

Banks County, Georgia

Procurement Policies and Procedures

***Adopted by the Banks County Board of
Commissioners April 8, 2025***



PROCUREMENT POLICIES AND PROCEDURES

This policy provides guidance for the procurement of goods and services in compliance with procurement provisions of the County and all current applicable laws of the State of Georgia and the United States. In the event any portion of this Policy shall be declared invalid for its failure to conform to state or federal law, such invalidity shall not affect the remaining portions hereof. Notwithstanding any other provision of this Policy, the County may enter into any contract, follow any procedure, or take any action that is otherwise at variance with this Policy if necessary or convenient to receive funds from the government of the United States or the state of Georgia. The goal of this policy is to establish, foster, and maintain the following principles:

- Consideration of the County's best interest in all transactions;
- Purchasing without prejudice by seeking to obtain the best value from the most qualified responsible bidder; and
- To subscribe to and work with honesty and truth in purchasing.

All purchasing conducted by the County, whether for its own departments or for constitutional officers and their offices, shall be conducted in accordance with these procurement policies.

Acquisition of the following goods or engagement of the following services are exempt from this policy:

- a. Works of art for public places, or other creative/artistic endeavors that require a particular and demonstrated skill or talent to include, but not limited to, artists, musicians, and writers;
- b. Printed copyright material including published books, maps, periodicals and technical pamphlets (not including software for computer systems), except where a greater savings can be realized by a quantity purchase;
- c. Real property, real estate brokerage and appraising, abstract of titles for real property, title insurance for real property and other related costs of acquisition;
- d. Dues, memberships and board member fees;
- e. Subscriptions;
- f. Services provided directly to individual citizens and employees including reimbursements and other miscellaneous payments, including but not limited to services provided in response to general liability insurance claims;
- g. Utilities, where there is no reasonable basis for competitive procurement, for example electric power, water and sewerage;
- h. Licensed health professionals, to include veterinary services;
- i. Legal services, litigation, and related legal services;
- j. Financial Instruments: Professional services and instruments/products related to the County's financial well-being as governed by policies approved by the Board of Commissioners related to Debt Management and Investments. This exemption

includes the purchase of professional services related to financial transactions and associated instruments. The areas covered by this exemption include debt, debt management, debt service, investments, banking, assets and pension assets. Examples of service providers include Financial Advisory Services; Underwriting Services; Broker Dealers; Arbitrage Calculation Services; Banking Services; Merchant Processing Services; Sinking Fund Custodian; Paying Agent, etc.

- k. Training, facilitators for meetings, travel, lodging or meal expense covered by other County policies and regulations;
- l. Antiques and other unique assets of historical value, including restoration of these items;
- m. Professional services explicitly directed at improving the economic well-being and quality of life in the County through qualities that include, but are not limited to the following: enhancement of economic activity, job creation, job retention, business retention & expansion, neighborhood development, tax base enhancements, marketing, etc.;
- n. Other professional services, such as engineering and auditing services; and
- o. Agreements that are solely with other governmental entities (including, but not limited to, other counties, cities, authorities, the State of Georgia and its departments, boards of education, school districts, etc.).

SECTION I - GENERAL POLICIES

A. FULL AND OPEN COMPETITION

The County shall make every effort to obtain high quality goods and services at the best possible price. All procurement procedures will be conducted in a fair and impartial manner with avoidance of any impropriety. All qualified vendors have access to County business. No bidder will be arbitrarily or capriciously excluded from providing goods and services to the County. Competition shall be sought for all procurement to the maximum extent possible. The conditions of all contracts shall be made clear in advance of the competition. Specifications shall reflect the needs of the County and provide safeguards for the maintenance of quality, integrity and equity.

The County's procurement system shall encourage full and open competition on all purchases and sales.

The operation of the County's procurement system and surplus property disposal system shall be based upon competitive bidding whenever possible.

It is the responsibility of the Procurement Department to ensure that an adequate selection of bidders is solicited for every bid to achieve optimum competition. This responsibility includes using various advertising methods when sources may be limited and personally contacting potential bidders either via phone, mail, e-mail or fax if deemed necessary.

