

DIVISION 2 – PURCHASING POLICY

Sec. 2-105. – PURPOSE.

This policy is adopted as a guide to obtain high quality goods and services at the best cost, to conduct procurement procedures in a fair and impartial manner, to provide access for all qualified vendors, and to promote efficient procurement practices among all County departments. It has also been adopted as a guide for procurement of goods and services funded with Federal Transportation Administration and/or other federal funds.

Rules governing contract awards shall be made clear in advance. Specifications shall reflect the procurement needs of the County and the vendor shall freely exchange information concerning what is sought to be procured and what is offered for non-sealed quotes. Vendors are to propose questions and suggestions during the allowed timeframe as depicted within each solicitation package for sealed requests and only to the Purchasing Department. In addition, surplus property is to be disposed of on a competitive basis whenever practicable.

This policy establishes a means for purchasing materials, supplies, equipment and services by the County. These procedures shall apply to all departments and agencies of County Government funded in whole or in part by the County and for which obligations are paid through the Dawson County Finance Department unless specifically exempted by the Dawson County Board of Commissioners.

Sec. 2-106. – POLICY INTENT.

This policy is intended to provide the policies and procedures necessary for purchasing activities for Dawson County. This policy is designed to:

1. Encourage maximum competition through fair and equal opportunity to qualified and interested bidders.
2. Provide a uniform policy for the procurement of material, equipment, supplies, and services.
3. Ensure that the taxpayers get the best overall value.
4. Apply to all County departments under the budget authority of the Board of Commissioners.

Sec. 2-107. – AUTHORITY.

The Dawson County Board of Commissioners authorizes the County Manager to exercise procurement responsibility subject to the limitations and terms included in this policy. In all cases, reference to a County employee in this policy shall be deemed to include designees of the employee. The Purchasing Manager, under the supervision and direction of the Chief Financial Officer, shall be responsible for the purchase of all goods and services for the County that fall outside the departmental limits stated herein.

1. Disclaimer of Responsibility.

The County will not be responsible for a purchase made by any County employee, County Official, or an employee of any department utilizing public funds that fail to follow these purchasing policies and procedures that has not been previously exempted by the County Manager or the Board of Commissioners.

- a. It shall be considered a “breach of duty” by any employee to procure goods or services not consistent with the purchasing policies and procedures contained herein. Any breaches shall be reported to the County Manager, Chief Financial Officer, or Elected Official, as applicable.
- b. The Board of Commissioners may disclaim responsibility and liability for any expenditure or agreement for expenditure arising from a purchase of goods and/or services made in its name, in the name of any governmental department under its fiscal authority, by an unauthorized person or any person acting outside these polices.

Sec. 2-108. - ETHICS IN PUBLIC PURCHASING AND CONTRACTING.

It shall be unethical for any County employee involved in making procurement decisions to have personal investments in any business entity that creates a conflict between their private interests and their public duties.

It shall be unethical for any person to offer, give, or agree to give any Dawson County employee, or for any Dawson County employee to solicit, demand, accept, or agree to accept from any vendor or business, a gift or gratuity in any amount in exchange for any decision, approval, disapproval, or recommendation concerning a solicitation.

Inexpensive advertising items bearing the name of a vendor, such as pens, pencils, paper weights, cups, candy, or calendars, social courtesies such as infrequent meals or holiday gifts not to exceed \$100.00, are not considered articles of value or gifts in relation to this policy. Failure to comply with the provisions of this policy will result in disciplinary action. When Federal Transportation Administration (FTA) or other Federal/State grant funds are involved, no items are to be received from any contractor, subcontractor or supplier who has a contract with a governmental agency, has performed under such a contract within the past year or anticipates bidding on such a contract in the future. Such individuals or firms shall be prohibited from making gifts or providing favors to any individual listed under the definition of financial interest, immediate family or conflict of interest who is charged with the duty of preparing plans, specifications or estimates for public contract, awarding or administering public contracts or inspecting or supervision of construction.

It shall be a breach of ethical standards for any County employee to participate directly or indirectly in procurement when the employee knows:

- The employee (or prospective employee that an offer of employment is anticipated or has been made) or any member of the employee’s immediate family, board members, officer, agent, his or her partner, has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee’s immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with whom the employee or any member of employee’s immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

The employee may, at the same time, request from the Purchasing Manager an advisory opinion as to what further participation, if any, the employee may have in the procurement. It shall be at the sole discretion of the Purchasing Manager to determine if the employee may have any further participation in the procurement and, if so, the extent to which the employee may participate. Any employee who fails to comply with the provisions of this paragraph may be subject to disciplinary action.

A County employee, who has reason to believe that he/she or his/her immediate family have an interest that may be affected by his/her official acts or actions as a County employee or by the official acts or actions of County shall disclose the precise nature and value of such interest in a written disclosure statement to the Purchasing Manager. The employee's disclosure statement will be reviewed by the Purchasing Manager and the Purchasing Manager will respond to the employee in writing with an opinion as to the propriety of said interest.

In the event that the Purchasing Manager has reason to believe that he/she or his/her immediate family has an interest that may be affected by his/her official acts or actions as a County employee or by the official acts or actions of County, he/she shall disclose the precise nature and value of such interest in a written disclosure statement to the Purchasing Manager.

Solicitation or acceptance of gifts from bidders, offerors, contractors or subcontractors is prohibited. No official or employee shall have a personal interest in a transaction or contract. No County employee or County official shall be paid by the County for products or services outside the realm of their job duties. The Purchasing Manager at the direction of the CFO shall provide information regarding these prohibitions to employees and affected volunteers.

No County official or employee shall accept vendor paid trips to vendor sites or other locations if the trip or any expenses associated with the trip are paid by anyone other than the employee or County without prior written approval of the County Manager.

Exception: The County understands that site visits may be vital to a successful contract. All information must be included in bid pricing and approved by the Board of Commissioners at time of award.

Sec. 2-109. – Definitions.

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

Agenda Request Form is a form designed by administration that allows for the presentation of all pertinent information to be garnered quickly, i.e. commodity, background, current information, budget, attachments, and presenter. This form must be used when submitting a request to the Board of Commissioners for approval.

Approved Vendor means a person or entity that is deemed capable of providing products or services to the county, that has completed the necessary paperwork (e.g. W-9, E-Verify, and met the necessary Insurance Requirements) and has been approved by the Purchasing Department.

Blanket Order means a purchase order(s) issued to an approved vendor which may be left open for a complete fiscal year. Blanket orders must be attached to an approved contract and funds must be encumbered. The goods or services specified might be ordered and/or released throughout the fiscal year as needed.

Capital Asset means any tangible asset (vehicles, equipment, furnishings, etc.) with a unit value of \$5,000.00 or more which has a life cycle of a minimum of one year or more.

Competitive sealed solicitation means the procurement method where a formal bid or proposal for materials, supplies or contractual services is submitted by a vendor in a sealed envelope that is to be opened

publicly at a designated place, time, and date. Solicitations must be published in the legal organ. There are several types of solicitation methods.

Conflict of Interest is a situation in which an existing employee or an employee who has been, or will be, offered employment by the County, board member, officer, or agent has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties. A conflict of interest represents a divergence between an employee's private interests and his or her professional obligations to the County such that an independent observer might reasonably question whether the employee's professional actions or decisions are determined by considerations of personal gain, financial or otherwise.

Consent Agenda is defined as a single agenda item that encompasses all the things the Board would normally approve without formal presentation. The Board may vote an item off the consent agenda and ask that it be formally presented. Departments are required to submit the agenda request form and all other pertinent information the Board may need to make an informed decision.

Emergency purchase means a purchase made necessary by a situation which could not have been anticipated by the department or elected official, usually involving life threatening circumstances or risks of injury, or resulting in work stoppages or undue delay, or occurring during non-business hours when the ordinary purchase procedures cannot be followed.

Equipment means automotive equipment, machinery, or other items of a permanent or semi-permanent nature.

Financial Interest is an officer, agent, board member, his or her partner, employee or their immediate family, is considered as having a financial interest in a company if: they receive more than \$10,000 in consulting income, salaries, or equity in the company; they have more than five (5) percent equity in the company; they have intellectual property rights in or receive royalties from the company; or they serve as a director, officer, partner, trustee, manager or employee of the company.

Immediate Family includes an employee's spouse, grandparent, parent, brother, sister, child or grandchild, his or her partner.

Local vendor means a business which has its principal office located in and having a street address within Dawson County for at least six months immediately prior to the issuance of the quote/bid/proposal. Refer to the Local Small Business Initiative included in this document for further requirements.

Materials, supplies or contractual services means all tangible equipment, commodities, repairs or nonprofessional services as are normally used or consumed during the current year, and for which a general appropriation has been made.

Notice of Award is a form issued by Purchasing to the respective Contractor depicting details of the BOC decision to award said contract. This letter gives specific direction to the respective Contractor on completing and returning the solicitation contract as well as County project contract name, County project manager name, phone number and email.

Notice to Proceed is a form issued by Purchasing to report all documentation has been obtained and a department can proceed with the project. Examples of documentation are executed contracts, bonds, insurance, etc. This form is to contain the project start date and is to be forwarded to the Contractor and

relative Department Director/Project Manager along with a copy of the executed contract and project purchase order.

Professional Services means such services including but not limited to medical, surveying, engineering, consulting, architectural, legal and audit services or other services performed by individuals whose profession may or may not be licensed by the state or federal government. These services are normally used during the current year and are covered by appropriations. Any service over the bid threshold must be approved by the Board of Commissioners.

Purchasing Department means the office designated and maintained by the Board of Commissioners that is assigned the general duties and responsibilities of supervising and administering the provisions of this Policy.

Purchase Order, or PO, is required for every purchase over the individual signing authority of the Department Head or Elected Official (see Chart 1) whether the commodity or service is under formal contract or not. This document is used for the purchase of goods and services that are itemized in the budget; can be single or recurring items and the PO will be audited by Finance back to the original approved request to assure accuracy in invoicing and payment control.

Public Works Construction Projects is defined as 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 (see Road Construction Projects). Such term does not include the routine operation, repair or maintenance of existing structures, buildings or real property. Exemptions are projects under \$100,000.00 or when inmate labor is used. See O.C.G.A. § 36-91-1.

Quote Analysis Form is a form designed by purchasing to identify the need, all pricing received, justification, accounting and approval by the requesting department. This form is needed prior to the issuance of a purchase order.

