

**AMENDMENT NO. 1 TO THE EFFINGHAM COUNTY PURCHASING &
PROCUREMENT POLICY AND STANDARDS**

(Adopted April 15, 2025 Policy — Amendment to Align with HB 137 (2025) and
Current County Structure)

SECTION 1. PURPOSE AND AUTHORITY.

This Amendment updates the Effingham County Purchasing & Procurement Policy and Standards to align with Georgia House Bill 137 (2025) and applicable provisions of Georgia law, and to clarify internal approval authorities and special provisions.

Authority: O.C.G.A. § 36-91-22 (public works bidding threshold, as amended by HB 137 (2025)); O.C.G.A. § 32-4-63 (county road contracts); O.C.G.A. § 36-81-7 (annual audit).

SECTION 2. ASSISTANT COUNTY MANAGER (ACM) — APPROVAL AUTHORITY.

Wherever the Policy references the “County Manager” as an approving authority (including purchases, change orders, and emergency procurements), such reference shall include the Assistant County Manager (if appointed) with the same approval authority, with written notification to the County Manager whenever the Assistant County Manager exercises that authority (email is acceptable).

SECTION 3. FINANCE APPROVALS — ACCOUNTING MANAGER.

Wherever the Policy requires Finance Director review or approval, the phrase shall be read to state “Finance Director or Accounting Manager.”

SECTION 4. PUBLIC WORKS CONSTRUCTION THRESHOLD (HB 137 ALIGNMENT).

A. Public Works Construction (O.C.G.A. § 36-91-22, as amended by HB 137 (2025)).

1. \$250,000 and above — Procurement shall be by competitive sealed bidding in accordance with Title 36, Chapter 91.
2. Under \$250,000 — Exempt from Chapter 36-91 sealed bidding. The County may use less-formal procurement methods authorized by this Policy.
3. No Project Splitting — Projects shall not be subdivided to evade statutory or Policy requirements.

Conforming Change: In the Purchasing Thresholds table, move the “Sealed Bid Process” trigger for public works construction to \$250,000 and above.

SECTION 5. COUNTY ROAD CONTRACTS (TITLE 32 ALIGNMENT).

Insert the following note within the Policy's thresholds section to ensure alignment with Title 32 when it governs county road work:

- The County Manager or Designee may negotiate road contracts under \$250,000.
- For road contracts over \$20,000 and under \$250,000, the County Manager or Designee shall obtain at least two estimates.
- Where Title 32 applies, these provisions govern notwithstanding general thresholds elsewhere in this Policy.

SECTION 6. EMERGENCY PROCUREMENTS (LOCAL CAP AND PROCESS).

A. Emergency Procurement. When an emergency exists—i.e., a sudden and unexpected condition that poses an immediate threat to public health, safety, welfare, property, or essential services—the County Manager or Assistant County Manager may authorize procurement actions up to \$350,000, using as much competition as practicable under the circumstances.

B. Exceeding \$350,000. Emergency procurements over \$350,000 require Board approval. If immediate stabilization is necessary to prevent or mitigate imminent harm before a Board meeting can be convened, the County Manager or Assistant County Manager may authorize only the minimum necessary stabilization actions and shall call a special or emergency Board meeting as soon as practicable for approval of any additional expenditures.

C. Reporting and Ratification. All emergency procurements shall be reported to and ratified by the Board at the next regular (or called) meeting. The Procurement Department shall maintain a written record of the emergency determination, vendors contacted, quotes received (if any), contracts or purchase orders issued, and total costs.

Note: Chapter 36-91 recognizes emergency exceptions; no state dollar cap is imposed. See **O.C.G.A. § 36-91-22** (exceptions), and the definition of 'emergency' at **O.C.G.A. § 36-91-2(7)**.

SECTION 7. BUILDER'S RISK INSURANCE (CLARIFICATION).

The County may choose to waive Builder's Risk insurance when it deems it not necessary. Contract documents shall specify risk allocation, deductibles, and claims handling consistent with the selected approach.

SECTION 8. EXTERNAL AUDIT AND COMPLIANCE SERVICES (INDEPENDENCE OPTION).

To preserve independence and avoid real or perceived conflicts of interest, the County Manager or Designee may, in his/her sole discretion, exclude the incumbent external audit or compliance firm from competing for the subsequent term. (Baseline authority for annual audit: O.C.G.A. § 36-81-7.)

SECTION 9. CONFORMING REVISIONS.

The County Manager, Purchasing Agent, and County Attorney are authorized to make non-substantive, conforming edits to headings, cross-references, and the Purchasing Thresholds table to implement this Amendment, including: (a) inserting “Assistant County Manager” where “County Manager” appears; and (b) inserting “Finance Director or Accounting Manager (designee)” where “Finance Director” appears.

SECTION 10. CONTINGENCIES (LIMITATIONS AND APPROVALS).

A. Maximum Contingency. Any contingency included in a contract amount shall not exceed ten percent (10%) of the base contract amount unless otherwise approved by the Board of Commissioners.

B. Single Contingency Approach (No Double Counting). For any given contract, the County shall use only one (1) of the following approaches:

(1) Contract-Embedded Contingency. A contingency amount not to exceed ten percent (10%) may be included in the executed contract total; or

(2) Comprehensive Change Order Allowance. The contract may instead rely on the Policy’s comprehensive change order allowance not to exceed ten percent (10%).

The County shall not include both an embedded contingency and also apply the ten percent (10%) comprehensive change order allowance to the same contract.

C. Approvals. Any contingency—whether embedded in the executed contract total or administered through change orders—shall be subject to the same approval thresholds and designated approvers required by this Policy for contract awards and contract modifications, as applicable.

SECTION 11. EFFECTIVE DATE; CONFLICTS.

This Amendment is effective upon adoption by the Board of Commissioners and supersedes any conflicting provisions of the April 15, 2025 Policy.

ADOPTED this ____ day of _____, 20 ____.

<p>_____</p> <p>Damon Rahn, Chairman, Effingham County Board of Commissioners</p>
<p>Date: _____</p>
<p>Policy Reference: Purchasing & Procurement Policy and Standards (Adopted April 15, 2025)</p>
<p>Amendment No. <u> 1 </u></p>