B. INTEREST OF COUNTY OFFICIALS OR EMPLOYEES IN EXPENDITURE OF PUBLIC FUNDS

No official or employee of the County will have an interest directly or indirectly (e.g., a

financial gain) in any transaction with, sale to, work for, or contract with the County or any department of the County or service involving the expenditure of public funds in violation of ethical conduct. The County shall not contract with, or purchase from, a vendor in which a County Commissioner, County Administrator, County Attorney, County Clerk, Purchasing Agent, Department Head, HR Director, or any Finance Department staff, have a direct or indirect financial interest. The County shall not use a vendor for services in an operating department who is a member of the immediate family of an employee of that operating department.

C. GIFTS AND GRATUITIES

Officials or County employees are not authorized to accept gifts or gratuities from any individual, company, firm or business establishment that is a vendor to the County or is marketing the County with regard to future purchases. Limitations should not be interpreted so as to prohibit acceptance of *de minimis* items such as meals and holiday gifts that contribute to good public relations or to prohibit employees from obtaining loans from established lending institutions.

D. DISCLAIMER OF RESPONSIBILITY

The County will not be responsible for a purchase made by any County employee, County official, or an employee of any department utilizing public funds who fail to follow these procurement policies and procedures.

It shall be considered a "breach of duty" on the part of any employee who procures goods or services not consistent with the procurement policies contained herein. Any breaches shall be reported to the Purchasing Agent, Finance Director, or Constitutional Officer, if applicable.

The Board of County Commissioners may disclaim responsibility and liability for any expenditure or agreement for expenditure arising from a procurement of goods and services made in its name, in the name of any governmental department under its fiscal authority, by an unauthorized person or any person acting outside these policies. The cost of any such disclaimed transaction will become the personal liability of the individual who acted improperly.

SECTION II – SPECIFIC POLICIES

A. CENTRALIZED PROCUREMENT CONTROL

The County will maintain a centralized procurement control system whereby all County purchases will be coordinated by the Procurement Department. However, the County's Purchasing Agent may delegate to personnel within a user department the authority to purchase certain commodities or services if such delegation is deemed advantageous to the County or is necessary for the effective procurement of those items.

B. BUDGET ALLOCATION

Unless a budget appropriation is available, no procurement shall occur which obligates the County to pay for goods or services. Each respective department head or designee has the responsibility for reviewing budget authorization and availability prior to beginning the procurement process. Exceptions shall be made only for emergency purposes (see paragraph N below).

C. OPERATIONAL SUPPLIES, SMALL EQUIPMENT, AND CAPITAL

EQUIPMENT THRESHOLDS

Operational supplies purchases are defined as an item that cost \$1,000 or less and have a useful life less than one year.

Small equipment purchases are defined as an item that cost between \$1,000 and \$20,000 and have a useful life of more than one year.

Capital equipment purchases are defined as an item that cost \$20,000 or more and have a useful life of more than one year.

D. COOPERATIVE PURCHASE

The County may participate in a cooperative purchase for the acquisition of commodities, equipment, supplies and services through an authorized contract of any other governmental entity or agency, whether federal, state or local, provided a competitive procurement process has been followed and determined to be in the best interest of the County. An example would be the use of Sourcewell. Documentation to substantiate this decision will be maintained by the Procurement Department.

E. STATE OF GEORGIA PROCUREMENT CONTRACTS

The County is authorized to use any State of Georgia statewide contracts through the Georgia Department of Administrative Services, in lieu of obtaining quotes or issuing competitive sealed bids when it is to the economic advantage of the County (O.C.G.A. § 50-5-100). The state contract price may be used to establish the maximum price for a good or service.

F. SOLE SOURCE PROCUREMENT

Sole source procurement is permissible if a required good or service is available from only a single supplier. A requirement for a particular proprietary item does not justify sole source procurement if there is more than one potential bidder for that item or service. The Purchasing Agent may approve sole source procurement when there is a clear and compelling reason that sole source is justified.

G. PUBLIC WORKS CONSTRUCTION

The Georgia Local Government Public Works Construction Law (O.C.G.A. § 36-91-1) establishes the basic requirements that all counties must follow when hiring private contractors to perform construction projects other than road construction that cost more than \$250,000 to ensure that public works contracts are awarded in a fair and competitive manner. Except where exempt under state law, the County shall competitively solicit for all public works construction contracts estimated to cost \$250,000 or more.

