

**ORDINANCE \_\_\_\_\_**

**ORDINANCE TO AMEND ARTICLE IX OF CHAPTER 2 OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA REGARDING PROCUREMENT REGULATIONS TO MODERNIZE THE PROCUREMENT FRAMEWORK AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

**Section 1:**

That Article IX, related to Procurement, is hereby amended by deleting Article IX in its entirety and replacing the language to read as follows:

**ARTICLE IX. - PROCURMENT**

**DIVISION 1. – GENERAL PROVISIONS**

**Sec. 2-251. Purpose and Intent.**

(a) Short Title.

This Article shall be known and may be cited as the “Lawrenceville Procurement Ordinance.”

(b) Purpose.

The purpose of this Article is to establish a modern, transparent, ethical, and fiscally responsible procurement system that ensures the efficient acquisition of goods, services, and construction for the City. This Article sets forth the legal framework for procurement authority, competitive requirements, delegated approvals, internal controls, documentation standards, and contract governance.

(c) Intent.

The intent of this Article is to:

- (1) Promote full and open competition except where a documented exemption or noncompetitive method is authorized under this Article;
- (2) Authorize the use of Best Value Procurement as a legally recognized method for awarding contracts;
- (3) Strengthen and maintain transparency, accountability, integrity, and public confidence in the City’s procurement processes;
- (4) Establish a procurement system aligned with recognized national standards of practice, including those of the Government Finance Officers Association (GFOA) and the National Institute of Governmental Purchasing (NIGP);

- (5) Implement internal control safeguards that protect the City from fraud, waste, abuse, conflicts of interest, and unauthorized commitments;
  - (6) Ensure that procurement activities are conducted in an efficient, fair, and ethical manner that reflects the City's values and fiduciary responsibilities;
  - (7) Provide the governance foundation for a Tiered Procurement System consisting of this Article (Tier 1), the Procurement Governance Manual (Tier 2), Standard Operating Procedures (Tier 3), and Templates, Forms, Checklists and Tools (Tier 4); and
  - (8) Align procurement activities with applicable federal, state, and local laws, including federally funded procurement requirements under 2 CFR 200 where applicable.
- (d) Governance Structure.

This Article establishes a four-tier procurement governance system designed to ensure clarity, consistency, accountability, and compliance across all procurement and contracting activities of the City. The tiers are defined as follows:

- (1) Tier 1 — Procurement Ordinance: Tier 1 consists of this Article as adopted by the City Council. It establishes the legal framework for the City's procurement system, including roles and authorities, procurement methods, competition requirements, internal control principles, contract governance standards, and special provisions. Tier 1 requirements shall prevail over all other procurement documents.
- (2) Tier 2 — Procurement Governance Manual: Tier 2 consists of the governance-level policies approved by the Chief Financial Officer that implement this Article. Tier 2 defines the City's procurement governance rules, including delegation matrices, thresholds, method determination criteria, evaluation frameworks, internal control requirements, vendor responsibility standards, planning requirements, reporting structures, and risk-management expectations. Tier 2 provides policy-level detail without dictating step-by-step procedures.
- (3) Tier 3 — Standard Operating Procedures: Tier 3 consists of the operational procedures approved by the Purchasing Director and Chief Financial Officer. Standard operating procedures establish the required workflows, forms, routing, communication protocols, evaluation procedures, documentation requirements, timelines, and detailed steps necessary to carry out procurement activities in compliance with Tiers 1 and 2. Standard Operating Procedures guide day-to-day execution and operational consistency.
- (4) Tier 4 — Templates, Forms, Checklists, and Tools: Tier 4 consists of the templates, forms, checklists, job aids, and system-based tools used to implement the Standard Operating Procedures. Tier 4 ensures standardization, accuracy, and efficiency in procurement processes and supports consistent application of procedures across departments.

No Tier 2, Tier 3, or Tier 4 document may conflict with or supersede the requirements of this Article. In the event of any conflict between this Article and any procurement-related policy, manual, procedure, or other governance document, the provisions of this Article shall control.

**Sec. 2-252. Procurement Principles.**

All procurement activity conducted on behalf of the City shall be guided by the following principles:

- (a) Best Value. Procurement decisions shall be based on a determination of Best Value, which may include price, quality, experience, technical merit, delivery, service, and risk.
- (b) Competition. Competition shall be promoted to the maximum practicable extent to ensure fairness, transparency, and sound stewardship of public resources.
- (c) Transparency. Procurement records, processes, and decisions shall be accessible and documented in accordance with this Article and the City's records policies.
- (d) Accountability. All employees and officials involved in procurement share responsibility for compliance with this Article, internal controls, and applicable laws.
- (e) Integrity. Procurement activities shall be conducted ethically and free from conflicts of interest, favoritism, undue influence, or improper vendor communication.
- (f) Stewardship. Public funds shall be used efficiently and effectively, with consideration of total lifecycle cost and long-term impacts.
- (g) Equity and Fairness. All vendors shall be afforded fair and equal opportunity to compete.
- (h) Professionalism. The City shall maintain a procurement function that reflects professional standards of conduct and best practices.
- (i) Vendor Preference. The City does not apply local vendor preference unless expressly authorized by ordinance.
- (j) Informal Competition. Informal competitive procurement shall require documented competitive efforts as defined in the Procurement Governance Manual.

**Sec. 2-253. Scope and Applicability.**

- (a) Applicability.  
This Article applies to all procurement, contracting, and related activities conducted by or on behalf of the City, regardless of funding source, department, or contract type.
- (b) Covered Personnel.  
This Article applies to all officers, employees, elected officials, agents, consultants, evaluation committee members, contract managers, and any other individuals involved in City procurement activities.
- (c) Covered Activities.  
This Article includes all activities related to procurement planning, method

determination, solicitation, evaluation, negotiation, award, contract management, change order processing, vendor performance management, receiving and acceptance, invoice verification, payment processing, and surplus disposition.

(d) Relationship to Other Articles and Laws.

Where conflicts occur, federal requirements shall govern federally funded procurements; state law shall govern where required; and otherwise, this Article shall control. Other City policies may supplement but shall not supersede this Article unless expressly authorized by City Council.

(e) Federal Procurement Requirements.

For procurements funded in whole or in part with federal funds, all federal procurement standards — including but not limited to 2 CFR 200 — shall apply to the extent required and shall supersede any conflicting provisions of this Article.

**Sec. 2-254. Definitions.**

For the purposes of this Article, the following terms shall have the meanings set forth below. Terms not defined herein shall have their plain and ordinary meaning, unless defined in state or federal law.

*Addendum or Addenda:* A written or electronic modification to a solicitation issued by the Purchasing Director before the submission deadline.

*Annual Procurement Report:* The annual report prepared under Sec. 2-289 summarizing the City's procurement activity.

*Authorized Written Designee:* A City employee formally designated in writing by a Department Director, the City Manager, the Chief Financial Officer, or other official with delegation authority under this Article to perform specifically identified procurement, approval, coordination, or administrative duties on behalf of that official, subject to the limits, conditions, and scope stated in the written designation. An Authorized Written Designee may not exercise authority beyond the authority delegated in writing and may not approve, execute, or bind the City unless such authority is expressly granted by this Article, applicable policy, or written delegation. **Best Value:** The overall combination of quality, price, experience, capability, service, delivery, and other factors that provide the greatest benefit to the City, as determined in accordance with this Article.

