



The Honorable William "Bill" Edwards, Mayor
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Corey A. Reeves, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

COUNCIL WORK SESSION MEETING AGENDA

- I. Call to Order
- II. Roll Call
- III. Agenda Items
 - 1. Council Discussion on Professional Services Exemptions (City Manager)
 - 2. Council Discussion on Proposed Update to Citywide Fee Schedule (City Manager)
 - 3. Quarterly Legal Update (City Attorney)
- IV. Executive Session (if needed)

When an Executive Session is Required, one will be called for the following issues: 1) Personnel, 2) Litigation or 3) Real Estate

- V. Adjournment of Meeting



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL WORK SESSION



SUBJECT: Council Discussion on Professional Services Exemptions

DATE OF MEETING: 3/17/2020

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Professional Services Exemption	Cover Memo	3/11/2020

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Honorable Mayor William "Bill" Edwards & City Council Members

FROM: Odie Donald II 
City Manager

DATE: March 11, 2020

SUBJECT: Professional Services Exemptions

The general structure of the City of South Fulton's Procurement Ordinance requires a competitive process before all purchases greater than \$2,500.00 can be made. The Ordinance also outlines several non-competitive processes such as sole source, single source and emergencies. Section C. Exceptions on page 2 of the Ordinance outlines purchases that are outside of the Procurement Ordinance (Procurement Exceptions). These exceptions include but are not limited to the following:

1. Sole Source Products
2. Purchases from other government agencies
3. Purchases regulated by Federal or State Law
4. Purchase of Land or Artistic Work (inherently unique = sole source)
5. Travel & Training related purchases
6. Legal advertisement & Legal services
7. Confidential Investigations
8. Court/Police Seizures
9. Person Appointed by Mayor & Council

Local jurisdictions such as the City of Atlanta and State of Georgia include an exception for Professional Services such as Architects, Accountants, Auditors, Engineers and others providing professional services pursuant to a license issued by a state body. This is based on a general theory that since these professionals are regulated, vetted and pre-qualified through the licensing process similar to the pre-qualification of vendors using a Request for Qualifications, where once a pool of vendors are qualified the City may choose from any of the qualified firms to engage with contract.

If the City adopted this policy, this would allow more flexibility in the procurement process without reducing quality of services. There are two general forms of this class of exceptions, the general form where all "Licensed Professional Services" are exempted and the limited form (such as State of Georgia) where specified services such as accountants, Architects and Engineers are identified and exempted individually.

Considering the City's need for professional services along with backlog of projects, I strongly believe it is in the City's best interest to mirror the State of Georgia and consider exempting a limited class of professional services from the Procurement Ordinance.

Should you need further information regarding this correspondence, please contact Odie Donald II at odie.donald@cityofsouthfultonga.gov.

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4

5 **ORDINANCE NO. 2018-037**
6

7 **AN ORDINANCE PROVIDING PROCUREMENT POLICIES AND FOR OTHER**
8 **LAWFUL PURPOSES.**
9

10 **(Sponsored by Councilwoman Willis and Jackson)**
11

12 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
13 organized and existing under the laws of the State of Georgia;
14

15 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
16 Council thereof ("City Council");
17

18 **WHEREAS**, Section 6.31 of the City Charter authorizes the City Council to
19 "prescribe procedures for a system of centralized purchasing for the City";
20

21 **WHEREAS**, the City wishes to prescribe such procedures by way of this
22 Ordinance; and
23

24 **WHEREAS**, the City desires to safeguard and promote the public health, safety,
25 and general welfare of all citizens through the adoption of this Ordinance.
26

27 **THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON HEREBY**
28 **ORDAINS** as follows:
29

30 **Section 1:** The City of South Fulton Code of Ordinances, Title 1, Administration,
31 is hereby revised by adding the following new sections to Chapter 9, Purchasing,
32 contracting and Disposition of Property, which shall read as follows:
33

34 **TITLE 1 – ADMINISTRATION**
35

36 **CHAPTER 9. - PURCHASING, CONTRACTING AND DISPOSITION OF PROPERTY.**
37

38 **Sec. 1-9004. Purchasing, Generally.**
39

40 **A. Title.** This chapter shall be known as the City "Purchasing Ordinance."
41

42 **B. Purpose.** The purpose of this Ordinance is to:
43

- 44 1. Provide a uniform system for procurement;
- 45 2. Ensure a system of quality and integrity in procurement;

3. Simplify, clarify, and modernize methods for governing procurement, encouraging advance planning, reducing small purchases and/or emergency purchases, and reducing paperwork where feasible;
4. Maximize open and fair competition, assuring the best value is received for the tax dollars expended;
5. Obtain the best value for the usage of public funds, taking into consideration such factors as, but not limited to, product safety, environmental impact, total cost of ownership, product performance, compatibility issues, and availability of goods/services;
6. Encourage the use of environmentally preferable and economically sustainable goods and services to reduce the City's environmental impact;
7. Enhance public confidence in the City's procurement;
8. Promote the fair and ethical treatment of all suppliers of goods/services;
9. Encourage active participation by local and locally owned businesses; and
10. Encourage active participation of all the nation's diverse human and business resources.

C. Exceptions. This Ordinance shall not apply where:

1. A good is available from only one (1) source or supply, or when standardization or compatibility is the overriding consideration.
2. The purchase is pursuant to a contract with:
 - a. the United States of America or an agency thereof or
 - b. any government unit or agency thereof within the United States for the purchase, lease, or other acquisition of goods.
3. The purchase is regulated by Federal and State laws, i.e., O.C.G.A §36-91-1, *et seq.*;
4. An emergency exists in any capacity involving the health and safety of the City, including City residents, property, businesses and visitors; or
5. The purchase is for:
 - a. Land, artistic work, or other goods whose inherent nature is unique and cannot be competitively compared to other goods within its class.
 - b. Printed copyright material including published books, maps, periodicals and technical pamphlets (not including software for computer systems), except where a greater savings can be realized by a quantity purchase.
 - c. Real property, real estate brokerage and appraising, abstract of titles for real property, title insurance for real property and other related costs of acquisition of real property.
 - d. Subscriptions, dues, and memberships and board member fees established during the budget process.
 - e. services provided directly to individual citizens and employees including reimbursements and other miscellaneous payments.
 - f. Utilities, including but not limited to electricity and telephone service.
 - g. Employee benefits and health related services procured through a quotation and negotiating process conducted by an expert in the field, or to maintain continuity of employee-health records.

