



HENRY COUNTY GOVERNMENT

Purchasing Policies and Procedures

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Henry County, GA Code of Ordinances

Sec. 2-2-33. - County purchases, bids, etc. — Generally.

- (a) Purchasing agent. The county manager shall be designated as the purchasing agent in said county. The purchasing agent shall execute purchase orders for the purchase of all goods and services for the use of said county. The purchasing agent will utilize the established authority to execute all purchases up to forty-nine thousand, nine hundred, ninety-nine dollars and ninety-nine cents (\$49,999.99). The purchasing agent shall retain the right to delegate purchasing authority to the purchasing department employees for all purchase orders up to forty-nine thousand, nine hundred, ninety-nine dollars and ninety-nine cents (\$49,999.99). Purchases that equal or exceed fifty thousand dollars (\$50,000.00) will be solicited through the sealed bid/proposal process or through a valid contract and shall require the approval of the Henry County Board of Commissioners, and the authority to execute the subsequent agreement can be delegated to the county manager. All sealed bid/proposal requests must be submitted by the user department to the purchasing director for a compliance review, vendor notification and solicitation management. All sealed bid/proposal award recommendations must be submitted to the purchasing director for compliance review before being submitted to the Henry County Board of Commissioners for their consideration.
- (b) General purchasing methods.
 - (1) Competitive sealed bids. Henry County utilizes the competitive sealed bid method when the costs of goods and services are greater than or equal to fifty thousand dollars (\$50,000.00). All goods and services greater than or equal to fifty thousand dollars (\$50,000.00) are required to be purchased through the sealed bid process, unless the items are purchased by using an existing contract or an approved sole source agreement. All sole source purchases that meet or exceed the sealed bid threshold must be approved by the director of purchasing before being presented to the board of commissioners for approval. There must be clear and defined specifications available and contracts will be awarded to the lowest responsive and responsible bidder. It will be the responsibility of the user department to develop comprehensive specifications that do not hinder competition. Competitive sealed bids will not be accepted via facsimile or email. The bids will always be posted on the Henry County website and advertised for a minimum of two (2) consecutive weeks in the legal organ of Henry County, if required, with the exception of bids and proposals that result from HCBOC approved short-lists. The director of purchasing reserves the right to procure goods or services from a previous bid that has been approved by the board of commissioners within a reasonable amount of time, as long as the specifications are identical and the purchase price remains the same or has been reduced. The Henry County Board of Commissioners has the final award approval for all sealed bids.

- (2) Competitive sealed proposal. The competitive sealed proposal method is used when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The director of purchasing shall determine the most appropriate, formal solicitation method (bid or proposal) based on the nature of the project and the needs of the respective user department. The primary consideration in the competitive sealed proposal method is best value. The competitive sealed proposal method will be used when the costs of goods and services are greater than or equal to fifty thousand dollars (\$50,000.00). All goods and services greater than or equal to fifty thousand dollars (\$50,000.00) are required to be purchased through the sealed proposal process, unless the items are purchased by using an existing contract or an approved sole source agreement. All sole source purchases that meet or exceed the sealed proposal threshold must be approved by the director of purchasing before being presented to the board of commissioners for approval. Henry County typically utilizes the competitive sealed proposal method for purchasing professional services, service contracts or highly technical equipment and systems. It will be the responsibility of the user department to develop a comprehensive scope of work that does not hinder competition. Competitive sealed proposals will not be accepted via facsimile or email. The bids will always be posted on the Henry County website and advertised for a minimum of two (2) consecutive weeks in the legal organ of Henry County, if required, with the exception of bids and proposals that result from HCBOC approved short-lists. An evaluation committee, which will be established by the purchasing director, will review the proposals by using pre-determined evaluation criteria, with the award going to the proposal with the highest score. The director of purchasing reserves the right to procure goods or services from a previous proposal that has been approved by the board of commissioners within a reasonable amount of time, as long as the scope of work is identical and the purchase price remains the same or has been reduced. The Henry County Board of Commissioners makes the final award for all sealed proposals.
- (3) Best and final offers. The Henry County Purchasing Department may elect to solicit best and final offers from vendors under consideration for award after the initial evaluation of proposals. Best and final offers can only be utilized when evaluating requests for proposals (RFPs) and should never be used in the competitive sealed bid process. Best and final offers should only be requested once during the RFP process and should not be used as a matter of routine. The development of a clearly defined, detailed scope of work and evaluation criteria, the selection of a qualified evaluation committee and the removal of all biases and conflicts of interests from the process should minimize the need for best and final offers. If the best and final offer procedure is to be used, then this must be stated in the RFP for the vendor's notification and consideration. When soliciting best and final offers, the Henry County Purchasing Department will establish a common date and time for the submission of best and final offers, and will only allow the submission of information related to pricing. No changes will be allowed with any technical information submitted unless it is in the best interest

