

ARTICLE IX. PROCUREMENT¹

DIVISION 1. GENERALLY

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:

(a) Promote full and open competition except where a documented exemption or noncompetitive method is authorized under this Article;

(b) Authorize the use of **Best Value procurement** as a legally recognized method for awarding contracts;

(c) Strengthen and maintain transparency, accountability, integrity, and public confidence in the City’s procurement processes;

(d) 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);

(e) Implement internal control safeguards that protect the City from fraud, waste, abuse, conflicts of interest, and unauthorized commitments;

(f) Ensure that procurement activities are conducted in an efficient, fair, and ethical manner that reflects the City’s values and fiduciary responsibilities;

(g) 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, Checklist and Tools (Tier 4);and

(h) Align procurement activities with applicable federal, state, and local laws, including federally funded procurement requirements under 2 CFR 200 where applicable.

¹Editor’s note(s)—Ord. No. 2018-6, adopted May 7, 2018, repealed former Art. IX, §§ 2-251—2-282, and enacted a new Art. IX as set out herein. Former Art. IX pertained to similar subject matter and derived from Ord. No. 2016-18; Ord. No. 2016-29, 12-5-2016; Ord. No. 2017-32, 12-4-2017.

State law reference(s)—Contracts by political subdivision concerning procurement of federal equipment, supplies or property, O.C.G.A., § 50-16-81; local political subdivisions purchased through state, O.C.G.A., § 50-5-100 et seq.; local authorities’ preference for products produced in Georgia, O.C.G.A. § 50-5-61.

(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:

- (a) 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.

- (b) 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.

- (c) Tier 3 — Standard Operating Procedures (SOPs): Tier 3 consists of the operational procedures approved by the Purchasing Director and Chief Financial Officer. SOPs 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. SOPs guide day-to-day execution and operational consistency.

- (d) 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 SOPs. 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. 2-2512. Procurement principles.~~Purpose.~~

The purpose of the City of Lawrenceville Procurement Ordinance is to:

- ~~(1) Manage the procurement process in accordance with the law;~~
- ~~(2) Spend tax payers' money wisely, efficiently, and fairly;~~
- ~~(3) Meet the needs of City departments through continuous improvement of purchasing systems and procedures;~~
- ~~(4) Establish a comprehensive plan for the purchase of goods and services for the City and its departments;~~

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- ~~(5) Protect against fraud and favoritism by providing fair and equitable treatment of all persons and entities involved in public purchasing;~~
 - ~~(6) Ensure that all segments of the business community are encouraged to contract with the City for goods and services;~~
 - ~~(7) Maximize the purchasing value of public funds in procurement, to the fullest extent practicable, while giving consideration to the lifetime cost as well as other factors needed to determine the best overall interest to the City;~~
 - ~~(8) Provide safeguards for the maintenance of a procurement system of quality and integrity; and~~
 - ~~(9) Provide guidelines for purchasing equipment, materials, supplies, and services for the operational requirements of the City of Lawrenceville that insure competitive and unbiased selection of vendors.~~

~~(Ord. No. 2018-6, 5-7-2018)~~

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. 2-2523. Definitions: **Scope and applicability.**

~~*Absolute value* means the numerical value of an acquisition or change order request without regard to its sign.~~

~~*Best and final offer* means, in competitive negotiation, the final proposal submitted after negotiations are completed that contains the vendor's most favorable terms for price and services or products to be delivered.~~

~~*Bid* means submission of information from a bidder that describes the bidder's commodities or services, and any other information necessary to respond to the specifications and other requirements set forth in an Invitation to Bid.~~

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Brand name or equal specification means a specification limited to one or more items by manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet City requirements, and which provides for the submission of equivalent products.

Brand name specifications means a specification limited to one or more items by manufacturers' names or catalogue numbers.

Business means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

Change order means a written order signed by a person authorized to act on behalf of the City directing the contractor to make changes that the "Changes" clause of the contract authorizes.

Commodity means a discrete and distinct item of tangible personal property, including, without limitation, any such item which is intended to become an integrated part of another item of tangible personal property or of any improvement to real property.

Confidential information means any information which is available to an employee only because of the employee's status as an employee of the City and is not a matter of public knowledge or available to the public on request.

Contract means any agreement, purchase order, lease, or other document which creates or is intended to create binding reciprocal obligations including, without limitation, any document evidencing a bid or proposal award which has been accepted by the bidder.

Contractor means any person who is party to a contract.

Cooperative purchase means an arrangement whereby two or more public procurement units purchased from the same supplier using a single Invitation to Bid or Request for Proposal.

Intangible means incapable of being perceived by the senses.

Invitation to bid means all information and documentation disseminated by the City to solicit bids.

Offeror means any person who has submitted a bid or proposal to the City or otherwise offered to form a contract with the City.

Person means any individual or legal entity.

Professional service means a service consisting in material part of advice, evaluation, planning, design, or other effort involving the exercise of judgement, discretion, and knowledge, including, without limitation, a service provided by a person whose profession is licensed or regulated by the state or federal government.

