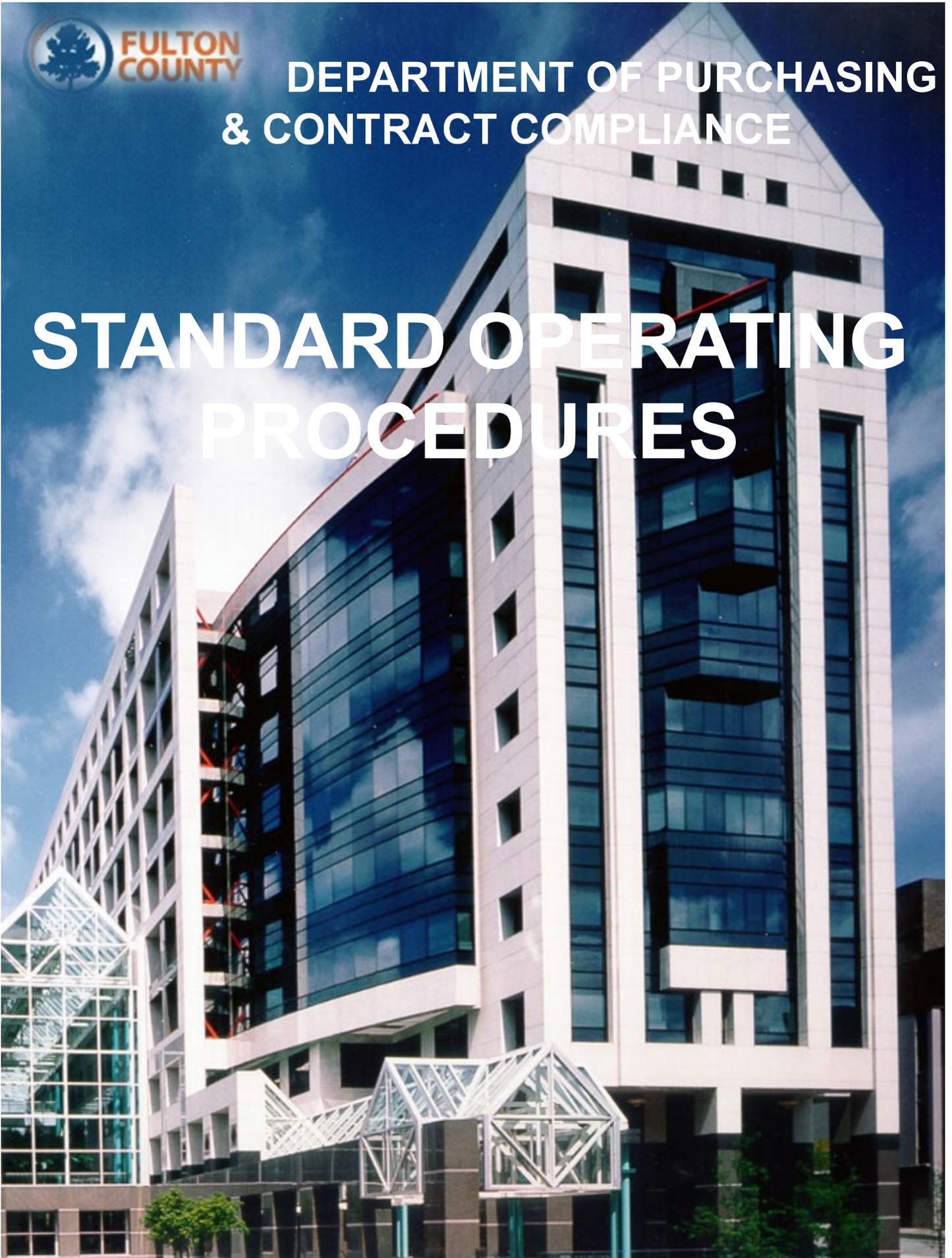




**FULTON
COUNTY**

**DEPARTMENT OF PURCHASING
& CONTRACT COMPLIANCE**

STANDARD OPERATING PROCEDURES



Revised July 12, 2022 in accordance with Purchasing Code Section 102-364(d)(2)

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Introduction and General Overview

This chapter provides an introduction and general overview of the Standard Operation Procedures (SOP) for the purchasing staff and the user departments.

THE EIGHT STAGES OF PROCUREMENT



I.1. Introduction

The Standard Operating Procedures (“SOP”) is a single set of procedures applicable to Fulton County (County) User Departments and Purchasing & Contract Compliance Staff to provide written instructions on the step-by-step procedures necessary for the procurement of supplies, materials, equipment, construction, professional and consultant services through the Department of Purchasing & Contract Compliance.

The Purchasing Agent means the Chief Purchasing Agent (formerly the Director of Purchasing & Contract Compliance and will be referred to throughout this manual as “Chief Purchasing Agent”.

The Chief Purchasing Agent is authorized to adopt regulations, consistent with the Code, governing the procurement, management, control of any and all supplies, services and construction procured by the County. This SOP is the official set of rules, policies and procedures governing procurements and provided as a resource for all County personnel.

I.1.1. Purpose

The purpose of this SOP is to officially publish a standard set of procurement rules, policies and procedures that govern the purchasing activities of the County subject to the Fulton County Purchasing Code, including User Departments, office, board, commission or other agency of the County unless specifically exempted by statue or regulation. The SOP is intended to support the following purposes:

- Simplify and clarify the County’s procurement requirements
- Establish consistent policies and procedures regarding procurement for all County agencies

- Ensure the fair and equitable treatment of all persons who deal with the procurement process
- Provide increased economy for County procurement activities and to maximize to the fullest extent possible the purchasing value of public funds
- Foster effective competition in the marketplace, and
- Provide safeguards for the maintenance, quality, and integrity of the procurement process.

1.1.2. Communication

The Department of Purchasing & Contract Compliance utilizes the Portal (Employee Central) to provide standardized solicitation documents, letters, procedures and informational guidelines and instructions. Major policy and procedure revisions will be communicated in the form of a Purchasing Updates and issued in writing and distributed electronically to Department Heads, Deputy Department Heads and Purchasing Liaisons. All Purchasing Updates issued will be available online on the Portal. The updates will provide information about policy and procedure revisions, contracting, and revisions to purchasing documents located on the Portal as well as upcoming training and workshops that may affect your department. The updates will be sent out on an as needed basis.

1.1.3. Organization

This SOP divides the procurement process into eight stages:

- Chapter 1: Need Identification
- Chapter 2: Pre-Solicitation
- Chapter 3: Solicitation Preparation
- Chapter 4: Solicitation Process
- Chapter 5: Evaluation Process
- Chapter 6: Award Process
- Chapter 7: Contract Administration Process
- Chapter 8: Post Award Utilization Monitoring

Each chapter provides and outlines the step-by-step process required for each procurement stage from the time the User Department identifies a business need for a

good or service through contract award, contract administration and monitoring of the project. Each chapter includes an introduction which is an overview of the specific procurement process. The SOP also includes operational processes, a glossary of procurement terms, flow charts organized by function, and an index to simplify locating specific topics.

1.1.4. Revisions to the SOP

Any revisions to the SOP will be made available on the Portal. Whenever a revision is made to a document on the Portal, the latest date of the revision will be posted with the word ***New!*** indicating that a revision has been made. The Chief Purchasing Agent or designee will notify Department Directors, Deputy Directors and Purchasing Liaisons of any revisions through Purchasing Updates via email. The most recent SOP will be available and can be accessed electronically on the Portal.

I.2. General Overview

This section provides a general overview of the Department of Purchasing & Contract Compliance responsibilities, purchasing authority, and the authority and duties of purchasing officials.

I.2.1. Department of Purchasing & Contract Compliance

The Department of Purchasing & Contract Compliance is an agency of Fulton County Government created pursuant to State Law (*1941 Ga Laws Act No. 426, page 408*). The Department of Purchasing & Contract Compliance is responsible for the purchasing of all supplies, materials, or equipment and contracts for all work or labor to be done, required by any department, office, officer, board, commission, or other agency of the county.

1.2.2. Fulton County Purchasing Code

This SOP provides references to applicable County and State law governing purchasing. If any information in the SOP is inconsistent with the Purchasing Code, the Purchasing Code supersedes the SOP. Federal and State laws will supersede the County's purchasing code.

The Purchasing Code is available for review online at Municode.com.

I.2.3. Authority and Duties of Purchasing Officials

Fulton County Purchasing Code [Section 102-364](#) sets out the authority and duties of the Fulton County Chief Purchasing Agent.

I.2.3.1. Chief Purchasing Agent

The Chief Purchasing Agent is designated as the principal purchasing official of the County and has the authority to solicit and contract for the procurement of supplies, services, construction, professional and consultant services for all using agencies of the County and responsible for adopting operational procedures governing the internal functions of the Department of Purchasing & Contract Compliance.

I.2.3.2. Designated Purchasing & Contract Compliance Staff

The Chief Purchasing Agent may delegate authority to designated Purchasing & Contract Compliance staff as permitted by the Fulton County Purchasing Code.

For purposes of this manual, Purchasing staff, as designated by the Chief Purchasing Agent, will be referred to as "Purchasing Representative". Contract Compliance staff, as designated by the Chief Purchasing Agent, will be referred to as "Contract Compliance Representative".

I.2.3.3. Purchasing Liaison

User Department staff assigned to handle purchasing activities on behalf of their department, but not under the authority of the Chief Purchasing Agent, will be referred to as "Purchasing Liaison".

Chapter 1: Stage 1 – Need Identification

This chapter describes the Need Identification Process stage, the policies that govern this stage, and provides instructions regarding requisitions and special approvals required.



THE EIGHT STAGES OF PROCUREMENT



Key Steps

- Identifying the need for goods or services
- Review of requisition procedures
- Determining whether need can be satisfied by an existing contract
- Identifying purchases that require special approvals or have restrictions

1.1. Identifying the Need

Need identification occurs once the User Department has determined their need for goods or services and submits a request in the form of a requisition that includes technical specifications, required quantities, a description of the item or service required and a product or project delivery timetable. Entering the requisition initiates the procurement process.

1.1.1. Requisition Procedure

All User Departments' requests for goods and services must be submitted electronically via a requisition document with any required specification attached as a word.doc file.

The following requisitioning documents must be used by all departments:

- Standard Requisition with Encumbrance (RQS) – a RQS must be submitted for all capital and construction projects
- Non Pre-Encumbering Requisition (RQN)

RQS/RQN will allow departments to submit a request to Purchasing for the creation of a solicitation and the procurement of goods, supplies and materials. After logging onto

the system with a user-ID and password, User Department staff will be able to create, edit and modify their own requisition documents until they are accepted and approved for processing by Purchasing. Once the requisition is submitted for processing to Purchasing, it cannot be modified by the Department.

The detailed requisition procedures can be accessed and reviewed in the [AMS User Guide](#).

The User Department must ensure the following information is entered on the requisition:

- Appropriate funding line
- Commodity code(s)
- A description of the supplies (materials or equipment) or services needed
- Quantity required

Requisitions for Motorized Equipment (Vehicles)

All requisitions for motorized equipment must be approved by the Department of Facilities and Transportation Services, Fleet Maintenance Division.

Requisitions for Computer Hardware/Software

All requisitions for computer hardware/software must be approved by the Department of Information Technology.

Requisitions for Annual Contracts and Master Agreement

The County enters into one (1) year contracts with vendors/contractors for various commodities. Purchasing will make a determination whether a Master Agreement (“MA”) should be utilized for the goods or services. If it is determined that a MA will be utilized, the MA will be created by Purchasing establishing the awarded dollar amount(s) for each vendor and department. Delivery Orders (“DO”), which is a type of Purchase Order (“PO”), must be created by the User Department for each vendor if and when, needed. The MA is the controlling document which will limit the amount that can be expended to any one vendor.

1.2 Sourcing Review

Once a requisition is received by Purchasing for a specific good or service, the Purchasing Representative will conduct a review. The review will determine whether the requested good or service can be satisfied through the use of an existing contract, a statewide contract, cooperative purchasing, whether the good or service has previously been procured as a sole source, if the request will require special approval by the

County Manager or Board of Commissioners for an emergency or intergovernmental agreement. The Purchasing Representative can then determine whether or not a new solicitation should be established to meet the User Department's need.

1.2.1. Statewide Contracts

In accordance with [Code Section 102-460, Use of State Contracts](#), Purchasing can procure supplies, services or construction items through contracts established by the Purchasing Division of the State of Georgia. Statewide contracts are available for review online at www.doas.ga.gov.

1.2.2. Piggyback Purchases

Piggyback is a form of intergovernmental cooperative purchasing in which the Chief Purchasing Agent can determine whether another governmental entity has an existing contract that can meet the needs of a user department. The Chief Purchasing Agent must ensure that the contract was competitively procured; is in the best interest of the County; and, obtain permission from the governmental entity's purchasing official to utilize the contract.

1.2.3. Cooperative Purchasing

In accordance with [Code Section 102-456, Cooperative Purchasing Authorized](#), Purchasing may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of supplies, services or construction with one or more public procurement units in accordance with an agreement entered into between the participants.

1.2.4. Intergovernmental Agreement

An Intergovernmental Agreement (IGA) is a contract between two or more government entities government. IGAs between Fulton County and other government entities within the State of Georgia (city, county, etc.), in addition to other states of the United States of America are allowable. All IGAs must be approved by the Board of Commissioners.

1.2.5. Intellectual Property

In accordance with [Code Section 102-386, Renewal of Annual Licensing, Maintenance and Support Agreements for Intellectual Property](#), the Purchasing Representative must determine whether a request for annual licensing, maintenance and support is on the Intellectual Property ("IP") List approved by the Board of Commissioners.

1.2.6. Emergency Procurement

In accordance with [Code Section 102-385, Emergency Procurement](#), the User Department must obtain approval from the County Manager for the procurement of work, labor or service or the supplies, materials or equipment to be furnished when a threat to public health, welfare or safety or the loss of an essential governmental service exists. The request to the County Manager must be in writing on the [Emergency Request Memo](#) and must detail the basis of the emergency and rationale for the selection of a particular contractor. The Emergency Request Memo should be forwarded to the Chief Purchasing Agent to determine that the request meets the requirements of Code Section 102-385, Emergency Procurement.

To the extent possible, the User Department must obtain competition when possible under the circumstances. A requisition must be entered into AMS at the time the request is forwarded to the County Manager for approval. The User Department must prepare the emergency request for ratification by the Board of Commissioners at the next scheduled meeting.

Upon receipt of approval from the County Manager, the Purchasing Representative will process the Purchase Order (PO) and include the phrase “Emergency Purchase Order”.

1.2.7. Purchasing Card (P-Card)

In accordance with [Code Section 102-383 \(d\), Purchasing Card](#), the Purchasing Card (P-Card) can be used for purchases where the purchase does not exceed \$2,500.00 for the purchase of supplies, materials, equipment and services for County business use. Access and review the [Purchasing Card User Manual](#) for guidance regarding procedures and purchases that are allowed and not allowed utilizing the P-Card.

1.3. Special Approvals or Restrictions

The following procurements/purchases require special approval or have specific restrictions prior to the solicitation being issued or purchase.

1.3.1. Information Technology Products and Services

Fulton County Information Technology (“FCIT”) is responsible for and has the authority to oversee and manage the County’s information technology infrastructure and establish policies and procedures, standards and guidelines. In accordance with policy [600-60, IT Acceptable Use](#), FCIT must approve all IT related purchases including services and goods. All IT related equipment and services must conform to FCIT standards and protocols. FCIT will not support any equipment or services that do not comply with

FCIT standards and/or protocol. FCIT must also serve as a voting member of any evaluation committee involving the acquisition of any IT related good/service. For additional information or any questions contact:

Information Technology Contact Information	
Contact Name	Sherri McNair
Email Address	sherri.mcnair@fultoncountyga.gov
Phone Number	(404) 612-5803

Requests for the procurement of software systems, including hosted systems (SaaS) must be presented to the IT Governance County for approval prior to submitting a requisition to the Department of Purchasing.

1.3.2. Vehicle Purchases

The Department of Real Estate and Asset Management, Fleet Maintenance Division is responsible for the County’s motor vehicle fleet management functions. Fleet Maintenance Division provides procedures on vehicle purchases, assignment, usage, maintenance, operation and disposal. Transportation & Logistics provides motor vehicle services for the County’s motor fleet with the exception of police and fire motorized vehicles. No County User Department may purchase a motor vehicle without prior approval. All requests must be approved by the Finance Department and the Department of Real Estate and Asset Management must approve the purchase on the [Vehicle Replacement Justification Form \(B\)](#). This prior written approval is required prior to Purchasing issuing a solicitation or utilizing an existing statewide contract. When a department desires to replace a vehicle due to age or condition, the vehicle to be replaced must be inspected by the Fleet Maintenance staff to determine whether the vehicle meets the criteria pursuant to [Policy 400-6](#).

Fleet Maintenance Contact Information	
Contact Name	Kier Freeman
Email Address	Kier.freeman@fultoncountyga.gov
Phone Number	(404) 612-9500

1.3.3. Non-Vehicular Surplus Property

The Department of Facilities and Transportation Services is responsible for the disposal or surplus of non-vehicular property (e.g., office furniture, computers) in accordance with [Policy 400-11](#).

Material Warehouse Contact Information	
Contact Name	Calvin Gamble, Material Manager
Email Address	calvin.gamble@fultoncountyga.gov
Phone Number	404.612.2254

1.3.4. Disposition of Real Property

In accordance with [Code Section 102-387](#), when a User Department determines that County-owned real property in their inventory is no longer needed and that property has been identified for sale, available for transfer to another department or other disposition, the disposition must be handled by the Department of Real Estate and Asset Management, Real Estate Division. For more information or any questions contact:

Real Estate Division Contact Information	
Contact Name	Timothy Dimond - Deputy Director, DREAM
Email Address	timothy.dimond@fultoncountyga.gov
Phone Number	(404) 612-7873

Chapter 2: Stage 2 – Pre-Solicitation

This chapter describes the Pre-Solicitation Process stage, the policies that govern this stage, and the step-by-step procedures performed during this stage.

THE EIGHT STAGES OF PROCUREMENT



Key Steps

- Identifying the purchasing need
- Planning and analyzing requirements
- Determining the best acquisition process
- Addressing brand name specification/sole source requests
- Coordinating with other User Departments

2.1. Introduction to the Pre-Solicitation Stage

After the User Department has identified the need for a good or service and the Purchasing Representative has determined that a solicitation should be conducted for the acquisition of the needed goods and/or services, we can proceed to Stage 2, the pre-solicitation stage. In the pre-solicitation stage, the Purchasing Representative has reviewed and analyzed the requirements to determine the best acquisition process and to determine whether the contract should be countywide, annual, on-demand, one-time procurement, etc. The User Department is responsible for submitting the Statement of Work or Specification using the standardized solicitation templates available on the Portal. The [Guide for Developing a Request for Proposal](#) and [Standardized Solicitation Templates](#) provides the User Department with instructions regarding the basic information and organization required by Purchasing to prepare the solicitation document. Purchasing staff will review the Scope of Work/Specifications to ensure:

- Sufficient detail is provided to ensure that the User Department obtains the service and/or good it requires
- SOW/specifications do not include any unreasonable qualifications and is not unduly restrictive

- The use of brand names or sole source is justified and approved by Chief Purchasing Agent
- Deliverables and services being requested are clearly identified
- Current data/information is provided
- Documents are easy to read and understandable

2.2. Step 1: Development of Scope of Work/Specification by User Department

The Guide for Developing a Request for Proposal document is intended to assist the User Department in the development of the Scope of Work for those projects that will be procured utilizing the Request for Proposal (RFP) or Request for Qualification (RFQ) process. The term “scope of work” refers to that portion of a proposal that describes the characteristics of a service required by the User Department. It is a detailed and precise description of what is needed, which conveys to potential proposers/bidders the intended work to be performed, the requirements of that work, the process that the vendor must follow, and the reports that will certify the results of the work.

The standardized solicitation templates are intended to assist the User Department in the development of specifications for goods and/or services to be procured by competitive sealed bidding such as construction services, general services and commodities. The term “technical specification” refers to that portion of an Invitation to Bid (ITB) that describes the characteristics of the work to be performed or goods to be provided.

The SOW/Specifications should be prepared and reviewed by a person(s) with expertise in the area associated with the solicitation. The preparation of the SOW/Specification is the responsibility of the User Department; however, the Purchasing Representative will provide guidance and/or samples when requested. In addition, the Purchasing Representative will schedule a Pre-Solicitation meeting to discuss the project and the SOW/Specification to develop the solicitation document.

Upon completion, the SOW/Specification should be submitted as an attachment to the requisition.

2.2.1. Identifying Scope of Need and Corresponding Stakeholders

The Purchasing Representative will perform an analysis of historical purchases and usage of all County agencies to determine whether there is a similar need for the requested good or service by other User Departments and whether the solicitation will need to be issued as a countywide solicitation. Countywide means that any User Department within the County can utilize the contract. For example, multiple

departments may require security guard services. The role of the Purchasing Representative would be to identify any User Department that could utilize the contract and consulting with those User Departments to ensure that they gather information regarding each User Department's needs to develop the solicitation. The Purchasing Representative may also request that staff from various User Departments assist with developing the solicitation and serve as evaluators and/or assist with negotiations during the solicitation process.

2.2.2. Conduct Market Analysis

Once the purchasing need has been identified and the stakeholders are known, the Purchasing Representative should conduct a market analysis. A market analysis involves:

1. researching product availability,
2. reviewing available resources of information to find available goods, services, and sources of supply, which may meet the identified requirements.

The purpose of a market analysis is to identify potential sources of supply. The market analysis will allow the Purchasing Representative the opportunity to review information to assist them in developing a solicitation document that will foster competition and will not be biased towards a particular product.

2.3. Step 2: Determining the Method of Solicitation

The Purchasing Representative must determine the best solicitation method for the procurement of the needed good or service. As mandated by state law and the County's purchasing code, the County's purchasing thresholds are as follows:

Small Dollar Purchases

▶ \$0.01 to \$5,000.00

No bids or quotes required; however, competition should be obtained whenever practical. - A requisition must be entered into AMS to obtain a Purchase Order from Purchasing.

Purchasing Cards, (P-Cards)

▶ \$0.01 to \$2,500.00

The P-Card Manual provides the policies and procedures for the use of the P-Card and includes a list of allowable purchases utilizing the P-Card. For items not allowable via P-Card,

a requisition must be entered into AMS to obtain a Purchase Order from Purchasing.

