



SANDY SPRINGS™
GEORGIA

CITY OF SANDY SPRINGS
FINANCIAL MANAGEMENT PROGRAM

PURCHASING POLICY

Developed Under the Authority of
the Sandy Springs' City Council by
the Department of Finance and
Approved by Resolution on June
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SECTION 1 INTRODUCTION

A. AUTHORITY.

The Authority for this Purchasing Policy comes from the City of Sandy Springs, Georgia, Charter and Code of Ordinances, as follows:

1. Charter

Sec. 3.10. - Tax collector. The Mayor may appoint a tax collector, subject to confirmation by majority vote of the City Council, to collect all taxes, licenses, fees, and other moneys belonging to the City subject to the provisions of this charter and the ordinances of the City; and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

Sec. 3.11. - City Accountant. The Mayor may appoint a City accountant, subject to confirmation by majority vote of the City Council, to perform the duties of an accountant.

Sec. 3.12. - Consolidation of functions. The City Manager, with the approval of the City Council, may consolidate any two or more of the positions of City clerk, City tax collector, and City accountant, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The City Manager may also, with the approval of the City Council, perform all or any part of the functions of any of the positions or offices in lieu of the appointment of other persons to perform the same.

2. Code of Ordinances

Sec. 2-307. - Finance Director to serve as City tax collector, City treasurer and City accountant; miscellaneous functions.

(a) The functions of the City tax collector, City accountant and City treasurer shall be performed by the Finance Director.

(b) The Finance Director shall perform at least the following duties:

- (1) Managing, planning, directing, and maintaining the City's financial operations, including serving as chair of the City Finance Department, if such a department is established;
- (2) Directing and supervising the work of personnel involved in performing the accounting, utility billing, property tax, payroll, and purchasing functions for the City;

- (3) Providing technical leadership in budgeting, overseeing, and directing investment opportunities and debt administration, as well as ensuring proper record retention policies for the Finance Department are strictly followed;
- (4) Managing, planning, and directing the collection of all City taxes; and
- (5) Notifying delinquent taxpayers of their status in accordance with state law.

The Council may require the Finance Director to perform other duties.

Sec. 2-334. - Purchasing agent. The purchasing agent shall have the following duties and powers:

- (1) Arrange and negotiate the purchase or Contract for all equipment, supplies, and Contractual services for the City or any using agency; arrange and negotiate for the sale or otherwise dispose of all surplus equipment and supplies or real estate of the City or any using agency;
- (2) Maintain a perpetual or periodic inventory record of all materials, supplies, or equipment stored in city storerooms, warehouses, and elsewhere, including monthly reports that provide:
 - a. The titles of all requests for proposals and the method of source selections to be used;
 - b. All Contracts authorized by the council, the method of source selection used, and the total dollar amount;
 - c. All emergency Contracts awarded pursuant to this article;
 - d. All Change Orders or Contract modifications authorized by the council, the dollar amount, and the reason; and
 - e. All Change Orders or Contract modifications authorized by the purchasing agent, the dollar amount, and the reason; and
 - f. An explanation of any changes, and the costs involved, in the scope of services made between the time a Contract is awarded and the time that a resolution authorizing the Contract is sent to the Council for adoption;
- (3) Control and supervise all city storerooms and warehouses, unless otherwise provided in this Code;
- (4) Develop and maintain a Purchasing Policy and procedure manual which will be updated by the purchasing agent periodically;
- (5) Direct efforts to procure services through advertisements of Bids as required by this article and by state law;

- (6) Require Bonds, insurance, and other forms of protection for the City on the process of procuring goods and services for the City;
- (7) Terminate solicitations for Bids for any goods or services when, in the opinion of the purchasing agent, it is in the City's best interest to do so, including termination for Breach of Contract or anticipated Breach of Contract;
- (8) Reject any and all Bids when, in the opinion of the purchasing agent, it is in the City's best interest;
- (9) Consult with the City attorney if a Contracting party breaches or is reasonably anticipated to breach its Contract with the City.

Sec. 2-335. - Legal representation. The City attorney represents the City in all legal matters and has the authority to provide standard terms and conditions for contracts and purchase orders and approves various negotiated terms and conditions as determined by the purchasing agent.

Sec. 2-336. - Purchasing Policy. The Purchasing Policy, as amended from time to time and approved by the City Council, is adopted by reference as if set out at length in this Code.

B. PURPOSE.

This Purchasing Policy is intended to:

1. Establish the methods by which the City purchases Goods and Services;
2. Establish the methods by which the City enters into Contracts;
3. Clarify purchasing functions;
4. Outline purchasing policies;
5. Describe departmental relationships, responsibilities and participation in the Procurement cycle;
6. Provide control functions; and
7. Ensure proper record keeping and confirm purchases in writing.

C. MISSION.

The Purchasing Division is dedicated to providing the most effective and efficient Procurement processes and procedures for the acquisition of quality Goods and Services in support of the City's mission and goals. The Purchasing Division must balance economy, efficiency, expediency and environmental impact ensuring that the City Departments and component units receive sufficient quality and quantities of Goods and Services, delivered at the correct time, and purchased at the lowest practical cost.

D. SCOPE.

The scope of this Purchasing Policy applies to all City Departments and component units. The policy covers the Procurement of all Goods and Services without regard to the past method by which the Goods or Services have been or are customarily procured. The policy covers Contracts and purchase agreements between the City and any other entity. This Policy establishes the specific responsibility and authority for the Procurement of Goods and Services. The Procurement function includes the initial purchase/agreement, changes, Amendments, re-negotiations, and renewals. All City Representatives who participate in the negotiation and approval of purchases and Contracts are personally responsible for becoming familiar with and abiding by all applicable provisions of State law, City policies and procedures, and City ordinances governing such activities.

SECTION 2

DEFINITIONS

For purposes of this Policy, the following terms, phrases, words, and their derivations shall have the meanings given herein. Those terms not defined herein shall have the same meaning ascribed in the Code of Ordinances for the City of Sandy Springs, Georgia.

1. Addendum: An addition or supplement that details a change, clarification, or correction in Solicitation documents.
2. Agent: An official, employee, Contracted, or subcontracted person who is authorized to act on behalf of the City of and represent their interests.
3. Amendment: A revision or change to a document in writing, often used to correct a Contract or to add additional scope of work to change an existing Contract.
4. As Is: A term indicating that Goods offered for sale are without warranty or guarantee and that the purchaser takes the Goods at his/her own risk without recourse against the seller for the condition or performance of the Goods.
5. Award: Approval of a Bid or a Proposal.
6. Best and Final Offer (BAFO): A Vendor's response to the Purchasing Agent's request that Vendors submit their last and most attractive Bid or Proposal to secure a Contract for a particular project usually submitted during the final round of Negotiations.
7. Bid: A competitive offer submitted in response to public notice of an intended sale or purchase of Goods or Services.
8. Bid Bond: A bond with good and sufficient surety or sureties for the faithful acceptance of the Contract payable to, in favor of, and for the protection of the governmental entity for which the Contract is to be awarded (O.C.G.A. § 36-91-2).
9. Bid or Proposal Opening: The process of opening and reading Bids or Proposals conducted at the time and place specified in the Invitation to Bid or Request for Proposals, and/or advertisement, and in the presence of all who wish to attend, and may be in an online format.
10. Bidder: A person or entity who submits a Bid in response to an Invitation to Bid (ITB), Request for Quote (RFQ), or other Solicitation type where price is the primary factor in the evaluation process for Award determination.
11. Bond: A form of financial protection against damages; a binding agreement executed by a Bidder or Vendor and another party to guarantee the performance of certain obligations or duties to the purchaser.
12. Brand Name: A product name that serves to identify a product of a particular manufacturer; a trade name.

13. Breach of Contract: A failure, without legal excuse, to perform any promise that forms a whole or part of a Contract.
14. Buying Cooperative or Alliance (Co-op): A group of public entity purchasers organized for the purpose of creating Contracts or pricing agreements to take advantage of group or quantity buying discounts or special pricing from which members of the group can benefit.
15. Capital Asset: A purchase of land, equipment, infrastructure, buildings, or improvements with a value of or greater than \$10,000 with at least a three (3) year useful life as defined by the City's Capital Asset Policy as approved by ordinance on July 18, 2006.
16. Capital Expenditure: An expenditure that results in the acquisition of or an addition to a Capital Asset.
17. Change Order: An alteration, addition, or deduction from the original scope of work as defined by the Contract documents to address changes or unforeseen conditions necessary for project completion (O.C.G.A. § 36-91-2).
18. City: The City of Sandy Springs, Georgia.
19. City Council: The legislative and governing body of the City.
20. City Manager: The top executive/administrative position appointed by the City Council with the authority to execute and approve Contracts, Purchase Orders, and Change Orders within delegated authority.
21. City Representative: Any Employee, official, or agent.
22. Code of Ethics: The rules or standards governing the conduct of the members of a profession.
23. Compensation: The amount paid for Goods or Services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation may be calculated.
24. Competitive Award: A Procurement based upon the outcome of one of the competitive processes set forth in this Policy, where Award is made based on the lowest quotation or Bid submitted by a Responsible and Responsive Bidder or to the most qualified or advantageous Proposer based on the qualitative and/or quantitative factors identified for the Procurement. A Competitive Award may be made even if only a single Bid or Proposal has been received from a Bidder or Proposer who is determined to be Responsible and Responsive.
25. Conflict of Interest: A situation where the personal interests of a Contractor, Public Official, or classified employee are, or appear to be, at odds with the best interests of the City.
26. Construction: The process of building, altering, improving or demolishing any public structure or building, or other public improvements of any kind to any public real

property. The term “Construction” does not include the routine operation, repair and/or maintenance of existing structures, buildings, or real property.

27. Contract: For purposes of this Policy, any City agreement, regardless of form or title, for the Procurement or disposition of Goods and Services.
28. Contract Administration: The management of all actions that must be taken to ensure compliance with the terms of a Contract after the Award of the Contract.
29. Contract Renewal: The exercise of an approved, existing option to increase the term of a Contract, often done in annual increments.
30. Contractor: Any person or business having a Contract with the City.
31. Department: An organizational unit within the City that is responsible to the City Manager or designee.
32. Director: The head of a Department or other Using Agency.
33. Dispute: Disagreement between parties to a Contract over performance or other Contract term requiring administrative action to resolve.
34. Division: An organizational unit within a City Department that is responsible to that Department’s Director or designee.
35. Electronic Post: The posting of Solicitations, City decisions or intended decisions, or other matters relating to a Procurement on a centralized Internet website designated by the City for this purpose.
36. Employee: An individual drawing a salary or wage from the City whether full, part time, or contractual third party.
37. Employee Handbook: A document containing the various policies and procedures relating to employment.
38. Equal or Equivalent: A phrase used to indicate the acceptability of a product of similar or superior function, purpose, design, and/or performance (See Brand Name).
39. Evaluation: The approach for selection of an Award, which shall be based on the requirements set forth in the Solicitation documents and may include criteria to determine acceptability such as inspections, testing, quality, workmanship, delivery and suitability for a particular purpose and to existing systems and equipment, as well as total and Life Cycle Costs and freight, set-up, or installation charges.
40. Evaluation Committee: A committee established by the City Manager to evaluate Proposals submitted in response to an RFP.
41. Finance Director: The City accountant or chief financial officer for the City.
42. Formal Solicitation: A Solicitation process in which public advertisement in the legal organ will be made and a public posting of the Solicitation will be posted to the City and State websites.

43. Gift or Favors: Anything given of service or value.
44. Good(s): Anything purchased other than Services or real property.
45. Governing Authority: The City entity responsible for the Contract.
46. Invitation to Bid (ITB): An ITB is process used for competitive Procurements when there is no substantive difference among the Goods or Services that meet specifications so that the only difference among responsive bids is price.
47. Late Bid or Offer: A Bid or Proposal received at the place specified in the Solicitation after the time designated for all Bids or Proposals to be received.
48. Legal Advertisement: Advertisement of a proposed Procurement as required by law.
49. Life Cycle Costing: A Procurement evaluation technique that takes into consideration operating, maintenance, money costs, other costs of ownership and usage, and resale or residual value, in addition to acquisition price in determining the award of Contracts on the basis of lowest total cost over the period the item will be used.
50. Mayor: Chief elected official of the City.
51. Negotiate or Negotiation: To conduct legitimate, arm's-length discussions and conferences to reach an agreement on a term or price. Negotiation provides contracting through the use of proposals and discussions to obtain Best and Final Offers (BAFOs) that result in the best value to the City.
52. Notice of Award: A written notification from the City to the successful Bidder or Proposer stating that there is an Award in accordance with a Bid or Proposal previously submitted, which may also be provided by electronic notice through fax or Internet.
53. On-Demand or On-Call Contracts: Multiple Contracts awarded by the City to pre-qualified Vendors for specific purposes that can be accessed "on demand" and on an as-needed basis.
54. Payment Bond: A bond that assures payments, as required by law, to all persons supplying labor or material for the completion of work under the Contract.
55. Performance Bond: A bond provided in connection with a Contract which guarantees the performance and fulfillment of all the terms, conditions, and agreements contained in the Contract.
56. Piggyback: A form of intergovernmental cooperative purchasing in which an entity requests competitive sealed Bids, enters into a Contract and arranges, as part of the Contract, for other public purchasing units to purchase from the selected Vendor under the same terms and conditions.
57. Pre-Bid Conference: A meeting that is scheduled in a Solicitation for the purpose of providing clarification, as needed. Substantive questions raised at a Pre-Bid Conference are answered in writing and may modify the Solicitation.

58. Pre-Qualify: The screening of potential Vendors in which such factors as financial capability, reputation, and management are considered in order to develop a list of qualified Vendors.
59. Procurement: The procedures for obtaining Goods or Services, including all activities from the planning steps and preparation and processing of a Requisition, through receipt and acceptance of delivery and processing of a final invoice for payment.
60. Professional Services: Those Services which are defined by statute and require a license or accreditation, including, but not limited to, certified public accountants, actuarial Services, architecture, landscape architecture, interior design, licensed or accredited appraisers or licensed or accredited financial analysts providing opinions of value, chiropractic, dentistry, professional engineering, podiatry, pharmacy, veterinary medicine, registered nursing, harbor piloting, land surveying, law, psychology, medicine and surgery, optometry, and osteopathy. Professional Services include, but are not limited to, evaluations, consultations, management systems, management consulting, compiling statistical data, support of planning and operating activities, appraisal Services, and research and development studies or reports.
61. Proposal: A response to an RFP containing an offer from a Vendor, used primarily to secure Services or a combination of Goods and Services.
62. Proposer: A person or entity who submits a Proposal in response to a Request for Proposals (RFP).
63. Public Notice: The distribution or dissemination of information to interested parties using methods that are reasonably available, including publication in newspapers of general circulation, electronic or paper mailing lists, and web site(s) designated and maintained for that purpose.
64. Public Official: Any officer, executive, director, or employee of a governmental authority.
65. Purchase Order: A purchaser's written document to a supplier formalizing all the terms and conditions of a proposed transaction, such as a description of the requested items, cost of items being purchased, delivery schedule, terms of payment, and transportation to obtain supplies, Goods and Services.
66. Purchasing: The process of buying Goods and Services of the right quality, in the right quantity, at the right price, from the right source, and for delivery at the right time.
67. Purchasing Agent: The principal purchasing official of the City pursuant to Sec. 2-334 of the City's Code of Ordinances.

68. Purchasing Division: A division of the Finance Department responsible for managing purchasing policies and coordinating the purchasing procedures for the City.
69. Purchasing Manager: A designee of the Purchasing Agent to manage the day-to-day operations of the Purchasing Division.
70. Purchasing Policy (Policy): This Purchasing Policy, adopted June 17, 2025.
71. Quotation or Quote: A statement of price, terms of sale, and description of Goods and/or Services offered by a prospective seller to a prospective purchaser, usually for purchases below the amount requiring a formal Solicitation; may be non-binding if solicited to obtain market information for planning purposes.
72. Reasonable Cost: Cost that by its nature or amount does not exceed what would normally be incurred by an ordinarily prudent person in the conduct of competitive business.
73. Request for Proposals (RFP): A document that announces and provides details about a project, as well as solicits offers from Vendors to provide Goods and/or Services for the project.
74. Request for Qualified Contractors (RFQC): A formal request to Vendors to present a list of qualifications to the City in connection with a Procurement. By using this process, there is an established set of questions regarding the specifics of each individual project.
75. Request for Quotes (RFQ): A process to solicit select Vendors to submit price quotes and bids for the chance to perform certain tasks or projects.
76. Requisition: An internal document, provided by a Using Agency to the Purchasing Division that contains the fund source, approvals, descriptions, quantities, and other information about the Goods or Services in order to proceed with the Procurement.
77. Responsible Bidder or Proposer: A Vendor that has submitted a Bid or Proposal and has the capability in all respects to perform fully the Contract requirements, with the experience, integrity, perseverance, reliability, capacity, facilities, equipment and credit, which will assure good faith performance.
78. Responsive Bidder or Proposer: A Vendor that has submitted a Bid or Proposal that conforms in all administrative and material respects to the requirements stated in the Procurement documents.
79. Sealed Bid: An offer submitted in response to a Formal Solicitation in a closed envelope to be opened at a specific time and place.
80. Sealed Proposal: An offer submitted in response to a Formal Solicitation in a closed envelope where the technical response and cost are separated to be opened and the participant's names read aloud at specific time and place.

81. Services: Any performance of effort, labor or time by a Contractor or supplier, for which the City has contracted.
82. Sole Source Procurement: A Procurement made pursuant to a written determination by a Department or other component unit of the City that there is only one source for the required supply, service, or Construction item (O.C.G.A. § 36-91-2).
83. Solicitation: A process of notifying prospective or qualified Vendors that the City wishes to receive Bids or Proposals for specified Goods or Services. Solicitations may include, but are not limited to, Request for Quotes (RFQ), Invitation to Bid (ITB), and Request for Proposals (RFP).
84. Specification or Scope of Work: The detailed and exact descriptions of the requested Goods and/or Services sought by the Procurement that describe the physical, functional, and/or performance requirements of the Goods and/or Services requested.
85. Standard: A characteristic or set of characteristics for an item that, for reasons of performance level, compatibility or interchangeability with other Goods, etc., is generally accepted by producers and by users of the item as a required characteristic of all items for the designed purpose.
86. Standardized Specification: A Specification established through a prescribed process and used for most purchases of the item involved.
87. State: The State of Georgia.
88. Subcontractor: A party contracting with a prime Contractor to perform all or any part of the prime Contractor's Contract.
89. Surplus Property: City-owned property that is no longer required or has no practical use by the City as determined by the Using Agency.
90. Sustainability: Reducing the amount of resources used as well as reducing the amount of waste and emissions produced in order to limit the environmental impact or ecological footprint. The City will improve its Sustainability efforts through an environmentally preferred purchasing program that provides for the present generation and needs of the City while honoring the past and allowing for needs of future generations.
91. Tabulation of Bids: A recording of Bidders and an abstract of their Bids listing items offered, prices, deliveries, etc., in response to a specific Solicitation, made for purposes of comparison and record-keeping.
92. Terms and Conditions: A general reference applied to the provisions under which Bids and Proposals must be submitted and which are applicable to most purchase Contracts.

- 93. Using Agency: Any element or Department of the City having command or service functions and requiring materiel for use in performance of its mission.
- 94. Value Added: A term used to describe items offered within a Proposal or Sealed Bid that add value to the Contract which may include a signing bonus, free equipment, free advertising or any and all items that may be offered to enhance the value of the Proposal or Bid.
- 95. Vendor: Any individual, firm, corporation, etc., offering for sale, trade, exchange or otherwise supply items, Goods, or Services to the City in exchange for Compensation.

SECTION 3

ETHICS

A. ETHICS IN PURCHASING.

Each person involved in the Procurement process must adhere to a high standard of ethics. The Purchasing Division seeks to avoid even the appearance of impropriety. All employees are expected to conduct themselves according to the highest level of standards. Unethical actions by employees or Vendors will not be tolerated. The following ethical principles are to be maintained throughout the Procurement process:

- Consider the best interest of the City in all transactions;
 - Purchase without prejudice, seeking to obtain the maximum value for each dollar expenditure in accordance with required quality standards;
 - Subscribe to and work for honesty and truth in purchasing and avoid all forms of Conflict of Interest;
 - Avoid all unethical practices and appearance of same; and
 - Strive consistently for knowledge of Goods and Services required for use by the City.
1. Employee Conflict of Interest. A City Representative is prohibited from transacting any business or from participating directly or indirectly in a Contract when the City Representative knows that:
 - a. The City Representative, or any member of his/her immediate family, has an interest or financial interest pertaining to the Contract, except as permitted by State statutes; or
 - b. Any other person, business, or organization with whom the City Representative, or any member of his/her immediate family, is negotiating or has an arrangement concerning prospective employment.
 - c. All Vendors doing business with the City are expected to disclose any connection to or with a City Representative when participating in the Solicitation for a Contract.
 2. Gratuities, Rebates, or Kickbacks.
 - a. Gratuities. It is prohibited for any person to offer, give, or agree to give any City Representative, or for any City Representative to solicit, demand, accept, or agree to accept from another person, a gratuity, rebate, or offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a Procurement requirement or a purchase request, influencing the content of any Specification or Procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim, or

controversy, or other particular matter, pertaining to any Procurement requirement or a Contract or subcontract, or to any Solicitation or response therefore in any manner inconsistent with the State of Georgia's Department of Administrative Services Gratuity Policy located in the Georgia Procurement Manual Section I.4.

- b. Kickbacks. It is prohibited for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a Contract to the prime Contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the Award of a subcontract or Purchase Order.
 - c. Rebates. It is prohibited for any rebate to be offered for the sole purpose of inducement. Rebates normally or routinely offered to all customers for the purchase of Goods and Services are acceptable and are the property of the City.
 - d. Nothing in this section shall preclude a City Representative from attending seminars, courses, lectures, briefings, or similar functions at any Vendor's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the City Representative with knowledge and information relative to the Vendor's Goods or Services and is one the City Manager determines would be beneficial to the City. In connection with any such seminar, course, lecture, briefing, or similar function, nothing shall preclude the City Representative from receiving meals from a Vendor. Nothing in this section shall preclude the City Representative from receiving educational materials and business-related items of not more than nominal value from a Vendor. Nothing contained in this section shall permit the City Representative to accept free travel from the Vendor outside the State of Georgia or free lodging in or outside the State of Georgia.
- 3. Contract Clause. The prohibition against gratuities, rebates, and kickbacks prescribed in this section shall be conspicuously set forth in every Contract and Solicitation document.
 - 4. Courtesies. City Representatives may accept for themselves and members of their families common courtesies usually associated with customary business practices so long as a strict standard is enforced with respect to Gifts, Services, discounts, entertainment, or consideration of any kind from suppliers of merchandise, Services, supplies, etc. to the City. Examples of common courtesies are free pens or notepads with the Vendor's name on them.
 - 5. Cash. It is prohibited for a City Representative to accept a Gift in cash, cash equivalents, Gift cards, stocks, or other forms of marketable securities of any amount.

6. **Contingent Fees.** It is prohibited for a person to be retained, or to retain a person, to solicit or secure a Contract upon any agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.
7. **Use of Confidential Information.** It is prohibited for any City Representative to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
8. **Vendor Contact During Open Solicitations.** Persons seeking an Award of a Contract may not initiate or continue any verbal or written communications regarding a Solicitation with any City Representative other than the Purchasing Agent named in the Solicitation between the date of the issuance of the Solicitation and the date of the Contract Award. The City Purchasing Manager will review violations. If determined that such communication has compromised the Competitive process, the offer submitted by the individual, firm, or business may be disqualified from consideration for Award.
9. **Unauthorized Purchases.** No purchases of Goods and Services shall be made in the name of the City, except such as is required for official use by the City. Purchases in the name of the City for personal or other unofficial use are prohibited, and no City funds will be expended or advanced, therefore.

B. PENALTIES AND SANCTIONS.

1. **Legal or Disciplinary Action by City Council.** City Council may take appropriate legal and/or disciplinary actions against any City Representative, Vendor, Contractor, organization, or person in violation of the ethical standards described in this section.
2. **Legal or Disciplinary Action by City Manager.** The City Manager may take appropriate legal and/or disciplinary actions against any Employee in violation of the ethical standards described in this section.
3. **Administrative Penalties for Employees.** The City Manager or City Council may impose any one or more of the following penalties or sanctions on an Employee for violations of the ethical standards in this section as appropriate to the situation, subject to the Employee Handbook or other designated appeals procedures:
 - a. oral or written warnings or reprimands;
 - b. suspensions with or without pay for specified periods of time; or
 - c. termination of employment.
4. **Administrative Penalties for Outside Contractors and Vendors.** City Council may impose any one or more of the following penalties or sanctions on a Vendor or

Contractor or other person or organization doing business with the City for violations of these ethical standards:

- a. oral or written warnings or reprimand;
 - b. termination of Contract;
 - c. debarment; or
 - d. suspension of Contract.
5. Disclaimer of Responsibility for Improper Purchasing. The City may disclaim responsibility and liability for any purchase, expenditure, or agreement for expenditure arising from a purchase made in its name, or in the name of any Department under its authority, by an unauthorized person or any person acting outside this Policy or the authorization or delegation as provided in this Policy. The expense of any such disclaimed transaction will become the personal liability of the individual who acted improperly.

C. FREEDOM OF INFORMATION.

All meetings of City Council are duly noticed public meetings and all documents submitted to the City constitute public records unless expressly exempted under the Georgia Open Records Act, O.C.G.A. § 50-18-70, et seq. (Act). Records containing trade secrets shall be governed by O.C.G.A. § 50-18-72(a)(34), as follows:

Any trade secrets obtained from a person or business entity that are required by law, regulation, Bid, or request for Proposal to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to (O.C.G.A.) Article 27 of Chapter 1 of Title 10. If such entity attaches such an affidavit, before producing such records in response to a request under this article, the agency shall notify the entity of its intention to produce such records as set forth in this paragraph. If the agency makes a determination that the specifically identified information does not in fact constitute a trade secret, it shall notify the entity submitting the affidavit of its intent to disclose the information within ten days unless prohibited from doing so by an appropriate court order. In the event the entity wishes to prevent disclosure of the requested records, the entity may file an action in superior court to obtain an order that the requested records are trade secrets exempt from disclosure. The entity filing such action shall serve the requestor with a copy of its court filing. If the agency makes a determination that the specifically identified information does constitute a trade secret, the agency shall withhold the records, and the requester may file an action

in superior court to obtain an order that the requested records are not trade secrets and are subject to disclosure.

O.C.G.A. §50-18-72(a)(34).

SECTION 4. DUTIES AND RESPONSIBILITIES.