Revenue Source means the source for funds, i.e. donations, grants, budgeted funds, etc. The county does not differentiate between donations and budgeted funds for the purpose of this policy. Grant agencies as well as state and federal funding sources may have an impact or additional rules and regulations that would apply to solicitation or procurement processes and methodology.

Responsive Bidder means a bid or proposal is considered RESPONSIVE when the proposer has submitted a timely offer which materially conforms to the requirements and specifications of the solicitation.

Responsible Bidder means a bid or proposal is considered RESPONSIBLE when the proposer has the capability in all respects to perform in the full contract requirements as stated in the solicitation, and the integrity and reliability that will assure a good-faith performance.

Road Construction Projects means a local government contracts to construct, reconstruct or maintain a public road or bridge with a private contractor, an adjacent county, city, the state or federal government. It includes the purchase of materials, labor, professional services or other things incident to the work. Except where exempt, road construction contracts must be let by public, competitive sealed bid. The proposal method may not be used. Price is the driving factor in determining in road construction projects. Road Construction Projects are not subject to the Local Government Public Works Construction Laws except where specified. Road construction contracts are subject to the requirements of O.C.G.A. § 32-4-1.

Sole Source Purchase means a purchase of a product or service that has a distinctive/unique feature or characteristic that is not shared or provided by competing companies or districts within a company or where a particular brand name or product is required.

Standardization means an item or service that Dawson County chooses to make standard (e.g. purchase from a single vendor or a single brand) in order to bring uniformity and efficiency to certain items or services as it determines necessary. The County Manager and/or Purchasing Department have discretion when to use standardization.

Used equipment is subject to budget appropriations and Board approval if over \$25,000.00. Used equipment and mobile property may be purchased without advertisement, provided that the department head and purchasing department have made a diligent search of the marketplace and provide documentation of such search. Documentation shall include information as to the cost of such equipment if purchased new, availability, warranty, life expectancy, proposed use, etc. Buying used equipment should be used as an exception and must have County Manager approval.

Sec.2-110. Approval Limits.

CHART 1 – SIGNING AUTHORITY

Amount	Action	Approving Authority
\$0.00 - \$2,999.99	No action required. Quotes are strongly encouraged.	Department Heads/ Elected Officials
\$3,000.00 - \$24, 999.99	Three written quotes submitted on the Quote Analysis Form.	Department Heads/ Elected Officials and Purchasing Manager
\$25,000.00 - \$0.01 + over budget or not previously budgeted	Formal Solicitation Process excluding Highways, Bridges, Ferries and Public Works projects (IFB, RFP or RFQ).	County Manager
\$0.01 + over budget, if not previously budgeted and/or all Highways, Bridges, Ferries and Public Works Projects	Formal Solicitation Process (IFB, RFP or RFQ).	Board of Commissioners

A PO (contract) and e-Verify Form is mandatory for all services/labor of \$2,500.00 or more per O.C.G.A. § 13-10-91.

Proof of insurance for all vendors is required for all services performed on site to the County. All companies must have the proper insurance as required by law.

Each department is responsible for obtaining the e-verify form and proper insurance certificates for services being performed on site. The e-verify form and proof of insurance form is to be forwarded to the Purchasing Department with each quote analysis form, when appropriate.

1. Less than \$2,999.99. Departments are not required to obtain three (3) quotes but are strongly encouraged to do so to ensure the best cost and quality for the County. Department Head approval is required for purchases under threshold.
2. Between \$3,000.00 \$24,999.99.
 - a. Informal written quotes from at least three (3) sources must be obtained. Faxed, emailed or website quotations are acceptable. Purchases must be supported by written quotations from vendors. Direct solicitation is allowed. Award of purchase requires the approval of the Department Head and Purchasing Manager.
 - b. Verbal quotes are not accepted. Departments should avoid requesting quotes from vendors who have previously been non-responsive. If departments continue to return non-responsive quotes, Purchasing will be unable to issue a Purchase Order until three (3) valid, good-faith quotes are obtained. It is understood that some vendors will be non-responsive and departments should try to obtain as many quotes as possible.
 - c. If a vendor is a sole source, meaning they are the only vendor who can provide the required goods and/or services, departments should give a detailed explanation and attach to the Quote Analysis Form. Examples of sole source justification are: continuation of previous services, maintenance agreement with vendor who provides software, or regional vendors of direct manufactures.
3. Over \$25,000. The formal sealed bid must be used and a solicitation must be publicly advertised in the legal organ at least fourteen (14) days prior to the date set for opening. Public Works and Bridge and Roadway projects must be advertised according to O.C.G.A. See Section 2.112 for direction. Approval to release a formal solicitation must be approved by the County Manager. Some exceptions apply and are listed under the "Exceptions" section within this document.

Sec. 2-111. – Solicitations.

The decision to release quotes, either formal or informal, or sealed solicitations is based on several factors that include but are not limited to: anticipated cost, department expectations, liability to the County and other factors to provide the best overall value for the County. These processes are used to obtain competitive pricing. A cost analysis of the purchase must be completed and kept in the project file when procuring with federal and state funds.

CHART 2 – PURCHASING METHOD

Commodity	Anticipated Cost	Bid Type
Goods or Well Defined Services; When price is priority	\$3,000.00 - \$24,999.99	Written Quote
	\$25,000.00+	IFB
Standard Services; When technical requirements are the priority	\$3,000.00 - \$24,999.99	Written Quote
	\$25,000+	RFP
Professional Services; When technical requirements and/or Qualifications are the priority	\$3,000.00 - \$24,999.99	Written Quote
	\$25,00.000+	RFP or RFQ

1. **Preparing Specifications.** It is the responsibility of the department to determine and write bid specifications. The Purchasing Department may assist in developing specifications. If the Purchasing Department is involved in developing specifications, the needs of the end user should be the primary focus. After written specifications are complete, the Purchasing Department will insert into the solicitation document. It is the responsibility of the Purchasing Department to determine the method of purchase, to ensure that specifications are not so restrictive that only one bid can be obtained and that adequate competition is available. The delivery location must be specified in the original request.
2. **Brand Name Specifications.** When references are made in solicitation documents to trade names or the brand names of manufacturers, such references are made solely to designate and identify the quality of materials or equipment to be furnished and are not intended to restrict competitive bidding. If comparable materials or equipment with different trade names are offered, then the bidder must establish equivalency. Product literature or catalogs may be submitted to support claim of equality. Several vendors may be able to provide the same manufacturer therefore competition is available. If a department has been approved to standardize equipment, a brand name may be requested with no exceptions unless the source of funds is provided by Federal and/or State grants.
3. **Standardization.** Standardization is a method to achieve savings by purchasing a limited number of brands or products. Departments such as Fleet or Public Safety may use this option more frequently than others as a means to guarantee compatibility or proper maintenance and training. The use of the standardization clause is neither automatic nor frequent. The department must submit, in writing, why the standardization clause (brand names) should be used for each occurrence. This documentation will be provided with the formal request and kept for audit purposes. The County Manager and or Purchasing Department have discretion when to use standardization.
4. **Sole Source.** Sole source procurements should be infrequently used in purchasing. There are times when a sole source is needed aside from standardization: non-competing districts of a company where Georgia is its own market, proprietary information, software and equipment, continuation of services, or the like. It is the responsibility of the requesting department to articulate the reasoning behind the sole source request. The Purchasing Department and/or County Manager may approve sole source procurement when a clear and compelling reason justifies the sole source.
5. **Professional Services** are infrequent and sometimes unique and may not be able to be formally solicited. Formal bids are not required but the governing authority must approve the contract and award if over the threshold. It is the responsibility of the department to articulate why a bid is not in the best interest of the County. In the event professional services are needed but a bid is not requested, the discretion lies with the Purchasing Manager and County Manager.

The Department Director is responsible for acquiring a detailed scope of services and price which shall not be amended without prior written approval from the dollar amount threshold approving authority. Proof of insurance and a completed e-verify form must be submitted with the detailed scope of services.

The Purchasing Manager is to submit a professional services exemption letter to the County Manager if costs are budgeted and to the Board of Commissioners if costs are not budgeted or over \$0.01 over budget. A Purchase Order shall be issued after approval has been granted.

6. Less than \$25,000.00.

a. Quotations.

- i. Quotations are an informal process when compared to sealed solicitations. The type of quotation used depends on cost, department expectations, risk to the County and approval limits. Sealed responses are not required and quotes are not typically solicited via the legal organ. Purchasing, at their option, may release a formal Request for Quote using the County's website or other media outlets but is not required to do so.
- ii. With regards to purchase orders, quote pricing is good for 90 days. Departments may continue to order off the approved quotation for this period of time. Upon the 91st day, departments will need at least three (3) new quotations and request a new purchase order per policy.
- iii. Purchase Orders shall be issued prior to the purchase of goods and/or services over the individual signing authority of the Department Head and Elected Officials.

7. Request for Quotation by departments (Internal Quote) \$1.00 to \$2,999.99. An informal process for the quick purchase of low dollar items from \$1.00 to \$2,999.99 require written, verbal, phone, website or e-mail confirmation. \$2,999.99 is the standard approval limits for most departments. This policy typically takes one to three days and is designed for immediate purchases and requires Department Head approval. If purchasing commodities/services with Federal Transit Administration (FTA) funds, the department must obtain written permission from the Georgia Department of Transportation (GDOT) representative of FTA funds prior to procurement. Micro-purchases should be distributed equitably among qualified suppliers. See 12 below.

Micro purchases do not fall under the FTA's Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding \$2,000, even though the recipient uses micro-purchase procurement procedures.

8. Request for Quotation by departments (Internal Quote) \$3,000.00 to \$9,999.99. For this price point, a more formal process than internal quotes but less formal than other options shall be followed. This process is used for purchases of items from \$3,000.00 to \$9,999.99 and requires written quotes from vendor or from a website. This process typically takes one to three days and is designed for immediate purchases and requires Department Head and Purchasing Manager approval.
9. Request for Quotation (RFQ) \$10,000 to \$24,999.99. Process may be either formal or informal process, but a short form is sent to vendors. Used for the purchase of dollar amounts between \$10,000 to \$24,999.99 well-defined goods or services. This policy typically takes one-two weeks. For purchases between \$3,000.00 and \$24,999.99 policy requires the Department Head, Purchasing Manager approval.
10. Request for Quotations (RFQ) - Formal Request. Formal Request for Quotations may be sent out via the Purchasing Department when necessary to add stipulations and/or contracts for goods or services under the bid threshold. Formal RFQs require the requesting department, alongside

Purchasing, to complete the Solicitation Request Form. This process typically takes up to two (2) to three (3) weeks to solicit, approve, award, and execute contracts.

