

# **BOARD OF COUNTY COMMISSIONERS**



## **PURCHASING POLICIES AND PROCEDURES**

**AMENDED OCTOBER 20, 2021**

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# BOARD OF COUNTY COMMISSIONERS



## PURCHASING POLICIES AND PROCEDURES

Adopted in Lawful Assembly of the Camden County Board of Commissioners  
and spread upon the official minutes of this 20<sup>th</sup> date of August 2019.

This 20<sup>th</sup> Date of August 2019

BY: *James H. Starline* James H. Starline, Chairman

ATTEST: *Kathryn A. Bishop* Kathryn A. Bishop, County Clerk

## **CHAPTER 1 PURPOSE & INTENT, MISSION & VISION STATEMENTS, DUTIES AND AUTHORIZATION**

### **1. Purpose and Intent**

The purpose and intent of this manual are to establish operational policies and purchasing procedures for the Camden County Board of Commissioners. The Purchasing Office strives to provide quality service through effective communication and a cooperative working relationship with all departments and vendors; to fulfill the needs of the County for goods and services in a professional, responsive, timely, and cost effective manner; and in accordance with all legal requirements and ethical standards. (NIGP Section C, 13,17b)

Department must keep a current copy of the Purchasing Policy and any official updates and applicable memos issued by the Purchasing office. Procedures contained herein are applicable to all County personnel involved in the requisitioning, procuring of goods and services, receiving, transferring, and replacement of supplies, materials, services, equipment, and invoice processing.

The objectives of the Purchasing Office and this Manual are:

- a. To clearly establish that the responsibility for day to day purchasing rest with each department's designated employee with the assistance of the Purchasing Office.
- b. To procure supplies materials, equipment, contractual labor and services as requested by departments in accordance with the Purchasing Manual at the most appropriate cost and best quality consistent with the goods and services required.
- c. To exercise positive financial accountability in the expenditure of funds.
- d. To provide an efficient means for disposal of surplus property.
- e. To establish and maintain high standards of quality based on suitability of use in all purchasing transactions.
- f. To ensure the fair and equitable treatment of all persons who deal with the purchasing system.
- g. To provide safeguards for the maintenance of a purchasing system of quality and integrity.
- h. To ensure that all parties involved in the negotiation, performance or administration of contracts act in good faith.

## 2. Mission and Vision Statements (NIGP Section A, 3.)

**Mission:** The mission of the Purchasing Department is to provide for fair and equitable treatment of all persons involved in public purchasing by the County with the highest level of customer service, to strive to maximize the purchasing value of public funds in procurement and to provide safeguards for maintaining a procurement system of quality and professional integrity.

**Vision:** Knowledgeable and professional personnel working together in trust and with open, honest communication to maintain the integrity of Purchasing and to provide good, effective customer service in procuring products and services at the best value.

## 3. Duties of the Purchasing Officer

The Primary function of the Purchasing Officer is to purchase and contract for the supplies, material, equipment, services and construction required by the County stall in a reasonable time frame that meets their needs and to ensure that maximum value is obtained for each dollar spent. Other duties include, but are not limited to:

- a. Establish and enforce specifications for supplies, materials, and equipment to be procured for the County.
- b. Contract for, purchase, or issue purchase authorizations for all supplies, material, equipment, contractual labor and services for the departments, offices and agencies of the County; provided that, before the purchase of or contract for any supplies, materials, equipment, contractual labor, services or insurance, ample opportunity for competitive bidding, under such regulations and with such exceptions as the Board may provide.
- c. Have charge over Central Supply Inventory
- d. Transfer to or between departments, offices, and agencies or sell surplus, obsolete or unused supplies, materials and equipment.
- e. Once the bid process is complete, verifies the successful vendor has submitted an Occupation License, proof of insurance and bonds (if applicable) to Purchasing, the requesting department will be responsible for administering the agreement. The Purchasing Officer will act as Contract Administrator for the County. (NIGP Section C, 17c) Contract Administration includes, but is not limited to, the following activities: monitoring time lines for completion; addressing billing/payment issues; documenting compliance issues and steps taken to address these issues with the vendor. It is recommended that departments maintain well-documented vendor files as well. Departments must submit Vendor Complaint Forms to Purchasing in case of a dispute or cause for termination of an existing contract.
- f. The Purchasing Officer and the Chairman of the Board of Commissioners, will be the only signature(s) that can bind the County into a contract lasting more than one (1) year: (NIGP Section C, 17i, p)

