



# Mayor & City Council

## Workshop Session

~ Agenda ~

City of College Park  
3667 Main Street  
College Park, GA 30337

<http://www.collegeparkga.com>  
404-669-3756 (Main)

Experience College Park  
Georgia's Global City

---

**Monday, May 3, 2021**

**6:00 PM**

**Council Chambers**

---

1. City of College Park Strategic Plan update from the Governance Customer Service Committee. See memorandum dated April 26, 2021 from Director of Recreation and Cultural Arts Michelle Johnson. Also, see attached PowerPoint presentation. (10 minutes presentation/Q&A.)
2. Consideration of proposed revisions to the City of College Park Purchasing Department Policies and Procedures Manual. See memorandum dated April 28, 2021 from Purchasing/Fleet Administrator Willis Moody. Also, see attached revised City of College Park Purchasing Policies document. (25 minutes presentation/Q&A.)
3. Discussion of proposed amendments to the alcoholic beverages ordinance governing alcohol sales in the City of College Park at establishments that do not typically serve food. See memorandum dated April 28, 2021 from City Attorney Danielle Matricardi. Also, see attached supporting documentation. (25 minutes presentation/Q&A.)



# CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

## WORKSHOP AGENDA ITEM

DOC ID: 8785

**DATE:** April 26, 2021

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Mercedes Miller, Interim City Manager

**FROM:** Michelle Johnson, Director of Recreation & Cultural Arts

**RE:** Strategic Plan Update-Governance & Customer Service

**PURPOSE:** To give an update on the Strategic Plan to the Honorable Mayor and Council form the Governance and Customer Service Committee Chair.

**REASON:** To give an update to the Honorable Mayor and Council on the Governance and Customer Service Committee.

**RECOMMENDATION:** N/A.

**BACKGROUND:** The Governance and Customer Service committee meets bi-weekly on Fridays via Teams to work on activities.

**COST TO CITY:** N/A.

**BUDGETED ITEM:** N/A.

**REVENUE TO CITY:** N/A.

**CITY COUNCIL HEARING DATE:** May 3, 2021.

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A.

**AFFECTED AGENCIES:** N/A.

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A.

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A.

**STAFF:** Selected City of College Park Department Heads.

**ATTACHMENTS:**

- Strategic Planning Council Update 07 G\_CS (PPTX)

**Review:**

- Michelle Johnson Completed 04/19/2021 1:40 PM
- Rosyline Robinson Completed 04/19/2021 2:11 PM
- Michael Hicks Completed 04/28/2021 8:56 AM
- Mercedes Miller Completed 04/28/2021 9:55 AM
- Mayor & City Council Pending 05/03/2021 6:00 PM



## Strategic Planning Committee 2021 Update

- Strategic Goals
- Core Values
- Governance & Customer Service



## Five Strategic Goals

- Local Economy and Growth
- Quality of Life
- Transportation and Mobility
- Public Safety and Security
- Governance and Customer Service



**SERVICE  
RESPECT  
INNOVATION  
INTEGRITY  
ADVANCEMENT  
EQUITY  
& INCLUSION**



[WWW.COLLEGEPAKGA.COM](http://WWW.COLLEGEPAKGA.COM)



## SERVICE

We are a hospitality city at our core. We are committed to providing exceptional service, caring, and respect in every process, product and interaction we deliver. Our residents, visitors, and businesses can expect responsive, consistent, fair, and friendly acts of kindness.

## RESPECT

We recognize and celebrate the diversity of backgrounds and experiences of the people that live in, work in, and visit our community. We are dedicated to listening to the needs of all people and delivering practices and policies with respect and dignity.

## EQUITY AND INCLUSION

We believe that everyone in our community has a voice. Each member should be afforded the chance to shape the City's future, and that the members of our community will be treated as equals by everyone in our government structure. We are dedicated to creating, nurturing and advancing a culture of equity and inclusivity where we value and respect all backgrounds and experiences regardless of race, creed, color, religion, socio-economic status, or gender. We recognize the legacy of systems and events of oppression still affect many people through systemic racism and other institutional injustices. We will strive to ensure all of our stakeholders are valued, respected and treated with dignity.



## Core Values Continued

### **INNOVATION**

We strive to set a standard of excellence in leadership. We encourage and reward creative ideas and solutions and are empowered to explore innovative approaches to problem solving, planning and delivery of services.

### **INTEGRITY**

We build trust by behaving honestly, ethically and fairly. We take pride in our work and are dedicated to resolution-oriented and consensus-building service. All those who represent our city- including the Elected Officials, employees and staff, conduct ourselves with openness, transparency, integrity and a commitment to do the right thing.

### **ADVANCEMENT**

We embrace success and strive to evolve as a daily routine. We are committed to continually improving our city. The future is bright in College Park and we endeavor to build a strong and vibrant community that is simply the best place to live, work, do business and visit.

### **Local Economy and Growth**

The Local Economy and Growth team exists to ensure that our community's economic base thrives and that municipal revenues continue to grow.

### **Quality of Life**

The Quality of Life team exists to advance inclusive opportunities for residents and visitors to work collaboratively to enhance the services and amenities within the City of College Park.

### **Public Safety and Security**

The Public Safety and Security team exists to utilize all available resources to ensure that College Park residents, businesses, staff and visitors receive the highest levels of public safety services in the metropolitan Atlanta region.

### **Transportation and Mobility**

The Transportation and Mobility Team exists to advance transportation projects, programs and a Smart Cities approach. The Team ensures more efficient and effective movement of people, goods and traffic not only within the City of College Park but more regionally and in collaboration with the airport, federal and state departments of transportation, MARTA and freight interests.

### **Governance and Customer Service**

The Governance and Customer Service team exists to ensure that each department and each employee is efficient and transparent with all resources. The team will make sure that employees have the tools, resources and training to do their jobs and meet a standard of excellence as they serve College Park's residents, businesses, staff and visitors.



## The Charge for the Team



# Governance & Customer Service Update

## Governance & Customer Service Lead-Michelle Johnson

### Team Members

- Michelle Alexander, Dwight Baker, Michael Hicks, Oscar Hudson, Michelle Johnson, Shavala Moore, Jackson Myers, Althea P. Bradley, Hugh Richardson, Gerald Walker, Gary Young.

### Objectives:

- Expand infrastructure – physical and information technology
  - Expand and adapt physical plant and facilities to improve the provision of customer service
  - Expand I/T infrastructure to include cutting edge platforms and systems that make for greater efficiencies, security and effectiveness

### Milestones:

- Created questionnaire survey for IT needs for each Department
- Send out survey to all Department Heads
- Help with preparing for FY 2022 departmental needs

### Who Leads:

- Michael Hicks

### Anticipated Completion:

- Completed survey questionnaire February 2021
- June 2021
- June 2022

# Governance & Customer Service Update



## Governance & Customer Service Lead-Michelle Johnson

### Team Members

- Michelle Alexander, Dwight Baker, Michael Hicks, Oscar Hudson, Shavala Moore, Jackson Myers, Althea P. Bradley, Hugh Richardson, Gerald Walker, Gary Young.

### Objectives:

- Establish new processes and Standard Operating Procedures (SOPs) citywide and increase transparency throughout City government.

### Milestones:

- Establishing basic structure form for establishing written Guidelines
- Meeting with City Manager to go over SOP format form

### Who Leads:

- Michelle Alexander

### Anticipated Completion:

- February 2021
- March 2021
- June 2022-2024



QUESTIONS

THANK YOU



# CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

## WORKSHOP AGENDA ITEM

DOC ID: 8776

**DATE:** April 28, 2021

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Mercedes Miller, Interim City Manager

**FROM:** Willis Moody, Purchasing & Fleet Administrator

**RE:** Revised Purchasing Policies and Procedures

**PURPOSE:** To update and implement the new Purchasing Department Policies and Procedures Manual from the current policies and procedures of August 15, 2011.

**REASON:** To replace the current purchasing manual with a revised policy and procedures manual. The highlighted areas on pages have been revised to include definitions, responsibilities and procedures all departments should be aware of and follow.

**RECOMMENDATION:** The Purchasing Department recommends and seeks Mayor and City Council approval.

**BACKGROUND:** The revised Purchasing Policies and Procedures were forwarded to the City Manager, City Attorney's Office and each departments for review/and comment.

**AFFECTED AGENCIES:** All departments

### ATTACHMENTS:

- City of College Park Purchasing Policies - May 2021 (PDF)
- City of College Park Purchasing Policies - City Attorney redline and comment(PDF)

### Review:

- Willis Moody Completed 04/19/2021 8:09 AM
- Rosyline Robinson Completed 04/19/2021 1:36 PM
- Economic Development Completed 04/26/2021 12:30 PM
- Finance Completed 04/28/2021 9:43 AM
- City Clerk Completed 04/27/2021 9:30 AM

- Fire Completed 04/27/2021 9:30 AM
- Power Completed 04/26/2021 11:47 AM
- Information Technology Completed 04/28/2021 8:57 AM
- Engineering Completed 04/26/2021 11:35 AM
- Inspections Pending
- Public Information Office Completed 04/27/2021 9:07 AM
- Human Resources Completed 04/28/2021 10:37 AM
- Police Completed 04/27/2021 1:54 PM
- Airport Affairs Completed 04/27/2021 9:34 AM
- Recreation Completed 04/26/2021 12:23 PM
- GICC Completed 04/27/2021 12:22 PM
- City Attorney's Office Completed 04/28/2021 11:32 AM
- Mercedes Miller Completed 04/28/2021 1:27 PM
- Mayor & City Council Pending 05/03/2021 6:00 PM



# CITY OF COLLEGE PARK PURCHASING POLICES

May 3, 2021

## Table of Contents

Purpose  
Scope  
Definitions

Section	Description	Page
<b>I.</b>	<b>Responsibilities and Functions of Purchasing Department</b>	<b>11</b>
<b>II.</b>	<b>Responsibilities of Requesting Department(s)</b>	<b>12</b>
<b>III.</b>	<b>General Procedures for Purchase of Goods and/or Services</b>	<b>13</b>
	a. Exceptions Prohibited	
	b. Emergency	
	c. Inspection and Testing	
	d. Prohibition Against Subdivision	
	e. Minimum Number of Bids	
	f. Invitations of Bids	
	g. Purchase or Contract	
	h. Unauthorized Purchases	
	i. Reference Guide and Requirement Limits	
<b>IV.</b>	<b>Small Purchase and Purchase Order Formalization</b>	<b>15</b>
	a. Requisition	
	b. Entering Requisition	
	c. Requisition Routing	
	d. Request for Blanket Purchase Order (BPO)	
	e. Change Orders	
	f. Requisition for Vehicles	
<b>V.</b>	<b>Emergency Purchases</b>	<b>17</b>
	a. Emergency Purchase Procedures	
	i. During Normal Workday	
	ii. Outside Normal Workday	
<b>VI.</b>	<b>Sole Proprietary / Single Source</b>	<b>19</b>
<b>VII.</b>	<b>Formal Contract Procedure</b>	<b>21</b>
	a. Pricing Criteria	
<b>VIII.</b>	<b>Standardization and Specifications</b>	<b>22</b>
<b>IX.</b>	<b>Formal Solicitation(s)</b>	<b>23</b>
	a. Invitation to Bid (ITB)	
	b. Request for Proposal (RFP)	
	c. Invitation to Negotiate (ITN)	
	d. Public Notice Advertisement	
	e. Bid Sureties	
	f. Bid Conditions	
	g. Bid Specifications	
	h. Sealed Bids/Proposals	
	i. Formal Opening	
	j. Tabulation	
	k. Exception for Single Source Commodities	
	l. Pre-Solicitation, Pre-Bid, Pre-Proposal Conference(s)	
	m. Mandatory	
	n. Meeting Procedures	

	o. Late Proposals	
	p. Rejection of Bids and Negotiation	
	q. Proof of Business and Negotiation	
	r. Competitive Procurement/Diversity Imitative Policy	
	s. Conflict of interest and Disclosure of Campaign Contributions	
	t. Only One Bid Received	
	u. No Bid Received	
	v. Disqualification of Bidders	
	w. Protest	
	x. Waiver of Irregularities	
	y. Evaluation of Proposal/Evaluation Phase	
	z. Evaluation Committee	
	aa. Technical Advisors	
<b>X.</b>	<b>Award of Contract and Approvals</b>	<b>39</b>
	a. Initial Award	
	b. Best Bidder	
	c. Tie Bids	
<b>XI.</b>	<b>Cooperative Purchasing and Governmental Contracts</b>	<b>40</b>
	a. Piggyback Purchases	
	b. Piggybacking From other Government Entities	
<b>XII.</b>	<b>Bonds and Insurance</b>	<b>42</b>
	a. Bond	
	b. Bid Bond	
	c. Performance Bond	
	d. Labor & Materials Bond	
	e. Insurance	
	f. Indemnification	
	g. Worker's Compensation	
	h. Business Auto Policy	
	i. Commercial General Liability	
	j. Professional Liability	
	k. Additional Insured Requirements	
	l. Sub-Contractor(s)	
	m. Deductible Amount(s)	
<b>XIII.</b>	<b>Capital Assets Tracking</b>	<b>45</b>
	a. Fixed and Capital Assets	
	b. Equipment Depreciation	
	c. Surplus of Capital Assets	
	d. Disposition of Property	
	i. Assets without Salvage Value	
	ii. Property with Salvage Value	
<b>XIV.</b>	<b>Vendor Registration</b>	<b>47</b>
	a. Vendor set up in system	
<b>XV.</b>	<b>Cooling Off Period</b>	<b>49</b>

**Appendices****50**

Purchase Order (PO) Change Order Form  
Emergency Purchase Explanation Memo  
Sole Source Request Form  
Notification of Surplus Property  
Vendor Performance Evaluation Form  
E-Verification Affidavit Form  
Non-Collusion Affidavit  
Drug Free Workplace

## PURPOSE

The purpose of these policies are to recommend the manner in which the City of College Park (“City”) shall control the purchase of materials, supplies, equipment, and certain contractual services of the City, and to maintain a high ethical standard for all officers and employees of the City in connection therewith. These internal policies and procedures are designed to explain and facilitate understanding of the functions, policies and procedures of the Purchasing Department and to serve as a tool in personnel training.

Departments/Divisions must keep a current copy of the City Purchasing Policy, which includes these policies and procedures, and any official updates and applicable memos issued by the Purchasing Department.

Procedures contained herein are applicable to all City personnel involved in the requisitioning, procuring of goods and services, receiving, transferring and replacement of supplies, materials, services, equipment, and invoice processing. At times, the Purchasing Department may try new innovative procedures not described below. These can be tested on a trial basis until the procedures are finalized and approved by the City Manager and/or Mayor and Council.

## SCOPE

The scope of this manual shall encompass all normal operating purchasing policies and procedures including purchasing transactions as well as the disposition of property. It has been developed within the guidelines of Georgia Statutes and customized for the efficiency and effectiveness of the City of College Park. Any situation not covered by this manual, must be presented to (a) Finance Director, (b) City Manager, or (c) the Mayor and City Council for approval.

This manual and all future amendments will be distributed to all departments and employees, operating under the City of College Park, who would be involved in the purchasing process. It can also be distributed to other organizations upon request. It is the responsibility of the department head to keep an up-to-date copy available to all employees who use the City Purchasing System. It will be the responsibility of the Finance Director and /or the Purchasing Department to distribute copies of this manual and all future amendments to the appropriate parties.

## DEFINITIONS

The following definitions provide concise, comprehensive information concerning procurement terminology.

**Addendum:** An addition or supplement to a document, for example, items or information added to a procurement document and/or bid proposal.

**Award:** Mayor and Council approval of a final bid or a proposal.

**Bid:** A competitive price offer made by an intended seller, normally by written notice, offered as a result of a formal invitation to prospective vendors.

**Bid Acceptance:** The unconditional receipt of the bid at the designated bid location within the timeframe and conditions set in the bid document. Any alterations to the bidder’s offer after the close of the bid or any deviations from the conditions set in the bid document may result in the rejection and removal of the bid.

**Bid Opening:** The process of opening and reading bids conducted at the time and place specified in the Request for Proposal and/or advertisement and in the presence of all who wish to attend.

**Blanket Purchase Order:** A blanket purchase order is one issued for the purchase of items of materials, supplies, parts, etc., for using divisions in instances where the quantity of apportionment cannot be anticipated, or where it is not practical or feasible to provide adequate storage.

**College Park Business Tax Receipt:** All businesses with a physical base of operations within the City of College Park limits are required to register with the City, pay the City local business tax annually, and display a current City of College Park Business Tax Receipt.

**Capital Improvement Project:** Any public improvement which the City undertakes, including the construction or reconstruction in whole or in part, of any building, road, highway, street improvements, physical plant, structure, or facility necessary in carrying out the functions of City government.

**Certificate of Insurance:** A document that is provided by the contractor/consultant to show proof of insurance according to the county requirements.

**Certificate of Non-Collusion:** A statement signed by a bidder and submitted with his bid affirming that this bid is made freely, independently and without consultation with any other bidder.

**Collusion:** A secret agreement or cooperation between two or more parties to accomplish a fraudulent, deceitful, or unlawful purpose.

**Collusive Bidding:** An unethical and illegal practice in which suppliers act in collusion to “fix” their bids in a collectively advantageous manner.

**Competitive Bidding:** The submission of prices by individuals or firms competing for a contract, privilege, or right to supply merchandise or services. Competitive sealed bidding is the preferred method of source selection in public purchasing.

**Competitive Sealed Proposal:** A method for acquiring goods, services and construction for public use in which discussions or negotiations may be conducted with responsible proposers who submit proposals and prices in the competition that meet the required criteria.

**Conflict of Interest:** Every person, business or entity involved in the procurement process must adhere to a high standard of ethics. Each will be bound by the City Code of Ethics and this Section. Whenever this Section conflicts with the City Code of Ethics, the City Code of Ethics shall control. For the purposes of this section, the term “City Employee” means any person employed by the City of College Park, and the term “City Official” means any elected or appointed official of the City or of an agency, authority or instrumentality of the City.

**Consumer Price Index (CPI):** The Consumer Price Index is a measure of the average change in prices over time in a fixed market basket of goods and services. Two CPIs are published: (1) the CPI for All Urban Consumers (CPI-U) which covers a percentage of the total population, and (2) the CPI for Urban Wage Earners and Clerical Workers (CPI-W) which covers a percentage of the total population. The CPI is based upon prices of food, clothing, shelter, transportation, medical care, and other goods and services that people buy for day-to-day living. See U.S. Bureau of Labor Statistics link [CPI Home : U.S. Bureau of Labor Statistics \(bls.gov\)](http://CPI Home : U.S. Bureau of Labor Statistics (bls.gov)) for latest percentages.

**Contract Administration:** The management of all facets of a contract to assure the contractor's total performance is in accordance with the contractual commitments and that the obligations of the contractor under the terms and conditions of the contract are fulfilled.

**Contract Management:** The management of the organization's contracts and contract-related activities which may include accounting, administration, auditing, grants management, law, negotiation, logistics, price-structure compensation, delegation of purchasing authority, program management, termination and other business activities.

**Contractual Services:** shall mean and include all telephone, gas, water, electric light and power service, towel and cleaning service, insurance, leases and concessions, demolition of buildings, rental, repair or maintenance of equipment, machinery and other like services. The term services shall not include professional services, which are unique in their nature and not subject to competition.

**Cooperative Purchasing:** An approach in which several organizations jointly buy selected items. They may form or utilize a centralized buying service that purchases specified types of items for all members of the group or cooperate informally. The resulting volume buying usually produces significant cost savings for group members. In simple terms, cooperative purchasing involves sharing procurement contracts between governments.

**Cooling-off Period:** A period of time that must pass before someone can do something or before an agreement becomes final.

**Debarment:** The exclusion, for cause, of a vendor or contractor from bidding and/or receiving a contract to do business with the City.

**Emergency Purchase:** A purchase made without following the normal purchasing procedures in order to obtain goods or services quickly to meet an urgent and unexpected requirement where health and public safety or the conservation of public resources is at risk.

**Ethics:** Pertaining to or relative to moral action, conduct, motive or character; as ethical emotion; professionally right or benefitting; conforming to professional standards of conduct.

**Evaluation Committee:** Recommendations for appointment of staff representatives of the City.

**Evaluation Criteria:** Factors, usually weighted, relating to management capability, technical capability, and manner of meeting performance requirements, price and other important considerations used to evaluate which proposer in a competitive negotiation has made the most advantageous offer.

**Fair Market Value:** Lowest purchase price paid by the State for like items or services purchased in a similar quantity within the last six months. If this information is not available, then the lowest of three phone quotes verified by price indices or purchases made by other government entities will be used.

**Grant:** Financial assistance pursuant to written agreements/contracts to carry out a specific purpose.

**Grantee:** The recipient of a grant.

**Grantor:** The provider of a grant.

**Identical Bid:** A bid that is the same in all noticeable respects with another bid. Whenever two or more bids which are equal with respect to price, quality, and services, are received by the City for the procurement of commodities or contractual services, the bid received from a business that certifies that it has implemented a drug-free workplace program (see the Drug Free Workplace Certificate, Appendix J), shall be given preference in the award process.

**Information Bid:** A competitive bid or price quotation for supplies or services that is conveyed by letter, telephone, or other means and does not require a sealed bid, public opening, or public reading of bids.

**Invitations to Bids (ITB):** Also called Invitation for Bids (IFB). A solicitation inviting potential contractors or vendors to submit sealed, written pricing for specific goods or services in conformance with specifications, terms, conditions and other requirements described in the bid invitation documents. Price is the major consideration in the award determination.

**Invitation to Negotiate (ITN):** A formal competitive solicitation for the purchase of goods and/or services, where factors other than price are to be considered in the award determination. Examples of procurement needs that may fall under this format include software purchases, acquiring consultants and design-build projects.

**Non-responsive Bid:** A bid that does not conform to the mandatory or essential requirements of the Invitation for Bid.

**Notice of Award:** A written notification from the City to the successful bidder, stating that there is an award of a contract in accordance with a bid or proposal previously submitted.

**Payment Bond:** A bond that assures payments, as required by law, to all persons supplying labor or material for the completion of work under the contract. Also known as labor and materials bond.

**Performance Bond:** A contract of guaranty executed subsequent to award by a successful bidder to protect the City from loss due to contractor's inability to complete the contract as agreed.

**Piggyback Method:** A form of intergovernmental cooperative purchasing in which an entity requests competitive sealed bids, enters into a contract, and arranges, as part of the contract, for other public purchasing units to purchase from the selected vendor under the same terms and conditions as itself.

**Piggyback Contracts:** Contracts issued by individual governmental entities that allow other jurisdictions to use the contract (i.e., to "piggyback" on the contract terms and prices) they established. The contracting jurisdiction must include piggyback language in the contract and the vendor must agree.

**Pre-bid/Pre-proposal Conference:** Meeting held with prospective bidders or proposers prior to submission of bids or proposals, to review, discuss, and clarify technical considerations, specifications, and standards relative to the proposed procurement.

**Pre-Qualification of Bidders:** The screening of potential vendors in which such factors as financial capability, reputation, and management are considered in order to develop a list of qualified vendors.

**Pre-Solicitation Conference:** An information meeting inviting comments and suggestions from selected vendors on the draft of a proposed solicitation. Used for technical and complex service(s) transactions when composing solicitation document(s).

**Price Agreement:** A price agreement is the acceptance of a supplier's promise to furnish items or services to the City at a firm or fixed unit price, or at a firm or fixed percent discount against an escalating market, for a specific period of time.

**Protest:** A written complaint about an administrative action or decision brought by a bidder or proposer to the appropriate administrative section with the intention of receiving a remedial result.

**Public Notice:** The display of procurement notices in an area regularly used for that purpose that is available to the public during normal working hours or by posting on the City's internet web page.

**Purchasing Department:** Reports directly to the Director of Accounting and Finance

**Purchasing Ethics:** Moral principles or code to be respected by the Purchasing Department or any division or department having responsibility in the procurement process

**Purchasing Manual:** A document that describes the rules and procedures to be followed by the City

**Purchasing Policy:** A course of action adopted in purchasing affairs

**Purchasing Procedure:** A mode of conducting purchasing activities

**Quotation:** Any oral or written informal offer by a vendor to the City to furnish specific goods and/or services at a stated price.

**Request for Information (RFI):** A solicitation for response from interested and prospective vendors/contractors to provide information to determine specifications, qualifications and/or capabilities to satisfy a need rather than a firm specification, and in which the respondent may be given latitude in order to develop a product and/or service which will fulfill the need. Upon receipt of responses to the RFI, the City may develop specifications for an Invitation for Bids or criteria for a Request for Proposal, either of which may be issued to qualified proposers who submitted responses to the RFI.

**Request for Proposal (RFP):** A solicitation document used when price is not the determining criteria and it is used in the competitive negotiated process. The procedure allows changes to be made after proposals are opened and contemplates that the nature of the proposals and/or prices offered will be negotiated prior to award. The request for proposals is used when it is not practicable for the City to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the City is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. Evaluation of a proposal is based on prior established criteria wherein the RFP shall state the relative importance of price and other evaluation factors. Examples of procurement needs that may fall under this format include software purchases, acquiring consultants and catering services. RFP is used to procure the most cost-effective solution based upon evaluation criteria identified in the RFP.

**Request for Quotation (RFQ) -** A solicitation seeking responses for services for which the competitive award will be based on the qualifications of those responding; generally, but not limited

to, used in procuring certain professional services, design build services, consulting and construction management services.

**Responsible Bidder, Proposer, or Respondent:** A person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, ability, reliability, capacity, facilities, equipment, financial resources and credit which will assure good faith performance.

**Responsive:** A proposer's full and proper responsiveness to a solicitation. This means that the proposer "responded" to the solicitation exactly the way he or she was instructed. It means that everything to be completed was, in fact completed and in proper order and format as directed by the solicitation.

**Salvage:** Property that has some value in addition to its value as scrap, but which is no longer useful as intended in its present condition and whose restoration to usefulness as a unit is economically not feasible.

**Sealed Bid:** A bid that has been submitted in a sealed envelope to prevent its contents being revealed or known before the deadline for the submission of all bids.

**Selection Committee:** A committee formed to evaluate proposals based on certain criteria as stated in the RFP or RFQ.

**Single Source:** The one source among others that, for justifiable reason, is found to be most advantageous for the purpose of the procurement.

**Shortlisting:** The part of a competitive procurement process in which the City determines, based on criteria developed for a specified good, service, or professional service which of the interested vendors is the best qualified to be eligible for further consideration in the purchasing process.

**Sole Source:** The only existing source of an item, which meets the needs of the user department as determined by a reasonably thorough analysis of the marketplace.

**Sole Source Procurement:** An award for a commodity or service to the only known capable supplier, occasioned by the unique nature of the requirement, the supplier, or market conditions.

**Solicitation:** A request for bids to provide supplies, services or construction items.

**Specification:** A concise statement of a set of requirements to be satisfied by a product, material, service, or process used in an Invitation for Bids or Request for Quotation to describe the goods and service to be purchased or otherwise required. Any description of the physical or functional characteristics, or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

**Specifications Committee:** A committee that works together to establish specifications. Often such a committee includes representatives with expertise from using agencies and specializes in a particular product area. A committee may also contribute advice and assistance in the development standards.

**Sunshine Law:** Georgia's Sunshine law (O.C.G.A § 50-14-5 and § 50-18-73) requiring meetings

to be open to the public. This law governs committees involved in the selection and negotiation of vendors.

**Surety Bonds:** A document from the contractor that is issued to guarantee that an obligation will be fulfilled.

**Surplus Property:** Inventory not needed by the owning agency or by other agencies at the present time or in the foreseeable future.

**Tabulation of Bids:** A recording of bidders and abstract of their bids listing items offered, prices, deliveries, etc. in response to a specific solicitation, made for purposes of comparison and record-keeping.

**Terms and Conditions:** A general reference applied to the provisions under which bids must be submitted and which are applicable to most purchase contracts.

**Using Agent:** Any department, division, agency, commission, board, committee, authority, or other unit in the City Government using supplies or procuring contractual services as provided for in this policy.

