



**BULLOCH COUNTY**  
**PURCHASING POLICIES**

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## **SECTION 1 - GENERAL PROVISIONS**

### **1.0 Application**

This section covers the general provisions applicable to purchasing. These policies have been designed to meet the following objectives:

- a) Obtain the required quality of goods and services from reputable vendors at the maximum end-use value per dollar spent, in such a manner as to assure business is not interrupted or impeded.
- b) Coordinate purchasing procedures with other departments and county officials.
- c) Provide assistance in preparing specifications for equipment, materials, supplies and services.
- d) Consolidate purchases of like or common items to obtain maximum economical benefits.
- e) Promote standardization programs to review characteristics and quality of products to be purchased. The ultimate goal of any such standardization program shall be to achieve savings.
- f) Promote goodwill between the county and its suppliers.
- g) Develop reliable alternate sources of supply to maintain a competitive environment and to meet county requirements.
- h) Conduct all business in such a manner as to avoid allegations of preferential treatment.
- i) The Board of Commissioners authorizes the County Manager together with the County Attorney to effectively and fairly carry out these objectives.

The County Manager and associated staff perform as the county's representative in dealing with all businesses supplying or aspiring to supply materials and services to the county. Only the County Manager through the designated Purchasing Agent shall submit goods and services to bid, unless otherwise provided for herein. These policies have been designed to assign responsibilities for implementation as follows:

- a) The County Manager or his or her designee as Purchasing Agent is in charge of the procurement of goods and services that are required by Bulloch County Board of Commissioners and other covered county departments and agencies described below.
- b) The Purchasing Agent is responsible for reviewing requisitions for completeness and clarity and for notifying the originating department of inadequate information or recommended changes in specifications.
- c) The Purchasing Agent has full authority to advise and confer with ordering departments concerning the quality, quantity and kind of items requisitioned in order that the best interests of the county may be served. No changes however, will be made without notifying the ordering department.
- d) The Purchasing Agent reports to the County Manager or his or her designee.

All functions and departments under the direction of the Board of Commissioners, including the following shall adhere to mandatory requirements of the county purchasing policies and procedures:

- a) County Manager
- b) County Clerk

- c) County Staff Attorney
- d) Administrative Services Division
- e) Community Services Division
- f) Development Services Division
- g) Public Safety Division
- h) Public Works Division

All functions and departments under the direction of the following county appointing authorities may voluntarily adhere to requirements of the county purchasing policies and procedures:

- a) Bulloch County Sheriff
- b) Bulloch County Clerk of Courts
- c) Bulloch County Probate Court Judge
- d) Bulloch County Magistrate Court Judge
- e) Bulloch County State Court Judge
- f) Bulloch County Solicitor
- g) Bulloch County Tax Assessor
- h) Bulloch County Tax Commissioner
- i) Bulloch County Coroner
- j) District Attorney of the Ogeechee Judicial Circuit
- k) Bulloch County Superior Court Judges of the Ogeechee Judicial Circuit
- l) Public Defender of the Ogeechee Judicial Circuit

The Purchasing Officer may provide services to other public agencies within Bulloch County not set forth above or other outside agencies as approved by the Board of Commissioners

#### 1.1 Committee on Standards and Specifications.

A committee to be chaired by the County Manager or his/her designee may be established to decide on standards and specifications for products and services. Before making a purchase, all participating departments should check with the Purchasing Agent to determine the latest list of standards for that product, if available. This will be furnished for each department by the Purchasing Agent upon development. Also, many products will be purchased using a fixed price agreement, after bidding by the Purchasing Agent. All participating departments shall consult that list also, furnished by the Purchasing Agent. The product wanted may already be subject to a fixed price agreement.

#### 1.2 Purchase Orders

A purchase order must be used for all purchases unless otherwise allowed. Those exceptions are using petty cash, a procurement card, recurring contractual obligations (leases, maintenance agreements, utilities, etc.), investment purchases, and major projects where a formal contract is executed in lieu of a purchase order. Note that the money must be budgeted before a purchase order can be executed. Department heads must approve the payment of all invoices to verify that the product or service has been received in the quantity and quality specified. This is done by attaching a Receiving Report to all invoices for payment.

### 1.3 Change Orders

Change orders and purchase order modifications shall be processed in accordance with procedures outlined below. If the original contract or purchase order is within the budgeted program or purchase amount:

- a) **Change or modifications valued at 5% or less** of the original contract total amount: Change order authority may be approved by the County Manager.
- b) **Change or modifications valued in excess of 5%** of the original contract total amount shall be transmitted to the County Manager for review. The County Manager may approve the change order or modification with the signed endorsement of the Chairman of the Board of Commissioners.
- c) **Change orders valued in excess of 5%** of the original contract total amount **which cause the total dollar amount of the contract to exceed \$100,000** shall be transmitted to the County Manager for review. The County Manager may approve the change order or modification with the signed endorsement of the Chairman of the Board of Commissioners. The change order or modification shall then be reported to the Board of Commissioners at the next regular meeting.