H. ROAD CONSTRUCTION

O.C.G.A. §§ 32-4-63(1) and 32-4-74 outlines state law regarding road construction projects that all counties must follow when hiring private contractors to perform road construction or maintenance projects that cost more than \$250,000. Except where exempt under state law, the County shall competitively solicit for road construction or maintenance projects estimated to cost \$250,000 or more that will be performed by private contractors.

Design-build procedure means a method of contracting under which the County contracts with another party that will both design and build the structures, facilities, systems and other items specified in the contract. When deemed to be in the best interests of the public, the County may combine any or all of the environmental services, utility relocation services, right of way services, design services, and construction phases of a public road or other project into a single contract using a design-build procedure. Design-build contracts may be advertised and awarded notwithstanding the requirements of O.C.G.A. § 32-4-63; provided, however, that construction activities shall not begin on any portion of such project until title to the necessary right of way and easements for the construction of that portion of the project has vested in the County and all railroad crossing and utility agreements have been executed. The County shall by separate resolution, ordinance, or formal amendment of this Policy, adopt procedures for administering design-build contracts. Such procedures shall include, but not be limited to:

- 1) Prequalification requirements;
- 2) Public advertisement procedures;
- 3) Request for qualification requirements;
- 4) Request for proposal requirements;
- 5) Criteria for evaluating technical information and project costs;
- 6) Criteria for selection and award process, provided that the resolution shall specify that the criteria for selection shall consist of the following minimum two components for any two-step procurement process;
 - A statement of qualifications from which a county will determine a list of qualified firms for the project, provided that, if a county determines it is in the county's best interest, it may omit this requirement and move directly to a one-step procurement process through the issuance of a request for proposal from which a county may select the lowest qualified bidder; and
 - From the list of qualified firms as provided, a technical proposal and a price proposal from each firm from which the county shall select the lowest qualified bidder.
- 7) Identification of those projects that a county believes are candidates for design-build contracting; and
- 8) Criteria for resolution of contract issues. The County may adopt a method for resolving issues and disputes through negotiations at the project level by the program manager up to and including a dispute review board procedure. Regardless of the status or disposition of the issue or dispute, the design-builder and a county shall continue to perform their contractual responsibilities. This will not prevent an aggrieved party from seeking judicial review.

In contracting for design-build projects, the County shall be limited to contracting for no more than 50 percent of the total amount of construction projects awarded in the previous fiscal year. Any firm selected for a design-build project shall self-perform at least 30 percent of the project.

I. REQUIRED BONDS

BID BOND

The Purchasing Agent may require a bid bond or other bid security in the amount of at a minimum of 5% of the submitted bid for any County project to protect the County if the selected bidder fails to execute an awarded contract. The bid bond, if required, shall be submitted at the time the bid is submitted. If a bidder fails to accompany the submitted bid with the required bid bond or bid security, the bid may be rejected as non-responsive. If the selected bidder fails to execute an awarded contract, the bid bond amount will be retained by the County as liquidated damages. Subject to any applicable state law limitations, this bond can take the following forms: cash, certified check, irrevocable letter of credit, or an insurance product from a company authorized to do business in the state of Georgia.

PERFORMANCE BOND

The Purchasing Agent may require a performance bond in the amount of 100% of the submitted bid for any County project to provide the County reimbursement if the selected bidder fails to complete the project according to the contract. State law requirements shall apply. The performance bond, if required, shall be submitted after being awarded the bid. If the selected bidder fails to complete the project according to the contract, the performance bond may be called and the amount recovered will be retained by the County to complete the project. Subject to any applicable state law limitations, this bond can take the following forms: cash, certified check, irrevocable letter of credit, or an insurance product from a company authorized to do business in the state of Georgia.

PAYMENT BOND

The Purchasing Agent may require a payment bond in the amount of 100% of the submitted bid for any County project to protect the County and the contractor's subcontractors and suppliers. State law requirements shall apply. The payment bond, if required, shall be submitted after being awarded the bid. If the awarded contractor fails to pay any of his subcontractors or suppliers who assist in the project, the subcontractors and suppliers seek recovery against the payment bond, not the County. Subject to any applicable state law limitations, this bond can take the following forms: cash, certified check, irrevocable letter of credit, or an insurance product from a company authorized to do business in the state of Georgia.

J. PUBLIC BID/PROPOSAL OPENINGS

All formal sealed bids and/or proposals will be publicly opened and recorded by the Purchasing Agent, or designee, at the time and place included in the invitation for bids or proposals.

