



COMMISSION OPERATIONS & NOMINATIONS (O&N) COMMITTEE  
MEETING MINUTES  
July 13, 2026

The Committee Chair called the meeting to order at 1:30 p.m.

| Name                   | Title            | Present for Item Nos. |
|------------------------|------------------|-----------------------|
| Glenn, Michael E.      | Committee Chair  | 1-3                   |
| Levenston, Jr., Willie | Committee Member | 1-3                   |
| Stern, Nancy J.        | Committee Member | 1-3                   |

## 1. Approval of Minutes

**Moved:** Nancy Stern **Ayes:** 3  
**Seconded:** Willie Levenston, Jr. **Nays:** 0

## 2. Policy and Guidelines Review

The Committee concurred with the recommended revisions to the [Commission Governance Guidelines](#), [Ethics Policy](#), [Virginia Freedom of Information Act \(FOIA\)](#) Policy, and the [Remote Participation Policy](#) with no additional changes.

The policies and guidelines will be presented for Commission approval at the meeting on July 28 and will become effective on August 1, 2026.

**Moved:** Willie Levenston, Jr. **Ayes:** 3  
**Seconded:** Nancy Stern **Nays:** 0

The Procurement Policy, [Appendix F-2](#) was presented during this meeting to include a new section 3.4.3 and modify section 3.4.4 regarding CMAR projects and includes a recommendation to the full Commission on July 28, 2026.

**Moved:** Willie Levenston, Jr. **Ayes:** 3  
**Seconded:** Nancy Stern **Nays:** 0



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**3. Nomination of Officers**

The Committee finalized the nominations for Commission Officers for Fiscal Year 2027. The slate of officers will be presented for approval at the Commission Meeting on July 28, 2026.

**Moved:** Willie Levenston, Jr.  
**Seconded:** Nancy Stern

**Ayes:** 3  
**Nays:** 0

**Public Comment:** None

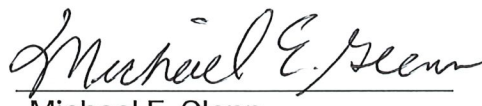
**Next Committee Meeting Date:** TBD

**Meeting Adjourned:** 1:58 p.m.

SUBMITTED:

  
Elizabeth I. Scott  
Commission Secretary

APPROVED:

  
Michael E. Glenn  
Committee Chair



**Commission Governance Guidelines**  
**Adopted May 22, 2007**  
**Effective August 1, 2026<sup>5</sup>**

The Commission is charged with managing and controlling the functions and affairs of Hampton Roads Sanitation District (HRSD). HRSD's operations are accomplished by its employees under the supervision of the General Manager/CEO.

These governance guidelines are intended to support the Commission in its oversight role, which is set forth in the Acts of Assembly 1960, as amended (the Enabling Act). Some additional Commission responsibilities are specified in HRSD's Trust Agreements or required by federal or state laws.

The Commission and HRSD's management recognize that the interests of HRSD are advanced by responsibly addressing the concerns of constituencies, including employees, customers and the communities in which HRSD provides services. The Commission will review these Guidelines regularly in its continuing effort to achieve this goal.

## **SECTION 1. ROLE AND FUNCTION OF THE COMMISSION**

### **A. Composition**

1. The Commission consists of eight members appointed by the Governor of Virginia to four-year terms.
2. At the time of their appointment and throughout their term of appointment, Commissioners must reside in the territory within the District from which they were appointed. Moving from this territory terminates that Commissioner's appointment.
3. Unless otherwise terminated in accordance with the Enabling Act, a Commissioner's term continues until the successor is appointed. Any person appointed to fill a vacancy shall serve for the unexpired term.
4. Commissioners ~~are~~ *shall be* eligible for reappointment without limitation to the number of terms. Members may be suspended or removed at the Governor's pleasure.
5. Commissioners *shall* receive no salary but ~~are~~ *shall be* compensated for travel and expenses associated with meeting attendance or while



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otherwise engaged in the discharge of their duties at the rate paid to members of the Commonwealth Transportation Board.

6. Each Commissioner shall be covered by a public official's liability policy paid for by HRSD.

**B. Commissioner Principles**

1. Commissioners ~~are expected to~~ *shall* devote as much time and attention as necessary to discharge their duties. This includes attending monthly Commission meetings and the meetings of any committees on which they may serve. Commissioners ~~should~~ *must* notify the Commission Secretary whenever they are unable to attend a scheduled meeting. Commissioners may participate remotely in accordance with the Policy on Remote Participation and All-Virtual Meetings. Commissioners must notify the Chair of their desire to participate remotely prior to the meeting. Commissioners also may be asked to participate in special events and to represent HRSD at public meetings.
2. Commissioners shall be mindful of the best interest of the HRSD service area at large, as opposed to those of the localities in which they reside.
3. Individual Commissioners may serve as liaisons to officials in the communities in which they reside or other localities within HRSD's service area.
4. Commissioners ~~are expected to~~ *shall* recuse themselves from discussion and abstain from voting on matters in which they may have a personal or professional conflict, and to announce the recusal or abstention in advance.

**C. Structure**

1. The Commission shall annually elect one of its members as Chair and another as Vice-Chair.



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2. The Commission's ~~A~~advisory ~~C~~committees are (1) Finance and (2) Operations and Nominations (O&N). These ~~C~~committees report to the Commission as needed. The Commission may elect to form a new standing or special ~~C~~committee or to disband an existing ~~C~~committee. The Commission Chair annually appoints the members and chairs of these ~~C~~committees. Committees are composed of three Commissioners and two are required for a quorum. All Commissioners are invited to participate in Committee meetings.
3. Committee meetings shall be scheduled as needed. The Commission Chair shall be an ex-officio member of all committees, with voice and vote. However, the Commission Chair shall not be counted in determining the number required for a Committee quorum or in determining whether or not a quorum is present.
  - a. The Finance Committee shall:
    - Review the financial forecast, annual operating and capital budgets, and rate schedules and report to the Commission prior to adoption;
    - Select both internal and external auditors;
    - Review the work plan and receive reports from the internal auditor;
    - Ensure the audit of the financial statements is completed and receive the audit report from the external auditor;
    - Receive the Annual Comprehensive Financial Report; and
    - Review other financial related matters as may be referred to the Finance Committee by the Commission Chair.
  - b. The O&N Committee shall:
    - Nominate officers for consideration annually; and
    - Review Commission policies as required or directed by the Commission, including, but not limited to:
      - (1) Commission Governance Guidelines;
      - (2) Ethics;
      - (3) Virginia Freedom of Information ~~Act-compliance~~Act compliance; and



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(4) Remote Participation and All-Virtual Meetings.

**D. Operation**

1. The Commission ~~has the authority~~ *is authorized* to adopt bylaws and to make rules and regulations for the management of its affairs and the conduct of its business.
2. Unless otherwise announced, the Commission *shall* meet ~~s~~ on the fourth Tuesday of each month, January through October, and on the third Tuesday of November and December. Special meetings ~~are~~ *shall be* held when necessary. The General Manager/CEO *shall* set ~~s~~ the meeting agendas ~~s~~ with advice from the Division Chiefs and the Chair. Agendas, with any relevant accompanying information or reports, are distributed to the Commissioners prior to meetings for review. When circumstances require, items may be added to the agenda after it has been distributed. *However, in accordance with VA Code §2.2-3707(G), no final action may be taken on items added to the agenda after the meeting commences unless they are time-sensitive or are the subject of a closed meeting properly identified in a motion in accordance with VA Code §2.2-3711.*
3. Four members shall constitute a quorum and the affirmative vote of four members shall be necessary for any action taken by the Commission. No vacancy in the membership of the Commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the Commission.
4. The rules contained in the current edition of ***Rosenberg's Rules of Order*** shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with state law or any special rules of order the Commission may adopt.
5. The Commission reserves the right to place time limits on public comments. Reservations to make public comments ~~s~~ must be received by noon one business day prior to the meeting at which public comment will be made.



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6. Reservations are required to receive a link to attend a meeting virtually (except for all-virtual meetings), address the Commission, submit written comments to be read into the minutes, or ~~to~~ request accommodations to attend a meeting in-person. Reservations, other than requests for reasonable accommodation under the Americans with Disabilities Act, must be submitted by noon one business day prior to the meeting.
7. All meetings of the Commission, including Committee Meetings and Workshops, are public meetings and shall be held in conformance with the Virginia Freedom of Information Act. Remote participation in public meetings shall be in accordance with the Policy on Remote Participation and All-Virtual Meetings .
8. Workshops shall be scheduled as needed to allow informal dialogue on a topic or narrow range of topics. Appropriate staff shall be available to brief and facilitate as well as provide subject matter expertise. No official actions shall be taken during ~~W~~workshops.

**E. Enabling Act Authorizations**

The Acts of Assembly authorize and empower the Commission to perform a variety of specified acts by means of its own officers, agents and employees or by contracts with any persons. Some of the most significant authorizations are:

1. To construct, improve, extend, enlarge, reconstruct, maintain, equip, repair, and operate a sewage disposal system or systems, with or without associated water systems;
2. To issue revenue bonds, notes, or other obligations;
3. To fix and collect rates, fees, and other charges for HRSD services and facilities;
4. To acquire land, structures, property, rights, rights-of-way, easements, and other property interests by purchase, lease, grant, or the exercise



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of the right of eminent domain in connection with sewage disposal systems or associated water systems;

5. To employ, at its discretion, consulting engineers, attorneys, accountants, construction, and financial experts, managers, and other such officers, employees, and agents as may be necessary, and to fix their compensation;
6. To sue and to be sued;
7. To prevent any person, jurisdiction, or corporation from discharging into District waters any sewage, industrial wastes, or other refuse that would pollute these waters;
8. To seek civil penalties or civil charges against owners in violation of pretreatment standards in permits or other requirements of HRSD's approved industrial waste control program; and
9. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers.

The Commission does not have the power to mortgage, pledge, encumber, or otherwise dispose of any part of the sewerage system or associated water systems, except that which may no longer be necessary or useful for the Commission's purposes.



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## **SECTION 2. HRSD MANAGEMENT AND THE COMMISSION**

Newly appointed Commissioners ~~will~~ *shall* receive a briefing from the General Manager/CEO and Division Chiefs regarding matters related to HRSD's mission and core services. At a minimum, Commissioners ~~are~~ *must be* briefed on Commission adopted policies, operations, financial matters, and strategic directions. The Commission Secretary will provide information related to the [Virginia Freedom of Information Act](#) and Commission membership. In addition, new Commissioners may tour HRSD facilities as their schedules permit and be introduced to the chief elected officials of their localities, as appropriate and practical, to facilitate effective working relationships.

