

FAUQUIER COUNTY GOVERNMENT AND PUBLIC SCHOOLS
FINANCE DEPARTMENT, PROCUREMENT DIVISION
320 Hospital Drive Ste. 23
Warrenton, Virginia 20186
Phone: (540) 422-8350 Fax: (540) 422-8355

NOTICE OF CONTRACT AWARD RENEWAL

1. DATE: July 17, 2023
2. COMMODITY NAME: Ice Cream Products
3. CONTRACT NUMBERS: 06-22jc (Riding Loudoun County PS Contract No. RFP R23263)
4. CONTRACT PERIOD: August 1, 2023 through July 31, 2024
5. Renewal Options: Four (4) renewal options remain)
6. CONTRACTORS: Garber's Ice Cream Co., Inc.
360 Front Royal Pike
Winchester, VA 22602
Brian Judy
(800)662-5422
judy ranch2@yahoo.com
7. TERMS: Net 45
8. FOR FURTHER INFORMATION CONTACT: Jeffrey Campbell, VCA, VCO
Procurement Manager
PH (540) 422-8350
Jeffrey.Campbell@fauquiercounty.gov

NOTICE TO ALL FAUQUIER COUNTY GOVERNMENT AND PUBLIC SCHOOL USING DEPARTMENTS: This contract is the result of a competitive bid program and its use must follow the FCG&PS Procurement Policy/Procedures for the purchase of the commodity listed herein. Please see the reverse side of this notice for further instructions regarding this contract.

INSTRUCTIONS

1. Orders: All Using Departments must order services listed by issuing a Purchase Order per the Procurement Procedures Manual, after following the instructions below. An extra copy of the Procedures Manual can be obtained by calling Procurement at (540) 422-8351 or 8352.

PROJECT ORDERS AND PROCEDURES FOR ORDERING SERVICES FOR OPEN-END ARCHITECTURAL SERVICES:

Types of Project Orders:

Lump Sum Fee Project Orders: Lump sum fees shall be negotiated individually for each project and issued as a separate Purchase Order (pricing shall be based on the attached hourly fee schedule).

Hourly Rate Project Orders: When the scope of services involves work of such nature that the Firm cannot reasonably estimate the time which would be required to provide the services, the Using Department may authorize an Hourly Rate based on the actual hours worked times the hourly rates indicated on the attached fee schedule and other approved expenses. A maximum Purchase Order fee or cost not to exceed limitation shall be agreed upon for Hourly Rate Purchase Orders. When an Hourly Rate Purchase Order is used, the Firm shall submit detailed time records, documentation for other expenses, and such other evidence as the Using Department may require to support the Firm's billing request.

Procedures for Ordering Services

The Using Department will request a lump sum fee or hourly rate proposal for each Project from the Firm. At the Firm's expense, the Firm shall visit the site and prepare a detailed proposal for accomplishing the services. The Firm shall determine feasibility of the proposed budget at this time. The Firm shall prepare a detailed lump sum or hourly rate (as applicable) fee proposal for accomplishing the services.

Expenses such as printing, postage, shipping, plotting, copying, telephone charges, airline, rental car, charter, bid advertisement, meals, lodging, and other miscellaneous expenses will be charged at actual cost with no markup applied.

When travel is necessary, automobile, aircraft and per diem expenses shall be as follows:

- Mileage at the current standard mileage rate as determined by the Internal Revenue Service.
- Meals at the current government daily per diem rate as set by the General Services Administration (the GSA website shows that \$59 is the current daily rate for meals and incidental expenses in Warrenton-Fauquier).

Lodging at the current government daily per diem rate as set by the General Services Administration (the GSA website shows that \$98 is the current daily rate for lodging in Warrenton-Fauquier).

Subcontractor mark ups shall be based on a case by case basis and the complexity of the task order requested up to but not to exceed 8%.

The Using Department will evaluate the Firm's fee proposal and may negotiate a suitable lump sum fee or a "not to exceed" amount with the Firm. Prompt completion of fee negotiations is imperative. Following successful negotiations, the Using Department will prepare a purchase order for the agreed scope of work and fee proposal, incorporating by reference the terms and conditions of this contract and forward to the Procurement Division. Once the Procurement Division has processed

the purchase order (and assigned a number) the Using Department will authorize and instruct the Firm to proceed with the appropriate phase of the work. All purchase orders shall incorporate by reference the terms of this agreement.

The Firm shall not perform any work that has not been authorized by a written purchase order (or change order) executed by the Procurement Division. The Firm assumes all risk and financial liability for any services rendered without such proper authorization.

The Using Department reserves the right, at its sole discretion, to issue purchase orders to any Open-End firm based on its evaluation of each Firm's qualifications, expertise, capabilities, performance record, current workload, location or distance to the project and other factors as may be pertinent to a particular project.

Purchase Order Restriction/Maximum Fee Limitation: No individual purchase order fee shall exceed \$100,000 under contracts awarded within Open-End A/E contracts, and the sum of all projects during the contract term shall not exceed \$500,000. If a project is expected to be over this amount, requirements shall be forwarded to the Procurement Division and a separate RFP will be done for that project.

Change Orders: Change orders, authorized by the Procurement Division, may be issued to modify the scope of a Purchase Order. Change orders may add to, delete or otherwise modify the scope of services against a particular Purchase Order.

In making any modifications, the resulting increase or decrease in cost for the modification shall be determined by one of the following methods:

- A. The written modification shall stipulate the mutually agreeable fixed price for the specific addition to and/or deletion from the scope of work and/or specifications which shall be added to or deducted from the total contract amount.
 - B. The written modification shall direct the Firm to proceed with a specific scope of work and to keep, and present in a form as the Using Department may direct, a correct account of the actual man-hours by category and discipline and the time sheets therefor. The fee amount will be the man-hours expended multiplied by the hourly rates specified in attached hourly fee schedule. No additional increase for overhead and profit will be allowed. Changes using this procedure will usually specify a maximum amount.
2. All correspondence and documents (to include invoices) shall reference the contract number, applicable purchase order number and any project reference number the Using Department may identify.
3. Approval of Firm's invoice is the responsibility of the receiving using department.
4. Any complaint as to quality of services or violation of contract provisions by the Firm shall be reported to the Procurement Division for handling with the Firm. All complaints must be submitted in writing and can be forwarded to Procurement via fax, e-mail or courier.
5. Price Adjustments: Contract prices shall remain firm for the award year. Prices may be negotiated only at the time of renewal. All price increases must be approved by the contract officer. Contract users will be sent notification of contract change from the Procurement office as official notification of such changes, if approved.
7. Evaluation of Services: At the conclusion of any project performed under this contract, or periodically throughout the project, the Using Department is requested to complete an Evaluation Form and return it to the Procurement Division. This will be kept in the contract file for renewal and contract performance purposes.