K. FORMAL BID AWARDS

The Purchasing Agent and the user department director, if applicable, shall recommend to the Board of County Commissioners the award of all bids exceeding \$20,000. Only the Board of County Commissioners shall award such bids in a public meeting.

L. CANCELLATION OR REJECTION OF BIDS OR PROPOSALS

The Board of County Commissioners reserves the right to cancel any outstanding formal

sealed bids or proposals prior to the opening of the bids or proposals and also reserves the right, after the bid or proposal opening but prior to the award, to reject, in whole or in part, any bids or proposals. Any cancellations or rejections should be consistent with these procurement policies and procedures.

M. CHANGE ORDERS

The County may administratively make written changes to the plans, specifications, scheduling, and performance period of any contract. However, any changes that increase the total dollar amount of the original contract or make a material change to the scope of the project shall first be approved by the Board of County Commissioners in a public meeting.

N. EMERGENCY PURCHASES

An emergency purchase is one in which a situation exists where inventory, supplies, equipment, etc. are depleted and would hamper County operations or when a threat to public health, safety, or property exists and goods or services are needed. Emergency purchases are allowed when using the procedures in Section III.

O. VENDOR QUALIFICATIONS AND RESPONSIBILITIES

Any potential vendor desiring to conduct business with the County shall adhere to vendor relations requirements included in Section III of this document.

P. LOCAL BIDDER PRIVILEGE

Because bids awarded to "local" vendors contribute to the Banks County tax base and promote the local economy, the Banks County Board of Commissioners has determined that, under certain circumstances, such "local" vendors shall be provided an additional privilege when bidding against non-local vendors.

If a "local" vendor's bid shall meet all specifications and is not more than four percent (4%) more than the lowest responsive and responsible bidder, the lowest bidding "local" vendor shall be given one (1) business day from the opening of such bids in which to notify the Purchasing Agent that it agrees to match the low bid submitted by any non-local vendor. If such "local" vendor shall not agree to match the low bid, then the next lowest "local" vendor, if any within this specified category, shall be given one (1) business day there from to notify the Purchasing Agent that it agrees to match the low bid submitted by any non-local vendor, and so on until all "local" vendors who fall within the specified category have had an opportunity to match the low bid.

This privilege or preference shall not apply to road construction or public works projects otherwise governed by Georgia Law or to the purchase of any other goods and/or services, for which such preference is prohibited by state or federal law.

A "local" vendor for purposes of this section shall be defined as a vendor maintaining a physical presence within Banks County, including, but not limited to the maintenance of one (1) or more offices within Banks County with continuous employment of not fewer than two (2) persons at such office(s) for more than six (6) months prior to the submission of such bid or proposal. The mere maintenance of a post office box within Banks County shall not qualify a vendor as "local" for purposes of this policy.

Q. SALE OF SURPLUS COUNTY PROPERTY

COUNTY EQUIPMENT AND VEHICLES

Annually, or on an “as-needed” basis, the Board of County Commissioners, in a public meeting, may declare unneeded County equipment and vehicles as surplus County property and authorize that such surplus County equipment shall be disposed through public auction or formal seal bids.

The Board of County Commissioners may authorize, in a public meeting, a donation of surplus County equipment or vehicles to another public entity located within the County in lieu of a public auction or formal seal bids.

COUNTY-OWNED REAL PROPERTY

O.C.G.A. § 36-9-3(a)(1) outlines state law regarding the sale of County-owned real property other than real property used for roads that all counties must follow when disposing of County-owned real property.

COUNTY-OWNED REAL PROPERTY USED FOR ROAD PURPOSES

O.C.G.A. § 32-7-3 outlines state law regarding the sale of County-owned real property used for road purposes that all counties must follow when disposing of this type of property.

R. LOANING OF COUNTY EQUIPMENT

County-owned equipment and vehicles shall not be used for personal reasons. County equipment may be loaned to contracted parties where in-kind work will benefit the County and proof of insurance can be obtained.

SECTION III – SPECIFIC PROCEDURES

A. SCOPE

These procedures shall apply to all purchases of supplies, materials, equipment, and services including repairs that involve public funds. The purchasing procedures herein supersede and repeal all previously existing policies and procedures to the extent that they are inconsistent with these provisions.