- h. Travel, conferences, training, speakers, instructors, facilitators, and meeting expenses, or other expenditures covered by another City policy.
- i. Items for resale that require a particular manufacturer to enhance their marketability.
- j. Legal advertisements.
- k. Legal services, litigation, and legal expenses.
- l. goods or services required for confidential and secure investigations, apprehensions and detentions of individuals suspected of or convicted of criminal offenses by law enforcement personnel.
- m. Persons appointed by the mayor and council pursuant to the City Charter.
- n. Seized property included in a Court Order authorizing disposal.

D. Ethics in Purchasing.

1. *Prohibitions.* All City employees, officials, or agents shall comply with the prohibitions of City Charter Section 2.15 when participating in the solicitation for a procurement contract. Disciplinary actions may be taken against employees for violating these requirements as set forth in City Human Resources Policies and Procedures and other City ordinances, policies and regulations.
2. *Gratuities.* It shall be unethical for any person to offer, give, or agree to give any City employee, official, or agent, or for any City employee, official, or agent to solicit, demand, accept, or agree to accept from another person, a gratuity, rebate or gift as an inducement for any award, decision or action under this Ordinance. It shall further be unethical for any person involved with procurement under this Ordinance to act in any manner inconsistent with the State of Georgia's Department of Administrative services Gratuity Policy.
3. *Kickbacks.* It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract and/or order involving a City contract. Additionally, an official, employee, or agent shall not accept free travel from the vendor outside the state of Georgia or free lodging in or out of the state of Georgia.
4. *Rebates.* It shall be unethical for any rebate to be offered for the sole purpose of inducement of a City contract or procurement action. Rebates normally or routinely offered to all customers for the purchase of their goods and services are acceptable and are the property of the City of South Fulton.
5. *Permissive Conduct.* Nothing in this Ordinance shall preclude an official, employee or agent of the City from:
 - a. Engaging in conduct authorized under State regulations and law, including election and campaign laws.

- 138 b. Attending seminars, courses, lectures, briefings, or similar functions at any
139 vendor's facility or at any other place if any such seminar, course, lecture,
140 briefing, or similar function is for the purpose of furnishing the official,
141 employee, or agent with knowledge and information relative to their official
142 duties. In connection with any such seminar, course, lecture, briefing, or
143 similar function, nothing shall preclude the official, employee, or agent from
144 receiving meals from a vendor.
- 145 c. Receiving educational materials and business related items of nominal value
146 from a Vendor such as free samples, pens, cups, or notepads.

147
148 **E. Disclaimer of Responsibility for Improper Purchasing.** The City may disclaim
149 responsibility and liability for any purchase, expenditure, or agreement for
150 expenditure arising from a purchase made in its name, or in the name of any
151 governmental body under its authority, by an unauthorized person or any person
152 acting outside this Ordinance or the authorization or delegation as provided in this
153 Ordinance. The expense of any such disclaimed transaction will become the
154 personal liability of the individual who acted improperly.

155
156 **F. Quiet Period.**

- 157
158 1. *Contact by Vendor.* No person or business entity responding to a request for bids
159 or proposals shall initiate or continue any verbal or written communication
160 regarding such request with any City officer, elected official, employee, or
161 designated City representative, between the date such business and/or person
162 received and/or had knowledge of the solicitation through the date of the
163 Purchasing Manager's recommendation to the City Council for award of the
164 subject contract, except for communications with the Purchasing Manager, City
165 Manager and City Attorney, or as may otherwise be specifically authorized by the
166 terms and conditions of the request for bids or proposals.
- 167 2. *Prohibited Contact by City.* Between the date of the issuance of any request for
168 bids or proposals for City contracts and the date of the Purchasing Manager's
169 recommendation to the City Council for award of such contract, no City officer,
170 elected official, employee, or designated City representative, except in the course
171 of carrying out legal and official duties in connection with this section, shall
172 initiate or continue any verbal or written communications regarding the
173 solicitation with any person, firm or business entity, who the officer, elected
174 official, employee, or representative knows or should have known has obtained a
175 copy of the solicitation and either has submitted or may submit a bid or proposal.
176 To help ensure compliance, the day prior to the issuance of each solicitation of
177 bids or proposals, the purchasing agent shall notify the City Council, the City
178 Manager, the head of each involved user department, of the subject matter and
179 intended issuance date of the solicitation.
- 180 3. This Ordinance shall not be construed to prohibit communication with a vendor
181 which is unrelated to a pending request for bids or proposals. If determined by
182 the City that a vendor communication has compromised the competitive process,

the offer submitted by the individual, firm or business may be disqualified from consideration for award.

G. Freedom of Information.

Interested persons shall have access to information regarding procurement transactions of the City of South Fulton in accordance with State law, including the Georgia Open Records Act, O.C.G.A. §50-18-70 et seq. All meetings of the City's Council are duly noticed public meetings and all documents submitted to the City as a part of or in connection with a proposal may constitute public records under Georgia law regardless of any person's claim that proprietary or trade secret information is contained therein. Proposals and all related correspondence are governed by the Georgia Open Records Act and shall be provided to anyone properly requesting same, after contract award. The City cannot protect proprietary data submitted in vendor proposals unless required by law. In the event the proposer deems certain information to be exempt from the disclosure requirements, the proposal must provide the Purchasing Manager and City Attorney an exemption statement identifying what content is considered exempt, with citation to the applicable provision of the law supporting such assessment.

H. Definitions.

For purposes of this manual, the following terms, phrases, words, and their derivations shall have the meanings given herein.

1. Addendum: A change, clarification or correction in the solicitation documents.
2. Annual contract: An agreement or contract, typically for a specified duration, between a supplier and the City, to furnish goods or services usually of an indefinite quantity and delivery schedule, at unit prices provided for under the terms of the contract. Also known as a term contract, annual agreement or requirements contract.
3. Agent: An official, employee, contracted or subcontracted person who is authorized to act on behalf of the City of South Fulton and represent their interests. The City Manager is the official Purchasing Agent for the City.
4. Appeal: A specific written objection by an interested person to a request for qualifications, a request for quotations, an invitation for bid, an invitation to negotiate, a request for proposal, or an award or proposed award of a contract.
5. Apparent low bidder: Vendor that submits the lowest monetary bid.
6. Bid: An offer submitted in response to public notice of an intended sale or purchase.
7. Bid bond: A bond that legally binds the bidder to execute a contract and to provide required post award documents, such as a certificate of insurance and/or performance and payment bonds, or forfeit the amount of the bond.
8. Bidder: One who submits an offer in response to public notice of an intended sale or purchase.
9. Bid opening: The act of publicly opening the bid envelopes and making the bids available for public inspection.

