



Board of Directors Meeting

July 23, 2024

2:00pm

BOARD OF DIRECTORS

Regular Meeting of the Board of Directors of the Rivanna Solid Waste Authority

DATE: July 23, 2024

LOCATION: Rivanna Administration Building (2nd Floor Conference Room),
695 Moores Creek Lane, Charlottesville, VA 22902

TIME: 2:00 p.m.

AGENDA

1. **CALL TO ORDER**
2. **AGENDA APPROVAL**
3. **MINUTES OF PREVIOUS BOARD MEETING ON MAY 28, 2024**
4. **RECOGNITION**
5. **EXECUTIVE DIRECTOR'S REPORT**
6. **ITEMS FROM THE PUBLIC**
Matters Not Listed for Public Hearing on the Agenda
7. **RESPONSES TO PUBLIC COMMENTS**
8. **CONSENT AGENDA**
 - a. *Staff Report on Finance*
 - b. *Staff Report on Ivy Material Utilization Center/Recycling Operations Update*
 - c. *Staff Report on Administration and Communications*
 - d. *Approval of Work Authorization for FY 2025 Environmental Monitoring at the Ivy Material Utilization Center*
 - e. *Approval of Purchasing Manual Update*

9. OTHER BUSINESS OTHER BUSINESS

- a. *Presentation and Consider Vote to Approve: New Name for the Ivy Material Utilization Center*
Betsy Nemeth, Director of Administration and Communications

(Motion and vote to Recess the RSWA Board Meeting)

(Motion and vote to Reconvene the RSWA in a Joint Session with the RWSA)

- b. *Presentation: Strategic Plan Update*
Betsy Nemeth, Director of Administration and Communications
- c. *Presentation: Human Resources Update*
Leah Beard, Human Resources Manager
- d. *Presentation and Consider Vote to Approve Amended and Restated By-Laws*
Lonnie Wood, Director of Finance and Information Technology

10. OTHER ITEMS FROM BOARD/STAFF NOT ON THE AGENDA

11. CLOSED MEETING - SECURITY UPDATE and PERSONNEL REVIEW

(Motion, second and roll call vote to enter into a joint closed session to discuss confidential information related to cybersecurity and the security of the authorities' physical premises as permitted by the public safety exemptions at Section 2.2-3711-A(19) of the Code of Virginia and confidential performance evaluations, goals and objectives of specific personnel as permitted by the personnel exemption at Section 2.2-3711-A(1) of the Code of Virginia).

*Motion *:*

I move that the Rivanna Solid Waste Authority enter into a joint closed session with the Rivanna Water & Sewer Authority to discuss confidential information related to cybersecurity and the security of the authorities' physical premises as permitted by the public safety exemptions at Section 2.2-3711-A(19) of the Code of Virginia and confidential performance evaluations, goals and objectives of specific personnel as permitted by the personnel exemption at Section 2.2-3711-A(1) of the Code of Virginia.

(Motion, second and roll call vote to certify the closed session)

*Motion *:*

The Rivanna Solid Waste Authority hereby certifies by recorded vote that, to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting to which this certification resolution applies.

** Closed meeting motion subject to change**

(Complete and close the RWSA meeting, then complete and close the RSWA meeting)

12. ADJOURNMENT

GUIDELINES FOR PUBLIC COMMENT AT RIVANNA BOARD OF DIRECTORS MEETINGS

If you wish to address the Rivanna Board of Directors during the time allocated for public comment, please raise your hand or stand when the Chairman asks for public comments.

Members of the public requesting to speak will be recognized during the specific time designated on the meeting agenda for “Items From The Public, Matters Not Listed for Public Hearing on the Agenda.” Each person will be allowed to speak for up to three minutes. When two or more individuals are present from the same group, it is recommended that the group designate a spokesperson to present its comments to the Board and the designated speaker can ask other members of the group to be recognized by raising their hand or standing. Each spokesperson for a group will be allowed to speak for up to five minutes.

During public hearings, the Board will attempt to hear all members of the public who wish to speak on a subject, but it must be recognized that on rare occasion comments may have to be limited because of time constraints. If a previous speaker has articulated your position, it is recommended that you not fully repeat the comments and instead advise the Board of your agreement. The time allocated for speakers at public hearings are the same as for regular Board meetings, although the Board can allow exceptions at its discretion.

Speakers should keep in mind that Board of Directors meetings are formal proceedings and all comments are recorded on tape. For that reason, speakers are requested to speak from the podium and wait to be recognized by the Chairman. In order to give all speakers proper respect and courtesy, the Board requests that speakers follow the following guidelines:

- Wait at your seat until recognized by the Chairman.
- Come forward and state your full name and address and your organizational affiliation if speaking for a group;
- Address your comments to the Board as a whole;
- State your position clearly and succinctly and give facts and data to support your position;
- Summarize your key points and provide the Board with a written statement, or supporting rationale, when possible;
- If you represent a group, you may ask others at the meeting to be recognized by raising their hand or standing;
- Be respectful and civil in all interactions at Board meetings;
- The Board may ask speakers questions or seek clarification, but recognize that Board meetings are not a forum for public debate; Board Members will not recognize comments made from the audience and ask that members of the audience not interrupt the comments of speakers and remain silent while others are speaking so that other members in the audience can hear the speaker;
- The Board will have the opportunity to address public comments after the public comment session has been closed;
- At the request of the Chairman, the Executive Director may address public comments after the session has been closed as well; and
- As appropriate, staff will research questions by the public and respond through a report back to the Board at the next regular meeting of the full Board. It is suggested that citizens who have questions for the Board or staff submit those questions in advance of the meeting to permit the opportunity for some research before the meeting.

The agendas of Board meetings, and supporting materials, are available from the RWSA/RSWA Administration office upon request or can be viewed on the Rivanna website.

Rev. September 7, 2022



1
2 **RSWA BOARD OF DIRECTORS**
3 **Minutes of Regular Meeting**
4 **May 28, 2024**
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6 A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held
7 on Tuesday, May 28, 2024, at 2:00 p.m. at Rivanna Administration Building (2nd Floor
8 Conference Room), 695 Moores Creek Lane, Charlottesville, VA 22902.
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10 **Board Members Present:** Mike Gaffney, Jeff Richardson, Sam Sanders, Brian Pinkston, Jim
11 Andrews, Lance Stewart, Steven Hicks.
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13 **Board Members Absent:** none.
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15 **Rivanna Staff Present:** Bill Mawyer, Phil McKalips, Lonnie Wood, Betsy Nemeth, Deborah
16 Anama, Jacob Woodson.
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18 **Attorney(s) Present:** Valerie Long.
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20 **1. CALL TO ORDER**

21 Mr. Gaffney convened the May 28, 2024 regular meeting of the Board of Directors of the Rivanna
22 Solid Waste Authority at 2:02 p.m.
23

24 **2. AGENDA APPROVAL**

25 Mr. Andrews stated that Item 5, Recognitions, would be removed and the agenda amended.
26

27 **Mr. Andrews moved to approve the agenda as amended. The motion was seconded by Mr.**
28 **Pinkston and passed unanimously (7-0).**
29

30 Mr. Gaffney stated that they had moved Item 5 due to Mr. Gary O'Connell being recognized in 2010
31 after retiring as City Manager. He stated that Mr. O'Connell was honored for his service on the
32 Rivanna Solid Waste Authority at that time.
33

34 **3. MINUTES OF PREVIOUS BOARD MEETING ON MARCH 26, 2024**
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36 **Mr. Andrews moved to approve the minutes of the March 26, 2024 meeting. The motion was**
37 **seconded by Mr. Pinkston and passed unanimously (7-0).**
38

39 **4. ELECTION OF CHAIR, VICE CHAIR, & SECRETARY-TREASURER**

40 Mr. Gaffney stated that he was currently serving as Chair, Mr. Richardson was serving as Vice
41 Chair, and Mr. Sanders was the Secretary-Treasurer.

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Mr. Mawyer stated that it had been a traditional practice for the Vice Chair and the Secretary-Treasurer to alternate their positions every two-year term.

Mr. Pinkston moved to reelect Mr. Gaffney as Chair and to elect Mr. Richardson as the Secretary-Treasurer and Mr. Sanders as the Vice Chair. The motion was seconded by Mr. Andrews and passed unanimously (7-0).

5. RECOGNITIONS

There were none.

6. EXECUTIVE DIRECTOR'S REPORT

Mr. Mawyer stated that the increase in materials delivered to the Ivy Materials Utilization Center had grown by approximately 12% this year compared to last year, averaging over 200 tons per day. He stated this news was positive. He stated that the Central Virginia Waste Management Authority had organized a group of solid waste authorities in central Virginia and invited them to participate in networking meetings. He stated that they had attended two meetings with the group.

Mr. Mawyer stated that Mr. McKalips had visited Southeastern Public Service Authority facilities in the Virginia Beach and Suffolk areas, which handles thousands of tons per day. He stated that he appreciated Kim Hynes, Executive Director of CVWMA, organizing this opportunity, similar to how he had organized the Central Virginia Water and Sewer Utility networking group.

Mr. Mawyer stated that the Ivy facilities would be closed on June 8 - 10, Saturday-Monday, and reopened on Tuesday, June 11, to complete a scale replacement project. The closure was for two days during their normal operating days. He praised Ms. Nemeth and Ms. Anama for effectively advertising this closure on multiple media sites.

Mr. Mawyer stated that extensive outreach and communication were conducted with New Green Baptist Church, NBC 29, Cub Scouts, and two groups from Woodbrook Elementary to tour the Ivy facility. He stated that IMUC staff have re-adopted a section of Dick Woods Road for roadside cleanup, which was part of the VDOT program. He stated that the road had previously been adopted but had fallen out of adoption. He stated that they formally re-adopted it, taking care of Dick Woods Road between the IMUC and I-64 interchange.

Mr. Mawyer stated that they successfully held electronic waste and special collection days in the last couple of months. He stated that electronic waste, tires, appliances, and other items were collected during these events. He stated that 362 people visited the e-waste event; 834 customers attended the household hazardous waste two-day event; 160 customers delivered over 24,000 pounds of furniture and mattresses; and appliances and tires were collected for two days, but the quantities were not yet available.

Mr. Mawyer stated that the City and County government shared those expenses, but they were free to customers who visited the events. He stated that it started as an amnesty program in the around

86 1998. He stated it has been almost 30 years since its inception and they still received a lot of
87 products. He stated that they renewed the contract with BFI for transporting municipal waste from
88 the transfer station, which would cost approximately \$3.5 million for the year.

89

90 Mr. Mawyer stated that they completed the repaving of the asbestos disposal area. He stated that in
91 the 1990s, this was an area where asbestos products were buried, and the remediation plan involved
92 paving over it. He stated that this was done in the year 2000 and required recent repaving. He stated
93 that it cost around \$250,000 to complete the repaving, and a fabric was placed under the paving to
94 minimize the reflection of cracks from the old paving thru the new paving.

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96 **7. ITEMS FROM THE PUBLIC**

97 There were none.

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99 **8. RESPONSES TO PUBLIC COMMENT**

100 There were no items from the public, therefore, there was no response.

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102 **9. CONSENT AGENDA**

- 103 *a. Staff Report on Finance*
- 104 *b. Staff Report on Ivy Material Utilization Center/Recycling Operations Update*
- 105 *c. Staff Report on Administration and Communications*
- 106 *d. Approval of Fiscal Year 2024-2025 Pay Scale Adjustment*
- 107 *e. Approval of Personnel Management Plan Update*
- 108 *f. Approval of Contract for Vegetative Waste Grinding and Disposal – 3 Brothers Land*
109 *Solutions, Inc. (DBA Hurst Landworks)*
- 110 *g. Approval of Contract for Electronic, Household Hazardous, and Very Small Quantity*
111 *Generator Waste Special Collection Events – MXI Environmental*

112 **Mr. Andrews moved to adopt the consent agenda. The motion was seconded by Mr. Pinkston**
113 **and passed unanimously (7-0).**

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115 **10. OTHER BUSINESS**

- 116 *a. Presentation, Public Hearing, and Vote to Consider Approval of the Resolution to Adopt the*
117 *FY 2024- 2025 Rate Schedule, and Approval of the FY 2024 – 2025 Budget*

118 Phil McKalips, Director of Solid Waste, stated that at the last meeting, they discussed the rate
119 schedule and budget resolution. He stated that this year's budget was \$9.8 million, with expenses
120 totaling \$1.88 million more than FY24. He stated that they expected revenues to increase by \$1.22
121 million from last year, resulting in a net increase of \$0.66 million. He stated that the allocation
122 breakdown was \$3.4 million for the County and \$0.73 million for the City.

123

124 Mr. McKalips stated that this also includes an \$80,000 allocation from UVA. He stated that the
125 budget included the Ivy transfer, which accounted for over 50% of the costs. He stated that

126 recycling and environmental cost centers, which include allocation from the City, account for
127 approximately 25% of the budget.

128
129 Mr. McKalips stated that the 5-year CIP was developed this year to provide a better plan for capital
130 expenditures. He stated that they planned to replace the scale house facility in FY25. He stated that
131 there was some leachate line repair work scheduled for this coming year, and they had design work
132 for the Northern Convenience Center. He stated that other activities will take place in future fiscal
133 years.

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135 Mr. McKalips stated that the budget was equipment-focused. He stated that this year, they needed to
136 replace a front-end loader from 1996, and this was one of the major expenses. He stated that a
137 mower was also on the list. He stated that in each cost center, there was allocated equipment used
138 across different cost centers. He stated that on a separate table in the budget, one would see a
139 breakdown of how those costs were distributed and then brought back into each individual cost
140 center.

141
142 Mr. McKalips stated that for FY 25, they plan to start construction of the baling facility in late
143 summer. He stated that they will then move on to designing the Northern Convenience Center. He
144 stated that the County's budget had a year lag between design in FY 2025 and construction in FY
145 2027. He stated that additional office space and training room were needed with the addition of a
146 new recycling assistant manager and other staffing increases. He stated that they were looking to do
147 an upfit of the administration building at Ivy, constructing the office space and training room inside
148 the current main garage bay.

149
150 Mr. McKalips stated that they will continue to explore options for the large clean fill program. He
151 stated that they had about another quarter million yards of available space. He stated that based on
152 the contractor's projections, this would last them into the summer of next year. He stated that there
153 are large UVA projects coming up that require 150,000 cubic yards of material to be placed.

154
155 Mr. McKalips stated that strategic investments included building and equipment depreciation. He
156 stated that the goal was to avoid requesting significant singular cost allocations for replacement
157 projects from the City or County, so they were increasing depreciation funding to accumulate
158 resources for those projects. He stated there were 1.5 additional positions proposed: a recycling
159 assistant manager, and they planned to combine the other half of a full-time position to fully staff
160 the Ivy Convenience Center. He stated that they had a 3% cost of living adjustment (COLA), a 2%
161 merit increase, and for the Authority to cover increasing health insurance costs. He stated that the
162 primary factors driving the budget were MSW transfer and vegetation grinding.

163
164 Mr. McKalips stated that the organizational chart showed the new positions for this year. He stated
165 that the Water and Sewer Authority chart showed that they supported a new Outreach and
166 Communication Coordinator position, as well as a Deputy Executive Director position, as part of
167 the joint administrative staff of the two Authorities. He stated that the proposed tipping fees for
168 vegetation and yard waste increased from \$50 to \$54, and construction, demolition debris, and
169 domestic waste increased from \$54 to \$58.

170

171 Mr. McKalips stated that no other changes were planned for this year. He stated that they had
172 reached 100% design and were working on County permitting and stormwater permitting for the
173 new baling facility. He stated that this facility would be located to the north of the site entrance. He
174 stated that solar cells were expected to begin construction sometime this summer.

175

176 Mr. McKalips stated that the total budget, including expenses, amounted to \$9.8 million, with
177 revenues of \$5.6 million, resulting in a net expense of \$4.2 million. He stated that the County's
178 portion was \$3.4 million, while the City's share was \$0.73 million and \$80,000 for UVA.

179

180 Mr. Gaffney opened the public hearing.

181

182 There was no one signed up to speak or wishing to speak in person, so the public hearing was
183 closed.

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185 **Mr. Pinkston moved to adopt the FY 2024-2025 rate schedule and approve the FY 2024-2025**
186 **budget. The motion was seconded by Mr. Andrews and passed unanimously (7-0).**

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188 *b. Presentation: Recycling Update*

189 Mr. McKalips stated that he wanted to provide a summary of their recycling program. He stated it
190 was a joint project between the City and County. He stated that they collected materials from
191 various locations, including the Southern Convenience Center, McIntire Recycling Center, and Ivy,
192 with plans to include the Northern Convenience Center in the future.

193

194 Mr. McKalips stated that they accepted a variety of recyclable items, such as fiber (corrugated
195 cardboard, mixed paper, office paper, and newsprint), number two and number four flexible plastic
196 films, number two and one plastic containers, glass containers (bottles, cans, and jars; excluding
197 mirror or Pyrex-type high-temperature glass), aluminum beverage cans, mixed metals, compostable
198 food waste at McIntire and Ivy but not at the Southern Convenience Center due to concerns about
199 bears, and oyster shells to support the oyster shell recycling program in Virginia.

200

201 Mr. McKalips stated that they had a stable distribution network for sending all the collected items.
202 He stated that all their materials were initially sent back to the paper sorting area where they were
203 baled, which allowed for more cost-effective shipping and made it easier and preferred by
204 customers to receive and manage at their sites. He stated that these provided them with some
205 competitive advantages either through pricing or during market downturns when customers tried to
206 hold back supply. He stated that they generally accepted our materials during those periods.

207

208 Mr. McKalips stated that all cardboard or fiber products were sent to a mill located in the southern
209 part of Richmond, near Altria. He stated that these materials were turned into paper products used
210 for making Enfamil containers or Pringles tubes. He stated that they collected plastic films, and
211 these were all sent to Trex in Winchester. He stated that the collection process lasted for about a
212 year until one tractor-trailer was filled up, which they transported once a year.

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Mr. McKalips stated that all their one and two plastic containers went to Sunoco in Madison Heights, where they were shipped down to a sorting facility in Raleigh, North Carolina. He stated that the reason for the additional step was that our material still had too much contamination to sell directly to end users. He stated that they had tried various strategies to address this issue, but so far, it remained unresolved.

Mr. McKalips stated that Trex create the decking by grinding up plastic films, mixing them with wood chips, and then extruding the mixture into decking material. He stated that our glass leaves the state, as a contractor from Strategic Materials picks it up at Ivy and transports it to Wilson, North Carolina, where there is a large sorting facility. He stated that the facility can separate all the colors of glass. He stated that the glass typically goes back to either bottle foundries to make new bottles or sold to the fiberglass industry.

Mr. McKalips stated that mixed metals and aluminum beverage cans are another story. He stated that they have always collected aluminum beverage cans separately because they can go directly back into making new aluminum beverage cans. He stated that if they keep them clean, it was their high-dollar recycled material. He stated that all other mixed metals go to a shredder and are sorted in bulk using various technologies before being sent to steel mills and users across the country.

Mr. McKalips stated that their food waste from MRC goes to Panorama Paydirt in Earlysville, while from Ivy it goes to Black Bear. He stated that the food waste contract was just renewed and would start July 1 with a company called NOPE. He stated that NOPE will take all of our food waste to Panaroma starting July 1. He stated that oyster shells were seeded and returned to the Chesapeake Bay.

Mr. McKalips stated that they will need to do some rehabilitation work on the paper sort facility when they open the baling facility. He stated that recycling as a whole had seen slightly lower pricing recently, similar to last year. He stated that this was mainly due to fuel pricing and labor market costs. He stated that as direct suppliers, they were not significantly affected by finding outlets for their materials. He stated that they do not participate in the spot market or deliver loads separately, which may result in some daily revenue loss but prevents accumulation of materials in parking lots.

Mr. McKalips stated that they anticipated no significant changes in the recycling landscape soon. He stated that nationally, there was a shift in focus from recycling to organics as both the City and County had sustainability goals. He stated that composting organic materials was where the focus was starting to move towards as a set of new recycling opportunities.

Mr. McKalips stated they were doing well, and they had pretty stable quantities of materials. He stated that they have seen growth each year, especially at McIntire. He stated that the Southern Convenience Center had been open for almost a year, and it was growing. He stated that they expected to have the Northern Convenience Center operating by 2028.

257 Mr. McKalips stated that the customer counts at McIntire gave an idea of the growth in recycling
258 customers, especially during COVID, but that trend seems to be continuing. He stated that McIntire
259 was the largest driver in tonnage. He stated that they had been up during COVID, possibly due to
260 increased shipping, but they have come back a bit, and they were on track this year to match what
261 they did last year.

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263 Mr. McKalips stated that County Waste bought the old Van der Linde facility, and they in turn were
264 bought by GFL. He stated that Republic was still in the local market but had closed their transfer
265 station in Zions Crossroad. He stated that this makes GFL the big player in town. He stated that they
266 are starting to see new haulers come in to the local market. He stated that there was Neighborhood
267 Disposal, JC Disposal running MSW pickup trucks or collection trucks, and then a bunch of new
268 smaller roll-off carriers. He stated that he found it intriguing how consolidation occurred but also
269 fostered smaller companies to re-enter the market.

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271 Mr. Hicks asked, when it comes to food composting, if a locality should undertake this as an
272 initiative as it grows in popularity. He stated that they had a proposal to consider that as part of the
273 FY25 budget. He asked what the Authority would do to help in that area.

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275 Mr. McKalips stated that there were a few things to address. He stated that they must determine
276 where to take the material after everyone contributes it. He stated that they have taken their
277 biosolids all the way to Waverly, but that was quite a distance. He stated that Panorama began
278 accepting compostable food waste about a year and a half to two years ago and received their
279 permit. He stated he was uncertain if Panorama could manage incorporating the City compared to
280 what they were doing now.

281
282 Mr. McKalips stated they completed the Coker Report in 2019, which estimated the amount of
283 compostable food waste the City could generate and considered setting up a composting facility at
284 Ivy. He stated that they ran some numbers, so there was a possibility to share those in the report if
285 desired. He stated that the report would need updating as it was now five years old but believed it
286 was well done and thorough. He stated that this information would provide an understanding of
287 quantities and potential rollout locations for the program.

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289 Mr. Pinkston asked about Black Bear.

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291 Mr. McKalips stated that Black Bear had a suitable model for expanding his business locally. He
292 stated that Natural Organic Processes (NOPE) in Richmond secured the contract; however, they
293 were striving to generate business. He stated that Black Bear possessed the UVA contract, which
294 offered some resilience and economic volume for his enterprise. He stated that it was unclear if
295 Black Bear could fulfill the City's demand with his present capacity. He stated that his facility was
296 situated in Crimora near Shenandoah Valley, close to Weyer's Cave.

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298 Mr. Mawyer stated that they had a previous contract with Black Bear and UVA. He stated that
299 Black Bear used to pick up UVA's product and take it to Ivy where it was weighed. He stated that
300 UVA paid Rivanna for this service. He stated that they included any additional food waste from Ivy

301 or McIntire to the load, and then Black Bear transported everything to Crimora. He stated that after
302 a few years, UVA decided to work directly with Black Bear instead. He stated that as a result, they
303 no longer had that same setup. He stated that this topic was discussed in the Ivy Master Plan. He
304 stated that in considering how to improve the system in the future, it would be beneficial to review
305 their past experiences over the last few years.

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307 Mr. Hicks asked if the report stated if it would be highly subsidized.

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309 Mr. McKalips stated that models for financing such things as tipping fees were discussed. He stated
310 that the report also delved into the economics of it.

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312 Mr. Mawyer stated that there was a limited demand for buying or selling compost.

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314 Mr. McKalips stated that the main concern regarding composting was not whether it could be done
315 or its volume managed, but rather how to dispose of it efficiently. He stated that the biosolids were
316 sent to McGill in Waverly, and it was probable that there were more individuals attempting to sell
317 compost than searching for new income sources.