Proposal means submission of information from a proposer (including a consultant) which states how that proposer intends to fulfill the specifications and other requirements described in a Request for Proposal.

Qualified products list means an approved list of supplies, services or construction items described by model or catalogue numbers, which prior to competitive solicitation, the City has determined will meet the applicable specification requirements.

Request for Proposals means all information and documentation disseminated by the City to solicit proposals.

Responsible bidder means a person who has the capability in all respects to perform fully the contract requirements, and the experience, reliability, capacity, facilities, equipment and credit which will assure good faith performance.

Responsive bidder means a person who has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the invitation to bids or Request for Proposals.

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~~Services means the furnishing of labor, time or effort by a contractor that is not intended to accomplish the delivery of a specified tangible product other than reports which are merely incidental to the required performance, including, without limitation, a professional or consulting service.~~

~~(Ord. No. 2018-6, 5-7-2018)~~

(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. 2-2534. Definitions. Eligibility.

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. 2-287 summarizing the City's procurement activity.

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 ITB.

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

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 formally designated 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.

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. 2-273.

Enterprise Resource Planning (ERP) System:

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 SOPs.

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.

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.

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

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 (ERP) 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.

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

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

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.

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. 2-272.

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

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

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: Is a list of vendors established through a qualifications-based selection process and eligible for assignment of work in accordance with this Article and applicable SOPs.

Every new contractor, and any subcontractor that a contractor hires, must register with the Employment Eligibility Verification (EEV)/Basic Pilot Program, or E-Verify, in order to be eligible to perform work for the City. Contracts between the City and contractors, and between the contractors and their subcontractors, must be accompanied by sworn affidavits attesting to the affiant's registration with E-Verify and compliance with E-Verify's citizenship requirements. This requirement shall apply to all contracts for the physical performance of services for all labor or service contracts that exceed \$2,499.99 except for services performed by an individual who is licensed pursuant to Title 26, Title 43, or the State Bar of Georgia.

(Ord. No. 2018-6, 5-7-2018)

State law reference(s) — Political subdivisions required to use E-Verify, O.C.G.A. § 13-10-91.

Sec. 2-2545. State income tax withholding, 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 this Code), 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 SOPs; and
- (6) Immediately report suspected procurement misconduct, fraud, collusion, or unauthorized commitments to the Purchasing Director and Chief Financial Officer.

(c) Prohibited conduct.

Prohibited conduct includes:

- (1) Bid splitting to avoid competition requirements;
- (2) Steering work to preferred vendors;
- (3) Restrictive specifications without justification;
- (4) Disclosure of confidential bid or proposal information;
- (5) Unauthorized commitments or agreements;
- (6) Manipulation of evaluation scores or methods; and
- (7) Any other conduct that undermines competition, fairness, or transparency.

(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;
- (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:

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

The City will withhold six percent of any contractor or subcontractor's compensation for State income tax if the contractor or subcontractor fails to provide a taxpayer identification number, fails to provide a correct taxpayer identification number, or provides a taxpayer identification number issued for nonresidents.

(Ord. No. 2018-6, 5-7-2018)

DIVISION 2. ROLES AND AUTHORITIES

Sec. 2-256. Procurement thresholds.

Sec. 2-255. Competitive sealed bidding.

(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 SOPs.

(3) Formal procurement threshold — above \$125,000.00.

Purchases exceeding \$125,000 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 formally designated written designee

(2) Informal Procurement:

a. Purchasing Director: \$2,500.01 to \$25,000.00

b. CFO: \$25,000.01 to \$75,000.00

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c. City Manager: \$75,000.01 to \$125,000.00

(3) Formal Procurement:

a. City Council

(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.

- ~~(a) *Conditions for use.* All contracts of the City over \$100,000.00 shall be awarded by competitive sealed bidding except as otherwise provided in sections 2-256 through 2-263.~~
- ~~(b) *Invitation for bids.* An invitation for bids shall be issued and shall include specifications, and all contractual terms and conditions applicable to the procurement.~~
- ~~(c) *Public notice.* Adequate public notice of the invitation for bids shall be given a reasonable time, not less than 15 calendar days prior to the date set forth therein for the opening of bids. Such notice may include publication in a newspaper of general circulation a reasonable time prior to the bid opening. The public notice shall state the place, date, and time of the bid opening.~~
- ~~(d) *Receipt of bid.* No written bid shall be eligible for consideration by the City unless it is placed in a sealed envelope or package and actually received by the Purchasing Department by the date and time specified in the Invitation to Bid. All bids shall be stamped or annotated with the date and time of receipt and secured until the designated opening time. A bid delivered late shall under no circumstances be eligible for consideration by the City.~~
- ~~(e) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid together with the name of each bidder shall be recorded. The record shall be open to public inspection in accordance with state law.~~
- ~~(f) *Bid acceptance and bid evaluation.* Bids shall be unconditionally accepted without alteration or correction, except as authorized in this article. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation unless it is set forth in the invitation for bids.~~