- 229 10. Bond: A form of financial protection against damages; a binding agreement
230 executed by a bidder or vendor and another party to guarantee the performance
231 of certain obligations or duties to the purchaser.
- 232 11. Buyer: Purchaser; the buying agency or government.
- 233 12. Buying cooperative or alliance: A group of public entity purchasers organized for
234 the purpose of creating contracts or pricing agreements in order to take
235 advantage of group or quantity buying discounts or special pricing from which
236 members of the group can benefit.
- 237 13. Capital asset: A purchase of land, equipment, infrastructure, buildings, or
238 improvements with a value of or greater than \$5,000.00 with at least a two (2)
239 year useful life as defined by the Capital Asset Policy.
- 240 14. Capital expenditure: An expenditure that results in the acquisition of or an
241 addition to a capital asset.
- 242 15. Centralized purchasing: The system under which the Finance Department and
243 Purchasing Department are authorized to enter into contracts for goods and
244 services on behalf of the City.
- 245 16. Change order/amendment: An agreed upon addition to, deletion from, correction
246 or modification of a contract.
- 247 17. City: The City of South Fulton, Georgia
- 248 18. City Chief Financial Officer (Treasurer): The City Treasurer.
- 249 19. Commodities: Supplies, apparatus, materials, equipment, and other forms of
250 tangible personal property that can be mass produced and used by a City
251 department in the accomplishment of its responsibilities.
- 252 20. Competitive award: A procurement based upon the outcome of one of the
253 competitive processes set forth in this Ordinance, where award is made based
254 on the lowest quotation or bid submitted by a responsible and responsive bidder
255 or to the most qualified or advantageous proposer based on the qualitative
256 and/or quantitative factors identified for the procurement. A competitive award
257 can be made even if only a single bid or proposal has been received from a
258 bidder or proposer who is determined to be responsible and responsive.
- 259 21. Construction: The process of building, altering, improving or demolishing any
260 public structure or building, or other public improvements of any kind to any
261 public real property. The term "construction" does not include the routine
262 operation, repair and/or maintenance of existing structures, buildings, or real
263 property.
- 264 22. contract: A legally binding mutual agreement between two parties. Any City
265 agreement, regardless of form or title, for the procurement or disposition of goods
266 or services. contracts also include change orders, modifications, amendments,
267 supplemental agreements with respect to any of the foregoing. Every contract
268 must be duly authorized and approved prior to execution.
- 269 23. contract extension: An amendment to a contract that includes an increase in the
270 term of a contract, for which no options to renew the contract beyond the current
271 expiration date exists.
- 272 24. contract renewal: An exercise of an approved, existing option to increase the
273 term of a contract. Options to renew a contract are often done in annual
274 increments.

- 275 25. contractor: Any person or business having a contract with the City.
- 276 26. Department: An organizational unit within City government that is responsible to
- 277 the City Manager, or designee.
- 278 27. Division: An organizational unit within a City department that is responsible to the
- 279 head of a department, or designee.
- 280 28. Emergency purchase: The purchase of supplies and/or services whose
- 281 immediate procurement is essential to protect life or property.
- 282 29. Encumbrance: A financial commitment for unperformed or unpaid contracts for
- 283 goods or services.
- 284 30. goods: Supplies, apparatus, materials, equipment, and other forms of tangible
- 285 personal property used by a City department in the accomplishment of its
- 286 responsibilities.
- 287 31. Invitation to bid: A formal request to prospective vendors soliciting quotations or
- 288 bids; contains, or incorporates by reference, the specifications or scope of work
- 289 and all contractual terms and conditions.
- 290 32. Letter of intent: A written statement detailing the preliminary understanding of
- 291 parties who plan to enter a contractual arrangement.
- 292 33. Local vendor (business): A vendor which operates and maintains a brick and
- 293 mortar business within the corporate limits of the City of South Fulton; has a
- 294 current City Occupation Tax Certificate; and has paid in full all real and personal
- 295 taxes owed the City.
- 296 34. Locally owned vendor (business): A business with at least one owner, partner or
- 297 officer residing within the City of South Fulton.
- 298 35. Local and locally owned vendor preference: A two percent evaluation preference
- 299 will be applied to any sealed competitive process for goods, supplies, equipment,
- 300 materials, services, or professional services from a business designated as a
- 301 local business. And additional four percent evaluation preference will be applied
- 302 to any sealed competitive process for goods, supplies, equipment, materials,
- 303 services, or professional services from a business designated as a locally owned
- 304 business. Applies to all sealed competitive procurements excluding construction
- 305 projects; federally funded projects; and online/electronic sealed bid/reverse
- 306 auctions. A local vendor's bid will be awarded if the bid is within two percent (2%)
- 307 or six percent (6%) of the non-local vendor's bid who otherwise would have
- 308 received the award of the contract.
- 309 36. May: Denotes the permissive.
- 310 37. Payment bond: A bond which assures payments, as required by law, to all
- 311 persons supplying labor or material for the completion of work under the contract.
- 312 38. Performance bond: A bond provided in connection with a contract which
- 313 guarantees the performance and fulfillment of all the terms, conditions, and
- 314 agreements contained in the contract.
- 315 39. Practicable: Sufficient in performance and available at a reasonable cost.
- 316 40. Price preference: A percentage of increase in price an entity will pay to obtain a
- 317 designated product. No price preferences are recognized by the City.
- 318 41. Procurement: Purchasing, renting, leasing or otherwise acquiring any equipment,
- 319 supplies, services or construction projects

- 320 42. professional services: Those services which are defined by statute as a
321 "profession" or "professional service" and require a license or accreditation,
322 including, but not limited to, certified public accountants, actuarial services,
323 architecture, landscape architecture, interior design, licensed or accredited
324 appraisers or licensed or accredited financial analysts providing opinions of
325 value, chiropractic, dentistry, professional engineering, podiatry, pharmacy,
326 veterinary medicine, registered nursing, harbor piloting, land surveying, law,
327 psychology, medicine and surgery, optometry, and osteopathy. professional
328 services include but are not limited to evaluations, consultations, management
329 systems, management consulting, compiling statistical data, support of planning
330 and operating activities, appraisal services, and research and development
331 studies or reports.
- 332 43. Project Manager: The Department head which may be assigned by the City
333 Manager with duties and responsibilities with respect to a project, such as a
334 consulting, design and engineering or capital project involving new construction
335 and/or maintenance or repairs.
- 336 44. Protest: A formal appeal of a process or decision in writing.
- 337 45. Protester: An actual bidder who is aggrieved in connection with the bid process,
338 including contract award, and who files a protest in writing in accordance with this
339 Ordinance.
- 340 46. Purchase order: A document authorizing a City of South Fulton employee
341 contracting with a seller to deliver goods with payment to be made later.
- 342 47. Purchasing agents: The Purchasing agents for the City of South Fulton shall be
343 the City Manager and City Treasurer.
- 344 48. Purchasing Manager: The designee of the City Manager to manage the day to
345 day operations of the Purchasing Department.
- 346 49. Purchasing Department: The department responsible for procurement for the
347 City.
- 348 50. Registered business: A business that has a valid City Occupation Tax Certificate.
- 349 51. Reasonable cost: Cost that by its nature or amount does not exceed what would
350 normally be incurred by an ordinarily prudent person in the conduct of
351 competitive business.
- 352 52. Request for Informal Quote (RFIQ): A document used in an informal solicitation
353 for an offer to be submitted in writing that will result in a purchase contract.
- 354 53. Request for Information (RFI): A document used in an informal, noncompetitive
355 solicitation where vendors provide feedback on industry standards and
356 procedures which allows purchasing to decide and implement a procurement
357 strategy.
- 358 54. Request for Proposal (RFP): A document used in purchasing complex services
359 when the competitive sealed bid is neither practical nor advantageous, the RFP
360 process considers both quality of the solution offered and price to obtain the best
361 overall value.
- 362 55. Request for Qualifications (RFQ): A document used in purchasing complex
363 services when the competitive sealed bid is neither practical nor advantageous,
364 the RFQ process considers both contractor qualifications and price to obtain the
365 best overall value.