B. EMPLOYEES APPROVED FOR PROCUREMENT

- The Procurement Department will maintain a list of County employees who are authorized by their department head to requisition goods and services. Employees not on the list who request purchase orders will not be allowed to continue until authorization from their department head is obtained.
- Department heads must submit a list of people in their departments authorized to process requisitions.
- Department heads must update the list as changes occur.
- Department heads shall inform their employees as to the individuals within their department who are authorized to process requisitions.
- Department heads are ultimately responsible for all requisitions and invoices submitted to the Procurement Department. Only personnel with knowledge and experience of the overall department functions should be given the authority to requisition and approve invoices.

C. GENERAL PURCHASES

All purchases are subject to the Procurement Department's approval. The department requesting a purchase which is deemed to be an inappropriate item or service, by the Procurement Department, may obtain a further review from the Finance Director. All departments shall use the accounting system designated by the Finance Director, when possible, for the requisition of needed items and services. Items and services shall not be purchased without a purchase order first being issued.

D. RECURRING PURCHASES

Recurring purchases such as utilities, debt service, contracted services (e.g., exterminations, propane, waste services, security monitoring, postage and metering) are exempted from these policies. Blanket purchase orders may be issued to cover recurring expenses for similar items when it is deemed necessary in order to allow departments to continue to provide or maintain current levels of service. Blanket purchase orders may be subject to annual formal sealed bidding procedures for purchases such as recurring repairs and maintenance expenses.

E. COUNTY CREDIT CARD PURCHASES

Purchases made by the County's credit card should be infrequent and used primarily for travel related expenses such as reserving hotel rooms, renting vehicles, fuel purchases when traveling, and for certain internet purchases. Normal purchasing procedures shall apply when using the County's credit card. The credit card is simply a payment method. Under no circumstances shall the County's credit card be used for personal purchases, even to be reimbursed later by the employee.

F. EMERGENCY PURCHASES

- If an emergency occurs, the user department will contact the vendor to acquire the needed item(s), with the approval of the Chairman.
- The vendor must supply the item or items and the correct documentation (invoice).
- After the emergency situation is taken care of, the user department must prepare a purchase requisition containing detailed information on the item(s) purchased, the reasons for the emergency, and as to the choice of vendor.
- The purchase requisition shall be clearly labeled "EMERGENCY" and shall be signed by the department head, if appropriate.
- The requisition form must then be forwarded to the Procurement Department with the invoice and any other appropriate information.
- The Purchasing Agent will then contact the vendor and issue a purchase order number or the using department may enter a requisition and receive a purchase order to deliver to the vendor.

G. VENDOR RELATIONS

- Potential vendors should be instructed to contact the Procurement Department to complete a vendor packet before engaging in any work, or selling any product or service to the County.
- Once a bid process is under way, no further contact or correspondence regarding the purchase is allowed between the user department, any employee, or any elected official and the potential vendor until the bid is awarded to ensure that all bidding information is consistent.
- In no instance will quotations received from one vendor during bidding or other negotiations be divulged to other vendors prior to bid opening. After bid opening, all vendor quotations are public information.

- Offers of gifts from vendors should be reported to the Procurement Department immediately.
- No informal agreements are to be made with vendors, only the Procurement Department will make formal agreements with vendors.

H. NORMAL PURCHASING PROCEDURES (\$1 to \$19,999)

- Purchases estimated to cost \$4,999 or less shall be approved by the department head for items included in the department's annual budget. Items not included in the department's annual budget require the approval of the Finance Director. All purchases estimated to cost between \$5,000 and \$19,999 shall obtain 3 written quotes. The requisition form shall contain details including date, vendor, quotes and terms.
- All departments must submit a requisition to the Finance Department. The required price quotes must be submitted in the note section of the requisition. It is the responsibility of the requesting department to determine the estimated cost of the increase, and if other charges are to be added to the invoice (i.e., freight, fuel adjustment or other miscellaneous charges). Each is to be noted on the requisition.
- The Finance Department will verify the department's budget authorization and availability of funds to purchase the requested item(s) or service.
- The Finance Department will then, if funds are available, approve the purchase. If No funds are available in the department's annual budget, the Chairman may approve the purchase in his/her discretion.
- The user department will then arrange the delivery as to time and place desired.
- When delivered, the department must check the items against the requisition form and written quote, and retain a delivery ticket for submittal to the Finance Department.
- The invoice shall then be delivered to the Finance Department to be matched with the requisition form and receiving document and processed.
- Where appropriate, warranty forms shall be maintained in a "warranty file" in the user department.