- g The Purchasing Officer shall have the authority to join with the other units of Government in purchasing activities when it meets the best interest of the County. This is also known as Cooperative Purchasing. (NIGP Section J, 64)

**4. Authorization (NIGP Section B, 11)**

Authorization for all budgeted items are as follows:

|                     |         |                          |           |
|---------------------|---------|--------------------------|-----------|
| Department Head:    | \$1,500 | Chief Financial Officer: | \$10,000  |
| Purchasing Officer: | \$2,500 | County Administrator:    | \$25,000+ |

*\*\*In an emergency, County Administrator may purchase items up to \$25,000 each\*\**

**CHAPTER 2  
PURCHASING FORMS**

The County Chief Financial Officer and/or Purchasing Officer will be authorized to develop all the forms needed to implement this Policy. There are seven (7) main forms that will be used as a part of the County Purchasing Policies and Procedures. All goods received by or on behalf of the Camden County must be acknowledged by a legible signature on the receiving slip (or invoice) at the time the goods are received specifying the condition they arrived in and noting any discrepancies in quantity. No invoice will be paid without a signed and receiving slip or signed invoice verifying that the item(s) was received in good condition.

1. **Purchase Order** – to be utilized by the County for all purchases as described:
  - a. Field – A two part Field Purchase Order will be issued by the department for amounts that exceed \$250 and below \$1,500. The white copy is retained by the department and the pink copy must be sent to the Accounts Payable Office as soon as possible attached to supporting documentation (i.e. signed and coded invoice and/or packing slip). Field Purchase orders are not required for County purchases under \$1,499.99 made with the Bank of America Visa Card.
  - b. Standard – Also referred to as a “Large PO”, an eight (8) digit Purchase Order will be assigned by the Purchasing Officer/Chief Financial Officer for amounts that exceed \$1,500 after a requisition (see below) is submitted and purchase is approved at appropriate levels. (NIGP Section C, 17i)

*NOTE: The amount of the purchase order or contract, upon completion, will be encumbered within the appropriated department and account number to accurately reflect the reporting information. Purchase Orders will be valid until June 30<sup>th</sup> of the current fiscal year or 45 (forty-five) days after the end of each Fiscal Year; after which will be cancelled out of the*

system and a new PO will have to be requested to encumber funds for the current fiscal year.  
**NO EXCEPTIONS.**

2. **Requisition** – One page electronic form that will be prepared by the department, to explain or describe a request prior to all total purchase that exceed \$1,500. Requisitions are then faxed or emailed to the Purchasing Officer for issuance of an eight (8) digit Purchase Order number. Department will retain copy of the Requisition and will submit the original white copy with approving Department Head Signature (initials) to the Purchasing Office. Departments are required to write the Purchase Order Number and Account Number on the invoice. And attach a copy of the purchase order when submitting to accounts payable.
3. **Request for Proposal/Invitation to Bid** – Official bidding opportunity for Vendors to return bids/proposals to the County Purchasing Office where quotes will be required by sealed bid. (See Chapter 5)
4. **Purchase Order Register** – A brief record of all field purchase orders issued to Departments which will be kept in the Purchasing Office.
5. **Fixed Asset Form** – A detailed record of an item, in excess of \$5,000 individually which will be entered into the County computer system by the Finance Department.
6. **Travel Form** – Electronic or paper form utilized to show expenses incurred while on travel with County related business. Form must be signed by Department Head/designee and detailed receipts attached. Attached receipts must be signed and coded appropriately. The Bank of America card is the preferred tender while traveling on County related business. No purchase order is needed for travel related expenses. (See separate Travel Policy)
7. **Request for Local Preference Consideration** – To be completed by a Vendor requesting local preference consideration. See also Chapter 5 (i) Local Vendor Preference.

### **CHAPTER 3 EXPENSES NOT REQUIRING A PURCHASE ORDER**

Certain expenses will not require a purchase order, however expenses must be verified with Purchasing prior to purchase.

1. **Bank of America Procurement Card Purchases:** The procurement card is an efficient, cost effective method of purchasing and for paying for small dollar transactions (not to exceed \$1,499.99, without an eight digit purchase order requisition number). Procurement cards are designed to replace general fund checks, field purchase orders, check request, and the use of personal funds which require reimbursement. **The procurement card is the recommended method for all small dollar transactions. NOTE: See the *Purchasing Card Manual* for details on the use of**