**Waiver of Bid(s):** A process authorized by law or rule whereby a government purchasing office may procure items without competitive bidding procedures because of unique circumstances related to a particular need or procurement.

**Waiver of Mistake or Informality:** The act of disregarding errors or technical nonconformities in bids, which do not change the substance of the bid and will not adversely affect the competition between bidders.

**SECTION I****RESPONSIBILITIES AND FUNCTIONS OF PURCHASING DEPARTMENT**

- A. Developing purchasing objectives, policies, programs and procedures for the purchasing of, and contracting for all materials, supplies, equipment, services, and construction.
- B. Responsible for administering the Purchasing Policies and Procedures Manual, as approved by the City Mayor and Council regarding all matters pertaining to purchasing.
- C. Revising solicitations provided by user department/division by assembling specifications, quantities and technical requirements, presented to the Purchasing Department, which are subsequently included in Invitations for Bid, Requests for Proposals/Qualifications, and/or Requests for Quotations.
- D. Promoting goodwill between the City of College Park and its suppliers. Encouraging full and open competition whenever possible. In addition, assuring fair and equitable business dealings with all vendors.
- E. Train and guide City's personnel in regards to purchasing procedures, as needed.
- F. Exploit the possibilities of buying "in bulk" to take full advantage of discount. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
- G. Discourage unfair bidding and attempt to obtain as full and open competition as possible on all purchases and sales.
- H. Establish and amend when necessary, all rules and regulations authorized by this policy.
- I. Prescribe and maintain a standard purchasing manual for using departments. Prescribe and maintain such forms as shall be reasonably necessary to operation of this policy.
- J. Prepare and adopt a standard purchasing terminology for using departments and suppliers.
- K. Act on behalf of the City to procure all tax exemptions to which it is entitled.
- L. Cooperate with using departments to secure for the City the maximum efficiency in budgeting and accounting.
- M. Ensure that proprietary material provided is kept confidential before and after the award, if necessary

**SECTION II****RESPONSIBILITIES OF REQUESTING DEPARTMENTS/DIVISION**

- A. Identifying, as soon as possible, and sufficiently in advance, their needs for goods and services in their City operations and activities.
- B. Enter requisitions as outlined in this manual allowing sufficient lead-time for Purchasing to complete purchase orders then return the completed purchase order to the requesting department, in order to submit the order to the vendor to deliver goods or services.
- C. Follow the City's purchasing policies outlined in the Purchasing Policies
- D. Determine that sufficient funds are available in their authorized budgets to pay for each item or service that they order.
- E. Prepare scope of service(s) and technical specifications, when needed, for products or services.
- F. Inspect all items or services as delivered and notifying Finance (Accounts Payable) of the receipt in order to authorize payment to the vendor.
- G. Submit bid and proposals to Purchasing for review and assembly before advertising.
- H. Send all documentation required and request for purchase to "piggyback" using State of Georgia contracts, Sourcewell, OMNIA Partners, NCPA (National Cooperative Purchasing Alliance), other competitive bids, or a Sole Source requests.
- I. Send all documentation required and requests for grant related procurement.

### SECTION III

#### GENERAL PROCEDURES FOR PURCHASE OF GOODS AND SERVICES

The following procedures shall govern the purchasing of goods and services for the City in accordance with this policies and procedures manual:

No contract, purchase, or group of requisitions shall be divided to avoid the procurement process. Splitting procurements, which entails making purchases via various procurement methods to avoid established thresholds from the same department/division for the same vendor or multiple vendors for goods or services of similar nature over a period of one year is not allowed. Total annual anticipated usage for supplies and services that exceed \$10,000.00 should be competitively bid in accordance with the Purchasing Policies and Procedure Manual and a Term Contract should be issued, when applicable.

- A. **Exceptions Prohibited:** there shall be no exceptions by any using department/division to the above provisions; *except* as may be specifically authorized by the City Manager in a written statement stating the reason for said exception(s).
- B. **Emergency:** This section shall not apply to any emergency purchase, which is subsequently approved by the City Manager upon justification by the using agents. (See Section VI – Emergency Purchases)
- C. **Inspection and Testing:** The user department(s) shall inspect all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.
- D. **Prohibition against Subdivision:** No contract or purchase shall be subdivided to avoid the requirements of this policy.
- E. **Minimum Number of Bids/Quotes:** All open market purchases or sales shall, whenever possible, be based on at least three (3) competitive bids/quotes and shall be awarded to the most responsible bidder in accordance with the standards set forth in this policy. This does not apply to maintenance or reoccurring charges such as utilities, insurance and advertising.
- F. **Invitation of Bids:** The City Manager may solicit either oral or written bids for open market pricing or sale, but shall use all reasonably available and current bidders and suppliers' lists.
- G. **Purchase or Contract:** To perform the duties herein specified in connection with the purchase or contract for all supplies and contractual services needed by any using agent which derives its support wholly or in part from the City, when duly authorized, in accordance with purchasing procedures as prescribed by this policy and such rules and regulations as may be adopted for the internal management and operation of the Purchasing Department and such other rules and regulations as shall be prescribed by the City Mayor and Council.
- H. **Unauthorized Purchases:** It shall be unlawful and unauthorized for any employee, elected or appointed official or other person to order the purchase of any materials, supplies, equipment, and/or contractual services or make any contract within the purview of this policy other than through the Purchasing Department. The City shall not be bound by any purchase order or contract made contrary to the provisions herein.

**Reference Guide and Requirement Limits**

	Open Market Purchase	3 Written Quotes*	Formal Bid
\$0 - \$9,999.99	X	X	
\$10,000.00 +			X

## SECTION IV

### SMALL PURCHASE and PURCHASE ORDER FORMALIZATION

**Requisition:** The requisition is initiated by the user department/division to inform the Purchasing and Finance Department of the requirement and to define the goods or services requested. A requisition is required to start the procurement process for all purchase orders. The requisition consists of completed required data fields and all attachments needed for the type of requisition. The New World ERP system will check the budget and verify that there are sufficient funds available in the account number(s) specified.

Requisitions are initiated in the City's Financial System (New World ERP). Only authorized persons are allowed to initiate requisitions. Requisitions should be prepared far enough in advance to avoid creating an emergency and to allow competitive pricing. Prices must be found fair and reasonable. This is normally done through competition; but where competition is unavailable, previous buys, catalog prices, cost analysis or other means should be used.

All capital items in the approved budget should be requisitioned early in the fiscal year, with a specified delivery date, preferably before June 30<sup>th</sup> of the current fiscal year. If the supplier is not able to meet the deadline, the supplier should provide an estimated delivery date and notify the Purchasing Department to keep the assigned purchase order open. This allows the funds earmarked for the order to be available, from that (approved) fiscal year for payment processing.

**Entering Requisition(s):** All itemized requisitions should contain all necessary information.

A. Department

B. Vendor

C. Description of item(s) for each line

D. Category – Standard/Blanket

E. Form Type – Standard

F. Item

G. Quantity

H. Price per Unit

I. G/L Account

a. You can split accounts within the same department, if needed

b. Click (Multiple G/L Account Distribution) button next to eye

GL Account    

J. Ship To location

**Requisition Routing:** A standard purchase order requisition form, once released, will be routed electronically to the appropriate approver. Once all approvals have been obtained, the Purchasing Department verifies that the charge codes are accurate and will create a purchase order for the requisition. A copy of the purchase order will be emailed to the individual who created the requisition. In the event that the charge code is incorrect, after the creation of the purchase order, the requestor will need to notify the Purchasing Department to cancel the purchaser order to release the funds back to the G/L account. At which time a new requisition will need to be entered and following the routing rules.

The originating department will forward a copy to the vendor, which authorizes the vendor to supply

the materials, and/or services and invoice to the City in accordance with the terms and conditions as stated on the purchase order.

**Requests for Blanket Order:** Purchases shall be created the same as a standard purchase order requisition with the using division indicating thereon whether the purchase involves a price agreement or not.

After the blanket order is issued, the department/division shall draw on the order and keep a record of cost of the item delivered until the blanket purchase order is completed.

The Finance Department will then process for payment the invoice(s) received for the deliveries so that any discounts may be obtained. The final payment on blanket purchase order will be made by the Finance Department on receipt of receiving final invoices.

**Change Orders.** In the course of purchase order administration, it often becomes necessary to make changes to the contract terms. This is accomplished by means of the Purchase Order Change form (see Appendix A). Change Orders are then prepared by the requesting department and approved by the Purchasing/Finance office based on information supplied by the originating department by means of the Change Form. Some rules regarding the use of Purchase Order Change Form are as follows:

- A. All purchase order change requests shall be routed through the Finance office to insure that adequate funds are available.
- B. Purchase Order Change Orders not exceeding \$999.99 shall be approved by the Finance Director.
- C. Change Orders increasing the cost from \$1,000.00 to \$9,999.99 must have City Manager approval, and \$10,000.00 and over must have City Commission approval.
- D. A change order will not be issued unless a Purchase Order Change Form is received from the department concerned.
- E. Once multiple changes for a single purchase order have reached the maximum threshold of \$25,000.00, an Agenda Item Summary will need to be prepared by the requesting department for approval by the City Council. These changes will be regulated and maintained by the Finance Department.

**Requisition for Vehicles:** All purchase order requisitions for vehicles will be issued by the requesting department/division. All departments should request pricing for an approved dealership under State of Georgia contract. Department Directors shall place the request on the upcoming agenda, in order for consideration of the purchase. If approved, the requisition entry process should be followed and attaching any/all documents (i.e. pricing sheet, approved agenda item).

## SECTION V EMERGENCY PURCHASES

An emergency is any condition that may affect the health, safety, property, and the City Manager may proclaim welfare of the citizens of City of College Park, or a condition that stops or seriously impairs the necessary function of City government, such as due to floods, epidemics, riots, equipment failures, or such other reasons as. Failure to anticipate normal needs project deadline dates or a desire to expend excess or remaining budgeted funds prior to year-end, does not constitute an emergency. Department Directors are to ensure the emergency purchases are done in accordance with this manual. Department/Division shall not use the emergency purchase procedure to abuse or otherwise purposely circumvent established purchasing procedures. The Purchasing Department is authorized to approve emergency purchases up to expressly delegated monetary amounts. The City Manager may approve those exceeding \$10,000.00 and return to the Mayor and Council for confirmation of the purchase on the next following Mayor and Council meeting, unless an executive order has been issued that suspends all requirements during disaster related events.

If during a normal business day, a department/division Director determines that an emergency exists and a purchase is required, the Director shall telephone Purchasing/Finance Department to request an emergency purchase order. A complete description of the emergency and justification for the purchase is required. The emergency must be valid and not just a result of poor planning. When requesting an Emergency Purchase, consider the following:

- A. The reason for the emergency purchase by explaining what the emergency is in addition to what led to the emergency.
- B. The financial or operational damage or risk that will occur if needs are not satisfied immediately.
- C. Why the needs were not or could not be anticipated so that products or services could have been purchased following standard procedures.
- D. The reason and process used for selecting the vendor.

The requesting department/division is responsible for providing adequate documentation (including a written determination of the basis for the emergency) and for the selection of the particular Contractor. Upon receipt of the Emergency Purchase Explanation Memo (See Appendix B) and any other pertinent documentation, a purchase order will be issued based on a requisition generated. Competition requirements are not waived unless there is a time or quality constraint. If the emergency is outside normal business hours, department Directors are authorized to secure the necessary materials or services in accordance with this policies and procedures manual. On the next workday following the date of purchase, a requisition shall be generated in the New World ERP system. In addition, the Emergency Purchase Explanation Memo shall be submitted to Purchasing/Finance.

The department/division shall practice due diligence in obtaining quotes and make the emergency purchase at the best possible price. When an emergency purchase is made and there are insufficient funds in the appropriate account(s), the emergency purchase must be followed up, in a timely manner, with a budget transfer by the user department/division director.

If the emergency is anticipated to cost less than \$10,000.00, and Purchasing/Finance determines the emergency is valid, notification stating authorization to proceed will be issued to the requesting

department Director.

If the emergency is anticipated to exceed \$9,999.99, Purchasing/Finance shall review the documentation and obtain approval from the City Manager. All emergency requests must be accompanied by a written description and explanation of the emergency and circumstances.

**Emergency Purchasing Procedures:**

A. During Normal Workday

1. Determine emergency situation
2. Determine required solution
3. Call Purchasing/Finance
4. Explain the Situation
5. Get authorization
6. Solve problem
7. Submit complete written report and requisition same or next business day.

B. Outside Normal Workday

1. Determine emergency situation
2. Determine required solution
3. Solve problem

- C. Submit complete written report and requisition next business day. If over \$9,999.99 prepare “Agenda Item” for next scheduled City Mayor and Council.

## SECTION VI

### SOLE/PROPRIETARY/SINGLE SOURCE

The term “**sole source**” means that the commodity can be legally purchased from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source purchase if there is more than one potential supplier for that item. Use of Brand Names and Model numbers does not constitute a sole source.

The term “**single source**” means that a commodity can be purchased from multiple sources, but in order to meet certain functional or performance requirements (repair parts, matching existing equipment or materials) there is only one economically feasible source for the purchase.

Purchases of goods and/or services from a sole/single source may be exempted from the quoting or bidding requirements upon written submittal to Purchasing/Finance Director stating the purpose, need, and justification that this product or service is the only one that will produce the desired results. A letter or statement from a dealer, distributor or manufacturer is sufficient.

The following criteria must be met in order to satisfy the sole/proprietary/single source requirement.

- A. Is the commodity or services necessary to accomplish the City’s task or mission?
- B. Is the commodity or service, or some necessary features, unique to this source?
- C. Is the commodity or service the only item that will produce the desired results or possess a unique performance capability?
- D. Is the commodity or service available from only one source of supply?
- E. Even though the commodity or service may be available from more than one vendor, due to extreme circumstance(s), is only one vendor suited to provide the goods or services.

Sole/Proprietary/Single Source purchases are exempt from competitive requirements. However, all sole source requisitions exceeding \$10,000.00 in value will be electronically advertised for a minimum period of at least seven (7) business days. The steps to follow for sole/proprietary/single source purchases are as follows:

- A. The department/division shall attempt to locate competition and check for piggyback contracts. If no other sources are found, the department/division shall submit to the Purchasing Department a completed Sole/Proprietary/Single Source Form (see Appendix D), indicating the requisition number.
- B. A Sole/Proprietary/Single Source Form shall be used to justify and document the requirement. The Form shall state why only one source can produce the desired results (or fulfill the specific need) and must be signed by the Department Director. This form is required as part of the purchase request.
- C. The Purchasing/Finance Director or designee shall review and approve or disapprove, in writing; sole/proprietary/single source designation. When the Finance Director approves a sole or proprietary source, staff shall conduct negotiations on price, delivery, and terms. The price must be determined fair and reasonable.

- D. The Purchasing Division shall keep a log of sole/proprietary source purchases, which includes the vendor name, the amount, item description, justification, and the purchase order number.
- E. For those instances that services are needed involving multiple years (i.e. maintenance of equipment, warranty, etc.) the request must be combined to capture the project, as a whole, and the proper approval must be obtained.

**SECTION VII**  
**FORMAL CONTRACT PROCEDURE**

All supplies, equipment, and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed ten thousand (\$10,000.00), shall be purchased by formal, written contract and/or purchase order from the lowest and most responsible bidder, after due notice inviting proposals, provided however, that the Mayor & Council shall have the authority to waive execution of formal contract in cases where it deems it advisable to do so. All sales of personal property (except trade-in personal property) which has become obsolete and unusable, when the estimated value shall exceed five thousand dollars (\$5,000), shall be accomplished by formal contract to the highest responsible bidder, after due notice inviting proposals has been published as required by law.

**Pricing Criteria:** The following pricing criteria shall govern all purchase order requisitions:

- A. Purchases to \$100.00 - \$500.00 it is the discretion of department/division head in obtaining best pricing.
- B. Purchases from \$500.01 to \$9,999.99 – The department/division should attempt to obtain three (3) written quotes and furnish the appropriate document(s) upon request. The department/division shall obtain the necessary quotes and furnish a copy of each written quote with the appropriate documentation and or requisition. The quotes must be identical in the description of quantity, quality, terms and conditions. An adequate description of the specification and/or statement of work must be included. Even if quotes are provided with the user agency's requisition, a complete description of the user agency's needs, required delivery time, and all special conditions must be clearly entered in the requisition or attached in the request.
- C. Purchases greater than \$10,000.00 - a formal solicitation process is required.

## **SECTION VIII**

### STANDARDIZATION AND SPECIFICATIONS

The Purchasing Department encourages all departments to establish standards whenever possible.

Specifications is defined as “a concise statement of a set of requirements to be satisfied by a product, material, or a process indicating, whenever appropriate; the procedure by which it may be determined whether the requirements given are satisfied.”

Specifications need to be a clear and complete description of requirements or products necessary to meet the purchase. A vendor must meet or exceed specification requirements if his/her goods or services are to be considered for purchase.

Specifications shall be clear, concise, and accurate. These should be updated regularly to reflect changes in technology. Avoid the use of unfair specification, which preclude or reduce competition.

Specifications may be in the form of written descriptions, drawings, commercial designations, industry standards or brand name or equal. These specifications are an integral part of the solicitation.

Specifications should NOT require materials of a better quality than are actually needed. Yet, they should prescribe the methods of inspection and testing which will govern the acceptance or rejection of any ordered materials or equipment.

Well-defined specifications are required if the objectives of economy and efficiency are to be achieved. They help to insure that maximum value is obtained for the public funds expended.

Professional architects, engineers and consultants shall prepare specifications for construction projects.

Using departments may consult with vendors for technical assistance. This method should be viewed with some reservation because competition can be precluded or quality diminished. Proposals of competing firms must be compared. BEWARE of restricting your specification that only one vendor can supply the item.

## SECTION IX

### FORMAL SOLICITATIONS

Fair and open competition is a basic tenet of public procurement. Such competition reduces the opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically.

If the estimated value is greater than \$10,000.00, the using Department/Division must prepare a formal, sealed solicitation (Invitation to Bid (ITB), Request for Proposals (RFP), Request for Qualifications (RFQ), or Request for Information (RFI) & Invitation to Negotiate (ITN), which will be publicly noticed and advertised. This process requires time, please plan ahead. (Please reference to the Advertising Requirements Matrix)

Purchasing should not be placed in the position of deciding upon and specifying bid items for individual department usage. Purchasing will assist in writing general specifications, and terms of conditions; however, they must be reviewed and final accepted by the using department before advertising. All requests shall be provided to the Purchasing Division for verification and approval before officially advertising the request.

Purchasing will review the specification and/or statement of work to ensure that they are adequate for the solicitation document or will work with the requesting department to identify additional specification and/or scope of work, terms and conditions.

**Invitation to Bids (ITB):** The invitation to bid shall be used when the department/division is capable of specifically defining the scope of work for which a contractual service is required or when the department/division is capable of establishing precise specifications defining the actual commodity or group of commodities required. Examples: construction jobs, equipment, vehicles, etc.

This procedure is a formal sealed bid process. Departments requiring this procedure shall submit to the Purchasing Department, specifications in an electronic file detailing the goods or services required plus suggested dates for bid opening, pre-bid conference, contracts, and bonds if appropriate and applicable.

After bid opening has been completed, the department head shall review all bids for compliance with the specifications and select a vendor for recommendation. Vendor selection will be based on the lowest, compliant, qualified bid unless specified otherwise in the Invitation to Bid.

All invitations to bid must include:

- A. A detailed description of the commodities or contractual services required; and if the department/division contemplates renewal of the contract, a statement to that effect.
- B. Bids submitted in response to an invitation to bid in which the agency contemplates renewal of the contract must include the price for each year for which the contract may be renewed.
- C. Evaluation of bids shall include consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor.

The City of College Park only considers one-year contracts for services.

For an ITB, the department/division shall transmit in writing its recommendation for award to the Purchasing Department. For solicitation types other than ITB, an evaluation committee will be selected and meeting(s) will be scheduled to rank or determine a recommendation to City Mayor and Council. For solicitations that are very technical in nature, a technical evaluation and selection committee may be required to evaluate the firms on a pass/fail type basis related to the technical specifications and/or statement of work.

**Request for Proposal (RFP):** A department/division shall use a request for proposals when the purposes and uses for which the commodity, group of commodities, or contractual service being required can be specifically defined and the department/division is capable of identifying necessary deliverables. Examples are legal services, accounting services, architecture, engineering, auditing services, etc.

This process involves the evaluation and selection of a consultant based upon various factors including, but not limited to the consultant's expertise, experience, social equity contracting/corporate responsibility, licenses or certifications, work history, understanding of the scope of work and ability to resolve the issue or problem identified within the RFP document while providing a quantified cost for completing the work. Therefore, the RFP must provide sufficient information about the project's background, needs and constraints, expectations of the consultant and the desired outcome for prospective proposers to prepare complete proposals that satisfy the project's needs.

All requests for proposals must include:

- A. A statement describing the commodities or contractual services to be required (Scope of Services/Work);
- B. If the City contemplates renewal of the contract, a statement to that effect;
- C. Criteria that will be used for evaluation of proposals;
- D. General terms and conditions;
- E. Required Standard Forms
  1. Certification (see Appendix)
  2. Vendor Questionnaire (see Appendix)
  3. Non-Collusion Affidavit (see Appendix)
  4. Sworn Statement (see Appendix)
  5. Drug Free Workplace Certificate, etc. (see Appendix)

The contract shall be awarded by written notice to the responsible and responsive proposer whose proposal is determined in writing to be the most advantageous to the City, taking into consideration the price and other criteria set forth in the request for proposals. The contract file shall contain documentation supporting the basis on which the award is made.

**Invitation to Negotiate (ITN):** The invitation to negotiate is intended to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the City may negotiate in order to receive the best value.

- A. The invitation to negotiate must describe the questions being explored, the facts being sought, and the specific goals or problems that are the subject of the solicitation.

- B. The criteria that will be used for determining the acceptability of the reply and guiding the selection of the vendors with which the agency will negotiate must be specified.
- C. The City shall evaluate replies against all evaluation criteria set forth in the invitation to negotiate in order to establish a competitive range of replies reasonably susceptible of award. The City may select one or more vendors within the competitive range with which to commence negotiations. After negotiations are conducted, the City shall award the contract to the responsible and responsive vendor that the City determines will provide the best value, based on the selection criteria.
- D. The contract file for a vendor selected through an invitation to negotiate must contain a short plain statement that explains the basis for the selection of the vendor and that sets forth the vendor's deliverables and price, pursuant to the contract, along with an explanation of how these deliverables and price provide the best value to the City.

**Public Notice Advertisement:** The following are guidelines as to where and how postings will apply:

- A. All competitive solicitations of \$10,000.00 or more shall be posted, on a minimum of two (2) locations:
  1. The College Park website
  2. City's legal organ (South Fulton Neighbor)
  3. Posted in the foyer of the City Hall Complex
  4. DOAS GPR (Georgia Procurement Registry)
  5. Vendor Registry.com
  6. National Association of Minority Contractors - Georgia Chapter
- B. The following advertising guidelines will be followed by the Purchasing Department when posting competitive solicitations:
  1. \$9,999.99 - \$100,000.00 = Minimum Two (2) Weeks.
  2. \$100,001.00 and above = Minimum Four (4) Weeks

With the exception of construction bids, the City Manager, may approve the posting of a competitive solicitation for a period of time less than the guidelines stated above when sufficient evidence justifying the reduced posting time period has been established.

**Bid Sureties:** When deemed necessary by the City Manager, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where the City Manager has required such. (See Bonds Section XIII)

**Bid Conditions:** In addition to the general conditions, most bids require special conditions, which pertain specifically to the bid in question. Conditions differ from specifications in that conditions refer to requirements, which must be met by the bidder or proposer before specifications of the item(s) bid are even considered.

*For example*, a supplier of furniture who cannot meet the required condition of a 30-day delivery will be eliminated even though his furniture may meet all physical specifications.

Conditions allow the City a high level of protection by the inclusion of various clauses relative to renewal of contract, cancellation, settlement of disputes, payment terms, delivery schedule, etc. By referencing the bid in a purchase order, the vendor is effectively bound by the terms, conditions, and specifications of that document. Therefore, should disputes arise; the written contract (bid or purchase order) will prevail.

**Bid Specifications:** The requesting department should provide Specifications for all bids. As a prime user, the department is best aware of any special characteristics or problems. Because they probably utilize the item daily to be proposed on, the department is best aware of any new developments in that product field. Specifications are the basis for a proposer’s proposal. Realizing that bids will be compared primarily based on price, a vendor will seek to offer an item that only meets the specifications. Consequently, it is vital that specifications make no assumptions, but rather detail every important facet of the item in question. In doing this, it avoids delivery of items, which meet specifications, but fail to meet the department’s expectations.

Specifications may be by performance description, or brand name; or a combination of the above. In some cases, description by noting the brand name of an acceptable unit may be the preferred method. However, to assure competition when using brand names, the phrase “or equal” should always follow the brand description. This allows vendors of similar products to bid thus promoting maximum competition and the best price for the City. Should proof of equivalency arise, the burden is on the substituting vendor to provide it. Final judgment of equivalency shall reside with the using Department’s Head.

**Sealed Bids/Proposals:** Bids/Proposals shall be submitted sealed to the Purchasing Department and shall be noticeably identified using a supplied bid/proposal label to affix to the submission.

Sealed bids will be received only in the Purchasing Department (unless otherwise stated in the bid documents) on or before the assigned date and closing time as advertised. Bids received in any other department, will not be accepted.

NO electronic bid/proposals will be accepted.

- A. The requesting department shall have a representative present at each bid opening.
- B. Proposals are to be opened and read aloud to any party present at the bid opening.
  - a. Virtual bid openings can be used, if circumstances warrant.
- C. Proposals shall be made available for vendor review after the official opening is completed and under the supervision of the Purchasing Department or otherwise designated City staff.

- D. Bid tabulations may be available for bidders during and within ten (10) days after the bid opening.
- E. The requesting department shall retain a copy of the bids for their review and/or recommendation. The Purchasing Department will assist the department in making a recommendation, when necessary.
- F. Once a recommendation has been made of the successful bidder, the department head make a recommendation to the Purchasing Department in order to submit an "Agenda Memorandum" on MinuteTraq approving or disapproving this agenda item placed on the upcoming Mayor/Council Agenda.

**Formal Opening:** All formal solicitations shall be opened at a designated location at the time and place stated in the public notices in the presence of the Purchasing Division and shall be witnessed by at least one (1) department representative.

**Tabulation:** A tabulation of all bids received shall be created, provided by the Purchasing Department and available for public inspection, upon request.

**Exception for Single Source Commodities:** The City Manager stating the conditions and circumstances requiring the purchase may accept Purchases of supplies, equipment and contractual services from a single source from bid requirements upon certification. This certification shall set forth the purpose and need and why the item is the only one that will produce the desired results. (See Single Source Section)

**Pre-Solicitation, Pre-Bid, Pre-Proposal Conferences:** Conferences may be scheduled and conducted by Purchasing or designee, before the official time and date set for the formal opening to explain the purchasing requirements and to solicit information from potential bidders/proposers.

**Mandatory:** The meeting is required that all bidders have a representative attend if they plan to submit a proposal. If a mandatory meeting is conducted, only those firms who attend will be allowed to submit a proposal to the solicitation document. Therefore, at the mandatory meeting, all prospective proposers will sign in and only those identified from the sign-in sheet will be considered for the project and be eligible to have their proposals accepted. A representative from the requesting department and other technical experts will answer the questions posed during the meeting.

Any information provided at the meeting that will change the requirements of the solicitation document must be issued in the form of an addendum to all eligible proposers. Additionally, it is required that substantive questions and resulting responses from the meeting be documented and provided to all eligible proposers in the form of an addendum. It is important to specify in the addendum which items are changes or modifications to the original solicitation document.

