

ORDINANCE NO: ORD-17-001

AN ORDINANCE ADOPTING AND ENACTING THE UPDATED CODE FOR JACKSON COUNTY, GEORGIA FOR THE ESTABLISHMENT OF PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES IN SUPPORT OF COUNTY FUNCTIONS.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS:

- Section 1: Established
- Section 2: Definitions
- Section 3: Authority
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Section 1.     **Established**

The Jackson County Board of Commissioners does now exercise its authority as granted by Georgia law (O.C.G.A. § 36-80-9 et seq.) to establish these procedures for the procurement of goods and services that will enhance the operational effectiveness of the County in support of those services that benefit our citizens. This ordinance applies to all Departments under the jurisdiction of the Jackson County Board of Commissioners and applies to all businesses who desire to avail themselves to opportunities to provide goods and services to the citizens of Jackson County.

Section 2.     **Definitions**

The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*County Manger* means the manager hired by the Board of Commissioners to oversee the daily operating functions of the County.

*Finance Department* means the department handling financial affairs and accounting of Jackson County, Georgia.

*Purchasing Manager* means the individual who is assigned the general duties and responsibilities of supervising and administering the provisions of this ordinance. This function falls under the management of the Director of the Finance Department.

*Goods and Services* means the tangible items and/or labor and materials provided by outside contractors and professionals necessary to provide an effective and economically responsible delivery of services by Jackson County and for which financial appropriations have been made by the governing authority.

*Supplies, Material, or Contractual Services* means all tangible equipment, commodities, repairs or non-professional services necessary to operate the government.

*Professional Services* means services provided by the following licensed professionals need not be subject to competitive bidding: practitioners of law, medicine, podiatry, dentistry, optometry, psychology, veterinary medicine, physiotherapy, public accounting.

*Using Agency* means any department, division, agency, bureau, commission, board, authority or another unit of the Jackson County Government using goods and services to carry out the duties and responsibilities of such functions and for which financial appropriations have been made by the government authority.

*Local business* means a business located in Jackson County holding a Jackson County Business License.

*Purchase Card* means any credit card supplied to the County for the purpose of obtaining goods and services that is administered under the provisions of the State of Georgia Purchasing Card Contract.

### **Section 3. Authority**

(a) The Finance Department, through the Purchasing Manager, shall administer and enforce the provisions of this ordinance equitably throughout the County. The Finance Department will ensure all software utilized for accounting purposes is able to manage the encumbrance of funds and expenditure of funds through a purchase order process. The Finance Director will ensure the Purchasing Manager and/or Buyers are provided professional training so that they may maintain the highest degree of professionalism within the County.

(b) The Purchasing Manager shall work with the Using Agency to ensure the quality, quantity, and type of commodity or service being requested will provide the best value for the funds being expended so that the citizens of Jackson County are being served and the tax dollars are expended in a manner that proves prudent to a reasonable person.

(c) The Purchasing Manger shall work with the Using Agency to clearly define the technical requirements for all goods and services being procured so that the end product will completely meet the need and fulfill its purpose. These technical requirements will be utilized to formulate the Request for Proposals (RFP) or Invitation to Bid (ITB) that will be released by the County to solicit competitive proposals and/or pricing.

(d) The Purchasing Manager shall strive to maintain strong professional and cooperative relationships with vendors and contractors who desire to provide quality goods and

services to the meet the operational needs of the County. The Purchasing Manager will maintain up-to-date files of all vendors known to the governing authority who are reputable and responsive vendors of goods and services.

#### **Section 4. Procurement Levels of Authority**

(a) Purchases of less than \$5,000.00 may be authorized by the Department Head of the Using Agency with a purchase order. The Using Agency must obtain and document a minimum of three (3) phone quotes prior to initiating a purchase order. The Using Agency is responsible for ensuring the vendor is established in the Accounts Payable system and providing the vendor with a Vendor Packet to complete if they need to be established. Once the goods or services have been completed, the department should sign the receipt showing they have accepted the order as complete. If the invoice is provided to the Department, the invoice should be forwarded to Purchasing as quickly as possible for processing with a check requisition or copy of the Purchase Order. It is the responsibility of the Department Head to ensure funding for the purchase is available before the order is processed to the vendor.