**the Camden County Board of Commissioners Bank of America Visa Card. (NIGP Section G, 43)**

2. Travel Expenses/Training: Any expenses incurred due to county related travel are to be submitted with a Travel Expense Form. The Travel Expense Form is used in place of the purchase order and should be submitted with signed and coded receipts attached. **See *Travel Policy* for detailed information regarding travel expenses.**
3. Utilities/Medical Charges/Fuel/Propane: Electric, phone, water, inmate medical, mandatory state purchase from Southeast Georgia Health Services, gun permit registrations, gasoline, diesel and propane bulk purchase. Invoices must be signed, coded and turned in to Accounts Payable.
4. Lease/Contract Payments: Any payments due resulting from a Capital/Operating lease or monthly maintenance agreements and contracted services.
5. Professional and other Technical Services (Amended 4.16.19): Although professional services are not required to be competitively procured, when determined to be in the best interest of Camden County, request for proposals may be issued for professional services. Negotiated contracts for professional services can be used when a formal Bid or RFP was not completed and this exception is typically (though not exclusively) utilized when additional services are needed on an existing contract or when recurring services are needed and a relationship has been established with an existing Vendor and cost associated with changing Vendors may be more than savings achieved through the purchasing process. A professional service is one that typically requires a specialized degree in higher education and/or a license to practice the profession sanctioned by the state and/or a governing organization. For purposes of this policy, professional services are defined as and limited to services provided by the following professions: lawyers; certified public accountants; architects; engineers; land surveyors physicians or other medical professionals; veterinarians; funeral directors; and consultants in specialized areas.
6. Software Renewal: Any renewal of software/licensing that is currently in use, unless over \$5,000 annually.
7. Postage Machine Rental/Refill
8. Dues/Memberships/Registrations
9. Veterinary Bills: Totals are typically not know until after time of services.

10. Inmate housing/ankle monitoring/food services: Totals are typically not know until after time of service.

*Note: Ultimate decision of whether an item/service needs a purchase order or not resides with the Finance Department.*

## **CHAPTER 4 EXPENSES REQUIRING A PURCHASE ORDER**

1. Purchase \$250 up to \$1,499.99 – To expedite the purchase of goods up to \$1,500, departments must obtain **two quotations** (one Vendor that is chosen and one additional quote) and add them to the Field Purchase Order. (Purchase totaling under \$250 will not need additional quotes.)
  - a. The Field Purchase Order must include the following information:
    - (1) Date order was placed
    - (2) Name of the Vendor
    - (3) Description of goods/service
    - (4) Price, shipping charge and total of purchase
    - (5) Department of where item will be used
    - (6) Department code and appropriate account number to be expensed
    - (7) Department Head/Authorized Agents approving signature
    - (8) One additional quote for purchases from \$250-\$499 and two additional quotations for purchases over \$501.
  - b. The pink copy of the Field Purchase Order is to be attached to the signed and coded packing slip/email confirmation or invoice and sent to Accounts Payable. The white copy is kept in the department's files with supporting documentation.
  - c. Purchasing shall not be divided into smaller quantities of the same product or submitted on multiple purchase orders to circumvent the purchasing system.
2. Purchase Orders over \$1,500 – Requisitions for over \$1,500 must be submitted to Purchasing to generate a system assigned eight digit purchase order number. **PRIOR** to securing the Goods/Services requested.
  - a. Department solicits **three bids/quotes** from vendors (one from vendor chosen and two additional quotes).
  - b. Requisition, clearly specifying goods/services desire and listing alternate quotes, are submitted to Purchasing via fax or email.
  - c. Include all copies of the quotes with requisition.

- d. Requisitions shall not be divided into smaller quantities of the same product or submitted on multiple purchase orders to circumvent the purchasing system.

Purchases \$1,500 - \$10,000 are approved by the Chief Financial Officer/Finance Director. Purchases \$10,001 and over are additionally approved by the County Administrator. Informal bids for amounts less than \$25,000 do not require formal advertising and a public notice for bid opening shall not be required.

3. Emergency Purchases (Amended 4.16.19) – The County Administrator or his/her designee is authorized to waive any or all bidding requirements for the purchase of necessary goods or services whenever an emergency condition exists which presents a threat to the safety, health or welfare of the citizens of the County and whenever such requirements would cause undue delay in the delivery of essential services under such conditions. Any emergency purchase above \$25,000 must be reported to the Board of Commissioners at the next regular meeting of the Board of Commissioners. Any department wishing to make an emergency purchase must furnish the Purchasing Officer (who will then refer it to the County Administrator) with the written request, which fully explains why it is essential to do so. In the absence of the County Administrator, the approval of the Chairman of the Board of Commissioners or the County Administrators' designee can be substituted.

