourism slowdown during the first months of the year, which she attributed to aquatic center hosted events. Ms. Bleakley also highlighted regional partnerships with NRV Regional Tourism website, Rally, the Sports Advisory Group, and miscellaneous Southwest Virginia projects that she noted were so important to tourism in Montgomery County. Councilman Showalter asked if Christiansburg could sustain continued hotel growth. Ms. Bleakley responded that the current number of hotel rooms was adequate to meet current demand, and that there may not be a market for continued growth at this time. However, with future growth and business expansion, and the future connection with Northern Virginia through VT, market demand was expected to increase. Councilman Huppert asked about plans for a visitor center. Ms. Bleakley commented that conversations continued on that subject, but plans would not be anytime soon.

- B. Presentation on the NRV Regional Housing Study by the New River Valley Regional Commission and the consulting team.

Kevin Byrd of the NRV Regional Commission, along with Mel Jones of Virginia Center for Housing Research (VCHR) and Jonathan Knopf of Housing Virginia, presented Council with a preliminary regional housing study that indicated the Town needed more affordable housing and home ownership units. The report determined that, although residential growth continued at a fast pace in Christiansburg, the growth did not meet current demands for low- to middle-income housing or home ownership. Ms. Jones noted that the greatest needs in the region were among very-low income renters and those in need of temporary rental housing. In addition to providing research to improve the affordability of housing, VCHR also seeks to work with

localities to find solutions to meet housing needs, and Council was presented with ideas for creative strategies to increase density, address blight and neighborhood improvement, offer greater flexibility for accessory dwelling units, provide senior housing affordability through tax programs, and seek grant funding through a variety of sources. The group requested Council feedback and noted Council would be provided with a complete report by the end of the year that would provide specific recommendations and solutions to address housing needs in Christiansburg.

VI. CITIZEN COMMENTS:

- A. Robert Fralin, Roanoke, called attention to an email he sent Council regarding Council's concerns with the traffic flow pattern on Peppers Ferry Road that would result from the location of the new street proposed in the rezoning request by Magnolia Point Community, LLC presented at the October 22, 2019 meeting. Mr. Fralin said he was willing to work with Council to address traffic flow concerns and requested Council consider the options presented in his email prior to taking action on the rezoning request.
- B. Steve Semones, Balzer and Associates, reported that Stateson Homes had agreed to rebuild Stafford Drive to 24' wide, in addition to the proffered sidewalks, from Peppers Ferry Road to Quin Stewart Boulevard, as part of the rezoning request for property owned by Halberstadt Family Limited Partnership c/o Resource Associates Inc, located at 495 Peppers Ferry Road, as presented at the October 22 meeting.
- C. Stephanie Dulaney, Keystone Drive, spoke in opposition to approving the rezoning request by Robert Fralin due to ongoing drainage and construction problems with her house, which was built by him. Ms. Dulaney noted that several other properties in the Kensington neighborhood were also dealing with construction/drainage issues and she requested Council not allow Mr. Fralin to build in Christiansburg until he fixed the issues with the houses he has already built.
- D. Thom Rutledge, project manager for Shah Development, requested Council approve a roadway width reduction to 24' for the proposed planned housing development by Shah Development LLC, presented at the October 22, 2019 meeting, and that parking be restricted to one side of the street. Mr. Rutledge explained that decreasing the street width from 32' to 24' would help with storm water management and would increase traffic safety in the neighborhood.

VII. COMMITTEE REPORTS

- A. Stipes and Collins - Street Committee Report/Recommendation on:
 - 1. Subdivision Plat for Brian and Jennifer Sowers Showing Lots 1A and 2A by Dividing "Lot A" As Shown on Plat Book 28, Page 189 Situated at 1510 Sleepy Hollow Road NW.

Councilman Stipes reported that the property owner of Lots 1A and 2A previously had the center lot line abandoned to create one lot. The owner is now requesting that the lot be subdivided back into two lots. The property is zoned R-1 Single-Family Residential, and the request conforms with the subdivision ordinance. Councilman Stipes made a motion to approve the request, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- 2. Subdivision Plat for NRV Marketplace LLC of Property Located at 2705 Market Street NE Tax Map Number 436-5-1 Showing Parcels E, F, I, K, and M.

Councilman Stipes explained the request to subdivide the Marketplace property to create five parcels for independent ownership, and to dedicate cross access easements for travel ways and sidewalks. The travel ways and sidewalks would be privately owned and

maintained, but the Town would retain permanent access. The request conforms with the subdivision ordinance, and Councilman Stipes made a motion to approve the request, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

A. Council action on:

1. Conditional Use Permit request by Jeff Anderson (applicant) for property owned by J&R Land Development LLC c/o Richard T Brooks for a towing service at 2230 Prospect Drive NE (tax map no. 500-A-5V) in the I-2, General Industrial District. The property is designated as Industrial on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held October 22, 2019.

Councilman Stipes made a motion to issue the Conditional Use Permit as recommended by the Planning Commission, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

2. Rezoning request by Magnolia Point Community, LLC (applicant) for property owned by International Church of the Foursquare Gospel, located northeast of the intersection of Peppers Ferry Road NW and New Village Drive NW (tax map no. 434-A-8A). The request is to rezone the approximately 9.14-acre property from A, Agricultural to R-3, Multi-Family Residential with proffers. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held October 22, 2019.

Councilman Stipes made a motion to table the request to allow additional time to review information received late today, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

3. Conditional Use Permit request – contingent on the preceding item – by Magnolia Point Community, LLC (applicant) for property owned by International Church of the Foursquare Gospel for a planned housing development to consist of multi-family dwellings and townhomes at a density of development of approximately 17 units per acre on property located northeast of the intersection of Peppers Ferry Road NW and Village Drive NW (tax map no. 434-A-8A) in the R-3, Multi-Family Residential District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held October 22, 2019.

Being contingent on the above, Councilman Stipes made a motion to table the request for further review, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

4. Rezoning request by Stateson Homes (applicant) for property owned by Halberstadt Family Limited Partnership c/o Resource Associates Inc, located at 495 Peppers Ferry Road NW, adjacent to Peppers Ferry Road NW, Quin W. Stuart Boulevard NW, and Stafford Drive NW (tax map no. 435-10-A). The request is to rezone the approximately 28.6-acre property from B-1, Limited Business to B-3, General Business with proffers. The property is

designated as Mixed Use – Residential/Business on the Future Land Use map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held October 22, 2019.

Councilman Showalter made a motion to approve the rezoning request, with the amended proffer that the developer would improve and widen Stafford Drive to 24', in addition to installing sidewalks, from Peppers Ferry Road to the end of their development. Councilman Stipes seconded the motion. Councilman Huppert commended aspects of the development, but expressed concern with the potential for increased traffic on Peppers Ferry Road. Mr. Semones responded that there would be a total of four roads out of the property that would help prevent a backup of cars accessing Peppers Ferry Road. Council commended the builder on the uniqueness of the proposed development, and for their responsiveness to the Town in addressing concerns. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

5. Conditional Use Permit request – contingent on the preceding item – by Stateson Homes (applicant) for property owned by Halberstadt Family Limited Partnership c/o Resource Associates Inc, for a planned commercial development including commercial and residential use at a density of development of approximately 18 units per acre on property located at 495 Peppers Ferry Road NW, adjacent to Peppers Ferry Road NW, Quin W. Stuart Boulevard NW, and Stafford Drive NW in the B-3, General Business District. The property is designated as Mixed Use – Residential/Business on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held October 22, 2019.

Councilman Showalter made a motion to issue the Conditional Use Permit as recommended by the Planning Commission, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

6. Conditional Use Permit request by Shah Development LLC (applicant/property owner) for a planned housing development to consist of single-family dwellings on property located adjacent to Chrisman Mill Road, Round Meadow Drive, Putter Lane, and Norfolk South Railroad right-of-way (parcel ID nos. 016377, 016381, 016378, 230266, 230267, 230268) and formerly known as the Meadows Golf Course and Shepherd Property in the R-2, Two-Family Residential District. The Public Hearing was held October 22, 2019.

In light of receiving additional information for consideration, Councilman Stipes made a motion to table the request for further review, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Resolution in Support of the Reappointment of Dr. Sherwood Wilson to the E-911 Regional Authority, NRV Regional Water Authority, Virginia Tech-Montgomery Executive Airport. Councilman Stipes explained that Dr. Wilson's terms have expired on the noted boards, and he requested Council support in submitting a resolution to the Virginia Tech Board of Visitors encouraging reappointments of Dr. Wilson. Councilman Stipes made a motion to adopt and present the resolution, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.
- C. Discussion of Proposed Fiscal Year 2019-20 Budget Amendment.

Finance Director Val Tweedie called attention to the FY 2019-20 Budget Amendment provided for review in the agenda packet, and offered a brief summary of the amendment that detailed the rollover of funds for capital projects, and introduced one new project to upgrade an HVAC unit. Ms. Tweedie offered to answer questions and noted that the Public Hearing was scheduled for November 19, with Council action expected on December 10. Councilman Stipes reported that the Finance Committee had reviewed the budget amendment, and Councilman Showalter encouraged members of Council to reach out to Ms. Tweedie or Director of Engineering Wayne Nelson with questions regarding the Town's capital projects.

IX. STAFF REPORTS

A. Town Manager:

- Christiansburg High School choir will be recognized at the November 19th meeting for being selected to perform on stage with Foreigner.
- A report on town street sections and annual maintenance program to be presented at the November 19th meeting.
- A joint work session of Council and the PPEA Committee is scheduled for November 18 at 7:00 P.M.

B. Town Attorney:

C. Other Staff:

X. COUNCIL REPORTS

- A. Councilwoman Sachs reported that the Central Business District Committee would likely not meet again until January, and she recognized and welcomed Councilwoman-elect Johana Hicks.
- B. Councilman Huppert commended the Christiansburg High School varsity and JV football teams on a good season.
- C. Councilman Stipes requested Council support for requesting Mayor Barber to petition VDOT to synchronize the traffic signals along the North Franklin Street corridor. He then congratulated the recent election winners.
- D. Councilman Showalter congratulated the winners of the recent election and welcomed Councilwoman-elect Johana Hicks to Council.
- E. Councilman Bishop congratulated and welcomed Councilwoman-elect Johana Hicks.
- F. Mayor Barber congratulated and welcomed Councilwoman-elect Johana Hicks.

XI. OTHER BUSINESS

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:47 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
SPECIAL MEETING MINUTES
NOVEMBER 14, 2019 – 6:30 P.M.**

A SPECIAL MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON NOVEMBER 14, 2019 AT 6:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Steve Huppert; Samuel M. Bishop; Merissa Sachs (left before completion of motion); Henry Showalter; Bradford J. Stipes.
ABSENT: Harry Collins.

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren.

WORK SESSION

I. CALL TO ORDER

II. CLOSED MEETING

- A. Councilman Huppert made a motion to enter into a Closed Meeting in accordance with Code of Virginia § 2.2-3711(A)(1) for the discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. The Closed Meeting is for interviews for legal services. The motion died for lack of a second.

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 6:37 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
SPECIAL MEETING MINUTES
NOVEMBER 18, 2019 – 7:00 P.M.**

A SPECIAL MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, THE REGIONAL PARK PPEA COMMITTEE, AND THE PARKS AND RECREATION ADVISORY COMMISSION, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON NOVEMBER 18, 2019 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Steve Huppert; Samuel M. Bishop; Harry Collins; Merissa Sachs; Henry Showalter; Bradford J. Stipes. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren; Clerk of Council Michele Stipes; Finance Director/Treasurer Val Tweedie; Director of Engineering Wayne Nelson; Parks and Recreation Director Brad Epperley.

REGIONAL PARK PPEA COMMITTEE MEMBERS PRESENT: Randy Wingfield; Andrew Warren; Val Tweedie; Wayne Nelson Brad Epperley; Cord Hall.

PARKS AND RECREATION ADVISORY COMMISSION MEMBERS PRESENT: Cord Hall.

JOINT WORK SESSION

I. CALL TO ORDER

II. JOINT DISCUSSION

A. Proposed park on the former Truman Wilson property on Peppers Ferry Road.

Greg Krystyniak of Faulconer introduced himself and his team, then provided background on the development of the current proposed park Master Plan that included modifying the original 2016 Master Plan to reflect comments from the community engagement meeting on September 9, and a market and demand analysis by Victus Sports Advising. The current revised Master Plan, dated November 18, 2019, was presented using Powerpoint and included a detailed description of the various elements of the proposed park, along with schedule timeline that indicated a construction date of Summer 2020, with a projected opening date of Spring 2021. Mr. Mitch Reno of Cunningham Game Time talked about the features of the proposed all-inclusive playground that would allow an interactive experience for people of all ages and abilities, and noted that the playground would be one of only three National Demonstration Sites in Virginia. Council was shown a video simulation of the proposed playground. Included in the presentation was an overview of the proposed dog park, and the proposed design and layout of the building structures. The proposed plans for four artificial turf, multi-purpose fields, and talked about opportunities to market the fields for additional revenue stream were presented by the development team. The park would include four entranceways with the development of the future connector road, and it was noted that the property outparcels

would be graded, with water, sewer, and storm water management, installed to maximize marketability. Council discussed the 10-foot wide, asphalt, ADA accessible, walking path location, and expressed a desire that it extend the entire perimeter of the park, including behind the multi-purpose fields. It was noted that the park would offer 462 parking spaces. Councilman Stipes commented that the revised Master Plan better reflected Council's original vision for a park that offered open space, and Kevin Wills of MBP, the consulting firm managing the PPEA process on behalf of the Town, stated that the proposed design was a good mesh of Council's vision and the vision expressed by citizens during the community input meeting. Councilman Collins commended Kevin Wills on the time put into developing the proposed Master Plan, and for including the public in the process. Council expressed appreciation for the presentation and thanked those involved for their time.

III. CLOSED MEETING

- A. Councilman Huppert made a motion to enter into a Closed Meeting in accordance with Code of Virginia § 2.2-3711(A)(29) for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. The closed meeting pertains to the proposed park on the former Truman Wilson property on Peppers Ferry Road. The motion was seconded by Councilman Showalter and voted on as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.
- B. Reconvene in Open Meeting.
- C. Councilman Huppert moved to certify that the Town Council of the Town of Christiansburg, meeting in Closed Meeting, to the best of each member's knowledge, discussed only the matters lawfully exempt from open meeting requirements by Virginia Law and only such matters as are identified in the Resolution to enter into Closed Meeting. The motion was seconded by Councilman Showalter and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.
- D. Council action on the matter. No action was taken.

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 9:00 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
NOVEMBER 19, 2019 – 7:00 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON NOVEMBER 19, 2019 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael D. Barber; Vice-Mayor Steve Huppert; Samuel M. Bishop; Harry Collins; Merissa Sachs; Henry Showalter; Bradford J. Stipes. ABSENT: None

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren; Clerk of Council Michele Stipes; Town Attorney Mark Popovich; Finance Director/Treasurer Val Tweedie; Public Relations Director Melissa Demmitt; Planning Director Will Drake; Director of Engineering Wayne Nelson; Director of Human Resources Dave Brahmstadt; Director of Public Works Jim Lancianese; Superintendent of Streets Travis Moles; Parks and Recreation Director Brad Epperley; Building Official Jerry Heinline; IT Director Craig Hatmaker.

I. CALL TO ORDER

- A. Moment of Reflection
- B. Pledge of Allegiance.

II. ADJUSTMENT OF THE AGENDA

- A. Councilman Bishop made a motion to remove approval of the minutes of November 12, 2019 from the consent agenda, seconded by Councilman Stipes. Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye. The minutes will be placed on the December 10th consent agenda.

III. PUBLIC HEARINGS

- A. FY 2019-2020 Budget Amendment.

There was no one to speak for or against this matter.

IV. CONSENT AGENDA

- A. Award Contract to King General Contractors, Inc. in the amount of \$347,681.50 for Construction of the Depot Park Trail Extension project.

Councilman Showalter made motion to approve the consent agenda, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

V. INTRODUCTIONS AND PRESENTATIONS

- A. Recognition of the Christiansburg High School choir for being selected Choir Rockstars winners and their performance onstage with Foreigner.

Choir Director Mandy Steele presented the CHS choir and talked about the Choir Rockstars video contest that led to the group being selected to perform on stage with Foreigner in Roanoke, and she noted various other places the group has performed. Mayor Barber presented Ms. Steele with a Certificate of Recognition for the choir's performance with Foreigner, and the choir performed "I Want to Know What Love Is" which they had performed at the concert. Ms. Steele thanked the Town for its support on behalf of the choir.

