



## ADOPTION OF CONSENT AGENDA ITEMS

September 2025

### A. RESOLUTION AUTHORIZING COG TO RECEIVE A GRANT TO EXECUTE THE NATIONAL CAPITAL PRISM INVASIVE SPECIES MANAGEMENT AND OUTREACH PROJECT

The board will be asked to adopt Resolution R19-2025 authorizing the Executive Director, or his designee, to receive and expend grant funds from Virginia's Department of Forestry FY26 Virginia PRISM Support for Invasive Species Program in the amount of \$80,000. The funds will support invasive species management and outreach efforts on Fairfax County Park Authority (FPCA) parkland. The resolution also authorizes the Executive Director, or his designee, to proceed with procurement for a contractor, or contractors, to manage invasive species on FPCA parkland. Funding for this effort will be provided through a grant from Virginia's Department of Forestry FY26 Virginia PRISM Support for Invasive Species Program. COG will be required to provide a match of \$6,492 which is available in the budget of the Department of Environmental Protection, NatCap PRISM Program.

**RECOMMENDED ACTION: Adopt Resolution R19-2025.**

### B. RESOLUTION AUTHORIZING UPDATES TO THE COG PROCUREMENT POLICY

The Board will be asked to adopt Resolution R20-2025 approving updates to COG's Procurement Policy as detailed in the attached summary of key procurement policy changes. The revised policy addresses approval of small purchases, procurement thresholds and authorized procedures, micro and small purchases, evaluation of the low bid, awards, and board approval. The current Purchasing Policy is available on the [COG website](#).

**RECOMMENDED ACTION: Adopt Resolution R20-2025.**

#### Resolution R20-2025

#### Summary of Key Procurement Policy Changes

- Approval of small purchases - Contracts and agreements valued at \$50,000 or under can be signed by the CFO or a staff member delegated by them to do so. (*Change of process - Allows CFO or designee to sign off on small contracts*) [p. 7 Section 1.5.1.2]
- Procurement Thresholds and Authorized Procedures – (p.10 Section 2.2)
  - Cost/price: \$50,000 or more, but less than or equal to \$100,000 Small Purchase. Solicitation of 3 Written Quotes, minimum– COG staff shall solicit written price or rate quotes from at least 3 sources. The solicitation shall be in writing and shall contain sufficient detail to allow accurate pricing of the goods or services to be procured. Lowest responsible quotation must be accepted. All quotes must be reviewed and approved by the Purchasing Manager
  - Cost/price: over \$100,000 Formal Procurement

Formal solicitations and sealed bids are conducted by the Contracts and Purchasing Office. A Statement of Work (SOW) shall be included as part of the solicitation. For RFPs a list of scoring factors that will be used to evaluate responses through scoring by a Technical Selection Committee. COG will select the responsible contractor who offers the best combination of price, quality and other elements of required goods or services that are optimal to COG's needs.

- Micro Purchase - A purchase of goods or services with a total cost of less than \$50,000 is considered a minor purchase, or micro-purchase, and no competitive quotes are required, so long as the price to be paid is fair and reasonable. Purchases must not be split to avoid this threshold. (p.10 Section 2.2)
- Small Purchase (Informal Procurement) - Small purchase procedures consist of relatively simple and informal solicitation methods, where the goods or services being procured are between \$50,000 and up to \$100,000. Purchases must not be split to avoid this threshold.

If small purchase procedures are used, price or rate quotations shall be solicited from qualified sources using the same specification getting at least 3 written quotes as per the above chart.

Sole-Source or non-competitive awards are procurements through the solicitation of a proposal from only one source. If an award is to be made from a single quote or proposal at this dollar level, supplier selection memo that substantiates the sole source decision must be completed along with a requirements document and/or scope of work.

Under Uniform Guidance, non-competitive awards may be used when one or more of the following circumstances apply:

- The item is available only from a single source (this must be verifiable and thoroughly explained in the supplier selection memo);
  - The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
  - After solicitation of several sources, competition is determined inadequate. (p 10-11, Section 2.2.1)
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- Evaluation of the Low Bid – Following the opening and announcement of bids received, COG shall review the apparent low bidder for responsiveness and responsibility. Bids must be unconditionally accepted without alteration or modification except as authorized by law or in the IFB. Bids must be evaluated based upon the requirements set forth in the IFB, which may include evaluation criteria identified in the IFB. In order for a bid to be responsive, it must conform in all material respects to the requirements in the IFB. (p.15, Section 2.2.3.4)

- Award - Following completion of a competitive sealed bidding process, COG may award a contract to the lowest responsive and responsible bidder. No contract involving an expenditure of \$50,000 or more (regardless of the source of funding) shall be deemed awarded, or shall become binding upon COG, until it has been approved by the Contracting Officer. (p.18 Section 2.2.3.6)
- Board Approval Required - No sole source contract involving an expenditure of \$100,000 or more (regardless of the source of funding) shall be deemed awarded, or shall become binding upon COG, until it has been approved by the Board via the Consent Agenda process. (p.23, Section 2.2.4.4)

The current Purchasing Policy is available on the [COG website](#).

