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Loudoun County Public Schools, Finance & Operations Committee Meeting, Tuesday, November 4, 2025

Date Tuesday, November 4, 2025
Place LCPS Administration Building / School Board Room, Ashburn, Virginia
Length 48m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/1133626473?rel=0>

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-13. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:00:01] Good afternoon, everyone. I'd like to welcome you all to this November 4th meeting of the Finance and Operations Committee. My name is Arban Estreffi, and I'm the chair of this committee. I'm joined by Mrs. Griffiths and Chair Mansfield. We'll start, go ahead and start with any public comment for this evening? No public comment. All right.

[00:00:20] So, seeing no public comment, we'll move on to the approval of the meeting minutes. Do I have a motion to approve the meeting minutes? Yes, Chair Mansfield. I move to approve the meeting minutes. Thank you. The motion has been made. Do I have a second? - Second.

[00:00:36] - Seconded by Mrs. Griffiths. Is there any discussion or revisions to the meeting minutes? Seeing none, we'll go ahead and vote. All those in favor of approving the meeting minutes, please say aye. - Aye. - Aye, and that motion will pass unanimously. Meeting minutes have been approved.

[00:00:53] We'll move on to the approval of the consent agenda. Are there any changes to the consent agenda? With seeing no changes, we'll go ahead and I'll go ahead and make that motion.

[00:01:08] I move that we approve the consent agenda. Do I have a second? Second. Seconded by Mrs. Griffiths. Is there any discussion? Seeing none, we'll go ahead and vote. All those in favor of approving the consent agenda, please say aye.

[00:01:24] Aye. And that motion will pass unanimously. The consent agenda has been approved. So we'll go ahead and start with our one action item for this afternoon. I will go ahead and start with a motion to kick us off.

[00:01:43] There is no, oh yeah, there is, okay. I move that the Finance and Operations Committee place this item on the school board meeting consent agenda and recommend that the Loudoun County School Board approve the contract award of IFB 25-542 for one, Eagle Ridge Middle School Roofing Renovation Project to Patuxent Roofing and Contracting LLC in the amount of \$1,963,677, and two, Meadowland Elementary School Roofing Renovation Project to CHU Contracting, Inc.

[00:02:17] in the amount of \$1,279,650. And three, authorize the chair of the school board to sign the final contract documents upon presentation. Do I have a second? Second. Seconded by Mrs. Griffiths.

[00:02:34] Is there any discussion or, Mr. Lewis and team, anything that you would want to add to this? Mr. Treanor from Facilities, I just wanted to point out that we're actually very excited about these two awards.

[00:02:53] Both projects came in under budget, which is always a good deal. But we had good competition, five bidders on each one, and so we're ready to move forward and happy to answer any questions. Thank you. And these are two separate bids? Okay.

[00:03:09] Yes, sir. They were two separate bids. Thank you. Board members, any other discussion? Nope. Seeing no other discussion, we'll now move on to a vote. All those in favor, please say aye. Aye. Aye. And that motion will pass unanimously.

[00:03:27] We'll move on to our information items. We'll start with 6.01, Business and Financial Services, new policy, 4190, other post-employment benefits, OPEB funding. And I believe this is presented by Ms. Casale. Thank you.

[00:03:44] We present this new policy to you as an information item for your review and feedback. Loudoun County Public Schools' commitment to its employees extends beyond active service and into retirement. By documenting this policy, LCPS ensures alignment with current practices and establishes clear funding objectives and governance to support long-term sustainability for retiree healthcare benefit obligations.

[00:04:06] The policy aligns contributions with actuarial evaluations and integrates them into the annual budget process. It promotes transparency, legal compliance, and responsible asset management through oversight by the OPEB Finance Board. This policy is consistent with the county's policy and applies to eligible LCPS employees and retirees, ensuring that retiree healthcare contributions are clearly defined and consistently applied.

[00:04:33] Thank you very much. Board members, is there any discussion? Yes. Chair Mansfield? After having sat in the retirement benefits for, you know, what, four times, four sessions, I was wondering, Ms. Willoughby, didn't we say that for, let's see, line 63 through 67, I know this is current practice, but didn't we say something like it was supposed to be like 80% was best practice for that?