I. WRITTEN QUOTES PROCEDURE (\$20,000 to \$74,999)

- The Normal Purchasing Procedures must be completed, and three written quotes submitted.
- Written quotes shall be evaluated and awarded based on price, brand, specifications, cost of ownership, etc.
- Board of Commissioners' approval must be obtained if the item is not included in the annual budget. Purchase request must be made by the department head during a work session at least 2 weeks before being voted upon during a regular meeting of the Board of Commissioners.
- Department Director and Chairman must approve if the item is included in the Annual budget.

J. FORMAL SEALED BIDS PROCEDURE (\$75,000 and greater)

- Formal sealed bids shall be used when the following conditions exist:
 - There are clear specifications;
 - Basis of award is price (as related to quality desired);
 - There are several bidders who can provide the product or service;
 - There is more than one (1) brand or product that meets the requirements or the specified brand can be obtained through more than one (1) source;

- There is adequate time to advertise or solicit bids.
- The Purchasing Agent will check the department's budget authorization and availability of funds to purchase the requested item or service.
- If authorized, an invitation to bid document will be produced by the Purchasing Agent. The bid specifications will be written so as not to exclude nor favor any vendor whenever possible.
- The invitation to bid will be posted in accordance with state law. Public works construction contracts are required to be posted for four consecutive weeks in accordance with Georgia Local Government Public Works Construction Law (see Subsection II (G)).
- Every opportunity will be made to have the competitive bidding open to as large a number of bidders as is practically possible. A minimum of three vendors will be contacted to submit sealed bids, if available. The following process will be used to ensure competitive bidding:
 - Posting in the Georgia Procurement Registry;
 - Referencing of past bid/proposal files to locate vendors
 - Internet searches for appropriate vendors;
 - Placement of bid/proposal announcement on the County's website.
- When bids are received, they will be stamped as to date and time they arrived.
- At the time and place specified in the invitation to bid, the bids will be opened publicly and read aloud in the presence of a representative of the Procurement Department. Bidders are not allowed to alter bid packages in any way after they have been opened at the bid opening time. Late bids will not be accepted. However, a clerical mistake that is patently obvious on the face of the bid, may be corrected upon written request and verification, submitted by the bidder. A non-material omission in a bid may be clarified and/or corrected if the Purchasing Agent determines clarification and/or correction to be in the County's best interest. Omissions affecting or relating to any of the following shall be deemed material and shall not be corrected after bid opening:
 - Price information
 - Any required bonding

Bids may be withdrawn at any time prior to the bid opening. After bids have been publicly opened, withdrawal of bid shall be based upon the following:

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. Bids may be withdrawn from consideration if the price was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. The bidder's original work papers shall be the sole acceptable evidence of error and mistake if request is made to withdraw the bid. If a bid is withdrawn under the authority provision the lowest remaining responsive bid shall be deemed to be the low bid.

- The Purchasing Agent will evaluate all submitted bids on the basis of the lowest responsive bid and responsible bidder. A responsive bid is one that meets all bid

specifications and requirements of the bid document. A responsible bidder is one who is capable to best deliver the product or service indicated in the bid package, has a favorable past performance of delivery, and positive references. The Purchasing Agent and the user department will evaluate the technical aspects of the product or service to determine if it meets the bid specifications. After the evaluation is completed, a recommendation will be made to the Board of County Commissioners for their consideration of awarding the bid. The Board of County Commissioners specifically reserves the right to accept or reject any or all bids and to waive any technicalities and formalities.

- The Purchasing Agent may reject bids or may defer bid awards to allow time for additional evaluation or review of bids or for other business purposes, consistent with the best interests of the County.
- The following types of bids shall be disqualified for consideration for a bid award:
 - A bid which is incomplete in any material aspect, element, or fact;
 - A bid submitted without required bonds
 - A bid submitted by an individual, firm or business on the Ineligible Source List. The following persons shall be placed on an Ineligible Source List pursuant to the provisions of this section for a reasonable period not to exceed three years, based on the recommendation of the County Administrator, Director of Finance and Purchasing Agent.
 - a. Any person who submits a bid or proposal in bad faith;
 - b. Any person who breaches a contract with the County or who has poor contract performance that has been documented by the County;
 - c. Any person who repeatedly refuses to accept a bid or proposal award;
 - d. Any person who has established a pattern or practice of unethical or immoral business practices;
 - e. Any person who has been convicted of a crime involving moral turpitude;
 - f. Any person who is owned, controlled or managed, in whole or in part, by any other person described in a. through e. above; and
 - g. Any person who violates the Employment of Unauthorized Aliens Prohibited above.
 - h. A bid submitted by an individual, firm or business who has litigation pending against the County, or anyone representing a firm or business in litigation against the County, not arising out of the procurement process, settlement on property title, or condemnation proceeding where the County is not subject to financial penalty.