of Henry County to change requirements and require another submission of best and final offers. The proposals will be rescored to combine and include the information included in the best and final offer. The decision to award will be based on the final evaluation, including the best and final offer. Vendors must be informed that if they do not submit a notice of withdrawal or a best and final offer as requested, then their immediate previous offer will be construed as their best and final offer. The county retains the right to enter into additional negotiations with the highest scored firm.

- (4) Informal written quotation. The informal written quotation method is used for all purchases that range in price from five thousand dollars (\$5,000.00) to forty-nine thousand, nine hundred, ninety-nine dollars and ninety-nine cents (\$49,999.99). Buyers are required to solicit quotations and receive written responses from vendors. The buyers can utilize quotes supplied by the user departments, but reserve the right to validate the quotes or seek additional sources, if deemed necessary. The submitted quotes must be retained in a manner that is compliant with all county and state requirements. All reasonable efforts will be made to obtain three (3) written quotations for each item solicited and a clearly documented explanation will be recorded if three (3) quotes are not obtained. Informal written quotations do not require advertising. Facsimiles and e-mails are acceptable forms of written quotations. Informal written quotations must be awarded to the lowest responsive and responsible bidder.
- (5) Informal verbal quotation (single source). The informal verbal quotation method is used for all purchases that range in price from one cent (\$.01) to nine hundred, ninety-nine dollars and ninety-nine cents (\$4,999.99). Buyers are required to solicit informal quotes over the telephone and receive responses via telephone, facsimile or e-mail. The submitted quotes must be retained in a manner that is compliant with all county and state requirements. The approved purchasing staff is authorized to procure commonly purchased goods and services by utilizing a single source for this category of purchase. Informal verbal quotations do not require advertising. Informal verbal quotations must be awarded to the lowest responsive and responsible bidder. P-Card purchases that are in compliance with the approved P-Card policy can be an accepted form of a single source purchase.
- (6) Contract purchases. Henry County has developed annual contracts for frequently used items and services. These contracts are established through the formal sealed bid or formal sealed proposal process. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Should the awarded supplier be unable to provide the contract item or service by the requested delivery date, or should the terms of the contract cause unreasonable financial strains on the county, items may be obtained in the open market through the competitive process. This determination shall be made by the director of purchasing, after consulting and reviewing the agreement with the respective user department. The purchasing director, or his designee, has the authority to purchase unlimited quantities of goods and services

utilizing active annual contracts and to execute renewal agreement within the specified term limits, not to exceed the established contract length contained in the bid documents.

O.C.G.A., § 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." This section of the state code allows the purchasing director to utilize statewide contracts when this practice serves the best interests of Henry County.

The County may participate in a cooperative purchase for commodities, supplies and services when determined that it is in the best interest of the County. Further, the County may purchase commodities, supplies and services through contracts and agreements entered into by other municipals, county, state or federal governmental entities as a result of competitive Bids/RFP's solicited by such other municipal, county, state, or federal government agency when determined to be in the best interest of the County. Documentation to substantiate this decision will be maintained by the Purchasing Office.