[00:05:04] Am I misremembering something? I don't remember 80%. Excuse me, 70% is the threshold we've always used and is also what is in the county's policy that was also what we were mirroring.

[00:05:21] So I don't remember. Wasn't there something that was best practice that we had? I'll go back and look at my notes, but I thought that there was something that, I know this is the county and we have to mirror it, but I thought we were going to try and work towards something else I mean we always definitely aspire to ultimately reach the 100 you know fully funded threshold but um yeah I'm sorry I don't recall 80 also uh line 60 if the current year funded ratio exceeds 100 the school board will

[00:05:59] evaluate and consider adjusting contribution levels for future years in coordination with the county of Loudoun is that also part I guess that can be code to I guess it's code 15.2-1544 where it says that a government body has the right to revise or discontinue things yeah is that what that yeah so you may recall that each year the county provides funding and it's it's funneled

[00:06:35] through the school operating fund budget of the 12 million and so what this is referencing is that if we were to hit a hundred percent we could still continue to ask the county to fund the OPEB and actually I think one of our neighbors when we pulled data was actually like at 114 percent funding I think they were still contributing but identifying that related to the code language but also that we would you know collaborate with the county that if we were at the hundred percent that

[00:07:05] we would not necessarily need to seek additional funding from them and one more so I guess it's lines oh yeah line 68 I was wondering and I know you do this anyway contributions to plan are expected to be made in regular quarterly installments is there any way do you does anybody have any harm heartache with and reported to the board because you'd kind of do that anyway

[00:07:38] um like four times a year you talk as part of the quarterly financial projections of just yeah we can make sure I would have no concern with adding that language here and we can make sure that we include that link or a reference to that in our quarterly financial report to meet the policy so we could add your recommending um possibly um contributions to the plan are expected to be made and regularly quarterly installments and reported to the board.

[00:08:15] And reported to the board, okay. Yeah, supporting transparency and predictability. Got it. That was my only other thing. Thank you, Chair Streffi.

[00:08:33] I was just looking here to see if, where it went out to as far as the public. If you could tell me, did the public review this, see this policy at all? Because when we have policies like this uh referring to um you know any kind of benefit um we do get a little pushback so I have not seen anything on this so I'm curious to know who you may have sent it to and have you gotten feedback that you've implemented into this policy already following our established process of taking

[00:09:11] policies through um a school board review this would be the first public introduction of this policy, and then it would go post it on the website. And we could work with, in light of the conversation from the retiree committee meetings, I could reach out to human resources and talent development and see if there's any outreach they could do, even though this really does not necessarily impact the benefit itself. It's more about the financial administration, but again, just to support the full transparency. I would appreciate that because you never know.

[00:09:45] Somebody will come back with a question or, you know, have some idea of the policy. So thank you so much. If you could do that, that would be great. Thank you. Per policy also for policies, I think it's two weeks, too.

[00:10:01] We have to give them two weeks, so no matter what it is. So before we can go to action, we would have that two weeks where people could also give us their feedback. And I think that that is also on our website, too, a link to our website.

[00:10:17] I think we talk about what is being looked at in committees. Correct. My chairing the Finance and Operations Committee and being exposed to the OPEV Finance Board, it might be helpful for folks that are just seeing this policy now.

[00:10:34] This is a new policy. Maybe you could talk a little bit about how the oversight is structured of the Finance Board and how the money flows through the budget. Does it go through the school board first? Is it typical in that sense? And how do we manage the finance board and the fiduciary responsibilities?

[00:10:53] Sure. So our OPEV fund is a jointly managed fund between the county and the school system. And as you indicated, you are a member of the board as well as myself, as well as on the county side, they have the county treasurer and a staff member.

[00:11:14] And then there's also a community member that's on the oversight board. And so we meet fairly regularly to review the financials and the investments and, you know, give direction to ensure the financial viability of our OPEB fund.