## **CHAPTER 5 INVITATION TO BID/REQUESTS FOR PROPOSALS**

The County utilizes Invitations to Bid (ITB) and Request for Proposals (RFP) when procuring professional services (architects, engineers, consultants, health insurance, etc.) or for large transactions where other factors, in addition to cost, are considered in the evaluation process. (Section C, 17l) The competitive bidding process allows greater flexibility in selecting the most qualified and experienced firm to provide these specialized services for the County. Invitations to Bid (ITB) and Request for Proposals (RFP) will be advertised as defined by Georgia State Law. The Board prohibits entering into contracts or making purchases for the purpose of evading requirements of competitive bidding.

1. Bidding Methods – Purchasing or Projects/Services exceeding \$25,000 may be made utilizing either of two methods:
  - a. Invitation to Bid – The bid documents and specifications are definite and specific. Awards shall be made to the bidder offering the lowest cost who is most responsive to the requirements of the bid documents, without material exception, and who is responsible and capable of providing the item(s) or service(s) to be purchased/contracted. Evaluation and award are limited to cost, determination of compliance with the specifications and conditions

specified in the bid documents, and the responsibility of the bidder. Negotiations are not permitted. The Purchasing Officer may use judgmental consideration to determine if the bidder's offer complies with the specifications and conditions, if such considerations can be demonstrated to be reasonable, appropriate, and fairly applied. This method does not permit comparison of the relative specifications of competing bidders, but only comparison to the specifications contained in the bid documents.

- b. Request for Proposal – This method can be used whenever detailed specifications cannot be determined, whenever several possible methods may satisfy the County's requirements, or whenever the nature of the requirements are such that subjective evaluation of criteria other than cost is necessary. A scope of work is required, which makes comparison of competing proposals relative to each other appropriate. This method permits negotiations and discussion with competing Vendors to determine the best solution to the County's needs. Proposals may be revised or modified at the request of the County. Subjective criteria shall be used in the evaluation of competing proposals. The relative value of evaluation criteria and method of evaluation shall be established in the RFP documents published by the County. While proposals are opened publicly, only the names of the offerors are read aloud. Neither prices nor other information is public until after a Notice of Intent to Award is posted or all proposals have been rejected.

## 2. Bidding Process

- a. The process begins when the requesting department submits a detailed scope of work and evaluation criteria to Purchasing. The department may also submit a cost estimate for the project list to Purchasing. The bid documents may contain a basic contract that may be used, if appropriate, for a particular service. Parts of the contract may be modified (insurance requirements, bonding requirements, etc.) depending on the type of service.
- b. The Purchasing Officer will assist the requesting department in determining the need for a contract and, if so, the necessary elements of the contract. Based on the information provided, Purchasing will formalize the ITB or RFP and submit the document to the requesting department for approval prior to issuance (NIGP Section C, 17m, Section E 27). The Department Head, or designated representative shall establish an Evaluation Committee consisting of an odd number of participants, prior to the date proposals are due. The Purchasing Officer will chair the Evaluation Committee and assist throughout the review process.

- c. According to Georgia Code 50-22-3, public notice of each proposed project requiring professional services may be given at least 15 (fifteen) days prior to the selection of the three or more most highly qualified offerors . Prior to entering into a Public Works contract, the request shall be posted conspicuously in the governing authority's office and shall be advertised in the legal organ of the county (Tribune & Georgian) OR by electronic means on the Internet website of the County per O.C.G.A.36-91-20 a minimum of two times, with the first advertisement occurring at least 4 (four) weeks prior to the opening of the sealed bids or proposals. The second advertisement shall follow no earlier than two weeks from the first advertisement. (NGIP Section C, 17s)
- d. Offerors must develop and provide a solution in response to the Scope of Services. The Bid/RFP must be sealed, properly identified on the outside, submitted to the proper place and received no later than the time stated in the public notice. Faxed or emailed responses are not permitted and will be deemed non-responsive. At the time of the public opening, only the names of offerors are read; no pricing or other data is revealed to avoid conflicts during possible negotiations. The Committee, selected by the requesting Department, bases evaluation on variables outlined in the request. Purchasing Officer will oversee the evaluation process.
- e. The Committee reviews and ranks all proposals individually on their technical merits and according to the criteria established in the bid documents. The Committee may contact offerors, if any clarification is needed on the proposal. Offerors whose proposal are ranked the highest by the Evaluation Committee (short listed) may be asked to participate in an interview process to ensure a mutual understanding of both the County's requirements and the offeror's proposal. Interviews may be conducted either in person or by telephone. However, the Committee may decide that interviews are not necessary and make recommendations for award based on the information provided in the proposal.
- f. If deemed necessary in a RFP, the Evaluation Committee may enter into competitive negotiations with the firm or firms ranked highest after evaluations. This is a formal process that entails a written request for Best and Final Offers to be issued through the Purchasing Office. The Committee will review the BAFO response(s) and make a final recommendation based on this information.
- g. The offeror that provides the County with the most reliable and costeffective services, based on the established evaluation criteria will be recommended

to the Board of Commissioners for approval. The award will be based on the best value, ***not necessarily the lowest price.***