*Bid:* A response submitted to an Invitation to Bid (ITB) containing pricing and other information required for competitive sealed bidding.

*Bidder:* A vendor submitting a bid in response to an Invitation to Bid.

*Change Order:* A written modification to a contract, including amendments, adjustments, or revisions to scope, quantities, pricing, terms, or schedule.

*Chief Financial Officer (CFO):* The City official responsible for enterprise financial oversight, procurement governance, internal controls, fiscal compliance, and financial approval authority as assigned under this Article, the Procurement Governance Manual, and other City financial policies. The Chief Financial Officer may exercise approval, rejection, interpretation, oversight, suspension, debarment, and internal control authority as provided in this Article and applicable governance documents.

*City:* The City of Lawrenceville, Georgia.

*Competitive Sealed Bid or Invitation to Bid (ITB):* A formal procurement method where award is made to the lowest responsive and responsible bidder based on clearly defined specifications.

*Competitive Sealed Proposal or Request for Proposals (RFP):* A formal procurement method that evaluates proposals using Best Value criteria, including price and non-price factors.

*Contract Manager:* A City employee designated by a Department Director or authorized written designee to monitor contract performance, verify deliverables, assess invoices, and escalate issues.

*Contractor or Vendor:* An individual, firm, or entity providing goods, services, or construction to the City under a contract or purchase order.

*Cooperative Purchasing:* A procurement method that uses another governmental entity's competitive solicitation or contract when permitted by law and determined to be in the City's best interest.

*Debarment:* The action taken by the Chief Financial Officer to prohibit a vendor from participating in City procurements for a defined period due to serious misconduct or performance failures.

*Department Director:* The official responsible for managing a City department and ensuring departmental compliance with this Article.

*Department Liaison:* A departmental employee assigned to coordinate procurement activities, documentation, and communication between the department and the Purchasing Division.

*Emergency Procurement:* A procurement conducted under conditions in which immediate action is required to protect public health, safety, welfare, critical operations, or property and where the delay required for competitive procurement would materially worsen the situation in accordance with Sec. 2-274.

*Enterprise Resource Planning System (ERP):* The City's official financial and procurement system of record used to initiate, process, document, approve, and maintain procurement and purchasing transactions, including requisitions, purchase orders, contracts, receiving, and payment activities.

*Evaluation Committee:* The group of individuals appointed to evaluate bids, proposals, qualifications, or vendor submissions in accordance with this Article and applicable Standard Operating Procedures.

*Formal Procurement:* A competitive sealed bid (ITB) or competitive sealed proposal (RFP) process required when the procurement exceeds the City's formal threshold or when otherwise determined appropriate by the Purchasing Director.

*Informal Procurement:* A competitive procurement method for purchases above the micro-purchase threshold and below the formal procurement threshold.

*Method Determination:* The exclusive authority of the Purchasing Director to select the appropriate procurement method for each procurement action.

*Micro-Purchase:* A small-value procurement below the micro-purchase threshold established by the city, state, and federal law, intended for routine or low-risk goods or services.

*Notice to Proceed (NTP):* A written authorization issued by the Purchasing Director indicating that a vendor may begin work under a contract or purchase order.

*Procurement File:* The complete set of documents for a procurement action, maintained in the City's Enterprise Resource Planning system and containing all required documentation listed in this Article.

*Professional Services:* Services involving specialized knowledge, technical expertise, or professional judgment, including but not limited to engineering, architecture, surveying, and other services requiring Qualifications-Based Selection when mandated by law.

*Purchasing Director (PD):* The official responsible for operational procurement management, method determination, solicitations, vendor responsibility, and compliance with this Article.

*Purchase Order (PO):* A legally binding document issued by the City to authorize a vendor to provide goods or services.

*Qualifications-Based Selection (QBS):* A procurement method evaluating firms solely on the basis of qualifications for the purpose of awarding or establishing a pool of qualified vendors for professional services, where price is negotiated after ranking.

*Quiet Period:* The period beginning on the date a solicitation is issued and ending upon final contract award or cancellation of the solicitation, during which communication between vendors and City officials or employees regarding the active solicitation is restricted.

*Responsible Vendor:* A vendor with the capability, integrity, and reliability to perform successfully under contract conditions.

*Responsive:* Conforming in all material respects to the requirements of a solicitation.

*Scope of Work or Specifications:* A written description of the goods, services, or construction required, including performance requirements, deliverables, and standards.

*Standard Operating Procedure (SOP):* A set of documented, step-by-step instructions that outlines how to perform a specific routine or complex task.

*Sole Source Procurement:* A noncompetitive procurement method used when only one responsible vendor is capable of providing the required goods or services, in accordance with Sec. 2-273.

*Suspension:* A temporary restriction imposed by the Purchasing Director prohibiting a vendor from participating in City procurements.

*Unauthorized Commitment:* Any agreement, promise, or action by an employee or official that binds the City financially or contractually without proper authority.

*Vendor Pool or Qualified Vendor Pool:* A list of vendors established through a qualifications-based selection process and eligible for assignment of work in accordance with this Article and applicable Standard Operating Procedures.

#### **Sec. 2-255. Ethics, Conflicts of Interest, and Standards of Conduct.**

(a) Incorporation of City Code of Ethics.

All individuals involved in procurement activities shall comply with the City of Lawrenceville Code of Ethics (Sec. 2-2 of the Lawrenceville Code of Ordinances), as may be amended. The provisions of the City Code of Ethics are incorporated herein by reference and apply fully to all procurement activities conducted under this Article.

To the extent that general ethics provisions, including but not limited to conflicts of interest, gift prohibitions, disclosure requirements, and standards of conduct apply to procurement activities, those provisions shall control.

The requirements of this Section supplement, and do not replace or conflict with, the City Code of Ethics.

(b) Procurement-Specific Ethical Obligations.

In addition to compliance with the City Code of Ethics, all employees, officials,

evaluation committee members, department liaisons, contract managers, and any other individuals participating in procurement activities shall:

- (1) Avoid actual, potential, or perceived conflicts of interest in procurement decisions;
- (2) Disclose any procurement-related conflict of interest in writing to the Purchasing Director and Chief Financial Officer prior to participation in the procurement activity;
- (3) Recuse themselves from procurement activities where impartiality may be compromised;
- (4) Safeguard confidential procurement information, including bids, proposals, evaluations, scoring materials, vendor trade secrets, and internal deliberations;
- (5) Refrain from improper communication with vendors during the quiet period as defined in this Article and applicable Standard Operating Procedures; and
- (6) Immediately report suspected procurement misconduct, fraud, collusion, or unauthorized commitments to the Purchasing Director and Chief Financial Officer.

(c) Vendor Standards of Conduct.

Vendors participating in City procurement shall:

- (1) Comply with the City Code of Ethics as applicable;
- (2) Avoid attempting to improperly influence procurement decisions;
- (3) Refrain from offering gifts, gratuities, favors, or anything of value prohibited by City policy or ordinance;
- (4) Avoid collusion or anti-competitive practices; and
- (5) Refrain from contacting City officials, employees, or elected officials outside the authorized procurement channel during active solicitations.