Commissioners *shall* have complete access to the General Manager/CEO and the Deputy General Manager, who each may refer them to Division Chiefs or other appropriate resources for assistance. The Secretary and Assistant Secretary, *if an Assistant is appointed*, ~~of the Commission~~ shall assist Commissioners with matters related to scheduling, expense reimbursement, access to information, and meeting attendance.

### **A. Staff Relations**

1. The Commission *shall* appoints a General Manager/CEO, who serves at the pleasure of the Commission. As the chief executive officer, the Commission delegates day-to-day operations to the General Manager/CEO within the broad framework of Commission established policies, budget, and strategies. The Commission shall review the General Manager/CEO's performance and set compensation at least annually.
2. The Commission *shall* appoints a Secretary, ~~who may or may not be a member of the Commission and who serves in this role at the pleasure of the Commission. The Commission shall also appoint Assistant Secretary, and~~ a Treasurer who *shall not be a member of the Commission and who serves in these roles* at the pleasure of the Commission. ~~These appointments are shall be made from existing staff positions.~~ The Commission *shall* fixes their compensation through the annual budget process. ~~as these positions are in the HRSD position classification and compensation system.~~



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3. The Commission *shall* periodically review~~s~~ and assess~~es~~ the compensation paid to all HRSD employees as part of the annual budget process.
4. The Commission has delegated to the General Manager/CEO the responsibility to establish and maintain appropriate human resource policies.

**B. Financial Oversight**

1. The Commission *shall* approve~~s~~ HRSD's Financial Policy.
2. The Commission *shall* approve~~s~~ the Annual Operating and Capital Budgets, Capital Improvement Program (CIP), Financial Forecast, and Rate Schedules. HRSD's CIP is the result of significant work by all the departments in evaluating and recommending Capital Improvement Projects that ensure regulatory compliance, provide for adequate infrastructure reinvestment, and meet the future growth needs of Hampton~~s~~ Roads.
3. The Finance Committee *shall* meet~~s~~ as required to perform their financial oversight duties, including overseeing ~~its~~ *Commission* auditors, and reports to the Commission regarding these activities.

**C. Signatory Authorization**

Documents requiring the signature of HRSD shall be signed by such officer or officers as the Commission may from time to time designate. If signature is authorized by a vote of the Commission, the authorization ~~should~~ *shall* also include the identification of the officer~~;~~ or officers permitted to sign the approved document on behalf of HRSD. The General Manager/CEO and the Deputy General Manager/CFO are authorized to sign on behalf of HRSD, in the ordinary course of business, any and all documents not requiring specific Commission approval. Additionally, the Commission has authorized the General Manager/CEO to delegate formal signatory authority to Senior



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Management and their staff as necessary for the effective operations of HRSD.

The Commission Secretary shall maintain a record of all specific signatory authorizations.

### **SECTION 3. COMMISSION MEETINGS**

#### **A. Commission Meeting Agenda**

1. The Commission shall approve policies that govern HRSD business processes, significant financial practices, or service to localities, except for those policies specifically delegated to the General Manager/CEO.
2. The Commission ~~m~~Meeting agenda shall be structured to ensure efficient and effective use of Commissioner's' time and expertise.
3. The Commission ~~m~~Meeting agenda shall be prepared by the General Manager/CEO and distributed to the Commission ~~typically~~ three business days prior to the meeting. Public notice of the meeting shall be ~~provided~~ in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et. ~~s~~Seq. of the Code of Virginia). The General Manager/CEO shall review the agenda with the Commission Chair prior to the meeting.
4. The Commission ~~m~~Meeting agenda is comprised of ~~the~~ Regular Agenda, Consent Agenda, and Informational Items.
  - Regular Agenda ~~i~~tems each require an individual vote by the Commission.
  - Consent Agenda ~~i~~tems generally reflect more routine business items and are grouped and may be voted on by the Commission in a singular vote. Consent Agenda items shall be limited to items meeting the requirements for Commission approval as detailed herein but not ~~typically~~ warranting a full briefing due to the nature of the action or previous communication with the Commission. Any item may be moved from the Consent Agenda to the Full Agenda



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when determined by the General Manager/CEO or any Commission member to be significant or warrant a discussion.

- Informational items are for information purposes and do not require any action by the Commission.



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**B. Commission Meeting Format**

| Item (In alphabetical order)                                                                                        | Regular Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Consent Agenda                                                                  | No Action Required/<br>Informational/<br>Recognition |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------|
| Agreements*                                                                                                         | <ul style="list-style-type: none"> <li>• Design or Construction &gt;\$50,000</li> <li>• Real property - Permanent use of</li> <li>• Real property - Temporary use of &gt;1 year</li> <li>• HRSD Assets use of &gt;\$200,000</li> <li>• Multiple years and &gt;\$200,000</li> <li>• Obligates financial or personnel resources &gt;\$200,000</li> <li>• Intellectual Property Rights, Royalties, and Licenses</li> <li>• Service Area Expansion</li> <li>• Sewer Service Agreements</li> <li>• Transfer of Assets to other entity</li> <li>• Transfer of Assets to HRSD</li> </ul> |                                                                                 |                                                      |
| Agreements*                                                                                                         | • Cost Sharing or Reimbursement Agreements > \$200,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <\$200,000 if required by other party                                           |                                                      |
| Agreements – Grants or contributions of value (Receipt and Award)*                                                  | >\$200,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <\$200,000 if required by granting agency                                       |                                                      |
| Agreements – Nutrient Trading Agreements*                                                                           | >\$200,000 per year                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                 |                                                      |
| Agreements – Purchasing* <ul style="list-style-type: none"> <li>• Contract Awards</li> <li>• Task Orders</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | >\$200,000 or initial award when future awards are expected to exceed \$200,000 |                                                      |



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| Item (In alphabetical order)                        | Regular Agenda                                                                                                                                                                                                                                            | Consent Agenda                                                    | No Action Required/<br>Informational/<br>Recognition |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------|
| Change Orders                                       |                                                                                                                                                                                                                                                           | >25% of original contract value or \$50,000, whichever is greater |                                                      |
| Alternative Project Delivery Methods                | <ul style="list-style-type: none"> <li>• Use of Delivery Method</li> <li>• Comprehensive Agreement</li> <li>• Guaranteed Maximum Price</li> <li>• Stipulated Price</li> <li>• Proposal Compensation &gt;\$200,000 (Approval and Payment)</li> </ul>       |                                                                   |                                                      |
| Audit Reports and Updates                           |                                                                                                                                                                                                                                                           |                                                                   | ✓                                                    |
| Awards and Recognition Earned or Granted            |                                                                                                                                                                                                                                                           |                                                                   | ✓                                                    |
| Budget                                              | <ul style="list-style-type: none"> <li>• Operating Budget</li> <li>• Capital Budget</li> <li>• Capital Improvement Program – 10-year program without authorization of specific projects</li> <li>• Financial Forecast</li> <li>• Rate Schedule</li> </ul> |                                                                   |                                                      |
| Capital Improvement Project – <b>Non-Regulatory</b> | <ul style="list-style-type: none"> <li>• New CIP</li> <li>• Initial Appropriation</li> <li>• Additional Appropriation ≥\$1,000,000</li> <li>• Reduction in Scope and/or Appropriation &gt;25%</li> </ul>                                                  | Additional Appropriation <\$1,000,000                             |                                                      |
| Capital Improvement Project – <b>Regulatory</b>     | <ul style="list-style-type: none"> <li>• New CIP</li> <li>• Initial Appropriation ≥\$10,000,000</li> <li>• Additional Appropriation ≥\$10,000,000</li> <li>• Reduction in Scope and/or Appropriation &gt;25%</li> </ul>                                   | Initial or Additional Appropriation <\$10,000,000                 |                                                      |
| Debarment of a Vendor                               | ✓                                                                                                                                                                                                                                                         |                                                                   |                                                      |
| Emergency Declaration                               |                                                                                                                                                                                                                                                           |                                                                   | ✓                                                    |



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| Item (In alphabetical order)                               | Regular Agenda                                                                                                                                                                            | Consent Agenda       | No Action Required/ Informational/ Recognition                                                                                                                                                            |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Monthly Reports                                            |                                                                                                                                                                                           |                      | ✓                                                                                                                                                                                                         |
| Personnel                                                  | <ul style="list-style-type: none"> <li>• Selection of General Manager/CEO, Secretary, Treasurer</li> </ul>                                                                                |                      | <ul style="list-style-type: none"> <li>• Employee length of service <math>\geq 20</math> years</li> <li>• Employee promotion (E1, L3, L4, P4, P5)</li> <li>• New employee (E1, L3, L4, P4, P5)</li> </ul> |
| Policies – New, Modified, Amended or Reissued              | ✓                                                                                                                                                                                         |                      |                                                                                                                                                                                                           |
| Real Property                                              | <ul style="list-style-type: none"> <li>• Public Hearing for Acquisition by Condemnation or other means</li> <li>• Easement Acquisition, Dedication or Disposition &gt;\$50,000</li> </ul> | Vacation of Easement |                                                                                                                                                                                                           |
| Real Property – Sale, Lease or Conveyance of HRSD property | ✓                                                                                                                                                                                         |                      |                                                                                                                                                                                                           |
| Regulations                                                | <ul style="list-style-type: none"> <li>• HRSD Enforcement Response Plan</li> <li>• HRSD Industrial Wastewater Discharge Regulations</li> </ul>                                            |                      |                                                                                                                                                                                                           |
| Rejection of Bids                                          | >\$200,000                                                                                                                                                                                |                      |                                                                                                                                                                                                           |
| Selection of Commission Consultants                        | <ul style="list-style-type: none"> <li>• Auditors</li> <li>• Legal Counsel</li> </ul>                                                                                                     |                      |                                                                                                                                                                                                           |

\* Addendums or other changes where the Commission has authorized the General Manager/CEO to execute same, substantially as presented, together with such changes, modifications, and deletions as the General Manager/CEO may deem necessary, will not be presented for Commission approval unless recommended by legal counsel.



