

P9-09-001 Purchasing Authority

All purchasing activities shall conform to the Code of Virginia, the Henrico County Code and Henrico County procedures.

The School Board recognizes the advantages of centralized purchasing in that volume buying increases the value of each dollar spent.

Except as otherwise provided in the Henrico County Code section 16-10, no official, elected or appointed, or any School Board employee shall purchase or contract for any goods, services, insurance or construction other than by or through the General Services Finance Division Director as the School Board's liaison with the County's Purchasing Director and any purchase order or contract made contrary to the provisions hereof is not approved and the School Board shall not be bound thereby. Any person responsible for such purchase shall be held personally liable for such purchase, and if already paid out of School Board funds the amount may be recovered in the name of the School Board in an appropriate action instituted therefor.

Certification Regarding Sex Offenses

As a condition of awarding a contract for the provision of services that require the contractor or ~~his~~ employees **of the contractor** to have direct contact with students on school property during regular school hours or during school-sponsored activities, the School Board will require the contractor to provide certification ~~that all persons~~ **of whether any individual** who will provide such services ~~have not~~ **has** been convicted of ~~a felony or~~ any **violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02; any** offense involving the sexual molestation, ~~or~~ physical or sexual abuse or rape of a child, **or any crime of moral turpitude.**

This requirement does not apply to a contractor or ~~his~~ employees **of the contractor** providing services to a school division in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable when it is reasonably anticipated that the contractor or ~~his~~ employees **of the contractor** will have no direct contact with students.

Award of Contracts When Individuals Who Will Provide Services Have Been Convicted of Certain Crimes

The School Board will not award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child.

The School Board may award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, the Governor has restored the individual's civil rights.

Unauthorized Aliens

The School Board provides in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in Virginia, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Discrimination by Contractor Prohibited

The School Board shall include the following provisions in every contract exceeding \$10,000:

1. During the performance of this contract, the contractor agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of sex, **pregnancy, childbirth or related medical conditions**), **sexual orientation, gender, gender identity**, race, color, national origin, disability, religion, **ancestry**, age, **marital status, genetic information, status as a veteran**, or any other characteristic protected by law, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

2. The contractor will include the provisions of the foregoing paragraphs a, b, and c in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

Last Revised: *Revised June 2015*

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-4300 et seq., 2.2-4311, 2.2-4311.1, 22.1-296.1.