Violations may result in disqualification, suspension, debarment, contract termination, recovery of funds, or referral for legal action.

(d) Consequences of Violations.

Violations of this Section or the City Code of Ethics in connection with procurement activities may result in:

- (1) Disciplinary action under applicable Human Resources policies;
- (2) Removal from procurement responsibilities;
- (3) Revocation of system access;
- (4) Vendor disqualification, suspension, or debarment;
- (5) Contract termination;
- (6) Recovery of funds; or
- (7) Referral to the City Attorney or law enforcement when appropriate.

## **DIVISION 2. ROLES AND AUTHORITIES**

### **Sec. 2-256. Procurement Thresholds.**

(a) Purpose.

Procurement thresholds establish the competitive requirements and method boundaries applicable to all procurement activities conducted on behalf of the City.

(b) Procurement Thresholds.

The following thresholds apply to the selection of procurement methods and competition requirements, unless otherwise required by law:

(1) Micro-Purchase Threshold — \$0 to \$2,500.00.

Micro-purchases may be made without obtaining competitive quotes when the price is reasonable and the purchase is documented in the City's ERP system.

(2) Informal Procurement Threshold — \$2,500.01 to \$125,000.00.

Informal procurement methods shall be used for purchases above the micro-purchase threshold and at or below the formal procurement threshold. Informal procurements shall obtain competition through methods approved by the Purchasing Director and consistent with applicable Standard Operating Procedures.

(3) Formal Procurement Threshold — above \$125,000.00.

Purchases exceeding \$125,000.00 shall require a competitive sealed bid (ITB) or competitive sealed proposal (RFP), unless an authorized noncompetitive method is approved under this Article.

(c) Relationship to Approval Authority.

(1) Micro-Purchase: Department Director or designated written designee

(2) Informal Procurement:

- a. Purchasing Director: \$2,500.01 to \$25,000.00
- b. Chief Financial Officer: \$25,000.01 to \$75,000.00
- c. City Manager: \$75,000.01 to \$125,000.00

(3) Formal Procurement:

- a. City Council: Above \$125,000.00

(d) Cumulative Value.

Thresholds shall be applied to the total anticipated value of the procurement, including all options, renewals, amendments, and reasonably foreseeable obligations.

Determination of cumulative value shall be made by the Purchasing Director.

(e) Change Order Limitation.

No contract amendment or change order shall be approved if the cumulative value of the contract, including all amendments and change orders, exceeds the formal procurement threshold unless the procurement complies with all requirements applicable to that threshold and receives the appropriate level of approval authority.

(f) Material Change Order Limitation.

No contract amendment or change order, or series of amendments or change orders,

shall be approved if the cumulative value of such modifications exceeds the formal procurement threshold without approval by the City Council.

(g) Prohibition on Artificial Division.

Procurement requirements shall not be divided, sequenced, or structured to avoid competitive thresholds or procurement method requirements.

(h) Updates.

Procurement thresholds may be amended by ordinance as authorized by the City Council.

**Sec. 2-257. City Council Authority.**

(a) Policy Authority.

The City Council is the governing body responsible for establishing procurement policy for the City and for adopting this Article as the foundation of the City's procurement governance system.

(b) Approval of Contracts.

The City Council shall approve all contracts, agreements, and procurements that exceed the Council approval threshold established by ordinance or law.

(c) Oversight.

The City Council shall receive the Annual Procurement Report required under Sec. 2-289 and may request additional information regarding procurement activities to ensure transparency, accountability, and alignment with City priorities.

(d) Delegation.

The City Council may delegate procurement authority as provided in this Article and shall retain the authority to modify delegated responsibilities at its discretion.

(e) Stormwater Utility Authority Delegated Authority.

Notwithstanding other provisions of this Article, the Stormwater Utility Authority is authorized to approve procurement actions, contracts, and expenditures for Stormwater-related projects up to an amount of \$300,000.00 per project, provided such actions are:

- (1) within the legally adopted scope and authority of the Stormwater Utility Authority;
- (2) funded through Stormwater-designated revenues or funds; and
- (3) conducted in full compliance with state law, this Article, and all applicable procurement requirements.

Procurement actions approved under this subsection shall not require separate City Council approval unless otherwise required by law.

**Sec. 2-258. City Manager Authority.**

(a) Executive Authority.

The City Manager is responsible for the administration and execution of all procurement

activities carried out on behalf of the City, consistent with this Article and all applicable laws.

(b) Contract Approval.

The City Manager may approve contracts, amendments, and renewals that fall within delegated authority limits established by the City Council.

Any contract action that results in the cumulative value exceeding the City Manager's delegated authority shall require approval at the appropriate higher level of authority.

(c) Operational Guidance.

The City Manager may issue administrative directives, procedures, or expectations to departments as necessary to implement this Article and ensure compliance with procurement laws and policies.

(d) Emergency Procurement.

The City Manager may authorize emergency procurement actions in accordance with Sec. 2-274 when immediate action is required to protect public health, safety, welfare, critical operations, or property and where the delay required for competitive procurement would materially worsen the situation.

(e) Delegation.

The City Manager may provide delegated authority to some or all of the position's authority through written communication to the Purchasing Director.

**Sec. 2-259. Chief Financial Officer Authority.**

(a) Governance Oversight.

The Chief Financial Officer is responsible for financial oversight of the City's procurement system and serves as the City's chief procurement governance official.

(b) Internal Controls.

The Chief Financial Officer shall establish, monitor, and enforce internal control requirements applicable to procurement processes, including segregation of duties, system access, financial verification, and compliance with applicable laws.

(c) Financial Approval Authority.

The Chief Financial Officer shall approve procurement actions, contracts, amendments, or other obligations that exceed the Purchasing Director's delegated authority or that require financial validation under this Article or the Procurement Governance Manual.

(d) Sole Source and Noncompetitive Procurement Oversight.

The Chief Financial Officer shall review and approve noncompetitive procurement actions above the informal threshold and any sole source procurements requiring financial, legal, or operational verification.

(e) Governance Document Approval.

The Chief Financial Officer shall approve all Tier 2 (Procurement Governance Manual) and Tier 3 (Standard Operating Procedures) procurement documents prior to issuance.

(f) Annual Reporting.

The Chief Financial Officer shall oversee preparation of the Annual Procurement Report and shall report procurement performance, compliance, and trends to the City Manager and City Council.

(g) Delegation.

The Chief Financial Officer may provide delegated authority to some or all of the position's authority through written communication to the Purchasing Director.

**Sec. 2-260. Purchasing Director Authority.**

(a) Operational Procurement Authority.

The Purchasing Director is responsible for the administration, management, and operational execution of the City's procurement processes in accordance with this Article.

(b) Method Determination.

The Purchasing Director has exclusive authority to determine the appropriate procurement method for all City procurements, subject to federal and state laws and regulations, including the authority to escalate a procurement to a more competitive method when necessary to ensure fairness, transparency, or Best Value. The Purchasing Director's determination of procurement method shall be binding and may not be overridden by any department or employee except through written authorization of the Chief Financial Officer.

(c) Solicitation and Competitive Processes.