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**SECTION 4. ANNUAL CALENDAR OF COMMISSION TOPICS (As needed)**

| Topic                                                                                                             | Schedule  | Frequency |
|-------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| EPA Consent Decree Update                                                                                         | January   | Annually  |
| Capital Improvement Program Update                                                                                | January   | Quarterly |
| Evaluation of General Manager/CEO's Performance                                                                   | January   | Annually  |
| Commission Work Session to Review Budget                                                                          | February  | Annually  |
| Finance Committee Meeting to Review CIP                                                                           | March     | Annually  |
| Commission Work Session to Review Budget                                                                          | March     | Annually  |
| Capital Improvement Program Update                                                                                | April     | Quarterly |
| Finance Committee Meeting to Review Budget                                                                        | April     | Annually  |
| Receive Finance Committee Report on Budget                                                                        | April     | Annually  |
| Appoint Operations & Nominations (O&N) Committee                                                                  | May       | Annually  |
| Approve Annual Operating and Capital Budgets, Capital Improvement Program, Financial Forecast, and Rate Schedules | May       | Annually  |
| O&N Committee Meeting After Regular Meeting                                                                       | May       | Annually  |
| O&N Committee Meeting Before Regular Meeting                                                                      | June      | Annually  |
| Election of Officers                                                                                              | June      | Annually  |
| Appointment of Finance Committee                                                                                  | June-July | Annually  |
| Capital Improvement Program Update                                                                                | July      | Quarterly |
| Commission Work Session – Ethics, FOIA, and Governance Guidelines Training                                        | August    | Annually  |
| Water Technology and Research Update                                                                              | August    | Annually  |
| Finance Committee Meeting to Review Annual Comprehensive Financial Report (ACFR)                                  | October   | Annually  |
| Capital Improvement Program Update                                                                                | October   | Quarterly |
| Diversity Procurement Report                                                                                      | October   | Annually  |
| Receive Finance Committee's Report on ACFR                                                                        | October   | Annually  |



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**SECTION 5. ADVISORY ROLE OF FORMER COMMISSIONERS**

So as not to lose the benefit of the insights gained during their years of service, former Commissioners may be asked to serve in an advisory role following the end of their term. Equipment required to facilitate communications with the General Manager/CEO and Commission officers may be provided to those serving in an advisory role.

Approved: \_\_\_\_\_  
Stephen C. Rodriguez  
Commission Chair  
Date \_\_\_\_\_

Attest: \_\_\_\_\_  
Elizabeth I. Scott  
Commission Secretary  
Date \_\_\_\_\_

Commission Seal

## 1.0 Purpose and Need

As a public body, gaining and keeping the trust of the public is paramount. HRSD Commissioners and employees are committed to maintaining high ethical standards in every aspect of their business as members of a public body. As a political subdivision of the Commonwealth, HRSD Commissioners and employees are committed to complying with all applicable laws and regulations governing ethics and conflicts of interest. **This policy is applicable to all HRSD Commissioners and employees.**

## 2.0 Definitions

**Conflict of Interest** – A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

**Gift** – Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having a monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred.

**Not a Gift** – For the purposes of this policy the following are not considered gifts:

- Gifts with a value of less than \$20;
- Offer of a ticket, coupon, admission, or pass if such item is **not** used;
- Honorary degrees;
- Food or beverage consumed, and mementos received at an event at which an individual is performing official duties or is a speaker;
- Registration or attendance fees (not travel costs) at an event at which individual is a speaker or event coordinator;
- Unsolicited awards of appreciation or recognition (plaque, trophy, wall or desk memento);
- Gifts from relatives or Personal Friends;
- A devise or an inheritance;
- Travel paid for by the United States government or any of its territories, or any state or political subdivision of such state;
- Travel, meals, and activities directly associated with and paid for by a professional association that HRSD pays dues to on behalf of the agency or individual as part of their official duties;
- Scholarships awarded competitively;
- Travel related to an official meeting of HRSD; and

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Revised July 28, 2025  
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- Travel, lodging, meals, activities, and logo clothing and related similar items associated with recruitment activities for permanent employment outside of HRSD while employed in an ~~intern~~ ~~position~~

**HRSD Commissioner** – A non-salaried citizen member of the HRSD Commission.

**Immediate Family** – Includes spouse, children, parents, brothers, ~~and~~ sisters, and any other person living in the same household as the employee. (~~Code of~~ Virginia ~~Code~~, § 2.2-4368).

**Intern Positions** – On-the-job experience for high school students, college and university students, or post-graduate adults, hired on a part-time seasonal or part-time temporary basis.

**Official Responsibility** - Administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove, or otherwise affect a ~~P~~rourement ~~T~~ransaction, or any claim resulting therefrom.

**Pecuniary Interest Arising from the Procurement** - A personal interest in a contract as defined in the State and Local Government Conflict of Interests Act (~~Virginia Code~~ § 2.2-3100 et seq.).

**Personal Friend** – An individual whose relationship with an HRSD employee or HRSD Commissioner pre-dates employment/appointment with HRSD and the relationship has a history of gift exchange or with whom a personal relationship developed totally unrelated to the employee's or HRSD Commissioner's position with HRSD.

**Procurement Transaction** - All functions that pertain to the obtaining of any goods, services, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

**Public ~~E~~mployee** - Any person employed by a public body, including elected officials or appointed members of governing bodies.

**Widely Attended Event** – An event to which at least 25 persons have been invited or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable, or professional organization; (ii) who are from a particular industry or profession; or (iii) who represent persons interested in a particular issue. *Recreational activities to include ~~G~~olf outings whose primary purpose is entertainment rather than professional development or business engagement* are

~~generally~~ ~~never~~ ~~not~~ considered a widely attended event or a part of a widely attended event.

### 3.0 Guiding Principles

All HRSD employees ~~having~~ ~~who have~~ Official Responsibility for Procurement Transactions shall conduct business in a fair and impartial manner, ~~with the avoidance of~~ ~~avoiding~~ any impropriety or appearance of impropriety. Transactions relating to the expenditure of public funds require the highest degree of public trust.

Except as may be specifically allowed by ~~the Code of~~ Virginia Code § 2.2-3112, subdivisions (B)-(1), (B)-(2), and (B)-(3), no HRSD employee having Official Responsibility for a Procurement Transaction shall participate in that transaction on behalf of HRSD when the employee knows that:

- The employee is contemporaneously employed by a bidder, offeror, or contractor involved in the Procurement Transaction; or
- The employee, the employee's partner, or any member of the employee's immediate Family holds a position with a bidder, offeror, or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the Procurement Transaction, or owns or controls an interest of more than five percent; or
- The employee, the employee's partner, or any member of the employee's immediate Family has a Pecuniary Interest Arising from the Procurement Transaction; or
- The employee, the employee's partner, or any member of the employee's immediate Family is negotiating or has an arrangement concerning prospective employment with a bidder, offeror, or contractor.

No HRSD employee having administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove, or otherwise affect a Procurement Transaction, or any claim resulting therefrom:

- Shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor, or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value present or promised, unless consideration of substantially equal or greater value is exchanged; (~~Code of~~ Virginia Code, § 2.2-4371)

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**Ethics**



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- Shall accept employment from any bidder, offeror, or contractor with whom the employee dealt in an official capacity concerning Procurement Transactions for a period of one year from the cessation of employment by HRSD, unless the employee or former employee provides written notification to HRSD prior to commencement of employment by that bidder, offeror, or contractor. (~~Code of~~ Virginia ~~Code~~, § 2.2-4370)

HRSD Commissioners and employees shall conduct themselves beyond reproach. Improprieties or the appearance of improprieties ~~will~~*shall* not be tolerated. The following prohibitions apply to HRSD Commissioners, employees, and their Immediate Families:

- Soliciting, accepting, or receiving any single Gift with a value in excess of \$100 or any combination of Gifts with an aggregate value in excess of \$100 within any calendar year from any entity or person seeking to contract with HRSD. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition; ~~;~~
- Having a ~~p~~*P*ersonal ~~i~~*n*terest in or benefiting from any contract with HRSD other than the employee's own employment contract. Where such interest pre-exists, it shall be disclosed and the HRSD Commissioner or employee shall refrain from voting on or acting on behalf of HRSD in any manner in relation to the contract; ~~;~~
- Participating in a transaction with HRSD where the employee has a ~~p~~*P*ersonal ~~i~~*n*terest in or may benefit from the transaction. Such interest shall be disclosed and the HRSD Commissioner or employee shall refrain from voting on or acting on behalf of HRSD in any manner in relation to the transaction; ~~and~~*;*
- For a period of 12 months post-employment or appointment, HRSD Commissioners and ~~e~~*E*mployees at the Director-~~L~~*Level* or above are prohibited from engaging in transactions for compensation with HRSD. All other former employees must provide a written notification to HRSD prior to any such engagement.

Food, beverages, mementos, entertainment, ~~and~~*or* the cost of admission may be accepted when such a Gift is accepted or received while in attendance at a Widely Attended Event and is associated with the event.

No person shall be in violation of this ~~P~~*P*olicy if the Gift is not used by such person and the Gift is returned to the sender or delivered to a charitable organization within a reasonable period of time.

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## Ethics



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HRSD Commissioners and employees shall not engage in any prohibited conduct described in Virginia Code § 2.2-3103, as amended.

No member, officer, agent, or employee of the Commission shall contract with the Commission or be interested, either directly or indirectly, in any contract with the Commission, or in the sale of any property, either real or personal, to the Commission. This section shall not prevent any member, officer, agent, or employee of the Commission from granting to the Commission, for a nominal consideration, any right of way, easement, or lease. (Enabling Act § 44).

### 4.0 Procedures

This Policy shall be communicated and provided to all HRSD Commissioners and employees upon commencement of appointment/employment and an acknowledgement of such shall be retained permanently in each employee's personnel file [Enterprise Resource Planning (ERP) System]. HRSD Commissioners' acknowledgements shall be retained by the Commission Secretary.

HRSD Commissioners or employees who have a Personal Interest in a company doing business with HRSD, or believe they have any other conflict requiring disclosure, shall disclose those interests immediately upon discovery of the personal interest in a company doing business with HRSD or other potential conflict. The Conflict of Interest Disclosure Form will-shall include the name and address of company doing business with HRSD, name and position of person at the company, as well as the start and end date of the conflict.

HRSD Commissioners or employees who receive Gifts at Widely Attended Events that exceed \$100 in value shall disclose those gifts within 60 days of receiving a gift. The Gift Disclosure Form will-shall include the name of the company/vendor giving the gift, estimated value, and date received.

Employee Disclosure Forms will-shall be available in the ERP system. HRSD Commissioner Disclosure Forms shall be obtained through, filed with, and retained by the Commission Secretary. All Disclosure Forms may be reviewed by legal counsel.

Training on the Ethics Policy shall be provided to all HRSD employees on a biannual basis, with records of attendance maintained in the ERP system. Training on the Ethics Policy will-shall be provided to HRSD Commissioners at the time of their appointment, and periodically thereafter.