Request for Quotes

Informal Bid

▶ \$5,001 to \$100,000

Commodities and time and material services are procured via an electronic quote through Purchasing.

Formal

▶ greater than \$100,000

Formal sealed Invitation to Bid or Request for Proposal.

- Construction Services
- Professional Services
- Commodities

In accordance with [Code Section 102-372, Methods of Source Selection](#), the following are approved methods of source selection:

2.3.1. Small Purchase

In accordance with [Code Section 102-383.1, Small Purchases](#), User Departments can make purchases for items ranging in cost from \$.01 to \$5,000.00 by entering a requisition into AMS. No competition is required however, the Purchasing representative will conduct a sourcing review to determine whether: 1) there is an existing county contract that meets the request; 2) the item is available on an existing statewide or cooperative purchasing contract; 3) item is allowable for purchase via P-Card; or 4) item is split purchase in order to circumvent purchasing threshold. The department is also urged to utilize a rotating vendor selection system to afford all vendors registered in the procurement database the opportunity to participate in the procurement process for the type of commodity purchased.

2.3.1.1. Purchasing Card (P-Card)

In accordance with [Code Section 102-383.2](#), the P-Card can be used for purchases where the purchase does not exceed \$2,500.00 and is designed to enable authorized, County employees to make purchases of supplies, materials, equipment and services for County business use. The procedures for use of the P-Card and allowable purchases on the P-Card are outlined in the Purchasing Card Manual.

2.3.2. Request for Quotation (E-Quote)

Request for Quotations are issued when the cost of goods or services to be purchased range between \$5,000.00 up to \$100,000.00 in accordance with [Code Section 102-382, Request for Quotation](#)

Specifications for these types of procurements are submitted electronically to Purchasing, where they are reviewed and used to develop the solicitation document.

2.3.3. Invitation to Bid

An Invitation to Bid (ITB) or Invitation to Bid for Commodities Only (ITBC) also known as Competitive Sealed Bidding ([Code Section 102-373](#)) is the formal solicitation method used when the cost of goods or services to be purchase will exceed \$100,000. This type of solicitation is straight forward, in that the selection is based on the lowest responsive and responsible bidder price, where the bidder has met the minimum specifications developed for the solicitation. A determination of bidder responsibility and qualifications is generally made on a bid-by-bid basis after the bids are opened. Depending on the procurement, this may involve a site inspection, review of past performance or other reviews to determine Contractor responsibility. The ITB procurement method can be used for the purchase/acquisition of commodities, construction and general services.

2.3.3.1. Commodities

Under this method, the County issues an ITBC, which contains the necessary requirements, specifications and terms and conditions for the procurement of commodities such as equipment, supplies and materials which exceed \$100,000.

2.3.3.2. Construction

Under this method, the County issues an ITB, which contains the necessary requirements for contract award pursuant to the Georgia Local Government Public Works Construction Law (O.C.G.A. §36-91-1 et. seq.). Public works construction means the building, altering, repairing, improving, or demolishing of any structure or building or other public improvements of any kind to any public real property. Public works construction projects costing more than \$100,000 must adhere to the Georgia Local Government Public Works Construction Law.

2.3.3.3. Services

Under this method, the County issues an ITB, which contains the necessary requirements, specifications and terms and conditions for the procurement of a service

contract which exceeds \$100,000. Services contract means a contract awarded for a type of service **other than** construction, professional and consultant service such as janitorial, plumbing, security guard services, etc. The most common is time and material services wherein a unit price is established for materials/supplies and an hourly rate is requested for labor.

2.3.4. Request for Proposal

The Request for Proposal (RFP) method of solicitation, also known as Competitive Sealed Proposals ([Code Section 102-374](#)) should be used when the use of competitive sealed bidding is not practicable or is not in the best interest of the County and the following conditions apply:

- (a) Price is not the determining factor
- (b) Discussions with offerors are required
- (c) Offerors are required to provide methods and approaches to perform the Specification or Statement of Work
- (d) Agency desires to conduct interviews with offerors
- (e) "Best Value" award is anticipated

Examples for use of the RFP are:

- professional management services;
- physician services; dental services;
- design services; engineering services;
- architectural services;
- planning services;
- program management services and
- construction management services.

2.3.4.1. Professional and Consultant Services

In accordance with [Code Section 102-375](#), Professional and Consultant services must be procured via an RFP as described in section 2.3.4., regardless of cost. All contracts for professional and consultant services must be in writing, the contract must include the scope of work and project deliverables. All contracts for professional and consultant

services must be approved by the Board of Commissioners and require a written contractual agreement regardless of the cost.

2.3.4.2. Qualification Based Selection Procedures for Architectural and Engineering Services for Federally Funded Projects

In accordance with [Code Section 102-376](#), Architectural and Engineering services for federally funded projects must be procured via an RFP as described in section 2.3.4. Engineering and design-related services are defined to include:

- program management,
- construction management,
- feasibility studies,
- preliminary engineering,
- design engineering,
- surveying,
- mapping, or
- architectural - related services.

2.3.4.3. Design-Build Services

In accordance with the [Code Section 102-408](#) and the Georgia Local Government Public Works Construction Law (O.C.G.A. §36-91-1 et. seq.), Design-Build services must be procured via an RFP as described in section 2.3.4. The Design-Build method is a project delivery method in which the County enters into a single contract with one entity responsible for both design and construction services.

2.3.4.4. Construction Management At-Risk Services

In accordance with the [Code Section 102-408](#) and the Georgia Local Government Public Works Construction Law (O.C.G.A. §36-91-1 et. seq.), Construction Management At-Risk (CM at-Risk) services must be procured via an RFP as described in section 2.3.4. This project delivery method is where the County enters into a contract(s) for construction management services in which the construction manager assumes financial risks and liabilities placing the manager “at-risk”. The construction manager can serve as the general contractor and provide input regarding the design, constructability, coordination and planning during the design phase.

2.3.4.5. Construction Management Services

In accordance with the [Code Section 102-408](#) and the Georgia Local Government Public Works Construction Law (O.C.G.A. §36-91-1 et. seq.), Construction Management (CM) services must be procured via an RFP as described in section 2.3.4. This project delivery method is where the County enters into a contract(s) for construction management services regarding constructability, cost, planning and coordination of a construction project.

2.3.4.6. Program/Project Management Services

In accordance with the [Code Section 102-408](#) and the Georgia Local Government Public Works Construction Law (O.C.G.A. §36-91-1 et. seq.), Program/Project Management (PM) services must be procured via an RFP as described in section 2.3.4. This project delivery method is where the County enters into a contract(s) for professional management services above and beyond normal architectural services and serves as an extension of the County's staff on the County's behalf during all phases of the program/project.

2.3.4.7. Design-Build-Operate Services

In accordance with the [Code Section 102-408](#) and the Georgia Local Government Public Works Construction Law (O.C.G.A. §36-91-1 et. seq.), Design-Build-Operate services must be procured via an RFP as described in section 2.3.4. This project delivery method is where the County enters into a single contract with one entity responsible for the design, construction and operation of a facility.

2.3.4.8. Progressive Design-Build

In accordance with the [Code Section 102-408](#) and the Georgia Local Government Public Works Construction Law (O.C.G.A. §36-91-1 et. seq.), Progressive Design-Build services must be procured via an RFP as described in section 2.3.4. The Progressive Design-Build method is a project delivery method in which the County enters into a single contract with one entity responsible for both design and construction services.

2.3.5. Request for Qualification

In accordance with [Code Section 102-381](#), Prequalification of offerors can be used when the Chief Purchasing Agent, in consultation with the User Department determines that it is in the best interests of the County to prequalify offerors for particular types of supplies, services, construction and professional and consultant services. Prequalification standards may be imposed by the Chief Purchasing Agent that must be met by any offeror to qualify to respond to an invitation for bids or a request for

proposals. Offerors will be required to submit information to the Chief Purchasing Agent to allow a determination of whether an offeror has met such prequalification standards. When prequalification is required, only those offerors who submit the required prequalification information and who are actually prequalified to submit a bid or proposal for a particular solicitation shall be allowed to submit bids or proposals.

2.3.6. Disposition of Real Property

When a User Department determines that County-owned real property is no longer needed for County purposes, they must contact the Department of Facilities and Transportation Services, Land Division. All real property identified for sale, transfer or other disposition shall be in accordance with [Code Section 102-387](#).

2.3.7. Award without Competition (Sole Source)

In accordance with [102-384, Award without Competition](#), a contract may be awarded without competition when the County Manager and the Chief Purchasing Agent determine, in writing, after the Purchasing Department has conducted a good faith review of available resources, that there is only one source for the requested work, labor or service, supplies or materials, or equipment to be provided. For purposes of this manual, "Award without competition" will be referred to as "sole source". All sole source procurements must be approved by the Board of Commissioners regardless of price.

2.4. Step 4: Addressing Market Constraints

Once the market analysis has been completed, the Purchasing Representative may determine that there are limited goods, services or suppliers available that can meet the County's business needs or requirements. However, a determination that resources are limited does not mean that a competitive process is not conducted. The following situations are addressed in the following subsections:

- Brand Name Justification
- Sole Source
- Standardization

2.4.1. Brand Name Justification

In accordance with [Code Section 102-404](#), a brand name or equal specification means a specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet County requirements and which provides for the submission of equivalent products. If the User Department is requesting "No substitute",

written justification must be submitted to the Chief Purchasing Agent for approval. An example of the appropriate use of “No substitute” would be if a part within an existing piece of equipment needs to be replaced. If, however, that part is available only from one source, then the Purchasing Representative must determine whether it meets the criteria for sole source designation in accordance with [Code Section 102-384, Award without Competition.](#)

2.4.1.1 Use of Brand Name in Solicitation

Brand name specification may be used only when the Chief Purchasing Agent makes a written determination that only the identified brand name will satisfy the County’s needs. The Purchasing Representative must determine through research whether other brands exist which could satisfy the solicitation requirement.

2.4.1.2 Use of “Or Equal” or “Substitute” in Solicitation

If the term “Or Equal” follows the names of existing manufacturers, then other manufacturers desiring approval may submit the product to the Owner for approval during the solicitation phase. Any reference to a manufacturer or list of manufacturers in the Contract documents shall be considered to include the phrase “or equal” following such reference; provided, however, that when the list of manufacturer(s) are expressly noted with the phrase “no substitutions”, then no “or equal” substitutions shall be permitted; and when the list of manufacturer(s) is noted with the phrase “equal to”, then a potential proposer/bidder shall be allowed to substitute only as permitted by the solicitation document. The Purchasing representative will provide guidance.

2.4.2. Sole Source Designation

As specified in 2.3.8. of this Chapter and based on a market analysis, the Purchasing Representative may determine that only one supplier is capable of providing the required work, labor, or service to be done or the supplies, materials, or equipment to be furnished.

2.4.2.1. Justification of Sole Source Purchase

The User Department must complete a Justification and Approval for Allowing Award of Contract without Competition Form describing the requested good or service; provide justification as to why the needed good or service should not be procured through a procurement process; and, describe the contractor’s unique qualifications to perform/provide the good/service.

2.4.2.2. Procedures for Conducting a Sole Source Purchase

The Purchasing Representative must complete the steps in Table 2.1 prior to submitting the sole source to the Board of Commissioners for approval.

Table 2.1	
Procedures for Conducting a Sole Source Purchase	
Step 1: Conduct Market Survey	In order to determine whether the request meets the requirements for sole source designation, the Purchasing Representative must review the Award without Competition Justification and Approval Form and conduct a market research. Research resources shall include, Thomas Register, industry organizations, Internet searches and advertisement of intent to award a sole source.
Step 2: Justification Form	If the Purchasing Department Representative determines the needed good or service should be designated as a sole source acquisition, the Purchasing Representative shall complete the Award without Competition Justification and Approval Form
Step 3: Public Notice	All intended sole source acquisitions must be advertised on the County's Bid Board for a minimum of five (5) business days. The purpose of the public notice is to provide any potential qualified vendors the opportunity to respond.
Step 4: Invite Market Response	<p>The advertisement must include the following information;</p> <ul style="list-style-type: none"> ▪ A brief description of the supplies and/or services, ▪ The identity of the sole source supplier, ▪ A copy of the completed Sole Source Justification Form ▪ Instructions as to how vendors can submit an offer to perform the sole source determination. <p>The public notice shall serve as the County's notice of intent to award.</p>
Step 5: Review of Offer to Perform	<p>If a vendor submits an offer to perform a sole source determination, the Purchasing Representative will review that information with the User Department to determine whether the offer meets the requirements of the County. Any potential offerors must submit sufficient documentation which will allow the County to meaningfully review the offer.</p> <p>The Purchasing Representative will review that information with</p>

	the User Department to determine whether the offer meets the requirements of the County and determine whether it is in the County's best interest to competitively procure the good or service. If the determination is not disputed, then the item is prepared to be presented to the County Manager for approval.
Step 6: Conduct Cost Analysis	The Purchasing Representative must conduct a Cost Analysis utilizing the Cost Analysis Form to determine whether the price is reasonable.
Step 7: Conduct negotiations	After conducting the cost analysis, the Purchasing Representative must negotiate the price/cost with the vendor.
Step 8: Chief Purchasing Agent Review	The Chief Purchasing Agent must review the sole source package to ensure it complies with the Purchasing Code and forward to the County Manager for review and approval.
Step 9: County Manager Review	The County Manager must review the sole source package and approve the item to be presented to the BOC.
Step 10: Contract Award	After BOC approval, a contract or purchase order must be prepared based on the negotiated terms. Professional services may require a written contract, consult with the Chief Purchasing Agent.

Chapter 3: Stage 3 – Solicitation Preparation

This chapter describes the Solicitation Preparation Process stage, the policies that govern this stage, and the step-by-step procedures performed during this stage.

THE EIGHT STAGES OF PROCUREMENT



Key Steps

- Use of Third-Party Consultants
- Selecting the correct solicitation template
- Creating the solicitation document
- Developing Evaluation Criteria
- Selecting the appropriate contract templates

3.1. Introduction to the Solicitation Preparation Stage

In Stage 2, the Purchasing Representative has reviewed the Statement of Work/Specifications submitted by the User Department; coordinated with other User Departments with similar needs; conducted a market analysis; and, has determined the best acquisition process. In this stage, the Purchasing Representative will determine the correct solicitation template and begin creating the solicitation document with assistance from the User Department(s) representatives. If the services of a consultant have been or will be procured to assist Purchasing with the drafting of the solicitation, the Purchasing Representative must review [Section 3.2 – Using Third-Party Consultants](#).

3.2. Using Third Party Consultants

When the County determines that the assistance of a Third-Party Consultant is required to assist the User Department with technical specifications to develop the scope of work and/or technical specifications, those consultant services must be procured through a competitive process. A Third-Party Consultant is an individual or company that is compensated for the development of a solicitation.

All Third-Party Consultants who will participate in this process will be required to submit a [Confidentiality Agreement and Disclosure Form](#) regarding the procurement. Any Third-Party Consultant who participates and assists in the development of a solicitation document will be prohibited from submitting a bid/proposal in response to that solicitation or from performing any work on the contract directly or indirectly.

3.3. Understanding Sourcing Tools

The Department of Purchasing & Contract Compliance utilizes a third-party system, BidNet Direct, for electronic sourcing which includes vendor registration, automatic vendor notification, advertisement of the solicitation, posting the resulting solicitation tabulations and award documentation for Fulton County Government.

The Purchasing Department utilizes electronic sourcing for all solicitations.

3.4. Selecting the Correct Solicitation Template

Utilizing BidNet Direct Request for Solicitation (RFx) module the Purchasing Representative will provide the User Department with the appropriate method of solicitation to be used and the correct solicitation template.

3.5. Constructing the Solicitation Document

The Purchasing Representative and the User Department will work jointly to construct the appropriate solicitation document based on the goods and/or services to be procured. The Purchasing Representative is responsible for reviewing, editing and finalizing the solicitation document.

The principal characteristic of a solicitation is the scope of work should be clear, concise, complete and developed in a logical manner:

1. Determine the Project Purpose
2. Determine the Project Objectives
3. Establish the Tasks to be Performed
4. Establish the Required Project Specifications
5. Determine the Project Deliverables
6. Determine the Acceptable Performance Levels

3.5.1. General Instructions and Administrative Requirements

Each solicitation will contain general instructions to the potential bidders/proposers regarding preparation and submission of responses. The introduction should state the purpose of the scope of work, a brief overview of the work required, history and background information. At a minimum, the solicitation must identify the following:

- Purchasing Representative contact information
- The due date and time for submitting responses
- Required submittals
- Required qualifications
- Contract responsibilities
- Contract term
- How responses to questions will be handled

3.5.2. Insurance and Bonding Requirements

3.5.2.1. Insurance Requirements

The Risk Manager is responsible for providing insurance requirements based on the project scope of work on a per project basis. Insurance is a mechanism by which one party can legally transfer for a charge/premium, the financial responsibility for a specific exposure, loss and/or risk.

The County requires insurance on applicable solicitations because they protect the County's financial assets from losses caused by the activities/operations of contractor and/or vendor. The Purchasing Representative assigned to the project is responsible for forwarding the scope of work to the Risk Manager for insurance requirements.

3.5.2.2. Bonding Requirements

The Chief Purchasing Agent is responsible for determining which projects will require bonding requirements.

A bond is a mechanism (financial instrument) that provides for the financial reimbursement of one party, due to non-performance of the required duties and/or contractual obligations of a second party. Bonding is required for all construction projects that exceed \$100,000. For all other projects the Purchasing representative is responsible for forwarding the scope of work to the Chief Purchasing Agent.

3.5.3. Contract Compliance Requirements

The Purchasing Representative must forward a copy of the project's scope of work to the Contract Compliance representative assigned to the User Department to obtain the project specific Contract Compliance required documents; to determine the appropriate contract compliance requirements based on the project scope of work; to identify potential subcontracting opportunities; and, to identify certified MBE, FBE, SBE, DBE, SDVBE firms who could perform the work.

The Contract Compliance representative will then compile a list of certified MBEs, FBE, SBE, DBE, SDVBE firms from multiple sources that can be used to fulfill the established scope of work. The compiled list is provided to the Purchasing Representative assigned to the project for notification of the identified firms.

3.5.4. Procurement Schedule

The Purchasing Representative must develop a procurement schedule once the SOW/Specifications have been reviewed and approved. The schedule must be included in the solicitation document and provided to all project stakeholders such as the User Department representatives, Contract Compliance representative, etc. The procurement schedule should list all procurement activities with corresponding dates starting with the date of advertisement through anticipated date to present to the Board of Commissioners for approval. Each solicitation, at a minimum, should include an advertisement/ solicitation issuance date, the closing, opening and/or due date, Pre-Bid/Pre-Proposal Conference date, any date(s) for required site visits, the date for receipt of questions, and any other deadline(s) the potential bidder/proposer is required to adhere to.

3.5.5. Evaluation Criteria

Evaluation criteria are the factors relating to management capability, technical capability, method of meeting performance requirements, price, and other material considerations specified in the request for proposal or request for qualification that will be considered in determining to whom a contract will be awarded.

3.5.5.1. Project Description/Purpose

The project description/purpose should be clear and concise, provide the respondent with a broad understanding of the project and include a general statement regarding the County's need so that potential respondents can quickly identify the purpose of the solicitation.

3.5.5.2. Qualification Requirements

The experience and qualifications required of each respondent must be thoroughly described in the qualifications section. The description of experience may include”

- the number of years of experience required for key personnel and/or the firm;
- level of technical knowledge;
- any certifications, professional licenses required;
- recent references to demonstrate that the firm has performed required services/work satisfactorily for others in contracts of similar size and scope; and,
- any other special experience or qualifications deemed necessary by the User Department.

The Purchasing Representative must ensure that identified qualification requirements do not unreasonably or unnecessarily restrict competition. The solicitation must clearly identify any minimum requirements.

3.5.5.3. Project Specifications and Performance Requirements

The first step in establishing the project specifications and performance requirements to be performed is to identify all tasks that may be required to accomplish the objective or purpose of the Statement of Work/Specifications. The tasks should focus on what the Contractor will be required to do rather than how the Contractor should accomplish the effort.

Once a comprehensive listing of all tasks to be performed has been developed, it is then necessary to organize these tasks into logical groupings. From the list of tasks generated, the major tasks and sub-tasks should be identified. Group similar and related requirements and separate the major tasks from one another and list the sub-tasks under their appropriate major task.

Once the tasks have been divided into logical groupings of tasks to be performed, the tasks should then be arranged in a logical sequence (e.g., chronological order, time-phase, grouped by discipline or task, or some other combination). The Purchasing Representative should review all of the tasks identified to ensure that those tasks will meet the minimum requirements to achieve the objective for the project.

USE “WORK” WORDS SUCH AS:

- Review...

- Analyze...
- Repair...
- Install...
- Construct...

The end result of this process should produce an outline of tasks to be performed that follows a logical sequence and logical groupings. Once this logical listing is complete, each task can be expanded upon and defined in more detail, so vendors will gain a complete understanding of the requirements for this project.

DO

- Use “shall” or “will” whenever an item in a statement of work describes a command or mandatory requirement.
- Use “should” or “may” to describe an advisory or non-mandatory (optional) requirement.
- Identify minimum requirements.

DON'T

- Present something as mandatory if it is really an option.
- Write a statement of work that restricts competition to a specific consultant.
- Use words or phrases that have multiple meanings.
- Use acronyms, abbreviations, and clichés.

Once the specifications and performance requirements have been outlined and defined, the next step is to determine the project deliverable(s).

3.5.5.4. Project Deliverables

The User Department should list all project deliverables under the solicitation and/or SOW; however, it is the responsibility of the Purchasing Representative to ensure all deliverables are identified once the solicitation package is finalized. The first step in establishing the project deliverables is to determine the outcomes or the results that the vendor will provide, including deliverables such as reports, designs, equipment, etc. Once identified, the deliverables will help to develop the scope of work, oversight or monitoring plan, reporting requirements, and cost proposal format.

The Contractor will be responsible for the work by transforming the tasks into the deliverables.

PROJECT DELIVERABLES SHOULD:

- Be clearly identified.
- Identify what the required and expected results are for each task.
- Identify the frequency of the deliverables. How often should the deliverables be furnished?
- Meet the minimum needs for the project and the User Department.

The User Department will also need to identify how often the deliverable will be furnished (daily, weekly, monthly, etc.) and the potential vendors will need to know how often the deliverables are required, so that they understand the magnitude of the work and can propose a reasonably accurate cost for the services.