**Note:** Proposals from anyone not attending the mandatory conference(s) will not be considered.

**Meeting Procedures:** At the pre-proposal meeting, the facilitator will remind the potential proposers what meeting they are attending, introduce him/her, then introductions will include City's staff and any other project representatives in attendance. Introductions of proposers are not necessary, during the introduction phase of the meeting.

The facilitator will either discuss or have the appropriate staff address the following information:

- A. Pre-bid meeting sign-in requirement
- B. An explanation of the process
- C. Identify the submittal due date and advise that late proposals will not be accepted
- D. Deadlines for receipt of questions and clarifications and the procedures for such requests
- E. When to expect addendum(s) to be published for solicitation
- F. Provide an overview of the solicitation document(s) contracting requirements (i.e., certifications, business tax receipt, insurance requirements, etc.)
- G. Explain evaluation criteria and weighting, *if applicable*
- H. Discuss any requirements for submittal of the documents, explain the requirements and order for submitting the proposal
- I. Remind the proposers of the dates for the request
- J. Award review process
- K. Outline the protest procedures

**Late Proposals:** Any bid, proposal, or offer received at the place designated in the solicitation after the official date and time specified for receipt of proposals shall be deemed late and will not be considered for award. Any request for modification received after the date and closing time specified shall not be considered. The phone/computer clock at the receptionist desk on the first floor of City Hall is the official time for all times pertinent to formal openings.

**Rejection of Bids and Negotiation:** The Mayor and Council shall have the right to reject any/all bids. If the lowest and most responsible bid exceeds the budgeted amount and the Mayor and Council does not make additional funds available, the City Manager shall have the power to re-advertise the item(s) for bidding after making sufficient changes in the project plans to bring the cost within the limit of the money available.

If no bid is received, or if the best bid exceeds the budgeted amount, the City Manager shall advise the Mayor and Council in writing, the condition and the circumstances surrounding the bid. The Mayor and Council may then authorize the City Manager to purchase by negotiation, but this shall be done only under conditions most favorable to the public interest and when said purchase will result in the lowest ultimate cost for the goods or services obtained.

**Competitive Procurement/Diversity Initiative Policy:** Purchase or acquisitions made by the City of College Park shall be made through competitive bidding or competitive proposal unless expressly exempted from this requirement by other provision of this policy or by express authorization by the City Manager or the Mayor/Council.

The following are hereby declared exempt:

- A. Emergency purchases

- B. Acquisition or leasing of real property
- C. Purchases of less than \$10,000.00
- D. Personal or professional services
- E. Sole source purchases or acquisitions

The City of College Park may “piggyback” purchase from other governmental contracts if such contracts are open to purchase by public authorities. As such, competitive bidding procedures do not apply or may be satisfied by the competitive process that was followed to award such governmental contract. The City has the discretion to enter into an inter-governmental agreement if the items to be acquired are available from these contracts. The bidding process has already been completed.

This policy shall also set forth the procedures for increasing opportunities for procurement and contract activities among Minority-Owned Businesses (MOB), African American Business Enterprise (AABE), Hispanic Business Enterprise (HBE), Female Business Enterprise (FBE), Asian Business Enterprise (ABE) and Native American Business Enterprise (NABE) located within/outside the city limits of College Park Georgia. It is strongly encouraged to seek price quotations from the above various minority vendors when procuring goods and services for dollar values under \$10,000.00. Dollar amounts above \$10,000.00 (sealed bids) a vendor questionnaire will be included in every bid packet. This questionnaire will be completed by the vendor and returned in the bid response and become part of the proposal.

Local Preference may be given to businesses that have a business location within the geographic boundaries of the City of College Park as long as all requirements of the bid have been met. Should a local vendor submit a bid proposal that is equal to a non-local vendor, then the local vendor's bid shall be recommended for approval provided all requirements of the bid proposal/process has been met.

*The term business location means that the business has a staffed, fixed, physical place of business located within City of College Park City Limits and has had the same for a least one (1) year prior to the date of the business' submission of its proposal or bid, as applicable and has had held a valid business license from the City of College Park.*

In order to receive local preference, the proposer must provide the following criteria and provide supporting documentation as required.

- A. If the vendor is located within the City of College Park, a copy of their current City of College Park business Occupational Tax Certificate (Business License) is required to be submitted when responding to request for proposals and bids.
- B. And copy of a lease or rental agreement located within the city limits of City of College Park.

In addition, the selected company will be required to comply with all existing State and Federal laws, including applicable equal opportunity employment provisions. The Contract between the company and the City shall be construed and governed in accordance with the law of the State of Georgia and the City of College Park. The company, at its own expense, shall secure all occupational and professional licenses and permits necessary for the fulfillment of its obligations under this contract.

**Conflict of Interest and Disclosure of Campaign Contributions:** Every person, business or entity involved in the procurement process must adhere to a high standard of ethics. Each will be bound by the City Code of Ethics and this Section. Whenever this Section conflicts with the City Code of Ethics, the City Code of Ethics shall control. For the purposes of this section, the term “City Employee” means any person employed by the City of College Park, and the term “City Official” means any elected or appointed official of the City or of an agency, authority or instrumentality of the City.

A. Employee Conflict of Interest

It shall be unethical for any City Employee or City Official to transact any business or participate directly or indirectly in a procurement contract when the City Employee or City Official knows:

1. The City Employee or City Official or immediate family of such has a substantial interest pertaining to the procurement contract, except that the purchase of goods and services from businesses which a member of the city council or other City Employee has a substantial interest is authorized as per O.C.G.A. § 36-1-14, or the procurement contract is awarded pursuant to O.C.G.A. § 45-10-22 and § 45-10-24, or the transaction is excepted from said restrictions by O.C.G.A. § 45-10-25, interpreting such statutes as if they were applicable to a municipality.
2. Any other person, business or organization with whom the City Employee, City Official or immediate family of such is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract.
3. A City Employee, City Official or any immediate family of such who holds a substantial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that substantial interest.
4. All City Employees and City Officials will be asked to sign a disclosure document indicating his or her compliance with the City Code of Ethics Policy.
5. The terms “immediate family” and “substantial interest” shall have the meaning given to such terms in the City Code of Ethics.

B. Gratuities, Rebates or Kickbacks

1. *Gratuities and other benefits.* It shall be unethical for any City Employee or City Official to directly or indirectly solicit, demand, receive, accept or agree to receive any gratuity, reward, offer of employment, services or things of value from any person, business or entity in connection with any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal.
2. It shall further be unethical for any person, business or entity to offer, give or agree to give or offer to give any City Employee or City Official any gratuity, reward, offer of employment, services or things of value with the purpose of influencing any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any

specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal.

3. A “thing of value” shall not include:
  - i. Any gift with a value less than one hundred dollars (\$100.00);
  - ii. Food or beverage consumed at a single meal or event;
  - iii. An award, plaque, certificate, memento or similar item given in recognition of the recipient's civic, charitable, political, professional or public service;
  - iv. Promotional items generally distributed to the general public or to public officers;
  - v. Rebates normally or routinely offered to customers in the ordinary course of business of such person, business or entity for the purchase of their goods and services are acceptable and are the property of the City; and
  - vi. Educational events, materials and meals as described in subparagraph (ii).
  
4. *Educational events.* Nothing in this section shall preclude a City Employee or City Official from attending seminars, courses, lectures, briefings or similar functions at any person, business or entity’s facility or at any other place if any such seminar, course, lecture, briefing or similar function is for the purpose of furnishing the City Official, City Employee or agent with knowledge and information relative to the person, business or entity’s products or services and is one which the city manager determines would be of benefit to the City. In connection with any such seminar, course, lecture, briefing or similar function, nothing shall preclude the City Employee or City Official from receiving meals or educational materials and business related items of not more than nominal value from a person, business or entity. However, no City Employee or City Official shall accept or receive travel or lodging for less than the value thereof from a person, business or entity.
  
5. *Kickbacks and rebates.* 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 or order.

### C. Disclosure of Campaign Finance Contributions

1. All vendors/contractors who do business with the City for purchases from ten thousand dollars (\$10,000.00) and above, which require a sealed bid process under the terms of the City of College Park’s Purchasing Policies and Procedures, shall be required to file a written campaign contribution disclosure form with the city manager naming the City Official(s) to whom and when the campaign contribution was made, to identify the dollar amount and to provide a description of each campaign contribution.
2. Except as provided in subsection (e) of O.C.G.A. § 21-5-34, no contributions to bring about the nomination or election of a candidate for any office shall be made or accepted except directly to or by a candidate or such candidate's campaign committee which is organized for the purpose of bringing about the nomination or election of any such candidate; and no contributions to bring about the recall of a public officer or to oppose the recall of a public officer or to bring about the approval or rejection

by the voters of a proposed constitutional amendment, state-wide referendum or proposed question at the state, municipal or county level shall be made or accepted except directly to or by a campaign committee organized for that purpose.

3. Unless otherwise reported individually, where separate contributions of less than one hundred dollars (\$100.00) are knowingly received from a common source, such contributions shall be aggregated for reporting purposes. For purposes of fulfilling such aggregation requirement, members of the family, members of the same firm or partnership or employees of the same person as defined in paragraph (19) of O.C.G.A. § 21-5-3, shall be considered to be a common source; provided, however, that the purchase of tickets for not more than twenty-five dollars (\$25.00) each and for attendance at a fundraising event by members of the family, members of the same firm or partnership or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block.
4. For each year a vendor/contractor is under contract and engaged in business with the City, it shall be required to file a campaign contribution disclosure form to the city manager.
5. All vendors/contractors shall file the campaign contributions disclosure form to the city manager prior to or along with submitting a proposal in the bid process for purchases from ten thousand dollars (\$10,000.00) and above.

#### D. Prohibition against Contingent Fees

It shall be unethical for any person to be retained, or to retain a person, to solicit or secure a contract upon any agreement or understanding for a contingency fee, except for agreements with manufacturer representatives, or agents, including, but not limited to, commercial services sales agents engaged in the business of soliciting contracts on behalf of vendors. A “contingency fee” as used in this subsection C means any commission, percentage, brokerage or other fee that is contingent upon the success that a person has in securing a city contract.

#### E. Use of Confidential Information

It shall be unethical for any City Employee or City Official to knowingly disclose or use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person.

#### F. Unauthorized Purchases

No purchases of goods and services shall be made in the name of the City or one of its departments, except such as is required for official use by the City or one of its departments. Purchases in the name of the City or a department for personal use by an individual or for other than official use are prohibited, and no City funds will be expended or advanced therefore.

#### G. Penalties and Sanctions

1. *Legal or disciplinary action by city council.* The city council may take appropriate legal and/or disciplinary actions pursuant to the City Code of Ethics against any City Employee, City Official or other person in violation of these ethical standards.
2. *Legal or disciplinary action by city manager.* The city manager is authorized to take any appropriate legal and/or disciplinary actions, including dismissal, of any City

- Employee violating this City Code of Ethics Policy.
3. *Administrative penalties for employees.* The city manager may impose any one or more of the following penalties or sanctions on a City Employee for violations of the ethical standards in this Section as appropriate to the situation, subject to the Personnel Manual or other appropriate appeals procedures:
    - i. Oral or written warnings or reprimands;
    - ii. Suspensions with or without pay for specified periods of time; or
    - iii. Termination of employment.
  4. *Administrative penalties for outside contractors/vendors.* The City may impose any one or more of the following penalties or sanctions on a vendor or other person or organization for violations of these ethical standards:
    - i. Written warnings or reprimands;
    - ii. Termination of contracts; or
    - iii. Debarment or suspension.

#### Disclaimer of Responsibility for Improper Purchasing

The City may disclaim responsibility and liability for any purchase, expenditure or agreement for expenditure arising from any procurement made in its name, or in the name of any governmental body under its authority, by an unauthorized person or any person acting outside this policy or the authorization or delegation as provided in this policy. The expense of any such disclaimed transaction will become the personal liability of the individual who acted improperly.

#### Vendor Contact during Open Solicitations

Persons seeking an award of a City contract may not initiate or continue any verbal or written communications regarding a solicitation with any City Official, City Employee or other City representative other than the purchasing agent named in the solicitation between the date of the issuance of the solicitation and the date of the final contract award. The city manager or designee will review violations. If determined that such communication has compromised the competitive process, the offer submitted by the individual, firm or business may be disqualified from consideration for award.

**Only One Bid Received:** If only one responsible proposal is received, an award may be made to the single bidder if the City determines in writing that the price submitted is fair and reasonable. However, it is the practice of the City not to open a single bid received if for any reason the Purchasing Department feels that more bids can be obtained. Should this occur the Purchasing Department would extend the bid opening date, contact vendors that did not respond in an effort to obtain additional bids.

**No Bid Received:** On occasion, the Invitation to Bid will receive no responses. In those cases, these steps will be followed:

- A. Extend the bid-opening date.
- B. Contact all those vendors on bidder's list to determine reason for lack of response.
- C. Contact the user department to determine if rebid is desired, using information obtained from vendorsurvey.
- D. Notify Purchasing Department the closed bid if decision is made not to rebid.

- E. Review specifications and bid list if decision is made to rebid.
- F. Revise bid documents where appropriate.
- G. Initiate the bidding process per regular procedures.

**Disqualification of Bidders:** Have the authority to declare vendors who default their quotations irresponsible bidders and to disqualify them from receiving any business from the City for no less than five (5) years, from the date of discovery.

**Protest:** Any interested party desiring to protest, challenge or otherwise pursue a claim against any aspect of College Park procurement must comply with College Park's Protest Policy.

### *Types of Challenges*

There are numerous different challenges an interested supplier may make; however, the types of challenges are generally organized as follows:

- A. Challenge to the Solicitation: Any interested supplier capable of responding to a competitive solicitation may file a protest with respect to the competitive solicitation process, including but not limited to specification(s), events or facts arising during the solicitation process.
- B. Challenge to a Sole Source Notice: Any interested supplier capable of providing the goods/services identified in a sole source notice may file a protest challenging the sole source determination.
- C. Challenge to a Cooperative Notice: Any interested supplier capable of providing the goods/services identified in a cooperative arrangement among groups or institutions may file a protest challenging the consortia or cooperative notice determination.
- D. Challenge to Results: Any interested supplier submitting a timely written response to a particular solicitation may file a protest with respect to the results of that, including, but not limited to, events or facts arising during the evaluation process.
- E. Challenge to the City's Intended or Actual Contract Award: Any interested supplier submitting a timely written response to a competitive solicitation may file a protest with respect to the City's intended or actual contract award, including, but not limited to, events or facts arising during the evaluation and/or negotiation process.

DOAS does not maintain statutory authority to consider protests relating to procurements conducted by the following entities:

- A. University System of Georgia including colleges and universities regarding public works.
- B. Georgia Department of Transportation regarding construction, public works, and services ancillary to the construction and maintenance of public roads.
- C. Certain government authorities such as the Georgia Technology Authority (GTA).
- D. Local governmental entities, community service boards, local boards of public health, local boards of education, Regional Educational Service Agencies, state authorities, or the federal government.

### *Form of Protest*

Bidders or respondents who do not agree with the City's recommendation for award shall be afforded the opportunity to protest the recommendation by submitting written notice to the Purchasing Department. Bids or proposals that did or did not meet the minimum published requirements including specifications and/or scope of service, are not subject to protest.

At a minimum, the protest must be submitted in writing and must include the following:

- A. The name and address of the protestor;
- B. Appropriate identification of the solicitation/sole source notice/consortia or cooperative notice;
- C. A statement of reasons for the protest;
- D. Supporting exhibits, evidence or documents to substantiate any claims unless not available within the filing time (in which case the supplier must proceed to file the protest within the filing period identified below, but state the expected availability of the material); and
- E. The desired remedy.

To ensure the protest process is conducted efficiently and in a manner fair to all parties, the City of College Park requires a protesting supplier to identify all grounds for protest during the protest filing period. The City of College Park, at its discretion, may deem issues not raised in the protest filing period as voluntarily relinquished by the protesting supplier. After the protest filing period expires, any grounds for protest voluntarily relinquished by the protesting supplier may not be introduced by the protesting supplier at any time during the protest process or any subsequent litigation.

### *Filing Protests*

A protest is considered to be properly filed when it is in writing and signed by a company officer authorized to sign contracts on behalf of the supplier or legal counsel that has been engaged by the supplier, is submitted via e-mail to the Purchasing Department, and is received within the filing period.

### *Filing Deadlines*

Protests must be received within five (5) calendar days after the protesting party knows or should have known of the occurrence of the action which is protested. The City of College Park will not consider untimely protests absent evidence of malfeasance or administrative error by the City that substantially impaired an interested supplier's ability to file a timely protest.

In the event the City does not provide access to records included in the register of proposals or the administrative review within one business day of issuance of the Notice of Intent to Award, the interested supplier may file, within the filing period, a request for extension of the filing period to extend the protest period by the number of days that it takes for the City to produce the records beyond the first business day. In the event the City does not provide timely access to records other than those that comprise the register of proposals or administrative review, the interested supplier is required to file a protest within the filing period, indicating the failure of the state entity to provide timely access to records and reserving the right to file an amended protest upon production of such

records.

If an interested supplier fails to file a protest by the applicable deadline, the City of College Park may, at its discretion, deem such failure as the supplier's voluntary relinquishment of any grounds the supplier may have for protesting through the City of College Parks' protest process or through subsequent litigation.

### *Protest Resolution*

The Purchasing Department shall prepare and submit written determination to the City Manager recommending either approval or disapproval of the petition. The City Manager and City Attorney for the City of College Park will review and issue a written decision on the protest as expeditiously as possible after receiving all relevant requested information from the state entity, issuing officer, and suppliers.

In the event that a solicitation, a sole source notice, or a consortia/cooperative notice is cancelled by a procuring entity prior to issuance of a decision, the protest will be deemed moot and no further action will be taken by the City of College Park regarding the protest.

The petitioner shall be furnished a copy of the decision and the final decision under this section shall be conclusive and shall represent the position of the City

### *Costs*

In no event will a supplier be entitled to recover any costs incurred in connection with the solicitation or protest process, including, but not limited to, the costs of preparing a response to the solicitation, the costs of participating in the protest/request for formal review process or any attorneys' fees.

### *Request for Formal Review/Appeal Process*

All protest decisions concerning solicitations, sole source notices, consortia or cooperative purchase notices, results of any solicitation(s) and/or intended/actual contract awards with an estimated value of \$100,000.00 or more will be subject to formal review by the City Manager and City Attorney for the City of College Park upon request.

In the event the estimated value of the solicitation, sole source notice, consortia or cooperative purchase notices, results of any solicitation(s) or intended/actual contract award is less than \$100,000.00, it will be within the City Manager and City Attorney for the City of College Park's discretion whether such request for formal review will be granted.

**Waiver of Irregularities:** The Mayor and Council shall have the authority to waive any/all irregularities in any/all formal bids.

**Evaluation of Proposals/Evaluation Phase:** The evaluation phase as described below must be included in and carried out for all solicitations, even if only one proposal/response is received.

Prior to evaluating and scoring proposals, the proposals must first be examined to determine whether they meet the minimum requirements stated in the solicitation documents. The evaluation of these minimum requirements will be undertaken by the person responsible for conducting the solicitation process and will consider the following questions:

- A. Was the proposal received by the advertised deadline?
- B. Was there a mandatory pre-submittal meeting? *If so*, did someone representing the firm attend the pre-submittal meeting?
- C. Was the required documentation for the proposal included and signed?
- D. If the evaluation criterion for the cover letter was pass/fail, did the information contained within the cover letter satisfy the requirements?
- E. Did the proposer include responses for all criteria?

Proposers who fail to meet minimum requirements may be considered non-responsive and may be disqualified from further consideration (e.g., if a mandatory pre-submittal meeting was held and the firm's representative did not attend, their proposal must be disqualified and rejected). This preliminary evaluation is a measure of the potential consultant's ability to follow instructions and depending upon the evaluation criteria, may allow the City to determine if the evaluation committee will move the proposal forward for review.

Responses/proposals that are rejected due to their lack of responsiveness or non-conformity to the mandatory requirements will not be reviewed or evaluated by the evaluation committee. The Purchasing department will provide a written notice by e-mail to any proposer removed from consideration as part of the initial review for responsiveness.

**Evaluation Committee:** The evaluation committee should consist of a department director/manager or designee, project manager (if used), a staff member outside the requesting department/division, and one or more appointed staff members. The Purchasing Department director should assemble the committee. The evaluation committee may be selected based on their general knowledge of the subject matter, marketplace, City regulations, and understanding of the project, as well as for their ability to fulfill their time commitments and obligations as a member of the committee.

The committee should be formed ahead of time, but no later than the solicitation due date. The number of members and the make-up of the committee will depend upon the size and complexity of the project, but at least, there should be a minimum of three (3) and a maximum of seven (7) members, always an odd number.

Each of the committee members shall complete the evaluation process, from review through interview and/or oral presentations. By nature, the evaluation committees are short-term, highly focused, and often tightly scheduled. It is hard to predict how long it will take to conduct the evaluations of the proposals, as it is dependent on how many proposals are received and the corresponding quality and depth of the proposals. It is important that all committee members understand the level of commitment and follow-through required in serving on the committee, as committee operations are in addition to regular work assignments. If a member determines they are unable to complete the evaluation due to time or scheduling commitments, it would be best to replace that member at the onset; should a member not complete the evaluation process, any evaluations completed by this committee member must be discarded to eliminate any skewing of the final scores.

**Technical Advisors:** Whenever the department head/project manager anticipates using technical advisors in any capacity during the evaluation process, the solicitation document must specify that they may be used. Failure to include this information in the solicitation document will preclude advisors from any contact with committee members. Advisors are not authorized to be voting members of the

evaluation committee; they may only be used to support the committee.

When technical advisors will be present for interviews/presentations, all short-listed proposers must be notified of their presence. A clear explanation must be provided of what the advisor's role will be during and after the interviews/presentations.

**SECTION X**  
AWARD OF CONTRACT AND APPROVALS

All contracts, when the sum is \$9,999.99 or less, shall be awarded by the City Manager to the lowest and best bidder. The Mayor and Council shall approve all contracts when the sum is \$10,000.00 or more to the **most responsive and responsible bidder**.

**Initial Award:** All bids shall be awarded to the most responsive and responsible bidder, unless additional criteria and qualifications are established by the solicitation. If no criteria are specified in the solicitation, the award will be based upon the price alone. The award of all contracts shall fall within the guidelines stated above.

**Best Bidder:** After determining the most responsive and responsible bidder, in addition to cost, the bidder shall demonstrate the ability, capacity and skill to perform the contract.

- A. Demonstrate they can perform the contract within the time specified, without delay or interference.
- B. Demonstrate good character, integrity, reputation, judgment, experience and efficiency.
- C. Demonstrate the quality of performance of previous contracts.
- D. Demonstrate their existing compliance with laws and ordinances relating to the contract.
- E. Demonstrate their sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

The quality, availability and adaptability of the supplies or contractual services to the particular use required. The bidder's ability to provide maintenance and service to the item(s) provided, for the use of the contract, if needed in the future. The number, scope of work or services must be attached to the bid.

**Tie Bids.** The City Manager shall make award of all tie bids under \$9,999.99 value. All tie bids in excess of \$10,000.00 shall be awarded by the City Manager and the Mayor and Council.

A tie can exists when two (2) or more bidders offer identical prices for a product, good, or service that meets all specifications, terms and conditions. In such a situation, the City shall consider the following methods to resolve the tie.

- A. Past performance of the vendor
- B. Best delivery date
- C. Closest proximity to delivery site

## SECTION XI

### COOPERATIVE PURCHASING and GOVERNMENTAL CONTRACTS

Where standardization is determined to be desirable by the City Manager, the purchase of materials, supplies and equipment and certain contractual services may be negotiated with the approval of the Mayor and Council.

The City Manager shall have the authority to join with other units of governments in cooperative purchasing ventures when the best interest of the City would be served thereby, and same is in accordance with City and State Law.

The City Manager may elect to purchase through or join with other governmental units or agencies in cooperative purchasing ventures when the best interest of the City would be served, provided the same is in accordance with all applicable laws. In the event the City Manager should elect to purchase through or join with other governmental agencies in cooperative purchasing ventures, all purchases in excess of ten thousand (\$10,000.00) would require Mayor and Council approval before the purchasing contracts are entered into.

Cooperative purchasing is the consolidation or combination of needs by two or more entities, which are then collectively bid out as one. In a cooperative bid, all entities agree to be bound by the contract award in the same manner as if they are one agency. These requirements protect the principle that a bidder should be committed to the resulting contract.

Another form of cooperative purchasing is based upon central warehousing. Customarily, the largest consumer of the governmental units involved will buy in carload and truckload quantities and smaller government units can pick up certain types of items from the buyers warehouse. This type of cooperative purchasing like the contractual commitment method protects the principals of competitive bidding because the bidder knows the commitment covered by the Invitation to Bid and the award.

**Piggyback Purchases:** Although this is cooperative purchasing, the process is NOT to be confused with cooperative bidding. When it has been determined that a commodity or service designed to meet the specific needs of the acquiring department and that particular item or service is already available and has been bid and awarded previously by another entity the process of purchasing that commodity or service is called "piggybacking."

Simply put, it requires written acknowledgment from both the successful bidder and the entity, which did the bidding, stating their approval that they will allow the City of College Park to acquire that item or service under the same prices, terms, and conditions of the original contract with the exception allowances only for the differences in delivery costs. As with the State of Georgia contracts, the contract prices in effect become the ceiling prices.

Piggybacking practices places the successful bidders who have won state contracts in open competition, in the position of having their contract prices presented as targets for others to negotiate around or play against if it were bid again. This process allows an entity to acquire the same products or services without jeopardizing that contract, by simply having the political entity authorize the "piggybacking".

Departments/Divisions/User Agents State, Government Agency and Organizations contracts have already been competitively bid; therefore, the need to bid is satisfied for purchases of this nature. This method of purchase is particularly desirable if time is a constraint or if the chances for obtaining

better prices from other sources is poor. Utilization of these sources eliminates the need for a formal waiver of competitive bids.

The work/services/commodities must be specifically within the scope of the contract and the contract must be active. A purchase cannot be made against a contract that has expired.

**Piggybacking From Other Governmental Entities:** The Purchasing Department requires that when piggybacking from other governmental entities, the department/division provides and attaches to the requisition process the following documents:

- A. A complete copy of the original solicitation
- B. A bid tabulation, if solicited by an Invitation to Bid, or scoring matrix if an RFP was used
- C. A copy of the award letter/memo/agenda item by the governmental entity to the vendor must be obtained and information whether the award was competitive or sole source must be also supplied by the department. If competitive, the file will be documented with information to support the competitive nature of the contract. If a sole source, the file must be documented with justification to support the fairness and reasonableness of price.
- D. A complete copy of vendor's proposal
- E. A complete copy of the contract executed by the governmental entity to the vendor

## SECTION XII

### BONDS AND INSURANCE

Bonds offer tangible protection in the form of monetary assurances that the bidder will meet his obligations. Bonds must be secured by the bidder at his own cost, and generally may be classified as follows:

**Bid Bond:** Each Bid must be accompanied by a Bid Guarantee in an amount of not less than five percent (5%) of the amount of the bid. The Bid Guarantee may be in the form of an official bank check payable to the City of College Park, or an AIA Document A310 Bid Bond on a form provided by a licensed surety bonding company. The Bid Bond shall be issued by a surety company licensed to write bonds in the State of Georgia, listed in the most current U.S. Treasury Circular No. 570 (U.S. Department of the Treasury, 2018), and have a current A.M. Best rating of "A" (Excellent) with a Financial Size Category of XII or better.

Georgia Law O.C.G.A. § 36-91-50, Bid bonds shall be required for all public works construction contracts subject to the requirements of this article with estimated bids or proposals over \$100,000.00; provided, however, that a governmental entity may require a bid bond for projects with estimated bids or proposals of \$100,000.00 or less. (Department of Administrative Services, 2017)

**Performance Bond:** The Contract, if awarded, will be awarded to that responsible Bidder whose responsive Bid will be most advantageous to the City, price and other factors considered. The City is entitled to make the determination in its sole discretion. The Contract between the City and the Contractor shall be executed in the form attached to the Bid Document Package, and shall form a binding contract between the contracting parties. A Performance Bond and a Payment Bond, each equal to 100% of the Contract Price, must be provided by the successful Bidder, issued in proper form by a surety company licensed to write bonds in the State of Georgia, listed in the most current U.S. Treasury Circular No. 570 (U.S. Department of the Treasury, 2018), and which has a current A.M. Best rating of "A" (Excellent) with a Financial Size Category of XII or better. Bonds given shall meet the requirements of the law of the State of Georgia.