11. Cooperative Agreements. The use of State or other verified contracts may be used when approved by the County Manager or Board of Commissioners based on amount to be spent. A cooperative agreement must be in place in order to participate or “piggy-back” off of another contract solicited by another agency.
 - a. The Department of Administrative Services for the State of Georgia competitively bids certain commodities, supplies, and services on an annual basis. Copies of these contracts and revisions are maintained on-line at www.doas.state.ga.us. For federal contracts visit www.gsa.gov for a listing in the event of a federally declared disaster, technology as well as public safety equipment.
 - b. The state contract price may be used to establish the maximum price for a good or service.
 - c. These contracts are available to Dawson County for use but are not mandatory. Competitive bidding by Dawson County will not be required if these contracts are utilized. When cooperative agreements are used for source justification, there will be no requirement for Board of Commissioner approval, unless the dollar amount is meets the threshold for Board approval. See Chart 1. If the threshold meets the need for Board approval, a procurement approval request letter shall be addressed to the Board Chairman. The letter shall contain justification for use of the cooperative agreement, the item/services to procure and the dollar amount of purchase.
 - d. If purchased off a cooperative agreement, and budget is already approved for the specific expenditure, the Board of Commissioners’ approval is not required if under the bid threshold. A procurement approval request letter shall be addressed to the County Manager. The letter shall contain justification for use of the cooperative agreement, the item/services to procure and the dollar amount of purchase.
12. Procurement with Federal or Grant Funds. When purchasing with federal or grant funds; other regulations may supersede local purchasing policies as follows. When purchasing with (FTA) funds it is specifically necessary to ensure full and open competition and equitable treatment of all potential sources of all purchases consistent with FTA Circular 4220.1F "Third Party Contracting Guidance" or latest version thereof; Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (referred to now as the “Super Circular” and which replaced and consolidated OMB Circulars A-87, A-102, A-110, A-122, and A-133) ; Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR part 1201, which replaces 49 CFR parts 18 and 19; GDOT Section 5311 State Management Plan; and GDOT Section 5311 Program Manual. The following should be followed for all Federal awards as sub-recipients.
 - a. The current procurement standards detailed in 200.318 General Procurement Standards.
 - i. When conforms to applicable federal law and standards, the Dawson County Purchasing Policy Ordinance is to be followed.

- ii. If a conflict exists between a member of the evaluation team and any proposer, written notification is to be forwarded to the Purchasing Department to preclude that member from the process. The requesting Department Director will appoint a new evaluation team member. As with non-federal or grant funds, each evaluation team member must attest on the provided form that no personal interest or conflict exists.
 - iii. If a conflict exists between any Dawson County Board of Commissioners and the recommended offeror, that member must notify the Purchasing Department of the conflict and recuse themselves from the vote recommending award of the contract or purchase order.
 - iv. Records must contain the detail of the history of the procurement for each project to include, rationale for the method of procurement, selection of contract type, contractor selection or rejection and the basis for the contract price (cost analysis). Equipment and real property purchased in the amount of \$5,000.00 per item/property must be used in the program for which it is purchased, adequately maintained, safeguarded under an appropriate control system and physically inventoried at least once every 2 years.
 - v. Paid Contractors who drafted or developed the specifications, requirements, statements of work or invitations for bids or requests for proposals must be excluded.
- b. The current procurement standards detailed in 200.320 Methods of Procurement.

i. Procurement by Micro-Purchases.

1. Competitive quotations are not required on amounts of \$3,500.00 or below but, county employees must follow the Dawson County Purchasing Policy Ordinance for these purchases. If purchasing commodities/services with FTA funds, the department must obtain written permission from the Georgia Department of Transportation (GDOT) representative of FTA funds prior to procurement. Micro-purchases should be distributed equitably among qualified suppliers.

Micro purchases do not fall under the FTA's Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding \$2,000, even though the recipient uses micro-purchase procurement procedures.

Every micro-purchase must be accompanied by a written determination that the price is fair and reasonable and a description of how that determination was made when utilizing FTA funds.

ii. Procurement by Small Purchases Procedures.

1. Two or more quotations must be sent to qualified sources between \$3,500.00 and \$150,000.00 but, county employees must follow the Dawson County Purchasing Policy Ordinance for these purchases. If purchasing commodities/services with FTA funds, the department must obtain written permission from the Georgia Department of Transportation (GDOT)

representative of FTA funds and the Board of Commissioners prior to procurement.

iii. Procurement by Sealed Bids.

1. Preferred method for construction and commodities. The responsive and responsible lowest bid is to be awarded contract.

iv. Procurement by Competitive Proposals.

1. Preferred method for services. Weight is to be set and published within the document for technical evaluations and for price.

vi. Procurement by Non-Competitive Bids/Proposals.

1. This method is to be used when the commodity and/or service can be provided from one company/individual. A letter from the company/individual must be received and placed in the file. Verification of the sole source must be recorded in the file.

c. The current procurement standards as detailed in 200.317-200.326 Suspension & Debarment and 2 CRF Parts 180 and 1200 Non-procurement Suspension and Debarment or under the FAR at 48 CRF Chapter 1, Part 9.4.

i. Suspension and Debarment.

1. Dawson County shall not enter into any transactions with parties who are suspended or debarred from doing business with the State of Georgia or federal agencies.

2. Verification of the status of a contractor completed by the Purchasing Manager or the Grant Administrator must be maintained in the file.

- i. State of Georgia suspended or debarred vendors can be verified at <http://doas.ga.gov/state-purchasing/law-administrative-rules-and-policies/state-suspended-and-debarred-suppliers>

- ii. Federal suspended or debarred vendors can be verified at www.sam.gov

d. The current procurement standards as detailed in 49 U.S.C. Section 5325(j)(2)(A) Integrity and Ethics.

- i. The potential contractor must have a satisfactory record of integrity and business ethics and found to be compliant in the regulation listed above.

e. The following must be followed with sealed solicitations specifically when utilizing FTA funds:

- i. Affirmative Action and DBE – Is in compliance with the Super Circular’ affirmative action and FTA’s Disadvantaged Business Enterprise requirements.
- ii. Public Policy – Is in compliance with the public policies of the Federal Government, as required by 49 U.S.C. § Section 5325(j)(2)(B).
- iii. Administrative and Technical Capacity – Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them, in compliance with 49 U.S.C. Section 5325(j)(2)(D).
- iv. Licensing and Taxes – Is in compliance with applicable licensing and tax laws and regulations.
- v. Financial Resources – Has, or can obtain, sufficient financial resources to perform the contract, as required by 49 U.S.C. Section 5325(j)(2)(D).
- vi. Production Capability – Has, or can obtain, the necessary production, construction, and technical equipment and facilities.
- vii. Timeliness – Is able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.
- viii. Performance Record – Is able to provide a:
 - (1) Current Performance – Satisfactory current performance record; and
 - (2) Past Performance – Satisfactory past performance record in view of its records of long-time performance or performance with a predecessor entity, including:
 - i. Sufficient Resources. Key personnel with adequate experience, a parent firm with adequate resources and experience, and key subcontractors with adequate experience and past performance,
 - ii. Adequate Past Experience. Past experience in carrying out similar work with particular attention to management approach, staffing, timeliness, technical success, budgetary controls, and other specialized considerations as described in the recipient’s solicitation, and
 - iii. Any Past Deficiencies Not the Fault of the Bidder or Offeror. A prospective bidder or offeror that is or recently has been seriously deficient in contract performance is presumed to be non-responsible, unless the recipient determines that the circumstances were properly beyond the bidder or offeror’s control, or unless the bidder or offeror has taken appropriate corrective action. Past failure to apply sufficient tenacity, perseverance, and effort to perform acceptably is strong evidence of non-responsibility. Failure to meet the quality requirements of a contract is a significant factor to consider in

determining satisfactory performance. GDOT expects Dawson County to consider the number of the bidder or offeror's contracts involved and the extent of deficient performance in each contract when making this determination.

f. Independent Cost Estimate

A written independent cost estimate, for every procurement with FTA funds, prior to receiving price quotes, bids or proposals needs to be created.

g. Cost or Price Analysis

The Department Head receiving the grant shall work with the Purchasing Manager to perform a cost or price analysis in connection with every procurement action above the Federal small acquisition threshold, including contract modifications.

Price Analysis

If the County determines that competition was adequate, a written price analysis, rather than a cost analysis, is required to determine the reasonableness of the proposed contract price.

Cost Analysis

The County must perform or obtain a cost analysis when:

1. A price analysis will not provide sufficient information to determine the reasonableness of the contract cost.
2. When the offeror submits elements of the estimated cost.
3. When only a sole source is available, even if the procurement is a contract modification.
4. In the event of a change order

13. \$25,000.00 and above, Sealed Solicitations.

- a. The release of sealed solicitations is a formal process to solicit responses from qualified vendors. Federal, State and local laws may and usually will apply based on project. There are three (3) types of sealed solicitations: Invitation for Bid (IFB), Request for Proposals (RFP) and Request for Qualifications (RFQ).
- b. Departments should assist Purchasing with the background information and defining the scope of work or deliverables for the solicitation. It is the responsibility of the Department Director(s) to provide the budgeting code and ensure funds are loaded for the project.