Once the User Department develops the list of project deliverables, it needs to be reviewed to ensure that they will meet the minimum requirements to assist in achieving the objective(s) of the project.

The end result of this process should allow the User Department to produce a list of deliverables to be performed by the vendor that corresponds to the tasks to be performed. Having created the listing of products to be delivered, the User Department can expand upon each deliverable and define the product required in more detail. Vendors will then gain a complete understanding of the expectations for the project. Once the User Department have completely defined the tasks and deliverables to be performed, it will be necessary to determine acceptable performance levels.

3.5.6. Developing Bid Forms/Pricing and Cost Proposals by Solicitation Type

3.5.6.1. Developing Bid Forms/Pricing for ITB's

For ITB's, the Bid Form is the response form returned by bidders that contains the bid prices of the requested goods and/or services and other information required by the County. The User Department is responsible for developing the bid/pricing forms and cost worksheet; however, it is the Purchasing Representative's responsibility to ensure that they are appropriate for the type of commodity and/or services being procured. The bid form should be structured in a manner that allows bidders' pricing to be easily compared and to encourage competitive pricing and consistency.

Lump-sum pricing means the bidder enters a lump-sum price in the blank space provided on the Bid Form.

Unit pricing means the bidder enters a price for each line item based on the unit of measure (per item, per mile, per test, per hour, per square foot, per meal, etc.). If more than one unit price is being requested, the bid form must include either estimated or definite quantities. Quantities are necessary in order to determine the lowest bid received.

Time and material pricing means that the contract will require pricing for both materials and labor and the bidder must enter a price for both. The bid form must have two sections. One section of the bid form should provide a space for labor prices and another separate section for prices of materials. When requesting labor pricing such as hourly rates, the bid form should list the labor categories (engineer, plumber, laborer, administration, etc.) and should include an estimated number of hours expected to be used so that the labor costs of the bidders can be compared. If the type of service being requested must be provided as needed (nights, weekends, holidays), then premium pay for overtime, night work, weekends and holidays should also be requested. For material pricing, it should be determined if materials are to be discounted from the manufacturer's published price list, or a material net discount from the bidder, or if unit pricing will be requested.

3.5.6.2. Developing Cost Proposal Forms for RFP's

For RFPs, the cost proposal should be developed based on the services to be performed and/or provided. Lump sum pricing that provides a not to exceed amount must include the total compensation to complete the project. Hourly rates for labor categories (i.e., Principal, Project Manager, Program Manager, Engineer I, Engineer II, and Administrative Assistant) should be based on the estimated number of hours expected to be used. Labor rates must also include all other associated costs such as multipliers, profit, CPI Index assumptions, reimbursable and non-reimbursable expenses.

The Purchasing Representative will provide assistance with developing the appropriate cost proposal based on the services requested.

It is imperative that cost is requested in a manner that is clear to all respondents and will allow the County to conduct an "apples to apples" comparison during cost evaluation.

The cost proposal form and cost worksheet may vary from solicitation to solicitation based on a variety of factors, including the type of contract that will be awarded.

3.5.6.3. Developing Pricing Form for E-Quotes

For E-Quotes, the pricing form is created within the sourcing tool when the User Department enters a requisition to capture cost in lieu of using a bid form or cost proposal.

3.5.7. Developing an Independent Cost Estimate (ICE)

An Independent Cost Estimate (ICE) is essential for the evaluation of a cost proposal/bid in order to determine whether the cost proposals/bids received are reasonably priced. An ICE is required for all procurements that exceed \$5,000.00. An ICE will be the County's estimate of the costs that a contractor/vendor may incur in providing supplies and/or performing the required services in order to achieve the County's objective (i.e., constructing a building, installation of pipes, etc.).

Purpose of developing an ICE:

- Serves as the basis for establishing a project budget and commitment of funding for procurement planning;
- Provides the basis for comparing costs/prices proposed by bidders/offerors;
- Provides an objective basis to determine price reasonableness in instances when only a single bid is received.
- Useful in contract negotiations
- Ensures final contract price is fair and reasonable

The User Department is responsible for developing the ICE. In developing an estimate, the User Department must estimate the reasonable costs that a bidder/offeror may incur in performing the required services or providing the supplies.

An ICE must be prepared and provided before the Purchasing representative can issue the solicitation. Attached is the [Independent Cost Estimate \(ICE\) Guide](#) which is intended to assist the User Department in the development of an ICE.

3.6. Determining Contract Terms

The Purchasing Representative must determine whether the procurement is for a one-time purchase or establishing a multi-year agreement. The Purchasing Representative must determine what contract terms will be used to govern the agreement between the County and the awardee.

3.6.1. Multi-Year Agreements/Annual Contracts

Only ITBs and RFPs can include multi-year or renewal options. Multi-year agreement refers to any contract which exceeds twelve months and/or will cover more than one fiscal year. For purposes of this manual, multi-year contracts are also called “annual contracts”. Annual contracts can have up to two, one-year renewal options. Any request for a contract to have more than two, one-year renewal options will require approval by the Chief Purchasing Agent.

In accordance with O.C.G.A. §36-60-13, all multi-year contracts funded with general funds must terminate absolutely and with no further obligation of the County at the close of the calendar year in which it is executed and at the end of each renewal year. The applicable contract terms must be identified in or attached to the solicitation.

All annual contracts funded by general funds (Fund 100) must expire December 31st of the year in which the contract was awarded. All renewal options must be approved by the Board of Commissioners.

3.6.2. Other Contract Terms

The contract term is the period that a contract is in effect until the contract expires. The contract term varies based on the solicitation type.

3.6.2.1. Construction

Construction project contract terms must be for total time to complete the project. No renewal options are required.

3.6.2.2. E-Quotes

The contract term for E-Quotes can be up to 12 consecutive months. E-Quotes cannot include renewal options

3.6.2.3. One-Time Procurements

One-time procurement contracts are for that one procurement only. The contract must end as soon as the product or service is provided and cannot include renewal options.

Table 3.2 below provides a list of examples of contract terms based on the solicitation type.

Table 3.2	
Examples of Contract Terms by Solicitation Type	
Solicitation Type	Example language
Annual Contract w/no renewal options	The initial term of the contract shall be for 12 consecutive months with no renewal options.
Construction (Design-Build, Construction Management At-Risk)	Contractor shall commence the Work within ten (10) calendar days after receipt of Notice to Proceed and shall substantially complete the Work within two hundred seventy (270) calendar days from issuance of the Notice to Proceed and fully complete the Work within three hundred (300) calendar days of issuance of the Notice to Proceed
Annual Contract w/renewal options (General Fund)	<u>Multi-Year/Annual Contract Term</u>
ITB or RFP Multi-year (Grant, Capital Funds or Revenue Generating)	The initial term of the contract shall be for a one (1) year term, with two (2), one (1) year renewal options. The contract shall commence as of contract effective date.
One-Time Procurement	This is a one-time procurement.
IT System/Software Acquisition (Capital)	The Agreement shall commence on the Effective Date and shall continue until the sooner of: (a) a period of three (3) years from the effective date; (b) Final Acceptance; or (c) the Agreement is terminated for cause pursuant to Article 16 of this Agreement.

3.7. Reviewing the Solicitation

Once the Purchasing Representative has received a draft copy of the solicitation package for a quote or competitive sealed bid, the Purchasing Representative will review the specifications to ensure all necessary instructions and requirements have been included prior to the advertisement and posting of the solicitation.

Once this Stage has been completed, the next stage, the solicitation process begins with the advertisement of the solicitation.

Chapter 4: Stage 4 – Solicitation Process

This chapter describes the Solicitation Process stage, the policies that govern this stage, and the step-by-step procedures performed during this stage.

THE EIGHT STAGES OF PROCUREMENT



Key Steps

- Public Notice
- Access to Solicitations
- Communication during the Solicitation Process
- Receipt of Bidder/Proposer Responses
- Close of the Solicitation

4.1. Introduction

The next stage of the procurement process is the solicitation stage, which occurs after the Purchasing Representative has a completed solicitation that is ready to be advertised. This chapter details the solicitation process, which begins with public advertisement and notice regarding the solicitation and ends with the receipt of responses or the close of the solicitation. Listed below in Table 4.1, are the major steps of Stage 4.

Table 4.1 Major Steps – Solicitation Process	
Step 1	Public Advertisement and Notice
Step 2	Accessing and Reviewing of Solicitations
Step 3	Communication during the Solicitation Process
Step 4	Correction or Withdrawal of Submitted Responses
Step 5	Cancellation of a Solicitation

Step 6	Receipt of Bidder/Proposer Responses
Step 7	Close of the Solicitation

The public notice must contain a general description of the supplies, services, construction or professional and consultant services to be procured and the location where solicitation documents may be obtained, the time, date and place of pre-bid/pre-proposal conference (if applicable) as well as the bid opening date and time. Additionally, all notices must advise potential bidders/offerors of any mandatory prequalification requirements, federal requirements and notice of bid security if required. Plans and specifications must be available on the first day of the advertisement and must be available for review by the public.

4.2. Step 1: Public Advertisement and Notice

- In accordance with [Code Section 102-373\(b\)](#), an advertisement inviting bids/proposals must be posted on the County’s designated website to advertise all solicitations, which for purposes of this manual will be referred to as “BidNet Direct”;
- The Daily Report newspaper, which is the County’s legal organ, and the Georgia Procurement Registry are required;
- Specialty trade or industry publications; email and mail notifications.

The public notice must contain a general description of the supplies, services, construction or professional and consultant services to be procured and must state the location where the solicitation documents can be obtained and the time and place of opening of the bids.

4.2.1. Posting of Bid Opportunities

The Department of Purchasing & Contract Compliance utilizes a third-party system, BidNet Direct for electronic sourcing for advertising/posting all Fulton County procurements issued through the Department of Purchasing & Contract Compliance. BidNet Direct is accessible to the public and allows potential bidders/proposers to download the solicitation documents, view addenda, check project status, and view awardee information.

4.2.2. Legal Organ

The Daily Report is the County’s legal organ, and all formal solicitations must be advertised at least once in the legal organ.

4.2.3. Additional Advertisement for Unusual Special Circumstances

Occasionally the need arises for advertisement of procurements that are unusual in nature or highly specialized. In those instances, the Chief Purchasing Agent may require that an advertisement be placed in at least one trade journal or specialized industry publication, such as the Engineering News Record, etc., in order to receive responses from qualified and available offerors.

4.2.4. Email Notifications

Vendors must register in BidNet Direct in order to receive email notifications of upcoming bid opportunities. Email notifications are sent to vendors who have registered in BidNet Direct based on the particular commodity or service code selected. The County uses the National Institute of Governmental Purchasing (NIGP) commodity codes.

4.2.5. Invitation to Bid/Propose Letter

The Purchasing Representative will email Invitation to Bid/Propose letters regarding new solicitations to potential bidders/proposers provided by the User Department and the M/FBE Directory.

The User Department should provide the Purchasing Representative with the name of any firm(s) they are aware of who can fulfill the established scope of work and provide the name, address, email address for each firm. An invitation letter will be forwarded to identified firms.

[Invitation to Bid Letter](#)

[Invitation to Propose Letter](#)

4.2.6. Georgia Procurement Registry

O.C.G.A. 36-80-27 requires that any bid or proposal opportunity extended by the County for goods, services, or both, valued at \$100,000.00 or more, shall be advertised in the Georgia Procurement Registry, as established in subsection (b) of Code Section 50-5-69, at no cost to the local governmental entity. Such bid or proposal opportunity shall be advertised on such registry for the same period of time, as set by Purchasing Code Section 102-373(b). Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid or proposal opportunity.

4.3. Step 2: Accessing and Reviewing Solicitations

BidNet Direct <https://www.bidnetdirect.com/georgia/fultoncounty> is the designated website to access information about all bid opportunities for the County required to be competitively bid in accordance with the provisions of this manual. The County's notice includes instructions to the bidder about accessing the solicitation itself. For example, the County's notice will instruct the bidder on how to respond to the solicitation. The respondent must review and comply with any and all instructions for accessing the solicitation that are included on the website for that solicitation.

4.4. Step 3: Communication during the Solicitation Process

The County has a code of silence period, known as "No Contact during the Procurement Process", which begins when the solicitation is posted to the Bid Board and remains in place until the date the County Manager forwards a recommendation to the Board of Commissioners (BOC) for award of the subject contract. No County officer, elected official, employee, or designated County representative, except as specifically authorized and permitted by the terms and conditions of the solicitation, can communicate with the public regarding this solicitation. All County solicitations specifically identify and authorize the Purchasing Representative assigned to the solicitation as the only point of contact.

4.4.1. Purchasing Contact

Once the solicitation has been posted to BidNet Direct, the [No Contact During the Procurement Process \(Code Section 102-371\)](#) begins. During this period the only point of contact is the Purchasing Representative assigned to the solicitation. The Purchasing Representative's contact information (fax number and email address) must be provided in the solicitation document.

The User Department must direct any requests regarding the solicitation to the Purchasing Representative as well as any corrections or revisions to be made to the solicitation document.

4.4.2. Restrictions on Communications

In accordance with [Code Section 102-371, No Contact during the Procurement Process](#), it is the County's policy that the evaluation and award process for County contracts is free from both actual and perceived impropriety, and that contacts between potential vendors and County officials, elected officials and staff regarding pending awards of County contracts are be prohibited.

- a. No person, firm, or business entity, however situated or composed, obtaining a copy of or responding to a solicitation, shall initiate or continue any verbal or written communication regarding this solicitation with any County officer, elected official, employee, or designated County representative, between the date of the issuance of this solicitation and the date of the County Manager's recommendation to the Board of Commissioners for award of the subject contract, except as may otherwise be specifically authorized and permitted by the terms and conditions of this solicitation.
- b. All verbal and written communications initiated by such person, firm, or entity regarding a solicitation, if same are authorized and permitted by the terms and conditions of this solicitation, must be directed to the Chief Purchasing Agent or his/her designee.
- c. Any violation of this prohibition of the initiation or continuation of verbal or written communications with County officers, elected officials, employees, or designated County representatives shall result in a written finding by the Chief Purchasing Agent that the submitted Bid or proposal of the person, firm, or entity in violation is "non-responsive", and same will not be considered for award.

4.4.3. Addenda

In accordance with [Code Section 102-411, Issuance of Addenda](#), any questions, suggestions, requests for clarification or interpretations regarding the solicitation must be submitted to the Purchasing Representative assigned to the project. Bidders/Proposers must submit such requests through BidNet Direct for consideration. All response(s) to requests for clarification, interpretation, or additional information will be distributed by an addendum and posted on the BidNet Direct website. An addendum is a written amendment to the solicitation (E-Quote, RFP, ITB) that changes the project specifications and is issued prior to bid opening which becomes a part of the specifications for the project. No verbal responses are authoritative.

4.4.3.1. Submitting Questions

Potential respondents can submit questions in writing to the Purchasing Representative in accordance with instructions in the solicitation document.

4.4.3.2. Responding to Questions

The Purchasing Representative is responsible for coordinating and distributing questions received from potential respondent(s). Questions regarding the procurement process will be responded to by the Purchasing Representative. Questions regarding the technical specifications or scope of work will be forwarded to the User

by the Purchasing Representative for a response. The User Department must respond to all questions within two (2) business days. The User Department cannot address any questions directly to a potential respondent and should refer all requests to the assigned Purchasing Representative.

4.4.3.3. Preparing and Issuing Addenda

The Purchasing Representative is responsible for preparing, issuing and posting all addenda associated with the solicitation in a timely manner. Any addenda modifying plans and specifications within 72 hours prior to the advertised time for the opening of bids or proposals (due date), excluding Saturdays, Sundays and legal holidays, that bid or proposal opening (due date) must be extended by at least 72 hours, excluding Saturdays, Sundays and legal holidays.

An addendum is issued after the solicitation has been publicly posted. Any changes or revisions to the solicitation, the solicitation requirements, attachments and/or exhibits, must be made by the Purchasing Representative in writing. The Purchasing Representative is responsible for preparing, issuing and posting addenda for the project they are assigned. Published revisions may take the form of separate official written addenda or may occur as direct revisions to electronic files or fields within the electronic sourcing tool. In the event the Purchasing Representative makes a direct revision to an electronic file or field within the electronic sourcing tool, the Purchasing Representative must still provide notice to bidders that a change has occurred. All revisions must be posted prior to the closing date and time of the solicitation. Modifications to the schedule of events for activities that occur after the closing date and time of the solicitation (e.g., time period allowed for negotiations, etc.) are permitted by the Purchasing Representative and do not require the posting of an addendum.

4.4.4. Public Meetings

Public meetings such as Pre-Bid/Proposal Conferences, Site Visits, Walk-throughs, etc., may be conducted in order to provide information regarding the project, to address any questions and concerns regarding the services sought by the County or to facilitate site visits or walk-throughs of the physical location where the work/service is to be performed. Public Meetings can be conducted via video conferencing, if video conferencing is an option, the meeting link will be provided in the solicitation documents.

4.4.4.1. Pre-Bid/Pre-Proposal Conferences

A Pre-Bid/Pre-Proposal Conference is required for all Invitation to Bid and Request for Proposals solicitations. Any exceptions must be approved by the Chief Purchasing Agent. The purpose of the Pre-Bid/Pre-Proposal Conference is to provide potential

bidders/proposers with detailed information regarding the project and to address questions and concerns. Representatives from the User Department and the Department of Purchasing & Contract Compliance are available at the conference to discuss the project and to answer any questions. At that time, general information about the specifications/technical documents is provided and responses to initial, non-binding verbal questions concerning the solicitation are provided. No verbal response provided at the Pre-Bid/Pre-Proposal Conference binds the County. Pre-Bid/Pre-Proposal Conferences are not mandatory, but all interested vendors are strongly encouraged to attend. Pre-Bid/Pre-Proposal Conferences can be conducted via video conferencing, if video conferencing is anticipated, the meeting link will be provided in the advertised solicitation document.

4.4.4.2. Site Visits/Facility Tours/Walk-throughs

A Site Visit/Facility Tour/Walk-through can be conducted in order to allow potential bidders/proposers the opportunity to view the physical location where the work/services are to be performed at the discretion of the User Department. Certain site visits/facility tours/walk-throughs can be mandatory to County facilities that have secured areas such as the airport, rooftops, jail facilities, etc. The Purchasing Representative will advise whether a site visit should be deemed mandatory. If the site visit/walk-through is deemed mandatory, it means that a potential bidder/proposer that did not attend the site visit/facility tour/walk-through as scheduled, will be unable to submit a bid or proposal for that solicitation.

4.5. Step 4: Correction or Withdrawal of Submitted Responses

In accordance with [Code Section 102-373\(h\)\(1\)](#), in the event that a respondent requests to correct or withdraw its bid or offer, the following guidelines must be followed.

4.5.1. Correction or Withdrawal prior to Bid Opening

Before bid opening, correction or withdrawal of bids may be allowed by the Chief Purchasing Agent before the scheduled time and date of bid opening. The respondent may withdraw the bid, without revealing the amount of the bid, by submitting a new sealed bid or providing written notice of withdrawal before bid opening. The written notice of withdrawal must be received by the Chief Purchasing Agent prior to bid opening.

4.5.2. Correction after Bid Opening

After bid opening, corrections to bids may be permitted only to the extent that the offeror can show by clear and convincing evidence that a mistake of a nonjudgmental character

was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other changes can be made.

4.5.3. *Withdrawal after Bid Opening*

In lieu of a bid correction, the apparent low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

- 1) the mistake is clearly evident on the face of the bid document, but the intended correct bid is not similarly evident,
- (2) the bidder submits evidence that clearly and convincingly demonstrates that a mistake was made.

All decisions to permit the correction or withdrawal of bids must be supported by a written determination from the Chief Purchasing Agent and made a part of the contract file.

4.6. Step 5: Cancellation of a Solicitation

In accordance with [Code Section 102-388](#), the County may cancel a solicitation document at any time. If the User Department is requesting cancellation of a solicitation, they must submit documentation evidencing the reason(s) for the cancellation. If the Purchasing Representative recommends that a solicitation be cancelled, they must submit documentation evidencing the reason(s) for the cancellation. The Chief Purchasing Agent must approve all requests to cancel a solicitation.

Once the request to cancel the solicitation is approved by the Chief Purchasing Agent, the Purchasing Representative is responsible for preparing, issuing and posting the cancellation letter.

If bids/proposals have already been received, each bidder/proposer who submitted a response must be notified in writing of the cancellation. Once bids/proposals are received by the County, they are the property of the County and will not be returned.

4.7. Step 6: Receipt of Bidder/Proposer Responses

In accordance with [Code Section 102-373\(c\)](#), all bid and proposal responses must be received by the Chief Purchasing Agent or designated Purchasing Representative no later than 11:00 a.m. Eastern Time on the date advertised in the solicitation. All responses must remain sealed until the solicitation closing date and time.

Any bid/proposal received after the appointed time for receipt will be considered late and BidNet Direct will not accept the bid/proposal.

4.8. Step 7: Close of the Solicitation

The solicitation is considered closed on the date and time identified in the solicitation as the due date and time (the deadline) for respondents to submit responses. In the event that the County offices are closed due to an emergency such as severe weather, the Purchasing Representative must extend the solicitation prior to opening (due) date.

4.8.1. Bid Opening

In accordance with [Code Section 102-373\(e\)](#), bids shall be opened publicly in the presence of one or more witnesses as designated in the solicitation document. For bids, the names of each offeror, the amount of each bid shall be read aloud and recorded. For RFPs, only the names of the proposers are read aloud. Bid Openings can be conducted via video conferencing, the meeting link must be provided in the advertised solicitation document.

4.8.2. Posting of Tabulation Sheet

After the Purchasing Representative has received responses and those responses have been opened publicly, the following information must be recorded on a Tabulation Sheet and posted on BidNet Direct within 24 hours of receipt.

4.8.2.1. Invitation to Bid

The Purchasing Representative reads the name and price bid for each bidder and records such on the bid tabulation sheet.

4.8.2.2. Request for Proposal

The Purchasing Agent will only read and record the name of the proposer. No bid cost will be revealed at this time.

Chapter 5: Stage 5 - Evaluation Process

This chapter describes the Evaluation Process stage, the policies that govern this stage, and the step-by-step procedures performed during this stage. The specific evaluation process will depend on the type of procurement.

