

# **Purchasing Policy**

## **INTRODUCTION**

The purpose of this policy is to provide guidance and direction to personnel regarding the procurement of supplies, materials, equipment and contractual services needed by the City of Dacula and its operating departments to perform their public functions. Officials and employees of the City are expected to insure that public funds are expended solely for the purpose for which they are intended and in the most economical and prudent manner. Pursuant to the authority granted by the State of Georgia, the City of Dacula has adopted more restrictive methods of procurement than are required. Compliance with these policies is incumbent upon all City officials and employees.

## **GENERAL PROVISIONS**

### **1. OVERVIEW**

- a) No official or employee shall derive any known past, present or future personal benefit, either directly or indirectly, from the expenditure of public funds.
- b) Each department head is responsible for insuring that their budget contains sufficient approved funds in the proper line item for each purchase, and that no project or purchase is sub-divided in order to avoid the provisions of this policy.
- c) All officials and employees are charged with the responsibility to report known or suspected violations of this policy. Any employee not complying with this policy, or failing to report non-compliance, may be subject to disciplinary action in accordance with the City of Dacula personnel policy.

### **2. OBJECTIVES**

- a) The procurement of quality materials, supplies and services at the best available price is important to the City of Dacula. In order to achieve this goal, the following objectives have been put in place as a guide to assist officials and employees.
- b) To assure that the best value is received for the tax dollar expended, officials and employees should:
  - i. Plan in advance in order to reduce the number of small orders and emergency purchases.
  - ii. Combine purchases when possible in order to reduce paperwork.
  - iii. Encourage cooperative intergovernmental purchasing by departments.
  - iv. Practice fair and open purchasing procedures in order to encourage potential vendors to furnish competitive prices.
  - v. Inspect purchases to determine that goods delivered meet the specifications established.
  - vi. Provide budget control to ensure the financial stability of the City of Dacula

### 3. **ETHICS**

Public confidence in the integrity of the City's purchasing practices is also very important. In order to achieve this goal. It is imperative that the conduct of every person employed by the City of Dacula be governed by the following ethical practices:

- a) Represent the highest ideals of honor and integrity in all public and personal relationships in order to command the respect and inspire the confidence of the City and of the public that it serves.
- b) Recognize that purchasing activities are of public interest and a matter of public record and conduct these duties so that all actions can be fully documented in accordance with this policy.
- c) Demonstrate the belief that personal profit should not be obtained through misuse of public or personal relationships.
- d) Endeavor to avoid even the appearance of impropriety or conflict of interest.
- e) Refuse to seek or dispense personal favors as it pertains to the purchase of goods and services.
- f) Refuse to accept gifts, favors or benefits from vendors under circumstances that might be construed by reasonable persons as evidence of favoritism or providing an unfair advantage. This provision applies to prospective vendors and/or existing vendors that will/may seek renewal of their agreement/business relationship with the City.

### 4. **DEFINITIONS**

**Best Bid:** The evaluation of the overall bid considering the quality, price, various elements of the required goods or services, and the responsiveness and responsibility of the bidder.

**Bid:** A vendor's offer to provide specific goods or services, at specified prices, in response to the City's competitive solicitation.

**Formal Bid:** A bid that must be forwarded in a sealed envelope or other means, in conformance with the format prescribed in the solicitation.

**Non-competitive situation:** Exists when the product or service being purchased from a sole source or specified source.

**Open Procurement:** Buying, purchasing, renting, leasing, or otherwise acquiring goods or services based on the individuals' knowledge of the market, responsibility for stewardship, and operational requirements.

**Quote:** An unsealed, competitive offer conveyed by telephone, fax, e-mail or internet solicitations, in accordance with the format prescribed in the solicitation.

**Responsive Bidder:** A person or entity that has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the invitation for bids or request for proposals.

**Responsible Bidder:** A person or entity that has the capability in all respects to perform fully and

reliably the contract requirements. Possible factors may include but are not limited to (i) the firm's relevant experience on similar projects; (ii) the firm's ability to perform within the specified time period; (iii) the firm's reputation in the community; (iv) the firm's financial condition; (v) the firm's bonding capacity and insurance; (vi) the firm's safety record; and (vii) compliance with applicable immigration requirements.

Sole Source: The only available source through which goods, equipment or services may be purchased.

Specified Source: A source selected without competitive bidding for justifiable reasons.

## **5. SUMMARY**

The Financial Services Department is responsible for developing, maintaining and administering the policies, procedures and necessary forms for the City's purchasing functions. All purchases shall be approved by each department head or his/her designee and submitted to the Finance Department for final approval, on behalf of the City Manager, and processing.

These measures have been put in place in order to control costs, insure legal compliance, promote wise use of government resources, adhere to accounting, audit requirements, and maintain the integrity of the City of Dacula.