The sponsoring entity, whether federal, state or local must have performed a competitive procurement process and entered into a contract that stipulates allowance for other governmental entities to purchase from the supplier at the same price and under the same terms and conditions as extended to it. If such arrangement has not been made a part of the contract, written permission from the sponsoring entity and the awarded supplier must be obtained.

Documentation to substantiate this decision will be maintained by the Purchasing Office. Cooperative purchases where the cost is greater than \$50,000 shall be approved by the Board of Commissioners.

Annual contract purchases that equal or exceed fifty thousand dollars (\$50,000.00) and ongoing annual maintenance agreements that do not exceed a ten-percent increase from the previous year, but have the required, designated funding established in the fiscal year budget adopted by the Henry County Board of Commissioners, or a clearly designated budget amendment approved by the Henry County Board of Commissioners, do not require the approval of the Henry County Board of Commissioners, and the purchase can be approved and executed by written approval of the budget director and the county manager. The Henry County Board of Commissioners makes the final award for annual, state and cooperative contract purchases that equal or exceed fifty thousand dollars (\$50,000.00) for all requests that do not meet the above requirements.

- (7) Emergency purchases. An emergency purchase is handled outside the normal competitive process because of the urgency of the situation. The department requesting an emergency purchase must contact their assigned buyer to begin the purchasing process. The buyer will give instructions as to what actions must be

taken, and in what order, to properly execute an emergency purchase. The buyer will also instruct the department on what documentation is required to verify the purchase and to authorize invoice payment. The requesting department is responsible for determining that the purchase is an emergency and that the necessary budget is available. Purchases made outside of these provisions and that have not met the qualifications of an emergency purchase, must be presented to and approved by the Henry County Board of Commissioners.

The county manager, in conjunction with the purchasing director, budget director and user department director, can approve the emergency repair of equipment that equals or exceeds fifty thousand dollars (\$50,000.00) before receiving the approval of the board of commissioners when it is deemed beneficial to the county and expediency is required. This form of clearly defined emergency purchase must be presented to the board of commissioners at the next available board meeting as a point of notification and to perfect the record.

- (8) Sole source purchases. Before making a determination of sole source, research must be conducted by the purchasing department to determine if other products or service providers exist that can satisfy the procurement requirements. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The purchasing director requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, authorized dealer for a geographic region, etc.). All sole source purchases will be clearly identified and documented in the resulting purchase order or when presented to the Henry County Board of Commissioners, if the sole source purchase equals or exceeds fifty thousand dollars (\$50,000.00). All sole source purchases that meet or exceed the sealed bid/proposal threshold must be approved by the director of purchasing before being presented to the board of commissioners for approval.
- (9) The Henry First Initiative: Local vendor preference. There is established in Henry County, a local vendor privilege. Bids or proposals awarded to local vendors contribute to the local tax base and will therefore, be given special consideration when bidding against out of jurisdiction (out-of-county) vendors. Bids or proposals received from local vendors will be given preference if such bid or proposal is responsive and within five (5) percent of the low bid submitted by any out-of-county bidder. In such instance, the local vendor will be given the opportunity to match the low bid offered by the out-of-county vendor. If such local vendor agrees to match the lowest bid received from the out-of-county vendor within the time specified by the county, the bid shall be awarded to the local vendor.

A local vendor shall only be eligible to receive the benefit of this privilege if it meets each of the following requirements, as verified by the purchasing department, prior to any award of a contract or purchase:

- a. The business or supplier must operate and maintain a regular place of business within the geographical boundaries of Henry County; and
- b. The business or supplier must provide a copy of a current occupational tax certificate; and
- c. The business or supplier must have paid all real and personal taxes owed the county; and
- d. The business or supplier must certify its compliance with the Georgia Security and Immigration Act.

This policy shall not apply to any bid or proposal for material, equipment or services in excess of one hundred thousand dollars (\$100,000.00). In such cases, the bid award shall be subject to the competitive bidding requirements as otherwise provided herein or general law.