THE EIGHT STAGES OF PROCUREMENT



Key Steps

- Initial review of responses
- Composition and duties of the Evaluation Committee for RFPs
- Evaluation of Bid/Proposal Responses
- Conducting negotiations and discussions

5.1. Introduction to the Evaluation Stage

Once the solicitation has officially closed, the evaluation process begins. During the evaluation process, the Purchasing Representative conducts an initial review of responses to determine whether each respondent is responsive. Before forwarding responses to the Evaluation Committee (EC) or User Department, the Purchasing Representative examines each response to identify those that are clearly non-responsive, incomplete, or otherwise unacceptable. Depending on the solicitation type, the evaluation stage includes the following main steps:

Step	Description	Performed By:
1	Responsiveness Review	Purchasing
2	Evaluate Response	User Department or Evaluation Committee
3	Evaluate Cost	Purchasing/Finance
4	Responsibility Review	Purchasing/Finance

5	Award Recommendation	User Department or Evaluation Committee
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5.1.1. Communications during the Evaluation Process

As discussed in [Section 4.4.2., Prohibition on Communications](#), any contact between potential bidders/proposers and County officials, elected officials and staff, except with the Purchasing Contact named in the solicitation, for any reason regarding the solicitation is prohibited. This restriction remains in place throughout the evaluation process.

Any violation of this prohibition on communication will result in the Chief Purchasing Agent making a written finding that the submitted bid or proposal of the person, firm, or entity in violation is “non-responsive” and will not be considered for award.

5.1.2. Step 1: Responsiveness Review

The initial review of responses is the first step in the evaluation process. The Purchasing Representative must conduct an administrative Responsiveness Review to determine if each bidder/proposer is in compliance with the requirements listed in the solicitation. A responsiveness review, based on the solicitation type, must be completed for each response and made part of the project file. The purpose of this process is to identify any responses which are not eligible for further evaluation. The bidder will be notified in writing regarding the reasons for rejection.

After the Purchasing Representative has reviewed the responses for responsiveness, those responses deemed responsive will be forwarded for evaluation to the User Department or the Evaluation Committee (EC) based on the procurement methodology and the solicitation language.

5.2. Step 2: Evaluation by Solicitation Type

This section addresses the evaluation of responses to E-Quotes, ITBs, and RFPs and the selection of the Contractor/Consultant. After the County receives and opens all responses, the next step is to evaluate each submittal and consider only those responsive bidders or offerors as defined below:

- A responsive bidder or responsive offeror means a person or entity that has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the solicitation.

All responses deemed responsive during the administrative review will be forwarded for further evaluation to either the User Department or the EC. The evaluation process and

method of evaluation will vary by solicitation type as well as the specific terms of the solicitation. The following subsections address the general evaluation method for each solicitation type.

5.2.1. Evaluating Responses to E-Quotes

The Purchasing Representative must conduct a responsiveness review to determine that the bidders are responsive to all minimum product specifications and/or performance requirements.

5.2.1.1. Responsiveness Review

To evaluate a vendor's response to an E-Quote, the Purchasing Representative must review each bidder's response to determine each bidder's compliance with the E-Quote's requirements. The determination of responsiveness will be determined by the completeness of all material, documents and/or information required by the County.

Bidders' responses to the requirements are evaluated on a pass/fail basis. For those E-Quotes that include services/labor, the Purchasing Representative must also ensure that each bidder submits a Georgia Immigration Contractor (E-Verify) Affidavit.

The Purchasing Representative will complete the E-Quote Responsiveness Form for each response to be included in the procurement file. The purpose of this process is to identify any responses which are not eligible for further evaluation. Any bidder that fails one or more requirements is non-responsive. The bidder will be notified in writing regarding the reasons for rejection.

All responses deemed responsive to the Responsiveness Review will be forwarded to the User Department for further evaluation.

[E-Quote Responsiveness Review Form](#)

5.2.1.2. Evaluating Cost for E-Quotes

5.2.1.2.1. Firm Pricing

Unless otherwise specified in the solicitation, the County requires *firm, unconditional pricing*.

5.2.1.2.2. Estimated Usage/Spend

When exact quantities are not known, the County may use estimated usage for evaluation purposes. The use of such estimates is not a guarantee of future spend.

5.2.1.2.3. Resolving Pricing Discrepancies

In all cases, if there is a discrepancy between the bidder's quoted unit price and the extended price, the unit price will govern, unless otherwise specified in the solicitation.

5.2.1.3. Responsibility Review

Responsible means the respondent, whether a company or an individual, has the capability in all respects to perform fully and reliably the contract requirements. The determination of non-responsibility is based on the bidder/proposer's failure to provide information required by the solicitation. Considerations taken into account related to non-responsibility include, but are not limited to:

- The ability, capacity and skill of the Bidder to perform and/or provide the work required;
- The character, integrity, reputation, judgment, experience and efficiency of the Bidder;
- The quality of performance of work on previous contracts or work;
- The appropriate and adequate technical experience necessary to perform the work;
- Adequate personnel and equipment to do the work expeditiously;
- Suitable financial means to meet obligations incidental to the work.

The County reserves the right to reject any bid if the evidence submitted by, or investigation of, the bidder fails to satisfy the County that he/she is properly qualified to carry out the obligations of the contract.

For E-Quotes, the User Department determines whether the apparent low bidder has the capability in all respects to perform fully and reliably the bid requirements as specified in the solicitation document.

If the User Department determines that a response is non-responsible, the recommendation should clearly identify the reason(s) for the determination and must be forwarded to the Chief Purchasing Agent in the form of a recommendation letter signed by the Department Head or designee.

If the Chief Purchasing Agent concurs with the determination of non-responsibility, the respondent must be notified of the written determination of non-responsibility setting forth the basis of the finding(s). The non-responsibility letter to the respondent must be prepared by the Purchasing Representative and approved by the Chief Purchasing Agent and included in the procurement file.

5.2.1.4. E-Quote Award

For all contracts established through the E-Quote process, award will be made to the lowest priced, responsive, and responsible bidder. This is the bidder who:

- submits the lowest price,
- whose bid meets the specifications,
- agrees to the terms and conditions of the County, and
- is clearly capable of performing the resulting contract.

The awarded bidder may not always be the bidder who has submitted the lowest monetary bid if any of the conditions outlined above are not met.

5.2.1.5. E-Quote Award Types

The User Department must recommend the award of a contract based on the requirements of the solicitation document. Awards can vary, including a single award, split award, or multiple awards.

5.2.1.5.1 Single Award

A single award is made to the responsive and responsible respondent with the lowest overall price for an E-Quote.

5.2.1.5.2. Split Award

A split award is made when a solicitation is divided into two or more parts, groups, or phases and each part will be awarded to the bidder with the lowest overall price. For an E-Quote, each line item is awarded to the lowest, responsive and responsible bidder for that line item.

5.2.1.5.3. Multiple Awards

In accordance with [Code Section 102-361, Multiple Awards; Limitations on Multiple Awards](#), two or more offerors may be awarded separate contracts, at the discretion of the County, on the basis of one solicitation for the same or similar work, supplies or services, if the County reserves the right to do so in the solicitation. Multiple contracts may be awarded, at the discretion of the County, for the procurement of annual contracts for supplies, construction, services, professional and consultant services.

If the solicitation does not include specific language regarding multiple awards prior to the deadline established for receipt of bids, proposals or quotations, multiple awards cannot be made for that solicitation.

5.2.1.6. Resolving Tie Responses

In accordance with [Code Section 102-373\(i\), Tie Bid](#), whenever goods or services of any kind or description are to be obtained through an ITB, for the purpose of making an award to the lowest responsible bidder where two (2) or more bidders have submitted the lowest bid with each of said bids being otherwise equal with respect to cost, but only one such bidder has a business location within Fulton County, then the recommendation for award shall be in favor of the bidder having a business location within Fulton County.

5.2.1.7. Single Bid Response

Whenever the County receives only one (1) response for any bid solicitation, the Purchasing Representative must conduct a random survey of those firms that were notified of the bid solicitation to determine why they did not submit a response and conduct a cost analysis. A cost analysis is a review and evaluation of a proposal costs to arrive at costs actually incurred or estimates of costs to be incurred. A cost analysis must be conducted for sole source and single bids. Depending on the results of the survey, Purchasing, in conjunction with the End-User Department, will make a recommendation to the Chief Purchasing Agent with written justification to either proceed with the award of the procurement or to make changes to the scope of work and rebid the project.

[Single Bid Analysis Form](#)

[Cost Analysis Form](#)

5.2.1.8. No Bid Response

Whenever the County lets a solicitation and receives no responses to the solicitation, the Purchasing Representative must conduct a random survey of those firms that were notified of the bid solicitation to determine why they did not submit a response and take the necessary steps to cancel the solicitation. The Purchasing Representative must then meet with the User Department to discuss the survey results to determine what revisions need to be made to the scope of work or technical specifications before re-soliciting the project.

[No Bid Analysis Form](#)

5.2.2. Evaluating Responses to Invitation to Bid (ITB)

5.2.2.1. Responsiveness Review

Evaluating responses to an ITB is very similar to evaluating responses to E-Quotes. The Purchasing Representative must conduct an administrative Responsiveness Review of each bidder's response to determine if each bidder complied with the ITB's requirements. The determination of responsiveness will be determined by the following:

- a. The completeness of all material, documents and/or information required by the County;
- b. Whether the bidder has submitted a complete Bid form without irregularities, excisions, special conditions, or alternative bids for any item unless specifically requested in the Bid form.

Bidders' responses to ITB requirements are evaluated on a pass/fail basis. Any bidder that fails one or more ITB requirements is non-responsive.

The Purchasing Representative will complete the ITB Responsiveness Form for each response to include in the project file. The purpose of this process is to identify any responses which are not eligible for further evaluation.

Any bidder that fails one or more requirements is non-responsive. The bidder will be notified in writing regarding the reasons for rejection.

All responses deemed responsive to the administrative review will be forwarded for further evaluation to the User Department.

[ITB Responsiveness Review Form](#)

5.2.2.2. Additional Evaluation Activities

On formal solicitations, additional evaluation activities may be required to complete the evaluation process. The Purchasing Representative must facilitate any additional evaluation activities, including, but not limited to, reference checks, product demonstrations, site visits, plant inspections, and/or sample testing.

5.2.2.2.1. Clarification/Additional Information

If requested by the Purchasing Representative, respondents may be required to submit additional or supplemental information to determine whether the respondent meets all of the qualification requirements.

After receipt of the submittals and during the evaluation process, the County may request written clarification from a respondent regarding their response. Requests for clarifications are to eliminate minor irregularities, apparent clerical mistakes or if the response includes conflicting information or is so ambiguous that a reasonable person cannot ascertain the meaning(s).

A request for written clarification does not give the respondent an opportunity to revise or modify its response, except to the extent that the correction of an apparent clerical mistake(s) results in a revision. A request for written clarification may not be used to negotiate (i.e., request the bidder to revise or improve the bidder's response). Written clarifications received from the bidder will become part of the bidder's response for inclusion in the project file.

Request for Clarification Letter

5.2.2.2.2. Product Demonstration

A presentation focused on the features and functionality of any software, goods or products is generally referred to as a product demonstration. A product demonstration may occur at any site approved by the Chief Purchasing Agent. Any requirement for the bidder to provide a product demonstration must be included as part of the solicitation.

If the solicitation includes a requirement for the bidder to make a product demonstration, then the Purchasing Representative is responsible for arranging the demonstration during the evaluation process to all stakeholders. Cost should not be discussed as part of the product demonstration and bidders are not permitted to revise their responses as part of the demonstration. Product demonstrations may be evaluated on a pass/fail basis in the event the product demonstration is being used to confirm the bidder's compliance with any solicitation requirements.

5.2.2.2.3. Reference Checks

A reference check refers to the process of contacting a bidder's current or previous clients to solicit information regarding that client's business experience with the firm. A bidder's client references can provide insight into the bidder's level of work experience as well as quality of past performance. The solicitation may require bidders to submit client references as part of the bidders' responses.

The User Department, with assistance from the Purchasing Representative, is responsible for checking the references as requested in the solicitation. A list of questions for the client references must be prepared in advance and the same questions should be asked of all references. Responses from references must be

documented in writing for record purposes. References may be evaluated on a pass/fail basis.

The types of questions to ask client references will vary depending on the County entity's purpose in requesting references; however, some sample suggestions include the following:

- Nature and duration of the work,
- Quality of supplies delivered, or services rendered,
- Timeliness of performance,
- Cost or price in terms of control—including changes and claims,
- Business integrity – reputation in the community,
- Willingness to cooperate, especially when confronted with unexpected issues, and/or
- Effectiveness of management of the project and internal practices.

[Reference Check Form \(Example\)](#)

5.2.2.2.4. Site Visits

During the evaluation process, a site visit or plant inspection generally refers to the User Department's observation and inspection of a physical location to be used by the respondent as part of the respondent's performance of any contract awarded pursuant to the solicitation. Any requirement for the respondent to facilitate a site visit or plant inspection during the evaluation process should be clearly included as part of the solicitation. However, for purposes of contract administration, by accepting contract award, the bidder is agreeing to permit the County entity the right of inspection at the bidder's facility, subject to any reasonable security measures.

In the event a site visit or plant inspection will occur as part of the evaluation process, the Purchasing Representative is responsible for arranging the site visit or plant inspection.

A site visit or plant inspection may be evaluated on a pass/fail basis.

5.2.2.2.5. Product Acceptability Requirements

A product acceptability evaluation may be conducted to determine whether a bidder's product sample meets the requirements of the solicitation. Any respondent's offering that does not meet the acceptability requirements must be rejected as nonresponsive. A pre-established and generally accepted standard, e.g., ANSI, IEEE, etc. should be used whenever possible.

5.2.2.3. Evaluating Cost for ITB's

For ITBs, cost must be evaluated in accordance with the specific provisions of the solicitation. However, the following general provisions also apply:

5.2.2.3.1. Firm Pricing

Unless otherwise specified in the solicitation, the County requires *firm, unconditional pricing*. In the event the County is establishing a multi-year agreement, the County may elect to identify conditions under which a price increase/decrease will be allowed (i.e., CPI index, yearly escalation costs, etc.).

5.2.2.3.2. Determining Best Pricing

As applicable, the County may use lowest cost, lowest total cost or total cost of ownership, life cycle costs or greatest savings to determine the most advantageous or "*best value*" cost response, however, the Purchasing representative must comply with the solicitation regarding cost evaluation.

Total cost of ownership generally refers to the purchase price plus the ongoing costs the County entity may also incur such as:

- installation costs,
- operating costs,
- maintenance costs,
- replacement costs,
- depreciation costs,
- disposal costs and
- expected salvage values as measured over the lifetime of the item or some other predefined time period.

The Finance Department should be consulted to assist with determining and analyzing life cycle and total ownership costs.

In addition, the bid cost responses may be evaluated on an overall basis or at the category/subcategory/line level (as applicable) relative to other bidders' responses.

5.2.2.3.3. Estimated Usage/Spend

When exact quantities are not known, the County may use estimated usage for evaluation purposes. The use of such estimates is not a guarantee of future spend.

5.2.2.3.4. *Resolving Pricing Discrepancies*

In all cases, if there is a discrepancy between the bidder's quoted unit price and the extended price, the unit price will govern, unless otherwise specified in the solicitation.

5.2.2.4. Responsibility Review

For ITB's, the User Department determines whether the apparent low bidder has the capability in all respects to perform the contract requirements.

Responsible means the respondent, whether a company or an individual, has the capability in all respects to perform fully and reliably the contract requirements. The determination of non-responsibility is based on the respondent's failure to provide information required by the solicitation. Considerations taken into account related to non-responsibility include, but are not limited to:

- The ability, capacity and skill of the Bidder to perform and/or provide the work required;
- The character, integrity, reputation, judgment, experience and efficiency of the Bidder;
- The quality of performance of work on previous contracts or work;
- The appropriate and adequate technical experience necessary to perform the work;
- Adequate personnel and equipment to do the work expeditiously;
- Suitable financial means to meet obligations incidental to the work.

The County reserves the right to reject any bid if the evidence submitted by, or investigation of, the bidder fails to satisfy the County that he/she is properly qualified to carry out the obligations of the contract.

If the User Department determines that a response is non-responsible, the recommendation should clearly identify the reason(s) for the determination and must be forwarded to the Chief Purchasing Agent in the form of a recommendation letter signed by the Department Head or designee.

If the Chief Purchasing Agent concurs with the determination of non-responsibility, the respondent must be notified of the written determination of non-responsibility setting forth the basis of the finding(s). The non-responsibility letter to the respondent must be prepared by the Purchasing Representative and approved by the Chief Purchasing Agent and included in the procurement file.

5.2.2.5. ITB Award Types

The User Department must recommend the award of a contract based on the requirements of the solicitation document. Awards can vary, including a single award, split award, or multiple awards.

5.2.2.5.1. Single Award

A single award is made to the responsive and responsible respondent with the lowest overall price for an ITB.

5.2.2.5.2. Split Award

A split award is made when a solicitation is divided into two or more parts, groups, or phases and each part will be awarded to the bidder with lowest overall price.

5.2.2.5.3. Multiple Awards

In accordance with [Code Section 102-361, Multiple Awards; Limitations on Multiple Awards](#), two or more offerors may be awarded separate contracts, at the discretion of the County, on the basis of one solicitation for the same or similar work, supplies or services, if the County reserves the right to do so in the solicitation. Multiple contracts may be awarded, at the discretion of the County, for the procurement of annual contracts for supplies, construction, services, professional and consultant services.

If the solicitation does not include specific language regarding multiple awards prior to the deadline established for receipt of bids, proposals or quotations, multiple awards cannot be made for that solicitation.

Multiple County contracts are prohibited under one solicitation for the procurement of construction, services or professional and consultant services which are not annual contracts.

5.2.2.5.4. Task Orders

In accordance with [Code Section 102-360, Limitation on Task Orders Authorized under Fast Track and Standby Annual Contracts](#), for Fast Track and Standby Annual Contracts, any User Department can expend up to \$1,500,000 under an annual contract individually or in the aggregate with any one contractor. Task orders exceeding \$500,000 must be presented to the Board of Commissioners for approval prior to the issuance of the notice to proceed (NTP). Task orders exceeding \$100,000 must be presented on the Consent Agenda to the Board of Commissioners on a quarterly basis as part of the Large Contracts Report.

5.2.2.6. Resolving Tie Responses

In accordance with [Code Section 102-373\(i\), Tie Bid](#), whenever goods or services of any kind or description are to be obtained through an ITB, for the purpose of making an award to the lowest responsible bidder, if two (2) or more bidders have submitted the lowest bid with each of said bids being otherwise equal with respect to cost, but only one such bidder has a business location within Fulton County, then the recommendation for award shall be in favor of the bidder having a business location within Fulton County.

5.2.2.7. Single Bid Response

Whenever the County receives only one (1) response for any bid solicitation, the Purchasing Representative must conduct a random survey of those firms that were notified of the bid solicitation to determine why they did not submit a response and conduct a cost analysis.

[Single Bid Analysis Form](#)

5.2.2.8. No Bid Response

Whenever the County lets a solicitation and receives no responses to the solicitation, the Purchasing Representative must conduct a random survey of those firms that were notified of the bid solicitation to determine why they did not submit a response and take the necessary steps to cancel the solicitation. The Purchasing Representative must then meet with the User Department to discuss the survey results to determine what revisions need to be made to the scope of work or technical specifications before re-soliciting the project.

[No Bid Analysis Form](#)

5.2.3. Evaluating Responses to RFP's

The evaluation of RFP responses is done by a formally convened Evaluation Committee (EC) in accordance with [Code Section 102-380](#).

5.2.3.1. Responsiveness Review

The Purchasing Representative must conduct a Responsiveness Review by completing an [RFP Responsiveness Review Form](#). The Purchasing Representative will identify responses that are clearly non-responsive, incomplete or otherwise unacceptable. The determination of responsiveness will be determined by the completeness of all material, documents and/or information required by the County.

The proposer will be notified in writing regarding the reasons for rejection.

After the Purchasing Representative has reviewed the proposals for responsiveness, the technical proposals, for those responses deemed responsive, will be submitted to the EC members for review as described in Table 5.1 of this section. The cost proposals are not distributed until the technical proposal review has been completed.

5.2.3.2. Evaluation Committee (EC)

For RFPs, and in accordance with [Code Section 102-380](#), the Evaluation Committee (EC) has the authority to review and evaluate proposers' technical responses to a specific Request for Proposal (RFP). The EC is authorized in accordance with [Code Section 102-380](#), which governs the size, composition and duties of the EC established for the evaluation of all RFPs or competitive sealed proposals.

The EC committee will determine whether the respondent has the ability in all respects to perform fully and reliably the work to be performed or the requirements in the solicitation. The recommendation for award will be made to the most responsive and responsible proposer with the highest overall score.

5.2.3.2.1. EC Composition and Duties

The EC can be comprised of three staff members assigned by Purchasing from the User Department(s). If necessary, two additional technical staff from multiple departments can be assigned. The use of outside expert(s) is also allowed with prior approval of the Chief Purchasing Agent.

A Finance Department Representative will assist Purchasing with the determination of financial responsibility and with analyzing cost proposals, when required. The Purchasing Representative assigned to the project will serve on the EC as an ex-officio member and will facilitate all evaluation and negotiation meetings. The Purchasing Representative, Finance Representative and any outside expert(s) will be non-voting members and may not score proposer's responses.

With respect to the procurement of any information technology solutions (e.g., software, applications, hardware, systems, upgrades, services, etc.), a representative from the Department of Information Technology (IT) must serve on the EC as a voting member. The IT Representative provides the technical expertise required regarding County technology standards and to ensure compatibility with existing systems, hardware compatibility, interfaces, etc.

With respect to the procurement of facilities projects (i.e., construction, design-build), a representative from the Department of Real Estate and Asset Management (DREAM) must serve on the EC to provide the technical expertise required.