The Purchasing Director shall develop, issue, manage, and administer all formal and informal solicitations, including Invitations to Bid, Requests for Proposals, Requests for Qualifications, and other procurement methods authorized by this Article.

(d) Vendor Responsibility and Eligibility.

The Purchasing Director shall determine vendor responsibility; manage vendor performance records; oversee suspension processes; maintain vendor rosters; and ensure equitable access for vendors.

(e) Documentation and Compliance.

The Purchasing Director shall ensure that procurement files are accurate, complete, and documented in the City's ERP system, and may deny or return any procurement request that does not comply with this Article or governing documents.

(f) Training.

The Purchasing Director shall provide or coordinate procurement training for

departments, department liaisons, and evaluation committees consistent with this Article and applicable Standard Operating Procedures.

**Sec. 2-261. Department Directors or Authorized Written Designees.**

(a) Responsibility for Departmental Procurement.

A Department Director or authorized written designee is responsible for ensuring departmental compliance with this Article and for overseeing procurement activities conducted within their area of responsibility.

(b) Requisition Approval.

A Department Director or authorized written designee shall review and approve requisitions prior to submission to the Purchasing Director and shall ensure that funding is available.

(c) Scope and Specification Development.

A Department Director or authorized written designee shall ensure that solicitations and requisitions are supported by accurate and fair scope-of-work documents or specifications that reflect operational needs without restricting competition.

(d) Assignment of Liaisons and Contract Managers.

A Department Director or authorized written designee shall assign Department Liaisons and Contract Managers to support procurement processes, documentation, and contract oversight in accordance with Standard Operating Procedures.

(e) Training and Compliance.

A Department Director or authorized written designee shall ensure that departmental personnel complete required procurement training and adhere to procurement procedures.

(f) Performance Oversight.

A Department Director or authorized written designee is responsible for monitoring vendor and contract performance and ensuring timely escalation of issues to the Purchasing Director.

**Sec. 2-262. Department Liaisons.**

(a) Role.

Department Liaisons serve as the primary operational contacts between their department and the Purchasing Division for procurement activities.

(b) Responsibilities.

Department Liaisons shall:

- (1) Assist in preparing requisitions, scopes, and specifications;
- (2) Coordinate departmental procurement documentation;
- (3) Ensure required documents are uploaded into the ERP system;

- (4) Communicate departmental needs to the Purchasing Division; and
- (5) Support evaluation processes as required.

(c) Restrictions.

Department Liaisons shall not make purchasing commitments, negotiate with vendors, or authorize procurement actions on behalf of the City unless expressly delegated and approved in writing in accordance with this Article.

(d) Delegation of Department Liaisons.

Department Directors shall assign Department Liaisons with the consent of the Purchasing Director. The Purchasing Director may revoke the designation of Department Liaisons who violate or misuse procurement ordinances or procedures.

(e) Designation.

Each Department Director may designate one or more Department Procurement Liaisons to coordinate procurement activities between the department and the Purchasing Division. Such designation shall be subject to the concurrence of the Purchasing Director.

(f) Revocation of Designation.

The Purchasing Director may suspend or revoke a Department Procurement Liaison designation, including associated system access or procurement privileges, upon determination that the Liaison has violated this Article, engaged in misuse of procurement processes, or failed to comply with adopted procurement policies or procedures.

**Sec. 2-263. Contract Managers.**

(a) Role.

Contract Managers are responsible for monitoring and managing vendor performance throughout the contract lifecycle.

(b) Duties.

Contract Managers shall:

- (1) Verify receipt of goods, services, or deliverables;
- (2) Document vendor performance and maintain contract files;
- (3) Review and validate invoices and recommend payment;
- (4) Document and escalate vendor deficiencies or nonperformance; and
- (5) Support renewal and amendment decisions by providing required performance evaluations.

(c) Restrictions.

Contract Managers shall not authorize changes to scope, pricing, or contract terms except as allowed under this Article and applicable Standard Operating Procedures.

**Sec. 2-264. Segregation of Duties.**

(a) General Rule.

Segregation of duties is required to ensure the integrity of the City's procurement and financial processes. Segregation of duties shall be maintained between procurement planning, solicitation administration, contract performance verification, and payment authorization functions, except where operationally impracticable and compensating controls are documented.

(b) Lifecycle Separation Requirement.

To the extent practicable, no individual shall perform more than one of the following functions related to a procurement:

- (1) Initiating a requisition;
- (2) Determining the procurement method;
- (3) Issuing or administering a solicitation;
- (4) Receiving or accepting goods or services;
- (5) Approving invoices; or
- (6) Authorizing payment.

(c) Chief Financial Officer Oversight.

The Chief Financial Officer may establish additional segregation requirements, compensating controls, or approval conditions based on risk, system limitations, operational needs, or audit findings.

(d) System Access.

Access to procurement and financial modules within the City's ERP system shall be role-based and assigned in accordance with internal control principles.

### **DIVISION 3. PROCUREMENT METHODS AND COMPETITION**

#### **Sec. 2-265. Authorized Procurement Methods.**

(a) Purpose.

The City shall utilize procurement methods that promote full and open competition, ensure transparency, and support Best Value decision-making.

(b) Authorized Methods.

The following procurement methods are authorized for use by the City:

- (1) Micro-Purchases, as defined in this Article;
- (2) Informal Procurement;
- (3) Competitive Sealed Bidding (Invitation to Bid);
- (4) Competitive Sealed Proposals (Request for Proposals) using Best Value evaluation;
- (5) Qualifications-Based Selection for professional services where required by law or when used to establish qualified vendor pools;
- (6) Cooperative Purchasing, including the use of state contracts, intergovernmental agreements, and government purchasing cooperatives;

(7) Sole Source Procurement, where only one responsible vendor is available and properly justified; and

(8) Emergency Procurement, as authorized by Section 2-274.

(c) Exclusive Use of Listed Methods.

No procurement method other than those listed in subsection (b) may be used unless expressly authorized by this Article or applicable law.

(d) Right to Reject.

The City reserves the right to reject any and all bids, proposals, qualifications, or responses, in whole or in part; to waive minor informalities or irregularities; and to accept the response deemed most advantageous to the City, as determined in accordance with this Article.

#### **Sec. 2-266. Procurement Method Determination.**

(a) Authority.

The Purchasing Director shall have exclusive authority to determine the appropriate procurement method for each procurement, subject to federal and state laws and regulations consistent with thresholds, competition standards, and requirements established in this Article.

(b) Department Responsibilities.

Departments are responsible for submitting complete and accurate requisitions, scopes, and specifications; however, determining how a procurement is conducted is the responsibility of the Purchasing Director.

(c) Escalation of Methods.

The Purchasing Director may require use of a more competitive or formal method when necessary to ensure fairness, transparency, Best Value, compliance, or to mitigate risk.

(d) Documentation.

Procurement method determination shall be documented in the procurement file within the City's ERP system prior to issuance of any solicitation or procurement action.

(e) Prohibition on Circumvention.

Splitting requirements or altering scopes for the purpose of avoiding competitive thresholds or procurement methods is prohibited.

#### **Sec. 2-267. Micro-Purchases.**

(a) Requirements.