- B. Introduction of New Employees:

1. John Kirtner, Public Works Department (Postponed)
 - Zach Butler, Maintenance Worker Trainee, Utilities
2. Michael Huesman, Public Works Department
 - Justin Akers, Maintenance Worker Trainee, Right-of-way
3. Randy Wingfield, Town Manager
 - Craig Hatmaker, Information Technology Director

- C. Employment and Retention Presentation by Administration and Human Resources staff.

Town Manager Wingfield presented a report that highlighted the number of, and reasons for, employee departures from April 2018 to November 2019, and explained how the collected data would be used to improve employee satisfaction and retention. Mr. Wingfield talked about the programs that had been put into place by the Town to address retention concerns and offered additional steps to consider including adding budgeted funds that would allow the Town to respond to market adjustments and make competitive offers during the hiring process. Councilman Bishop asked if the Town recruited employees from local colleges, and Mr. Wingfield responded that the Town had occasionally recruited from local colleges for particular job positions, but that it was not a regular hiring practice. Councilman Showalter asked if the Town took advantage of internship programs. Mr. Wingfield said that several Town departments regularly used interns. Mayor Barber recommended studying the matter during the next budget cycle.

- D. Finance Director Val Tweedie to present the FY 2018-2019 Annual Audit Report.

Scott Wickham of Robinson, Farmer, Cox Associates, PLLC, presented the 2018-2019 Annual Audit Report and auditor opinion as required by the Commonwealth of Virginia's Auditor of Public Accounts. Mr. Wickham provided an overview of the independent audit report, and noted that no internal control weaknesses or compliance issues were found during the audit, and that the Town was determined to be financially sound. Mr. Wickham talked about the Town's current accounting software, which was found to be dated with a high potential for human error, and presented the recommendation that the town consider upgrading its software to increase efficiency and reliability. Finance Director Val Tweedie read through the audit summary and encouraged Council to read the Letter of Transmittal. She then provided an

overview of the data provided in the audit report, and explained her recommendation that the Town rollover \$1.1M to the park reserve, and \$1M to the IT software reserve, from the unassigned fund balance to get the fund balance to 35%, which would comply with the Fund Balance Policy adopted by Council. Ms. Tweedie also provided an overview of the major initiatives for 2020, including the continued assessment of the Town's current computer systems, with a focus on implementing software upgrades over the next two to three years.

- E. Update on Appalachian Regional Commission Planning Grant for Downtown, Cambria, and Midtown.

James Jones of the NRV Regional Commission updated Council on the Appalachian Regional Commission Planning Grant for Downtown, Cambria, and Midtown, and provided a breakdown of the key data points of the three areas. Mr. Jones talked about the community engagement responses that were integral to the planning process, and noted that the planning stage had an expected completion date of late 2019, which would provide an opportunity to apply for a construction grant. Jennifer Wilsie of the NRV Regional Commission reported on the stakeholder meetings and other methods used to obtain public input, and explained how the data collected during those events led to identifying the target areas and the specific needs within each area. Council was presented with the community survey results of 971 responses that outlined the top three issues facing each planning area, and suggestions for addressing issues. Assistant Town Manager Warren talked about the next steps in developing specific project plans for the future of each area, with the goal of submitting an application for an Appalachian Regional Commission construction grant in January 2020. Council will be asked to approve a letter of support for the grant application at its December 10th meeting.

- F. Staff presentation on Town street sections.

This matter was postponed and will be reconsidered at a later date, with discussion at the Street Committee.

VI. CITIZEN COMMENTS:

- A. Johana Hicks, 607 ½ South Franklin Street, requested an apology from Council for events during the November 14th work session to interview town attorney candidates. Ms. Hicks stated she expected respect from sitting council members. She then asked for clarification on the recommendation to rollover Fund Balance funds of \$1M into the IT software reserves, in addition to the \$80,000 already budgeted for FY 2019-2020. Finance Director Val Tweedie clarified that her understanding of the recommendation was correct. Councilman Showalter informed Councilwoman-elect that town staff was available to her for information.
- B. Lisa Lucas Gardner, 11 Phlegar St., stated that, while she was not in attendance at the November 14th work session, she believed Council owed Johana Hicks an apology based on what she had heard. She questioned the validity of Council asking Ms. Hicks to sign a nondisclosure agreement to participate in Closed Meetings, and said Virginia law did not mandate Closed Meeting confidentiality. She then stated the park issue reminded her of the aquatic center issue, encouraged the town to hire diversely, and issued a complaint about the lack of curbs, yard erosion, and lack of town maintenance along Phlegar Street.

VII. COMMITTEE REPORTS

- A. Councilwoman Sachs reported that the Central Business District Committee would meet on December 5 at 12 p.m. Information about the meeting could be found on the Town's website.
- B. Councilman Stipes reported that the Virginia Tech Board of Visitors chose to not reappoint Dr. Wilson to the Virginia Tech Montgomery Executive Airport.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

A. Council action on:

- 1. Community Development Block Grant 2018 Consolidated Annual Performance and Evaluation Report. The Public Hearing was held November 12, 2019.

Councilman Stipes made a motion to approve the CDBG 2018 Annual Performance and Evaluation Report, seconded by Councilman Showalter. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- 2. Ordinance for Shared Mobility Systems for Hire, specifically addressing the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles. The Public Hearing was held November 12, 2019.

Councilman Showalter made a motion to approve the Ordinance for Shared Mobility Systems for Hire, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- 3. Shared Mobility Systems for Hire Operation Regulations contingent on the preceding item.

Council was provided a copy of the proposed regulations for review. Councilman Showalter made a motion to approve the Shared Mobility Systems for Hire Operation Regulations, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- 4. Rezoning request by Magnolia Point Community, LLC (applicant) for property owned by International Church of the Foursquare Gospel, located northeast of the intersection of Peppers Ferry Road NW and New Village Drive NW (tax map no. 434-A-8A). The request is to rezone the approximately 9.14-acre property from A, Agricultural to R-3, Multi-Family Residential with proffers. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held October 22, 2019 and the matter was tabled on November 12, 2019 for further review.

Per the applicant's request, Councilman Stipes made a motion to send the rezoning request back to the Planning Commission for review of amended proffers with new public hearings. Councilman Huppert seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

5. Conditional Use Permit request – contingent on the preceding item – by Magnolia Point Community, LLC (applicant) for property owned by International Church of the Foursquare Gospel for a planned housing development to consist of multi-family dwellings and townhomes at a density of development of approximately 17 units per acre on property located northeast of the intersection of Peppers Ferry Road NW and Village Drive NW (tax map no. 434-A-8A) in the R-3, Multi-Family Residential District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The Public Hearing was held October 22, 2019 and the matter was tabled on November 12, 2019 for further review.

Per the applicant's request, Councilman Stipes made a motion to send the Conditional Use Permit request back to the Planning Commission for review with new public hearings. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

6. Conditional Use Permit request by Shah Development LLC (applicant/property owner) for a planned housing development to consist of single-family dwellings on property located adjacent to Chrisman Mill Road, Round Meadow Drive, Putter Lane, and Norfolk South Railroad right-of-way (parcel ID nos. 016377, 016381, 016378, 230266, 230267, 230268) and formerly known as the Meadows Golf Course and Shepherd Property in the R-2, Two-Family Residential District. The Public Hearing was held October 22, 2019 and the matter was tabled on November 12, 2019 for further review.

Councilman Stipes made a motion to issue the Conditional Use Permit with recommended conditions, including the condition to widen the subdivision streets to 30' instead of 24'. Councilman Huppert seconded the motion and Council voted as follows: Bishop – Aye; Collins – Abstain; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

7. Monthly bill list.

Councilman Bishop made a motion to approve the monthly bill list, seconded by Councilman Huppert. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Nay; Showalter – Aye; Stipes – Aye.

8. Discussion regarding proposed park on Peppers Ferry Road, N.W.

Councilman Stipes made a motion to continue engineering plan development for the deferred park plan option, including a potential splash pad, and noted that the next park development consideration would be in Spring 2020 upon completion of the 80% plan. Councilman Huppert seconded the motion. Council briefly discussed the updated proposed Christiansburg Park Master Plan presented during the work session on November 18, and Councilwoman Sachs asked for clarification of the Town's obligations in moving forward with the plan development. Mayor Barber informed that the Town would be obligated to pay approximately \$1M for the design of the park, but could at any point vote to not approve the plans, or portions of the plans, prior to the beginning of construction. He further clarified that approval to move forward with the engineering plan development was not a commitment to build the park. Councilman Huppert spoke to the updates to the master plan, which he said created a space more acceptable to the community. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

IX. STAFF REPORTS

A. Town Manager:

- Town Manager Wingfield requested Council direction on rescheduling town attorney candidate interviews. Council directed that interviews be scheduled for a date in January 2020.
- Town Manager Wingfield will begin giving Councilwomen-elect Hicks tours of town facilities and he invited interested council members to join them.

B. Town Attorney:

- Town Attorney Popovich asked if Council was interested in participating in the Virginia class action lawsuit against manufacturers of opioids, for the purpose of negotiating a settlement for the destruction the drugs have had on Virginia communities. Mr. Popovich explained that the lawsuit was universal and automatically included all Virginia local governments; however, individual local governments could opt out by notifying the courts. Mr. Popovich advised there were no costs to remain in the lawsuit, and that the outcome could only benefit the Town. Councilman Showalter made a motion to continue participating in the opioid negotiating class action lawsuit, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

C. Other Staff:

X. COUNCIL REPORTS

- A. Councilman Collins, no report.
- B. Councilman Bishop, no report.
- C. Councilman Showalter, no report.
- D. Councilman Stipes, no report
- E. Councilman Huppert wished all a Happy Thanksgiving.
- F. Councilwoman Sachs, no report.
- G. Mayor Barber, no report.

XI. OTHER BUSINESS

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:44 P.M.

Michele Stipes, Clerk of Council

D. Michael Barber, Mayor

TOWN OF CHRISTIANSBURG

Established November 10, 1792

Incorporated January 7, 1833



RECOGNITION OF CHRIS TUCK FOR HIS SERVICE ON THE MONTGOMERY COUNTY BOARD OF SUPERVISORS

WHEREAS, Chris Tuck has served on the Montgomery County Board of Supervisors since 2012; and

WHEREAS, Chris Tuck served as Chair of the Montgomery County Board of Supervisors for three years, in 2016, 2017 and 2018; and

WHEREAS, during his time as Board Chair and throughout his tenure on the Board, Chris Tuck oversaw impressive growth in Montgomery County, served on several regional boards and commissions and was a leader for the entire community; and

WHEREAS, Chris Tuck has decided to step down from the Board of Supervisors when his second term ends on December 31, 2019; and

WHEREAS, Chris Tuck's dedication to the residents of Montgomery County and his expertise, wisdom and support have been paramount for our community, and his direction and leadership will be missed; and

NOW, THEREFORE BE IT RESOLVED, that the Christiansburg Town Council, meeting in regular session on December 10, 2019, formally recognizes Chris Tuck for serving eight years on the Montgomery County Board of Supervisors and thanks him for his dedication to our community.

AYE

NAY

ABSTAIN

ABSENT

Samuel M. Bishop

Harry Collins

Steve Huppert

Merissa Sachs

Henry D. Showalter

Bradford J. Stipes

D. Michael Barber, Mayor*

*Votes only in the event of a tie.

Michele M. Stipes, Clerk of Council

D. Michael Barber, Mayor



**TOWN OF CHRISTIANSBURG
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Consent Agenda

Meeting Date:

December 10, 2019

ITEM TITLE: Approval of amendment to the Professional Services Engineering Contract with Mattern and Craig in the amount of \$30,000 for additional construction engineering and inspection services for Falling Branch Intersection Project.

DESCRIPTION: Approval of amendment to the Professional Services Engineering Contract with Mattern and Craig in an amount not to exceed \$30,000 for additional construction engineering and inspection services for Falling Branch Intersection Project.

POTENTIAL ACTION: Approval of Contract Amendment #1 in an amount not to exceed \$30,000.00 and provide authorization for the Town Manager to execute this Amendment, subject to Town Attorney final review and approval.

DEPARTMENT:

Engineering

PRESENTER:

Wayne Nelson

ITEM HISTORY:

Mattern and Craig was awarded the construction engineering and inspection services for the subject project under the term services contract for CEI services. The original contract value was \$99,850.00. The estimated time to complete the job will be exceeded thus requiring this additional funding.

Information Provided:

Contract Amendment #1

<https://christiansburg.box.com/s/6mh6edz7lf41yvncg3tgv5i8m9ib52ft>



BUDGET AMENDMENT #2 RESOLUTION
BUDGET MODIFICATION #2 FOR FISCAL YEAR 2020

WHEREAS, on June 25, 2019, the Town of Christiansburg approved the budget for fiscal year ending June 30, 2020 in accordance with § 15.2-2503, *et seq.* of the Code of Virginia (1950), as amended (the “Code”); and

WHEREAS, the Town Council seeks to amend the approved budget for fiscal year ending June 30, 2020 in accordance with § 15.2-2507 of the Code; and

WHEREAS, the Town Council, in approving its budget for fiscal year ending June 30, 2020, carried over certain capital improvement projects that were not expected to be fully expended in fiscal year 2019 into the 2020 approved budget; and

WHEREAS, those rollover funds for capital projects total \$4,750,067 that were expected to be expended in fiscal year 2019 but were not, these funds will be rolled over into the fiscal year 2020 budget; and

WHEREAS, the Town published a synopsis of the amendment and notice of public hearing to be held November 19, 2019 in accordance with § 15.2-2507; and

WHEREAS, the public hearing on the budget amendment was held on November 19, 2019; and

WHEREAS, based upon comments received from the public attending the public hearing and upon all information known to Council regarding the financial needs of the Town for such fiscal year;

NOW THEREFORE, BE IT RESOLVED that the Town of Christiansburg hereby adopts Budget Amendment #2 to the 2019-2020 approved budget as follows and further detailed in the attached budget amendment summary amendment #2 to the 2019-2020 budget:

REVENUE INCREASES:

General Fund Use of	
Unexpended FY19 Fund Balance	\$ 4,965,829
Additional use of fund balance	\$ 195,782
Additional Grant Funds Capital Projects	\$ 154,785
GRAND TOTAL REVENUE	<u>\$ 5,316,396</u>

APPROPRIATIONS INCREASE:

General Fund	\$ 101,569
Capital Projects	\$ 3,324,176
Water and Sewer Enterprise Fund	\$ 1,078,158
Storm Water Enterprise Fund	\$ 812,493
GRAND TOTAL	
APPROPRIATIONS	<u>\$ 5,316,396</u>

BE IT FUTHER RESOLVED, by the Town Council of Christiansburg, Virginia:

1. That the revenues and expenditures budget changes are hereby adopted by Fund as set forth above and in the attachment;
2. That the Town Manager shall administer this budget in adherence to the Town Charter and Code of the Town of Christiansburg, Virginia, as amended, and the laws of the Commonwealth of Virginia. Amendments to the budget as adopted shall be by resolution, provided further that the Town Manager is authorized to approve transfers of appropriated expenditures between accounts within and between fund groups as may be necessary to carry out the work of the Town and as outlined in the approved Budget Policy of the Town, and as directed by the Town Council during the fiscal year;
3. This resolution shall take effect immediately upon its adoption by Town Council.