If a change order or modification shall cause the total amount of the original contract or purchase order **to exceed the budgeted program or purchase amount**, such change order or modification must be approved by the Board of Commissioners.

NOTE: The 5% limit is cumulative; it applies to the sum total of changes to date, not just for each individual change.

### 1.4 Authorizations for Payment

For recurring obligations, such as monthly utility bills and lease payments, a purchase order is not necessary. These invoices should be filed with the Finance Department with an Authorization for Payment signed by the department head or his designee, confirming that the invoice is a valid obligation to be paid.

### 1.5 Rejection of Bids

All sealed bid advertisements must include a standard clause which reserves the Board of Commissioners' right to reject any and all bids or proposals, to waive any technicalities or informalities associated with the bid or proposal, and to make the award that it deems in the best interest of the County. The Purchasing Agent is responsible for making sure this clause is in all advertisements for bids.

### 1.6 Vendors in Default

The Purchasing Agent shall not accept any bid or quotation from, nor issue any purchase order to, any vendor or contractor that is in default (delinquent) on the payment of any taxes, license fees, or other monies due the County. The Purchasing Agent is responsible for providing all department heads with a list of any such delinquent vendors, so that they can notify their personnel not to use them for any goods or services through purchasing cards or purchase orders until they are current on their

financial obligations to the County. The Purchasing Agent will obtain this information from the Tax Commissioner, County Clerk, or their designees.

#### 1.7 Local Buying Preference

A local vendor is considered any offeror whose principal business location is within the boundaries of Bulloch County. Departments are encouraged to use local vendors whenever possible. However, the County cannot pay a much higher price to do so. The County has an obligation to the taxpayers to use our financial resources wisely. For all purchases over \$5,000.00, if the quality, service, price, and other factors are substantially equal, then the local vendor may be given an opportunity to match the lowest cost proposal, if the quotation or bid is within 3% of the lowest price proposal. This policy shall be so stated in all applicable solicitations. This provision does not apply to public works construction projects or road projects pursuant to the laws of the State of Georgia.

#### 1.8 Vendor Appeals

Any bidder or offerer who desires to protest the award of a bid or contract shall submit such protest in writing to the County manager or his/her designee no later than ten (10) calendar days after the award. No protest shall lie for a claim that the selected bidder or offerer is not a responsible bidder or offerer. The written protest shall include the basis for the protest and the relief sought. The County Manager or his/her designee shall issue a decision in writing within thirty (30) calendar days after receipt of the protest stating the decision, reasons therefore, and the action, if any, that will be taken. This decision shall be final and no further appeal may be taken.

When a protest has been timely filed after an award has been made, the County Manager or his designee may delay or suspend performance under the protested purchase order or contract until a decision regarding the pending protest has been issued. If the County Manager or his designee finds legitimate grounds for the protest, the County Manager or his designee may rescind or terminate the purchase order or contract upon a further finding that this action is in the best interest of the county. Except as otherwise provided herein, where a purchase order or contract is rescinded or terminated, the vendor or contractor shall be compensated for the cost of performance up to the time the vendor or contractor receives written notice (i) directing the vendor or contractor not to proceed with or to suspend performance under the purchase order or contract, or (ii) informing the vendor or contractor of the rescission or termination of the purchase order or contract, whichever time is earlier. The vendor or contractor shall be entitled to no compensation or damages for work not performed at the time such written notice is received, and in no event shall the vendor or contractor be entitled to lost profits or other consequential damages or bid preparation costs as a result of such rescission or termination. If the County Manager determines that there is probable cause to believe that a decision to award was based on fraud, corruption or conflict of interest, the vendor or contractor shall not be entitled to any compensation or damages on account of the rescinded or terminated purchase order or contract, regardless of any work performed pursuant thereto. In the event a purchase order or contract is rescinded or terminated pursuant to this section, the County Manager may authorize or recommend either a re-bid or acceptance of the next lowest bidder. Except as otherwise provided herein, a contract or bid awarded and accepted in good faith shall not be affected by a pending protest. This policy shall be stated in all applicable solicitations. The Purchasing Agent

will assure that a termination for convenience clause, which allows the county to terminate a contract with or without cause, is included in all county contracts awarded pursuant to this policy.