Micro-purchases shall:

(1) Reflect reasonable prices based on market conditions;

(2) Be distributed equitably among qualified vendors to the maximum extent practicable;

- (3) Be conducted in a manner that avoids favoritism; and
- (4) Be documented in the ERP system.

(b) Request-for-Check.

For micro-purchases, departments may utilize the request-for-check process consistent with Finance policies and applicable Standard Operating Procedures.

(c) P-card Use.

P-cards may be used for micro-purchases only in accordance with the City's Purchasing Card Policy and internal controls.

**Sec. 2-268. Informal Procurement.**

(a) Competition.

Informal procurements shall require documented competitive efforts, including solicitation of multiple vendors where practicable, as defined in the Procurement Governance Manual and applicable Standard Operating Procedures. Vendor rotation practices shall be used to promote equity and reduce repeated awards to the same vendors.

(b) Best Value.

Informal procurements may consider Best Value factors, including quality, delivery, experience, and risk, in addition to price.

(c) Documentation.

All informal procurement actions shall be fully documented within the ERP system.

**Sec. 2-269. Competitive Sealed Bidding (ITB).**

(a) Use.

Competitive sealed bidding shall be used when:

- (1) Specifications are clear and can be precisely defined;
- (2) Price is the primary determining factor; and
- (3) Competitive conditions exist among potential vendors.

(b) Requirements.

Competitive sealed bidding shall include:

- (1) Public issuance of the ITB;
- (2) A defined submission deadline;
- (3) Public bid opening or other authorized opening procedure;
- (4) Award to the lowest responsive and responsible bidder; and
- (5) Documentation in the procurement file.

(c) Rejection of Bids.

The Purchasing Director may reject all bids when in the best interest of the City.

**Sec. 2-270. Competitive Sealed Proposals (RFP).**

(a) Use.

Competitive sealed proposals shall be used when:

- (1) Best Value analysis is appropriate;
- (2) Evaluation criteria include both price and non-price factors; or
- (3) Requirements cannot be sufficiently defined for competitive sealed bidding.

(b) Evaluation.

An evaluation committee shall review and score proposals using weighted criteria published in the solicitation.

(c) Consensus Scoring.

Evaluations shall be conducted using a consensus scoring process in accordance with the Evaluation Manual.

(d) Award.

Award shall be made to the responsible offeror whose proposal represents the Best Value to the City.

(e) Documentation.

Evaluation materials, scoring summaries, and selection justification shall be included in the procurement file. Evaluation committee deliberations, scoring, consensus determinations, and conflict-of-interest disclosures shall be documented and retained in the procurement file in accordance with applicable Standard Operating Procedures.

**Sec. 2-271. Qualifications-Based Selection and Qualified Vendor Pools.**

(a) Use of Qualifications-Based Selection.

Qualifications-Based Selection shall be used for procurement of professional services where required by Georgia law or when the City elects to establish a qualified vendor pool for recurring or project-based needs.

(b) Establishment of Qualified Vendor Pools.

The City may establish qualified vendor pools through a qualifications-based selection process. Vendors shall be ranked based on qualifications, experience, and capability.

(c) Assignment of Work.

Assignments from a qualified vendor pool shall be distributed fairly and equitably, documented in the procurement file, and based on qualifications, specialization, workload, and project needs.

(d) Requalification.

Qualified vendor pools shall be periodically re-evaluated and re-established according to Standard Operating Procedures.

**Sec. 2-272. Cooperative Purchasing.**

(a) Authority.

The City may utilize cooperative purchasing agreements, state contracts, intergovernmental contracts, or purchasing cooperatives when such use provides equal or better value to the City.

(b) Verification.

Before using a cooperative agreement, the Purchasing Director shall verify:

- (1) Scope compatibility;
- (2) Pricing competitiveness;
- (3) Vendor responsibility; and
- (4) Chief Financial Officer financial validation for significant expenditures.

For purposes of this subsection, significant expenditure means any procurement action exceeding the formal procurement threshold established in Sec. 2-256

(c) Documentation.

Cooperative purchasing files shall include evidence of verification and compliance with this Article.

**Sec. 2-273. Sole Source Procurement.**

(a) Sole source determinations shall be supported by written justification documenting the basis for exclusivity, market research conducted, and the reasons alternative sources are not available or practicable. Such documentation shall be retained in the procurement file.

(b) Use.

Sole source procurement may be used when only one responsible vendor is capable of providing the required goods or services.

(c) Justification.

A written justification is required and shall address:

- (1) Unique capabilities;
- (2) Compatibility requirements;
- (3) Market research; and
- (4) Operational necessity.

(d) Approvals.

Sole source procurements:

- (1) At or below the informal threshold shall require Purchasing Director approval;
- (2) Above the informal threshold shall require Chief Financial Officer approval; and
- (3) May require additional approvals if thresholds established by this Article are exceeded.

(e) Transparency.

All sole source procurements above the informal threshold shall be included in the Annual Procurement Report.

**Sec. 2-274. Emergency Procurement.**

(a) Emergency procurement may be authorized only when an unforeseen circumstance presents an immediate threat to public health, safety, welfare, critical operations, or property, and where the delay required for competitive procurement would materially worsen the situation. Emergency procurement shall not be used to remedy conditions resulting from lack of planning.

(b) Authority.

The City Manager may authorize emergency procurement when immediate action is required to protect public health, safety, or welfare.

(c) Requirements.

To the extent practicable, emergency procurements shall seek competition and shall be documented with:

- (1) Nature of the emergency;
- (2) Vendor selected;
- (3) Basis for selection; and
- (4) Approved funding.

(d) Post-Event Documentation.

Emergency procurement files shall be completed within the timeframe established in Standard Operating Procedures.

(e) Ratification.

If the total emergency procurement exceeds the City Manager's delegated approval authority or the Council approval threshold, the procurement shall be presented to the City Council for ratification at the next regular meeting.

**Sec. 2-275. Competition and Fairness Standards for Formal Procurements.**

(a) General Rule.

All procurement actions shall be conducted in a manner that promotes fair and open competition consistent with this Article.

(b) Prohibited Practices.

Prohibited practices include:

- (1) Specifying brand-only or restrictive requirements without written justification;
- (2) Sharing privileged or confidential information with vendors;
- (3) Bid splitting;
- (4) Steering vendors;

- (5) Improper communication during the quiet period;
  - (6) Unfair application of criteria; and
  - (7) Any act that compromises competition or transparency.
- (c) Debriefings.
- Debriefings shall be conducted in accordance with the Evaluation Manual and may be provided upon request following award.