(b) Purchases over \$5,000.00 but under \$15,000.00 may be authorized by the Finance Director or the Purchasing Manager with a purchase order. The Purchasing Manager or the Using Agency must obtain and document a minimum of three (3) written quotes prior to initiating a purchase order. It is the responsibility of the Department Head to ensure funding for the purchase is available before the order is processed to the vendor.

(c) Purchases over \$15,000.00 but under \$30,000.00 may be authorized by the County Manager. The Purchasing Manager must obtain and document a minimum of three (3) written quotes prior to initiating the purchase order. The authorization for the procurement of the supplies, material or services in this monetary range must be specifically addressed in the approved fiscal year budget or by written authority of the County Manager.

(d) Purchases over \$30,000.00 may only be awarded by the Board of Commissioners. The Purchasing Manager will obtain and document sealed bids and/or proposals through the sealed bid/proposal process that has been formally advertised per Federal, State, and local laws and ordinances. After the Board of Commissioners has awarded the bid and/or contract, the County Manager may sign the purchase order for the procurement of the goods as necessary. All contracts must be signed by the Chairperson of the Board of Commissioners.

(e) Purchases of the following items require the review and approval of a specific Department before the purchase can be initiated. In some cases, the purchase must be accomplished through the Department where the item has been approved for purchase in the Departmental budget. If the item being purchase exceeds \$10,000.00, it constitutes a County Asset and therefore, the procurement is governed by the Jackson County Fixed Asset Policy. These specialty items and the approving Department are:

Information Technology Equipment/accessories/software – IT Department  
Vehicles and Equipment – Fleet Maintenance  
Building Repairs and Equipment – Facilities Maintenance

## **Section 5. Exceptions**

(a) Fuel bids are the only commodity exempt from the sealed bid process because of the quantity, time factor of demand, and the daily pricing volatility.

(b) Change Orders to a purchase order or contract may be approved by: (1) the Department Head if the value of the change order is under \$5,000.00; (2) the County Manager if the value of the change order is under \$30,000.00; and (3) the Board of Commissioners if the change exceeds \$30,000.00.

(c) Professional Services may be engaged by the County Manager or the Board of Commissioners on a project basis for specific activities or for a specific duration of time when it is in the best interest of the County to engage these services without obtaining competitive bids and/or proposals.

(d) The County may purchase goods or services (i.e. Piggyback) from any Federal, State, Cooperative Purchasing Agreement, Georgia Group Procurement Contract, or any other "Piggyback" contracts entered into by other legal governing authority established by Georgia State law that has been awarded after a documented competitive bid and/or proposal process and that the procurement is in the best interest of the County.

(e) Emergency purchases shall be authorized by the County Manager whenever a condition exists that presents a threat to the safety, health, and welfare of the citizens of Jackson County and when it is determined that following the normal procurement process would cause undue delay in the delivery of essential services under the emergency conditions.

(f) Sole-Source Vendor – The County Manager shall approve the purchase of any item that is available from only one (1) vendor and is considered a Sole-Source Vendor purchase. This approval should be obtained before the requirement is sent to the Purchasing Manager for processing.

(g) Purchase Used, Leased, or Rented Equipment – The County Manager may waive the bidding requirements for the procurement of used equipment or obtaining equipment through a rental or lease agreement when such a purchase would be in the best interest of the County. The waiver can only be accomplished on a per incident basis.

(h) Recurring Purchases such as utility bills, landscaping bills, pest control bills, copier leases, etc. do not require a purchase order. A check requisition, monthly spreadsheet detailing the departmental charges, or finance approval stamp may be utilized to pay for these services.

(i) Business travel expenses are governed by the policies outlined in the Jackson County Employee Policy and Procedures Manual. A local spreadsheet that can be completed to obtain travel reimbursement for authorized expenditures is available on the County Intranet.

This form should be completed, all receipts attached to the form, reviewed by the Department Head, and sent to the Finance Department for approval and payment.

**Section 6. Procurement Procedures**

(a) Verbal Quotes on purchases below \$5,000.00 – Quotes for purchases may be obtained by contacting the vendors who are capable of supplying the product or services required and asking them for a quote over the phone. The person obtaining the quote should record the date, vendor's name, contact's name, and the price for the product or service.