Upon motion for approval and a call for an aye and nay vote on the foregoing Resolution at a regular meeting of the Council of the Town of Christiansburg, Virginia held December 10, 2019 the members of the Council of the Town of Christiansburg, Virginia, present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop	x			
Harry Collins	x			
Merissa Sachs	x			
Steve Huppert	x			
Henry Showalter	x			
Bradford J. Stipes	x			

Adopted:

D. Michael Barber, Mayor

Attest: _____

Michele Stipes, Clerk of Council

**GENERAL
FUND**

REPLACEMENT OF 3 HVAC UNITS RESCUE

SOURCES

USES

**NET INCREASE
(DECREASE) IN
EXPENDITURES**

5,975

5975

POLICE DEPT ALERT SYSTEM SOFTWARE NOT RECEIVED BEFORE YEAR END	11,965	11,965	
COMPUTER REPLACEMENTS NOT RECEIVED BEFORE YEAR END	7,608	7,608	
COMPUTER REPLACEMENTS NOT RECEIVED BEFORE YEAR END	782	782	
SCCM DESKTOP MANAGEMENT SOFTWARE LICENSES NOT RECEIVED BEFORE YEAR END	12,285	12,285	
LANDFILL CLOSURE COSTS			
INCREASE COST FOR CONSTRUCTION OF GAS COLLECTOR		62,954	62,954
CAPITAL PROJECTS			
RGC CHRISMAN MILL RAIL CROSSING			
REDUCE PROJECT COST	92,878		(92,878)
ROLLOVER GRANT FUNDS GRANT FUNDS	19,422	19,422	
FALLING BRANCH INTERSECTION IMP			
ROLLOVER UNEXPENDED FY 19 FUNDS		640,733	
ROLLOVER UNEXPEND TOWN SUPPORT	56,951		
INCREASE COST		10,000	10,000
GRANT ROLLOVER	443,782		
INCREASE GRANT FUNDS	140,000		
N. FRANKLIN INTERSECTION			
ROLLOVER UNEXPENDED FY 19 FUNDS		1,112,096	
INCREASE GRANT FUNDS	1,112,096		
TOWER RD SIGNAL			
ROLLOVER UNEXPENDED FY 19 FUNDS	-	30,648	
ROLLOVER UNEXPEND TOWN SUPPORT	15,324		
INCREASE GRANT FUNDS	15,324		
ARBOR DRIVE SIGNAL			
ROLLOVER UNEXPENDED FY 19 FUNDS		30,648	
ROLLOVER UNEXPEND TOWN SUPPORT	15,324		
INCREASE GRANT FUNDS	15,324		
HUCKLEBERRY TRAIL PH3			
ROLLOVER UNEXPENDED FY 19 FUNDS	80,364	80,364	
ROLLOVER GRANT FUNDS	547,804	547,804	
ADDITIONAL FUNDING FOR PROJECT FOR MATCH TO ADDL GRANT FUNDS		56,587	56,587
DEPOT PARK TRAIL			
ROLLOVER UNEXPENDED FY 19 FUNDS	4,213	4,213	
INCREASE GRANT FUNDS	93,919		
INCREASE COSTS FOR PROJECT FOR MATCH TO ADDL GRANT FUNDS		161,174	67,255
ARBOR DRIVE SIDEWALK			
ROLLOVER UNEXPENDED FY 19 FUNDS	218,874	318,324	
ROLLOVER GRANT FUNDS	99,450		
ADDITIONAL GRANT FUNDS	41,000		(41,000)
QUINN STUART			
ROLLOVER UNEXPENDED FY 19 FUNDS	2,000	2,000	
REDUCTION OF OVERAL COST	9,139		(9,139)
ROANOKE SIDEWALK READING TO ROBERTS			
ROLLOVER UNEXPENDED FY 19 FUNDS	61,261	61,261	
INCREASE GRANT FUNDS	9,751		
OVERALL COST INCREASE		51,510	41,759
			NET INCREASE (DECREASE) IN EXPENDITURES
TRUMAN WILSON PROP DEV	SOURCES	USES	
ROLLOVER UNEXPENDED FY 19 FUNDS	25,000	25,000	
INCREASE COST FOR MBP		96,856	96,856
ROANOKE ST SIDEWALK 460 BYPASS			
ROLLOVER UNEXPENDED FY 19 FUNDS	12,643	12,643	
INCREASE GRANT FUNDS	10,115		(10,115)
CAMBRIA TRAIL			
ROLLOVER UNEXPENDED FY 19 FUNDS	62,892	62,892	
WATER & SEWER ENTERPRISE FUND			
PUMP STATION UPGRADE EDGEWOOD			
REDUCE COST OF PROJECT	52,169		(52,169)
CAMBRIA IMP PH1A			
ROLLOVER UNEXPENDED FY 19 FUNDS	49,673	49,673	
COLLEGE REHAB PH I;II;III			
ROLLOVER UNEXPENDED FY 19 FUNDS	875,164	875,164	
SILVER LAKE INTERCEPTOR			

ROLLOVER UNEXPENDED FY 19 FUNDS	56,740	56,740	
ARROWHEAD BASIN I&I			
ROLLOVER UNEXPENDED FY 19 FUNDS	96,581	96,581	
STORM WATER ENTERPRISE FUND			
HANS MEADOW			
ROLLOVER UNEXPENDED FY 19 FUNDS	5,000	5,000	
N. FRANKLIN DRAINAGE			
ROLLOVER UNEXPENDED FY 19 FUNDS	331,832	663,664	
ROLLOVER GRANT FUNDS	331,832		
INCREASE COSTS		88,632	88,632
TOWN BRANCH STREAM RESTORATION			
ROLLOVER UNEXPENDED FY 19 FUNDS	33,935	5000	(28,935)
INDUSTRIAL PARK SWM IMPROVEMENTS			
ROLLOVER UNEXPENDED FY 19 FUNDS	50,197	50,197	
	5,120,613	5,316,396	
NET BUDGET INCREASE FOR EXPENDITURES AND REDUCTION OF UNASSIGNED FUND BALANCE		195,782	195,782



RESOLUTION NO. ____

AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA, HELD AT THE CHRISTIANSBURG TOWN HALL ON TUESDAY, DECEMBER 10, 2019 AT 7:00 PM

A RESOLUTION APPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2020 ALL FUNDS BUDGETED FOR EXPENDITURE IN THE FISCAL YEAR 2020 PER BUDGET AMENDMENT #2; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted a budget for the fiscal year beginning on July 1, 2019 and ending on June 30, 2020 ("FY 2020 Budget"); and

WHEREAS, pursuant to Virginia Code § 15.2-2506, the Town Council must also take action to appropriate all funds to be expended each fiscal year before the Town may obligate or expend such funds; and

WHEREAS, the Town may amend its budget from time to time, which it has done as of December 10, 2019 by approved Budget amendment #2 to the fiscal year 2020 budget; and

WHEREAS, the Town Council appropriated for expenditure in fiscal year 2020 the amounts per the 2020 budget approved June 25, 2019 and Amendment #1 on August 13, 2019, therefore, Town Council desires to appropriate the funds required from this Amendment to the Budget for FY 2019-2020;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Christiansburg that:

1. The amended budgeted expenditures in each fund category, as reflected in the FY 2020 Budget Amendment #2 Resolution, are hereby appropriated for expenditure in fiscal year 2020.
2. Supplemental appropriations may be enacted by the Town Council from time to time.
3. The Town Manager is hereby authorized and directed to take all appropriate administrative action necessary and prudent to implement this Resolution.
4. If any provision of this Resolution is declared invalid, the decision shall not affect the validity of the Resolution as a whole or any remaining provisions of the Resolution.
5. This Resolution shall become effective upon approval.

Upon motion for approval and a call for an aye and nay vote on the foregoing Resolution at a regular meeting of the Council of the Town of Christiansburg, Virginia held December 10, 2019 the members of the Council of the Town of Christiansburg, Virginia, present throughout all

deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop	x			
Harry Collins	x			
Merissa Sachs	x			
Steve Huppert	x			
Henry Showalter	x			
Bradford J. Stipes	x			

*Votes only in the event of a tie vote by Council.

SEAL:

Michele M. Stipes, Town Clerk

D. Michael Barber, Mayor



**TOWN OF CHRISTIANSBURG
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

DISCUSSION AND ACTION BY MAYOR AND COUNCIL

Meeting Date:

December 10, 2019

ITEM TITLES:

Resolution to authorize the filing of a 2020 Construction Grant through the Appalachian Regional Commission.

DESCRIPTION:

The resolution is the next step culminating from the Appalachian Regional Commission (ARC) planning grant process. One strategy emerging from public input received has been a permanent, multi-purpose farmers market for the community on Hickok Street in Downtown.

Council is asked to adopt a resolution authorizing staff to submit for ARC Construction Grant of an award up to \$500,000. The grant is due on January 24, 2020. This is a matching grant. Funding committed to the storm drain relocation project on Hickok Street can be used as the matching funds.

Through the planning grant process, Hill Studio has been contracted to provide design support to assist the work of staff and the New River Valley Regional Commission. The Central Business Committee was provided a presentation on the design work done for Hickok Street on Thursday and staff will share a similar presentation with Council on Tuesday evening.

While the final design is not complete, Council is asked to consider approval of the resolution and the direction of moving toward establishing a permanent, multipurpose farmers market on Hickok Street after the storm drain improvements are completed.

POTENTIAL ACTION:

Consider Action of Approval

DEPARTMENT(S):

Administration

PRESENTER:

Andrew Warren, Assistant Town Manager

Information Provided:

Resolution

<https://christiansburg.box.com/s/6mh6edz7lf41yvncg3tgv5i8m9ib52ft>

TOWN OF CHRISTIANBURG	PAY DATE 12-13-2019	
BILLS TO BE PAID FOR THE MONTHS OF	NOVEMBER DECEMBER	
A MORTON THOMAS AND ASSOCIATES, INC	11,147.58	ENGINEERING SERVICES HBTIII
ADAMS CONSTRUCTION CO.	2,356.28	ASPHALT MIX
ALL PEST CONTROL, INC	90.00	
AMERICAN MINE RESEARCH INC.	441.60	
ATLANTIC EMERGENCY SOLUTIONS, INC	5,960.54	REPAIRS AND MAINTENANCE FIRE TRUCK
BANE OIL COMPANY, INC	2,497.48	OFF ROAD DIESEL
BERRY DUNN MCNEIL & PARKER LLC	9,080.00	TECHNOLOGY ASSESSMENT AND RFP FOR POTENTIAL NEW SYSTEMS
BILL'S USED PARTS	1,945.00	
BLUE RIDGE ANALYTICAL LLC	1,825.00	
BMG METALS INC	343.39	
BOUND TREE MEDICAL, LLC	4,349.42	MEDICAL SUPPLIES RESCUE
BRIAN'S LOCK & KEY	15.00	
CARDINAL BLUEPRINTERS, INC.	350.00	
CARTER MACHINERY	2,066.37	EQUIPMENT REPAIRS PUBLIC WORKS
CHA CONSULTING INC	2,444.01	N, FRANKLIN DRAINAGE AND WWTP
CORE & MAIN LP	451.47	
CUSTOMIZED LAWN CARE, INC	5,005.00	TREE REMOVAL 3 TREES
DALY COMPUTERS, INC.	33,219.00	NEW MDT'S FOR PD VEHICLES
ELECTRICAL SUPPLY CO	4,906.13	FAÇADE GRANT 4500 AND MATERIALS AND SUPPLIES
EPLUS TECHNOLOGY INC	15,868.45	SMARTNET RENEWAL HARDWARE MAINTENANCE AND SUPPORT
ERIC J. LINKOUS	3,675.00	REPLACE COMPRESSOR AND REPAIRS HVAC AQUATICS
ESO SOLUTIONS, INC	2,870.00	SOFTWARE AND SUPPORT FOR FIRE DEPT
FAULCONER CONSTRUCTION COMPANY INC	105,657.00	PARK PROJECT ENGINEERING SERVICES
FERGUSON ENTERPRISES, INC.#75	16,309.19	PARTS FOR WATER, WWTP AND STORM DRAIN
FIRE RESCUE AND TACTICAL, INC	5,452.28	POLO SHIRTS RESCUE
FISHER AUTO PARTS, INC.	623.12	
FITNESS CONCEPTS, INC.	15,579.70	NEW EXERCISE EQUIPMENT RECREATION CENTER
FLEET PRIDE, INC	703.65	
FORTILINE INC	950.00	
G/A SAFETY SUPPLY, INC	665.65	
GALLS, AN ARAMARK COMPANY	494.68	
GODWIN MANUFACTURING CO.,INC.	422.98	
GUYNN, WADDELL, CARROLL & LOCKBABY, PC	7,185.60	LEGAL SERVICES
HACH COMPANY	38.24	
HAJOCA CORPORATION	382.45	
HARRIS OFFICE FURNITURE CO., INC	1,653.76	
HARVEY CHEVROLET CORP.	254.84	
HAZEN AND SAWYER	18,111.91	WWTP UV DISENFECTION UPGRADE
HK DEVELOPMENT LLC	4,500.00	FAÇADE GRANT 4500
HOSE HOUSE, INC.	4.34	
HY-TEST, INC	60.00	
IDEXX DISTRIBUTION, INC.	1,069.89	
IMPACT GRAPHICS + SIGNS	932.74	
INFRASTRUCTURE SOLUTIONS GROUP INC	1,908.57	
INTERNATIONAL CODE COUNCIL	285.95	
INTERSTATE BATTERY SYSTEM OF ROANOKE VALLEY, INC	939.10	
KATHLEEN MARY HARRISON	577.78	
LITTLE RIVER POOL AND SPA, INC	808.13	
M. C. DEAN INC	774.75	
MATTERN & CRAIG	16,835.44	ENGINEERING SERVICES FALLING BRANCH INST. & IND. PK STORM DRAINAGE
MCCORMICK TAYLOR, INC	2,505.78	ENGINEERING SERVICES N. FRANKLIN CORRIDOR AND FALLING BRANCH
MCDONOUGH BLYARD PECK, INC	574.00	
MCGRADY-PERDUE HEATING & COOLING, INC	693.00	
MCKESSON MEDICAL-SURGICAL GOVERNMENT SOLUTIONS LLC	274.03	
MID ATLANTIC WASTE SYSTEMS	451.65	
MOBOTREX, INC	3,600.00	MOUNTS FOR PW VEHICLES
MONTGOMERY DISTRIBUTORS	283.92	
NATIONAL POOLS OF ROANOKE,INC.	6,591.05	CHEMICALS AND SUPPLIES FOR AQUATIC CENTER
NEW RIVER ENGRAVING	650.00	
NEW RIVER FIRE EXTINGUISHERS	95.00	
NEW RIVER HEATING & AIR CONDITIONING INC	6,061.00	INSTALL HVAC UNIT AT WWTP
NORTHERN TOOL & EQUIPMENT	91.98	
NORTHWEST HARDWARE CO INC	105.09	
NRV LAWNS & LANDSCAPING, LLC	15,810.00	TOWN AND CEMETERY MOWING
OLD TOWN BARBER & HAIR SALON INC	3,500.00	FAÇADE GRANT
OLD TOWN PRINTING & COPYING	805.87	

TOWN OF CHRISTIANBURG	PAY DATE 12-13-2019	
BILLS TO BE PAID FOR THE MONTHS OF	NOVEMBER DECEMBER	
OVERHEAD DOOR CO. OF ROANOKE	640.00	
PEDIATRIC EMERGENCY STANDARDS INC	3,765.00	EDUCATIONAL MATERIALS FOR RESCUE
POWER ZONE	1,002.79	
QUALITY TIRE & BRAKE SERVICE	1,721.00	
QUILL CORP.	137.98	
RADFORD HOSE & FITTINGS, INC.	1,784.25	
ROANOKE GOLF CARS, LLC	537.83	
ROBERTS OXYGEN COMPANY, INC	539.80	
ROBINSON FARMER COX, ASSOCIATES PLLC	33,500.00	2019 AUDIT SERVICES
SANICO, INC	5,325.88	JANITORIAL SUPPLIES
SHERWIN-WILLIAMS	307.40	
SOUTHEASTERN EMPLOYERS SERVICE CORPORATION	200.00	
SOUTHERN AIR, INC	754.00	
SOUTHERN REFRIGERATION CORP.	346.30	
STATE ELECTRIC SUPPLY CO., INC.	370.59	
TAYLOR OFFICE & ART SUPPLY, INC	1,223.82	
THE GUN SHOP	10,249.59	SUPPLIES POLICE DEPARTMENT
UNIFIRST CORPORATION	2,109.91	UNIFORMS PW
US FOOD SERVICE	238.43	
USA BLUE BOOK	80.00	
VACO SERVICES INC	50.00	
VALLEY BOILER AND MECHANICAL, INC	1,506.47	
VERIZON WIRELESS	429.99	
VEST'S SALES & SERVICE, INC.	7,448.70	THERMAL IMAGING CAMERA POLICE DEPT
VSC FIRE & SECURITY, INC	75.00	
WADES FOODS INC.	483.59	
WILSON BROTHERS INCORPORATED	436.28	
WITMER PUBLIC SAFETY GROUP, INC	1,420.00	
TOTAL BILLS TO BE PAID	432,865.43	PAY DATE 12-13-2019