[00:11:31] That's a joint. The county, as indicated through this policy, does fund our OPEB fund. And so they are funding that future liability, you know, that benefit to our retirees. As I mentioned, it's historically been about \$12 million a year that is included in the funding to the school operating fund.

[00:11:54] And then on a quarterly basis, we break that into four payments out of the school operating fund into the OPEB fund. And so that OPEB fund is really just sitting there. I kind of view it as a savings account for those future expenses. As we pay for retirees' health benefits, those expenses today, more as a pay-as-you-go.

[00:12:14] So we covered that. What's indicated in this policy is that should we reach 70% funding, then we could begin to use some of that savings account to help pay for those retiree health benefit costs.

[00:12:34] Right now, we are not at 70%. We did see an improvement from the prior year, and I can't remember the percentage off the top of my head, but we did see a positive movement as our investments and from the stock market really made an improvement. The last piece I'll share is that in addition to the oversight, our joint county and school OPEB funds are then invested in a larger statewide pool.

[00:13:03] And that state OPEB board, myself, I actually sit on that board and represent both the county and schools along with several other jurisdictions in the state of, in the Commonwealth of Virginia. Some are school divisions, some are counties, water districts.

[00:13:21] And we then collectively provide oversight of that larger pool of funds and give direction on how those funds should be invested. So that's kind of like an OPEB 101. Thank you for that. It really helps.

[00:13:37] Any other discussion? Seeing none, we'll go ahead and move on to our next information item, and that is 6.02, Business and Financial Services, RFP R26014, Job Order Contracting for General Construction.

[00:13:54] I believe this is presented by Ms. Villar. Thank you very much. I'm presenting to you this evening an award of a job order contract for Loudoun County Public Schools. This contract would be used

for repair, alteration, construction, demolition, and construction of buildings by means of individual task orders issued under the job order contract.

[00:14:17] This solicitation did allow LCPS the opportunity to award to multiple vendors, which you will see under the summary section. We did, in fact, award this to four vendors to provide these services. These services would be funded through CIP funds as well as the facilities office appropriated budget.

[00:14:39] We bring this before you this evening to approve and move to either an action item or consent item on your November 18th, 2025 meeting agenda for the award of the job order contract.

[00:14:56] - Thank you for that, Ms. Filiot. Board members, any questions? I am trying to remember. Yes, job order contract. So this contract is for all repair, alteration, construction, maintenance, rehabilitation.

[00:15:13] It's a big pool. Is that, this is it? Like this is the contract vehicle for all of that? No, you will notice that this is for discrete identified projects. So these are for specific projects that are defined to fall under job order contracting.

[00:15:29] We have other contract vehicles in place for other construction and projects related to similar work as this. Can we give a similar 101 on job order contracting and the difference? Give a description of the difference?

[00:15:49] Yeah. Mr. Traynor? Where you would tap into this vehicle versus the other vehicles and why we have this separated out. I'm happy to. So under state code, a job order contract, individual delivery order cannot exceed \$1 million.

[00:16:05] And each of these vendors, each of these contractors, the individual contract value can exceed \$6 million for the year. These are intended to be small projects. They're intended to be relatively quick projects. The job order contracting could be as simple as replacing a water heater, replacing a boiler, commercial scale much bigger than your residential size, so it's hundreds of thousands of dollars.

[00:16:29] They're intended to be fast, so the contractor has some limited design capability, And so they can do a kind of a design build but smaller scale. And how we would envision using this, you know, we're saying that it could be up to \$7 million.

[00:16:46] That's across multiple operating budgets, both the facility operations and construction's operating budget, as well as we could have cap projects and we could have CRA capital budget projects, small ones, that would fit into this. We would, the preferred method is typically going kind of a design bid build process when we have time to do it and have, and we feel like we can get competition.

[00:17:19] With the job order contract, it's designed to be more streamlined, to be a faster process to get us from, we've got funds and we've got a need and we've got kind of on-call vendors that can jump in and do the construction. And we had very good competition on this.

[00:17:34] I think we've got four very good vendors. We had 13 vendors that actually submitted proposals on this contract. We interviewed seven and then have down-selected to four. So overall, that's a pretty strong number for the competition side that we were very happy with, and I know procurement was also.