~~(g) — Correction or withdrawal of bids; cancellation of awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for the bid opening. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:~~

- ~~(1) — The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or~~
- ~~(2) — The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. The bidder shall give notice in writing of his claim of right to withdraw his bid due to an error within two business days after the conclusion of the bid opening procedure.~~

~~All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Manager.~~

~~(h) — Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event the low responsive and responsible bid exceeds available funds as certified by the appropriate fiscal officer, and such bid does not exceed such funds by more than five percent, the Purchasing Manager is authorized, when time or economic considerations preclude resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds. Any such negotiated adjustment shall be based only upon eliminating independent deductive items specified in the invitation for bids.~~

~~(i) — Multi-step sealed bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.~~

~~(j) — Tie bids. In the event two responsive bids are tied for the lowest price and the other terms and conditions of the two bids are substantially the same, the bid shall be awarded to the local firm if only one of the bidders has a current City business license and office located within the boundaries of the City of Lawrenceville. If both or neither of the tied bidders are local firms, the Purchasing staff shall request the firms' best and final offers, and the award shall be to the lowest bid. If both firms have the same price after best and final offer, then the bid award shall be made to the winner of a coin toss by Purchasing staff in a public session. Bidders will be invited to attend and one or more witnesses may be present.~~

~~(k) — Approval by City Council. All contracts exceeding \$100,000.00 shall be approved by City Council. Once the contract has been approved by the City Council, all expenditures made in accordance with the terms of the contract are approved and shall require no further action by the City Council. Provided however that the Stormwater Authority is authorized to approve all stormwater projects up to \$300,000.00.~~

~~(Ord. No. 2018-6, 5-7-2018; Ord. No. 2021-6, 5-24-2021)~~

Sec. 2-2568. City Council authority. Competitive sealed proposals.

(a)

(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.

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(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. 2-283 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 Board Delegated Authority.

Notwithstanding other provisions of this Article, the Stormwater Board is authorized to approve procurement actions, contracts, and expenditures for Stormwater-related projects up to an amount of \$300,000 per project, provided such actions are:

- (1) within the legally adopted scope and authority of the Stormwater Board;
- (2) funded through Stormwater-designated revenues or funds; and
- (3) conducted in full compliance with the state law and 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.

Conditions for use. When the Purchasing Manager determines that the use of competitive sealed bidding or other procurement methods is either not practicable or not advantageous to the City, a contract may be entered into by use of the competitive sealed proposals method.

(b) — Public notice. Public notice shall be advertised as required by Georgia law. The public notice shall contain a general description of the item or service to be purchased, shall state the location where documents may be obtained and the date, time and place of proposal receipt. Notice of any required bonding and insurance shall be included in the public notice.

(c) — Receipt. No written proposal shall be eligible for consideration by the City unless it is placed in a sealed envelope or package and actually received by the Purchasing Department by the date and time specified in the Request for Proposals. All proposals shall be stamped or annotated with the date and time of receipt and secured until the designated opening time. A proposal delivered late shall under no circumstances be eligible for consideration by the City.

(d) — Opening proposals. Proposals shall be opened publicly in the presence of one or more witnesses on the date and at the time and place designated in the Request for Proposals. The name of each Proposer shall be announced.

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~~(e) — *Proprietary information.* Information submitted by a Proposer that is specifically marked "proprietary" shall not be disclosed outside of the Purchasing Department without prior notification to the Proposer. The City of Lawrenceville is required to comply with the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq. and therefore may not be able to protect information submitted in any response. Entire proposals may not be deemed "proprietary."~~

~~(f) — *Evaluation.* Each proposal shall be evaluated to determine whether it is responsive to the specifications and other terms and conditions contained in the Request for Proposals. With the approval of the Purchasing Associate named in the solicitation, the evaluating team may communicate with each proposer to clarify and amplify each Proposer's proposal. No information concerning any other Proposer's proposal shall be communicated in any way to the Proposer. Additional information may be requested of Proposers. The Purchasing Department will initiate such requests.~~

~~(g) — *Discussion with responsible offerors and revisions to proposals.* As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to ensure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.~~

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~~(h) — *Award.* Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.~~

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~~(i) — *Approval by City Council.* All contracts exceeding \$100,000.00 shall be approved by the City Council. Once the contract has been approved by the City Council, all expenditures made in accordance with the terms of the contract are approved and shall require no further action by the City Council. Provided however that the Stormwater Authority is authorized to approve all stormwater projects up to \$300,000.00.~~

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~~(Ord. No. 2018-6, 5-7-2018; Ord. No. 2021-6, 5-24-2021)~~

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Sec. 2-2578. City Manager authority ~~informal purchases.~~

(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. 2-273 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 the position's authority through written communication to the Purchasing Director.