**TOWN OF CHRISTIANBURG
BILLS PAID DURING THE MONTH OF
SPECIAL REVENUE FUNDS**

NOVEMBER DECEMBER

VENDOR	AMOUNT PAID	DESCRIPTION
ADVANCE AUTO PARTS	352.71	COUNTY OPERATING
EXXON MOBILE	157.24	COUNTY FIRE TRAVEL
HOSE HOUSE INC	10.48	COUNTY FIRE SUPPLIES
LANCASTER INC	511.00	COUNTY FIRE VEH MAINTENANCE
MICHAEL MOORE	240.00	REIMBURSEMENT COUNTY FIRE
MUNICIPAL EMERGENCY SERVICES, INC	65.00	COUNTY FIRE VEH MAINTENANCE
TOWN OF CHRISTIANBURG	973.56	COUNTY FUEL REIMBURSEMENT
TOTAL PAID BILLS	2,309.99	

TOWN OF CHRISTIANBURG		
BILLS PAID DURING THE MONTH	NOVEMBER	DECEMBER
VENDOR	AMOUNT PAID	DESCRIPTION
ADVANCE AUTO PARTS	384.15	PARTS FOR REPAIRS OF VEHICLES AND EQUIPMENT
AFA PROTECTIVE SYSTEMS INC	529.00	FARMERS MARKET VENDOR
AMERICAN REDCROSS	78.00	
ALL SEASON PEST CONTROL	95.00	
AMAZON CAPITAL SERVICES INC	619.44	
ANTHEM BLUE CROSS BLUE SHEILD	125,259.56	MEDICAL INSURANCE EMPLOYEES
APPALACHIAN POWER	55,381.00	TOWN WIDE UTILITY SERVICES
ARC3 GASES	241.66	
AT & T	305.55	
ATMOS ENERGY	4,320.72	TOWN WIDE GAS SERVICES
BMS DIRECT	5,000.00	POSTAGE PRINTING WATER BILLS,
CARTER MACHINERY COMPANY	16.89	PARTS AND SUPPLIES STORM WATER
CARDMEMBER SERVICES	37,072.11	SUPPLIES EQ 17801.96 SCHOOLS 6071.84 TRAVEL 8416.49 SOFTWARE 835.08 UNIFORMS 27.97RECRUITING RETENTION FIRE RESCUE 3918.77
CHANDLER CONCRETE	843.45	
CFS GROUP/BLUE RIDGE DISPOSAL & RECYCLING	330.00	SLUDGE DISPOSAL
CURTIS BAY MEDICAL WASTE	142.52	MED WASTE SERVICES
DELL MARKETING	74.00	NEW COMPUTERS PW
DONS AUTO CLINIC	3,525.50	PD VEHICLE MAINT.
DUES AND MEMBERSHIPS	3,566.00	ENGINEERING 2171 AM WATER WORKS FIRE 1395
DTN INC	296.96	
ELEVEN WEST INC	616.55	
ENVIRONMENTAL EXPRESS INC	143.87	
EXPRESS SERVICES INC	6,974.56	LANDSCAPE AND CUSTODIAL TEMPORARY LABOR
FEDERAL EXPRESS	167.07	
FIRE SAFETY PRODUCTS	235.00	
GATES FLOWERS AND GIFTS	105.00	
GOVERNMENT FINANCE OFFICERS ASSOCIATION	530.00	
HI-D-HO DOG TRAINING	3,130.00	RECREATION DOG TRAINING
HOLLYBROOK MULCH TRUCKING	26.00	
HOME DEPOT	167.94	
HOMESTEAD MATERIALS HANDLING	2,240.00	CRANE INSPECTIONS PUBLIC WORKS
INTERNATIONAL CODE COUNCIL	93.95	
JJ KELLER & ASSOCIATES INC	2,674.80	OSHA COMPLIANCE SAFETY MANAGEMENT HR
JEFFERY SMITH	1,175.00	DRYWALL POLICE DEPT
JORDAN OIL CO	2,326.19	FUEL FIRE DEPT
MANSFIELD OIL	4,604.90	FUEL PURCHASES
MONTGOMERY REGIONAL SOLID WASTE AUTHORITY	54,465.96	TIPPING FEES FOR SOLID WASTE SERVICES
MONTGOMERY COUNTY TREASURER	296.37	FINAL TAXES DONATED LAND
MOUNTAIN VIEW HOPS LLC	15.00	FARMERS MARKET
NATIONAL CENTER FOR SAFETY INITIATIVE	300.00	
NETWORKFLEET INC	270.35	
NEW RIVER VALLEY PIZZA	50.99	PIZZAS AQUATICS
NEW RIVER ENGRAVING	47.70	
PEARSON EQUIPMENT COMPANY	69.47	
PETTY CASH	263.00	
PITNEY BOWES	306.82	
PURCHASE POWER	3,000.00	POSTAGE METER REFILL
RAKESTRAW LAWN CARE	597.75	
REFUND FEES REC DEPT	341.00	
REFUND WATER/SEWER	413.91	
REFUND PERMITS	51.00	
REFUND EMS	1,574.97	
REIMBURSEMENT EMPLOYEES	73.52	REIMBURSE EMPLOYEE EXPENSES
R E MICHEL CO	221.31	FILTERS

TOWN OF CHRISTIANBURG		
BILLS PAID DURING THE MONTH	NOVEMBER	DECEMBER
VENDOR	AMOUNT PAID	DESCRIPTION
ROANOKE TIMES	1,289.18	ADVERTISING, JOBS PUBLIC HEARINGS ETC
ROLLER VENTURES	70.00	
SCHOOLS	966.00	STREETS 966
SHENTEL	382.21	
SHELOH MOTOR MILE	19,718.81	NEW VEHICLE FOR IT
SOUTHERN STATES	376.94	SEED AND FERTILIZER
STAND ENERGY	2,798.44	NATURAL GAS FOR AQUATIC CENTER
SUPER SHOES	896.90	RESCUE UNIFORMS
TIDY SERVICES	70.90	
TRAVEL	551.31	ENG 65.53 PLANNING 167.50 PD 318.28
TREASURER OF VIRGINIA	108.71	SALES TAX OCT 98.71 DMV 10
U.S. CELLULAR	245.78	
VERIZON	4,221.76	PHONE LINES
VERIZON WIRELESS	6,775.23	CELL PHONES AND TABLETS
VIRGINIA MEDIA	270.00	JOB POSTINGS, PUBLIC HEARINGS ETC
VSC FIRE & SECURITY	90.00	
WEST PUBLISHING COMPANY	130.94	
WORDSPRINT	389.05	
TOTAL SPECIAL REVENUE BILLS PAID	2,309.99	
TOTAL PAID BILLS	365,003.62	
BILLS TO BE PAID	432,865.43	
GRAND TOTAL	800,179.04	



Christiansburg Fire Department

110 Depot Street
Christiansburg, Va. 24073
Phone: 540-382-4388 Fax: 540-381-5027



2020 Fire Officers

Asst. Chief Danny Yopp

Captain Gratton Thompson

1st Lieut. Forest Redd

2nd Lieut. Brandon Turner

Sec./Tres. Donnie Reed

Asst. Sec. / Tres. David Akers

Training Officer

Todd Chrisley

Engineers

Pete Haislip

John Linkous

Scott Phillips

John Epperly

Mike Moore

Brad Woolwine

Summary of changes to purchasing document:

Pages 9 and 10 are the primary changes which raise the \$5,000 limit to \$10,000 per VA Code changes. Note that the VA Code allows us to use only one quote up to \$10,000. Discussion in Finance committee on 10-29-19 suggested that that limit be set at \$1500. The VA Code allows us to be more stringent than the code but not less.

Also note under VA Code we cannot have a "preference" for buying local but our attorneys have reviewed the language added in A and feel this is ok and is not a "preference" it is just our policy to solicit local businesses. If we receive more than one quote we would have to go with the lowest quote even if it is not local per VA law.

1. It adds a beginning statement "A" that requires at least one quote be from a local business which is defined as the Town of Christiansburg in any situation when we are soliciting quotes.
 - A. All requests for quotes shall include at least one local qualified vendor if the goods or services are available in the local market. Local means within the Town of Christiansburg.
2. Adds "B" which requires all requests for quotes over \$10,000 be posted on the State of Virginia purchasing site "EVA" OR be posted in the local newspaper. This should help us to save some dollars on newspaper advertising. These may also be posted on our website or other venues but relieves the requirement to post everything over \$10,000 in the newspaper.
 - B. All solicitation for quotes over \$10,000 will be posted to the EVA website OR posted in the local newspaper.
3. Adds item "E" and "F" which sets a threshold of \$1500 that only one quote is required and \$1,500 to \$10,000 requires solicitation of 3 quotes
 - E. Purchases where the estimated total cost of the goods or services is less than \$1,500 may be made upon receipt of one quote that is shown to be a fair and reasonable price. An effort shall be made to solicit more than one quotation when practical
 - F. Purchases where the estimated total cost of the goods or services is more than \$1,500 but less than \$10,000 may be made after soliciting a minimum of three (3) written or documented verbal/telephone quotations. Written quotes are preferable
4. "G" just changes the threshold per VA code from \$5000 to \$10000 for used equipment purchases.
5. Item 2.2 raises the threshold for professional service contract awards from \$60,000 to \$80,000 per changes in VA Code.

6. On page 24 section 5.1 it clarifies requirements for Town Manager to approve all purchase orders over \$10,000 and all capital purchases over \$5,000 and that the Town Manager is authorized to sign all contract documents up to \$100,000 and that Town Council must approve all contracts over \$100,000 before the Town Manger is authorized to sign. This has been our practice but was never specified in policy.

5.1 Contract Award Approval.

No contract shall be entered in to without the approval of the Town Manager. Any Purchase Order over \$10,000 must be approved by the Town Manager. Town Manager must approve all purchase orders for capital items over \$5000. The Purchasing Coordinator may sign any Purchase Order less than \$10,000 if the expenditure has been approved by requisition by the Department Director or the Town Manager or, his/her designee. The Town Manager is authorized to sign all contracts up to \$100,000. All contracts of \$100,000 or more must be approved by Town Council. After Council approval of the contract the Town manager is authorized to sign.

END OF CHANGES

Approved by Town Council __4-24-2018
Updated from Council approved policy dated 12-12-17
Draft of changes 12-10-2019

TOWN OF CHRISTIANSBURG PROCUREMENT AND SURPLUS PROPERTY MANUAL

~~APPROVED BY TOWN COUNCIL 4-24-2018~~DRAFT OF CHANGES
TO POLICY APPROVED BY TOWN COUNCIL 4-24-2018

**TOWN OF CHRISTIANBURG, VIRGINIA
PROCUREMENT AND SURPLUS PROPERTY MANUAL**

Table of Contents

Article I. – General Provisions.....	4
1.0 Introduction.....	4
1.1 Purpose.....	4
1.2 Application.....	4
1.3 Governing law.....	4
1.4 Severability.	5
1.5 Definitions.....	5
1.6 Purchasing authority.	7
1.7 Types of procurement subject to VPPA.....	8
1.8 Exceptions to the VPPA.....	8
Article II. – Small Purchase Procedure.....	8
2.0 Goods, non-professional services, and non-transportation construction.	8
2.1 Transportation-related construction.	9
2.2 Professional services.....	10
2.3 Use of small purchase or specialized credit cards.	10
Article III. – VPPA Procurement Methods.....	10
3.0 In general.	10
3.1 Competitive sealed bidding.....	10
3.1.1 Preparation and issuance of IFBs.....	11
3.1.2 Sealed bids - receipt, opening, evaluation, and award.....	11
3.1.3 Withdrawal of bids before opening.	12
3.1.4 Alterations to bids.	12
3.1.5 Mistakes in bids.	12
3.1.6 Withdrawal of bids after opening.....	13
3.1.7 Negotiation with the lowest responsive and responsible bidder.....	13
3.1.8 Tie bids – Virginia preference.	14
3.1.9 Collusion among Bidders.....	14
3.2 Competitive negotiation.....	14
3.2.1 Competitive negotiation for professional services.	14
3.2.2 Competitive negotiation for goods and nonprofessional services.....	16
3.3 Cooperative procurement.....	17

3.3.1	Piggybacking.....	17
3.4	Prequalification.....	17
3.5	Term contracts.....	18
3.5.1	Procedure for distributing multiple projects.....	18
3.6	Job order contracting.....	18
3.7	Design-build and construction management contracts authorized; procedure.....	19
Article IV.	- Exceptions to competitive procurement.....	20
4.0	In general.....	20
4.1	Sole source exception.....	20
4.1.1	Written determination.....	21
4.1.2	Sole source procurements of \$ 10 5,000 or greater.....	21
4.2	Emergency procurement.....	21
4.2.1	Documentation.....	22
4.2.2	Emergency planning.....	22
4.3	Other – exempt goods and services.....	22
Article V.	- Contracts.....	23
5.0	In general.....	23
5.1	Contract Award Approval.....	24
5.2	Unauthorized Purchases.....	24
5.3	Competitive Bidding or Competitive Negotiation on State-Aid Projects.....	24
5.4	Authority to transact business in Virginia.....	24
5.5	Contract modifications, amendments, and change orders.....	25
5.6	Contract pricing arrangements.....	25
5.7	Contractor license requirements.....	25
5.8	Insurance.....	25
5.9	Mandatory contract provisions.....	26
5.10	Multi-term contracts.....	28
5.11	Retainage on construction contracts.....	28
5.12	Bid Bonds on Construction Contracts.....	29
5.13	Performance and Payment Bonds for Construction Contracts.....	29
5.14	Action on Performance Bonds.....	30
5.15	Action on Payment Bonds.....	30
5.16	Alternative Forms of Security.....	30
5.17	Bonds for Other than Construction Contracts.....	31

5.18	Construction Contract Terms.....	31
Article VI. – Notices and Public Access to Procurement Records.....		31
6.0	In general.	31
6.1	Publicly posted notices.	31
6.2	Public access to procurement records.	32
Article VII. – Debarment.		33
7.0	In general.	33
7.1	Purpose.....	33
7.2	Reasons for debarment.....	33
7.3	Term of debarment; suspending debarment.....	33
7.4	Notification.	34
Article VIII. – Protest of contract awards.....		34
Article IX. – Assistance to small and disadvantaged businesses:		34
9.0	Small, Women-, Minority-, and Service Disabled Veteran-Owned Business Participation.....	34
9.1	Discrimination prohibited.	34
Article X. – Ethics in public contracting.		35
10.0	In general.	35
10.1	Purpose.....	35
10.2	Definitions.....	35
10.3	Proscribed participation by public employees in procurement.	35
10.4	Disclosure of subsequent employment.	36
10.5	Prohibition on solicitation or acceptance of gifts.	36
10.6	Kickbacks.....	36
10.7	Participation in bid preparation.....	37
10.8	Purchase of materials from architect or engineer prohibited.....	37
10.9	Certification of compliance required; penalty for false statements.	37
10.10	Misrepresentations prohibited.....	38
10.11	Penalty for violation.	38
Article XI. – Surplus property.		38
11.0	In general.	38
11.1	Authorization to dispose of surplus property.....	38
11.2	Disposal.....	38
11.3	Delegation of authority and establishment of procedure.	38

Article I. – General Provisions.

1.0 Introduction.

This manual sets forth the legal authority and responsibility for the purchasing process for the Town of Christiansburg (“Town”).

1.1 Purpose.

Public purchasing embraces a fundamental obligation to the general public to ensure that procurements are accomplished in accordance with the intent of the laws enacted by the appropriate legislative body. The intent of the Virginia General Assembly is set forth in the Virginia Public Procurement Act (Code of Virginia, § 2.2-4300, *et seq.*). The Town of Christiansburg intends, through this procurement manual, to ensure the purchase of high quality goods and services at reasonable prices; that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety; that all qualified vendors have access to Town business and that no offeror be arbitrarily or capriciously excluded; that competition be sought to the maximum feasible degree; that procurement procedures involve openness and administrative efficiency; that the rules governing contract award be made clear in advance of the competition; that specifications reflect the needs of the Town rather than being drawn to favor a particular vendor; and that the Town and the vendor freely exchange information considering what is sought to be procured and what is offered; to protect the assets and funds of the Town of Christiansburg; and to maintain above-board relations with all suppliers within the Procurement Laws and Business Ethics as dictated by federal, state, and Town of Christiansburg governments. Therefore, the following manual for purchasing is hereby adopted by the Town of Christiansburg Town Council and shall take effect immediately.