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*Ethics*



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Revised July 28<sup>2</sup>, 2026<sup>5</sup>  
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**5.0 Responsibility and Authority**

This ~~P~~olicy shall be reviewed annually by the Operations and Nominations Committee and revised as required to conform to current law and regulations.

Approved:

\_\_\_\_\_  
Stephen C. Rodriguez  
Commission Chair

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Elizabeth I. Scott  
Commission Secretary

\_\_\_\_\_  
Date

Commission Seal

**COMMISSION ADOPTED POLICY**  
***Freedom of Information Act – Access  
to Public Records***



Adopted: December 21, 2004

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**1.0 Purpose and Need**

HRSD is occasionally requested to provide records in accordance with the Virginia Freedom of Information Act (FOIA), found in [Va. Code §§ 2.2-3700 through 2.2-3715](#) ~~of the Code of Virginia~~. FOIA guarantees the citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth access to public records. All public records are presumed open unless an exemption is invoked or otherwise prohibited by law.

**2.0 Definitions (See also [Virginia Code § 2.2-3701](#))**

**2.1 [Accounting numbers or routing information](#)** – as used in [Va. Code § 2.2-3705.1\(13\)](#), means account numbers or routing information for any credit card, debit card, or other account information associated with HRSD, and shall not include the telephone number of HRSD.

**~~2.1.2~~ [Information](#)** – as used in the exclusions established by ~~Code of Virginia~~ [Va. Code §§ 2.2-3705.1 through 2.2-3705.7](#), means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

**~~2.2.2~~ [Public Records](#)** (also referred to herein as “Records”) – all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, Photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

**~~2.3~~ [2.4 Working Papers](#)** – records prepared by or for the HRSD General Manager for their personal or deliberative use.

**3.0 FOIA Rights and Responsibilities**

In an effort to increase awareness of the public’s right to information, Virginia requires all public agencies to make their FOIA compliance doctrine “*FOIA Rights and Responsibilities: The Rights of the Requesters and the Responsibilities of HRSD*” available. This section includes:

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- A “plain language” explanation of the rights of the requester under FOIA, the procedure to obtain records, and the responsibilities of HRSD in complying with FOIA;
- Information on how to reach HRSD’s designated FOIA Officer;
- A general description of the types of public records maintained by HRSD and exemptions in law that permit or require such public records to be withheld from release;~~and~~
- HRSD’s policy on records it routinely withholds as permitted by FOIA~~;~~ *and*
- Policies explaining how HRSD assesses, *and* charges for accessing or searching for requested records, including the current fees charged for accessing and searching for requested records, and *HRSD’s* compliance with ~~Virginia~~. Code § 2.2-3704.1(A)(6), quoted below:

“A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.”

### **3.1 The Rights of Requesters**

- Requesters have the right to request to inspect or receive copies of public records, or both. Only HRSD employees ~~will~~*shall* access information and public records stored electronically.

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- HRSD may, and routinely does, require the requester to provide their name and legal address.
- Requesters have the right to request that any charges for the requested records be estimated in advance. HRSD ~~must~~*shall* notify the requester in writing that it may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records, and inquire if the requester would like to request a cost estimate in advance of supplying the requested records. If a cost estimate is requested, the period of time for HRSD's response to the records request ~~does~~*shall* not begin until it receives a response regarding the estimate. If there is no response from the requester within 30 days following provision of the estimate, HRSD ~~will~~*shall* consider the request withdrawn.
- *In compliance with Va. Code § 2.2-3705.1(13), requesters shall not be denied access to account numbers or routing information if the requester is the person who is the subject of the information, provided HRSD may take reasonable steps to verify the requester's identity and authority to receive the information.*
- Records may be requested by U.S. Mail, fax, email, in person, or over the phone; FOIA does not require the use of any particular method to convey the request. FOIA also does not require that the request be in writing, nor does the request need to state that the records are being requested pursuant to FOIA. From a practical perspective, it is helpful, for all parties, for requests to be submitted in writing to create a record of the request and provide HRSD with a clear statement of what records are being requested. This helps to prevent misunderstanding over a verbal request. However, HRSD cannot refuse to respond to a FOIA request if the requester elects not to submit it in writing.
- Requesters ~~must~~*shall* identify the records they are seeking with reasonable specificity. This is a common-sense standard. It does not refer to or limit the volume or number of records requested; instead, it requires the requester to be specific enough to allow HRSD to identify and locate the records being sought.
- HRSD is only required to provide existing public records. FOIA ~~gives~~*authorizes* requesters ~~a right~~ to inspect or receive a copy of records; ~~i-~~It does

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not apply to a situation where general questions about the work of HRSD are asked, nor does it require HRSD to create a record that does not exist.

- Requesters may choose to receive electronic records in any format used by HRSD in the regular course of business. For example, requesters may elect to receive ~~those~~ responsive records electronically, via email, on a computer disk or flash drive, or to receive a printed copy of ~~these~~ records.
- If HRSD has questions about a records request, ~~please cooperate with staff's efforts~~ staff shall communicate with the requester to clarify the type of records being sought, or to attempt to reach a reasonable agreement about a response to a large or complex request. Making a FOIA request is not an adversarial process, but discussion may be needed to understand what records are being sought in the request.
- To request records from HRSD or ask questions about requesting records, please contact the designated FOIA officer:

Elizabeth I. Scott  
FOIA Officer  
HRSD  
PO Box 5911  
Virginia Beach, Virginia 23471-0911  
757.460.7003  
[foia@hrsdc.com](mailto:foia@hrsdc.com)

- In addition, the Freedom of Information Advisory Council (FOIA Council) is available to answer any questions about FOIA. The FOIA Council was created in the legislative branch of state government to issue opinions on the operation and application of FOIA, to publish educational materials, and to provide training about FOIA. However, ~~please be aware~~ it should be noted that the FOIA Council is not a records repository ~~and~~, it does not process records requests on behalf of other public bodies, nor is ~~the FOIA Council~~ it an investigative or enforcement agency. The FOIA Council may be contacted by ~~or by~~ phone at 804-~~698-1810~~ ~~or~~ toll free at 866-~~448-4100~~, or by email at [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov).
- If the requester believes that their FOIA rights have been violated, they may file a petition in district or circuit court to compel compliance with FOIA.

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Alternatively, the requester may contact the FOIA Council for a nonbinding advisory opinion.

- The FOIA Council also accepts comments on the quality of assistance provided to the requester by HRSD. The comment form is available online at <http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>.

### **3.2 The Responsibilities of HRSD in Responding to Requests**

- HRSD ~~must~~<sup>shall</sup> respond within five working days of receiving a valid request under FOIA. "Day One" is considered the working day after a request is received. The five-day period does not include weekends, state holidays, or when HRSD is closed for business.
- The reason for the request for public records is irrelevant, and the requester is not obligated to state why they want the records.
- FOIA requires HRSD to make one of the following responses to a valid request within the five working day time period:
  - (1) The requested records are provided in their entirety;~~;~~
  - (2) The requested records are withheld in their entirety because they are subject to a specific statutory exemption. If all of the records are being withheld, HRSD ~~must~~<sup>shall</sup> send a written response identifying the volume and subject matter of the records being withheld and stating the specific section of the Code of Virginia that authorizes withholding the records;~~;~~
  - (3) The requested records are provided in part but are withheld in part. HRSD cannot withhold an entire record if only a portion of it is subject to an exemption. In ~~this-such a situation~~<sup>instance</sup>, HRSD ~~sh~~<sup>will</sup> redact the portion of the record that may be withheld and provide the remainder of the record. *When responsive records contain account numbers or routing information excluded from mandatory disclosure under Va. Code § 2.2-3705.1(13), HRSD shall redact such information and provide the non-exempt portions of the record, unless another exemption applies.* HRSD ~~must~~<sup>shall</sup> provide a written response stating, with reasonable particularity, the subject matter of the

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withheld portions and the specific section of the Code of Virginia that authorizes the withholding of the records;~~;~~

- (4) The requested records cannot be found or do not exist. Only documents that exist ~~will~~<sup>shall</sup> be made available for inspection or produced. It is not the responsibility of HRSD to create any documents to respond to a request.~~;~~ However, if HRSD knows that another public body has the requested records, contact information for the other public body ~~will~~<sup>shall</sup> be included in the response; ~~or~~<sup>;</sup>
  - (5) If it is not practically possible for HRSD to provide the requested records or to determine whether they are available within the five working<sup>ing</sup> -day period. ~~In such a situation,~~<sup>;</sup> HRSD ~~must~~<sup>shall</sup> ~~also~~ notify the requester and include an explanation of the conditions that make the response impossible. Thereafter, HRSD shall have seven additional working<sup>ing</sup> days, for a total of 12 working days, to respond to the request.
- If the request is for a very large number of records, or the request is complex, and HRSD believes that it cannot provide the records within 12 working days without disrupting ~~other~~ operational responsibilities, HRSD may petition the circuit court for the City of Virginia Beach, or other circuit court having proper venue, for additional time to respond to the request. However, HRSD ~~will~~<sup>shall</sup> make a reasonable effort to reach an agreement with the requester concerning the production ~~of~~<sup>f</sup> the records before petitioning the court for additional time.
  - The time periods and responses described above may be tolled or adjusted, consistent with the cost-related provisions of FOIA and this Policy.
  - The FOIA Officer shall take all necessary precautions for preservation and safekeeping of ~~the~~<sup>HRSD</sup> records.
  - If HRSD receives a request for records related to public safety that are excluded under clauses (a) or (b) of ~~Code of Virginia~~<sup>Va. Code</sup> § 2.2-3705.2(14), HRSD shall notify the Secretary of Public Safety and Homeland Security, or their designee, of such request and <sup>provide</sup> the response made by HRSD to the request.

### **3.3 Costs**

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FOIA allows HRSD to charge for the actual costs of responding to FOIA requests. ~~Th~~<sup>h</sup>~~is would~~<sup>includes</sup> items ~~like~~<sup>such as</sup> staff time spent searching for the requested records, copying costs, ~~and~~<sup>or</sup> any other costs directly related to supplying the requested records. No charges ~~wi~~<sup>sh</sup>all include general overhead costs and HRSD ~~wi~~<sup>sh</sup>all not impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of HRSD. Any duplicating fee charged by HRSD shall not exceed the actual cost of duplication.

If HRSD estimates that it will cost more than \$200 to respond to a request, a deposit, not to exceed the amount of the estimate, shall be required before proceeding with the request. The period for providing a response to the request ~~does~~<sup>shall</sup> not include the time between when a deposit is requested and when a requester responds.