## **6. METHODS OF PROCUREMENT**

The following methods of procurement shall be used for the purchase of goods and services:

- a) Open Procurement: This method is for small dollar purchases of standard operating supplies and services on an as-needed basis.
- b) Quotes: This method is for single purchases and involves soliciting quotations from at least three vendors when practicable. These quotes can be obtained either by telephone, fax, e-mail, mail, or internet solicitations and are not normally advertised. Award is generally made to the lowest responsive and responsible vendor meeting specifications.
- c) Formal Bidding: This method is utilized when the cost of supplies, materials or equipment required on a single purchase exceeds \$15,000. The process requires advertising in a newspaper of general circulation, receiving sealed bids, and generally awarding the purchase to the lowest responsive and responsible bidder meeting specifications. The City may utilize the Reverse Auction method of formal bidding over the Internet, if practical.
- d) Request for Proposal (RFP): This method is used primarily for professional services and highly technical commodities. An RFP differs from a formal bid in that proposals may be solicited in a one or two-step process. The award may be granted to other than the lowest-priced vendor.
- e) Design-Build: In this method, design and construction of a project are included in a single contract. It allows the City to hire one firm to provide both professional design and

construction services while reducing the administration costs typically involved with monitoring multiple contracts.

## **7. PREQUALIFICATION**

- a) The City of Dacula is hereby delegated the authority to administer a process for mandatory prequalification of prospective bidders or offerors for public construction projects, pursuant to O.C.G.A. § 36-91-1.
- b) Pursuant to this delegation of authority the Department Head, in coordination with the Financial Services Department, is authorized to implement a process for mandatory prequalification of bidders, subject to the following requirements:
  - i. Criteria for prequalification shall be reasonably related to the project or the quality of the work.
  - ii. Criteria for prequalification shall be available to any prospective bidder or offeror requesting such information.
  - iii. There shall be a method of notifying prospective bidders or offerors of the criteria for prequalification.
  - iv. There shall be a procedure for a disqualified bidder or offeror to respond to his or her disqualification to the City Administrator; however, such procedure shall not include a formal appeal.
- c) Where prequalification is required, no invitation to bid or RFP will be solicited until the prequalification process is complete.
- d) No bid or proposal shall be eligible for consideration by the City of Dacula from a prospective bidder who has not been prequalified on the procurement in question where the invitation for bids or request for proposals specified that prequalification would be mandatory.

## **8. GUIDELINES AND SOURCE SELECTION**

Within these guidelines, the Department Head has the responsibility and authority to control the funds budgeted for the operation of their department. The Department Head is expected to control expenditures to these budgeted amounts and effect savings where possible. It is the responsibility of the Finance Department staff to assist departments with efforts toward this end.

### **State Advertising Requirements and Regulations:**

Compliance with O.C.G.A. 36-80-26 requires that if a formal bid opportunity is extended and it exceeds \$10,000, this opportunity to bid is required to be posted on the Georgia Procurement Registry. (Dacula's procurement policy requires formal bidding only when the purchase exceeds \$15,000 or as otherwise required by law.)

If a bid or proposal opportunity is extended for public works construction contracts subject to Chapter 91 of Title 36 of the O.C.G.A., this opportunity is required to be posted on the Georgia Procurement Registry.

Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid or proposal opportunity.

(<http://doas.ga.gov/state-purchasing/georgia-procurement-registry-for-local-governments>).

#### State Contract Items:

Items and services available under state contract do not require any additional bidding. If the department head chooses not to purchase an item that is available to the City under a state contract, he/she must document the state contract price and the reason for not selecting the contract vendor, in addition to following the guidelines below.

### **9. PURCHASING LEVELS**

The dollar limits for quotes and formal bids that will govern the proper method for the purchase of goods and services are as follows:

#### 1. Tier 1 - Purchases under \$10,000

The department head may approve any purchase under \$10,000, provided that the approved budget for the department contains sufficient funding in the appropriate line item and according to the following guidelines:

##### a. Purchases under \$5,000 (open procurement)

i. Purchases in this category may be made without competitive price quotes via open procurement, based on the Department Head's knowledge of the market, responsibility for stewardship, and operational requirements. The Department Heads should maintain helpful resources regarding the market and pricing data and attach this information to the request for payment.

##### b. Purchases between \$5,000 and \$10,000 (quotes)

- i. Purchases in this category require three competitive price quotes.
- ii. Telephone, fax, e-mail, mail or internet solicitations are acceptable, but all responses from vendors must be documented and maintained in the vendor file to be accompanied with the invoice for payment.
- iii. It is recognized that in certain highly specialized procurements, it may not be possible to obtain three price quotes. In those cases, the department head must document the facts and circumstances as a part of the audit trail to accompany the invoice for payment.

##### c. Purchases between \$10,000 and \$15,000 (quotes)

- i. Purchases in this category require three written price quotes from responsible vendors.
- ii. Normally the lowest quote will be accepted; however, price is not always the determining factor. When a Department Head selects other than the lowest quote, he or she must justify the decision to the City Administrator in writing before the purchase may be affected.
- iii. The City Administrator shall approve each purchase in this category in writing.