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319 ***11. OTHER ITEMS FROM BOARD/STAFF NOT ON THE AGENDA***

320 There were none.

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322 ***12. CLOSED MEETING***

323 There was none.

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325 ***13. ADJOURNMENT***

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327 **At 2:38 p.m., Mr. Pinkston moved to adjourn the meeting of the Rivanna Solid Waste**
328 **Authority. Mr. Andrews seconded the motion, which passed unanimously (7-0).**

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MEMORANDUM

TO: RIVANNA SOLID WASTE AUTHORITY BOARD OF DIRECTORS

FROM: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR’S REPORT

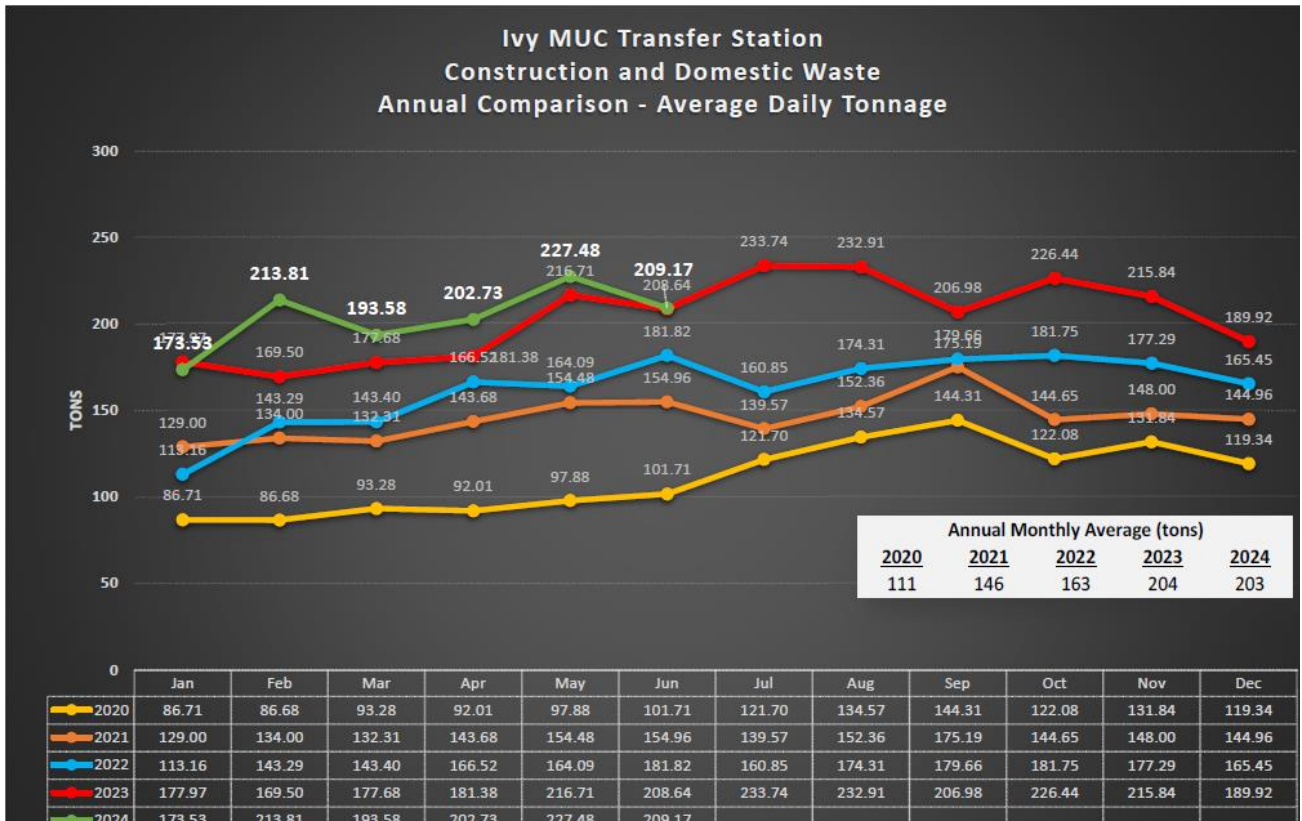
DATE: JULY 23, 2024

STRATEGIC PLAN PRIORITY: OPTIMIZATION AND RESILIENCY

Use of the Ivy Materials Utilization Center:

Average daily refuse volume has increased from 102 tons per day in June 2020 to 209 tons per day in June 2024, as shown below:

May 2024	<u>Vehicles</u> 7,459	<u>Avg MSW & CDD Tons/Day</u> 227
June 2024	<u>Vehicles</u> 8,928	<u>Avg MSW & CDD Tons/Day</u> 209



STRATEGIC PLAN PRIORITY: ENVIRONMENTAL STEWARDSHIP

Spring Refuse Special Collection Days

Spring 2024 Special Collection Days at the Ivy MUC were successful with the following customers participating in the events.

			<u>Albemarle</u>	<u>Charlottesville</u>
eWaste	Saturday	4/20/2024		
		Customers	287	76

			<u>Albemarle</u>	<u>Charlottesville</u>
HHW	Friday	4/26/2024		
		Customers	324	113
	Saturday	4/27/2024		
		Customers	279	86

Bulky Waste:	Furniture/Mattresses	- Pounds Collected	17,640	6,200
		Saturday	5/4/2024	
	Appliances	- Pounds Collected	17,100	5,100
		- Freon units Collected	120	33
		Saturday	5/11/2024	
	Tires	Participating Vehicles	145	16
		Saturday	5/18/2024	

Fall Refuse Special Collection Days

The Ivy MUC will be the site for Fall 2024 eWaste, Household Hazardous Waste, and Special Collection free disposal days on the following dates:

eWaste	Saturday	9/14/2024
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www.rivanna.org/ewaste

HHW	Friday	9/20/2024
	Saturday	9/21/2024

www.rivanna.org/hhw

Bulky Waste:	Furniture/Mattresses		
		Saturday	9/28/2024
	Appliances		
		Saturday	10/5/2024
	Tires		
		Saturday	10/12/2024

www.rivanna.org/hhw

STRATEGIC PLAN PRIORITY: WORKFORCE DEVELOPMENT

Annual turnover for the Rivanna Solid Waste Authority, for the fiscal year ending on June 30, 2024, was 22.6%, exceeding the Strategic Plan goal of 10%.

We have issued a Request for Quote for the completion of a Compensation and Classification Study. We expect to complete the study by the end of the calendar year.

We are pleased to announce the promotion of Jerry Simmons to the new Recycling Assistant Manager position. Jerry began working with us as a Driver/Operator in 2021.



MEMORANDUM

**TO: RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**

**FROM: LONNIE WOOD, DIRECTOR OF FINANCE AND INFORMATION
TECHNOLOGY**

REVIEWED: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: MAY 2024 FINANCIAL SUMMARY

DATE: JULY 23, 2024

Operating revenues through May total \$4,787,200, and total operating expenses are \$8,155,300, resulting in a \$3,368,100 net operating loss. Funding support for operations and remediation of \$3,571,700 has been received this year, as budgeted. The Authority processed 176,953 tons of waste and recyclable materials. A breakdown of net revenue or cost per ton, including overhead and administrative support costs, is shown below.

	<u>Ivy Operations</u>	<u>Ivy Transfer</u>	<u>Recycling</u>	<u>Total</u>
Tonnage	115,334	59,662	1,957	176,953
Net operating income (loss)	\$ 5,328	\$ (1,058,894)	\$ (1,283,922)	\$ (2,337,488)
Net operating income (loss) per ton	\$ 0.05	\$ (17.75)	\$ (656.07)	\$ (13.21)

Attachments

**Rivanna Solid Waste Authority
Revenue and Expense Summary Report
FY 2024**

For May 2024

	Budget FY 2024	Budget YTD	Actual YTD	Variance \$	Variance %
Revenues					
Ivy Operations Tipping Fees	\$ 1,358,000	\$ 1,244,833	\$ 1,046,261	\$ (198,573)	-15.95%
Ivy Environmental Revenues	-	-	-	-	
Ivy MSW Transfer Tipping Fees	2,587,000	2,371,417	3,369,780	998,363	42.10%
County Convenience Centers	60,000	55,000	41,684	(13,316)	-24.21%
Recycling Revenues	285,000	261,250	173,095	(88,155)	-33.74%
Other Revenues Administration	80,000	73,333	156,397	83,063	113.27%
Total Revenues	\$ 4,370,000	\$ 4,005,833	\$ 4,787,216	\$ 781,383	19.51%
Expenses					
Ivy Operations	\$ 865,140	\$ 793,045	\$ 826,778	\$ (33,732)	-4.25%
Ivy Environmental	903,859	828,538	773,619	54,919	6.63%
Ivy MSW Transfer	3,597,923	3,298,096	4,214,519	(916,424)	-27.79%
County Convenience Centers	730,706	669,814	667,249	2,565	0.38%
Recycling Operations	699,125	640,864	660,128	(19,264)	-3.01%
Administration	1,144,972	1,049,558	1,013,017	36,541	3.48%
Total Expenses	\$ 7,941,725	\$ 7,279,915	\$ 8,155,310	\$ (875,396)	-12.02%
Net Operating Income (Loss)	\$ (3,571,725)	\$ (3,274,081)	\$ (3,368,094)	\$ (94,013)	-2.87%
Other Funding Sources					
Local Government Support	\$ 2,348,374	\$ 2,152,676	\$ 2,348,376	\$ 195,700	9.09%
Environmental Support	1,223,351	1,121,405	1,223,350	101,945	9.09%
Subtotal	\$ 3,571,725	\$ 3,274,081	\$ 3,571,726	\$ 297,645	9.09%

Net Income (Loss)	\$ 0	\$ 0	\$ 203,632	\$ 203,632
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Local Support Detail	Annualized Payments			True-up Est.
				Due to / (Due from)
County - Ivy Operations	\$ (226,617)	\$ (207,732)	\$ (207,732)	\$ (202,404)
County - Ivy Transfer	1,277,166	1,170,735	1,170,735	111,841
County - Convenience Centers	670,706	614,814	614,814	(10,751)
County - Recycling	438,983	402,401	402,401	(58,449)
County - Environmental MOU	737,473	676,017	737,472	-
	<u>\$ 2,897,711</u>	<u>\$ 2,656,235</u>	<u>\$ 2,717,690</u>	<u>\$ (159,763)</u>
City - Recycling	\$ 188,136	\$ 172,458	\$ 172,458	(25,049)
City - Environmental MOU	405,896	372,071	405,896	-
	<u>\$ 594,032</u>	<u>\$ 544,529</u>	<u>\$ 578,354</u>	<u>\$ (25,049)</u>
UVa - Environmental MOU	\$ 79,982	\$ 73,317	\$ 79,982	\$ 101,945
Total Local Support	\$ 3,571,725	\$ 3,274,081	\$ 3,376,026	\$ (82,868)

Rivanna Solid Waste Authority
 Fiscal Year 2024 - May 2024
 Revenue and Expense Summary Report

FY 2024			Variance \$	Variance %
Budget FY 2024	Budget YTD	Actual YTD		

Ivy Operations

Revenues

Clean fill material	\$ 875,000	\$ 802,083	\$ 549,625	(252,458)	-31.48%
Grindable material	350,000	320,833	382,704	61,871	19.28%
Tires whole	38,000	34,833	27,036	(7,797)	-22.38%
Tires and white good per item	20,000	18,333	31,277	12,944	70.60%
Material Sales	75,000	68,750	55,619	(13,131)	-19.10%

Total Operations Revenues	\$ 1,358,000	\$ 1,244,833	\$ 1,046,261	\$ (198,573)	-15.95%
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Expenses

Personnel Cost	\$ 301,640	\$ 276,504	\$ 271,476	\$ 5,028	1.82%
Professional Services	-	-	2,008	(2,008)	
Other Services and Charges	27,700	25,392	27,263	(1,871)	-7.37%
Communications	1,800	1,650	14,067	(12,417)	-752.53%
Information Technology	25,000	22,917	5,070	17,847	77.88%
Vehicles and Equip. Maintenance	82,000	75,167	58,888	16,279	21.66%
Supplies	1,000	917	2,502	(1,586)	-172.98%
Operations and Maintenance	241,000	220,917	275,921	(55,004)	-24.90%
Environmental Remediations	-	-	-	-	
Equipment Replacement	185,000	169,583	169,583	(0)	0.00%

Total Operations Expenses	\$ 865,140	\$ 793,045	\$ 826,778	\$ (33,732)	-4.25%
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Allocation of Administration Costs	266,243	244,056	214,155	29,901	12.25%
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Expenses With Admin Allocations	\$ 1,131,383	\$ 1,037,101	\$ 1,040,933	\$ (3,831)	-0.37%
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Net Operating Income (Loss)	\$ 226,617	\$ 207,732	\$ 5,328	(202,404)	-97.44%
				(202,404)	

Summary of Local Support

County	\$ (226,617)	\$ (207,732)	\$ (207,732)	\$ 0
	\$ (226,617)	\$ (207,732)	\$ (207,732)	\$ 0

Estimated True-up

\$ (202,404)

Rivanna Solid Waste Authority
 Fiscal Year 2024 - May 2024
 Revenue and Expense Summary Report

FY 2024				
<i>Budget FY 2024</i>	Budget YTD	Actual YTD	<i>Variance \$</i>	<i>Variance %</i>

Ivy Environmental

Revenues

Forestry Management Revenue	\$	-	\$	-	\$	-	\$	-
Total Operations Revenues	\$	-	\$	-	\$	-	\$	-

Expenses

Personnel Cost	\$	211,359	\$	193,746	\$	196,864	\$	(3,118)	-1.61%
Professional Services		40,000		36,667		13,782		22,884	62.41%
Other Services and Charges		8,200		7,517		10,763		(3,246)	-43.18%
Communications		300		275		324		(49)	-17.91%
Information Technology		-		-		-		-	
Vehicles and Equip. Maintenance		22,000		20,167		16,364		3,803	18.86%
Supplies		-		-		-		-	
Operations and Maintenance		209,000		191,583		186,591		4,993	2.61%
Environmental Remediations		208,000		190,667		161,015		29,652	15.55%
Equipment Replacement		205,000		187,917		187,917		0	0.00%
Total Operations Expenses	\$	903,859	\$	828,538	\$	773,619	\$	54,919	6.63%
Allocation of Administration Costs		319,492		292,867		256,986		35,881	12.25%
Expenses With Admin Allocations	\$	1,223,351	\$	1,121,405	\$	1,030,605	\$	90,800	8.10%
Net Operating Income (Loss)	\$	(1,223,351)	\$	(1,121,405)	\$	(1,030,605)		90,800	-8.10%



Summary of Local Support								
County	\$	737,473	\$	676,017	\$	737,472	\$	(61,455)
City		405,896		372,071		405,896		(33,825)
Uva		79,982		73,317		79,982		(6,665)
	\$	1,223,351	\$	1,121,405	\$	1,223,350	\$	(101,945)

Rivanna Solid Waste Authority
 Fiscal Year 2024 - May 2024
 Revenue and Expense Summary Report

FY 2024				
<i>Budget FY 2024</i>	Budget YTD	Actual YTD	<i>Variance \$</i>	<i>Variance %</i>

Ivy Transfer Station

Revenues

MSW / Construction Debris	\$ 2,484,000	\$ 2,277,000	\$ 3,269,293	\$ 992,293	43.58%
Compostable Material	-	-	-	-	
Service Charges / other revenues	103,000	94,417	100,487	6,070	6.43%
<i>Total Operations Revenues</i>	\$ 2,587,000	\$ 2,371,417	\$ 3,369,780	\$ 998,363	42.10%

Expenses

Personnel Cost	\$ 753,673	\$ 690,867	\$ 699,430	\$ (8,564)	-1.24%
Professional Services	-	-	900	(900)	
Other Services and Charges	48,000	44,000	31,020	12,980	29.50%
Communications	1,600	1,467	15,410	(13,944)	-950.71%
Information Technology	55,000	50,417	4,831	45,585	90.42%
Vehicles and Equip. Maintenance	110,000	100,833	118,340	(17,507)	-17.36%
Supplies	7,000	6,417	11,672	(5,256)	-81.91%
Operations and Maintenance	2,514,150	2,304,638	3,241,248	(936,610)	-40.64%
Environmental Remediations	3,500	3,208	-	3,208	100.00%
Equipment Replacement	105,000	96,250	91,667	4,583	4.76%
<i>Total Operations Expenses</i>	\$ 3,597,923	\$ 3,298,096	\$ 4,214,519	\$ (916,424)	-27.79%
Allocation of Administration Costs	266,243	244,056	214,155	29,901	12.25%
<i>Expenses With Admin Allocations</i>	\$ 3,864,166	\$ 3,542,152	\$ 4,428,674	\$ (886,523)	-25.03%

Net Operating Income (Loss) \$ (1,277,166) \$ (1,170,735) \$ (1,058,894) 111,841 -9.55%

Summary of Local Support				
County	\$ 1,277,166	\$ 1,170,735	\$ 1,170,735	\$ -
City	-	-	-	-
	\$ 1,277,166	\$ 1,170,735	\$ 1,170,735	\$ -

Estimated True-up \$ 111,841

Rivanna Solid Waste Authority
 Fiscal Year 2024 - May 2024
 Revenue and Expense Summary Report

FY 2024				
<i>Budget FY 2024</i>	Budget YTD	Actual YTD	<i>Variance \$</i>	<i>Variance %</i>

County Convenience Centers

Revenues

Material Sales	\$ 60,000	\$ 55,000	\$ 41,684	\$ (13,316)	-24.21%
<i>Total Operations Revenues</i>	\$ 60,000	\$ 55,000	\$ 41,684	\$ (13,316)	-24.21%

Expenses

Personnel Cost	\$ 478,206	\$ 438,356	\$ 455,121	\$ (16,766)	-3.82%
Professional Services	-	-	40,622	(40,622)	
Other Services and Charges	16,300	14,942	9,459	5,483	36.69%
Communications	6,200	5,683	4,355	1,329	23.38%
Information Technology	-	-	8,558	(8,558)	
Vehicles and Equip. Maintenance	155,000	142,083	53,516	88,568	62.33%
Supplies	-	-	-	-	
Operations and Maintenance	10,000	9,167	36,035	(26,868)	-293.11%
Environmental Remediations	-	-	-	-	
Equipment Replacement	65,000	59,583	59,583	(0)	0.00%
<i>Total Operations Expenses</i>	\$ 730,706	\$ 669,814	\$ 667,249	\$ 2,565	0.38%
Allocation of Administration Costs	-	-	-	-	
<i>Expenses With Admin Allocations</i>	\$ 730,706	\$ 669,814	\$ 667,249	\$ 2,565	0.38%
Net Operating Income (Loss)	\$ (670,706)	\$ (614,814)	\$ (625,565)	(10,751)	1.75%



Summary of Local Support				
County	\$ 670,706	\$ 614,814	\$ 614,814	\$ -
	\$ 670,706	\$ 614,814	\$ 614,814	\$ -

Estimated True-up \$ (10,751)

Rivanna Solid Waste Authority
 Fiscal Year 2024 - May 2024
 Revenue and Expense Summary Report

FY 2024			Variance	Variance
Budget FY 2024	Budget YTD	Actual YTD	\$	%

Recycling

McIntire & Paper Sort

Revenues

Material Sales & other revenues	\$ 250,000	\$ 229,167	\$ 103,830	\$ (125,337)	-54.69%
Grants	35,000	32,083	69,265	37,182	115.89%

Total Operations Revenues	\$ 285,000	\$ 261,250	\$ 173,095	\$ (88,155)	-33.74%
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Expenses

Personnel Cost	\$ 342,575	\$ 314,027	\$ 311,096	\$ 2,931	0.93%
Professional Services	-	-	6,018	(6,018)	
Other Services and Charges	53,100	48,675	57,821	(9,146)	-18.79%
Communications	3,400	3,117	9,077	(5,961)	-191.25%
Information Technology	-	-	7,097	(7,097)	0.00%
Vehicles and Equip. Maintenance	106,000	97,167	101,135	(3,968)	-4.08%
Supplies	1,050	963	895	68	7.01%
Operations and Maintenance	93,000	85,250	75,323	9,927	11.64%
Environmental Remediations	-	-	-	-	0.00%
Equipment Replacement	100,000	91,667	91,667	0	0.00%

Total Operations Expenses	\$ 699,125	\$ 640,864	\$ 660,128	\$ (19,264)	-3.01%
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Allocation of Administration Costs	212,994	195,245	171,324	23,921	12.25%
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Expenses With Admin Allocations	\$ 912,119	\$ 836,109	\$ 831,452	\$ 4,657	0.56%
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Net Operating Income (Loss)	\$ (627,119)	\$ (574,859)	\$ (658,357)	(83,498)	14.52%
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Summary of Local Support

County	\$ 438,983	\$ 402,401	\$ 402,401	\$ -
City	188,136	172,458	172,458	\$ -
	\$ 627,119	\$ 574,859	\$ 574,859	\$ -

Estimated True-up - County	\$ (58,449)
Estimated True-up - City	\$ (25,049)

Rivanna Solid Waste Authority
 Fiscal Year 2024 - May 2024
 Revenue and Expense Summary Report

FY 2024			Variance \$	Variance %
Budget FY 2024	Budget YTD	Actual YTD		

Administration

Revenues

Interest revenues	\$ 65,000	\$ 59,583	\$ 137,177	\$ 77,593	130.23%
Late Fees	15,000	13,750	19,220	5,470	39.78%
Total Operations Revenues	\$ 80,000	\$ 73,333	\$ 156,397	\$ 83,063	113.27%

Expenses

Personnel Cost	\$ 186,572	\$ 171,024	\$ 177,793	\$ (6,769)	-3.96%
Professional Services	105,000	96,250	26,859	69,391	72.09%
Other Services and Charges	838,700	768,808	801,358	(32,550)	-4.23%
Communications	5,700	5,225	3,570	1,655	31.68%
Information Technology	8,000	7,333	1,215	6,118	83.43%
Vehicles and Equip. Maintenance	-	-	-	-	
Supplies	1,000	917	2,222	(1,305)	-142.38%
Operations and Maintenance	-	-	-	-	
Environmental Remediations	-	-	-	-	
Equipment Replacement	-	-	-	-	
Subtotal Before Allocations	\$ 1,144,972	\$ 1,049,558	\$ 1,013,017	\$ 36,541	3.48%

Net Operating Income (Loss)	\$ (1,064,972)	\$ (976,224)	\$ (856,620)	119,604	-12.25%
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Allocation to Cost Centers (per agreement)

	Allocation %					
Ivy Operations	25%	\$ 266,243	\$ 244,056	\$ 214,155	\$ 29,901	-19.56%
Ivy Environmental	30%	319,492	292,867	256,986	35,881	-19.56%
Ivy Transfer	25%	266,243	244,056	214,155	29,901	-19.56%
County Convenience Centers	0%	-	-	-	-	
Recycling	20%	212,994	195,245	171,324	23,921	-19.56%
Total Allocation to Cost Centers	100%	\$ 1,064,972	\$ 976,224	\$ 856,620	\$ 119,604	-19.56%



June 1-30, 2024

Days of

Operation: **23**

		MSW collected at Transfer Station (tons)					Non-MSW	
		Vehicles	Count	Citizen-Can	Construction	Domestic	MSW Total	Total Tons
06/01/24	Saturday	325	422	0.92	32.36	78.16	111.44	37.22
06/02/24	Sunday						-	
06/03/24	Monday	400	424	2.01	99.99	185.40	287.40	1,511.06
06/04/24	Tuesday	361	372	0.56	88.55	132.88	221.99	1,963.17
06/05/24	Wednesday	432	471	0.39	92.78	144.84	238.01	2,547.77
06/06/24	Thursday	416	451	1.24	57.46	172.98	231.68	2,741.59
06/07/24	Friday	437	454	0.73	74.12	123.76	198.61	2,282.73
06/08/24	Saturday						-	
06/09/24	Sunday						-	
06/10/24	Monday						-	
06/11/24	Tuesday	606	813	1.47	116.81	132.98	251.26	3,225.46
06/12/24	Wednesday	425	467	0.50	99.52	140.45	240.47	1,263.64
06/13/24	Thursday	429	472	1.23	71.36	150.10	222.69	1,842.71
06/14/24	Friday	348	426	0.82	86.54	97.52	184.88	1,113.94
06/15/24	Saturday	350	460	0.56	18.09	59.52	78.17	27.09
06/16/24	Sunday						-	
06/17/24	Monday	423	448	0.44	87.42	179.86	267.72	2,131.61
06/18/24	Tuesday	448	474	0.48	157.92	95.71	254.11	2,104.01
06/19/24	Wednesday	412	470	0.30	106.29	153.42	260.01	2,146.40
06/20/24	Thursday	415	456	2.18	139.27	111.24	252.69	2,018.98
06/21/24	Friday	386	448	0.79	149.41	105.99	256.19	1,599.96
06/22/24	Saturday	260	308	0.78	26.13	36.94	63.85	18.13
06/23/24	Sunday						-	
06/24/24	Monday	357	428	1.60	106.71	119.15	227.46	1,171.64
06/25/24	Tuesday	326	392	0.40	102.20	83.45	186.05	1,015.71
06/26/24	Wednesday	347	377	0.43	150.37	95.50	246.30	1,442.01
06/27/24	Thursday	382	417	1.32	123.85	158.67	283.84	1,760.71
06/28/24	Friday	367	412	0.54	64.87	128.15	193.56	1,333.30
06/29/24	Saturday	276	335	0.85	30.35	41.89	73.09	19.56
06/30/24	Sunday						-	
Total		8,928	10,197	20.54	2,082.37	2,728.56	4,831.47	35,318.40
<i>Average</i>		388	443	0.89	90.54	118.63	210.06	1535.58
<i>Median</i>		386	448	0.78	92.78	123.76	231.68	1,599.96
<i>Maximum</i>		606	813	2.18	157.92	185.40	287.40	3,225.46
<i>Minimum</i>		260	308	0.30	18.09	36.94	63.85	18.13

Material Type & Description

Citizen-Can: Roll-off container at the Ivy MUC Convenience Center-citizens dispose of prepaid trashbags

Construction: Construction/demolition debris (shingles, sheetrock, treated lumber, etc.)