1.2 Application.

This manual is established by official action of the Town of Christiansburg and applies to all contracts for goods, services, insurance, and construction entered into by the Town. All provisions herein are in conformance with Chapter 43, § 2.2-4300 *et seq.* of the Virginia Code, as amended.

When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal law and regulation, which includes, but may not be limited to, Title 2 of the Code of Federal Regulations, Part 200 [2 CFR 200.317-326]. See Exhibit A attached hereto.

When this manual does not specifically address a procurement issue, the issue may be resolved in accordance with the applicable section of the Commonwealth of Virginia’s law and current policy, or Title 2 of the Code of Federal Regulations, Part 200 [2 CFR 200.317-326] as may be applicable. See Exhibit A attached hereto.

1.3 Governing law.

The Virginia Public Procurement Act (VPPA) (Virginia Code §§ 2.2-4300, *et seq.*, as amended) applies to all Town purchases, except for those instances where alternative policies and procedures

have been adopted as set forth herein. The VPPA is incorporated in its entirety by reference herein. Where a specific procurement issue is not addressed in this document, the VPPA must be consulted. When the procurement involves the expenditure of federal funds, the procurement shall be conducted in accordance with applicable mandatory federal law.

1.4 Severability.

If any provision of this Policy or any application thereof is held invalid, such invalidity shall not affect other provisions or applications of this manual which can be given effect without the invalid provision or application, and to this end the provisions of this manual are declared to be severable.

1.5 Definitions.

Best value: The overall combination of quality, price, and various elements of required services that in total are optimal relative to the Town's needs.

Brand name specification: A specification by manufacturers' names and catalog, model, part, or other referencing numbers.

Brand name or equivalent specification: A brand name specification to describe the standard of style, type, character, quality, performance, and other characteristics needed to meet Town of Christiansburg requirements and which provides for the submission of equivalent products.

Capital asset: Land, improvements to land, easements, buildings, building improvements, machinery, equipment, works of art and historical treasures, infrastructure, and all other tangible or intangible assets that are used in operations and that have initial useful lives extending beyond one year and a cost of Five Thousand Dollars (\$5,000) or greater.

Capital improvement projects: Acquisitions or construction of major equipment or facilities with a useful life of more than one year, a cost greater than Five Thousand Dollars (\$5,000), and not considered maintenance.

Competitive negotiation: A method of contractor selection that includes the following elements: 1) issuance of a written request for proposal; 2) public notice; 3) proposal opening, evaluation, negotiation, and 4) contract award. The process for competitive negotiation is set forth in the VPPA and may be used for the procurement of goods, nonprofessional services, professional services, and insurance. Competitive negotiation is initiated by the issuance of a Request for Proposal (RFP). Notice of an RFP must be both published and posted ten (10) days prior to receipt of proposals.

Competitive sealed bidding: Competitive sealed bidding is used for the procurement of most goods and nearly all construction. Competitive sealed bidding is initiated using an Invitation for Bid (IFB), sometimes also referred to as an Invitation to Bid (ITB), containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Public notice of an IFB must be made by either posting in a designated public area or by publication in a newspaper of general circulation at least ten (10) days prior to the date set for receipt of the bids.

Confidential information: Any information which is available to an employee only because of the employee's status as an employee of the Town of Christiansburg and that is not a matter of public knowledge or available to the public on request. Information will be determined as confidential in accordance with the Code of Virginia.

Construction: Building, altering, repairing, improving or demolishing any structure, building, and any draining, dredging, excavation, grading or similar work upon real property.

Construction management at risk (CMAR): A procurement and delivery method which results in a commitment by a construction manager (CM) to deliver a project within a guaranteed maximum price (GMP) which is based on the construction documents and specifications plus any reasonably inferred items or tasks.

Design-build: Procurement and delivery method for hiring a contractor to both design and build a structure.

Emergency procurement: A contract awarded without competitive sealed bidding or competitive negotiation as a result of an emergency. In general, an emergency is a situation that threatens personal safety or property. An emergency has a serious and urgent nature that demands immediate action.

Goods: All material, equipment, supplies, printing and automated data processing hardware and software.

Governing body: Town of Christiansburg Town Council.

Informality: A minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid, or the Request for Proposal, which does not affect the price, quality, or delivery schedule for the goods, services or construction being procured.

Invitation for bid: All documents, whether attached or incorporated by reference, used for solicitation of competitive sealed bids. Also referred to as "IFB."

Job order contracting: A method of procuring construction by establishing a book of unit process and then obtaining a contractor to perform work as needed using the prices, quantities, and specifications in the book as the basis of its pricing. The contractor may be selected through either competitive sealed bidding or competitive negotiation depending upon the needs of the public body procuring construction services. A minimum amount of work may be specified in the contract. The contract term shall not exceed three (3) years including renewals and the sum of all jobs in one-year shall not exceed \$5 million. Individual job orders shall not exceed \$500,000.

Multiphase professional services contract: A contract for the providing of professional services where the total scope of work of the second or subsequent phase of the contract cannot be specified

without the results of the first or prior phase of the contract.

Nonprofessional services: Any services not specifically identified as professional services within this policy or by the Virginia Public Procurement Act, as amended.

Professional services: Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, medicine, optometry, pharmacy, dentistry, or professional engineering.

Public body: Any legislative, executive or judicial body, agency, office, department, town, post, commission, committee, institution, or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this policy.

Purchasing coordinator: The Town employee designated to perform purchasing functions.

Request for proposals: All documents, whether attached or incorporated by reference, utilized for soliciting proposals. Also referred to as “RFP.”

Responsible bidder or offeror: A bidder or offeror that has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance, and who has been pre-qualified, if required.

Responsive bidder: A bidder that has submitted a bid which conforms in all material respects to the Invitation for Bid.

Services: Any work performed by an independent contractor which does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

Sole source procurement: Procurement without competitive sealed bidding or competitive negotiation following a determination that there is only one source practicably available for that which is being procured.

Supplies, materials, equipment and commodities: Any goods or articles which will be used by or furnished to any department or other offices of the Town of Christiansburg.

Used equipment: Equipment which has been previously owned and used and is offered “as is” “where is.” It does not include demonstration; factory rebuilt or remanufactured equipment marketed through normal distribution outlets.

Using departments: All departments, offices, and committees of the Town of Christiansburg, including those supported from funds approved by the Town of Christiansburg.

1.6 Purchasing authority.

All purchasing activities shall be taken under the direction and supervision of the Town Manager

or his/her designee in accordance with the provisions in this policy. The Town Manager, as authorized by the Town of Christiansburg Town Council, shall have administrative responsibility for all purchasing by the Town of Christiansburg and shall serve as the principal public purchasing official for the Town of Christiansburg. This individual shall be responsible for the procurement of goods, services, insurance and construction in accordance with this policy, and the establishment of regulations providing a foundation for an efficient and compliant procurement system to meet the needs of the Town of Christiansburg.

The Town Manager, as authorized by the Town of Christiansburg Town Council, may delegate purchasing authority, to purchase certain supplies, services, or construction items to other employees, or the purchasing coordinator if such delegation is deemed necessary for the effective procurement of those items.

The Town Manager, his/her designee, or the purchasing coordinator will work with the originating department to amend any purchase specifications as required.

The Town Manager, or his/her designee, shall prepare and maintain approved Purchasing Procedures containing detailed rules and regulations, consistent with this policy and the laws of the Commonwealth of Virginia, governing the operation of Town of Christiansburg purchasing activities.

1.7 Types of procurement subject to VPPA.

The VPPA applies to the following four types of procurement between the Town and a nongovernmental source:

- A. Purchase or lease of goods.
- B. Purchase of services.
- C. Purchase of insurance.
- D. Purchase of construction.

The VPPA does not cover purchases from other governmental sources or agencies, or the purchase or lease of real property.

1.8 Exceptions to the VPPA.

The VPPA provides certain exemptions from its provisions, including:

- A. Purchases pursuant to a small purchase procedure.
- B. Sole source procurements.
- C. Emergency procurements.
- D. Certain other miscellaneous exceptions.

Article II. – Small Purchase Procedure.

2.0 Goods, non-professional services, and non-transportation construction.

Goods and services, other than professional services and non-transportation related construction, if the aggregate or the sum of all phases is not expected to exceed One Hundred Thousand Dollars (\$100,000) may be awarded in accordance with procedures as follows:

A. All requests for quotes shall include at least one local qualified vender if the goods or services are available in the local market. Local means within the Town of Christiansburg.

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B. All solicitation for quotes over \$10,000 will be posted to the EVA website OR posted in the local newspaper.

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A.C. Purchases from nongovernmental sources where the estimated total cost of the goods or services are \$30,000 or greater but less than \$100,000 may be made after soliciting a minimum of four (4) written quotations.

B.D. Purchases from nongovernmental sources where the estimated total cost of the goods or services is \$510,000 or greater but less than \$30,000 may be made after soliciting a minimum of three (3) written or documented verbal/telephone quotations. Written quotes are preferable.

E. Purchases where the estimated total cost of the goods or services is less than \$5,000 \$1,500 may be made upon receipt of one quote that is shown to be a fair and reasonable price. An effort shall be made to solicit more than one quotation when practical.

C.F. Purchases where the estimated total cost of the goods or services is more than \$1,500 but less than \$10,000 may be made after soliciting a minimum of three (3) written or documented verbal/telephone quotations. Written quotes are preferable.

D.G. Purchase of used equipment, defined as equipment which has been previously owned and used where the estimated total cost is \$510,000 or greater but less than \$30,000 may be made after soliciting a minimum of two (2) written quotations; award shall be based on the offer deemed to be in the best interest of the Town of Christiansburg. A written determination must be provided and kept in the procurement file if only one source is practicably available and the Town must negotiate a fair and reasonable price. Prior to the award of a contract for used equipment, a person technically knowledgeable of the type of equipment sought shall document the condition of the equipment stating that this purchase would be in the best interest of the Town of Christiansburg as part of the purchase documentation; price reasonableness shall be considered in determining award.

E.H. Procedures may be established for the use of unsealed Bids or Requests for Proposals for goods and non-professional services when the estimated total cost of the goods or services is less than \$100,000.

F.I. Nothing in this section shall preclude requiring more stringent procedures for purchases made under the small purchase method.

2.1 Transportation-related construction.

For transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000, the following procedure may be used:

- A. Where the estimated total cost of the transportation-related construction is \$10,000 or greater but less than \$25,000 the purchase may be made after soliciting a
- B. minimum of three (3) written quotations.
- C. Where the estimated total cost of the transportation-related construction is less than \$10,000 the purchase may be made upon receipt of one quote that is shown to be a fair and reasonable price. An effort shall be made to solicit more than one quote when practical.

2.2 Professional services.

Procurement of professional services, where the aggregate or sum of all phases is not expected to exceed \$~~60,000~~\$80,000, may be made as follows:

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- A. Where the estimated total cost of the professional service is \$10,000 or greater but less than ~~\$60,000~~\$80,000 the purchase may be made after seeking informal proposals from not less than two (2) firms.
- B. Where the estimated total cost of the professional service is less than \$10,000, the purchase may be made upon receipt of one (1) proposal.

2.3 Use of small purchase or specialized credit cards.

Small purchase or specialized credit cards may be utilized for the purchases indicated in the credit card procedures. Credit card procedures/regulations outlining the specific, complete details for use of the purchase card must be reviewed and approved by the Director of Finance, and the Town Manager and his/her designee, prior to implementation and adoption. Misuse of any credit card program shall subject the Town officer or employee to disciplinary action, up to and including termination, in addition to any legal remedies outlined in the specific card procedures/regulations.

Article III. – VPPA Procurement Methods.

3.0 In general.

For the procurement of goods and services above the monetary limits set forth in the small purchase procedure in Article II, one of the following VPPA procurement methods must be used unless an exception applies.

3.1 Competitive sealed bidding.

Competitive sealed bidding is the preferred method for acquiring goods, construction and nonprofessional services for public use when the estimated cost is over \$100,000. However, the goods or services to be procured using this method must be capable of being described so that bids submitted by potential contractors can be evaluated against the description in the invitation for bid (IFB). The contract is awarded to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the IFB, awards may be made to more than one bidder.

Competitive sealed bidding shall include the following steps:

- A. The issuance of a written IFB containing the specifications or scope of work/purchase description and the contractual terms and conditions applicable to the procurement;
- B. Information concerning how the Town will publicly post the notice of the award or make the announcement of the decision to award the contract;
- C. The requirements set forth in the IFB may include special qualifications required of potential contractors, life-cycle costing, value analysis, and any other criteria such as testing, quality, workmanship, delivery and suitability for a particular purpose which may help in determining acceptability. An IFB must describe the requirements accurately and completely. Unnecessarily restrictive specifications or terms and conditions that unduly limit competition must be avoided; and
- D. In addition to the public notice, bids may be solicited directly from potential bidders.

3.1.1 Preparation and issuance of IFBs.

- A. **Format.** Establish a due date and time that will allow sufficient time for potential bidders to seek clarification and for the issuance of an addendum, if necessary. The due date shall not be less than ten (10) calendar days from the date the IFB is publicly advertised.
- B. **Scope.** Specify in detail the materials, equipment, and supplies to be furnished or the scope of work to be performed by the contractor, including or incorporating by reference the specifications, drawings, and contractual terms and conditions applicable to the procurement.
- C. **Verify.** Verify that all requirements applicable to the procurement have been met.
- D. **Conferences/Site visits.** All pre-bid conferences and/or site visits shall be mentioned in both the IFB and any advertisement. If attendance at such a conference or site visit is a prerequisite for bidding, the public notice period shall be long enough to provide adequate opportunity for potential bidders to obtain a copy of the IFB and attend.
- E. **Addenda.** Any changes in the requirements of the solicitation must be made by written addendum. When an addendum is issued that requires additional time for the vendor to prepare a solicitation response, the due date for receipt of bids should not be less than five (5) calendar days after the issue date of the addendum.

3.1.2 Sealed bids - receipt, opening, evaluation, and award.

- A. **Receipt.** Sealed bids shall be received until the date and time specified in the IFB. Bids are then publicly opened and read aloud. Late bids shall not be considered. Faxed or e-mailed bids are not acceptable. The time of receipt shall be noted on the outside of the bid package.
- B. **Opening.** After bid opening, each bid is evaluated to determine if it is responsive to the IFB. The responsive bids are then evaluated according to the criteria and/or evaluation procedure described in the IFB to determine which one is the lowest bid.
- C. **Evaluation.** The lowest responsive bidder is then evaluated to determine if the firm

is responsible.

- D. **Award.** The contract is awarded to the lowest responsive and responsible bidder. (Note: The Town must give an apparent low bidder advance written notice before making a determination of non-responsibility and must allow an opportunity for the bidder to respond with rebuttal information before moving on to the next low bidder.)

3.1.3 Withdrawal of bids before opening.

A bid may be withdrawn by a bidder if the Town receives such a request in writing before the opening date and time. The request must be signed by a person authorized to represent the person or firm that submitted the bid. Such bid may be altered as set forth below and resubmitted in a sealed envelope or container before the opening date and hour, or another sealed bid may be submitted before that time.

3.1.4 Alterations to bids.

Prior to submission of a bid, alterations may be made to information provided by the bidder, but they must be initialed by the person signing the bid or proposal. The proper procedure is to draw a single line through the information to be changed and insert the desired information and initial the change. Erasures, strikeovers, or the use of opaque fluid on the bid form that affect unit price, quantity, quality, or delivery may result in the rejection of the line item or items involved in the bid. No changes may be made to the bid by notation on the outside of the envelope, and any such notations will not be considered except for identification purposes.

3.1.5 Mistakes in bids.

- A. **Correction.** Except as herein provided, no plea or claim of mistake shall be available to a bidder for recovery of any deposit or security required to be paid or posted or as a defense in any legal proceeding for the failure, neglect, or refusal of the bidder to (1) execute a contract that has been awarded by the Town, (2) accept a purchase order issued by the Town to a bidder in response to a bid submitted by such bidder, or (3) perform in accordance with the terms, specifications and conditions of a contract.
- B. **Mistakes Discovered Before Opening.** A bidder may correct mistakes discovered before the time and date set for receipt and opening of bids by withdrawing and replacing or by correcting the bid as set forth herein.
- C. **Mistakes Discovered After Opening But Before Award.**
 - (1) **Informality.** The Town may, in its sole discretion, waive such informalities or permit the bidder to correct them, whichever procedure is in the best interest of the Town. Examples include, but are not limited to the failure of a bidder to:
 - (a) Return the number of signed bids required by the solicitation.
 - (b) Sign the face of the bid in the space provided, but only if the unsigned bid is accompanied by other signed documents indicating the bidder's intent to be bound.
 - (c) Acknowledge receipt of an addendum to the solicitation.