2. Tier 2-Purchases in excess of \$15,000 (formal bidding)
  - a. Purchases in this category must be decided by formal bidding or Request for Proposal (RFP) with exception to Professional Services as defined below (see section 9).
  - b. The department head shall prepare either an RFP or an "Invitation to Bid" (which ever is appropriate) and forward such to prospective bidders. The time and place for submission of bids and other administrative requirements will be clearly stated. Bids shall generally be awarded to the lowest responsive and responsible bidder and any Invitation to Bid or RFP shall state that the City reserves the right to reject any and all bids or proposals.
  - c. The Department Head shall approve purchases under \$5,000 in this category in writing.
  - d. The City Administrator shall approve purchases between \$5,000 and \$15,000 in this category in writing.
  - e. Purchases greater than \$15,000, shall be approved by the City Council.

## **10. EXCEPTIONS TO COMPETITIVE PROCESS**

- a) Professional Services: The bidding of a price quote for professional services is not required.
- b) Standard off-the shelf equipment: Procurement awards for off-the-shelf equipment and/or standard commodities, where the dollar amount is less than \$15,000 and approved in the adopted budget, do not require formal bidding if awarded to the lowest responsive, responsive offeror. Quote practices outlined in section 9 should be followed.
- c) State Contract Items: Items that may be purchased under state contract do not require any additional bidding.
- d) Cooperative Purchasing: The City may participate in a cooperative purchasing agreement for procurement with other governmental entities or non-governmental organizations for contracts, agreements or bids. Cooperative purchasing helps to reduce the cost of purchased goods and services through pooling the purchasing power of multiple agencies. The City may also participate in "piggy-backing" onto existing procurements of other governmental entities or non-governmental organizations provided that the procuring entity purchasing policies are compatible with Dacula's purchasing policies. These may include, but are not limited to, state contracts and bids, county contracts and bids, and local government contracts and bids.
- e) Federal or other Grant Purchases: Periodically, the City may be given public or private grants and donations from sources such as the federal government, state government, private corporations, foundations, etc. These funding sources often include restrictive

stipulations and may dictate the procurement process and methodology that the City is to follow for the contract award.

Notwithstanding any other provision of the policy, the City may enter into any contract, follow any procedure, or take any action that is otherwise at variance with this policy if necessary or convenient to receiving funds from the government of the United States, State of Georgia, other governmental/public and private entities. When using Federal Highway Administration (FHWA) funds, competitive negotiation (as specified in 23 U.S.C.112 (b)(2)(A) and 23 CFR 172.S(a)(1)) is based on qualification based selection procedures (as specified in 40 U.S.C. 1101-1104 (Brooks Act)) and shall be the primary method of procurement for engineering and design related services using Federal Aid Highway Program (FAHP) funding.

The City shall ensure that the purchase of equipment, supplies and/or services relating to the expenditures of federal Community Development Block Grant (CDBG) funds shall follow federal requirements in accordance with the "Common Rule, 24 CFR Part 85 to the CDBG Entitlement Program."

- f) Emergency Purchases: An emergency is hereby defined as any situation or circumstance that is determined to constitute a threat to public health, safety or welfare or to the soundness and integrity of public property, or to the delivery of essential services, and where the adverse effects of such emergency may worsen materially in the short term with the passage of time.

The City Administrator may declare a "purchasing emergency situation" that would permit a waiver of normal competitive purchasing procedures during a bona fide emergency. However, the purchasing emergency situation shall expire within 96 hours of being declared. During this time, the City Administrator shall consult with the Mayor and solicit formal guidance and direction on this declaration, consistent with the City Charter and Ordinances.

Emergency purchasing provisions shall not be used to compensate for poor planning.

- g) Sole Source or Specified Source Purchases: A sole source situation exists when: there is a lack of responsible competition for a commodity or service which is vital to the operation and best interest of the City; a vendor possesses exclusive or predominant capabilities; a product or service is unique and easily established as one- of-a-kind; there is a patented feature providing a superior utility not obtainable from similar products; a proprietary right exists and the product is available from only one prime source; and/or the administrative costs to undertake a procurement of design process exceed the value of the product or service.
- h) Contractual Services: Ongoing services or agreements may be renewed or continued if the Department Head determines that it is in the best interest of the City. This decision should be based on satisfactory service, reasonable prices and the desire to avoid the interruption of City business; and/or based on good business sense if pursuant to the terms and

conditions of the contract.

Contractual services are defined as, but not limited to, landscape services, paving contracts, janitorial services and building maintenance.

i) Change Orders and Contract Modifications:

1. Original contract under \$15,000: The City Administrator shall have the authority to approve all change orders and contracts up to \$15,000 of the original contract plus all change orders, provided that the change order does not exceed the current project budget allocations. Should the original contract and change orders exceed \$15,000, authorization by City Council will be required.
2. Original contract over \$15,000: The City Administrator shall have the authority to approve all change orders and contracts up to \$15,000 above the original contract, provided that the change order does not exceed current project budget allocations. Should the change orders exceed \$15,000, authorization by City Council will be required.

**11. AMENDMENTS**

The City Administrator is authorized to make minor modifications to this Policy which do not increase the Purchasing Levels listed above or conflict with the terms of the City's Purchasing Ordinance.