[00:17:52] Thank you so much for that. Any other questions? Yes, Ms. Griffiths. So the – oh, thank you, Chair. So the general construction, basically it's not really repairs, it's designing, or can you explain that?

[00:18:08] This is doing the construction work. They have a limited design capability. There are some jobs that, the example I gave before, a large commercial water heater in one of our schools, it's not a direct replacement. Sometimes we're always looking for ways to improve on efficiency.

[00:18:27] We could, with the job order contractor, we could bring in an architect engineer to adjust the sizing of the unit, the design flow rate of it, and that's rolled into the price of construction.

[00:18:43] So this is construction. The heart of what they're doing is construction or repairs to our existing buildings. We would not use this, you know, obviously the job order amount is way too small. You wouldn't use this to build a new school, to build a new building.

[00:18:58] It's not for that, it's for very small scale and work that needs to happen and kind of one-off simple jobs that could be done. Thank you. Board members, can we put this on consent? Thumbs up.

[00:19:16] Okay, so that item will go on consent for the next meeting. We'll move on to 6.03, Business and Financial Services, Revision of Policy 4350, Vendor Relations, presented by Ms. Filial. Thank you.

[00:19:32] I'm bringing before you this evening four policies as per our cyclical review process, policies. The first one this evening is policy 4350, which is related to vendor relations. As is the case with all procurement policies, we ensure that our policies are in line with the Virginia Public Procurement Act. That is the code that dictates to us what we as a procurement office must comply with. In the vendor relations one, the sections, we basically updated some pronoun changes. In section B, if you look at the red line, it starts on line 28. The first

[00:20:07] paragraph of that is an employee should not ask from a vendor any type of gift or kickback. Item number two, vendors can't ask an employee that's involved in the procurement transaction for any type of favor in order to get a solicitation awarded to them. In addition, we added an ethics in, we added an ethics section into this, which is a best practice in procurement. One of the things that in procurement we find is, many times you'll be asked, do you have an ethics policy?

[00:20:41] So what I've done here is I added the ethics policy into this policy as a section to meet those requirements as well. Board members, any discussion? Yes, Chair Mansfield.

[00:20:58] She knows it's coming. So it just is kind of funny to me the um each offer or bidder shall certified upon signing their proposal or bid that to the best of their knowledge i guess is the key wording there that no lcps official or employee having it is you know is involved pretty much and so how do you discern what their best knowledge is and then what happened and then what's the accountability there so like somebody has

[00:21:34] written a book say which HMH or whatever and then we have uh and then we are bidding on some curriculum or whatever or there's some curriculum that's going to come we have actually had encountered this with like um a family member let's say that we have someone that does a procurement transaction on our side or they go to work for a company and they say my father works at LCPS and approves the procurement transactions. Therefore, I cannot participate in this procurement activity. So a lot of it is the honor system. A lot of it is what you do know.

[00:22:14] And then on the flip side, we do the same thing here as well. If we see that a contract comes through and it's signed by, I don't know, it's signed by John Filial, everybody's going to be like, wait a minute, we have a filial, this is the director of procurement. Is there a direct correlation or relationship

there that we need to be aware of? So a lot of it is, like you said, on the honor system, when the vendor signs it, when we agree to it, that they're complying with this. And this is also part of the conflict of interest related to that fact that if, for example,

[00:22:49] if your husband, you live in the same household and your husband is the owner of a company and you're the principal at a school and you want to do a contract with them you cannot do a contract when your husband is in fact you know getting 100 of his income from that company um so could you tell me a little bit define um on i guess it's line 44 what is official responsibility for procurement transactions is that you or that's expanded actually official responsibility for

[00:23:24] procurement transactions would be me members of my team an account manager which we refer to as our budget holders a principal anyone who's going to sign an order sign a purchase order agree to purchase something would be involved in the procurement transaction okay so signing the contract is or signing the contract are you placing the order um yes anything like that would be considered that they are involved with an official responsibility for procurement transactions because procurement transactions is a broad area i mean we've got our purchase card