- (c) How to be placed on the bidder's list. The Henry County Purchasing Department now uses the Georgia Department of Administrative Services' Procurement Registry to obtain prospective bidders. By registering as a sourcing bidder with the State of Georgia, vendors may receive additional bid opportunities from other state, county and city entities that also use this registry. Please reference the link below to register as a sourcing bidder:

https://saofn.state.ga.us/psp/sao_1/SUPPLIER/ERP/c/PORTAL_COMPONENTS_AU.AUC_LOGIN.GBL

The format and methodology of how Henry County chooses to register vendors is subject to change, pending technology advancements and directives from the board of commissioners. The current method for vendor registration can always be located on the Henry County website at:

<http://co.henry.ga.us/Purchasing/BiddersListApplication.shtml>

- (d) Methods for soliciting bids and proposals.

- (1) County website. All active bids and proposals will be posted on the Henry County website, at:

<http://co.henry.ga.us/Purchasing/Bids.shtml#open>.

It is the responsibility of the vendor to monitor the website for sealed bid and sealed proposal opportunities.

- (2) Georgia local government access marketplace website. All active bids and proposals will be posted on the Georgia Local Government Access Marketplace website, at:

<http://www.glga.org/Listing.aspx?>

METHOD=CAT&CRITERIA=3eed7b66-22fa-dd11-99ac-005056af7e1c

It is the responsibility of the vendor to monitor the website for sealed bid and sealed proposal opportunities. The format and methodology of how Henry County chooses to post and advertise sealed bid and proposal opportunities is subject to change, pending technology advancements and directives from the board of commissioners.

- (3) Newspaper. If required by law or financing terms, certain sealed bid and sealed proposal opportunities will be advertised in the legal organ of the county for the prescribed frequency and length of time.

It is the responsibility of the vendor to monitor the periodical for sealed bid and sealed proposal opportunities.

- (4) Other. Henry County reserves the right to alter the methods of sealed bid and sealed proposal solicitation, without offering public notice.

It is the responsibility of the vendor to monitor updates to the solicitation delivery method.

- (e) Pre-bid and pre-proposal conferences. Certain types of bids and proposals facilitate the need for pre-bid and pre-proposal meetings. These meetings are held in order to clarify specifications and expectations, to answer supplier questions specific to a certain bid or proposal or to allow suppliers to conduct an on-site review and inspection. Some pre-bid and pre-proposals are mandatory and some are non-mandatory. The bid document will state whether a pre-bid meeting is mandatory or non-mandatory. Failure to attend and sign in for a mandatory conference will result in vendor disqualification for that particular project.
- (f) Addendums. For every sealed bid and sealed proposal, there will be a time and date deadline, clearly stated on the bid or proposal cover sheet, for questions and requests for clarification to be submitted to the county by interested vendors. Failure to meet the time and date deadlines will result in removing the submitted questions or requests for clarification from consideration. Vendors are strictly prohibited from initiating contact with Henry County employees outside of the purchasing department and outside of the required communication format and will be removed from consideration for that particular project if this occurs. No verbal communication with any county employee will be legally binding, or otherwise, as it relates to consideration for award for a project. Henry County will respond to any questions or requests for clarification in the form of an addendum. All addenda will be posted to the Henry County website and will be the responsibility of the vendor to include in their submitted bid or proposal and to ensure that any changes to the scope or specifications are reflected in their submitted bid or proposal. Failure to submit the required addendum or modify the scope as required may result in vendor disqualification. Henry County reserves the right to waive any and all

technicalities if it is determined that the bid or proposal was not materially affected by the exclusion of the addendum.

(g) Site requirements.

- (1) Codes, permits, fees, etc. All permits, fees, arrangements for inspections, licenses, and costs incurred for the same project shall be the responsibility of the successful vendor. All work materials and construction must comply with all applicable rules and regulations of local, state and/or national codes, laws and ordinances.
- (2) Site examination. It shall be the responsibility of each bidder to visit the site of the proposed project to examine the conditions as they exist. Mandatory site visit requirements will dictate when the site is available for inspection and are a requirement for consideration for award.