- h. The County reserves the right to accept or reject any or all bids.
- i. Local Vendor Preference (Amended 8.20.19) – A local vendor shall be afforded the opportunity to match the bid amount of the lowest responsive and responsible bid if: 1) the lowest responsive and responsible bidder is not a local vendor; 2) the local vendor is the second lowest responsive and responsible bidder, and 3) the local vendor’s bid is within five percent (5%) of the lowest bid.
  - (1) Invitation to Bid (ITB) or any derivation thereof: If the quality, service, price and other factors are substantially equal, then a local vendor whose bid is within 5% of the lowest bid may be given an opportunity to match the lowest bid. This policy shall be stated in all applicable solicitations.
  - (2) Requests for Proposals (RFP) or any derivation thereof: Camden County vendor preference of five percent (5%) or equivalent unit of measure, shall be provided as an evaluation criterion. For example, if a one-hundred point evaluation scale is utilized, a local vendor would be given a total of 5 points.
  - (3) For the purposes of this provision, a “local Vendor” is one that has:
    - (1) A business which has its principal office located in and having a street address within Camden County for at least one year immediately prior to the issuance of the quote/bid/proposal. Post Office Boxes (to include mail/shipping center addresses) are not eligible and shall not be used for the purpose of establishing a physical address.
    - (2) A valid occupational tax certificate issued by a jurisdiction located in Camden County.
    - (3) If incorporated, proof from the Georgia Secretary of State that the principal place of business is in Camden County, Georgia.
    - (4) Must certify under oath to the above criteria upon submission for any bid, solicitation, or proposal to Camden County.
  - (4) Exclusions:
    - (1) Purchases made or contracts let under emergency or non-competitive situations.
    - (2) Projects greater than \$100,000.
  - (5) To request the local vendor preferences, a vendor must include a complete Local Vendor Preference Affidavit of Eligibility with its submitted bid.

- (6) In accordance with Camden County Purchasing Policy and Procedures, Chapter 7 (5), the County shall not engage in purchasing from any vendor(s)/contractor(s) that have failed to secure, renew, or pay any fees or taxes required by Camden County, therefore exempting vendor(s)/contractor(s) from local vendor preference.
3. Upon approval by the Board of Commissioners in an open meeting, the Purchasing Officer will issue a purchase order, if applicable, send a Notice of Award/Notice to Proceed and will execute the contract when appropriate.
4. Once the Notice of Award has been issued, all information submitted in response to the solicitation will be available for public inspection in compliance with federal, state and local laws.
5. Non-Responsive or Unacceptable Bids – The Purchasing Office shall reject any bid or proposal, which is materially non-responsive to the requirements set forth in the bid documents. The Purchasing Officer may re-solicit bids or proposals if, in his/her discretion, bids received as a result of a solicitation for bids or proposals are not acceptable for any reason. Such re-solicitation shall not be for the purpose of directing the award to a particular bidder.
6. Certification of Appropriated Funds (Amended 4.16.19) - The Board of Commissioners requires the Chief Financial Officer to certify that funds are appropriated and unencumbered for any contract entered into by the County, and that such contract is valid and binding.
7. Change Orders (Added 4.16.19) – Any change order that increases the amount of any contract in excess of \$25,000 must be approved by the Board of Commissioners. The County Administrator or designee is authorized to approve and execute all other change orders.
8. Contract Extensions (added 4.16.19) – The County Administrator or designee is authorized to extend contracts up to 180 days to facilitate bidding of new contract. An extension may only be granted one time by the County Administrator or designee. All contract extensions over 180 days from the original contract shall require the approval of the Camden County Board of Commissioners.
9. Correction or Withdrawal of Bids – Correction or withdrawal of erroneous bids after opening, or cancellation of awards or contracts based on such bid mistakes, shall not be permitted. Bids shall indicate the unit price extended to indicate the total bid; in the event of an error in extension, unit price shall govern, except when the bidder clearly indicates the total price is based on consideration of being awarded the entire lot. (NIGP Section C, 17u)