- 366 56. Requisition: An internal document, provided by a department to the Purchasing
367 Department that contains the fund source, approvals, descriptions, quantities,
368 and other information about the goods, services, or professional services, in
369 order to proceed with the procurement.
- 370 57. Responsible bidder: A vendor who has the capability in all respects to perform
371 fully the contract requirements; and the experience, integrity, perseverance,
372 reliability, capacity, facilities, equipment and credit which will assure good faith
373 performance.
- 374 58. Responsive bidder: A vendor who has submitted a bid that conforms in all
375 administrative and material respects to the requirements stated in the invitation to
376 bid.
- 377 59. Sealed bid: An offer submitted in response to a formal procurement solicitation in
378 a closed envelope to be opened at a specific time and place.
- 379 60. Sealed proposal: An offer submitted in response to a formal procurement
380 solicitation in a closed envelope where the technical response and cost are
381 separated to be opened and the participant's names read aloud at specific time
382 and place.
- 383 61. Services: Any performance of effort or labor, for which the City has contracted
384 other than professional services or services classified as construction.
- 385 62. Shall: Denotes the imperative.
- 386 63. Sole Source/Single Source: That only one vendor possesses the unique and
387 singularly available capability to meet the requirement of the solicitation, such as
388 technical qualifications, ability to deliver at a particular time, or services from a
389 public utility.
- 390 64. Specification or scope of work: Specifications are the detailed and exact
391 description of the requested materials and/or services. They should accurately
392 describe the physical, functional, and/or performance requirements of the items
393 and/or services requested.
- 394 65. Statement of Qualification (SOQ): An offer submitted in response to a formal
395 procurement solicitation in a closed envelope to be opened and the participants'
396 names read aloud at a specific time and place.
- 397 66. Surplus Property: City-owned property that is no longer required or has no
398 practical use by the City.
- 399 67. Sustainability: Reducing the amount of resources used as well as reducing the
400 amount of waste and emissions produced in order to limit the environmental
401 impact or ecological footprint. The City will improve our sustainability efforts
402 through an environmentally preferred purchasing program that provides for the
403 present generation and needs of the organization while honoring our past and
404 allowing for the needs of future generations.
- 405 68. User department/division: The City department which has the responsibility for
406 determining the need for an item or service, its related specifications, and need
407 date. The user is responsible for advising the Purchasing Manager of the
408 approved funding and the specific budget account number for the need.
- 409 69. Vendor: Any individual or business conducting business or seeking to do
410 business with the City; one who sells goods and/or services; a supplier.

411 **I. Responsibilities, Generally.**

412
413 1. **Purchasing Agent.** The City Manager and Chief Financial Officer are
414 responsible for establishing overall policies and procedures to ensure the
415 integrity of the purchasing program throughout the City. Primary roles and
416 responsibilities include:

- 417 a. Responsible for overseeing the day to day purchasing activity and ensuring
418 the City purchasing policies, procedures and ordinances are followed.
419 b. Reviewing purchasing ordinance violations and determining disciplinary
420 action based upon the purchasing policies, procedures, and ordinances.
421 c. Review and approve proposed formal solicitations prior to issuance.
422 d. Review all requisition and purchasing contracts.
423 e. Review and approve all purchasing contracts and change orders \$25,000 or
424 less. (City Manager).

425 2. **Purchasing Department.** The Purchasing Department will:

- 426 a. Conduct business in compliance with the City's ordinances and in accordance
427 with the principles contained in this section.
428 b. Serve as a resource for departments in issues of policy and in the day to day
429 processing of requisitions.
430 c. Provide information and procure goods and/or services which meet the user
431 department's requirements, ensuring consideration of life cycle costs and
432 sustainable goods and services.
433 d. Provide assistance in the preparation of specifications.
434 e. Process the auditing and review of requisitions to ensure that the purchasing
435 policies, procedures and ordinance are being followed.
436 f. Provide user training on City purchasing policies, procedures and ordinance.
437 g. Ensure that contract awards are made to responsible contractors possessing
438 the ability to perform successfully under the terms and conditions of the
439 proposed procurement.
440 h. Utilize approved third-party software and train the department's liaisons and
441 agents to use the software as appropriate.
442 i. Formally and informally procure goods and services in compliance with
443 applicable laws.

444 3. **Department Head Responsibilities.** Department heads are responsible for
445 ensuring the integrity of purchasing within their department by upholding City
446 policies, procedures, and ordinances. All department heads are responsible for
447 overseeing purchasing activity and must have an understanding of City
448 purchasing rules and regulations. While the department head holds the
449 responsibility of oversight, administration of the day-to-day activity of the
450 purchasing process will be reviewed through designation of one or more
451 department liaisons. Department head responsibilities include:

- a. Maintain knowledge of City purchasing policy and procedures and ordinances to effectively oversee purchasing activity within their department.
- b. Delegate responsibility within their department to assist with the purposes of this Ordinance.
- c. Review and approve requisitions as part of the purchasing process.
- d. Review, approve and participate in any formal solicitation process for the department as needed.
- e. Approve sole source/single source procurements.
- f. Designate project manager for departmental projects that require procurement.
- g. Provide written determinations for the basis of an emergency purchase.
- h. Keeping the Purchasing Department informed when staff changes are made that will require training in regard to purchasing policies and procedures.
- i. Review requisitions in a timely manner in order to facilitate the purchasing process.
- j. Review all documentation to ensure:
 - i. The appropriate back up for the purchase is attached to the requisition.
 - ii. The correct purchase/object allocations are used based on the approved budget.
 - iii. An e-verify affidavit form is attached where required.
 - iv. A sole source form is attached where required.
- k. Submit all requests for goods and services in a timely manner in order to allow for timely response from vendors and to eliminate extra charges for rush items.
- l. Strive to provide full and accurate descriptions of needed supplies and/or services to avoid misunderstandings.
- m. Inform the Purchasing Department in writing when there are problems or changes to purchase orders or contracts.
- n. Ensure that purchased goods for their department are received, inspected and verified as to condition. Initiate returns as necessary.

