



Small Purchase Procedures for Procurement of Professional Services

The *Rules Governing Procurement of Goods, Services, Insurance and Construction by a Public Institution of Higher Education of the Commonwealth of Virginia (Subchapter 3 of the Restructured Higher Education Financial and Administrative Operations Act)*, hereafter referred to as "Governing Rules," § 5.H. permits a public body to establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$80,000; however such small purchase procedures shall provide for competition wherever practicable.

All purchases of professional services over \$80,000 shall follow the procedures as set forth in the Commonwealth of Virginia Procurement Manual for Institutions of Higher Education and their Vendors <https://vascupp.org/hem.pdf>.

The UMW Procurement Services Office is the central contracting office for the University for materials, supplies, equipment, printing, professional and nonprofessional services. All such purchases made by any University department shall be made in accordance with the [Governing Rules](#), and such rules and regulations as UMW may prescribe.

The University shall not issue payment upon any voucher for any using department covering the purchase of any professional service, when such purchases are made in violation of law. Contracts awarded in violation of the Governing Rules are voidable. Contracts, agreements, or accepted quotes signed or otherwise authorized by individuals without authority to do so are void from the beginning. *Individuals awarding contracts or obligating the University without the authority to do so may be held personally liable for payment to the contractor.*

In accordance with the *Governing Rules § 5.H*, the University of Mary Washington "UMW" has adopted the following procedures for professional services purchases valued at \$80,000 and under. Additionally, architectural, landscape architectural, land surveying, and professional engineering services shall be purchased in accordance with the Construction and Professional Services Manual (CPSM), issued by DGS/Division of Engineering and Buildings (DEB).

"Professional services" means 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.

I. **Professional Services:**

- A. UMW shall receive biographical data, resume, or qualification statements from two eligible businesses. A DSBSD certified-small or certified-micro business (as applicable) should be included, if available, or sufficient documentation shall be included in the procurement file as to why a DSBSD certified business is not available.
- B. An informal screening process will be completed by the University and one firm shall be selected for award of contract, assuming a satisfactory fee, schedule, and terms are agreed upon.

II. **All Legal Service & Civil Matters:** Procurement of all legal services will be directed to the assigned University representative in the Office of the Attorney General as per the *Code of Virginia, § 2.2-507*.

- A. All legal service in civil matters for the Commonwealth shall be rendered and performed by the Attorney General, except as provided and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission.
- B. The Attorney General may represent personally or through one or more of their assistants. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by them or one



of their associates, they may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. *Documentation of such recommendation or permission to use counsel outside of the Office of the Attorney General shall be included in the Procurement file for such purchases.*

- C. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division, or department being represented for whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section.]