10. Competitive Bidding not Required in the following cases:

- a. Purchase from federal, state, or other local governmental units. (NIGP Section J, 65)
- b. Recurring payments such as utilities, postage, telephone, principal and interest on debt.
- c. Sole source items, as determined by the Purchasing Officer. In sole source procurement, only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation, such as technical qualifications, ability to deliver at a particular time, services from a public utility or when there is a situation where a particular supplier or person is identified as the only qualified source available. While similar products may exist, the particular product may be proprietary. Justification for specifying and choosing such products is extremely important and must to be clearly explained.
- d. Purchases under \$250 – The Department Head, or designee can make purchases without competitive bids if the total of each purchase is less than Two Hundred Fifty Dollars (\$250).
  - (1) The Purchasing Officer shall establish procedures sufficient to insure compliance with the Board, the Code and proper purchasing practices for such purchases.
  - (2) The Director of Finance shall establish procedures sufficient to provide for the proper payment and accountability of such purchases authorized under this section.
  - (3) Purchases shall not be divided into smaller quantities of the same product or submitted on multiple purchase orders to circumvent the Purchasing system.
- e. Through Cooperative Procurement and Cooperative Purchasing Programs, Federal, State, and County Government contracts can be used to the fullest benefit of Camden County and provide real time and money savings. The Purchasing Officer shall be authorized to utilize purchasing or contracting cooperatives or other governmental agencies' formal bids inside or outside of the State (O.C.G.A. Subsection 36-69A). The purchaser should use these contracts as a benchmark for pricing and specifications and use when Purchasing cannot add value or secure better pricing by bidding locally. Purchases under these contracts may be made without public advertisement or competitive bidding if the contracts were originally competitively bid. Depending on the dollar threshold, customary purchasing methods are followed. The agency cooperative (such as Purchasing Cooperative of America or DeKalb County, etc.) and the contract number must be included on the purchase requisition in the Vendor Quotes notes section. The contract, if utilized, must be an active contract with the originating entity.



11. Tie Bids – The Purchasing Officer will make a recommendation of award to the Board in the event two or more bids are equal in cost. The Purchasing Officer may also, unless the terms, conditions, and specifications of the Invitation to Bid state of the contrary, elect to divide the contract award between two or more bidders, if the Purchasing Officer deems such action to be in the best interest of the County. Items that will be used to determine a tie break include, but are not limited to delivery time frame, prompt discounts, location of vendors' place of business.

12. Bid Security

- a. Requirement for Bid Bond-Bid security may be required for competitive sealed bids, proposal and for other items as determined by the Purchasing Officer. Bid security shall be a bond provided by a surety company authorized to do business in the State of Georgia, or the equivalent in cash, or otherwise supplied in a form satisfactory to the County. Failure to provide security when requested in the bid documents, will result in rejection of the bid. If the bidder fails to honor the bid for any reason, then such bid security may be retained by the County and deposited to the General Fund.
- b. Withdrawal of Bids – Bids or proposals may be revised, modified, or withdrawn by the bidder at any time **prior** to opening. Any such revision modification, or withdrawal shall be in writing. After the bids are opened, they shall be irrevocable for the period specified in the bid documents. Once a bid or proposal is opened, all documents shall become the property of the County.
- c. Receipt of Bids – Bids or proposals will not be accepted after the deadline for submission regardless of the reason for such lateness, except for Acts of God. Bids or proposals received after the submission deadline may be returned to the offeror unopened.
- d. Performance, Maintenance and Payment Bonds – Performance, maintenance and payment bonds may be required for competitive sealed bids, proposals, and for other items as determined by the Purchasing Officer. Bid security shall be a bond provided by a surety company authorized to do business in the State of Georgia, or otherwise secured in a manner satisfactory to the County, in the amount up to 100 percent (100%) of the price specified in the bid or proposal.

13. Right of Protest – Any bid protest must be filed within seven (7) business days of the date of Notifications of Award. Protests must be received in the office of the Purchasing Officer and must contain the following information:

- a. Company name, address, phone number, and signature of the authorized representative.
- b. Solicitation Number
- c. Detailed statement describing the grounds for the protest

- d. Supporting evidence or documents to substantiate the claim.

The Purchasing Officer will review the information provided and render a decision within five (5) business days. If this decision is not satisfactory, the protest will then be forwarded to the County Administrator. The County Administrator has the right to either make a final decision or forward to the Board for a final decision. (NIGP Section C, 17y)

## **CHAPTER 6 POLICY FOR COMPETITIVE NEGOTIATION QUALIFICATIONS-BASED SELECTION FOR PROJECTS USING FEDERAL AID HIGHWAY PROGRAM (FAHP) FUNDING**

Camden County 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.A.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.