All deposits shall be paid by credit card, check, or money order payable to HRSD and mailed or delivered to HRSD's office at 1434 Air Rail Avenue, Virginia Beach, Virginia 23455. Any outstanding balance ~~will~~<sup>shall</sup> be immediately due and payable by the requester upon providing the requested records. Any balance remaining from the deposit shall be returned to the requester.

If a requester owes HRSD money from a previous FOIA request that has remained unpaid for more than 30 days, HRSD may require payment of the past-due bill before responding to a new FOIA request.

- 3.3.1 Labor Costs: Time necessary to respond to the request, including to locate, retrieve, and/or reproduce records, will be charged at the hourly rate for the staff person responding to the request, as listed in the fee schedule below.
- 3.3.2 Paper Copies: Cost for providing paper copies ~~wi~~<sup>sh</sup>all be based on prices established in HRSD's copier (machine usage fee) and paper supply contracts, as listed in the fee schedule below. Larger drawings and blueprints ~~wi~~<sup>sh</sup>all be copied by outside contractors and charged at their usual rate. Postage and other material fees ~~wi~~<sup>sh</sup>all be charged at their actual costs.
- 3.3.3 Electronic Records: Costs for providing electronic records ~~wi~~<sup>sh</sup>all be charged at the hourly rate as listed in the fee schedule below. Any materials, such as flash drives, provided to the requester ~~sha~~<sup>will</sup> be charged at their actual costs.

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3.3.4 There ~~shall~~<sup>will</sup> be no mark-up or profit charged to the above-mentioned costs, nor shall HRSD charge any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the business ~~of~~<sup>for</sup> HRSD. HRSD ~~shall~~<sup>will</sup> make all reasonable efforts to supply the requested records at the lowest possible cost, including utilizing the appropriate staff person to respond to the request.

3.3.5 Charges may be waived if the request is specific and limited such that responsive electronic records can be found and produced for less than \$200. However, HRSD maintains the right to recover all costs incurred consistent with FOIA.

**3.3.6 Fee Schedule**

- Paper Copies:

| Size         | Cost per Page |
|--------------|---------------|
| 8 1/2" x 11" | \$0.13        |
| 8 1/2" x 14" | \$0.14        |
| 11" x 17"    | \$0.15        |

- Rate of person searching for records:

| <u>Grade</u> | <u>Hourly Rate</u>            | <u>Title (Examples, not inclusive)</u>                                                                                                                                        |
|--------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4            | \$2 <del>6</del> <sup>4</sup> | Administrative Assistant                                                                                                                                                      |
| 5            | \$29 <del>7</del>             | Accounts Payable Coordinator<br>Accounts Receivable Technician                                                                                                                |
| 6            | \$31 <del>29</del>            | Accounts Receivable Specialist<br>Coordinator<br>Technician                                                                                                                   |
| 7            | \$3 <del>6</del> <sup>4</sup> | Customer Care Supervisor<br>ProCard and Contract Administrator<br>Procurement Specialist<br>Public Information Specialist                                                     |
| 8            | \$42 <del>39</del>            | Accounts Payable Supervisor<br>Commission Secretary/FOIA Officer<br>Contract Specialist<br>Data Analyst<br>Specialist<br>Real Estate Manager<br>Senior Procurement Specialist |

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| <u>Grade</u> | <u>Hourly Rate</u>   | <u>Title (Examples, not inclusive)</u>                                                                                                                                                     |
|--------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9            | \$48 <del>5</del>    | Analyst<br>Chief Systems Operator<br>Chief Maintenance Management<br>Occupational Health & Safety Professional<br>Supervising Specialist<br>Planning Engineer<br>Senior Programmer Analyst |
| 10           | \$55 <del>4</del>    | Administrator<br>Engineer<br>Human Resources Business Partner<br>Programmer<br>Senior Data Analyst<br>Senior Real Estate Manager<br>Superintendent                                         |
| 11           | \$64 <del>5</del> 9  | Cybersecurity Analyst<br>Hydrogeologist<br>Manager<br>Procurement Analyst<br>Scientist<br>Senior Systems Engineer                                                                          |
| 12           | \$73 <del>6</del> 8  | Process Engineers<br>Senior Project Manager                                                                                                                                                |
| 13           | \$85 <del>7</del> 8  | Director<br>Oracle Developer<br>Programming Development Manager<br>Security Manager                                                                                                        |
| 14           | \$102 <del>9</del> 3 | Chief                                                                                                                                                                                      |

### 3.4 Types of Records

Records maintained by HRSD include, for example, HRSD Commission meeting minutes, record drawings, and contracts into which HRSD has entered. If *staff is* unsure as to whether HRSD has the record(s) being sought, ~~please~~ *they should* contact the HRSD FOIA Officer directly.

### 3.5 Commonly Used Exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure in its discretion. For a full list of exemptions, see ~~the Code of Virginia~~. *Code* § 2.2-3705.1 *et seq.* Exemptions HRSD may use include, but are not limited to, the following:

- Personnel records **§ 2.2-3705.1 (1);**
- Records subject to attorney-client privilege **§ 2.2-3705.1 (2);**

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- Records compiled exclusively for use in closed meetings § 2.2-3705.1 (5)
- Vendor proprietary information software § 2.2-3705.1 (6);
- Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease § 2.2-3705.1 (8);
- Information relating to the negotiation and award of a contract, prior to a contract being awarded § 2.2-3705.1 (12);
- The portions of records that contain account numbers or routing information for any credit card, debit card, or ~~any~~ other account with a financial institution *or public utility* of any person or public body, *provided, however, that access shall not be denied to the person who is the subject of such information* § 2.2-3705.1 (13);
- Documentation that describes the design, function, operation, or access control features of any security system § 2.2-3705.2 (14);
- Proprietary records and trade secrets § 2.2-3705.6;
- General Manager's correspondence and ~~W~~working ~~P~~papers § 2.2-3705.7 (2);
- Customer account information § 2.2-3705.7 (7);
- Information and records containing written advice of counsel, information protected by attorney-client privilege, ~~and~~ legal memoranda, and other work product for litigation or administrative investigations § 2.2-3705.1 (2), (3); *and*
- Information, such as social security numbers, made confidential under other laws.

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### **3.6 Policy Regarding the Use of Exemptions**

HRSD reserves the right to withhold, exempt or redact any and all records that are allowed or required to be withheld, exempted, redacted, or excluded from production by law. It is HRSD's policy to withhold any information and records to protect:

- ~~T~~he privacy of HRSD personnel and officials;<sup>;</sup>
- ~~Th~~the property and pecuniary interests of HRSD;<sup>;</sup>
- ~~T~~he privacy of customers;<sup>;</sup>
- ~~L~~egal advice, work product, ~~or~~ *and* attorney-client privilege;<sup>;</sup>
- HRSD's interests related to administrative investigations and litigation;<sup>;</sup>
- ~~M~~*matters for discussion in closed meetings*<sup>s</sup> of the HRSD Commission;<sup>;</sup>
- *Public utility and financial institution account numbers and routing information;*  
and
- ~~T~~he safety of HRSD systems and facilities, and the public generally.

### **3.7 Resources available to the public:**

- [Chapter 37 of Title 2.2](#) of the Code of Virginia, as amended, also known as [The Virginia Freedom of Information Act](#);
- the [FOIA Council](#); and
- the [Virginia Coalition for Open Government](#).

**COMMISSION ADOPTED POLICY**  
***Freedom of Information Act – Access  
to Public Records***



Adopted: December 21, 2004

Revised: July 28<sup>2</sup>, 202<sup>65</sup>  
Effective: August 1, 202<sup>65</sup>

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**4.0 HRSD's Procedures**

- 4.1 Any requests for public records submitted under FOIA sh~~ould be~~<sup>ould be</sup> immediately <sup>be</sup> forwarded to the FOIA Officer, who ~~wi~~<sup>shall</sup> log when and by whom the request was received. The FOIA Officer ~~wi~~<sup>shall</sup> provide the General Manager with a copy of each request, ~~and~~ seek their guidance on obtaining legal advice, if necessary, and determin~~ing~~<sup>e</sup> who should respond. The FOIA Officer ~~wi~~<sup>shall</sup> coordinate the response and assure the request is acted upon in the prescribed amount of time, logging the response date. *As part of coordinating the response, the FOIA Officer shall ensure that customer, billing, payment, reimbursement, contract, and utility-service records are screened for financial institution and public utility account numbers or routing information before release.* The Chief Communications Officer ~~wi~~<sup>shall</sup> serve as backup FOIA Officer, when necessary.
- 4.2 The FOIA Officer shall be trained by legal counsel for HRSD, the FOIA Council, <sup>and/or</sup> through an online course offered or approved by the FOIA Council. Training shall be completed as required by the Code of Virginia.

Approved: \_\_\_\_\_

Stephen C. Rodriguez  
Commission Chair

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_

Elizabeth I. Scott  
Commission Secretary

\_\_\_\_\_  
Date

Commission Seal

## COMMISSION ADOPTED POLICY

### *Remote Participation and All-Virtual Meetings*



First Adopted: July 28, 2015

Revised: July 28, 2026  
Effective: August 1, 2026

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### 1.0 Purpose and Need

- a. Except as provided in this Policy, the HRSD Commission ("Commission") does not conduct any meeting wherein public business is discussed or transacted through telephonic, video, electronic, or other electronic communication means where the Commissioners are not physically assembled. In accordance with the Virginia Freedom of Information Act, Va. Code § 2.2-3700 et seq. of the Code of Virginia of 1950, as amended (the "Act"). The Commission desires to adopt this Policy to reflect (1) when individual Commissioners may participate remotely in public meetings; and (2) when all-virtual public meetings are allowed.
- b. This Policy is intended to apply to Commission meetings, committee, subcommittee, or other Commission-established public meetings (collectively referred to as "HRSD Public Meetings"). As permitted under VA Code § 2.2-3708.3(D), the Commission adopts this Policy on behalf of its committees, subcommittees, and any other entity however designated of the Commission, that performs delegated functions of the Commission or advises the Commission. This Policy shall apply to any committee, subcommittee, or other designated entity's use of individual remote participation and all-virtual public meetings and shall be interpreted to give it such effect.
- c. This Policy shall apply to the entire membership of the Commission and without regard to the identity of the Commissioner requesting remote participation or the matters that will be considered or voted on at the HRSD public meeting.
- d. The Policy shall not prohibit or restrict any individual member of the Commission who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the Commission.