(b) Written Quotes on purchases \$5,000.00 to 30,000.00 – Quotes for purchases may be obtained by contacting the vendors who are capable of supplying the product or services required and asking them to send a written quote by mail, fax, or email. The quote should contain the date of the quote, the vendor's name, contact's name and phone number, and the price for the product or service.

(c) Sealed Bids on purchases over \$30,000.00 – Under the sealed bid method, the County issues an Invitation to Bid (ITB) that explains the requirements of the supplies or materials being required or the project specifications. The bid or contract that is awarded must be to the lowest responsible bidder who meets all the requirements of the ITB. Bids are valid for only 60 days unless otherwise agreed by the county and the bidder. Under the sealed bid method, the County may negotiate only with the lowest responsible bidder if all responsive bids exceed the County's budget for the supplies, material or project.

(d) Sealed Proposals on purchases over \$30,000.00 – The proposal method allows the County to select the offer based on evaluation factors established in the Request for Proposals (RFP). In the RFP, the County must list all of the factors that will be used to evaluate each offering to select the best proposal. The RFP must also assign a relative weight to each factor. Each responsive proposal is scored according to only those factor listed in the proposals. Once all the proposals are scored, the relative weight of each factor is applied, and the firm with the best score wins or the County may "short list" the top three firms that the County feels are capable of meeting all the requirements of the RFP for future negotiations. The scoring sheets must be used to evaluate firms and are subject to open records requirements once the project is awarded. Because price does not have to be an evaluation factor, the County is not restricted in hiring the firm that offers the lowest price. If the contract is awarded, it must be to the firm determined in writing to be most advantageous to the County based upon the factors specified in the RFP. Proposals are valid as long as specified in the RFP, but vendors/contractors not on the short list must be released after 60 days. If specified in the RFP, the county may negotiate with those firms on the short list for purposes of obtaining a best and final offer under the proposal method.

(e) Federal and State Funding – Should the procurement of goods and/or services be funded in whole or partially utilizing Federal or State funds, then all Federal and/or State procurement regulations must be followed to ensure proper reimbursement of these funds to the County. The Finance Director and Purchasing Manager will coordinate efforts to ensure the County adheres to these regulations.

(f) Bid Bonds, Performance Bonds, or Deposits – The Manager shall be authorized to require a bid bond, performance bond, or deposit, payable to Jackson County for contracts up to \$100,000.00 from vendors bidding on any goods or services when, and in such amounts, the nature of the goods or services warrant such a bond or deposit, or whenever such bond or deposit is required under State law. Notice of bond or deposit shall be included in the public notice and ITB/RFP specifications. Contracts over \$100,000.00 shall require a bid bond, performance bond, or deposit. Such bond or deposit shall not exceed one hundred percent (100%) of the bid amount.

(g) Addenda Modifying Plans and Specifications – Addenda modifying plans and specifications shall not be issued within a period of three (3) days of the advertised time for the bid or proposal to close, excluding weekends and legal holidays. If it becomes necessary to issue an addendum modifying plans and specifications within the three days immediately preceding the advertised time for the bid or proposal to close, the closing date and time will be extended by exactly one (1) week without the requirement to re-advertise. Any addenda issued to modify plans and specification must be acknowledged by every vendor submitting a bid or proposal using the form provided with the bid or proposal. Failure to acknowledge all addenda issued will result in the bid or proposal being rejected.

(h) Local Vendor Preference – Except for matters required to be bid by State law, such as public works contracts and materials, any purchase or contract under \$100,000.00 that is put out to bid under this ordinance may be handled in the following manner. When a non-local business submits the lowest bid price and the bid submitted by one or more local business is within five (5) percent of the price submitted by the non-local business, the local business with the lowest submitted bid shall have the opportunity to match the low bid of the non-local business. If they match the low bid, they will be awarded the contract. If this local business does not desire to match the low bid, then the local business with the next lowest bid within the five (5) percent price range will be asked until all local businesses within the five (5) percent range have had the opportunity to match the low bid. If a local business does not desire to match the non-local business' bid, the non-local business will be awarded the bid/contract.