- ~~(a) *Conditions for use.* Those purchases anticipated to be under \$100,000.00 that do not justify the administrative time and expense for the conduct of competitive sealed bids or proposals. The Purchasing Manager is authorized to establish the methods and procedures to be used in handling informal purchases such as, but not limited to, telephone requests, e-mail requests, or informal written requests. Unless otherwise specifically provided, such purchases will be obtained competitively through informal written solicitations.~~
- ~~(b) *General.* Procurements that involve amounts less than \$100,000.00 do not require a formal sealed bid/proposal process. However, the processes used for this type of procurement will include as much competition as is consistent with the anticipated cost of the procurement and the best interest of the City. The formal sealed bid/proposal process may still be exercised with an informal purchase if deemed in the best interest of the City.~~
- ~~(c) *Prohibition of improper use.* Purchases may not be artificially divided as to constitute an informal purchase, thereby circumventing the dollar limit requirement for competitive sealed bids/proposals or applicable approvals.~~
- ~~(d) *Small purchases of \$2,500.00 or less.* The City Manager shall adopt operational procedures for making small purchases of \$2,500.00 or less. Further, such operational procedures shall require the preparation and maintenance of written records adequate to document the competition obtained, properly account for the funds expended, and facilitate an audit of the small purchases made.~~
- ~~(e) *Approval by City Council.* Regardless of procurement method, all purchases exceeding \$100,000.00 shall be approved by City Council. Once the purchase has been approved by the City Council, all expenditures made in accordance with the terms of the purchase are approved and shall require no further action by the City Council. Provided however that the Stormwater Authority is authorized to approve all stormwater projects up to \$300,000.00.~~

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- (f) ~~Approval by City Manager. Regardless of procurement method, all purchases between \$10,000.01 and \$100,000.00 shall be approved by the City Manager or his/her designee.~~
- (g) ~~Approval by Purchasing Manager. Regardless of procurement method, all purchases between \$2,500.01 and \$10,000.00 shall be approved by the Purchasing Manager.~~
- (h) ~~Approval and signing of contracts. Contracts and agreements required by a purchase of less than \$100,000.00 shall be authorized to be approved and signed by the Purchasing Manager for values of \$10,000.00 or less and the City Manager for purchases over \$10,000.00. Contracts for purchases over \$100,000.00 require City Council approval prior to signing. All contracts shall be drafted or reviewed by the city attorney and signed by the city attorney to indicate such drafting or review.~~
- (Ord. No. 2018-6, 5-7-2018; Ord. No. 2021-6, 5-24-2021; Ord. No. 2022-1, 1-26-2022; Ord. No. 2024-8, § 25, 5-22-2024)

Sec. 2-2589. Chief Financial Officer authority. Exemptions.

(a) Governance oversight.

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

(f) Annual reporting.

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

- (a) ~~Professional services are exempt from the provisions of this purchasing policy. The term "professional services" shall mean services rendered by accountants, engineers, architects, physicians, lawyers and other professions as defined by the laws of the State of Georgia.~~
- (b) ~~Real property, real estate brokerage and appraising, abstract of titles for real property, title insurance for real property and other related costs of acquisition of real property.~~
- (c) ~~Dues and membership fees.~~

-
- ~~(d) Public works construction contracts to the extent governed by O.C.G.A. § 36-91-1 et seq.~~
 - ~~(e) Advertisements and legal advertisements that are required by law to publicly advertise meetings or actions in the legal organ.~~
 - ~~(f) Intangible repairs that are cost prohibitive to seek competitive quotations.~~
 - ~~(g) Subscriptions.~~
 - ~~(h) Utilities, where there is no reasonable basis for competitive procurement, for example electric power, water, and sewerage.~~
 - ~~(i) Training, travel, lodging or meal expense covered by other City policies and regulations.~~
 - ~~(j) Entertainment services for City sponsored events.~~
 - ~~(k) Proprietary maintenance and software agreements.~~
 - ~~(l) Works of art or other creative/artistic endeavors that require a demonstrated skill or talent to include, but not limited to, artists, musicians, and writers.~~
 - ~~(m) The procurement of employee benefits that are procured through a quotation and negotiating process conducted by an expert on behalf of the City (i.e., broker).~~
 - ~~(n) Materials or services required for confidential and secure investigations, apprehensions and detentions of individuals suspected of or convicted of criminal offenses by law enforcement personnel.~~
 - ~~(o) Sponsorships as a promotion of 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.~~

~~Nothing in this section relieves the responsibility of compliance with the approval limits as established in this article.~~

~~(Ord. No. 2018-6, § 7-2018; Ord. No. 2022-1, § 1-26-2022; Ord. No. 2024-8, § 26, § 22-2024)~~

Sec. 2-~~25960~~. Purchasing Director authority~~Sole source procurement.~~

(a) Operational procurement authority.

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

(b) Method determination.

The PD 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 PD 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 PD 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 PD 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 PD shall provide or coordinate procurement training for departments, department liaisons, and evaluation committees consistent with this Article and applicable SOPs.