J. Purchasing Thresholds.

1. For goods, services, and professional services \$2,501.00 and below, upon approval by the Purchasing Manager, the user department shall obtain goods and services most advantageous to the City through direct purchase through the use of a requisition or p-card.
2. For goods and services between \$2,501 and \$25,000, the user department shall obtain, where possible, at least three written quotes, subject to approval by the City Manager.
3. For professional services between \$2,501 and \$25,000, a quality based selection process will be used, subject to approval of the award by the City Manager. The

department head shall justify the choice in writing to be attached to the requisition.

4. For goods and services \$25,001.00 and above, the Purchasing Department will use a formal procurement process. The Purchasing Manager shall issue the solicitation and make a recommendation to City Council for approval.
5. For professional services \$25,001.00 and above, a quality based selection process will be used. The Purchasing Department will use a formal procurement process. The Purchasing Manager shall issue the solicitation and make a recommendation to City Council for approval.

Goods and services

\$Threshold	Purchasing Method	Responsibility	Approval
>\$25,001	Formal Procurement Process	Purchasing Department	City Council
\$2,501-\$25,000	Three (3) Written Quotes	User Department	City Manager
<\$2,500	Non-Competitive	User Department	Purchasing Manager

Professional services

\$ Threshold	Purchasing Method	Responsibility	Approval
>\$25,001	RFQ	Purchasing Department	City Council
\$2,501 - \$25,000	RFQ with Department head Justification	User Department	City Manager
<\$2,500	Non-Competitive	User Department	Purchasing Manager

K. Non-competitive Procurements. The provisions of this Ordinance shall apply to the procurement of goods and services, when determined to be in the best interest of the City and not in conflict with the requirements of state law.

1. *Sole Source/Single Source Procurement.* The City may acquire goods, services, or professional services pursuant to a sole source/single source procurement. Sole source/single source procurement is allowable when goods, services, or professional services are limited to one source, or when they must be obtained from a specific manufacturers' dealer and valid competition among dealers does not exist. A sole source/single source procurement may also be made from one person among others in a competitive market place, which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need.

2. *Sole Brand Procurement.* The Purchasing Agent may elect to purchase particular brand name goods or services when the goods or services comprise a major brand system, program or service previously selected by the City for standardization due to operational effectiveness, future enhancements or additions, or maintenance or storage of spare parts precludes the mixing of brands, manufacture, etc. The user must submit the justification for the sole source/single source procurement for approval to the Purchasing Agent.
3. *Direct Negotiation Following Competitive Solicitation.* Following the completion of a competitive award solicitation process that fails to produce a responsible or responsive bidder or proposer, fails to produce a qualified respondent, or for which all submissions were rejected for any reason, the City may procure the goods, services, or professional services that were the subject of such failed solicitation by direct negotiation with any provider of such failed solicitation. Direct negotiations shall be facilitated by the Purchasing Manager, with assistance as necessary by the City Manager and City Attorney. A proposed contract shall be submitted to the City Council for consideration. The Council may reject, approve or direct further negotiations of the contract. Direct negotiations under this paragraph shall commence within ninety (90) days of the completion of the failed competitive solicitation process.
4. *Emergency Procurement.* The City and City Manager may acquire goods, services or professional services under the defined thresholds by direct negotiation, in lieu of the formal solicitation processes set forth under this Ordinance, in situations of an emergency. Emergency situations exist where there is an imminent threat to: a) public health, safety or welfare, b) the soundness and integrity of public services or property, or c) the delivery of essential City services. Emergency procurements shall be made with as much competition as is reasonable or practicable under the circumstances, which may consist of acquisition of goods and services under the direct negotiation process outlined in the paragraph above. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the item procured under the contract, the basis for the emergency situation and the identification number of the contract file.
- Emergency procurements associated with projects utilizing grant funds will always follow the established procurement procedures of the grant.
5. *Costs Under the Competitive Threshold.* The user department may acquire goods, services and professional services by direct negotiation or by some other non-competitive method, when the dollar value of the purchase does not exceed \$2,501 and a properly executed and authorized requisition is received. Under this non-competitive method, the user department shall attempt to obtain the goods, services or professional services most advantageous to the City, price and other factors considered.

569
570 6. *Direct Negotiation and other Public Entities and Co-ops.* The City may acquire
571 goods, services, and professional services by direct negotiation or other method
572 involving limited or no competition from a supplier having a requirements
573 contract/annual agreement with any public entity (e.g., federal, state, county, city,
574 authority, school board, buying cooperative, etc.) for goods, services, or
575 professional services described in such contract and at prices or discounts no
576 less favorable than any set forth in such contracts. Use of state/co-op contracts:
577 the purchasing agent may, independent of the requirements of bid process of this
578 article, procure supplies, services or construction items through a contract
579 established through competitive means by the purchasing department of the
580 state of Georgia, national co-ops (i.e.-U.S. communities), and collaborative
581 purchasing agreements with other local governments when deemed to be in the
582 best interest of the City.
583

584 Nothing in this Ordinance shall impact and/or limit the City's ability to pursue
585 purchasing cooperatives and alternatives allowable under State law through the
586 Georgia Municipal Association and other organizations.

587 **L. Competitive Procurements.** The Purchasing Department will determine the
588 procurement method to be used based on the type and estimated price of the
589 purchase. The City reserves the right to reject any or all bids if it determines such
590 rejection to be in the best interest of the City. Formal solicitations will generally be
591 solicited on a project-by-project basis. The user will submit the scope of goods
592 and/or services to the Purchasing Manager, who will then determine which of the
593 competitive processes best suits the purchase. A performance guarantee, such as a
594 performance bond or letter of credit, may be required for any solicitation that
595 includes services to be performed after consultation with the City Manager, and
596 others, as necessary. Periodically, the City may be given private/public grants and
597 donations from sources such as the state and federal government and private
598 corporations. These types of solicitations may be more restrictive and may dictate
599 the procurement process and methodology that the City is to follow for an award.
600 Both federal and state procurement policy supersedes City of South Fulton's
601 purchasing requirements when buying goods and services using federal or state
602 grant monies. Departments should consult the accounting department regarding the
603 use of federal and state funds.
604

605 1. *Invitation to Bids.* Invitation to Bids (ITB) are prepared and issued to prospective
606 bidders, with the goal of obtaining competitive responses for items costing
607 \$25,001 and greater.
608

609 a. Public notice (such as publication in a newspaper of general circulation,
610 posting on the Purchasing Department's internet web page, posting on State
611 internet web page, or third party eSourcing platform) of the ITB must be given
612 a minimum of fourteen (14) calendar days prior to the date set for bid opening
613 or as required by state and federal law, unless it can be demonstrated that an

urgent requirement for goods or services exists, in which instance, the requirement for public notice may be reduced by the Purchasing Manager.

