

FIRST READING: March 15, 2022
SECOND READING: April 19, 2022
PASSED: April 19, 2022

AN ORDINANCE NO. BR 2022-11

**AN ORDINANCE OF THE CITY OF BLUE RIDGE,
GEORGIA, ESTABLISHING GENERAL PURCHASING
REGULATIONS PURSUANT TO CITY CHARTER
SECTION 6.31 (“PURCHASING”); PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, Section 6.31 (“Purchasing”) of the City Charter provides that “[t]he city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city;” and

WHEREAS, it is desirable to enact purchasing regulations to implement Section 6.31 of the City Charter to establish standards for the acquisition of materials, equipment, supplies, and services used by all departments of the City.

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED by the City Council of the City of Blue Ridge, Georgia, as follows:

Section 1. Pursuant to City Charter Section 6.31, the following General Purchasing Regulations are hereby established for the City of Blue Ridge:

A. Centralized Purchasing. The City hereby establishes a centralized purchasing system where all City purchases will be coordinated by the City Administrator subject to the regulations outlined herein. The City Administrator shall supervise and have full authority to approve or disapprove purchases by all departments subject to the provisions of this Ordinance and shall be responsible for enforcing purchasing procedures. The City Administrator shall issue rules governing purchasing procedures as he deems necessary from time to time. Purchases shall not be split or divided to avoid established purchasing

limits. It is the responsibility of the department heads and the City Administrator to ensure all purchases are consistent with and support the current approved budget prior to committing funds. The authority granted to the City Administrator as outlined in this Ordinance shall only be available to the employee appointed as the City Administrator/City Manager. In the case where the City Administrator/City Manager position is vacant, the City Council will adopt purchasing regulations.

B. Guidelines for Purchases.

- (i) Purchases not greater than \$5,000. Purchases of or contracts for materials, supplies, equipment, improvements, or services where the total amount expended is not greater than \$5,000 may be made or entered into by the City Administrator without competitive bidding and without City Council approval.
- (ii) Purchases of more than \$5,000 but less than \$75,000. Unless otherwise required by state law, purchases of or contracts for materials, supplies, equipment, improvements, or services where the total amount expended is in excess of \$5,000, but which is less than \$75,000, may be made or entered into by the City Administrator without competitive bidding and without City Council approval, provided two written quotes are obtained from individual vendors.
- (iii) Purchases of more than \$75,000 or more. Unless otherwise required by state law, any purchase in excess of \$75,000 shall be approved/awarded by the City Council in a regular or special meeting, unless it is made under a Fannin County, state, federal G.S.A. negotiated contract purchasing system, or pursuant to O.C.G.A. § 36-69A-4, as may be amended from time

to time. Such purchases shall require formal competitive sealed bids, which shall be advertised in the county organ. However, any public works construction contract in excess of \$100,000 governed by O.C.G.A. § 36-91-1 et seq. shall be advertised both in the Georgia Procurement Registry as prescribed by O.C.G.A. § 50-5-69(b), as may be amended from time to time, and be advertised in the county organ prior to the date and the time of public bid opening, in accordance with state law. Notice of bids shall be advertised twice in the local newspaper. Said notices shall appear in consecutive weeks. The City shall post all bid advertisements on the City's website and shall make an effort to distribute the bid ads directly to prospective bidders to encourage competition within the process. The City Council shall have the right to accept or reject any or all bids or take whatever action they deem necessary which is in the best interest of the City. The low bid is not necessarily the winning bid; the City may take into consideration other factors such as, but not limited to, history working with bidder, time of execution of bid, or other factors that the City Council approve which are in the best interest of the City.

C. Exemptions from competitive formal bidding. The following exemptions from competitive formal bidding are hereby established:

- (i) Sole Source. Supplies, equipment or services available from a sole source may be exempted from the bidding requirements of this Ordinance by the City Administrator, upon the filing of a written request by a department head to the City Administrator outlining the conditions and circumstances involved.

- (ii) Professional Services. Contracts for professional services involving particular knowledge, such as those engaging the services of attorneys, auditors, or architects, are not subject to formal bidding requirements. However, for contracts that may exceed \$ 35,000, the City may issue a request for proposals/qualifications or, if approved by the City Council, may waive this requirement and negotiate directly in the best interests of the City.
- (iii) Emergencies. The City Administrator may make or authorize others to make emergency procurement of supplies, services, or construction items when there exists a threat to public health, welfare, safety or breakdowns of equipment that may cause serious curtailment of services to residents; provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. The City Administrator shall provide information to the Mayor and City Council on any emergency procurement as soon as practical, or in no case later than the next regularly scheduled City Council meeting after the emergency procurement has been authorized.
- (iv) Impracticability. Under circumstances where competitive bidding is impracticable, including, but not limited to, situations where time constraints do not permit the preparation of clearly drawn specifications or situations where, after competitive bidding, no bids meeting bid requirements are received, all compliant bids received are

too high, or all bids are rejected for failure to meet bid requirements (i.e. bids are noncompliant).

D. Preference to Local Businesses for Formal Competitively Bid Purchases.

Businesses located in the City of Blue Ridge who reply to formal competitive sealed bid requests by the City shall receive a preference bonus of 10% or 10 points during the tabulation of the bid proposals. If a local preference is to be employed as provided for by this section, the invitation for bid documents shall clearly set forth such local preference requirements. Proof of a City of Blue Ridge Business License shall be submitted with the bid to be eligible for the Local Business preference.

E. Non – Budgeted Purchases. It is understood that every event cannot be foreseen, but the City also understands that the budget is the basis for the City's financial actions for each respective fiscal year. As such, non-budgeted purchases should be kept at a bare minimum and need to undergo the closest scrutiny to determine how necessary each non-budgeted purchase may be. When a department head determines the necessity to purchase a non-budgeted operating or capital item he must justify this need to the City Administrator. Prior to any purchase of a non-budgeted operating or capital item by the City Administrator, the City Administrator shall seek City Council approval at a regular meeting.

Section 2. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

SO ORDAINED this 19 day of April 2022.

BLUE RIDGE CITY COUNCIL

By: Rhonda Haight
Mayor

Attest:

Amy Mintz
Amy Mintz, City Clerk