A. PURCHASING DIVISION RESPONSIBILITIES.

The Purchasing Division:

1. Initiates reports necessary to permit analysis of Purchasing performance.
2. Consolidates the purchase of like or common items, analyzing prices paid for Goods and Services, and generally defines how to obtain savings.
3. Provides training and supervision for Using Agencies as well as Contract Administration.
4. Arranges and negotiates the purchase or Contract for Goods and Services for the City or any Using Agency.
5. Arranges and negotiates for the sale or otherwise dispose of all surplus equipment and supplies of the City or any Using Agency.
6. Develops and maintains a Purchasing Policy and procedure manual, which will be updated periodically and approved by the City Manager. Purchasing Policy changes must be approved by City Council.
7. Directs efforts to procure Goods or Services through advertisements of Solicitations in the local legal organ as required by law.
8. Requires Bonds, insurance, and other forms of protection for the City on the process of procuring Goods and Services for the City.
9. Terminates Solicitations for any Good(s) or Service(s) when, in the opinion of the Purchasing Agent, it is in the City's best interest.
10. Rejects any and all responses to Solicitations when, in the opinion of the Purchasing Agent, it is in the City's best interest.
11. Consults with the City Attorney if a contracting party breaches or is reasonably anticipated to breach its Contract with the City
12. Assists in negotiating City Contracts, as directed by the City Manager or designee.
13. Advises the City Manager or designee on the status of negotiations, as well as Contract provisions, and their impacts on the City.
14. Secures all necessary approvals of the City Manager or designee, or legal authority, in writing, when necessary to protect the City and its legal liability prior to execution of a Contract or purchase agreement.
15. Provides Contract Administration and supervision of Contracts and agreements, as directed by the City Manager or designee. Such tasks shall include, but not be limited to, monitoring Contracts, Amendments, and Contract Renewals, obtaining applicable insurance certificates, and monitoring applicable progress.
16. Works with the City Manager or designee to plan and implement processes for the ongoing protection of the City's interests.

17. Recommends procedures to ensure compliance with applicable laws and policies related to Bidding, Contracting, and Purchasing.
18. Works with the Using Agency to draft Specifications for Formal Solicitations. Specification types may include design, performance, and Brand Name or equal. Specifications should be developed that are not restrictive and that ensure maximum competition.
19. Works with the City Attorney or designee to resolve, monitor and negotiate all Contract Disputes regarding Contract compliance.
20. Documents all Contracts, purchases, agreements for Services, leases, Change Orders, and Amendments and to maintain said documents consistent with the records retention policy of the City. All agreements or Contracts binding the City shall be in writing, without exception.

B. SOURCE SELECTION.

1. Except as provided below, all Vendor selections shall be made by the Department Head, Purchasing Director or assigned designee. For Invitations to Bid (ITB) and Request for Quotes (RFQ), the Department Head, Purchasing Director, or assigned designee will choose the lowest, most responsible, responsive Vendor. For awards resulting from a Request for Proposals (RFP), the Department Head, Purchasing Director, or assigned designee shall prioritize qualitative evaluation criteria, such as the vendor's experience, technical capabilities, and proposed approach, in addition to price.
2. When circumstances dictate that a Using Agency be involved in selecting Vendors, such Using Agency shall submit written justification for its involvement to the Purchasing Manager in advance of any firm negotiations or commitment with the Vendor.
3. The quality and reputation of the Vendor will be taken into account during the selection process and the City retains the right to choose a Vendor who may not have submitted the lowest price.
4. Where Competitive prices and qualifications are substantially equal among Vendors, the City shall purchase locally, when available.
5. The City shall not purchase Goods or Services from Employees, City Council members, or from businesses owned by members of these two (2) groups, without City Council approval.

C. USING AGENCY RESPONSIBILITIES.

The Using Agency:

1. Determines the need for Goods and Services and provides appropriate documentation, including a Requisition.
2. Provides the necessary Specifications essential to the determination of what is to be procured. The Specifications shall, where applicable, conform to the approved City standards for identity and continuity. Specification types may include design, performance, and Brand Name or equal. Specifications should be developed that are not restrictive and that ensure maximum competition.
3. Provides proper funding by supplying specific budget account numbers on the Requisition.
4. Enters Requisitions or submits Specifications for an RFQ allowing sufficient lead-time for the Purchasing Division to obtain Quotes and processes and places the Purchase Order for the Vendor to deliver Goods and Services.
5. Prepares technical Specifications when needed for Goods and Services.
6. Reviews Tabulation of Bids and submitted Proposals to inform the Purchasing Division of the Using Agency's recommendations for Award.
7. If appropriate, provides documentation and request for purchase to Piggyback on State Contracts and other Competitive Bids when the purchase is over \$100,000.
8. Informs the Purchasing Manager of any Contract compliance issues.

D. DISCIPLINARY ACTION FOR PURCHASING POLICY VIOLATIONS.

1. When an Employee violates the provisions of the Purchasing Policy or otherwise commits an offense of the Purchasing Policy, he or she shall be subject to the disciplinary procedures of the Employee Handbook outlined in Chapter 8 - Discipline.
2. Violation of the Purchasing Policy may result in disciplinary consequences ranging from the revocation of certain authority or rights within the Purchasing Division to termination and criminal prosecution, or as otherwise may be required or permitted by procedures outlined in Chapter 8 - Discipline of the Employee Handbook.

The City Manager shall have the final authority to administer any disciplinary actions pursuant to this section, subject to the appeals process outlined in Chapter 9 - Grievances Procedures of the Employee Handbook.

SECTION 5

PURCHASING THRESHOLDS

A. PURCHASES BELOW \$5,000.

For procurements of Goods and Services valued below \$5,000, the Department shall secure the Goods and Services most advantageous to the City using a City-issued purchasing card (P-Card), Purchase Order, or check request, with all such purchases requiring prior approval from the Department Director or assigned designee. Any purchases made with a City-issued P-Card must strictly adhere to the City's P-Card Policy, including compliance with spending limits, documentation requirements, and timely submission of receipts to ensure accountability and transparency. This policy reflects best business practices for public procurement in local municipalities by promoting efficiency, cost-effectiveness, and ethical standards while ensuring compliance with all applicable laws, regulations, and City policies.

B. PURCHASES BETWEEN \$5,000 UP TO AND INCLUDING \$200,000.

For purchases of Goods and Services valued between \$5,000 and \$200,000, procurement shall be conducted to ensure transparency, competitiveness, and fiscal responsibility. All such purchases must be approved by the City Manager or designee and initiated through a Purchase Order, with the establishment of a Contract required when applicable. Written quotes must be obtained from at least three (3) Vendors, including details of delivery charges and delivery timelines. Quotes may be gathered by the Using Agency and attached to a Requisition for approval. The Purchasing Director will review the Quotes and Using Agency recommendations, verify pricing and delivery information, and may seek additional competition or clarification before processing the Requisition to create a Purchase Order. Purchases exceeding \$100,000 must go through a formal bidding process conducted by the Purchasing Division to ensure compliance with competitive procurement standards and promote fairness in the process.

C. PURCHASES OVER \$200,000.

All purchases exceeding \$200,000 shall be approved by the City Council. The Purchasing Manager will determine the Procurement method to be used based on the type of purchase. Upon completion of the Solicitation process and a recommendation of Award by the Department, the City Manager's Office shall send the approved agenda item request to the City Clerk's Office to be placed on a future City Council meeting agenda. Council approval takes place only during regular Council meetings as posted on the City's website.

D. EXCEPTIONS.

The provisions of subsections (B) and (C) above related to source selection do not apply when:

1. A Good is available from only one (1) source or supply, or when standardization or compatibility is the overriding consideration;
2. The purchase is pursuant to a Contract with:
 - a. the United States of America or an agency thereof; or
 - b. any government unit or agency thereof within the United States for the purchase, lease, or other acquisition of Goods, including competitively procured governmental alliance or cooperative Contracts;
3. The Goods or Services being procured has been classified as exempt by the State of Georgia Purchasing Act;
4. The purchase is regulated by other Federal and State laws, i.e., O.C.G.A §36-91-1;
5. A special emergency exists involving the health and safety of individuals or property; or
6. The purchase is for:
 - a. Land, artistic work, or other Goods whose inherent nature is unique and cannot be competitively compared to other Goods within its class;
 - 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 of real property;
 - d. Subscriptions, dues, and memberships and board member fees established during the budget process;
 - e. Services provided directly to individual citizens and employees including reimbursements and other miscellaneous payments;
 - f. Utilities including, but not limited to, electricity and telephone service;
 - g. Employee benefits and health related Services procured through a quotation and negotiating process conducted by an expert in the field, or to maintain continuity of employee-health records;
 - h. Travel, conferences, training, speakers, instructors, facilitators, and meeting expenses, or other expenditures covered by another City policy;
 - i. Items for resale that require a particular manufacturer to enhance their marketability;
 - j. Legal Services, litigation, and legal expenses;
 - k. Legal Advertisements;
 - l. Court reporter Services;
 - m. Postage and shipping;
 - n. Seasonal recreational service providers;

- o. Professional Services whereby qualifications are the overriding determinate for Vendor selection;
- p. The repair of equipment or infrastructure where time is of the essence to have continued service.

E. CHANGE ORDERS.

The Purchasing Director is responsible for reviewing all Change Orders and adjusting encumbrances as needed. Change Orders may be processed to correct account distribution, adjust quantities, add or delete line items, modify descriptions, or update unit price.

1. Department Director Approval: Change Orders with a quoted price adjustment of less than \$5,000 require approval by the Department Director.
2. City Manager Approval: Change Orders with a quoted price adjustment between \$5,000 and \$200,000, inclusive, require approval by the City Manager. If a contract amendment or change order involves adding time without any change to the dollar amount, and the extension is 90 days or less, it shall be approved by the City Manager.
3. City Council Approval: Any individual Change Order exceeding \$200,000, or any Change Order that increases the total contract amount to over \$200,000, requires approval by the City Council. If a contract amendment or change order involves adding time without any change to the dollar amount, and the extension is 91 days or greater, it shall be approved by the City Council.

SECTION 6

NON-COMPETITIVE PROCUREMENTS

The provisions of this section shall apply to the Procurement of Goods and Services, when determined to be in the best interest of the City and not in conflict with the requirements of State law.

A. SOLE SOURCE PROCUREMENT.

Sole Source Procurement is used when Goods or Services are limited to one source, or when they must be obtained from a specific manufacturers' dealer and valid competition among dealers does not exist. A Sole Source Procurement may also be made from one person among others in a competitive marketplace, which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need. The Purchasing Agent may elect to purchase particular Brand Name Goods or Services when the Goods or Services comprise a major brand system, program or Service previously selected by the City for standardization due to operational effectiveness, future enhancements or additions, or maintenance or storage of spare parts precludes the mixing of brands, manufacture, etc. The Using Agency must submit written justification for the Sole Source Procurement to the Purchasing Agent for approval.

B. DIRECT NEGOTIATION.

Following the completion of a Competitive Award Solicitation process that fails to produce a Responsible or Responsive Bidder or in which all submissions were rejected for any reason, the City may procure the Goods or Services that were the subject of such failed Solicitation by Direct Negotiation with any provider of such Goods or Services when recommended by the City Manager with concurrence from the City Attorney or designee. Direct Negotiation will be completed by the Purchasing Agent or designee, assisted as needed by the Using Agency and City Attorney.

Public works and construction projects are explicitly excluded from the direct negotiation process. In accordance with Georgia Title 36, Chapter 91, all public works construction contracts must adhere to formal competitive bidding procedures. Specifically, O.C.G.A. § 36-91-20(a) mandates that any public works construction contract exceeding \$100,000 must be awarded through competitive sealed bidding after advertisement. Additionally, O.C.G.A. § 36-91-21(b)(4) requires that such contracts be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

C. EMERGENCY PROCUREMENT.

1. The City may acquire Goods and Services by directly negotiating Award pursuant to an Emergency Procurement. Emergency Procurement situations occur when an emergency constitutes an imminent threat to:
 - a. the public health, safety, or welfare; or
 - b. the soundness and integrity of public property; or
 - c. the delivery of essential Services.
2. During normal business hours, when the Director of the Using Agency determines an emergency exists and that Goods or Services should be procured on that basis, he or she shall notify the Purchasing Agent, who shall obtain the approval of the City Manager or designee. Subject to the approval of the City Manager or designee, the Purchasing Agent may make or authorize others to make Emergency Procurements for Goods or Services with as much competition as is practicable under the circumstances.
3. The Purchasing Agent shall keep a record of each Emergency Procurement as required by Section 2-334 of the City Code of Ordinance stating the cause, the Vendor's name, the amount and type of the Contract, the item(s) procured under the Contract, and the identification number of the Contract file.
4. If an emergency arises outside of the City's normal business hours or when it is not possible or convenient to reach the Purchasing Agent, any purchase necessary shall be made by the Department Director and reported to the Purchasing Agent within twenty-four (24) hours.

D. COSTS UNDER COMPETITIVE THRESHOLDS.

The Using Agency may acquire Goods and Services by direct negotiation or by some other non-competitive method, when the dollar value of the purchase does not exceed \$5,000 and a properly authorized Requisition is received. Under this non- competitive method, the Using Agency shall attempt to obtain the Goods or Services most advantageous to the City considering price and other factors.

E. GOVERNMENTAL AGENCY CONTRACTS.

The City may acquire Goods or Services by Direct Negotiation or other method involving limited or no competition from a Vendor having a requirements Contract or annual agreement with any public entity for Goods or Services described in such Contract and at prices or discounts no less favorable than any set forth in such Contracts.

F. USE OF STATE/COOPERATIVE CONTRACTS.

The Purchasing Agent may, independent of the requirements of process described in this section, procure Goods and Services or Construction items through a Contract established through Competitive means by the State of Georgia, national Co- Operatives (i.e.-U.S. Communities), and collaborative purchasing agreements with other local governments when deemed to be in the best interest of the City.

SECTION 7

COMPETITIVE PROCUREMENTS

A. GENERAL.

1. Competitive Procurements are used when a need is established and are generally solicited on a project-by-project basis. The Using Agency will submit a specific list of Goods and/or scope of Services to the Purchasing Manager, who determines which Competitive processes best suits the purchase.
2. A performance guarantee, such as a Bid Bond, Performance Bond, Payment Bond, or Letter of Credit, shall be required for any Solicitation that includes Services above \$100,000.
3. Grants or donations from outside public or private sources may dictate the Procurement process the City must follow for an Award. Federal and State Procurement policy supersedes City purchasing requirements when buying Goods and Services using Federal or State grant monies. Using Agencies should consult the Finance Department regarding the use of Federal and State funds.

B. PUBLIC NOTICE.

Public notice of an Invitation to Bid (ITB) or Request for Proposal (RFP) for purchases that do not exceed \$100,000 must be advertised for a minimum of fourteen (14) calendar days prior to the bid opening date, or as required by applicable state and federal laws. For urgent procurements, the Purchasing Director may reduce the notice period, provided the urgency is properly documented. Advertisements for formal solicitations will comply with city ordinances and all applicable laws. For public works or construction procurement requests exceeding \$100,000, the solicitation must be advertised in compliance with Georgia law, including the requirement under O.C.G.A. § 36-91-20 to advertise for a minimum of four weeks (30 calendar days). This includes posting the notice on the Georgia Procurement Registry (GPR) and other applicable media, with sufficient details to inform potential bidders of the scope and nature of the procurement.

C. PUBLIC WORKS PROJECTS.

1. Solicitations for Goods and Services, or both, valued at \$100,000 or more are required by law to be advertised in the Georgia Procurement Registry for the same period of time as required by City, State or Federal law for the type of Solicitation being posted.
2. Public Works projects over \$100,000 are required by State law to have Payment Bonds and Performance Bonds for 100% of the Contract amount. When these Bids are requested, the standard City documents with this information will be used. The

City will also require that a 5% Bid Bond be submitted with the Bid. These projects will be advertised by the City according to City ordinance and State and Federal Law.

D. INVITATION TO BID.

Invitations to Bid (ITB) are prepared and issued to prospective Vendors with the goal of obtaining competitive Bids for Goods and Services where there are clear and adequate Specifications for items.

1. Submission. Sealed Bids shall be opened publicly by the Purchasing Agent, or designee, in the presence of one or more witnesses at the time and place designated in the ITB. All relevant information, including each Bid amount and Bidder's name, will be recorded on a summary sheet and signed by the opener and witness.
2. Correction or Withdrawal; Late Bids.
 - a. The correction of an inadvertently erroneous Bid is permitted in accordance with the terms indicated in the Invitation to Bid (ITB), Request for Information (RFI), Request for Proposals (RFP), Request for Quote (RFQ), and Request for Qualified Contractor (RFQC). However, minor irregularities may be waived by the City, provided such waivers are documented through a formal Technical Waiver Document. This document must clearly outline the nature of the irregularity, the reason for the waiver, and the justification for allowing the bid to proceed despite the irregularity. The Technical Waiver Document must be approved by the appropriate procurement authority and retained as part of the procurement records to ensure consistency, transparency, and compliance with the procurement process.
 - a. Any Bid received after the time and date set for receipt of Bids is late. Any withdrawal or modification of a Bid received after the time and date set for opening of Bids, at the place designated for opening, is considered late. Late Bids will be rejected and will remain unopened.
 - b. Bids may be withdrawn at any time prior to the Bid Opening. After Bids have been publicly opened, the Bidder shall give notice in writing of its claim of right to withdraw a Bid within two (2) business days after the conclusion of the Bid Opening procedure. If a Bid is withdrawn under authority of this provision, the lowest remaining Responsive Bid shall be deemed to be the low Bid.
 - c. No Bid may be withdrawn for a period of one hundred twenty (120) days after the time scheduled for Bid Opening or as permitted by State law.
3. Evaluation.
 - a. Bids will be evaluated based on the evaluation factors set forth in the ITB, which may include criteria to determine acceptability of Goods such as, but not

limited to, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose.

- b. No criteria may be used in Bid evaluation that is not specifically set forth in the Solicitation.
- c. Criteria for the acceptability of Goods shall be used to determine whether particular Goods are responsive to the ITB, and not to determine the relative desirability between acceptable Goods.
- d. The City reserves the right to waive any informalities or irregularities of Bids, to request clarification of information submitted in any Bid, to further negotiate with the Responsive and Responsible Bidder selected for Contract Award, or to reject any or all Bids for any reason whatsoever.

4. Award.

5. Negotiation.

- a. The City reserves the right to negotiate with the lowest, Responsive, and Responsible Bidder after the Bids have been opened and before an Award is made in an effort to make sure that the Specifications and budget have been met. This will allow staff to add or delete parts for equipment or value engineer a project in the City's best interest. On Construction projects, negotiations will be conducted with the design firm for the project and City staff before a recommendation is made for Award of the Bid.
- b. Tie Bids. In the event two (2) or more identical Bids are received, meaning the same in all salient respects including price, the City will request a Best and Final Offer (BAFO) as a tiebreaker and award to the Vendor with the new low Bid.
- c. Split/Partial Award. The Award may be split between more than one Vendor by awarding to the lowest cost provider of each item or reasonable grouping of items if:
 - i. an ITB is for multiple Goods or Services;
 - ii. more than one Vendor provides a Bid that meets the specifications for the items;
 - iii. a price comparison can be made between the items quoted; and
 - iv. acquisition, delivery, and other requirements can be reasonably administered.

An Award shall not be split or partially awarded under the following conditions:

- i. When the Solicitation is for an integrated system and the split of the Award between components or parts of that system would jeopardize performance; or

- ii. If the item is part of a system and the performance of that system would be jeopardized if another brand was substituted.
- 6. Cancellation/Disqualification.
 - a. The City may cancel an ITB prior to the Bid Opening date or any or all Bids may be rejected in whole or in part as may be specified in the Solicitation, where the Purchasing Agent determines it is in the best interest of the City or is the result of improper conduct of any party. The reasons for any cancellation shall be made part of the Bid file.
 - b. The following types of Bids shall be disqualified for consideration of Award:
 - i. A Bid arriving after the due date and time for submittal;
 - ii. A Bid that is incomplete in any material aspects;
 - iii. A Bid that is submitted without required Bonds or insurance.
 - c. If no Responsive and Responsible Bids are received or all Bids are rejected, the City may procure such Goods and Services by Direct Negotiation as indicated in Section 6: Non- Competitive Procurement of Goods and Services.

E. REQUEST FOR QUOTES (RFQ).

Request for Quotes are prepared and issued to prospective Bidders by the Purchasing Division, with the goal of obtaining competitive responses for items costing between \$5,000 and \$99,999 or where below \$100,000 the establishment of a Contract may be needed for the purchase of Goods or Services. The RFQ clearly defines the scope of Services and contains Contractual terms and conditions. In most cases, the Award will be made on best price, but the Award may be made in what is determined to be in the best interest of the City. The RFQ may require the submission of Bid samples, descriptive literature, and technical data and may require inspection or testing of a product before a final award.

F. REQUEST FOR PROPOSALS (RFP).

- 1. Criteria. When the Purchasing Agent determines the use of an ITB is not practical or not advantageous because of existing market conditions or the type of Goods or Services required, the City may issue an RFP to competitively procure Goods or Services through receipt of Sealed Proposals. An RFP can be used for a Procurement at any dollar amount. RFPs are most useful when:
 - a. Multiple (different) solutions are available that will fit the need;
 - b. Multiple Vendors can provide the same solution with different implementation scenarios;
 - c. Exact solutions for the project cannot be clearly specified;

- d. The project requires different skills, expertise, and technical capabilities from Vendors;
 - e. The project requires that Vendors combine and subcontract Goods and Services; or,
 - f. The City seeks to exert leverage on a Vendor to provide the City more savings.
2. Submission.
- a. Proposals shall be opened publicly by the Purchasing Agent, or designee, in the presence of one or more witnesses at the time and place designated in the RFP. A register of Proposals is prepared that lists each Proposer's name, which will be signed by the opener and the witness.
 - b. Proposals shall be deemed late in the same manner as described in the ITB section of this Policy (Section 7D).
3. Correction or Withdrawal. Correction or withdrawal of Proposals is permitted in accordance with instructions contained within the RFP. No Proposal may be withdrawn for a period of one hundred twenty (120) days after the time scheduled for Proposal Opening or as permitted by State law.
4. Evaluation Committee. Each written Proposal shall be evaluated by a committee recommended by the Project Manager and approved by the City Manager or designee to determine if it is responsive to the scope of Services and other terms and conditions stated in the RFP. The Evaluation Committee will consist of at least three (3) members but not more than nine (9), to include Representatives from the City based on their knowledge of the Services requested in the RFP.
- a. Duties of the team include, but are not limited to, the following:
 - i. Prepare project charter and timeline for the Services being requested by working backwards from the desired implementation date.
 - ii. Determine the scope of the Services requested and a definition of the expected outcome.
 - iii. Using the scope of Services, purchasing will draft the RFP. This draft will be evaluated by the project manager and reviewed by the legal department to create the final draft of the RFP.
 - iv. Conduct, if desired, a pre-Proposal meeting with interested Vendors, in which information will be shared and Vendors will be given the opportunity to request clarification of information in the RFP. If necessary, the RFP may be revised through the issuance of an Addendum or Addendums. The Evaluation Committee will determine if this meeting will be mandatory for the Vendors.
 - v. Develop a management discretionary point matrix based on the business requirements of the RFP. The evaluation criteria should provide a

mechanism for making an easy “apples to apples” comparison of Proposers and their proposed solutions. This may include price comparisons.

- b. The RFP will identify the criteria to be considered and evaluated as the basis of Award.
 - c. Proposals submitted by Responsible and Responsive Proposers are evaluated by the Evaluation Committee, pursuant to the City’s procedures, based upon criteria contained in the RFP. The City has no obligation to award the Contract to the Proposer who proposes the lowest price.
5. Award.
- a. The Contract will be awarded, if Award is made, by the City to the most Responsive and Responsible Proposer whose Proposal is determined, in the City's exclusive discretion, to be the most advantageous to the City, taking into consideration price, qualifications, and other factors as indicated in the RFP. The RFP will contain the basis upon which Award is made.
 - b. The City reserves the right to waive any informalities or irregularities of Proposals, to request clarification of information submitted in any Proposal, to further negotiate with a Responsive and Responsible Proposer who has been selected for Award, or to reject any or all Proposals for any reason whatsoever.
 - c. If no Responsive and Responsible Proposals are received or if all Proposals are rejected, at the direction of the City Manager the City may procure such Goods or Services by Direct Negotiation as indicated in Section 6: Non-Competitive Procurement of Goods and Services.
6. Cancellation/Disqualification.
- a. An RFP may be cancelled prior to Opening Date or any or all Proposals may be rejected in whole or in part as may be specified in the Solicitation, where it is in the best interest of the City in accordance with the standards of this Policy and applicable law or, as a result of improper conduct of any party. The reason(s) for any cancellation shall be made part of the Proposal file.
 - b. The following types of Proposals shall be disqualified for consideration for Award:
 - i. A Proposal arriving after the due date and time for submittal;
 - ii. A Proposal that is submitted without required Bonds or insurance;
 - iii. A Proposal that is submitted by a Vendor that has been debarred by the City;
 - iv. A Proposal that is submitted in connection with which there have been communications with any Employees, officials, Contractors or team members at any time during the Solicitation process.

G. REQUEST FOR QUALIFIED CONTRACTORS (RFQC).

1. RFQCs may be used when it is determined to be in the City's best interest to evaluate the experience and qualifications of a Vendor, without regard to or prior to considering price.
2. The procedure for soliciting, opening and evaluating responses to RFQCs shall be the same as described herein for Formal Solicitation.
3. Vendors whose qualifications meet the criteria established in the RFQC, at the sole discretion of the City, may be considered for Award by participation in the completion of a price negotiation.
4. The City shall attempt to negotiate a fee with the highest ranked firm. If no agreement is reached, the City shall begin negotiations with the next highest ranked firm. Negotiations will proceed in this manner until an agreement is reached. Alternatively, the City may, by Direct Negotiation, finalize terms with Vendors who are selected for Award based on qualifications.
5. The City reserves the right to reject any or all responses to a RFQC for any reason. Clarification of information may be requested by the City.

H. CONSECUTIVE MULTI-STEP SOLICITATIONS.

1. The City may initiate one of the multi-step Solicitation processes described below when:
 - a. in the City's discretion, it is impractical to prepare an adequate or complete description of the Goods or Services desired due to insufficient data, uncertain requirements, unfamiliar market options, etc.;
 - b. the City desires to identify a field of qualified Bidders, Proposers, providers of Goods or Services, out of a broader field of Bidders, Proposers, providers of Goods or Services; or
 - c. the City believes a multi-step process would best serve its purposes.
2. The City may request statements of qualifications to be evaluated based on the criteria in the RFQ for purposes of identifying one or more desirable or acceptable Goods or Services or for purposes of identifying a field of qualified or most qualified Bidders or Proposers.
3. After identifying a field of most qualified Bidders or Proposers with the capability of providing the desirable or acceptable Goods or Services, the City may either follow a Competitive ITB process or by an RFP process as referenced in the Competitive Procurement section above among the field of Vendors identified as having the capability to meet the City's requirements for the Procurement.

I. PROCUREMENT ACTIVITY COORDINATION.

To ensure compliance, consistency, and standardization across all procurement processes, the Purchasing Team shall be responsible for facilitating and overseeing all procurement-related activities, including but not limited to pre-bid conferences, site visits, and contract negotiations.