(h) Bonding, insurance and document requirements.

- (1) Insurance requirements. Insurance requirements, if applicable, will be included in the body of each sealed bid or sealed proposal. Insurance requirements are considered a minimum requirement for a particular sealed bid or sealed proposal and failure to provide as required will result in vendor disqualification. Minimum insurance requirements will not be negotiated or amended after the issuance of a formal addendum. Henry County will make every reasonable effort to include insurance requirements that minimize the costs to the vendors, while providing adequate coverage from risk to the county. Any questions or requests for clarification related to the insurance requirements must be addressed in the question phase for that project. A formal, published addendum is the only method by which insurance requirements will be amended by Henry County. Compliance with the county's insurance requirements is mandatory, with no exceptions.
- (2) Bonding requirements. The bonding requirements will vary from project to project. Certain bonds are required as a prerequisite for a sealed bid or sealed proposal submitted, such as a bid bond. Other bonds will be stipulated as a minimum requirement for the successful contractor selected for award, such as payment and performance bonds.

Bid bonds guarantee that the bidder will actually enter into the contract at the submitted price during the sealed bid or sealed proposal process. Additionally, the bid bond sets the requirements for performance and payment bonds as necessary. Bid bonds are drafted during the sealed bid or sealed proposal process.

Performance bonds protect the county from financial loss caused by the vendor who fails to deliver goods or services in accordance with the terms, conditions and specifications of the contract.

Payment bonds protect most providers of material and labor to a job. It guarantees that the vendor will pay bills in accordance with the contract terms.

A fidelity bond provides financial reimbursement to the county for the wrongful taking of county property by a vendor's employees. Typically, fidelity bonds are required when vendors have employees involved in county work with little or no supervision present and have easy access to county property and/or monies. Examples: vendors who provide after hour janitorial services, security services or concessionaire contracts.

The value and deadline for bond submittal to the county will be established and published in each sealed bid or sealed proposal.

- (3) Terms, conditions and specifications/scope of work. The terms, conditions and specifications/scope of work will be included in the body of each sealed bid or sealed proposal. All of these items are considered a minimum requirement for a particular sealed bid or sealed proposal and failure to provide as required will result in vendor disqualification. The terms, conditions and specifications/scope of work will not be negotiated nor amended after the issuance of a formal addendum, unless said negotiation or amendment represents the best interests of the county. Any questions or requests for clarification related to these items must be addressed in the question phase for that project. A formal, published addendum is the only method by which the terms, conditions and specifications/scope of work will be amended by Henry County. Compliance with these items is mandatory, with no exceptions.
- (4) Documentation requirements. The following documents are minimum requirements for consideration for award for most formal sealed bids or RFP's:

Solicitation Form (Signed)
Addenda (If required, signed)
Proposer's Qualification Sheet
W9 Form
Corporate Status with Secretary of State Active and in Compliance
Proof of Insurance
Name of Authorized Officer for Contract Execution
Non-Conflict of Interest Form
M/WBE Data Sheet
Corporate Certificate
Georgia Security and Immigration Compliance Act Affidavit and Agreement

The list of required documentation for each individual sealed bid or sealed proposal is subject to change over the course of time. The previous documentation list is included as an example of standard documentation requirements and may be altered by addition or deletion, depending on the individual project.