#### 1.9 Conflicts of Interest

Conflicts of interest, and even the appearance of conflicts of interest, can seriously erode public confidence in its local government. Bulloch County's public officials and employees should always be aware of how a purchasing action might appear to the public. Any person employed by Bulloch County who engages in purchasing activities for the county, shall abide by these policies, including:

- a) Avoid engaging in acts or actions that could be perceived as immoral, illegal or unethical behavior in relationships, actions, and communications.
- b) Conduct all purchasing activities in accordance with governing laws and regulations and in keeping with sound business ethics, professional courtesy, and competence.
- c) Demonstrate loyalty to the county by diligently adhering to county policies and procedures.
- d) Any employee engaged in purchasing activities for the county shall never exceed the authority granted them by the county.
- e) Avoid any private or professional activity that would create a conflict between your personal interests and the interests of the county.
- f) Any employee engaged in purchasing activities for the county shall be responsible for disclosing, in writing to the County Manager, any potential conflict of interest.
- g) No employee may accept any gift that has a value of \$50.00 or more from any person, firm or corporation which to his or her knowledge is interested, directly or indirectly, in business dealings with the government body he or she is a member of or by which such person is engaged. In no case may they ever accept, directly or indirectly, gifts, gratuities or any other thing of value from present or potential suppliers which might influence or appear to influence purchasing decisions.
- h) Afford suppliers equal opportunity to compete for county business at all times. Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.
- i) Adhere to and protect the supplier's business and legal rights to confidentiality for trade secrets and other proprietary information subject to public records requirements.
- j) Enhance the proficiency and stature of the purchasing profession by adhering to the highest standards of ethical behavior.

It shall be a breach of ethical standards for any employee or former employee to knowingly use confidential information for actual or anticipated personal gain, or the actual or anticipated personal gain for any other person. Such action may result in disciplinary action. Except and unless personal relationships to potential vendors are otherwise disclosed in writing to the County Manager, it shall be a breach of ethical standards for any employee to participate directly or indirectly in procurement when the employee knows that:

- a) The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;

- b) A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest is involved in the procurement; or
- c) Any other person, business, or organization with whom the employee or any other member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

Depending upon the circumstances, including but not limited to the nature of the relationship and the employee's role in the procurement process, the County Manager may require the employee to recuse himself from any participation in the procurement process. The County Manager's failure to require such recusal shall not be deemed legitimate grounds for protesting or invalidating any award or contract made pursuant to the procurement process.

For the purpose of this provision, "immediate family" includes the employee's spouse, parents, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepparent, stepchild, stepsister, step brother, or other relative domiciled in the employee's household. The relationships include those arising from half-blood, adoption, or marriage.

#### 1.10 Fixed Assets Accounting

Any purchase of a fixed asset costing at least \$5,000.00 and having a useful life of at least three years must be reported to the Purchasing Agent so that he can affix a tag or record the VIN, and add the asset to the Fixed Assets Account Group. In addition, purchases of furniture, office machines, and similar items, while not meeting the definition of a fixed asset, must also be reported to the Purchasing Agent so that he can record and tag it for inventory purposes.

#### 1.11 User Department Planning Requirements

When unusual requests for goods and services are anticipated, a requesting department should notify Purchasing as soon as possible in order to provide sufficient lead time for the procurement of the goods or services. Acquiring goods and services is a many-faceted process that requires interaction and cooperation among all persons involved. Proper planning for future requirements and communication of these needs to the Purchasing Office will result in materials and services being available when needed by a using department.

The importance of proper planning by the user cannot be overemphasized. Through effective planning, the user can i) avoid lost staff-hours caused by material stock-outs and/or shortage; ii) reduce the number of "rush" purchases necessary to avoid stock-outs; iii) increase the overall efficiency of the County through reduced procurement costs; iv) avoid increased acquisition costs often occurring in "rush" purchase situations; v) identify goods which can be standardized throughout the departments; vi) reduce the cost of goods or services through the continuous evaluation and modification of specifications, to identify and delete items which add cost, but not necessarily value, to the product.



## 1.12 Contracts

A contract is a written agreement for the procurement or disposal of supplies, services, insurance, equipment or construction. To be effective, a contract must include offer and acceptance by competent parties and the furnishing of some good or service for an agreed monetary consideration.

All services provided to the County, by outside agencies, firms or individuals shall be on a contractual basis. If the estimated annual cost of services is over \$10,000, the services shall be bid publicly, and the contract approved by the Board of Commissioners. For services with an annual cost not to exceed \$10,000, a minimum of three written quotations shall be required, and a contract signed with the successful company. The County Manager shall sign contracts valued from \$10,000 to \$30,000 for cooperative purchasing agreement contracts.

Generally Bulloch County will utilize only "fixed price" agreements, but might in a special instance, because of market conditions, utilize a contract with price increase provisions. A fixed price agreement is used when the extent and type of work necessary can be reasonably specified and the cost reasonably estimated. Any time there is a price increase under these contracts, there must be supporting documentation from the vendor showing an increased price for raw materials from their supplier. Escalator clauses relating to the Consumer Price Index may be included in the contract language. "Requirements contracts" are fixed price agreements set up to provide for recurring purchases of indefinite quantities from the same supplier for a specified period of time. A cost-plus-a-percentage-of-cost provides reimbursement to the supplier for their actual cost plus an agreed-upon percentage of the costs of the supplier's overhead and profit. The use of cost-plus-a-percentage-of-cost contract is prohibited.