The goal of procurement practices is to provide an atmosphere in which all procurement transactions will be conducted in a manner providing full and open competition. The County will avoid the following situations considered to be restrictive of competition:

- Unreasonable requirements placed on firms in order for them to qualify to do business;
 - Unnecessary experience and excessive bonding requirements;
 - Noncompetitive pricing practices between firms or between affiliated companies;
 - Noncompetitive awards to any person or firm on retainer contracts;
 - Organizational conflicts of interest, which means that because of other activities, relationships, or contracts, a contractor is unable, or potentially unable, to render impartial assistance or advice to the grantee; a contractor's objectivity in performing the contract work is or might be otherwise impaired; or a contractor has an unfair competitive advantage;
 - The specification of only a "brand name" product without listing its salient characteristics and not allowing "an equal" product to be offered; and
 - Any arbitrary action in the procurement process.
- c. If the solicitation is of a complex nature, a pre-proposal meeting should be scheduled and detailed in the solicitation document. The meeting can be optional or mandatory.
- i. Invitation for Bid (IFB). A sealed IFB is sent to prospective bidders when goods or services desired are well-defined and represent a high dollar purchase of \$25,000 or more. This policy typically takes six to eight weeks.
 - ii. Request for Proposal (RFP). A formal, sealed RFP is sent to prospective bidders when the goods or services desired are high dollar \$25,000 or more, complex, and not wholly defined. Same pre-solicitation process as noted for an Invitation for Bid (IFB) but the focus on the solicitation grading differs. Whereas price is the driving factor with IFBs, a criterion is defined in the RFP and an evaluation committee must score each submittal. This policy typically takes six to eight weeks.
 - iii. Request for Qualifications (RFQ). A formal, sealed RFQ is sent to prospective bidders when the goods or services desired are high dollar \$25,000 or more, complex, and not wholly defined and where the focus of the project is the qualifications of the vendor not the price. A similar scoring criterion shall be defined in the RFQ.

For some projects where Federal laws superseded local policies, price may or may not be an allowable scoring criterion, and therefore may not be requested within the proposal. In this case, the vendor is determined based on the scoring criterion and price is then negotiated with the highest scoring vendor. If a price cannot be agreed upon, the County will move on to the next highest scoring vendor. There are some Federal laws that state that price may be used to score but should not be the driving factor.

Both the department and Purchasing to take note if Federal or State laws provide guidance to bid process such as the Brooks Act or Davis/Bacon Wage Act.

If no other law or policy relates to the RFQ and the team wants to consider pricing but only after scoring, it may be in the best interest of the County to request pricing be sealed separately within RFQ submittal. Vendors should be ranked based on qualifications and only the short-listed vendors pricing should be opened.

Because of the complex nature of this type of solicitation, this policy typically takes eight to ten weeks.

Pre-Qualification

Prospective vendors may be pre-qualified for particular types of goods or services, typically technical and construction services through the solicitation process, specifically a Request for Qualifications. The solicitation document should clearly read the intent of the document is to pre-qualify vendors. All procurement rules apply to this form of solicitation such as advertisement notices and award.

Upon establishment of a pre-qualified vendors list, requests for proposals or requests for quotations may be submitted to individuals or companies on the list.

d. Solicitation Provision for Federal and State Funded Projects, Specifically FTA Funded Projects

“Dawson County has moved to adopt the policies contained in the Georgia Procurement Manual Code of Ethics, (I.4.4. These policies shall apply to Dawson County employees involved in procurement. It is a breach of ethical standards for any Dawson County employee to participate directly or indirectly in a procurement when the employee knows:

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

In addition, any persons acting as members of an evaluation committee for any procurement shall, for the purposes of the procurement, be bound by conditions of this Section. Throughout the bid/proposal evaluation process and subsequent contract negotiations, offerors shall not discuss or seek specific information about this procurement, including but not limited to, the contents of submissions, the evaluation process or the contract negotiations, with members of any evaluation committee, Dawson County employees or other governing board members other than the designated procurement officer.”

e. Confidential Information

A County employee may not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, confidential information acquired by virtue of their position or employment with County.

- f. Buy America Requirements for FTA construction contracts and acquisition for goods or rolling stock solicitations valued at \$150,000.00 or greater must notify bidders of the Buy America regulation as stated in 49 U.S.C. 5323(j) and 49 CFR 661.13 which stipulate that Federal funds may not be obligated unless steel, iron and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by TFA or the product is subject to general waiver as listed in 49 CFR 661.7. Rolling stock must be assembled in the United States and have a 60percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification with all bids or offers on FTA-funded contracts, except those subject to general waiver. Bid or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

Sec. 2-112. – Formal Solicitation Process.

1. How Bids/Proposals are Publically Solicited.

- a. Legal Organ. All formal, sealed solicitations which fall under Title 32, Roads and Highways, are to be published in the legal organ selected by Constitutional Officers designated by state law. Advertisements must run in the legal section under Bids & RFPs. Formal solicitations shall run in the legal organ for no less than once a week for two weeks prior to the bid opening. Public Works projects are to be posted for four weeks, once every two weeks, ensuring posting two weeks prior to bid opening. A copy of the Publisher's Affidavit should, be filed with the solicitation file.
- b. County Website. All formal solicitations are published on the County's website under the Bids & RFPs webpage. This is the primary source of information for all solicitations including but not limited to the addenda, forms and award notification.
- c. State, Local and Private Outlets. When appropriate, the Purchasing Department will advertise on various, local and private websites when it is in the best interest of the County. Examples of these outlets include but not limited to: Georgia Procurement Registry, Georgia Local Government Access Market and the Dawson County Chamber of Commerce. All bids and proposals released must be posted on the Georgia Procurement Registry per O.C.G.A. as of July 1, 2018.
- d. Social Media. All formal solicitations should be published on the official Dawson County social media outlets but is not legally required by federal or state entities.
- e. Government Building. All public works solicitation notices shall be posted conspicuously in the government building as per O.C.G.A. § 36-91-20(b)(1). For conformity, all other solicitations shall be posted in the same manner.

2. Bonds. Bonds add another layer of protection to the County. If the procurement of goods/services opens the County up to additional liability, bonds should be required. Bonds should always be required in Public Works Construction Projects and Georgia Department of Transportation funded projects. The decision to require bonds in a formal solicitation, are at the discretion of the Purchasing Manager and the County Manager if not required by federal or state law.

- a. If required under the Scope of Work of the solicitation document, any combination of the following bonds may be requested by Dawson County.
 - i. A five percent (5%) bid bond
 - ii. A one hundred percent (100%) payment bond*
 - iii. A one hundred percent (100%) performance bond*

Note: Higher or lower bonds may be stipulated as required by funding source: GDOT or Federal Funds. If any change is needed, specifications will be outlined in the solicitation document.

- b. The bid and payment bonds can take the following forms: cash, cashier's check or certified check. An irrevocable letter of credit by a bank or a savings and loan association, as defined in O.C.G.A. §7-1-14 may be accepted by the county for the bid and performance bonds when the amount of any bond does not exceed \$750,000.00, at the sole discretion of Dawson county. A letter may never be submitted as an acceptable substitute for the payment bond.
- c. Bonds are suggested when using SPLOST funds, project estimates are over \$100,000, or when special circumstances dictate additional protection is prudent. Bonds are required when Public Works Construction and Road projects laws are in effect.
- d. All bonds would be payable to Dawson County Board of Commissioners. Failure to submit appropriate bonding will result in automatic rejection of bid. Bonding company must be authorized to do business in Georgia by the Georgia Insurance Commission, listed in the Department of Treasury's publication of companies holding certificates of authority as acceptable surety on Federal bonds and as acceptable reinsuring companies, and have an A.M. Best rating.
- e. The cost of bonds may be included in the vendor's price proposal but should not be line item priced. The County will not pay for bonds and are considered cost of doing business.
- f. Bonds will be released at the discretion of the Project Manager who ensures the vendor has fulfilled the scope of work, the Purchasing Manager to ensure all contractual obligations have been satisfied and the final approval is of the County Manager. Usually, this is 30 days after successful completion and acceptance of the project.

3. Retainage. When a project is of import but not to the level of requiring bonds, the Purchasing Manager may add language to the solicitation document and contracts regarding retainage. The vendor shall be paid for work performed based upon satisfactory inspections and completion of the agreed upon draw schedule. The vendor's fee will be paid on a Net 30 basis less 10% retainage.

- a. Retainage will be released at the discretion of the Project Manager who ensures the vendor has fulfilled the scope of work, the Purchasing Manager to ensure all contractual obligations

have been satisfied and the final approval is of the County Manager. Usually, this is 30 days after successful completion and acceptance of the project.

4. Pre-Bid & Pre-Proposal Conferences. The nature of some solicitations requires that a pre-bid or pre-proposal conference be held in order to clarify specifications, answer bidder questions regarding specific requirements, or to allow bidders to perform a site visit, review and/or inspection.
 - a. The Purchasing Department and requesting department will confer whether to hold a pre-bid/proposal conference. Conferences are not the standard. If the project is over \$100,000.00 or bonds are in effect, a meeting is required and mandatory. Information regarding conferences will be included in all legal notice(s). If it is later determined a meeting is necessary, an addendum must be issued and bidders must have enough notice to make arrangements to attend.
 - b. All attendees are to sign in on the sheet provided by Purchasing. In the event a meeting is mandatory, bidders not signed in may not submit a response. The sign in will be posted on the County's website.
5. Addenda. Any changes to the original solicitation will be made in writing in the form of an addendum, and will be placed on the County's website. All addenda shall be issued prior to 72 hours of the bid opening date for Public Works, Roads and Bridges projects and when expending Federal and State funds. If such an addendum is deemed necessary after this period, the bid opening date must be extended 72 hours from the original set date, excluding Saturdays, Sundays and legal holidays. It is the responsibility of the bidder to obtain any and all addenda and submit with their response.

In addition, if bidders have any additional questions or information requests regarding a specific procurement, they are to be emailed or faxed directly to Purchasing as directed in the solicitation document. Responses to pertinent questions will be answered in the form of addenda.

6. Bid Opening. All bids shall be opened at a time and place designated in the solicitation request. The Purchasing Manager and/or CFO and one other staff member, not from the requesting department, acting as a witness shall open all sealed bids. Late bids will not be accepted. Late bids will be rejected and returned. This cannot be waived by any entity. Sealed responses are required. Vendors who fail to return sealed responses will be rejected and returned. If at least three bids are not received the Board of Commissioners may reject, requiring a re-bid. Witnesses should not be from the department requesting the bids.
 - a. In the case of Invitation for Bids, the names and prices shall be read aloud. Dawson County does not report an "apparent low bid." For Request for Proposals or Qualifications, only the names shall be read aloud due to the need for future evaluation and review of the proposals.
 - b. Bids/proposals are not subject to the Georgia Open Records Act until such time that as the final award of the contract is made, the project is terminated or abandoned, or the board takes a vote regarding the solicitation, whichever comes first as per O.C.G.A. § 50-18-72(a)(10). Some materials may be redacted per the Georgia Open Records Act and the records custodian and/or the County Attorney can assist in determining what, if any information may be redacted.
7. Modifications/Corrections of Bids. If an error is discovered prior to the submittal deadline, the bidder may submit the corrected information in a sealed envelope clearly marked on the outside of

the container. The outside must contain the company name, the Bid number and the following sentence: "Replace previously sent response". The first submission cannot be considered valid.