### 2.0 Definitions and Explanations

- a. **Caregiver** – An adult who provides care for a person with a disability as defined in Va. Code § 51.5-40.1 and is related by blood, marriage, or adoption to, or is the legally appointed guardian of, the person with a disability for whom they are caring.
- b. **Personal matter** – Examples include, but are not limited to, personal, family, or business matters that prevent attendance at the meeting

**COMMISSION ADOPTED POLICY**  
***Remote Participation and***  
***All-Virtual Meetings***



First Adopted: July 28, 2015

Revised: July 28, 2025  
Effective: August 1, 2025

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location, severe weather conditions, or unexpected traffic or travel conditions that prevent travel to the meeting location.

- c. ***Physical disability or other medical condition of Commissioner*** – Examples include, but are not limited to, temporary hospitalization or confinement to home, contagious illness, or any temporary or permanent physical disability that prevents travel to the meeting location by the Commissioner.
- d. ***Medical condition of a family member of a Commissioner*** – is limited to those situations in which the family member's medical condition requires the Commissioner to provide care for the family member and thus prevents the Commissioner from physically attending the meeting.
- e. ***Quorum*** – Four members of the Commission assembled in one location shall constitute a quorum for a Commission Meeting. For purposes of determining whether a quorum is physically assembled, a Commissioner who uses remote participation counts toward the physical quorum as if they were physically present if the Commissioner is (i) a Caregiver, or (ii) a person with a disability as defined in Va. Code § 51.5-40.1.

**3.0 Guiding Principles for Individual Commissioners to Participate Remotely in HRSD Public Meetings when a Quorum is Physically Present**

- a. Commissioners shall make every effort to physically attend every meeting of the Commission. However, the Commission desires to adopt this Policy to allow Commissioners to participate remotely in those circumstances recognized under Va. Code § 2.2-3708.3(B) when physical attendance is not reasonably possible.
- b. When a Commissioner participates remotely in an HRSD public meeting, the Commissioner shall avoid-not using a mobile device while driving.

**3.1 Procedures for an Individual Commissioner to Participate Remotely in an HRSD Public Meeting**

- a. In order to permit a Commissioner to participate in an HRSD public meeting by electronic means, a quorum must be physically assembled at the noticed meeting location. Arrangements also must be made for the voice of the remote participant to be heard by all persons at the noticed meeting location.

## COMMISSION ADOPTED POLICY

### *Remote Participation and All-Virtual Meetings*



First Adopted: July 28, 2015

Revised: July 28~~2~~, 202~~6~~<sup>5</sup>  
Effective: August 1, 202~~6~~<sup>5</sup>

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- b. In advance of a properly noticed HRSD public meeting, a Commissioner who is unable to attend shall notify the Chair~~man~~ of the Commission or the Committee *and provide* one of the following reasons the Commissioner cannot attend:
- (1) ~~T~~he Commissioner has a physical disability or medical condition that prevents the Commissioner from physically attending the meeting;
  - (2) ~~T~~he Commissioner is a person with a disability as defined in Va. Code § 51.5-40.1 and the disability prevents the ~~member's~~ *Commissioner's* physical attendance;
  - (3) ~~A~~ family member of the Commissioner has a medical condition that requires the Commissioner to provide care for the family member and prevents the Commissioner from attending the meeting;
  - (4) ~~T~~he Commissioner is a Caregiver who must provide care for a person with a disability at the time the HRSD public meeting is being held;
  - (5) ~~T~~he Commissioner's principal residence is located more than 60 miles from the meeting location identified in the required notice for the meeting, and the Commissioner accordingly desires to participate remotely; or
  - (6) ~~T~~he Commissioner has a personal matter which prevents the Commissioner from attending the meeting. The Commissioner shall identify with specificity the nature of the personal reason the Commissioner cannot attend.
    - (a) Remote participation due to a personal matter is limited to three (3) meetings per Commissioner per calendar year out of the twelve (12) required meetings of the Commission held each calendar year.
    - (b) Remote participation in a Committee meeting for personal reasons is limited to two (2) meetings per calendar year.
- c. The specific reason that the Commissioner is unable to attend the meeting and the remote location from which the Commissioner participates will be recorded in the meeting minutes. The remote location does not need to be open to the public and it may be identified in the minutes by a general description.

**COMMISSION ADOPTED POLICY**  
*Remote Participation and  
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- d. Individual participation from a remote location must be approved by majority vote of a quorum of the Commissioners physically assembled at the noticed meeting location. If the HRSD Commission votes to disapprove of a Commissioner's participation from a remote location because such participation would violate this Policy, such disapproval will be recorded in the minutes with specificity.

#### **4.0 Guiding Principles for All-Virtual HRSD Public Meetings**

~~The Commission desires that w~~Whenever possible, all HRSD public meetings ~~should~~ shall be conducted in person in accordance with FOIA and all laws and regulations governing open public meetings. However, the Commission recognizes that certain circumstances may arise where it is in the best interest of the Commission ~~that to hold~~ an all-virtual meeting ~~be held~~. This Policy recognizes, in accordance with Va. Code § 2.2-3708.2, ~~when all~~ virtual meetings may be held due to a declared emergency. Additionally, the Commission has determined that it would be in its best interest to adopt a Policy pursuant to Va. Code § 2.2-3708.3(D) to allow for all-virtual HRSD public meetings in accordance with Va. Code § 2.2-3708.3(C).

#### **4.1 Procedures for All-Virtual HRSD Public Meetings When There is a Declared Emergency**

- a. The Commission may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, or the locality in which the Commission is located has declared a local state of emergency pursuant to Va. Code § 44-146.21, provided:
  - (1) The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
  - (2) The purpose of the meeting is to provide for the continuity of operations of the Commission or the discharge of its lawful purposes, duties, and responsibilities.
- b. If it holds a meeting pursuant to this section, the Commission shall:
  - (1) Give public notice using the best available method, given the nature of the emergency, contemporaneously with the notice provided to Commissioners;

## COMMISSION ADOPTED POLICY

### *Remote Participation and All-Virtual Meetings*



First Adopted: July 28, 2015

Revised: July 28~~2~~, 202~~6~~5  
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- (2) Make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the Commission; and
  - (3) Provide the public with the opportunity to comment at ~~these~~ *such* meetings when public comment is customarily received.
- c. For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

#### **4.2 Procedures for All-Virtual HRSD Public Meetings When There is No Declared Emergency**

- a. In order to hold an all-virtual HRSD public meeting when there is no declared emergency, the following procedures must be followed:
- (1) The required meeting notice for the HRSD public meeting ~~will~~ *shall* indicate that the meeting will be an all-virtual meeting and *shall* contain a statement notifying the public that this all-virtual meeting method shall not be changed unless HRSD provides a new meeting notice, in accordance with the provisions of Va. Code § 2.2-3707;
  - (2) Public access to the all-virtual public meeting ~~is~~ *shall be* provided via electronic communication means;
  - (3) The electronic communication means used *shall* allow ~~s~~ the public to hear ~~respectively~~ all Commissioners participating in the all-virtual public meeting and, when audio-visual technology is available, to see Commissioners as well. When audio-visual technology is available, a Commissioner shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the ~~member~~ *Commissioner* is voluntarily disconnected or otherwise fails, or during which audio communication ~~involuntarily~~ fails *for any reason*;
  - (4) A phone number or other live contact information ~~is~~ *shall be* provided to alert the Commission ~~in the event~~ the audio or video transmission of the meeting provided by HRSD fails. HRSD ~~must~~ *shall* monitor such designated means of communication during the meeting; and the HRSD public meeting, as appropriate, shall take a recess until public access is restored if the transmission fails for the public;

**COMMISSION ADOPTED POLICY**  
*Remote Participation and  
All-Virtual Meetings*



First Adopted: July 28, 2015

Revised: July 28<sup>2</sup>, 2026<sup>5</sup>  
Effective: August 1, 2026<sup>5</sup>

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- (5) A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to the Commissioners for the HRSD public meeting ~~is~~ *shall be* made available to the public in electronic format at the same time that such materials are provided to the Commissioners;
- (6) The public ~~shall be~~ *is* afforded the opportunity to comment through electronic means, including by way of written comments, at ~~such~~ *these all-virtual* public meetings when public comment is customarily received;
- (7) No more than two members of the Commission ~~are~~ *shall be* together in any one remote location unless that remote location is open to the public to physically access it; and
- (8) If a closed session is held during an all-virtual ~~public~~ HRSD public meeting, transmission of the meeting to the public *shall* resumes before the Commissioners vote to certify the closed meeting as required by ~~subsection D of~~ Va. Code § 2.2-3712(*D*).

b. Limitations on all-virtual HRSD Public Meetings:

- (1) **Commission Meetings.** The Commission shall not convene an all-virtual public meeting (i) more than six (6) times per calendar year based on a schedule of twelve (12) meetings per calendar year, or 50% of the Commission meetings held per calendar year, whichever is fewer; or (ii) consecutively with another all-virtual HRSD Commission Meeting.
- (2) **Committee or Sub-Committee Meetings.** Committees or Sub-Committees of the Commission shall not convene an all-virtual public meeting (i) more than 50% of the number of those meetings per calendar year~~;~~ or (ii) consecutively with another all-virtual public meeting of the Committee or Sub-Committee.

- c. Minutes of all-virtual HRSD public meetings held by electronic communication means ~~are~~ *shall be* taken as required by Va. Code § 2.2-3707 and *shall* include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If the participation of a Commissioner from a remote location pursuant to this subsection is disapproved because such participation would violate this ~~P~~*p*olicy, such disapproval shall be recorded in the minutes with specificity.

**COMMISSION ADOPTED POLICY**  
*Remote Participation and  
All-Virtual Meetings*



First Adopted: July 28, 2015

Revised: July 28<sup>2</sup>, 2026<sup>5</sup>  
Effective: August 1, 2026<sup>5</sup>

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**5.0 Responsibility and Authority**

In accordance with Va. Code § 2.2-3708.3(D) this Ppolicy must be reviewed and adopted annually. Accordingly, the O&N Committee shall review this Ppolicy annually for presentation to and adoption by the Commission.

Approved:

\_\_\_\_\_  
Stephen C. Rodriguez  
Commission Chairman

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Elizabeth I. Scott  
Commission Secretary

\_\_\_\_\_  
Date

Commission Seal

**COMMISSION ADOPTED POLICY**  
***Procurement Policy – Appendix F-2***  
***Construction Management Contracting***



**Adopted:** December 16, 2014

**Revised:** ~~July 22, 2025~~ July 28, 2026

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**1.0 Purpose and Need.**

A design-bid-build project delivery method utilizing competitive sealed bidding is the preferred and the default method of procurement for HRSD construction contracts. However, competitive sealed bidding is not always practicable nor fiscally advantageous for complex construction projects. In these cases, the construction management contracting method may better meet the needs of HRSD because it permits the early selection of a construction manager or because value engineering and/or constructability analysis is desired.