Contracts should be for periods of time that coincide with the County's fiscal year whenever practical. Contracts that span more than one fiscal year must include language noting that the continuation of the contract is subject to non-appropriation. Contracts may have renewal clauses, but should not exceed three to five years.

## **SECTION 2 – GENERAL METHODS OF PURCHASING**

### **2.0 General Procurement Methods**

Below are the methods of purchasing available to the County. All departments should become familiar with all of them so that it can be determined which method is appropriate for a particular purchase. As stated before, if there is uncertainty which method to use, consult the Purchasing Agent or the Chief Financial Officer before a purchase is made. Disagreements between the Purchasing Agent or the Chief Financial Officer and another department head about the proper method of purchase will be decided by the County Manager.

### **2.1 Petty Cash Process**

Any employee assigned a purchasing card should use the card instead of petty cash. Other employees may use petty cash if approved by the department head for each purchase up to \$100.00 per transaction. The employee should make the purchase and bring the receipt back to the department head to verify the purchase. The department head will have the employee fill out a petty cash reimbursement voucher and pay the employee from petty cash. The department head will turn in the vouchers periodically to Finance with a request for reimbursement of the petty cash fund. No employee will be paid from petty cash unless they produce a receipt that evidences the purchase, and the department head is assured the product or service was actually received by the County.

### **2.2 Small Purchases**

Certain employees may make small open market purchases without a purchase order or requisition if i) they are granted authority on a list provided to the department head for each purchase up to \$500.00 per transaction, and ii) sufficient funds are available in the appropriate line item. The employee should make the purchase and bring the receipt back to their department head or the department's accounts payable administrator to verify the purchase. The department head or the department's accounts payable administrator will forward all receipts to Financial Administration on a timely basis for payment.

Some employees recommended by each department head and approved by the County Manager will be issued procurement cards for purchases not exceeding \$500.00 per transaction. Some spending limits may be for less than that amount. Policies for purchasing cards shall be referenced as an appendix to this document.

### **2.3 Telephone, Fax or e-mail Quote Process**

Any purchase which is between \$500.01 and \$2,499.99 must use a purchase order, after having obtained at least three telephone, fax or e-mail quotes for the specific product or service. Each vendor must be given sufficient information to assure that the quotes are for the same product, or a similar product made by another company. The information given the vendors should be written on the quote sheet, or attached to it, so that the Purchasing Agent can confirm and approve what was compared and ordered. Specific brands and models should be listed if possible. The telephone quote sheet must be dated and signed by the departmental employee who made the calls. All of this

information must be attached to the purchase order as a record of the calls and kept by the Finance Department.

#### 2.4 Written Quote Process

Any purchase which is between \$2,500.00 and \$9,999.99 must use a purchase order, after having obtained written quotes for the specific product or service. Each vendor must be given sufficient information to assure that the quotes are for the same product, or a similar product made by another company. The information given the vendors should be attached to the purchase order, so that the Purchasing Agent can confirm what was compared and ordered. Specific brands and models should be listed if possible. Since this method does not require sealed bids, the County will allow either mailed, faxed, or emailed quotes, as long as they contain the date, a clear description of the product offered, its price, and any delivery terms, and the name and position of the company representative who has prepared the quote. All of this information must be attached to the purchase order as a record and kept by the Finance Department.

#### 2.5 Competitive Sealed Bid Process

- a) Threshold: Except as otherwise provided in this policy, this process must be used for any purchase that is for \$10,000.00 or more. It also includes capital equipment where the number of units would make the price rise above \$10,000 (i.e., if you wanted to buy five self-contained breathing apparatus for the Fire Department at an estimated cost of \$2,500 each, you would need to use this process, as the total cost would be \$12,500.)
- b) Public Notice: Where there is no known local or area vendor, especially where proprietary items are involved, advertising on the county web site, or other electronic or print media is acceptable. Where there are known vendors in the area of general circulation of the Statesboro Herald, this process requires the advertisement at least once (although twice is recommended), with the advertisement printed at least fourteen (14) days before the date of the bid opening. The determination of whether there are "known" vendors in the area of general circulation of the Statesboro Herald shall be solely within the discretion of the Purchasing Agent and shall not be subject to challenge by potential bidders. The bid advertisement must contain the desired quantity and a description of the product or service desired; how to obtain detailed specifications and get answers about them; where and when to submit the bids; how to address the envelope; the time and place where the bids shall be opened, read aloud, and recorded; and any special instructions or conditions, such as attendance at a mandatory or voluntary pre-bid conference.
- c) Pre-Authorization: All sealed bid process purchases must be pre-approved by the County Manager or his designee *before advertisement begins*. All sealed bid purchases shall be awarded by the Board of Commissioners. The department head should forward his recommended specifications to the Purchasing Agent, who shall prepare the advertisement and the specifications. If the Purchasing Agent wants to change any aspect of the specifications, he must notify the department head. If there is a disagreement, the County Manager or his/her designee will make the final determination. Below are the specific steps involved in this process:

- 1) The bid opening should not be held before 2:00 p.m. so that all Federal Express, UPS, Postal Service, and other delivery services have had ample time to deliver all bids, and the Purchasing Agent has been able to check them all.
- 2) There should be a specific cut-off date of one week prior to the bid opening for any potential bidder to ask, in writing to the Purchasing Agent for a clarification of any aspect of the bid documents. The Purchasing Agent will respond in writing to all questions, furnishing all parties who have picked up bids with all the questions and the answers given. Any addendums resulting from this process will be furnished to all parties also. FAX or e-mail questions and responses are recommended to speed the process. All answers must have been faxed or e-mailed at least seventy-two (72) hours before the time for the bid opening. If a party has no fax or e-mail, they must be called and informed that the answers are available for pickup or mailing. If picked up, they must sign for them. If mailed, a record must be kept, as well as for those faxed or e-mailed.
- 3) No change in the bid date can be made within 72 hours of the date and time set for the bid opening.
- 4) Sealed bids can be delivered by mail or express carrier, addressed to the Purchasing Agent, or they can be hand delivered to either the Purchasing Agent or a designated Receptionist as set forth in the bid solicitation. If hand delivered, the Purchasing Agent or the Receptionist must give the person a receipt as evidence of receiving the sealed bid. Regardless of the method of delivery, the Purchasing Agent shall be responsible for assuring that each sealed bid is stamped on the outside of the envelope with the date and time received by the Purchasing Agent or his designee.
- 5) Bids will be publicly opened and read aloud at the time and place designated in the solicitation. No late bids will be accepted or considered.
- 6) Any bidders in attendance, or their employee or agent, will be given a blank Bid Tabulation Sheet that they can fill in as the bids are read aloud. The Bid Tabulation Sheet shall be essentially in the format as currently in use.
- 7) At the appointed bid time, each bid will be opened and read aloud, unless only one bid is received, in which case it will be returned unopened and the project re-bid. If only one bid is received after re-bidding, it can be accepted, opened, and read aloud. In some instances where it is known there is limited interest, or where a sole source contract for equipment is necessary, or if an emergency would not allow a re-bidding, or similar circumstance, the County Manager can approve **in advance of the bid opening** the acceptance of only one bid should that happen. It will not be approved after the fact.
- 8) When the bids are opened by the Purchasing Agent, he will read aloud each base bid and each alternate bid (add or deduct). One of the witnesses will write them on the Bid Tabulation Sheet. The Purchasing Agent will make clear, as stated in the bids, that the County may elect to use or not use any alternate bid, and will select the best bid resulting from those elections. **THIS NEEDS TO BE INCLUDED IN THE BID SPECIFICATIONS ON THE BID SHEET** so that every bidder readily sees it.
- 9) The Purchasing Agent and the witnesses will double-check the entries on the Bid Tabulation Sheet, note any errors, and sign the Bid Tabulation Sheet. Bidders can remain in the room for this process.

- 10) Copies of the bid documents, bid bond, and any performance bonds if required, can then be turned over to an engineering, architectural, or other consultant for review of unit pricing and a recommendation, if the department head wishes.
- 11) A memorandum with the recommendation(s) of the department head and purchasing agent, with the bid tabulation and specifications (except for major construction projects) attached shall be submitted to the County Manager for inclusion on the next Board of Commissioners meeting for action by the Board of Commissioners.

## 2.6 Competitive Sealed Proposals

This process may be used in lieu of the competitive sealed bid process for all goods and services when it is determined that competitive sealed bidding is not practicable or advantageous, subject to the following conditions:

- a) Proposals shall be solicited through a request for proposals.
- b) Adequate public notice of the request for proposals shall be given in the same manner as provided for competitive sealed bidding.
- c) A register of proposals shall be prepared and made available for public inspection.
- d) The request for proposals shall state the relative importance of price and other evaluation factors.
- e) As provided in the request for proposals, discussions may be conducted with reasonable offerors who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.
- f) Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals; and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.
- g) In conducting discussions there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- h) The award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the county, taking into consideration price and the evaluation factors set forth in the request for proposals.

## 2.7 Fixed Price Agreements Process

- a) Goods or services used by one or more departments on a regular and continuing basis may be purchased under a contract covering a specified extended period of time, at an established price for such goods or services which shall be valid for the duration of the contract period. Purchase agreements under this provision shall be solicited through competitive sealed bids or proposals as set out above. The departments of the County could then purchase these goods or services on an as-needed basis throughout the agreed time period at the accepted bid price with a valid purchase order, or using the procurement card if the cost is below the assigned card's transaction limit.
- b) Any department head wishing to use the fixed price agreement process should request its use by memorandum to the Purchasing Agent, with a copy to the Chief

Financial Officer and County Manager. In addition, the Purchasing Agent may initiate the process as well by requesting its use from the Chief Financial Officer and County Manager. Once the Chief Financial Officer and County Manager approve its use, the Purchasing Agent shall be responsible for following the procedures for competitive sealed bids or proposals as set out above to procure the best terms and price. He shall notify all of the departments of any additions or deletions to the list of fixed price agreements currently in effect. If any department is unsure if they have the most current listing, they should contact the Purchasing Agent. Once the County has entered into a fixed price agreement on a particular product, all departments must use that agreement for its duration in obtaining that product.