Start new paragraph: If an obvious clerical error is discovered after the bid opening, the bidder may submit a letter to Purchasing requesting that the error be corrected. This request needs to be made within 24 hours of error being found. Final determination as to whether to accept the correction is up to Purchasing. Generally, modifications made to open bids are not accepted for any reason other than the aforementioned. The error is subject to the limitations described below and may be corrected upon written request and verification submitted by the vendor. A nonmaterial omission in a bid may be corrected if the Purchasing Manager determines the correction to be in the County's best interests. Omissions affecting or relating to any of the following shall be deemed material and shall not be corrected after bid opening: 1. Unit price information and 2. Total price information when unit prices are not required.

8. Withdrawal of Bids. A bid submission may be withdrawn without forfeiture of the bid security as per O.C.G.A. § 13-10-22, if applicable, if such error in the calculation can be documented by clear and convincing written evidence; such error can be shown from inspection of original work papers, etc. of the bidder; the bid was submitted in good faith and mistake was due to a calculation or clerical error, an inadvertent omission or a typographical error as opposed to an error in judgement. This request must be made within 48 hours, not including Saturday, Sunday and legal holidays, of bid opening and prior to award.

If a bid withdrawal occurs, the remaining bids are to be treated as if the withdrawn bid was not submitted. No bidder permitted to withdraw a bid shall perform any subcontract or other work for the person or firm to whom the contract is awarded or otherwise benefit directly or indirectly for affiliated project.

9. Evaluating Submittals.

- a. An evaluation committee will be named during the pre-solicitation meetings between the requesting department and Purchasing. This group shall consist of county personnel who have knowledge of the goods/services to be procured, will be affected by the solicitation or have other applicable knowledge. The committee shall score and rank proposals based on information *solely provided* within the vendor's submittal against the rubric in the solicitation document. Scoring criteria will be set by the Purchasing Department and the requesting department. It is the responsibility of each evaluator to:
 - i. Read the solicitation document in its entirety.
 - ii. Read each submittal in its entirety.
 - iii. Confirm responsiveness to the request: Ensure vendor has provided all information required in the RFP. Use the scoring criteria, scope of work and the Vendor's Checklist for assistance.
 - iv. Check references thoroughly. Evaluators are encouraged to work together or share information received during this step only, i.e. email references or other correspondence from references. Never discuss scores with other evaluators until advised by Purchasing to do so. Points should never be given if references are not

vetted. All other sections of the evaluation are to be completed by each evaluator individually.

- v. Evaluators should score using their own knowledge.
 - vi. Contact Purchasing with any questions that need clarification or additional information. Direct contact with vendors, each other or any other individual while in the solicitation process is strictly forbidden.
 - vii. Complete the evaluation score sheet and return to Purchasing along with original submittal packets.
 - viii. Attend meetings when scheduled of the evaluation committee to include, meetings, interviews, demonstrations, etc.
- b. Evaluators should take care to evaluate based on information only provided in the bidder's response. Vendors should not receive credit for work not reflected in the bid. Failure to return all required information should be reflected in scoring.
- c. Proposer Interview/Presentation Meeting.
- i. After the Evaluation Committee has completed its process and the Purchasing Manager has received all evaluation forms, the consensus of the Committee may be to hold proposer interviews/presentations. The proposers must be invited in order of ranking. Example: The first and third ranked submissions cannot be invited to this meeting but, exclude the second ranked submission.
 - ii. Purchasing's responsibility is to invite bidders, create agenda, lead discussions, take minutes, and facilitate entire process. The requesting department should assist in formulating questions prior to the formal meeting. The Evaluation Committee is to prepare new evaluation forms and submit to the Purchasing Department. This score will supersede the previous score for those proposers that participated in this phase of the evaluation.
10. Required Forms. Dawson County may require vendors to submit documentation other than pricing to prove they are responsible and or responsive. A list of the required documentation should be required in the solicitation document and/or addenda. As a general rule, the following should be required in a vendor's response:
- a. Vendor's Checklist
 - b. Vendor's Information Form
 - c. Vendor's Price Proposal Form
 - d. Vendor's Qualifications – usually on a separate sheet(s)
 - e. Vendor's Reference Form
 - f. Execution of Proposal Form
 - g. Addenda Acknowledgement Form and any addenda issued
 - h. Proposer's Certification and Non-Collusion Affidavit
 - i. Drug-Free Workplace Affidavit
 - j. Georgia's Security and Immigration Compliance Act Affidavit (E-Verify)
 - k. Contactor's Affidavit

- l. Subcontractor's Affidavit (if applicable)
 - m. Local Small Business Initiative Affidavit (if applicable)
 - n. Proof of Insurance/Certification of Insurance as stipulated in the bid document
 - o. Completed W9
 - p. Copy of valid business license where corporate office is registered
 - q. Copy of professional licenses or certifications (if applicable)
 - r. Bid Bond (if applicable)
11. Technical Waivers. Dawson County Government reserves the right to reject any and all submittals and reserves the right to waive any non-material irregularities or informalities in any submittal or in the submittal policy, when to do so would be to the advantage of Dawson County. Dawson County reserves the right to cancel solicitations at any time.

Dawson County shall be the sole judge of the provider's ability to meet the requirements set forth. Their decision in determining responsible and responsive provider(s) will be final. Dawson County reserves the right to act in its best interest in this determinations process, to waive all technicalities, and to select the most responsible and responsive treatment provider.

12. Disqualification of Bids.
- a. Bids **may** be disqualified or deemed non-responsive by Purchasing as a result of, but not necessarily limited to, the following reasons:
 - i. Failure to return all required documents with signature where applicable.
 - ii. Failure to follow the bid schedule to include excluding mandatory pre-bid attendance submittal deadline.
 - iii. Failure to return applicable compliance/specification sheets.
 - iv. Failure to acknowledge receipt of applicable addenda.
 - v. Failure of bidder to sign all required documents excluding the Vendor's Price Proposal Form.
 - vi. Failure of the bidder to extend pricing beyond the required 90 days.
 - vii. Failure to meet specified delivery requirements.
 - viii. Prices of services or items exceed the departments budgeted amount allowed for these items.
 - b. Bids **shall** be disqualified or deemed non-responsive by Purchasing as a result of, but not necessarily limited to, the following reasons:
 - i. Failure to follow solicitation schedule for mandatory pre-bid attendance and response submittal.
 - ii. Failure to provide bid bond, where required.
 - iii. Failure to hold firm pricing.
 - iv. Failure to sign and submit the Vendor's Price Proposal Form. The Bidder/Proposer may submit other pages to complete their price proposal along with this form.
13. Vendor Responsibility. It is the responsibility of each vendor to read and understand all requirements in the solicitation documents. If an item is unclear, the vendor should submit questions to the Purchasing Department. Vendors shall submit all required documentation, fully executed, as directed in the solicitation document. Additionally, vendors should be familiar with all Federal, State and Local rules, regulations, policies and procedures pertaining to each solicitation. Furthermore, vendors performing work in Dawson County are required to register with the Dawson County Planning & Development Department. Out of County bidders are not required to register as part of a bid submittal. Only the successful, awarded vendor is required to register their business license.

14. Negotiations. If the department has selected a vendor but pricing or deliverables need to be negotiated, an invitation will be sent via email to the vendor. Enough notice shall be given to ensure the vendor can make reasonable accommodations to participate.
 - a. Generally, there should be only three rounds of negotiations with the selected vendor.
 - b. If a price is not agreed upon, the best and final offer phase should be opened to all proposers deemed responsive and responsible.
15. Best and Final Offers. Best and final offers, or BAFO, are formal requests being made for more information, confirmation, revisions, and/or to obtain better pricing or value. BAFO are not mandatory and should be used rarely. This method allows bidders to amend their proposal. Value engineering is not considered a reasonable cause to enter into best and final offers. All bidders whose proposals are deemed reasonable susceptible for further consideration or award should be invited to BAFO discussions. Any rejected bidders are not invited. The Purchasing Department will email an Invitation for Best and Final Offer Negotiations to the responsive, responsible bidder(s) deemed susceptible for award based on the criteria set forth in the solicitation document.
16. Purchasing's responsibility is to invite bidders, create agenda, lead discussions, take minutes, and facilitate entire process. The requesting department should assist in formulating questions prior to the formal meeting. At no time should competing bids/proposals, technical or cost, be discussed with bidders. Do not discuss where bidders are in the standing. Teleconferences are allowed if the evaluation committee feels this method fosters open dialogue and all questions can be addressed. There are times in-person discussions will be requested.
17. The County will identify which offerors shall participate in the negotiations in one of the following ways:
 - a. Identify in the solicitation document the methodology that will be used to identify offerors to participate in negotiations. This may include, but is not necessarily limited to, a methodology that establishes a competitive range based on offerors' rankings following proposal evaluations.
 - b. Identify in an addendum to the solicitation document the methodology that will be used to identify offerors to participate in negotiations.
 - c. Negotiate with all responsive responsible offerors following bid/proposal evaluations.
18. After the negotiations, participating offerors may be asked to submit supplemental proposals defining the revisions that are a result of negotiations. Any request for supplemental proposals will be directed in writing to all offerors participating in the negotiations, and will provide details concerning the format and due date for the supplemental proposals. The County may in its sole discretion terminate negotiations and/or the solicitation at any time.
19. The offeror that ultimately wins a contract may not be the lowest cost offeror because the higher quality of the winning bidder's technical proposal may offset an increased cost or because no agreement could be reached as to contract terms and conditions. The final decision and all documentation is considered open records upon award.
20. Award

- a. **Timeline.** The appropriate body or Office must make the decision regarding a sealed solicitation within sixty (60) days of the bid opening if bonds are in effect and ninety (90) days of the bid opening if bonds are not required. In the unlikely event the County needs additional time to evaluate responses; the Purchasing Manager will contact each vendor and request additional time. If approval is garnered by each vendor then the solicitation award may be delayed to a time specific. If approval is not given by all vendors, Purchasing will submit an agenda packet to the County Manager asking for the rejection of the bid submittals and a re-bid shall be released. Only the Board of Commissioners can decide regarding sealed solicitations if the purchase is not budgeted, \$0.01 over budget, if a highway, bridge, ferry or public works solicitation no matter the anticipated costs or if the lowest bidder or highest scored proposer is not recommended. Solicitations should never be allowed to expire without a formal decision. It is the responsibility of the Purchasing Manager to notify the Chief Financial Officer and County Manager of any issues or delays in the process ahead of time.