[00:24:03] so we've got a number of things but you couldn't take or i couldn't take the purchase card and go to my husband's company and make a transaction with it because i'm involved directly in that procurement transaction okay and it's also defined this is all out of the virginia public procurement act as well but yes that would be some examples of procurement transactions okay the official responsibility for procurement transfer yes okay okay and financial benefit is really monetary not awards not unless there's or speaking or anything like that it would be

[00:24:42] monetary um the virginia public procurement act covers even if there's no cost for something so when you say monetary we have to be very cautious with that because we have contracts where there's no cost but there's a conflict of interest related there because that's advertising um so you have to look at even though there might not be a monetary value there's still value to be had with that activity like being asked to speak at a conference or something would that be being asked to speak at a conference if you're speaking at a conference as a subject matter expert or your knowledge or

[00:25:16] you're a member of that um there that's not necessarily an issue because you're doing it as a member of that organization also things like speaking and i miss ewing's here too if we need to expand upon that. Related specifically to speaking at conferences, I can turn it over to Ms. Ewing. Members of the Finance and Operations Committee, Janice Ewing, Deputy Division Counsel.

[00:25:48] I think the question was the types of conflicts. So this section, and Andrea already kind of got into this quite a bit, has to do with two major things, gifts and kickbacks. And when we're talking about kickbacks, we're talking about it could be a Yeti cup, it could be a cooler, it could be tickets to the Washington Commanders, it could be, you know, this concert, it could be anything.

[00:26:12] So sometimes it is in a nominal amount, and sometimes it could just be free passes, which it has a value to it. Or maybe, you know, you get some advantage at a restaurant or a discount or something that we don't realize at the time of the procurement transaction.

[00:26:29] A lot of times, contractors and vendors have merch. They have tons of things. And so what happens is they'll hand that out, but then when our team has a procurement for construction work, I'm

just going to pick on support services, and they have a time where everybody can come and hear about the bid and learn about the building and what's required.

[00:26:52] And if you've got a bunch of LCPS people that have our caps on that all say Dewberry or all say, you know, one specific company, a lot of those contractors feel like, I can't bid. You know, there's already a conflict here. So sometimes it's those small things that people don't necessarily think of, and a lot of times those are nominal value.

[00:27:10] Here we're specifying, I do want to point out we are specifying \$20 because that's in line with our current LCPS policy regarding the Conflicts of Interest Act. And also it's in alignment with the state code. But really it could be, we're trying to discourage it on both ends.

[00:27:27] And another thing with respect to the certification, it is kind of an honor system, but also it puts the vendor on notice that, hey, we're serious about this. We do not want you all bribing or creating these kind of conflicts. And there are some consequences.

[00:27:43] So if you look on line 57 through 58, we require certification because if they fail to do so and we find out that they, in fact, handed out a bunch of Yeti coolers, they can be subject to suspension, debarment, rescission of the contract, or could affect their payment.

[00:28:00] So we could potentially withhold payment from them. and in the procurement world being debarred or being suspended is a huge deal because when they go out and do another procurement with another locality that a lot of times they'll ask that have you ever been suspended have you ever been debarred so that's a real consequence for a lot of those vendors and that's the hook hopefully we'll never have to use it but at least it puts them on notice of our seriousness about the ethics with contracting there's some things that happen like for VSBA we and we have not gone but sometimes can you know construction they invite

[00:28:34] the school board members to go and have dinner or something or a you know not cocktails but something you know like that um hors d'oeuvres afterwards and so that would be something that would not be appropriate here well correct that that's if the this one would apply if that contractor then put in a bid and they've won it and they came before the school board for award because then you all are participating in that procurement transaction by approving that contract we also have the conflicts of interest Act in which you as board members all fill out your forms and there you attest to if you went to a widely attended event if you accepted food if you

[00:29:13] accepted these things under that code section there is a provision has to do with prohibited conduct and prohibited entities that you can engage with at a certain amount so you can't accept more than a hundred dollars that would include a person or entity seeking a contract with LCPS with the school division so those would be considered prohibited conduct under conflicts of interest Act so you as board members are subject to that that kind of side this just kind of deals with because not all right it also covers employees thank you