## 2.8 Open (Blanket) Purchase Orders Process

Open Purchase Orders differ from standard orders because budgeted funds are not encumbered. Blanket purchase orders may be used for purchases that require multiple payments and/or deliveries for undetermined amounts such as copier maintenance or when more than one department is sharing the costs of the goods or services.

Only the Purchasing Office may initiate blanket purchase orders. Blanket purchase orders will be requested by the user department, in writing, stating the period covered and a "not to exceed amount" to be purchased during the period. The use of open purchase orders must be very limited, or control over expenditures and economy in purchasing will decrease.

Department heads may request in writing that the County Manager authorize the issuance of an open purchase order for a specified period not to exceed a month, with a maximum dollar figure attached. Such purchase orders can only be used by specified employees of that department, with vendors that the County does business with on a regularly recurring basis. This process should be used only when in the County Manager's judgment one of the other general procurement methods above will not afford the timely acquisition of needed supplies, materials, or services.

## 2.9 Emergency Purchase Order Process

The purpose of this section is to enable Bulloch County to respond quickly in procuring materials and/or services when an emergency condition exists. The County manager may authorize others to make emergency procurements if there exists a threat to public health, welfare or safety or if a situation exists which makes compliance with all other purchasing methods impracticable, unnecessary or contrary to public interest. Emergency procurements shall be made with as much competition as practicable under the circumstances.

Any item that is procured under this emergency clause using the reasoning that "a situation exists which makes compliance with all other purchasing methods impracticable, unnecessary or contrary to public interest", may be considered as a one time opportunity purchase and must:

- 1) Be capital equipment or capital equipment as part of a capital project.
- 2) Clearly demonstrate that the price is significantly below market price. Two other vendor quotes shall be required.

- 3) Receive County Manager approval prior to placing the order.
- 4) Receive post acquisition approval from the Board of Commissioners.

There are separate procedures to be followed for emergencies occurring during regular hours, and at all other times.

From Monday through Friday, 8:00 A.M. to 5:00 P.M., all emergency purchases are to be handled through the Purchasing Agent. For purchases over \$10,000, the Department Head will advise the County Manager of the emergency condition and request approval. The using department shall provide whatever information or assistance is deemed necessary. The operating department shall immediately transmit a purchase requisition with **EMERGENCY** indicated in the comment section and the reasons why the indicated acquisition is an emergency.

In the event the emergency occurs after regular working hours and contact with the County Manager cannot be made, a department head may act for the County Manager as outlined herein:

- a) Emergency purchases of \$10,000 or less may be authorized by the responsible department head, and confirmed by transmitting a purchase requisition marked "EMERGENCY" to the Finance Director no later than noon of the next normal working day following the purchase date. The department head shall approve the purchase requisition and a brief but complete explanation shall be included in the requisition to support the emergency nature of the purchase.
- b) Approval of emergency purchases of over \$10,000 shall be limited to the County Manager or his/her designee. A department may proceed under procedures as outlined in 2a above, for purchases of over \$10,000 without the prior approval of the County Manager only in the most extreme emergency circumstances and only after all efforts to contact the County Manager or an authorized delegate have been exhausted. The County Manager must be notified as soon as possible of this type of emergency procurement and a report must be drafted and forwarded to the County Manager.

## **SECTION 3 – SPECIAL METHODS OF PURCHASING**

### **3.0 Georgia Local Government Public Works Construction Law Process**

- a) The Official Code of Georgia Annotated 36-91-1 through 36-91-95, or as subsequently amended, requires counties that engage in the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to any public real property other than those projects covered by Chapter 4 of Title 32 of the OCGA (see Georgia County Road Projects below) in which the value of said work is \$100,000.00 or more, must use the competitive bid or proposal processes set out in these statutory provisions, unless the proposed work qualifies for one of the limited exceptions. This statute does not apply to the routine operation, repair, or maintenance of existing structures, buildings, or real property.
- b) The preferred construction delivery method for these projects is the competitive sealed bid method. No other method allowed by state law shall be used unless expressly approved by the Board of Commissioners. No project requiring a contract under this method shall begin the design phase without the express approval of the County Manager, even if it has been included in the annual capital budget, so that its methods of financing, design, advertisement, and award have been thoroughly reviewed.
- c) Any department head wishing to begin such a project should contact the County Manager to discuss it. All departments have been furnished a copy of a booklet from the Georgia County Association that explains this purchasing method in detail. The booklet is entitled “Public Works Construction Projects: A Guide to HB 1079 and HB 513”, Second Edition, September, 2001. You should use this as the primary reference on this type of project, until a newer edition is printed and distributed.