Pursuant to the Virginia Public Procurement Act, Virginia Code §§ 2.2–4300, *et seq.* (VPPA) and Virginia Code Title 2.2 Chapter 43.1 (§§ 2.2-4378, *et seq.*) (Chapter 43.1) and consistent with the guidance adopted by the Virginia Secretary of Administration, the Commission, an authorized public body as defined by Virginia Code § 2.2-4301, has, by resolution, adopted the following procedures (Procedures) for utilizing, when appropriate, construction management contracts for projects. The provisions of the VPPA shall remain applicable. In the event of any conflict between Chapter 43.1 and the VPPA, Chapter 43.1 shall control.

**2.0 Definitions.**

- 2.1. “Complex project” means a construction project that includes one or more of the following significant components: difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation, or intricate phasing or some other aspect that makes the design-bid-build project delivery method not practical.
- 2.2. “Construction management contract” means a contract in which a firm is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner and may also include, if provided in the contract, the furnishing of construction services to the owner.
- 2.3. "Design-bid-build" means a project delivery method in which a public body sequentially awards two separate contracts, the first for professional services to design the project and the second utilizing competitive sealed bidding for construction of the project according to the design.

**3.0 Procedure for Construction Management Contracts.**

**3.1 Criteria for Use of Construction Management as a Construction Delivery Method.**

- 3.1.1. General.** Construction management procurement shall include a two-step competitive negotiation process consistent with Chapter 43.1 and the Construction Management Procedures As Adopted by the Secretary of Administration (effective December 17, 2024) for state public bodies. Construction management contracts may be utilized on projects where the project (i) is a complex project; and (ii) the project procurement method is approved by the Commission. Construction management contracts shall be awarded on a fixed price or not-to-exceed price basis.
- 3.1.2. Virginia Licensed Engineer.** Public bodies using construction management procurement must have Virginia-licensed engineers or architects in their employ or under their control. HRSD has in its employ or under its control or will retain as necessary such Virginia-licensed engineers with the professional competence to advise HRSD regarding use of construction management for a specified construction project. These Virginia-licensed engineers will assist HRSD with preparation of the Request for Qualifications (RFQ), Request for Proposal (RFP), and evaluation of proposals received in response to the RFQ and RFP.
- 3.1.3. Written Recommendation to Use Construction Management.** In advance of initiating a construction management procurement, the Chief Engineer, or his or her designee, shall prepare a written report explaining the basis for the Chief Engineer's recommendation to utilize construction management for a specific project. The report shall include a determination of the project's complexity, and explain why, for the specific project, (i) a construction management contract is more advantageous than a design-bid-build construction contract; (ii) there is a benefit to HRSD by using a construction management contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous. This report shall be submitted to the General Manager/Chief Executive Officer for approval. If the General Manager/Chief Executive Officer approves the recommendation, it shall be submitted to the Commission.
- 3.1.4. Commission Determination.** If the Commission accepts the recommendation to pursue a construction management procurement model, it shall adopt the Chief Engineer's report or draft its own written determination stating that the design-bid-build project delivery method is not practicable or fiscally advantageous and documenting the basis for the determination to utilize

construction management, including the determination of the project's complexity. The determination shall be included in the RFQ and be maintained in the procurement file.

- 3.1.5. **Proprietary Information.** Proposers shall be allowed to clearly designate portions of their submissions as trade secrets or proprietary information pursuant to Virginia Code § 2.2-4342. HRSD will take reasonable measures to safeguard from unauthorized disclosure such information properly designated as such, to the extent permitted by law.

**3.2. Selection of Qualified Proposers. (Step 1)**

- 3.2.1. **Pre-qualification.** HRSD shall conduct a prequalification process to determine which construction management firms are qualified to receive the Request for Proposals. The list of firms shall include Small businesses and businesses owned by Women, Minorities, Military families, Service-Disabled Veterans, and Employment Services Organizations, as such terms are defined in § 2.2-4310(F). All proposers shall have a licensed Class "A" contractor registered in Virginia as part of the project team.

- 3.2.2. **Content of RFQ.** HRSD shall prepare an RFQ that states the time and place for receipt of qualifications, the contractual terms and conditions, the criteria and goals of the project, the Commission's facility requirements, the building and site criteria, site and survey data (if applicable), any unique capabilities or qualifications required of the contractor, any project specific requirements for the particular project, the criteria to be used to evaluate RFQ responses, and other relevant information.

- 3.2.3. The RFQ must be approved by the Chief Engineer and shall normally consist of the following sections unless modified by the Chief Engineer:

Cover Sheet

- I. Introduction and/or Background
- II. Instructions to Proposers
- III. Scope of Work
- IV. Tentative Procurement Schedule
- V. Attachments

- 3.2.4. **Method of Submission of Responses.** HRSD will include in the RFQ if responses may be submitted electronically and/or via paper response.

- 3.2.5. **Evaluation Committee.** The Chief Engineer shall appoint an Evaluation Committee ("Committee") which shall consist of at least three staff members of

the HRSD, including a licensed professional engineer or architect. If possible, the Committee shall include a licensed design professional. The members of the Committee shall have experience relevant to the project, with backgrounds in such areas as design, construction, contracts, project management operations, and maintenance. HRSD shall consult with its attorney to determine whether legal counsel should be involved.

- 3.2.6. **Public Notice.** At least 30 days prior to the date set for receipt of qualification proposals, public notice of the RFQ ("Public Notice") shall be posted on the HRSD website and/or the Virginia Department of General Services central electronic procurement website ("eVA"). HRSD shall send the Public Notice directly to firms that have requested to be notified of work and to organizations promoting Small businesses and businesses owned by Women, Minorities, Military families, Service-Disabled Veterans, and Employment Services Organizations, as such terms are defined in § 2.2-4310(F) and to similar businesses that have requested to be notified and/or are believed to be qualified to perform the work. HRSD may send Public Notice to those firms believed to be qualified to perform the work. An affidavit shall be placed in the project file certifying the advertising date and method.
- 3.2.7. **Contacts by Proposers.** The RFQ shall provide notice to prospective proposers that they may submit comments and questions regarding the RFQ, in writing, to the contact person identified in the RFQ. Responses to the comments and questions which are relevant to the work will be documented and addenda will be posted in the same place and manner as the Public Notice. Comments and questions submitted to any individual at HRSD that is not the identified contact person shall not receive a response.
- 3.2.8. **Pre-Proposal Conference.** A pre-proposal conference may be held to ensure clarity, review potential problems with the Scope of Work, and answer questions related to the project. Attendance at the pre-proposal conference may be optional or mandatory as specified in the RFQ. If attendance is mandatory, HRSD will not consider Statements of Qualification (SOQ) from firms that did not attend the pre-proposal conference and/or did not meet the RFQ requirements related to the pre-proposal conference.
- 3.2.9. **Opening of Statement of Qualifications.** The Chief Engineer or his/her designee shall document receipt of the SOQs at the specified time and place. Any firm desiring consideration must submit an SOQ no later than the time and date the RFQ states is the deadline for submittal. SOQs not received at the specified time will not be considered.

**COMMISSION ADOPTED POLICY**  
***Procurement Policy – Appendix F-2***  
***Construction Management Contracting***



**Adopted:** December 16, 2014

**Revised:** ~~July 22, 2025~~ July 28, 2026

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- 3.2.10. **Changes to the RFQ.** The Committee shall determine whether any changes to the RFQ should be made to clarify errors, omissions or ambiguities or to incorporate project improvements or additional details. If such changes are required, an addendum shall be issued.
- 3.2.11. **Evaluation of Statement of Qualifications.** The Committee shall evaluate the SOQs. The Committee may waive minor informalities in a SOQ but shall eliminate from further consideration any proposer determined to be non-responsive or deemed not fully qualified, responsible or suitable. Prior construction-management experience or previous experience with HRSD shall not be considered as a prerequisite or factor for prequalification of a contract. However, the Committee shall evaluate a proposer's experience for a period of ten prior years to determine whether the offeror has constructed, by any method of project delivery, at least three projects similar in program and size.
- 3.2.12. **Reference Check and Other Information.** The Committee either individually or as a group at any point in the evaluation may contact some or all references recommended by the proposer. The Committee may use the information gained during the reference checks in the evaluation. The Committee may ask questions or request additional information from any proposer.
- 3.2.13. **Short List.** The Committee shall determine those deemed fully qualified and suitable with respect to the criteria established for the project. The Committee shall then select (short list) three to five proposers to receive the RFP. The short list may have less than three proposers if there are less than three responses to the RFQ.
- 3.2.14. **Basis for Denial of Prequalification.** A proposer may be denied prequalification only as specified under Virginia Code § 2.2-4317, but the short list shall also be based upon the RFQ criteria.
- 3.2.15. **Reference Check and Other Information.** The Committee either individually or as a group at any point in the evaluation may contact some or all references recommended by the proposer. The Committee may use the information gained during the reference checks in the evaluation. The Committee may ask questions or request additional information from any proposer.
- 3.2.16. **Notice of Prequalification Status.** At least 30 days prior to the date established for the submission of proposals, HRSD shall advise in writing each proposer which sought prequalification whether that proposer has been prequalified. Prequalified proposers that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that a proposer

is denied prequalification, the written notification to such proposer shall state the reasons for such denial of prequalification and the factual basis of such reasons.