**Labor & Materials Bond:** Same as Payment Bond.

Unless otherwise exempted specifically by the Mayor and Council, a contractor or vendor shall provide a corporate surety bond, or other performance security from a surety company authorized to do business in Georgia to guarantee the full and faithful performance of his/her contract obligations and the payment of labor and material expended pursuant to the contract whenever and in such amounts as is deemed necessary by the City Manager. All sureties shall be approved as to form by the City Attorney.

#### Insurance

Insurance is required to safeguard the City from any claims resulting from damage to property and/or injury to persons caused by the vendor or his actions. The vendor, at his own cost, must secure insurance policies that name the City of College Park as an "additional insured" party. Proposers are required to submit proof of insurance to the City with their bid/proposal including the types and dollar amounts of coverage.

**Indemnification:** The selected bidder shall indemnify, defend and hold harmless the City, its representatives, employees, elected and appointed officials, from and against all claims, costs, demands, legal fees, costs of action, losses, damages or other expenses arising as a result of any

negligent act, conduct, error or omission by the City, its agents, employees in the performance of their contract or occasioned wholly or in part by any negligent act, conduct, error, or omission by the selected bidder, or its agents, employees or subcontractors, in the performance of their contract.

The following requirements are for use with construction type contracts or when a contract is utilized or any work will be done on City's property.

**Worker's Compensation:** The selected bidder shall agree to maintain Worker's Compensation Insurance & Employers Liability in accordance with Georgia O.C.G.A. Title 34, Chapter 9 (State Board of Workers' Compensation, 2018)

**Business Auto Policy:** The selected bidder shall agree to maintain Business Automobile Liability at a limit of liability not less than \$500,000 each occurrence for all owned, non-owned and hired automobiles. In the event the bidder does not own any automobiles, the Business Auto Liability requirement shall be amended allowing the Bidder to agree to maintain Hired & Non-Owned Auto Liability. This amended requirement may be satisfied by way of endorsement to the Commercial General Liability, or separate Business Auto Coverage form.

**Commercial General Liability:** Commercial General Liability for public liability during the lifetime of a contract shall have minimum limits of \$1,000,000 per claim, \$2,000,000 per occurrence for Personal Injury, Bodily Injury, and Property Damage Liability. Coverage shall include Premises and/or Operations, Independent Contractors, Products and/or Complete Operations, Contractual Liability and Broad Form Property Damage Endorsements. Coverage shall not contain an exclusion or limitation endorsement for Contractual Liability or Cross Liability. Coverage for the hazards of explosion, collapse and underground property damage must also be included when applicable to the work to be performed. All insurance policies shall be issued from a company or companies duly licensed by the State of Georgia. All policies shall be on occurrence made basis; the City shall not accept claims-made policies. Specific endorsements will be requested depending upon the type and scope of work to be performed.

**Professional Liability:** The selected bidder shall agree to maintain Professional Liability or equivalent Errors & Omissions Liability at a limit of liability not less than \$1,000,000 per occurrence. When a self-insured retention or deductible exceeds \$10,000, the City reserves the right, but not the obligation, to review and request a copy of bidder's most recent annual report or audited financial statement. For policies written on a "Claims-Made" basis, bidder warrants the retroactive date equals or precedes the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an Occurrence form, retroactive date advanced; or any other event triggering the right to purchase a Supplemental Extended Reporting Period (SERP) during the life of a contract, bidder shall agree to purchase a SERP with a minimum reporting period not less than three (3) years. For use with consultants or engineers only.

**Additional Insured Requirements:** Except as to Worker's Compensation and Employees' Liability, said certificate(s) shall clearly state that coverage required by the contract has been endorsed to include City of College Park, a municipality of the State of Georgia. The name for the additional insured endorsement issued by the insured shall read "City of College Park" along with the contract and bid number. The certificate of insurance shall unequivocally provide thirty days (30) written notice to the City prior to any adverse changes, cancellation, or non-renewal of coverage thereunder.

**Subcontractors:** It shall be responsibility of the selected bidder to insure that all subcontractors comply with the same insurance requirements reference above.

**Deductible Amounts:** All insurance deductible amounts shall be paid for and be the responsibility of the selected bidder for any/all claims under the contract.

## SECTION XIII CAPITAL ASSETS TRACKING

**Fixed and Capital Assets:** The City has established a capitalization threshold of \$ \_\_\_\_\_ for property expected to benefit the operations of the organization for multiple years to be considered a fixed asset.

- A. All property with an acquisition cost in excess of \$ \_\_\_\_\_ and an estimated useful life of one year is to be capitalized.
- B. Capital Assets include buildings and improvements.
- C. Property purchased meeting the fixed asset definition is tagged with a pre-numbered asset tag and added to the list of assets maintained by the Finance Department. This list is categorized by type of fixed asset, i.e. buildings, furniture and equipment, plant assets, etc. and includes the asset number, date of installation, cost including taxes, shipping and installation fees, and life expectancy for depreciation purposes. A copy of the invoice(s) should be maintained with these asset records until the asset is sold or deleted.

**Equipment Depreciation:** The purpose of depreciation is to recognize the decreased value of the property over time (useful life) and to quantify this ‘usage’ as an expense to each cost center deriving benefit from its use.

- A. A fixed asset, as previously defined, is depreciated over its estimated useful life.
- B. Depreciation Schedules are prepared for the full fiscal year utilizing the guidelines of the Depreciation Policy.
- C. A separate schedule is made for each property/asset type. The schedule is maintained by the Finance Director. As depreciable property is purchased, it is tracked in New World ERP and is added to the depreciation schedule at year end, following purchase/installation.
- D. Depreciation is run at year end.

**Surplus of Capital Assets:** All capital assets that are obsolete, excess, or no longer needed by the owning Department are to be reported to the Finance Department for disposition. All items must be listed on a Request to Transfer/Declare Surplus form (Appendix D) and submitted to the Finance Department. The Finance Department is responsible for approving the disposition of the capital assets. If the item is a transfer between departments, the Request to Transfer/Declare Surplus Form requires both the transferring and receiving Department Director’s signatures. The Capital Asset Coordinator will verify ownership, description, and identification number of the equipment on the form and approve the transfer or surplus of the item. Upon approval, a copy of the form will be provided to Finance to update the computerized inventory.

**Disposition of Property:** Non-capital items such as broken chairs, tables, calculators, desk accessories, books, tools, which are considered as “junk”, may be disposed of via the landfill or trash by the individual department(s).

Capital Assets that have identification numbers can be disposed of by one of the following manners:

- A. By transferring to another department or division
- B. By trading in on equipment
- C. By selling as scrap
- D. By notification of sale at public auction conducted by GovDeals

**How to Report:** Each department, division or authority shall report its surplus or obsolete stock, equipment or materials on the "Notification of Surplus Property", (see attachment).

**When to Report:** All departments or separate units shall submit to the Purchasing Department, on the provided form(s), a report of surplus or obsolete property as follows:

- A. When the department(s) identifies equipment such as motor vehicles, bulldozers, mowers, attachments, etc., to be traded for new equipment or to be otherwise disposed of. Include a list of all spare parts for such equipment if they, too, are obsolete or surplus.
- B. Scrap such as aluminum, bronze, brass, steel, etc., to be sold shall be reported or at such intervals as will be advantageous to the best use of the storage area of the department in question. Such material shall be kept separated to enable an accurate, intelligent estimate of the quantity or weight to be made

## SECTION XIV

### VENDOR REGISTRATION

It is suggested that all vendors desiring to sell goods and services to the City complete an online vendor application under “Vendor Registration” within the Purchasing Department tab via the City website.

Vendors may make application by accessing the City’s web page at [www.collegeparkga.com](http://www.collegeparkga.com) then follow these steps in order to register:

- A. Use the Departments tab and search for Purchasing
- B. A link for Vendor Registration will appear.
- C. Click link City of College Park Vendor Registry, this will redirect you to another screen to register. Complete all fields, to establish an account with the City of College Park Vendor Registration System (Vendor Registry.com). Follow steps as prompted to complete your account.
- D. Once completing the registration:
  - a. Return to the City of College Park website at [www.collegeparkga.com](http://www.collegeparkga.com)
  - b. On the home screen look for Bids/RFPs link
  - c. Under the Bid Posting post complete the notification link under the Subscription to receive notification of new solicitations.

All complaints concerning vendor performance shall be directed to the Purchasing Department in writing using the Vendor Performance Evaluation Form (Appendix F). Finance will investigate any charges against a vendor and shall take whatever action is warranted to correct the problem. An example of a performance complaint is failure to deliver goods and/or services as outlined in an Invitation to Bid. Appropriate action might be cancellation of bid award, liquidated damages, or some other punitive damages.

It is essential to develop and maintain goodwill between the City of College Park and its suppliers. The reputation of the City can be promoted by:

- A. Giving all salespersons a full, fair, prompt and courteous hearing.
- B. Respecting the confidence of the salesperson or their company as to confidential information.
- C. Having consistent buying policies and principles
- D. Observing strict truthfulness in all transactions and in correspondence.
- E. Keeping competition nation of the bidding and purchasing process open, fair, and clear
- F. Cooperating with the seller and considering their difficulties in providing the service or

products.

G. Keep the lines of communication open for all vendors

H. Making payments in a timely manner.

#### Vendor set up in system

All new vendors to be established in the New World system that will be issued a check from the Finance Department should have a W-9 on file with the Purchasing Department. This process shall ensure the most accurate information is entered into the system for the vendor(s).

Before requesting a vendor is set up as a vendor in the system, there are a few things to keep in mind:

- A. Current College Park employees cannot provide goods or services as an independent contractor.
- B. No former College Park employee or elected official, may enter into a contract as an independent contractor for three (3) years from the date of separation.
- C. No College Park employee or department may buy goods or services for the City from a vendor who is a member of the employee's family.
- D. No College Park employee or department may buy goods or services for the City from a vendor where an employee owns or controls at least 10% of the business.

The requestor will need to forward a current, signed, and dated W-9 form. Vendors will be established in their name as they appear on their W-9s; DBA name, if applicable. The set up requests normally takes between 3-5 business days.

Upon establishing the new vendor; a purchasing representative will forward the vendor number to the requestor in order for him/her to complete a check request or purchase order within the New World system.

**SECTION XV****Cooling Off Period**

A "Cooling Off" period is the time during which an employee is separated from participation in all official matters involving an entity because of a particular situation.

It is suggested that a former City of College Park employee in addition to elected or appointed City of College Park official cannot conduct business with the City of College Park from the date of separation; for a period of three (3) years from the date of separation. In this capacity, their new employer might find an employee's former connections to government agencies quite valuable when it comes to getting clarification on rules and regulations.

- A. Former College Park employees nor elected or appointed City Officials cannot be independent contractors to perform work related to contracts in which they engaged in any negotiations, transactions, planning, arrangements, or any part of the decision making process relevant to the contract while employed in any capacity by any department.
- B. Former College Park employees nor elected or appointed City Officials cannot be independent contractors to perform work on a contract if they were employed by that department in a policy-making position in the same general subject area as that contract.

# APPENDICES

**FINANCE DEPARTMENT  
PURCHASE ORDER CHANGE FORM**

PO Date:		PO #:	
Vendor No:		Vendor Name:	
PO Account No:			
Original PO Amount:			
Requesting Depart:			
Reason for charge:			

**Type of Change**  
(complete one)

	<b>Change account number(s)</b>
All or specific line(s):	
Original account number(s):	_____
New account number(s):	_____

	<b>Increase purchase order</b>
All or specific line(s):	
Amount to increase:	_____
New PO total:	_____

	<b>Decrease purchase order</b>
All or specific line(s):	
Amount to decrease:	_____
New PO total:	_____

	<b>Cancel/Void PO</b>
All or specific line(s):	
Amount to cancel/void:	_____
New PO total:	_____

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

Finance Director Approval \_\_\_\_\_ Date \_\_\_\_\_

City Manager Approval \_\_\_\_\_ Date \_\_\_\_\_

*Purchase Order Change Notices are reviewed to determine conformance to established Purchasing Policies and adhere to relevant agreements, bids, contracts and policies.*

**CITY OF COLLEGE PARK  
EMERGENCY PURCHASE EXPLANATION MEMO**

General description of material(s) and/or service purchased

[Empty box for general description of material(s) and/or service purchased]

Nature of emergency affecting safety, health, or welfare of the public. Be concise but describe the emergency completely.

[Empty box for nature of emergency affecting safety, health, or welfare of the public]

Vendor: \_\_\_\_\_  
Total actual cost of emergency purchase: \_\_\_\_\_  
Prepared by: \_\_\_\_\_  
Date Prepared: \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

Finance Director Approval \_\_\_\_\_ Date \_\_\_\_\_

City Manager Approval \_\_\_\_\_ Date \_\_\_\_\_

***Attached invoice(s) and all supporting documents and forward for review, approval and processing***

**SOLE/SINGLE SOURCE/ SOLE BRAND  
REQUEST FORM**

<b>Date:</b>	
<b>To:</b> City Manager	
<b>Thru:</b> Finance Director	
<b>From (department):</b>	
<b>Product/Service Description:</b>	

**Section I**

It is the policy of the City of College Park to consistently purchase goods and services using full and open competition. The taxpayers in College Park are best served when we make sound business decisions based on competitive bids or proposals. However, there may be instances when other than full and open competition may be justified. When the user department(s) determines that other than full and open competition is necessary or in the best interest of City of College Park, appropriate justification for that course of action must be submitted to the City Manager for approval in order to waive the competitive procurement process.

**Sole Source** (use for single purchase only) the supply of a product or service so exclusively qualified that it is only available from a solitary source.

**Single Source** (use for single purchases only) the supply of a product or service which may be available from multiple sources, but a specific vendor is uniquely\* qualified and meets the users' requirements

**Sole Brand** (use for single purchases only) this is a specified service or product that has unique specifications to successfully meet the needs of the department and no alternate brands are acceptable

**Standardization** (used for multiple purchases and can be combined with the above; i.e. Standardization/Sole Source, Standardization/Sole Brand, Standardization/Sole Source/Sole Brand, etc.) This is the procedure of maintaining methods and equipment as constant as possible because of measurable benefits to the department. Competition among distributors of a standardization brand will be attained if possible.

Requested by: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

**Section II**  
**QUESTIONNAIRE ALL QUESTIONS MUST BE ANSWERED**

<b>Order placed by:</b>	
<b>Proposed Vendor:</b>	
<b>Product(s):</b>	
<b>Estimate Cost of Purchase</b>	

1. Explain why the product/service requested is the only product/service that can satisfy your requirements and explain why alternatives are unacceptable. Be specific with regard to specification, features, characteristics, requirements, capabilities and compatibility. Describe what steps have been undertaken to make this determination.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Please describe your market research and the result thereof. This should include a description of other similar sources or products available in the market, if any, and why they are not acceptable.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Explain the consequences(s), including a dollar estimate of the financial impact, if this item is not approved for the determination above.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. I certify that the above statements are true and correct, to the best of my knowledge. I also certify that prices obtained are fair and reasonable. I also certify that neither I, nor my family members, will gain or receive any additional benefit because I have recommended that this acquisition be obtained solely from a designated vendor or contractor.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**APPROVAL AUTHORITY:** In accordance with the City of College Park Purchasing Manual procedures, it is requested that you review that information contained herein and make your recommendation begin/continue the above requested procurement.

<b>Approved By: City Manager</b>	<b>Date:</b>

\_\_\_\_\_

APPENDIX D

City of College Park  
Notification of Surplus Property

Date:

From: (Your Department Name)

To: Fleet Administrator

This notice is hereby given that the following item(s) of equipment and/or material(s) will be declared surplus in this department. Disposition is being requested as of the date above.

Item	Property #	Description <i>(make, model, serial, number)</i>	Disposition Code	Location	Estimated Value
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

NOTE: Any/All items must be approved for disposal by Mayor and Council.

Disposition Codes:

- 1) Transfer to other department
- 2) To be sold as scrap
- 3) To be sold as usable equipment
- 4) To be sold "As Is"
- 5) To be traded on purchase of new equipment
- 6) Other reason for disposition (brief explanation):

\_\_\_\_\_

Department Director: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Director of Finance: \_\_\_\_\_

Date Approved: \_\_\_\_\_

APPENDIX E

**VENDOR PERFORMANCE EVALUATION FORM**

Vendor:		Date:			
Address:		Prepared by:			
Commodity/Service:		Department:			
	Excellent (4)	Good (3)	Fair (2)	Poor (1)	Comments:
Service					
Delivers on Time					
Condition of Goods on					
Follows Instructions					
Number of Rejections					
Handles Rejections Promptly					
Handling of Complaints					
Technical Assistance					
Emergency Aid					
Furnishes Specially Requested Information					
Delivers Without Constant Follow-up					
Keeps Promises					
Past Reliability Record					
Technical Ability For Difficult Work					
Personal Preference					
Other ( )					
Overall Rating By Using Agency					
Overall Rating By Purchasing					

**Instructions:**

- Evaluate vendor on items listed and check the appropriate columns. Some items may not apply.
- Indicate vendor's overall rating by checking the appropriate column.
- If vendor's overall rating is fair or poor, please explain under "Comments"
- Upon completion return to Purchasing Department

APPENDIX F

E-VERIFICATION AFFIDAVIT

The College Park contract holder, signed below, confirms and verifies its compliance with Georgia law (See OCGA § 13-10-91), and affirmatively states that the business (Sole Proprietor, Partnership, Corporation, Non-Profit, LLC Corporation, or LLC Partnership) which performs services for the College Park: (check and complete #1 or #2 below)

1. Has registered with, is authorized to use, and uses the federal work authorization program commonly known as "E-Verify", or any subsequent replacement program. Furthermore, the undersigned will continue to use the federal work authorization program throughout the contract period. The undersigned will contract for the physical performance of services for the contract only with subcontractors who present an affidavit to the contract holder with the information required by OCGA § 13-10-91, as amended. The undersigned hereby attests that its federal work authorization user identification number and date for authorization are as follows:

\_\_\_\_\_

Federal Work Authorization User Identification Number (not Taxpayer ID)

\_\_\_\_\_

Date of Authorization

\_\_\_\_\_

Legal Business Name of City of College Park Contract Holder/Applicant

2. Employs no employees, or otherwise does not fall within the requirements of OCGA § 13-10-91.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 20\_\_ in \_\_\_\_\_ (city) \_\_\_\_\_  
(state)

\_\_\_\_\_

Signature of Authorized Owner/Officer

\_\_\_\_\_

Printed Name and Title of Authorized Owner/Officer

\_\_\_\_\_

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

APPENDIX G

NON-COLLUSION AFFIDAVIT

State of Georgia

County of Fulton

\_\_\_\_\_, being first duly sworn, deposes and says that he/she is \_\_\_\_\_ of \_\_\_\_\_, Proposer that has submitted the attached Proposal;

He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;

Neither the said Proposer nor any of its officers, partners, owners, agent representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, sought by agreement or collusion or communication or conference with any other Proposer, firm or person, to fix the price or prices in the attached Proposal or of any other Proposal, or to fix any overhead, profit or cost element of the Proposal price or the Proposal price of any other Proposer, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of College Park.

The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the proposer or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_

APPENDIX I

DRUG FREE WORKPLACE CERTIFICATE  
(Identical Tie Proposals)

In accordance with O.C.G.A. § 34-9-410 of the State of Georgia Statutes, preference shall be given to businesses with drug-free workplace programs. Whenever two or more proposals, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process.

Established procedures for processing tie proposals will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free program, a business shall:

1. Publish a written statement notifying that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace named above, and specifying actions that will be taken against violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the work place, the firm’s policy of maintaining a drug free working environment, and available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug use violations.
3. Give each employee engaged in providing commodities or contractual services that are under bid or proposal, a copy of the statement specified above.
4. Notify the employees that as a condition of working on the commodities or contractual services that are under bid or proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, plea of guilty or nolo contendere to, any violation of Chapter 1893, or of any controlled substance law of the State of Florida or the United States, for a violation occurring in the work place, no later than five (5) days after such conviction, and requires employees to sign copies of such written statements to acknowledge their receipt.
5. Impose a sanction on, or requires the satisfactory participation in, a drug abuse assistance or rehabilitation program, if such is available in the employee’s community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug free work place through the implementation of the drug free workplace program.

As a person authorized to sign this statement, I certify that the below named business, firm or corporation [  DOES  DOES NOT ] comply fully with the requirements set forth herein.

Company:	
Authorized Representative:	
Signature:	
Date:	

## Bibliography

Department of Administrative Services. (2017, April 13). *Insurance and Bonding Guidelines*.

Retrieved October 10, 2018, from LexisNexis Custom Solutions:

<http://doas.ga.gov/Pages/SearchCRM.aspx#k=construction%20bid%20bond>

State Board of Workers' Compensation. (2018, September 11). *Statutes and Rules*. Retrieved

September 11, 2018, from State Board of Workers' Compensation:

<https://sbwc.georgia.gov/statutes-and-rules>

U.S. Department of the Treasury. (2018, July 1). *Surety Bonds*. Retrieved September 11, 2018,

from U.S. Department of the Treasury:

<https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570.htm>

Adopted by City Council (date): \_\_\_\_\_

Effective Date: \_\_\_\_\_



# CITY OF COLLEGE PARK PURCHASING POLICES

April 19, 2021

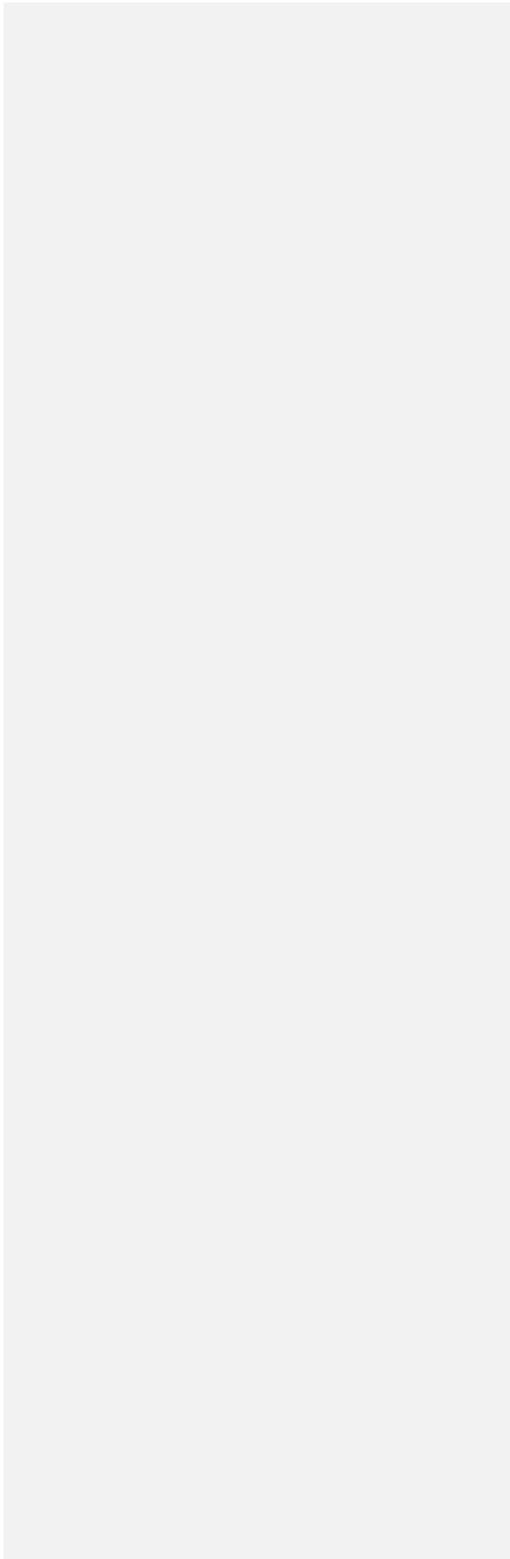
**Table of Contents**

**Commented [DMM1]:** General notes—I think this is a great start. I think we should discuss organizing the policy in a different manner so it is easier for staff and vendors to follow (specifically breaking up the formal solicitations section as it is quite dense and contains some duplicative entries)

Purpose  
Scope  
Definitions

Section	Description	Page
<b>I.</b>	<b>Responsibilities and Functions of Purchasing Department</b>	<b>11</b>
<b>II.</b>	<b>Responsibilities of Requesting Department(s)</b>	<b>12</b>
<b>III.</b>	<b>General Procedures for Purchase of Goods and/or Services</b>	<b>13</b>
	a. Exceptions Prohibited	
	b. Emergency	
	c. Inspection and Testing	
	d. Prohibition Against Subdivision	
	e. Minimum Number of Bids	
	f. Invitations of Bids	
	g. Purchase or Contract	
	h. Unauthorized Purchases	
	i. Reference Guide and Requirement Limits	
<b>IV.</b>	<b>Small Purchase and Purchase Order Formalization</b>	<b>15</b>
	a. Requisition	
	b. Entering Requisition	
	c. Requisition Routing	
	d. Request for Blanket Purchase Order (BPO)	
	e. Change Orders	
	f. Requisition for Vehicles	
<b>V.</b>	<b>Emergency Purchases</b>	<b>17</b>
	a. Emergency Purchase Procedures	
	i. During Normal Workday	
	ii. Outside Normal Workday	
<b>VI.</b>	<b>Sole Proprietary / Single Source</b>	<b>19</b>
<b>VII.</b>	<b>Formal Contract Procedure</b>	<b>21</b>
	a. Pricing Criteria	
<b>VIII.</b>	<b>Standardization and Specifications</b>	<b>22</b>
<b>IX.</b>	<b>Formal Solicitation(s)</b>	<b>23</b>
	a. Invitation to Bid (ITB)	
	b. Request for Proposal (RFP)	
	c. Invitation to Negotiate (ITN)	
	d. Public Notice Advertisement	
	e. Bid Sureties	
	f. Bid Conditions	
	g. Bid Specifications	
	h. Sealed Bids/Proposals	
	i. Formal Opening	
	j. Tabulation	
	k. Exception for Single Source Commodities	
	l. Pre-Solicitation, Pre-Bid, Pre-Proposal Conference(s)	
	m. Mandatory	
	n. Meeting Procedures	

- o. Late Proposals
- p. Rejection of Bids and Negotiation
- q. Proof of Business and Negotiation
- r. Competitive Procurement/Diversity Imitative Policy
- s. Conflict of interest and Disclosure of Campaign Contributions
- t. Only One Bid Received
- u. No Bid Received
- v. Disqualification of Bidders
- w. Protest
- x. Waiver of Irregularities
- y. Evaluation of Proposal/Evaluation Phase
- z. Evaluation Committee
- aa. Technical Advisors
- X. Award of Contract and Approvals 39**
  - a. Initial Award
  - b. Best Bidder
  - c. Tie Bids
- XI. Cooperative Purchasing and Governmental Contracts 40**
  - a. Piggyback Purchases
  - b. Piggybacking From other Government Entities
- XII. Bonds and Insurance 42**
  - a. Bond
  - b. Bid Bond
  - c. Performance Bond
  - d. Labor & Materials Bond
  - e. Insurance
  - f. Indemnification
  - g. Worker’s Compensation
  - h. Business Auto Policy
  - i. Commercial General Liability
  - j. Professional Liability
  - k. Additional Insured Requirements
  - l. Sub-Contractor(s)
  - m. Deductible Amount(s)
- XIII. Capital Assets Tracking 45**
  - a. Fixed and Capital Assets
  - b. Equipment Depreciation
  - c. Surplus of Capital Assets
  - d. Disposition of Property
    - i. Assets without Salvage Value
    - ii. Property with Salvage Value
- XIV. Vendor Registration 47**
  - a. Vendor set up in system
- XV. Cooling Off Period 49**



**Appendices**

**50**

**Commented [DMM2]:** Add Public Benefit Form and Consulting Agreement

- Purchase Order (PO) Change Order Form
- Emergency Purchase Explanation Memo
- Sole Source Request Form
- Notification of Surplus Property
- Vendor Performance Evaluation Form
- E-Verification Affidavit Form
- Non-Collusion Affidavit
- Drug Free Workplace
- Certification of Absence of Conflict of Interest for Development of Specifications or Scope of Work

## PURPOSE

The purposes of these policies are to recommend the manner in which the City of College Park (“City”) shall control the purchase of materials, supplies, equipment, and certain contractual services of the City, and to maintain a high ethical standard for all officers and employees of the City in connection therewith. These internal policies and procedures are designed to explain and facilitate understanding of the functions, policies and procedures of the Purchasing Department and to serve as a tool in personnel training.