The Board of Commissioners may choose to award Highways, Bridges, Ferries or Public Works projects with a not-to-exceed amount to streamline change orders.

- b. **Award to the lowest bidder.** In the case of Invitation for Bids, for goods or services, if all proposals are not rejected the awarded shall be to the lowest, most responsive, responsible bidder unless legal justification can be articulated to the Purchasing Manager and the County Manager.
- c. **Award to the highest rated proposal.** In the case of Request for Proposals or Request for Qualifications, for goods or services, if all proposals are not rejected, the award may be to the highest rated proposal, taking into account the selection criteria. Construction or improvement of real property or buildings fall under Public Works/Construction rules, and must comply with numerous special requirements as specified in Federal and State laws not listed in this policy.
- d. **Award to a single vendor.** If all bids are not rejected, the award shall be to the most responsible, responsive bidder. However, in determining which is the most responsible bidder, the county may take into consideration the bidders responsiveness to the county's requirements, the price and/or quality of any of the articles to be purchased or leased, availability of parts and service, delivery time, and those factors listed in the solicitation document. If no criterion is listed, as in the case of IFBs, award will usually go to the lowest, responsive, responsible bidder.
- e. **Award to multiple bidders.** The County may award to multiple bidders for the same commodity or service when the bid specifications provide for special circumstances. Special circumstances may include differences in ability to deliver, delivery time, availability of material, special loading or unloading conditions, total cost including transport or labor if not included with bid item, performance of the delivered material, location of the source, and proximity to the delivery point. The intention to do so must be indicated within the solicitation document.
- f. **Tie.** In the event of a tie and all pricing and qualifications are equal, the vendors are contacted and notified of the status. The vendors are invited to Dawson County to watch the County Manager flip a coin to determine who wins. The second option is to open a new deck of cards and allow each to shuffle and then the County Manager deals one card to each vendor. The highest card wins the award.

- g. As per O.C.G.A. § 36-10-1, all public works contracts entered into by the county governing authority with other persons on behalf of the county shall be in writing and entered on its minutes. The Board of Commissioners is the county governing authority.

As per O.C.G.A. § 32-4-61, all highway, bridges and ferries contract for work on all or part of the county road system shall be in writing and shall be approved by resolution shall be entered on the minutes of such county.

- 21. Presentation of Recommendation. Once a consensus has been met and a recommendation has been made, the Purchasing Manager will begin the Board of Commissioners agenda packet which consists of the Agenda Request Form, a PowerPoint presentation, contract and pricing as applicable. The presenter will be the Department Head, the subject matter expert. If the commodity crosses several departments it may be best for Purchasing to present. A representative from the requesting department should attend all presentations in order to answer subject matter questions from the Board. The Purchasing Manager shall present in the absence of the subject matter expert. The CFO shall present in the absence of both the subject matter expert and the Purchasing Manager.

22. Purchase Orders.

- a. A requesting department may request a purchase order for goods or services if in budget. A Quote Analysis Form must be completed and returned with quotes between \$3,000.00 and \$24,999.99. No Purchase Order will be issued for any item/service not budgeted, \$0.01 over budget or a Highways, Bridges Ferries or Public Works project without first being approved by the Board of Commissioners, unless the procurement is for items listed under Section 2-114 or Section 2-111(11). Requests should not be submitted if budget is not approved or available. All account information must be provided at the time of submittal. Purchase requisitions shall be submitted to Purchasing at least one week prior to the proposed purchase. A purchase order is considered a binding contract.
- b. A Purchase Order must be issued for all equipment over \$5,000 (capital asset), whether new, used or procured under emergency protocols.
- c. Blanket orders may be issued for a contracted or frequently used vendor as a matter of convenience. Departments may request the issuance of a blanket PO for a specified budget amount. This amount will be encumbered but can be adjusted as needed. Blanket orders are only good for one calendar year and will need to be re-requested if additional fiscal years are needed.
- d. Every Purchase Order (PO) contains terms and conditions which can be found on the County's website under Contracts. A PO is to be considered as an official contract.

23. Special Issues.

a. Non-Performance.

- i. In the event a vendor is awarded a bid or proposal by the Board of Commissioners and the selected vendor fails to fulfill the conditions of the award, the Board of Commissioners at their discretion may award the bid or proposal to the second most responsive, responsible bidder without rebidding if within the 90 days of the bid opening. If the second vendor cannot fulfill the conditions of the award, the Board of

Commissioners at their discretion may award the bid or proposal to the third most responsive, responsible bidder without rebidding. If the third vendor cannot fulfill the conditions of the award, the goods or services will be rebid. If expending Federal and/or State funds, the Purchasing Department is to work with the affected department to seek direction from the grantor of these types of funds.

- ii. If substantial work has been performed and the vendor cannot fulfill the conditions of the award, the Purchasing Department will immediately notify the County Manager who will take the necessary steps to ensure the safety of the public and the County.

b. Cancellation and Rejection of Bids.

- i. Solicitations may be canceled or may be rejected, in whole or part, as may be specified in the solicitation when it is in the best interest of the County. The reasons shall be made part of the formal bid file. Only the Board of Commissioners may rule on the final disposition of sealed solicitations, be it approve, reject or cancel.

Sec. 2-113. – Protest Policy.

If a vendor has a grievance regarding this Policy, their bid or proposal, or award, potential or actual, the vendor must first file a written grievance with the Purchasing Department within ten (10) calendar days of the award. The Purchasing Department will make the County Manager aware of any protest immediately. The County Manager shall issue a final written decision within twenty (20) calendar days of receipt of such written grievance. If the County Manager cannot resolve the grievance in a satisfactory manner to the bidder, the bidder may appeal in writing to the Board of Commissioners, by way of the County Clerk, within ten (10) calendar days of the date of the final written decision of the County Manager.

If the protest is submitted to the Board of Commissioners, then a hearing shall be scheduled. This hearing may be a part of a regularly scheduled meeting. The hearing shall be open to the public. The Board may make their decision at that time or table the decision until a definite time.

No work or services shall begin under the awarded contract under protest until such time that the protest has been answered.

Sec. 2-114. – Exceptions.

1. Emergency Procurements.

- a. Emergency procurements are defined as when a threat to public health, welfare or safety exist, or in a construction situation where a work stoppage would cause the County undue financial loss provided that such emergency procurement shall be made with such competition as is practical under the circumstances.
- b. In the event of an emergency requiring immediate purchase of materials, supplies, equipment or services, the Department Head with the written consent of the County Manager may approve such emergency purchases as the situation requires up to \$24,999.99. The County Manager shall be notified as soon as possible as to the emergency and the associated purchases. A written determination for the basis of the emergency and for the selection of the particular contractor

or vendor shall accompany the purchase order and voucher with a copy to the County Manager and Purchasing Manager.

- c. In the event of a situational emergency requiring immediate purchase of materials, supplies, equipment or services over \$25,000.00, the Board of Commissioners may waive the requirement for sealed solicitation in an emergency when sufficient, written backup documentation is provided. In rare instances, the County Manager may notify and get verbal approval from the Board of Commissioners/from a Board majority to proceed prior to a Voting Session when the action can be ratified.
- d. In the event of a local state of emergency, formally declared by the Chairman of the Board of Commissioners, the EMA Director and Public Works Director's approval limit shall be raised to \$10,000.00 in order to expeditiously obtain goods and services to secure the lives and property of the citizens of Dawson County, Georgia. As soon as able, all purchases made under this exception shall be ratified by the Board of Commissioners via consent agenda.

2. Used Equipment.

The requesting Department Director shall submit a formal written opinion of the Fleet Director, if said equipment would be repaired by the Fleet Maintenance Shop, concerning the condition of the equipment and whether it is advisable to purchase pre-owned equipment rather than solicit for new. If other equipment is requested, a letter containing the same information as above will be completed by the Department Director requesting the purchase. A letter from the current owner must accompany the request to the Purchasing Manager, certifying the make, model, serial number, condition of equipment and details of the equipment, to include hours of operation, miles, etc. If procuring mobile property, a formal written opinion of the department head must accompany request to the Purchasing Manager as well as a letter from the current owner certifying the make, model, serial number, condition of mobile property, etc. The Purchasing Manager will formulate a Request to Procure Used Equipment or Mobile Property to the County Manager. The County Manager will either approve or disapprove request. If under \$25,000.00, a Purchase Order will be issued for said item. If item is not budgeted or \$0.01 over budget; an approval is required from the BOC.

3. Exceptions to this Policy.

- a. Reoccurring purchases such as utilities, debt service, previously contracted services, postage, insurance payments, credit card payments, some information technology resources and training expenses are exempted from these policies listed herein.
- b. Information Technology Resources may be exempted by the Board of Commissioners. Information Technology Resources, for purpose of this section, means licensed, copyrighted or patented computer hardware, software or services; new computer equipment, products, peripherals, services and software where compatibility with existing equipment or products is desirable or necessary; proprietary or custom built software or information systems; technology services, consulting and maintenance contracts; web-based software and software as service (SaaS), platform as a service (PaaS) and infrastructure as a service (IaaS) applications or solutions.

An exemption letter shall be submitted to the County Manager if previously budgeted or to the Board of Commissioners if not previously budgeted or \$0.01 over budget. Details on the purpose of the exemption and the dollar amount to be spent shall be included in the letter.

- c. Other exceptions to the policy will be determined on a case-by-case basis by the County Manager which may follow the goods and services National Institute of Governmental Purchasing categories exempted by the Georgia Department of Administrative Services.

No exceptions will be approved to circumvent the quote or bid dollar limit threshold other than those listed under emergency purchases.

Sec. 2-115. - Contracts.

1. Contract Terms.

- a. For purposes of this policy, the award of annual contracts shall be determined by the estimated annual value of the contract for the initial term of the contract. Terms shall be clearly defined in the solicitation document. Once approval is obtained, Purchasing will facilitate contract execution.
- b. All contracts must terminate at the close of each calendar year, December 31, but may have the option of automatic renewals. Term lengths, to include renewals, shall be no more than five (5) years. This determination will be made by the Purchasing Manager. When a contract exhausts all renewals, the contract shall follow normal solicitation procedures. Any variation or exception must be approved by the Board of Commissioners. From time to time but in rare and unique occasions, a contract may be extended on a one (1) year term. A new solicitation and contract shall be processed within the one (1) year extended term.