1. Pre-Bid Conferences: All pre-bid conferences must be coordinated and facilitated by the Purchasing Team to ensure that all vendors receive the same information and have equal access to the necessary details. The Purchasing Team will handle the scheduling, communication, and documentation of the conference.
2. Site Visits: Any required site visits for prospective vendors must be organized by the Purchasing Team to ensure fair and consistent access to the site. The team will coordinate logistics, provide necessary safety guidelines, and document the visit.
3. Contract Negotiations: All negotiations with vendors regarding contract terms, pricing, and conditions must be facilitated by the Purchasing Team. This ensures that negotiations are conducted in a consistent manner, in compliance with all applicable policies and regulations, and with the best interest of the organization in mind.

SECTION 8
QUALIFICATIONS BASED SELECTION FOR PROJECTS USING
FEDERAL FUNDING-BROOKS ACT

Except as provided in sections F and G below, the City shall use the Competitive Negotiation Procurement method described below for the Procurement of engineering and design related Services when federal funds are involved in the Contract (as specified in 23 U.S.C. 112(b)(2)(A)). The Solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications-based selection Procurement procedures for architectural and engineering Services codified under 40 U.S.C. 1101–1104, commonly referred to as the Brooks Act. In accordance with the requirements of the Brooks Act, the following procedures shall apply to the Competitive Negotiation Procurement method:

A. 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 an RFP to all interested consultants or a multi-phase process with issuance of a RFQC whereby responding consultants are ranked based on qualifications and RFPs are then provided to three (3) or more of the most highly qualified consultants. Minimum qualifications of consultants to perform Services under general work categories or areas of expertise may also be assessed through a prequalification process whereby statements of qualifications are submitted on an annual basis. Regardless of any process utilized for prequalification of consultants or for an initial assessment of a consultant's qualifications under an RFQC, an RFP specific to the project, task, or Service is required for evaluation of a consultant's specific technical approach and qualifications.

B. 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:

1. Provide a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the Services to be rendered. The scope of work should detail the purpose and description of the project, Services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, Specifications, and policies;

2. 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;
3. Identify evaluation factors including their relative weight of importance in accordance with subparagraph (a)(1)(iii) of this section;
4. Specify the Contract type and method(s) of payment to be utilized in accordance with § 172.9;
5. Identify any special provisions or Contract requirements associated with the solicited Services;
6. Require that submission of any requested cost Proposals or elements of cost be in a concealed format and separate from technical/qualifications Proposals as these shall not be considered in the evaluation, ranking, and selection phase; and
7. Provide a schedule of key dates for the Procurement process and establish a submittal deadline for responses to the RFP which provides sufficient time for interested consultants to receive notice, prepare, and submit a Proposal, which except in unusual circumstances shall be not less than fourteen (14) days from the date of issuance of the RFP.

C. EVALUATION FACTORS.

1. 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.
2. 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.
3. 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.
4. The following non-qualifications-based evaluation criteria are permitted under the specified conditions and provided the combined total of these criteria do not

exceed a nominal value of ten percent of the total evaluation criteria to maintain the integrity of a qualifications-based selection:

- a. 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.
- b. The participation of qualified and certified M/W/SBE Minority/ Women-owned/ Small Business Enterprise (M/W/SBE) sub-consultants may be used as a nominal evaluation criterion where appropriate in accordance with 49 CFR Part 26 and the City of Sandy Springs (M/W/SBE) program.

D. EVALUATION, RANKING, AND SELECTION.

1. Consultant Proposals shall be evaluated by the City based on the criteria established and published within the public Solicitation.
2. 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.
3. Following submission and evaluation of Proposals, the City shall conduct interviews or other types of discussions determined three of the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFP. Discussion requirements shall be specified within the RFP and should be based on the size and complexity of the project as defined in the City's written policies and procedures (as specified in § 172.5(c)). Discussions may be written, by telephone, video conference, or by oral presentation/interview. Discussions following Proposal submission are not required provided Proposals contain sufficient information for evaluation of technical approach and qualifications to perform the specific project, task, or service with respect to established criteria.
4. From the Proposal evaluation and any subsequent discussions which have been conducted, the City shall rank, in order of preference, at least three consultants

determined most highly qualified to perform the solicited Services based on the established and published criteria.

5. Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.
6. The City shall retain acceptable documentation of the Solicitation, Proposal, evaluation, and selection of the consultant accordance with the provisions of 49 CFR 18.42.

E. NEGOTIATION.

1. Prior to receipt or review of the most highly qualified consultant's cost Proposal, the City shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant Services are obtained at a fair and Reasonable Cost.
2. 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.
3. 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)).
4. The City shall retain documentation of negotiation activities and resources used in the analysis of costs to establish elements of the Contract in accordance with the provisions of 49 CFR 18.42. This documentation shall include the consultant cost certification and documentation supporting the acceptance of the indirect cost rate to be applied to the Contract (as specified in § 172.11(c)).

F. 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. The City may use the State's small purchase procedures which reflect applicable State laws and regulations for the Procurement of engineering and design related Services provided the total Contract costs do not exceed the Federal simplified acquisition threshold (as specified in 48 CFR 2.101). When a lower threshold for use of small purchase procedures is

established in State law, regulation, or policy, the lower threshold shall apply to the use of federal funds. The following additional requirements shall apply to the small purchase Procurement method:

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

G. NON-COMPETITIVE.

The non-competitive method involves Procurement of engineering and design related Services when it is not feasible to award the Contract using the Competitive Negotiation Procurement or small purchase Procurement methods. The following requirements shall apply to the non-competitive Procurement method:

1. The City may use its own non-competitive procedures that reflect applicable State and local laws and regulations and conform to applicable Federal requirements.
2. The City shall establish a process to determine when non-competitive procedures will be used and shall submit justification to, and receive approval from, the FHWA before using this form of Contracting.
3. Circumstances under which a Contract may be awarded by non-competitive procedures are limited to the following:
 - a. The Service is available only from a single source (See Sole Source Procurement);
 - b. There is an emergency which will not permit the time necessary to conduct Competitive negotiations; or
 - c. After Solicitation of a number of sources, competition is determined to be inadequate.

4. Contract costs may be negotiated in accordance with the City's non-competitive procedures; however, the allowability of costs shall be determined in accordance with the Federal cost principles.

H. COMMON GRANT RULE.

The City shall 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). When State and local Procurement laws, regulations, policies, or procedures are in conflict with applicable Federal laws and regulations, the City shall 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).

I. M/W/SBE MINORITY/ WOMEN-OWNED/ SMALL BUSINESS ENTERPRISE (M/W/SBE) PROGRAM.

The City shall give consideration to M/W/SBE 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 M/W/SBE program participation goals cannot be met through race-neutral measures, additional DBE participation on engineering and design related Services Contracts may be achieved in accordance with the City of Sandy Springs FHWA approved M/W/SBE 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.

The use of quotas or exclusive set-asides for M/W/SBE consultants is prohibited (as specified in 49 CFR 26.43).

J. SUSPENSION AND DEBARMENT.

The City shall verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or Contract in accordance with 49 CFR 18.35 and 2 CFR part 180.

SECTION 9
QUALIFICATIONS BASED SELECTION FOR PROJECTS USING FEDERAL AID HIGHWAY
PROGRAM (FAHP) FUNDING-BROOKS ACT

The City has adopted the current Georgia Department of Transportation Procurement Policy (GDOT Policy), attached hereto as Exhibit A, for the procurement, management, and administration of engineering and design related consultant services. The City has read the GDOT Policy and will abide by it for all state and Federal Aid Highway Programs (FAHP) as it pertains to local governments.

SECTION 10

POLICY FOR CONTRACTOR TITLE VI COMPLIANCE

Title VI and related statutes prohibit discrimination in Federally assisted programs, requiring that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance.

The City of Sandy Springs assures that no person will on the grounds of race, color, national origin, sex, age or disability, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 and other Federal nondiscrimination statutes, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Vendor (Recipient) further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are Federally funded or not.

In the event the Vendor (Recipient) distributes Federal aid funds to a subcontractor (sub-recipient), the Vendor (Recipient) will include Title VI language in all written agreements and will monitor for compliance.

The City Manager's Office is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by Part 200 of Title 23 of the Code of Federal Regulations, 42 U.S.C.

§ 2000d, et seq., 49 C.F.R. Part 21 and 28 C.F.R. section 50.3.

SECTION 11

DISPOSAL OF GOODS

A. SURPLUS AND OBSOLETE GOODS.

It shall be the duty of the Using Agency to report all surplus or obsolete Goods to the Purchasing Agent. Following determination by City Council that such Goods are surplus, the Purchasing Agent will determine the most advantageous method of disposing of the Goods, including:

1. Transfer: The most gainful method for handling Goods no longer needed by a Using Agency is to transfer it to another department that has a use for the item.
2. Donate: Goods may be donated to another governmental entity, charity, or civic organization with need of the item(s) with the approval of the City Manager or designee.
3. Recycle: Obsolete and broken Goods that are no longer usable may be recycled with the approval of the City Manager or designee.
4. Trade-In: In replacing obsolete equipment, it is sometimes advantageous to trade-in the old equipment. The invitation for Bids on the replacement item should call for Bid prices with or without trade-in and provided that Award may be made either way.
5. Sale: Surplus Goods may be consolidated and offered for sale by auction, internet auction, sale by fire sale, or sale by Sealed Bid.
 - a. The consolidated list of surplus Goods will be submitted to the City Manager or designee for approval before an auction or Sealed Bid is organized.
 - b. The surplus item(s) offered for sale will be on an "AS IS/WHERE IS" basis.
 - c. The sale will be given Public Notice for items in excess of \$10,000.
 - d. Proceeds from the sale of surplus Goods will go into the General Fund.

B. SALE TO EMPLOYEES

The direct sale of non-computer surplus Goods to Employees is prohibited. This policy does not prohibit Employees from extending an offer at a public auction or in the form of a Sealed Bid.

C. SURPLUS COMPUTER EMPLOYEE PURCHASE PROGRAM

The purpose of these procedures is to ensure compliance, reporting and objectivity with the program. The Program has been established as a benefit to the City's Employees, to encourage and promote computer proficiency. The sale of surplus computer equipment to Employees may be processed through the following procedures:

1. Surplus Computer Determination. The City will make available to its eligible Employees surplus computer systems that are:

- a. no longer covered by manufacturer's warranty;
 - b. at least three (3) years old; and
 - c. no longer serve a purpose in the City's Information Technology (IT) environment as determined by the IT Department.
- 2. IT Department Responsibilities. Upon determination that a computer is surplus, the IT Department shall:
 - a. Purge City data from surplus computers;
 - b. Reinstall only the original operating system onto surplus computer (does not include any other software such as Excel, Word, etc.);
 - c. Complete surplus form with attached inventory of computers and send to the Purchasing Manager;
 - d. Facilitate the pickup of surplus computers to Employees selected during the drawing that have proof of payment.
- 3. Notification of Sale. Upon receiving a list of surplus computers from the IT Department, the Communications Department shall send out e-mail notification of the surplus computer sale one
 - a. month prior to the drawing with a weekly e-mail reminder up to the week of the drawing. The e-mail shall include:
 - b. the statement to post information for Employees that do not have access to City e-mail;
 - c. a link to the request for purchase of surplus computer form;
 - d. deadline for request forms;
 - e. eligibility requirements;
 - f. date/time of drawing.
- 4. Request for Purchase of Surplus Computer Form.
 - a. A request for purchase of surplus computer form may be submitted by any full-time or permanent part-time Employee interested in purchasing a surplus computer.
 - b. Employees for which any one of the following conditions exist at the time of the drawing will be removed from the drawing:
 - i. has not completed six (6) months of service;
 - ii. found to be separating from the City; or
 - iii. on an unpaid leave of absence.
 - c. Completed forms will be submitted to the Purchasing Manager. Forms cannot be e-mailed as original signature must be on form. The Purchasing Division will track and maintain the official listing of interested Employees for the annual drawing.

- d. An official listing of all eligible Employees that have completed the form will be maintained by the Purchasing Manager and verified for eligibility from the City's Human Resources Department. Request for verification by the Human Resources Department will come from the Purchasing Division within two (2) weeks of each scheduled annual drawing.
 - e. Employees interested in the annual drawing must fill out a new form each year.
5. Drawing.
- a. A random drawing will take place annually to select Employees who will be able to purchase available surplus computers. The drawing will take place in the City Hall lobby.
 - b. The Purchasing Manager will facilitate the drawing.
 - c. The Communications Department shall annually select four (4) Employees to witness the drawing. Such witnesses may not be:
 - i. personnel of the Finance Department, or
 - ii. participating in the annual drawing.
 - d. An additional five (5) names will be drawn to create a reserve list in the event that selected Employees do not follow through with their payment and pick up.
6. Payment.
- a. Payment must be made in the form of cash, check or credit card by the Employee within seven (7) business days of notification.
 - b. The Purchasing Division will be responsible for notifying the Employees that they were drawn and stating the final date their payment is due.
 - c. If payment is not received by due date then the Employee has forfeited the computer. The next eligible Employee from the reserve list will be offered the chance at the computer.
 - d. The Purchasing Division will supply the employee with two copies of their bill of sale. One will be their copy and one will be utilized as a receipt for the Revenue Division at time of payment. The bill of sale shall include without limitation:
 - i. computer is sold "as is".
 - ii. the City does not accept any responsibility for the computer that is being purchased.
 - iii. the City's IT department or any employee of the City will not provide guidance or support for the computer.
7. Pick-Up
- a. Only the Employee that has been randomly selected for the purchase of the surplus computer is authorized to purchase the computer. The selected Employee may not authorize anyone else to pay for or pick up the surplus computer.

- b. A date and time range for an Employee to obtain a surplus computer will be set up in coordination with the IT Department.
- c. The Employee must present the IT Department with the receipt provided by the Revenue Division of the Finance Department showing proof of payment.
- d. The Purchasing Division will maintain a record of each annual sale and the surplus computers sold. A new file will be created for each annual sale.

SECTION 12

POLICY FOR PROMOTING SUSTAINABILITY THROUGH THE PURCHASING PROCESS

The City is a significant consumer of Goods and Services. The City desires to encourage the Procurement of sustainable and environmentally preferred Goods and Services and thus will take an active role to promote the analysis of Life Cycle Costs for Goods and Services to encourage protection of the environment by showing preference for the Procurement of sustainable Goods and Services for use in City operations.

In general, environmentally preferable Goods and Services are those that would reduce negative effects on human health and environment when compared with the competing Goods and Services. More specifically, this comparison would include consideration of all phases of the product's life cycle, including raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance and disposal, including potential for reuse or ability to be recycled.

In practice, the objective is to purchase Goods that have been environmentally certified or eco labeled because they have reduced environmental impact due to the way they are made, used, transported, stored, packaged and disposed. It means looking for Goods that do not harm human health, are less polluting and that minimize waste, maximize use of bio-based or recycled materials, conserve energy and water, and reduce the consumption of and disposal of hazardous materials.

Therefore the City will implement an environmentally preferable purchasing program that accounts for Life Cycle Costs and gives preference to Goods that are recycled, recyclable and otherwise more environmentally friendly than traditional Goods; purchase Energy Star rated equipment and appliances when possible to do so and, purchase recycled copy, computer, and fax paper with at least thirty (30) percent recycled content whenever the use of the paper makes it possible to do so.

SECTION 13

FEDERALLY FUNDED PROCUREMENTS 2CFR PART 200 AND FTA CIRCULAR 4220.1F

A. Use of Excess and Surplus Federal Property (2 CFR 200.318(f))

City staff should prioritize the use of Federal excess and surplus property when feasible and economical, in accordance with 2 CFR 200.318(f) and GSA regulations (41 CFR Parts 101-42 through 101-49). Before acquiring new property, a cost-benefit analysis should be conducted to compare life-cycle costs, expected maintenance, and long-term value. The goal is to ensure that using surplus property is financially responsible and operationally beneficial.

Acquisitions must comply with all federal regulations, including verifying eligibility and meeting documentation requirements. Staff should thoroughly assess the property's condition to confirm it is suitable for use. Any necessary repairs or modifications should be identified, and associated costs documented to ensure the property meets operational needs without excessive expenditures.

Environmental and sustainability factors should also be considered. Reusing existing property can reduce costs, minimize waste, and promote energy efficiency. Staff should evaluate whether surplus property supports the city's sustainability goals while remaining a practical and effective alternative to purchasing new items.

The acquisition process must follow established procurement procedures, including internal approvals, documentation, and coordination with finance, operations, and legal teams. Once acquired, surplus property should be monitored for performance, with regular reporting to management. If the property becomes unsuitable, proper disposal or retransfer should follow federal guidelines. This policy will be reviewed regularly, and staff are encouraged to provide feedback to improve the process.

B. Prohibited or Restricted Contract Types

1. Time-and-Materials Contracts (2 CFR 200.318(j))

The use of time-and-materials (T&M) contracts is restricted and permitted only when no other contract type is suitable. City staff must first determine that a fixed-price or cost-reimbursement contract is not feasible for the specific procurement. This determination should be documented with a justification outlining the reasons why a T&M contract is necessary, including the complexity of the work, the inability to define the scope accurately, or other constraints that prevent the use of a more structured contract type.

If a T&M contract is deemed necessary, it must include a clearly defined ceiling price that the contractor cannot exceed except at its own risk. The contract should specify the basis for billing labor, materials, and any applicable markups, ensuring transparency and accountability. City staff must closely monitor contractor performance, labor hours, and material costs to prevent cost overruns and ensure that the work remains within budget.

To minimize risks, T&M contracts should only be used for short-term or urgent projects where costs and scope cannot be precisely estimated upfront. Staff must implement strict oversight, including requiring detailed invoices, timekeeping records, and regular progress reviews. If the project scope becomes more defined over time, staff should consider transitioning to a fixed-price or cost-reimbursement contract to improve cost control.

All T&M contracts must be approved by the appropriate city department before execution. Staff should ensure compliance with federal, state, and local procurement policies, maintaining thorough documentation of the contract's justification, terms, and monitoring process.

C. Procurement of Recovered Materials (2 CFR 200.327 & 2 CFR 1201.317)

City staff must ensure that all procurements under a Federal award comply with state policies and procedures while incorporating federal procurement standards. This includes adherence to the requirement that subrecipients of states follow state procurement regulations when acquiring property and services using federal funds.

When procuring recovered materials, city staff must comply with the Environmental Protection Agency (EPA) guidelines under the Resource Conservation and Recovery Act (RCRA) and 2 CFR 200.323. Procurements should prioritize materials with recycled content when feasible and cost-effective. Contracts exceeding \$10,000, or a higher threshold established by state law, must include provisions requiring contractors to comply with the EPA's Comprehensive Procurement Guidelines (CPG) for recovered materials.

All federally funded contracts must include the required provisions outlined in 2 CFR 200 Appendix II, such as compliance with Equal Employment Opportunity, Davis-Bacon Act (if applicable), rights to inventions, and Clean Air and Water Acts.

D Bonding Requirements for Construction Projects (2 CFR 200.326)

For all construction contracts exceeding the simplified acquisition threshold, the following bonding requirements apply:

- Bid Guarantee: Equivalent to 5% of the bid price.
- Performance Bond: 100% of the contract price.
- Payment Bond: 100% of the contract price.

For contracts under \$5 million, alternative bonding minimums apply:

- Less than \$1 million: 50% of the contract price.
- \$1 million to \$5 million: 40% of the contract price.
- Over \$5 million: \$2.5 million minimum.

Bonds must be obtained from companies listed in the Department of Treasury's Circular 570.

D. Buy America and Build America, Buy America Act Compliance

City staff must ensure compliance with the Buy America Act (BAA) and the Build America, Buy America Act (BABA) for federally funded projects. These regulations require that iron, steel, manufactured products, and construction materials be produced in the U.S. unless a waiver is granted. Procurement contracts must include compliance clauses, and vendors must certify material origins.

If compliance is infeasible due to availability, cost, or public interest, a waiver may be sought through the appropriate federal agency with proper justification. Contractors must submit certification of material origin and compliance reports, and any noncompliance must be addressed promptly.

EXHIBIT A
GEORGIA DEPARTMENT OF TRANSPORTATION PROCUREMENT POLICY



Operational Procurement Policy Manual

**Office of Procurement
600 West Peachtree Street N.W.
Atlanta Ga 30308**





Policy Manual

Approved by:


Agency Procurement Officer/Operational Procurement Manager

Date:

3/16/2018

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Acronyms and Definitions

Acronyms

A

APO: Agency Procurement Officer

ACW: Agency Contract Waiver

C

CUPO: College/University Procurement Officer

D

DOAS: Department of Administrative Services

DOR: Department of Revenue

DPA: Delegated Purchasing Authority

DPM: District Procurement Manager

DPO: District Procurement Officer

E

ePro: eProcurement

F

F.O.B.: Free on Board

I

ITB: Invitation to Bid

G

GCI: Georgia Correctional Industries Administration

GCPA: Georgia Certified Purchasing Associate

GEPS: Georgia Enterprises for Products and Services

GPM: Georgia Procurement Manual

GPR: Georgia Procurement Registry

GSFIC: Georgia State Finance and Investment Commission

GTA: Georgia Technology Authority

L

LMS: Learning Management System

N

NOA: Notice of Award

NOIA: Notice of Intent to Award

O

O.C.G.A.: Official Code of Georgia Annotated

OMAT: Office of Material and Testing

OIG: Office of Inspector General

OPB: Office of Planning and Budget

OTD: Office of Transportation Data

P

P-Card: Purchasing Card

PBA: Piggy Back Authorization

PO: Purchase Order

Q

QPL: Qualified Products List

R

RFI: Request for Information

RFP: Request for Proposals

RFQ: Request for Quotations

RFQC: Request for Qualified Contractors

S

SAO: State Accounting Office

SECI: State Entity Contract Index

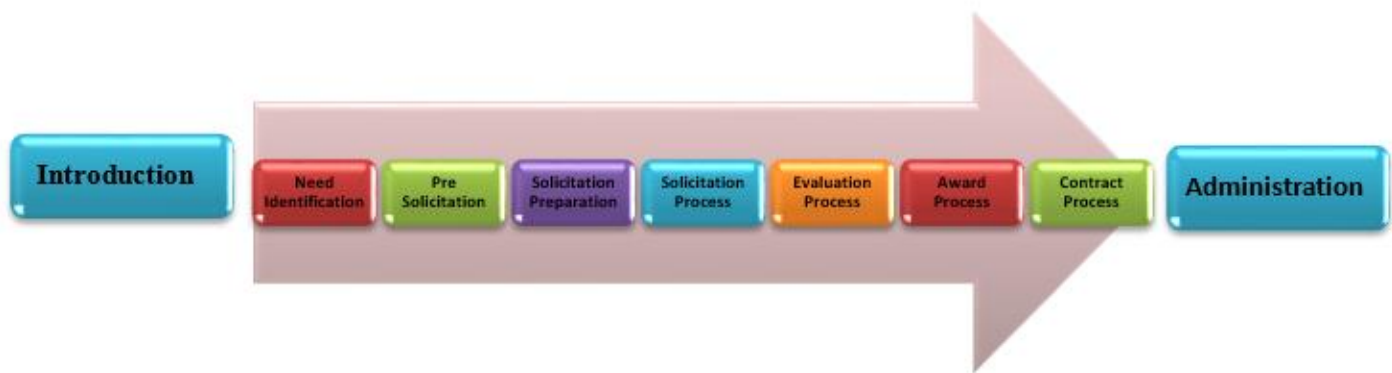
SPD: State Purchasing Division

T

TSP: Transportation Services Procurement

Introduction and General Overview

This introduction to the Operational Procurement Manual includes an overview of the Georgia Department of Transportation procurement policies and procedures. This Procurement Manual will be referred to as the “OP Manual” or “Manual.” It is the official source of rules governing operational procurement at Georgia DOT and the State of Georgia, including federal guidelines the Department must follow. This OP Manual is divided into the Seven Stages of Procurement, and includes this Introduction and Administration section. As a foundation, the Manual will follow the Department of Administrative Services State Purchasing Division’s Seven Stages of Procurement guidelines and may further define the rule as it applies to Georgia DOT procurement.



1.1 The OP Manual

This official Manual will guide the procurement activities of Georgia DOT and serve as a resource for Department procurement personnel, and individuals or suppliers doing business with GDOT. The Manual will also provide more specific guidelines directly related to GDOT based on the Official Code of Georgia Annotated (O.C.G.A) Title 50-5-50 and Title 32. It will identify procurement rules, as directed by these titles and by state policy set forth, in the Georgia Procurement Manual. Additionally, the OP Manual will be an instructional guide to the procurement process specific to the Department. Refer questions or comments about this Manual to the OP contact, listed below.

Table 1 – Operational Procurement Office

| | |
|---|---|
| Table 1 – Operational Procurement Office | |
| Mailing Address | 600 West Peachtree Street, N.W 19 th Floor Atlanta, GA 30308 |
| Email | OpPurch@dot.ga.gov |

Purpose and Objective

1.2 Purpose

The purpose of this Manual is to publish the procurement rules used by Georgia DOT and distinguish between **Title 32.2** and **Title 50-5** of the Official Code of Georgia Annotated ([O.C.G.A.](#)). The rules provided in this OP Manual will govern the purchasing activities of all Department personnel and as it relates to operational purchasing, OGC procurement, District and Area procurement, end-users and suppliers.

1.3 Objective

- Simplify and clarify the State laws governing the procurement process
- Establish consistent procurement policies throughout the Department
- Ensure all persons doing business with procurement are treated fairly and equitably
- Provide increased economy in procurement activities and maximize the purchasing value of public funds
- Procure, in a cost-effective method, materials and services required by the Department

Laws Governing Procurement

1.4 Title 32.2 Highways, Bridges, and Ferries

§ 32-2-69. Bidding process and award of contract

- a. Except as authorized by Code Sections 32-2-79 and 32-2-80, the Department shall award the contract to the lowest, reliable bidder, maintaining the right to reject any and all such bids whether or not this right is stated in the public notice. In such case, the Department may re-advertise, perform the work itself, or abandon the project.
- b. If only one bid is received, the Department will open and read the bid. If the bid is at, or below the Department's cost estimate for the project as certified by the chief engineer, the cost estimate will be read immediately and publicly. If the bid exceeds the Department's cost estimate for the project, the Department may negotiate with the bidder to establish a fair and reasonable price for the contract, provided the renegotiated contract price is less than the bid, and the Department's cost estimate is disclosed to the bidder prior to the negotiations.
- c. If the Department made errors in the bidding documents, resulting in an unbalanced bid, the Department may renegotiate with the lowest, reliable bidder to correct the errors, provided that the lowest, reliable bid, is unchanged.
- d. If the lowest, reliable bidder is released by the Department because of an obvious error or, if the lowest, reliable bidder refuses to accept the contract, thereby, forfeiting the bid bond, the Department may award the contract to the next lowest, reliable bidder; re-advertise; perform the work itself; or abandon the project.
- e. For purposes of this Code section, posting of a bid on the Department's website shall be equivalent to having read the bid.
- f. In addition to the powers specifically delegated to the Department in this title, the Department shall have the authority to perform all acts that are necessary, proper, or incidental to efficient operation and development of the Department, the state highway system, other modes and systems of transportation; this title shall be liberally construed to that end. Any power vested by law, in the Department, but not implemented by specific provisions for the exercise thereof, may be executed and carried out by the Department in a reasonable manner pursuant to such rules, regulations, and procedures. The Department may adopt and subject to such limitations, as may be provided by law.