Count: Transactions per item (appliances, hauling fees, service fees, tag-bag stickers, tires)

Domestic: Business/residential general or household waste

MSW: Materials processed/handled at the Transfer Station

Non-MSW: Materials processed/handled on-site

Vehicle: Transactions or vehicles processed in a day



May 1-31, 2024

Days of

Operation: 27

MSW collected at Transfer Station (tons)

	Vehicles	Count	Citizen-Can	Construction	Domestic	MSW Total	Non-MSW Total Tons
05/01/24	332	349	0.40	98.86	138.69	237.95	576.92
05/02/24	260	249	1.26	103.14	151.18	255.58	358.37
05/03/24	321	417	0.71	56.79	130.96	188.46	677.01
05/04/24	227	280	0.82	32.29	41.21	74.32	17.11
05/05/24						-	
05/06/24	287	375	1.67	63.53	243.99	309.19	807.04
05/07/24	265	352	0.60	55.46	165.38	221.44	503.49
05/08/24	285	415	0.38	78.44	167.79	246.61	705.45
05/09/24	238	264	1.02	62.49	121.77	185.28	663.81
05/10/24	239	238	0.69	64.02	160.98	225.69	504.95
05/11/24	338	371	1.07	19.67	52.30	73.04	46.52
05/12/24						-	
05/13/24	297	332	1.61	73.30	235.33	310.24	449.53
05/14/24	205	240	0.42	108.16	129.35	237.93	256.39
05/15/24	203	234	0.54	56.33	139.51	196.38	255.50
05/16/24	266	286	0.77	81.97	156.49	239.23	520.05
05/17/24	270	333	0.57	85.66	133.13	219.36	621.25
05/18/24	194	241	0.77	16.08	46.19	63.04	14.48
05/19/24						-	
05/20/24	339	443	1.85	91.46	233.92	327.23	606.58
05/21/24	349	399	0.33	118.00	125.06	243.39	1,084.74
05/22/24	294	355	0.58	102.48	153.55	256.61	752.80
05/23/24	304	350	1.43	143.37	166.43	311.23	537.20
05/24/24	266	391	0.56	80.05	160.19	240.80	175.04
05/25/24	328	428	0.86	37.17	56.55	94.58	23.12
05/26/24						-	
05/27/24						-	
05/28/24	363	458	0.81	122.03	244.08	366.92	322.82
05/29/24	332	379	0.62	99.42	185.27	285.31	412.71
05/30/24	314	345	2.29	96.78	151.26	250.33	229.33
05/31/24	343	392	0.39	79.26	197.79	277.44	340.31
Total	7,459	8,916	23.02	2,026.21	3,888.35	5,937.58	11,462.52
<i>Average</i>	276	330	0.85	75.04	144.01	219.91	424.54
<i>Median</i>	291	351	0.74	79.66	152.41	240.02	476.51
<i>Maximum</i>	363	458	2.29	143.37	244.08	366.92	1,084.74
<i>Minimum</i>	194	234	0.33	16.08	41.21	63.04	14.48

Material Type & Description

Citizen-Can: Roll-off container at the Ivy MUC Convenience Center-citizens dispose of prepaid trashbags

Construction: Construction/demolition debris (shingles, sheetrock, treated lumber, etc.)

Count: Transactions per item (appliances, hauling fees, service fees, tag-bag stickers, tires,

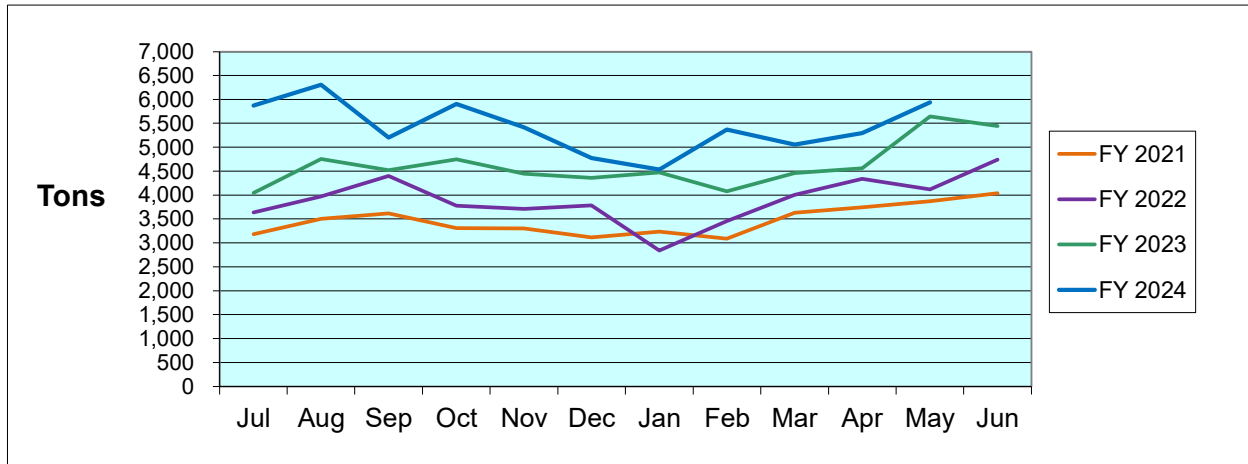
Domestic: Business/residential general or household waste

MSW: Materials processed/handled at the Transfer Station

Non-MSW: Materials processed/handled on-site

Vehicle: Transactions or vehicles processed in a day

Rivanna Solid Waste Authority
Ivy MSW Transfer Tonnages
FY 2021 - 2024





MEMORANDUM

**TO: RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**

**FROM: DAVID RHOADES, SOLID WASTE MANAGER
PHILLIP MCKALIPS, DIRECTOR OF SOLID WASTE**

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

**SUBJECT: IVY MATERIAL UTILIZATION CENTER REPORT/
RECYCLING OPERATIONS UPDATE**

DATE: JULY 23, 2024

Ivy Material Utilization Center (IMUC) : DEQ Permit 132: 450 tons/day MSW limit

May 2024

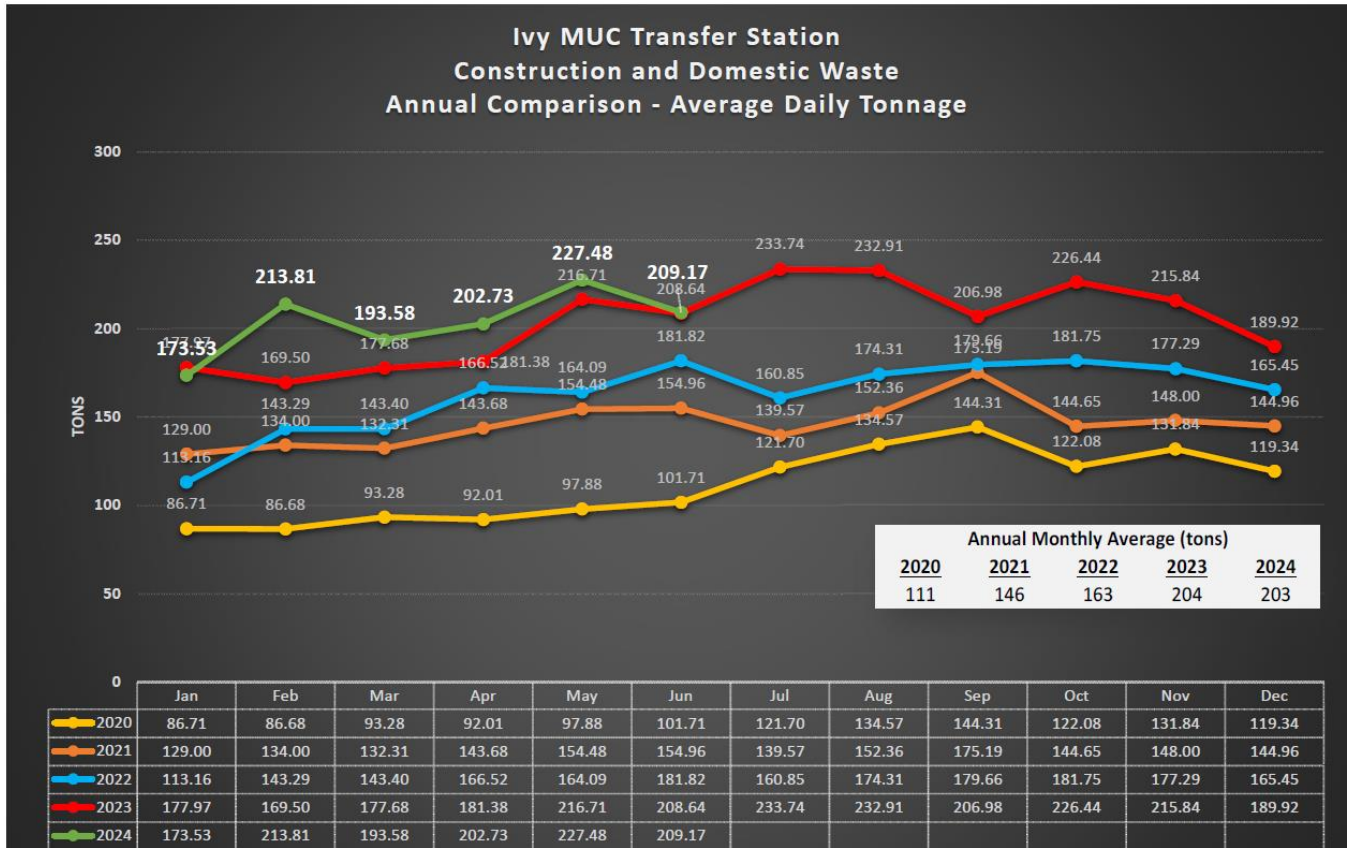
- **7,459 vehicles crossed the scales**
- The IMUC transfer station operated for 27 days and received a total of 5,937.58 tons of municipal solid waste (MSW), an average of 219.91 tons per day of operation. The monthly transfer station tonnage figures are attached to this report.
- 11,462.52 tons of non-MSW materials were received
- 17,400.10 tons were received as a combined total tonnage (MSW + non-MSW)

June 2024

- **8,928 vehicles crossed the scales**
- The IMUC transfer station operated for 23 days and received a total of 4,831.47 tons of municipal solid waste (MSW), an average of 210.06 tons per day of operation. The monthly transfer station tonnage figures are attached to this report.
- 35,318.40 tons of non-MSW materials were received
- 40,149.87 tons were received as a combined total tonnage (MSW + non-MSW)

Transfer Station Update

Our average daily tonnages are generally following seasonal trends, as shown in the following figure.



Spring HHW and Bulky Waste Totals:

Saturday, May 11, 2024: Appliances

A total of 213 vehicles participated, including 120 from the County and 40 from the City. 17,100 lbs. of appliances and 120 freon units were collected from the County. 5,100 lbs. of appliances and 33 freon units were collected from the City.

Saturday, May 18, 2024: Tires

A total of 161 vehicles participated, including 145 from the County and 16 from the City. A total of 69.58 tons of tires were received, separated, and trucked to the end user for recycling.



MEMORANDUM

TO: RIVANNA SOLID WASTE AUTHORITY BOARD OF DIRECTORS

FROM: BETSY NEMETH, DIRECTOR OF ADMINISTRATION AND COMMUNICATIONS

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: ADMINISTRATION AND COMMUNICATIONS REPORT

DATE: JULY 23, 2024

Human Resources

Annual turnover for the Rivanna Solid Waste Authority, for the fiscal year ending on June 30, 2024, was 22.6%, exceeding the Strategic Plan goal of 10%.

We are pleased to announce the promotion of Jerry Simmons to the new Recycling Assistant Manager position. Jerry began working with us as a Driver/Operator in 2021.

We are also pleased to announce the promotion of Rodney Bright to the Driver/Operator position. Rodney is currently enrolled in the Commercial Driver's Class A course at Piedmont Virginia Community College.

We have welcomed two new employees to the team, Raashon Aziz as our new Maintenance Worker and Chris Ragland as an Operator/Attendant at the Ivy MUC.

We recently completed Open Enrollment for all employees for the fiscal year beginning July 1, 2024. We have changed our dental and vision insurer to the firm "Principal", and we are excited to work with them. We have also contracted "OneDigital" to manage our Health Reimbursement Arrangements, Flexible Spending accounts and COBRA administration.

We have chosen the firm "PoliHire", out of Washington, D.C., to help us recruit for our Deputy Executive Director position.

We have issued a Request for Quote for the completion of a Compensation and Classification Study. We expect to complete the study by the end of the calendar year.

Safety

Our Safety Manager attended the Virginia Section of the American Water Works Association/Virginia Water Environment Association's joint safety seminar at the Western Virginia Water Authority.

Our Safety Committee met on June 20, 2024, and planned activities for the rest of 2024.

Community Outreach

Phillip McKalips and Betsy Nemeth toured the Esmont Community Center with director Ed Brooks while delivering reusable RSWA bags for the “Juneteenth” celebration.

We have selected “RedOrange Studios” out of Richmond, VA to help us with the redesign of our website. That work has begun, and we expect to be finished with the project by the end of 2024.



MEMORANDUM

**TO: RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**

FROM: PHILLIP MCKALIPS, DIRECTOR OF SOLID WASTE

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

**SUBJECT: APPROVAL OF WORK AUTHORIZATION FOR FY 2025
ENVIRONMENTAL MONITORING AT THE IVY MATERIAL
UTILIZATION CENTER – TRC COMPANIES**

DATE: JULY 23, 2024

Background:

This request is to authorize a Work Authorization in the amount of \$222,000 to TRC Companies (TRC Engineering) for Fiscal Year 2025 Environmental Monitoring at the Ivy Material Utilization Center (Ivy MUC) as required by the Virginia Department of Environmental Quality (VA DEQ)-approved 2020 Corrective Action Plan.

The services to be performed under this Work Authorization consist of semiannual sample collection from 42 groundwater monitoring wells and 6 surface water monitoring locations. These samples will be subjected to a variety of laboratory analysis, quality assurance/quality control procedures, data validations, evaluation, and reporting as required to meet the continued compliance with State and contractual requirements.

Efforts under this Work Authorization will also include preparation and submission of a triannual Corrective Action Site Evaluation (CASE) report due to VA DEQ in October 2024. This report summarizes the efforts and effectiveness of the groundwater corrective actions that have been underway at the Ivy site since 2004.

In June 2020, the Rivanna Solid Waste Authority (RSWA) executed a contract with Draper Aden Associates (DAA) now TRC Companies (TRC) to provide Landfill Engineering and Groundwater Services. This fiscal year 2025 represents the last term renewal under this contract.

Board Action Requested:

Authorize the Executive Director to execute a Work Authorization for an estimated annual cost of \$222,000 with TRC for environmental monitoring services at the Ivy MUC during FY 2025.

MEMORANDUM

TO: RIVANNA WATER & SEWER AUTHORITY
RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

FROM: LONNIE WOOD, DIRECTOR OF FINANCE AND INFORMATION
TECHNOLOGY

REVIEWED: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: APPROVAL OF UPDATED PURCHASING MANUAL

DATE: JULY 23, 2024

The Authorities' Purchasing Manual was last updated in June 2020 by the Board. Since that time, several changes have been made to the Virginia Public Procurement Act (VPPA). None of those changes were significant until this past General Assembly session. The changes to the Authorities' manual outlined below are being recommended for approval to be consistent with the VPPA. A summary of the significant changes are as follows:

- Purchasing threshold - the purchasing threshold requiring formal competitive bids or competitive negotiations was increased from \$200,000 to \$300,000 for non-transportation **construction related projects - only**. Goods and non-professional services threshold remains at \$200,000.
- Term contract renewals – term contracts for professional engineering and architectural service can be renewed for three additional one-year terms (a total of 4 years). This is a change from four additional one-year terms (a total of 5 years).
- All formal competitive bids or competitive negotiations must be posted on the Commonwealth of Virginia electronic procurement system (eVA) website. Additionally, an option to submit bids and proposals electronically through the eVA site is now mandated (effective January 1, 2025). This requires the Authority to receive formal bids and proposals two different ways concurrently (in-person and electronically). A new section was included in the manual to document the procedures for accepting procurements to address these new requirements.

Other Items

Since the last adoption of the Authorities Purchasing Manual, several other minor changes were made as needed from the amended code. This includes changing or adding *Code of Virginia* sections to match the current code, and minor clarifications in wording. A few minor changes to the bid bond wording were also made.

The sections describing the competitive bidding and competitive negotiations procurements

explicitly stated that the Executive Director could award all contracts below \$200,000. Everything above that amount had to be approved by affirmative action by the Board of Directors. The delegated amount is being proposed to increase to \$300,000 from \$200,000. This increase also requires an amendment to both Authorities' By-laws and will be presented in a separate agenda item.

Board Action Requested

Approve the updated Purchasing Manual effective July 1, 2024.

(as shown in the attached, red-lined version).



PURCHASING MANUAL

**RIVANNA WATER & SEWER AUTHORITY
AND
RIVANNA SOLID WASTE AUTHORITY**

Revised and adopted – _____

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Appendix ~~AB~~ Internal Guidelines and Procedures

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Appendix ~~CD~~ Threshold Guidelines and Related Documents

I. INTRODUCTION

This Manual has been prepared as a reference and guide for the purchasing policies and procedures adopted by the Rivanna Water & Sewer Authority and the Rivanna Solid Waste Authority (together “Authority”). This Manual is designed to guide all Authority employees involved in some way in the purchasing function in implementing the Authority’s procurement regulations in the acquisition of all goods and services, including construction services to make the policies and procedures clearly understood resulting in a more effective and efficient system.

The requirements of this Manual are intended to assure fair and ethical procurement practices for the cost-effective acquisition of all goods and services, including construction services, and to promote good, continuous relations with suppliers. The Manual is also intended to assure compliance with the Virginia Public Procurement Act, as amended (Virginia Code § [2.2-4300](#) et seq.) and other applicable law. By buying competitively the Authority will obtain maximum value for public funds spent. Nothing in this Manual and no deviation from its guidance by Authority staff is intended to nor shall create rights in any third person, including but not limited to Authority suppliers, contractors, service providers, bidders or proposers.

No person shall purchase or contract for any goods, services, insurance or construction except as provided by this Manual. The Authority shall not be bound by any purchase order or contract made contrary to these procedures. Any person responsible for such purchase shall be held personally liable for such purchase, and, if already paid for out of Authority funds, the amount may be recovered in the name of the Authority.

The Manual shall be subject to the requirements of the Virginia Public Procurement Act as amended. This Manual was adopted with all provisions effective as of July 1, 2013 (Subsequently revised and adopted – October 27, 2015, February 27, 2018, June 23, 2020[BGC1]). To the extent any provision in this Manual is deemed inconsistent with the Code of Virginia, Title 2.2, Chapter 43, the Virginia Public Procurement Act, whether due to amendment of that Chapter or otherwise, then the provisions of that Chapter shall control as to such inconsistency.

II. PURCHASING STAFF ORGANIZATION

Executive Director:

- 1) is authorized to enter, administer, terminate, and otherwise manage contracts subject to any approval thresholds that may be established by the Board.
- 2) shall have the sole authority to authorize, in writing, the extension of professional services contracts, per the renewals authorized in the original terms and conditions of the contract and within the limitations specified in law; ~~and,~~
- 3) ~~shall have the sole authority to authorize, in writing, the use of competitive negotiation for construction services as provided by law.~~ [LW2][LW3]

The Executive Director has delegated to the Director of Finance & Information Technology ~~/Administration~~ the role of Purchasing Agent.

Purchasing Agent:

- 1) manages the purchasing function, with certain exceptions related to capital project contracts as noted below*;
- 2) helps set policy and supervise all procedures including interpretation of policies and procedures.
- 3) is responsible for procurement of insurance, goods, non-professional services, and non-capital construction services*;
- 4) supervises all inventories of goods held by the Authority
- 5) assists with the development and enforcement of specifications
- 6) handles the disposal of surplus property;
- 7) enforces the above mentioned policies and procedures; and
- 8) ensures that this Manual maintains conformance with the Code of Virginia and other applicable law and with efficient Authority operations.

The Purchasing Agent has delegated a certain authority and responsibility to the Buyer and, under the Small Purchase Procedure, to the Managers and Directors. The Purchasing Agent monitors all purchasing activity, including that managed by the Executive Director, for compliance with these rules and regulations and applicable laws.

Accounting Associate:

- 1) Is designated the Authority's Buyer
- 2) following procedures;
- 3) the selection of vendors and ordering (with certain exceptions noted below*);
- 4) follow through;
- 5) record keeping; and
- 6) verification of coding of purchases.

The Buyer is under the regular supervision of the Purchasing Agent and delegates Buyer functions to staff as appropriate.

**Exception: The hiring of legal and other professional services and the procuring of contracts for construction or capital related projects are managed by the Executive Director with the technical assistance of the Purchasing Agent.*

III. POLICY

Purchasing staff has the responsibility to purchase or contract for all insurance, materials, equipment, professional and non-professional services. The Authority strives to achieve the goal of securing the best value in acquiring materials or services through open and fair competition among vendors. This Manual is intended to assist responsible Authority staff to ensure that all procurements:

- 1) are made in an ethical manner that is impartial and above reproach, with preferential treatment for none;
- 2) are made efficiently and economically through open and fair competition among vendors;
- 3) ensure, at a minimum, that:
 - a) solicitations and contracts are properly advertised, posted and issued;
 - b) the methods of contractor selection and contract type are appropriate to the procurement and represent the Authority's best interest;
 - c) bonding and security are obtained when appropriate;
 - d) contractors have the necessary insurance to protect the Authority's interests;
 - e) liquidated damages, when appropriate, are included in contracts;
 - f) contractors perform in accordance with the terms and conditions of their contracts; and
 - g) payments are made only for goods and services, including construction services, received and authorized in the contract.
- 4) are made only to contractors selected in accordance with the stated evaluation criteria;
- 5) are made without restrictive specifications that limit or inhibit full and open competition;
- 6) are made on a sole-source or limited competition basis only after justification in writing and public posting as required;
- 7) include reasonable efforts to increase the opportunity for participation by business enterprises eligible under the Authority's Disadvantaged Business Enterprise Program;
- 8) are approved at the proper level; and
- 9) have approved funding.

It is the Policy of the Authority that in the solicitation or awarding of contracts, no one shall discriminate against a bidder or offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment.