5.2.3.2.2. *EC Responsibilities*

Table 5.2 below lists the responsibilities for all members allowed to serve on the EC:

Table 5.2	
Evaluation Committee Responsibilities	
Purchasing Representative	<ul style="list-style-type: none"> ▪ Serves as the facilitator and is responsible for maintaining the integrity of the procurement process ▪ Handles all communications and correspondence to ensure compliance with the “No Contact During Procurement” ▪ Serves as the liaison for the EC when clarifications or additional information is required ▪ Conducts administrative review to determine the responsiveness of each proposer’s submittal ▪ Coordinates and schedules EC meetings ▪ <u>Distributes Confidentiality & Disclosure Agreement to all EC members for signature</u> ▪ Distributes proposals to EC members ▪ Evaluates Local Preference and assigns points ▪ Evaluates Service Disabled Veterans Preference and assigns points ▪ Analyzes the cost proposals with assistance from the Finance Department if needed and assigns points ▪ Ensures the EC conducts reference checks regarding past performance and relevant project experience ▪ Coordinates Technical Advisor(s) if requested by the EC ▪ Schedules oral presentations/interviews if required ▪ Compiles all scoring ▪ Leads negotiation team ▪ Reviews all contract exceptions submitted by proposers and consults with the Office of the County Attorney and provides feedback to the EC ▪ Determines and evaluates non-responsibility ▪ Prepares EC Recommendation Letter to Chief Purchasing Agent for contract award

Contract Compliance Representative	<ul style="list-style-type: none"> ▪ Validates all Contract Compliance required submittals for accuracy and completeness
EC Members	<ul style="list-style-type: none"> ▪ Review the RFP, including the scope of work, evaluation criteria and project deliverables ▪ Read all proposals and evaluate the responses ▪ Independently score all respondent's submittals ▪ Determine whether the EC will require a Technical Advisor ▪ Make a recommendation for award of the contract
Finance	<ul style="list-style-type: none"> ▪ Assists the Purchasing Representative with analyzing costs, if requested, including life cycle and total ownership costs ▪ Serves on the Negotiation Team, if requested ▪ Conducts financial responsibility review of recommended proposer(s)
Technical Advisor	<ul style="list-style-type: none"> ▪ When the technical skills, knowledge and experience is available and identified within the County, the Chief Purchasing Agent can designate them as "Technical Advisor" <p><i>The Purchasing Representative shall serve as the liaison regarding information being requested by the EC and ensure that the Technical Advisor only responds to the information requested and is a non-voting member.</i></p>
Third-Party Consultant	<ul style="list-style-type: none"> ▪ When a third-party consultant has been hired by the County to assist with the project, the consultant can provide technical assistance to the EC and the Purchasing Representative as requested and required. <p><i>The Purchasing Representative shall serve as the liaison regarding information being requested by the EC and ensure that the third-party consultant only responds to the information requested and is a non-voting member.</i></p>

5.2.3.2.3. Purchasing Representative Responsibilities

The assigned Purchasing Representative must develop, coordinate and implement an itinerary as follows:

- Establish a date for an initial meeting of all EC members

- Provide general information and distribute a disclosure statement to each approved committee member. Upon receipt of the completed written disclosure form, distribute a copy of each technical proposal to each committee member.
- If requested by the EC members, establish a date to allow the assigned technical advisor(s) or third-party consultant(s) to provide an oral and/or written report to the Committee members.
- If requested by the EC, establish a date to allow oral presentations/interviews to be conducted.
- Establish date(s) for EC members to engage in discussions and exchange of information during the scoring process.
- The Purchasing Representative, with the assistance of the Finance Department (if necessary), will establish a separate date to open, discuss, analyze and score cost proposals. The evaluation of cost can occur at the same time the EC is evaluating the technical proposal(s). The cost analysis cannot be shared with the EC until after the technical proposals have been evaluated and scored.
- Once technical scoring has been completed, the Purchasing Representative will share the cost proposal scoring with the EC members and will compile the master scoring matrix with both technical and cost scores and prepare the recommendation letter to be submitted to the Chief Purchasing Agent.

The [RFP Process Checklist](#) can be used as a tool to assist the Purchasing Representative with each step of the RFP process.

It is essential that the Purchasing Representative manage the entire evaluation process. Prior to beginning the evaluation process, the Purchasing Representative will forward the [Confidentiality Agreement and Disclosure Form](#) to each EC member. Before releasing any responses to the EC, the Purchasing Representative must determine whether any members of the EC may have a conflict of interest (e.g., current employment with the bidder, significant financial interest, litigation or other dispute, etc.) with any firm that submitted a response.

Any individual determined to have a conflict of interest cannot participate on the Evaluation Committee and must be excused from further participation in the evaluation process. The Chief Purchasing Agent may need to identify one or more additional individuals to serve on the EC as needed in the event one or more committee members are unable to serve due to conflicts of interest.

5.2.3.2.4. Submitting Responses to the EC

All Technical Proposals deemed responsive will be released to the Evaluation Committee.

5.2.3.2.5. Independent and Individual Review

Each EC member will individually and independently review each proposer's response. The EC member must assign a written assessment to each question. In addition, the EC member must include a written comment justifying any assessment lower than "Adequate", for scores of "Marginal" or "Poor".

During the initial review, the EC member should note any clarification questions the EC member(s) suggests asking the proposer. After completing the initial evaluation, the EC member will submit the evaluation documentation and any identified clarification questions to the Purchasing Representative.

5.2.3.2.6. Scoring Rating System

The EC must comply with the scoring guidelines identified in Table 5.3. Each question's score will be multiplied by its assigned weight to obtain the applicable score for that proposer's response to the question. The following scoring rating system in Table 5.3 applies:

Table 5.3		
Assessment	Scoring Guidelines	Evaluator Score
Response (Only Applies to Mandatory Scored)	<ul style="list-style-type: none">The narrative response provided constitutes a material deviation from the requirement.No narrative response provided.When the response does not meet a mandatory.	Fail or Disqualified
Poor	<ul style="list-style-type: none">Fails to address the component or the supplier does not describe any experience related to the component.Proposal is inadequate in most basic requirements, specifications, or provisions for the specific criteria.	0.00
Marginal	<ul style="list-style-type: none">Proposal minimally addresses the requirements, but one or more major considerations of the component are not addressed, or so limited that it results in a low degree of confidence in the	0.25

	bidder's response or proposed solution. <ul style="list-style-type: none"> • Proposal meets many of the basic requirement's specifications, or provision of the specific items, but is lacking in some essential aspects for the specific criteria. 	
Adequate	<ul style="list-style-type: none"> • Proposal adequately meets the minimum requirements, specification, or provision of the specific item, and is generally capable of meeting the state's needs for specific criteria. 	0.50
Good	<ul style="list-style-type: none"> • Proposal more than adequately meets the minimum requirements, specification or provision of the specific criteria, and exceeds those requirements in some aspects for the specific criteria. 	0.75
Excellent	<ul style="list-style-type: none"> • Fully meets all requirements and exceeds several requirements. • Proposal exceeds minimum requirements, specification and provision in most aspects for the specific criteria. 	1.00

5.2.3.2.7. Convening EC Meetings

After the Purchasing Representative has consolidated each individual EC member's scores into the [Master Evaluation Spreadsheet](#), he/she will schedule a meeting for all EC members to meet and discuss initial scores. The EC members will discuss the individual scores and, as a result of the discussion, each member may adjust the member's individual scoring up or down as appropriate.

There is no requirement that all EC members reach agreement on the score for a particular question/requirement. In the event the EC members do not reach agreement on a score for a particular question/requirement, the Purchasing Representative will average the individual scores to determine the proposer's score for that particular question/requirement.

5.2.3.3. Additional Evaluation Activities

On formal solicitations such as RFPs, additional evaluation activities may be required to complete the evaluation process. The Purchasing Representative must facilitate any additional evaluation activities, including, but not limited to, reference checks, oral interview/presentations, product demonstrations, site visits, plant inspections, and/or sample testing.

5.2.3.3.1. Oral Interviews/Presentations

After reviewing the technical proposals, the EC must notify the Purchasing Representative if they want to invite proposers for oral interviews/presentations. The EC, in conjunction with the Purchasing Representative, will determine the number of firms to be invited to the oral interviews/presentations.

The purpose of the oral interviews/presentations is to provide the EC with an opportunity to seek additional information and to clarify and confirm any information received. Oral presentations are to occur as "in person" presentations or through any other method approved by the Chief Purchasing Agent (phone conference, web conference, etc.).

An oral presentation may or may not include a presentation of software, goods or products which are being offered as part of the bidder's response. A presentation focused on the features and functionality of any software, goods or products is generally referred to as a product demonstration. A product demonstration may occur at any site approved by the Chief Purchasing Agent. Any requirement for the bidder to provide an oral presentation or product demonstration to the Evaluation Committee should be clearly counted as part of the solicitation.

If the solicitation includes a requirement for the bidder to make an oral presentation or product demonstration, then the Purchasing Representative is responsible for arranging these presentations/demonstrations during the evaluation process. An oral presentation or product demonstration is not a negotiation and bidders are not permitted to revise their responses as part of the presentation/demonstration. Product demonstrations may be evaluated on a pass/fail basis in the event the product demonstration is being used to confirm the bidder's compliance with any solicitation requirements.

For all RFPs and Request for Qualifications that include a scoring element, the EC may lower the proposer's score as appropriate as a result of the EC's evaluation of the proposer's oral presentation and/or product demonstration. In addition, for all RFPs and scored Request for Qualifications which reserved points to grade the oral presentation and/or product demonstration, the EC may increase the proposer's technical score as appropriate based on the individual EC member's evaluation of the content of the proposer's oral presentation/product demonstration.

[Oral Interview/Presentation Invitation Letter](#)

[Oral Interview/Presentation Protocol](#)

5.2.3.3.2. Requesting Clarification/Additional Information

If requested by the Purchasing Representative, respondents may be required to submit additional or supplemental information to determine whether the respondent meets all of the qualification requirements.

After receipt of the submittals and during the evaluation process, the County may request written clarification from a respondent regarding their response. Requests for clarifications are to eliminate minor irregularities, apparent clerical mistakes or if the response includes conflicting information or is so ambiguous that a reasonable person cannot ascertain the meaning(s).

A request for written clarification does not give the respondent an opportunity to revise or modify its response, except to the extent that the correction of an apparent clerical mistake(s) results in a revision. A request for written clarification may not be used to negotiate (i.e., request the bidder to revise or improve the bidder's response). Written clarifications received from the bidder will become part of the bidder's response for inclusion in the procurement file.

[Request for Clarification Letter](#)

5.2.3.3.3. Reference Checks

A reference check refers to the process of contacting a bidder's current or previous clients to solicit information regarding that client's business experience with the firm. A bidder's client references can provide insight into the bidder's level of work experience as well as quality of past performance. The solicitation may require bidders to submit client references as part of the bidders' responses.

In addition, during the evaluation process, the Purchasing Representative is responsible for checking the references as requested in the solicitation. A list of questions for the client references must be prepared in advance and the same questions should be asked of all references. It is appropriate for evaluation committee members to ask related follow-up questions. Responses from references must be documented in writing for record purposes and then shared with each EC member. References may be evaluated on a pass/fail basis.

In the event points were reserved to score client references as part of a scored RFP, the EC must evaluate the responses to the identified reference questions using the predefined scoring method and allocated points as described in Table 5.2. The types of questions to ask client references will vary depending on the County entity's purpose in requesting references; however, some sample suggestions include the following:

- Nature and duration of the work,
- Quality of supplies delivered, or services rendered,
- Timeliness of performance,
- Cost or price in terms of control—including changes and claims,
- Business integrity – reputation in the community,
- Willingness to cooperate, especially when confronted with unexpected issues, and/or
- Effectiveness of management of the project and internal practices.

Reference Check Form (Example)

5.2.3.3.4. Site Visits

During the evaluation process, a site visit or plant inspection generally refers to the EC's observation and inspection of a physical location to be used by the respondent as part of the respondent's performance of any contract awarded pursuant to the solicitation. Any requirement for the respondent to facilitate a site visit or plant inspection during the evaluation process should be clearly counted as part of the solicitation. However, for purposes of contract administration, by accepting contract award, the bidder is agreeing to permit the County entity the right of inspection at the bidder's facility subject to any reasonable security measures.

In the event a site visit or plant inspection will occur as part of the evaluation process, the Purchasing Representative is responsible for arranging the site visit or plant inspection. The bidder must provide all reasonable facilities and assistance for the safety and convenience of the County in the performance of an inspection. However, the County entity is responsible for its costs in participating in such visit/inspection (cost of transportation of EC, etc.).

A site visit or plant inspection may be evaluated on a pass/fail basis. For all RFPs and any RFQs including a scoring element, the evaluation committee may lower the bidder's score as appropriate as a result of the evaluation committee's evaluation of the bidder's facility. In addition, for all RFPs and scored RFQs which reserved points to grade the site visit and/or plant inspection, the EC may increase the bidder's technical score as appropriate based on the EC's evaluation of the bidder's facility.

In the event that the site visit or plant inspection will be a part of the County entity's scoring process, all EC members must participate in the site visit/plant inspection. In the event one or more members of the evaluation committee cannot participate, the Purchasing Representative must determine whether sufficient notes and or

documentation of the site visit/plant inspection can occur such that the absent EC members would be able to score fairly.

If the Purchasing Representative determines that it is not possible for an absent Evaluation Committee member to be able to fairly evaluate the bidder, then the site visit/plant inspection must be rescheduled to permit all EC members to participate.

5.2.3.3.5. Product Acceptability Requirements

A product acceptability evaluation may be conducted to determine whether a bidder's product sample meets the requirements of the solicitation. Any respondent's offering that does not meet the acceptability requirements must be rejected as nonresponsive. A pre-established and generally accepted standard, e.g., ANSI, IEEE, etc. should be used whenever possible.

5.2.3.4. Evaluating Cost for RFPs

For RFPs, cost must be evaluated in accordance with the specific provisions of the solicitation. However, the following general provisions also apply:

For RFPs, the Purchasing representative and if required the Finance representatives will analyze the cost proposals independently. The analysis can be performed concurrently with the EC's evaluation of the proposers' technical responses. The cost proposals or the cost analysis cannot be disclosed to the EC until after the Technical Proposals have been scored. Additionally, if the EC elects to conduct oral interviews/presentations or request additional material, the Cost Proposals and cost analysis cannot be disclosed to the EC until after the oral interviews/presentations have been concluded and the technical proposals scored.

5.2.3.4.1. Cost Scoring Formula

The County has established the following formula to evaluate cost proposals for Request for Proposals (RFP):

$$\frac{\text{Lowest cost submitted (L)}}{\text{Each successive cost (R) x Points allocated for cost in RFP (P)}} = \text{Cost proposal score}$$

L – Cost of the proposer's response with the lowest cost

R – Cost of the next proposer's cost to be evaluated

P – Total points allocated for cost in the RFP

C – Cost proposal score

5.2.3.4.2. Overall Scores Preceding Negotiations

Each proposer meeting all mandatory requirements will receive a total combined score by adding the proposer’s technical score to the proposer’s cost score.

5.2.3.5. Discussions

Discussions can occur if the solicitation specifies that award will be made based on best and final offers (“BAFO”). For BAFO, discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award in accordance with the solicitation. Discussions may be conducted for any purpose of clarification to ensure full understanding of and responsiveness to the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, no information derived from proposals submitted by competing offerors will be disclosed.

5.2.3.6. Negotiation Process

This step discusses when and how negotiations should be conducted based on the type of procurement, the composition of the negotiation team and the termination of negotiations. The negotiation process is the final step to be completed before making the recommendation for award. Negotiating is a critical component of the strategic sourcing process. Once RFP responses have been analyzed and evaluated, a negotiations strategy should be developed, and discussions should be held to negotiate the best possible price for the County.

5.2.3.6.1. Authority to Negotiate

Negotiations are authorized by the Purchasing Code and are based on the solicitation type as defined in Table 5.3 below:

Table 5.3 Authority to Negotiate – Solicitation Type		
Solicitation Type	Negotiations Authorized	Authorizing Purchasing Code Section
E-Quotes	No	
Request for Qualifications	No	
Request for	Yes	Code Section 102-374(g), Discussion with

Proposals		Responsible Offerors and Revisions to Proposals
Request for Proposals for Professional and Consultant Services	Yes	Code Section 102-375(f), Negotiations and Award
Qualification Based Selection Procedures for Architectural and Engineering Services for Federally Funded Projects	Yes	Code Section 102-376(g), Negotiations and Award
Competitive Sealed Bids pursuant to O.C.G.A. §36-91-21)	Yes	O.C.G.A. §36-91-21(a)(4)
Award without Competition – Sole Source	Yes	102-384(d), Negotiations
Emergency Procurement	Yes	

5.2.3.6.2. Convening a Negotiation Team

If the EC elects to initiate negotiations, then a Negotiation Team (NT) will be convened. The Purchasing Representative must follow the guidelines found in the RFP. The Purchasing Representative assigned to the project must continue to serve as the official point of contact between the County and the respondent. The NT can consist of the following individuals, as appropriate:

- User Department Representative(s)
- Finance Department Representative(s)
- County Attorney Representative(s)
- Technical advisors
- Third-party consultant(s)

To ensure that NT members do not possess a conflict of interest, each member will be required to sign the Confidentiality Agreement and Disclosure Form and to comply with

the provisions of the RFP. If EC members serve on the NT also, they will not be required to sign an additional Confidentiality Agreement and Disclosure Form.

5.2.3.6.3. Negotiation Invitations

Proposers selected to participate in negotiations will be notified by the Purchasing Representative of the following:

- The County is initiating negotiations
- The anticipated schedule for the negotiations
- The procedures to be followed during negotiations
- [Negotiation tactics](#)

5.2.3.6.4. Terminating Negotiations

It is expected that negotiations will be completed in a reasonable time period and that the County has complete discretion to determine when to terminate negotiations and move to the next ranked offeror.

5.2.3.6.5. Capturing Negotiation Results

If the County elects to negotiate with identified proposers, the Purchasing Representative must document the results of all negotiations on the [Post-Negotiation Memorandum Form](#). Once negotiations are completed, the documented results of negotiations must be incorporated into the final contract.

5.2.3.7. Responsibility Review

The Evaluation Committee will determine the responsibility of each proposer based on the proposer's demonstrated ability to perform the work called for in the solicitation.

If a proposer's response is determined to be non-responsible, the recommendation should clearly identify the reason(s) for the determination and must be forwarded to the Chief Purchasing Agent in the form of a recommendation letter.

If the Chief Purchasing Agent concurs with the determination of non-responsibility, the respondent must be notified of the written determination of non-responsibility setting forth the basis of the finding(s). The non-responsibility letter to the respondent must be prepared by the Purchasing Representative and approved by the Chief Purchasing Agent and included in the procurement file.

5.2.3.8. RFP Award Types

The EC must recommend the award of a contract based on the requirements of the solicitation document. Awards can vary, including a single award, split award, or multiple awards.

5.2.3.8.1. *Single Award*

A single award is made to the responsive and responsible respondent with the overall highest score (top ranked offeror).

5.2.3.8.2. *Split Award*

A split award is made when a solicitation is divided into two or more parts, groups, or phases and each part will be awarded to the top ranked proposer.

For a RFP, each part of the solicitation must be awarded to the proposer with the highest total score for that particular part.

5.2.3.8.3. *Multiple Awards*

In accordance with [Code Section 102-361, Multiple Awards; Limitations on Multiple Awards](#), two or more offerors may be awarded separate contracts, at the discretion of the County, on the basis of one solicitation for the same or similar work, supplies or services, if the County reserves the right to do so in the solicitation. Multiple contracts may be awarded, at the discretion of the County, for the procurement of annual contracts for supplies, construction, services, professional and consultant services.

If the solicitation does not include specific language regarding multiple awards prior to the deadline established for receipt of bids, proposals or quotations, multiple awards cannot be made for that solicitation.

Multiple County contracts are prohibited under one solicitation for the procurement of construction, services or professional and consultant services which are not annual contracts.

5.2.3.8.4. *Task Orders*

In accordance with [Code Section 102-360, Limitation on Task Orders Authorized under Fast Track and Standby Annual Contracts](#), for fast track and standby annual contracts, any User Department can expend up to \$1,500,000 under an annual contract individually or in the aggregate with any one contractor. Task orders exceeding \$500,000 must be presented to the Board of Commissioners for approval prior to the issuance of the notice to proceed (NTP). Task orders exceeding \$100,000 must be

presented on the Consent Agenda to the Board of Commissioners on a quarterly basis as part of the Large Contracts Report.

5.2.3.9. Single Bid Response

Whenever the County receives only one (1) response for any solicitation, the Purchasing Representative must conduct a random survey of those firms that were notified of the bid solicitation to determine why they did not submit a response and conduct a cost analysis. A cost analysis is a review and evaluation of a proposal costs to arrive at costs actually incurred or estimates of costs to be incurred. A cost analysis must be conducted for sole source and single bids. Depending on the results of the survey, purchasing in conjunction with the End-User Department will make a recommendation to the Chief Purchasing Agent with written justification to either proceed with the award of the procurement or to make changes to the scope of work and rebid the project.

[Single Bid Analysis Form](#)

[Cost Analysis Form](#)

5.2.3.10. No Bid Response

Whenever the County lets a solicitation and receives no responses to the solicitation, the Purchasing Representative must conduct a random survey of those firms that were notified of the bid solicitation to determine why they did not submit a response and take the necessary steps to cancel the solicitation. The Purchasing Representative must then meet with the User Department to discuss the survey results to determine what revisions need to be made to the scope of work or technical specifications before re-soliciting the project.

[No Bid Analysis Form](#)

5.2.4. Step 3: Review Period

Each solicitation will specify the minimum period of time that a respondent must honor their response from the time that the solicitation closes until the contract is awarded.

The review period will vary depending on the procurement type and the terms of the solicitation. Other factors that will affect the review period are the complexity of the project, the number of responses received, etc. If additional time is required to complete the evaluation process, the Purchasing Representative may request that respondents extend the acceptance period of their offers. Respondents are not required to extend their bid/proposal. However, if the respondent elects not to extend the

acceptance period, the respondent's response cannot be considered for further evaluation and must be identified as withdrawn.

[Bid Offer Extension Letter](#)

[RFP Offer Extension Letter](#)

5.2.5. Step 4: Re-soliciting When Necessary

In the event that no responses are deemed eligible for award, the Chief Purchasing Agent must cancel the solicitation in accordance with [Code Section 102-388, Cancellation of Invitation to Bid or Requests for Proposal](#). In addition, the County reserves the right to cancel any solicitation in whole or in part, as specified in the solicitation when it is in the best interest of the County as described in *Section 4.6, Step 5: Cancellation of a Solicitation* of this manual.

[Cancellation Letter for website](#)

[Cancellation Letter to Respondent\(s\)](#)

Chapter 6: Stage 6 - Award Process

This chapter describes the Award Process stage, the policies that govern this stage, and the step-by-step procedures performed during this stage.