1.5 Title 50 Department of Administrative Services

§ 50-5-50. Purposes and policies of part

The underlying purposes and policies of this part are:

- a. Permit the continued development of centralized procurement policies and practices
- b. Control and reduce the cost of purchasing, leasing, renting, or otherwise procuring supplies, materials, services, and equipment through the use of centralized purchasing
- c. Ensure open access for all qualified vendors, to the state's purchasing processes, so as to, achieve the lowest possible costs to the state through effective competition among vendors
- d. Provide for timely, effective, and efficient service to using agencies and to vendors doing business with the state
- e. Ensure the fair and equitable treatment of all persons who deal with the procurement system of the State
- f. Provide for increased public confidence in the procedures followed in public procurement
- g. Provide safeguards for the maintenance of a procurement system of quality and integrity

1.6 Georgia Procurement Manual

The Department of Administrative Services State Purchasing Division issues the Georgia Procurement Manual, the adopted procurement policy for the State. These rules govern purchasing in the state, by State government.

The Department has adopted these rules as procurement best practices under the broad authority of Title 32.

Revisions to Procurement Manual

Revisions to this OP Manual will be publicly posted as a new version. The approved revisions and effective date of the new Manual is the publication date, unless otherwise stated. The Operational Procurement section will announce these revisions to Department personnel and publish a summary. Previous versions of the OP Manual will be archived and maintained according to the State's record retention policies.

Duties of Procurement Personnel

The overall responsibility and role of the Office of Procurement is to determine policy and procedures for all procurement personnel across the Department. This includes GDOT Districts and area offices with procurement staff, responsible for acquiring goods and services under Title 50 and Title 32. The procurement office strives to follow the "Seven Stages of Procurement," widely accepted as best practices.

Specifically, Procurement determines process and procedures that must be used across the Department. These processes and procedures are vetted, tested and communicated to all procurement staff, to maintain compliance with the overall method of procurement, recommended by the Seven Stage process. The Departments of Transportation Internal Audits, Accounts and Audits and Administrative Services also use the Seven Stage process to audit the work of the Procurement Office.

If any changes to the Department process and/or procedures are found to be more streamlined and efficient, then those revisions may be considered by the OP. Revision to processes and/procedures will be communicated to Department-wide procurement staff, to implement.

1.7 General Office

1.7.1 Operational Purchasing Manager/Agency Procurement Officer (APO)

Under limited supervision, serves as an Assistant Office Head with supervisory responsibility for the OP section. The APO assists in the establishment and implementation of Department procurement policies in program areas, according to statutory and professionally accepted standards.

The APO identifies, adopts and implements best practices in the field of procurement for the Department's operational purchasing groups. The APO directs purchasing groups to procure products and/or services based on quality standards and specifications that meet needs and results in efficiencies and cash-releasing savings to the Department. Advise District and area office procurement staff, on recruiting and hiring individuals with appropriate knowledge, skill and ability.

Additional APO responsibilities include:

- Identify areas of large-spending to leverage price and to create efficient and viable contracts.
- Develop enterprise contracting and monitor purchasing activities complying with applicable laws, rules, regulations, policies, procedures, and ethical standards.
- Regularly review daily practices to identify possible areas for improvement, focused on maintaining an effective and efficient program.
- Identifies issues and potential solutions through process and/or program changes and implements these solutions.
- Ensures procurement officers are in compliance with applicable laws, rules, regulations, policies, procedures and standards.

1.7.2 Procurement Management

1.7.2.1 Operations and District Acquisition Manager

Under minimum supervision, assists with overall implementation specific to the operations of the Department. This includes revisions to acquisitions and ITB procedures used statewide. May also create new acquisition processes or/and procedures to be used statewide. Attends interviews for District and office procurement personnel. May have signing authority in the absence of the APO, if designated by the APO. Signatory authorization excludes sole source justification, and documents associated with term contracts.

1.7.2.2 Acquisitions Manager

Under minimum supervision, assists with daily operations for the entire acquisitions team. Balances workloads between staff members. Monitors all requisitions for the entire agency. Reviews and approves/denies all district requisitions over \$10k for all district and area offices. Create procedural manuals for all purchasing personnel for TGM. Training GO and district staff on PeopleSoft and acquisition procurement procedures. Makes decisions for the Department on purchasing procedures. Manages the Operational Section in the absence of manager. Answers procurement questions from every office in the Department whether in procurement or requesters. Implements new procedures to create procurement efficiencies for the Department. Manages all temporary service contracts.

1.7.2.3 Contracts Manager

The Contract Manager establishes procedures for implementing and managing contracts for the Department's operational purchasing. Determines appropriate procurement strategies for solicitations that acquire goods and services contracts with multiple years. Oversees contract amendment, renewals and extensions. May have signing authority in the absence of the APO, if

designated by the APO. Signatory authorization of documents associated with the acquisition process.

a. Assistant Contracts Manager

Under minimum supervision, the Assistant Contracts Manager assists with managing the functions of the Department's contract section and other assigned duties. Performs research, spend analysis and prepares specifications/Scope of Work and other requirements to support the development and implementation of complex solicitations that include RFPs, RFIs, RFQs, RFQCs and REIs for commodities and/or services. Responsible for the administration of contracts for contracts' life cycle. Prepares contracts, renewals and amendments in compliance with federal and state laws, rules and regulations. Responsible for maintaining working knowledge of procurement rules and regulations to ensure compliance with O.C.G.A. Title 32 and Title 50 as well as FTA, FHWA, FAA and other regulatory requirements. Serves as lead person that assists contract specialists and provides supervision in absence of Contracts Manager.

1.7.2.4 Contract Development Liaison

Under minimum supervision, the Contract Development Liaison interfaces with the requesting office or end-user in the development of new contracts. Typically, these contracts are highly complex in nature. Performs research, spend analysis and prepares specifications/Scope of Work and other requirements to support the development and implementation of complex solicitations to include RFPs, RFIs, RFQs, RFQCs and REIs for commodities and/or services. Prepares contracts and may execute renewals and amendments in compliance with federal and state laws, rules and regulations. Responsible for maintaining working knowledge of procurement rules and regulations to ensure compliance with O.C.G.A. Title 32 and Title 50 as well as FTA, FHWA, FAA and other regulatory requirements. May serve as lead person that assists contract specialists with complexities associated with existing contracts.

1.7.3 Acquisitions Team Procurement Staff

1.7.3.1 Acquisitions Specialist

The Acquisitions Specialist issues POs from negotiated contracts, sole source postings and awards, posting of bids for one-time purchases, receipting of PO award of bids for one-time purchases. Develops bid packages, initiates and manages bid process according to established procedures, professional standards and awards solicitations. Manages bid challenges according to procedures established by DOAS and those established under Title 32. Interview suppliers to obtain information concerning products, price, delivery, and payment terms. Establishes and maintains maintenance, lease, service and other minor contracts. Monitor performance of assigned contracts for various services, supplies and/or equipment compliance with state, federal and department guidelines. Researches and evaluates new supplies and equipment, reviews bid proposals from vendors and award orders. May supervise and/or provide technical assistance to procurement staff or end users.

1.7.4 Contracting Team Procurement Staff

1.7.4.1 Contract Specialist I

- Review, revise and create specifications for RFQs, RFQCs, RFIs and sole source solicitations that result in multi-year contract awards. Conduct market research and perform market analysis.
- Conduct pre-bid conferences
- Maintain working knowledge of state and federal regulations to ensure compliance with procuring and contracting for goods and services

- Serve as Contract Administrator responsible for managing multi-year contracts for the life cycle of the contracts. Initiates the contract renewal process and ensure contractor's continued compliance with Department, state and federal annual requirements (i.e. contract assessment report, tax compliance, state debarment, federal debarment, insurance requirements)
- Serves as point-of-contact to address contractor and/or end user contract issues
- Initiates documents for amendment of contracts
- Develop Contract Administration Plans for service contracts, where appropriate and facilitate kickoff meetings with District staff and contractors
- Assist District and Area Office procurement staff with the execution of contracts required with value less than \$25,000
- Assist with compiling District and Area Office renewal and amendment documents for review and approval by Contracts Manager
- Research, analyze and make recommendations for contractor's that request economic cost adjustments during contract renewal periods.

1.7.4.2 Contract Specialist II

- Review, revise and create specifications/Scope of Work for RFQs, RFQCs, RFPs, RFIs/ Expression of Interest and sole source solicitations that result in multi-year contract awards.
- Conduct market research and perform market and price analysis
- Conduct pre-bid conferences
- Maintain working knowledge of state and federal regulations to ensure compliance with procuring and contracting for goods and services
- Serve as Contract Administrator with responsibilities for managing the multi-year contracts for the life cycle of the contracts. Initiates the contract renewal process and ensure contractors continued compliance with Department, state and federal annual requirements (i.e. contract assessment report, tax compliance, state debarment, federal debarment, insurance requirements)
- Serves as point of contact to address contractor and/or end users contract issues
- Coordinate and facilitate evaluation meetings for RFPs
- Develop Contract Administration Plans for service contracts, where appropriate, and facilitate kickoff meetings with District staff and contractors
- Provide value-added technical and contractual assistance to internal and external customers
- Conduct market research and perform market analysis
- Serve as team leader, assisting Contract Specialist I and District/Area Office staff
- Research, analyze and recommend contractors that request economic cost adjustments during contract renewal periods

1.8 District Procurement Staff

1.8.1 District Procurement Manager

Under general supervision, the District Procurement Manager develops, coordinates and monitors the district purchasing, contract and bidding process throughout the procurement cycle. Supervises and plans the work of assigned staff. Plans and executes procurement strategies designed to maximize customer satisfaction and minimize costs. Develops and maintains effective working relationships with internal and external stakeholders. Manages and directs work of procurement officers. Monitors the procurement card process. Serves as subject matter expert for procurement related issues. Responsible for a quarterly compliance review at the district level. May support the OGC strategic sourcing team in more complex solicitations. Participates in procurement application projects. Adopts and utilizes new procurement application software, programs, and methodologies to support the strategic sourcing process. Participates in pilot projects. Provides training and communicates policies and information

pertinent to purchasing as appropriate to end-users/suppliers. Develops and applies professional knowledge of the procurement field to include the GPM and related rules and regulations. Develops an awareness and understanding of legal implications and potential problems. Attends appropriate training.

The DPM reports to the APO or designee for all procurement policy, procedures and processes. All administrative items, i.e. sick leave, scheduling vacation, etc. will be reported to the District Administrative Officer.

1.8.2 District Procurement Officer

Under the District Procurement Manager's supervision, the District Procurement Officer serves as a working level procurement/sourcing specialist. Provides professional level category support in a variety of procurement activities. Participates in on-going category and vendor performance management. Responsible for supporting purchasing activities in a support function.

Purchases supplies, equipment or services necessary for District operations. Participates in the vendor response evaluation process. May develop bid evaluation documents. Conducts analysis of vendor responses. May support the OGC strategic sourcing team in more complex solicitations. Participates in procurement application projects. Adopts and utilizes new procurement application software, programs, and methodologies to support the strategic sourcing process. Participates in pilot projects. Provides training, communicates policies and information pertinent to purchasing and appropriate to end users/suppliers. Develops and applies professional knowledge of the procurement field to include the GPM and related rules and regulations. Develops an awareness and understanding of legal implications and possible complications. Attends appropriate training.

1.9 Procurement Personnel Responsibility

The following defines the duties and expectation of procurement staff located in OGC, District and area offices.

1.9.1 Professional Conduct

Procurement personnel are responsible for upholding the principles outlined in this manual as well as those outlined in the GPM and pertinent federal guidelines.

1.9.2 Professional Development

GDOT requires all procurement professionals to obtain Georgia Certified Purchasing Associate certification. Procurement professionals shall continue to seek out continuing education and professional associations that will provide opportunities for increased procurement knowledge.

1.9.3 District Purchasing Authority

District Purchasing Authority will be determined by the Operational Purchasing Manager/APO. The DPA for all districts will be set at \$24,999.99. Depending on the purchasing compliance, and the state certification status of all procurement staff of each district or area office, the DPA may increase or decrease.

In the event there is a personnel change specific to the District Procurement Manager, the District DPA will be decreased to \$9,999.99 until the following occurs:

- Obtain GCPA within the designated timeframe determined in this manual.
- Review and audit of procurement functions/tasks to include but is not limited to; Purchase Orders, Invitation to Bids, Purchase Order receipting, etc. The audit will be ongoing to ensure compliance until such time as the Operational Purchasing Manager/APO determines that the increase to the DPA can

occur. The increase may be incremental and is not to be construed as an increase to the highest possible bid threshold as determined by the state purchasing bid threshold.

a. Purchases of Commodities and Services

- If a purchase is less than \$5,000 the Buyer may proceed to make the purchase by entering a requisition.
- If the purchase is at least \$5,000, but less than \$10,000, the Buyer should make every effort to receive three (3) quotes to support the purchase and enter a requisition.
- If the purchase is at least \$10,000, but less than \$25,000, the Buyer must obtain three (3) quotes to support the purchase. All quotes and Scope of Work must be attached to the requisition. Requisition will be routed to GO for approval.

Exception: Any service related contract, regardless of dollar value, must be routed to the GO to determine appropriate contract or documentation to affix to PO. For any services that require a contract, the GO will assist with routing the contract through the CATS system for execution.

- Equipment Repair—Repairs to equipment valued at least \$5,000, but less than \$10,000, no attached quotations are required to be submitted with requisition. The requisition will be routed to the Acquisitions Manager. Repairs at or exceeding the dollar threshold for the Office of Equipment Management, requires an authorization.

b. Invitations to Bid

The District Procurement Manager issues an “Invitation to Bid” through an RFQC solicitation. Qualified suppliers from this solicitation sign a Master Maintenance Services Agreement with GDOT or the Routine Maintenance Pre-Qualification Selection Committee publishes a listing of contractors. ITBs are bids, which are publically advertised on the Georgia Procurement Registry, and do not have a dollar value that falls under the Districts DPA parameters.

The ITB receives pricing for contracts that are awarded through the RFQC process and. ITB’s are provided to only those qualified contractors that have an executed MMSA contract. The DPM will initiate the ITB through submission of the RFQ through Team Georgia Marketplace™, attaching the appropriate forms as specified in the Contract Administration Plan. The ITB cannot be awarded until the information requested and received from the qualified contractors is submitted to the State Maintenance Office for review and approval, if the award value exceeds \$749,999.99. Once the SMO approval has been received, submission to OGC shall be determined based on contracts usage. Approved ITBs with an award value exceeding \$1.5 million must be submitted to OGC Contracts email box for review and approval; information also must be entered into the Department’s CATS database for signature routing.

NOTE: Some RFQC’s require a Performance and Payment bond in the amount of 120% of the submitted RFQ. It is essential that the DPM reads and understands the associated CAP for compliance of this requirement.

1.9.4 Fiduciary Duty

GDOT procurement personnel at OGC, District and area offices with procurement staff are responsible for ensuring that all necessary goods and services are procured in an efficient and cost-effective manner, with a goal to gain and retain public trust. Staff must develop contracts that secure a fair and reasonable price, and avoid waste on the part of GDOT.

1.9.5 Supplier Relationships

Procurement staff are responsible for developing positive relationships with suppliers, avoiding the appearance of favoritism or any unethical conduct. This includes business relationships with suppliers,

who are related or who staff may know personally, to avoid conflict of interest. Additional information regarding ethics is located on the GDOT Intranet under policies and procedures and [the State Inspector General](#) website.

1.9.6 Ethical Conduct

OGC, District and area office procurement staff must be ethical in all aspects of their position. Staff may not provide special favors or privileges, paid or unpaid. Staff may not accept for themselves, or their families, favors or benefits under circumstances that may be construed as influencing the performance of their duties. Staff may not use confidential information divulged to them while performing these duties and as a means to profit personally. They may not make promises for personal gain and outside the confines of the Department that may infringe upon the duties of the office. A government employee cannot infringe upon the rights of the Department for his/her own personal gain such as personal work unrelated to the Department.

Procurement staff should avoid any actions, relationships, or business transactions that conflict with the Department's interests or create conflicts of interests that taint the procurement process, the reputation of the Department and the State of Georgia. All professionals must comply with the Department's guidelines on reporting outside employment.

Additionally, procurement staff may not, at any 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. Procurement staff must comply with the Department's gift policy and be mindful of the Governor's Executive Order about accepting personal gifts, favors or gratuities.

1.9.6.1 Improper Relationships with Suppliers

O.C.G.A. 45-10-20, Code of Ethics describes conduct that is ethically unacceptable and, in certain instances, unlawful for public officials or employees who enter into business agreements. All suppliers and Department staff are expected to comply with the provisions set forth in the code.

1.9.6.2 Additional Unlawful Actions

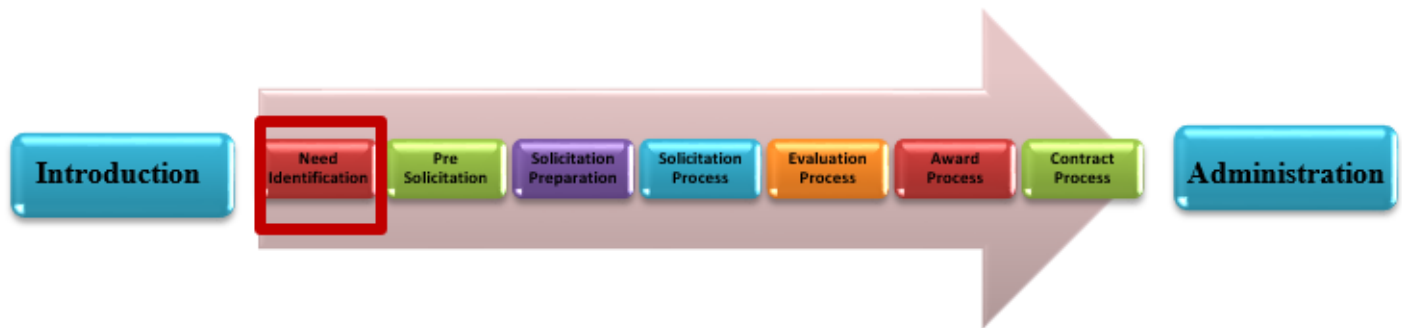
- a. **Collusion-** O.C.G.A. section 16-10-22
- b. **Bribery-** O.C.G.A. Section 16-10-22
- c. **Financial Interests -**O.C.G.A. 50-5-78
- d. **Individual Ownership -**O.C.G.A. 50-5-80
- e. **Purchases Contrary to Procurement Rules-** O.C.G.A 50-5-79

1.10 Public Information

Solicitations are publicly advertised as per procurement requirements. Records related to the procurement will be made available to the public according to the guidelines required by the State Purchasing Act and the O.C.G.A. The public can access this information in accordance with the guidelines set forth in the O.C.G.A. Section 50-18-70 through Section 50-18-77.

Stage 1: Need Identification

The following section defines policies and procedures that identify the need for procurement. The purchasing process begins with identification of the need and the submittal of a Requisition. This request can be for a one time buy, a purchase off of an existing contract, or for the creation of a contract.



2.1 Need Identification Steps

- Identifying the need for the purchase or contract
- Exemptions
- Order of Precedence
- Solicitation
- Approvals

TABLE 2 – Stage 1 Forms

| <u>Form #</u> | <u>Title</u> | <u>GDOT</u> | <u>DOAS-SPD</u> |
|---------------|---|-------------|-----------------|
| SPD-NI004 | Emergency Justification Form | | ✓ |
| SPD-NI005 | Statewide Contract Waiver Request | | ✓ |
| SPD-NI006 | Piggyback Request | | ✓ |
| SPD-NI007 | Notice to Utilize Consortium Contract or Cooperative Purchasing Agreement | | ✓ |
| GDOT-NI101 | Fact Finding Checklist | ✓ | |
| GDOT-NI102 | Request for Emergency Authorization | ✓ | |

2.2 What is needed and when

OP staff conduct a variety of purchasing tasks. Tasks include developing and implementing contracts, as well as purchasing commodities and/or services from pre-negotiated contracts.

- Purchases from an existing contract, a Team Georgia Marketplace requisition is required.
- If a contract does not exist, a proper solicitation may be conducted to generate an executed contract for that commodity or service. However, before engaging OGC, a Fact-Finding Checklist must be completed and submitted to the operational purchasing mailbox at OpPurch@dot.ga.gov.

Once the Checklist has been submitted, procurement will contact the end-user and schedule a meeting or conference call to discuss the details of the purchase request. In this meeting, staff will ask the end-user to provide documentation regarding needs that describe the ending result or purpose of the procurement (*i.e.* scope of work, specifications).

2.2.1 Exemption

GDOT has been granted partial exemption from the State Purchasing Act. Construction and/or Public Works Contracts as defined by GPM Section 1.3.6.1.-Construction or Public Works. The exemption does not apply to “materials only” contracts. In addition to the exemptions specific to GDOT, there are also additional exemptions identified based on National Institute of Governmental Purchasing (NIGP) codes. A list of these codes can be found on DOAS website at [NIGP Exempt List](#). **Note:** *These exemptions do not preclude GDOT from utilizing statewide contracts or engaging in necessary activities to properly solicit for goods and services.*

2.2.2 Intergovernmental Agreements (IGA)

GDOT is authorized to enter into intergovernmental agreements as per the Georgia Constitution. Any request for consideration of an intergovernmental agreement is authorized only by the Agency Procurement Officer or his/her designee.

2.2.3 GDOT Emergency Purchase Request

A request for emergency purchasing authorization may be appropriate in some instances. This authorization is given only when detailed information is provided by the requestor. The authorization is given by the APO or designee.

Procedures for what establishes an emergency can be found in the GPM. GDOT requires staff to provide:

- a. Detailed description of the emergency, which highlights the impact on the safety and wellbeing of the traveling public and/or state owned property.
- b. Information must be provided in a written format via the Request for Emergency Authorization Form and authorized by the following positions:
 - I. District Maintenance Engineer or designee
 - II. State Maintenance Engineer or designee
- c. Submittal of the Emergency Authorization Request form is sent to the APO for further processing and may be submitted electronically.
- d. Upon receipt of the Emergency Authorization Request, the APO will review and provide an Authorization number with an expiration date for usage. Once the requester has received this authorization, they may move forward with addressing the emergency.
 - I. Exceptions to the above exist when the emergency occurs:
 - i. Holiday or weekend – address and correct the emergency then send the Emergency Authorization Request to the APO on the next business day.
 - ii. Quick Response – when the emergency occurs under this definition as provided by the State Maintenance Office, this process does not apply. Contact the State Maintenance Office for further instruction.

Note: *If the value of the emergency is less than the current bid threshold, then the DPM may obtain quotations and issue a purchase order to address the emergency. The purchase type must indicate OPM. It is best practice to obtain 3 quotes where allowable to ensure best pricing.*

2.3 Federal and/or Private Funds

The receipt of federal funds requires compliance with federal regulations. The use of federal funds does not negate the requirement of the state rule/law. If a conflict should arise, the APO will work with State Purchasing Department to resolve the conflict. The use of private funds does not exempt GDOT from following the State Purchasing Act or the rules of competitive bidding.

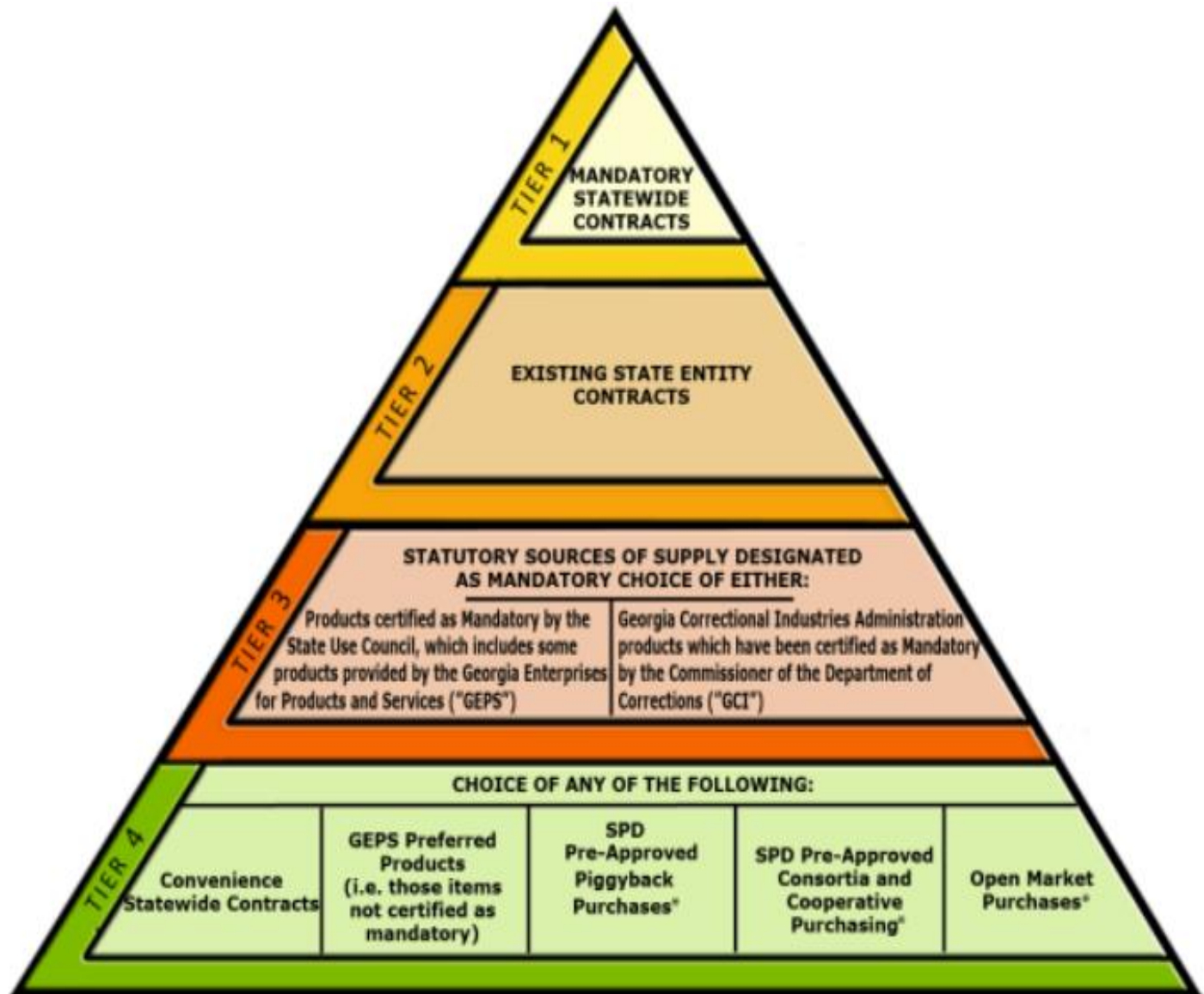
2.4 Order of Precedence

If it is determined that the goods or services are not exempt from the State Purchasing Act or competitive bidding requirements, procurement personnel must follow the Order of Precedence. No matter the cost of the procurement, this order must be followed. Except the circumstances previously mentioned compliance with the Order of Precedence is mandatory. If procurement determines that the needed good/service is not exempt from the State Purchasing Act, they must follow the below order (*see diagram 1*):

- a. Tier 1 mandatory statewide contracts
- b. Tier 2 (existing state entity contracts)
- c. Tier 3 (statutory sources)
- d. Tier 4
 - I. Convenience statewide contracts
 - II. GEPS products
 - III. Piggyback purchases
 - IV. Open market

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Diagram 1



* In the event a state entity term contract is established, then the resulting contract will be considered a Tier 2 state entity contract for purposes of applying the Order of Precedence for future purchases.