#### **DIVISION 4. PROCUREMENT PLANNING, INTERNAL CONTROLS, AND DOCUMENTATION**

##### **Sec. 2-276. Annual Procurement Planning.**

- (a) Purpose.
- Annual procurement planning ensures transparency, supports budgeting and scheduling, strengthens competition, enhances vendor participation, and improves coordination across City departments.
- (b) Departmental Procurement Plans.
- Each Department Director or designated written designee shall submit an annual procurement plan to the Purchasing Director in the format and timeframe established in the Procurement Governance Manual and Standard Operating Procedures.
- (c) Required Content.
- Each procurement plan shall include, at minimum:
- (1) Anticipated procurements for the upcoming fiscal year;
  - (2) Estimated cost for each procurement;
  - (3) Proposed funding sources;
  - (4) Planned solicitation method;
  - (5) Estimated solicitation and award timelines;
  - (6) Required contract duration; and
  - (7) Any multi-year or recurring needs.
- (d) Integration with Budget Cycle.
- Procurement planning shall be coordinated with the City's annual budget process. Departments shall ensure that anticipated procurements are aligned with approved budgets and capital planning documents.
- (e) Quarterly Updates.
- Departments shall update procurement plans quarterly to reflect changes in operational needs, funding, or priorities.
- (f) Citywide Procurement Plan.
- The Purchasing Director shall develop a Citywide Procurement Plan using departmental submissions and shall provide the Plan to the Chief Financial Officer and City Manager.

(g) Compliance.

Failure to submit or update procurement plans may result in the delay of procurement actions until requirements are met.

**Sec. 2-277. Internal Controls and Segregation of Duties.**

(a) Purpose.

Internal controls ensure the integrity, accountability, and transparency of the City's procurement system and protect the City from fraud, waste, abuse, and financial mismanagement.

(b) Compensating Controls.

If system limitations or staffing constraints necessitate deviations from strict separation of duties, the Chief Financial Officer shall approve compensating controls and document them in the procurement file.

(c) System Access.

Access to the City's ERP system shall be role-based and reflect proper segregation of duties. Employees shall not share login credentials.

(d) Financial Verification.

The Chief Financial Officer shall establish policies, procedures, and checkpoints for financial verification, including budget availability, funding source validation, and appropriations compliance.

(e) Fraud Prevention and Reporting.

Employees involved in procurement activities must immediately report suspected fraud, abuse, unauthorized commitments, or procurement irregularities to the Purchasing Director and Chief Financial Officer. Any sustained irregularities shall be reported to the City Manager and City Attorney.

(f) Quiet Period Restrictions.

(1) All communications concerning the solicitation, evaluation criteria, pricing, scope, or award decision must be directed exclusively to the Purchasing Director or designated procurement official.

(2) City officials and employees, including evaluation committee members, shall not engage in discussions with vendors regarding the pending solicitation except as authorized through the formal procurement process.

(3) Vendors are prohibited from contacting any City official, employee, or elected official regarding the active solicitation except through the designated procurement contact.

(g) The following communications are not prohibited during the Quiet Period:

(1) Communications necessary for the performance or administration of an existing contract between the City and a vendor, provided such communications do not involve discussion of the active solicitation; or

- (2) Routine operational communications unrelated to the subject matter of the active solicitation.

Any violation of Quiet Period restrictions may result in vendor disqualification, removal of an evaluation committee member, or other corrective action necessary to preserve the integrity of the procurement process.

**Sec. 2-278. Procurement Documentation and Records.**

- (a) Purpose.

Procurement documentation ensures transparency, provides the legal and administrative history of procurement actions, and enables audit readiness.

- (b) Procurement File Requirement.

A procurement file shall be created and maintained for every procurement, regardless of method or dollar value.

- (c) Required Documentation.

Procurement files shall include documentation appropriate to the procurement method and shall, at minimum, include:

- (1) Requisitions and funding verification;
- (2) Scopes of work, specifications, or requirements;
- (3) Method determination;
- (4) Solicitation documents;
- (5) Addenda, questions, and responses;
- (6) Bids, proposals, or quotes received;
- (7) Evaluation documentation;
- (8) Award recommendations;
- (9) Notices of award and notice to proceed;
- (10) Insurance and bond documentation, where applicable;
- (11) Contract documents and amendments;
- (12) Receiving documentation;
- (13) Invoice review and approvals; and
- (14) Closeout documentation.

- (d) ERP System as System of Record.

The City's ERP system shall serve as the official system of record for procurement documentation. Procurement documents shall not be stored solely in email, personal drives, or departmental file systems.

- (e) Version Control.

All addenda, revisions, updated attachments, and clarifications issued during a solicitation shall be retained in the procurement file with clear versioning.

(f) Electronic Records.

Electronic records shall be maintained in accordance with the City's records retention policy and applicable laws.

**Sec. 2-279. Vendor Eligibility, Responsibility, Suspension, and Debarment.**

(a) Vendor Eligibility.

Vendors must meet all eligibility requirements established in this Article and applicable Standard Operating Procedures. Eligibility includes compliance with insurance, licensing, financial capacity, responsibility criteria, and any required certifications.

(b) Responsibility Determination.

The Purchasing Director shall determine whether a vendor is responsible based on past performance, capability, integrity, and financial stability. Responsibility determinations shall be documented.

(c) Suspension.

The Purchasing Director may suspend a vendor for cause, including poor performance, safety violations, unethical behavior, failure to deliver, or other conduct inconsistent with City standards.

(d) Debarment.

The Chief Financial Officer may debar a vendor from participating in City procurements based on:

- (1) Conviction of or civil judgment for fraud, theft, bribery, falsification or destruction of records, or other offenses indicating a lack of business integrity or honesty;
- (2) Violation of federal, state, or local laws or regulations applicable to public contracting or procurement;
- (3) Material misrepresentation or omission of information in a bid, proposal, or contract;
- (4) Failure to perform in accordance with the terms of one or more contracts with the City, including default, termination for cause, or repeated failure to meet performance standards;
- (5) Failure to pay subcontractors, suppliers, or employees in accordance with contractual or legal requirements;
- (6) Engaging in collusion, bid-rigging, price-fixing, or other anticompetitive conduct;
- (7) Attempting to improperly influence a procurement decision, including violations of ethical standards or quiet period requirements;
- (8) Debarment, suspension, or ineligibility by another governmental entity; or
- (9) Any other cause of such serious and compelling nature that it affects the vendor's present responsibility as a contractor.

(e) SAM.gov Compliance.

Departments and the Purchasing Division shall confirm that vendors receiving federally funded awards are not listed on federal exclusion databases, including SAM.gov.

(f) Notice and Appeal.

Vendors shall be provided written notice of suspension or debarment and may appeal in accordance with procedures established in Standard Operating Procedures.

(g) Reinstatement.

Vendors may request reinstatement after demonstrating corrective actions, improved performance, or changed circumstances as defined in Standard Operating Procedures.

(h) Effect of Suspension or Debarment.

Suspended or debarred vendors are not eligible for contract awards, renewals, or extensions during the effective period of the suspension or debarment.

## **DIVISION 5. CONTRACTING RULES**

### **Sec. 2-280. Contract Formation and Execution.**

(a) Requirement for Written Contracts.

All procurements resulting in contractual obligations shall be documented through a written contract, purchase order, or other legally binding agreement approved in accordance with this Article.

(b) Contract Elements.

All City contracts shall include, as applicable:

- (1) Scope of work, specifications, or deliverables;
- (2) Compensation, payment terms, and pricing structure;
- (3) Performance standards and timelines;
- (4) Insurance, bonding, and indemnification requirements;
- (5) Term and renewal provisions;
- (6) Termination rights;
- (7) Applicable federal, state, and local compliance requirements;
- (8) Audit and inspection rights; and
- (9) Any other terms deemed necessary by the Purchasing Director or City Attorney.

(c) City Attorney Review.