THE EIGHT STAGES OF PROCUREMENT



Key Steps

- Providing public notice of award recommendations and award results
- Contract preparation and execution process
- Post award meetings
- Issuing the notice to proceed (NTP)

6.1. Introduction to the Award Stage

After the evaluation process is completed, the next step in the process is the award process. The award process begins with the User Department or the EC making a recommendation to the Chief Purchasing Agent.

6.2. Step 1: User Department or EC Recommendation

All recommendations for award must be in writing and submitted to the Chief Purchasing Agent in the form of a recommendation letter.

6.3. Step 2: Chief Purchasing Agent Recommendation

Upon receipt of the written recommendation from either the User Department or the EC, the Chief Purchasing Agent must conduct his/her due diligence to ensure the recommendation is in compliance with the County's Purchasing Code, federal and state laws, if applicable, and in the best interest of the County. The Chief Purchasing Agent must concur with the User Department and EC recommendation in order to proceed with the award.

6.4. Step 3: Board Approval Process

All Agenda Items to be considered by the Board of Commissioners must be entered into the County's Automated Agenda System. The following procurements must be presented to the BOC for approval:

- Any procurement solicited via ITB or RFP that exceed \$100,000.00
- Any procurement that requires the approval and execution of a written contract, regardless of the amount (i.e., professional services)
- Award without Competition that exceed \$5,000.00
- Emergency procurements, regardless of the amount that have been approved by the County Manager, must be ratified by the BOC at the next scheduled meeting of the BOC.
- Contract Renewals
- All contract modifications
 - Change orders (greater than 10%/less than 10%)
 - Amendments
 - Contract Extensions
- Task Orders exceeding \$500,000
- Use of Statewide Contracts exceeding \$100,000.00
- Use of Cooperative Purchasing exceeding \$100,000.00
- Name Changes and Assignments
- Termination or Rescission of a Contract

The process to enter Agenda Items is detailed below:

6.4.1. Preparation of BOC Package

The User Department (Originator) is responsible for entering the Agenda Item into the County's Agenda Management System. Please refer to the [Automated Agenda Workflow Manual](#) for step-by-step procedures for entering Agenda Items. Table 6.1 below lists the attachments required for each procurement type.

Table 6.1	
Required Agenda Item Exhibits by Category	
Category	Required Exhibits
Request approval to renew existing contract	Contract Renewal Agreement Contract Renewal Evaluation Form Contractor Performance Report
Request approval to amend existing contract	Amendment to Contract Contractor Performance Report
Request approval to extend existing contract	Extension Agreement Contractor Performance Report
Request approval of change order, greater than 10% / less than 10%	Change Order Agreement Contractor Performance Report
Request approval of recommended proposal	Evaluation Committee Recommendation Letter Evaluation Scoring Matrix Contractor Performance Report
Request approval of lowest responsible bidder	User Department Recommendation Letter Bid Tabulation Sheet User Department Performance Report
Request approval of lowest responsible Bidder (Construction Projects over \$100,000)	User Department Recommendation Letter Bid Tabulation Sheet Contractor Performance Report
Request approval of recommended proposal (Construction Projects over \$100,000)	Evaluation Committee Recommendation Letter Evaluation Scoring Matrix Contractor Performance Report
Request approval to award contract without competition	Justification and Approval for Allowing Award of Contract without Competition Form User Department Justification Letter Vendor Justification Letter Cost Analysis Form
Request approval of Statewide Contract	Copy of Statewide Contract User Department Recommendation Letter
Request ratification of Emergency Procurement	Copy of County Manager Approval Memorandum Copy of Purchase Order

Request approval of Termination/Cancellation of Contract	User Department Recommendation Letter Chief Purchasing Agent Recommendation Letter
Request approval of task order	Task Order Agreement Copy of Scope of Work Contractor Performance Report
Request approval of contract	Evaluation Committee Recommendation Letter Evaluation Scoring Matrix Contractor Performance Report
Request approval to utilize Cooperative Purchasing	Copy of Cooperative Contract User Department Recommendation Letter

All procurement items must be entered as a Purchasing Item and follow the Purchasing Workflow.

Once the County Manager approves the Agenda Item, the item will be placed on the agenda as the County Manager’s recommendation to the BOC for award of the subject contract. The Clerk of the Commission will place the agenda item on the BOC Agenda for consideration and approval by the BOC.

The County Manager must approve any items being placed, added, or removed from the Agenda.

6.5. Step 4: Notice of Intent to Award

The date a specific project is placed on the BOC Agenda, and once that Agenda is published, is considered the date of the County Manager’s recommendation to the Board of Commissioners for the award. That action is considered to be the public announcement of the County’s intent to award a contract.

6.6. Step 5: Award Notification

The award results of any solicitation process must be published on the County’s Bid Board. The published notice must include the following information:

- The name(s) of the awardee(s)
- The amount of the contract award
- The BOC approval number and award date, if applicable

6.6.1. Award Notification Letter

The Award Notification Letter is the County's official public announcement of the contract award. After the BOC has approved the award, the Purchasing Representative will prepare the award notification letters to the awardee and all respondents who submitted a response for the project. The letter will include the awardee(s) name, contract award amount, BOC approval date and item number.

[Award Notification Letter – Awardee](#)

[Award Notification Letter – Other Respondents](#)

6.6.2. Posting of Award Results

Posting of the award results is the County's official public announcement of a contract award for a particular project. After the BOC has approved the award, the Purchasing Representative will post the awardee(s) name, contract award amount, BOC approval date and item number on the BidNet Direct website for that project.

6.6.3. Performance Management Tool

After the contract has been fully executed and the award results posted, the Purchasing representative is responsible for entering the award information for each awarded project into the BidNet Direct Performance Management module.

6.7. Step 6: Contract Preparation

Contract preparation is the responsibility of the Purchasing Representative assigned to the project. The contract is prepared by the Purchasing Representative in conjunction with the User Department. The User Department is responsible for providing the scope of work and project deliverables. The Purchasing Representative must ensure that the scope of work, project deliverables and compensation accurately reflect any clarifications requested and negotiations conducted.

If the respondent submitted any contract exceptions in their response, the Purchasing Representative must consult with the County Attorney's Office regarding revisions, additions or deletions that are acceptable.

The Purchasing Representative is responsible for the final review of the contract.

[General Contract Checklist](#)

[Professional Contract Checklist](#)

[Owner-Contractor Checklist](#)

6.8. Step 7: Execution of Contract

The Purchasing Representative is responsible for the execution and the distribution of contracts. The County utilizes a third party automated electronic platform, DocuSign, for approval and signature of contracts. Once the contract document has been prepared, the Purchasing Representative will forward the contract, a contract execution letter, and DocuSign instructions based on the solicitation type, to the Contractor via DocuSign. The letter provides instructions on how the Contractor should execute the contract and the submittals required to be attached to the contract.

[Contract Execution Letter – Construction](#)

[Contract Execution Letter – Professional and Consultant Services](#)

6.8.1. Contract Execution

The Contractor must execute the contract as instructed and submit all documentation required. . Once the contract is returned, the Purchasing Representative must review the following to ensure:

- No unauthorized revisions were made such as strikethroughs, , etc.
- Contract signed by duly authorized official or officer, signatures include a corporate seal, or is notarized
- Certificate of Insurance with the insurance limits requirements as specified in the solicitation
- If applicable, Payment and Performance Bonds for 100% of the contract amount with seals. **6.8.2. Authority to Sign Contracts**

Once the contracts have been returned from the Contractor and reviewed by the Purchasing representative, the contracts are routed to the appropriate County officials for signature.

6.8.1.1 Commission Chair Authority

The Chairman of the Fulton County Board of Commissioners has the authority to sign contracts on behalf of the County.

6.8.1.2 County Manager Authority

The County Manager has the authority to sign contracts on behalf of the County for services, construction, professional and consultant services, grant agreements that have been approved and accepted by the BOC; and, intergovernmental agreements approved by the BOC up to \$100,000.00 subject to budgetary limitations.

The Chief Purchasing Agent shall submit a quarterly or monthly report to the Board of Commissioners of contracts up to \$100,000.00 signed by the County Manager, for purposes of spreading the same on the minutes.

6.8.2. Posting of Contract

The Purchasing representative must insert the effective date of the contract (refer to solicitation). The DocuSign contract workflow must include the Records Administrator who will post the executed contract to the Portal under “Executed Contracts”.

6.8.3. Distribution of Contract

After the contract has been signed by all parties, the Contractor and other signatories on the contract will receive a copy of the executed contract via DocuSign. The Purchasing Representative is responsible for printing a copy of the executed contract marked “Purchasing Original” for the purchasing file. The Department of Purchasing & Contract Compliance is designated as the legal custodian of the procurement file.

6.9. Step 8: Purchase Order

A Purchase Order (PO) is a short form of contract which is issued by the Chief Purchasing Agent at the written request of the User Department for the procurement of supplies, goods or services. The PO is used for financial purposes to encumber funds. The PO may also be used to establish contract terms between the County and the vendor/contractor. The terms, conditions, and specifications of the solicitation document and the award will be incorporated into any contract between the County and the selected vendor/contractor.

6.9.1. Commodity Codes

Commodity codes are used to identify the source of commodities and/or services being purchased. Purchases must be coded with the applicable NIGP code(s), regardless of the dollar amount. The PO must identify the commodity and/or service codes that the selected vendor is providing. Every line item purchased must be coded.

6.9.2. Purchase Order Document Codes

Purchase Order Document codes must be identified on each PO issued by the Purchasing Representative as indicated in Table 6.2:

Table 6.2	
Purchase Order Document Codes	
Purchase Order (PO)	A contract with a vendor for goods or services
Delivery Order (DO)	A contract for purchases made from a Master Agreement
Service Contract (SC)	A contract for service line types only.
Master Agreement (MA)	A Master Agreement document sets prices, terms, and conditions, for the purchase of itemized goods or services from a vendor at a negotiated price. A Master Agreement does not commit the County to make a purchase, and therefore carries no funding information.

6.9.3. Purchase Order Text

Purchase Order Text is the standardized language established for each procurement type that the Purchasing representative should insert into the PO.

1. [Renewals Text](#)
2. [Interim Text](#)
3. [Yearly Document Text](#)
4. [Commodity Document Text](#)
5. [Yearly Document Delivery Order \(Do\) Text](#)
6. [Re-Establishment/Modification of A Purchase Order](#)

6.10. Step 9: Pre-Construction/Pre- Work Conference/Kick-off Meeting

After the award of the contract and prior to commencement of the work, a Pre-Construction/Pre-work Conference/Kick-off meeting shall take place with the Purchasing Representative, the User Department and the Contractor. The purpose of the Pre-Construction/Pre-Work Conference/Kick-off meeting is to discuss and/or clarify the following:

- Review of the contract documents
- Identify the authorized Representative for the contractor and the User Department
- Contractor responsibilities
- User Department responsibilities

- Performance expectations and monitoring
- Quality control
- Resolution of service complaints
- Contract disputes
- Contract enforcement
- Invoice procedures
- Contract Compliance Reporting for subcontractors/subconsultants/suppliers
- Performance Management Reporting

The Purchasing Representative is responsible for coordinating and scheduling the meeting to include the User Department, Contractor, Contract Compliance Representative, and other stakeholders as required (e.g., third-party consultants, project managers, etc.). The Pre-Construction/Pre-Work/Kick-Off Meetings can be conducted via videoconferencing.

If a Pre-Construction/Pre-Work/Kick-Off Meeting is not conducted, the Purchasing representative must conduct a Post Award Meeting with the Awardee(s).

6.11. Step 10: Issuance of Notice to Proceed (NTP)

A Notice to Proceed (NTP) is a written notice to the contractor to begin the actual contract work, stating the date of which the contract time begins. The NTP is prepared and issued by the User Department to the Contractor after the contract has been executed and delivered. The NTP should be given to the contractor at the Pre-Construction/Pre-Work Conference/Kick-off Meeting. The NTP must include the following information:

- Name and address of contractor
- Project title and not to exceed dollar (\$) amount
- Effective date
- Completion date or time, usually in days

A copy of the NTP must be provided to the Purchasing Representative assigned to the project for the procurement file. In some instances, as determined by the Chief Purchasing Agent, the Department of Purchasing & Contract Compliance may issue the NTP.

[Notice to Proceed Form Letter](#)

Chapter 7: Stage 7 – Contract Administration Process

This chapter describes the Contract Administration Process stage, the policies that govern this stage, and the step-by-step procedures performed during this stage.

THE EIGHT STAGES OF PROCUREMENT



Key Steps

- Administering and managing the contract
- Working with vendors to resolve any contract disputes
- Completing contract close out tasks
- Contractor performance review

7.1. Introduction to the Contract Administration Stage

The contract administration process begins once the County has executed the contract. Contract administration is the process of managing, monitoring and administering contracts to ensure that the contractor’s performance meets the contract requirements. Contract administration involves those activities performed by the User Department’s contract administrator after a contract has been awarded. The major steps of contract administration are listed in Table 7.1 below:

Table 7.1 Major Steps	
Steps	Description
Step 1	Contract administration responsibilities
Step 2	Monitoring of contract
Step 3	Contract deliverables/inspection and acceptance
Step 4	Dealing with poor performance/disputes

Step 5	Contract renewals and modifications
Step 6	Termination
Step 7	Contract close-out procedures

7.2. Step 1: User Department Contract Administration Responsibilities

All contracts require a consistent monitoring effort throughout the term of the agreement in order to ensure compliance with contractual terms and conditions. The specific nature and extent of contract administration will vary from minimum acceptance of a delivery & payment to extensive involvement such as review/audit of a program, monitoring, surveys, etc. Factors influencing the degree of contract administration include the nature of the work, the type of contract and the experience of the personnel involved.

7.2.1. Purpose of Contract Administration

The purpose of contract administration is to ensure that the contract is performed by the contractor and the responsibilities of both parties are properly performed.

It is the responsibility of the Contract Administrator to oversee, monitor and provide technical guidance to the contractors performing the contract.

It is also the responsibility of the Contract Administrator to ensure that the County receives/acquires the services and outcomes specified in the contract within the time specified in the contract and that payments are reviewed, approved and monitored to ensure that the County receives what it pays for.

7.2.2. Role of Contract Administrator

Up to this point, the Purchasing Representative has been the lead person throughout the purchasing process. After the award, the designated contract administrator is the point of contact for the contract and is responsible for managing the contract.

It is the responsibility of the User Department to designate staff to serve as the Contract Administrator for contracts within their respective department(s). For purposes of this manual, any County employee whose duties and responsibilities include day-to-day administration and management of County contract(s) and other forms of contractual agreements, will be designated as "Contract Administrator". The Contract Administrator's role begins after the contract has been awarded. The Contract Administrator must first understand their duties and responsibilities.

Listed below are the Contract Administrator's key responsibilities for managing a contract:

- Conduct scheduled meetings at least quarterly, bi-monthly or monthly depending on the type of contract, to review the status of the contract and to ensure the contractor is in compliance with the contract requirements.
- Establish contract deliverables and/or performance standards for the contractor.
- Establish what is to be evaluated for each contract and to determine how the contractor's performance will be evaluated and what methods will be used for monitoring, such as contractor performance reports, progress reports, citizen surveys, internal surveys, etc.
- Establish procedures for review of contract issues, problems and disputes; prescribe methods and procedures for the resolution of contract issues and disputes.
- Monitor the performance of the contractor in person by establishing a performance monitoring schedule.
- Prepare and distribute written reports on the contractor's performance and/or the overall effectiveness and/or productivity of the program.
- Plan and manage surveys of citizens and other clients and stakeholders.
- Ensure the timely submission of required reports from the contractor.
- Review and monitor the contractor's expenditures to ensure that the expenditures are eligible expenses and are in compliance with the approved contract budget.
- Review and recommend approval of all payment requests.
- Analyze all data and other information received regarding the performance of the contract to identify ways to improve the effectiveness and efficiency of the services being provided.
- Make recommendations to the Department Head, County Manager and/or the Board of Commissioners if any changes to the contract need to be implemented, such as additional services, under-utilized services, program change requests received, etc.

- Monitor the contractor’s utilization of female and minority-owned businesses as identified in the contract and to report any discrepancies.
- Maintain a detailed file on the performance of the contract and document all actions taken regarding the contract.
- Recommend renewal of the contract as well as other contract modifications that may be necessary.
- At the end of the contract, the Contract Administrator is responsible for the close-out of the contract file.

The four major functions of contract administration and the responsibilities for each phase are listed below in Table 7.2.

Table 7.2	
Contract Administration Major Functions	
Phase	Contract Administrator Responsibilities
Phase 1 Post Award Activities	<ul style="list-style-type: none"> ▪ After the contract has been executed the Contract Administrator must contact the Purchasing Representative to schedule the Pre-Construction/Work Conference or Kick-Off Meeting with the Contractor. ▪ Determine when the contract will begin and issue the Notice to Proceed (NTP) to the Contractor with a copy to the Purchasing Representative. ▪ Review the contract and discuss the project schedule, milestones and deliverables with the Contractor and establish dates when milestones and deliverables are due. ▪ Advise the Contractor how the contract and Contractor will be evaluated and how often ▪ Understand the contractor responsibilities and the County’s responsibilities under the contract.
Phase 2 Contract Administration	<ul style="list-style-type: none"> ▪ Provide technical oversight and direction to the contractor. ▪ Review all work that has been or is being performed by the contractor. ▪ Confirm that the work being performed is in accordance with

<p>Planning</p>	<p>the specifications and provisions of the contract and address any performance deficiencies.</p> <ul style="list-style-type: none"> ▪ Review and accept the work product or services. ▪ Document all actions taken in regard to the project.
<p>Phase 3 Performance Monitoring</p>	<ul style="list-style-type: none"> ▪ Monitor performance to ensure that the contractor is performing their duties in accordance with the contract ▪ Determine whether any problems are developing that need to be addressed
<p>Phase 4 *Contract Close-out</p>	<ul style="list-style-type: none"> ▪ Verify that both parties of the contract (the County and the Contractor) have fulfilled their contractual obligations and that there are no responsibilities remaining. ▪ Verify all goods and services have been received and accepted; all reports have been delivered and accepted; and all County property has been returned and/or received. ▪ Confirm that final payment has been made to the Contractor.

**Contract Close-out is described in detail in Section 7.6 of this chapter.*

7.3. Step 2: Evaluation of Contract Performance

The Contract Administrator is responsible for the evaluation of the contract, the Contractor’s performance, measuring performance and determining whether the expected outcomes are achieved. This step describes the Contract Administrator’s role in developing a performance plan to determine the critical components of the contract that should be monitored, how the monitoring will occur and who will perform the monitoring.

7.3.1. Performance Monitoring

Performance monitoring ensures that the contractor is performing their duties in accordance with the contract and determines whether any problems are developing that need to be addressed. The following areas should be monitored by the contract Administrator based on the contract as outlined in Table 7.3 below:

Table 7.3	
Monitoring Performance	
Quality	<ul style="list-style-type: none"> ▪ If the professional service, contracted service or construction project achieved the desired quality level; or was the correct item received
Schedules	<ul style="list-style-type: none"> ▪ Dates when certain activities (deliverables/milestones) will be completed; delays.
Acceptance	<ul style="list-style-type: none"> ▪ If the work has been completed as identified in the contract, the work should be accepted ▪ If the work is incomplete and additional work is required, the issue should be addressed immediately.
Changes	<ul style="list-style-type: none"> ▪ It essential that the Contract Administrator is monitoring any change(s)/amendment(s) that may be required to the contract
Conflicts	<ul style="list-style-type: none"> ▪ The Contract Administrator must be proactive in anticipating any conflicts between the contractor and the county and advise his/her department head as appropriate.
Data	<ul style="list-style-type: none"> ▪ Any contract that requires reporting data should be tracked closely by utilizing a detailed schedule of deliverables and milestones.
Contractor Performance	<ul style="list-style-type: none"> ▪ Managing the contractor's performance is one of the basic responsibilities of the Contract Administrator and should be evaluated on a quarterly basis to determine if contractor is performing at acceptable levels or whether performance is an issue and appropriate action(s) need to be taken to address the performance issues.
Budget and payment	<ul style="list-style-type: none"> ▪ Payments must be verified and processed timely and tracked to ensure project is within the established budget and amount approved by the Board.
Subcontractors	<ul style="list-style-type: none"> ▪ The Department of Purchasing & Contract Compliance is responsible for post award monitoring of subcontractors.

7.3.2. Performance Measures and Outcomes

Performance measures are tools used to measure performance and to evaluate the progress of the contractor to ensure compliance with the contract. Performance of the contractor must be evaluated against established performance criteria or the scope of work that can be measured such as project deliverables, and/or desired outcomes. Performance measures should be measures that the client/customer is interested in and not just internal indicators of work performed.

The Contract Administrator must determine the appropriate performance measures for the type and nature of the contract to be monitored. Outcome measures should assess the effectiveness, results and quality of the services being provided.

Examples of performance and outcome measures are:

- ✓ Number/percentage of clients who received assistance in accordance with the services as prescribed in the contract.
- ✓ Number/percentage of clients who report satisfaction/dissatisfaction with the services they received.
- ✓ How long did client have to wait to receive services?
- ✓ How was service delivered? Was contractor's staff courteous and helpful?
- ✓ Are the project milestones/due dates being met?
- ✓ Is the project on schedule?
- ✓ Are reports/deliverables submitted as stated in the contract?
- ✓ What is the quality of services being provided?

7.3.3. Delivery of Goods/Performance of Services

The Contract Administrator must work with the supplier to assure the 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/intervention 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.