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 area 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, an 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, detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for

- the services to be rendered. The scope of work shall 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; Identify the requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals;
- b. Identify evaluation factors including their relative weight of importance in accordance with subparagraph 6(2) (a) of this section;
  - c. Specify the contract type and method(s) of payment to be utilized in accordance with §172.9;
  - d. Identify any special provisions or contract requirements associated with the solicited services;
  - e. Require the 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
  - f. 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 interest 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.
- 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 (10%) of the total evaluation criteria to maintain the integrity of a qualifications-based selections:

- (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 Camden County's FHWA-approved DBE program.

#### 4. Evaluation, Ranking, and Selection

- a. Consultant Proposal shall be evaluated by Camden County 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, Camden County 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 shall be based on the size and complexity of the project as defined in Camden County written policies and procedures (as specified in § 172.5 (c)). Discussions following proposal submission are not required, provided proposals contains 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, Camden County 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. Camden County shall retain acceptable documentation of the solicitation, proposal, evaluation, and selection of the consultant in 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, Camden County 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 § 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. Camden County 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 § 172.11 (c)).

## 6. Small Purchases

The small 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 an established simplified acquisition threshold. Camden County 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 to 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, regulations, 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: 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.

- a. A minimum of three consultants are required to satisfy the adequate number of qualified sources reviewed.
- b. Contract costs may be negotiated in accordance with State small purchase procedures; however, the allowed ability of costs shall be determined in accordance with the Federal cost principles.
- c. 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.

## 7. Noncompetitive

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:

- a. Camden County may use their own noncompetitive procedures which reflect applicable State and local laws and regulations and conform to applicable Federal requirements.
- b. Camden County 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.
- c. Circumstances under which a contract may be awarded by Noncompetitive procedures are limited to the following:
  - (1) The service is available only from a single source;
  - (2) There is an emergency which will not permit the time necessary to conduct competitive negotiations; or
  - (3) After solicitation of a number of sources, competition is determined to be inadequate.
  - (4) Contract costs may be negotiated in accordance with Camden County's noncompetitive procedures; however, the allowed ability of costs shall be determined in accordance with the Federal cost principles.

## 8. Additional Procurement Requirements:

- a. Common Grant Rule
  - (1) Camden County 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, Camden County 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:

Camden County shall give consideration to DBE consultants in the procurement of engineering and design related service contracts subject to 23 U.S.C. 112 (b) (2) in accordance with 49 CFR part 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 Camden County's FHWA approved DBE program through either:

- (1) Use of an evaluation criterion in the qualifications-based selection of consultants (as specified in § 172.7 (a) (1) (iii) (D) ); or
- (2) Establishment of a contract participation goal.
- (3) The use of quotas or exclusive set-asides for DBE consultants is prohibited (as specified in 49CFR 26.43).

c. Suspension and Debarment:

Camden County 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 49CFR 18.35 and 2 CFR part 180.

## **CHAPTER 7 VENDORS**

1. Any vendor or contractor that defaults on their quoted price (sealed, written, or oral) without just cause shall be considered an irresponsible bidder and will be disqualified from doing business with the County for a length of time to be determined by the County Administrator and/or Chief Financial Officer. (NIGP Section C, 17q)
2. A record of the Vendor's/Contractor's performance in fulfilling the terms of the contract, will be kept on file in the Purchasing Office. A poor performance record may cause a Vendor/Contractor to be banned from doing business with the County

for an indefinite period of time at the discretion of the County Administrator and/or Chief Financial Officer. (NIGP Section C, 17z).