Contracts shall be reviewed and approved by the City Attorney or designee before execution, consistent with the City's Charter.

(d) Execution Authority.

Contract execution and signature authority shall be governed by the City's approved contract signature and authorization policy and related financial control policies.

(e) Electronic Signatures.

The City may use electronic signatures consistent with state law and City policy. Electronic signatures shall carry the same legal effect as original signatures when properly executed.

(f) Notice to Proceed.

No work, services, or deliveries shall begin until the Purchasing Director issues a formal notice to proceed or purchase order, unless authorized under emergency procurement.

(g) No Side Agreements.

No employee or official may enter into informal, verbal, undocumented, or side agreements with vendors that alter or supplement contract terms. Any such agreement is void and unenforceable.

**Sec. 2-281. Contract Amendments and Change Orders.**

(a) Cumulative Amendments.

Cumulative amendments shall not materially expand the scope of a contract beyond its original competitive basis without appropriate competition or approval, as determined by the Purchasing Director and Chief Financial Officer. Cumulative amendments shall not exceed delegated authority threshold limits.

(b) Purpose.

Contract amendments and change orders (collectively “change orders”) may be used to modify contract terms, conditions, scope, quantities, or pricing, provided such modifications comply with this Article.

(c) Allowable Reasons.

Change orders may be issued only when:

- (1) Unforeseen conditions arise;
- (2) Additional work is necessary for project completion;
- (3) Adjustments are required to meet operational needs;
- (4) Errors or omissions in the original contract must be corrected; or
- (5) Other documented and justified reasons align with City interests.

(d) Prohibited Uses.

Change orders shall not be used to:

- (1) Circumvent competitive procurement requirements;
- (2) Add scope that materially alters the nature of the original contract;
- (3) Compensate for inadequate initial scoping without justification;
- (4) Increase quantities for convenience without operational necessity; or
- (5) Extend contract duration beyond allowable limits without proper approvals.

(e) Competitive Integrity Certification.

The Purchasing Director shall certify for each change order that the change does not materially alter competitive conditions or undermine the fairness of the original procurement.

(f) Major Change Orders.

Change orders exceeding the thresholds established in Sec. 2-256 and the Procurement Governance Manual shall require:

- (1) Time-impact analysis;
- (2) Updated funding verification; and
- (3) Approval consistent with delegated authority levels.

(g) Cumulative Impact.

The cumulative dollar value of all change orders shall be considered when determining approval authority, materiality, and compliance with competitive requirements.

(h) Documentation.

Change orders must be documented in the procurement file, including justification, approvals, funding verification, and impact analysis.

**Sec. 2-282. Contract Renewals and Extensions.**

(a) Conditions for Renewal.

Contracts may be renewed or extended only when:

- (1) Renewal options were included in the original solicitation and contract;
- (2) Satisfactory vendor performance has been documented;
- (3) Pricing remains fair, reasonable, and market-competitive; and
- (4) Funding is available; or
- (5) Renewal is in the City's best interest, and renewal has been approved by City Council.

(b) Performance Evaluation.

The assigned Contract Manager shall conduct a performance evaluation prior to renewal, which shall be reviewed by the Purchasing Director.

(c) Market Competitiveness Review.

For contract renewals, the Purchasing Director may require a market analysis to support continued use of the vendor.

(d) Prohibited Renewals.

Contracts may not be renewed:

- (1) If performance evaluations indicate vendor deficiencies;
- (2) If pricing is no longer competitive;
- (3) If scope or conditions have materially changed; or
- (4) If renewal would circumvent competitive requirements.

(e) Approval Authority.

Renewals and extensions shall follow the same approval thresholds applicable to the original contract, unless otherwise provided by law.

(f) Documentation.

Renewal justifications, evaluations, and approvals shall be included in the procurement file.

**Sec. 2-283. Multi-Year Contracts.**

(a) Authority.

The City may award multi-year contracts when such agreements support operational needs, provide financial benefit, or enhance service continuity.

(b) Legal Requirements.

All multi-year contracts shall include a non-appropriation clause and other provisions required by state law.

(c) Justification.

Departments must provide written justification addressing:

- (1) Operational necessity;
- (2) Cost savings or financial benefit;
- (3) Alternative procurement analysis; and
- (4) Long-term contract management considerations.

(d) Performance and Review.

Multi-year contracts shall include measurable performance metrics and shall be reviewed annually to assess vendor performance, compliance, and continuing value.

(e) Pricing Adjustments.

If multi-year contracts include price adjustment mechanisms, such mechanisms shall be:

- (1) Objective and measurable;
- (2) Based on recognized economic indices or similar criteria; and
- (3) Approved by the Purchasing Director and Chief Financial Officer.

(f) Approval Authority.

Multi-year contracts shall require approval consistent with thresholds applicable to total multi-year value.

(g) Documentation.

Justification, performance reviews, pricing adjustments, and approvals shall be included in the procurement file.

**DIVISION 6. SPECIAL PROVISIONS**

**Sec. 2-284. Exemptions.**

(a) Purpose.

Certain procurements may be exempt from competitive requirements when competition is impracticable, not advantageous to the City, or prohibited by law. Exemptions must be applied narrowly and documented to preserve transparency and fairness.

(b) Authorized Exemptions.

The following procurements may be exempt from competitive processes when properly justified and documented:

- (1) Purchases from federal, state, or other governmental entities;
- (2) Purchases under intergovernmental agreements;
- (3) Memberships, conferences, subscriptions, and professional dues;
- (4) Utilities, including electricity, water, gas, and telecommunications when only one provider is available;
- (5) Bulk purchase of electricity or natural gas for resale;
- (6) Permits, fees, and regulatory charges;
- (7) Renewals of software licenses, maintenance agreements, or proprietary systems when only the original provider or authorized reseller can perform the service;
- (8) Advertisements required by law;
- (9) Services uniquely provided by public institutions or academic entities;
- (10) Appointed positions;
- (11) Real property, real estate brokerage and appraising, abstract of title for real property, title insurance for real property and other related costs of acquisition of real property;
- (12) The procurement of employee benefits that are procured through a quotation and negotiation process conducted by an expert on behalf of the City (i.e., broker);
- (13) Materials or services required for confidential and secure investigations, apprehension or detention of individuals suspected of or convicted of criminal offenses by law enforcement personnel;
- (14) Sponsorships used to promote the City and approved by the City Manager.  
Sponsorships shall have a specific line item in the budget and any expenditures shall not exceed the amount budgeted unless approved by the Council.

(c) Approval and Documentation.

Each exemption shall be documented in writing, describing:

- (1) The exemption category;
- (2) The operational or legal basis for the exemption;
- (3) Market research conducted, if applicable; and
- (4) Approvals required under this Article.

(d) Prohibition on Bundling.

Exemptions shall not be used to add unrelated scope or combine exempt and non-exempt items to avoid competition.

(e) State and Federal Compliance.

Exemptions shall comply with state procurement laws and federal procurement requirements, including 2 CFR 200 when federal funds are used.

(f) Annual Reporting.

All exemptions above the informal procurement threshold shall be included in the Annual Procurement Report.

**Sec. 2-285. Artistic, Entertainment, and Cultural Services.**

(a) Purpose and Applicability.