Departments/Divisions must keep a current copy of the City Purchasing Policy, which includes these policies and procedures, and any official updates and applicable memos issued by the Purchasing Department.

Procedures contained herein are applicable to all City personnel involved in the requisitioning, procuring of goods and services, receiving, transferring and replacement of supplies, materials, services, equipment, and invoice processing. At times, the Purchasing Department may try new innovative procedures not described below. These can be tested on a trial basis until the procedures are finalized and approved by the City Manager and/or Mayor and Council.

## SCOPE

The scope of this manual shall encompass all normal operating purchasing policies and procedures including purchasing transactions as well as the disposition of property. It has been developed within the guidelines of Georgia Statutes and customized for the efficiency and effectiveness of the City of College Park. Any situation not covered by this manual, must be presented to (a) Finance Director, (b) City Manager, or (c) the Mayor and City Council for approval.

This manual and all future amendments will be distributed to all departments and employees, operating under the City of College Park, who would be involved in the purchasing process. It can also be distributed to other organizations upon request. It is the responsibility of the department head to keep an up-to-date copy available to all employees who use the City Purchasing System. It will be the responsibility of the Finance Director and /or the Purchasing Department to distribute copies of this manual and all future amendments to the appropriate parties.

Commented [DMM3]: Will this policy be applicable to BIDA?

## DEFINITIONS

The following definitions provide concise, comprehensive information concerning procurement terminology.

**Addendum:** An addition or supplement to a document, for example, items or information added to a procurement document and/or bid proposal.

**Award:** Mayor and Council approval of a final bid or a proposal.

**Bid:** A competitive price offer made by an intended seller, normally by written notice, offered as a result of a formal invitation to prospective vendors.

**Bid Acceptance:** The unconditional receipt of the bid at the designated bid location within the timeframe and conditions set in the bid document. Any alterations to the bidder’s offer after the close of the bid or any deviations from the conditions set in the bid document may result in the rejection and removal of the bid.

**Bid Opening:** The process of opening and reading bids conducted at the time and place specified in the Request for Proposal and/or advertisement and in the presence of all who wish to attend.

**Blanket Purchase Order:** A blanket purchase order is one issued for the purchase of items of materials, supplies, parts, etc., for using divisions in instances where the quantity of apportionment cannot be anticipated, or where it is not practical or feasible to provide adequate storage.

**College Park Business Tax Receipt:** All businesses with a physical base of operations within the City of College Park limits are required to register with the City, pay the City local business tax annually, and display a current City of College Park Business Tax Receipt.

**Capital Improvement Project:** Any public improvement which the City undertakes, including the construction or reconstruction in whole or in part, of any building, road, highway, street improvements, physical plant, structure, or facility necessary in carrying out the functions of City government.

**Certificate of Insurance:** A document that is provided by the contractor/consultant to show proof of insurance according to the county requirements.

**Certificate of Non-Collusion:** A statement signed by a bidder and submitted with his bid affirming that this bid is made freely, independently and without consultation with any other bidder.

**Collusion:** A secret agreement or cooperation between two or more parties to accomplish a fraudulent, deceitful, or unlawful purpose.

**Collusive Bidding:** An unethical and illegal practice in which suppliers act in collusion to “fix” their bids in a collectively advantageous manner.

**Competitive Bidding:** The submission of prices by individuals or firms competing for a contract, privilege, or right to supply merchandise or services. Competitive sealed bidding is the preferred method of source selection in public purchasing.

**Competitive Sealed Proposal:** A method for acquiring goods, services and construction for public use in which discussions or negotiations may be conducted with responsible proposers who submit proposals and prices in the competition that meet the required criteria.

**Conflict of Interest:** Every person, business or entity involved in the procurement process must adhere to a high standard of ethics. Each will be bound by the City Code of Ethics and this Section. Whenever this Section conflicts with the City Code of Ethics, the City Code of Ethics shall control. For the purposes of this section, the term “City Employee” means any person employed by the City of College Park, and the term “City Official” means any elected or appointed official of the City or of an agency, authority or instrumentality of the City.

**Consumer Price Index (CPI):** The Consumer Price Index is a measure of the average change in prices over time in a fixed market basket of goods and services. Two CPIs are published: (1) the CPI for All Urban Consumers (CPI-U) which covers a percentage of the total populations, and (2) the CPI for Urban Wage Earners and Clerical Workers (CPI-W) which covers a percentage of the total population. The CPI is based upon prices of food, clothing, shelter, transportation, medical care, and other goods and services that people buy for day-to-day living. See U.S. Bureau of Labor Statistics link [CPI Home : U.S. Bureau of Labor Statistics \(bls.gov\)](http://CPI Home : U.S. Bureau of Labor Statistics (bls.gov)) for latest percentages.

**Contract Administration:** The management of all facets of a contract to assure the contractor's total performance is in accordance with the contractual commitments and that the obligations of the contractor under the terms and conditions of the contract are fulfilled.

**Contract Management:** The management of the organization's contracts and contract-related activities which may include accounting, administration, auditing, grants management, law, negotiation, logistics, price-structure compensation, delegation of purchasing authority, program management, termination and other business activities.

**Contractual Services:** shall mean and include all telephone, gas, water, electric light and power service, towel and cleaning service, insurance, leases and concessions, demolition of buildings, rental, repair or maintenance of equipment, machinery and other like services. The term services shall not include professional services, which are unique in their nature and not subject to competition.

**Cooperative Purchasing:** An approach in which several organizations jointly buy selected items. They may form or utilize a centralized buying service that purchases specified types of items for all members of the group or cooperate informally. The resulting volume buying usually produces significant cost savings for group members. In simple terms, cooperative purchasing involves sharing procurement contracts between governments.

**Cooling-off Period:** A period of time that must pass before someone can do something or before an agreement becomes final.

**Debarment:** The exclusion, for cause, of a vendor or contractor from bidding and/or receiving a contract to do business with the City.

**Emergency Purchase:** A purchase made without following the normal purchasing procedures in order to obtain goods or services quickly to meet an urgent and unexpected requirement where health and public safety or the conservation of public resources is at risk.

**Ethics:** Pertaining to or relative to moral action, conduct, motive or character; as ethical emotion; professionally right or benefitting; conforming to professional standards of conduct.

**Evaluation Committee:** Recommendations for appointment of staff representatives of the City.

**Evaluation Criteria:** Factors, usually weighted, relating to management capability, technical capability, and manner of meeting performance requirements, price and other important considerations used to evaluate which proposer in a competitive negotiation has made the most advantageous offer.

**Fair Market Value:** Lowest purchase price paid by the State for like items or services purchased in a similar quantity within the last six months. If this information is not available, then the lowest of three phone quotes verified by price indices or purchases made by other government entities will be used.

**Grant:** Financial assistance pursuant to written agreements/contracts to carry out a specific purpose.

**Grantee:** The recipient of a grant.

**Grantor:** The provider of a grant.

**Identical Bid:** A bid that is the same in all noticeable respects with another bid. Whenever two or more bids which are equal with respect to price, quality, and services, are received by the City for the procurement of commodities or contractual services, the bid received from a business that certifies that it has implemented a drug-free workplace program (see the Drug Free Workplace Certificate, Appendix J), shall be given preference in the award process.

**Information Bid:** A competitive bid or price quotation for supplies or services that is conveyed by letter, telephone, or other means and does not require a sealed bid, public opening, or public reading of bids.

**Invitations to Bids (ITB):** Also called Invitation for Bids (IFB). A solicitation inviting potential contractors or vendors to submit sealed, written pricing for specific goods or services in conformance with specifications, terms, conditions and other requirements described in the bid invitation documents. Price is the major consideration in the award determination.

**Invitation to Negotiate (ITN):** A formal competitive solicitation for the purchase of goods and/or services, where factors other than price are to be considered in the award determination. Examples of procurement needs that may fall under this format include software purchases, acquiring consultants and design-build projects.

**Non-responsive Bid:** A bid that does not conform to the mandatory or essential requirements of the Invitation for Bid.

**Notice of Award:** A written notification from the City to the successful bidder, stating that there is an award of a contract in accordance with a bid or proposal previously submitted.

**Payment Bond:** A bond that assures payments, as required by law, to all persons supplying labor or material for the completion of work under the contract. Also known as labor and materials bond.

**Performance Bond:** A contract of guaranty executed subsequent to award by a successful bidder to protect the City from loss due to contractor's inability to complete the contract as agreed.

**Piggyback Method:** A form of intergovernmental cooperative purchasing in which an entity requests competitive sealed bids, enters into a contract, and arranges, as part of the contract, for other public purchasing units to purchase from the selected vendor under the same terms and conditions as itself.

**Piggyback Contracts:** Contracts issued by individual governmental entities that allow other jurisdictions to use the contract (i.e., to "piggyback" on the contract terms and prices) they established. The contracting jurisdiction must include piggyback language in the contract and the vendor must agree.

**Pre-bid/Pre-proposal Conference:** Meeting held with prospective bidders or proposers prior to submission of bids or proposals, to review, discuss, and clarify technical considerations, specifications, and standards relative to the proposed procurement.

**Pre-Qualification of Bidders:** The screening of potential vendors in which such factors as financial capability, reputation, and management are considered in order to develop a list of qualified vendors.

**Pre-Solicitation Conference:** An information meeting inviting comments and suggestions from selected vendors on the draft of a proposed solicitation. Used for technical and complex service(s) transactions when composing solicitation document(s).

**Price Agreement:** A price agreement is the acceptance of a supplier's promise to furnish items or services to the City at a firm or fixed unit price, or at a firm or fixed percent discount against an escalating market, for a specific period of time.

**Protest:** A written complaint about an administrative action or decision brought by a bidder or proposer to the appropriate administrative section with the intention of receiving a remedial result.

**Public Notice:** The display of procurement notices in an area regularly used for that purpose that is available to the public during normal working hours or by posting on the City's internet web page.

**Purchasing Department:** Reports directly to the Director of Accounting and Finance

**Purchasing Ethics:** Moral principles or code to be respected by the Purchasing Department or any division or department having responsibility in the procurement process

**Purchasing Manual:** A document that describes the rules and procedures to be followed by the City

**Purchasing Policy:** A course of action adopted in purchasing affairs

**Purchasing Procedure:** A mode of conducting purchasing activities

**Quotation:** Any oral or written informal offer by a vendor to the City to furnish specific goods and/or services at a stated price.

**Request for Information (RFI):** A solicitation for response from interested and prospective vendors/contractors to provide information to determine specifications, qualifications and/or capabilities to satisfy a need rather than a firm specification, and in which the respondent may be given latitude in order to develop a product and/or service which will fulfill the need. Upon receipt of responses to the RFI, the City may develop specifications for an Invitation for Bids or criteria for a Request for Proposal, either of which may be issued to qualified proposers who submitted responses to the RFI.

**Request for Proposal (RFP):** A solicitation document used when price is not the determining criteria and it is used in the competitive negotiated process. The procedure allows changes to be made after proposals are opened and contemplates that the nature of the proposals and/or prices offered will be negotiated prior to award. The request for proposals is used when it is not practicable for the City to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the City is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. Evaluation of a proposal is based on prior established criteria wherein the RFP shall state the relative importance of price and other evaluation factors. Examples of procurement needs that may fall under this format include software purchases, acquiring consultants and catering services. RFP is used to procure the most cost-effective solution based upon evaluation criteria identified in the RFP.

**Request for Quotation (RFQ) -** A solicitation seeking responses for services for which the competitive award will be based on the qualifications of those responding; generally, but not limited

to, used in procuring certain professional services, design build services, consulting and construction management services.

Formatted: Font: Not Bold

**Responsible Bidder, Proposer, or Respondent:** A person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, ability, reliability, capacity, facilities, equipment, financial resources and credit which will assure good faith performance.

**Responsive:** A proposer's full and proper responsiveness to a solicitation. This means that the proposer "responded" to the solicitation exactly the way he or she was instructed. It means that everything to be completed was, in fact completed and in proper order and format as directed by the solicitation.

**Salvage:** Property that has some value in addition to its value as scrap, but which is no longer useful as intended in its present condition and whose restoration to usefulness as a unit is economically not feasible.

**Sealed Bid/Proposal:** A bid or proposal that has been submitted in a sealed envelope to prevent its contents being revealed or known before the deadline for the submission of all bids or proposals.

**Selection Committee:** A committee formed to evaluate proposals based on certain criteria as stated in the RFP or RFQ.

**Single Source:** The one source among others that, for justifiable reason, is found to be most advantageous for the purpose of the procurement.

**Shortlisting:** The part of a competitive procurement process in which the City determines, based on criteria developed for a specified good, service, or professional service which of the interested vendors is the best qualified to be eligible for further consideration in the purchasing process.

**Sole Source:** The only existing source of an item, which meets the needs of the user department as determined by a reasonably thorough analysis of the marketplace.

**Sole Source Procurement:** An award for a commodity or service to the only known capable supplier, occasioned by the unique nature of the requirement, the supplier, or market conditions.

**Solicitation:** A request for bids to provide supplies, services or construction items.

**Specification:** A concise statement of a set of requirements to be satisfied by a product, material, service, or process used in an Invitation for Bids or Request for Quotation to describe the goods and service to be purchased or otherwise required. Any description of the physical or functional characteristics, or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

**Specifications Committee:** A committee that works together to establish specifications. Often such a committee includes representatives with expertise from using agencies and specializes in a particular product area. A committee may also contribute advice and assistance in the development standards.

**Sunshine Law:** Georgia's Sunshine law (O.C.G.A § 50-14-5 and § 50-18-73) requiring meetings to be open to the public. This law governs committees involved in the selection and negotiation of vendors.

**Surety Bonds:** A document from the contractor that is issued to guarantee that an obligation will be fulfilled.

**Surplus Property:** Inventory not needed by the owning agency or by other agencies at the present time or in the foreseeable future.

**Tabulation of Bids:** A recording of bidders and abstract of their bids listing items offered, prices, deliveries, etc. in response to a specific solicitation, made for purposes of comparison and record-keeping.

**Terms and Conditions:** A general reference applied to the provisions under which bids must be submitted and which are applicable to most purchase contracts.

**Using Agent:** Any department, division, agency, commission, board, committee, authority, or other unit in the City Government using supplies or procuring contractual services as provided for in this policy.

**Commented [DMM4]:** Again, is BIDA going to be bound by this policy? If not, you should remove the term authority

**Waiver of Bid(s):** A process authorized by law or rule whereby a government purchasing office may procure items without competitive bidding procedures because of unique circumstances related to a particular need or procurement.

**Waiver of Mistake or Informality:** The act of disregarding errors or technical nonconformities in bids, which do not change the substance of the bid and will not adversely affect the competition between bidders.

**SECTION I****RESPONSIBILITIES AND FUNCTIONS OF PURCHASING DIVISION**

- A. Developing purchasing objectives, policies, programs and procedures for the purchasing of, and contracting for all materials, supplies, equipment, services, and construction.
- B. Responsible for administering the Purchasing Policies and Procedures Manual, as approved by the City Mayor and Council regarding all matters pertaining to purchasing.
- C. Revising solicitations provided by user department/division by assembling specifications, quantities and technical requirements, presented to the Purchasing Department, which are subsequently included in Invitations for Bid, Requests for Proposals/Qualifications, and/or Requests for Quotations.
- D. Promoting goodwill between the City of College Park and its suppliers. Encouraging full and open competition whenever possible. In addition, assuring fair and equitable business dealings with all vendors.
- E. Train and guide City's personnel in regards to purchasing procedures, as needed.
- F. Exploit the possibilities of buying "in bulk" to take full advantage of discount. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
- G. Discourage unfair bidding and attempt to obtain as full and open competition as possible on all purchases and sales.
- H. Establish and amend when necessary, all rules and regulations authorized by this policy.
- I. Prescribe and maintain a standard purchasing manual for using departments. Prescribe and maintain such forms as shall be reasonably necessary to operation of this policy.
- J. Prepare and adopt a standard purchasing terminology for using departments and suppliers.
- K. Act on behalf of the City to procure all tax exemptions to which it is entitled.
- L. Cooperate with using departments to secure for the City the maximum efficiency in budgeting and accounting.
- M. Ensure that proprietary material provided is kept confidential before and after the award, if necessary

**SECTION II****RESPONSIBILITIES OF REQUESTING DEPARTMENTS**

- A. Identifying, as soon as possible, and sufficiently in advance, their needs for goods and services in their City operations and activities.
- B. Enter requisitions as outlined in this manual allowing sufficient lead-time for Purchasing to complete purchase orders then return the completed purchase order to the requesting department, in order to submit the order to the vendor to deliver goods or services.
- C. Follow the City's purchasing policies outlined in the Purchasing Policies
- D. Determine that sufficient funds are available in their authorized budgets to pay for each item or service that they order.
- E. Prepare scope of service(s) and technical specifications, when needed, for products or services.
- F. Inspect all items or services as delivered and notifying Finance (Accounts Payable) of the receipt in order to authorize payment to the vendor.
- G. Submit bid and proposals to Purchasing for review and assembly before advertising.
- H. Send all documentation required and request for purchase to "piggyback" using State of Georgia contracts, Sourcewell, OMNIA Partners, NCPA (National Cooperative Purchasing Alliance), other competitive bids, or a Sole Source requests.
- I. Send all documentation required and requests for grant related procurement.

**SECTION III**

**GENERAL PROCEDURES FOR PURCHASE OF GOODS AND SERVICES**

The following procedures shall govern the purchasing of goods and services for the City in accordance with this policies and procedures manual:

~~No contract, purchase, or group of requisitions shall be divided to avoid the procurement process. Splitting procurements, which entails making purchases via various procurement methods to avoid established thresholds from the same department/division for the same vendor or multiple vendors for goods or services of similar nature over a period of one year is not allowed.~~

**A. Competitive Threshold:** ~~When the total annual anticipated usage value of goods and/or for supplies and services that exceeds \$10,000.00, the goods and/or services must~~ ~~should~~ be competitively ~~bid~~ ~~procured~~ in accordance with the Purchasing Policies and Procedure Manual and a Term Contract should be issued, when applicable.

**A-B. Exceptions Prohibited:** ~~unless otherwise provided herein,~~ there shall be ~~no~~ exceptions by any using department/division to the above provisions; ~~except~~ as may be specifically authorized by the City Manager in a written statement stating the reason for said exception(s).

**B-C. Emergency:** This section shall not apply to any emergency purchase, which is subsequently approved by the City Manager upon justification by the using agents. (See Section VI – Emergency Purchases)

**C-D. Inspection and Testing:** The user department(s) shall inspect all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

**B. Prohibition against Subdivision:** ~~No contract, purchase, or group of requisitions shall be divided to avoid the procurement process. Splitting procurements, which entails making purchases via various procurement methods to avoid established thresholds from the same department/division for the same vendor or multiple vendors for goods or services of similar nature over a period of one year is not allowed. No contract or purchase shall be subdivided to avoid the requirements of this policy.~~

**E.**

**F. Open Market Purchases:** ~~When the total annual anticipated value of the goods and/or services is below \$10,000.00, the goods and/or services may be procured on the open market.~~

**D-a. Minimum Number of Bids/Quotes:** All open market purchases or sales shall, whenever possible, be based on at least three (3) ~~competitive-informal~~ bids/quotes and shall be awarded to the most responsible bidder in accordance with the standards set forth in this policy. This does not apply to maintenance or reoccurring charges such as utilities, insurance and advertising.

**E-b. Invitation of Bids:** The City Manager may solicit either oral or written bids for open market pricing or sale, but shall use all reasonably available and current bidders and suppliers' lists.

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Commented [DMM5]:** I've included some common exceptions below.

The provisions of this policy do not apply to procurements for the following:

- A. Public works construction contracts to the extent governed by O.C.G.A. §36-91-1 *et seq.*;
- B. Services and construction whose procurement falls under a conflicting federal or Georgia statute;
- C. Works of art for public places, or other creative/artistic endeavors that require a particular and demonstrated skill or talent to include, but not limited to, artists, musicians, and writers;
- D. Antiques and other unique assets of historical value, including restoration of these items;
- E. Real Property, including but not limited to transactions governed by O.C.G.A. § 36-37-1 *et seq.*, real estate brokerage and appraising, abstract of titles for real property, title insurance for real property, and other related costs of disposition and/or acquisition of real property, except as provided in Section VII(F)(Real Estate Acquisitions);
- F. 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;
- G. Dues, memberships, and board member fees;
- H. Insurance procured through a negotiating process;
- I. Legal services, litigation, experts and materials, and related legal expenses;
- J. Financial Instruments: Professional services and instruments/products related to the City's financial well-being, including but not limited to the following areas: marketing of bonds and other forms of debt or debt management, investments, banking, assets, and pension assets;
- K. Subscriptions and dues established during the budget process;
- L. Utilities;
- M. Seized Property included in a court order authorizing disposal;
- N. Grant awards or agreements that require certain firms or individuals to perform the work;
- O. Contracts involving federal funding whose procurement falls under a conflicting federal or Georgia statute or regulation

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 2 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 2 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Font: Not Bold

**Formatted:** Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

**F.G. Purchase or Contract:** To perform the duties herein specified in connection with the purchase or contract for all supplies and contractual services needed by any using agent which derives its support wholly or in part from the City, when duly authorized, in accordance with purchasing procedures as prescribed by this policy and such rules and regulations as may be adopted for the internal management and operation of the Purchasing Department and such other rules and regulations as shall be prescribed by the City Mayor and Council.

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 2 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**G.H. Unauthorized Purchases:** It shall be unlawful and unauthorized for any employee, elected or appointed official or other person to order the purchase of any materials, supplies, equipment, and/or contractual services or make any contract within the purview of this policy other than through the Purchasing Department. The City shall not be bound by any purchase order or contract made contrary to the provisions herein.

**Reference Guide and Requirement Limits**

	Open Market Purchase	3 Written Quotes*	Formal Bid
\$0 - \$9,999.99	X	X	
\$10,000.00 +			X

	Procurement Method*	Required Approvals**
≤ \$500.00	No Requisition/Purchase Order necessary.	1. Department Director
\$500.01 - \$10,000.00	Open Market Purchase: Three informal quotes, if possible - Requisition, Purchase Order, and/or Contract as appropriate	1. Department Director 2. Finance Department 3. Purchasing Agent 4. City Attorney (contracts)
> \$10,000.00	Competitive Procurement; Formal Solicitation required. - Requisition, Purchase Order, and/or Contract as appropriate	1. Department Director 2. Finance Department 3. Purchasing Agent 4. City Manager 5. City Attorney (contracts) 6. City Council

\* The Procurement Methods listed above are not applicable to Sole/Single Source Procurements, Emergency Procurements, and Cooperative Purchasing. Notwithstanding this exclusion, the Required Approvals must still be obtained based on the applicable purchasing threshold unless otherwise provided herein.

\*\* City Council approval always required if purchase is not within annual budget.

**Commented [DMM6]:** What do you think about including a table like this instead?

**Formatted Table**

**Formatted:** Font: 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: Italic

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt, Italic

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** List Paragraph, Don't add space between paragraphs of the same style, Bulleted + Level: 1 + Aligned at: 0" + Indent at: 0.25"

**Formatted:** Font: 12 pt

**Formatted:** No bullets or numbering

**Formatted:** Font: Not Bold

**SECTION IV**

**SMALL PURCHASE and PURCHASE ORDER FORMALIZATION**

**Requisition:** The requisition is initiated by the user department/division to inform the Purchasing and Finance Department of the requirement and to define the goods or services requested. A requisition is required to start the procurement process for all purchase orders. The requisition consists of completed required data fields and all attachments needed for the type of requisition. The New World ERP system will check the budget and verify that there are sufficient funds available in the account number(s) specified.

Requisitions are initiated in the City’s Financial System (New World ERP). Only authorized persons are allowed to initiate requisitions. Requisitions should be prepared far enough in advance to avoid creating an emergency and to allow competitive pricing. Prices must be found fair and reasonable. This is normally done through competition; but where competition is unavailable, previous buys, catalog prices, cost analysis or other means should be used.

All capital items in the approved budget should be requisitioned early in the fiscal year, with a specified delivery date, preferably before June 30<sup>th</sup> of the current fiscal year. If the supplier is not able to meet the deadline, the supplier should provide an estimated delivery date and notify the Purchasing Department to keep the assigned purchase order open. This allows the funds earmarked for the order to be available, from that (approved) fiscal year for payment processing.

**Entering Requisition(s):** All itemized requisitions should contain all necessary information.

- A. Department
  - B. Vendor
  - C. Description of item(s) for each line
  - D. Category – Standard/Blanket
  - E. Form Type – Standard
  - F. Item
  - G. Quantity
  - H. Price per Unit
  - I. G/L Account
    - a. You can split accounts within the same department, if needed
    - b. Click (Multiple G/L Account Distribution) button next to eye
- G/L Account    
- J. Ship To location

**Requisition Routing:** A standard purchase order requisition form, once released, will be routed electronically to the appropriate approver. Once all approvals have been obtained, the Purchasing Department verifies that the charge codes are accurate and will create a purchase order for the requisition. A copy of the purchase order will be emailed to the individual who created the requisition. In the event that the charge code is incorrect, after the creation of the purchase order, the requestor will need to notify the Purchasing Department to cancel the purchaser order to release the funds back to the G/L account. At which time a new requisition will need to be entered and following the routing rules.

The originating department will forward a copy to the vendor, which authorizes the vendor to supply

the materials, and/or services and invoice to the City in accordance with the terms and conditions as stated on the purchase order.

**Requests for Blanket Order:** Purchases shall be created the same as a standard purchase order requisition with the using division indicating thereon whether the purchase involves a price agreement or not.

After the blanket order is issued, the department/division shall draw on the order and keep a record of cost of the item delivered until the blanket purchase order is completed.

The Finance Department will then process for payment the invoice(s) received for the deliveries so that any discounts may be obtained. The final payment on blanket purchase order will be made by the Finance Department on receipt of receiving final invoices.

**Change Orders.** In the course of purchase order administration, it often becomes necessary to make changes to the contract terms. This is accomplished by means of the Purchase Order Change form (see Appendix A). Change Orders are then prepared by the requesting department and approved by the Purchasing/Finance office based on information supplied by the originating department by means of the Change Form. Some rules regarding the use of Purchase Order Change Form are as follows:

- A. All purchase order change requests shall be routed through the Finance office to insure that adequate funds are available.
- B. Purchase Order Change Orders not exceeding \$999.99 shall be approved by the Finance Director.
- C. Change Orders increasing the cost from \$1,000.00 to \$9,999.99 must have City Manager approval, and \$10,000.00 and over must have City ~~Commission~~Council approval.
- D. A change order will not be issued unless a Purchase Order Change Form is received from the department concerned.
- E. Once multiple changes for a single purchase order have reached the maximum threshold of \$25,000.00, an Agenda Item Summary will need to be prepared by the requesting department for approval by the City ~~Commission~~Council. These changes will be regulated and maintained by the Finance Department.