~~Based upon evidence that a particular commodity or service may be obtained from only one source and no similar commodity or service available from a different source will adequately meet an acquiring department's requirements and specifications, the City Manager may decide that the commodity or service be purchased sole source or by brand name based upon supporting documentation from the requesting department. Supporting documentation will be reviewed by the Purchasing Department and findings will be presented to the City Manager. Requesting department shall present any sole source procurement over \$50,000.00 for approval by the City Council in an officially called public meeting. A record of sole source procurements shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, a listing of the items procured under each contract, and the identification number of each contract file.~~

~~(Ord. No. 2018-6, 5-7-2018)~~

Sec. 2-2601. Department Directors or formally designated written designee ~~Emergency~~ procurements.

(a) Responsibility for departmental procurement.

Department Director or formally designated written designee are responsible for ensuring departmental compliance with this Article and for overseeing procurement activities conducted within their areas of responsibility.

(b) Requisition approval.

Department Director or formally designated 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.

Department Director or formally designated 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.

Department Director or formally designated written designee shall assign Department Liaisons and Contract Managers to support procurement processes, documentation, and contract oversight in accordance with SOPs.

(e) Training and compliance.

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

(f) Performance oversight.

Department Director or formally designated written designee are responsible for monitoring vendor and contract performance and ensuring timely escalation of issues to the Purchasing Director.

Notwithstanding any other provisions of this article, the City Manager may make or authorize others to make emergency procurements of supplies, services, or construction items when there exists a threat to public health, welfare, safety, 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 with the passage of time provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file and shall be submitted for approval to the City Council as a consent agenda item at the next meeting following the emergency procurement. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the items procured under the contract, and the identification number of the contract file.

(Ord. No. 2018-6, 5-7-2018)

Sec. 2-2612. Department Liaisons~~**Cooperative purchases.**~~

(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 assign Department Liaisons, with the consent of the Purchasing Director. The Purchasing Director may unassign Department Liaisons that 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.

~~The City may participate in a cooperative purchase for commodities, supplies and services when determined that it is in the best interest of the City. The sponsoring entity, whether federal, state, local, or non-profit must have performed a competitive procurement process and entered into a contract that stipulates allowance for other governmental entities to purchase from the supplier at the same price and under the same terms and conditions as extended to itself. If such arrangement has not been made a part of the contract, written permission from the sponsoring entity and the awarded supplier must be obtained. Documentation to substantiate this decision will be maintained by the Purchasing Department.~~

~~(Ord. No. 2018-6, 5-7-2018)~~

Sec. 2-2623. ~~Contract Managers~~Governmental and affiliated entity purchases.

(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 SOPs.~~

~~The City may purchase services and incidental commodities from other federal, state or local governments, associations and non-profit organizations when determined to be in the best interest of the City. Documentation to substantiate this decision will be maintained by the Purchasing Division.~~

~~(Ord. No. 2018-6, 5-7-2018)~~

Sec. 2-2634. ~~Segregation of duties~~Change orders and contract modifications.

(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) CFO oversight.

The CFO 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.

~~(a) *General provisions.* Except as hereinafter provided, any change order or other modification of a contract term shall be approved by the City Council. Once approved by City Council the amount of the contract shall be reset and additional change orders and contract modifications as hereinafter authorized shall use the new total value, including the original and any changes approved by Council, as the base amount of the contract.~~

~~(b) *City Manager authority.* The City Manager or his/her designee shall have authority to approve all purchases and change orders to purchase orders and contracts collectively up to an absolute value of \$100,000.00 over the base amount as approved by City Council.~~

~~(c) *Purchasing Manager authority.* The Purchasing Manager shall have authority to approve all change orders to purchase orders and contracts up to an absolute value of \$5,000.00.~~

~~{Ord. No. 2018-6, 5-7-2018; Ord. No. 2021-6, 5-24-2021}~~

DIVISION 3. PROCUREMENT METHODS AND COMPETITION

Sec. 2-265. Authorized procurement methods. ~~Sec. 2-264. Standardization.~~

(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 or ITB)**;

(4) **Competitive sealed proposals (Request for Proposals or RFP)** using Best Value evaluation;

(5) **Qualifications-Based Selection (QBS)** 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 2-273.

(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.

For efficient operations, departments may standardize equipment or supplies. Requests to standardize equipment or supplies shall be submitted to the Purchasing Manager. The requests shall be submitted on the Request to Standardize form created by the Purchasing Manager. The Purchasing Manager shall review the request and document any alternatives not considered. The Request to Standardize Form and Purchasing Manager Review shall be submitted to the Chief Financial Officer to determine the financial impact. The Chief Financial Officer shall submit the Request to Standardize and financial implications to the City Manager for approval. If approved, the standardization shall be reviewed every seven years.

(Ord. No. 2018-6, 5-7-2018; Ord. No. 2024-8, § 27, 5-22-2024)

Sec. 2-2656. Procurement method determination ~~Cancellation of invitations for bids or request for proposals.~~

(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.

An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the City. The reasons therefor shall be made part of the contract file. Each solicitation issued by the City shall state that the solicitation may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the City. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

(Ord. No. 2018-6, 5-7-2018)

Sec. 2-2667. Micro-purchases ~~Vehicle purchases.~~

(a) Definition.

