

# Chapter 21. Public Auction

## Summary

This chapter identifies one of the situations when compliance with the competitive sealed bidding and competitive negotiation procedures is excused. The situation considered in this chapter exists when the goods may be procured at a public auction.

<b>Essential Information in this Chapter</b>	
<ul style="list-style-type: none"><li>• The competitive sealed bidding and competitive negotiation procedures are excused when it is determined in advance that it is in the best interests of the public that the goods be procured at a public auction.</li><li>• The determination of whether it is in the best interests of the public to procure goods at a public auction shall be made by the Board of Supervisors or the School Board, as the case may be.</li><li>• The Board of Supervisors or the School Board shall make its determination at a regular meeting of the Board.</li></ul>	
<b>Key References to the Code of Virginia Applicable to this Chapter</b>	
Section 2.2-4303(H): Procurement at a public auction	

### **21-1 General**

The competitive sealed bidding and competitive negotiation procedures are excused when it is determined in advance that it is in the best interests of the public that goods, products, or commodities (collectively referred to as “goods”) be procured at a public auction.

### **21-2 Determining Whether Best Interests of Public Served**

The determination of whether it is in the best interests of the public to procure goods at a public auction shall be made by the Board of Supervisors or the School Board, as the case may be.

If a using department desires to procure goods at a public auction, it shall state in a writing provided to the Board of Supervisors or the School Board and to the purchasing agent: (1) a description of the goods, in the form of proposed specifications; (2) the reasons why the using department believes that it is in the best interests of the public to procure the goods at a public auction; (3) the time, place, and organizer of the public auction; and (4) the maximum amount that may be obligated for a bid or bids

The Board of Supervisors or the School Board shall make its determination at a regular meeting.

**21-3 Procedure if Procurement at Public Auction Determined to be in Best Interests of the Public**

If the Board of Supervisors or the School Board determines that it is in the best interests of the public that the goods be procured at a public auction, the following procedure shall apply prior to the actual procurement:

- Written determination: The Board of Supervisors or the School Board shall make a written determination that the purchase of goods at a public auction sale is in the best interests of the public, and state the basis for the determination. This written determination shall be presented to the purchasing agent, who shall maintain a file of the determination.
- Procurement: The purchasing agent shall attend the public auction sale and procure the goods.

The purchasing agent shall assist the Board of Supervisors or the School Board, as necessary, to ensure compliance with this procedure and may conduct his own investigation, request additional information from the using department, and consult with the county attorney.