[00:29:47] I'm glad you're around super helpful any other discussion seeing no other discussion we'll move on to the next policy which i believe is revision of policies policy oh well since this is a policy this wouldn't go to the consent this would just go to action at the next meeting um and then we'll yeah 6.04 would be revision of policy 4170 insurance management

[00:30:16] thank you this particular policy was updated to add cyber security in as an insurance coverage that we do provide, and that was added in along with just taking out a couple, a punctuation change here. So those were really the only two changes that we have made in this policy.

[00:30:43] Thank you. Any discussion? Yes, Chair Mansfield. So I was talking again, and so workers' compensation is not something that board members can't have because we're not employees of the school of the school division so when I read this it's you know when it says line seven the program may include but not be limited to such insurance coverage as property liability surety workers comp cyber security and automobile loss exposure coverage may be provided for certain or all school board members in reality workers comp is not may not be

[00:31:22] provided at all i mean it's not a thing so is there a way that we can make sure that in here like reference to code that says that we are not employees and not subject to those we can say with the exception of workers comp at the beginning of that the other thing is with may you know you have that option you could or you could not with may but we can add some wording there that says with the exception of workers comp thank you i think that would bring a little bit more clarity because it's confusing um the other thing is line 21 um again i deal with designees all the time and i'm

[00:32:00] like which designee ss cfo designee superintendents designee there i mean i just need a little bit more clarity as opposed to just your designees are spelled out in the organization resolution that you adopt every year so in january when you guys approve the organization resolution it says who's the designee for the chief financial officer so this is the chief financial officer so i'm wondering if the chief financial officer or CFO designee as prescribed by the organizational resolution or as, I don't know, Ms. Ewing, could you? I think it's understood in practice by

[00:32:40] our staff that designee would be as set forth in the organizational resolution. The only thing I would caution you with is to make sure if you want to put it in this policy, that to make sure that the board always passes that resolution and always sets out the designees in it just to make sure that you have continuity. So can we put a CFO if that's the designee? Because we have superintendent designees in there and we have CFOs just to delineate which one it is. We can always add in the language chief financial officer or chief financial officer's designee. However, I will mention recent policies have tried to remove that additional verbiage. So we would just want to be

[00:33:19] consistent whenever we refer to the person's designee so if it's the committee's prerogative or your desire to want to always label the specific designee we can always add that into the policy i mean i'm fine with their designee because then that would that that indicates that it is the cfo designee as opposed to superintendent or whatever but i'd be happy with that too okay no i think i like that a lot i think rather than than triggering other um policy changes to match that consistency, I think that is a good solution from my perspective.

[00:33:58] Any other discussion? Great. Seeing none. We'll go on to the next policy which is 6.05, Revision of Policy 4340, Procurement Procedures.

[00:34:16] This particular policy was actually given a title change and what was in the original policy was moved to the regulation that was shared with you in your Board packet. That regulation specifically spells out the contracts and terms which must be included in our contracts as per the Virginia Public Procurement Act.

[00:34:38] The regulation also spells out the things that we cannot agree to as an organization. So what we have done here is through the Virginia Public Procurement Act as well as other code, we have put in some exceptions to the requirements for a solicitation.

[00:34:58] Those exceptions include legal services, we're not required by code to solicit for legal services, the Children's Services Act, the textbooks, some multi-division online providers and Loudon Education Foundation purchases do not require us to do a formalized solicitation.

[00:35:20] In addition to that, you'll see a code reference on line 42 regarding other exceptions to this requirement and there's a list of those provided for you as well. So what we have done here is we've repurposed this particular policy to cover those exemptions.

[00:35:39] This does not change, you know, you've got the requirement still that unless the procurement has been previously approved by the school board in connection with the annual budget process or in the case of emergencies, any expenditure of \$250,000 or more for such item must be approved by the school board, which is the items that I bring here before you as the finance committee.