7.3.4. Contractor Performance Reports

One of the most important tools in the evaluation of a contractor’s performance is to document the Contractor’s performance. It is imperative that the Contract Administrator document all actions whether satisfactory or unsatisfactory. The Contract Administrator must utilize the BidNet Direct Performance Management Tool to document performance quarterly as required by [Code Section 102-416\(f\)](#). The following tools described in Table 7.4 can be used to assist the Contract Administrator in the evaluation of a Contractor’s performance:

Table 7.4 Evaluation Tools	
Tool	Description
Progress or Contract Status Reports	A monthly status report prepared by the contractor for grant services or professional services/management related contracts that can be used to determine whether or not the contractor is making progress in accordance with the contract terms or achieving established milestones.
Scheduled Site Visits	Can be used to review the contractor’s performance on a monthly, bi-monthly or quarterly basis arranged in advance with the contractor to observe and/or review the contractor’s performance and to ensure that the contractor is dedicating sufficient resources and the appropriate personnel to the contract.
Random Site Visits	Can be used to follow-up on specific reported performance issues or previously noted deficiencies and/or just to review how services are delivered without the contractor’s advance knowledge to observe and/or review the contractor’s performance and ensure that the contractor is dedicating sufficient resources and the appropriate personnel to the contract. Random monitoring can encourage the contractor to maintain acceptable service levels at all times.
Vendor Complaint Reports	Should be used to record complaints and the report should include the following information: <ol style="list-style-type: none"> 1. Record who submitted the complaint, date and time 2. Detailed information regarding the nature of the

	<p>complaint</p> <ol style="list-style-type: none"> 3. Indicate how the complaint was resolved 4. Indicate action taken by contractor 5. Indicate action taken by the Department 6. Final disposition of complaint 7. Make complaint part of Contractor's file
Surveys	Can be used to determine the quality of service and to receive instant feedback to determine if any adjustments, revisions, or changes need to be made by the contractor or by the User Department on future project(s). Surveys can be conducted with various stakeholders such as clients, citizens, User Departments, etc.
Quarterly Contractor Performance Reports	The Fulton County code requires that the Contractor's performance is measured on a quarterly basis. This report must be provided when requesting the renewal of the contract. This report must be completed as part of the contract close-out procedures.
Contract Close-out Contractor Performance Report	At the end of the contract, a final Contractor Performance Report of the Contractor's overall performance on the contract.

7.3.5. Poor Performance and Non-Performance of Contract

It is essential that the Contract Administrator identify problems as soon as possible during the performance of the contract, to effectively communicate any problems to the Contractor as they are identified and to document all actions taken during the contract period. Immediate steps must be taken to address poor performance or non-performance of the contract requirements. Dealing with poor performance generally involves progressive steps in an attempt to resolve the issues. The progressive steps are identified in Table 7.5:

Table 7.5 Progressive Steps	
Steps	Description of Step
Step 1: Identify the problem	Once a problem has been identified, the Contract Administrator must take action to address the problem immediately by obtaining information from all stakeholders (project manager, contractor, etc.)
Step 2: Review of the contract	The Contract Administrator must review the contract to determine whether the issue is a part of the contract. If the issue is not covered in the contract, then the Contract Administrator should contact their Purchasing Representative before proceeding.
Step 3: Address issues with Contractor	Address issues with Contractor's authorized representative(s). If issue is not resolved, then schedule a meeting with all parties including the designated contract representative, Contractor and Purchasing Representative.
Step 4: Document	Put issues in writing and request a corrective action plan from Contractor addressing the specific issues within a specified time period. The Contractor must be given the opportunity to correct or cure any problems identified.
Step 5: Notify Purchasing	If the Contractor fails to correct or cure the problem and further actions need to be taken, the contract administrator must notify their Department Head and the Chief Purchasing Agent.

The Chief Purchasing Agent will notify the Contractor in writing of the County's options provided in the contract that may include assessment of liquidated damages or other provisions provided such as reduction of services or termination of the contract.

7.3.6. Default and Termination

If the recommendation is to terminate the contract for default/cause or for convenience, the Chief Purchasing Agent must consult with the County Attorney's office before proceeding with any further actions. The County Attorney will review the documentation, contract and other relevant information provided and determines the appropriate termination provision to be used. All recommendations for the termination of a contract must be approved by the Board of Commissioners.

7.3.7. Suspension and Debarment

In accordance with [Code Section 102-449\(b\), Authority to Suspend or Debar](#), the County may debar or suspend a contractor for cause from consideration of award of County contracts after reasonable notice to the contractor involved is given. The contractor must also be given a reasonable opportunity to be heard. Any recommendations to debar or suspend a contractor must be submitting in writing to the Chief Purchasing Agent for action.

7.4. Step 4: Contract Renewals

County contracts for supplies or services may be renewed for an additional period under the original terms and conditions provided the renewal terms are included in the solicitation and is in the best interest of the County. The Contract Administrator is responsible for processing contract renewals in accordance with [Code Section 102-394\(5\)](#); Table 7.6 below outlines the steps that must be followed for a contract renewal.

For contract renewals, a price analysis is completed for option prices, along with market analysis to ensure that prices are fair and reasonable. The Contract Renewal Evaluation Form must be completed by the User Department in conjunction with the Purchasing representative prior to exercising a contract option.

Table 7.6		
Steps to Exercise Contract Renewal		
Steps	Description of Step	Responsibility
Step 1: Verify remaining renewal option(s)	The Contract Administrator must review the contract to verify that there are remaining renewal option(s) available to be exercised.	Contract Administrator
Step 2: Determine whether renewal option will be exercised	180 days prior to the expiration of any term of a multi-year contract, the Contract Administrator must notify the Chief Purchasing Agent whether or not a renewal option will be exercised.	Contract Administrator
Step 3: Verify funding is available	The Contract Administrator must verify that funding is available to fund contract for entire contract renewal period as stated in the contract.	Contract Administrator
Step 4:	Advise Purchasing if the renewal request	Contract

Address any changes	requires a change in terms and conditions, contractor/vendor or dollar amount from the original award and provide the necessary supporting justification and documentation.	Administrator
Step 5: Conduct contract review	<p>Complete the Contract Renewal Evaluation Form in order to:</p> <ul style="list-style-type: none"> ▪ Determine whether the current prices for the goods or service is reflective of the current market and are still fair and reasonable by conducting a market analysis. ▪ Determine whether the services should be maintained at the current level, the scope/services should be reduced or if the services are no longer required or funding is not available the contract should be terminated. 	Contract Administrator
Step 6: Review and evaluate Contractor Performance	Determine whether the contractor has performed satisfactorily, met all of the requirements set forth in the contract and provide User Department's recommendation as to the renewal of the contract. .	Contract Administrator
Step 7: Enter Agenda Item	Enter the request for renewing an existing contract into the Agenda Management System	Contract Administrator
Step 8: Review Agenda Item and Documentation	Review Agenda Item to ensure all documents are provided and complete.	Purchasing Representative
Step 9: Conduct Price Analysis	<p>Conduct price analysis to determine whether prices are fair and reasonable:</p> <ul style="list-style-type: none"> ▪ Project was procured within last six (6) months and does not require a Price Analysis ▪ Renewal option prices did not increase, pricing remained the same. Analysis of the Inflation Rate, Produce Price or 	Purchasing Representative

	<p>Consumer Price Index conducted</p> <ul style="list-style-type: none"> ▪ Compared proposed prices for the same unit with catalog, price lists, published market prices or other available forms of pricing information resulting from an internet search. Analysis of the Inflation Rate, Produce Price or Consumer Price Index conducted 	
<p>Step 10: Process Contract Renewal Agreement</p>	<p>The Purchasing Representative is responsible for forwarding the renewal agreement to the Contractor via DocuSign for execution and requesting updated documents such as:</p> <ul style="list-style-type: none"> ▪ Current Certificate of Insurance ▪ Other documents required by contract 	<p>Purchasing Representative</p>

7.5. Step 5: Contract Modifications

Throughout the term of the contract, it may be necessary to make changes to the contract. These changes can be minor administrative changes, such as a change of address, or they can be substantial changes that affect the price and delivery. Contract modifications are any written alteration in the terms of the contract including, but not limited to, the scope, manner of performance, specifications, delivery point, time and rate of delivery, period of performance, price, or quantity. Contract modifications can be in the form of:

- Change Order (construction)
- Contract Amendment (professional services/other service related contracts)
- Extension of an existing contract

The Contract Administrator is responsible for documenting in writing and complying with all policies and procedures regarding all changes to the contract that may become necessary during a contract term.

7.5.1. Change Order

A change order is 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. Change orders must be processed in accordance

with [Code Section 102-420, Contract Modifications and Change Orders](#). Examples of a change order include:

- Unforeseen conditions
- Change in price(s) to the contract
- Change in delivery schedule
- Change in quantity
- Change in project scope
- Change in terms and conditions
- An extension of time not contemplated by the contract

7.5.2. Contract Amendment

A contract amendment is a change, addition, alteration, correction or revision to a bid or proposal or contract document. Amendments must be processed in accordance with [Code Section 102-420, Contract Modifications and Change Orders](#). Examples of a contract amendment include:

- Modification or revision of project scope of work
- Change in price(s) to the contract
- Change in delivery schedule
- Change in quantity
- Change in project scope
- Change in terms and conditions
- An extension of time not contemplated by the contract
- Change of key personnel if not contemplated by the contract

7.5.3. Contract Extension

A contract extension is the extension of a contract outside of the contract renewal process. All contract extensions must be processed in accordance with [Code Section 102-420, Contract Modifications and Change Orders](#).

An example of a contract extension is a construction contract to be completed within 275 days will take longer due to inclement weather for an extended period of time and the contractor requests an additional 25 days to complete the project.

7.5.4. Purchase Order Modification

A Purchase Order Modification is the procedure used to modify a Purchase Order that has been forwarded to and accepted by a vendor/contractor in order to modify the PO

as a result of amendments; change orders; to increase/decrease items in accordance with bid forms; address and company name changes, etc.

The PO Modification form must be approved and signed by the Department Head or his/her designee and submitted in AMS to the Department of Purchasing & Contract Compliance. The Department of Purchasing & Contract Compliance will issue a Purchase Order Modification documenting the modification to the Agreement to the vendor/contractor, the User Department and the purchasing file.

7.6. Step 6: Contract Close-out Procedures

Contract close-out is necessary when the work required by the contract has been completed. The purpose of the close-out process is to verify that both parties to the contract (the County and the contractor) have fulfilled their obligation in compliance with the contract and that there are no responsibilities remaining. The close-out process includes ensuring that:

- the contract terms and conditions have been met,
- payments have been properly made,
- all deliverables have been received and accepted and
- all other matters, such as satisfactory performance, warranties, etc., are documented and closed.

This is the final major function to be performed by the Contract Administrator. The close-out procedures must be in accordance with [Code Section 102-416\(g\), Contract Administration](#). The Contract Administrator close-out responsibilities are described in Table 7.7:

Table 7.7	
Close-out Activities	
Administrative Issues	<ul style="list-style-type: none"> ▪ Ensure that all administrative issues have been resolved ▪ Ensure that all documentation regarding the project is in the project file ▪ Notify Finance representative that project is complete and approve any retainage to be released to the Contractor ▪ Notify Purchasing Representative that project is complete and request Purchase Order to be closed or funds unencumbered. ▪ Notify Contract Compliance Representative that project is complete; ▪ Complete final Contractor Performance Report ▪ Submit recommendations, if any regarding any modifications

	<p>to the scope of work for future solicitations as a result of feedback from citizens/clients/User Department</p> <ul style="list-style-type: none"> ▪ Ensure that any documentation regarding the Contractor's performance is provided to Purchasing for the project file.
Deliverables	<ul style="list-style-type: none"> ▪ Determine if all deliverables and final reports have been delivered and accepted
Payment and Invoices	<ul style="list-style-type: none"> ▪ Determine if all payments have been processed ▪ Ensure that all subcontractor(s), sub-consultant(s) or supplier(s) were paid by requesting lien releases from Contractor before final payment is processed or retainage is released;
Property	<ul style="list-style-type: none"> ▪ Ensure that all furnishings and/or equipment provided to Contractor by the County is returned and in good condition.

Chapter 8: Stage 8 – Post Award Utilization Monitoring

This chapter describes the monitoring process stage once the contract is awarded, the NTP has been issued and the work has commenced.

THE EIGHT STAGES OF PROCUREMENT



Key Steps

- Post award monitoring
- Utilization of subcontractors
- Underutilization of subcontractors

8.1. Introduction to Post Award Utilization Monitoring Stage

The Office of Contract Compliance is responsible for monitoring construction, professional and non-professional services contracts to ensure that all certified firms and subcontractors who have been identified as part of the contract award are being utilized and are paid in accordance with the terms and conditions of the contract.

The County utilizes a third party monitoring solution, B2GNow for tracking, monitoring and reporting purposes.

8.1.1. Monitoring

The Contract Compliance Representative monitors contracts by conducting periodic scheduled and random site visits to the contractor jobsite and/or utilization assessments to review project progress, contractor-subcontractor relations, subcontractor utilization, performance and payment schedules as well as confirm compliance for the following:

- Georgia Security and Immigration Contractor/Subcontractor Affidavit – confirm that the County has a subcontractor affidavit for all subcontractors performing work at the work/job site.

- Title VI – Follow up on any complaints of discriminatory activities per Title VI of the Civil Rights Act
- Davis Bacon Wage Rates – Ensure full compliance of the Prime Contractor, subcontractor and any lower-tier subcontractors with the labor standards provisions applicable to the project
- Disadvantaged Business Enterprise (DBE) utilization – Confirm the level of utilization of any DBE on any applicable project, verify the scope of work being performed and percentage of work identified as per the contract document.
- Minority Business Enterprise (MBE) utilization - Confirm the level of utilization of any MBE on any applicable project, verify the scope of work being performed and percentage of work identified as per the contract document.
- Female Business Enterprise (FBE) utilization - Confirm the level of utilization of any FBE on any applicable project, verify the scope of work being performed and percentage of work identified as per the contract document
- Small Business Enterprise (SBE) utilization – Confirm the level of utilization of any SBE on any applicable project, verify the scope of work being performed and percentage of work identified as per the contract document.
- Service Disable Veteran Business Enterprise (SDVBE) utilization - Confirm the level of utilization of any SDVBE on any applicable project, verify the scope of work being performed and percentage of work identified as per the contract document.

8.1.2. Site Visit

A site visit is defined as a face-to-face visit of a project site or job site by the Contract Compliance Representative. Factors which determine the need for a site visit:

- If subcontractors are being utilized on the project
- The dollar amount of the contract
- The scope of work
- If any complaints have been filed by subcontractors
- When the project is Federally Funded or (DBE)

Table 8.1 below describes the major steps to be performed for a site visit and/or utilization assessment:

Table 8.1			
Site-Visit/Utilization Assessment Major Steps			
Step	Description	OCC	User Department
Step 1	Determine if a site visit is warranted	•	
Step 2	Review contract to verify subcontractors	•	
Step 3	Notify User Department contract administrator of pending site visit	•	
Step 4	User Department contract administrator to provide Contract Compliance Representative with access to work site and employees who are performing work		•
Step 5	Once on-site, locate prime contractor's Project Manager/Contract Representative to: <ul style="list-style-type: none"> a. Inform them on the nature of the site visit b. Interview workers on-site c. Verify work to be performed by subcontractor in contract is being performed d. For federal projects, validate the proper rate of pay to employees of subcontractor are in accordance with Davis Bacon Wage Rates listed in contract 	•	
Step 6	Document work being performed (pictures, documents)	•	
Step 7	Notify User Department contract administrator in writing of findings if any discrepancies are found	•	•
Step 8	If any discrepancies are found, the Contract Compliance Representative will address issues with the Prime Contractor. A follow-up letter is forwarded to the Prime Contractor documenting all findings. The Prime Contractor is given three (3) business days to provide a response to the findings, including how issues will addressed and resolved. Any resolution must be approved by the Contract Compliance Representative assigned to the project.	•	

Step 9	The Contract Compliance Representative must contact the Prime Contractor to confirm whether all discrepancies have been addressed and resolved as agreed.	•	
Step 10	Site Visit is documented on Site Visit Monitoring Form		
Step 11	Send notification to Department Head of site visit performed and final findings	•	
Step 12	The following activities must be conducted ongoing until contract/project completion: <ul style="list-style-type: none"> a. Provide update(s) of any schedule or scope changes b. Ensure B2GNow reports are provided to OCC monthly c. Notify OCC of project meetings 		•

8.1.3. Utilization Assessment

A utilization assessment can be conducted if it is determined that a physical visit to the jobsite or project site is not feasible. The Contract Compliance Representative must conduct a utilization review in the B2GNow Contract Audit module. If underutilization is determined, the Contract Compliance Representative may contact the prime contractor and/or subcontractor(s) via email or by phone to discuss the underutilization. The previous steps listed in Table 8.1 (excluding a&c of Step 4) also applies when conducting a utilization assessment.

8.2. Underutilization

The Contract Compliance Representative is responsible for monitoring contracts to determine whether certified subcontractors identified in the contract are performing the work as specified. Underutilization can be identified if:

- Prime contractor removes a subcontractor from the project without the County’s knowledge or approval;
- Subcontractor complains of reduction in scope of work and dollar amount;
- Subcontractor complains that work has not commenced as scheduled per the contract.
- Contract Compliance Representative’s review indicates that a subcontractor has not been paid for work performed.

8.2.1. Underutilization Review

In accordance with [Code Section 102-434 \(b\), Identified Underutilization](#), when underutilization is determined, the Contract Compliance Representative assigned to the project should take the necessary steps to identify the issue and develop a corrective action plan as follows:

- Inform User Department Project Manager of possible underutilization
- Contact Prime Contractor to inform them of underutilization identified and to request reason(s) that resulted in underutilization.
- After reason(s) have been identified, provide Prime Contractor with the opportunity to submit a corrective action plan to address underutilization.
- The Contract Compliance Representative must review the plan and determine whether the corrective action plan will address the issue of underutilization.
- If no corrective action can be implemented, the Prime Contractor submits a written summary of underutilization with a clear explanation of all efforts taken to address the issue.
- Any corrective action plan must be approved by the Contract Compliance Administrator.
- Inform the User Department Head of all actions taken

8.3. Reporting

The Contract Compliance Representative must document all site visits and utilization assessments on the Site Visit Monitoring Form located on the Portal.

8.4. Remedial Action

If an investigation into the reason(s) for underutilization is performed and that investigation shows that the underutilization involves either active or passive discrimination, the Chief Purchasing Agent must report the findings and any recommendations to the County Manager as described in [Code Section 102-434 \(c\), Recommendations for remedial action.](#)

Chapter 9: Records Retention Process

This chapter describes the record retention process for purchasing records and contract files, the policies that govern this process and the responsibilities of the Department of Purchasing & Contract Compliance.

Key Steps

- Contract files
- Retention of records
- Public access of procurement information

9.1. Managing Procurement Records

The Department of Purchasing & Contract Compliance is the official custodian of all contract files, determinations and other written records pertaining to the solicitation, award or performance of a contract or purchase order for the County as described in [Code Section 102-357, Procurement records](#).

9.1.1. Procurement Records

The Purchasing Representative must manage procurement records in a way that ensures documents are easily located to support contract management, respond to open records requests for documents, and to facilitate procurement processes such as resolution of protests and responding to audits.

The Purchasing Representative assigned to each project is responsible for the contract file. The contract file must contain a record of the entire procurement process. File folders documenting each procurement process must be part of the contract file.

9.1.2. Retention of Procurement Records

The use, retention, and destruction of the County's procurement records, is governed by the O.C.G.A. 50-18-90 et seq., Georgia Records Act and applies to all procurement records created by the local government, regardless of physical format (paper, electronic, etc.). The act requires the County to manage records in accordance with the procedures and regulations issued by the Division of Archives and History, Office of the Secretary of State.

Purchasing records must be retained as listed in Table 9.1 below:

Table 9.1		
Retention Schedule for Purchasing Records		
Record Title	Description	Retention
Bids and Competitive Selection Records	Records documenting quotes by vendors to supply products or services to an agency	Capital Improvement Projects (CIP): 11 years All other records: 7 years
Contracts and Agreements	Records documenting services and products provided to an agency for a specified cost and period of time	Capital Improvement Projects (CIP): 10 years after expiration Other Contracts: 7 years after expiration
Credit Card Administration Records	Records documenting administration of credit cards issued to individual agency staff or offices	7 years
Open Records Act Requests and Correspondence	Inquiries from members of the public requesting access to information under the Georgia Open Records Act (O.C.G.A. 50-18-70 et. seq.)	5 years

9.1.3. Public access of procurement information

All requests for procurement information must be handled in accordance with the O.C.G.A. 50-18-70 et seq., Georgia Records Act.

The Purchasing Representative assigned to the project is responsible for assisting the Chief Purchasing Agent’s designee, the Purchasing Legal Assistant and the County Attorney’s Office in responding to any requests regarding the requested project.

9.2. Audit of Contract Files

A review of contract files may be requested in order to determine whether files are in compliance with all purchasing codes, statues and rules.

9.2.1. Periodic Review of Contract Files

The Finance Department may conduct periodic audits (internal/external) of the contract files under the Purchasing Department's purview. All audits will be coordinated through the Chief Purchasing Agent.

9.2.2. Cooperation

The Purchasing Staff is expected to cooperate with any audit during an onsite visit, provide auditors with any requested records, adequate office space for conducting the review, and ensure that the Purchasing Representative assigned to that particular contract file is available for discussion of purchasing transactions.

9.2.3. Purchasing Review

The Purchasing Legal Assistant will conduct a quarterly review of each Purchasing & Contract Compliance Team contract files.

Chapter 10: Protest Process

This chapter describes the protest process regarding the procurement, solicitation and award process, and the policies that govern this process.

10.1. Introduction to the Protest Process Stage

A protest is an administrative procedure which enables a bidder to protest the procurement process, the solicitation requirements, and the award of the contract. In accordance with [Code Section 102-448, Right to Protest, Due Process](#), any actual bidder that has submitted a bid or proposal for a particular procurement and is aggrieved in connection with the solicitation or award of the contract, can submit a protest in writing to the Chief Purchasing Agent. The written protest should include the following information:

- The name and address of the protestor
- Solicitation number and title
- A statement of reasons for the protest
- Any supporting documentation to substantiate any claims
- The desired remedy

10.1.1 Notification of Protest Filed

Upon receipt of a protest, the Chief Purchasing Agent will notify the User Department head, as well as the County Attorney's Office and provide them with a copy of the protest.

10.1.2. Authority to Resolve Protest

In accordance with [Code Section 102-448\(c\)](#), the Chief Purchasing Agent has the authority to settle and resolve any and all protests of an aggrieved bidder or offeror concerning the solicitation or award of a contract. In other words, the Chief Purchasing Agent can “grant” or “deny” a protest. In instances where the Chief Purchasing Agent denies a protest, the aggrieved bidder can file an appeal to the Procurement Appeals Hearing Officer in accordance with [Code Section 102-453, Appeals](#). The Procurement Appeals Hearing Officer is appointed by the County Attorney to review and determine appeals as a result of the Chief Purchasing Agent's protest determination.

10.1.3. Stand of Procurement during Protest Review

When a protest has been filed properly and timely with the Chief Purchasing Agent and before a contract award has been approved by the Board of Commissioners, or before a purchase order has been signed and issued by the Chief Purchasing Agent, the Chief Purchasing Agent cannot award the contract until the protest has been settled.