- (2) **Judgment Errors.** Bids may not be withdrawn if the mistakes are attributable to errors in judgment, nor may such mistakes be corrected.

(3) **Nonjudgmental Mistakes.**

(a) Mistakes Where the Intended Correct Bid is Evident. If the mistake and the intended correct bid are clearly evident to the Town, in the bid document, the bid may be corrected by the Town, in its sole discretion, to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident in the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

(b) Mistakes Where the Intended Correct Bid is Not Evident. A bidder may be permitted by the Town, in its sole discretion, to withdraw a low bid if a mistake is clearly evident from the bid documents submitted by the bidder.

- D. **Mistakes Discovered After Award.** Bids containing mistakes shall not be corrected or withdrawn after award of a contract or issuance of a purchase order. No plea or claim of mistake in a bid or resulting contract shall be available as a defense in any legal proceeding brought upon a contract or purchase order awarded to a bidder as a result of the breach or nonperformance of such contract or purchase order.

3.1.6 Withdrawal of bids after opening.

Bids that have been appropriately opened cannot be changed, adjusted, corrected, or modified by the bidder in any way other than complete withdrawal. The Town's procedures for withdrawal of bids (whether construction or other than construction) is the procedure set forth in the VPPA allowing withdrawal of a bid due to an error.

3.1.7 Negotiation with the lowest responsive and responsible bidder.

Normally, the Town may not negotiate with bidders. A responsive bid from the lowest responsible bidder must be accepted as submitted, unless the IFB is cancelled. However, if the bid from the lowest responsive and responsible bidder exceeds available funds, the Town may negotiate with the apparent low bidder to obtain a contract price within available funds if the solicitation contains substantially the following language **"The Town reserves the right to negotiate with the apparent lowest responsive and responsible bidder pursuant to the VPPA, to obtain a contract price within the funds available if the low bid exceeds the available funds. The Town may negotiate with the apparent low bidder to determine cost saving measures that will result in a contract within available funds. Any such negotiated contract shall be subject to final approval of the Town, in the sole discretion of the Town."** If such bidder decides to negotiate under those circumstances, the decision must be documented in writing in advance of the negotiations. Otherwise, unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted. "Available funds" are generally considered those budgeted for the purchase and designated as such prior to the issuance of the IFB. The purpose of this provision is not to force a bidder to take a lower price but rather to negotiate an acceptable change in requirements, including a price agreeable to both parties. Negotiations might include an extended delivery date, reduced quantity, different accessories, etc., with a corresponding reduction in price.

3.1.8 Tie bids – Virginia preference.

- A. In the case of a tie bid, preference shall be given to goods, services and construction produced in the Town of Christiansburg or provided by persons, firms or corporations having principal places of business in the Town of Christiansburg, if such a choice is available.
- B. Except as provided in subsection (a.) in the case of a tie bid, preference shall be given to goods, services and construction produced in Virginia or provided by Virginia persons, firms or corporations having principal places of business in the Commonwealth of Virginia, if such a choice is available.
- C. Whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state preference, a like preference may be allowed to the lowest responsible bidder who is a resident of Virginia.
- D. In the event that none of the foregoing provisions of this section resolve the tie, the tie is decided by lot according to the provisions of § 2.2-4324 of the Code of Virginia. Procedures for deciding by lot may be established.

3.1.9 Collusion among Bidders.

More than one bid from an individual, firm, partnership, corporation or association under the same or different name will be rejected. Reasonable grounds for believing that a bidder is interested in more than one bid for the work contemplated will cause rejection of all bids in which the bidder is interested. Any or all bids may be rejected if there is any reason for believing that collusion exists among the bidders. Participants in such collusion may not be considered in future bids for the same work. Each bidder, as a condition of submitting a bid, shall certify that he is not a party to any collusive action as herein defined.

3.2 Competitive negotiation.

The VPPA requires the use of competitive negotiation for the procurement of professional services. Competitive negotiation may also be the procurement method used for goods and nonprofessional services.

3.2.1 Competitive negotiation for professional services.

Competitive negotiation for professional services includes the following steps:

- A. The first step is to determine that the needed services satisfy the definition of professional services (see definition of professional services). Also, if the estimated cost of the professional service is \$~~86~~0,000 or less, the Town's small purchase procedure may be used.
- B. A written RFP is issued to describe in general terms for that which is to be procured.
 - (1) The RFP must specify and list any specific items to be addressed by the offerors and the factors that will be used in evaluating the proposals, including indicating whether a numerical scoring system will be used in the evaluation of the proposal. It must contain or incorporate by reference the

applicable contractual terms and conditions, including any unique capabilities or qualifications required of the contractors. In the event that a numerical scoring system will be used in the evaluation of the proposals, the point values assigned to each of the evaluation criteria shall be included in the RFP or posted at a location designated for posting of public procurement notices prior to the due date and time for receiving proposals. Where the possibility of multiple awards is provided in the RFP, awards may be made to more than one offeror. The RFP must state the manner in which public notice of the award or the announcement of the decision to award shall be given by the Town.

- (2) The RFP shall not request that offerors furnish estimates of man-hour or cost for services. In addition, the Town shall not require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or other standards, until after the qualified offerors are ranked for negotiations.
 - (3) Mandatory requirements should be kept to a minimum and refer only to those areas that are required by law or regulation or are such that they cannot be waived and are not subject to negotiation. The use of "shall," "will," or "must" indicates a mandatory requirement. Specify any optional information desired. The factors for use in evaluation shall be stated in the RFP.
 - (4) The scope of work and/or technical specifications to be provided by the offeror, the location, the anticipated time period for which the services must be provided, the pertinent background information, any special qualifications required of the offeror, and whether there will be a pre-proposal meeting must be included in the RFP.
 - (5) A proposal submission due date and time must be provided which provides sufficient time for potential offerors to develop a proposal. The minimum time period is ten (10) days from public advertisement date of the RFP. The time period used may be greater than the required ten (10) days based on the complexity of the requirement and whether or not a pre-proposal conference is required.
- C. The purchasing coordinator shall select an evaluation panel. The purchasing coordinator must provide the evaluation panel specific instructions of what their charge is, including any weight to be given to the evaluation factors. This should be done prior to a pre-proposal conference, but must be done prior to opening proposals.
- D. All pre-proposal conferences or site visits shall be mentioned in the RFP and any advertisement of it. If attendance at such a conference or site visit is a prerequisite for submitting a proposal, the public notice should usually be at least ten (10) days before the pre-proposal conference to provide adequate opportunity for potential offerors to obtain a copy of the RFP and attend.
- E. Addenda may be issued as determined necessary.
- F. A public opening of proposals will be done if practicable, but is not necessary. The names of the individuals or the names of firms submitting proposals in a timely manner is the only information that may be read aloud and made available to the

- offerors and general public unless otherwise provided in the RFP.
- G. At the discretion of the purchasing coordinator, the evaluation panel shall engage in individual discussions with two or more offerors (if deemed fully qualified, responsible, and suitable, with emphasis on professional competence, to provide the required services). Repetitive informal interviews shall be permissible. Such discussions may also include nonbinding estimates of total project costs, including but not limited to (where appropriate), design, construction and life-cycle costs. Nonbinding methods utilized in arriving at a price for services may also be discussed. Properly identified proprietary information from offerors shall not be disclosed to the public or to competitors unless required by law or a court.
 - H. At the conclusion of discussions, on the basis of evaluation factors published in the RFP and all information developed in the selection process to this point, the evaluation panel shall select, in the order of preference, two or more offerors whose professional qualifications and proposed services are deemed most meritorious.
 - I. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the Town can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on, until a contract can be negotiated at a fair and reasonable price. If the evaluation panel or purchasing coordinator determine in writing that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror. At any time during the negotiations, the Town may terminate all negotiations, reject all proposals, and re-advertise the RFP. The reason for such termination should be made a part of the file.
 - J. The Town Council, upon recommendation of the purchasing coordinator, will make the award, which will result in a contract incorporating the requirements, terms, and conditions of the contract as negotiated. Care should be taken to ensure that all points negotiated are properly documented and become part of the contract.
 - K. Multiphase professional services contracts may be awarded based upon a fair and reasonable price for the first phase of a project.

3.2.2 Competitive negotiation for goods and nonprofessional services.

Competitive negotiation has the advantage of flexibility for describing in general terms what is being sought and the factors to be used in evaluating responses. This method of procurement is similar to the procurement of professional services and includes the following steps and some exceptions:

- A. Issuance of a written RFP indicating in general terms that which is to be procured, including the information set forth in 3.2.1(B) above. In addition, the RFP shall indicate whether a numerical scoring system will be used in the evaluation of the proposal. In the event that a numerical scoring system is used, the point values assigned to each of the evaluation criteria shall be included in the RFP or posted at the location designed for public posting of procurement notices prior to the due date and time for receiving proposals.

- B. If the procurement is for information technology, the RFP may not require the offeror to state any exception to liability provisions. For other offerors, it may require and exceptions to be in writing in the proposal and such exceptions may be considered during negotiations.
- C. The proposals are evaluated by an evaluation panel. As an option, evaluators may request presentations or discussions with offerors, as necessary, to clarify material in the offerors proposals, to help determine those fully qualified and best suited. Proposals are then evaluated on the basis of the criteria set forth in the RFP, using the scoring weights previously determined, if any. All RFP responses are to be evaluated. Offerors who fail to submit required documentation or meet mandatory requirements may be eliminated from further consideration as non-responsive. Two or more offerors determined to be fully qualified and best suited, if that many, are then selected for negotiation. Price may be considered, but need not be the sole determining factor.
- D. Negotiations are then conducted with each of the offerors so selected. Negotiation allows modification of proposals, including price. Offers and counter-offers may be made as many times with each offeror as is necessary to secure a reasonable contract. After negotiations have been conducted with each of the selected offerors, the Town will select the offeror which, in its opinion, has made the best proposal, and the contract is awarded to that offeror. Once intent to award or an award notice is posted, no further negotiations shall be conducted.

3.3 Cooperative procurement.

The Town may participate in, sponsor, conduct, or administer a cooperative procurement on behalf of, or in conjunction with, one or more other public bodies, including, without limitation, agencies of the Commonwealth of Virginia, other states, and the United States Government.

3.3.1 Piggybacking.

The Town may purchase from another public body's contract provided that the RFP or IFB by which the contract was procured specifies that it was conducted on behalf of other public bodies. Piggyback procurement cannot be used for professional services contracts and certain construction contracts.

3.4 Prequalification.

Pursuant to Virginia Code § 2.2-4317(A)-(B):

- A. Prospective contractors may be prequalified for particular types of supplies, services, insurance, or construction, and consideration of bids or proposals may be limited to prequalified contractors. Any prequalification procedure shall be established in writing and sufficiently in advance of its implementation to allow potential contractors a fair opportunity to complete the process.
- B. Any prequalification of prospective contractors for construction by the Town shall be pursuant to a prequalification process for construction projects adopted by the Town. The process shall be consistent with the provisions of this section.

3.5 Term contracts.

Pursuant to Virginia Code § 2.2-4303.1, the Town may solicit to enter into term contracts with architectural and professional engineering firms for multiple construction projects provided: 1) the projects require similar experience and expertise; 2) the nature of the projects is clearly identified in the Request for Proposal; and 3) the contract is limited to a one-year term or when the cumulative total project fees reach the maximum cost authorized by law. Such contracts may be renewable for four additional one-year terms at the option of the Town. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000. Competitive negotiations for such contracts may result to awards to more than one offeror provided: 1) the RFP so states and 2) the Town has established procedures for distributing multiple projects among the selected contractors during the contract term. The fee for any single project shall not exceed \$150,000. Unused amounts from one contract term may not be carried forward to any additional term.

3.5.1 Procedure for distributing multiple projects.

Following the selection of more than one offeror for architectural or professional engineering services and execution of a term services contract with more than one offeror, multiple projects identified in the RFP published for the term services shall be awarded as follows:

- A. Selected offerors shall be notified in the manner set forth in the term services contract as projects become available.
- B. Once notified, selected offerors may submit a proposal for available project.
- C. Selected offerors shall be ranked for each project based upon the following criteria:
 - (1) Knowledge and experience concerning the scope and requirements for the project.
 - (2) Knowledge of the Town's overall goals concerning the project.
 - (3) Past performance on similar scopes of work within the Town.
 - (4) Order of ranking from initial proposals.
 - (5) Current work load or agreements in effect with the Town.
 - (6) Current work load on other non-Town projects.

Fees for services will be governed by procedures established by the participating funding agencies where applicable. Otherwise, fees for services will be negotiated on a schedule agreeable to the Town.

3.6 Job order contracting.

Pursuant to Virginia Code § 2.2-4303.2, the Town may award a job order contract for multiple jobs, provided (i) the jobs require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum provided by law. Such contracts may be renewable for two additional one-year terms at the option of the Town. The fair and reasonable prices as negotiated shall be used in determining the cost of each job performed, and the sum of

all jobs performed in a one-year contract term shall not exceed \$5 million. Individual job orders shall not exceed \$500,000. Order slipping is prohibited and unused amounts may not be forwarded to any additional term. Job order contracting may not be used for professional architectural and engineering services unless the services (i) are incidental and directly related to the job, (ii) do not exceed \$25,000 per job order, and (iii) do not exceed \$75,000 per contract term.

3.7 Design-build and construction management contracts authorized; procedure.

Pursuant to Virginia Code § 2.2-4382, the Town may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that the Town complies with the following procedure:

- A. Prior to making a determination as to the use of construction management or design-build for a specific construction project, the Town shall have under its employ or under contract, a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise the Town regarding the use of construction management or design-build for the project and (ii) assist the Town with the preparation of the request for proposal and evaluation of such proposals;
- B. The purchasing coordinator of the Town shall make a written determination in advance that competitive sealed bidding is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build. The determination shall be included in the Request for Qualifications and be maintained in the procurement file;
- C. Construction management contracts may be utilized for projects where the project cost is expected to be more than \$10 million;
- D. Construction management contracts may be utilized for projects where the project cost is expected to be less than \$10 million, provided that (i) the project is a complex project and (ii) the project procurement method is approved by the Town Council. The written approval of the Council shall be maintained in the procurement file;
- E. The construction management contract must be entered into no later than the completion of the schematic phase of the design unless prohibited by authorization of funding restrictions;
- F. The Town must consider the experience of the contractor on comparable projects;
- G. The construction management contract shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, shall be performed by subcontractors of the construction manager, which the construction manager shall procure by publically advertised, competitive sealed bidding to the maximum extent possible;
- H. A two-step "request for qualifications/request for proposals" (RFQ/RFP) competitive negotiation process shall be utilized to select the construction manager;
 - (1) The RFQ shall include the Town's facility requirements, building and site criteria, and survey data (if available). All offerors shall have a Class "A" licensed contractor in the Commonwealth of Virginia as part of the project team. The Town's justification for using CMAR or DB shall be included

- in the RFQ.
- (2) The criteria for evaluation shall be included in the RFQ, including any unique capabilities and qualifications and public notice of the RFQ shall be posted on the eVA website for a minimum of 30 days.
 - (3) The evaluation committee shall evaluate the firms' RFQ responses by the criteria for the project and any other relevant information and determine those deemed best qualified. Prior CMAR shall not be a prerequisite for award.
 - (4) The RFQ process shall result in a short list of 2-5 offerors to receive an RFP. An offeror may be denied prequalification only as specified under Virginia Code § 2.2-4317, but the short list shall be those deemed best qualified.
 - (5) At least 30 days prior to the date for the RFP response submission, those offerors that were not selected for the short list shall be provided written notification and the reasons for the decision. In the event that an offeror is denied prequalification, the written notification shall state the reasons for such denial including the factual basis for the reasons for denial.
 - (6) The evaluation committee shall evaluate and rank the firms' proposals. Prior CMAR experience shall not be a prerequisite for award.
 - (7) After evaluation and ranking, the evaluation committee shall conduct negotiations with two or more offerors submitting the highest ranked proposals.
 - (8) The contract shall be awarded to the offeror who is deemed fully qualified and price is the critical basis for the award of the contract;
 - (9) The Town shall notify all offerors who submitted proposals, which offer was selected for the project. When provided in the RFP, awards may be made to more than one offeror. Upon request, documentation of the process used for the final selection shall be made available to unsuccessful offerors.
 - I. The award of design-build construction contracts shall also require a two-step competitive negotiation process consistent with the standards established by the Division of Engineering and Buildings of the Department for state public bodies.
 - J. The Town shall comply with the reporting requirements set forth in Virginia Code § 2.2-4383(B).