- (i) How to submit a bid.
- (1) Follow the instructions set forth in the bid or proposal. All bids and proposals include a copy of "Instructions to Bidders" that list certain instructions pertaining to all solicitations. In addition, there are specific instructions included in the bid and proposal documents that are unique to that particular bid.
 - (2) Any questions regarding the bid or proposal should be directed to the appropriate contact listed in the solicitation, in the prescribed contact method.
 - (3) In order to submit a bid or proposal, the supplier must be able to responsibly meet the minimum requirements set forth in the solicitation.
 - (4) Suppliers who are unable to meet the requirements of the solicitation should complete the appropriate form included in the bid package indicating a "No Bid". The form should be returned to the Henry County Purchasing Department.
 - (5) Henry County reserves the right to make an award determined to be in its best interest, which could include splitting a multi-item bid between suppliers, awarding a bid based on overall low cost of categories or not issuing an award for individual items or categories.
 - (6) Each bidder shall certify in writing that such bidder has not engaged in any collusive or anti-competitive practices in responding to a solicitation for bids or proposals. A declaration of non-collusion is simply a statement made by the supplier which states that the bid submitted is a legitimate, good faith bid that has been prepared independent of other bidders, and is in all respects fair and without collusion or fraud.
 - (7) All bids or proposals must be submitted in a sealed envelope clearly marked as a "Sealed Bid" and with the solicitation number and description and company name and address in the upper left corner of the envelope. The envelope should be addressed to the 140 Henry Parkway; McDonough, Georgia 30253. Documents must be submitted via hand-delivery, mail or express delivery service. Henry County will not accept facsimile or emailed copies as a valid form of sealed bid.
 - (8) Henry County reserves the right to reject any and all bids if it is in the best interest of the county.
- (j) How bids are received. Bids and proposals must be in a sealed envelope or package before they will be eligible for consideration. The Henry County Purchasing Department must receive all bids and proposals on or before the date and time specified in the document. Late bids will not be accepted and will be returned unopened to the supplier. There are no circumstances that will allow a late bid or proposal to be accepted. The envelope or package containing the sealed bid will be time and date stamped and placed in a secure location until the date and time of the bid opening. The full responsibility of

submitting a responsive and responsible bid in compliance with all deadlines falls with the vendor.

If the Henry County offices are closed for inclement weather or other reasons not considered in the formation of the solicitation calendar, a new bid opening date and time will be determined and published on the county's website as soon as the office closing information is received. It shall be the responsibility of the interested party to monitor the county's website for these important updates.

(k) How bids and proposals are opened.

- (1) Bids and proposals shall be opened publicly in the presence of one (1) or more witnesses by the purchasing department on the date and at the time and place specified in the specification documents. Suppliers and interested parties are invited to attend.
- (2) During the opening of the bid, the following information will be read aloud: The name of each supplier submitting a sealed bid, pricing information and any other relevant information. Sealed bid results are not subject to the Open Records Act until after board of commissioners' award or the sealed bid is formally closed.
- (3) During the opening of proposals, only the name of each supplier shall be announced. No other information will be disclosed. Sealed proposal results are not subject to the Open Records Act until after Board of Commissioners' award or the sealed proposal is formally closed.
- (4) Once the bid or proposal is opened, copies of the documents are forwarded to the user department for their evaluation and recommendation. The main focus of the user department evaluation will be to determine whether or not each submittal is responsive and responsible. Written recommendations will be solicited from the relevant user department, but their recommendation must comply with the requirements for the solicitation. All sealed bid recommendations will be determined by the lowest responsive and responsible bid. All sealed proposal recommendations will be determined by the highest scored responsive and responsible proposal.

(l) Late bids, withdrawals and corrections to bids.

- (1) Late bids. Bids or proposals received after the date and time stated in the solicitation will not be accepted, opened or reviewed.
- (2) Withdrawals. A bidder wishing to withdraw their bid prior to the bid opening must submit a letter or email from an authorized employee to the Henry County Purchasing Department requesting to withdraw. No bidder will be allowed to withdraw their bid subsequent to the bid opening. Any clerical errors should be

reported to the purchasing agent, who has the authority to reject any and all bids if it serves the best interests of the county.