2.4.1 Tier 1 – Mandatory Statewide Contracts

SPD establishes all statewide contracts for use by state entities as appropriate. By aggregating common purchasing needs of state entities, SPD can establish the most competitive levels of pricing and services for the state as a whole. Only mandatory statewide contracts are included in Tier 1 of the Order of Precedence. In the event a statewide contract has been designated by SPD as mandatory, all state entities must use the mandatory statewide contract unless SPD grants a written waiver. See Section 1.3.1.1. - Waivers for instructions to request a waiver for the use of mandatory statewide contracts. In the event there is more than one mandatory statewide contract meeting GDOT's need, it may freely choose amongst the mandatory statewide contracts unless SPD specifically instructs otherwise. Purchases from mandatory statewide contracts are not limited by dollar amount or GDOT's delegated purchasing authority. Procurement professionals may view a list of current statewide contracts by accessing SPD's website. [Statewide Contract Index](#)

2.4.1.1 Waivers

Statewide Mandatory Contracts: GDOT must use mandatory statewide contracts. There may be cases where a commodity or service currently available on a mandatory statewide contract can have the price significantly lowered, by using a supplier not authorized on the SWCM. GDOT can request they are granted a waiver from SPD. Waiver approval will be limited to requests that have a specified time frame and/or dollar value. GDOT must provide justifiable reasons including but not limited to:

- GDOTs ability to pay
- Cost
- Delivery time, or
- Compatibility with existing state entity needs.

Waiver requests for DOAS Statewide Contracts must be made using [SPD-NI005 Statewide Contract Waiver Request](#) and submitted by the APO.

- a. Complete the form and submit to OpPurch@dot.ga.gov
- b. After a review and validation of information, the APO will submit the form with signature to SPD
- c. SPD will respond to the request in writing with five (5) business days from date of receipt
- d. If GDOT is granted the waiver, it must be maintained as part of the file. **Note:** waivers do not relieve GDOT from the established bidding requirements. Waivers granted are for the established approved time.

****** Waivers to mandatory statewide contracts do not relieve the state entities of any bidding requirements. The waiver process is not applicable to convenience statewide contracts.

Agency Contract Waivers: Occasionally products that are available on an agency contract may not be readily available for specific reasons such as, if the location is outside of the delivery area and the quantity needed is not available, a waiver may be requested to go off contract. For authorization, the request is made through email and provided to the procurement office at the district or area office. This request is then sent through email to the Department's APO from the District Procurement Manager or Procurement Officer for an area office, which provides an explanation justifying a waiver from an existing agency contract. The email must include the agency contract number, contract holder's name, quantity, dollar amount, project ID or location where the material will be used, and the duration length of the waiver requested. After review,

the APO or their designee will provide an authorization number which is entered on the purchase order.

Generally, the authorization is for a one-time purchase. However, depending on the nature of the project, ongoing need for the specific project, the authorization may be contemplated for a specific time frame. If it is anticipated that the project will be ongoing, then this information is to be included in the initial request for authorization.

2.4.2 Tier 2 – Existing State Entity Contracts

Existing contracts held by GDOT represent the Tier 2 of the Order of Precedence. GDOT must purchase goods/services that are available on existing contracts for that particular state entity. Any deviation from such contracts must be documented and approved by the APO. Some state entity contracts may exist at the time SPD awards a new mandatory statewide contract. In this case, GDOT may continue to use the existing state entity contract; however, GDOT should also promptly notify SPD of the existing state entity contract and work with SPD to transition to the new mandatory statewide contract, as appropriate and expeditiously as possible. GDOT APO must notify the SPD staff, listed as the main contact for the specific mandatory statewide contract and on the list of statewide contracts. Another example of when GDOT may have a state entity contract at the same time a mandatory statewide contract is in effect: GDOT may have developed a new contract as a result of SPD's grant of authority, responding to GDOT's written waiver request. The establishment of new state entity contracts is subject to the competitive bidding requirements of the State Purchasing Act and the limits of GDOT's delegated purchasing authority.

2.4.3 Tier 3

2.4.3.1 Georgia Correctional Industries Administration (GCI)

In accordance with (O.C.G.A.) Section 50-5-73, the Commissioner of the Department of Corrections may certify certain products or services provided by GCI as "available and of competitive quality and price." Only goods and services identified to SPD as certified in accordance with this section are considered to be in Tier 3 of the Order of Precedence. A list of certified products/services may be viewed by accessing the [GCI Certified Products and Services List](#). These purchases are not subject to dollar limits or GDOT's delegated purchasing authority. Although only goods and services certified in accordance with this section are considered to be in Tier 3 of the Order of Precedence, state entities are authorized to contract with GCI for needed goods and services pursuant to an intergovernmental agreement as described in Section 2.2. Intergovernmental Agreements.

2.4.3.2 Georgia Enterprises for Products and Services (GEPS)

The State Use Law set forth at (O.C.G.A.) 50-5-135 et seq. is intended to create opportunities for disabled persons employed by community-based rehabilitation programs and training centers certified by the State Use Council. In order to effectuate the purposes of the State Use Law, SPD and the State Use Council have agreed that, unless specifically identified as a "preferred source" by SPD and the State Use Council, the goods and services identified on the State Use Procurement List are mandatory sources. And state entities are required to purchase such items at the prices stated pursuant to (O.C.G.A.) Section 50-5-136(b)(2). Only goods and services identified as mandatory are considered to be in Tier 3 of the Order of Precedence. A copy of the current [State Use Procurement List](#) showing both mandatory and preferred sources provided by GEPS, which may be amended from time to time, can be found on SPD's website.

2.4.4 Tier 4

2.4.4.1 Convenience Statewide Contracts

Any statewide contract that has not been designated by SPD as a mandatory statewide contract (as further described in Tier 1 of the Order of Precedence) is a convenience statewide contract. State entities may, but are not required to, use a convenience statewide contract. However, SPD and GDOT strongly encourages the use of convenience statewide contracts because they offer several benefits to GDOT. They save time when procuring goods and services while ensuring compliance with procurement rules.

2.4.4.2 Preferred Products

There are certain products available to the Department on an optional basis through Georgia Enterprises for Products and Services. These products have been designated by the State Use Council and DOAS SPD as "preferred sources" at the prices stated in the State Use Procurement List found on the DOAS website. A copy of the current State Use Procurement List showing both mandatory and preferred sources, which may be amended from time to time, can be found on SPD's website. Purchases of preferred products are not limited by dollar amount or the state entity's delegated purchasing authority.

2.4.4.3 Piggyback Purchases

Piggyback purchasing allows the Department as the issuing state agency and the awarded supplier to agree to open up the contract for use by other state and local governments, providing the solicitation includes the option and the supplier agrees to honor the contract terms. Meaning that, the supplier must offer other state and local governments the same prices, terms and conditions.

Further, the Department may be allowed to use another state government contract with the prior written approval of the State Purchasing Division Deputy Commissioner. This may be requested using form SPD-NI006 Piggyback Request. All state entities, including the Department, are prohibited in using another state entity's contract without SPD authorization. However, for services determined to be under Title 32, the Department may proceed without the purview of DOAS. In reviewing the request for approval of a piggyback purchase, the State Purchasing Division Deputy Commissioner, will consider the amount of the piggyback purchase request relative to the expected purchases on the existing state entity contract. All state entities that are given permission by the State Purchasing Division Deputy Commissioner to use another state entity's contract, must carefully track their spend against the contract to ensure that the total dollar amount of purchases does not exceed the approved amount permitted on the approved Piggyback Request. This spend should include purchases made with purchase orders and/or P-card transactions.

2.4.4.4 Consortia or Cooperative Purchasing

In accordance with (O.C.G.A.) Section 50-5-51, DOAS has both the authority and duty to canvass all sources of supply to establish contracts for needed goods and services, as well as enter into or authorize agreements with private nonprofit organizations, other states and their political subdivisions. Pursuant to this authority, DOAS may enter into and/or authorize state entities to enter into contracts with sources of supply established pursuant to competitive bidding conducted by other governmental entities or cooperative purchasing groups. However, prior to DOAS designating a supplier approved by a consortium or purchasing cooperative as an authorized source of supply, the Department must publicly advertise its intent to contract with the consortium-approved/cooperative-approved supplier in accordance with the following

procedures: The procurement professional at the Department's central office must complete the steps outlined in Table 1.7 below prior to finalizing a consortium or cooperative purchase.

| SPD - Table 1.7 Conducting a Consortia or Cooperative Purchase | |
|---|--|
| 1:ConductMarket Research | To determine the appropriateness of a consortia or cooperative purchase, research must be conducted to determine, if other goods or service providers exist and can satisfy procurement requirements at the same or better value. |
| 2:Prepare Consortium or Cooperative Purchase Justification | The procurement professional must complete form SPD-NI007. |
| 3: Estimate Expected Contract Value and Route to SPD as needed | <p>The procurement professional must estimate the expected contract value to determine whether the consortium or cooperative purchase is within the Department's delegated purchasing authority for purchases under Title 50 or 32.</p> <ol style="list-style-type: none"> In the event the Department's delegated purchasing authority varies depending on the type of solicitation, the procurement professional should use the authority amount for the RFQ process unless the State Purchasing Division Deputy Commissioner has specified a delegated purchasing authority specific to the consortium/cooperative procurement process. If the value of the consortium or cooperative purchase exceeds the Department's delegated purchasing authority, the Department must either submit the consortium or cooperative purchase to SPD for processing or request SPD's approval to process the consortium or cooperative purchase posting by submitting to SPD a one-time request to exceed delegated purchasing authority as described in Section 2.5.2. One-Time Request to Exceed Delegated Purchasing Authority. |
| Step 4: Post Public Notice | <ul style="list-style-type: none"> The procurement professional must provide public notice of the intended consortium or cooperative purchase or contract through a posting to the GPR. The purpose of publicizing the intended consortium or cooperative purchase is to allow suppliers to identify of non-profit or governmental entity who awarded the contract or agreement, date the consortium contract or cooperative purchasing agreement was awarded, name and number of the consortium contract or cooperative purchasing agreement, explain if the consortium contract or cooperative purchasing agreement was competitively bid and if so, how it was bid, supplier(s) to whom the consortium contract or cooperative purchasing agreement was awarded, supplier(s) the entity will be using under the contract, |

| SPD - Table 1.7 Conducting a Consortia or Cooperative Purchase | |
|---|--|
| | <ul style="list-style-type: none"> • detailed description of the goods/services to be purchased including the exact quantities, • estimated or fixed dollar value of the goods/services to be awarded utilizing the consortium contract/cooperative purchasing agreement (including unit prices, if applicable, and total contract award value), • reason for utilization of the consortium contract/cooperative purchasing agreement, • the completed form SPD-NI007 Notice to Utilize Consortium Contract or Cooperative Purchasing Agreement justification, and • instructions to interested suppliers to file any challenges to the consortia/cooperative purchase in accordance with SPD's established process for resolving protests for Title 50 procurements only. <p>The published notice serves as the Department's Notice of Intent to Award. In addition, during the development of the GPR posting, the procurement professional must select appropriate NIGP Codes™ to facilitate advertisement of the intended consortia/cooperative purchase.</p> |
| Step 5: Invite Market Response | <p>The GPR posting must include the following:</p> <ul style="list-style-type: none"> • a detailed description of the goods/services to be purchased including the exact quantities, • estimated or fixed dollar value of the goods/services to be awarded utilizing the consortium contract/cooperative purchasing agreement (including unit prices, if applicable, and total contract award value), • reason for utilization of the consortium contract/cooperative purchasing agreement, • the completed form SPD-NI007 Notice to Utilize Consortium Contract or Cooperative Purchasing Agreement justification, and • instructions to interested suppliers to file any challenges to the consortia/cooperative purchase in accordance with SPD's established process for resolving protests. <p>The published notice serves as the state entity's Notice of Intent to Award. In addition, during the development of the GPR posting, the procurement professional must select appropriate NIGP Codes™ to facilitate advertisement of the intended consortia/cooperative purchase.</p> |
| Step 6: Complete Protest Process | <p>In the event a supplier is capable of providing the needed goods/services at the same or better value, the supplier must file a protest with the State Purchasing Division Deputy Commissioner prior to the close of the consortia/cooperative notice. Any such protest will be resolved by DOAS, for Title 50, in accordance with the provisions provided in the GPM.</p> |
| Step 7: Contract Award | <p>In the event the consortia/cooperative procurement is not successfully challenged, the state entity may proceed directly to contract award. The state entity must complete SPD-</p> |

| SPD - Table 1.7 Conducting a Consortia or Cooperative Purchase | |
|---|--|
| | AP005 Notice of Award, indicating the contract award amount, and post it directly to the GPR . |

A sample public announcement to be included to the GPR for the consortia/cooperative GPR posting is provided below:

The Department is providing public notice of its intent to award a contract to [Insert Name of Consortia/Cooperative] to provide [Insert Description of Goods/Services]. [Insert Name of Consortia/Cooperative] has been identified as the supplier for this purchase for the reasons stated in the attached Consortia/Cooperative Justification Form. Any supplier capable of providing the identified goods/services for at the same or better value, for Title 50 procurements only, may challenge this determination by filing a written protest for Title 50 only, with the Deputy Commissioner of the State Purchasing Division (SPD) in accordance with the protest procedures outlined in [Section 6.5. Step 4 – Supplier Participates in Protest Process](#). The protest must be received prior to the closing date and time identified herein.

2.4.4.5 Open Market Purchases

In Tier 4 of the Order of Precedence, the Operational Procurement Manager/APO may elect to go to the open market to identify a source of supply for the needed good or service. If it is determined an open market purchase is the appropriate purchasing method under Tier 4 of the Order of Precedence, the item must be purchased through competitive bidding procedures as described in Sections 2 through 7 of this manual. If the good/service can be purchased for less than \$25,000, the Department may purchase without competitive bidding pursuant to OCGA 50-5-69*. Although competition is not required for purchases under \$25,000, SPD recommends the comparison of products and prices from at least three suppliers, including any applicable convenience statewide contracts, prior to ordering. Otherwise, all purchases made by a state entity should be based on competitive bidding whenever possible. GDOT may not split reasonably foreseeable or related purchases into two or more transactions for the purpose of circumventing the \$25,000 purchasing requirement. Purchases made without competitive sealed bidding, even if allowable under the Purchasing Act, are not eligible for the conflict of interest safe harbors provided in OCGA 45-10-20 et seq. when transacting business with a business in which a state employee or state official has a “substantial interest.” A state entity can only purchase from a business, in which a public official has a substantial interest, by seeking competitive sealed bids as set forth in OCGA 45-10-20 et seq. or by purchasing from statewide contracts, established by competitive sealed bidding.

| SPD - Table 1.7 Conducting a Consortia or Cooperative Purchase | |
|---|--|
| Step 1: Conduct Market Research | To determine the appropriateness of a consortia or cooperative purchase, research must be conducted to determine if other goods or service providers exist and can satisfy procurement requirements at the same or better value. |
| Step 2: Prepare Consortium or Cooperative Purchase Justification | The procurement professional must complete form SPD- NI007. |

| SPD - Table 1.7 Conducting a Consortia or Cooperative Purchase | |
|---|--|
| Step 3: Estimate Expected Contract Value and Route to SPD as needed | <p>The procurement professional must estimate the expected contract value to determine whether the consortium or cooperative purchase is within the state entity's delegated purchasing authority.</p> <ul style="list-style-type: none"> In the event the state entity's delegated purchasing authority varies depending on the type of solicitation, the procurement professional should use the authority amount for the RFQ process unless the State Purchasing Division Deputy Commissioner has specified a delegated purchasing authority specific to the consortium/cooperative procurement process If the value of the consortium or cooperative purchase exceeds the state entity's delegated purchasing authority, the state entity must either submit the consortium or cooperative purchase to SPD for processing or request SPD's approval to process the consortium or cooperative purchase posting by submitting to SPD a one-time request to exceed delegated purchasing authority as described in Section 2.5.2. One-Time Request to Exceed Delegated Purchasing Authority. |
| Step 4: Post Public Notice | <p>The procurement professional must provide public notice of the intended consortium or cooperative purchase or contract through a posting to the GPR. The purpose of publicizing the intended consortium or cooperative purchase is to allow suppliers to challenge a cooperative or consortium purchase prior to contract award if suppliers believe and can document that they also meet the requirements of the potential cooperative or consortium purchase at the same or better value.</p> <p>The total posting period for a consortium or cooperative purchase notice is determined by the estimated contract value. If the estimated contract value is \$25,000 - \$249,999.99, the notice is to be posted for a minimum of five (5) business days. If the estimated contract value is \$250,000 or greater, the notice is to be posted for a minimum of fifteen (15) calendar days.</p> |

| SPD - Table 1.7 Conducting a Consortia or Cooperative Purchase | |
|---|---|
| Step 5: Invite Market Response | <p>The GPR posting must include the following:</p> <ul style="list-style-type: none"> • Identify of non-profit or governmental entity who awarded the contract or agreement, • Date the consortium contract or cooperative purchasing agreement was awarded, • Name and number of the consortium contract or cooperative purchasing agreement, • Explain if the consortium contract or cooperative purchasing agreement was competitively bid and if so, how it was bid, • Supplier(s) to whom the consortium contract or cooperative purchasing agreement was awarded, • Supplier(s) the entity will be using under the contract, • Proposed State Entity Contract term (including renewals, if applicable), • A detailed description of the goods/services to be purchased including the exact quantities, • Estimated or fixed dollar value of the goods/services to be awarded utilizing the consortium contract/cooperative purchasing agreement (including unit prices, if applicable, and total contract award value), • Reason for utilization of the consortium contract/cooperative purchasing agreement, • The completed form SPD-NI007 Notice to Utilize Consortium Contract or Cooperative Purchasing Agreement justification, and • Instructions to interested suppliers to file any challenges to the consortia/cooperative purchase in accordance with SPD's established process for resolving protests. <p>The published notice serves as the state entity's Notice of Intent to Award. A sample notice is provided in Table 1.8. below. In addition, during the development of the GPR posting, the procurement professional must select appropriate NIGPCodes™ to facilitate advertisement of the intended consortia/cooperative purchase.</p> |
| Step 6: Complete Protest Process | In the event a supplier is capable of providing the needed goods/services at the same or better value, the supplier must file a protest with the State Purchasing Division Deputy Commissioner prior to the close of the consortia/cooperative notice. Any such protest will be resolved by DOAS in accordance with the provisions of this manual. |
| Step 7: Contract Award | In the event the consortia/cooperative procurement is not successfully challenged, the state entity may proceed directly to contract award. The state entity must complete SPD-AP005NoticeofAward , indicating the contract award amount, and post it directly to the GPR . |

2.4.4.6 Emergency Purchases

In accordance with (O.C.G.A.) Section 50-5-71, SPD has granted the authority to state entities to purchase urgently needed items arising from unforeseen causes, including, but not limited to, extreme weather conditions or official declared emergencies. Emergency purchases are an exception to the Order of Precedence. An emergency procurement is handled outside of the normal competitive process because of the urgency of the circumstances, like the immediate

welfare of the general public. Therefore, SPD approval is not required in advance of the emergency purchase. Poor planning or the pending expiration of funds does not constitute a valid justification for an emergency purchase. It is always good business practice and considered to be in the best interest of the State to make any procurement as competitive as time permits.

Note: *If the emergency falls below the bid threshold of \$25,000 these procedures are unnecessary.*

a. GDOT Emergency Purchase Authorization Request

A request for emergency purchasing authorization may be appropriate in some instances. However, this authorization is given only when detailed information is provided by the requester

Note: A request for Emergency Authorization is only necessary if the total cost will exceed the bid threshold of \$25,000. The authorization is given solely by the APO or designee.

Detailed description of the emergency, which highlights the impact on the safety and wellbeing of the travelling public and/or state owned property. This information is provided in a written format authorized by the following positions:

- District Maintenance Engineer or Designee
- State Maintenance Engineer or Designee

2.4.4.7 Special Approvals or Restrictions

Whether GDOT is using an existing source of supply, like a mandatory statewide contract, or a new source of supply, staff should be aware of special approvals or restrictions that govern certain types of purchases. The following provide further detail:

a. Construction or Public Works

GDOT has been granted exemption from the State Purchasing Act with respect to construction and/public works contracts.

Note: With respect to new construction of buildings that exceed GDOTs DPA must be performed by GSFIC

b. Information Technology Products and Services

In accordance with O.C.G.A. 50-25-1 The Georgia Technology Authority oversees the state's technology infrastructure and establishes policy. The Department may require prior review and approval by GTA for the procurement of technology.

c. Surplus Property

The APO must coordinate with the Surplus Property Division prior to selling, transferring or disposing of surplus property.

d. Trade-in of Used Equipment

In the event GDOT desires to trade-in used equipment in the procurement of similar new equipment, the APO must request prior written approval from Surplus Property Division. Upon receipt of such approval, the Department may include trade-in of used equipment in the procurement of new equipment. *All normal procurement procedures must be followed.*

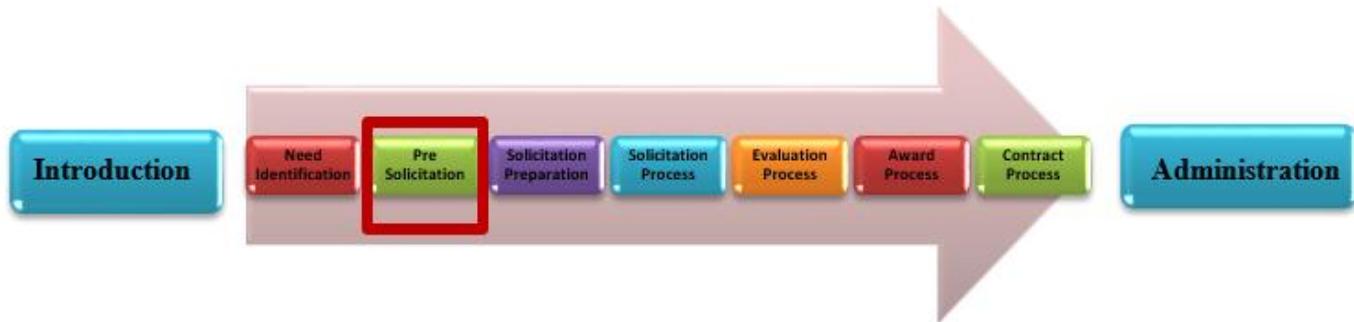
e. Vehicle Purchases

GDOT may not purchase a motor vehicle without prior written approval of Fleet Management Division. This prior written approval is required even if the APO is utilizing an existing statewide or state entity contract to acquire a motor vehicle.

Note: *Guidance should be sought from the APO when any of the above Special Requests are to be utilized.*

Stage 2: Pre-Solicitation

The Pre-Solicitation stage will determine the procurement method necessary to acquire the needed goods/services. Prior to conducting the solicitation, review the Order of Precedence to determine, if an event is necessary.



The process starts with the submittal of the requisitions with the requesting office attaching the Fact-Finding Sheet, Draft Scope of Work/Statement of Work and specifications or requirements necessary for the solicitation. GDOT may conduct a competitive solicitation even if not required.

3.1 Pre-Solicitation Steps

These steps must be completed by procurement before preparing the solicitation and are discussed in detail in this section. They include:

| Pre-Solicitation Stage Steps | |
|------------------------------|--|
| Step 1 | Analyzing the purchasing need |
| Step 2 | Market research and budget constraints |
| Step 3 | Identify stakeholders |
| Step 4 | Market analysis |
| Step 5 | Solicitation method selection |
| Step 6 | OGC solicitation directive |
| Step 6a | District and OMAT solicitation directive |
| Step 7 | Issuing requisitions |

TABLE 3 – Stage 2 Forms

| Form # | Title | GDOT | DOAS-SPD |
|------------|---|------|----------|
| SPD-PS013 | State Entity eRFI Template | | ✓ |
| SPD-PS014 | State Entity RFI Template | | ✓ |
| SPD-PS019 | Sole-Brand Justification Form | | ✓ |
| SPD-PS019a | Sole-Brand Instructions | | ✓ |
| SPD-PS020 | Sole-Source Intent to Award Justification | | ✓ |

3.1.1 Step 1: Analyzing the Purchase

The end-user is critical for helping the Department understand the need for a purchase—the quantity, how often/schedule and the total dollar value of the purchase. This upfront information will result in an efficient and effective procurement. To ask these crucial questions, procurement will schedule a meeting

upon receipt of the Fact-Finding Checklist. The process then starts with the submittal of a requisition, with the requesting office including the fact-finding information.

Example: *What you are buying? – Has this been purchased before? How long ago was the last purchase? Have you checked to see if there is an improved model/version, upgraded service levels? Are there any testing requirements, such as ASTM (American Testing) or ANSI?*

3.1.2 Step 2: Addressing Market Research and Budget Constraints

Often, the desired purchase may outweigh the need creating a budgetary concern, whereas the end-user must identify and provide budget information to move the purchase forward. Such items may include:

- Project number
- Funding – state or federal or both
- Market constraints may bring other concerns to the forefront.
- Improvements to the product
- Enhancements to the level of service
- Numbers of providers that can provide what the Department needs
- Reasonable timelines for deliveries
- A possible sole source purchase

3.1.3 Step 3: Identifying Stakeholders

Stakeholders have a vested interest in your project and may be needed for the success of your project or purchase. They may assist in developing the solicitation and serve as evaluators.

Example of Stakeholders:

Stakeholder

Purchasing a new software application for traffic operations center – this software must be compatible and supported by the Department's Information Technology office; therefore, ITs review, approval and assistance will be needed to develop the requirements.

Multiple Stakeholders

Implementing a virtual training system for the Department. This virtual system is a software application to use for training and maintenance activities. Approval and support will be needed from three Stakeholders: IT, Office of Training and the State Maintenance Office.

3.1.4 Step 4: Market Analysis

Market analysis is an in-depth and exhaustive search for goods, services and supply sources that may meet the requirements of the purchase. The purpose is to determine if there are multiple sources, resulting in competitive pricing. Identifying additional sources may result in improvements to the commodity, enhancements to the service level or new industry standards; understanding the availability of commodity or service that is critical to developing fair and competitive solicitation requirements; and knowing that having restrictive or biased requirements will result in a smaller pool of providers, obsolete or ineffective commodity/service, imposing a higher cost to the Department.

Depending on the outcome of the market analysis, procurement may discuss the results with stakeholders. Most times, the need for this discussion is for budgetary adjustments. Through the discovery of information, it may be necessary to seek approval to increase or decrease the original stated budget amount.