2. Execution of Contracts.

- a. No contract shall be signed by County personnel other than the County Manager or the Board of Commissioners. No changes may be made to the contract without the written permission of the signing authority by way of a contract amendment issued by the Purchasing Department.
- b. An original contract will be kept in the County Clerk's office for records. The requesting department will be given a copy of the contract once executed.

3. Contractual Claims and Invoice Disputes.

- a. Contractual claims, whether for money or other relief, shall be submitted in writing no later than 60 days after final payment; however, written notice of the Contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Any notice or claim shall be delivered to the County Manager and shall include a description of the factual basis for the claim and a statement of the amounts claimed or other relief requested. The County Manager shall render a decision on the claim and shall notify the Contractor within 30 days of receipt of the claim. The Contractor may appeal the decision of the County Manager to the Board of Commissioners by providing written notice to the County Manager, within 15 days of the date of the decision. The Board shall render a decision on the claim within 60 days of the date of receipt of the appeal notice and such decision

shall be final. Invoices for all services or goods provided by the Contractor shall be delivered to the County no later than 30 days following the conclusion of the work or delivery of the goods unless other terms are prescribed by contract.

- b. Any changes to the overall dollar limit of the contracted amount must be approved by the County Manager and/or the Board of Commissioners. The final decision is with whoever approved the original contract.
- c. It is the requesting department's responsibility to ensure invoices are correct prior to approval and payment. Invoices which are green stamped and approved for payment by the department head will be paid as reported. All invoice disputes should be handled at the department level unless there is a pattern of non-responsiveness or incorrectness that calls the contract into question.

4. Notice of Award.

When the board has voted to award a solicitation contract, the Purchasing Manager will issue a Notice of Award letter and a contract to the awarded vendor for execution.

5. Notice to Proceed.

When the contract(s) have been executed and required paperwork and bonds, if applicable, have been received by Purchasing; a Notice to Proceed letter will be issued to the contractor. The letter must contain the county staff contact information responsible for meeting with the contractor and the notice to proceed date of the contract work that will kick off the contract term. A copy of the NTP letter, executed contract, along with a purchase order showing budget has been encumbered will be forwarded to all parties involved in the contract. No work may begin prior to this documentation being obtained.

6. Change Orders.

Change orders are allowed in the event the scope of work has been changed or unforeseen occurrences arise. All change orders must be initiated in an amendment by the Purchasing Department and approved by the Project Manager and the County Manager, if change order is under the previously budgeted amount. If a change order total is or if the change order will increase the contract total to be over the budgeted amount and/or is not previously budgeted and/or a Highways, Bridges, Ferries or Public Works project, the approval must be made by the Board of Commissioners at a consent meeting. The invoice must reflect the change order by line item. Purchasing will update the original purchase order to reflect the change order once approved. Budget must be available for the change order prior to the request being submitted.

The Board of Commissioners may choose to award Highways, Bridges, Ferries or Public Works projects with a not-to-exceed amount to streamline change orders.

7. Termination.

It is the responsibility of the user department to notify Purchasing of non-performance issues with the vendor. All concerns need to be in writing. If at any point, the department recommends cancellation of a contract, the department should submit in writing the cause for the termination.

Purchasing will confirm whether the contract can be terminated early. Purchasing will send a letter to the vendor terminating the contract with an effective date. A copy will be sent to the department and the County Clerk. If a contract is terminated early, the user department will assist purchasing in writing the new solicitation to help protect for future occurrences.

8. Payment.

All invoices associated to contracts shall be paid through AP billing and not on the county purchasing card (p-card). Doing so will ensure that vendors and purchases can be tracked and managed through the accounting software.

Section 2-116. – Contract Vendor Files.

Contract vendor files are to be maintained by Purchasing. A copy of the contract, purchase order, annual reviews (if warranted), E-Verify, W9 and certificate of insurance should be kept on file.

A W9 is required on all vendors when paid over \$600 in one year or more than once a year. An updated W9 is required when the information has changed.

The State of Georgia under O.C.G.A. § 13-10-91 requires all contractors complete an E-Verify Affidavit if the following pertains:

For the purchase of services over \$2,499.99, vendors must complete and return the E-Verify for each occurrence, not an annual accrual. If they have 1 or fewer employees, they are exempt but must complete the form with this information reported;

For bids, all vendors must be E-Verify compliant; or

For Contractors (individuals and not LLC or Corporation businesses as example) performing services under Title 26, Title 43 or the State Bar of Georgia are exempt. These Contractors must submit an exempt form and other forms of identification as required.

The E-Verify number is between four (4) and six (6) digits long devoid of letters.

A Certificate of Liability Insurance, or COI, should be kept on file for all vendors performing work on Dawson County property or in the name of Dawson County Government. Vendors should send updated COIs to the Purchasing department as the policy is renewed. In the event a large project or a project that creates a high liability for the County arises, a new COI may be requested to confirm insurance coverage.

If a bidder or vendor does not have workman's compensation insurance and it is believed that the County will pay a premium for the service on the next audit, Dawson County may add the amounts historically charged for those services to the County to the bid price for the purposes of identifying the low bid. It is understood this may result in another vendor being selected. Dawson County tries to limit risk and additional insurance costs.

Section 2-117. - Vendor Annual Review.

Annual reviews of each local contract should be performed by the Department Directors and Purchasing. Purchasing will send out yearly reviews to end-user departments for an honest review of the vendor's

performance over the last 12 month period. Departments should return reviews in a timely manner. If a vendor is not recommended for renewal, department should notify Purchasing immediately. These reviews may be in the form of emails between the Department Directors and Purchasing.

If a Department Director or their employees experience problems with the Contractor during the course of a term, notification to the Purchasing Department shall be sent immediately. Purchasing shall work with the Contractor to cure all issues. If issues do not warrant cancellation of the contract, Purchasing shall maintain the complaints in the contract file. These complaints should be considered during the renewal option process.

Section 2-118. - Records Management.

All requisitions, competitive bids, quotations, purchase orders, contracts and other pertinent documentation of purchasing shall be maintained by the Purchasing Department in accordance with regulations and procedures prescribed in the purchasing policy, Records Retention Resolution and the Retention Schedules for Local Government Records as published by the Georgia Secretary of State, Department of Archives and History.

Section 2-119. - Prohibited Actions.

1. Circumventing Bid Ordinance or Purchasing Policy.
 - a. Personnel should never knowingly and/or intentionally take action that would circumvent the Bid Ordinance or Purchasing Policy.
 - b. Personnel should not make purchases or split purchases between AP billing and their P-Card, to circumvent the Purchasing Policy.
2. Stringing.
 - a. Stringing is defined as knowingly structuring the purchase of goods and/or services to avoid the purchase or contract being subject to competitive bidding requirements. This process is against the laws of the State of Georgia. The process does not require that the items, or the provider, be the same; but rather that the items be "like items," and the vendors be from the same general vendor/provider group.
 - b. Purchases shall not be divided so as to create lower purchase amounts and therefore avoid some requirements of this policy. Whether or not a proposed purchase constitutes artificial division or stringing shall be determined by the Purchasing Department and the County Manager has the final decision.
 - c. If a single purchase includes both goods and services, the entire purchase will be treated as being in the category with sufficient written documentation as back up.

Section 2-120. – Nondiscrimination.

The County does not discriminate in the solicitation or award of contracts because of race, religion, color, gender, age, disability or national origin of the bidder or offeror. It is the responsibility of County employees, particularly those employees involved in procurement, to ensure that all vendors are permitted

equal opportunity and access to participate in County procurement opportunities, and that no vendor be denied equal opportunity or access because of race, religion, color, gender, or national origin.

Section 2-121. - Local Small business initiative.

1. Purpose & Scope.

- a. Giving preference to local suppliers, even if it means spending a little more, can actually benefit a county's finances. Dollars spent locally generate additional economic activity even beyond the value of the initial contract as the local supplier in turn sources goods and services locally. Each additional dollar that circulates locally boosts economic activity, employment, and ultimately tax revenue. A study in Arizona found that using local independent suppliers for state contracts results in three times the economic benefit of bids fulfilled through national chains.
- b. Local Small Business Initiative (LSBI) is a Dawson County program designed to promote opportunities to Local Small Businesses located in Dawson County.
- c. The LSBI program is designed to return as much taxpayer money to the local economy, in a relatively short time span, as possible while at the same time foster inclusiveness with the County's procurement activities and a goal to provide more opportunities for Dawson County businesses.

2. Definition of Local Small Business.

- a. Local Small Business shall mean a business which has its principal office located in and having a street address within Dawson County for at least six months immediately prior to the issuance of the quote/bid/proposal. Post Office boxes (to include mailing/shipping center addresses) are not eligible and shall not be used for the purpose of establishing a physical address.
- b. Must hold a valid business license required by the County and have no outstanding or unresolved fees, fines or penalties due to Dawson County.
- c. Not have more than twenty-five (25) employees, and of which at least 33% of those employees have their primary residence in Dawson County, or, if the business has no employees, the business shall be at least fifty-one (51%) percent owned by one or more persons whose primary residence in Dawson County.
- d. Have a banking relationship with a bank located in Dawson County.
- e. Average annual gross receipts of five million dollars (\$5,000,000.00) or less over the previous three years.
- f. Must certify under oath to the above criteria upon submission for any bid, solicitation, or proposal to Dawson County.

3. The LSBI Policy will not be applicable for the following types of purchases, bids, or solicitations.

- a. Goods or services provided under a cooperative purchasing agreement or inter-local agreement;

- b. Purchases or contracts which are funded in whole or part by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of preference;
- c. Purchases made or contracts let under emergency or non-competitive situations or for legal services;
- d. Projects over \$100,000.00

4. Affidavit.

The County will accept an affidavit that a business meets the County's standards to be considered a Local Small Business. The County, in its sole discretion, may request additional information from the business to support its claim of being a Local Small Business. The Purchasing Department will be required to review the affidavit and request additional information as necessary to ensure the LSBI criteria are satisfied. The County will notify a business of acceptance of LSBI certification.