IV. ETHICS

The Authority recognizes its special responsibilities under the Code of Virginia and incorporates Article Six, "Ethics in Public Contracting," of the Virginia Public Procurement Act, Article 6, Virginia Code § [2.2-4367](#) et seq., Virginia State and Local Government Conflict of Interests Act, Va. Code § [2.2-3100](#) et seq., Virginia Governmental Frauds Act § [18.2-498.1](#) et seq., and Articles 2 (§ [18.2-438](#) et seq.) and 3 (§ [18.2-446](#) et seq.) of Chapter 10 of Title 18.2 into its Policies and Procedures. The Standards of Conduct section of the Authority Personnel Manual are also part of the behavior requirements.

The following rules should guide Authority employees involved in the procurement process:

- 1) All employees having official responsibility in the procurement process are subject to and should become familiar with its provisions.
- 2) Definitions:
 - a) "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.
 - b) "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.
 - c) "Immediate family" shall mean a spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee.
 - d) "Public employee" shall mean any person employed by a public body, including elected officials or appointed members of governing bodies.
- 3) No employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the Authority when that employee knows that:
 - a) the employee is contemporaneously 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 (5) 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.
- 4) Vendor contacts should be limited to the purpose of obtaining information related to an actual Authority purchase.

- 5) No employee will accept any gifts, meals, or free trips prior to the awarding of a purchase contract or subsequent to award of a contract except as may be provided for as a part of the contract.
 - a) Should any bid, proposal or contract require travel outside the Authority's service area, all travel-related expenses shall have been provided for as part of the contract or they shall be paid for by the Authority.
 - b) This section shall not prohibit employees from accepting items of nominal value which are generally available and are primarily intended for advertising. The Authority has determined nominal value to be \$25.00.
- 6) No employee or former 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 (1) year from the cessation of employment by the Authority unless the employee, or former employee, provides written notification to the Executive Director prior to commencement of employment by that bidder, offeror or contractor.
- 7) No employee may contract to provide goods or services to the Authority.
- 8) No employee shall have a financial interest in the purchase of Authority surplus material and equipment in excess of \$500 or purchase such surplus material unless allowed by law.

Gifts

The following rules should guide employees' acceptance of gifts related to services provided in the course of their job.

- 1) Employees will not solicit, accept any personal gift, favor, service, money, business or professional opportunity, or anything of value which might reasonably be inferred as having the potential to influence the impartial discharge of duties, or as a reward for an official action.
- 2) Gifts should be discouraged. If the gifts cannot be declined gracefully and are of more than nominal value (see 5b above) the gifts shall be declared surplus property and addressed accordingly unless the gifts are consumables, e.g. cookies, in which they will be set out for all to consume. Employees should bear in mind that the donor of gifts, presents and favors may come to expect or seek preferential treatment. Therefore, the perception of an individual's action is as important as the monetary value of the gift.
- 3) Employees with procurement responsibilities will not accept gifts or money for services the Authority pays them to perform.
- 4) Favoritism, especially as a result of acceptance of a gift or favor, will not be tolerated. Employees will not give any special consideration, treatment or advantage to any vendor or citizen beyond that which is available to every other vendor or citizen.
- 5) Nothing contained herein prohibits employees from attending vendor-sponsored seminars or trade shows where they will benefit from receiving product information and learning of new techniques and product or service trends. Food, drinks and give-away items offered to all participants at such functions may be accepted by Authority employees attending.

V. AUTHORIZED METHODS OF PROCUREMENT AND THRESHOLDS

Authorized Purchase Methods

- 1) Field Purchase (See below)
- 2) Small Purchase (Section VII)
 - a) Goods and Services
 - b) Professional Services
- 3) Request for Proposals
 - a) Goods and Services (Section VIII)
 - b) Professional Services (Section IX & X)
- 4) Invitation for Bids (Competitive Sealed Bid) (Section XI)
- 5) Sole Source (Section XV)
- 6) Emergency (Section XVI)
- 7) Cooperative Procurements (Section XVII)
- 8) Public Auction (See below)
- 9) ~~Public-Private Partnership in Education and Infrastructure Act (PPEA) (See below)~~

Section XII. of this manual will explain the various methods and procedures for accepting procurements solicited from potential vendors.

Thresholds – Small or Informal Purchases

1) **Under \$1,500 - Field Purchase, Small Purchases \$10,000 and below**

Small purchases under \$1,500 are considered field purchases for operational needs by Directors and Managers (or as delegated) for time and convenience purposes. Field purchases are to be held to a minimum and all are subject to review by the Purchasing Agent. Only in unusual circumstances may \$1,500.00 be exceeded.

Procedures for the purchase of goods and services from \$1,500 to \$10,000 will be prescribed by the Purchasing Agent or the Executive Director. The Purchasing Agent shall from time to time evaluate the use of field purchases and purchases \$10,000 and below to determine whether warehousing of spare parts or the like is advantageous. Single transactions \$10,000 and under do not require competition, though it's always advisable.

2) **All Purchases over \$10,000**

All purchases over \$10,000 must have a purchase order.

3) **Goods, Non-Professional Services and Construction: \$10,000.01 to \$50,000**

Requires soliciting at least three (3) written or verbal quotes from valid sources. Include businesses, if available, from the annual listing provided by the Authorities which includes businesses certified by the Virginia Department of Small Business and Supplier Diversity that sell the products and services most commonly purchased by the Authorities. A requisition is to be prepared and a tabulation of the quotes received should be forwarded to Purchasing where the documentation will be audited and, if approved, a purchase order will be prepared and emailed. Files are required for the annual audit. Requisitions without proper documentation

may be returned. It is strongly recommended that all quotes over \$10,000 be confirmed in writing.

- 4) **Goods ~~and~~, Non-Professional Services ~~and~~ Construction: \$50,000.01 to \$199,999.99**
Requires soliciting at least four (4) written quotes from valid sources. No fewer than four (4) valid sources shall be solicited to submit written quotations for purchases between \$50,000 and \$199,999.99. Include businesses, if available, from the annual listing provided by the Authorities which includes businesses certified by the Virginia Department of Small Business and Supplier Diversity that sell the products and services most commonly purchased by the Authorities.

- 5) Construction services: \$50,000.01 to \$299,999.99
Requires soliciting at least four (4) written quotes from valid sources. No fewer than four (4) valid sources shall be solicited to submit written quotations for purchases between \$50,000 and \$299,999.99. Include businesses, if available, from the annual listing provided by the Authorities which includes businesses certified by the Virginia Department of Small Business and Supplier Diversity that sell the products and services most commonly purchased by the Authorities.

- 5) Professional Services: >\$10,000 - \$80,000
Requires soliciting at least four (4) written quotes from valid sources. Include businesses, if available, from the annual listing provided by the Authorities which includes businesses certified by the Virginia Department of Small Business and Supplier Diversity that sell the products and services most commonly purchased by the Authorities. Professional services are defined in the Glossary (Section XXVII). All other services are classified as non-professional. The VPPA provides the authority for local public bodies to develop procedures to solicit single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000 (refer to Small Purchase procedures for professional services Page 12).

Thresholds – Formal Procurement Procedures

- 1) **Professional Services above \$80,000**
Requires a formal Request for Proposal.
- 2) **Goods and Non-Professional Services: Over \$200,000 and above;**
Construction Service: Over \$300,000 and above
All purchases for goods and non-professional services over \$200,000 and construction related projects over \$300,000 must have a formal procurement process, either a competitive sealed bid or competitive negotiation, unless exceptions apply.

Other Purchasing Methods

- 1) **Public Auction**
Upon a written determination made in advance that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. The written determination, approved by the Purchasing Agent, is required stating the basis for the determination. All requests for using a public auction on procurements exceeding the formal competitive sealed

bidding process requirements must be reviewed and approved by the Executive Director or his designee. The written determination must be retained in the contract file.

Public-Private Partnership in Education and Infrastructure Act (PPEA)

- 2) ~~When authorized in advance by the Board of Directors, the Authority may solicit proposals for projects under the Virginia Public-Private Partnership in Education and Infrastructure Act as an alternative means of procurement to the options represented in this Manual. In soliciting proposals under the PPEA, the Authority shall follow the PPEA Guidelines (previously adopted by the Board of Directors of the RWSA only) and included as Appendix A to this Purchasing Manual as adopted by the Board of Directors of both the RWSA and the RSWA in 2013.~~

~~The Authority may also receive unsolicited proposals from potential contractors as prescribed in the Authority's PPEA Guidelines.~~

VI. EXEMPTIONS TO PROCUREMENT (QUOTES, BIDS, OR PROPOSALS)

The Authority has determined that the following categories of purchases are often not susceptible to competitive purchasing and thus are either exempt from the relevant requirements in the purchasing procedure or are treated explicitly in sections of this Manual. However, one quote must be obtained and documented, and a purchase order must be issued for requirements over the delegated purchase limit.

Those categories are:

- 1) purchases less than or equal to the delegated purchase limit of \$10,000;
- 2) The following selected categories of goods and services up to and including the formal competitive process requirement:
 - a) legal services or expert witnesses or other services associated with litigation or regulatory proceedings;
 - b) books, pre-printed materials, reprints and subscriptions (e.g., print or electronic), pre-recorded audio and videocassettes, compact discs, slide presentations, etc., when only available from the publisher/producer;
 - c) academic/research consulting services;
 - d) honoraria, entertainment (speakers, lecturers, musicians, performing artists);
 - e) training that is specialized, proprietary, and not typically available to the general public for which competition is generally unavailable, off-site, and requires a registration fee. Contact the Procurement Division to ascertain if the training being requested is available through an existing contract or another source;
 - f) royalties and film rentals when only available from the producer or protected distributors;
 - g) professional organizational membership dues;
 - h) writers;
 - i) artists (does not include graphic artists); original works of art; and original, or authentic antique period art frames (does not include newly created replacement or reproduction frames);
 - j) photographers other than for graduations and yearbooks, e.g., for official photographs/portraits;
 - k) advertisements such as in newspapers, magazines, journals, radio, television, etc.;
 - l) utility charges, where competition is not practicably available;
 - m) accreditation fees and academic testing services; and
 - n) pumps and other equipment repair services when the initial anticipated cost is expected to be under the delegated purchase limit of \$10,000, but after equipment tear down it is realized additional repair work is needed and the ability to obtain competition is limited due to the circumstances. Documentation of a fair and reasonable price must be made prior to processing payment for any such purchase.

- 3) purchases of used equipment up to and including the formal competitive sealed bidding requirement. This also includes used equipment purchased at a public auction, if determined in writing that the purchase would be in the best interest of the Authority;
- 4) purchases from the federal government, other states and their agencies or institutions, and public bodies, if the terms and conditions of their contract permit such purchases and meet the requirement of the VPPA. Care must be exercised to be certain that the price is fair and reasonable. This exemption includes all purchased for good and/or services obtained within the Virginia Water and Wastewater Agency Response Network (VA WARN) emergency assistance program;
- 5) surplus property;
- 6) purchases for testing or evaluation services (limited to purchases of quantities considered necessary for complete and adequate testing) not to exceed the dollar threshold defined above for formal procurement of goods and non-professional services;
- 7) emergency purchases (competition obtained when practicable);
- 8) purchase or lease of real estate and easements;
- 9) travel services; and
- 10) purchase under a cooperative procurement contract through another state or local public agency as described in Section XVII of this Manual provided pricing under such contract was competitive.
- ~~10~~11) purchase of goods or services that are produced or performed by: a. Persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired; or b. Employment services organizations that offer transitional or supported employment services serving individuals with disabilities^[AA4] 2.2-4344.

VII. SMALL OR INFORMAL PURCHASES

This section covers procedures for informal procurements of goods and non-professional services based on price, to include processes requiring both verbal and written quotes. For thresholds on informal purchases, to include thresholds that require written quotes, see Section V of this Manual. This Section does not include the procurement of non-professional services by competitive negotiations (see Section VIII for competitive procurement procedures).

Your total requirements should be considered in determining the value of the purchase. You cannot use an informal, small purchase to drive a large sole source award later.

Obtaining Quotes

When you get a verbal or written quote, make sure you get complete information. Oral or written quote records must show:

- 1) name and address of vendor;
- 2) complete item description or service offered;
- 3) price quoted;
- 4) delivery/performance date(s);
- 5) payment terms;
- 6) FOB point (see definition in Glossary); and
- 7) name of person quoting prices, and date received, if not confirmed in writing.

When complete send a requisition with all documentation to Purchasing to have a purchase order issued.

FOB Destination Prepaid and Allowed is preferred and should be requested. You can also request this by asking for “a delivered price”. This is important because title and risk of loss are borne by the vendor until the Authority actually receives the goods. In a written quote “FOB Destination Prepaid and Allowed” should be specified.

Evaluation

There are three determining factors when evaluating quotes:

- 1) **Responsive:** Did the vendor meet all minimum requirements requested, including specifications payment terms, and delivery time?
- 2) **Responsible:** Is the vendor deemed capable of doing the job, based on references or knowledge of prior jobs? *Since you are selecting the vendors to contact, a majority of the time you should know this before you contact them for a price.*
- 3) **Price:** Is the price reasonable and within budget?

When evaluating price, make sure you have “apples and apples”. Specifically, ensure that the items are equal or meet your minimum requirements, shipping is included in all quotes, and consider reasonable prompt payment discounts.

If the price is not reasonable, or affordable, you can try to get a lower price. You can:

- 1) revise your specifications or delivery schedule and ask everyone to re-quote; or
- 2) cancel the procurement.

You **CANNOT**:

- 1) "Auction"; or
- 2) let vendors know what other quotes are until *after* award.

SOLICIT QUOTES FROM VENDORS YOU BELIEVE ARE QUALIFIED TO DO THE WORK REQUESTED. DO NOT SOLICIT FROM UNQUALIFIED VENDORS.

VIII. REQUEST FOR PROPOSAL - OTHER THAN PROFESSIONAL SERVICES

Competitive negotiation is a method for purchasing non-professional services, and goods as well as construction in limited circumstances. The “professional services” definition is included in the Glossary to this Manual (Section XXVII). All other services are categorized as non-professional.

Unlike the use of the RFP process for professional services, which prohibits the consideration of cost in the initial evaluation process, cost can be a consideration when using competitive negotiation for other than professional services and should always be included within Evaluation Criteria, though it need not be the sole determining factor.

Procedure:

1) The RFP is prepared and stating in general terms:

- a) the services sought as well as related contingent services that may be needed;
- b) the time and place for receipt of proposals;
- c) the factors to be used in evaluating proposals, including whether a numerical scoring system will be used in evaluation of the proposal and cost;
- d) the contractual terms and conditions; to include whether services are specific to a single project for the duration of that project, or multiple project for a specific term; and
- e) any unique capabilities or qualifications required of the proposers.

~~1)2)~~ A Public Notice of RFP’s exceeding \$200,000 for goods and non-professional services; exceeding \$300,000 for construction projects shall be:

- a) Posted on the eVA website and/or advertised in The Daily Progress and/or Cville Weekly at least ten (10) business days prior to receipt of proposals; and
- b) posted on the Authority’s Procurement website at least ten (10) business days prior to the date set for receipt of proposals.
- c) may be sent directly to firms that have requested to be notified of work;
- d) may be sent to those firms believed to be qualified to perform the work; and
- e) if potential offerors are solicited directly, the Authority must include businesses certified by the Virginia Department of Small Business and Supplier Diversity as a small business, a women-owned business, a minority-owned business, a service disabled veteran-owned business and/or a micro business. Public posting on the eVA website meets this requirement.

~~2)3)~~ Proposals are:

- a) Received in the manner stated in the RFP, and receipt is documented.
- b) Proposals not received by the due date and time specified in the RFP shall not be opened and should be returned unopened.
- c) All RFP responses are to be evaluated:
 - a) Proposals not meeting requirements should be evaluated lower but only bids in response to an IFB may be determined to be nonresponsive.
 - d) Proposals are evaluated solely on the basis of the criteria set forth in the RFP, using the scoring criteria (qualitative and/or quantitative) previously determined, including

cost[AA5]. The offeror shall state any exception to any contractual terms or conditions, including any liability provisions contained in the Request for Proposal in writing at the time of responding to such Request for Proposal if so requested by the Authority. Such exceptions shall be considered during negotiation but shall not be used as a basis for scoring or evaluating which offerors are selected for negotiations. Prior to scoring, if a proposal is missing any needed information in order to evaluate or the committee has any specific questions regarding information in the proposal, a short period of time may be provided to the offeror to answer questions and provide missing information. A deadline should be set for receipt of the information, and if the offeror does not meet the deadline, it may be necessary to score the proposal lower in the areas affected by the lack of information/questions;

- e) A short list of firms is developed and the Authority shall engage in individual discussions with two or more offerors deemed fully qualified. Repetitive informal interviews are permissible.
- f) At the discussion stage, the Authority may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services.
- g) At the conclusion of discussions, a final ranking is done on the basis of evaluation factors published in the RFP and all information developed in the selection process to this point.
- h) The Authority 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.
 - i. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror.
 - ii. Otherwise, negotiations with that offeror are formally *terminated* and the Authority cannot re-engage that offeror in further negotiations. Then negotiations shall be conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.
- j) When multiple awards have been approved in advance of the RFP by the Executive Director or Purchasing Agent and the terms and conditions of multiple awards have been included in the RFP, awards may be made to more than one offeror.
- ~~e) A short list of firms is developed and presentations or discussions with offerors may be scheduled, as necessary, to clarify material in the proposal, to help determine those fully qualified and best suited.~~
- ~~f) A final ranking is done at the completion of the interview process if interviews are conducted, or after receipt of answer to questions, if asked, are received. Negotiations are then conducted with each of the two or more offerors selected (at least the top two) as being fully qualified and best suited among those submitting proposals.~~
- ~~g) After negotiations have been conducted with each offeror selected, the Authority shall select the one (or more than one when allowed by the RFP) which, in its opinion, has made the best proposal and provides the best value, and award the contract to that offeror.~~
- ~~h) If the Authority determines, in writing and in its sole discretion, that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.~~

~~i) When multiple awards have been approved by the Executive Director or Purchasing Agent in advance of the RFP and the terms and conditions of multiple awards have been included in the RFP, awards may be made to more than one offeror.~~

Any agreement reached as a result of negotiation must incorporate all agreements from negotiations into the written contract.

Any offeror may inspect proposal records after the evaluation and negotiation are completed but prior to award of the contract, except in cases where the Purchasing Agent or Executive Director have decided not to accept any of the proposals and to reopen the procurement. All records subject to public disclosure under the Virginia [Freedom of Information Act](#) shall be open to public inspection only after award of the contract.

When the terms and conditions of multiple awards have been included in the RFP in advance, awards may be made to more than one offeror.

VPPA

§ 2.2-4302.2. Process for competitive negotiation.

A (3) For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. In the case of a proposal for information technology, as defined in § [2.2-2006](#), a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. The offeror shall state any exception to any liability provisions contained in the Request for Proposal in writing at the beginning of negotiations, and such exceptions shall be considered during negotiation. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror

For a detailed sample format for a Request for Proposal refer to the Commonwealth of Virginia Department of General Services, Division of Purchases and Supply, Agency Procurement and Surplus Property Manual (APSPM), Chapter 7, Annex A

Contract awards from all formal Requests for Proposals with competitive negotiation for which fees may exceed ~~\$3200,000~~ shall be made by affirmative action of the Authority's Board of Directors upon recommendation of the Executive Director, except that with respect to awards of contracts for health insurance and related employee benefits contracts affecting open enrollment, and awards of contracts for purchase of chemicals (including GAC materials) used at various plants in the normal course of operations, which the Board's approved yearly operation budget contemplates as an operating expense, no additional affirmative action by the Board shall be required to proceed with the purchase. Affirmative action of the Board may be in the form of an approved annual budget and/or capital budget, and approval of Capital Improvement Program. The Executive Director may appoint a Selection Committee to review proposals, conduct competitive negotiations, and rank proposals.

The Executive Director is authorized to award contracts from Request for Proposals whenever fees are ~~\$3200,000~~ or less.

IX. REQUEST FOR PROPOSAL - PROFESSIONAL SERVICES

Except as otherwise allowed by the Authority's small purchase procedures, competitive negotiation must, by law, be used for purchasing professional services if the estimated cost for such services is expected to be \$80,000 or more. Professional Services are defined in the VPPA as "work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering." All other services are categorized as non-professional.

A difference between the RFP process for professional services is that, for professional services, the law prohibits the consideration of cost in the initial evaluation process though it can be considered with the introduction of "non-binding cost estimates" after the responses have been evaluated and a short list developed for interviews.

Procedure:

1) The RFP is prepared and stating in general terms:

- a) the services sought;
- b) the time and place for receipt of proposals;
- c) the factors to be used in evaluating proposals;
 - i. *The RFP must not request estimates of labor hours or cost for services.*
- d) the contractual terms and conditions; and
- e) any unique capabilities or qualifications required of the proposers.

2) A Public Notice of the RFP shall be:

- a) Posted on the eVA website and/or advertised in The Daily Progress or Cville Weekly at least ten (10) business days prior to receipt of proposals;
- b) posted on the Authority Procurement website at least ten (10) business days prior to receipt of proposals.
- c) may be sent directly to firms that have requested to be notified of work;
- d) may be sent to those firms believed to be qualified to perform the work; and
- e) if potential offerors are solicited directly, the Authority must include businesses certified by the Virginia Department of Small Business and Supplier Diversity as a small business, a women-owned business, a minority-owned business, a service-disabled veteran-owned business and/or a micro business. Public posting on the eVA website meets this requirement.

3) Proposals are:

- a) Received in the manner stated in the RFP, and receipt is documented.
- b) Proposals not received by the due date and time specified in the RFP shall not be opened and should be returned unopened.
- c) All RFP responses are to be evaluated:
 - b) Proposals not meeting requirements should be evaluated lower but only bids in response to an IFB may be determined to be nonresponsive.
 - d) Proposals are evaluated solely on the basis of the criteria set forth in the RFP, using the scoring criteria (qualitative and/or quantitative) previously determined, including cost^{AA6}. The offeror shall state any exception to any contractual terms or conditions, including any liability provisions contained in the Request for Proposal in writing at

the time of responding to such Request for Proposal if so requested by the Authority. Such exceptions shall be considered during negotiation but shall not be used as a basis for scoring or evaluating which offerors are selected for negotiations. Prior to scoring, if a proposal is missing any needed information in order to evaluate or the committee has any specific questions regarding information in the proposal, a short period of time may be provided to the offeror to answer questions and provide missing information. A deadline should be set for receipt of the information, and if the offeror does not meet the deadline, it may be necessary to score the proposal lower in the areas affected by the lack of information/questions;

- e) A short list of firms is developed and the Authority shall engage in individual discussions with two or more offerors deemed fully qualified. Repetitive informal interviews are permissible.
 - f) At the discussion stage, the Authority may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services.
 - g) At the conclusion of discussions, a final ranking is done on the basis of evaluation factors published in the RFP and all information developed in the selection process to this point.
 - h) The Authority 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.
 - iii. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror.
 - iv. Otherwise, negotiations with that offeror are formally *terminated* and the Authority cannot re-engage that offeror in further negotiations. Then negotiations shall be conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.
- ~~a) When multiple awards have been approved in advance of the RFP by the Executive Director or Purchasing Agent and the terms and conditions of multiple awards have been included in the RFP, awards may be made to more than one offeror.~~
- ~~b) Received as specified in the RFP and receipt is documented.~~
- ~~c) Proposals not received by the due date and time specified in the RFP shall not be opened and should be returned unopened.~~
- ~~d) None of the information in the proposal is disclosed.~~
- ~~e) All RFP responses are to be evaluated~~
- ~~f) Proposals not meeting requirements should be ranked lower but only bids in response to an invitation for bid may be determined to be nonresponsive.
Proposals are evaluated solely on the basis of the criteria set forth in the RFP, ranking offerors using previously determined qualitative or quantitative means.~~
- ~~g) A short list of firms is developed and the Authority shall engage in individual discussions with two or more offerors deemed fully qualified. Repetitive informal interviews are permissible.~~
- ~~h) At the discussion stage, the Authority may discuss nonbinding estimates of total project costs, including, but not limited to, life cycle costing, and where appropriate, nonbinding estimates of price for services.~~

- ~~i)a) At the conclusion of discussions, a final ranking is done on the basis of evaluation factors published in the RFP and all information developed in the selection process to this point.~~
- ~~j)a) The Authority shall select, in the order of preference, two or more offerors whose professional qualifications and proposed services are deemed most meritorious.~~
- ~~k)a) Negotiations shall then be conducted, beginning with the offeror ranked first.~~
- ~~i. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror.~~
- ~~ii.i. Otherwise, negotiations with that offeror are formally *terminated* and the Authority cannot re-engage that offeror in further negotiations. Then negotiations shall be conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.~~
- ~~l)a) When multiple awards have been approved in advance of the RFP by the Executive Director or Purchasing Agent and the terms and conditions of multiple awards have been included in the RFP, awards may be made to more than one offeror.~~

Should the Authority determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

Any agreement reached as a result of negotiation must incorporate all agreements from negotiations into the written contract.