- The successful bidder will be contacted, and a purchase order will be released.

K. FORMAL SEALED PROPOSALS PROCEDURE (\$75,000 and greater)

- Formal sealed proposals will be handled and processed in the same manner as formal sealed bids. This process may be used when clear specifications are not available or when a service is required.
- In this procurement method, qualifications will be primary and price may or may not be used in the evaluation of the proposals. The basis of award is the criteria outlined in the proposal. At the public opening, only the names of the companies offering the proposals will be read. Because negotiations are still possible, the contents of the proposal will not be released until the item or service has been evaluated and awarded. It is the Procurement Department's responsibility to determine the method of purchase and to select the bid or the proposal method that is in the best interest of the County.

L. SPECIAL ISSUES

- All acquisitions required by state law to be procured competitively shall follow all applicable state law procedures, including advertising such opportunities on the Georgia Procurement Registry.
- Vendors performing a service for the County shall provide proof of worker's compensation insurance and general liability insurance. When the Purchasing Agent determines that it is in the best of interest of the County, they may waive the workers compensation insurance and general liability insurance requirements. In these instances, the vendor shall sign a release and indemnity waiver form.
- Any in-County vendor performing a service for the County shall also provide proof of a valid business license and be current on all County taxes and fees.
- All conditions being equal, the in-County vendor will be awarded the bid in the case of a tie. In the case of multiple in-County ties or multiple out-of-County ties, the decision will be determined by drawing.
- If alternates are offered in the bidding/proposal process, a full explanation of how the alternative will meet the required specifications shall be submitted with the bid/proposal. The County shall reserve the right to accept or reject any or all of the alternative proposals.
- In certain situations that involve highly technical solutions, a mandatory pre-bid conference may be required. If so required, only bids from those potential bidders in attendance will be considered.
- In the event a bidder is awarded a bid or proposal by the Board of County Commissioners and the selected bidder fails to fulfill the conditions of the award, the Purchasing Agent shall have the authority to award the bid to the second most responsive and responsible bidder without rebidding. If the second bidder cannot fulfill the conditions of the award, the Purchasing Agent shall have the authority to award the bid to the third most responsive and responsible bidder without rebidding. If the third bidder cannot fulfill the conditions of the award, the Purchasing Agent will rebid the item or service.
- Vendors will be required to sign a form that states that they agree to the terms and conditions contained in the bid/proposal package as well as applicable federal, state, and local laws.
- Each vendor shall sign a form indicating that no act(s) of collusion have taken place in the bid/proposal process.
- If a bidder has a grievance regarding these bidding procedures or their application, the bidder must first file a written grievance with the Purchasing Agent for a resolution within 10 days of the bid award. If the Purchasing Agent cannot resolve the

grievance in a satisfactory manner to the bidder, the bidder may appeal to the Board of County Commissioners.

- It is the policy of Banks County that all contractors and subcontractors who contract with the County in connection with the physical performance of services must comply with the Illegal Immigration Reform and Enforcement Act and all applicable Federal and State laws. Therefore, the County shall not enter into a contract for the physical performance of services within the State of Georgia unless the contractor provides evidence on a County-provided Affidavit form that it and its subcontractors have registered for and are participating in the federal work authorization program as defined by O.C.G.A. § 13-10-90 et seq.

M. VIOLATIONS OF PURCHASING PROCEDURES

All employees are expected to follow these purchasing policies and procedures. If not followed, disciplinary actions may result.

N. APPROVAL OF CONTRACTS

All contracts shall be prepared by and/or reviewed by the County Attorney's office prior to execution on behalf of the County. A contract shall conform to state and federal law, as well as County ordinances and shall otherwise contain such provisions as are reasonably necessary to protect the interests of the County.