5. How Incentive Works.

Under any applicable solicitation or bid, vendors desiring to receive local preference under the LSBI Policy will be required to affirmatively demonstrate via affidavit that they satisfy all pertinent requirements. Any vendor who fails to submit the required affidavit shall be automatically excluded from LSBI consideration. Vendors shall submit the affidavit with each solicitation or bid proposal. The affidavit contemplated under this Policy is valid only for the submitted solicitation or bid, and must be reaffirmed and resubmitted for each subsequent solicitation of bid.

For any solicitation that is under \$100,000.00 the Local Small Business (as demonstrated via affidavit) that submits a responsive, responsible price, a local preference credit of 3%.

6. Waiver.

The application of local preference to a particular purchase, contract, bid, solicitation or category of contracts may be waived by the Dawson County Board of County Commissioners in its sole discretion. The promulgation of this Policy is not intended nor should it be construed as created a right or property interest in local preference or in the local preference credit.

Section 2-122. – Purchasing Cards and Credit Cards for Dawson County Elected Officials.

1. Purpose.

This section is intended to comply with the policy requirements of O.C.G.A. § 36-80-24 regarding the use of County issued government purchasing cards and credit cards.

2. Definitions. As used in this Section 2-122, the term:

- a. "Authorized Elected Official" means the following designated elected officials of Dawson County authorized by the Dawson County Board of Commissioners to use and be issued a County Purchasing Card or County Credit Card: 1) Clerk of State Court; 2) Clerk of Superior Court; 3) Coroner; 4) County Commissioner; 5) County Surveyor; 6) Magistrate Judge; 7)

Probate Judge; 8) Sheriff; 9) State Court Solicitor; 10) Tax Commissioner; 11) State Court Judge; and 12) Superior Court Judges - Northeastern Judicial Circuit.

- b. "Card Administrator" means the County Purchasing Card and County Credit Card administrator designated by the Dawson County Board of Commissioners. The designated Card Administrator shall be the Dawson County Director of Administrative Services and CFO.
- c. "Cardholder" means an Authorized Elected Official who is issued a County Purchasing Card and/or County Credit Card by the County for the purchase of items or services directly related to the Authorized Elected Official's public duties.
- d. "County" means Dawson County and/or the Dawson County Board of Commissioners.
- e. "County Purchasing Card," "County P-Card", or "County Credit Card" means a Financial Transaction Card issued by any business organization, financial institution, or any duly authorized agent of such organization or institution, to the County.
- f. "Financial Transaction Card" means an instrument or device as the term is defined in O.C.G.A. § 16-9-30(5).
- g. "County Purchasing Ordinance" means Sections 2-105 through 2-124 of the Code of Ordinances, Dawson County, Georgia.
- h. "User Agreement" means the required agreement that an Authorized Elected Official signs and accepts with the County issuing the County Purchasing Card or County Credit Card that restricts the use of such cards.

3. Designated Elected Officials.

The Dawson County Board of Commissioners authorizes the issuance of a County Purchasing Card and/or County Credit Card to those Authorized Elected Officials, as designated and defined in Section 2-122(a), to purchase items or services directly related to such elected official's public duties. No elected official of Dawson County may use or be issued a County Purchasing Card or County Credit Card on or after January 1, 2016 until and unless such official has been designated as an Authorized Elected Official by the County and has signed and accepted the County's User Agreement regarding the use of such cards. All purchases by an Authorized Elected Official using a County Purchase Card or County Credit Card are subject to and must comply with the terms of this Ordinance. The County will not make payments to any business organization, financial institution, or any duly authorized agent of such organization or institution, for amounts charged by an elected official to any purchasing cards or credit cards that are not issued pursuant to this ordinance or for any purchases that are not authorized by this Ordinance.

4. Card Administrator.

The Board of Commissioners designates the Dawson County Director of Finances and CFO as the Card Administrator. The CFO may designate this duty to a staff member within the Finance Department. The responsibilities of the Card Administrator include:

- a. Manage County issued purchasing cards and credit cards.
- b. Serve as the main point of contact for all County purchasing card and credit card issues;
- c. Serve as liaison to the elected officials authorized to use a purchasing card or credit card and their staff, as well as to the issuer of the purchasing card or credit card;
- d. Provide training on card policies and procedures to the elected officials authorized to use a purchasing card or credit card and their staff;
- e. Develop internal procedures to ensure timely payment of cards;
- f. Assist authorized elected officials to dispute transactions when necessary;
- h. Establish internal procedures to ensure compliance with this Ordinance, the County's Purchasing Ordinance, the User Agreement with the Authorized Elected Official, state law (including specifically, O.C.G.A. § 16-9-37 and 36-80-24), and applicable agreements with the business organization, financial institution, or duly authorized agent of such organization or institution issuing the Financial Transaction Card;
- i. Document internal controls, audits and other measures to prevent and detect misuse or abuse of the cards;
- j. Audit and reconcile transactions monthly; and
- k. Maintain records documenting the administration of County Purchasing Cards and County Credit Cards as provided by the County's retention schedule.

5. Use of Cards.

- a. Authorized Purchases. County Purchase Cards and County Credit Cards issued to Authorized Elected Officials may be used solely to purchase items or services directly related to the public duties of such Authorized Elected Official. All purchases using a County Purchase Card or County Credit Card by an Authorized Elected Officials are subject to the terms of this Ordinance, the User Agreement, the County Purchasing Ordinance, and the adopted budget.
- b. No county elected official, other than an Authorized Elected Official, may use or be issued a County Purchase Card or Credit Card by the County. The cards may only be used by the Authorized Elected Official to whom such cards are issued and are not to be transferred to or used by any other individual, including employees of the elected official. The Authorized Elected Official shall use care to ensure that others do not have access to the card account number, expiration date and security code.

- c. Unless otherwise approved by the County or established in the User Agreement between the County and Authorized Elected Official, the transaction limits for County Purchase Cards and Credit cards are \$500 per transaction, except for seminar and conference fees and allowable travel expenses incurred in accordance with the County Travel Policy, which shall be limited to meals, lodging, fuel, vehicles, parking, taxi, tolls, shuttle, and airfare expenses that are directly related to the elected official's public duties. Any purchases using a County Purchasing Card or County Credit Card are subject to sufficient funds remaining in the elected official's adopted budget to cover the expense of such purchases.
- d. County Commissioners may be issued and use a County Credit Card for allowable and budgeted travel expenses incurred in accordance with the County Travel Policy while traveling to or from or attending budgeted events, seminars, and conferences that are located outside of Dawson County. No other use of a County Credit Card is permitted by County Commissioners unless such expense and activity is specifically approved and budgeted by the Board of Commissioners in advance. A report pertaining to the use of County Credit Cards by County Commissioners in the previous month may be generated.

6. Unauthorized Purchases.

County purchasing cards and credit cards shall not be used for personal use, cash advances, entertainment, alcoholic beverages, or for items or services that are not directly related to the public duties of the Authorized Elected Official. Elected officials shall not request or receive cash from suppliers or vendors as a result of exchanges or returns. All refunds or exchanges must be credited to the card account. Additionally, County Purchasing Cards and County Credit Cards shall not be used to avoid compliance with the County's Purchasing Ordinance, to purchase items or services that are not approved in the budget adopted by the County for that elected official, to purchase items or services exceeding the per transaction limit, or to purchase items or services not in compliance with the County Travel Policy or the User Agreement between the Authorized Elected Official and the County.

7. Receipts and Documentation.

Receipts, invoices and other supporting documentation of all purchases made with a County Purchasing Card or County Credit Card shall be obtained by the Authorized Elected Official and submitted to the Card Administrator by the 10th day of each month following the month in which the purchase is made. If an original cannot be produced, a duplicate shall be submitted. If neither an original nor a duplicate can be produced, a sworn affidavit of the Authorized Elected Official may be substituted. The documentation must include the supplier or merchant information (i.e., name and location), quantity, description, unit price, total price, price paid without sales tax and an explanation of the purchase sufficient to show that the expense was in the performance of official County duties.

8. Public Records.

All receipts and other documentation of purchases are public records and subject to the requirements of O.C.G.A. § 50-18-70 *et seq.*

9. Review of Purchases and Audit.

Proper documentation of purchases, internal controls and other measures assist in the prevention and detection of misuse or abuse of County issued Purchase Cards and Credit Cards. Authorized Elected Officials issued a County Purchase Cards or County Credit Card and the County employees that process payments for such cards shall cooperate and comply with the procedures established by the County.

a. Review of Purchases.

All purchases shall be reviewed according to the following procedure:

(i) At the close of the monthly billing cycle, each Cardholder will receive a billing statement.

(ii) The Cardholder shall be required to balance the statement to his or her receipts and complete an activity log provided by the Card Administrator.

(iii) The activity log, statement, and all documentation shall be returned to the Card Administrator for payment.

(iv) The Card Administrator shall review the activity log and receipts, obtain any additional information needed, and make payment on the account for purchases authorized by this Ordinance.

b. Audits.

The Card Administrator shall perform an annual review of the card program to ensure adequacy of internal policies and procedures, cardholder spending limits, monthly reconciliation procedures and documentation for transactions. Elected officials issued a County Purchasing Card or County Credit Card and staff shall cooperate with such review.

10. Violations.

a. An elected official shall reimburse the County for any purchases made with a County Purchase Card or County Credit Card in violation of this Ordinance or the User Agreement.

b. In the discretion of the County, failure to comply with the procedures outlined in this Ordinance may result in:

(i) A warning to the Elected Official;

(ii) Suspension of the elected official's privileges to use a County Purchase Card or County Credit Card; or

(iii) Revocation of the Elected Official's Privileges to use a County purchase card or County credit card.

11. Nothing in this Ordinance shall preclude any other civil or criminal remedy under any other provision of law or preclude the County from reporting misuse or abuse of a County Purchasing Card or County Credit Card to the appropriate authorities for prosecution.

Section 2-123. - Repealer.

All purchasing policies or parts of purchasing policies in conflict with the terms hereof are hereby repealed.

Section 2-124. – Severability.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this policy shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this policy as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the policy not held to be invalid, nor shall the application of the policy to other circumstances be held invalid. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts that are not held invalid.

Approved and adopted this 18th day of February, 2021.



Chairman, Board of Commissioners

Attested:



County Clerk

Public Hearing Dates:

1. February 4, 2021
2. February 18, 2021

Vote:

- 4 Yes
 No
 Abstained