

ORDINANCE

WHEREAS, the Douglas County Board of Commissioners seeks to find lower costs and better quality when procuring goods and services to assure that the greatest value is received for each tax dollar expended; and

WHEREAS, the Board believes that streamlining the procurement process and updating some of the bidding thresholds will result in more efficient use of taxpayer dollars.

NOW THEREFORE BE IT ORDAINED by the Douglas County Board of Commissioners that Article II of Chapter 9 of the Douglas County Board of Commissioners relating to the purchasing procedures is amended as follows:

1.

Douglas County Code Section 9-25 relating to purchasing procedures is amended by deleting it in its entirety and inserting in lieu thereof the following:

“Sec. 9-25. Purchase procedures.

(a) No employee or official of the county shall request vendors to deliver materials, supplies, services or equipment to the county except upon a regular purchase order issued by the purchasing agent. Requisitions must be completed prior to the purchase and submitted to the purchasing agent.

(b) To obtain a purchase order, a requisition shall be prepared by the department desiring the supplies, materials, services or equipment and shall be written with specifications that will best serve the interests of the county. All specifications shall be definite, certain and shall permit free and open competition. The requisition must include the department name and number, a specific and detailed description of the goods or service requested, an approximate cost of the item, and the signature of the department head or designated employee.

(c) The purchasing agent shall review the requisition, shall review the budget of the department for availability of funds in the budget of the department, shall, if proper, obtain all required approvals necessary, shall proceed with bids from approved vendors lists, if bids are required under the procedure herein established, and shall recommend the purchase from a certain vendor base on this procedure.

(d) Requisitions of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000) or less shall be reviewed and approved or denied solely by the purchasing agent. Requisitions over ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000) up to ten thousand dollars (\$10,000.00) shall be approved or denied either by a member of the board of commissioners or the county manager/administrator. Requisitions of ten thousand dollars (\$10,000.00) up to twenty five thousand dollars (\$25,000) shall be approved or denied by either a majority of the

commissioners or the county manager/administrator and one or more of the commissioners. Except as otherwise required for road construction, requisitions over twenty-five thousand dollars (\$25,000.00) up to fifty thousand dollars (\$50,000) shall be approved or denied by a majority of the commissioners and the county manager/administrator. Requisitions over fifty thousand dollars (\$50,000) ~~twenty five thousand dollars (\$25,000)~~ shall follow the bid procedure established in section 9-28, except as provided in subsection (e) hereof. Requisitions for professional services rendered to the county by attorneys at law, engineers, accountants, medical doctors, insurance agents and other such professional personnel shall be approved or denied by a majority of the commissioners.

(e) If in the opinion of the purchasing agent the material, supplies, services or equipment is available through only one (1) source or supplier, due to the unusual or unique nature of the specifications, manufacturing processing, quality, type, performance ability or suitability of the particular materials, supplies, services or equipment, then and in that event purchases in excess of ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000) may be made by the board of commissioners with out utilizing the bid procedure established herein. The recommendation of the purchasing agent to make a purchase from a sole source supplier shall be accompanied by an opinion of the county attorney that the research of the purchasing agent confirms that the proposed purchase does satisfy the requirements of this section.

(f) When material, supplies, services or equipment is available for purchase through an existing contract or schedule with the state or federal government, the purchase can be made if the purchase is made pursuant to the price, terms and conditions of said contract and if the county receives all the benefits of such contract, without utilizing the bid procedures established herein. It is this county's opinion that the existing contracts and schedules have completely satisfied the bid process, therefore it is practical, and cost effective to utilize this method when possible. This applies regardless of the cost of the materials, supplies, services or equipment.”

2.

Douglas County Code Section 9-26 relating to emergency purchasing procedures is amended by deleting it in its entirety and inserting in lieu thereof the following:

“Sec. 9-26. Emergency purchase procedures.

(a) Emergency purchases are defined as those purchases, irrespective of amount, made necessary by situations which could not be anticipated by the department head, usually involving life-threatening circumstances or risks of injury, or resulting in work stoppages, undue delay or occurring during nonbusiness hours when the ordinary purchase procedures cannot be followed.

(b) If an emergency requiring a purchase occurs during business hours and time permits, the department head shall contact the purchasing agent and obtain an emergency purchase order number. The item sought may then be acquired using that number. If time does not permit or the emergency occurs during nonbusiness hours, the department head shall make the purchase and, immediately upon the resolution of the emergency, a requisition shall be prepared stating that nature of the emergency. The requisition shall be forwarded promptly to the purchasing agent together with the purchase receipt and a memorandum from the department head setting forth the details of the emergency shall likewise be submitted.

(c) Any department head who is an elected official, or who is under the supervision of an elected official not the board of commissioners, shall submit to the purchasing agent the written certification of that elected official as to the emergency nature of the purchase along with the requisition.

(d) All emergency purchases shall be approved by the county manager/administrator. The purchasing agent shall review emergency purchases which exceed \$50,000 ~~\$15,000~~ at the first meeting of the board of commissioners following such emergency purchase.

3.