Procurements for artistic, entertainment, and cultural services supporting City-sponsored programs, events, and initiatives may be conducted under this Section when such services are based on unique creative expression, artistic capability, reputation, or programmatic fit.

(b) Authorized Procurement Approach.

Procurements under this Section may be conducted without formal competitive sealed bidding or proposal processes when competition is not practicable due to the subjective or unique nature of the services.

Such procurements shall be based on a Best Value determination and shall constitute a distinct procurement category separate from Sole Source procurement.

(c) Determination Authority.

The Purchasing Director shall determine the applicability of this Section. Such determination shall be documented in the procurement file.

(d) Documentation and Compliance.

Procurements conducted under this Section shall be documented and approved in accordance with the requirements established in the Procurement Governance Manual and applicable Standard Operating Procedures.

(e) Prohibition on Misuse.

This Section shall not be used to procure goods or services that are reasonably subject to competitive procurement.

Use of this Section to avoid competition requirements is prohibited.

(f) Governance Alignment.

Additional requirements, controls, and procedures shall be established in Tier 2 and Tier 3 procurement governance documents.

**Sec. 2-286. Surplus Property and Disposition.**

(a) Purpose.

Surplus property shall be disposed of in a fair, transparent, and efficient manner that maximizes value to the City.

(b) Declaration of Surplus.

A Department Director or authorized written designee may request surplus designation

by certifying that an item is obsolete, no longer needed, uneconomical to repair, or unsuitable for continued use.

(c) Disposition Methods.

Surplus property shall be disposed of in a manner that maximizes value to the City and complies with applicable Georgia law. Unless otherwise authorized by law, surplus property shall be sold to through public auction or competitive sealed bid following appropriate public notice.

Permitted methods of disposition include:

- (1) Public auction;
- (2) Competitive sealed bid;
- (3) Trade-in or exchange toward replacement equipment;
- (4) Transfer or sale to another governmental entity for public purposes;
- (5) Donation to qualifying nonprofit or public organizations when authorized by law or when a valid public purpose is documented;
- (6) Recycling or environmentally responsible disposal; or
- (7) Disposal, including destruction, when the property has no remaining value or when all other methods are not feasible.

(d) Delegated Authority for Disposition.

The Chief Financial Officer, or designee, is authorized to approve the disposition of surplus personal property in accordance with this Section and applicable law, including the use of public auction, competitive sale, trade-in, recycling, or disposal methods. Disposition of surplus property shall comply with all applicable legal requirements, including public notice and competitive sale requirements where applicable.

The Chief Financial Officer may approve alternative methods of disposition, including donation or intergovernmental transfer, when authorized by law and when a valid public purpose is documented.

Disposition of real property or any disposition otherwise required by law shall remain subject to City Council approval.

(e) Employee Purchases.

City employees and officials may acquire surplus property only through public auctions available to the general public.

(f) Fixed-asset Integration.

Surplus disposition shall comply with the City's fixed-asset accounting policy, including asset removal, write-off, and reconciliation requirements.

(g) Documentation.

The procurement file or asset record shall include the method of disposition, justification, approvals, and revenue received, if applicable.

**Sec. 2-287. Protests and Appeals.**

(a) Right to Protest.

A vendor may protest a solicitation, proposed award, or award if the vendor believes the City has violated this Article, failed to follow required procedures, or acted in a manner that compromises fairness.

(b) Filing Requirements.

Protests filed with the Purchasing Director shall:

- (1) Be submitted in writing within the timeframe established in Standard Operating Procedures following issuance of a Notice of Intent to Award;
- (2) Identify the specific grounds for protest;
- (3) Describe the facts supporting the protest; and
- (4) State the remedy sought.

(c) Effect of Notice of Intent to Award.

Issuance of a Notice of Intent to Award shall initiate the protest filing period. No contract subject to protest shall be executed until the protest period has expired or any timely filed protest has been resolved, unless the City Manager determines in writing that execution is necessary to protect public health, safety, welfare, or operational continuity.

(d) Initial Determination.

The Purchasing Director shall review the protest, evaluate the allegations, and issue a written determination.

(e) Appeal.

Vendors may appeal the Purchasing Director's determination to the Chief Financial Officer, whose decision shall be final.

(f) Stay of Award.

The City may pause an award decision during protest review unless doing so would threaten public health, safety, or operational continuity.

(g) Debriefings.

Upon request, debriefings may be provided in accordance with the Evaluation Manual. Debriefings shall not include confidential information belonging to other vendors.

(h) Frivolous Protests.

The Purchasing Director may dismiss protests determined to be frivolous, repetitive, or filed in bad faith.

**Sec. 2-288. Enforcement and Penalties.**

(a) Employee Violations.

Employees and officials who violate this Article, applicable policies, or internal control requirements may be subject to disciplinary action under the City's Personnel policies.

(b) Vendor Violations.

Vendors who engage in fraud, collusion, unethical behavior, misrepresentation, or other

misconduct may face suspension, debarment, termination of contracts, recovery of funds, or legal action.

(c) Unauthorized Commitments.

Ratification of unauthorized commitments may be requested but is not guaranteed and is subject to review and approval by the official or governing body that holds approval authority for the total value of the procurement under this Article and the Procurement Governance Manual.

Ratification is discretionary and shall be granted only when determined to be in the best interest of the City. Ratification does not waive compliance with disciplinary or corrective measures as required under procurement governance policies.

(d) Voidable Actions.

Procurement actions, contracts, or amendments made in violation of this Article may be declared voidable by the City.

(e) Criminal Referral.

Suspected criminal violations shall be referred to the City Attorney and, when appropriate, law enforcement.

**Sec. 2-289. Reporting Requirements.**

(a) Annual Procurement Report.

The Purchasing Director, under supervision of the Chief Financial Officer, shall prepare an Annual Procurement Report summarizing procurement activities for the preceding fiscal year.

(b) Required Content.

The report shall include:

- (1) Total Citywide spend by department;
- (2) Summary of procurement methods used;
- (3) Ratio of competitive to noncompetitive procurements;
- (4) Summary of sole source procurements;
- (5) Summary of exemptions;
- (6) Micro-purchase distribution analysis;
- (7) Informal procurement distribution analysis;
- (8) Summary of vendor performance evaluations;
- (9) Suspension and debarment activity;
- (10) Renewal and extension justifications; and
- (11) Summary of multi-year contract reviews.

(c) Transparency.

The Annual Procurement Report shall be completed and presented within ninety (90)

days following the close of the City’s fiscal year, unless otherwise directed by the City Manager or City Council.

(d) Additional Reporting.

The Chief Financial Officer, City Manager or City Council may request supplemental reports as needed to ensure compliance, oversight, and transparency.

Secs. 2-290—2-298. - Reserved.

Section 2:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, etc. of Chapter 2 shall remain unchanged and in full force and effect.

Section 3:

All ordinances, regulations, or parts of the same in conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 4:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5:

This ordinance shall become effective upon its adoption by City Council.

**IT IS SO ORDAINED** this 27<sup>th</sup> day of May, 2026.

\_\_\_\_\_  
David R. Still, Mayor

Attest:

\_\_\_\_\_  
Karen Pierce, City Clerk