**Requisition for Vehicles:** All purchase order requisitions for vehicles will be issued by the requesting department/division. All departments should request pricing for an approved dealership under State of Georgia contract. Department Directors shall place the request on the upcoming agenda, in order for consideration of the purchase. If approved, the requisition entry process should be followed and attaching any/all documents (i.e. pricing sheet, approved agenda item).

## SECTION V EMERGENCY PURCHASES

~~An emergency is any condition that may affect the health, safety, property, and the City Manager may proclaim welfare of the citizens of City of College Park, or a condition that stops or seriously impairs the necessary function of City government, such as due to floods, epidemics, riots, equipment failures, or such other reasons as: An Emergency exists when a situation, malfunction, or condition occurs suddenly and unexpectedly that (1) may threaten the health, safety, property, or welfare of the public; (2) stops or seriously impairs the function of City government, such as inclement weather, epidemics, riots, equipment failures, etc.; or (3) requires immediate procurement of goods or services that are essential to comply with state or federal regulatory requirements. Failure to anticipate normal needs project deadline dates or a desire to expend excess or remaining budgeted funds prior to year-end, does not constitute an emergency.~~ Department Directors are to ensure the emergency purchases are done in accordance with this manual. Department/Division shall not use the emergency purchase procedure to abuse or otherwise purposely circumvent established purchasing procedures. The Purchasing Department is authorized to approve emergency purchases up to expressly delegated monetary amounts. The City Manager may approve those exceeding \$10,000.00 and return to the Mayor and Council for ~~confirmation-ratification~~ of the emergency purchase on the next following Mayor and Council meeting, unless an executive order has been issued that suspends all requirements during disaster related events.

**Commented [DMM7]:** Very broad definition of emergency and appears to be incomplete. I suggest revising as noted.

**Commented [DMM8]:** Executive order issued by whom?

If during a normal business day, a department/division Director determines that an emergency exists and a purchase is required, the Director shall telephone Purchasing/Finance Department to request an emergency purchase order. A complete description of the emergency and justification for the purchase is required. The emergency must be valid and not just a result of poor planning. When requesting an Emergency Purchase, consider the following:

- A. The reason for the emergency purchase by explaining what the emergency is in addition to what led to the emergency.
- B. The financial or operational damage or risk that will occur if needs are not satisfied immediately.
- C. Why the needs were not or could not be anticipated so that products or services could have been purchased following standard procedures.
- D. The reason and process used for selecting the vendor.

The requesting department/division is responsible for providing adequate documentation (including a written determination of the basis for the emergency) and for the selection of the particular Contractor. Upon receipt of the Emergency Purchase Explanation Memo (See Appendix B) and any other pertinent documentation, a purchase order will be issued based on a requisition generated. Competition requirements are not waived unless there is a time or quality constraint. If the emergency is outside normal business hours, department Directors are authorized to secure the necessary materials or services in accordance with this policies and procedures manual. On the next workday following the date of purchase, a requisition shall be generated in the New World ERP system. In addition, the Emergency Purchase Explanation Memo shall be submitted to Purchasing/Finance.

The department/division shall practice due diligence in obtaining quotes and make the emergency purchase at the best possible price. When an emergency purchase is made and there are insufficient

funds in the appropriate account(s), the emergency purchase must be followed up, in a timely manner, with a budget transfer by the user department/division director.

If the emergency is anticipated to cost less than \$10,000.00, and Purchasing/Finance determines the emergency is valid, notification stating authorization to proceed will be issued to the requesting department Director.

If the emergency is anticipated to exceed \$9,999.99, Purchasing/Finance shall review the documentation and obtain approval from the City Manager. All emergency requests must be accompanied by a written description and explanation of the emergency and circumstances.

**Emergency Purchasing Procedures:**

A. During Normal Workday

1. Determine emergency situation
2. Determine required solution
3. Call Purchasing/Finance
4. Explain the Situation
5. Get authorization
6. Solve problem
7. Submit complete written report and requisition same or next business day.

B. Outside Normal Workday

1. Determine emergency situation
2. Determine required solution
3. Solve problem

C. Submit complete written report and requisition next business day. If over \$9,999.99 prepare "Agenda Item" for next scheduled City Mayor and Council.

## SECTION VI

### SOLE/PROPRIETARY/SINGLE SOURCE

The term “**sole source**” means that the commodity can be legally purchased from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source purchase if there is more than one potential supplier for that item. Use of Brand Names and Model numbers does not constitute a sole source.

The term “**single source**” means that a commodity can be purchased from multiple sources, but in order to meet certain functional or performance requirements (repair parts, matching existing equipment or materials) there is only one economically feasible source for the purchase.

Purchases of goods and/or services from a sole/single source may be exempted from the quoting or bidding requirements upon written submittal to Purchasing/Finance Director stating the purpose, need, and justification that this product or service is the only one that will produce the desired results. A letter or statement from a dealer, distributor or manufacturer is sufficient.

The following criteria must be met in order to satisfy the sole/proprietary/single source requirement.

- A. Is the commodity or services necessary to accomplish the City’s task or mission?
- B. Is the commodity or service, or some necessary features, unique to this source?
- C. Is the commodity or service the only item that will produce the desired results or possess a unique performance capability?
- D. Is the commodity or service available from only one source of supply?
- E. Even though the commodity or service may be available from more than one vendor, due to extreme circumstance(s), is only one vendor suited to provide the goods or services.

Sole/Proprietary/Single Source purchases are exempt from competitive requirements. However, all sole source requisitions exceeding \$10,000.00 in value will be electronically advertised for a minimum period of at least seven (7) business days. The steps to follow for sole/proprietary/single source purchases are as follows:

- A. The department/division shall attempt to locate competition and check for piggyback contracts. If no other sources are found, the department/division shall submit to the Purchasing Department a completed Sole/Proprietary/Single Source Form (see Appendix D), indicating the requisition number.
- B. A Sole/Proprietary/Single Source Form shall be used to justify and document the requirement. The Form shall state why only one source can produce the desired results (or fulfill the specific need) and must be signed by the Department Director. This form is required as part of the purchase request.
- C. The Purchasing/Finance Director or designee shall review and approve or disapprove, in writing; sole/proprietary/single source designation. When the Finance Director approves a sole or proprietary source, staff shall conduct negotiations on price, delivery, and terms. The price must be determined fair and reasonable.

- D. The Purchasing Division shall keep a log of sole/proprietary source purchases, which includes the vendor name, the amount, item description, justification, and the purchase order number.
- E. For those instances that services are needed involving multiple years (i.e. maintenance of equipment, warranty, etc.) the request must be combined to capture the project, as a whole, and the proper approval must be obtained.

**SECTION VII**

**FORMAL CONTRACT PROCEDURE**

~~All supplies, equipment, and contractual services except as otherwise provided herein. Except as otherwise provided herein, when the estimated cost thereof of goods and/or services shall exceeds ten thousand (\$10,000.00), the goods and/or services must be competitively procured and shall be purchased by formal, written contract and/or purchase order from the lowest and most responsible bidder/proposer, after due notice inviting proposals, provided Notwithstanding however, a purchase order may be executed in lieu of a formal contract for the procurement of goods. that the Mayor & Council shall have the authority to waive execution of formal contract in cases where it deems it advisable to do so.~~ All sales of personal property (except trade-in personal property) which has become obsolete and unusable, when the estimated value shall exceed five thousand dollars (\$5,000), shall be accomplished by formal contract to the highest responsible bidder, after due notice inviting proposals has been published as required by law.

**Commented [DMM9]:** I think it would be best if all the purchasing thresholds were included in the general purchasing procedures section. They seem to be scattered throughout the policy.

**Commented [DMM10]:** Do you require a purchase order or requisition when purchased through a contract?

**Commented [DMM11]:** All services procured by the City should be done so via written contract

**Pricing Criteria:** The following pricing criteria shall govern all ~~purchase order requisitions contracts~~:

**Commented [DMM12]:** Subsections A & B conflict with new Section III, which requires users to obtain at least three quotes for all purchases under 10,000. This only has such requirement when it is over \$500 and under 10k

The thresholds should also state when city attorney review of the contract is required.

Additionally, should state who has signatory authority for each purchasing threshold--i.e. Department head or city manager may execute all contracts for goods and services valued at \$500 and below; City Manager or designee up to 10k, Mayor or Mayor's designee over 10k

**Commented [DMM13]:** What about under \$100?

- A. Purchases to \$100.00 - \$500.00 it is the discretion of department/division head in obtaining best pricing.
- B. Purchases from \$500.01 to \$9,999.99 – The department/division should attempt to obtain three (3) written quotes and furnish the appropriate document(s) upon request. The department/division shall obtain the necessary quotes and furnish a copy of each written quote with the appropriate documentation and or requisition. The quotes must be identical in the description of quantity, quality, terms and conditions. An adequate description of the specification and/or statement of work must be included. Even if quotes are provided with the user agency’s requisition, a complete description of the user agency’s needs, required delivery time, and all special conditions must be clearly entered in the requisition or attached in the request.
- C. Purchases greater than \$10,000.00 - a formal solicitation process is required.

## **SECTION VIII**

### **STANDARDIZATION AND SPECIFICATIONS**

The Purchasing Department encourages all departments to establish standards whenever possible.

Specifications is defined as “a concise statement of a set of requirements to be satisfied by a product, material, or a process indicating, whenever appropriate; the procedure by which it may be determined whether the requirements given are satisfied.”

Specifications need to be a clear and complete description of requirements or products necessary to meet the purchase. A vendor must meet or exceed specification requirements if his/her goods or services are to be considered for purchase.

Specifications shall be clear, concise, and accurate. These should be updated regularly to reflect changes in technology. Avoid the use of unfair specification, which preclude or reduce competition.

Specifications may be in the form of written descriptions, drawings, commercial designations, industry standards or brand name or equal. These specifications are an integral part of the solicitation.

Specifications should NOT require materials of a better quality than are actually needed. Yet, they should prescribe the methods of inspection and testing which will govern the acceptance or rejection of any ordered materials or equipment.

Well-defined specifications are required if the objectives of economy and efficiency are to be achieved. They help to insure that maximum value is obtained for the public funds expended.

Professional architects, engineers and consultants shall prepare specifications for construction projects. In the event such consultant services are required, the consultant shall execute a Certification of Absence of Conflict of Interest form as provided in the Appendices attached hereto prior to performing any consulting work on behalf of the City.

Using departments may consult with vendors for technical assistance. This method should be viewed with some reservation because competition can be precluded or quality diminished. Proposals of competing firms must be compared. BEWARE of restricting your specification that only one vendor can supply the item.

**SECTION IX**

**FORMAL SOLICITATIONS**

Fair and open competition is a basic tenet of public procurement. Such competition reduces the opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically.

If the estimated value is greater than \$10,000.00, the using Department/Division must prepare a formal, sealed solicitation (Invitation to Bid (ITB), Request for Proposals (RFP), Request for Qualifications (RFQ), or Request for Information (RFI) & Invitation to Negotiate (ITN), which will be publicly noticed and advertised. This process requires time, please plan ahead. (Please reference to the Advertising Requirements Matrix)

**Commented [DMM14]:** Not seeing a section discussing RFQs or RFIs—may have been inadvertently left out of this version

Purchasing should not be placed in the position of deciding upon and specifying bid items for individual department usage. Purchasing will assist in writing general specifications, and terms of conditions; however, they must be reviewed and final accepted by the using department before advertising. All requests shall be provided to the Purchasing Division for verification and approval before officially advertising the request.

Purchasing will review the specification and/or statement of work to ensure that they are adequate for the solicitation document or will work with the requesting department to identify additional specification and/or scope of work, terms and conditions.

**Invitation to Bids (ITB):** The invitation to bid shall be used when the department/division is capable of specifically defining the scope of work for which a contractual service is required or when the department/division is capable of establishing precise specifications defining the actual commodity or group of commodities required. Examples: construction jobs, equipment, vehicles, etc.

**Commented [DMM15]:** I recommend that the different categories of solicitations have their own numbered subheadings. That way it is easier to reference specific sections of the policy

This procedure is a formal sealed bid process. Departments requiring this procedure shall submit to the Purchasing Department, specifications in an electronic file detailing the goods or services required plus suggested dates for bid opening, pre-bid conference, contracts, and bonds if appropriate and applicable.

After bid opening has been completed, the department head shall review all bids for compliance with the specifications and select a vendor for recommendation. Vendor selection will be based on the lowest, compliant, qualified bid unless specified otherwise in the Invitation to Bid.

All invitations to bid must include:

- A. A detailed description of the commodities or contractual services required;
- ~~A. and if~~ the department/division contemplates renewal of the contract, a statement to that effect.
- B. Bids submitted in response to an invitation to bid in which the agency contemplates renewal of the contract must include the price for each year for which the contract may be renewed;
- C. Designated date, time, and place of bid opening;

D. General Terms and Conditions;E. Required Standard Forms;

C.F. Evaluation Criteria. Evaluation of bids shall include consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor.

The City of College Park only considers one-year contracts for services.

**Commented [DMM16]:** This would fit better in the formal contracts section

For an ITB, the department/division shall transmit in writing its recommendation for award to the Purchasing Department. For solicitation types other than ITB, an evaluation committee will be selected and meeting(s) will be scheduled to rank or determine a recommendation to ~~City~~ Mayor and ~~City~~ Council. For solicitations that are very technical in nature, a technical evaluation and selection committee may be required to evaluate the firms on a pass/fail type basis related to the technical specifications and/or statement of work.

**Request for Proposal (RFP):** A department/division shall use a request for proposals when the purposes and uses for which the commodity, group of commodities, or contractual service being required can be specifically defined and the department/division is capable of identifying necessary deliverables. Examples are legal services, accounting services, architecture, engineering, auditing services, etc.

This process involves the evaluation and selection of a consultant based upon various factors including, but not limited to the consultant's expertise, experience, social equity contracting/corporate responsibility, licenses or certifications, work history, understanding of the scope of work and ability to resolve the issue or problem identified within the RFP document while providing a quantified cost for completing the work. Therefore, the RFP must provide sufficient information about the project's background, needs and constraints, expectations of the consultant and the desired outcome for prospective proposers to prepare complete proposals that satisfy the project's needs.

All requests for proposals must include:

- A. A statement describing the commodities or contractual services to be required (Scope of Services/Work);
- B. If the City contemplates renewal of the contract, a statement to that effect;
- C. Criteria that will be used for evaluation of proposals;
- D. General terms and conditions;
- E. Required Standard Forms
  1. Certification (see Appendix)
  2. Vendor Questionnaire (see Appendix)
  3. Non-Collusion Affidavit (see Appendix)
  4. Sworn Statement (see Appendix)
  5. Drug Free Workplace Certificate, etc. (see Appendix)

The contract shall be awarded by written notice to the responsible and responsive proposer whose proposal is determined in writing to be the most advantageous to the City, taking into consideration the price and other criteria set forth in the request for proposals. The contract file shall contain documentation supporting the basis on which the award is made.

**Invitation to Negotiate (ITN):** The invitation to negotiate is intended to determine the best method

for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the City may negotiate in order to receive the best value.

- A. The invitation to negotiate must describe the questions being explored, the facts being sought, and the specific goals or problems that are the subject of the solicitation.
- B. The criteria that will be used for determining the acceptability of the reply and guiding the selection of the vendors with which the agency will negotiate must be specified.
- C. The City shall evaluate replies against all evaluation criteria set forth in the invitation to negotiate in order to establish a competitive range of replies reasonably susceptible of award. The City may select one or more vendors within the competitive range with which to commence negotiations. After negotiations are conducted, the City shall award the contract to the responsible and responsive vendor that the City determines will provide the best value, based on the selection criteria.
- D. The contract file for a vendor selected through an invitation to negotiate must contain a short plain statement that explains the basis for the selection of the vendor and that sets forth the vendor's deliverables and price, pursuant to the contract, along with an explanation of how these deliverables and price provide the best value to the City.

**Public Notice Advertisement:** The following are guidelines as to where and how postings will apply:

- A. All competitive solicitations of \$10,000.00 or more shall be posted, on a minimum of two (2) locations:
  1. The College Park website
  2. City's legal organ (South Fulton Neighbor)
  3. Posted in the foyer of the City Hall Complex
  4. DOAS GPR (Georgia Procurement Registry)
  5. Vendor Registry.com
  6. National Association of Minority Contractors - Georgia Chapter
- B. The following advertising guidelines will be followed by the Purchasing Department when posting competitive solicitations:
  1. \$9,999.99 - \$100,000.00 = Minimum Two (2) Weeks.
  2. \$100,001.00 and above = Minimum Four (4) Weeks

With the exception of construction bids, the City Manager, may approve the posting of a competitive solicitation for a period of time less than the guidelines stated above when sufficient evidence justifying the reduced posting time period has been established.

**Bid Sureties:** When deemed necessary by the City Manager, or as required by state or federal law, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where the City Manager has required such. (See Bonds Section XIII)

**Commented [DMM17]:** All bids/proposals \$100,000 or more must be posted on the GPR (OCGA 36-80-27)

**Commented [DMM18]:** All public works contracts \$100,000 or more must be posted on GPR for a minimum of 4 weeks prior to bid opening (OCGA 36-91-20)

**Bid Conditions:** In addition to the general conditions, most bids require special conditions, which pertain specifically to the bid in question. Conditions differ from specifications in that conditions refer to requirements, which must be met by the bidder or proposer before specifications of the item(s) bid are even considered.

*For example*, a supplier of furniture who cannot meet the required condition of a 30-day delivery will be eliminated even though his furniture may meet all physical specifications.

Conditions allow the City a high level of protection by the inclusion of various clauses relative to renewal of contract, cancellation, settlement of disputes, payment terms, delivery schedule, etc. By referencing the bid in a purchase order, the vendor is effectively bound by the terms, conditions, and specifications of that document. Therefore, should disputes arise; the written contract (bid or purchase order) will prevail.

**Bid Specifications:** The requesting department should provide Specifications for all bids. As a prime user, the department is best aware of any special characteristics or problems. Because they probably utilize the item daily to be proposed on, the department is best aware of any new developments in that product field. Specifications are the basis for a proposer’s proposal. Realizing that bids will be compared primarily based on price, a vendor will seek to offer an item that only meets the specifications. Consequently, it is vital that specifications make no assumptions, but rather detail every important facet of the item in question. In doing this, it avoids delivery of items, which meet specifications, but fail to meet the department’s expectations.

**Commented [DMM19]:** Seems to be duplicative of the Section VIII Specifications

Specifications may be by performance description, or brand name; or a combination of the above. In some cases, description by noting the brand name of an acceptable unit may be the preferred method. However, to assure competition when using brand names, the phrase “or equal” should always follow the brand description. This allows vendors of similar products to bid thus promoting maximum competition and the best price for the City. Should proof of equivalency arise, the burden is on the substituting vendor to provide it. Final judgment of equivalency shall reside with the using Department’s Head.

**Sealed Bids/Proposals:** Bids/Proposals shall be submitted sealed to the Purchasing Department and shall be noticeably identified using a supplied bid/proposal label to affix to the submission.

**Commented [DMM20]:** May want to think about including all requirements for proposals under the RFP subsection and all requirements for bids under the ITB subsection—I think that way it is clear what requirements apply to each

Sealed bids will be received only in the Purchasing Department (unless otherwise stated in the bid documents) on or before the assigned date and closing time as advertised. Bids received in any other department, will not be accepted.

NO electronic bid/proposals will be accepted.

A. The requesting department shall have a representative present at each bid opening.

- B. Proposals are to be opened and read aloud to any party present at the bid opening.
  - a. Virtual bid openings can be used, if circumstances warrant.
- C. Proposals shall be made available for vendor review after the official opening is completed and under the supervision of the Purchasing Department or otherwise designated City staff.
- D. Bid tabulations may be available for bidders during and within ten (10) days after the bid opening.
- E. The requesting department shall retain a copy of the bids for their review and/or recommendation. The Purchasing Department will assist the department in making a recommendation, when necessary.
- F. Once a recommendation has been made of the successful bidder, the department head make a recommendation to the Purchasing Department in order to submit an "Agenda Memorandum" on MinuteTraq approving or disapproving this agenda item placed on the upcoming Mayor/Council Agenda.

**Formal Opening:** All formal solicitations shall be publicly opened ~~at a designated location~~ at the time and place ~~stated designated~~ in the public notices in the presence of one (1) member of the Purchasing Division and shall be witnessed by at least one (1) department representative.

**Tabulation:** A tabulation of all bids received shall be created, provided by the Purchasing Department and available for public inspection, upon request.

**Exception for Single Source Commodities:** The City Manager stating the conditions and circumstances requiring the purchase may accept Purchases of supplies, equipment and contractual services from a single source from bid requirements upon certification. This certification shall set forth the purpose and need and why the item is the only one that will produce the desired results. (See Single Source Section)

**Pre-Solicitation, Pre-Bid, Pre-Proposal Conferences:** Conferences may be scheduled and conducted by Purchasing or designee, before the official time and date set for the formal opening to explain the purchasing requirements and to solicit information from potential bidders/proposers.

**Mandatory:** The meeting is required that all bidders have a representative attend if they plan to submit a proposal. If a mandatory meeting is conducted, only those firms who attend will be allowed to submit a proposal to the solicitation document. Therefore, at the mandatory meeting, all prospective proposers will sign in and only those identified from the sign-in sheet will be considered for the project and be eligible to have their proposals accepted. A representative from the requesting department and other technical experts will answer the questions posed during the meeting.

Any information provided at the meeting that will change the requirements of the solicitation document must be issued in the form of an addendum to all eligible proposers. Additionally, it is required that substantive questions and resulting responses from the meeting be documented and provided to all eligible proposers in the form of an addendum. It is important to specify in the addendum which items are changes or modifications to the original solicitation document.

**Note:** Proposals from anyone not attending the mandatory conference(s) will not be considered.

**Meeting Procedures:** At the pre-proposal meeting, the facilitator will remind the potential proposers what meeting they are attending, introduce him/her, then introductions will include City's staff and any other project representatives in attendance. Introductions of proposers are not necessary, during the introduction phase of the meeting.

The facilitator will either discuss or have the appropriate staff address the following information:

- A. Pre-bid meeting sign-in requirement
- B. An explanation of the process
- C. Identify the submittal due date and advise that late proposals will not be accepted
- D. Deadlines for receipt of questions and clarifications and the procedures for such requests
- E. When to expect addendum(s) to be published for solicitation
- F. Provide an overview of the solicitation document(s) contracting requirements (i.e., certifications, business tax receipt, insurance requirements, etc.)
- G. Explain evaluation criteria and weighting, *if applicable*
- H. Discuss any requirements for submittal of the documents, explain the requirements and order for submitting the proposal
- I. Remind the proposers of the dates for the request
- J. Award review process
- K. Outline the protest procedures

**Late Proposals:** Any bid, proposal, or offer received at the place designated in the solicitation after the official date and time specified for receipt of proposals shall be deemed late and will not be considered for award. Any request for modification received after the date and closing time specified shall not be considered. The phone/computer clock at the receptionist desk on the first floor of City Hall is the official time for all times pertinent to formal openings.

**Rejection of Bids and Negotiation:** The Mayor and Council shall have the right to reject any/all bids. If the lowest and most responsible bid exceeds the budgeted amount and the Mayor and Council does not make additional funds available, the City Manager shall have the power to re-advertise the item(s) for bidding after making sufficient changes in the project plans to bring the cost within the limit of the money available.

If no bid is received, or if the best bid exceeds the budgeted amount, the City Manager shall advise the Mayor and Council in writing, the condition and the circumstances surrounding the bid. The Mayor and Council may then authorize the City Manager to purchase by negotiation, but this shall be done only under conditions most favorable to the public interest and when said purchase will result in the lowest ultimate cost for the goods or services obtained.

**Competitive Procurement/Diversity Initiative Policy:** Purchase or acquisitions made by the

City of College Park shall be made through competitive bidding or competitive proposal unless expressly exempted from this requirement by other provision of this policy or by express authorization by the City Manager or the Mayor/Council.

The following are hereby declared exempt:

- A. Emergency purchases
- B. Acquisition or leasing of real property
- C. Purchases of less than \$10,000.00
- D. Personal or professional services
- E. Sole source purchases or acquisitions

The City of College Park may “piggyback” purchase from other governmental contracts if such contracts are open to purchase by public authorities. As such, competitive bidding procedures do not apply or may be satisfied by the competitive process that was followed to award such governmental contract. The City has the discretion to enter into an inter-governmental agreement if the items to be acquired are available from these contracts. The bidding process has already been completed.

This policy shall also set forth the procedures for increasing opportunities for procurement and contract activities among Minority-Owned Businesses (MOB), African American Business Enterprise (AABE), Hispanic Business Enterprise (HBE), Female Business Enterprise (FBE), Asian Business Enterprise (ABE) and Native American Business Enterprise (NABE) located within/outside the city limits of College Park Georgia. It is strongly encouraged to seek price quotations from the above various minority vendors when procuring goods and services for dollar values under \$10,000.00. Dollar amounts above \$10,000.00 (sealed bids) a vendor questionnaire will be included in every bid packet. This questionnaire will be completed by the vendor and returned in the bid response and become part of the proposal.

Commented [DMM21]: Let's discuss this when we meet

Local Preference may be given to businesses that have a business location within the geographic boundaries of the City of College Park as long as all requirements of the bid have been met. Should a local vendor submit a bid proposal that is equal to a non-local vendor, then the local vendor's bid shall be recommended for approval provided all requirements of the bid proposal/process has been met.

*The term business location means that the business has a staffed, fixed, physical place of business located within City of College Park City Limits and has had the same for a least one (1) year prior to the date of the business' submission of its proposal or bid, as applicable and has had held a valid business license from the City of College Park.*

In order to receive local preference, the proposer must provide the following criteria and provide supporting documentation as required.

- A. If the vendor is located within the City of College Park, a copy of their current City of College Park business Occupational Tax Certificate (Business License) is required to be submitted when responding to request for proposals and bids.

**B. And copy of a lease or rental agreement located within the city limits of City of College Park.**

In addition, the selected company will be required to comply with all existing State and Federal laws, including applicable equal opportunity employment provisions. The Contract between the company and the City shall be construed and governed in accordance with the law of the State of Georgia and the City of College Park. The company, at its own expense, shall secure all occupational and professional licenses and permits necessary for the fulfillment of its obligations under this contract.

**Conflict of Interest and Disclosure of Campaign Contributions:** Every person, business or entity involved in the procurement process must adhere to a high standard of ethics. Each will be bound by the City Code of Ethics and this Section. Whenever this Section conflicts with the City Code of Ethics, the City Code of Ethics shall control. For the purposes of this section, the term “City Employee” means any person employed by the City of College Park, and the term “City Official” means any elected or appointed official of the City or of an agency, authority or instrumentality of the City.

**Commented [DMM22]:** This should be its own article--- could be entitled “Ethics in Purchasing”

**A. Employee Conflict of Interest**

It shall be unethical for any City Employee or City Official to transact any business or participate directly or indirectly in a procurement contract when the City Employee or City Official knows:

1. The City Employee or City Official or immediate family of such has a substantial interest pertaining to the procurement contract, except that the purchase of goods and services from businesses which a member of the city council or other City Employee has a substantial interest is authorized as per O.C.G.A. § 36-1-14, or the procurement contract is awarded pursuant to O.C.G.A. § 45-10-22 and § 45-10-24, or the transaction is excepted from said restrictions by O.C.G.A. § 45-10-25, interpreting such statutes as if they were applicable to a municipality.
2. Any other person, business or organization with whom the City Employee, City Official or immediate family of such is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract.
3. A City Employee, City Official or any immediate family of such who holds a substantial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that substantial interest.
4. All City Employees and City Officials will be asked to sign a disclosure document indicating his or her compliance with the City Code of Ethics Policy.
5. The terms “immediate family” and “substantial interest” shall have the meaning given to such terms in the City Code of Ethics.

**B. Gratuities, Rebates or Kickbacks**

1. *Gratuities and other benefits.* It shall be unethical for any City Employee or City Official to directly or indirectly solicit, demand, receive, accept or agree to receive any gratuity, reward, offer of employment, services or things of value from any person, business or entity in connection with any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or

controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal.