### **3.3. Selection of a Construction Manager. (Step 2)**

- 3.3.1. **Request for Proposals.** HRSD shall prepare an RFP and approved by the Chief Engineer. The RFP shall be sent the RFP to the firms on the short list. The RFP shall provide further details not described in the RFQ and shall include the factors to be used in evaluating each proposal. The RFP shall describe details regarding the proposer's CCL and define the pre-design, design, bid and construction phase services required. The RFP shall define the allowable level of direct construction involvement by the proposer. In the case of a non-infrastructure project, the allowable level of direct construction involvement by the proposer shall be defined as no more than 10% of the construction work as measured by the cost of work with the remaining 90% to be performed by the construction manager's subcontractors. In all construction management contracts, the construction manager will procure the subcontractors' services by publicly advertised competitive sealed bidding to the maximum extent practicable. Documentation shall be placed in the file detailing the reasons any work is not procured by publicly advertised competitive sealed bidding.
- 3.3.2. **Method of Submission of Proposals.** The RFP shall also advise whether responses may be submitted electronically and/or via paper response.
- 3.3.3. **Contacts from Proposers.** The RFP shall provide notice to prospective proposers that they may submit comments and questions regarding the RFP, including specifications, in writing, to the contact person identified in the RFP. Responses to the comments and questions which are relevant to the work will be documented and addenda will be issued to all proposers who have received the RFP. Comments and questions submitted to any individual at HRSD that is not the identified contact person shall not receive a response.
- 3.3.4. **Bifurcated Proposal Evaluation.** The RFP process shall include a separate Technical Proposal evaluation stage and a Cost Proposal evaluation stage requiring that the proposals consist of two parts - a Technical Proposal and a Cost Proposal. Both the Technical and Cost Proposals shall be concurrently submitted but separately sealed. The Cost Proposal will include a (CCL) based on the project scope of work and other information provided in the RFP and any subsequent changes to the RFP. The Committee may waive minor informalities in both the Technical Proposal and the Cost Proposal but shall eliminate from further consideration any proposer determined to be non-

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- responsive or deemed not fully qualified, responsible, or suitable. Proposer shall submit its proposals no later than the time and date the RFP states is the deadline for submittal. Failure to submit proposals prior to the due date and time will be cause for rejection by HRSD.
- 3.3.5. **Receipt of Technical Proposals.** Sealed Technical Proposals shall be submitted to the Committee. The Chief Engineer or his or her designee shall receive and document the receipt of the Technical Proposals at the specified time and place.
- 3.3.6. **Receipt of Cost Proposals.** Sealed Cost Proposals shall be submitted to the HRSD Contract Specialist who shall document the receipt of the Cost Proposal at the specified time and place and who shall secure and keep the Cost Proposal sealed until evaluation of the Technical Proposals and the design adjustments are completed.
- 3.3.7. **Preliminary Evaluation of Technical Proposals.** The Committee shall review each Technical Proposal to first determine whether the proposals are responsive to the requirements of the RFP. The Committee shall then evaluate and document (score) the Technical Proposal from the short-listed proposers based on an evaluation plan specified in the RFP. The Committee shall keep confidential a preliminary ranking of the Technical Proposals. The Committee may cancel or reject any and all Technical Proposals. The Chief Engineer shall prepare a report documenting the reasons for the cancellation or rejection. The Committee may waive informalities in the Technical Proposal.
- 3.3.8. **Conferences During Preliminary Evaluation.** The Committee may hold a question-and-answer conference with any or all proposers to clarify or verify the contents of a Technical Proposal. The conference may be in person or by telephone. Each proposer shall be allotted the same fixed amount of time for any conference held as part of the selection. Proposers shall be encouraged to elaborate on their qualifications, proposed services, relevant experience and details of the Technical Proposal for the project. Proprietary information from competing proposers shall not be disclosed to the public or to competitors.
- 3.3.9. **Changes to RFP.** Based upon a review of the Technical Proposal and discussions with each short-listed proposer, the Committee shall determine whether any changes to the RFP should be made to clarify errors, omissions or ambiguities or to incorporate project improvements or additional details. If such changes are required, an addendum shall be provided to each proposer. If addenda are issued by the Committee, proposers will be given an opportunity to revise their Technical Proposals.

- 3.3.10. **Final Evaluation of Technical Proposals.** At the conclusion of the Technical Proposal evaluation stage, the Committee shall evaluate (and rank if technical rankings are to be considered as a criterion for award) the Technical Proposals. The Committee will meet to discuss each Technical Proposal based upon the criteria contained in the RFP. After the discussion, each team member will be given an opportunity to adjust their score. The Committee shall document and keep confidential a final ranking of the Technical Proposals. Should the Committee determine, in writing and at its sole discretion, that only one proposer is fully qualified or that one proposer is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that proposer after approval by the Commission. This documentation shall occur before any Cost Proposals are reviewed by HRSD. Otherwise, the Committee shall evaluate the Cost Proposals.
- 3.3.11. **Evaluation of Cost Proposals.** The HRSD Contract Specialist shall provide the Cost Proposals to the Chief Engineer. The Committee shall open the Cost Proposals, review the Cost Proposals, and apply the criteria for award as specified in the RFP and any addenda. Price shall be a critical basis for award of the contract. Unless approved by the Commission in advance of issuance of the Public Notice, the price component for selection of a contractor shall be a significant portion of the weighted score. The Committee shall document and keep confidential the results of each Cost Proposal.
- 3.3.12. **Final Evaluation and Recommendation to Award a Contract.** The contract shall be awarded to the proposer who is fully qualified and has been determined to have provided the best value in response to the RFP. In selecting the contractor, HRSD may consider the experience of each contractor on comparable construction management projects. The Committee Chair shall tabulate the Technical and Cost Proposal scores as listed in the RFP to determine the recommended firm. The Committee shall prepare a report documenting the process, summarizing the results and making its recommendation on the selection of a contractor to the Chief Engineer based on its evaluations of the Technical and Cost Proposals and all amendments thereto.
- 3.3.13. **Contract Negotiation.** Upon concurrence with the recommendation of the Committee, the Chief Engineer or his/her designee shall negotiate a contract with the recommended firm. Otherwise, the Chief Engineer or his/her designee shall formally terminate negotiations with the proposer ranked first and shall negotiate with the proposer ranked second, and so on, until a satisfactory agreement can be negotiated. The Chief Engineer shall inform the General Manager/Chief Executive Officer of the results of the negotiation. The General

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Manager/Chief Executive Officer shall receive Commission approval of award to the recommended firm. The Commission may cancel or reject any and all proposals.

3.3.14. **Award of Construction Management Contract.** Upon approval by the Commission, the Chief Engineer shall forward all contract, bond and insurance forms to the selected firm for signature. The contract shall be prepared using the standard HRSD format approved by the Chief Engineer and reviewed by the HRSD attorney. The contract shall be entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions.

3.3.15. **Notification of Award.** HRSD will notify all proposers who submitted proposals which proposer was selected for the project. In the alternative, HRSD may notify all proposers who submitted proposals of HRSD's intent to award the contract to a particular proposer at any time after the Commission has approved the award to the contractor. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one proposer.

3.3.16. **Inspection of Proposals.** Any proposer may inspect the proposal documents after opening of the price proposals but prior to award of the contract. All records, subject to public disclosure under the Virginia Freedom of Information Act, shall be open to public inspection only after award of the contract. Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.

**3.4. Procedures After the Award.**

3.4.1. **Notification of Subcontractor Bid Package Advertisement.** HRSD may post on eVA or HRSD's website when and where the construction manager plans to advertise bid packages for subcontracting opportunities when appropriate.

3.4.2. **Freedom of Information Act and Access to Documents.** As required by Chapter 43.1, HRSD shall post all documents open to public inspection pursuant to Virginia Code § 2.2-4342 that are issued or received by the HRSD on HRSD's website or eVA.

3.4.3. ***Guaranteed Maximum Price. The negotiated Guaranteed Maximum Price (GMP), once approved by the Commission and incorporated into the Comprehensive Agreement, shall establish the construction contract amount. For purposes of Commission approval thresholds applicable to contract***

*modifications and change orders, the approved GMP shall be deemed the original contract amount.*

- 3.4.4. **Procedure for Changes to Construction Management Contracts.** All changes to the Contract shall be by a formal Change Order as mutually agreed to by the firm and HRSD. The method of making such changes and any limits shall be in accordance with the contract documents. Change Orders shall be negotiated by HRSD staff and such actions reported to the Chief Engineer with recommendations for approval. Change Orders exceeding \$50,000 or 25% of the original contract amount, whichever is greater, shall be submitted to the Commission for approval prior to authorization. *For CMAR contracts, the original contract amount shall be the approved Guaranteed Maximum Price.* All Change Orders shall be executed by the firm and the Chief Engineer or his/her designee.

Extra work by the firm may be authorized by a written Work Change Directive within limits of authorization provided above with later inclusion in the Contract by formal Change Order.

In case of disputes as to the value of extra work, HRSD, within the limits of authorization provided above, may issue a directive in accordance with the contract documents to proceed with the work so as to not impede the progress and cause unnecessary delay and expense to the parties involved. The directive shall acknowledge the dispute by the firm, and the dispute shall be resolved at a later date.

- 3.4.5. **Procedure for Progress Payments.** Progress payments shall be paid in accordance with the contract documents. Requests for progress payments shall be prepared by the firm and approved by HRSD staff and the Chief Engineer. Requests for progress payments shall generally be submitted to HRSD on a monthly basis with payments by HRSD to the firm within the period of time specified in the contract documents.

Progress payments shall be based on unit prices, schedules of values, and other agreed-upon specified basis. Each progress payment shall represent the amount of completed work and materials on site to be incorporated into the work as accepted and approved, less the specified retainage and less previous payments. Payment for materials on site shall be in accordance with the contract documents.

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Progress payments may be reduced or withheld in accordance with the contract documents. Retainage may be reduced or increased in accordance with the contract documents.

- 3.4.6. **Procedure for Final Payments.** Final acceptance, payment, and release of claims shall be in accordance with the contract documents. Requests for final payments shall be prepared by the firm, certified and approved by HRSD staff and approved by the Chief Engineer.

**4.0 Emergency Procurement.**

A contract for construction management services may be negotiated and awarded without competitive negotiation if the General Manager/Chief Executive Officer determines there is an emergency. The procurement of these services will be made using as much competition as practical under the circumstances. The Chief Engineer shall submit a report documenting the basis of the emergency and the selection of the particular firm. The Chief Engineer shall prepare a notice stating the contract is being awarded on an emergency basis and identifying what is being procured, the firm selected and the date the contract was or will be awarded. The notice shall be placed on the HRSD Internet website on the day HRSD awards or announces its decision to award, whichever comes first or as soon thereafter as practical.

**5.0 Reporting requirements.**

- 5.1. HRSD shall report no later than November 1 of each year to the Director of the Commonwealth's Department of General Services on all completed capital projects in excess of \$2 million.
- 5.2. The report shall include at a minimum (i) the procurement method utilized, (ii) the project budget, (iii) the actual project cost, (iv) the expected timeline, (v) the actual completion time, (vi) if such project was a construction management or design-build project, the qualifications that made the project complex, and (vii) any post-project issues.

**6.0 Exceptions to this Policy.**

The request for any exception to the procedures outlined in this Policy shall be reviewed by HRSD's attorney prior to submission to the Commission.

**7.0 Responsibility and Authority.**

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The Chief Engineer shall be responsible for overall development, management and implementation of this policy.

Leg Refs: Code of Virginia §§ 2.2-4300-2.2-4383; Construction Management Procedures Adopted by the Secretary of Administration (effective December 17, 2024), attached as Exhibit to F-2.