[00:36:06] Chair Mansfield. So just to be clear, the school board does not have to approve legal services just because it says up there \$250,000. That does not mean that all of these statutory exemptions are exempted from that.

[00:36:30] When you approve, what it is, is if you read the first paragraph, when you approve the budget, you're approving payment of legal fees. It's in the budget. Period at the end. It's in the budget. They don't have to let us know. Right. It's in the budget. The other thing, so for 20 years. Yes, this is just the procurement of the legal services.

[00:36:48] So I will say that purchase of textbook from publishers approved for use in public schools, I mean, they have to be approved by the Virginia Board of Education before we can, I mean, we have that conversation. And we have a policy where we bring it before you as part of the adoption process.

[00:37:04] So we have, although it's exempt here, we still do the procurement process as per that policy. For that, we have to do it if it's not a curriculum. Right, if it doesn't go through the VDOE, yes. I mean, it was like Lucy Calkins was not approved by VDOE, but it had to go through the school board.

[00:37:26] Otherwise, it doesn't. So I do have another issue, or issue, that's a very strong language that is not meant. So we have on line 89, we have, you know, certification regarding sex offenses and all of the rest of that.

[00:37:46] And I realize you put that in regulation. And I'm just wondering, and I guess in talking to Mr. Allen, these are mandatory contract terms and conditions. Would there be any space to, like, put them in their own policy?

[00:38:02] Because I kind of want them in policy as opposed to regulation because regulation is subject to change, not with a vote on the school board? The issue, we can do that. We can always put something in policy. Part of the reason for this is, remember, as I had said, we are under the Virginia Public Procurement Act.

[00:38:20] These come directly out of the Virginia Public Procurement Act and through Virginia State Code. The other thing is there's potential that annually those requirements will change based on what the Virginia Assembly does as far as what they vote in as part of their process.

[00:38:37] So with that, by putting it in the regulation, it allows us a speedier turnaround time to get it implemented in place. I'll also remind you that, or make you aware that these are also included in every solicitation we send out, every contract we do.

[00:38:53] So that is why we had put it into the regulation. But there's nothing from keeping us doing another policy for that, but that is why we put it into the regulation. Well, I'd love for other people to weigh in, school board members, what you think.

[00:39:17] Well, I had two questions. The \$250,000, I think I had questioned that last year. Can you give me an example again of what you would use under \$250,000 where we don't approve it? Can you give me an example of what you use that money for?

[00:39:36] There are athletic trainer supplies. We don't spend cumulative \$250,000 a year on athletic trainer supplies, but we have a bid for athletic trainer supplies. Computer supplies, our computer supplies that we're buying, we don't buy many USB drives anymore, external hard drives, things like that.

[00:39:57] So we might have a bid for that, but the cumulative spend does not exceed \$250,000. The \$250,000 denotes the method of procurement we must follow, but the \$250,000 is when it comes to you for approval. So those are a couple examples of some things.

[00:40:15] New uniforms for a high school, they don't cost \$250,000. question for you. Per, Ms. Mansfield brought up line 89, but I'm thinking everything crossed out after that. You know, in the policy, did we need, I mean, I'm wondering, I mean, contracts, you know, given to people, certification regarding sex offenses, background checks,

[00:40:54] I'm thinking background checks as well um is there a reason why we took out all of it um was it is it back in here somewhere it is in the regulation and it was all written verbatim from state code but if you look at the regulation that I attached it is all at the very first page of regulation 4340 and basically what 4340 is is the mandatory contract terms and conditions which we need to include in our solicitations and then when you go down to line 118 it's the

[00:41:33] things that we cannot agree to in our contract terms and conditions and we use this document to notify our vendors these are the things that we cannot agree to as a public entity in the state of Virginia and that's what the regulation is comprised of. I was just going to go back to Ms. Griffiths brought it up and and Chairman Mansfield asked to weigh in, I'm still trying to really wrap my head around what would be the best practice?

[00:42:07] Would it be any, where we're referencing code like this, would it be most appropriate to reference it in the regulation? I know that we also reference it in policy. Perhaps you can weigh in on how we should be thinking about this.