3.1.5 Step 5: Solicitation Method Selection

The method of procurement is determined by procurement staff. Solicitations are used to solicit offers from suppliers that sell goods or services. The solicitation may be cancelled by the Issuing Officer at any time with justification and should not be construed as an order or to make any purchase.

Approved solicitation methods are limited to Requests for Quotes, Requests for Proposals, and Requests for Qualified Contractors. Most solicitation methods are conducted through a formal bidding process conducted through the Team Georgia Marketplace. This process requires that suppliers' submitted offers are kept confidential and not opened until after the solicitation has closed.

After analyzing the purchasing need, addressing any market constraints and selecting the solicitation method, the procurement professional possesses the necessary information to determine whether the solicitation can be processed within the office's delegated purchasing authority. If the dollar amount of the purchase is within the office's delegated purchasing authority, then the procurement professional may begin to prepare the solicitation. However, if the dollar amount of the purchase exceeds the office's delegated purchasing authority, the solicitation must be processed by procurements staff at OGC.

3.1.6 Step 6: OGC Solicitation Directive

As indicated in Step 5, it is the role of the procurement professional to determine the solicitation methodology after fact-finding and discussion with the desired outcome with the end user. At this step, the procurement professional will begin the process of finalizing the solicitation documents necessary for posting that methodology.

3.1.7 Step 6A: District and TMC/OMAT Solicitation Directive

As previously discussed in Steps 5 and 6, it is the role of the District/OMAT/TMC procurement professional to determine the correct procurement tool to acquire the necessary goods and/or service. However, to be clear, these locations are restricted to those methods allowable under the bid threshold of \$25,000.00. Specifically, these locations may use only the following methodologies, and any initiation for a solicitation must start with a Requisition regardless of the dollar value.

Districts: Invitation to Bids specific to Routine Maintenance and Title 32 funds made available through the Transportation Funding Act.

TMC: Invitation to Bids specific to the service category associated with Traffic Operations, (Maintenance and Installation of Traffic Signals).

OMAT: The Office of Materials and Testing activities/procurement tasks are best suited for requisition to purchase order functions.

3.1.8 Step 7: Issuing Requisitions

The issuance of a requisition is the role of the requesting office and must be provided through the TGM process. No handwritten or verbal requisition will be considered unless authorization has been provided by the APO or their designee.

All Districts with an approved DPM and the Office of Procurement, Operational Section, have a delegated purchasing authority not to exceed \$9,999.99. Purchases exceeding this authority must be conducted by an OGC Buyer. **Note:** *Procurement staff must receive a Requisition submitted by the requesting office regardless of dollar value.* It is understood that the requisition is to be initiated and provided through the TGM systems by the requesting office.

3.2 Request for Quote (RFQ)

The RFQ is a competitive procurement method used by GDOT to solicit bids for goods and services. With this process, GDOT provides both the specifications and solution for its need. The RFQ process is utilized by GDOT when the good or service can be procured for the lowest possible cost that meets specifications. This process identifies the lowest priced responsive and responsible bidder(s) for award.

The process starts with the submittal of the requisitions which the requesting office must attach the Fact Finding Sheet, Draft Scope of Work/Statement of Work, and any specifications or requirements necessary for the solicitation.

3.3 Request for Information (RFI)

The RFI is used as a method for requesting information from suppliers who have knowledge or can provide information about an industry, goods, or service. GDOT personnel use this method if there is not enough information or knowledge about a good or service to develop specification or statement of work needed to procure the necessary service or good(s).

3.4 Request for Proposal (RFP)

The RFP method is a formal method that seeks a creative proposal that will provide a solution to the procurement. GDOT seeks the “best value” for its needs and is not mainly concerned with price. The RFP process allows GDOT to evaluate the solution based on a technical response and cost. This combination allows GDOT to procure goods and services from suppliers that can offer the best possible solution.

Creating the Request for Proposal (RFP) is a process that requires a thoughtful and broad approach when determining the evaluation criteria. A successful contract depends on the clarity and comprehensive determination of requirements; therefore, what we are really saying is that requirements that are ambiguous or are too restrictive will result in an ineffective performance of a contract. The RFP is a **2 part process** where the supplier is required to respond to 2 separate components; Technical and Cost.

The technical response will contain information about the proposed solution that the supplier intends to use as a solution to achieving your objective. The cost response contains information related to the anticipated dollar value of the solution. This response can provide additional information related to ongoing maintenance or support to your overall project.

To begin, the writer of the RFP must remember that this process is one that is used when you have a goal to achieve but have no idea on how to achieve that goal. When using the RFP methodology this allows the supplier community to tell us how to obtain the goal, they provide a description of the solution and the means to which will achieve our goal.

The process starts with the submittal of the requisitions which the requesting office must attach the Fact Finding Sheet, Draft Scope of Work/Statement of Work, and any specifications or requirements necessary for the solicitation.

3.5 Request for Qualified Contractors (RFQC)

The RFQC method allows GDOT personnel to solicit responses from prequalified suppliers who are then evaluated on ability to meet or exceed the qualification criteria. This process is performed in two steps; the first of which prequalifies, and the second is the development of the RFQ or RFP. This method allows only those suppliers deemed qualified in the first step to respond to any RFQ or RFP that solicited as a result of the RFQC.

3.5.1 Invitation to Bid (ITB) Procedures

Step 1: Review contract documents, CAP and the list of Qualified Contractors prior to the posting of the RFQ to TGM.

Step 2: Any interested GDOT district or office, that wants to use the contract, must prepare:

a. A detailed "Scope of Work (SOW)" that describes the Department's requirements which is specific to the task or job to be performed by pre-qualified contractor.

b. *Cost Proposal Worksheet*

These documents, along with any additional instructions, will make up the Invitation to Bid. The end user will enter a TGM requisition, attach all associated documents and enter to the justification field the RFQC number. District procurement manager or their designated on-site procurement officer will include all associated documents and convert the Invitation to Bid (ITB) information as submitted with the TGM requisition to a RFQ using TGM.

Step 3: Schedule site visits or Pre bid meetings and invite all Qualified Contractors, as deemed necessary, at least three (3) business days before the Qualified Contractors' deadline to submit their pricing through TGM. District procurement manager or their designated on-site procurement officer **must** attend the site visit or Pre bid conference, regardless if the meeting is deemed as a non-mandatory attendance. The District procurement manager or their designated on-site procurement officer will facilitate the meeting, take notes and maintain that all discussions are within the intended scope of the contract.

Step 4: District procurement manager or their designated on-site procurement officer will perform the initial evaluation of the administrative review of all documents submitted by the end user to ensure the Work Plan supports the Scope of Work submitted and the completed/signed Cost Proposal Worksheet is received as well as to make the determination of the lowest cost bid.

Step 5: District procurement manager or their designated on-site procurement officer will scan and send electronically the ITBs received (including Work Plans and Cost Proposal Worksheets) to the State Maintenance Administrative Engineer, for review and to validate approval, if applicable.

Step 6: Only after receipt of validation/approval from State Maintenance Engineer, or his designee, if applicable, to award the ITB to the lowest cost contractor, the District procurement manager or their designated on-site procurement officer will instruct the requester to submit a TGM Requisition with the approved Work Plan and Cost Proposal Worksheet attached to the requisition.

The requisition must reference in the Requester's Justification header the Contract Number for the qualified contractor. Then the requisition is routed through the normal approval process to have a Purchase Order (PO) generated. The Acquisition Team in OGC will approve the requisition if the ITB exceeds the District or Office DPA. Only after the approval is the issuance of the purchase order is the responsibility of the District or on-site procurement officer.

If the amount is within the District or office's delegated authority, then the requisition is approved and the District Procurement Officer or the on-site procurement officer will issue the Purchase Order.

Each ITB issued will be a “JOB”. Each Job will have its own Purchase Order. No work is to be done by the Contractor without having a valid Purchase Order (scanned and emailed or delivered as a hardcopy) in advance of commencement of work.

Some ITB’s will require bonds and possibly other documents to be submitted by the selected contractor. These documents **MUST** be received by the DPM prior to the designated time frame before and before the issuance and release of the purchase order.

The DPM must send notification via email that the issuance of the PO is contingent upon receipt of these documents within 10 calendar days of the date of the email. Failure to submit these documents will negate the award and the award will tentatively be made to the next low bidder after, receipt of the same documents.

The RFP/RFQC process is often lengthy. To stay on task, procurement and the requesting office should develop a project plan. The project plan will identify timelines and resources to assist with preparing and processing the RFP or RFQC.

| Tasks, Resources, and Dates | | | | | | | | |
|-----------------------------|----------|--|---|-----------------|----------------|-------------|-------------------------------|--|
| Main Task [Yes] | Task No. | Task | Purpose | Resource | Scheduled Date | Actual Date | Deliverables | Comments |
| Stage 1 – Need | | | | | | | | |
| | | Identify Need for Purchase | | | | | | |
| | NI1 | Plan and schedule a fact-finding meeting with identified user(s) who initiated the project | - Complete SPD-NI001-Fact Finding Agenda - The purpose of this meeting is to understand the need, who needs it, why is it needed, when is it needed, who needs to be involved (list of | Issuing Officer | ●●●●● | ●●●●● | Meeting Date | <p>The Scheduled Date is the Date that you have scheduled for the task to be completed. The Actual Date is the Date when the task is completed.</p> <p>In this example, the Issuing Officer has to plan and schedule a fact finding meeting. They schedule a meeting for August 12 on July 26th. Note how you would reflect the scheduling separately from conducting the meeting in the</p> |
| | | Use form SPD-NI001 – Fact Finding Agenda to drive fact-finding meeting | | Issuing Officer | ●●●●● | | Complete Meeting Agenda (SPD- | |

Deliverables and Comments

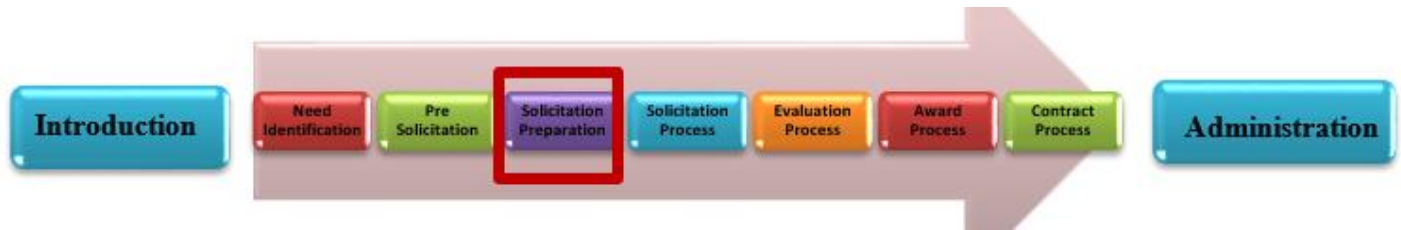
The project plan provides the following task categories to be monitored, ensuring that all timelines and deliverables are provided by the individuals responsible for the information. Failure to remain on task will have a negative impact on the solicitation award date. This form is designed to assign ownership and responsibility to all parties involved in the RFP process. This includes the evaluation team.

- The tasks to complete
- A description of the purpose of the task
- Resource assigned
- Due date
- Deliverables
- Comments

Progress in the development of the RFP requires updating the project plan for all tasks when completed.

Stage 3: Solicitation Preparation

This stage describes the steps and policies involved in preparing the solicitation.



4.1 Solicitation Preparation Steps

- Step 1 Reviewing use of consultants
- Step 2 Sourcing tools
- Step 3 Selecting solicitation templates
- Step 4 Constructing solicitation and evaluation documents
- Step 5 General instructions and administrative requirements

TABLE 4 – Stage 3 Forms

| Form # | Title | GDOT | DOAS-SPD |
|------------|--|------|----------|
| SPD-SP012 | Certification of Non-Collusion | | ✓ |
| SPD-SP013 | Georgia Resident and Small Business Verification Form | | ✓ |
| SPD-SP030 | Facilitated Session Sign-In Form | | ✓ |
| SPD-SP036 | Request for Supplier Training | | ✓ |
| SPD-SP040 | Consultant Confidentiality and Disclosure Agreement Form | | ✓ |
| SPD-SP045 | Tax Compliance Form | | ✓ |
| SPD-SP051 | RFP Preparation Scorecard | | ✓ |
| SPD-SP057 | Requirements Sheet for RFP or Scored RFQC | | ✓ |
| GDOT-SP301 | eRFP Template – T32 | ✓ | |
| GDOT-SP302 | eRFP Template – T50 | ✓ | |
| GDOT-SP303 | eRFQ Template – T32 | ✓ | |
| GDOT-SP304 | eRFQ Template – T50 | ✓ | |
| GDOT-SP305 | Contract Template – Commodities | ✓ | |
| GDOT-SP306 | Contract Template – Services | ✓ | |
| GDOT-SP307 | Maintenance Master Services Agreement (MMSA) | ✓ | |
| GDOT-SP308 | Reference Form | ✓ | |
| GDOT-SP309 | GA Security and Immigration Compliance (eVerify) - Contractor | ✓ | |
| GDOT-SP310 | GA Security and Immigration Compliance (eVerify) - Subcontractor | ✓ | |
| GDOT-SP311 | Vendor Management Form | ✓ | |
| GDOT-SP312 | W-9 | ✓ | |
| GDOT-SP313 | Contract Performance Bond | ✓ | |
| GDOT-SP314 | Contract Payment Bond | ✓ | |
| GDOT-SP315 | ITB Performance Bond | ✓ | |

4.1.1 Reviewing Use of Consultants

Procurement interviews any individual who will help prepare a solicitation, including, but not limited to, third-party consultants, to ensure no individual has an impermissible conflict of interest. A third-party consultant is an individual or company that is paid to assist in the development of a solicitation.

Third-party consultants, who participate in this process, will be required to prepare and submit a nondisclosure statement regarding the procurement. Any third party consultant, who assists in the development of a solicitation document, will be prohibited from submitting a bid/proposal in response to that solicitation, or from performing work on any contract directly resulting from that particular solicitation document. In exception, the Department APO may determine that a waiver is required of the State Purchasing Division Deputy Commissioner. Any request for such a waiver must be submitted to the APO for submittal to SPD, if such action is required for a solicitation under Title 50. Any solicitation under Title 32, using third-party consultants, requires written disclosure to the State Purchasing Division. Nothing in this section prohibits the procurement professional from soliciting information or preliminary quotes from suppliers through the RFI process or other means; however, procurement and end-user is cautioned not to rely on any one supplier, to provide information for assisting in developing a solicitation.

4.1.2 Sourcing Tools

By state law, GDOT is permitted to receive bids and proposals by way of the Internet or other electronic means. The advertisement of the solicitations will be publicly posted. All such solicitations will be administered pursuant to the Uniform Electronic Transactions Act, O.C.G.A. 10-12-1 et seq.

GDOT will solicit and receive bid responses through Team Georgia Marketplace™ and the Georgia Procurement Registry.

4.1.3 Selecting Solicitation Templates

| Table 4a Solicitation Templates Team Georgia Marketplace™ | |
|--|--|
| If the Solicitation Type is... | Then use the following State Entity Form(s) |
| Request for Quotes | <i>eRFQ Template {Acquisitions}</i> <i>eRFQ Template {Contracting}</i> <i>Immigration and Security Form</i> Requirements Sheet for RFQs or non-scored RFQCs* Pre Bid Sign In |
| Request for Proposals | eRFP Template Supplier General Information Worksheet Immigration and Security Form Requirements Sheet for RFPs and scored RFQCs* <i>Instructions may be found in the Official Forms and Documents section on the DOAS website</i> |

| Table 4a Solicitation Templates Team Georgia Marketplace™ | |
|--|--|
| If the Solicitation Type is... | Then use the following State Entity Form(s) |
| Request for Qualified Contractors | eRFQC Template Requirements Sheet for RFQs or non-scored RFQCs* (as applicable) Requirements Sheet for RFPs or scored RFQCs* (as applicable) Pre Bid Sign In Instructions may be found in the Official Forms and Documents section on the DOAS website |

4.1.4 Constructing the Solicitation and Evaluation Documents

After selecting the appropriate solicitation method, procurement will begin constructing the solicitation. The Department uses a pre-approved solicitation template (includes instructions). The following subsections describe various solicitation requirements and offer additional guidance in solicitation development.

4.1.5 General Instructions and Administrative Requirements

Each solicitation will contain general instructions for a supplier, on how to prepare and submit a response. At a minimum, the solicitation must identify:

- The issuing officer assigned to administer the solicitation process
- How responses to the solicitation should be submitted
- What information must be submitted
- The period of time the supplier's offer must be held open

The issuing officer must be familiar with the procurement process and capable of answering general questions. In addition to naming the issuing officer, the solicitation template will ask for his/her contact information like an email address.

The general instructions regarding supplier preparation and response submission are identified as administrative requirements. Depending on the solicitation, the following may be required:

| Document | Department Required | State Required |
|------------------------------|---------------------|---|
| Certificate of Non Collusion | ✓ | ✓ |
| Tax Compliance | ✓ | ✓ Depending on anticipated award |
| Immigration and Security | ✓ | ✓ Depending on service and dollar value |

This is an example of an administrative requirements review, which is conducted by the issuing prior to the evaluation of bid submittal. However, depending on the solicitation, other requirements can be included to this administrative review, such as:

Other Requirements may Include

- Certificate of Insurance
- Letter of bond ability
- Resumes
- Client reference letters
- Evidence of license or certification
- Copy of Georgia Secretary of State license
- Event worksheet

4.2 Purpose of the Procurement

The solicitation will include a brief statement about the Department's need for suppliers to identify the purpose of the solicitation. Stakeholders of the procurement are responsible for, and must be involved in, providing this information.

The Scope of Work is the foundation for any public solicitation. At a minimum the scope, includes the relevant background information; the objectives of the solicitation; the scope of the solicitation; specifications for the goods and/or services to be provided; and acceptance criteria generally found in standard terms and conditions.

The scope should be clear, unambiguous and, therefore, legally enforceable. Use concise wording, write in plain and simple English, and eliminate use of technical jargon or government acronyms. If the written statements are clear and concise, a party may not challenge them as "uncertain" in a dispute. If ambiguity is found, the court will generally conclude that ambiguity is the fault of the party drafting the statements.

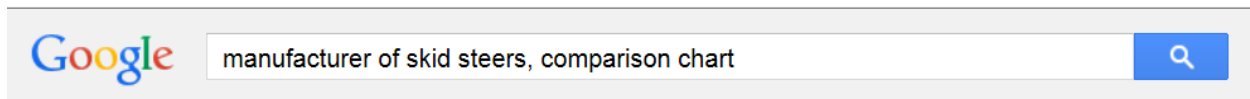
The solicitation must clearly identify minimum requirements. And procurement should conduct a working session with stakeholders to fully develop all critical business requirements identified in Section 2 - Stage 2 - Pre-Solicitation.

4.3 Product Specifications and Performance Requirements

In preparing the solicitation, the majority of procurement staff time should be allocated to review and verification of the specifications, requirements or key questions provided by the end-user. Procurement should look for the following information to use in the market analysis and verification of specification requirements.

1. Make a copy of the submitted information.
2. Look for identifying information;
 - a. Manufacturer Name and/or Model number
 - b. Testing Methods – ASTM or ANSI
3. Research and compare the information provided to the information on the manufacturer's website. If the information is exact or word for word, additional research is required to ensure that the specifications are not restrictive. Meaning, the specifications are geared for a particular product/supplier
4. Research and review federal requirements- this information should be provided by the GDOT end user.
 - a. FHWA
 - b. FTA
 - c. FAA
 - d. FRA

5. Research using the internet, the general purpose and name of the product. For example, you will want to “google” on the type of product as shown below.



Specifications received are for a skid steer and are identified as a JCB. Through your research, you have found that the following companies manufacture this product type. Your next step is to identify those generalities for a needed fair and equitable award.

- Bobcat
- John Deere
- Gehl
- JCB
- Mustang

Use concise, logical wording in precise terms while drafting the solicitation. Use the words "shall", "must" or "is required" to identify mandatory (essential) requirements within a solicitation. The words "may" or "should" may be used to identify optional (conditional) requirements sometimes referred to as desirable requirements. RFQs and RFPs are addressed separately as noted below.

4.4 Developing the Solicitation Packet for Posting

4.4.1 Contract Process

| <u>Bid Package Documents</u> | | | |
|-------------------------------|-------------------------------|---|-------------------------------|
| Acquisitions – One Time Buys | | Contracts – Term | Contracts – Master |
| RFQ | ITB | Contracts | Service Agreements |
| eRFQ Template | ITB Template | eRFP Template | eRFQC Template |
| | Special Terms and Conditions | | |
| Immigration and Security Form | Immigration and Security Form | Immigration and Security Form | Immigration and Security Form |
| Certificate of Non Collusion | Certificate of Non Collusion | Certificate of Non Collusion | Certificate of Non Collusion |
| Tax Compliance | Tax Compliance | Tax Compliance | Tax Compliance |
| Pre Bid Sign In | Pre Bid Sign In | Pre Bid Sign In | Pre Bid Sign In |
| Bid Form, Cost Worksheet | Bid Form, Cost Worksheet | Cost Worksheet, Requirements Worksheets | |

When doing multiyear procurements, the following procedures apply. These documents are necessary in order to build the solicitation.

1. Compile all documents that are required on ALL multiyear procurements. These documents will make up the solicitation packet

Certificate of Non-Collusion – GPM Section 3.5.1.1. Requires suppliers to certify during the bidding process that collusive bidding (i.e., fixed bidding or other agreements between suppliers to "rig" the bidding process) has not occurred. Therefore, the solicitation must contain a certificate of non-collusion, which must be signed by an authorized representative of the supplier

Cost Proposal Worksheet

2. Compile all other documents which MAY be required depending on the solicitation type and value. Identified in table above

Tax Compliance - The Department must require the supplier to complete SPD-SP045 Tax Compliance Form, if applicable

GA Immigration and Security Compliance

3. Defining the Scope Description/Purpose of the Procurement

The solicitation should include a general statement regarding the Department's need so that suppliers may quickly identify the purpose of the solicitation and clearly identify minimum requirements. Procurement should conduct a working session with the end-user to fully develop all critical business requirements identified in Stage 2 - Pre-Solicitation. To assist in this working session, staff should use Fact-Finding Checklist.

After defining the Scope or Purpose of the procurement, the next step is to review the specifications, requirements or key questions as provided by the end user. The procurement professional should use concise, logical wording in precise terms while drafting the solicitation. Use the words "*shall*", "*must*" or "*is required*" to identify mandatory (essential) requirements within a solicitation. The words "*may*" or "*should*" may be used to identify optional (conditional) requirements sometimes referred to as desirable requirements.

4.4.2 Requesting Samples

The solicitation Request for Qualified Contractors may require the submission of product or work samples, descriptive literature, and technical data; it may also require inspection or testing of a product or work sample before the Department makes the award. Comparing and testing ensures compliance with general or detailed specifications. Procurement staff should not request samples, if the contractor has not submitted a requisition. If samples are needed, the solicitation must clearly state the requirement and include the statement below*.

It is best practice to include a statement in the solicitation when samples are needed for evaluation. It should state:

**The Department reserves the right to request samples during the evaluation stage of the solicitation. It is further noted that the Department is not obligated for the cost of the items or for their return. If the bidder requires the item(s) be returned, they must include a pre-paid self-addressed label along with the sample.*

a. How to ask for samples not on an approved QPL

In this case, be sure to include the statement ABOVE* in the solicitation at the time of posting.

4.4.2.1 Purpose for Samples

The use of samples are to be maintained with the contract file for the life of the contract. This is for future use to determine if same quality of the product is still being provided. The retained sample(s) is only required of the winning bidder.

Comparing and testing samples may be useful for items like waxes and floor finishes, paints, disinfectants and germicides, file cabinets, tires, cleaning agents, classroom furniture, printing forms, and art materials. Samples unidentified by manufacturer are subjected to various kinds of comparisons, ranging from visual inspection and evaluation to chemical and physical laboratory tests, to in-use applications. Data and relative performance results must be documented and determinations made of the best value. Samples may also be of great value in ensuring compliance and satisfaction after award and before production, where final award of a contract is contingent upon a satisfactory pilot model or prototype.

4.4.2.2 Samples for QPL Approval

When doing solicitations for products on an active QPL a sample testing may be required to determine if the product meets or exceeds the standards identified and confirmed through testing. Data and relative performance results must be documented and approved by the appropriate office and added to the contract file.

Periodic testing may also be of great value in ensuring product compliance and satisfaction after the award of the contract, before and during the production and/or usage of the product.

The Department reserves the right to request a sample for the purpose of further evaluating for product compliance in accordance with the testing requirements of the QPL. If the product is currently the approved QPL for this solicitation, sample submittal **may** be required.

All sample submittals for testing must comply with the instructions contained in the solicitation. Failure to comply with the submittal instructions will negate the bidder's response.

4.5 Evaluation Criteria

The evaluation criterion is entered to the cost worksheet, prior to the posting of the solicitation. A blank copy of completed cost worksheet is included in the solicitation packet for review and sign-off by the Contracts Manager and APO, prior to the posting of the solicitation.

4.6 Selecting Contract Templates

Every procurement resulting in a contract is different. The purpose of the contract, solicitation method, funding and the requirements will determine the type of template. The procurement staff will determine the appropriate contract template and language.

4.7 Review of the Solicitation prior to posting

Lastly, after procurement staff draft's the solicitation, it must be carefully reviewed to ensure all necessary instructions and requirements have been included. The Contracts Manager and the APO conduct this final review.

4.7.1 Review Process Procedures

- a. Compiled all necessary documents
- b. Create the contract folder
- c. Submit contract folder for manager review
- d. Submit bid folder for APO final review

- e. Make necessary corrections as needed.
If corrections are made, resubmit for manager and APO review.
- f. Post the solicitation.

4.8 End-user Engagement

Once the need has been identified, the Office of Procurement conducts a meeting to identify the requirements. Importantly, the end-user must remain engaged. Engagement from the end-user is critical—they are the subject matter experts. Procurement staff are not responsible for creating requirements/specifications. They verify the information provided. The end-users level of engagement is related to the complexity of the desired contract and, therefore, expected to participate throughout development, award and administration of contract.

The steps to follow are:

1. Complete and submit to contracts@dot.ga.gov to request the initial meeting. In the best interest of the proposed project, the project proposer should come prepared to the meeting, bringing the necessary completed information.
 - a. Scope of Work or Statement of Work (see table below)

| Request of Quote | Request for Proposal | Request for Qualified Contractors |
|----------------------------|---------------------------|---|
| Statement of Work | Scope of Work | Scope of Work |
| Specifications – Draft | Categories of Performance | Categories of Performance |
| Funding – State or Federal | Funding– State or Federal | Areas needing Certification/License Funding – State or Federal |

b. General Timeline for Contract Commencement

Understanding the procurement process is key to getting your contract executed and ready for use. The solicitation type, completeness of the draft information, and end-user’s level of engagement and commitment. Below is a rule of thumb on timelines, based on best practices. The timeline shows procurement staff as the owner of the task, not to be construed to include “time.” Time is owned by the reviewing office, end-user or evaluation team.