Micro-purchases are small-value procurements below the established micro-purchase threshold, intended for routine or low-risk needs.

(b) 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.

(c) Request-for-check.

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

(d) P-card use.

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

Competitive procurement methods shall be used for all vehicle purchases. The Purchasing Director shall work with departments to determine the appropriate procurement method to ensure the best value for the City. Once the solicitation process is complete, the City Manager shall be authorized to approve the purchase of replacement and new vehicles as long as the total expenditure shall not exceed the cumulative approved budget amount in any fiscal year without seeking additional or specific approval of the City Council. For the purposes of this section, the term "vehicle" means automobiles, motorcycles, heavy equipment, heavy machinery, trailers and similar items. (Ord. No. 2018-6, 5-7-2018; Ord. No. 2020-4, 8-24-2020)

Sec. 2-268. Informal procurement.

Secs. 2-267 — 2-277. Reserved.

(a) Definition.

Informal procurement applies to purchases above the micro-purchase threshold and below the formal procurement threshold established by the City.

(b) Competition.

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

(c) Best Value.

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

(d) 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 SOPs.

Sec. 2-271. Qualifications-Based Selection (QBS) and qualified vendor pools.

(a) Use of QBS.

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 vendor pools.

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

(c) Assignment of work.

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

(d) Requalification.

Vendor pools shall be periodically re-evaluated and re-established according to SOPs.

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) CFO financial validation for significant expenditures.

a. Significant expenditure means any procurement action exceeding the informal procurement threshold established in Sec. 2-255.

(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:

- a. At or below the informal threshold shall require Purchasing Director approval;
- b. Above the informal threshold shall require CFO approval; and
- c. 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.

Commented [CW1]: Probably need to outline If over the City Manager limit, the procurement shall be ratified at the next Council meeting “

Commented [KL2R1]: You are correct. While Sec. 2-273 authorizes the City Manager to approve emergency procurements, the ordinance does not currently require Council ratification when the total value exceeds the Council approval threshold.

(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 SOPs.

(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 formally 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 SOPs.

(c) Required content.

Each procurement plan shall include, at minimum:

- (1) Anticipated procurements for the upcoming fiscal year;
- (2) Estimated cost for each procurement;

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- (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 CFO 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 CFO 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 CFO 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 CFO. Any sustained irregularities shall be reported to the City Manager and City Attorney.

(f) During the Quiet Period.

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

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

The Quiet Period does not prohibit:

- a. 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;
- b. Routine operational communications unrelated to the subject matter of the active solicitation; or

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.

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~~**DIVISION 2. PROCUREMENT FOR FEDERAL AID HIGHWAY PROGRAM FUNDING PROJECTS**~~

Sec. 2-2789. Vendor eligibility, responsibility, suspension, and debarment Purpose.

(a) Vendor eligibility.

Vendors must meet all eligibility requirements established in this Article and applicable SOPs. 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 CFO 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 SOPs.

(g) Reinstatement.

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

(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.

The purpose of this chapter is to set forth the City of Lawrenceville Policy for Competitive Negotiation Qualifications-based Selection for Projects Using Federal Aid Highway Program (FAHP) Funding. (Ord. No. 2018-6, 5-7-2018)

DIVISION 5. CONTRACTING RULES

Sec. 2-280. Contract formation and execution.

Sec. 2-279. General policy.

(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.

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- (a) ~~Competitive negotiation.~~ Except as provided in sections 2-280 and 2-281, the City shall use the competitive negotiation method for the procurement of engineering and design related services when FAHP funds are involved in the contract (as specified in 23 U.S.C. § 112(b)(2)(A)). The solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications-based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. §§ 1101—1104, commonly referred to as the Brooks Act.
- (b) ~~Application of competitive negotiation method procedures.~~ In accordance with the requirements of the Brooks Act, the following procedures shall apply to the competitive negotiation procurement method:
- (1) ~~Solicitation.~~ The solicitation process shall be by public announcement, public advertisement, or any other public forum or method that assures qualified in State and out of State consultants are given a fair opportunity to be considered for award of the contract. Procurement procedures may involve a single step process with issuance of a request for proposal (RFP) to all interested consultants or a multiphase process with issuance of a request for statements or letters of interest or qualifications (RFQ) whereby responding consultants are ranked based on qualifications and request for proposals are then provided to three or more of the most highly qualified consultants. Minimum qualifications of consultants to perform services under general work categories or areas of expertise may also be assessed through a prequalification process whereby statements of qualifications are submitted on an annual basis. Regardless of any process utilized for prequalification of consultants or for an initial assessment of a consultant's qualifications under an RFQ, a RFP specific to the project, task, or service is required for evaluation of a consultant's specific technical approach and qualifications.
- (2) ~~Request for proposal (RFP).~~ The RFP shall provide all information and requirements necessary for interested consultants to provide a response to the RFP and compete for the solicited services. The RFP shall:
- a. Provide a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the services to be rendered. The scope of work should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies;
 - b. Identify the requirements for any discussions that may be conducted with three or more of the most highly qualified consultants following submission and evaluation of proposals;
 - c. Identify evaluation factors including their relative weight of importance in accordance with subsection (c) of this section;
 - d. Specify the contract type and method(s) of payment to be utilized in accordance with 23 CFR 172.9;
 - e. Identify any special provisions or contract requirements associated with the solicited services;
 - f. Require that submission of any requested cost proposals or elements of cost be in a concealed format and separate from technical/qualifications proposals as these shall not be considered in the evaluation, ranking, and selection phase; and
 - g. Provide a schedule of key dates for the procurement process and establish a submittal deadline for responses to the RFP which provides sufficient time for interested consultants to receive notice, prepare, and submit a proposal, which except in unusual circumstances shall be not less than 14 days from the date of issuance of the RFP.
- (3) ~~Evaluation factors.~~
- a. Criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services must assess the demonstrated competence and qualifications for the type of professional services solicited. These qualifications-based factors may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.