3. To stimulate business and economic activity within the County area as well as for convenience, purchases may be made from local County Vendors whenever their quotes are as low or lower than the other quotes received. Travel, time, and shipping charges, etc. may be taken into account in determining the lowest cost. The chosen local Vendor's qualifications and requirements of the contract must be the same as other Vendors, unless otherwise deemed advantageous by the County Administrator and/or Chief Financial Officer.
4. Local Vendor Preference – see Chapter 5(l).
5. The County shall not engage in purchasing from any Vendor(s)/Contractor(s) that have failed to secure, renew, or pay any fees or taxes required by Camden County.
6. State Contracts – When available, the use of State contracts is encouraged. State contracts may not be the most advantageous for the County, therefore appropriate quotes will still be required.
7. Single Source Items – Items that have only ONE distributor in the area for the requested item, Single Source shall be noted on the purchase order/requisition.
8. Sole Source Items (No other items known to exist) – Any item to be purchased from a sole source vendor must be done in writing from the department stating that there is only a sole source vendor for the particular item or service. The reasons for the “sole source” status must be supplied and will be kept on file in the Purchasing Office. The reason(s) should also be kept in the initiating department. (NIGP Section C,17j)
9. Conflict of Interest – Any elected official, appointed official, employee or relative of any of these, who is in the position to influence the procurement process whether directly or indirectly, shall not do any business with the County except in accordance with Georgia Code Section 16-10-6 and any other Georgia Law(s) that may apply in the future. Any such transaction(s) that is in violation, unless approved in advance by the Board of Commissioners, shall make any contract or other transaction(s) null and void. Officials or employees of the County shall remove themselves from the decision making process when there is an apparent or actual conflict of interest.

\*No violation exists if:

- a. Sale/Purchase of property is less than \$200 per calendar quarter



- b. Sale/purchase of property is done in accordance with the competitive sealed bid process.
10. E-Verify Requirements - The Georgia E-Verify law requires contractors and all sub-contractors on Georgia public contracts for services over \$2,499.99 in value to enroll in E-Verify, regardless of the number of employees. A contractor or sub-contractor may be exempt from this requirement if the contractor or sub-contractor has no employees and does not hire nor intend to hire employees for the purpose of completing any part of the public contract. Certain professions are also exempt.

For a public contract, contractors must sign the [Contractor E-Verify Affidavit](#), all subcontractors must sign the [Subcontractor E-Verify Affidavit](#) and all Sub-subcontractors must sign the [Sub-Subcontractor Affidavit](#). The government agency is required to ensure that the Contractor E-Verify Affidavit is part of the contract; however, the contractor is responsible for all subcontractor affidavits and the subcontractors are responsible for the sub-subcontractors affidavits. E-Verify is not required for contracts solely involving the purchase of goods by a government agency.

## **CHAPTER 8**

### **DISPOSAL OF OBSOLETE, SURPLUS, OR SCRAP PROPERTY**

(NIGP Section I)

Whenever departments have obsolete supplies, material or equipment that are surplus to their needs, these items shall be disposed of by the Purchasing Officer in compliance with this policy. (NIGP Section I, 58)

Departments shall complete and forward to Purchasing a Surplus Notice Form (available on the County Purchasing Site), providing detailed information on the item surplused, i.e., does it still work, what is wrong or why is the item being surplused. The Purchasing Officer will dispose of surplus property in the manner that is deemed most appropriate and that will provide the County with the greatest benefit. (NIGP Section C, 17c) This may be accomplished in any one or more of the following ways:

1. Redistribution to another department.
2. Public auction (Internet or local).
3. Donation – The Purchasing Office; with approval from the Chief Financial Officer and County Administrator; may donate surplus property to a requesting agency.
4. Scrap – In the event that none of the above methods is appropriate and the Purchasing Officer deems the item to have no monetary value, it may be disposed of as scrap.

Proceeds from the sale of surplus property will be accounted for by fund and submitted to the Senior Accountant for processing.

## **CHAPTER 9 ETHICS**

(NIGP Section C, 15)

The Purchasing Division subscribes to the Code of Ethics of the National Institute of Governmental Purchasing (NIGP) and believes that the following ethical principles should govern the conduct of every person employed by a public sector procurement or materials management organization.

1. Seeks or accepts a position as an employee only when fully in accord with the professional principles applicable thereto and when confident of possessing the qualifications to serve under those principles to the advantage of the Camden County Board of Commissioners.
2. Believes in the dignity and worth of the service rendered by the organization, and the societal responsibilities assumed as a trusted public servant.
3. Is governed by the highest ideal of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
4. Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.
5. Identifies and eliminates participation of any individual in operational situations where a conflict of interest may be involved.
6. Believes that members of the Board and its staff should at no time or under any circumstances accept, directly or indirectly, gifts, gratuities, or other things of value from suppliers, which might influence or “appear” to influence purchasing decisions.
7. Keeps the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.
8. Resists encroachment on control of personnel in order to preserve integrity as a professional manager. Handles all personnel matters on a merit basis, and in compliance with applicable laws prohibiting discrimination on the basis of politics,

religion, color, national origin, disability, gender, age, pregnancy and other protected characteristics.

9. Seeks or dispenses no personal favors. Handles each administrative problem objectively and empathetically, without discrimination.
  
10. Subscribes to and supports the professional aims and objects of the National Institute of Governmental Purchasing, Inc.