Any offeror may inspect proposal records after the evaluation and negotiation are completed but prior to award of the contract, except in cases where the Purchasing Agent or Executive Director have decided not to accept any of the proposals and to reopen the procurement. All records subject to public disclosure under the Virginia Freedom of Information Act shall be open to public inspection only after award of the contract.

VPPA

§ 2.2-4302.2 Process for competitive negotiation.

A (4). For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to the public body, 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 such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion 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.

Contract awards from all formal Requests for Proposals with competitive negotiation which fees may exceed \$~~3~~200,000 shall be made by affirmative action of the Authority's Board of Directors upon recommendation of the Executive Director. The Executive Director may appoint a Selection Committee to review proposals, conduct competitive negotiations and rank proposals.

The Executive Director is authorized to award contracts from Request for Proposals whenever fees are \$~~3~~200,000 or less.

X. REQUEST FOR PROPOSAL - PROFESSIONAL SERVICES CONTRACTS FOR MULTIPLE PROJECTS AND MULTIPLE YEARS

A contract for architectural or professional engineering services relating to ~~construction~~ projects^[AA7] may be negotiated by a public body, for multiple projects within limits outlined in the VPPA. The procurement process is the same as that used for professional services.

The VPPA allows such contracts providing:

- 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 term is limited to one year or when the cumulative total project fees reach the maximum cost authorized in the VPPA, whichever occurs first.

~~For professional engineering and architectural services, the Authority may award contracts renewable for three additional terms~~one-year terms, with the written approval of the Executive Director.~~;~~ For all other professional service contracts, contract can be renewed for four additional one-year terms at the option of Authority.

The law requires that in such contracts:

- 1) the fair and reasonable prices, as negotiated, shall be used in determining the cost of each project performed;
- 2) the sum of all such projects ~~performed within a single one-year term~~ shall not exceed \$610 million; and
- 3) the ~~fee sum~~ for any single project ~~within a single one-year term~~ shall not exceed \$2.5 million as specified in § 2.2-4303.1^[AA8].

Any unused amounts from the first contract term shall *not* be carried forward to ~~any the~~ additional term in determining the sum of all projects within a term. However, costs against the allowed limit for a single project shall be cumulative from the initial one-year term and subsequent additional terms.

Competitive negotiations for such contracts may result in awards to more than one offeror provided:

- 1) the RFP so states; and
- 2) the Authority has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

VPPA

§ 2.2-4303.1 Architectural and professional engineering term contracting; limitations.

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for three additional one-year terms at the option of the public body. Any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.). The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

The sum of all projects performed in a contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million.

B. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

XI. Competitive Sealed Bid

Competitive sealed bidding is required for procurements over \$200,000 (over \$300,000 for construction related ~~where~~ procurements) where performance specifications can be written in specific detail and price is the basis of award. In competitive sealed bidding the Invitation for Bid (IFB) is the tool used to list the purchase specifications or scope of work and all contractual terms and conditions, including a statement of any requisite qualifications of potential ~~contractors~~ [AA9]. At least ten (10) days prior to date set for receipt of bids, IFBs are to be posted on the Authority's Public Announcement Board and the "Proposals & Procurement" section of its website. IFBs may also be posted on other websites such as the state's Virginia Business Opportunities site. IFBs are not required by law to be advertised in newspapers. In addition to the public notice, bids must be solicited directly from potential qualified bidders. At a minimum, any such direct solicitations shall include businesses selected from an electronic list made available by the Virginia Department of Small Business and Supplier Diversity (SBSD). Public posting on the eVA website fulfills the requirement to directly solicit potential qualified bidders and to include businesses certified by SBSB.

Bids shall be received at the specified location and remain unopened in a secure area until the date and time established for opening. When bids are received they should be date and time stamped on the envelope showing the date and time of receipt. The Purchasing Agent shall be responsible for deciding when the receipt deadline has arrived and no bids shall be accepted after that time. Late bids cannot be opened or considered.

Unlike RFP processing, competitive sealed bids are publicly opened and the following information read aloud:

- 1) bidders' names;
- 2) significant unit prices or lot prices as may be deemed appropriate by the Authority;
- 3) discount terms offered, if discount terms are to be considered in making the award,
 - a) if the Authority is certain that it can regularly process payments within a prescribed time frame and wants to consider cash discounts in its evaluation, then it may do so by including a statement in the bid document such as "discounts for prompt payment within # (state number of days, e.g., 10, 20, etc.) days will be considered in determining net low bid"; and
- 4) brand names and model numbers only if requested by the attendees otherwise can be provided on bid tabulation provided later.

Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after opening of all bids but prior to award, except in the event the agency decides not to accept any of the bids and to reopen the procurement contract. Otherwise, bid records shall be open to public inspection only after award of the contract. (VPPA, § 2.2-4342C).

Awards are, by law, based on a determination of the lowest responsive and responsible bidder. Responsible and responsive bidder/offeror are defined in Section XXVII of this Manual. When the terms and conditions of multiple awards are so provided in the IFBs, awards may be made to more than one bidder.

A responsive bid must comply in all material aspects with the terms and conditions and specifications in the IFB. Bids shall be evaluated based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability. Failure to comply with the requirements set forth in the IFB may result in a bid being declared non-responsive. For example, and not by way of limitation: failure to sign the bid; return required bid documents; substitution of a vendor's terms for the Authority's; deletion of terms and conditions stated in the IFB; or failure to offer a product or service that meets the specifications may be grounds for this finding. A non-responsive bid is removed from consideration for award. The Authority has the right to waive informalities.

Caution must be exercised in words used in all aspects of the IFB from specifications to terms and conditions for words such as "may", "should", "could", "will" and "must". If you say a specific action "may cause rejection of the bid" you have leeway to exercise your discretion. However, if you say a specific action "shall cause rejection of the bid" you have no discretion as "shall" is an imperative.

No contract may be awarded to a bidder who is determined by the Purchasing Agent to be non-responsible. The Purchasing Agent must follow the procedure per the [VPPA 2.2-4359](#) for declaration of non-responsibility of a bidder. Responsible bidder/offeror and responsive bidder are defined in Section XXVII of this Manual. In determining the responsibility of a bidder, the following criteria will be considered:

- 1) the ability, capacity or skill of the bidder to perform the contract or provide the services required;
- 2) whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- 3) the character, integrity, reliability, reputation, judgment, experience and efficiency of the bidder;
- 4) the quality of performance on previous contracts or services, for the Authority or others;
- 5) the previous and existing compliance by a bidder with laws and ordinances relating to the contract or service;
- 6) the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- 7) the quality, availability, and adaptability of the goods or services to the particular use required;
- 8) the number and scope of any conditions attached to the bid;
- 9) whether the bidder is in arrears to the Authority on a debt or contract or is in default on a surety to the Authority; and
- 10) such other information as may be secured by the Purchasing Agent, having a bearing on the decision to award the contract.

Contract awards from competitively sealed bids exceeding \$~~3200,000~~ shall be made by affirmative action of the Authority's Board of Directors upon recommendation of the Executive Director, except that with respect to awards of contracts for health insurance and related employee benefits contracts affecting open enrollment, and awards of contracts for purchase of chemicals (including GAC materials) used at various plants in the normal course of operations, which the Board's approved yearly

operation budget contemplates as an operating expense, no additional affirmative action by the Board shall be required to proceed with the purchase.

Negotiation with the Lowest Responsible Bidder: If the bid from the lowest responsible bidder exceeds available funds, the Authority may negotiate with the apparent low bidder to obtain a contract price within available funds if the solicitation contains the appropriate clause to do so within the IFB, Virginia Code § [2.2-4318](#).

The Authority's process for negotiations includes:

- 1) The requesting department shall provide the Executive Director with a written determination that the apparent low bid exceeds available funds. Such determination shall be confirmed in writing by the Executive Director or his designee. The requesting department shall also provide the Executive Director with a suggested reduction in scope or other suggested bid modification(s) to obtain a contract price within available funds.
- 2) The Executive Director or designee shall advise the lowest responsible bidder in writing that the proposed purchase exceeds available funds. He shall further suggest a reduction in scope or other bid modification(s) for the proposed purchase and invite the lowest responsible bidder to amend its bid based upon the proposed reduction in scope or other bid modification(s).
- 3) Informal discussions shall be commenced with the low bidder, and repetitive informal discussions for the purposes of obtaining a contract within available funds shall be permissible.
- 4) The low bidder shall submit an addendum to its bid, which addendum shall include the change in scope for the proposed purchase, the reduction in price and the new contract value. If the addendum is acceptable to the Authority, the Authority may award a contract within funds available to the lowest responsible bidder based upon the amended bid proposal.
- 5) The Authority reserves the right to infuse additional funds during, or subsequent to negotiations to meet a negotiated price.
- 6) If the Authority and the lowest responsible bidder cannot negotiate a contract within available funds, all bids shall be rejected.

Determinations of responsiveness and responsibility shall be made by the Purchasing Agent in consultation, if necessary, with the Authority's Attorney.

For a detailed sample format for an Invitation for Bid refer to the Commonwealth of Virginia Department of General Services, Division of Purchases and Supply, Agency Procurement and Surplus Property Manual (APSPM), Chapter 6, Annex B.

XII. RECEIVING SOLICITATIONS – METHODS AND PROCEDURES

This section will explain the Authority’s procedures for receiving responses to solicitations. Changes to the VPPA now require bids to be received electronically and in-person concurrently.

In addition to mail and hand delivery, per § 2.2-4303 of the VPPA, all local public bodies must provide an option for vendors to submit responses via the Commonwealth’s statewide electronic procurement system, known as eVA, or other electronic means.

The following are guidelines for receiving responses to each type of solicitation.

Definitions:

Authorized Methods and Thresholds of procurement are determined in Section V.

Quotes Informal - can be verbal or written and are usually obtained by managers or other staff for small – informal threshold purchases for goods and services.

Quotes Formal – requests for formal quotes are written RFQs for the solicitation from vendors for goods or services.

IFB – formal written Invitation for Bid (a.k.a. Request for Bids) seeking solicitations for goods and services.

RFP – formal written Proposals seeking solicitation for goods, non-professional services, and professional services.

Verbal – communications between Rivanna staff and current or potential vendors via phone, face-to-face, DM texts.

Mail/Hand Delivery – USPS mail received at Main Administrative Office, delivery from UPS, FedEx or equivalent parcel delivery 3rd party to Main Administrative Office.

Email - email sent to the designated address as specified in each procurement document.

Electronic –eVA ~~is~~—the Commonwealth of Virginia’s statewide electronic procurement system. This system will show all applicable posted procurements from the Authority. The system will hold all vendor responses to procurements “as sealed” until the proper due date and time.

(Note – vendors must be registered by the eVA system to participate in the eVA process. This is a separate process that is not controlled or operated by the Authorities.)

Main Administrative Office – 695 Moores Creek Lane, Charlottesville, VA 22902. For deliveries – 2nd floor of main administrative office.

Responses to RFQs – (Quotes):

Quotes can be received verbally and via mail, hand delivery or electronically. See Authorized Methods of Procurement and Thresholds (Section V) of this manual and Small or Informal Purchases (Section VII) for more information on Request for Quotes.

- 1) **Verbal:** Informal only - when verbal quotes are received, the requester will send necessary information to the purchasing staff to complete the purchase. No Request for Quotes is drafted and sent out.
- 2) **Mail/Hand Delivery:** Informal and Formal - quotes are received via mail or hand delivery in response to the Authority's solicitation, then given to the appropriate purchasing staff to complete the purchase as needed.
- 3) **Email:** Informal and Formal - quotes are received via email to the Authority's solicitation, then given to the appropriate purchasing staff to complete the purchase as needed.
- 4) **Electronic:** Formal quotes only – occasionally, RFQ will be posted to the eVA where potential vendors may submit electronically their response to the Authority's Request for Quotes.

After quotes are received via one of the methods listed above, purchasing staff should then receive a requisition or instructions for award from the requesting staff. The selected quote and any other documentation regarding the solicitation should be attached to the request.

Responses to IFBs – (Bids):

Bids must stay sealed until the bid opening date and time, which must be done publicly. Bids CANNOT be received via email as that wouldn't satisfy the requirement for bids to stay sealed until the bid opening due date and time. See Authorized Methods of Procurement and Thresholds (Section V) of this manual and Competitive Sealed Bid (Section IX) for more information on Request for Bids.

- 1) **Verbal:** Not allowed for IFB
- 2) **Mail/Hand Delivery:** IFB - bids are received via mail or hand delivery in response to the Authority's solicitation. Bids are logged by the Administrative Asst. then given to the appropriate purchasing staff to complete the procurement process as needed.
- 3) **Email:** Not allowed for IFB
- 5) **Electronic:** IFB will be posted to the eVA site where potential vendors may submit electronically their response to the Authority's Request for Bid through the eVA site.

After the public opening, a preliminary bid tabulation will be completed and posted to the eVA site. This tabulation is also available to any bidder that did not submit via eVA at request. Once all bid information is received and opened, the requesting staff should review and follow procedures for awarding the winning vendor.

Responses to RFPs – (Proposals):

Proposals can be received via mail, hand delivery or eVA. Proposals stay sealed until the opening date and time. See Authorized Methods of Procurement and Thresholds (Section V) of this manual and Request for Proposal (Sections VIII, IX and X) for more information on Request for Proposals.

- 1) **Verbal:** Not allowed for RFP
- 2) **Mail/Hand Delivery:** RFP - are received via mail or hand delivery in response to the Authority's solicitation. RFPs are logged by the Administrative Asst. then given to the appropriate purchasing staff to complete the procurement process as needed.
- 3) **Email:** Not allowed for RFP

6) Electronic: RFP will be posted to the eVA where potential vendors may submit electronically their response to the Authority's Request for Proposals through the eVA site.

Proposals do not have to be opened publicly. A preliminary bid tabulation is completed and will be posted to the eVA site.

Once all proposal information is available for viewing, the requesting staff will review and follow procedures for awarding the winning vendor.

XII. PREQUALIFICATION PROCESS FOR CONSTRUCTION CONTRACTS

- 1) The Executive Director or his designee may, in his discretion and when he believes it to be in the best interests of the Authority, require prequalification of prospective contractors to bid on a specific construction project and/or future projects for the Authority defined by category, e.g. mechanical projects for the Authority. The purpose of such prequalification shall be to limit prospective bidders for such construction project to contractors who show themselves to be qualified to construct the project. In addition, the IFB may waive the requirement for certain bonds when the pre-qualification process is used. When the prequalification process is used for a project, only contractors who have complied with the prequalification process and have been determined qualified will be eligible to submit bids for the project.
- 2) The Executive Director or his designee shall develop the appropriate documentation for potential contractors to apply for pre-qualification. The Executive Director or his designee may prescribe in such documentation specific mandatory requirements contractors must meet to prequalify for specific projects.
- 3) In conducting prequalification of potential contractors, the Executive Director or his designee shall follow this prequalification process and the requirements of Virginia Code § [2.2-4317](#).
- 4) The documentation used in the Authority's prequalification process shall set forth the criteria upon which the qualifications of such contractors will be evaluated. The documentation shall request of prospective contractors only such information as is appropriate for an objective evaluation of all prospective contractors pursuant to such criteria. The documentation shall allow the prospective contractor seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the contractor pursuant to this subsection shall be considered a trade secret or proprietary information subject to the provisions of subsection F of § [2.2-4342](#).
- 5) In all instances in which the Authority requires prequalification of potential contractors for construction projects, advance notice shall be given of the deadline for the submission of prequalification applications. The deadline for submission shall be sufficiently in advance of the date set for the submission of bids for such construction so as to allow the procedures set forth in this subsection to be accomplished.
- 6) At least 30 days prior to the date established for submission of bids or proposals under the procurement of the contract for which the prequalification applies, the Authority shall advise in writing each contractor who submitted an application whether that contractor has been prequalified. In the event that a contractor is denied prequalification, the written notification to the contractor shall state the reasons for the denial of prequalification and the factual basis of such reasons.
- 7) A decision by the Executive Director or his designee denying prequalification under the provisions of this subsection shall be final and conclusive unless the contractor appeals the decision as provided in § [2.2-4357](#).
- 8) The Authority may deny prequalification to any contractor only if the public body finds one of the following:
 - a) the contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the contractor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the

amount and type required by the Authority shall be sufficient to establish the financial ability of the contractor to perform the contract resulting from such procurement;

- b) the contractor does not have appropriate experience to perform the construction project in question;
 - c) the contractor or any officer, director or owner thereof has had judgments entered against him within the past ten years for the breach of contracts for governmental or nongovernmental construction, including, but not limited to, design-build or construction management;
 - d) the contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with the Authority without good cause. If the Authority has not contracted with a contractor in any prior construction contracts, the public body may deny prequalification if the contractor has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause. The Authority may not utilize this provision to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior construction project file and such information relating thereto given to the contractor at that time, with the opportunity to respond;
 - e) the contractor or any officer, director, owner, project manager, procurement manager or chief financial official thereof has been convicted within the past ten years of a crime related to governmental or nongovernmental construction or contracting, including, but not limited to, a violation of (i) Article 6 (§ [2.2-4367](#) et seq.) of the Virginia Public Procurement Act, (ii) the *Virginia Governmental Frauds Act* (§ [18.2-498.1](#) et seq.), (iii) Chapter 4.2 (§ [59.1-68.6](#) et seq.) of Title 59.1, or (iv) any substantially similar law of the United States or another state;
 - f) the contractor or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government; and
 - g) the contractor failed to provide to the public body in a timely manner any information requested by the public body relevant to subdivisions a through f of this subsection.
- 9) In determining if a contractor has the “appropriate experience” to be prequalified, the Authority may consider and use specific minimum experience requirements established by the Executive Director or his designee for the specific project. The Authority may also consider the contractor’s past performance on the projects that provide its past experience to determine if the projects provide the appropriate experience required.
- 10) To the extent any provision in this process is deemed inconsistent with Virginia Code § [2.2-4317](#), whether due to amendment of that statutory provision or otherwise, then the provisions of Virginia Code § [2.2-4317](#) shall control as to such inconsistency.
- 11) The provisions of this process and its implementation are intended to be severable, and if any provision is deemed invalid, this shall not be deemed to affect the validity of other provisions.
- ~~12) This prequalification process does not apply to any procurement done under the Public-Private Education facilities and Infrastructure Act of 2002 (“PPEA”), Code of Virginia § [56-575.1](#), et seq., and is in no way intended to limit the Authority’s discretion in the way it selects contractors under PPEA.~~

~~13~~12) A determination that a contractor is prequalified does not necessarily preclude the Authority from determining that such contractor is not responsible following bid opening. Among other things, a change in circumstances or change in information, as well as different criteria allowed to be considered for prequalification versus responsibility, may lead to a different result. For example, a prequalified contractor that becomes debarred between prequalification and bid opening, or a contractor who is subsequently discovered not to have been totally candid in answering its prequalification questionnaire, might be deemed non-responsible.

~~14~~13) Prequalification of a contractor to bid on one project does not prequalify that contractor to bid on a different project or mean that the contractor will necessarily be deemed to be a responsible bidder for a different project.

~~15~~14) Neither the Prequalification Process nor its implementation by the Authority shall be deemed to create and contract right in any prospective contractor or to give any prospective contractor any right beyond that conferred by Code of Virginia § [2.2-4317](#). All prospective contractors shall be responsible for their own expenses in applying for prequalification, and the Authority shall have no liability for any such expense.

XIII. BONDS

Bid Bonds

Except in cases of emergency or prequalification, all bids or proposals for non-transportation-related construction contracts in excess of \$500,000 shall be accompanied by a bid bond from a surety company selected by the bidder that is legally authorized to do business in Virginia. The specified amount of the bid bond shall not exceed five percent of the amount bid (*Code of Virginia*, § [2.2-4336](#)). ~~For non-transportation-related construction contracts in excess of \$100,000 but less than \$500,000, the bid bond requirements may be waived provided that prospective contractors shall be prequalified for each individual project in accordance with § 2.2-4317.~~ However^[AA10], the Authority may waive the requirement for prequalification of a bidder with a current Class A contractor license for contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance by the Authority's governing body that waiving the requirement is in the best interests of the ~~the~~ Authority. The Authority shall not enter into more than 10 such contracts per year.

Performance and Payment Bonds (*Code of Virginia*, § [2.2-4337](#)^[AA11]).

Unless otherwise authorized in this section, upon the award of any (i) public construction contract exceeding \$500,000 awarded to any prime contractor; (ii) construction contract exceeding \$500,000 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures or other improvements to real property owned by the Authority, or (iii) construction contract exceeding \$500,000 in which the performance of labor or the furnishing of materials will be paid with public funds, the contractor shall furnish to the Authority 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. The 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 furtherance of the work provided for in the contract, and shall be conditioned upon the prompt payment for all materials furnished or labor supplied or performed in the furtherance of the work; and
- 3) nothing in this section shall preclude the Authority from requiring payment or performance bonds for construction contracts below \$500,000 for non-transportation-related projects.

~~For non-transportation-related construction contracts in excess of \$100,000 but less than \$500,000, where the performance and payment bond requirements are waived, prospective contractors shall be prequalified for each individual project in accordance with § 2.2-4317.~~ However^[AA12], ~~T~~the Authority may waive the requirement for prequalification of a contractor with a current Class A contractor license for contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance by the Authority's governing body that waiving the requirement is in the best interests of the Authority. The Authority shall not enter into more than 10 such contracts per year^[AA13].

Bonds on Other Than Construction Contracts

The Authority may require bid, payment, or performance bonds for contracts for goods or services if provided in the Invitation for Bids or Request for Proposal.

Alternative Forms of Security

A certified check, cashier's check or cash escrow may be accepted in lieu of a bid, payment, or performance bond in the face amount required for the bond. If approved by Authority's 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 by the attorney that the alternative form of security proffered affords protection to the Authority equivalent to a corporate surety's bond. (*Code of Virginia*, § [2.2-4338](#)).

XIV. WITHDRAWAL OF BIDS

The Authority recognizes that errors can occur in bidding and has established procedures for withdrawal of bids for other than construction contracts and incorporates the procedure per § [2.2-4330](#) of the VPPA for withdrawal of a bid for a public construction contract, other than a contract for construction or maintenance of public highways, to provide a consistent and fair means of allowing a bidder to withdraw a bid due to error.

For construction contracts the Authority shall specify which procedure listed under paragraph B will be used in the Invitation for Bids.

Procedure for withdrawal of a bid for other than a construction contract:

A bidder for *other than a contract for construction* may withdraw a bid from consideration if the price was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the Purchasing Agent, in his sole discretion, determines in writing that the mistake was a clerical mistake as opposed to a judgmental mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of the bid, or if the purchasing agent determines that it is in the best interest of the Authority to allow the withdrawal of the bid.

- 1) The bidder shall give notice in writing to the Purchasing Agent of a claim of right to withdraw a bid within two business days after the conclusion of the opening of the bids. The Purchasing Agent may, if there is sufficient cause to suspect an error exists, suggest that a bidder review a bid and offer an opportunity to withdraw the bid in question.
- 2) If the Purchasing Agent denies the withdrawal of a bid under the provisions of this section, he or she shall notify the bidder in writing stating the reasons for the decision.
- 3) No bid may be withdrawn under this section when the result would be to award the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent (5%).
- 4) If a bid is withdrawn under the authority of this section, the lowest remaining bid shall be deemed to be the low bid.

Withdrawal of a bid for a public construction contract, other than a contract for construction or maintenance of public highways shall be in accordance with Virginia Code repeated below:

VPPA

§ [2.2-4330](#) Withdrawal of bid due to error.