The tasks owned by the end-user are critical to the success of the solicitation. The timelines below are intended as targets, only attainable with the cooperation and commitment of the requesting office providing information in a timely manner. Delay in getting the information as requested by the Procurement office, or late changes to the requirements, broad or sweeping changes to the scope will be reflected in the overall time to successfully award of the contract.

| Request of Quote | Request for Proposal | Request for Qualified Contractors | Invitations to Bid - ITB |
|--|---|---|---|
| Statement of Work – Sign off by Procurement 2 weeks | Scope of Work – Sign off by Procurement 2 weeks | Scope of Work – Sign off by Procurement 2 weeks | Detailed Scope of Work - Job Specific 1 week |

| Request of Quote | Request for Proposal | Request for Qualified Contractors | Invitations to Bid - ITB |
|--|---|---|---|
| Specifications – Validated, accepted by Procurement with end user concurrence 4 weeks | End User Completes: Categories of Performance Creation of Requirements Creation of Scoring 4- 8 weeks Procurement Completes: Scoring Evaluation Tool Administrative Requirements Solicitation Finalization 2 weeks | Categories of Performance – Creation of Requirements Creation of Scoring 4- 8 weeks Procurement Completes: Scoring Evaluation Tool Administrative Requirements Solicitation Finalization 2 weeks | Categories of Performance – Creation of Bid Form 1 week |
| Posting Period Depends on Value – Max 30 days | Posting Period Depends on Value – 30 days - 45 Q & A Period Offeror Conference - 2 weeks | Evaluation Period 2-4 weeks | Evaluation Period 1 week |
| Evaluation Period 2 weeks | Evaluation Period 2-4 weeks | Protest and Award Period 10 calendar days | Award |
| Contract Signature 4 weeks | Contract Signature 4 weeks Creation and Implementation of Contract Admin Plan 2-4 weeks | Contract Signature 4 weeks Creation and Implementation of Contract Admin Plan 2-4 weeks | |
| Target Processing Time: Timelines are projected, and the total time is dependent on the commitment of the end user and/or committee members. | | | |
| 4 Months | 6 months | 6 months | 3 weeks |

4.9 Acquisitions Process

When doing firm fixed procurements, not resulting in a multi-year award the following procedures apply. These documents are necessary in order to build the solicitation.

4.9.1 Developing the Solicitation Packet for Posting

- a. Compile all documents that are required on ALL firm fixed procurements. These make up the solicitation packet.
- b. Certificate of Non-Collusion - GPM Section 3.5.1.1. Requires suppliers to certify during the bidding process that collusive bidding (i.e., fixed bidding or other agreements between suppliers to "rig" the bidding process) has not occurred. Therefore, the solicitation must contain a Certificate of Non-Collusion, signed by an authorized representative of the supplier.

- c. Compile all other documents which MAY be required depending on the solicitation type and value.
- d. Tax compliance - The state entity must require the supplier to complete SPD-SP045 Tax compliance form.
- e. Immigration and Security Compliance Form

4.9.2 Defining the Scope Description/Purpose of the Procurement

The solicitation should include a general statement regarding the Department's need so that suppliers may quickly identify the purpose of the solicitation. The solicitation must clearly identify any minimum requirements. The procurement professional should conduct a working session with the end user to fully develop all critical business requirements identified in [Section 2 - Stage 2 - Pre-Solicitation](#). To assist in this working session, the procurement professional should use [Fact Finding Checklist](#).

After defining the Scope or Purpose of the procurement, the next step is to review the specifications, requirements or key questions as provided by the end user. The procurement professional should use concise, logical wording in precise terms while drafting the solicitation. Use the words "*shall*", "*must*" or "*is required*" to identify mandatory (essential) requirements within a solicitation. The words "*may*" or "*should*" may be used to identify optional (conditional) requirements sometimes referred to as desirable requirements.

- Requesting Samples
- See Contracts Process
- How to ask for Samples
- See Contracts Process
- Purpose for Samples
- See Contracts Process
- Developing Cost Worksheet

When procurement staff conduct a Request for Qualifications or Request for Proposals, they may develop a cost worksheet. Cost worksheet refers to the document the supplier will complete to identify the price of the requested goods and/or services. The cost worksheet can be created in an Excel or Word format.

The cost worksheet must clearly identify the specific items for which the supplier must assign a cost. It is critical that procurement construct the cost worksheet in a manner that allows suppliers' pricing to be easily compared and will encourage competitive pricing.

In addition, whether the solicitation is for goods, services, or both, the cost worksheet must clearly define the unit of measure.

4.9.3 Evaluation Criteria

The evaluation criterion is the event worksheet. There may be procurements that will use a list of criteria due to complexity or the need for optional pricing because of numerous line items.

4.9.4 Selecting Contract Templates

The purchase order will serve as the contract for the fixed pricing contract typically used by the Acquisitions Team. No templates are necessary.

4.9.5 Reviewing the Solicitation prior to posting

Finally, once the procurement professional has drafted the solicitation, the solicitation must be carefully reviewed to ensure all necessary instructions and requirements have been included.

4.9.6 Review process procedures

- i. Compile all necessary documents
- ii. Create the Bid Folder. Follow all steps for each tab.
- iii. Submit Bid folder for manager review
- iv. Submit bid folder for APO review
- v. Make necessary corrections as needed.
 - If corrections are made, resubmit for Manager and Apo review.
- vi. Post the solicitation
- vii. File in the Pending Solicitations Cabinets

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Stage 4: Solicitation Process

This stage describes the steps and policies involved in soliciting the procurement.

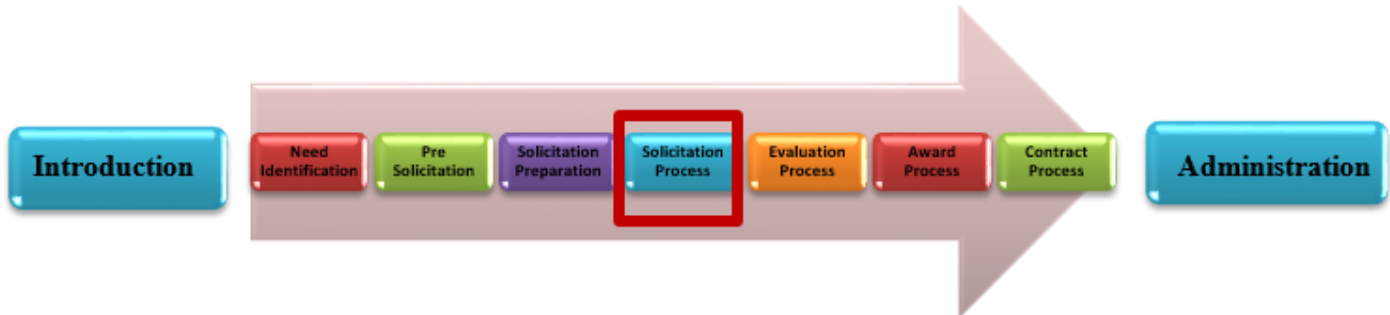


TABLE 6 – Stage 4 Forms

| Form # | Title | GDOT | DOAS-SPD |
|-------------|--|------|----------|
| SPD-SPR001 | Bidders/Offerors Conference Agenda | | ✓ |
| SPD-SPR004 | Supplier Q&A Template | | ✓ |
| SPD-SPR007 | Bidders/Offerors Conference Sign-In Form | | ✓ |
| SPD-SPR010 | Bidders/Offerors Conference Announcement | | ✓ |
| SPD-SPR013 | RFX Addendum Form | | ✓ |
| SPD-SPR014 | RFX Cancellation Notice | | ✓ |
| GDOT-SPR401 | RFX Addendum Template – T32 | ✓ | |
| GDOT-SPR402 | RFQ Bid Bond | ✓ | |
| GDOT-SPR403 | Cash Receipts Transmittal – Bid Bond | ✓ | |
| GDOT-SPR404 | Conflict of Interest Disclosure – T32 | ✓ | |

5.1 Posting and Closing Dates

Posting and closing dates of a solicitation are used to determine the amount of time a solicitation must remain publicly posted. The appropriate posting time is determined by the dollar amount. These guidelines can be found in the GPM's [Posting and Closing Dates](#). GDOT personnel must also determine if additional days are needed depending on the complexity of the procurement. *Sole Source and Consortia procurements will follow different posting guidelines also found in the GPM.

5.2 Supplier Questions

Identifying time to receive suppliers' questions is a critical step in effectively managing the procurement process. Staff are expected to manage multiple solicitations, in addition to, performing other tasks. By identifying a deadline for receiving questions, staff can ensure that sufficient time is reserved to respond to supplier questions, which should result in a successful award.

To address questions from the supplier community, the Office of Procurement requires that the procurement solicitation identify a period of time for suppliers to submit written questions before close of the solicitation. Additionally, the solicitation must provide a deadline for the Department to respond to those questions.

As an example, best practice would be to provide a closing date for supplier question at the mid-point to the closing date. The procurement professional is responsible for the accuracy of the Department's response, that they also understand the answer to the supplier questions.

| | |
|---|------------|
| Posting of Janitorial Bid (30 day posting period) | January 1 |
| Deadline for supplier questions | January 13 |
| Posting Deadline for Department Response | January 23 |
| Closing date of Janitorial Bid | January 30 |

Responding timely to supplier questions is critical to ensure suppliers have the necessary information for competitive bids and be responsive to the Department's stated needs. Finally, by posting both the suppliers' questions and GDOT's responses, all suppliers share equally in the available information.

5.3 Offerors' or Pre-bid Conferences/Site Visits

If supplier questions have been received in writing as directed in the previous section, be sure to provide answers to these questions prior to the PreBid. Document the responses and have hard copies for attendees. Include the questions and responses to additional questions that may be received during the PreBid and post as an addendum to the solicitation for public review.

Procurement may elect to conduct a public meeting prior to the solicitation's closing date, to distribute information. These public meetings are commonly referred to as pre-bid or offerors' conferences. Pre-bid/Offerors' conferences may be conducted to allow suppliers to participate in a site visit of the physical location where services will be performed. As an example, a site for new construction or the building where janitorial services will be performed. The solicitation must identify any such public meeting and define whether or not a supplier's attendance at the meeting is mandatory (i.e., required for the supplier to be considered eligible to submit a response to the solicitation).

The procurement professional must schedule the public meeting to occur no less than seven business days prior to the solicitation closing date. There is no requirement that a state entity host an offerors' or pre-bid conference for every solicitation; however, in determining whether or not to host an offerors' or pre-bid conference, the procurement professional must consider whether there is critical information which cannot be adequately conveyed through the solicitation but could be provided at the offerors' conference. For example, SPD strongly encourages site visits in the event GDOT is contracting for construction services or will be permitting a third party to operate a state-owned facility. If a site visit is not necessary, the procurement professional may conduct the offerors' or pre-bid conference as a virtual meeting online provided conducting the meeting in this fashion would not create an undue hardship for any supplier desiring to attend.

As an example, best practice for PreBid/Offerors' conference would be as shown below.

| | |
|---|------------|
| Posting of Janitorial Bid (30 day posting period) | January 1 |
| Deadline for supplier questions | January 13 |
| Conduct PreBid/Offerors' Conference | January 15 |
| Posting Deadline for Department Response | January 23 |
| Closing date of Janitorial Bid | January 30 |

5.3.1 Mandatory Attendance

Procurement staff must use caution when determining if attendance should be mandatory. If the solicitation does not specifically state that attendance is mandatory, attendance is considered optional. Therefore, if the attendance is optional attendance cannot be used as a means to disqualify a bidder. It is necessary to document attendance at any conference; however, at a minimum, the issuing officer must

document suppliers' attendance at a mandatory conference (e.g. utilize a sign-in sheet), including noting the time of arrival and/or departure of any suppliers arriving late or leaving early. In the event suppliers' attendance to a mandatory conference is poor, the issuing officer must consider whether it is in the best interests of GDOT to hold an additional "make-up" conference and/or amend the solicitation to designate attendance as optional. In any event, any revision must be published in writing prior to the solicitation closing date and time, as described in Section 4 - Stage 4 - Solicitation Process.

NOTE: *If a pre bid is planned, either mandatory or optional, be sure to revise GDOT eRFX template to include this information.*

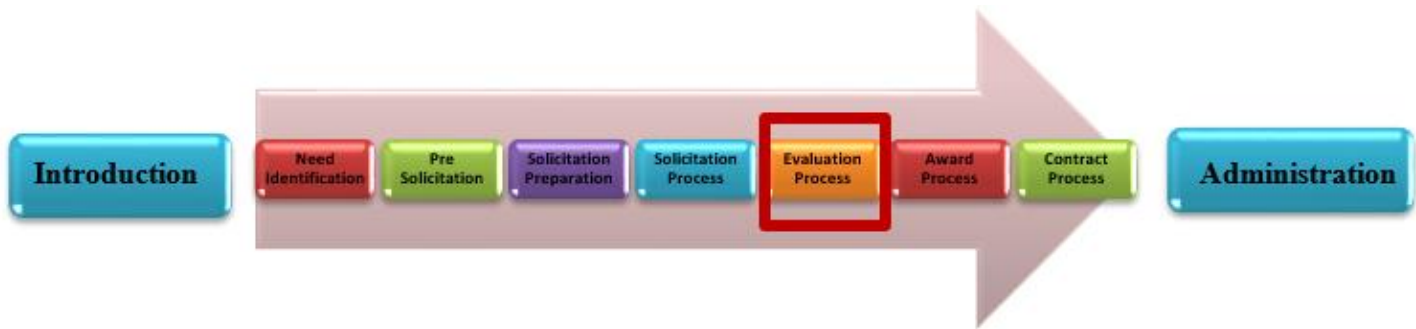
5.3.2 Conference Information

GDOT, at its discretion, may arrange to record or transcribe public meetings. At a minimum, take sufficiently detailed notes with specific attention to noting all questions so that written answers can be posted to the solicitation. Notes, recordings, or transcripts will be available to suppliers' upon request in accordance with Section I.6. - Public Access to Procurement Information. Statements made by representatives of GDOT at public meetings are not binding and any revisions to solicitation requirements must be made by the procurement professional in writing and posted as an addendum with the solicitation.

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Stage 5: Evaluation Process

This stage describes the steps and policies involved evaluating the solicitation.



By proceeding to Stage 5 the solicitation has officially closed. During the evaluation process, the buyer in conjunction with the evaluation committee (if any) will review and evaluate the suppliers' responses to determine which suppliers are responsive and responsible. Of those suppliers determined to be responsive and responsible, the best ranked supplier(s) will be selected in accordance with the terms of the solicitation. The methodology for determining the best ranked supplier(s) will vary based on the solicitation type as well as the specific language of the solicitation. Some of the following steps may overlap; however, the material for the *Evaluation Stage* has been organized as follows.

| SPD - Table 5.2 Stage 5 Evaluation Process – Major Steps | |
|---|--|
| Step 1 | State opens suppliers' sealed responses. |
| Step 2 | State conducts administrative review. |
| Step 3 | State finalizes the evaluation committee (if any). |
| Step 4 | State manages State and supplier communications. |
| Step 5 | State's evaluation of suppliers' responses. |
| Step 6 | Supplier's revision or withdrawal of its response. |
| Step 7 | State and Supplier's participation in negotiations (if any) and State's re-evaluation. |
| Step 8 | State finalizes selection of supplier(s). |
| Step 9 | Re-soliciting when necessary. |

GDOT personnel will follow the evaluation procedures outlined in the GPM [Stage 5 – Evaluation Process](#) .

TABLE 6 – Stage 5 Forms

| Form # | Title | GDOT | DOAS-SPD |
|------------|---|------|----------|
| SPD-EP001 | Administrative Review Requirements Summary Sheet | | ✓ |
| SPD-EP004 | Evaluation Committee Agenda | | ✓ |
| SPD-EP010 | Request for Clarification | | ✓ |
| SPD-EP020 | Request for Cost Negotiation (Best and Final Offer) | | ✓ |
| SPD-EP023 | Evaluation Committee Guidelines | | ✓ |
| GDOT-EP501 | General Confidentiality Form | ✓ | |
| GDOT-EP502 | Evaluation Committee Member Participation Form | ✓ | |
| GDOT-EP503 | Cone of Silence Announcement | ✓ | |
| GDOT-EP504 | Evaluator Agreement – T32 | ✓ | |
| GDOT-EP505 | Supplier Technical Evaluation | ✓ | |
| GDOT-EP506 | Master Technical Evaluation – T32 | ✓ | |

6.1 Evaluation Steps

After the bid closes, the evaluation process begins and is comprised of two areas; Administrative Review and the Cost Analysis. An example of a bid tab is shown on the following page.

| | | | | | | |
|--|--------------------------------------|--------------------------|---------------------------------|------------------------------|----------------------------|---------|
| Name of ITB Solicitation: | | | | | | |
| ITB #: | | | | | | |
| ITB Close Date: | | | | | | |
| Contract #: | | | | | | |
| District # | | | | | | |
| Total # of Bidders: | | | | | | |
| ADMINISTRATIVE REVIEW: | | | | | | |
| Mandatory Documents and Bid Factors | Requirements | Sunbelt Structures, Inc. | Kiewit Infrastructure South Co. | Pittman Construction Company | Massana Construction, Inc. | Column5 |
| | | Pass | Pass | Pass | Pass | Pass |
| Pre-bid Conference/Site Visit | If applicable. | Yes | Yes | Yes | Yes | |
| Anti-Lobbying Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| Debarment Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| GA Security and Immigration Compliance Act Affidavit | Form completed and notarized | Yes | Yes | Yes | Yes | |
| Drug-Free Workplace Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| Bid Form | Form completed, signed and notarized | Yes | Yes | Yes | Yes | |
| | If applicable, Not Scored on | | Yes | Yes | Yes | |

ITB Administrative Review ITB Bid Tabulation

There are two tabs, Administrative Review and the Bid Tabulation.

To begin the review of the suppliers' responses, the buyer starts with the Administrative Review. Clicking on the first tab will start the process. The buyer will complete the evaluation of the submitted, mandatory items necessary to the bid. Failure to provide a mandatory submittal *may* give justification to deem the bid as non-responsive and/or non-responsible.

The example shown below are the mandatory submittals required by the bid. However, most shown are considered mandatory by the State policy. Depending on the nature of the bid, others may be identified as a mandatory submittal.

| ADMINISTRATIVE REVIEW: | | Sunbelt Structures, Inc. | Kiewit Infrastructure South Co. | Pittman Construction Company | Massana Construction, Inc. | Column5 |
|--|---|--------------------------|---------------------------------|------------------------------|----------------------------|---------|
| Mandatory Documents and Bid Factors | Requirements | Pass | Pass | Pass | Pass | Pass |
| Pre-bid Conference/Site Visit | If applicable. | Yes | Yes | Yes | Yes | |
| Anti-Lobbying Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| Debarment Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| GA Security and Immigration Compliance Act Affidavit | Form completed and notarized | Yes | Yes | Yes | Yes | |
| Drug-Free Workplace Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| Bid Form | Form completed, signed and notarized | Yes | Yes | Yes | Yes | |
| Addendum | If applicable. Not Scored on Pass/Fail Scale. | Yes | Yes | Yes | Yes | |
| Signed Addendum 001 | | Yes | Yes | Yes | Yes | |
| Signed Addendum 002 | | | | | | |

ITB Administrative Review ITB Bid Tabulation

Using the drop down boxes for each bidder, indicate whether the mandatory submittal has been reviewed by the buyer and received.

| ADMINISTRATIVE REVIEW: | | Sunbelt Structures, Inc. | Kiewit Infrastructure South Co. | Pittman Construction Company | Massana Construction, Inc. |
|--|---|--------------------------|---------------------------------|------------------------------|----------------------------|
| Contract #: | | | | | |
| District # | | | | | |
| Total # of Bidders: | | | | | |
| Mandatory Documents and Bid Factors | Requirements | Pass | Pass | Pass | Pass |
| Pre-bid Conference/Site Visit | If applicable. | Yes | Yes | Yes | Yes |
| Anti-Lobbying Certification | Form completed and signed | Yes | Yes | Yes | Yes |
| Debarment Certification | Form completed and signed | Yes | Yes | Yes | Yes |
| GA Security and Immigration Compliance Act Affidavit | Form completed and notarized | Yes | Yes | Yes | Yes |
| Drug-Free Workplace Certification | Form completed and signed | Yes | Yes | Yes | Yes |
| Bid Form | Form completed, signed and notarized | Yes | Yes | Yes | Yes |
| Addendum | If applicable. Not Scored on Pass/Fail Scale. | Yes | Yes | Yes | Yes |
| Signed Addendum 001 | | Yes | Yes | Yes | Yes |

ITB Administrative Review ITB Bid Tabulation

It is possible that a bidder may in error, fail to upload or submit a document, which is incorrect and does not satisfy the requirement. Always open and review to determine if the document submitted is correct and meets

| ADMINISTRATIVE REVIEW: | | | | | | |
|--|---|--------------------------|---------------------------------|------------------------------|---------------------------|---------|
| Mandatory Documents and Bid Factors | Requirements | Sunbelt Structures, Inc. | Kiewit Infrastructure South Co. | Pittman Construction Company | Massana Construction, LLC | Column5 |
| | | Fail | Fail | Pass | Pass | Pass |
| Pre-bid Conference/Site Visit | If applicable. | Yes | Yes | Yes | Yes | |
| Anti-Lobbying Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| Debarment Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| GA Security and Immigration Compliance Act Affidavit | Form completed and notarized | No | Yes | Yes | Yes | |
| Drug-Free Workplace Certification | Form completed and signed | Yes | Yes | Yes | Yes | |
| Bid Form | Form completed, signed and notarized | Yes | No | Yes | Yes | |
| Addendum | If applicable. Not Scored on Pass/Fail Scale: | Yes | Yes | Yes | Yes | |
| Signed Addendum 001 | | Yes | Yes | Yes | Yes | |
| Signed Addendum 002 | | | | | | |

From the information entered in the Administrative Review, the mandatory failures are carried over to the Bid Tabulation and are noted as a Fail.

| | | | | | | | | | | | | | | | | | | | |
|---|---|---------------|--------------------|------------------------------------|-----------------------|---------------|--------------------|------------------------------------|-----------------------|---------------|--------------------|------------------------------------|-----------------------|----------------|--------------------|------------------------------------|----------------|--|--|
| Total # of Bidders: 0 | | | | | | | | | | | | | | | | | | | |
| Bid Tabulation | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| Sunbelt Structures, Inc. | | | | Kiewit Infrastructure South Co. | | | | Pittman Construction Company | | | | Massana Construction, Inc. | | | | | | | |
| Administrative Review Status | | | | Fail | | | | Fail | | | | Pass | | | | Pass | | | |
| | Unit of Measure (UOM) | Price per UOM | Estimated Quantity | Price per UOM X Estimated Quantity | Unit of Measure (UOM) | Price per UOM | Estimated Quantity | Price per UOM X Estimated Quantity | Unit of Measure (UOM) | Price per UOM | Estimated Quantity | Price per UOM X Estimated Quantity | Unit of Measure (UOM) | Price per UOM | Estimated Quantity | Price per UOM X Estimated Quantity | | | |
| Slab Removal | Square Yard | \$100.00 | 3784 | \$378,400.00 | Square Yard | \$150.00 | 3784 | \$567,600.00 | Square Yard | \$151.80 | 3784 | \$574,411.20 | Square Yard | \$87.76 | 3784 | \$332,083.84 | | | |
| Slab Replacement - Portland Cement Concrete (PCC) | Cubic Yard | \$686.50 | 12614 | \$865,951.10 | Cubic Yard | \$769.50 | 12614 | \$970,647.30 | Cubic Yard | \$1,652.00 | 12614 | \$2,083,832.80 | Cubic Yard | \$978.00 | 12614 | \$1,233,643.20 | | | |
| Spall Repair | Square Yard | \$1,030.00 | 37.4 | \$38,522.00 | Square Yard | \$3,000.00 | 37.4 | \$112,200.00 | Square Yard | \$2,735.00 | 37.4 | \$102,289.00 | Square Yard | \$5,059.00 | 37.4 | \$189,206.60 | | | |
| Traffic Control | Per Hour | \$125.00 | 800 | \$100,000.00 | Per Hour | \$265.00 | 800 | \$212,000.00 | Per Hour | \$695.00 | 800 | \$556,000.00 | Per Hour | \$423.00 | 800 | \$338,400.00 | | | |
| TOTAL BID AMOUNT | | | | \$1,382,873.10 | | | | | \$1,862,447.30 | | | | | \$3,316,533.00 | | | \$2,093,339.64 | | |
| LOVEST BIDDER | | | | NOT LOVEST BIDDER | | | | NOT LOVEST BIDDER | | | | NOT LOVEST BIDDER | | | | | | | |
| COMMENTS: | I noted that the extended price for slab removal contained the proposed numbers in the extended price. When the unit price of \$686.00 is multiple times the estimated quantity, it equals \$585,400.00. The Bidder's extended price read \$387,400.00. Unit pricing will prevail as in all bids. This will alter the lowest bid from \$591,073.10 to \$1,382,873.10. | | | COMMENTS: | | | | | | COMMENTS: | | | | | | COMMENTS: | | | |
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Operational Procurement Manuel

6.2 End-User Concurrence

Once the bid responses are analyzed, the buyer will provide only the information regarding the lowest responsive/responsible bidder to the end-user, including the Concur Memo Form, for their concurrence to awarding the bid. The end-user will review the information, then sign and return the form to the buyer. After receiving the concurrence to the lowest responsive/responsible supplier, proceed to the award stage.

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Stage 6: Award Process

This stage describes the steps and policies involved in awarding the solicitation.

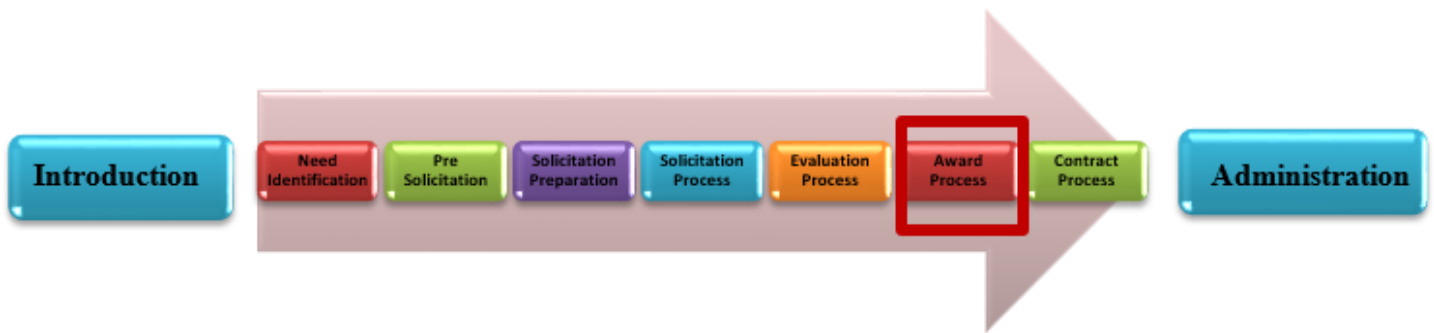


TABLE 7 – Stage 6 Forms

| <u>Form #</u> | <u>Title</u> | <u>GDOT</u> | <u>DOAS-SPD</u> |
|---------------|--|-------------|-----------------|
| SPD-AP004 | Notice of Intent to Award | | ✓ |
| SPD-AP005 | Notice of Award | | ✓ |
| SPD-AP008 | RFQC List of Qualified Contractors | | ✓ |
| GDOT-AP601 | Concur Memo | ✓ | |
| GDOT-AP602 | Notice of Award – T32 | ✓ | |

7.1 Notice of Intent to Award

The finalized, evaluated information showing the bidder to be awarded is shared with the end-user for concurrence. If the end-user identifies an area of non-compliance, and notifies procurement in writing, providing specific area(s) of non-compliance, procurement should review the areas of non-compliance to validate the non-compliance issue before proceeding to the second step.