(i) Single Responses – When only one response is received on a solicitation, the County will review the response to determine if all specifications have been met, that the response is a responsive and responsible bid, and that the response is within the budget for the solicitation. If these conditions are met by the vendor, then the County may accept the response and award to the responding vendor. However, if the response does not meet all three of these conditions, the County will withdraw the solicitation and will determine the actions that must be accomplished to release a new solicitation to attempt to obtain competitive responses.

(j) Unopened Responses – If a response is rejected without being opened because the information on the response does not match the requirements of the solicitation or the response is received after the announced closing time, the response will be returned to the vendor as having been rejected for noncompliance.

(k) Rejected Responses – Responses may be rejected for any of the following reasons by the Purchasing Manager, the Finance Director, the County Manager and/or the Board of Commissioners. Once a response is rejected at any level of review, the response cannot be considered for the award.

- The response to the solicitation was received after the announced closing date and time of the solicitation.
- The response fails to comply with any provisions or specifications outlined in the solicitation.
- The response includes an escalation clause that was not authorized by the specifications of the solicitation.
- The response includes alternate bids but the solicitation did not authorize the acceptance of alternate bids.
- The response, when opened, contained multiple responses to the solicitation. A vendor may submit multiple responses but each response must be submitted separately, as outlined in the solicitation, to be considered.
- The vendor discusses the solicitation with the County personnel or elected officials who are not authorized to answer questions or to be contacted as outlined in the bid documents and/or request for proposals from the time the solicitation is released until the time the Board of Commissioners approves the award of the bid or the contract.
- The County Manager or the Board of Commissioners may deem it necessary and in the best interest of the County to reject all responses because of funding constraints, new specifications that become evident during the review process but were not provided to the vendors, lack of responsiveness on all responses received, or other justification that comes to light after the closing date and time and before the award of the bid or contract.

(l) Tie Bids – If two or more bids received in conjunction with a valid ITB are received for the same total amount or unit price, quality and service being equal, the bid will be awarded to a local business. When a local business is not one of the vendors with the tied bid, the Board of Commissioners shall award the contract at their discretion.

(m) Protests – After the Board of Commissioners has awarded a bid or contract, any vendor who submitted a valid response to the solicitation and feels they have a legal challenge to the award, must file a written letter of protest outlining their reason for challenging the award within three (3) days of the award of the bid. Should the vendor failure to present the protest in three (3) days, excluding weekends and legal holidays, the vendor forfeits their right to protest the results of the Board's decision and the vendor must then seek an injunction through the Courts to challenge the process.

(n) Payments on bids and contracts – Payment(s) to vendors who have successfully responded to a solicitation and have been awarded a bid or contract by the Board of Commissioners shall be made after all material and services have been received and the Board of Commissioners or their representative have accepted the material or services as compliant with

the specifications of the solicitation. The acceptance of goods and services should be provided by a signed delivery ticket, bill of lading, or letter of acceptance. The vendor will submit an invoice with a copy of the acceptance paperwork to the Finance Department for processing of payment under the terms of net 30 from the date of the invoice. Exceptions to the net 30 payment can only be made by the Finance Director or the County Manager.

Partial payments are allowed on purchase orders based upon delivery and acceptance of material and/or services as outlined in the above paragraph. The vendor will submit an invoice with a copy of the acceptance paperwork to the Finance Department for processing of payment under the terms of net 30 from the date of the invoice. Exceptions to the net 30 payment can only be made by the Finance Director or the County Manager.

Payments on Public Works projects will be subject to a retainage of ten percent (10%) of the total amount paid out to date. The vendor may request payment of the retainage after the architect has signed off on the project as complete, the Board or the Board's representative has signed off on the project as complete, the representative of the Federal government or State government signs off on the project as complete in the case where funding from these organizations is involved, the Contractor has provided a Waiver of Liens, and the entire punch list of items requiring attention, correction, or repair have been resolved.

(o) Conflict of Interest. No Jackson County Elected Official or Jackson County Employee shall have a direct interest or indirect interest in any business wishing to engage in an agreement with Jackson County for the purchase of goods or services.