A. A bidder for a public construction contract, other than a contract for construction or maintenance of public highways, may withdraw his bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake in the bid, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

If a bid contains both clerical and judgment mistakes, a bidder may withdraw his bid from consideration if the price bid would have been substantially lower than the other bids due solely to the clerical mistake, that was an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid that shall be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

B. One of the following procedures for withdrawal of a bid shall be selected by the Authority and stated in the advertisement for bids:

1. bidder shall give notice in writing of his claim of right to withdraw his bid within two business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice; or

2. Where the Authority opens the bids one day following the time fixed for the submission of bids, the bidder shall submit to the public body or designated official his original work papers, documents and materials used in the preparation of the bid at or prior to the time fixed for the opening of bids. The work papers shall be delivered by the bidder in person or by registered mail. The bidder shall have two hours after the opening of bids within which to claim in writing any mistake as defined herein and withdraw his bid. The contract shall not be awarded by the Authority until the two-hour period has elapsed.

Under these procedures, the mistake shall be proved only from the original work papers, documents and materials delivered as required herein. The work papers, documents and materials submitted by the bidder shall, at the bidder's request, be considered trade secrets or proprietary information subject to the conditions of subsection F of § [2.2-4342](#).

C. The Authority may establish procedures for the withdrawal of bids for other than construction contracts (see A above).

D. No bid shall be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent.

E. If a bid is withdrawn in accordance with this section, the lowest remaining bid shall be deemed to be the low bid.

F. No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

G. The Authority shall notify the bidder in writing within five business days of its decision regarding the bidder's request to withdraw its bid. If the Authority denies the withdrawal of a bid under the provisions of this section, it shall state in such notice the reasons for its decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder. At the same time that the notice is provided, the Authority shall return all work papers and copies thereof that have been submitted by the bidder.

Bids can always be withdrawn at any time before the time specified for opening.

XV. SOLE SOURCE^[AA14]

Competitive procedures are waived when a determination is made that the goods or services required are practicably available from only one source. The procurement record for a sole source procurement must include the appropriate approval in support of the action to forego the competitive process and be posted to the Authority's website identifying that which is being procured, the contractor selected, and the date of the decision.

Negotiations for a sole source contract or purchase order award may commence without providing for full and open competition only after the Purchasing Agent justifies the use of such actions in writing, certifies the accuracy and completeness of the justification, and obtains any required approvals. A justification must contain sufficient facts and rationale to justify the use of the sole source method. In making this determination, the Purchasing Agent shall determine whether there is, in fact, only one vendor practicably available to provide the goods and services. Prior to making a determination, the Purchasing Agent may conduct their own investigation, request additional information or consult with the Authority's attorney. If the request is denied the normal procurement procedures will be followed.

Before awarding any sole source procurement, the proposed price must be determined to be fair and reasonable using the method most appropriate to the procurement.

VPPA

§ [2.2-4303](#) Methods of procurement.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

XVI. EMERGENCY

Reasonable steps shall be taken to avoid using non-competitive emergency procurement methods. An emergency situation occurs when the failure to acquire the goods, services, or construction in a timely manner would seriously threaten the health or safety of any person; the preservation or protection of property; the continuation of necessary Authority functions; or the Authority's compliance with legal requirements.

Parts or services greater than \$10,000 when time or other circumstance does not permit full review may be classed an emergency if so approved by the Executive Director or the Purchasing Agent. For parts and services \$10,000 and less the Small Purchase Procedure shall apply.

For an emergency purchase the employee responsible should find an appropriate source and then direct the vendor to proceed. Even in an emergency, the procurement shall be made with such competition as is practicable under the circumstances, obtaining a fair and reasonable price, and documenting the procurement action. In an emergency, competition is not necessarily limited to cost. Since immediate action is required, factors such as delivery, availability and response time can be more critical than cost. By definition, an emergency purchase should immediately address the problem. Emergency procurements must be limited to only the emergency procurement need. Additional goods and services not needed for the emergency procurement are not allowed.

When placing an emergency order, the following information must be obtained from the vendor and entered on a confirming requisition to be sent to the Purchasing Agent:

- 1) accurate prices if possible (for services this may be hourly rates for services and equipment);
- 2) payment terms;
- 3) method of shipment (Ship Via);
- 4) delivery date or completion date (the purchase must ***immediately*** address the problem so this should not be in terms of weeks or months);
- 5) accurate FOB point;
- 6) how ordered (by telephone, email, fax, etc.);
- 7) first and last name of vendor representative who accepts the order; and
- 8) obtain a written quote (email or fax is acceptable) if possible.

On the requisition clearly indicate that this is a "Confirming Telephone Order (or email or fax)" complete with:

- a) the date the order was phoned in;
- b) the name of the person at the company accepting the order;
- c) the name of the departmental personnel placing the order; and
- d) details of all other quotes solicited and/or received.

Include with the requisition an explanation of:

- a) the emergency, stating the urgent nature of the emergency;
- b) the reasons this vendor was selected; and

c) all details of the agreement made with the vendor.

The Purchasing Agent will review the transaction and process the requisition through normal channels. If goods or services have been ordered or received, no purchase order will be issued. The requisition will be submitted to the appropriate director for review.

Emergency procedures may be utilized only to purchase the goods or services necessary to address the emergency. Subsequent requirements shall be obtained using normal purchasing procedures. The emergency purchase procedure is not intended to be used to cover inadequate planning or control or to bypass the normal procedure.

The Authority shall issue a written notice stating that the contract is being awarded on an emergency basis, identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Authority website.

VPPA

§ 2.2-4303. Methods of procurement.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

XVII. USE OF STATE AND OTHER COOPERATIVE CONTRACTS AND JOINT PROCUREMENTS

The Authority may participate in, sponsor, conduct, or administer a joint procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, the U.S. General Services Administration, or the Metropolitan Washington Council of Governments, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction (VPPA § [2.2-4304.A](#)).

The Authority may from time to time participate in, sponsor, conduct, or administer a cooperative procurement agreement with one or more public bodies for reasons of efficiency and/or cost savings in accordance with the VPPA § [2.2-4304.B](#).

The most commonly used cooperative contracts are state contracts, including:

- 1) [Virginia State Contracts](#);
- 2) [Virginia Information Technology Agency Contracts](#);
- 3) Virginia Office of Fleet Management [Fuel Programs](#);
- 4) [Division of Engineering and Buildings](#); and
- 5) Other Virginia localities and authorities.

The Authority may purchase from another public body's contract or from the contract of the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for:

- a) contracts for architectural or engineering services; or
- b) construction, except for the installation of artificial turf and track surfaces, including all associated and necessary construction, which shall not be subject to the limitations prescribed in this subdivision.

Consistent^[AA15] with applicable federal regulations and provided the terms of the contract permit such purchases, the Authority may purchase goods and nonprofessional services from a U.S. General Services Administration [Multiple Award Schedule](#) contract. ~~Under the [GSA Cooperative Purchasing Program](#), GSA~~ [the Authority may purchase certain Information Technology and Security, Fire, and Law Enforcement products and services under certain Special Item numbers contained within makes available GSA Schedules 70 and 84. GSA Schedules \[General Categories: "Information Technology"\]\(#\) and \[70 is available for the acquisition of Information Technology goods and services\]\(#\), \["Security and Protection"\]\(#\) and \[Schedule 84 contracts are available for the acquisition of security, fire and law enforcement equipment\]\(#\), as well \[General Categories "Facilities", "Industrial Products and Services", "Miscellaneous", "Scientific Management and Solutions", and Transportation and Logistics Services.\]\(#\) Note that some GSA contracts are pre-qualification lists with the direction to compete amongst those vendors that have been prequalified, so a procurement process may still be required. Follow the direction of the specific GSA schedule. \[The following language must be included on any order or request for quote: "This order or RFQ is placed under the Cooperative Purchasing program. Include your GSA MAS contract number on your quote."\]\(#\)](#)

If a vendor recommends a cooperative contract to you, the Purchasing Agent should be consulted to ensure the contract is in compliance with all legal requirements and can be used by the Authority.

The Authority will generally be responsible for contracting directly with the vendor under cooperative contracts.

XVIII. PURCHASE REQUISITION

A requisition is a request for goods or services necessary for the day to day operation of a department. It is to be filled in COMPLETELY as shown below and sent to Purchasing. Be sure you allow adequate time for processing, ordering and shipping. The requisition is used to collect all information to support the issuance of the Purchase Order described in Section XX.

All purchases over \$10,000 [SJJ16] must be placed on a purchase requisition. Requisitioned purchases are reviewed for appropriateness, required approvals, and funds availability.

All requisitions must be approved by the department director, their delegate or the Purchasing Agent before a purchase order is prepared:

- 1) Director of ~~Administration~~/Finance/IT, approving director for:
 - a) Administration Department; and
 - b) Information Systems Department
- 2) Director of Engineering and Maintenance, approving director for:
 - a) Engineering Department; and
 - b) Maintenance Department
- 3) Director of Operations, approving director for:
 - a) Laboratory Department;
 - b) Wastewater Department; and
 - c) Water Department
- 4) Executive Director, approving director for:
 - a) Solid Waste Operations; and
 - b) Recycling Operations

Purchase Requisition Instructions:

- 1) **Requester:** person to contact for further information
- 2) **Date:** date requisition is completed
- 3) **For:** facility and what used for or on
- 4) **Budget Acct:** account from which payment is to be made
- 5) **Vendor Information:** if you have received quotes and selected a vendor put all pertinent information on the selected vendor – legal name, address, contact name, phone number, fax number and email address. If this has been purchased from a vendor before, if you know where it's available or if you've talked about it to a particular vendor, put that vendor's name here or list under Vendor Research below or attach a separate sheet.
- 6) **Vendor Data:** indicate the appropriate box and provide detail if either Only Source or Best Vendor (and not the lowest cost) and provide reasons under Vendor Research or attach an additional sheet.

- 7) **Quantity:** how many of what unit such as each (ea), dozen (dz), pounds (lbs), square feet (sf), square yards (sy) etc.
- 8) **Part number:** any identification, from catalog, parts list, manual or the like. Indicate source of information. If known provide the serial number here.
- 9) **Description:** Fill in with the most complete description possible including size, color, manufacturer, model number, special requirements.
- 10) **Unit Cost:** price per unit
- 11) **Total Cost:** total cost for that line item
- 12) **Vendor Research:** If you have received quotes and selected a vendor put all pertinent information on the selected vendor and information on the solicitations and, if applicable, attach all written quotes. If Purchasing is soliciting bids/proposals and this has been purchased from a vendor before, if you know where it's available or if you've talked about it to a particular vendor, put that vendor's name here. If there are multiple possible sources available attach a separate sheet
- 13) Approved, Verified, Purchase Order # and date will be completed by the Purchasing Agent

Confirming requisitions are to be used after an emergency purchase of goods or services.

XIX. SPECIFICATIONS

Purpose

To describe as completely and accurately as reasonably possible the goods or services required and to allow purchase of those goods or services on a competitive basis with the goal that the Authority receives the best value for the level of quality required.

The Virginia Public Procurement Act [§2.2-4300](#) (C) requires “that specifications reflect the procurement needs of the purchasing body rather than being drawn to favor a particular vendor” and that “all procurement procedures be conducted in a fair and impartial manner” and “that rules governing contract awards be made clear in advance of competition”. Specifications must be written to allow for competitive bids and not to arbitrarily exclude a particular firm or product. They're written so as to promote competition.

Preparation

Specifications are developed by purchasing staff with the assistance of the other Authority staff, vendors, other agencies, and other resources. [Comment concerning specifications or other provisions in Invitations to Bid or Requests for Proposal can be received and considered prior to the time set for receipt of bids or proposals or award of the contract](#)^[AA17]. Contact with prospective contractors is allowed to learn industry capabilities but care must be taken to not use information provided to create a proprietary non-competitive specification. Also, no person who, for compensation, prepares an Invitation to Bid or Request for Proposal for or on behalf of the Authority shall:

- 1) submit a bid or proposal for that procurement or any portion thereof; or
- 2) disclose to any bidder or offeror information concerning the procurement which is not available to the public.

However, the Authority may permit such person to submit a bid or proposal for that procurement or any portion thereof if Authority, in writing, determines that the exclusion of such person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the Authority (*Code of Virginia*, § [2.2-4373](#)).

Specifications and purchase descriptions shall state Authority needs in a manner designed to promote full and open competition or maximum practicable competition based on the nature of the goods and services including construction being procured.

To the maximum practicable extent requirements should be stated in terms of:

- 1) functions to be performed;
- 2) performance required; or
- 3) essential physical characteristics.

Requirements should be defined in terms that enable and encourage the offer of commercial items to the extent that commercial items that meet Authority needs are available.

The Authority may describe a requirement by use of a brand name. Unless otherwise provided in the solicitation, the name of a certain brand, make or manufacturer does not restrict bidders to the specific brand or manufacturer named. The brand name description shall be used only when adequate specifications or a more detailed purchase description cannot be reasonably employed. When using a brand name or equal purchase description, the description shall also list the salient characteristics and minimum acceptable features. Restrictive provisions or conditions may be used only to the extent necessary to satisfy Authority needs. Any article that the public body in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and

suitability for the purpose intended, shall be accepted. If the Authority justifies, in writing, use of a brand name only specification, then state as “brand name-no substitute.”

XX. PURCHASE ORDER

The purchase order is a legal contract between the Authority and the vendor specified to deliver the goods or services. The vendor is to deliver the goods or services specified at the quoted prices and the Authority is obligated to pay the amount shown in the time specified.

A purchase order is prepared from an approved requisition (see Section XVII.) after all necessary information has been obtained by one of the purchase methods previously outlined and after the availability of funds has been verified. Purchase orders are assigned by the Purchasing Agent or Accounts Payable/Purchasing Technician and are valid only when signed by the Purchasing Agent or his/her designee.

The purchase order is distributed as follows:

- 4) **Email to Requester:** Should be checked against requisition immediately upon receipt to insure that goods or services ordered are as requested. To be used as reference when receiving and inspecting goods or approving service performance. It is also to be used to acknowledge receipt of the goods or performance of the service and returned for payment processing with packing tickets attached to ultimately be filed in vendor files
- 5) **Email to Vendor:** This is the vendor's authorization to ship as specified.
- 6) **Saved to DocLink with Required Documents Attached:** Retained as permanent record. Provides reference for order, record of receipt and vendor performance.

XXI. CHANGE ORDER & CONTRACT MODIFICATIONS

Any modification in a purchase order or contract requires issuance of a change order. This is legal authorization for the change to be made by the vendor and for the Authority to accept and pay for goods or services that vary from those originally ordered.

To change a purchase order a requisition is required specifying the change required and authorized, whether it be to the quantity, specification or price. The requisition should be clearly marked "Change to Purchase Order Number ____". A purchase order is then prepared as before except that it will indicate that it is a change order. The body of the order will explain the purpose of the change order. If a price change is involved it will show an "adjusted net total". It will, in the body, reflect the change made whether to quantity, delivery or price requisition in the case of a purchase order.

Where a formal contract exists, a change order or contract modification request form, with appropriate approvals, is required for the issuance of a change order or contract modification. All change orders and contract modifications must be approved and issued by the Purchasing Agent, Executive Director or the Board of Directors as required below.

ALL CHANGES TO A CONTRACT MUST BE IN WRITING. This provides legal authority for the change and also provides a record of the history of the delivery/performance for future reference.

A contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than the allowable increase specified in the VPPA, § [2.2-4309](#), without the advance written approval of the Board of Directors. This limitation applies to the aggregate change orders in a contract. The term of an existing contract may be extended for services to allow completion of any work undertaken but not completed during the original term of the contract.

VPPA

§ [2.2-4309](#). Modification of the contract.

- 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 governing body. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of an offeror from the consequences of an error in its bid or offer.
- B. Any public body 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 public body from placing greater restrictions on contract modifications.
- D. The provisions of this section shall not limit the amount a party to a public contract may claim or recover against a public body pursuant to § 2.2-4363 or any other applicable statute or regulation. Modifications made by a political subdivision that fail to comply with this section are voidable at the discretion of the governing body, and the unauthorized approval of a modification cannot be the basis of a contractual claim as set forth in § 2.2-4363.

XXII. PROCUREMENT UNDER ASSISTANCE AGREEMENTS

Procurements funded with federal, state, or local funds, shall be guided by the Purchasing Manual except as necessary to conform to the requirements of the funding source, provided that such conformance does not violate the terms and conditions of other applicable federal, state, or local laws.

Under the Virginia Public Procurement Act, Article 3, Exemptions and Limitation, § [2.2-4343](#) the Authority is authorized to conform to mandatory conditions on Federal grants or contracts that are in conflict with the Act if the Board of Directors determines in writing that such conformation is in the public interest. The specific provision of the Act conflicting with the special conditions shall be identified.

No such conflict is yet apparent in the Environmental Protection Agency's Procurement under Assistance Agreements (40 CFR Part 33) with which the Authority must comply as a condition of receiving EPA State Revolving Loan funds. Therefore, the Agreements are regarded for the purposes of compliance as a part of this Manual. The Agreements in certain circumstances generally place more stringent procurement requirements upon the Authority for certain circumstances than does the Procurement Act.

VPPA

§ [2.2-4343](#). Exemption from operation of chapter for certain transactions.

(B) Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

XXIII. DISADVANTAGED BUSINESS PROGRAM

Purpose

By adoption of this program the Authorities affirm their policy to make every reasonable effort to maintain and increase opportunities for small, minority and women owned businesses, micro businesses and businesses owned by service-disabled veterans to participate in Authority purchasing activities.

Definitions

Minority individual means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

- 1) "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.
- 2) "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.
- 3) "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.
- 4) "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

A minority-owned business means a business that is at least 51% owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51% of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals.

A women-owned business means a business that is at least 51% owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51% of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

A small business means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or average annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business^[AA18].

A micro business means a certified Small Business under the SWaM Program and together with its affiliates has no more than twenty-five (25) employees AND no more than \$3 million in average annual revenue over the three-year period prior to their certification^[AA19].

Service-disabled veteran means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

A service disabled veteran business means a business that is at least 51% owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51% of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

Policy

The Authorities through their employees and agents shall make reasonable efforts to increase and maintain opportunities for small, minority, micro, service-disabled veterans and women owned businesses to participate in Authority purchasing procedures. All such efforts shall be consistent with all local, state, and federal laws and regulations and with the other sections of this Purchasing Manual. The following are examples of actions the Authority shall take to promote purchasing of facilities, equipment, materials, supplies and services from disadvantaged businesses:

- 1) assuring such businesses are included on bidder's lists;
- 2) assuring solicitation of such businesses when appropriate;
- 3) dividing purchases when economically feasible to promote broader participation;
- 4) establishing delivery schedules whenever feasible to encourage broader participation;
- 5) using the services of the Small Business Administration, the Office of Minority Business Enterprise, local professional and business organizations, and other groups to help promote participation of such businesses; and
- 6) requiring prime contractors to take such affirmative action steps when letting subcontracts.

Responsibilities

Responsibilities for development, implementation, and management of this program rest with the Purchasing Agent, who shall:

- 1) develop means to ensure inclusion of disadvantaged businesses on Authority bidder lists and to ensure they have open opportunity to compete for purchasing contracts;
- 2) develop and maintain lists of disadvantaged businesses for prime contractor use;
- 3) develop a system to monitor program effectiveness;
- 4) plan and conduct training seminars as necessary for disadvantaged businesses; and
- 5) participate when able to in small and/or minority, service-disabled veteran or female owned business purchasing exhibitions.

Procedures

Authority purchasing staff shall follow these procedures as a minimum effort to implement this program:

- 1) provide copies as requested of RFP's and IFB's;
- 2) remain open and cooperative in answering questions regarding the program;
- 3) encourage disadvantaged businesses to compete for Authority purchases; and
- 4) review bid and proposal specifications to ensure they protect the Authority's interests and conform to legal requirements without unnecessarily restricting disadvantaged firms from bidding or proposing.

XXIV. DISPOSAL OF SURPLUS PROPERTY

From time to time the Authority may choose to dispose of surplus property that is either in excess of requirements, no longer used, obsolete, worn out, or scrapped. The Purchasing Agent shall use his/her best judgment to dispose of surplus property by one of the following means:

Surplus materials mean personal property including, but not limited to, materials, supplies, equipment, and recyclable items, but does not include property as defined in Code of Virginia, § 2.2-1147 (real property or real estate), that is determined to be surplus.

Surplus property must be handled carefully and stored properly, in a manner that minimizes breakage or damage from rough handling, improper stacking, excessive wear, or inappropriate storage outside that exposes property to weather, or any other poor storage condition. Surplus property, including recyclable materials, shall NOT be taken for personal use or personal sale by any Authority employee.

Methods of Disposal

Sales/Transfers to Governmental Institutions: Sales may be made to governmental entities at the item's fair market value. Occasionally, a no-cost transfer is appropriate, for example, to facilitate a cooperative program between governmental institutions. Donations of surplus property may be utilized for items which remain unsold after a public sale or when the cost of handling the sale would exceed expected returns. Donations will only be authorized for governmental entities and non-profits providing services to the local community. A donation or no-cost transfer shall be approved by the Executive Director. Sales to other public bodies are not governed by the VPPA.

Competitive Sealed Bidding: Property may be sold by competitive sealed bidding on an individual item or lot basis. Advertisements may be posted on the Authority's Bid Board, in newspapers, web sites, and/or solicitations are sent to persons or firms on bidder's lists maintained by the Purchasing Agent.

Department of General Services Office of Surplus Property Management: The Authority is authorized to use the services or facilities of the Commonwealth's DGS/OSPM to dispose of their surplus property, pursuant to the OSPM policies, procedures, and guidelines. For questions or information about the disposal of surplus property contact the Director, DGS/OSPM at (804) 236-3675 or email statesurplus@dgs.virginia.gov with a description of their surplus material. Proceeds from the sale of the surplus property shall be returned to the Authority minus a service fee. The service fee charged by the Department shall be consistent with the fee charged by the Department to state public bodies.

Advertisement for a fixed price: The sale price shall be at fair market value. Sale shall be advertised to the public and notices may be sent to persons or firms known to be interested in the sale. Procedures must be established for sale on a "first come - first served" basis such as a sale at designated location and specific time when sale shall be open to the public.

Fixed price sale: Surplus property may be offered to the public at a set- or fixed-price with approval of the Executive Director. The sales price of an item is based on known sales experience and/or assessed current market value. Generally, set-price sales should be publicly advertised at least a week in advance including the procedures established for the sale.

Negotiated Sale: Under exceptional circumstances, surplus property may be sold through negotiation, such as when property has not been sold despite efforts of public sales, or where timely removal from the department's premises is crucial.

On-line Public Auctions: Property may be sold through internet on-line auctions, which generally allows items to remain at the Authority while posted for sale. Surplus items may be sold through a contracted on-line auction vendor or through the Commonwealth's DGS/OSPM Division which has contracted with a vendor for on-line auction sales.

Live Public Auction: A live advertised public auction may be conducted if sufficient surplus property exists and the value is sufficient to justify the expenses and labor including the fee paid for advertising and an auctioneer. The auctioneer should be obtained using the required procurement procedures based on the expected fee or through an available cooperative agreement.

Recycling: Recycling of eligible unsold surplus property such as computer monitors, large amounts of surplus paper products, etc. is strongly encouraged.

Spot Bid: For the disposal of scrap materials such as aluminum, steel, brass, copper wire, etc., the spot bid procedure may be used for selling items. This procedure involves contacting buyers on an informal basis to determine the best price under the current market conditions. Use of this method streamlines the disposal effort and eliminates storage of items until a sufficient quantity is available for competitive sealed bidding. The Spot Bidding procedure is also authorized for the Authority's sale of recyclable material received at solid waste centers including the McIntire Recycling Center.

Trade-ins: Obsolete, worn out, inactive, or uneconomical operating equipment may be traded in on the purchase of new equipment. Trade-in procedures should not be used if the monetary allowance offered is substantially below the known current sales price less expected administration costs associated with other disposal options. Items for trade-in must be fully described on the requisition and purchase order with the trade-in allowance shown on the purchase order. Authority property may not be used as credit on future purchases or to pay for a service provided to the Authority.

