

**STATE OF GEORGIA
COUNTY OF DEKALB**

ORDINANCE 2026-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF STONE MOUNTAIN, GEORGIA TO AMEND ARTICLE III OF CHAPTER 2 (PURCHASING) OF THE CODE OF THE CITY OF STONE MOUNTAIN, GEORGIA

WHEREAS, the authority of a City Council and its members is delegated by the Georgia General Assembly through the passage of general state laws applicable to all municipalities and elected officials (e.g., state statutes) and local laws specific to a particular jurisdiction or entity (e.g., a city's charter); and

WHEREAS, the City of Stone Mountain (the "City") currently operates under a charter that was passed by the Georgia General Assembly and ratified by the City's voters in 2009 (the "Charter") (see Ga. Laws 2009, p. 4108); and

WHEREAS, pursuant to the City's Charter, Sec. 2.10, the legislative authority of the government of the City is vested in the City Council which is comprised of a mayor and six councilmembers; and

WHEREAS, pursuant to the City's Charter, Sec. 2.16, and other laws of the State of Georgia (e.g., O.C.G.A. § 36-35-3), except as otherwise provided by law or in the Charter, the City Council is vested with all the powers of government of the City and has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to the City's Charter, Sec. 2.29, the City Manager is the chief executive and administrative officer of the City with the power and duty to, among other things, direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by the Charter or by law; and

WHEREAS, pursuant to the City's Charter, Sec. 1.12(b)(2), the powers of the City shall be construed liberally in favor of the City and shall include, but not be limited to, making appropriations for the support of the government of the City, to authorize the expenditure of money for any purposes authorized by the City's Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia, and to provide for the payment of expenses of the City; and

WHEREAS, after review of the purchasing ordinance, it was determined that same was outdated and restricted efficient administration of the City's financial affairs.

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Stone Mountain that the sections of Article III of Chapter 2 of the Code of the City of Stone Mountain shall be amended as set forth below. All provisions in said Article not otherwise changed herein shall remain as currently set forth. All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed. This Ordinance shall become effective upon its adoption.

Sec. 2-55. Functions of the departments.

- (a) Departments should plan their work so that "rush orders" and emergencies will be held to a minimum. Requests should be forwarded to the purchasing department far enough in advance to allow sufficient time for delivery.
- (b) Departments should assist the purchasing department by suggesting the names of vendors that have access to particular items being requested, especially items of a technical nature. However, the purchasing department is in no way confined to the vendors suggested. The purchasing department maintains a list of vendors and any responsible firm may be added to that list upon application by telephone or mail.
- (c) The city is not obligated to purchase equipment or accessories that are delivered for use on a "trial" basis.
- (d) Department Heads may be provided purchasing cards, but individual departments or employees cannot independently and directly buy goods or services over \$500 without authority from the purchasing officer, city manager, finance department, or council, depending on the purchase, as set forth in this Article.
- (e) No city employee shall purchase supplies, material or equipment of any kind for personal use.
- (f) Department heads will be called upon to assist in writing specifications for bids. Specifications should not be written which are considered "closed" (written around one (1) specific brand). Brand names, model numbers, etc., may be submitted as a guideline as to the type and quality of merchandise desired. However, the wording "or approved equal" will always be added so as not to discriminate against any vendor's merchandise. Competition must be kept in mind throughout the writing of specifications.

Sec. 2-56. Purchasing procedures.