- b. Bids shall be opened publicly by the Purchasing Manager, or their designee, in the presence of one or more witnesses at the time and place designated in the ITB. All relevant information, including each bid amount and bidder's name, will be recorded on a summary sheet and signed by the opener and witness.
- c. The Purchasing Manager shall evaluate the bids and make a recommendation to the City Council. A split or partial bid may be awarded if an ITB is for multiple goods or services, more than one vendor provides a bid that meets the specifications for the items, and a price comparison can be made between the items quoted. The award may be split between more than one vendor by awarding to the lowest cost provider of each item or reasonable grouping of items if acquisition, delivery, and other requirements can be reasonably administered. A split or partial bid award shall not be used under the following conditions:
 - i. When the solicitation is for an integrated system and the split of the award between components or parts of that system would jeopardize performance; or
 - ii. If the item is part of a system and the performance of that system would be jeopardized if another brand was substituted.
- d. Tie Bids: In the event two or more identical bids are received, the following procedure will be used when the basis of award is low bid:
 - i. To the extent permitted by law, a tie bidder with a registered business location within the City will be recommended to the City Council for an award over one without an office in the City, a registered business within the county limits of Fulton County should be recommended to the City Council for an award over one without an office in the County, and a registered business within the state of Georgia will be recommended to the City Council for an award over one without an office in Georgia.
 - ii. If the procedures in the paragraph above do not result in an award, then, the tie bidders will be contacted and advised of the tie bid. bidders will be given the opportunity to provide a best and final offer in writing submitted in a sealed envelope to be opened at the time and place stated by City staff. If one or more of the tied bidders agrees to participate, award will be made to the new low bid. If none of the tied bidders agree to participate or if the new bids are tied, then City staff shall break the tie by following the procedures described below, as necessary.
 - iii. If the procedures in (i) and (ii) do not result in an award, then, to the extent permitted by law, a tie bidder deemed in the City's sole discretion to provide the most environmentally preferable goods would be

- recommended to the appropriate approving authority for an award over one deemed environmentally inferior.
- iv. In the event the above does not result in an award, the City reserves the right to award to both tie vendors when it is feasible and in the best interest of the City to do so.
 - v. Correction or withdrawal of inadvertently erroneous bids is permitted in accordance to the terms indicated within the ITB; however, minor irregularities may be waived by the City. No bid may be withdrawn for a period of one hundred twenty (120) days after the time scheduled for bid opening or as permissible by State law.
- e. Any bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of a bid received after the time and date set for opening of bids, at the place designated for opening, is considered late. Late bids will be rejected and remain unopened.
- f. Bids will be evaluated based on the evaluation factors set forth in the ITB, which may include criteria to determine acceptability of goods (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of goods shall be used to determine whether particular goods are responsive to the Invitation to bids, and not to determine the relative desirability between acceptable goods.
- g. The City reserves the right to waive any informalities or irregularities of bids, to request clarification of information submitted in any bid, to further negotiate with the Responsive and Responsible bidder selected for contract award, or to reject any or all bids for any reason whatsoever.
- h. If no Responsive and Responsible Bids are received or all bids are rejected, the City may procure such goods and services by direct negotiation.
- i. The Bid will be awarded, if an award is made, to the Responsible and Responsive bidder offering the lowest price whose bid meets the requirements and criteria set forth in the ITB. The bid may require a contract.
2. *Request for Informal Quotes (RFIQ)*. Request for Informal Quotes are prepared and issued to prospective bidders by the user department, with the goal of obtaining competitive responses for items costing between \$2,501 and \$50,000. The RFIQ shall define the scope of the work and may contain contractual terms and conditions. In most cases, the bid award will be made on best price, but the award may be made on other grounds which are determined to be in the best interest of the City. The RFIQ may require the submission of bid samples, descriptive literature, and technical data and may require inspection or testing of a product before a final award. The user department shall summarize quotes on a summary sheet for use in consideration of an award.

- 704 3. *Request for Proposals (RFP)*. When the Purchasing Manager determines the use
705 of an ITB is not practical or not advantageous because of existing market
706 conditions or the type of items required, the City may procure goods, services, or
707 professional services through receipt of competitive sealed proposals.
708 Competitive sealed proposals are solicited using an RFP, with the goal of
709 obtaining competitive responses for items costing more than \$25,001.
710
- 711 a. Public notice of the RFP shall be given in the same manner as for ITB
712 procurements.
713
- 714 b. Proposals shall be opened publicly by the Purchasing Manager, or their
715 designee, in the presence of one or more witnesses at the time and place
716 designated in the RFP. A register of proposals shall be prepared that lists
717 each proposer's name, which will be signed by the opener and the witness.
718
- 719 c. Correction or withdrawal of proposals is permitted in accordance with any
720 instructions allowing the same contained within the RFP.
721
- 722 d. Proposals shall be deemed late in the same manner as the procurement
723 process for an ITB.
724
- 725 e. The RFP will identify the criteria to be considered and evaluated as the basis
726 of award.
727
- 728 f. Proposals submitted by responsible and responsive proposers shall be
729 evaluated in writing by the Purchasing Agents and Purchasing Manager
730 based upon the criteria applicable to the RFP. All proposals will be ranked by
731 such evaluators in order of their acceptability, giving consideration to the
732 criteria. The City has no obligation to award the contract to the Proposer who
733 proposes the lowest price. The evaluations shall be provided to the City
734 Council for selection of the final award. The contract will be awarded, if
735 award is made, by the City to the responsive and responsible proposer whose
736 proposal is determined, in the City's exclusive discretion, to be the most
737 advantageous to the City, taking into consideration price, qualifications, and
738 other factors as indicated in the RFP.
739
- 740 g. The City reserves the right to waive any informalities or irregularities of
741 proposals, to request clarification of information submitted in any proposal, to
742 further negotiate with a responsive and responsible proposer who has been
743 selected for contract award, or to reject any or all proposals for any reason
744 whatsoever.
745
- 746 h. If no responsive and responsible proposals are received or all proposals are
747 rejected, the City may procure such goods, services, and professional
748 services by direct negotiation.