Computers and other information technology (IT) Assets including copiers: The state has a contract available to public bodies for the provision of Secure Data Destruction and Recycling Services available on the Virginia Information Technology (VITA) website. Prior to the disposal, regardless of the method used, sale, trade, recycling or any other transfer of computers or other IT assets, the Purchasing Agent must ensure that all hard drives or other sources of secure data or any other confidential Authority data or personal identifying information of employees have been removed.

Disposition and Accountability of Federally Funded Property: Disposition of any material or equipment purchased with Federal Funds must be accounted for in accordance with current Federal regulations.

Purchases by Authority Employees and Their Families.

Except within the limits noted below, the *Code of Virginia*, § [2.2-3100 et seq](#) [of [AA20]] the Conflict of Interests Act prohibits employees and their immediate family from engaging in certain transaction with a public employer, including purchasing surplus property valued at over \$500. An employee's immediate family includes a spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee. A \$500 limit to purchasing surplus property applies to surplus

property sales, such as auctions or internet sales even if the buyer works for a different agency than the selling agency unless the property is purchased in any sale of surplus property at uniform (fixed) prices that are available to the public. Employees of the Authority should not purchase property if they influence the maintenance, surplus designation, pricing or disposition of the property item.

XXV. DEBARMENT OF PROSPECTIVE CONTRACTORS

General

The Purchasing Agent may, in the public interest and consistent with § [2.2-4321](#) of the VPPA, Debarment, debar a prospective contractor (including a prospective subcontractor, supplier, insurer or surety) for any of the causes listed in section 1 below, using procedures described in section 2. The existence of a cause for debarment under section 1, however, does not necessarily require that the contractor be debarred. The seriousness of the contractor's acts or omissions and any mitigating factors should be considered in making any debarment decision. When debarment occurs, such debarment shall be considered to be just cause for cancellation of any existing contracts held by the person or business debarred.

1) Causes

The purchasing agent may, after consulting with the Authority's attorney, debar a prospective contractor for any of the following causes:

- a) Conviction of, or civil judgment establishing the contractor's:
 - i. commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;
 - ii. commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
 - iii. commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of the prospective contractor;
 - iv. failing to disclose a condition constituting a conflict of interest by any officer, director, owner, partner, or agent of the vendor in a contract or purchase order awarded by Authority;
 - v. conviction under state or federal antitrust statutes arising out of the submission of bids or proposals; or
 - vi. conviction of any officer, director, owner, partner, or agent of the vendor of any criminal offense involving public contracting.
- b) Violation of the terms of a government contract or subcontract so serious as to justify debarment, such as (but not limited to) willful failure to perform in accordance with the terms of one (1) or more contracts, or a history of failure to perform, or of unsatisfactory performance of one (1) or more contracts.
- c) Debarment by a federal, state or local government, a public authority, or other agency or entity subject to public procurement laws and requirements.
- d) Any other cause of so serious or compelling a nature that it affects the present responsibility of a government contractor or subcontractor.

2) Debarment Procedures

The following procedures governing the debarment decision-making process are designed to be as informal as practicable, consistent with principles of fundamental fairness:

- a) Notice to contractor.

i. Debarment shall be initiated by advising the prospective contractor, by hand-delivery or by certified mail, return receipt requested, that debarment is being considered. Such notice shall include the reasons for the proposed debarment in terms sufficiently detailed to put the contractor on notice of the conduct or transaction(s) upon which the debarment is based, and shall identify the specific period of debarment under consideration. Unless a response is received from the prospective contractor within ten (10) working days of the date of this notice, the Purchasing Agent's decision shall be final. For the purposes of this subsection the "date of the notice" shall be deemed to be the date on which the notice is hand-delivered to the contractor or is deposited in the United States Mail.

b) Opportunity of contractor to respond.

i. The prospective contractor or his authorized representative may submit to the purchasing agent, in writing, and within ten (10) working days of the date of the notice described in subparagraph 3(a), any information or argument that the contractor deems relevant to the proposed debarment, including, without limitation, any specific information that raises a genuine dispute as to a fact that is material to the purchasing agent's findings or conclusions. Following timely receipt of information from the contractor, the purchasing agent shall review the proposed debarment and shall, within ten (10) working days thereafter, render a final determination. During the ten-day review period, the prospective contractor shall provide the purchasing agent with such additional information as he may request in order to complete his review of the proposed debarment.

3) Appeals

A decision to debar or suspend shall be final and conclusive, unless the debarred or suspended person within five (5) working days after receipt of the decision protests the decision in writing to the Executive Director. The Executive Director shall issue a decision in writing within ten (10) working days after receipt of the protest stating the reasons for the action taken. This decision shall be final unless legal action as provided for in § [2.2-4364](#) Code of Virginia is taken within ten (10) working days of the Executive Director's decision.

2) Notice of Decision

A copy of the decision to debar or suspend shall be mailed or otherwise furnished immediately to the debarred or suspended person, with a copy to the Executive Director.

3) Period of Debarment

A debarment shall be and remain effective for a period commensurate with the seriousness of the cause, as determined by the purchasing agent in his discretion, but shall not exceed three (3) years or for the length of the contract upon which debarment is based, whichever is longer.

XXVI. VENDOR APPEALS PROCEDURE

While the Authority is authorized in § [2.2-4365](#) of the VPPA, to “establish an administrative procedure for hearing (i) protests of a decision to award or an award, (ii) appeals from refusals to allow withdrawal of bids, (iii) appeals from disqualifications and determinations of non-responsibility, and (iv) appeals from decisions on disputes arising during the performance of a contract, or (v) any of these” the Authority has determined that the Virginia Public Procurement Act and the courts provide adequate review and remedies of Authority procurement practices. Therefore, no other administrative appeals procedure has been established.

Any inquiring vendors should be directed to the Virginia Public Procurement Act, Article 5, Remedies, and their contract or purchase order if applicable.

XXVII. GLOSSARY OF COMMONLY USED TERMS

available funds

The term Available Funds means that the authority has or shall have the funds available for the project. This includes existing approved budget and additional funds approved by the Authority for potential use prior to entering into negotiations with the lowest responsible bidder

bid bond

An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event a selected bidder fails to accept the contract as bid.

brand name or equal specification

A specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet requirements and which provides for the submission of equivalent products.

business

Any type of corporation, partnership, limited liability company, association, or sole proprietorship operated for profit.

change order (unilateral)

A written order signed and unilaterally issued by the Authority directing any contractor to make changes which the "changes" clauses of the contract authorizes the Authority to order without the consent of the contractor.

claim

A written assertion or demand, by one of the parties to a contract, which seeks, as a contractual right, payment of money, adjustment of contract terms, or other relief, for injury, loss, or damage arising under or relating to the contract.

competitive negotiation

A method for purchasing goods and services, usually of a complex and technical nature whereby qualified individuals or firms are solicited by

means of a Request for Proposals (RFP). Negotiations are conducted with selected offerors and the best proposal, as judged against criteria contained in the Request for Proposals, is accepted and an award issued.

competitive sealed bidding

The offer of firm bids by individuals or firms competing for a contract, privilege, or right to supply specified services or goods bid submitted in a sealed envelope to prevent disclosure of its contents before the deadline set for the receipt of all bids. Competitive sealed bidding shall not be used to contract for professional services.

construction

Construction shall mean building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property;

contract

An agreement enforceable by law, between two or more competent parties, to do or not to do something, not prohibited by law, for a consideration. A contract is any type of agreement or order for the procurement of goods or services.

contract modification

Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provision of any contract accomplished by mutual action of the parties of the contract.

contractor

Any person having a contract with the Authority.

cooperative procurement

A procurement by a public body with one or more other public bodies, for the purpose of combining requirements for the purchase of like goods and/or services in order to increase efficiency and/or reduce administrative expenses.

direct or indirect participation in procurement process

Involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

disadvantaged business

A business which is owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

F.O.B. (free on board)

Term designating ownership of shipped goods and assigning liability for freight costs and damaged or lost goods. Most commonly used are:

- a) *Shipping Point* - Prepay and Add: title of goods passes to buyer when goods leave vendors' dock, buyer is liable for loss or damage in transit; seller pays freight costs and adds to invoice
- b) *Destination* - Prepaid and allowed: title passes to buyer upon receipt; seller is liable for loss or damage in transit; seller pays freight costs; preferred

governing body

The Board of Directors.

immediate family

A spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee.

informality

A minor defect or variation of the bid or proposal from the exact requirements of the Invitation for Bids or the Request for Proposals, which does not affect the price,

quality, quantity, or delivery schedule for the goods, services or construction being procured.

invitation for bids

A document, containing or incorporating by reference the specifications or scope of work and all contractual terms and conditions, that is used to solicit written bids for a specific requirement for goods or nonprofessional services.

late bid or proposal

A bid or proposal which is received at the place designated in the Invitation for Bids or Request for Proposals after the deadline established by the solicitation.

liquidated damages

A sum stated in a contract to be paid as ascertained damages for failure to perform in accordance with the contract. The damage figure stipulated must be a reasonable estimate of the probable loss to the agency, and not calculated simply to impose a penalty on the contractor.

minority individual:

an individual who is a citizen of the United States or a non-citizen who is in full compliance with United States immigration law and who satisfies one or more of the following definitions:

- a) "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.
- b) "Asian Americans" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Marinas, the Philippines, a U. S. territory of the Pacific, India, Pakistan, Bangladesh or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

c) "Hispanic American" means a person having origins in any of the Spanish speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

d) "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

minority-owned business

Minority-owned business means a business concern that is at least 51% owned by one or more minority individuals or in the case of a corporation, partnership or limited liability company or other entity, at least 51% of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals and both the management and daily business operations are controlled by one or more minority individuals.

nonprofessional services

Any services not specifically identified as professional services in the definition of professional services.

notice of intent to award

The Notice of Intent to Award is a written notice, or bid tabulation sheet publicly displayed, prior to award, that shows the selection of a vendor for the award of a specific contract or purchase order. This decision may be changed prior to the actual award of a contract or purchase order.

potential bidder or offeror

A person who, at the time an agency awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction of the type to be procured under

such contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

professional services

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

prequalification

A procedure to prequalify products or vendors and limit consideration of bids or proposals to only those products or vendors which have been prequalified.

public body

Any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board 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 chapter.

request for proposals

All documents, whether attached or incorporated by reference, utilized for soliciting proposals; the RFP procedure requires negotiation with offerors as distinguished from competitive bidding when using an Invitation for Bids.

responsible bidder or offeror

A person or firm who 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 prequalified, if required.

responsive bidder: A person or firm who has submitted a bid which conforms in all material respects to the Invitation for Bids.

services

Any activities performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

shall, must

As used in specifications or requirements of a Request for Proposals (RFP), the terms "must" and "shall" identify requirements whose absence will have a major negative impact on the suitability of the proposed solution. Items labeled as "should" or "may" are highly desirable, although their absence will not have a large impact and would be useful, but are not necessary.

small business

An independently owned or operated business by one or more persons who are citizens of the United States or non-citizens who are in full compliance with United States immigration law, which, together with affiliates, has 250 or fewer employees, or average annual gross receipts of \$10 million or less averaged over the previous three years.

sole source

A product or service which is practicably available only from one source.

specification

A description of the technical requirements for a material, product, or service that includes the criteria for determining whether these requirements are met. A specification may describe the performance parameters which a supplier has to meet, or it may provide a complete design disclosure of the work or job to be done. Specifications for service contracts normally take the form of a statement of work.

SWAM

The acronym SWAM, includes small businesses, women-owned businesses and minority-owned businesses.

termination for convenience

The termination by the owner, at its discretion, of the performance of work in whole or in part and makes settlement of the contractor's claims in accordance with appropriate policy and procedures.

termination for default

Action taken by a purchasing office to order a contractor to cease work under the contract, in whole or in part, because of the contractor's failure to perform in accordance with the contract's terms and conditions.

Virginia Public Procurement Act (VPPA)

Chapter 43 of Title 2.2, *Code of Virginia*, which enunciates the public policies pertaining to governmental procurement from non-governmental sources.

women-owned business

A business concern that is at least 51% owned by one or more women who are citizens of the United States or non-citizens who are in full compliance with United States immigration law, or in the case of a corporation, partnership or limited liability company or other entity, at least 51% of the equity ownership interest is owned by one or more women who are citizens of the United States or non-citizens who are in full compliance with United States immigration law, and both the management and daily business operations are controlled by one or more women who are citizens of the United States or non-citizens who are in full compliance with the United States immigration law.



MEMORANDUM

**TO: RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**

**FROM: BETSY NEMETH, DIRECTOR OF ADMINISTRATION AND
COMMUNICATIONS**

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: RENAMING THE IVY MATERIAL UTILIZATION CENTER

DATE: JULY 23, 2024

In support of our Strategic Plan, staff recommends that the Board of Directors authorize the “Ivy Material Utilization Center” to be given a new name that better reflects the services we provide at that location. After polling staff for suggestions, our recommendation is to change the name to one of the three noted below, or to another name selected by the Board:

- Ivy Solid Waste Center
- Ivy Refuse and Recycling Center
- Ivy Solid Waste and Recycling Center

Background

The former Ivy Landfill was renamed the Ivy Material Utilization Center (IMUC) in 1998. The IMUC operates several different programs, including a municipal refuse and construction debris transfer program; a recycling convenience center for plastics, paper, tires, metals, and food composting; an Encore Shop to receive and sell reusable items; and a vegetative debris and mulch grinding program. Soon, we will also have a baling facility for recycling products located on the site. The name “Ivy Material Utilization Center” does not clearly communicate the various solid waste management services that are provided to the public at that location and is not an industry name commonly used for solid waste processing centers.

One of our Strategic Plan priorities is “Communication and Collaboration”, and one of the strategies of this priority is to develop “the Authorities’ public-facing brand identity”. Staff recommends that the name of the Ivy Material Utilization Center be changed to a name that better reflects the services we provide at that location while maintaining an identifying portion of the name, “Ivy”, with which our customers are familiar. The expected cost to make a name change is estimated to be no more than \$2000 to update the existing entrance sign.

Board Action Requested

Select and approve a new name for the Ivy Material Utilization Center.



Renaming the Ivy Material Utilization Center

PRESENTED TO THE RSWA BOARD OF DIRECTORS

BY: BETSY NEMETH, DIRECTOR OF ADMINISTRATION & COMMUNICATIONS

JULY 23, 2024

History of the name: Ivy Material Utilization Center



- The Ivy Landfill opened in 1968 for use by Charlottesville, Albemarle County, and UVA. RSWA was formed in 1990 to manage the landfill.
- In 1996, the Citizens Solid Waste Task Force recommended changing the name of the landfill to something that “reflect(s) the mandate of a higher level of focus on the three R’s (Reduction, Reuse, Recycling).
- Originally called the Ivy Sanitary Landfill, the name was changed to the Ivy Material Utilization Center in the summer of 1998.
- The Ivy facility ceased all landfilling operations in 1999.

Why Rename the Ivy MUC?



- The renaming of the Ivy MUC will communicate the services provided by RSWA to the public, which is a goal of our Strategic Plan – to share our public-facing brand identity.
- The Ivy facility operates several different programs, to include a municipal refuse and construction debris transfer program; a recycling convenience center which includes the recycling of paper, plastics, metals, oil, tires, as well as composting; and a vegetative debris and mulch grinding program. A baling facility will be added soon.
- “Material Utilization Center” is not a commonly used name in the solid waste industry and does not reflect the services offered to the public at the facility.
- “Ivy” has long been an identifying portion of the name and our customers are familiar with it.

Request for Authorization to Rename the Ivy Material Utilization Center

Board Action Requested:

Authorize staff to officially rename the Ivy Material Utilization Center to one of the following:

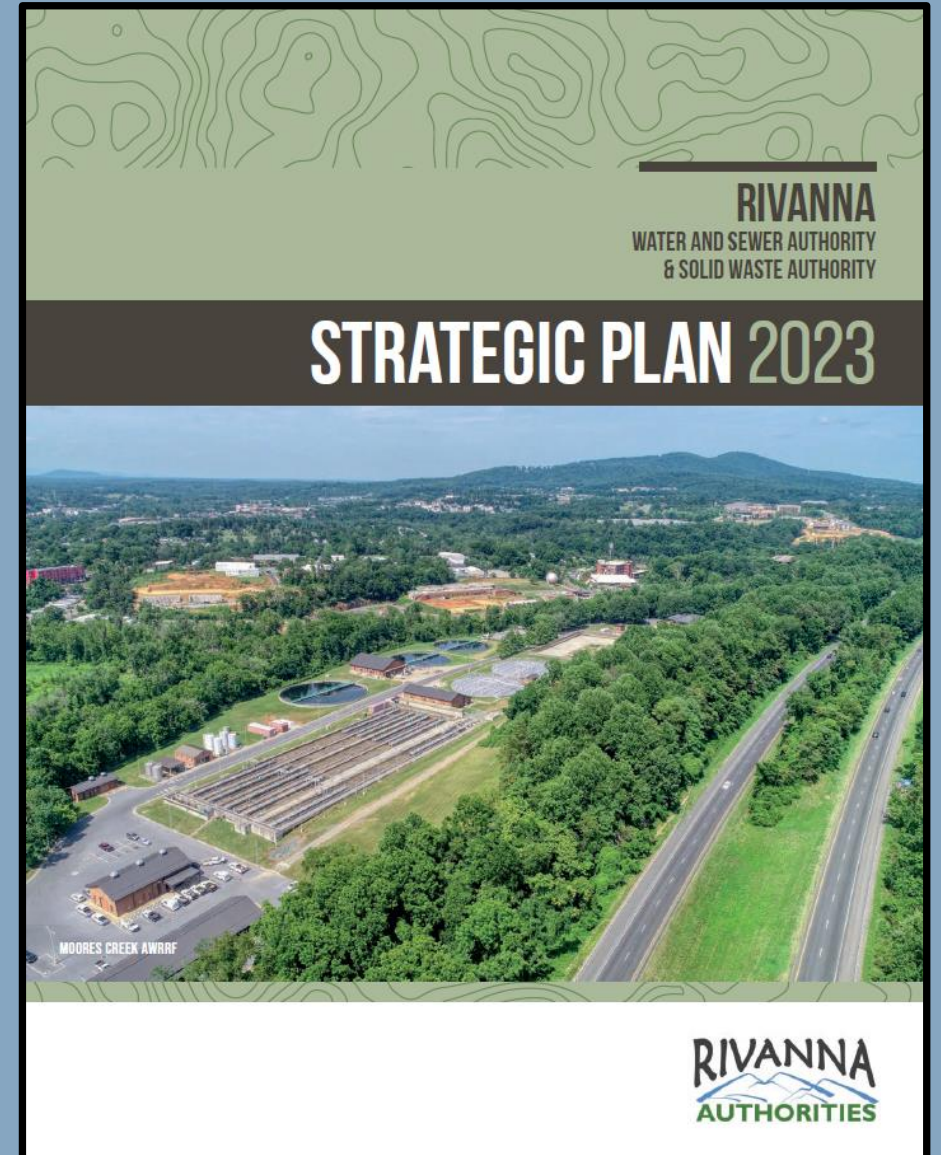
- Ivy Solid Waste Center
- Ivy Solid Waste and Recycling Center
- Ivy Refuse and Recycling Center

Rivanna Authorities Strategic Plan Update

Presented to the RSWA and RWSA Boards of Directors

By Betsy Nemeth, Director of Administration & Communications

July 23, 2024



Strategic Framework

Vision

To serve the community as a recognized leader in environmental stewardship by providing exceptional water and solid waste services.

Mission

Our knowledgeable and professional team serves the Charlottesville, Albemarle, and UVA community by providing high-quality water and wastewater treatment, refuse, and recycling services in a financially responsible and sustainable manner.

Strategic Framework

Values

- **Integrity** – We are open and transparent, lead by example, and are committed to ethical behavior.
- **Teamwork** – We work collaboratively to help each other succeed and serve the community.
- **Respect** – We treat our fellow employees, customers, business partners, and stakeholders with dignity and respect by embracing their diverse backgrounds and experiences.
- **Quality** – We deliver exceptional services and products, serve our community responsibly, and safeguard natural resources.

Communication & Collaboration



Woodbrook Elementary School 1st graders touring the Ivy ICC and Transfer Station



RSWA sponsorship of WRNR, a non-profit and listener supported independent radio network



Website Redesign
Rivanna.org is becoming rivannawater.org. and rivannasolidwaste.org and Redorange Studios is our webpage designer



RWSA at Riverfest



Follow us on Facebook and Instagram

UVA Public Health class touring the Moores Creek wastewater treatment plant



Environmental Stewardship



No Mow section of the Ivy MUC helps pollinators thrive



The large clean fill program at the Ivy MUC prevents over 780 metric tons of CO₂ from being discharged into the environment by reducing the distance the trucks travel to dispose of the clean fill.



St. Annes Belfield 10th grade class clearing the Moores Creek wetlands



Volunteering with the Rivanna Conservation Alliance to teach kids about the environment

Workforce Development



We recently had two RWSA Mechanics attend Class A CDL classes at PVCC and a RWSA Operator/Driver is currently enrolled.



U.S. Military Pipeline

Using Paychex hiring to expand our diverse candidate sourcing

Tuition reimbursement program




Ongoing updates to existing job descriptions and the creation of job descriptions for new positions



Individual leadership coaching for new and current leaders in the organization by Barrenridge

Rivanna Authorities
Job Description - Deputy Executive Director



Deputy Executive Director	
Reports to:	Executive Director
Division/Department:	Executive Leadership / Administration
Pay Grade:	270
FLSA Status:	Exempt
Status:	Essential

JOB DESCRIPTION
The Deputy Executive Director of the Rivanna Water & Sewer Authority (RWSA) and the Rivanna Solid Waste Authority (RSWA), otherwise known as the Rivanna Authorities, is responsible for providing strategic leadership and counsel to the Boards of Directors of both Authorities, the Executive Director, Division Directors, and staff on issues pertaining to the Rivanna Authorities. The Deputy Executive Director is primarily responsible for the successful delivery of water supply and drinking water and wastewater operations required under the 1972 Service Agreement (a.k.a. the "Four Party Agreement"), which outlines the RWSA's responsibility for the delivery of all drinking water and wastewater operations and services. This includes managing, supervising, scheduling, planning, organizing, and directing with respect to operational programs and budgets, water and wastewater treatment facilities, distribution and collection systems, pump stations, customer service and ancillary administrative and financial activities in accordance with the Authorities standards, policies, practices and in compliance with all federal and state regulations and applicable laws. The Deputy Executive Director may also support the Rivanna Solid Waste Authority's operations in accordance with the 1991 Solid Waste Organizational Agreement which outlines the Authority's responsibility for the delivery of refuse and recycling operations.

Optimization & Resiliency



Optimizing the caustic feed into the Wastewater Aeration Basins.
Savings: \$173,000



Keeping our employees safe with a new Electrical Safety chapter in the Safety Manual and ARC Flash training for 38 employees



Standardization of the equipment used in our plants to simplify employee training and equipment replacement

Alum feed system specifically designed to determine and feed the correct amount necessary for treatment conditions at the SRWTP resulting in operating and cost efficiencies.



Planning & Infrastructure

Moores Creek Engineering and Administration Building Potential Value Engineering Items November 2023					
Item #	Item	Potential VE Item	Advantage to Modifying Item / System	Disadvantages to Modifying Item / System	Potential Cost Impacts
Architectural					
A-1	Demolition of existing building and construct all new facility	Yes	Create more efficient floor plan layout, preserve green space on the site, less staff disruption during construction	Cost and extended project schedule	\$265,000
A-2	Reduce number of interior doors	Yes	Cost savings	Reduced privacy and security and more potential issues with acoustics	(\$50,000)
A-3	Glass office walls at interior corridors	Yes	Increase daylighting and views into building interior	Concerns with privacy, security and acoustics	\$202,000
A-4	Modular interior office walls	No			
A-5	Reduce size of connecting link between existing and addition	Yes	Reduced initial cost	Less usable collaboration space	(\$83,000)
A-6	Make addition 2-stories with larger floor plate	No			
A-7	Hydraulic Elevator in lieu of machine room- less unit	Yes	Lower cost and simplified long term maintenance	Required machine room with cooling/ventilation and less energy efficient	(\$25,000)
A-8	Make structural grid more efficient	Yes	Lower cost	Column placement may interfere with open spaces	(\$23,000)
A-9	Move Boardroom to first floor to eliminate fire sprinklers	No			
A-10	Stack plumbing and IT Rooms	Yes	Simplified plumbing and cabling runs and lower cost	Re-design of floor plan layout required	(\$31,000)
A-11	Decrease quantity of curtainwall windows	Yes	Lower initial cost	Less daylighting and reduced interior views	(\$29,000)

Use of Value Engineering to enhance cost efficient project planning



Our Maintenance team using Cityworks to document preventive maintenance on our equipment and to maintain equipment records



Electronic standard operating procedure (SOP) document storage in DocLink has increased by 4.7% so far in 2024, making this information more easily accessible to our teams and enabling them to make quicker decisions

What's Next?