2. It shall further be unethical for any person, business or entity to offer, give or agree to give or offer to give any City Employee or City Official any gratuity, reward, offer of employment, services or things of value with the purpose of influencing any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal.
3. A "thing of value" shall not include:
  - i. Any gift with a value less than one hundred dollars (\$100.00);
  - ii. Food or beverage consumed at a single meal or event;
  - iii. An award, plaque, certificate, memento or similar item given in recognition of the recipient's civic, charitable, political, professional or public service;
  - iv. Promotional items generally distributed to the general public or to public officers;
  - v. Rebates normally or routinely offered to customers in the ordinary course of business of such person, business or entity for the purchase of their goods and services are acceptable and are the property of the City; and
  - vi. Educational events, materials and meals as described in subparagraph (ii).
4. *Educational events.* Nothing in this section shall preclude a City Employee or City Official from attending seminars, courses, lectures, briefings or similar functions at any person, business or entity's facility or at any other place if any such seminar, course, lecture, briefing or similar function is for the purpose of furnishing the City Official, City Employee or agent with knowledge and information relative to the person, business or entity's products or services and is one which the city manager determines would be of benefit to the City. In connection with any such seminar, course, lecture, briefing or similar function, nothing shall preclude the City Employee or City Official from receiving meals or educational materials and business related items of not more than nominal value from a person, business or entity. However, no City Employee or City Official shall accept or receive travel or lodging for less than the value thereof from a person, business or entity.
5. *Kickbacks and rebates.* 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 or order.

#### C. Disclosure of Campaign Finance Contributions

1. All vendors/contractors who do business with the City for purchases from ten thousand dollars (\$10,000.00) and above, which require a sealed bid process under the terms of the City of College Park's Purchasing Policies and Procedures, shall be required to file a written campaign contribution disclosure form with the city manager naming the City Official(s) to whom and when the campaign contribution was made,

to identify the dollar amount and to provide a description of each campaign contribution.

2. Except as provided in subsection (e) of O.C.G.A. § 21-5-34, no contributions to bring about the nomination or election of a candidate for any office shall be made or accepted except directly to or by a candidate or such candidate's campaign committee which is organized for the purpose of bringing about the nomination or election of any such candidate; and no contributions to bring about the recall of a public officer or to oppose the recall of a public officer or to bring about the approval or rejection by the voters of a proposed constitutional amendment, state-wide referendum or proposed question at the state, municipal or county level shall be made or accepted except directly to or by a campaign committee organized for that purpose.
3. Unless otherwise reported individually, where separate contributions of less than one hundred dollars (\$100.00) are knowingly received from a common source, such contributions shall be aggregated for reporting purposes. For purposes of fulfilling such aggregation requirement, members of the family, members of the same firm or partnership or employees of the same person as defined in paragraph (19) of O.C.G.A. § 21-5-3, shall be considered to be a common source; provided, however, that the purchase of tickets for not more than twenty-five dollars (\$25.00) each and for attendance at a fundraising event by members of the family, members of the same firm or partnership or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block.
4. For each year a vendor/contractor is under contract and engaged in business with the City, it shall be required to file a campaign contribution disclosure form to the city manager.
5. All vendors/contractors shall file the campaign contributions disclosure form to the city manager prior to or along with submitting a proposal in the bid process for purchases from ten thousand dollars (\$10,000.00) and above.

#### D. Prohibition against Contingent Fees

It shall be unethical for any person to be retained, or to retain a person, to solicit or secure a contract upon any agreement or understanding for a contingency fee, except for agreements with manufacturer representatives, or agents, including, but not limited to, commercial services sales agents engaged in the business of soliciting contracts on behalf of vendors. A "contingency fee" as used in this subsection C means any commission, percentage, brokerage or other fee that is contingent upon the success that a person has in securing a city contract.

#### E. Use of Confidential Information

It shall be unethical for any City Employee or City Official to knowingly disclose or use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person.

#### F. Unauthorized Purchases

No purchases of goods and services shall be made in the name of the City or one of its departments, except such as is required for official use by the City or one of its departments. Purchases in the name of the City or a department for personal use by an individual or for other than official use are prohibited, and no City funds will be expended or advanced

therefore.

#### G. Penalties and Sanctions

1. *Legal or disciplinary action by city council.* The city council may take appropriate legal and/or disciplinary actions pursuant to the City Code of Ethics against any City Employee, City Official or other person in violation of these ethical standards.
2. *Legal or disciplinary action by city manager.* The city manager is authorized to take any appropriate legal and/or disciplinary actions, including dismissal, of any City Employee violating this City Code of Ethics Policy.
3. *Administrative penalties for employees.* The city manager may impose any one or more of the following penalties or sanctions on a City Employee for violations of the ethical standards in this Section as appropriate to the situation, subject to the Personnel Manual or other appropriate appeals procedures:
  - i. Oral or written warnings or reprimands;
  - ii. Suspensions with or without pay for specified periods of time; or
  - iii. Termination of employment.
4. *Administrative penalties for outside contractors/vendors.* The City may impose any one or more of the following penalties or sanctions on a vendor or other person or organization for violations of these ethical standards:
  - i. Written warnings or reprimands;
  - ii. Termination of contracts; or
  - iii. Debarment or suspension.

#### Disclaimer of Responsibility for Improper Purchasing

The City may disclaim responsibility and liability for any purchase, expenditure or agreement for expenditure arising from any procurement made in its name, or in the name of any governmental body under its authority, by an unauthorized person or any person acting outside this policy or the authorization or delegation as provided in this policy. The expense of any such disclaimed transaction will become the personal liability of the individual who acted improperly.

#### Vendor Contact during Open Solicitations

Persons seeking an award of a City contract may not initiate or continue any verbal or written communications regarding a solicitation with any City Official, City Employee or other City representative other than the purchasing agent named in the solicitation between the date of the issuance of the solicitation and the date of the final contract award. The city manager or designee will review violations. If determined that such communication has compromised the competitive process, the offer submitted by the individual, firm or business may be disqualified from consideration for award.

**Only One Bid Received:** If only one responsible proposal is received, an award may be made to the single bidder if the City determines in writing that the price submitted is fair and reasonable. However, it is the practice of the City not to open a single bid received if for any reason the Purchasing Department feels that more bids can be obtained. Should this occur the Purchasing Department would extend the bid opening date, contact vendors that did not respond in an effort to obtain additional bids.

**No Bid Received:** On occasion, the Invitation to Bid will receive no responses. In those cases, these

steps will be followed:

- A. Extend the bid-opening date.
- B. Contact all those vendors on bidder’s list to determine reason for lack of response.
- C. Contact the user department to determine if rebid is desired, using information obtained from vendor survey.
- D. Notify Purchasing Department the closed bid if decision is made not to rebid.
- E. Review specifications and bid list if decision is made to rebid.
- F. Revise bid documents where appropriate.
- G. Initiate the bidding process per regular procedures.

**Disqualification of Bidders:** Have the authority to declare vendors who default their quotations irresponsible bidders and to disqualify them from receiving any business from the City for no less than five (5) years, from the date of discovery.

**Protest:** Any interested party desiring to protest, challenge or otherwise pursue a claim against any aspect of College Park procurement must comply with College Park's Protest Policy.

*Types of Challenges*

There are numerous different challenges an interested supplier may make; however, the types of challenges are generally organized as follows:

- A. Challenge to the Solicitation: Any interested supplier capable of responding to a competitive solicitation may file a protest with respect to the competitive solicitation process, including but not limited to specification(s), events or facts arising during the solicitation process.
- B. Challenge to a Sole Source Notice: Any interested supplier capable of providing the goods/services identified in a sole source notice may file a protest challenging the sole source determination.
- C. Challenge to a Cooperative Notice: Any interested supplier capable of providing the goods/services identified in a cooperative arrangement among groups or institutions may file a protest challenging the consortia or cooperative notice determination.
- D. Challenge to Results: Any interested supplier submitting a timely written response to a particular solicitation may file a protest with respect to the results of that, including, but not limited to, events or facts arising during the evaluation process.
- E. Challenge to the City’s Intended or Actual Contract Award: Any interested supplier submitting a timely written response to a competitive solicitation may file a protest with respect to the City’s intended or actual contract award, including, but not limited to, events or facts arising during the evaluation and/or negotiation process.

DOAS does not maintain statutory authority to consider protests relating to procurements conducted by the following entities:

**Commented [DMM23]:** Seems like these provisions would best fit on page 28 of the policy, which discusses late bids and when no bids are received

**Commented [DMM24]:** Do you want to include specific grounds for disqualifications?

**Commented [DMM25]:** Disqualification and protests should be in their own separate section.

**Commented [DMM26]:** I don't recommend including the specific types of challenges

A. University System of Georgia including colleges and universities regarding public works;

B. Georgia Department of Transportation regarding construction, public works, and services ancillary to the construction and maintenance of public roads;

C. Certain government authorities such as the Georgia Technology Authority (GTA);

D. Local governmental entities, community service boards, local boards of public health, local boards of education, Regional Educational Service Agencies, state authorities, or the federal government.

#### *Form of Protest*

Bidders or respondents who do not agree who are aggrieved in connection with a formal solicitation or with the City's recommendation for award shall be afforded the opportunity to protest the recommendation by submitting a written notice of protest to the Purchasing Department. Bids or proposals that did or did not meet the minimum published requirements including specifications and/or scope of service, are not subject to protest.

Commented [DMM27]: Confused by this---wouldn't that be all bids and proposals?

At a minimum, the protest must be submitted in writing and must include the following:

A. The name and address of the protestor;

B. Appropriate identification of the solicitation/sole source notice/consortia or cooperative notice;

C. A detailed statement of reasons all legal and factual grounds for the protest;

D. Supporting exhibits, evidence or documents to substantiate any claims unless not available within the filing time (in which case the supplier must proceed to file the protest within the filing period identified below, but state the expected availability of the material); and

E. A statement of the specific relief or remedy requested The desired remedy; and

E.F. Signature of an officer or person authorized to execute contracts on behalf of the protestor.

To ensure the protest process is conducted efficiently and in a manner fair to all parties, the City of College Park requires a protesting supplier to identify all grounds for protest during the protest filing period. Any issues or grounds not timely raised within the written protest shall be deemed waived by the protestor. The City of College Park, at its discretion, may deem issues not raised in the protest filing period as voluntarily relinquished by the protesting supplier. After the protest filing period expires, any grounds for protest voluntarily relinquished by the protesting supplier may not be introduced by the protesting supplier at any time during the protest process or any subsequent litigation.

#### *Filing Protests*

A protest is considered to be properly filed when it is in writing and signed by a company officer authorized to sign contracts on behalf of the supplier or legal counsel that has been engaged by the supplier, is submitted via e-mail to the Purchasing Department, and is received within the filing period.

**Filing Deadlines**

Protests must be received within five (5) calendar days after the protesting party knows or should have known of the occurrence of the action which is protested. The City of College Park will not consider untimely protests absent evidence of malfeasance or administrative error by the City that substantially impaired an interested supplier's ability to file a timely protest.

In the event the City does not provide access to records included in the register of proposals or the administrative review within ~~one-three~~ business days of issuance of the Notice of Intent to Award, the interested supplier may file, within the filing period, a request for extension of the filing period to extend the protest period by the number of days that it takes for the City to produce the records beyond the first business day. In the event the City does not provide timely access to records other than those that comprise the register of proposals or administrative review, the interested supplier is required to file a protest within the filing period, indicating the failure of the state entity to provide timely access to records and reserving the right to file an amended protest upon production of such records.

If an interested supplier fails to file a protest by the applicable deadline, the City of College Park may, at its discretion, deem such failure as the supplier's voluntary relinquishment of any grounds the supplier may have for protesting through the City of College Parks' protest process or through subsequent litigation.

**Protest Resolution**

The Purchasing Department shall prepare and submit written determination to the City Manager recommending either approval or disapproval of the petition. The City Manager and City Attorney for the City of College Park will review and issue a written decision on the protest as expeditiously as possible after receiving all relevant ~~requested information from the state entity, issuing officer, and suppliers documentation.~~

Commented [DMM28]: State entity?

In the event that a solicitation, a sole source notice, or a consortia/cooperative notice is cancelled ~~or amended~~ by ~~a procuring entity~~ the City prior to issuance of a decision, the protest will be deemed moot and no further action will be taken by the City of College Park regarding the protest.

The petitioner shall be furnished a copy of the decision and the final decision under this section shall be conclusive and shall represent the position of the City.

**Costs**

In no event will a supplier be entitled to recover any costs incurred in connection with the solicitation or protest process, including, but not limited to, the costs of preparing a response to the solicitation, the costs of participating in the protest/request for formal review process or any attorneys' fees.

**Request for Formal Review/Appeal Process**

All protest decisions concerning solicitations, sole source notices, consortia or cooperative purchase notices, results of any solicitation(s) and/or intended/actual contract awards with an estimated value of \$100,000.00 or more will be subject to formal review by the City Manager and City Attorney for the City of College Park upon request.

Commented [DMM29]: The provisions above make it seem like every protest is submitted to the City Manager and City Attorney, not just "appeals"  
I think this section needs a bit of work and we should discuss further

In the event the estimated value of the solicitation, sole source notice, consortia or cooperative

purchase notices, results of any solicitation(s) or intended/actual contract award is less than \$100,000.00, it will be within the City Manager and City Attorney for the City of College Park's discretion whether such request for formal review will be granted.

**Waiver of Irregularities:** The Mayor and Council shall have the authority to waive any/all irregularities in any/all formal bids.

**Evaluation of Proposals/Evaluation Phase:** The evaluation phase as described below must be included in and carried out for all solicitations, even if only one proposal/response is received.

**Commented [DMM30]:** Would make most sense if the evaluation criteria etc. was included before the provisions concerning protests and disbarment

Prior to evaluating and scoring proposals, the proposals must first be examined to determine whether they meet the minimum requirements stated in the solicitation documents. The evaluation of these minimum requirements will be undertaken by the person responsible for conducting the solicitation process and will consider the following questions:

- A. Was the proposal received by the advertised deadline?
- B. Was there a mandatory pre-submittal meeting? *If so*, did someone representing the firm attend the pre-submittal meeting?
- C. Was the required documentation for the proposal included and signed?
- D. If the evaluation criterion for the cover letter was pass/fail, did the information contained within the cover letter satisfy the requirements?
- E. Did the proposer include responses for all criteria?

Proposers who fail to meet minimum requirements may be considered non-responsive and may be disqualified from further consideration (e.g., if a mandatory pre-submittal meeting was held and the firm's representative did not attend, their proposal must be disqualified and rejected). This preliminary evaluation is a measure of the potential consultant's ability to follow instructions and depending upon the evaluation criteria, may allow the City to determine if the evaluation committee will move the proposal forward for review.

Responses/proposals that are rejected due to their lack of responsiveness or non-conformity to the mandatory requirements will not be reviewed or evaluated by the evaluation committee. The Purchasing department will provide a written notice by e-mail to any proposer removed from consideration as part of the initial review for responsiveness.

**Evaluation Committee:** The evaluation committee should consist of a department director/manager or designee, project manager (if used), a staff member outside the requesting department/division, and one or more appointed staff members. The Purchasing Department director should assemble the committee. The evaluation committee may be selected based on their general knowledge of the subject matter, marketplace, City regulations, and understanding of the project, as well as for their ability to fulfill their time commitments and obligations as a member of the committee.

The committee should be formed ahead of time, but no later than the solicitation due date. The number of members and the make-up of the committee will depend upon the size and complexity of the project, but at least, there should be a minimum of three (3) and a maximum of seven (7) members, always an odd number.

Each of the committee members shall complete the evaluation process, from review through interview and/or oral presentations. By nature, the evaluation committees are short-term, highly focused, and often tightly scheduled. It is hard to predict how long it will take to conduct the evaluations of the proposals, as it is dependent on how many proposals are received and the corresponding quality and depth of the proposals. It is important that all committee members understand the level of commitment and follow-through required in serving on the committee, as committee operations are in addition to regular work assignments. If a member determines they are unable to complete the evaluation due to time or scheduling commitments, it would be best to replace that member at the onset; should a member not complete the evaluation process, any evaluations completed by this committee member must be discarded to eliminate any skewing of the final scores.

**Technical Advisors:** Whenever the department head/project manager anticipates using technical advisors in any capacity during the evaluation process, the solicitation document must specify that they may be used **for evaluation purposes**. Failure to include this information in the solicitation document will preclude advisors from any contact with committee members. Advisors are not authorized to be voting members of the evaluation committee; they may only be used to support the committee.

When technical advisors will be present for interviews/presentations, all short-listed proposers must be notified of their presence. A clear explanation must be provided of what the advisor's role will be during and after the interviews/presentations.

**SECTION X**  
**AWARD OF CONTRACT AND APPROVALS**

All contracts, when the sum is \$9,999.99 or less, shall be awarded by the City Manager to the lowest and best bidder. The Mayor and Council shall approve all contracts when the sum is \$10,000.00 or more to the **most responsive and responsible bidder**.

**Initial Award:** All bids shall be awarded to the most responsive and responsible bidder, unless additional criteria and qualifications are established by the solicitation. If no criteria are specified in the solicitation, the award will be based upon the price alone. The award of all contracts shall fall within the guidelines stated above.

**Best Bidder:** After determining the most responsive and responsible bidder, in addition to cost, the bidder shall demonstrate the ability, capacity and skill to perform the contract.

- A. Demonstrate they can perform the contract within the time specified, without delay or interference.
- B. Demonstrate good character, integrity, reputation, judgment, experience and efficiency.
- C. Demonstrate the quality of performance of previous contracts.
- D. Demonstrate their existing compliance with laws and ordinances relating to the contract.
- E. Demonstrate their sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

The quality, availability and adaptability of the supplies or contractual services to the particular use required. The bidder's ability to provide maintenance and service to the item(s) provided, for the use of the contract, if needed in the future. The number, scope of work or services must be attached to the bid.

**Tie Bids.** The City Manager shall make award of all tie bids under \$9,999.99 value. All tie bids in excess of \$10,000.00 shall be awarded by the City Manager and the Mayor and Council.

A tie can exist when two (2) or more bidders offer identical prices for a product, good, or service that meets all specifications, terms and conditions. In such a situation, the City shall consider the following methods to resolve the tie.

- A. Past performance of the vendor
- B. Best delivery date
- C. Closest proximity to delivery site

**Commented [DMM31]:** This section only discusses bid awards, it does not discuss awards of RFQs, RFP, etc.

## SECTION XI

### COOPERATIVE PURCHASING and GOVERNMENTAL CONTRACTS

Where standardization is determined to be desirable by the City Manager, the purchase of materials, supplies and equipment and certain contractual services may be negotiated with the approval of the Mayor and Council.

The City Manager shall have the authority to join with other units of governments in cooperative purchasing ventures when the best interest of the City would be served thereby, and same is in accordance with City and State Law.

The City Manager may elect to purchase through or join with other governmental units or agencies in cooperative purchasing ventures when the best interest of the City would be served, provided the same is in accordance with all applicable laws. In the event the City Manager should elect to purchase through or join with other governmental agencies in cooperative purchasing ventures, all purchases in excess of ten thousand (\$10,000.00) would require Mayor and Council approval before the purchasing contracts are entered into.

Cooperative purchasing is the consolidation or combination of needs by two or more entities, which are then collectively bid out as one. In a cooperative bid, all entities agree to be bound by the contract award in the same manner as if they are one agency. These requirements protect the principle that a bidder should be committed to the resulting contract.

Another form of cooperative purchasing is based upon central warehousing. Customarily, the largest consumer of the governmental units involved will buy in carload and truckload quantities and smaller government units can pick up certain types of items from the buyers warehouse. This type of cooperative purchasing like the contractual commitment method protects the principals of competitive bidding because the bidder knows the commitment covered by the Invitation to Bid and the award.

**Piggyback Purchases:** Although this is cooperative purchasing, the process is NOT to be confused with cooperative bidding. When it has been determined that a commodity or service designed to meet the specific needs of the acquiring department and that particular item or service is already available and has been bid and awarded previously by another governmental entity the process of purchasing that commodity or service is called "piggybacking."

**Commented [DMM32]:** Should only piggyback from other governmental entities

Simply put, it requires written acknowledgment from both the successful bidder and the government entity, which did the biddingsolicitation, stating-granting their approval that they will allow the City of College Park to acquire that item or service under the same prices, terms, and conditions of the original contract with the exception allowances only for the differences in delivery costs. As with the State of Georgia contracts, the contract prices in effect become the ceiling prices.

Piggybacking practices places the successful bidders who have won state contracts in open competition, in the position of having their contract prices presented as targets for others to negotiate around or play against if it were bid again. This process allows an entity to acquire the same products or services without jeopardizing that contract, by simply having the political entity authorize the "piggybacking".

Departments/Divisions/User Agents State, Government Agency and Organizations contracts have already been competitively bid; therefore, the need to bid is satisfied for purchases of this nature. This method of purchase is particularly-desirables should only be used if time is a-constraintof the

essence or if the chances for obtaining better prices from other sources is poor. Utilization of these sources eliminates the need for a formal waiver of competitive bids.

The work/services/commodities must be specifically within the scope of the contract and the contract must be active. A purchase cannot be made against a contract that has expired.

**Piggybacking From Other Governmental Entities:** The Purchasing Department requires that when piggybacking from other governmental entities, the department/division provides and attaches to the requisition process the following documents:

- A. A complete copy of the original solicitation;
- B. A bid tabulation, if solicited by an Invitation to Bid, or scoring matrix if an RFP was used;
- C. A copy of the award letter/memo/agenda item by the governmental entity to the vendor must be obtained and information whether the award was competitive or sole source must be also supplied by the department. If competitive, the file will be documented with information to support the competitive nature of the contract. If a sole source, the file must be documented with justification to support the fairness and reasonableness of price.

D. A complete copy of vendor's proposal or bid;

E. A complete copy of the contract executed by the governmental entity ~~to~~ and the vendor; and

E.F. A copy of the written acknowledgement from the governmental entity and vendor authorizing the city to acquire such goods or services under the same prices, terms, and conditions of the original contract with the exception allowances only for the differences in delivery costs.

**Commented [DMM33]:** Should only piggyback on competitive procurements—sole sources can follow the normal sole source procedures

## SECTION XII

### BONDS AND INSURANCE

Bonds offer tangible protection in the form of monetary assurances that the bidder will meet his obligations. Bonds must be secured by the bidder at his own cost, and generally may be classified as follows:

**Bid Bond:** Each Bid must be accompanied by a Bid Guarantee in an amount of not less than five percent (5%) of the amount of the bid. The Bid Guarantee may be in the form of an official bank check payable to the City of College Park, or an AIA Document A310 Bid Bond on a form provided by a licensed surety bonding company. The Bid Bond shall be issued by a surety company licensed to write bonds in the State of Georgia, listed in the most current U.S. Treasury Circular No. 570 (U.S. Department of the Treasury, 2018), and have a current A.M. Best rating of "A" (Excellent) with a Financial Size Category of XII or better.

Georgia Law O.C.G.A. § 36-91-50, Bid bonds shall be required for all public works construction contracts subject to the requirements of this article with estimated bids or proposals over \$100,000.00; provided, however, that a governmental entity may require a bid bond for projects with estimated bids or proposals of \$100,000.00 or less. (Department of Administrative Services, 2017)

**Performance and Payment Bonds:** The Contract, if awarded, will be awarded to that responsible Bidder whose responsive Bid will be most advantageous to the City, price and other factors considered. The City is entitled to make the determination in its sole discretion. The Contract between the City and the Contractor shall be executed in the form attached to the Bid Document Package, and shall form a binding contract between the contracting parties. A Performance Bond and a Payment Bond, each equal to 100% of the Contract Price, must be provided by the successful Bidder, issued in proper form by a surety company licensed to write bonds in the State of Georgia, listed in the most current U.S. Treasury Circular No. 570 (U.S. Department of the Treasury, 2018), and which has a current A.M. Best rating of "A" (Excellent) with a Financial Size Category of XII or better. Bonds given shall meet the requirements of the law of the State of Georgia.

**Labor & Materials Bond:** Same as Payment Bond.

Unless otherwise exempted specifically by the Mayor and Council, a contractor or vendor shall provide a corporate surety bond, or other performance security from a surety company authorized to do business in Georgia to guarantee the full and faithful performance of his/her contract obligations and the payment of labor and material expended pursuant to the contract whenever and in such amounts as is deemed necessary by the City Manager. All sureties shall be approved as to form by the City Attorney.

#### **Insurance**

Insurance is required to safeguard the City from any claims resulting from damage to property and/or injury to persons caused by the vendor or his actions. The vendor, at his own cost, must secure insurance policies that name the City of College Park as an "additional insured" party. Proposers are required to submit proof of insurance to the City with their bid/proposal including the types and dollar amounts of coverage.

**Indemnification:** The selected bidder shall indemnify, defend and hold harmless the City, its representatives, employees, elected and appointed officials, from and against all claims, costs, demands, legal fees, costs of action, losses, damages or other expenses arising as a result of any

negligent act, conduct, error or omission by the City, its agents, employees in the performance of their contract or occasioned wholly or in part by any negligent act, conduct, error, or omission by the selected bidder, or its agents, employees or subcontractors, in the performance of their contract.

The following requirements are for use with construction type contracts or when a contract is utilized or any work will be done on City's property.

**Worker's Compensation:** The selected bidder shall agree to maintain Worker's Compensation Insurance & Employers Liability in accordance with ~~Georgia~~ O.C.G.A. Title 34, Chapter 9 (State Board of Workers' Compensation, 2018), as amended.

**Business Auto Policy:** The selected bidder shall agree to maintain Business Automobile Liability at a limit of liability not less than \$500,000 each occurrence for all owned, non-owned and hired automobiles. In the event the bidder does not own any automobiles, the Business Auto Liability requirement shall be amended allowing the Bidder to agree to maintain Hired & Non-Owned Auto Liability. This amended requirement may be satisfied by way of endorsement to the Commercial General Liability, or separate Business Auto Coverage form.

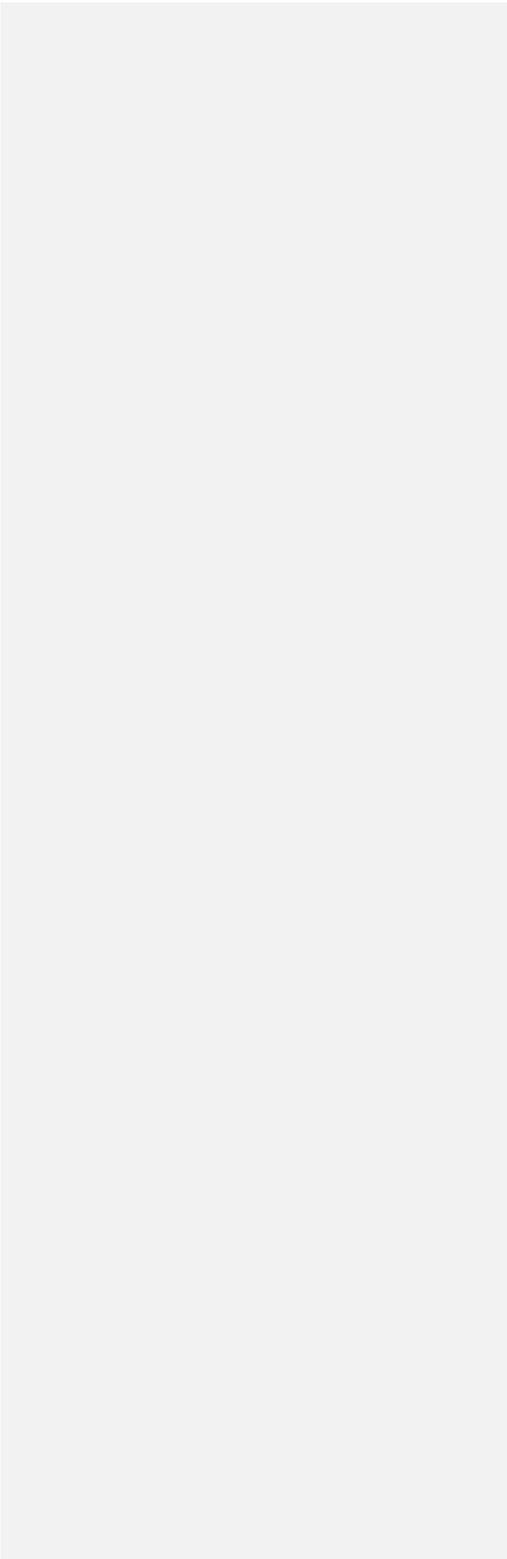
**Commercial General Liability:** Commercial General Liability for public liability during the lifetime of a contract shall have minimum limits of \$1,000,000 per claim, \$2,000,000 per occurrence for Personal Injury, Bodily Injury, and Property Damage Liability. Coverage shall include Premises and/or Operations, Independent Contractors, Products and/or Complete Operations, Contractual Liability and Broad Form Property Damage Endorsements. Coverage shall not contain an exclusion or limitation endorsement for Contractual Liability or Cross Liability. Coverage for the hazards of explosion, collapse and underground property damage must also be included when applicable to the work to be performed. All insurance policies shall be issued from a company or companies duly licensed by the State of Georgia. All policies shall be on occurrence made basis; the City shall not accept claims-made policies. Specific endorsements will be requested depending upon the type and scope of work to be performed.