- (3) Modification/correction. If an error is discovered prior to the opening, the supplier can submit a corrected sealed bid or proposal. The corrected document should be clearly marked that it supersedes the bid or proposal originally submitted. No corrections will be allowed subsequent to the bid opening. Any clerical errors should be reported to the purchasing agent.
- (m) How bids and proposals are evaluated.
- (1) Sealed bid evaluation. Sealed bids are opened by the purchasing department and copies of all bids are forwarded to the user department for a compliance review of the specifications and minimum requirements. The user department is responsible for providing a recommendation letter to the purchasing department that verifies that the lowest bid is both responsive and responsible and should be recommended for award to the board of commissioners. The purchasing department will conduct an audit to ensure the accuracy of all submitted, tabulated data and documentation requirements. All sealed bids will be awarded on the basis of the lowest cost responsive and responsible bid. The award recommendation will be presented to the Henry County Board of Commissioners by the user department.
 - (2) Sealed proposal evaluation. Proposals will be reviewed and scored by an evaluation committee that will be established by the director of purchasing. The proposals are scored based on the criteria set forth in the document. The evaluation committee may choose to create a short list of proposers after the initial evaluation phase. The short-listed firms would then typically be interviewed and evaluated based on the quality and conformance of their oral presentation. After all evaluation is completed, the sealed price proposals will be opened and evaluated based on the pre-determined price evaluation method. All evaluation committee members will record the same score for price for each firm, based on the pre-determined price evaluation method. The price submitted is typically the only objective evaluation criteria and therefore, the score is not subject to the individual opinion of each evaluator. After the price component is scored, each evaluator will compile the total score for each firm and the calculations will be audited by the purchasing department for accuracy. The proposer with the highest aggregate score will be submitted for recommendation by the user department to the purchasing department. The award recommendation will be presented to the Henry County Board of Commissioners by the user department.
- (n) Responsibility of bidders. An apparent low bidder or highest scored proposer may not be recommended for award if their submittal is determined to be non-responsible. The director of purchasing, setting forth the reasons for non-responsibility, shall inform the

"non-responsible" bidder via written letter. Reasons that a supplier may be deemed non-responsible are as follows:

- (1) Previous supplier performance problems as documented in the supplier performance file, maintained by the purchasing department.
- (2) Failure to meet contractual obligations after the award has been made, maintained in the performance file by the purchasing department.
- (3) Failure to conform to required delivery, specifications or detailed requirements, maintained in the performance file by the purchasing department.
- (4) Failure to submit pricing in the prescribed format and on the required forms. Also submitting pricing that is subject to market changes, when not allowed in the solicitation, and minimum order requirements.
- (5) Submission of a bid that is contingent upon receiving the award of another bid.
- (6) Failure to provide a bid surety or meet insurance requirements, when specifically required in the bid.
- (7) Submission of solicitation exceptions, when not acceptable to Henry County.
- (8) Failure to submit and comply with the minimum requirements of the solicitation.
- (9) Failure to submit and comply with the terms of all addenda.

The previous list represents the most common issues related to non-responsible bids and proposals and shall not be considered a comprehensive list for such a determination. Henry County reserves the right to waive any and all technicalities, if such technicalities do not represent a material change to the minimum requirements of the sealed bid or sealed proposal.

- (o) Disqualification of bids. Bids may be disqualified by the director of purchasing as a result of, but not necessarily limited to, the following reasons:
 - (1) Failure to follow Henry County's bid schedule.
 - (2) Failure to return applicable compliance and/or specification sheets.
 - (3) Failure to return applicable addenda.
 - (4) Failure to provide information on alternates or equivalents, when allowed.
 - (5) Failure to provide bid bond when specifically stated will result in automatic rejection.

- (6) Failure of bidder to sign all requested documents.
- (7) Failure to submit bid by deadline.
- (8) Failure of supplier to extend prices.
- (9) Failure to hold firm pricing.
- (10) Failure to meet specified delivery requirements.
- (11) Prices for services or items that exceeds the budgeted amount.