Once GDOT is ready to publicly announce the results of the evaluation of the solicitation, the award stage begins. GDOT will adhere to the guidelines established for award in the GPM [Stage 6 – Award Process](#).

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Stage 7: Contract Process

This stage describes the steps and policies involved in the contract process.

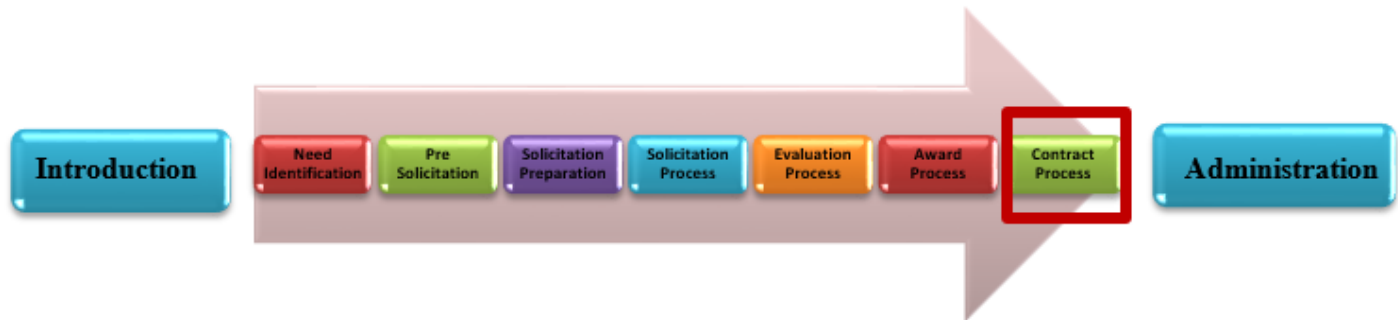


TABLE 8 – Stage 7 Forms

| <u>Form #</u> | <u>Title</u> | <u>GDOT</u> | <u>DOAS-SPD</u> |
|---------------|---|-------------|-----------------|
| SPD-CP004 | Excise Tax Exemption Certificate | | ✓ |
| SPD-CP016 | Contract Administration Plan Template | | ✓ |
| GDOT-CP701 | Agency Contract Information Sheet | ✓ | |
| GDOT-CP702 | Renewal Letter Template | ✓ | |
| GDOT-CP703 | Contract Renewal Template | ✓ | |
| GDOT-CP704 | ITB Amendment Template | ✓ | |
| GDOT-CP705 | Contract Amendment Template | ✓ | |
| GDOT-CP706 | Contract Administrative Change Template | ✓ | |
| GDOT-CP707 | Novation Agreement | ✓ | |
| GDOT-CP708 | Letter of Default/Concern Template | ✓ | |
| GDOT-CP709 | Cure Letter Template | ✓ | |
| GDOT-CP710 | Show Cause Template | ✓ | |
| GDOT-CP711 | Contract Termination Template | ✓ | |
| GDOT-CP712 | Stop Work Order Template | ✓ | |

8.1 Key Contract Steps

This section will remain the same as GPM.

8.2 GDOT's Initial Contract Administration Tasks

The goal of contract administration is to ensure the supplier performs according to the terms of the contract and that both parties (supplier and GDOT) properly fulfill these requirements.

8.3 Role of Contract Administrator

The Contract Administrator is the Procurement staff responsible for administering and managing the contract. For example, any contract resulting from an awarded solicitation by an Issuing Officer of GDOT is the contract administrator. The contract administrator is responsible for the following:

- a. Monitoring supplier performance
- b. Monitoring invoice payment reports from accounting for timeliness and accuracy
- c. Managing the contract, including renewing multi-year agreements as appropriate and contract amendments

- d. Documenting all actions taken regarding the contract and maintain such documentation as part of the official contract file. As a matter of examples:
 - Insurance Certificate (as applicable)
 - Performance Bond (as applicable)
 - Payment Bond (as applicable)
 - Letter of Credit (as applicable)
 - Any other document required by contract
- e. Closing out the contract file.

8.4 Role of Project Manager/Contract Owner/End-User

For service agreements or complex projects, OGC may elect to assign an individual to serve as the project manager. The project manager is responsible for both technical oversight and direction such as:

- a. Reviews/Inspects all work that has been or is being performed by the supplier
- b. Confirms the work performed complies with the specifications and provisions of the contract
- c. Addresses any performance deficiencies
- d. Monitors the progress of the contract
- e. Performs inspections as necessary

Additionally, the project manager is responsible for acceptance of the product or service provided. If changes need to be made to the contract in the form of modifications, terminations or claims disposition, the contract administrator manages this process. The changes must be submitted to the CA for amendment to the contract.

8.5 Maintaining Contract Information

Procurement staff must upload all documented information in the Supplier Contract Module within TGM. Examples of types of documentation to be uploaded are as follows:

- a. Contract Administration Plan (if applicable)
- b. Contract Renewals – executed (include insurance/bond documents current to the period of renewal)
- c. Contract Amendments – executed
- d. Supplier Performance – including all Letters of Default, Cure Letter, Show Cause and/or Termination
- e. Executed Contract – including T's & C's, Insurance, Bonds

Once a new contract has been executed, the contract administrator must manage preliminary communications, including the initial contract kick-off meeting with the awarded supplier, as well as announcements to contract users. To ensure that all parties understand their roles, procurement finalizes the CAP for management review and announcement to end-users and suppliers. The CAP must contain, at a minimum, the following items: Purpose, Benefit, Roles and Responsibilities.

Setup kick-off meeting with the end-user and the awarded vendor to discuss the contract and its requirements, including the following topics:

- a. Scope of contract
- b. Contract terms and conditions: especially if there are special conditions that apply
- c. Reporting requirements
- d. The rights and responsibilities of both parties of the supplier performance evaluation procedures
- e. Potential problem areas and their possible resolution
- f. Invoice and payment procedures

8.5.1 Set up the contract file

Include all correspondence, initial bid documents, addendums, clarification letters, bid response, contract and supporting documentation and any purchase orders created. Use Form SPD-CP016, Contract Administration Plan Template. Elements to be covered:

- a. Statement of Work
- b. List of contract modifications/amendments issued
- c. Summary of all invoices submitted and paid
- d. List of all option/renewal dates and notification dates
- e. Once the contract is signed and award is made, these documents will be gathered and placed in this binder. The binder is segmented in four compartments and referred as a pressboard folder, one divider. The divider cause binder to be compartmentalized with each section is designated for specific documents

8.5.2 Authorization to begin performance

Except as provided otherwise, the awarded supplier will receive either a signed contract or a purchase order (or both) from GDOT. The purchase order and/or signed contract will include the terms, conditions and specifications governing the supplier's contract performance as well as any of the supplier's exceptions that were accepted by the state entity. No supplier is authorized to begin performance prior to receiving a signed contract or purchase order from GDOT.

In addition, if there are preliminary tasks to be completed before contract work begins, then the supplier cannot commence work until such tasks have been performed.

For example:

- Insurance - Proof of any required insurance must be provided prior to performing on contract.
- Bonds - Any required bonds (payment, performance, fidelity, etc.) or letters of credit must be provided prior to performing on contract.

**** OGC Contracting Only ****

There may be times where bonds are required per a Purchase Order. This procedure is performed by only the OGC contracting section. If a bond is necessary, the following provides the protocol and accepted practices of the industry.

1. Issuing bonds based on the P.O. amount is acceptable.
2. As money is added to the P.O. (annually, quarterly, etc.) the surety will issue a Rider for the increased amount, and the bond will be in the fully value of the P.O. However, the contractor will only be billed for the additional amount added by the rider.
3. If funds are left from the previous period/quarter, the contractor will not be charged again for the remaining balance—the initial amount is already bonded.
If a separate P.O. is issued to add money, then the contractor ends up paying more for bonds.
4. When funds have been added to increase the P.O. amount, all that is required is to provide a copy of the P.O. showing the added amount to the Surety Company and they will bill the contractor for that added amount only.

The supplier's receipt of a purchase order for a one-time purchase, a lease or installment purchase, or a fixed quantity contract, authorizes shipment in accordance with its terms.

The supplier's receipt of a Notice of Award from GDOT for a term contract, does not authorize any shipment. Shipment against term contracts is only authorized by a supplier's receipt of a purchase order

from GDOT. The purchase order and contract numbers must be shown on all bills of lading, packing slips, back orders, invoices, and other transactional documents.

8.5.3 Delivery of Goods/Performance of Services

The contract administrator must work with the supplier to ensure timeliness and quality of deliverables. Any delay in delivery or poor quality of products or services is an indication that the supplier may be experiencing problems. Prompt inquiry may avoid further delays or quality problems. If a supplier is late in the delivery of goods, equipment or in meeting a milestone, the contract administrator must immediately contact the supplier to ascertain the circumstances regarding the delay. However, it is the supplier's responsibility to identify schedule or performance issues and correct deficiencies.

8.5.4 Monitoring Supplier Performance

Using the Contract Action Summary form, can assist staff with identifying the key areas of performance and management issues in an outline form. The outline will guide what must be in the CAP, to be reviewed with all parties prior to performance on the contract.

At a minimum, the Contract Action Summary provides for the following areas.

- Monitor performance; ensure that the supplier/contractor is properly working under the contract requirements.
- Monitor invoices; ensure timely invoices, properly prepared including date, proper unit of purchase/service, proper cost including extension, no sales tax, include discounts where earned.
- Review/monitor contract deliverables; ensure that what the contract provides is what the Department receives. Ensure quantity, quality and timeliness is as required.

8.5.5 GDOT's Review and Acceptance of Contract Performance

GDOT's review and acceptance of contract performance is a critical part of successful contract management. The review and acceptance of contract performance also ensures that the contract is kept timely and that all goods, services and other contract deliverables comply with the contract terms and conditions. All product and/or services delivered will be subject to inspection, testing and other appropriate review by GDOT.

A supplier's delivery of goods, services and other contract deliverables does not constitute GDOT's acceptance. Goods, services or other contract deliverables that do not meet applicable contract specifications and requirements, will be rejected. Failure to reject upon receipt, however, does not relieve the supplier of its liability. If tests subsequent to delivery reveal a failure to meet specifications, the supplier will be deemed to have breached the contract.

The project manager or designee must immediately inspect goods delivered by the supplier, and either accept or reject. Immediate inspection of these deliverables ensures that potential quality deficiencies are not repeated in the next shipment. For service contracts, inspection and acceptance may be upon the completion of stated tasks or timely achievement of milestones or events. Acceptance constitutes the state entity's acknowledgment that the goods and services conform to the quality and quantity requirements set forth in the contract.

8.5.6 Changes to the Contract

During the contract period, there may be changes necessary to complete the requirements of the scope. Amendments may be requested by either party, in writing. All parties should receive a copy of the executed amendment. Below are a list of the types of changes that may occur to a contract:

- Minor administrative – change in billing address or instructions, corrections of typographical mistakes, changes in contract administrators.

- Generally unilateral – that is the Department can make the change without requiring that the vendor/contractor sign the amendment. Vendor gets a written copy.
- Substantive change – affects the rights of all parties and must be processed as a bilateral change. Both parties agree in writing to change the contract.
- Monetary changes - change cannot exceed the cost of the contract by 10% or \$250,000, whichever is less.

8.5.7 GDOT's Ongoing Contract Management

In addition to monitoring the supplier's contract performance and managing acceptance and payment for goods and services, the program manager is also responsible for facilitating the performance tasks/mileposts/progress. GDOT and suppliers are required to cooperate in good faith throughout the contract. The contract administrator must clearly document in writing all changes and performance failures to a contract over the life of the contract.

8.5.7.1 Program Manager Roles and Responsibilities

1) Inspection of Services/Delivery of Goods may include...

- a) Photos of completed service – date and time stamped
- b) Completion and submittal of GDOT Inspection Report, if applicable
- c) Communicate with supplier of failures – must be documented
 - i. Email supplier contract administrator of failures. Within contract terms, give deadline for compliance, if failure to comply does
 - ii. Schedule face-to-face meeting to address failures. GDOT contract administrator must be present.
 - iii. Failed performance – second offence, same performance failure

(1) Draft Letter of Default - GDOT – CP012 GDOT Letter of Default Template

(2) Send electronic draft to Contract Administrator and GDOT APO for review and authorization prior to release to supplier.

a. Contract Administrator and GDOT APO will schedule supplier meeting to discuss root issues of failed performance

2) Supplier Performance Review

It is highly recommended to meet with the supplier on a regular basis to discuss areas of concern or areas of success. A meeting can be monthly, quarterly or bi-annually, to maintain a successful partnership during the project.

3) Dispute Resolution

A core skill of successful contract management is the ability to properly and quickly resolve a dispute, before it escalates to the next level. It is essential to identify problems early in the performance period, use effective communication, and formalize the process in writing via cure notice procedure or less formal written procedure like the complaint to supplier form. To avoid escalation and assure that GDOT has not exacerbated potential problems, it is

imperative that the Department's program manager respond promptly to all supplier inquiries.

The general steps in the dispute resolution process are described in Table 7.9; however, nothing in this section will supersede the terms of the contract with respect to dispute resolution (such as provisions governing escalation process, mediation, etc.).

8.5.7.2 Contract Administrator Roles and Responsibilities

In the event GDOT determines that the supplier's performance has not been in accordance with the contract and the non-performance is not resolved through the dispute resolution process, the contract administrator will send notification to the APO. The Contracts Manager will send a Cure Letter stating the nature of the complaint and requesting an explanation. SPD recommends that GDOT also completes and submits an online written report through [Supplier Performance Report System](#). However, before the issuance of the cure letter, the contract administrator should refer to this table for guidance on the resolution of disputes.

| SPD - Table 7.9 General Steps Governing Dispute Resolution | |
|---|---|
| Steps | Description of Step |
| Step 1: Identify the problem | The contract administrator should obtain all the information regarding the potential problem from all relevant sources, including the project manager, representative customers and the supplier. |
| Step 2: Research facts | Once the problem is identified, the contract administrator must review the contract to confirm that the issue is a part of the contract. If the issue is not covered by the contract, the state entity cannot expect the supplier to perform outside the agreement. |
| Step 3: Evaluation | The contract administrator should review all the facts in conjunction with the requirements and terms and conditions of the contract. The contract administrator should then confer with the program manager (and management and budget, if necessary) to determine the appropriate course of action. |
| Step 4: Discussion with Supplier and Written Plan of Action | Identify the problem to the supplier and discuss resolution. Frequently, what may appear to be a problem can be resolved by providing the supplier with information or clarification. The resolution should be formalized in writing and signed by supplier. |

The contract administrator is also responsible for the preparation and submittal for signature of all applicable contract forms and documents. Once signed, the originals are included in the contract file and scanned for upload to the TGM Contract Management module. Below is a list of the authorized signatory for each required form/document:

| TABLE 8a – Authorized Signatory | | |
|--|---|---|
| Form # | Title | Authorized Signatory |
| GDOT-CP701 | Agency Contract Information Sheet | Issuing Officer |
| GDOT-CP702 | Renewal Letter Template | Issuing Officer |
| GDOT-CP703 | Contract Renewal Template | OGC Contracts Manager |
| GDOT-CP704 | ITB Amendment Template | OGC Acquisitions Manager |
| GDOT-CP705 | Contract Amendment Template | OGC Contracts Manager |
| GDOT-CP706 | Contract Administrative Change Template | Issuing Officer |
| GDOT-CP707 | Novation Agreement | OGC Contracts Manager |
| GDOT-CP708 | Letter of Default/Concern Template | OGC Contracts Manager or District Procurement Manager |
| GDOT-CP709 | Cure Letter Template | OGC APO or Designee |
| GDOT-CP710 | Show Cause Template | OGC APO or Designee |
| GDOT-CP711 | Contract Termination Template | OGC APO or Designee |
| GDOT-CP712 | Stop Work Order Template | OGC APO or Designee |

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Glossary

A

APO

Agency Procurement Officer

Serves as the liaison to DOAS SPD and maintains a position on the Procurement Council Advisory Panel (PCAP). Responsible for all purchasing activities for the Department and monitors the Department to maintain compliance with all purchasing rules/state policy. Ensure that the ethics of public procurement are being maintained at the agency level. Associated title with the APO designation; Operational Procurement Manager, Assistant State Procurement Administrator.

ACW

Agency Contract Waiver

Authorization provided by the APO to allow the using office to go off an agency contract.

B

BOR

Board of Regents

The Board oversees the public colleges and universities that comprise the University System of Georgia and has oversight of the Georgia Archives and the Georgia Public Library System.

C

CEU

Continuing Education Units

A continuing education unit (CEU) or continuing education credit (CEC) is a measure used in continuing education programs to assist the professional to maintain his or her license in their profession.

CPO

Chief Procurement Officer

Serves as the Office Head for the GDOT Office of Procurement. Oversees all purchasing activities associated with the Transportation Services Procurement and for the Operational Procurement Section. Associated title with the CPO designation; Chief Procurement Officer, State Procurement Administrator.

CPPB

Certified Professional Public Buyer – National Certification

Provided by the Universal Public Procurement Certification Council and administered through the National Institute of Governmental Purchasing. Applies to individuals who have demonstrated prescribed levels of professional competency as a buyer in public and governmental purchasing, and not required to meet the additional managerial function requirement for CPPO.

CPPO

Certified Public Purchasing Officer – National Certification. Provided by the Universal Public Procurement Certification Council and administered through the National Institute of Governmental Purchasing. Applies to individuals who have demonstrated prescribed levels of professional competency as a buyer and managerial function required as a CPPO.

CPSM

Certified Professional in Supply Management– National Certification. Provided by the Institute of Supply Management. Designation is the highest national certification and is a comprehensive management development program based upon a selected set of competencies to improve performance and advance best practice standards for public sector procurement managers.

CUPO

College/University Procurement Officer

Serves as the liaison to DOAS SPD and maintains a position on the Procurement Council Advisory Panel (PCAP). Responsible for all purchasing activities for the college/university and to monitor the college/university to maintain compliance with all purchasing rules/state policy. Ensure that the ethics of public procurement are being maintained at the college/university level.

D

DOAS

Department of Administrative Services

Department which has oversight of all Title 50 purchases. Legislatively directed to develop and implement policy broadly to be used by all state entities. Policy is specific to Title 50 but is typically accepted as common practice where applicable.

DOR

Department of Revenue

Department which is directed to ensure payment of state revenues. Legislatively directed to validate all intended awardee contractors for contracts in excessive of \$100,000 dollars.

DOT

Department of Transportation

DPA

Delegated Purchasing Authority

The authority to purchase up to delegated level as granted by DOAS. The dollar value is based on the professional development of the central office staff and satisfactory scoring on specific compliance criteria, submitted annually.

E**ePro**

eProcurement

Software module within the state's financial platform to facilitate the creation, management and approval of requisitions (or purchase approval requests).

Evaluation Criteria

Requirements that must be met by the bidder and are critical to the award. The evaluation criterion is entered to the Cost Worksheet

F**F.O.B.**

Free on Board designate what party is responsible for the commodity while in transit

G**GCI**

Georgia Correctional Industries

In accordance with (O.C.G.A.) Section 50-5-73, GCI as available and of competitive quality and prices. Only goods and services identified as certified are considered to be in Tier 3 of the Order of Precedence. A list of certified products/services may be viewed by accessing the GCI Certified Products and Services List. These purchases are not subject to dollar limits or the state entity's delegated purchasing authority.

GCPA

Georgia Certified Purchasing Associate

Basic certification required for any procurement position titled. Employee must have basic understanding of State procurement tools, procedures, and policies and may be create Request for Quotations solicitations if allowed/designated by the APO/CUPO.

GCPM

Georgia Certified Purchasing Manager

Employee must complete and have active GCPA prior to being eligible to pursue GCPM. Many testing components comprise this certification. Holder must successfully obtain the RFP Certificate, Negotiation Certificate and Contract Management Certificate. Procurement professional are not required to obtain this certification.

GDOT

Georgia Department of Transportation

GEPS

Georgia Enterprises for Products and Services

Georgia Enterprises for Products and Services is a specific purchasing program called a State Use Program. Established by the Georgia Legislature in 1993 through O.C.G.A. #50-5-135, its designed is to expand employment opportunities of citizens with disabilities.

GPM

Georgia Procurement Manual

Official publication of the administrative rules issued by DOAS, State Purchasing Division. The administrative rules provided govern the purchasing activities of all state government entities subject to DOAS authority pursuant to the State Purchasing Act (Official Code of Georgia Annotated (O.C.G.A.) Section 50-5-50 et seq.), including state offices, agencies, departments, boards, commissions, institutions, and other entities of the state unless specifically exempted by statute or regulation.

GPR

Georgia Procurement Registry

Web based public listing of solicitations posted by Georgia government entities. State entities are required to publicly advertise solicitations using the GPR; the GPR is also utilized on an optional basis by other government entities such as state authorities and local government entities. The GPR includes search capabilities to allow interested suppliers or members of the public to easily navigate solicitation listings.

GSFIC

Georgia State Finance and Investment Commission

Created by a constitutional amendment in 1972, is responsible for the proper application of proceeds from general obligation debt and the issuance of all public debt by the State.

GTA

Georgia Technology Authority

Serves as lead role in state government's information technology enterprise. GTA establishes statewide policies for technology as well as standards and guidelines based on federal requirements

I

ISM

Institute of Supply Management

Private sector focused to enhance the value and performance of procurement and supply chain management practitioners and their organizations worldwide. Provides educational opportunities to further the professional knowledge and skill sets.

L

LMS

Learning Management System

DOAS operated website which provides procurement professionals enrollment access to the required by the various state certifications.

N

NIGP

National Institute of Governmental Purchasing

National Institute for Public Procurement is a national, membership-based non-profit organization providing support to professionals in the public sector procurement profession. NIGP provides its members with many services, including education, professional networking, research, and technical assistance.

NOA

Notice of Award

State's official announcement of actual contract award. This mandatory document for announcing any and all awards resulting from solicitations regardless of the dollar amount. For all contracts with an estimated value of \$100,000 or more, the NOA may not be issued prior to the expiration of the protest filing period and the resolution of any protests received.

NOIA

Notice of Intent to Award

State's official public announcement of its intended contract award to the identified apparent successful supplier(s). The NOIA identifies the amount of the intended contract award, the names of all suppliers whose responses were rejected, and the reasons for rejection of the unsuccessful supplier. The NOIA is required to be publicly posted before a contract award is made for awards exceeding \$100,000 dollars.

P

PBA

Piggy Back Authorization

Allows the Department and the awarded supplier upon agreement at the solicitation stage to open up the contract for the use of other state and local government organizations. However, the supplier must offer the same prices, terms and conditions as that of the Department.

O

O.C.G.A.

Official Code of Georgia Annotated

Compilation of all laws in the state of Georgia.

OIG

Office of Inspector General

The State of Georgia Office of the Inspector General investigates fraud, waste, abuse, and corruption in the State of Georgia's Executive Branch agencies. Any complaints involving state funds, state employees, or state-administrated funds falls within this office's jurisdiction.

OPB

Office of Planning and Budget

The Governor's Office of Planning and Budget supports the state by producing short- and long-term financial analyses, running budget development, and overseeing fiscal controls.

P

P-Card

Purchasing Card

The P-Card Program is the only charge card program authorized for use by State Agencies/Universities. Card may be used as the method of payment for unplanned, non-routine, or urgent point of sale purchases.

PO

Purchase Order

A purchase order is a contract between the Department and the supplier. The purchase order is used to encumber funds and may be used to establish minimum contract terms. The terms, conditions, and specifications of the solicitation document and the award document will be incorporated into any contract between the Department and the supplier as a result of the solicitation.

Q

QPL

Qualified Products List

Listing of products maintained by a Department that meet established specifications. Manufacturers must submit products for comparison and/or testing to the established specification. If the product meets the specification criteria, the product and model number are then approved for the list. When an RFQ is subsequently issued by the Department, only those products listed on the QPL are considered for award.

R

RFI

Request for Information

Semi-formal method for requesting information from suppliers who have knowledge or information about an industry, goods, or services. May be used if not enough information or knowledge about the services needed to develop a statement of work or goods. The RFI is not a competitive solicitation method and, as a result, does not satisfy the requirement for competitive bidding.

RFP

Request for Proposals

Formal solicitation method that seeks to leverage the creativity and knowledge of business organizations in order to provide a solution to a unique procurement. This process allows suppliers to propose their own comprehensive and innovative solution to the Department's needs. The RFP also seeks to identify the "best value" for the Department by using a combination of technical and cost factors to evaluate suppliers' proposals.

RFQ

Request for Quotations

Formal competitive procurement method used by Department to solicit bids for the supply of goods or services. The RFQ process identifies the lowest priced responsive and responsible bidder(s) for contract award.

RFQC

Request for Qualified Contractors

Process to facilitate prequalification of suppliers. The RFQC process may vary depending on a variety of factors, such as the frequency or duration of the Department's needs and the manner in which the service, goods, materials or equipment are provided. The resulting list of qualified suppliers, if any, is not a contract award and does not guarantee any future work. However, the qualified suppliers are eligible to submit a response to any future RFQ, ITB or RFP issued by the Department for the particular service, good, material or equipment for which the supplier has been prequalified to provide.

S

SAO

State Accounting Office

The State Accounting Office sets standards for financial reporting; prepares the state's yearly, comprehensive financial statement; assists other state agencies collect human resources data; and trains accounting and payroll personnel.

SECI

State Entity Contract Index

Index of existing contracts held by the Department that represent the Tier 2 of the Order of Precedence. The Department must purchase goods/services that are available on existing contracts for that particular state entity and any deviations from such contracts must be documented and approved by the APO/CUPO.

SPD

State Purchasing Division

SPD is legislatively directed to establish contracts and administer other procurement duties and functions identified in the State Purchasing Act, including, but not limited to, establishing equitable and efficient procurement processes to maximize the benefits of competitive bidding; establishing standard specifications; review state government procurement activities to ensure compliance with administrative rules; and provide training and other resources to promote suppliers' access to the state procurement process and the professional development of state procurement staff.

SWOT

Strength Weakness Opportunity and Threats

SWOT (strengths, weaknesses, opportunities and threats analysis) is a framework analysis for identifying and analyzing the internal and external factors that can have an impact on the viability of a project, product, place or person.