If it is determined that it is necessary to proceed with the award of a contract in order to protect substantial interests of the County, the User Department Head must submit the justification to proceed in writing to the Chief Purchasing Agent. The Chief Purchasing Agent, after consultation with the County Attorney's Office, must concur and make a written recommendation to the County Manager for approval.

10.1.4. User Department's Role and Responsibility to Provide Information

Once a protest is filed, the User Department's role and responsibilities are to make information and staff available to the Chief Purchasing Agent and County Attorney who are most knowledgeable about the solicitation being protested in a timely manner. It is extremely important that all parties are responsive, as the Chief Purchasing Agent must respond to the protest within 15 business days after the receipt of a protest. In instances where an appeal has been filed, User Department staff may be requested to provide testimony at the Procurement Hearing.

Chapter 11: Office of Contract Compliance

This chapter describes the duties and responsibilities of the Office of Contract Compliance.

11.1. Introduction

The Office of Contract Compliance (OCC) is responsible for administering and enforcing the County's Non-discrimination in Purchasing and Contracting policy. The policy assures that the procurement process is open to all businesses without regard to the race, color, gender, national origin or sexual orientation of the ownership. This policy is race and gender neutral and does not contain utilization goals for any particular group.

11.2. Duties and responsibilities

It is the responsibility of OCC to promote full and equal business opportunities for all persons seeking to do business with the County. In order to effectively administer and enforce the County's Non-Discrimination policy, OCC has the following duties and responsibilities:

- The administration and enforcement of the County's non-discrimination policy and ensure adherence to the policy by User Departments and County contractors and vendors.
- Certification and recertification of African-American, Hispanic, Asian, Native American, Female and Service Disabled Veteran business enterprises in accordance with set criteria.
 - a. Certification as a Minority, Female or Service-Disabled Veteran business is granted to businesses who are 51% owned, operated and controlled by either group.
 - b. OCC has the ability to accept third party certifications using a streamlined application process.
 - c. Certification is good for a period of two (2) years. To ensure certification continuity, vendors are responsible for completing the online recertification process and updating their profile information when necessary.

- Contract Compliance Representatives are required to conduct a site visit for applications needing further clarification.
- Monitoring for compliance with applicable federal, state and County regulations are conducted on an ongoing basis.
 - a. Maintain the County's compliance with applicable federal regulations pertaining to Title VI of the Civil Rights Act.
 - b. Monitor contracts in order to determine whether a contractor or vendor failed to implement its contractual agreement and commitments regarding the utilization of M/FBEs
 - c. Vigorously monitor the County's contracting and procurement activities in order to identify any barriers that may unlawfully discriminate against prospective vendors and contractors.
 - d. Enhance competition in the marketplace by assuring that the County's contracting and procurement process is open to all businesses without regard to the race, gender or ethnicity of any such business.
- Responsible for examining alleged acts or incidents of discrimination in contracting and procurement opportunities and make recommendations to the Chief Purchasing Agent of any determinations which adversely affect the ability of minority and female firms to participate in the procurement process.
- Maintain an online directory of certified M/FBE and Service Disabled Veteran vendors and contractors.
- Assist User Departments, where needed, in identifying potential opportunities for minority and female owned businesses.
- Attend Pre-Bid and Pre-Proposal Conferences with potential contractors and subcontractors to explain the Non-Discrimination in Purchasing & Contracting policy and all required submittals.
- Maintain and collect data from bidders, vendors and contractors in an effort to track prime and subcontractor utilization. Maintain data regarding subcontracting dollars expended to M/FBEs and SDVBE's

- The development and implementation of outreach efforts to promote equal contracting opportunities for all businesses that are interested in doing business with the County.
- The development and implementation of a surety assistance bonding program that will train, educate and encourage all businesses, (with emphasis on minority and female-owned businesses) in securing initial bonding along with increasing present bonding capacities.
- Maintain a website so that contractors and potential vendors can obtain information regarding certification and bid opportunities.
- Notification of right of appeal to applicants denied African-American, Hispanic, Asian, Native American, Female and Service Disabled Veteran business enterprise certification.
- Develop brochures or pamphlets to instruct, direct, assist and/or acquaint M/FBE's with the procurement procedures of the County.
- Develop and implement outreach and assistance programs to promote equal contracting opportunities for all businesses seeking to do business with the County by imploring the following outreach efforts:
 - a. Identify, assist and encourage minority and female businesses to become involved in the procurement process.
 - b. Participate in all local area vendor fairs,
 - c. Conduct seminars and workshops;
 - d. Participate in professional minority focused trade organization activities
 - e. Host events which promote networking and match-making activities
- Meet annually with User Departments to review the Non-discrimination in Purchasing & Contracting ordinance, the programs' intent, implementation, expectations and utilization numbers and present methods of increasing any identified underutilization.
- Ensures compliance with 49 CFR Part 26 Disadvantaged Business Enterprise Program

11.3. Organization

Contract Compliance staff is represented on each Purchasing Team to allow for the focused identification of upcoming bid opportunities, potential M/FBEs, contractor performance and contract monitoring.

11.4. Reports

Quarterly and monthly reports are compiled and submitted to the Board of Commissioners (BOC). Each report reflects data regarding each commodity, construction trade, professional and non-professional services approved by the BOC. Other reports are compiled and submitted upon BOC request.

Chapter 12: Constitutional Officers Procurement Authority

12.1. Purpose

There are four county positions that draw their authority from the state constitution and do not fall under the control of the board of commissioners, this section details the procedures that will be used when a constitutional officer exercises his/her powers to procure services, materials and supplies on his/her own. The four constitutional officers are the sheriff, superior court clerk, tax commissioner and probate judge.

12.2. Authority and Duties of Constitutional Officers

(a) As acknowledged in these procedures, constitutional officers have the authority to:

- (1) Enter into and sign contracts and agreements in their official capacities without going through the Board of Commissioners, necessary for the performance of their duties as required by law, as long as the constitutional officer has the funds in his/her budget; and
- (2) Promulgate regulations governing the procurement, management, control and disposal of any and all supplies, materials and services necessary for the performance of their duties as required by law.

(b) In order to assist the Constitutional Officers in administering payment for procurements that are not administered by the purchasing agent, the Constitutional Officers shall comply with the requirements promulgated by the Department of Finance and the following requirements of the Department of Purchasing and Contract Compliance for requesting payments for agreements and contracts established for the purpose of performance of their duties.

- (1) Enter requisition into AMS System with a copy of the quote or cost proposal attached;
- (2) Attach a copy of memo from the Constitutional Officer directing the Chief Purchasing Agent to process request;
- (3) Ensure that the vendor is registered as vendor in AMS System.

- (c) Constitutional Officers may utilize the County's procurement processes as outlined in Article V of the county's purchasing code. However, if the Constitutional Officer chooses, the procurement process may be administrated by the purchasing agent.

12.3. Issuance and Use of the County Purchasing Cards and Credit Cards

- (a) Constitutional officers can elect to utilize the county's purchasing and travel card programs. Any such constitutional officer that elects to participate in these card programs must adhere to the county's established credit card policies adopted by the board of commissioners as outlined in the Fulton County Purchasing Code Section 102-383 (d) and O.C.G.A. § 26-80-24.

312.4. Constitutional Officers' grants, contracts, and agreement.

Pursuant to O.C.G.A. §36-5-22.1 and Section 17-1-1 of this code, the County's Board of Commissioners has direct control of all the property of the county; the ability to examine, settle, and allow all claims against the county; and examine and audit the accounts of all officers having the care, management, keeping, collection, or disbursement of money belonging to the County or appropriated for its use and benefit and the settling of the same. The Constitutional Officers' agreements and contracts must contain the following:

- (a) Federal grants. If compliance for the receipt of a local, state or federal grant requires that local county procurement rules are utilized, the Constitutional Officer shall utilize the County's procurement processes as set out in Article V of this code. Any procurements utilizing local, state or federal grant funds shall require coordination with the County's grants administration division.
- (b) State Law. All contracts and agreements shall comply with state laws concerning E-verify, Georgia Security & Immigration Compliance Act (GSICA), advertisement of procurements, and payment and performance bonds, as necessary.
- (c) Risk Manager. All solicitations and contracts shall include provisions for insurance as recommended by the County Risk Manager. All insurance certificates shall list both the Constitutional Officer and the County as named insured.
- (d) Audits. Pursuant to O.C.G.A. § 36-5-22.1(a)(7), the Board of Commissioners has the authority to examine and audit the accounts of all Constitutional Officers. Thus, all contracts shall allow for auditing.

- (e) IT Purchases. With respect to technology products that will be attached to the County's network, Constitutional Officers are required to coordinate with the County's Department of Information Technology (IT) to ensure compatibility, sufficient cyber security, and resolution of data ownership issues.

12.5. Purchasing Agent duties to Constitutional Officers

- (a) The purchasing agent shall have the authority to do the following:
 - (1) Process purchase orders as requested by a Constitutional Officer;
 - (2) Administer the purchasing, credit card programs for Constitutional Officers in accordance with the County's established purchasing, credit, and travel card policies adopted by the Board of Commissioners as outlined in Fulton County Code Section 102-383 (d); and
 - (3) Administer the procurement process on behalf of the Constitutional Officers if the Constitutional Officer elects to utilize the County's procurement processes.
- (b) Except as otherwise provided in this Division, the purchasing agent has no duties or obligation to assist the Constitutional Officers in entering an agreement or contract or promulgating regulations.

Glossary

Addenda/Addendum

A written amendment to an invitation to bid or request to proposal that changes the project specifications and is issued prior to bid opening which becomes a part of the specifications for the project.

Advertisement

Public notice inviting bids or proposals on a specified project. The advertisement must include such details/specifications so as to enable the public to know the extent and scope of the work to be done. Plans and specifications must be available on the first day of the advertisement, and they must be open to inspection by the public. All notices must advise potential bidders/offerors of any mandatory prequalification requirements, any pre-bid/proposal conferences, and/or any federal requirements. All projects shall be published in the county's legal organ and on the Fulton County's website under "Bid Opportunities".

Alternate bid

Amount stated in the bid or proposal to be added to or deducted from the base bid or base proposal if the corresponding change in project scope or alternate materials or methods of construction accepted.

Aggrieved bidder

Any actual bidder, offeror or contractor that has submitted a bid/proposal for a particular procurement who is aggrieved in connection with the solicitation or award of a contract may protest to the purchasing agent.

Amendment

A change, addition, alteration, correction or revision to a bid or proposal or contract document.

Annual contract	Any contract entered into for a period of one-year or multiple one-year periods (including options to renew for additional one-year periods) with a contractor or a vendor, to provide the county upon request with a specified product or service at a pre-determined price or rate.
Award	Approval by the Board of Commissioners, to begin the contracting process with the most responsive and responsible bidder.
Base Bid or base proposal	Amount of money stated in the bid or proposal as the sum for which the bidder or proposer offers to perform the work.
Best value	A procurement method that emphasizes value over price. The best value may not be the lowest cost, generally achieved through the request for proposal (RFP) method.
Bid	The formal process allowing prospective vendors to compete for goods and services sought by the County.
Bid acceptance	The acceptance of bids delivered to the Purchasing Agent at the time, place, and under the conditions contained in the invitation for bids and as further stipulated in the specifications document.
Bid bond	A form of bid security executed by the bidder as principal and by a surety to guarantee that the bidder will enter into a contract within a specified time and maintain the bid prices submitted with his/her original bids and furnish any required payment and/or performance bonds.

Bid guaranty	A certified check, bid bond, cashier's check, for a sum of money deposited with the County by a bidder to guarantee that the bidder will enter into a contract within a specified time and maintain the bid prices submitted with his/her bid and furnish any required payment and/or performance bonds.
Bid opening	The public opening of bids received and accepted and the reading aloud of the name of each bidder and the amount of bid in the presence of one (1) or more witnesses at the time and place designated in the invitation to bid. For RFP openings only the name of the proponents are read aloud.
Brand name or equal specification	Specification limited to one or more items by manufacturer's names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet County requirements and which provides for the submission of equivalent products from any manufacturer.
Business	Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, firm or any other private entity.
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.
Clock calibration	Coordination of the bid clock with the time as indicated by the National Bureau of Standards.
Collusion	A secret agreement, whether expressed or implied, to commit a fraudulent, deceitful, unlawful, or wrongful act.

Collusive bidding	A violation of antitrust statutes that consists of a response to a solicitation by two or more persons who have secretly agreed to circumvent laws and rules regarding independent and competitive bidding.
Competitive process	The process by which a local government solicits a public works construction contract through either the bid method or the proposal method.
Competitive sealed bidding	A method of soliciting public works construction contracts whereby the award is based upon the lowest responsive, responsible bid in conformance with the provisions of subsection (b) of Code Section 36-91-21.
Competitive sealed proposal	A method of soliciting public works contracts whereby the award is based upon criteria identified in a request for proposals in conformance with the provisions of subsection (c) of Code Section 36-91-21.
Construction delivery method	A method of building a project.
Construction manager agency	Serves as an advisor and agent of the local government, as well as coordinates the design and construction teams on project.
Construction Management At-Risk	A construction delivery method in which the local government hires a construction manager at risk.
Construction manager at risk	Serves as an advisor and agent of the local government, coordinates the design and construction team, as well as is responsible for the construction of a project.
County	“County” shall mean Fulton County, Georgia, a political subdivision of the State of Georgia, and shall include all agencies, establishments or officials of the government.

Countywide contract	A contract for a specified service(s) executed for use by any agency within the County.
Construction	The process of building, altering, repairing, remodeling, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine maintenance of existing structures, buildings or real property.
Contract	All types of agreements, including purchase orders, regardless of what they may be called, for the procurement or disposal of supplies, services, construction, professional or consultant services, and for the transfers of interest in real property.
Contract documents	The various parts of the contract including, but not limited to the contract agreement, the bid form, the payment and performance bond, any required insurance certificates, general and specific conditions and the specifications of the project.
Contract file	The grouping of all written determinations and other records pertaining to the solicitation, award or performance of a contract or purchase order in a designated file maintained by the County by the Purchasing Agent.
Contract modification	Any written alteration in the terms of the contract including, but not limited to, the scope, manner of performance, specifications, delivery point, time and rate of delivery, period of performance, price, quantity, or other provision of any contract accomplished by mutual action of the parties to the contract.
Contract sum	The amount bid as adjusted by all contract modifications.

Contractor	Any person or entity having a contract with the County.
Cost data	Factual information concerning the cost of labor, material, overhead and other cost elements that are expected to be incurred or which have been actually incurred by the contractor in performing the contract.
Data	Recorded information, regardless of form or characteristics.
Days	“Days” shall mean calendar days.
Debarment	The exclusion of a person or company from participating in a procurement activity for an extended period of time, as specified by law, because of previous illegal or irresponsible action.
Designee	An authorized representative of a person holding superior position of responsibility.
Discussions	An exchange of information or other manner of negotiation during which the offeror and the county may alter or otherwise change the conditions, terms and price of the proposed contract. Discussions may be conducted in connection with competitive sealed proposals, sole source and emergency procurement. Discussions are not permissible in competitive sealed bidding, except to the extent permissible in the first phase of multi-step sealed bidding, when all competitive bids exceed available funds, but the responsive bid does not exceed such funds by more than five percent or as otherwise permitted by applicable law.
Emergency	Any situation resulting in imminent danger to the public health, welfare or safety or the loss of an essential government service.

Encumbrance	An obligation, chargeable to a budget appropriation, by a User Department to pay for a specific procurement.
Evaluation criteria	Factors relating to management capability, technical capability, the method of meeting performance requirements, price, and other material considerations specified in the request for proposal that will be considered in determining to whom a contract will be awarded.
Fast Track	Construction delivery method where construction of a project begins as soon as the first phase of design documents is complete.
Fidelity bond	Form of insurance that secures an employer up to the amount stated in the bond for losses caused by dishonest acts of its employees.
Final completion	Completion of all work as required in accordance with the terms and conditions of the contract documents.
Firm	Any individual, partnership, corporation, association, joint venture or other legal entity permitted by law to practice or offer professional or consultant services.
Governing authority	The official or group of officials responsible for governance of a governmental entity. The Fulton County Board of Commissioners is the governing authority for the County.
Governing entity	Fulton County Government ("County").
Invitation to bid (ITB)	All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.
Invoice	The document provided by vendors to the County as a demand for payment of goods or services provided under the provisions of a contract awarded by the County.

Inspection	An authorized representative of the County, or of the County’s architect/engineer, assigned to make all necessary inspections, test, and reports of the work performed or being performed.
Materials	Any substance(s) specified for use in the performance of the contract work.
May	Denotes permissive.
Multi-term contracts	A contract executed for a specific period with the option to renew for additional periods of time.
Offer	A proposal by an offeror submitted when procurement is made by a source selection method other than competitive sealed bidding.
Offeror	A person, firm or entity that submits a proposal under the proposal method.
Owner	Fulton County Government, Georgia (“County”).
Notice to Proceed	A written notice to the Contractor to begin the actual contract work, stating, if applicable, the date on which the contract time begins.
Payment bond -	“Payment Bond” means a bond provided by a surety company authorized to do business in the state of Georgia, payable to the County which guarantees to the County that all costs incurred by the Contractor relating to the performance of the contracted services for the use and protection of all subcontractors and all persons supplying labor, materials, machinery, and equipment in the prosecution of the work provided for in the public works construction contract.

Performance bond

“Performance Bond” means a bond provided by a surety company authorized to do business in the state of Georgia, for the faithful performance of the contract and to indemnify the governmental entity for any damages occasioned by a failure to perform the same within the prescribed time. Such bond shall be payable to, in favor of, and for the protection of the County for which the work is to be done and guarantees to the County that the services contracted for will be performed in accordance with the terms and conditions specified in the contract document.

Pre-bid or pre-proposal conference

A meeting scheduled prior to the opening of bids/proposals at which attendance by potential bidders/offerors may be optional or mandatory, to clarify the solicitation and respond to prospective bidder/offeror inquiries.

Pre-qualification

Required standards imposed in the best interest of the County as a condition of bidding, which must be met by an interested bidder in order to qualify to respond to an invitation for bids or a request for proposal.

Prequalification process

A requirement that any prospective bidder or offeror meet certain minimum qualifications related to the project or the quality of work before being eligible to submit a bid or proposal.

Procurement

Buying, purchasing, renting, leasing or otherwise acquiring any supplies, services or construction. Also includes all functions that pertain to the obtaining of any supply, service or construction, including a description of requirements, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration.

Professional and consultant services	Those services within the scope of the practices of architecture, professional engineering, planning, landscape architecture, land surveying, the medical arts, management analysis, accounting or auditing, law, psychology or any other similar kind or type of professional practice. In the context of the Local Government Public Works Construction Law, it means those services where the other party is not responsible for construction.
Program Manager or Project Manager	A person, firm or County employee that oversees or manages a construction project.
Public works construction	The building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to any public real property.
Proposer	One who submits a proposal.
Proposal	Solicited submission of information from a prospective contractor which states how that offeror intends to perform certain work, its technical and business qualifications, its proposed delivery, warranty, other terms and conditions as those might differ from or supplement the County's solicitation requirements, and any other information requested by the County's solicitation.
Proposal guaranty	Certified check or other security payable to the local government to ensure that the successful bidder will execute the contract on which he bid similar to a bid bond.
Purchase description	The words used in a solicitation to describe the supplies, services or construction to be purchased, including specifications attached to or made a part of the solicitation.

Purchase order	A short form of contract which is issued by the purchasing agent at the written request of the using agency for the procurement of supplies, goods or services.
Purchasing Agent	The Chief Purchasing Agent of the Fulton County Department of Purchasing and Contract Compliance is the principal purchasing official for the County.
Qualification based selection	A way of selecting professional services or offerors under the proposal method in which the professional or offeror is selected prior to consideration of price.
Quotation	A bid more than \$2500.00 and less than \$100,000.00.
Request for Proposal	All documents, whether attached or incorporated by reference, utilized for soliciting proposals.
Requisition	A document utilized by a using agency to request that a purchase order or contract be entered into for a specific need.
Responsible bidder or responsible offeror	A person or entity that has the capability in all respects to perform fully and reliably the contract requirements.
Responsive bidder or responsive offeror	A person or entity that has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the invitation for bids or request for proposals.
Retainage	The portion of the total contract amount that a local government retains from the contractor until the project is totally complete.

Road	Includes highways, roads, streets, avenues, toll roads, detours, structures, sidewalks, facilities, shoulders, bridges, causeways, viaducts, ferries, overpasses, underpasses, railroad grade crossings, tunnels, signs, signals, markings, wayside parks, parking facilities, drainage ditches, canals, culverts, rest areas, truck weighing stations and scenic easements.
Road construction	The planning, location, surveying, designing, supervising, inspecting, building, paving, striping, and re-striping, modifying, grading, widening, relocating, rebuilding or other major improvement of a substantial portion to an existing road.
Scope of project	The work required by the original contract documents and any subsequent change orders required or appropriate to accomplish the intent of the project as described in the bid documents
Scope of work	The work required by the original contract documents and any subsequent change orders required or appropriate to accomplish the intent of the project as described in the bid documents.
Service contract	A contract awarded for a type of service other than construction, professional or consultant service, such as janitorial, plumbing, security guard services, etc.
Service	The furnishings of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term does not include employment agreements or collective bargaining agreements.
Shall	Denotes imperative.

Sole Source	Those procurements made pursuant to a written determination by the governing authority that there is only one source for the required supply, service, or construction item.
Solicitation	An invitation for bid, a request for proposal, a request for quotation, or any other document issued by the County for the purpose of soliciting bids or proposals to perform a County contract.
Specifications	Any description of the physical or functional characteristics or of the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.
Subcontractor	Any person undertaking part of the work of a contract under the control of the principal contractor.
Substantial completion	The date when construction is sufficiently complete, in accordance with the contract documents, so the County can occupy or utilize the work or designated portion thereof for the use for which it is intended.
Supplies	All property, including, but not limited to, equipment, materials, printing, insurance, and leases of property, excluding land.
Surety	The corporation, partnership, or individual licensed and authorized to do business in the state of Georgia, other than the contractor, executing payment, performance or bid bonds to be furnished to the County by the contractor.
Using agency	Any county entity that utilizes any supplies, services, construction, professional or consultant services procured under this article.

Work

The furnishing of all labor, materials, tools, equipment and incidentals necessary by the Contractor for completion and performance of all duties and obligations imposed by the contract documents.

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