

**ORDINANCE NO. 7559-19**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XX., OFFICE OF PURCHASING, DIVISION 1., GENERALLY, SECTION 2-553.5, JOB ORDER CONTRACTING; LIMITATIONS; SECTION 2-555.1, MODIFICATION OF CONTRACT; AND DIVISION 3., COMPETITIVE NEGOTIATION, SECTION 2-569.2, PUBLIC NOTICE.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 2, Administration, of the Code of the City of Newport News, Virginia, Article XX., Office of Purchasing, Division 1., Generally, Section 2-553.5, Job order contracting; limitations; Section 2-555.1 Modification of contract; and Division 3., Competitive Negotiation, Section 2-569.2, Public notice, be, and the same hereby is, amended and reordained, as follows:

**CHAPTER 2**

**ADMINISTRATION**

**ARTICLE XX. OFFICE OF PURCHASING**

**DIVISION 1. GENERALLY**

**Sec. 2-553.5. Job order contracting; limitations.**

(a) A job order contract may be awarded for multiple jobs, provided (i) the jobs require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first. Contractors may be selected through either competitive sealed bidding or competitive negotiation.

(b) Such contracts may be renewable for two additional one-year terms at the option of the city. The fair and reasonable prices as negotiated shall be used in determining the cost of each job performed, and the sum of all jobs performed in a one-year contract term shall not exceed six million dollars (\$6,000,000.00). Individual job orders shall not exceed five hundred thousand dollars (\$500,000.00).

(c) For the purposes of this section, any unused amounts from one contract term shall not be carried forward to any additional term.

(d) Order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed in subsection (b) is prohibited.

(e) No job order shall be issued or used under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in §54.1-400 of the Code of Virginia. However, professional architectural or engineering services may be included on a job order where such professional services (i) are incidental and directly related to the job, (ii) do not exceed \$25,000 per job order, and (iii) do not exceed \$75,000 per contract term.

(f) Job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass.

**Sec. 2-555.1. Modification of contract.**

(a) A contract may include provisions for modification of the contract during performance, but no fixed price contract which has been approved by the city council, the city manager, or his designee, may be modified or changed by amendment, change order, or any other agreement without the prior approval of the city council, the city manager, or his designee, unless (i) such modifications, in the aggregate, do not increase the amount of the contract by more than twenty-five (25) percent of the original amount of the contract or fifty thousand dollars (\$50,000.00), whichever is greater, (ii) such changes are the result of unforeseen circumstances or changed conditions encountered during the progress of the performance of the contract, and (iii) such changes are directly related to the performance of the purpose of the contract. The city manager, or his designee, may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract. In no event shall the aggregate of all modifications increase the cost of the contract beyond the amount appropriated for the project.

(b) The provisions of this section shall not limit the amount a party to a city contract may claim or recover against the city pursuant to section 2-577 or any other applicable ordinance or regulation. Modifications made by the city that fail to comply with this section are voidable at the discretion of the city, and the unauthorized approval of a modification cannot be the basis of a contractual claim as set forth in section 2-577.

**DIVISION 3. COMPETITIVE NEGOTIATION**

**Sec. 2-569.2. Public notice.**

At least ten (10) days prior to the date set for receipt of proposals, public notice shall be

given by posting on the City's website and the State's Department of General Services' central electronic procurement website and may be published in a newspaper or newspapers of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. In addition, proposals may be solicited directly from potential contractors.

2. That this ordinance shall be in effect on and after July 1, 2019.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JUNE 25, 2019

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor

A true copy, teste:

City Clerk