Douglas County Code § 9-28 relating to bid procedures is amended by deleting such code section in its entirety and inserting in lieu thereof the following:

“Sec. 9-28. Bid procedures.

(a) When the purchase price of any materials, supplies, services, new or used vehicles, or equipment exceeds fifty thousand dollars (\$50,000) ~~twenty five thousand dollars (\$25,000)~~, the purchasing agent may purchase the item only after notice requirements herein imposed have been met and after the board of commissioners or the purchasing agent have opened and reviewed, and the board of commissioners has awarded the bid to the lowest responsible bidder.

(b) A department head requesting a purchase in excess of fifty thousand dollars (\$50,000) ~~twenty five thousand dollars (\$25,000)~~ shall first submit a requisition to the purchasing agent for budgetary analysis and review.

(1) Provided that the item was approved in the county's annual budget for that fiscal year, that sufficient funds are available in the appropriate line item for the purchase, and that the county manager/administrator approves the request for bids in writing, the department head shall then prepare and submit to the purchasing agent detailed specifications for the purchase.

(2) If the item was not approved in the budget and/or sufficient funds are not available, then the board of commissioners must approve the request for bids in open meeting. After such approval, the department head shall

prepare and submit to the purchasing agent detailed specifications for the purchase.

(c) Bids for public works projects shall be bid and let as provided in O.C.G.A. 36-91-1 et seq. ~~Chapter 36-10.~~ Bids for road contracts shall be bid and let as provided in O.C.G.A. § 32-4-60 et seq. For all other bids, the purchasing agent shall comply with the following requirements.

(1) Notice of the proposed purchase shall be mailed to recognized, acceptable vendors on the list maintained by the purchasing agent setting forth such details and specifications as will enable the public to know the extent and specifications characteristic of the work to be done and the terms and time of payment;

(2) Notice of the proposed purchase shall be posted on the bulletin board at the courthouse door setting forth the specifications of the requested purchase;

(3) Notice of the proposed purchase shall be advertised once in the legal organ of the county setting forth such details and specifications as will enable the public to know the extent and character of the work to be done and the terms and time of payment; and

(4) Detailed, complete specifications of the proposed purchase shall be available for public inspection at the office of the purchasing agent; and

(5) All notices required hereunder shall be mailed, posted or published a minimum of five (5) days prior to the date of the proposed bid opening.

(d) On the date of the bid opening, which may be in the office of the purchasing agent, at a meeting of the board of commissioners or elsewhere, the sealed bids shall be opened and read. The bids may be turned over to the appropriate department head for such department head's evaluation and recommendations, and thereafter, at a public meeting, the award of the bid shall be made by the board of commissioners. Bids shall be awarded to the lowest responsible bidder who meets the specifications.

(e) All bids submitted for goods or services sold to the county under these provisions shall be kept on file in the purchasing department. After an award has been made, the bids shall be subject to inspection at any time during normal business hours by any citizen of the county.

(f) Purchases shall be made only from vendors on an approved vendors list. The purchasing agent shall have the authority to declare a vendor who defaults on such vendor's quotations to be an irresponsible bidder and to disqualify such vendor from receiving any business from the county for a specific period of time.

(g) No department head, elected official or other employee, servant or agent of the county may divide, stagger, separate, time or otherwise structure purchases through the county so as to avoid purchases on a competitive basis.

(h) Bid bonds, performance bonds and/or payment bonds may be required from parties submitting bids to the county when deemed necessary by the purchasing agent. In the event that the purchasing agent determines that bid bonds, performance bonds and/or payment bonds shall be necessary, such fact shall be noted in the specifications for the acquisition in question.

(i) The provisions of this article are not applicable to professional services rendered by individuals or companies that provide services to the county, where particular knowledge or technical skill is required. Such services include, but are not limited to, actuarial, architectural, legal, dental, engineering, medical, insurance counseling and similar professional services.”

4.

Douglas County Code § 9-34 relating to county preference for local companies is amended by deleting it in its entirety and inserting in lieu thereof the following:

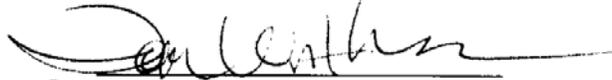
“Sec. 9-34. County preference.

Except for construction projects subject to state law, the county may allow local companies to be within a three (3) percent cost difference when evaluating competitive bids and making awards to local firms.”

This ordinance shall become effective on January 6, 2009.

So ordained this 6th day of January, 2009.

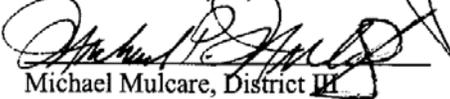
DOUGLAS COUNTY BOARD OF COMMISSIONERS



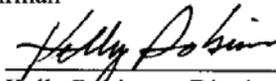
Tom Worthan, Chairman



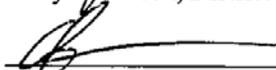
Freddie Ashmon, Jr., District I



Michael Mulcare, District III



Kelly Robinson, District II



David Latham, District IV

Attest:



Lisa Watson, County Clerk