**Changing the
RSWA turnover
goal to
15%**

Why?

To set realistic, transparent, and achievable goals for our team while driving excellence.

- FY 2024 employee turnover at RSWA was 22.6%. Six employees left RSWA from July 1, 2023 through June 30, 2024.
- The Strategic Plan goal for RSWA employee turnover is 10%.
- The FY 2025 full-time employee compliment for RSWA is 28. If 3 people leave in FY 2025, RSWA turnover will be 10.7% which is over goal.



Providing high-quality water, wastewater, refuse and recycling services to the Charlottesville, Albemarle, and UVA community.

www.rivanna.org

Questions?



HUMAN RESOURCES UPDATE

Presented to the RSWA & RWSA Boards of Directors by:

Leah Beard, HR Manager

EMPLOYEE BENEFITS –

Educating employees about total rewards improves retention & engagement.

Ease of Open Enrollment – Completed Open Enrollment online through Paychex for the first time.

Employee Expenses - Our Healthcare costs increased by 30%; however, Rivanna absorbed the costs so our employees were not affected.

Benefit Counseling - HR hosted 13 in-person sessions to educate and assist our employees in better understanding their benefits. Continuously hosted one-on-one sessions to walk through online platform, and ensure employees have best benefit election based on personalized needs.

Onboarding New Employees – Individual review with all new employees to set up benefits through Paychex.

Evaluated Dental & Vision - Change to Principal Insurance after receiving employee concerns with prior carrier's network.

Preparing for Retirement – Hosted a *Retirement Supplemental Healthcare Option* session for employees nearing retirement.

Host one-on-one Early Retirement reviews with employees. Regularly hosts VRS specialists to offer appointments for in-person one-on-one sessions.



EMPLOYEE BENEFITS



RETAINING & RECRUITING TALENT -

Advertising vacancies internally & externally to promote diverse candidate pools.

EMPLOYEES:

- Solid Waste: 28
- Water & Sewer: 104

TALENT:

- 15 Internal Promotions
- 14 New Hires
- 4 Interns

EEOC:

- Executive Leadership: Female: 33% Male: 67%
- Employees: Female: 29% Male: 71%
- People of Color: 18%



CAREER OPPORTUNITIES

posted online through Paychex and being promoted on a variety of diverse websites:

- Indeed
- LinkedIn
- SimplyHired
- Trovit
- Glassdoor
- US Military Pipeline
- ZipRecruiter
- American Water Works Association

On-Site Interviews

Hosting interviews on-site at the locations where the candidate could potentially work. This allows for hiring managers to provide tours and candidates to understand the day-to-day expectations of the role.

WORKFORCE DEVELOPMENT -

Contributing to the success of our community by investing in our employees.

Succession Planning

- Deputy Executive Director
- Finance Manager
- Sustainability & Grants Coordinator
- Recycling Assistant Manager
- Outreach Coordinator
- Five-Year Staffing Plans

Turnover Rates

- Water & Sewer: 14%
- Solid Waste: 22%
- We have revised our Solid Waste Department Turnover Rate from 10% to 15%; so we have achievable and transparent expectations moving forward.



WORKFORCE DEVELOPMENT CONTINUED



Employee Growth & Development

- 5 Operator License Exams passed
- 10 Skills Bonuses paid to Maintenance Employees for taking external coursework
- Correspondence Coursework for Water & Wastewater Operators
- LinkedIn Learning available for free for all employees
- Safety Training easily accessible on Paychex mobile app
- Cyber Security Training available on KnowBe4
- PLC specific training coursework for IT

Leadership Training

Training provided to 30 individual employees; topics include:

- Emotional Intelligence
- Interpersonal Skills
- Communication
- Feedback & Delegation
- Teams and Teamwork
- Conflict Management
- Diversity, Equity, & Inclusion



EMPLOYEE ENGAGEMENT & COMMUNITY PARTNERSHIPS –

Contributing to the success of our community by investing time and resources in local partners.

- Hosted 15 separate events engaging with our local Community Partners.
- Each employee receives *Volunteer Time Off* to encourage community involvement.
- We are hoping to partner with CATEC in the Fall to create opportunities for job shadowing and mentorship.
- Promoting a *Culture of Safety* by offering Safety Training on the mobile Paychex app.



QUESTIONS?



THANK YOU!

MEMORANDUM

**TO: RIVANNA WATER & SEWER AUTHORITY
RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**

**FROM: LONNIE WOOD, DIRECTOR OF FINANCE AND INFORMATION
TECHNOLOGY**

REVIEWED: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: APPROVAL OF AMENDED AND RESTATED BY-LAWS

DATE: JULY 23, 2024

This recommendation is to amend the By-Laws of both Authorities to increase the threshold that the Executive Director can authorize the award of procurements from \$200,000 to \$300,000 to reflect changes in the “Purchasing Policies and Procedures” of the Authorities. By aligning the Executive Director’s authorization with purchasing procedures, award and completion of small projects can be expedited.

The “Purchasing Policies and Procedures” of the Authorities are being updated and recommended for approval by the Board at the July 23, 2024, Board of Directors meeting to reflect changes in the Virginia Public Procurement Act (VPPA). There was a change in the VPPA effective on July 1, 2024, that increased the purchasing thresholds requiring formal competitive bids or competitive negotiations from \$200,000 to \$300,000 for non-transportation **construction-related projects**. The procurement threshold for goods and non-professional services remains at \$200,000.

As noted in the memo for the policy update, the purchasing threshold requiring formal competitive bids or competitive negotiations was increased from \$200,000 to \$300,000 for non-transportation **construction-related projects** in the VPPA. Goods and non-professional services threshold remains at \$200,000. The VPPA update requires a formal procurement process above these stated thresholds. An attached resolution and a redlined version of the By-Laws is included.

Board Action Requested

Approve the Resolution to Adopt the Amended and Restated By-Laws dated July 23, 2024.



**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
RIVANNA SOLID WASTE AUTHORITY
ADOPTING
AMENDED AND RESTATED BY-LAWS**

JULY 23, 2024

WHEREAS, the Board of Directors (the “Board”) of the Rivanna Solid Waste Authority (the “Authority”) has determined that it is in the best interests of the Authority to amend and restate the current By-Laws of the Authority, which were adopted and made effective as of November 15, 2022 (the “Current By-Laws”); and

WHEREAS, pursuant to Article VI of the Current By-Laws, the Board may amend, add to, alter, or repeal the Current By-Laws at any meeting of the Board, provided that notice of the proposed amendment, additions, alteration or repeal is given in the notice of such meeting and that all members of the Board are present at such meeting; and

WHEREAS, the Board deems it advisable and in the best interest of the Authority to amend and restate the Current By-Laws to authorize the Executive Director to sign contracts and other instruments to be executed on behalf of the Authority for purchasing or procurement contracts when the aggregate amount of the contract is \$300,000 or; and

WHEREAS, the Board has considered the proposed Amended and Restated By-Laws in the form attached hereto as Exhibit A (the “Amended and Restated By-Laws”) and has determined that it is advisable and in the best interests of the Authority to amend and restate the Current By-Laws by adoption of the Amended and Restated By-Laws and to ratify, confirm and approve all contracts and other instruments of the Authority signed by the Chair or the Executive Director of the Authority;

NOW, THEREFORE, BE IT RESOLVED, that the Current By-Laws are hereby amended and restated in their entirety, and the Amended and Restated By-Laws attached hereto as Exhibit A are hereby adopted and ratified in all respects, effective immediately; and be it

FURTHER RESOLVED, that the Secretary of the Authority or any other proper officer of the Authority be, and each of them hereby is, authorized and directed to place the Amended and Restated By-Laws and this resolution in the minute books of the Authority; and be it

FURTHER RESOLVED, that all contracts and other instruments of the Authority signed by the Chair or the Executive Director of the Authority prior to the date of these resolutions are hereby ratified, confirmed and approved in all respects as the act and deed of the Authority; and be it

FURTHER RESOLVED, that the proper officers of the Authority are, and each of them hereby is, authorized and directed to prepare, execute and deliver, or cause to be prepared, executed and delivered, any and all agreements, documents, certificates and instruments, and to take any and all such other actions as may be deemed necessary, desirable or appropriate, to carry out the purpose and intent of each of the foregoing resolutions; and be it

FURTHER RESOLVED, that any actions taken by such officers or directors prior to the date of these resolutions that are within the authority conferred by the foregoing resolutions are hereby ratified, confirmed and approved in all respects as the act and deed of the Authority.

Approved by the Board of Directors
at a meeting at which all members of the
Board of Directors were present

July 23, 2024

Jeff Richardson, Secretary

**AMENDED AND RESTATED
BY-LAWS OF THE
RIVANNA SOLID WASTE AUTHORITY**

(Effective July 23, 2024 ~~November 15,~~
~~2022~~)

ARTICLE I

OFFICES

1. The principal office of the Rivanna Solid Waste Authority (the “Authority”) shall be in Charlottesville or Albemarle County, Virginia, at 695 Moores Creek Lane, Charlottesville, Virginia 22902 or at such particular place as shall be fixed from time to time by resolution of the Board of Directors (the “Board”).

2. Except as otherwise required by resolution of the Board, or as business of the Authority may require, all of the books and records of the Authority shall be kept at the office as designated above.

ARTICLE II

DIRECTORS

1. The Authority shall have a Board of Directors. All corporate powers shall be exercised by or under the authority of, and the business and affairs of the Authority managed under the direction of, its Board of Directors, pursuant to the provisions of the Articles of Incorporation of the Authority, as amended from time to time (the “Articles”) and Sections 15.2-5113 and 5114 of the Code of Virginia (the “Code”). Directors shall be appointed or elected in the manner and for the term set forth in the Articles of Incorporation.

ARTICLE III

OFFICERS

1. The officers of the Authority shall be a Chair, a Vice-Chair, and a Secretary-

Treasurer. An election will be held at the regular March Board meeting in even-numbered years

with the duly elected officers assuming office as of May 1 for a term of two years and such officers may succeed themselves indefinitely.

2. The Chair shall be the presiding officer of the Authority. Unless some other person is specifically authorized by procedures or instructions adopted by vote of the Board, and except as otherwise provided in Article III, Section 5 below, the Chair shall sign all contracts and other instruments to be executed on behalf of the Authority. The Chair shall perform all the duties and have such other powers as the Board may from time to time designate. The Chair shall be a member of the Board.

3. The Vice-Chair shall perform all the duties of the Chair in the event of the Chair's absence or incapacitation or in the event of the Chair's office falling vacant and also perform such tasks as the Chair or the Board may assign from time to time. The Vice-Chair shall be a member of the Board.

4. The Secretary-Treasurer or his or her designee shall attend all meetings of the Board and act as secretary or clerk thereof; such person shall record all votes and keep accurate records of all proceedings at such meetings in a minute book to be kept for that purpose, which shall be open at all reasonable times to the inspection of any member or any other person authorized by law. The Secretary-Treasurer or his or her designee shall keep in safe custody the official seal of the Authority and shall have authority to affix such seal to all papers authorized to be executed by the Authority requiring such seal to be affixed. The Secretary-Treasurer shall have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

The Secretary-Treasurer or his or her designee shall perform all the duties commonly incident to the office of secretary or clerk and shall perform such other duties and have such powers as the Board may from time to time designate. In the absence of the Secretary-Treasurer and/or his or her designee from any meeting of the Board, a temporary secretary may be chosen who shall record the proceedings thereof.

Subject to the provisions of any trust agreement securing revenue bonds, bond anticipation notes, or other financial obligation of the Authority, the Secretary-Treasurer or his or her designee shall have the care and custody of the funds of the Authority and shall have and exercise, under the supervision of the Board, all the powers and duties commonly incident to the office of ~~treasurer~~Treasurer. The Secretary-Treasurer shall be selected by the Board and may or may not be a member of the Board.

5. There shall be an Executive Director who shall be the chief administrative officer of the Authority and shall be selected from a list of qualified individuals by vote of the Board. The Executive Director, acting on request of the Chair, shall cause notice to be given of all meetings of the Authority as required by law or by these By-Laws. The Executive Director is authorized to sign contracts and other instruments to be executed on behalf of the Authority; provided, for purchasing or procurement contracts: (i) the aggregate amount of the contract is ~~\$200,000~~\$300,000 or less; (ii) the term of the contract is one year or less; and (iii) funds required for payment terms of the contract have been authorized by the Board through adoption or amendment of the annual operating budget.

6. In addition to the officers, duties and powers above mentioned, the Board may provide for and delegate to such deputies, assistants and other officers as it may deem necessary from time to time, who shall perform such duties and have powers as the Board may designate.

ARTICLE IV

MEETINGS OF THE AUTHORITY

1. Meetings of the Board may be called by the Chair, or in the event of the Chair's absence from the Commonwealth or incapacity, by the Vice-Chair, for such time and at such place in the Commonwealth as may be specified in the call.

2. Meetings shall be governed by Robert's Rules of Order (the "Rules") to the extent that they do not conflict with these Amended and Restated By-Laws (these "Bylaws") or the Articles. Should there be a conflict between the Rules and the Articles and/or these Bylaws, the Articles will control, followed by these Bylaws, followed by the Rules.

3. Regular meetings of the Board will be held at the Authority's Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia, at 2:00 p.m. on the fourth Tuesday of January, March, May, July, September and November of each year, or at such other place as the Board may designate from time to time. Public notice of such meetings will be required only if the time and/or place of such meetings is changed for any reason.

4. Notwithstanding anything herein to the contrary, meetings of the Board may also be held virtually and/or a Board member may participate in a Board meeting through remote participation, in each case in accordance with Sections 2.2-3708.2 and 2.2-3708.3 of the Code and the Remote Participation Policy of the Rivanna Solid Waste Authority adopted by the Board on November 15, 2022, as may be adopted from time to time by the Board in accordance with the Code (the "Remote Participation Policy"), in each case at the frequency and pursuant to the terms and limitations set forth therein.

5. Meetings in addition to the regular meeting may be called by the Chair, or the Vice-Chair when acting for the Chair under the conditions stated above, for such time and at such place in the Commonwealth as may be specified in the call, provided written notice of such meeting is

delivered to the Board members, left at their residence or usual place of business, or delivered by electronic mail not less than forty-eight hours prior to the date and time specified for such meeting. In addition, the Executive Director shall take such measures as may be necessary to make sure that news media and the public have at least twenty-four hours notice of any such special meeting.

6. In the event that the officer issuing the call for a special meeting declares an emergency to exist, the notice required shall be three hours, provided that the declaration of emergency is approved by vote of the Board members at that special meeting.

7. The notification of Board meetings at which subject matter is discussed and/or acted upon by the Authority in compliance with the requirements of Section 15.2-5100, et seq. of the Code (the Virginia Water and Waste Authorities Act) will be as specified in that statute.

8. All Board meetings shall be open to the public, except when, pursuant to the provision of Section 2.2-3711 of the Code, the Board members have voted to hold a closed meeting, and no resolution, rule, contract, regulation, or motion discussed in such closed meeting, in each case as authorized by an exemption set forth in Section 2.2-3711 of the Code, shall become effective unless the Board reconvenes in open meeting and takes a vote on such resolution, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

9. At meetings of the Board the following order of the business shall be observed, in general, as far as is consistent with the purpose of the meeting:

- a. Correction and approval of the minutes of the preceding meeting.
- b. Consideration of items from the public, except matters on the agenda for which a public hearing has been called, and responses from Board or staff to public comments.
- c. Vote on approval of consent agenda, to include regular staff reports on

expenditures, operations, and capital projects.

d. Other business, including unfinished business.

10. The vote on the adoption of every resolution shall be by ayes and nays. The names of the Board members voting for or against the resolution shall be entered upon minutes of the meetings, unless the vote be unanimous, in which case the minutes will so state.

11. A majority of the members of the Board shall constitute a quorum but the vote of the majority of the total members shall be necessary for any action taken by the Board.

12. A Board member may designate an alternate to attend meetings the member is unable to attend. Such alternates may take part in any deliberations of the Board but may not vote on any matter and may be excluded from any closed meeting.

ARTICLE V

OFFICIAL SEAL

The official seal of the Authority shall consist of the embossed impression of a circular metallic disc containing in the outer rim the words "Rivanna Solid Waste Authority." The Secretary-Treasurer or his or her designee shall secure such seal and cause the impression thereof to be made on the minutes of the meetings of the Board.

ARTICLE VI

AMENDMENTS

Except as otherwise provided by law, these By-Laws may be amended, added to, altered, or repealed in whole or in part by the Board at any meeting, including at any meeting of the Board held virtually pursuant to the requirements of Article IV, Section 4 herein, provided that notice of the proposed amendment, additions, alteration or repeal is given in the notice of such meeting and that all members of the Board are present at such meeting. Any member participating in the

meeting through remote participation pursuant to the requirements of Article IV, Section 4 herein is deemed to be present at such meeting.

ARTICLE VII

FISCAL YEAR

The fiscal year of the Authority shall be determined in the discretion of the Board, but in the absence of any such determination it shall be the year beginning July 1 and ending June 30.

Certified to be the Amended and Restated By-Laws of the Rivanna Solid Waste Authority, duly adopted by the Board at a meeting at which all members of the Board were present on ~~November 15, 2022~~July 23, 2024.

Name: _____
Office: _____

101356308.4



Amended and Restated By-Laws

Presented to the Boards of Directors

By: Lonnie Wood, Director of Finance and Information Technology

July 23, 2024

The By-Laws are proposed to be Amended and Restated to:

- Increase the threshold that the Executive Director can authorize the award of procurements from \$200,000 to \$300,000 to align with changes in the “Purchasing Policies and Procedures” of the Rivanna Authorities.

By aligning the Executive Director’s authorization with our purchasing procedures, award and completion of small projects can be expedited.

Action Requested by Each Board



Approve the Resolution to adopt the Amended and Restated By-Laws, effective on July 23, 2024



**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
RIVANNA SOLID WASTE AUTHORITY
ADOPTING
AMENDED AND RESTATED BY-LAWS**

JULY 23, 2024

WHEREAS, the Board of Directors (the "Board") of the Rivanna Solid Waste Authority (the "Authority") has determined that it is in the best interests of the Authority to amend and restate the current By-Laws of the Authority, which were adopted and made effective as of November 15, 2022 (the "Current By-Laws"); and

WHEREAS, pursuant to Article VI of the Current By-Laws, the Board may amend, add to, alter, or repeal the Current By-Laws at any meeting of the Board, provided that notice of the proposed amendment, additions, alteration or repeal is given in the notice of such meeting and that all members of the Board are present at such meeting; and

WHEREAS, the Board deems it advisable and in the best interest of the Authority to amend and restate the Current By-Laws to authorize the Executive Director to sign contracts and other instruments to be executed on behalf of the Authority for purchasing or procurement contracts when the aggregate amount of the contract is \$300,000 or; and

WHEREAS, the Board has considered the proposed Amended and Restated By-Laws in the form attached hereto as Exhibit A (the "Amended and Restated By-Laws") and has determined that it is advisable and in the best interests of the Authority to amend and restate the Current By-Laws by adoption of the Amended and Restated By-Laws and to ratify, confirm and approve all contracts and other instruments of the Authority signed by the Chair or the Executive Director of the Authority;

NOW, THEREFORE, BE IT RESOLVED, that the Current By-Laws are hereby amended and restated in their entirety, and the Amended and Restated By-Laws attached hereto as Exhibit A are hereby adopted and ratified in all respects, effective immediately; and be it

FURTHER RESOLVED, that the Secretary of the Authority or any other proper officer of the Authority be, and each of them hereby is, authorized and directed to place the Amended and Restated By-Laws and this resolution in the minute books of the Authority; and be it

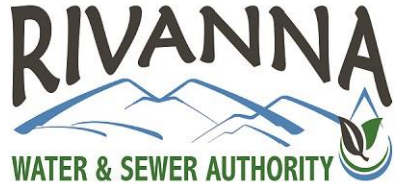
FURTHER RESOLVED, that all contracts and other instruments of the Authority signed by the Chair or the Executive Director of the Authority prior to the date of these resolutions are hereby ratified, confirmed and approved in all respects as the act and deed of the Authority; and be it

FURTHER RESOLVED, that the proper officers of the Authority are, and each of them hereby is, authorized and directed to prepare, execute and deliver, or cause to be prepared, executed and delivered, any and all agreements, documents, certificates and instruments, and to take any and all such other actions as may be deemed necessary, desirable or appropriate, to carry out the purpose and intent of each of the foregoing resolutions; and be it

FURTHER RESOLVED, that any actions taken by such officers or directors prior to the date of these resolutions that are within the authority conferred by the foregoing resolutions are hereby ratified, confirmed and approved in all respects as the act and deed of the Authority.

Approved by the Board of Directors
at a meeting at which all members of the
Board of Directors were present

July 23, 2024



**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
RIVANNA WATER AND SEWER AUTHORITY
ADOPTING
AMENDED AND RESTATED BY-LAWS**

JULY 23, 2024

WHEREAS, the Board of Directors (the "Board") of the Rivanna Water and Sewer Authority (the "Authority") has determined that it is in the best interests of the Authority to amend and restate the current By-Laws of the Authority, which were adopted and made effective as of November 15, 2022 (the "Current By-Laws"); and

WHEREAS, pursuant to Article VI of the Current By-Laws, the Board may amend, add to, alter, or repeal the Current By-Laws at any meeting of the Board, provided that notice of the proposed amendment, additions, alteration or repeal is given in the notice of such meeting and that all members of the Board are present at such meeting; and

WHEREAS, the Board deems it advisable and in the best interest of the Authority to amend and restate the Current By-Laws to authorize the Executive Director to sign contracts and other instruments to be executed on behalf of the Authority for purchasing or procurement contracts when the aggregate amount of the contract is \$300,000 or; and

WHEREAS, the Board has considered the proposed Amended and Restated By-Laws in the form attached hereto as Exhibit A (the "Amended and Restated By-Laws") and has determined that it is advisable and in the best interests of the Authority to amend and restate the Current By-Laws by adoption of the Amended and Restated By-Laws and to ratify, confirm and approve all contracts and other instruments of the Authority signed by the Chair or the Executive Director of the Authority;

NOW, THEREFORE, BE IT RESOLVED, that the Current By-Laws are hereby amended and restated in their entirety, and the Amended and Restated By-Laws attached hereto as Exhibit A are hereby adopted and ratified in all respects, effective immediately; and be it

FURTHER RESOLVED, that the Secretary of the Authority or any other proper officer of the Authority be, and each of them hereby is, authorized and directed to place the Amended and Restated By-Laws and this resolution in the minute books of the Authority; and be it

FURTHER RESOLVED, that all contracts and other instruments of the Authority signed by the Chair or the Executive Director of the Authority prior to the date of these resolutions are hereby ratified, confirmed and approved in all respects as the act and deed of the Authority; and be it

FURTHER RESOLVED, that the proper officers of the Authority are, and each of them hereby is, authorized and directed to prepare, execute and deliver, or cause to be prepared, executed and delivered, any and all agreements, documents, certificates and instruments, and to take any and all such other actions as may be deemed necessary, desirable or appropriate, to carry out the purpose and intent of each of the foregoing resolutions; and be it

FURTHER RESOLVED, that any actions taken by such officers or directors prior to the date of these resolutions that are within the authority conferred by the foregoing resolutions are hereby ratified, confirmed and approved in all respects as the act and deed of the Authority.

Approved by the Board of Directors
at a meeting at which all members of the
Board of Directors were present

July 23, 2024