**Professional Liability:** The selected bidder shall agree to maintain Professional Liability or equivalent Errors & Omissions Liability at a limit of liability not less than \$1,000,000 per occurrence. When a self-insured retention or deductible exceeds \$10,000, the City reserves the right, but not the obligation, to review and request a copy of bidder's most recent annual report or audited financial statement. For policies written on a "Claims-Made" basis, bidder warrants the retroactive date equals or precedes the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an Occurrence form, retroactive date advanced; or any other event triggering the right to purchase a Supplemental Extended Reporting Period (SERP) during the life of a contract, bidder shall agree to purchase a SERP with a minimum reporting period not less than three (3) years. For use with consultants or engineers only.

**Additional Insured Requirements:** Except as to Worker's Compensation and Employees' Liability, said certificate(s) shall clearly state that coverage required by the contract has been endorsed to include City of College Park, a municipality of the State of Georgia. The name for the additional insured endorsement issued by the insured shall read "City of College Park" along with the contract and bid number. The certificate of insurance shall unequivocally provide thirty days (30) written notice to the City prior to any adverse changes, cancellation, or non-renewal of coverage thereunder.

**Subcontractors:** It shall be responsibility of the selected bidder to insure that all subcontractors comply with the same insurance requirements reference above.

**Deductible Amounts:** All insurance deductible amounts shall be paid for and be the responsibility of the selected bidder for any/all claims under the contract.



**SECTION XIII**  
CAPITAL ASSETS TRACKING

**Fixed and Capital Assets:** The City has established a capitalization threshold of \$ \_\_\_\_\_ for property expected to benefit the operations of the organization for multiple years to be considered a fixed asset.

- A. All property with an acquisition cost in excess of \$ \_\_\_\_\_ and an estimated useful life of one year is to be capitalized.
- B. Capital Assets include buildings and improvements. However, the disposition of real property shall be governed by O.C.G.A. § 36-37-1 et seq. and not by this policy.
- C. Property purchased meeting the fixed asset definition is tagged with a pre- numbered asset tag and added to the list of assets maintained by the Finance Department. This list is categorized by type of fixed asset, i.e. buildings, furniture and equipment, plant assets, etc. and includes the asset number, date of installation, cost including taxes, shipping and installation fees, and life expectancy for depreciation purposes. A copy of the invoice(s) should be maintained with these asset records until the asset is sold or deleted.

**Equipment Depreciation:** The purpose of depreciation is to recognize the decreased value of the property over time (useful life) and to quantify this ‘usage’ as an expense to each cost center deriving benefit from its use.

- A. A fixed asset, as previously defined, is depreciated over its estimated useful life.
- B. Depreciation Schedules are prepared for the full fiscal year utilizing the guidelines of the Depreciation Policy.
- C. A separate schedule is made for each property/asset type. The schedule is maintained by the Finance Director. As depreciable property is purchased, it is tracked in New World ERP and is added to the depreciation schedule at year end, following purchase/installation.
- D. Depreciation is run at year end.

**Surplus of Capital Assets:** All capital assets that are obsolete, excess, or no longer needed by the owning Department are to be reported to the Finance Department for disposition. All items must be listed on a Request to Transfer/Declare Surplus form (Appendix D) and submitted to the Finance Department. The Finance Department is responsible for approving the disposition of the capital assets. If the item is a transfer between departments, the Request to Transfer/Declare Surplus Form requires both the transferring and receiving Department Director’s signatures. The Capital Asset Coordinator will verify ownership, description, and identification number of the equipment on the form and approve the transfer or surplus of the item. Upon approval, a copy of the form will be provided to Finance to update the computerized inventory.

**Disposition of Property:** Non-capital items such as broken chairs, tables, calculators, desk accessories, books, tools, which are considered as “junk”, may be disposed of via the landfill or trash by the individual department(s).

Capital Assets that have identification numbers can be disposed of by one of the following manners:

- A. By transferring to another department or division
- B. By trading in on equipment
- C. By selling as scrap
- D. By notification of sale at public auction conducted by GovDeals

**How to Report:** Each department, division or authority shall report its surplus or obsolete stock, equipment or materials on the "Notification of Surplus Property", (see attachment).

**When to Report:** All departments or separate units shall submit to the Purchasing Department, on the provided form(s), a report of surplus or obsolete property as follows:

- A. When the department(s) identifies equipment such as motor vehicles, bulldozers, mowers, attachments, etc., to be traded for new equipment or to be otherwise disposed of. Include a list of all spare parts for such equipment if they, too, are obsolete or surplus.
- B. Scrap such as aluminum, bronze, brass, steel, etc., to be sold shall be reported or at such intervals as will be advantageous to the best use of the storage area of the department in question. Such material shall be kept separated to enable an accurate, intelligent estimate of the quantity or weight to be made

## SECTION XIV

### VENDOR REGISTRATION

It is suggested that all vendors desiring to sell goods and services to the City complete an online vendor application under "Vendor Registration" within the Purchasing Department tab via the City website.

Vendors may make application by accessing the City's web page at [www.collegeparkga.com](http://www.collegeparkga.com) then follow these steps in order to register:

- A. Use the Departments tab and search for Purchasing
- B. A link for Vendor Registration will appear.
- C. Click link [City of College Park Vendor Registry](#), this will redirect you to another screen to register. Complete all fields, to establish an account with the City of College Park Vendor Registration System (Vendor Registry.com). Follow steps as prompted to complete your account.
- D. Once completing the registration:
  - a. Return to the City of College Park website at [www.collegeparkga.com](http://www.collegeparkga.com)
  - b. On the home screen look for Bids/RFPs link
  - c. Under the Bid Posting post complete the notification link under the Subscription to receive notification of new solicitations.

All complaints concerning vendor performance shall be directed to the Purchasing Department in writing using the Vendor Performance Evaluation Form (Appendix F). Finance will investigate any charges against a vendor and shall take whatever action is warranted to correct the problem. An example of a performance complaint is failure to deliver goods and/or services as outlined in an Invitation to Bid. Appropriate action might be cancellation of bid award, liquidated damages, or some other punitive damages.

It is essential to develop and maintain goodwill between the City of College Park and its suppliers. The reputation of the City can be promoted by:

- A. Giving all salespersons a full, fair, prompt and courteous hearing.
- B. Respecting the confidence of the salesperson or their company as to confidential information.
- C. Having consistent buying policies and principles
- D. Observing strict truthfulness in all transactions and in correspondence.
- E. Keeping competition nation of the bidding and purchasing process open, fair, and clear
- F. Cooperating with the seller and considering their difficulties in providing the service or

products.

G. Keep the lines of communication open for all vendors

H. Making payments in a timely manner.

#### Vendor set up in system

All new vendors to be established in the New World system that will be issued a check from the Finance Department should have a W-9 on file with the Purchasing Department. This process shall ensure the most accurate information is entered into the system for the vendor(s).

Before requesting a vendor is set up as a vendor in the system, there are a few things to keep in mind:

- A. Current College Park employees cannot provide goods or services as an independent contractor.
- B. No former College Park employee or elected official, may enter into a contract as an independent contractor for three (3) years from the date of separation.
- C. No College Park employee or department may buy goods or services for the City from a vendor who is a member of the employee's family.
- D. No College Park employee or department may buy goods or services for the City from a vendor where an employee owns or controls at least 10% of the business.

The requestor will need to forward a current, signed, and dated W-9 form. Vendors will be established in their name as they appear on their W-9s; DBA name, if applicable. The set up requests normally takes between 3-5 business days.

Upon establishing the new vendor; a purchasing representative will forward the vendor number to the requestor in order for him/her to complete a check request or purchase order within the New World system.

**SECTION XV**  
**Cooling Off Period**

A "Cooling Off" period is the time during which an employee is separated from participation in all official matters involving an entity because of a particular situation.

It is suggested that a former City of College Park employee in addition to elected or appointed City of College Park official cannot conduct business with the City of College Park from the date of separation; for a period of three (3) years from the date of separation. In this capacity, their new employer might find an employee's former connections to government agencies quite valuable when it comes to getting clarification on rules and regulations.

- A. Former College Park employees nor elected or appointed City Officials cannot be independent contractors to perform work related to contracts in which they engaged in any negotiations, transactions, planning, arrangements, or any part of the decision making process relevant to the contract while employed in any capacity by any department.
- B. Former College Park employees nor elected or appointed City Officials cannot be independent contractors to perform work on a contract if they were employed by that department in a policy-making position in the same general subject area as that contract.

**Commented [DMM34]:** Suggested or required?  
Also, it would make sense if these provisions would included in the conflicts of interest/ethics section

# APPENDICES

APPENDIX A

**FINANCE DEPARTMENT  
PURCHASE ORDER CHANGE FORM**

PO Date:		PO #:	
Vendor No:		Vendor Name:	
PO Account No:			
Original PO Amount:			
Requesting Depart:			
Reason for charge:			

**Type of Change  
(complete one)**

	<b>Change account number(s)</b>
All or specific line(s):	_____
Original account number(s):	_____
New account number(s):	_____

	<b>Increase purchase order</b>
All or specific line(s):	_____
Amount to increase:	_____
New PO total:	_____

	<b>Decrease purchase order</b>
All or specific line(s):	_____
Amount to decrease:	_____
New PO total:	_____

	<b>Cancel/Void PO</b>
All or specific line(s):	_____
Amount to cancel/void:	_____
New PO total:	_____

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

Finance Director Approval \_\_\_\_\_ Date \_\_\_\_\_

City Manager Approval \_\_\_\_\_ Date \_\_\_\_\_

*Purchase Order Change Notices are reviewed to determine conformance to established Purchasing Policies and adhere to relevant agreements, bids, contracts and policies.*

APPENDIX B

**CITY OF COLLEGE PARK  
EMERGENCY PURCHASE EXPLANATION MEMO**

General description of material(s) and/or service purchased

[Redacted area for general description of material(s) and/or service purchased]

Nature of emergency affecting safety, health, or welfare of the public. Be concise but describe the emergency completely.

[Redacted area for nature of emergency affecting safety, health, or welfare of the public]

Vendor: \_\_\_\_\_  
Total actual cost of emergency purchase: \_\_\_\_\_  
Prepared by: \_\_\_\_\_  
Date Prepared: \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

Finance Director Approval \_\_\_\_\_ Date \_\_\_\_\_

City Manager Approval \_\_\_\_\_ Date \_\_\_\_\_

***Attached invoice(s) and all supporting documents and forward for review, approval and processing***

APPENDIX C

**SOLE/SINGLE SOURCE/ SOLE BRAND  
REQUEST FORM**

Date:	
To: City Manager	
Thru: Finance Director	
From (department):	
Product/Service Description:	

**Section I**

It is the policy of the City of College Park to consistently purchase goods and services using full and open competition. The taxpayers in College Park are best served when we make sound business decisions based on competitive bids or proposals. However, there may be instances when other than full and open competition may be justified. When the user department(s) determines that other than full and open competition is necessary or in the best interest of City of College Park, appropriate justification for that course of action must be submitted to the City Manager for approval in order to waive the competitive procurement process.

**Sole Source** (use for single purchase only) the supply of a product or service so exclusively qualified that it is only available from a solitary source.

**Single Source** (use for single purchases only) the supply of a product or service which may be available from multiple sources, but a specific vendor is uniquely\* qualified and meets the users' requirements

**Sole Brand** (use for single purchases only) this is a specified service or product that has unique specifications to successfully meet the needs of the department and no alternate brands are acceptable

**Standardization** (used for multiple purchases and can be combined with the above; i.e. Standardization/Sole Source, Standardization/Sole Brand, Standardization/Sole Source/Sole Brand, etc.) This is the procedure of maintaining methods and equipment as constant as possible because of measurable benefits to the department. Competition among distributors of a standardization brand will be attained if possible.

Requested by: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Section II  
QUESTIONNAIRE ALL QUESTIONS MUST BE ANSWERED

Order placed by:	
Proposed Vendor:	
Product(s):	
Estimate Cost of Purchase	

1. Explain why the product/service requested is the only product/service that can satisfy your requirements and explain why alternatives are unacceptable. Be specific with regard to specification, features, characteristics, requirements, capabilities and compatibility. Describe what steps have been undertaken to make this determination.

[Redacted]

2. Please describe your market research and the result thereof. This should include a description of other similar sources or products available in the market, if any, and why they are not acceptable.

[Redacted]

3. Explain the consequences(s), including a dollar estimate of the financial impact, if this item is not approved for the determination above.

[Redacted]

4. I certify that the above statements are true and correct, to the best of my knowledge. I also certify that prices obtained are fair and reasonable. I also certify that neither I, nor my family members, will gain or receive any additional benefit because I have recommended that this acquisition be obtained solely from a designated vendor or contractor.

[Redacted]

**APPROVAL AUTHORITY:** In accordance with the City of College Park Purchasing Manual procedures, it is requested that you review that information contained herein and make your recommendation begin/continue the above requested procurement.

Approved By: City Manager \_\_\_\_\_ Date: \_\_\_\_\_

[Redacted]

APPENDIX D

City of College Park  
Notification of Surplus Property

Date:

From: (Your Department Name)

To: Fleet Administrator

This notice is hereby given that the following item(s) of equipment and/or material(s) will be declared surplus in this department. Disposition is being requested as of the date above.

Item	Property #	Description (make, model, serial, number)	Disposition Code	Location	Estimated Value
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

NOTE: Any/All items must be approved for disposal by Mayor and Council.

Disposition Codes:

- 1) Transfer to other department
- 2) To be sold as scrap
- 3) To be sold as usable equipment
- 4) To be sold "As Is"
- 5) To be traded on purchase of new equipment
- 6) Other reason for disposition (brief explanation):

Department Director: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Director of Finance: \_\_\_\_\_

Date Approved: \_\_\_\_\_

APPENDIX E

**VENDOR PERFORMANCE EVALUATION FORM**

Vendor:		Date:			
Address:		Prepared by:			
Commodity/Service:		Department:			
	Excellent (4)	Good (3)	Fair (2)	Poor (1)	Comments:
Service					
Delivers on Time					
Condition of Goods on					
Follows Instructions					
Number of Rejections					
Handles Rejections Promptly					
Handling of Complaints					
Technical Assistance					
Emergency Aid					
Furnishes Specially Requested Information					
Delivers Without Constant Follow-up					
Keeps Promises					
Past Reliability Record					
Technical Ability For Difficult Work					
Personal Preference					
Other (_____)					
Overall Rating By Using Agency					
Overall Rating By Purchasing					

**Instructions:**

- Evaluate vendor on items listed and check the appropriate columns. Some items may not apply.
- Indicate vendor's overall rating by checking the appropriate column.
- If vendor's overall rating is fair or poor, please explain under "Comments"
- Upon completion return to Purchasing Department

APPENDIX F

E-VERIFICATION AFFIDAVIT

The College Park contract holder, signed below, confirms and verifies its compliance with Georgia law (See OCGA § 13-10-91), and affirmatively states that the business (Sole Proprietor, Partnership, Corporation, Non-Profit, LLC Corporation, or LLC Partnership) which performs services for the College Park: (check and complete #1 or #2 below)

1. Has registered with, is authorized to use, and uses the federal work authorization program commonly known as "E-Verify", or any subsequent replacement program. Furthermore, the undersigned will continue to use the federal work authorization program throughout the contract period. The undersigned will contract for the physical performance of services for the contract only with subcontractors who present an affidavit to the contract holder with the information required by OCGA § 13-10-91, as amended. The undersigned hereby attests that its federal work authorization user identification number and date for authorization are as follows:

Federal Work Authorization User Identification Number (not Taxpayer ID)

Date of Authorization

Legal Business Name of City of College Park Contract Holder/Applicant

2. Employs no employees, or otherwise does not fall within the requirements of OCGA § 13-10-91.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 20\_\_\_\_ in \_\_\_\_\_ (city) \_\_\_\_\_  
(state)

\_\_\_\_\_  
Signature of Authorized Owner/Officer

\_\_\_\_\_  
Printed Name and Title of Authorized Owner/Officer

---

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

APPENDIX G

NON-COLLUSION AFFIDAVIT

State of Georgia

County of Fulton

\_\_\_\_\_, being first duly sworn, deposes and says that he/she is \_\_\_\_\_ of \_\_\_\_\_, Proposer that has submitted the attached Proposal;

He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;

Neither the said Proposer nor any of its officers, partners, owners, agent representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, sought by agreement or collusion or communication or conference with any other Proposer, firm or person, to fix the price or prices in the attached Proposal or of any other Proposer, or to fix any overhead, profit or cost element of the Proposal price or the Proposal price of any other Proposer, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of College Park.

The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the proposer or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_

APPENDIX I

DRUG FREE WORKPLACE CERTIFICATE  
(Identical Tie Proposals)

In accordance with O.C.G.A. § 34-9-410 of the State of Georgia Statutes, preference shall be given to businesses with drug-free workplace programs. Whenever two or more proposals, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process.

Established procedures for processing tie proposals will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free program, a business shall:

1. Publish a written statement notifying that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace named above, and specifying actions that will be taken against violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the work place, the firm’s policy of maintaining a drug free working environment, and available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug use violations.
3. Give each employee engaged in providing commodities or contractual services that are under bid or proposal, a copy of the statement specified above.
4. Notify the employees that as a condition of working on the commodities or contractual services that are under bid or proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, plea of guilty or nolo contendere to, any violation of Chapter 1893, or of any controlled substance law of the State of Florida or the United States, for a violation occurring in the work place, no later than five (5) days after such conviction, and requires employees to sign copies of such written statements to acknowledge their receipt.
5. Impose a sanction on, or requires the satisfactory participation in, a drug abuse assistance or rehabilitation program, if such is available in the employee’s community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug free work place through the implementation of the drug free workplace program.

As a person authorized to sign this statement, I certify that the below named business, firm or corporation [  DOES  DOES NOT ] comply fully with the requirements set forth herein.

Company:	
Authorized Representative:	
Signature:	
Date:	

APPENDIX J

**CERTIFICATION OF ABSENCE OF CONFLICT OF INTEREST FOR DEVELOPMENT OF SPECIFICATIONS OR SCOPE OF WORK**

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman, 12 pt

*\*Required for each contract or arrangement to prepare or develop specifications or requirements for a solicitation or to serve in a consultative role during the procurement process for any City procurement method. O.C.G.A. § 36-80-28.*

The undersigned Consultant, who is entering into a contract or arrangement with the City of College Park, Georgia (the "City") to prepare or develop specifications or requirements for bids, requests for proposals, procurement orders, or purchasing orders for the City, agrees and certifies that:

(1) Consultant shall avoid any appearance of impropriety and shall follow all policies and procedures of the City, as may be related to the project.

Formatted: Indent: Left: 0.5", No bullets or numbering

(2) Consultant discloses below any material transaction or relationship currently known to Consultant that reasonably could be expected to give rise to a conflict of interest, including, but not limited to, that of the Consultant, or Consultant's employees, agents, or subsidiaries (include past, present, or known prospective engagements, involvement in litigation or other dispute, client relationships, or other business or financial interest):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Indent: Left: 0.5", No bullets or numbering

(3) Consultant shall immediately disclose any material transaction or relationship subsequently discovered during the pendency of the contract or arrangement.

(4) Consultant acknowledges that any violation or threatened violation of this certification and agreement may cause irreparable injury to the City, entitling the City to seek injunctive relief in addition to all other legal remedies.

<u>Company:</u>	
<u>Authorized Representative:</u>	
<u>Signature:</u>	
<u>Date:</u>	

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Font: (Default) Times New Roman, 12 pt

## Bibliography

- Department of Administrative Services. (2017, April 13). *Insurance and Bonding Guidelines*. Retrieved October 10, 2018, from LexisNexis Custom Solutions:  
<http://doas.ga.gov/Pages/SearchCRM.aspx#k=construction%20bid%20bond>
- State Board of Workers' Compensation. (2018, September 11). *Statutes and Rules*. Retrieved September 11, 2018, from State Board of Workers' Compensation:  
<https://sbwc.georgia.gov/statutes-and-rules>
- U.S. Department of the Treasury. (2018, July 1). *Surety Bonds*. Retrieved September 11, 2018, from U.S. Department of the Treasury:  
<https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570.htm>



# CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

## WORKSHOP AGENDA ITEM

DOC ID: 8811

**DATE:** April 28, 2021

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Mercedes Miller, Interim City Manager

**FROM:** Danielle Matricardi, City Attorney

**RE:** Discussion of Potential Amendments to Alcoholic Beverages Ordinance

**PURPOSE:** Continued discussion on a proposed amendments to alcoholic beverages ordinance governing alcohol sales in the City of College Park at establishments that do not typically serve food.

**REASON:** To become more competitive with neighboring jurisdictions and bring more businesses to College Park, City Staff desires to amend the City's Alcoholic Beverages Ordinance to allow certain businesses that do not serve food to sell alcoholic beverages by the drink for consumption on the premises. City Staff examined ordinances from other jurisdictions, which permit businesses such as art galleries, art studios, cigar shops, private dog parks, etc., to sell alcoholic beverages by the drink. City Council previously discussed this matter at the April 19th workshop session and asked the City Attorney to explore various options for the City to proceed. Please see the attached memorandum from City Attorney Winston Denmark that discusses options for amending the city's alcohol ordinances to permit on premises alcohol consumption in business establishments that do not meet the current requirement of 51% food sales.

### ATTACHMENTS:

- WAD Memorandum to College Park-alcohol ordinance (DOC)

### Review:

- Danielle Matricardi Completed 04/28/2021 12:27 PM
- Rosyline Robinson Completed 04/28/2021 1:09 PM
- City Clerk Completed 04/28/2021 1:23 PM
- Economic Development Completed 04/28/2021 1:45 PM
- Mercedes Miller Completed 04/28/2021 1:54 PM

- Mayor & City Council      Pending      05/03/2021 6:00 PM



**FINCHER DENMARK LLC**

ATTORNEYS

100 Hartsfield Centre Pkwy,  
Ste. 400, Atlanta, GA 30354  
T. 770.478.9950 | F. 770.471.9948  
www.fincherdenmark.com

**PARTNERS**

WINSTON A. DENMARK  
STEVEN M. FINCHER  
EMILIA C. WALKER

**ASSOCIATES**

VALORRI C. JONES  
MAX M. CHANG  
DANIELLE M. MATRICARDI  
MICHAEL J. HUENING  
ZALAK N. RAVAL  
SHIRNELLE COUNCIL

**MEMORANDUM**

**TO:** Mayor and City Council

**CC:** Mercedes Miller, Interim City Manager

**FROM:** Winston A. Denmark, City of College Park Attorney

**DATE:** April 28, 2021

**SUBJECT:** *Potential Changes to Alcohol Ordinance*

**I. BACKGROUND**

The Mayor and City Council is considering whether to enact changes to the City Alcohol Ordinance to modify the limitation of alcohol licenses to restaurants, which are defined as establishments deriving at least fifty-one percent of its revenue from food sales. The goal of the current ordinance is to eliminate bars or other establishments where on premises alcohol consumption is the primary use. However, in recent years, new and trendy types of businesses have begun to emerge. These businesses do not have food sales at 51 % or at all in some cases; nevertheless, they would like to serve alcohol, which is presently not permissible under the city's ordinances. As a result, College Park is losing out on economic development and business opportunities, as these businesses are locating in neighboring jurisdictions which have more favorable alcohol licensing schemes.

This memorandum explores options for amending the city’s alcohol ordinances to permit on premises alcohol consumption in business establishments that do not meet the current requirement of 51% food sales. This subject has generated robust discussions in previous work sessions, and opinions vary substantially. As a result, the Mayor and Council may elect to reject all such options and keep the city’s current alcohol regulations in place. However, to the extent there is any interest in enacting changes, five distinct options for doing so are presented in this memorandum.

## **II. OPTIONS**

### OPTION 1: Specific Exceptions

The city would amend its ordinances to create specific exceptions for certain types of businesses. As noted, in order to maintain an alcohol license, a business must derive at least 51% of its revenue from food sales. This option would create a city-wide exemption from this requirement for certain businesses. For instance, the City may create an exemption for “breweries”, which would be well-defined. Under the ordinances of the City of Hapeville, breweries are broadly and specifically defined. College Park could adopt a similar definition of breweries and exempt them from the 51% food sales requirement for on premises consumption of alcohol. The exemption could be complete (i.e., no food sales required), or simply lowered. Thus, the new requirement could be that, unlike other establishments in the city, breweries must only derive 15% of its revenue from food sales. Other businesses receiving the exemption could be dog parks, art galleries, and bars/lounges. Many would suggest that the exempted businesses were receiving “special treatment” and would have an unfair advantage over non-exempted businesses, many of which have been struggling to meet the City’s current requirements for years.

### OPTION 2: Special Entertainment Districts

Under this option, the City would create special entertainment districts that have different rules than the rest of the City. Similar to an overlay, the special entertainment district would allow businesses located therein to serve alcohol without meeting the 51% food sales requirement. Again, the requirement could be lifted completely, or simply lowered. The advantage of this option is that it would not operate city-wide and could be used to attract

business and remain competitive in key areas of the City, like the Six West development. There could also be security and safety measures imposed, as well as limited hours of operation to address potential concerns. The City of Atlanta presently has entertainment districts with different alcohol rules, similar to what is being presented here.

#### OPTION 3: Time Restrictions

This option would amend the alcohol ordinance to allow on premises alcohol consumption in establishments that do not meet the food sales threshold, but limit those establishments to operating only during designated hours, i.e., Mondays through Saturdays, from 3:00 PM until 10:00 PM. Businesses that do not want this limited alcohol license would still be required to meet the food sales requirement and would not be limited in terms of hours of operation. If the goal is to allow niche businesses like dog parks to serve alcohol, this option would allow them to do so during the hours they traditionally operate. Of course, considerable mischief can occur even during limited hours. This is a risk calculus for the Mayor and Council to consider.

#### OPTION 4: Only Beer and Wine

The next option presented would be for the City to eliminate or lower the food sales threshold for the establishment that will only have on premises consumption of beer and wine. The theory here is that beer and wine generally have a lower alcohol content by volume, which may reduce the incidence of intoxicated patrons. These establishments could have time restrictions imposed as well. Businesses wishing to serve liquor would still be subject to the 51% food sales requirement.

#### OPTION 5: Modification of Food Sales

The final option would be for the City to either totally eliminate or lower the 51% food sales requirement city-wide.

### **III. CONCLUSION**

All of the options presented here present unique enforcement challenges. Policing hours of operation or understanding which businesses are located in special districts would be

administratively taxing. However, the City's current scheme is difficult as well. The City is presently required to ensure that all businesses serving alcohol derive at least 51% of their revenue from food sales. That is no small undertaking. So, while implementing the options presented here would entail greater administrative costs, these are not costs that would be new to the City.