### **3.1 Georgia County Road Projects**

- a) The Official Code of Georgia Annotated 32-4-40 through 32-4-74, or as subsequently amended, requires counties that engage in a contract valued at \$20,000.00 or more for the construction, reconstruction, or maintenance of all or part of a public road in said county including but not limited to a contract or subcontract for the purchase of materials, for the hiring of labor, for professional services, or for other things or services incident to such work, must use the competitive bid process set out in these statutory provisions, unless the proposed work qualifies for one of the limited exceptions.
- b) No project requiring a contract under this method shall begin the construction phase without the express approval of the County Manager, even if it has been included in the annual capital budget, so that its methods of financing, design, advertisement, and award have been thoroughly reviewed. The Capital Projects Department or Public Works Department are the only departments that would initiate such a project, and that should be done by contacting the County Manager’s Office to discuss it.



### 3.2 Sole Source Purchases

The County Manager is authorized to designate a sole source for any item or service under \$10,000.00 in value, the purchase of which, due to special scientific, technological, or extraordinary specifications and circumstances, is available from only one vendor. Any such purchase shall be documented as to the reasons for the sole source and shall be maintained in the office of the purchasing division. Any proposed sole source purchase that is \$10,000.00 or more in value must be approved by the Board of Commissioners. Any department wishing to make a sole source purchase must furnish the Purchasing Agent (who will then refer it to the County Manager) with a written request which fully explains why it is essential to do so. The County Manager shall make the decision or schedule it for action by the Board of Commissioners, depending on the estimated cost.

### 3.3 Emergency Purchases

The County Manager is authorized to waive any or all bidding requirements for the purchase of necessary goods or services whenever an emergency condition exists which presents a threat to the safety, health and welfare of the citizens of the County and whenever such requirements would cause undue delay in the delivery of essential services under such conditions. Any emergency purchases must be reported to the Board of Commissioners at the next regular meeting of the Board of Commissioners. Any department wishing to make an emergency purchase must furnish the Purchasing Agent (who will then refer it to the County Manager) with a written request which fully explains why it is essential to do so. In the absence of the County Manager, the approval of the Chairman of the Board of Commissioners or the County Manager's designee can be substituted.

### 3.4 Professional and Other Technical Services

Professional and other technical services may be required on a project basis, for specific activities or for certain durations of time. Procurement of these services shall be the primary responsibility of the using department with the assistance of the Purchasing Agent. A contract for professional services shall be awarded to the best-qualified proposal based on the evaluation of the proposals and negotiation of reasonable and fair compensation for services. Such professional service needs must be approved by the County Manager and shall be limited to a maximum duration of five (5) years without again requesting proposals for such general services from the professional community. The initial selection of such professional services shall be accomplished as outlined below. When using architectural or engineering professionals, Quality Based Selection method will be the preferred method unless waived by the County Manager. Fees for such services may be negotiated at the time of such designation or on a project/activities basis:

- a) Professional services which have an estimated cost of \$20,000.00 or more shall be purchased through request for proposals. When determined appropriate by the County Manager, solicitation may be made through formal advertising in the Statesboro Herald or regional newspapers or any other similar means to notify the relevant professional community.
- b) Professional services which have an estimated cost of not less than \$5,000.00 and not more than \$19,999.99 may be purchased on the open market without regard for formal advertising. Upon the receipt of written proposals from at least

three (3) qualified professionals of the service, the using department shall select and the Purchasing Agent shall recommend award of the contract.

- c) Professional services which have an estimated cost of not less than \$500.00 but not more than \$4,999.99 shall be purchased on the open market without regard for formal advertising. Upon the receipt of documented written or oral proposals from at least three (3) qualified professionals of the service, the using department shall select and the Purchasing Agent shall recommend award of the contract. However, a written or oral proposal from only one professional can be accepted by the County Manager if that firm or individual has been involved recently with an aspect of the project that makes it more cost effective or timely to use his services, and the pricing is deemed reasonable for similar work.
- d) Professional services which have an estimated cost of less than \$500.00 may be purchased from any approved list of professionals recommended by the using department or, in the absence of such recommendation, from any approved professional selected by the Purchasing Agent. Each such purchase shall be authorized by the head of the using department.