Article IV. - Exceptions to competitive procurement.

4.0 In general.

The VPPA provides for exceptions to competitive procurement. Three types of exceptions covered here are sole source, emergency, and other exempt goods and services.

4.1 Sole source exception.

A contract may be awarded without competition when it is determined in writing, after conducting a good faith review of available sources, that there is only one source practicably available for the required good, service, insurance or construction item. Negotiations shall be conducted, as appropriate, to obtain the best price, delivery, and terms. A written notice shall be issued stating that only one source was determined to be practicably available, identify that which is being

procured, the contractor selected and the date on which the contract will be awarded. For purchases exceeding Thirty Thousand Dollars (\$30,000), a notice of sole source shall be posted on the Town website or other website approved by the Town Manager or his/her designee, or the purchasing coordinator on the day of award or the decision to award is announced, whichever occurs first. Purchases of used equipment over Thirty Thousand Dollars (\$30,000) where only one (1) source is practicably available shall be treated as a sole source purchase.

4.1.1 Written determination.

A written determination documenting that there is only one source practicably available for the procurement must be included in the procurement file.

An explanation of each of the following four points is required in the determination:

- A. Why this is the only product or service that can meet the needs of the Town;
- B. Why this vendor is the only practicably available source from which to obtain this product or service;
- C. Why the price is considered fair and reasonable; and
- D. The efforts that were made in conducting the noncompetitive negotiation to get the best possible price for the Town.

4.1.2 Sole source procurements of ~~\$510,000~~ or greater.

For sole source procurements of ~~\$105,000~~ or greater, a written quotation must be obtained from the vendor. All sole source procurements must also be approved in advance by the Town Manager or designee.

4.2 Emergency procurement.

An emergency may arise in order to protect personal safety, life or property, i.e., an occurrence of a serious, urgent and threatening nature that demands immediate action to avoid termination of essential services or a dangerous condition. In such cases, a Purchase Order or contract may be awarded by the Town without competitive bidding or competitive negotiation; however, such procurement shall be made with as much competition as is practicable under the circumstances. A written determination and justification must be made establishing the basis for the emergency and for the selection of the particular contractor/vendor. The written determination shall become part of the procurement file. For purchases with a total cost in excess of Thirty Thousand Dollars (\$30,000) a written notice, stating that the contract is being awarded, or has been awarded on an emergency basis shall be publicly posted on the Town website or other website approved by the Town Manager, or his/her designee, for ten (10) calendar days, beginning on the day of the award or the decision to award is announced, whichever occurs first, or as soon thereafter as is practicable.

Notwithstanding the foregoing, if an emergency occurs at times other than regular business hours, the concerned department may purchase directly the required goods or contractual services. The department making the purchase shall, however, whenever practicable, secure competitive telephone or written bids/quotes and order delivery to be made by the lowest responsible bidder.

The department making the purchase shall also keep a tabulation of all quotes/bids received, if any, a copy of the delivery record and a written explanation of the circumstances of the emergency. The department shall notify the Town Manager, his/her designee, or the purchasing coordinator even if after the fact, of any emergency purchases made over Ten Thousand Dollars (\$10,000). In the event of any emergency which utilizes the Town of Christiansburg Emergency Operation Plan, documentation shall follow the guidelines of the most recent edition of that plan.

4.2.1 Documentation.

- A. **Written Determination.** A written determination indicating the nature of the emergency and the reason for selection of the particular contractor must be placed in the procurement file.
- B. **Reporting Requirements.** Emergency notices of procurement under \$10,000 shall be filed in the procurement file. Emergency procurement notices of \$10,000 or greater shall be posted in a newspaper having general circulation in the Town's service area and may be posted on the Town's website.

4.2.2 Emergency planning.

In many cases, procurement planning can reduce the need for using emergency procedures. The Town should prepare and keep current a list of local sources of goods and services that might be needed in an emergency. Information on rates and charges should be established and agreed upon in advance. In addition, "as needed" annual contracts for various services may be competitively bid to expedite action, ensure adequate support, and reduce the cost of meeting emergency requirements.

4.3 Other – exempt goods and services.

The Virginia Public Procurement Act exempts several goods and services from the competitive sealed bidding and competitive negotiation procedures. These exempt goods and services are:

- Legal services
- Litigation related services, such as, expert witnesses and other services associated with litigation or regulatory proceedings.
- Insurance purchased through an association if the Town is a member and if the association was formed and is maintained for the purpose of promoting the interest and welfare of, and developing close relationships with, similar public bodies. The association must obtain the insurance using competitive principles.
- Goods produced or services performed by the disabled: Goods produced or services performed by the disabled, if produced or performed by persons, or in schools or workshops under the supervision of the Virginia Department for the Visually Handicapped or by nonprofit sheltered workshops or other nonprofit organizations which offer transitional or supported employment services serving the handicapped.
- Goods or services for recipients of certain public welfare programs.
- The purchasing coordinator may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

In addition, competition normally is either not practicable or available for purchase of the goods or services listed below. Therefore, when a department's estimated cost of goods or services is estimated to be \$50,000 or less for the entire duration of the requirements, purchases may be made upon receipt of a minimum of one written quotation. This section is in accordance with §2.2-4303 of the Virginia Code.

- A. Athletic Fees: Fees associated with participation in athletic tournaments and events including registration and game guarantees for all athletic events.
- B. Athletic Officials/Referee: Umpires, referees, and other sports officials to officiate competitive athletic and sporting events sponsored by the Town of Christiansburg. The services include observing the play, detecting infractions of rules, and imposing penalties established by the rules and regulations of the various sports.
- C. Books, printed materials, reprints and subscriptions: Books, printed materials, reprints, and subscriptions (e.g., print or electronic), pre-recorded audio and video material (in any media), when only available from the publisher/producer.
- D. Copyright/Royalty Fees: Purchase of the exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something (as a literary, musical, or artistic work, ASCAP).
- E. Dues and Professional Licenses: Professional organization membership dues and fees to maintain professional licenses.
- F. Honoraria/Entertainment: Payment for a service (e.g., making a speech) such as authors, speakers, lecturers, musicians, performing artists.
- G. License Agreements: License agreements with the owner of the source code for existing software and/or manufacturer of sophisticated scientific equipment.
- H. Media Purchases: Advertisements and legal notices such as in newspapers, magazines, journals, radio, television, etc.
- I. Other Agencies: purchases from the federal government, other states and their agencies or institutions, and public bodies. Care must be exercised to verify pricing as fair and reasonable.
- J. Training provided by professional organization: Classes, workshops, or conferences provided by a professional organization rather than a training vendor or individual. This exemption is limited to organizations that are associated with professional accreditation or certification.
- K. Specialized training: Training that is specialized, proprietary, and not typically available to the general public for which competition is generally unavailable. Specialized technical training provided by a vendor for their equipment is included in this category.

Article V. - Contracts.

5.0 In general.

A standard Town contract should be used for most procurement. A contractor's standard contract form should not be used. If it is not possible to award a contract without using the contractor's

contract form, the contract must be reviewed and approved by the Town's attorney.

5.1 Contract Award Approval.

No contract shall be entered in to without the approval of the Town Manager. Any Purchase Order over \$10,000 must be approved by the Town Manager. Town Manager must approve all purchase orders for capital items over \$5000. The Purchasing Coordinator may sign any Purchase Order less than \$10,000 if the expenditure has been approved by requisition by the Department Director or the Town Manager or, his/her designee. The Town Manager is authorized to sign all contracts up to \$100,000. All contracts of \$100,000 or more must be approved by Town Council. After Council approval of the contract the Town manager is authorized to sign.

5.2 Unauthorized Purchases.

Any Town of Christiansburg officer or employee making or approving a purchase contrary to the provision of this Policy or the Purchasing Procedures/Regulations shall be subject to disciplinary action, up to and including termination, as determined by the Town Manager, or his/her designee.

5.3 Competitive Bidding or Competitive Negotiation on State-Aid Projects.

No contract for the construction of any building or for an addition to or improvement of an existing building by the Town of Christiansburg for which state funds of not more than \$50,000 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 construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under Section VI (A and B). The procedure for the advertising for bids or for proposals and for letting of the contract shall conform, mutatis mutandis, to the Virginia Public Procurement Act, (§ 2.2-4300 et seq.).

5.4 Authority to transact business in Virginia.

- A. If required by law, any awarded bidder or offeror shall maintain a valid certificate of authority or registration to transact business in Virginia with the Virginia State Corporation Commission as required by Title 13.1 or Title 50 of the Virginia Code, during the term of the contract or any contract renewal. The contractor as awarded shall not allow registration to lapse at or its certificate of authority or registration to transact business in the Commonwealth of Virginia to be revoked or cancelled at any time during the term(s) of the contract. If the awarded contractor fails to remain in compliance with the provisions of this section, the contract may be voided at the sole discretion of the Town of Christiansburg.
- B. If required by Town of Christiansburg Code, any awarded bidder or offeror shall maintain a valid Town of Christiansburg Business License, or other business license accepted by the Town of Christiansburg per Town of Christiansburg and Virginia Codes, during the term of the contract or any contract renewal. The contractor as awarded shall not allow its business license to lapse, to be revoked or cancelled at any time during the term(s) of the contract. If the awarded contractor fails to remain in compliance with the provisions of this section, the contract may be voided at the sole discretion of the Town of Christiansburg.

5.5 Contract modifications, amendments, and change orders.

- A. A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than twenty-five percent of the amount of the contract or \$50,000, whichever is greater, without the advance written approval of the Town Council. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of a bidder or offeror from the consequences of an error in its bid or offer.
- B. The Town may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.
- C. Nothing in this section shall prevent any Town from placing greater restrictions on contract modifications.

5.6 Contract pricing arrangements.

- A. Except as prohibited in this section, contracts may be awarded on a fixed price or cost reimbursement basis, or on any other basis that is not prohibited.
- B. Except in case of emergency affecting the public health, safety or welfare, no contract shall be awarded on the basis of cost plus a percentage of cost.
- C. A policy or contract of insurance or prepaid coverage having a premium computed on the basis of claims paid or incurred, plus the insurance carrier's administrative costs and retention stated in whole or part as a percentage of such claims, shall not be prohibited by this section.

5.7 Contractor license requirements.

State statutes and regulatory agencies require that some contractors be properly registered and licensed, or hold a permit, prior to performing specific types of services. It is the contractor's responsibility to comply with the rules and regulations issued by state regulatory agencies. The following statement should appear on solicitations for regulated services.

“By my signature on this solicitation, I certify that this firm/individual is properly licensed for providing the goods/services specified and that any subcontractor used on the job will also be properly licensed.”

5.8 Insurance.

Whenever work is to be performed on Town owned or leased property or facilities, the contractor may be required to have Workers' Compensation, Employer's Liability, Commercial General Liability and Automobile Liability, and in certain types of professional services contracts, Professional Liability/Errors and Omissions insurance coverage. The Town must be named as an additional insured when requiring a Contractor to obtain Commercial General Liability coverage. In some cases, Workers' Compensation Insurance and Employer's Liability Insurance may not be

required. Workers' Compensation insurance is required when the contractor has three (3) or more employees. If any subcontractors are involved, subcontractors may also be required to have Workers' Compensation Insurance in accordance with §§ 2.2-4332 and 65.2-800, et seq., such insurance must be obtained prior to commencing work and be maintained during the entire term of the contract. Certification of insurance shall be in writing when written quotes are required. The certificate of insurance must be furnished **prior to commencement of work.**

5.9 Mandatory contract provisions.

The following provisions shall be included in every contract unless the VPPA provides otherwise:

- A. **Compliance with immigration laws.**
During the term of this Contract, Contractor agrees that, pursuant to Virginia Code § 2.2-4311.1, Contractor does not, and shall not during the performance of this Contract for goods and services in the Commonwealth knowingly employ an unauthorized alien as defined in the Federal Immigration Reform and Control Act of 1986.
- B. **Compliance with state law regarding transacting business in the Commonwealth.**
Pursuant to Virginia Code § 2.2-4311.2, Contractor shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia (1950), as amended, or as otherwise provided by law. Contractor shall not allow its existence to lapse or its certificate of Town to be revoked or cancelled at any time during the term of this contract. The Town may void this Contract if Contractor fails to remain in compliance with the provisions of this section.
- C. **Drug Free Workplace.**
Pursuant to Virginia Code § 2.2-4312, during the performance of this Contract, Contractor agrees to (i) provide a drug-free workplace for Contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of Contractor that Contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. For the purpose of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to Contractor or a subcontractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Contract.
- D. **Nondiscrimination.**
Pursuant to Virginia Code § 2.2-4311:

- (1) Contractor will not discriminate against any subcontractor, employee, or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of Contractor's business. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (2) Contractor, in all solicitations or advertisements for employees placed by or on behalf of Contractor, will state that Contractor is an equal employment opportunity employer.
- (3) Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- (4) Contractor will include the provisions of the foregoing paragraphs 1, 2, and 3 in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

E. **Prompt payment.**

Pursuant to Virginia Code § 2.2-4354:

- (1) Within seven (7) days after receipt of amounts paid to Contractor by the Town:
 - (a) Contractor will pay subcontractor, if any, for the proportionate share of the total payment received from the Town attributable to the work performed by subcontractor under the Contract; or
 - (b) Notify Town and subcontractor, if any, of Contractor's intention to withhold all or a part of subcontractor's payment with the reason for nonpayment.
- (2) Contractor shall provide its federal employer identification number to the Town.
- (3) Contractor shall pay interest to the subcontractor, if any, on all amounts owed to subcontractor that remain unpaid after seven (7) days following receipt by Contractor of payment from the Town for work performed by subcontractor under the Contract, except for amounts withheld as allowed in section 1(b) above.
- (4) Unless otherwise provided under the terms of this Contract, interest shall accrue at the rate of one (1) percent per month.
- (5) Contractor shall include in each of its subcontracts a provision requiring each subcontractor to include the same payment and interest requirements as set forth herein with respect to each lower-tier subcontractor, if any.
- (6) Contractor's obligation to pay an interest charge to a subcontractor pursuant to this section shall not be construed to be an obligation of Town.

F. **Contract Claims.**

The Town shall include in its contracts a procedure for consideration of contractual claims. Such procedure, which may be contained in the contract or may be specifically incorporated into the contract by reference and made available to the contractor, shall establish a time limit for a final decision in writing by the Town.

If the Town has established administrative procedures meeting the standards of Virginia Code § 2.2-4365, then such procedures shall be contained in the contract or specifically incorporated in the contract by reference and made available to the contractor.

If, however, the Town fails to include in its contracts a procedure for the consideration of contractual claims, the following procedure shall apply:

- (1) Contractual claims, whether for money or other relief, shall be submitted in writing no later than 60 days after receipt of final payment; however, written notice of the contractor's intention to file a claim shall be given at the time of the occurrence or at the beginning of the work upon which the claim is based.
- (2) No written decision denying a claim or addressing issues related to the claim shall be considered a denial of the claim unless the written decision is signed by the Town Manager or designee. The contractor may not institute legal action prior to receipt of the final written decision on the claim unless the Town fails to render a decision within 90 days of submission of the claim. Failure of the Town to render a decision within 90 days shall not result in the contractor being awarded the relief claimed or in any other relief or penalty. The sole remedy for the Town's failure to render a decision within 90 days shall be the contractor's right to institute immediate legal action.

5.10 Multi-term contracts.

- A. Specified Period. Unless otherwise provided by law, a contract for goods, services or insurance may be entered into for any period of time deemed to be in the best interest of the Town of Christiansburg provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.
- B. Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled.

5.11 Retainage on construction contracts.

- A. In accordance with § 2.2-4333 of the Code of Virginia, in any contract for construction which provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least ninety-five percent (95%) of the earned sum when payment is due, with not more than five (5%) being retained to assure faithful performance of the contract. All amounts withheld may be included in the final payment.

- B. Any subcontract for a public project which provides for similar progress payments shall be subject to the same limitations.
- C. Nothing in this section shall preclude the establishment of retention for contracts other than construction.