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~~b. Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.~~

~~c. In state or local preference shall not be used as a factor in the evaluation, ranking, and selection phase. State licensing laws are not preempted by this provision and professional licensure within a jurisdiction may be established as a requirement which attests to the minimum qualifications and competence of a consultant to perform the solicited services.~~

~~d. The following non-qualifications based evaluation criteria are permitted under the specified conditions and provided the combined total of these criteria do not exceed a nominal value of ten percent of the total evaluation criteria to maintain the integrity of a qualifications based selection:~~

~~1. A local presence may be used as a nominal evaluation factor where appropriate. This criterion shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. If a consultant outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.~~

~~2. The participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants may be used as a nominal evaluation criterion where appropriate in accordance with 49 CFR Part 26 and the City of Lawrenceville's FHWA approved DBE program.~~

~~(4) Evaluation, ranking, and selection.~~

~~a. Consultant proposals shall be evaluated by the City based on the criteria established and published within the public solicitation.~~

~~b. While the contract will be with the prime consultant, proposal evaluations shall consider the qualifications of the prime consultant and any sub-consultants identified within the proposal with respect to the scope of work and established criteria.~~

~~c. Following submission and evaluation of proposals, the City shall conduct interviews or other types of discussions determined three of the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFP. Discussion requirements shall be specified within the RFP and should be based on the size and complexity of the project as defined in City written policies and procedures (as specified in 23 CFR 172.5(c)). Discussions may be written, by telephone, video conference, or by oral presentation/interview. Discussions following proposal submission are not required provided proposals contain sufficient information for evaluation of technical approach and qualifications to perform the specific project, task, or service with respect to established criteria.~~

~~d. From the proposal evaluation and any subsequent discussions which have been conducted, the City shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria.~~

~~e. Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.~~

~~f. The City shall retain acceptable documentation of the solicitation, proposal, evaluation, and selection of the consultant accordance with the provisions of 49 CFR 18.42.~~

~~(5) Negotiation.~~

-
- a. ~~Independent estimate. Prior to receipt or review of the most highly qualified consultant's cost proposal, the City shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant services are obtained at a fair and reasonable cost.~~
- b. ~~Elements of contract costs (e.g., indirect cost rates, direct salary or wage rates, fixed fee, and other direct costs) shall be established separately in accordance with 23 CFR 172.11.~~
- c. ~~If concealed cost proposals were submitted in conjunction with technical/qualifications proposals, only the cost proposal of the consultant with which negotiations are initiated may be considered. Concealed cost proposals of consultants with which negotiations are not initiated should be returned to the respective consultant due to the confidential nature of this data (as specified in 23 U.S.C. 112(b)(2)(E)).~~
- d. ~~The City shall retain documentation of negotiation activities and resources used in the analysis of costs to establish elements of the contract in accordance with the provisions of 49 CFR 18.42. This documentation shall include the consultant cost certification and documentation supporting the acceptance of the indirect cost rate to be applied to the contract (as specified in 23 CFR 172.11(e)).~~

(Ord. No. 2018-6, 5-7-2018)

Sec. 2-2801. Contract amendments and change orders ~~Informal purchases.~~

- (a) Cumulative amendments shall not be used to 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 and 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 Section 2-288 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.

~~The informal purchase method involves procurement of engineering and design related services where an adequate number of qualified sources are reviewed and the total contract costs do not exceed the established informal purchase threshold. The City may use the State's small purchase procedures which reflect applicable State laws and regulations for the procurement of engineering and design related services provided the total contract costs do not exceed the Federal simplified acquisition threshold (as specified in 48 CFR 2.101). When a lower threshold for use of small purchase procedures is established in State law, regulation, or policy, the lower threshold shall apply to the use of FAHP funds. The following additional requirements shall apply to the small purchase procurement method:~~

- ~~(1) The scope of work, project phases, and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures.~~
- ~~(2) A minimum of three consultants are required to satisfy the adequate number of qualified sources reviewed.~~
- ~~(3) Contract costs may be negotiated in accordance with State small purchase procedures; however, the allow-ability of costs shall be determined in accordance with the Federal cost principles.~~
- ~~(4) The full amount of any contract modification or amendment that would cause the total contract amount to exceed the established simplified acquisition threshold would be ineligible for Federal aid funding. The FHWA may withdraw all Federal aid from a contract if it is modified or amended above the applicable established simplified acquisition threshold.~~

~~(Ord. No. 2018-6, 5-7-2018)~~

Sec. 2-2812. Contract renewals and extensions ~~Noncompetitive.~~

(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.