[00:42:23] Yes, Mr. Ostreff. It really depends because overarching, we're obligated to comply with Virginia Public Procurement Act. So whether it's in a regulation or a policy, we are subject to it regardless. So the only, I think the main benefit of putting in the regulation is just the amount of times the General Assembly makes changes.

[00:42:43] So even most recently in 2024, they added two new code sections. And so if this policy was not up for review, we would need to push it and have it reviewed. Now, that can definitely happen. It could just be a policy that's reviewed on a more frequent basis than other policies.

[00:42:58] But that, I believe, as mentioned, was the main driver. But there's no legal difference, per se. Again, we can say policy. Sometimes it has a little bit more weight with vendors if we say it's school board policy. But a lot of times, quite honestly, they don't know the difference between a regulation and a policy.

[00:43:17] So we cite to it and incorporate it in all of our contract documents. So it's just the prerogative of the committee and ultimately the board. One benefit of putting it in policy is that it does have to come through us, and then it takes that two weeks for the public to know too.

[00:43:34] And I find oftentimes they're like, oh, I didn't know that that happened. Well, at least we will, you know, regulation, that can happen on the back end for, you know, for various reasons. And it doesn't necessarily have to go through the public eye, even though if they're following legislation, it would.

[00:43:57] that's that's my only thought about it is that it would be in the public and maybe it is something that you look at every year um so that's only that's my thought i'm not really too entrenched one way or the other yeah i find myself not um swayed either way but i do see it's pretty common for us to realign policies based on changes to code and i think it would i think it would be fine either way and if the if you know the committee was leaning towards that be

[00:44:34] supportive just because you know it would allow us like you said maybe a an avenue to inform the public of those changes that relate to large procurements but again I don't have a strong opinion I will add also just so you know it's not just large procurements it's all procurements so this goes in all of our solicitations all of our contracts the other thing I will bring your attention to is having if we do this avenue it can take a month and a half or so

[00:45:11] to get it through if something happens immediate with the regulation we can immediately get it in place and have it be in compliance and also include it in our contracts so i will add that caveat in as well yeah i like the fact that you focused on like our ability to be in compliance would it It would allow us that flexibility to remain in compliance.

[00:45:33] And like Ms. Ewing said, with it being in the Virginia Public Procurement Act, procurement must still comply. Right, exactly. In policy or not. Any other discussion? Seeing none, we'll revisit this in action next time.

[00:46:01] For clarification, just can I clarify then? Are we leaving it out of policy and putting it in regulation, or am I to bring back another policy? Understood. Yeah. Are we suggesting the edit? Thank you.

[00:46:17] I mean, it sounds like between us, it doesn't really sound like one way or the other is preference. So unless Mrs. Griffiths has another thought. It's a procurement policy.

[00:46:42] So, I mean, I'd like to take a look at it a little bit more, but just like my colleagues, Because I'm not like, you know, swayed one way or the other. All right. For now, I will leave it. And if we need to have future discussion, we can do so.

[00:46:57] Or if we put it out for public comment and we get a lot of questions about why did you strike this, we can address it then as well. Yep. Wonderful. Okay, so we'll leave it as is and, you know, consider amendments, you know, in that next discussion.

[00:47:14] So 6.06 is our next policy, revision of policy 4310, purchasing authority. I will start by saying that we will put superintendent's designee back in. It is stricken, and based on our previous conversation

about the CFO, we will get that so it stays in.

[00:47:38] This is brought before you regarding who has purchasing authority within Loudoun County Schools. Now, this is different than transactional. This is who has the authority to sign. It's the superintendent or the superintendent's designee. So you will see in here the requirements, you know, that we offer.

[00:47:57] We do full and open competition. This was just wordsmithed also to align with the Virginia Public Procurement Act. Thank you. Board members, any discussion or questions? Thank you for addressing that, Ms. Villal.

[00:48:20] Looks like no other discussion, so we will move this on and see it in action at our next meeting. With that, we'll move on to new business. Is there any new business? Seeing no new business, I'll now adjourn this November 4th meeting of the Financial and Operations Committee.

[00:48:39] Thank you all very much.



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