(p) Equal Opportunity. Jackson County will provide equal opportunity for all businesses to participate in County contracts regardless of sex, race, color, religion, national origin, political affiliation, age, handicap status, sexual orientation, sexual preference, or transgender status. The County will actively seek to ensure that minority-owned and operated firms have the opportunity to participate in the purchasing process, including binding, negotiations, and contract awards. The County will not knowingly conduct business with contractors that discriminate or permit discrimination against persons for any reason.

(q) Ineligible Vendors. Any person, firm, or corporation in arrears to Jackson County for taxes, or otherwise, will not be eligible to bid on any County solicitation until their lien to the County has been cleared. Any person, firm, or corporation barred from participating in solicitations at the Federal or State levels of government will also be barred from participating in County Solicitations. Any vendor knowingly violating the County Purchasing Ordinance to gain an advantage in the solicitation process shall be barred by the Purchasing Manager from participating in future solicitations for a period of three (3) years.

#### **Section 7. Purchases with a Purchasing Card**

(a) The purchasing card (P-Card) is a credit card issued by the approved vendor awarded the State Contract for providing P-Card services. It is a fast and flexible purchasing tool that provides an extremely efficient and effective method of purchasing and paying for



necessary goods and services. Purchases can be completed over the phone, in person, or over the Internet utilizing the P-Card.

The P-Card will be issued in the name of the employee with Jackson County BOC and the County Seal clearly present on the card. Employees who are issued a P-Card will sign a policy statement that they understand the proper use of the P-Card and will adhere to the policies set forth in the BOC P-Card resolution when utilizing the P-Card. **Additionally, the guidelines for purchases outlined in Section 6 above must be followed when P-Card purchases are being transacted.**

(b) The Purchasing Manager will be assigned the responsibility to monitor and manage the County's P-Card system. Should a transaction warrant additional explanation, the Purchasing Manager may contact the P-Card user for additional information that can be documented in the P-Card transaction record to record this information for audit purposes. Department Heads will be responsible for reviewing and signing off on all P-Card transactions transacted by any employee in their department who has been authorized a P-Card. The Purchasing Manager, in coordination with the County Manager, may suspend and/or cancel a P-Card when activity on the card may be suspicious.

(c) At the end of the month when the billing statement is received from the bank, the Purchasing Manager will reconcile the statement to the transactions in on-line monitoring program and will produce the import file that will be processed into the Finance Software to ensure payment of the statement in accordance with the terms of the P-Card Agreement.

#### **Section 8. Records**

(a) The Purchasing Manager will maintain all the records required by Federal, State, and local laws and ordinances to provide supporting documentation for all internal audits and to ensure transparency in the procurement process.

(b) Since all public procurement transactions are subject to open records, the Purchasing Manager will maintain documentation on purchase orders, bids, requests for proposals, fixed assets inventory, surplus sales, e-Verify documents, and insurance related documents for a period of seven (7) years. These records may be manual documents or on-line records according to the current operating standards.

#### **Section 9. Gifts and Gratuities**

An employee of the County may not accept personal gifts or favors of value or elaborate entertainment from any person or firm with whom the County is presently doing or has previously done business or from anyone desiring to establish business relations with the County.

Normal courtesies or items distributed as part of an advertising program may be accepted when there is obviously no intent to obtain special consideration from the donor. These items shall not exceed the maximum value set by State Law for acceptable advertising items that may

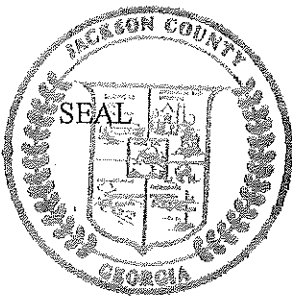
be accepted by government employees. The return of gifts and/or gratuities or the refusal to accept them should be done promptly and tactfully.


**Section 10. Penalty for violation**

Any Elected Official, agent, or employee of Jackson County or person doing business with the County who knowingly violates the provisions of this ordinance shall be personally liable for any losses incurred by the County.

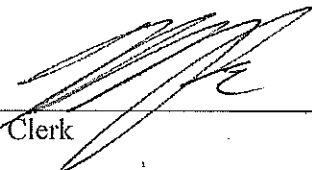
Passed and adopted by the Jackson County Board of Commissioners this 20<sup>th</sup> day of

February, 2017.



  
Chairman

Attest:

  
County Clerk