~~The noncompetitive method involves procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. The following requirements shall apply to the noncompetitive procurement method:~~

- ~~(1) The City may use their own noncompetitive procedures which reflect applicable State and local laws and regulations and conform to applicable Federal requirements.~~
- ~~(2) The City shall establish a process to determine when noncompetitive procedures will be used and shall submit justification to, and receive approval from, the FHWA before using this form of contracting.~~
- ~~(2) Circumstances under which a contract may be awarded by noncompetitive procedures are limited to the following:
 - ~~a. The service is available only from a single source;~~
 - ~~b. There is an emergency which will not permit the time necessary to conduct competitive negotiations; or~~
 - ~~c. After solicitation of a number of sources, competition is determined to be inadequate.~~~~
- ~~(4) Contract costs may be negotiated in accordance with the City noncompetitive procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.~~

~~(Ord. No. 2018-6, 5-7-2018)~~

Sec. 2-2823. Multi-year contracts Additional procurement requirements.

(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 CFO.

(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.

(h) a) —

Common grant rule.

- ~~(1) The City must comply with procurement requirements established in State and local laws, regulations, policies, and procedures which are not addressed by or in conflict with applicable Federal laws and regulations (as specified in 49 CFR 18.36).~~
 - ~~(2) When State and local procurement laws, regulations, policies, or procedures are in conflict with applicable Federal laws and regulations, the City of Lawrenceville must comply with Federal requirements to be eligible for Federal aid reimbursement of the associated costs of the services incurred following FHWA authorization (as specified in 49 CFR 18.4).~~
 - ~~(b) Disadvantaged Business Enterprise (DBE) program.~~
 - ~~(1) The City shall give consideration to DBE consultants if required by the use of state and federal funds in the procurement of engineering and design related service contracts subject to 23 U.S.C. 112(b)(2) in accordance with 49 CFR 26. When DBE program participation goals cannot be met through race-neutral measures, additional DBE participation on engineering and design related services contracts may be achieved in accordance with the City of Lawrenceville's FHWA approved DBE program through either:
 - ~~a. Use of an evaluation criterion in the qualifications-based selection of consultants (as specified in 23 CFR 172.7(a)(1)(iii)(D)); or~~
 - ~~b. Establishment of a contract participation goal.~~~~
 - ~~(2) The use of quotas or exclusive set-asides for DBE consultants is prohibited (as specified in 49 CFR 26.43).~~
 - ~~(c) Suspension and debarment. The City must verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or contract in accordance with 49 CFR 18.35 and 2 CFR 180.~~
- ~~(Ord. No. 2018-6, 5-7-2018)~~

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 titles 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 negotiating process conducted by an expert on behalf of the City (i.e., broker).
- (13) Materials or services required for confidential and secure investigations, apprehensions and detentions of individuals suspected of or convicted of criminal offenses by law enforcement personnel.
- (14) Sponsorships as a promotion of 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.

Department Director or formally designated 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 may be disposed of through:

- (1) Public auction;
- (2) Competitive sale;

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- (3) Trade-in toward replacement equipment;
- (4) Donation to qualifying organizations;
- (5) Recycling; or
- (6) Disposal when no other method is feasible.

(d) Employee purchases.

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

(e) Fixed-asset integration.

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

(f) 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 shall be filed with the Purchasing Director:

- (1) Be submitted in writing within the timeframe established in SOPs 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 CFO, 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.

(i) 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 CFO, shall prepare an Annual Procurement Report summarizing procurement activities for the preceding fiscal year.

(b) Required content.

The report shall include:

- a. Total Citywide spend by department;
- b. Summary of procurement methods used;
- c. Ratio of competitive to noncompetitive procurements;
- d. Summary of sole source procurements;
- e. Summary of exemptions;
- f. Micro-purchase distribution analysis;
- g. Informal procurement distribution analysis;
- h. Summary of vendor performance evaluations;
- i. Suspension and debarment activity;
- j. Renewal and extension justifications; and
- k. 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 CFO, City Manager or City Council may request supplemental reports as needed to ensure compliance, oversight, and transparency.

~~Secs. 2-283 — 2-298. Reserved.~~

~~**ARTICLE X. CDBG FUNDS**~~

~~**Sec. 2-299. Purchasing requirements.**~~

~~**The City Manager shall ensure that the purchase of equipment, supplies and/or services relating to the expenditure of federal CDBG funds shall follow federal requirements in accordance with the Common Rule, 24 CFR Part 85 to the CDBG Entitlement Program.**~~

~~**{Code 2005, § 7-101}**~~