### 3.5 Real Property Acquisitions

- a) Easements and other limited property rights valued at less than \$10,000.00 may be negotiated and purchased by the County Attorney and the County Manager or his designee.
- b) Easements and other limited property rights valued at \$10,000.00 or more shall be negotiated by the County Attorney and the County Manager or his designee, but must be approved by action of the Board of Commissioners.
- c) All property acquired in fee simple for County use valued at less than \$10,000.00 may be negotiated and purchased by the County Attorney and the County Manager or his designee.
- d) All property acquired in fee simple for County use valued at \$10,000.00 or more shall be negotiated by the County Attorney and the County Manager or his designee, but must be approved by action of the Board of Commissioners.
- e) The Board of Commissioners are authorized to act as the agent to acquire property at any tax lien sale; and such property acquired thereby may by action of the Board of Commissioners be conveyed, sold, transferred, assigned, or given to a duly authorized Land Bank Authority established by Bulloch County or any of its municipalities pursuant to the statutory provisions of Article 4, Chapter 4 of Title 48 of the Official Code of Georgia Annotated, or as subsequently amended.
- f) The County shall acquire road rights-of-way and utility easements and infrastructure which is required to be dedicated by subdivision developers under provisions of the Subdivision Regulations Ordinance.
- g) Pursuant to Section 32-4-40 et. seq. of the Official Code of Georgia Annotated, or as subsequently amended, the County Public Works Director shall notify the Georgia Department of Transportation of any roads either added or abandoned from the county road system.

Any department head wishing to acquire any interest in property for a project should discuss it with the County Manager, who shall determine whether he will designate someone to negotiate on his behalf or work with the County Attorney directly on the acquisition.

### 3.6 Cooperative Purchases

The County Manager may authorize the Purchasing Agent or participating departments to enter into cooperative purchasing agreements with other units of government when, in his judgment, it would be in the best interest of the County. Any department head who becomes aware of such an arrangement, or wants to create such an arrangement with other units of government should contact the County Manager's Office to discuss it.

### 3.7 Federal and State Purchases

Whenever any goods or services are available to the County through a contract with the federal or state government, and when such items or services meet the requirements of a using department, such item or service shall be deemed to have met all the requirements of competitive bidding and may be purchased under the federal or state contract without regard to further government requirements. Any department head wishing to use either federal or state purchasing should contact the appropriate agency and get the information on the product and pricing, then discuss it with the County Manager.

### 3.8 Federally and State Funded Projects and Programs

- a) In accordance with the provisions of the U. S. Office of Management and Budget (OMB) Circular A-102, entitled "Grants and Cooperative Agreements with State and Local Governments," and all related provisions and laws, all Bulloch County departments shall comply with all federal and state procurement regulations when procuring goods and services funded in whole or in part with any federal or state grant. Further, such regulations shall supersede all local purchasing ordinance provisions to the extent of any conflict.
- b) All sub-recipient agencies receiving federal or state funds through Bulloch County shall also comply with the federal or state granting agency procurement regulations, which supersede all local purchasing provisions.

### 3.9 Rental Loan and Demonstration Equipment

Requisitions for rental, loan, or use of demonstration equipment shall be processed in accordance with the procedures herein, and shall include the period of time the item(s) will be required, the estimated total cost for the duration of the rental, and the make, model, year and value of the equipment to be rented or demonstrated. The requisition serves as the "prequalification" document and ultimately as the authorization document for purchase. The Purchasing Agent shall review all documents for any unacceptable terms and conditions the vendor may request we adhere to.

### 3.10 Leases for Real Property and Personal Property (Equipment)

All participating departments requiring the lease of lands, buildings or structures for office or storage space, or for operating equipment shall notify the County Manager. The County Manager shall be solely responsible for selection of the space, for negotiation of lease terms and conditions with the exception of legal terms. The County Manager shall contact the County Attorney's Office to determine insurance requirements, preparation of the lease agreement or review of the lessor's standard contract form. A department requiring the lease or purchase of equipment or personal property, shall notify the

County Manager's office prior to entering into negotiations to determine if it is in the best interest of the county.

#### **SECTION 4 - METHODS OF PROPERTY DISPOSAL**

##### Section 4.0 Methods of Property Disposal

The Board of Commissioners are authorized to sell any real or personal property owned or held by the County, and not needed for governmental or other public purposes in such manner as is required in state law for counties. Any department head who wishes to dispose of property he deems no longer needed by the department should notify the County Manager to discuss it. If no other department of the County has a need for the property, and the County Manager agrees that it is not needed, he will make a recommendation to the Board of Commissioners for their action using one of the methods below:

- a) The sale of real and personal property shall be accomplished using the procedures codified in Chapter 9 of Title 36 of the Official Code of Georgia Annotated, or as subsequently amended.
- b) The sale of real property which is no longer needed for public road purposes and has been abandoned by the County shall be disposed of using the procedures codified in Chapter 7 of Title 32 of the Official Code of Georgia Annotated, or as subsequently amended. The County Manager or designee shall notify the Georgia Department of Transportation of the abandonment of any road right of way as required by Section 32-4-40 et seq. of the Official Code of Georgia Annotated, or as subsequently amended.
- c) Real property acquired through a tax lien sale may be disposed of by participation in a Land Bank Authority, as authorized by Article 4, Chapter 4 of Title 48 of the Official Code of Georgia Annotated, or as subsequently amended.