5.12 Bid Bonds on Construction Contracts.

Except in cases of emergency, all bids or proposals for construction contracts in excess of One Hundred Thousand Dollars (\$100,000) shall be accompanied by a bid bond from a surety company selected by the bidder which is legally authorized to do business in Virginia, as a guarantee that if the contract is awarded to such bidder, that bidder will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent (5%) of the amount bid. Nothing in this section shall preclude a requirement of bid bonds to accompany bids or proposals for construction contracts anticipated to be less than One Hundred Thousand Dollars (\$100,000).

No forfeiture under a bid bond shall exceed the lesser of (i) the difference between the bids for which the bond was written and the next low bid, or (ii) the face amount of the bid bond.

5.13 Performance and Payment Bonds for Construction Contracts.

- A. Upon the award of any construction contract exceeding One Hundred Thousand Dollars (\$100,000) awarded to any prime contractor or as otherwise required in § 2.2-4337 of the Virginia Code, such contractor shall furnish to the Town of Christiansburg the following bonds:
 - (1) A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract.
 - (2) A payment bond in the sum of the contract amount. Such bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded, or to any subcontractors, in the performance of the work provided for in such contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or performed in the performance of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.
 - (3) Each of such bonds shall be executed by one or more surety companies selected by the contractor which are legally authorized to do business in Virginia.
 - (4) Bonds shall be made payable to the Town of Christiansburg as appropriate.
 - (5) Each of the bonds shall be filed in the contract file.
 - (6) Nothing in this section shall preclude the Town of Christiansburg from requiring payment or performance bonds for construction contracts below One Hundred Thousand Dollars (\$100,000).
 - (7) Nothing in this section shall preclude such contractor from requiring each

subcontractor to furnish a payment bond with surety thereon in the sum of the full amount of the contract with such subcontractor conditioned upon the payment to all persons who have and fulfill contracts which are directly with the subcontractor for performing labor and furnishing materials in the performance of the work provided for in the subcontract.

5.14 Action on Performance Bonds.

In accordance with § 2.2-4340 of the Code of Virginia, no action against the surety on a performance bond shall be brought unless brought within one year after (i) completion of the contract, including the expiration of all warranties and guarantees, or (ii) discovery of the defect or breach of warranty, that give rise to the action.

5.15 Action on Payment Bonds.

- A. Any claimant who has a direct contractual relationship with the contractor and who has performed labor or furnished material in accordance with the contract documents in the performance of work provided in any contract for which a payment bond has been given, and who has not been paid in full before the expiration of ninety (90) days after the day on which such claimant performed the last of the labor or furnished the last of the materials for which he claims payment, may bring an action on the payment bond to recover any amount due him for the labor or material, and may prosecute such action to final judgment and have execution on the judgment. The obligee named in the bond need not be named a party to such action.
- B. Any claimant who has a direct contractual relationship with any subcontractor but who has no contractual relationship, express or implied, with the contractor, may bring an action on the contractor's payment bond only if he has given written notice to the contractor within 90 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished.

Notice to the contractor shall be served by registered or certified mail, postage prepaid, in an envelope addressed to such contractor at any place where its office is regularly maintained for the transaction of business. Claims for sums withheld as retainage with respect to labor performed or materials furnished, shall not be subject to the time limitations stated in this subsection.

- C. Any action on a payment bond must be brought within one year after the day on which the person bringing such action last performed labor or last furnished or supplied materials.
- D. Any waiver of the right to sue on the payment bond required by this section shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has performed labor or furnished material in accordance with the contract documents.

5.16 Alternative Forms of Security.

- A. In accordance with § 2.2-4338 of the Virginia Code, in lieu of a bid, payment, or performance bond, a bidder may furnish a certified check or cash escrow in the face amount required for the bond.
- B. If approved by the Town of Christiansburg Attorney, a bidder may furnish a personal bond, property bond, or bank or savings institution's letter of credit on certain designated funds in the face amount required for the bid, payment or performance bond. Approval shall be granted only upon a determination that the alternative form of security proffered affords protection to the Town of Christiansburg equivalent to a corporate surety's bond.

5.17 Bonds for Other than Construction Contracts.

At the discretion of the Town of Christiansburg bidders may be required to submit with their bid, a bid bond in an amount previously determined and specified in the Invitation to Bid, as a guarantee that if the contract is awarded to such bidder, that the bidder will enter into the contract for the work mentioned in the bid. Additionally, the Town of Christiansburg may require bid, payment, or performance bonds for contracts for goods or services if provided in the Invitation for Bid or Request for Proposal.

5.18 Construction Contract Terms.

All construction contracts shall use standard American Institute of Architects (AIA) or Engineers Joint Contract Documents Committee (EJCDC) contract language and contract terms and conditions as may be modified to include supplementary conditions and appropriate provisions of Virginia Code and/or federal regulations including, but not limited to, Title 2 of the Code of Federal Regulations, Part 200 [2 CFR 200.317-326] as approved by the Town Attorney, Town Manager, or his designee.

Article VI. – Notices and Public Access to Procurement Records.

6.0 In general.

This Article addresses the requirements for posting public notices of solicitations and contract awards and also explains what documents are required to be produced and when certain documents may be produced upon the request for such documents under Virginia's Freedom of Information Act.

6.1 Publicly posted notices.

All solicitation, addenda, and award actions over \$30,000 shall be posted in a newspaper having general circulation in the Town's service area and posted on the Town's website, Department of General Services' purchasing website, or other appropriate website.

- A. Written solicitation notices over \$30,000 must be posted for the time period established in the solicitation, e.g., 3 days, 6 days, 10 days, etc., for receipt of unsealed bids or unsealed proposals. Notices shall indicate pre-bid conferences or site visits when applicable. When canceling or amending a solicitation, a copy of the notice or addendum must be posted on the Town's website.

- B. IFB solicitation notices over \$100,000 must be published at least 10 days prior to the date set for receipt of bids.
- C. When issuing RFPs estimated to be over \$60,000, the solicitation notice shall be published at least 10 days prior to the date set for receipt of proposals. The newspaper notice need only be a brief summary of essential elements of information. Pre-proposal conferences or site visits should be indicated on the cover sheet of the solicitation when applicable. When canceling or amending a solicitation, a copy of the notice or addendum must be publicly posted on the Town website.
- D. Award notices over \$30,000 must be posted for 10 calendar days immediately following the actual time of award. The award notice should be posted on the Town's website and in any additional locations as prescribed in the solicitation for 10 calendar days immediately following the actual time of award.

6.2 Public access to procurement records.

- A. Except as provided in this section, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act (Virginia Code §§ 2.2-3700, et seq.).
- B. Cost estimates relating to a proposed procurement transaction prepared by or for the Town shall not be open to public inspection until after the contract award.
- C. Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to award, except in the event that the Town decides not to accept any of the bids and to reopen the contract. Otherwise, bid records shall be open to public inspection only after award of the contract.
- D. Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award, except in the event that the Town decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.
- E. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.
- F. Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction or prequalification application shall not be subject to the Virginia Freedom of Information Act; however, the bidder, offeror or contractor shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary.

NOTE: The procurement records must be available for review by any bidder or offeror at the time a Notice of Intent to Award or an Award Notice is posted.

Article VII. – Debarment.

7.0 In general.

The term "debarment" as used in this Manual means action taken by the Town to exclude individuals or firms from contracting with the Town for particular types of goods or services for specified periods of time. Debarment does not relieve the vendor of responsibility for existing obligations.

7.1 Purpose.

The purpose of debarment is to protect the Town from risks associated with awarding contracts to persons or firms having exhibited an inability or unwillingness to fulfill contractual requirements, and to protect Town interests and the integrity of the Town's procurement process.

7.2 Reasons for debarment.

An individual or firm may be debarred for any of the following reasons:

- A. Breach of contract with the Town. Breach of contract may consist of abandonment of the contract or the commission of acts or conduct which demonstrates a failure to perform under the contract.
- B. Stating an unwillingness or inability to honor a binding bid submitted to the Town. A request to withdraw a bid, which does not otherwise state an unwillingness or inability to perform, is not a cause for debarment.
- C. Failing to complete a contract without cause within the prescribed time limit. Prescribed time limit means original contract time period plus any authorized time extensions.
- D. Falsifying or misrepresenting manufacturer's specifications in order to appear responsive to a bid solicitation.
- E. Taking any action constituting a violation of the State and Local Government Conflict of Interests Act, by virtue of any officer, director, owner, or partner of the vendor also being an officer or employee of the Town and having a "personal interest" in contract or purchase order awarded by the Town.
- F. Conviction of any criminal offense involving public contracting.
- G. Court judgment finding a violation of either federal or state anti-trust laws.
- H. Conviction of any offense indicating a lack of moral or business integrity.

Note: It is not necessary that there be a judicial determination of violations contained in subparagraphs A through E for debarment to occur.

7.3 Term of debarment; suspending debarment.

Debarment shall be for a period of no less than one and not more than three years, as determined by the discretion of the Town Council. Notwithstanding the prescribed duration of the debarment, at the discretion of the Town Council, a debarment may be lifted or suspended at any time if it is deemed to be in the best interest of the Town. A debarred

individual or firm can apply for reinstatement at any time in writing to the Town citing actions taken to remedy the reason for debarment or prevent recurrence of the situation that caused the debarment action to be taken and otherwise indicating the lifting or suspending of the debarment would be in the best interest of the Town. Examples of actions that the Town Council may take into consideration include, but are not limited to:

- A. Repayment by a debarred vendor of damages and additional cost resulting from a default action for which the vendor had previously failed to reimburse the Town and was debarred.
- B. Disassociation with the individuals or firms responsible for the debarment.

7.4 Notification.

An individual or firm being considered for debarment from contracting with the Town will be notified in writing by certified mail, return receipt requested. The notice shall state the reasons for the action taken, the duration of the period of debarment and the effective date. This decision shall be final, unless the bidder, offeror, or contractor appeals within thirty (30) calendar days of receipt of the notice by written request to the purchasing coordinator or, in the alternative, by instituting legal action.

Article VIII. – Protest of contract awards.

The VPPA sets forth procedures for resolving several types of disputes that may arise between the Town and contractors. The procedures vary and reference is made to the VPPA for specifics.

Article IX. – Assistance to small and disadvantaged businesses:

9.0 Small, Women-, Minority-, and Service Disabled Veteran-Owned Business Participation.

The Town shall cooperate with state and federal agencies to facilitate the participation of small, women-, minority-, and service disabled veteran-owned businesses in the procurement transactions of the Town of Christiansburg. The Town of Christiansburg grants no preferences or set-asides to such businesses. The Town Manager, or designee, shall assist any such business in completing or understanding bids or proposals. Procedures may be established to increase participation by small-, women-, minority- and service disabled veteran-owned businesses.

When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal law and regulation, which is not reflected in this Policy including, but not limited to Title 2 of the Code of Federal Regulations, Part 200 [2 CFR 200.317-326] . See Exhibit A attached hereto.

9.1 Discrimination prohibited.

In the solicitation or awarding of contracts, the Town of Christiansburg shall not discriminate against any bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran or other basis prohibited by state or federal law relating to

discrimination in employment.

Article X. – Ethics in public contracting.

10.0 In general.

Our system of government is dependent in large part on its citizens maintaining the highest trust in their public officials. The conduct and character of public officials is of particular concern to state and local governments, because it is chiefly through that conduct and character that the government's reputation is derived. Therefore, public officers and employees must be familiar with the State and Local Government Conflict of Interests Act ("COIA").

10.1 Purpose.

The purpose of COIA (Virginia Code §§ 2.2-3100, et seq.) is to assure the citizens of the Commonwealth that the judgment of public officers and employees will not be compromised or affected by inappropriate conflicts. The Attorney General has stated that COIA provides minimum rules of ethical conduct for state and local government officers and employees and contains three general types of restrictions and prohibitions: (1) it details certain types of conduct that are improper for such officers and employees; (2) it restricts the ability of such officers and employees to have personal interests in certain contracts with their own or other governmental agencies; and (3) it restricts the participation of such officers and employees in transactions of their governmental agencies in which they have a personal interest.

10.2 Definitions.

Immediate family: means a spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee.

Official responsibility: means administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove, or otherwise affect a procurement transaction, or any claim resulting therefrom.

Pecuniary interest arising from the procurement: means a personal interest in a contract as defined in the State and Local Government Conflict of Interests Act.

Procurement transaction: means all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Public employee: means any person employed by the Town, including its Council members, officers, or employees.

10.3 Proscribed participation by public employees in procurement.

No public employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the Town when the employee knows that:

- A. The employee is also currently employed by a bidder, offeror, or contractor involved in the procurement transaction;
- B. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent;
- C. The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or
- D. The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

10.4 Disclosure of subsequent employment.

No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror, or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the Town unless the employee or former employee provides written notification to the Town prior to commencement of employment by that bidder, offeror, or contractor.

10.5 Prohibition on solicitation or acceptance of gifts.

- A. No public employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The Town may recover the value of anything conveyed in violation of this subsection.
- B. No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

10.6 Kickbacks.

- A. No contractor or subcontractor shall demand or receive from any of its suppliers or its subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services, or anything present or promised, unless consideration of substantially equal or greater value is exchanged.
- B. No subcontractor or supplier shall make, or offer to make, kickbacks as described in this section.
- C. No person shall demand or receive any payment, loan, subscription, advance, deposit of money, services, or anything of value in return for an agreement not to

compete on a public contract.

- D. If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the Town and shall be recoverable from both the maker and recipient.
Recovery from one offending party shall not preclude recovery from other offending parties.

10.7 Participation in bid preparation.

No person who, for compensation, prepares an invitation to bid or request for proposal for or on behalf of the Town shall (i) submit a bid or proposal for that procurement or any portion thereof or (ii) disclose to any bidder or offeror information concerning the procurement that is not available to the public. However, the Town may permit such person to submit a bid or proposal for that procurement or any portion thereof if the Town determines that the exclusion of the person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the Town.

10.8 Purchase of materials from architect or engineer prohibited.

- A. No building materials, supplies or equipment for any building or structure constructed by or for the Town shall be sold by or purchased from any person employed as an independent contractor by the Town to furnish architectural or engineering services, but not construction, for such building or structure or from any partnership, association or corporation in which such architect or engineer has a personal interest as defined in Virginia Code § 2.2-3101.
- B. No building materials, supplies or equipment for any building or structure constructed by or for the Town shall be sold by or purchased from any person who has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in the building or structure to the independent contractor employed by the Town to furnish architectural or engineering services in which such person has a personal interest as defined in Virginia Code § 2.2-3101.
- C. The provisions of subsections A and B shall not apply in cases of emergency or for transportation-related projects conducted by the Department of Transportation or the Virginia Port Authority.

10.9 Certification of compliance required; penalty for false statements.

- A. Public bodies may require public employees having official responsibility for procurement transactions in which they participated to annually submit for such transactions a written certification that they complied with the provisions of this article.
- B. Any public employee required to submit a certification as provided in subsection A who knowingly makes a false statement in the certification shall be punished as provided in Virginia Code § 2.2-4377.

10.10 Misrepresentations prohibited.

No public employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing it to contain any false, fictitious or fraudulent statement or entry.

10.11 Penalty for violation.

Any person convicted of a willful violation of any provision of this article shall be guilty of a Class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his or her employment.

Article XI. – Surplus property.

11.0 In general.

Tangible personal property owned by and no longer needed by the Town is to be considered surplus property.

11.1 Authorization to dispose of surplus property.

The purchasing coordinator is authorized to sell or otherwise dispose of surplus personal property with a value of \$10,000.00 or less without Town Manager approval. Surplus property with a value in excess of \$10,000.00 shall require Town Manager approval prior to its sale or disposal.

11.2 Disposal.

The purchasing coordinator shall use one of the following methods of disposal:

- A. Sale to a state agency or political subdivision;
- B. Public sale or auction;
- C. Donation (with approval of the Town Manager);
- D. Trade-in;
- E. Abandonment or destruction (with approval of the Town Manager).

Upon the sale or transfer of surplus property, the purchasing coordinator is authorized to execute and deliver any applicable bill of sale and title documents. The Town's Finance Department shall keep a record of all property sold, to whom it was sold, and the amount of money or consideration received from the sale.

11.3 Delegation of authority and establishment of procedure.

The Town Manager may delegate such authority and establish such rules and procedure as he or she deems necessary for the administration of surplus property sales pursuant to this policy.