### **Complete Index of Changes**

1. Page 7 changed. "the Executive Director, as Contracting Officer, shall execute all contracts and agreements entered into on behalf of COG over \$50,000 in value .."
2. Page 7 changed..." Contracts and agreements valued at \$50,000 or under can be signed by the CFO or a staff member delegated by them to do so."
3. Page 8 added..." any corresponding agency supplements (2 CFR Subtitle B), and all other controlling requirements"
4. Page 8 added... "...funding agency if the procurement requires it under the rules of the funding agency or applicable funding agreement"
5. Page 10 changed..." Cost/price: Over \$100,000 Formal Procurement"
6. Page 10 changed..." A purchase of goods or services with a total cost of less than \$50,000 is considered a minor purchase..."
7. Page 10 added... "Purchases must not be split to avoid this threshold."
8. Page 10 changed... "where the goods or services being procured are between \$50,000 and up to \$100,000."
9. Page 10 added..." Purchases must not be split to avoid this threshold."
10. Page 10 added... "Sole-Source or non-competitive awards are procurements through the solicitation of a proposal from only one source. If an award is to be made from a single quote or proposal at this dollar level, supplier selection memo that substantiates the sole source decision must be completed along with a requirements document and/or scope of work. Under Uniform Guidance, non-competitive awards may be used when one or more of the following circumstances apply:
  - The item is available only from a single source (this must be verifiable and thoroughly explained in the supplier selection memo);
  - The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
  - After solicitation of several sources, competition is determined inadequate."
11. Page 11 added..." Purchases must not be split to avoid this threshold."
12. Page 11 added... " qualified sources, providing prospective sources adequate notice of the procurement"

13. Page 11 deleted... “at least 14 days prior to the date set for receipt of proposals”
14. Page 12 added... “To qualify for award every contractor shall be determined to be responsive and responsible by Contracts and Purchasing staff. A contractor that is listed on the federal Excluded Parties List System (EPLS) (accessed using the System for Awards Management (SAM), or any other state or local governmental entity’s exclusion, debarment, or suspension registry or list shall be deemed to be not responsible. Contracts and Purchasing staff shall review the EPLS prior to the award of any contract.”
15. Page 13 added... “COG has the sole discretion to reject all proposals and/or cancel the request for proposals, at any time prior to the time a contract is fully executed, when it is in the best interest of COG. The reasons for the rejection or cancellation must be made part of the contract file. Offerors have no right or privilege to challenge the cancellation of a request for proposal.”
16. Page 13 added... “cost-plus-a-percentage-of-cost system of contracting shall not be used.”
17. Page 15 added... “Bids must be unconditionally accepted without alteration or modification except as authorized by law or in the IFB. Bids must be evaluated based upon the requirements set forth in the IFB, which may include evaluation criteria identified in the IFB. In order for a bid to be responsive, it must conform in all material respects to the requirements in the IFB.
- (i) The purchasing agency must determine whether a bid is responsive based upon the criteria in the IFB.
  - (ii) It is important to note that the responsiveness evaluation is not documented for the purpose of determining whether one bidder's item is superior to another but only to determine that a bidder's offering is responsive as set forth in the IFB.
  - (iii) A slight or immaterial variance from the terms and conditions or the specifications contained in the IFB does not destroy the competitive character of the bid so as to require rejection. Those errors which superficially deviate from normal practice do not taint an otherwise acceptable award if the discrepancy does not transgress the actual terms of the bid instructions.
  - (iv) The IFB should reserve the right for the purchasing agency to waive technical defects or informalities. Therefore, waiving a defect is not an automatic violation of competitive bidding. Instead, it must be determined whether the waiver of any defects will cause the competitive bidding process to be noncompetitive.
  - (v) If the variance in a bid gives the bidder an advantage or benefit not enjoyed by other bidders, competitive bidding is destroyed. Mandatory, competitive bidding requirements must be followed.
  - (iv) Post-bid negotiations are prohibited.

In procurements where two or more responsive and responsible bidders have bid the exact same amount (as may be defined in the solicitation) COG must break the tie. Unless the solicitation provides for a special process to break a tie bid, COG shall notify the affected bidders of the tie and request a voluntary discount from them to be due at a specified date and time. If this does not resolve the tie or is not practical, COG may consider any or a combination of the following factors in order to break the tie: (1) One of the Bidders is located in the Metropolitan Washington Area, and the other is not; (2) One of the bidders is offering a more advantageous delivery date; (3) One of the bidders has past-performance with COG and the other does not; (4) If none of the above options are practical or do not

result in breaking the tie, the COG may utilize a coin flip to resolve the tie. If this method is to be used, COG must notify the affected bidders no less than 48 hours prior to the coin flip to allow for the bidders or their designees to be present, if they so choose, to witness the coin flip.

18. Page 19 added.. " COG is authorized to procure from cooperative purchasing agreements, through a cooperative purchasing program, established by other states, local governments, or the federal government, including General Services Administration (GSA) Multiple Award Schedule contracts. Cooperative purchasing, in any amount, does not require competitive solicitation. All cooperative purchasing agreements shall be authorized in writing by the Executive Director. COG shall negotiate a commercially reasonable participating addendum."
19. Page 24 added..." A cost-plus-a-percentage-of-cost contracting method is a cost reimbursement contract containing some element that obligates COG to pay the contractor an amount, undetermined at the time the contract was made and to be incurred in the future, based on a percentage of future costs."
20. Page 25 added... "including but not limited to the U.S. Government's exclusion lists available at SAM.gov and the debarment lists for each state and jurisdiction that is a member of COG."
21. Page 25 added... "(1) the U.S. Government's Excluded Parties List System, accessible at SAM.gov, and (2) contracting exclusion lists for each state and jurisdiction in which a member of COG is located"
22. Page 29 changed..." relevant COG employee authorized to make such acquisition, issued to a vendor to authorize the purchase of goods or services in specific quantities and prices."
23. Page 32 changed... "within two (2) years thereafter"
24. Page 33 changed.. "Records of each procurement transaction shall be maintained for six years following the end of the relevant agreement's period of performance.

I HEREBY CERTIFY THAT Resolutions R19-2025 and R20-2025 was approved by the COG Board of Directors on September 10, 2025

Kayla Joyner  
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