The previous list represents the most common issues related to sealed bid and sealed proposal disqualification and shall not be considered a comprehensive list for such a determination. Henry County reserves the right to waive any and all technicalities, if such technicalities do not represent a material change to the minimum requirements of the sealed bid or sealed proposal.

- (p) Tie bids. Bids received from two (2) or more suppliers that are identical in price, delivery and meet the requirements of the bid specifications shall be awarded on the following basis:
 - (1) The bid submitted by a supplier who does not have a documented negative supplier performance record contained in the vendor file.
 - (2) The bid submitted by a local vendor that meets all the requirements in the previously listed local vendor preference section.
 - (3) If the tie bids meet all the above criteria, and it is not in the county's best interest (at its sole discretion) to split the award, the bid award is based on the toss of a coin by the purchasing staff in a public session. The bidders involved will be invited to attend the coin toss at a stated date and time. One (1) or more witnesses from purchasing and the user department may be present. A simple coin toss (called by the company listed first in the alphabet) will break the tie and decide the award.
- (q) Proceeding after the award. After the board of commissioners approves a sealed bid or sealed proposal recommendation for award, the purchasing department will begin the process of preparing an agreement that reflects the terms and conditions of the solicitation. Once a mutually agreed upon, executed agreement is produced, purchasing will execute a purchase order and issue a notice of award to the vendor. For some commodity purchases, the purchase order may serve as the contract and notice of award. The required contractual steps will be evaluated and communicated for each individual solicitation.

- (r) Penalties for non-compliance and non-performance. It shall be the responsibility of the user department to communicate all contract compliance and non-performance issues to the purchasing department in an extremely timely and well-documented manner. The purchasing department will officially inform the vendor of the contract compliance or non-performance claim submitted by the user department and will make every reasonable effort to rehabilitate the vendor's performance. However, from time to time a performance issue may arise that cannot be corrected through the intervention of the purchasing department. For these issues, vendors can be placed on the ineligible source list, and will not be eligible for any sealed bid or sealed proposal awards during the time they remain on the list. Placement on the ineligible source list requires approval from the board of commissioners and shall not exceed three (3) years. The purchasing department will present a detailed report of the vendor's noncompliance and/or non-performance to the board of commissioners in order to facilitate their decision. Vendors will be notified via registered mail of the county's decision to place their firm on the ineligible source list.
- (s) Purchasing-supplier relationships.
- (1) Meetings. Suppliers are encouraged to meet with purchasing staff members to introduce their line of products and services and establish points of contact within the county for procurement opportunities. There are several times during the year in which the busy schedule of staff members may not allow them to meet with suppliers, or the time allotted for meetings may be very limited. Information such as catalogs and new product information is always helpful and welcome.
 - (2) Requested research. From time to time user departments may request suppliers to perform specific research prior to the official request for purchase. In these situations, the supplier has no guarantee of receiving the award as a result of providing research or other information. The commodity or service may be required to be bid, which would result in the award being given to the lowest responsive and responsible bidder. At the conclusion of the review process, the purchasing department will notify the user department of the prescribed procurement method and the estimated time of completion.
 - (3) Conflicts of interest. Section 3-2-4, Conflicts of interest, of the Henry County Code establishes the Henry County Board of Commissioners' position related to conflicts of interest as they relate to purchasing and financial activities.
 - (4) Gratuities and gifts. Section 3-2-5, Code of ethics, of the Henry County Code establishes the Henry County Board of Commissioners' position related to the required ethical business practices. Specifically, subsection (d) addresses the Henry County Board of Commissioners' position related to what form of gratuities and gifts are allowed per the Henry County Code.

(Ga. Laws 1974, P. 3680, Act No. 1323, § 11; Ga. Laws 1982, P. 4094, Act No. 995, § 3; Res. No. 09-64, Exh. A, 3-16-09; Ord. No. 15-06, Exh. A, 12-15-15 ; Ord. No. 17-10 , §§ 1, 2, 6-20-17)

State Law reference— County contracts, Official Code of Georgia Annotated § 1-2-390 et seq.