- (a) *Budgeted Items.* The purchasing procedures to be followed by the city based on the dollar amount of the budgeted purchase are as follows, unless under state contract (note: these procedures apply on a per item basis); state contract bidding should be used if available.
 - (1) *Up to two thousand dollars (\$2,000.00) and line item budgeted*—direct purchase by the purchasing agent.
 - (2) *Two thousand dollars (\$2,000.00) up to five thousand dollars (\$5,000.00) and line item budgeted*—minimum of three (3) email or fax quotations to be evaluated by the appropriate department head and approved by the city manager.
 - (3) *Five thousand dollars (\$5,000.00) up to twenty thousand dollars (\$20,000.00) and line item budgeted*—minimum of three (3) formal, written quotations and submitted to the city manager. Quotations and award to be recorded and filed with the city Clerk.
 - (4) *Twenty thousand dollars (\$20,000.00) up to fifty thousand dollars (\$50,000.00) and budgeted*—minimum of three (3) formal, written quotations. Purchasing agent and city manager make recommendation to city council who awards the purchase. Quotations and award to be recorded and filed with the city Clerk.
 - (5) *Fifty thousand dollars (\$50,000.00) and above and budgeted*—requires advertised solicitation of formal, sealed bids. Purchasing agent and city manager make recommendation to city council who awards the bid. Solicitation, bids, bid evaluations, and award to be recorded and filed with the city Clerk.
 - (6) *Budgeted vehicles, regardless of cost* —direct purchase from state contract, by department heads with city manager approval. If purchase from state contract not possible

(7) *Exceptions*—The requirements of (a)(1)-(5) above shall not apply to public road contracts (as defined in O.C.G.A. Title 32) or public works construction contracts (as defined in O.C.G.A. Title 36).

(b) *Nonbudgeted items.* The purchasing procedures to be followed by the city based on the dollar amount of the non-budgeted purchase are as follows:

(1) *Up to three thousand five hundred dollars (\$3,500.00)* — direct purchase by the purchasing agent after minimum of three (3) email or fax quotations.

(2) *Three thousand five hundred dollars (\$3,500.00) up to five thousand dollars (\$5,000.00)* – approval by city Council after minimum of three (3) email or fax quotations. Quotations and award to be recorded and filed with the city Clerk.

(3) *Five thousand dollars (\$5,000.00) up to fifty thousand dollars (\$50,000.00)* – approval by city Council after minimum of three (3) formal, written quotations. Quotations and award to be recorded and filed with the city Clerk.

(4) *Fifty thousand dollars (\$50,000.00) and above* —approval by city Council after advertised solicitation of formal, sealed bids. Solicitation, bids, bid evaluations, and award to be recorded and filed with the city Clerk.

(c) *Professional services.*

(1) city council may appoint vendors for professional services annually based upon qualifications and experience of the respective vendors. These professional services shall include, but not be limited to, auditor, attorney, solicitor, judge, judge pro tem, engineers, architects, and surveyors.

(2) For professional services to be performed for less than annual basis and that are budgeted, procedures in subsection (a) shall be followed, depending on the estimated costs of the services.

(3) For professional services to be performed for less than annual basis and that are not budgeted, procedures in subsection (b) shall be followed, depending on the estimated costs of the services.

(d) *Bond and insurance requirements.*

(1) Public road project contracts over five thousand dollars (\$5,000.00) require performance bond and payment bond as well as public liability and property damage insurance bonds or policies, and bonds to maintain in good condition; such completed construction for a period of not less than five (5) years, pursuant to O.C.G.A. § 32-4-119. The amount of insurance depends on the size of the project.

(2) Public works contracts over one hundred thousand dollars (\$100,000.00) require a bid bond, performance bond, and payment bond in accordance with O.C.G.A. §§ 36-91-50, 36-91-70 and 36-91-90, respectively.

(3) Any contractor entering a contract with the city must carry a worker's compensation policy at the minimum statutory limit, unless such contractor is exempt under O.C.G.A. § 34-9-1 et seq.

(4) Licensed professionals contracting with the city for services in the amount of forty thousand dollars (\$40,000.00) or more must provide professional liability coverage of at least one million dollars (\$1,000,000.00).

Sec. 2-59. Emergency purchases.

In all cases where there is immediate need for any services, materials, supplies, goods, wares or merchandise by any department, such department must advise the city manager, and if he cannot be located, the officer or employee must immediately notify the mayor or mayor pro tem. Approval of an emergency purchase may be made only by the mayor or mayor pro tem.

Sec. 2-62. Sole/Single Source.