749 **M. Quality Based Selections (QBS)**

- 750
- 751 1. *Request for Qualifications (RFQ)*. Requests for Qualifications (RFQ) may be
- 752 used when it is determined to be in the City's best interest to evaluate the
- 753 experience and qualifications of a service provider, without regard to price or
- 754 prior to considering price.
- 755
- 756 a. The procedure for soliciting, opening and evaluating statements of
- 757 qualifications shall be the same as described herein for competitive sealed
- 758 proposals. Service providers whose qualifications meet the criteria
- 759 established in the RFQ, at the sole discretion of the City, may be considered
- 760 for contract award by participation in the completion of price negotiation. The
- 761 City shall attempt to negotiate a fee with the highest ranked firm. If no
- 762 agreement is reached, the City shall begin negotiations with the next highest
- 763 ranked firm. Negotiations will proceed in this manner until an agreement is
- 764 reached. Alternatively, the City may, by direct negotiation, finalize terms with
- 765 service providers who are selected for award based on qualifications. The
- 766 City reserves the right to reject any or all responses for any reason.
- 767 Clarification of information may be requested by the City.
- 768
- 769 b. The RFQ process will be the method of procurement when the professional
- 770 services exceed \$25,000 and/or the project costs exceed \$1,000,000 for the
- 771 procurement of services within the scope of architecture, registered interior
- 772 design, professional engineering, land surveying, and landscape architecture.
- 773
- 774 2. *Multi-step Solicitation*. The City may initiate one of the multi-step solicitation
- 775 processes described below when: (a) in the City's discretion, it is impractical to
- 776 prepare an adequate or complete description of the goods or services desired
- 777 (due to insufficient data, uncertain requirements, unfamiliar market options, etc.),
- 778 (b) the City desires to identify a field of qualified bidders, proposers, goods or
- 779 services, out of a broader field of bidders, proposers, goods or services, or (c)
- 780 the City believes a multi-step process would best serve its purposes.
- 781
- 782 a. *Consecutive Multi-Step Process*:
- 783
- 784 i. The City may request statements of qualifications to be evaluated based
- 785 on the criteria in the RFQ for purposes of identifying one or more desirable
- 786 or acceptable goods, services, or professional services or for purposes of
- 787 identifying a field of qualified or most qualified bidders or proposers
- 788 ii. After identifying a field of most qualified bidders or proposers with the
- 789 capability of providing the desirable or acceptable goods, services, or
- 790 professional services, the City may either follow a competitive ITB process
- 791 or by a RFP process among the field of vendors identified as having the
- 792 capability to meet the City's requirements for the procurement.
- 793

b. *Consecutive Multi-Step Process to Award stand by Purchasing contracts:* A standby contract is an agreement between the City of South Fulton and an entity performing a professional or technical service. The use of standby contracts will be at the discretion of the City Manager. The contract thresholds are subject to the bidding thresholds established in this Ordinance. The entities selected through this process are intended to create a pool of qualified vendors to be used on a rotational basis, or with the informal procurement process.

i. When it is in the best interest of the City to have pre-qualified, stand by purchasing contracts because of the need to provide quick-response, repetitive services or a range of services or professional services within a specific field of expertise, the City may use consecutive multi-step procurement process to identify one or more stand by contractors. The purpose is to identify one or more stand by contractors that demonstrate the ability to perform a particular type of service during a specified contract period.

ii. Contract award - The multi-step solicitation shall specify the general types of services required, the selection process to be used, and the selection criteria for award of the stand by contract.

iii. Award of a specific scope of work to a stand by contractor - During the term of the stand by contract(s), specific scopes of work may be developed and awarded to stand by contractor(s), by amendment to such stand by contract(s), provided that the specific scope of work is consistent with the general types of services upon which award of the continuing contract(s) was made. On an annual basis, the maximum contract amount shall not exceed \$1,000,000 with task order approval through the City Manager.

iv. Except when the stand by contract is for the procurement of services within the scope of architecture, registered interior design, professional engineering, land surveying or landscape architecture and when there is more than one stand by contractor available to perform the specific scope of work defined, the process for award of the work is set forth below:

(a) Work may be rotated during the contract period between the stand by contractor(s) that were selected to perform the general type of services required; or,

(b) Quotations, bids or proposals may be requested from the prequalified Stand by contractors that were selected to perform the general type of services or professional services required. The City may select the stand by contractor whose quotation, bid, or proposal is deemed to be most advantageous to the City to perform the specific scope of work required.

v. City departments shall use the list of approved stand by contractors. A user department may choose to either use a rotation or informal bid

process as referenced above when using a Standby contract. The choice of the department will remain in effect for the term of the contract. This procurement strategy should allow vendors fair and consistent access to projects, improve quality of service delivery and generally increase the efficiency and cost-effectiveness of the procurement process. The vendor rotation process shall include the list of the qualified vendors selected through procurement process to perform the work. The department will maintain a list of the qualified vendors and rotate through each vendor on an established basis.

- vi. The informal bid process shall include the list of the qualified vendors selected through the procurement process to perform the work. This procurement strategy will require the departments to obtain at least three quotes for work above \$2,501 and below the formal bid threshold. If three quotes are not obtained, detailed written explanation is required.
- vii. All qualified vendors should be given equal access to projects, and through transparent monthly reporting a list of projects, vendor(s), awards, and purchase amount shall be maintained. If a vendor declines the project a written record shall be maintained, and the vendor shall be invited the next time the vendor's name is in the rotation.
- viii. For the professional stand by contracts, the department head will be responsible for providing the determination of the professional selection.

N. Protests.

1. *Submission of Protest.* If a vendor or bidder is aggrieved during pending request for proposals, bids or qualifications, the vendor or bidder can choose to protest in accordance with this section.
 - a. Bidders may protest the contract award in connection with the RFQ/ITB/RFP on which the bidder has submitted a bid/proposal. Any such protest by a bidder must be filed no later than ten (10) calendar days following the date of the notice to award and/or conclusion of the RFQ/ITB/RFP, in order to have the protest considered.
 - b. A written statement of protest pertaining to events or facts arising during a bid solicitation process, signed by a company officer authorized to sign contracts on behalf of the vendor, must be received by the Purchasing Department no later than three (3) calendar days prior to the bid due date, with the exception that actions complained of occurring within three (3) days of the bid due date shall be filed within twenty-four (24) hours of the actions complained of. Failure to file a protest by the time required may be deemed a waiver of any grounds the vendor or bidder has to protest. All inquiries received after the bid award and/or after the conclusion of a RFQ/ITB/RFP will not be considered a formal protest.
2. *Format of Protest:* Protests shall include:

- 884
- 885 a. The name and address of the protester;
- 886 b. Appropriate identification of the solicitation, and, if a contract has been
- 887 awarded, its number;
- 888 c. A statement of reasons for the protest, with supporting legal authority;
- 889 and
- 890 d. Supporting exhibits, evidence, or documents to substantiate any claims
- 891 unless evidence is not available within the filing time; in which case the
- 892 expected availability date shall be indicated.
- 893
- 894 3. *Filing a Protest to Notice of Non-Award.* A written statement of protest to Notice
- 895 of Non-Award by a company officer authorized to sign contracts on behalf of the
- 896 vendor, must be received by the Purchasing Department no later than ten (10)
- 897 calendar days following the date of the notice of non-award. Failure to file a
- 898 protest by the time required may be deemed a waiver of any grounds the vendor
- 899 or bidder has to protest. All inquiries received after the ten (10) day period will not
- 900 be considered a formal protest.
- 901
- 902 4. *Stay of Procurement During Protest.* When a protest pertaining to events or facts
- 903 arising during a pending solicitation under this section (example: protests
- 904 concerning specifications and evaluation criteria) has been filed no later than the
- 905 three (3) business days prior to the bid opening or deadline herein, the
- 906 Purchasing Department shall suspend the award of a contract until a final
- 907 decision has been issued, unless the Purchasing Department makes a written
- 908 determination, after consulting with the issuing department, that awarding the
- 909 contract without delay is necessary to protect the best interests of the City.
- 910
- 911 a. When a protest has been filed in a timely fashion within ten (10) calendar
- 912 days following the issuance of a notice of non-award, the Purchasing
- 913 Department shall consult with the City Manager to determine if performance
- 914 of the contract without delay is necessary to protect the best interests of the
- 915 City.
- 916 b. If it is determined that it is necessary to proceed with a contract without delay,
- 917 the bidder that receives the contingent contract may proceed with
- 918 performance and receive payment for work performed in strict accordance
- 919 with the terms of the contract; however, such bidder shall not be entitled to
- 920 reimbursement for any capital outlay costs, or other up front expenditures
- 921 incurred in performing the contract.
- 922
- 923 5. *Decision by Purchasing Department.* A recommendation will be made by the
- 924 Purchasing Department to the City Attorney as expeditiously as possible after
- 925 receiving all relevant requested information in regard to the protest filed. After
- 926 consultation with the City Attorney, the Purchasing Department will notify the
- 927 bidder in writing of the decision no later than thirty (30) days after all necessary
- 928 paperwork is filed. If a protest is sustained, available remedies may include one
- 929 of the following:

- 930
- 931 a. For a protest sustained prior to an award, modification of the
- 932 solicitation document, including but not limited to specifications, terms
- 933 and conditions and evaluation criteria; and extension of the opening
- 934 date, if appropriate.
- 935 b. For a protest sustained after an award is made, suspension or
- 936 cancellation of the award, re-evaluation and re-award or re-solicitation
- 937 with appropriate changes to the new solicitation document.
- 938

939 6. *Appeal*. Decisions from the Purchasing Manager on a solicitation protest may be

940 appealed to the City Council. The request for appeal must be filed within seven

941 (7) calendar days of the decision complained of. The decisions of the City

942 Council shall be appealed as allowed by law.

943 **O. Guidelines for Promoting Sustainability through the Purchasing Process.** The

944 City is a significant consumer of goods and services. The City desires to encourage

945 the procurement of sustainable and environmentally preferred products and

946 services. The City of South Fulton Mayor and Council have resolved that the city will

947 take an active role to promote the analysis of life cycle costs for products and

948 services to encourage protection of the environment by showing preference for the

949 procurement of sustainable products and services for the use in city operations.

950

- 951 1. In general, environmentally preferable products and services are those that
- 952 would reduce negative effects on human health and environment when
- 953 compared with the competing products and services. More specifically, this
- 954 comparison would include consideration of all phases of the product's life cycle,
- 955 including raw materials acquisition, production, manufacturing, packaging,
- 956 distribution, operation, maintenance and disposal, including potential for reuse or
- 957 ability to be recycled.
- 958
- 959 2. In practice, the objective is to purchase products that have been environmentally
- 960 certified or eco labeled because they have reduced environmental impact due to
- 961 the way they are made, used, transported, stored, packaged and disposed. It
- 962 means looking for products that do not harm human health, are less polluting and
- 963 that minimize waste, maximize use of bio-based or recycled materials, conserve
- 964 energy and water, and reduce the consumption of and disposal of hazardous
- 965 materials.
- 966
- 967 3. Reports will be provided to City Council on an annual basis to track the success
- 968 of the environmentally preferable purchasing program that accounts for life cycle
- 969 costs and gives preference to products that are recycled, recyclable and
- 970 otherwise more environmentally friendly than traditional products; purchase
- 971 Energy Star rated equipment and appliances when possible to do so and,
- 972 purchase recycled copy, computer, and fax paper with at least thirty percent
- 973 (30%) recycled content whenever the use of the paper makes it possible to do
- 974 so.

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978

Section 2. It is hereby declared to be the intention of the Mayor and Council that:

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980
981

(a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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983
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986

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

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995

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

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Section 4. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

999
1000

Section 5. *Instruction to City Clerk.* Unless vetoed, the City Clerk is hereby directed to forward a copy of this Ordinance to the City Finance Department.

1001 The foregoing **ORDINANCE NO. 2018-037**, adopted on **September 11, 2018** was
1002 offered by Councilmember **Willis**, who moved its approval. The motion was seconded
1003 by Councilmember **Jackson**, and being put to a vote, the result was as follows:

1004

1005

1006 **"SECOND READING"**

1007

1008

1009

1010

1011

1012 William "Bill" Edwards, Mayor

1013 Mark Baker, Mayor Pro Tem

1014 Catherine Foster Rowell

1015 Carmalitha Lizandra Gumbs

1016 Helen Zenobia Willis

1017 Gertrude Naeema Gilyard

1018 Rosie Jackson

1019 khalid kamau

1020

1021

AYE

NAY

THIS ORDINANCE adopted this 11th day of September 2018. CITY OF SOUTH
FULTON, GEORGIA.

"SECOND READING"


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


MARK MASSEY, CITY CLERK



ITEM# ord 2018-037 DATE 9 / 11 / 2018

APPROVED AS TO FORM:


EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL WORK SESSION



SUBJECT: Council Discussion on Proposed Update to Citywide Fee Schedule

DATE OF MEETING: 3/17/2020

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Proposed Update on Citywide Fee Schedule	Cover Memo	3/11/2020



PROPOSED UPDATE TO CITYWIDE FEE SCHEDULE

Presented By:
Melanie Winfield, Assistant City Manager

CITY OF SOUTH FULTON
5440 FULTON INDUSTRIAL BLVD, SOUTH FULTON, GA 30336



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL WORK SESSION



SUBJECT: Quarterly Legal Update

**DATE OF
MEETING:** 3/17/2020

DEPARTMENT: Attorney