A contract may be awarded or a purchase made without competition when the city determines that there is only one source for the required products, services, or items. The city manager, in consultation with the city Attorney may determine that there exists only a sole vendor or single source for the product, service, or item. The determination will be limited to a specific time frame and/or project and will be effective for no more than three (3) fiscal years (initial year is the fiscal year of approval; expiration occurs at the end of the third fiscal year). The city Manager will maintain a listing of sole source and single source vendors to be filed and recorded with the city Clerk. Once a vendor has been deemed sole source or single source, the city may procure goods or services from this vendor without the need for quotes or bids.

Sec. 2-63. Cooperative Purchasing.

The city manager may acquire goods, services, and professional services by direct negotiation or other method involving limited or no competition from a supplier having a requirements contract/annual agreement with any public entity (e.g. federal, state, county, city, authority, school board, buying cooperative, etc.) at prices or discounts no less favorable than any set forth in such contracts, provided however, that such contract was the product of a competitive bid process if such process is required under this Article for the type of purchase being made. The city manager may participate in, sponsor, conduct or administer a cooperative purchasing agreement for procurement (e.g. Omnia Partners, Sourcewell, NASPO, SAVVIK, etc.) including “piggybacking” on governmental (e.g. local, state, national, etc.) and authority (GDOT, transportation, utility and or development authorities, etc.) contracts; provided however, that such agreement was the product of a competitive bid process if such process is required under this Article for the type of purchase being made. Prior to the city making a purchase through “piggybacking” or cooperative purchasing, the city manager must verify that the original contract states that it is subject to cooperative purchasing and/or intergovernmental agreements or obtain written consent from the vendor and the original public agency for the cooperative purchasing/”piggybacking” by the city. Cooperative purchasing agreements assist local governments in reducing the cost of purchased goods and services through pooling the purchasing power of multiple public agencies. Due to the nature of cooperative purchasing agreements, competition has been established so additional quotes, bids, or proposals are not required. However, approval requirements as set forth in this Article are still in effect.

Sec. 2-64. Ethical Considerations and Conflict of Interest

Each person involved in the purchasing process must adhere to the highest standard of ethics and avoid any appearance that their actions are motivated by private or personal interest. Actions such as the acceptance of gratuities or kickbacks are expressly prohibited. Unethical actions by employees or vendors will not be tolerated.

The following principles are to be maintained:

Consider the best interest of the city in all transactions;

Purchase without prejudice, and follow defined processes and procedures seeking to obtain the best value for each dollar expenditure in accordance with required quality standards;

Subscribe to and demonstrate honesty and truth in purchasing and avoid all forms of conflict of interest, as well as the appearance of such conflicts of interest;

Avoid all unethical practices and appearance of the same, including the improper or unlawful attempt to influence the outcome of the purchasing process; and

Strive consistently for knowledge of materials and supplies required for use by the city.

Employees will avoid activities which would compromise or give the perception of compromising the best interests of the city. Employees will not knowingly use confidential proprietary information for actual or anticipated personal gain.

Employees will avoid any activity that would create a conflict between their personal interest and the interest of the city. Conflicts exist in any relationship where a person is not acting in the city's best interest and may be acting in their own interest or the interest of someone associated with them. Such conflicts of interest would include being involved in any purchasing in which:

The employee or any member of the employee's family has a financial interest pertaining to the city purchasing process;

A business or organization in which the employee, or any member of the employee's family, has a financial interest pertaining to the city purchasing process, or

Any other person, business, or organization with whom the employees or a member of the employee's family is negotiating or has an arrangement concerning prospective employment.

If such conflicts of interest exist, the employee will notify the city manager in writing and will remove him/herself from the purchasing process.

Employees will avoid the appearance of unethical or compromising practices in relationship, actions, and communications regarding the purchasing process.

Employees will never solicit or accept money, loans, gifts, favors, or anything of value, from present or potential contractors which might influence or appear to influence a purchasing decision by a government official. If anyone is in doubt about whether a specific transaction complies with this policy, the person should disclose the transaction to the city manager or the city attorney for a determination of compliance.

Any city employee found in violation of this Article will face disciplinary action pursuant to established policy/procedures.

SO ORDAINED THIS 16TH DAY OF JUNE, 2026.

Jelani Linder, Mayor

Shavala Ames, City Clerk

Approved as to form:

Angela C. Couch, City Attorney