

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2019-43

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY CHAPTER 2, ADMINISTRATION ARTICLE IV. - PURCHASES AND PROPERTY DISPOSITION, DIVISION 1, GENERAL PROVISIONS, SECTION 2-93- DEFINITIONS, TO ADD DEFINITIONS FOR ANNUAL CONTRACTS AND PUBLIC WORKS CONSTRUCTION; TO ADD A SUBSECTION (d) TO DIVISION 3. -PURCHASING METHODS, SEC. 2-111. SUMMARY OF GENERAL PURCHASING METHODS TO ADD ANNUAL CONTRACTS AS A METHOD OF PROCUREMENT; AND TO ADD A SUBSECTION (d) TO DIVISION 6, CONTRACTING REQUIREMENTS, SECTION 2-136, CHANGE ORDERS AND CONTRACT MODIFICATIONS TO PROVIDE ADDITIONAL APPROVAL AUTHORITY TO THE CHIEF OPERATING OFFICER, DIRECTOR OF CENTRAL SERVICES AND CHAIRMAN OF THE BOARD OF COMMISSIONERS TO APPROVE CHANGE ORDERS ; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the County has a need to more effectively procure commodities and services where various departments have a need for the same commodities and services and the Director of Central Services has proposed that it is in the best interest of the County to utilize annual contracts to provide scales of economy and shorten procurement timeframes;

WHEREAS, the County has numerous SPLOST and Capital Improvement construction projects pending and in the planning stages; and

WHEREAS, the Chief Operating Officer is responsible for ensuring the timely and proper completion of all SPLOST construction projects; and

WHEREAS, the Clayton County Board of Commissioners wishes to amend the purchasing Ordinance to provide the Chief Operating Officer, Purchasing Director and Chairman of the Board of Commissioners' with additional authority to execute change orders for SPLOST and Public Works construction projects to ensure timely and proper completion of construction projects.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending Chapter 2, Administration Article IV. - Purchases and Property Disposition, Division 1 General Provisions, Sec. 2-93. - Definitions, to add definitions for annual contracts and Public Works construction Projects as follows.

"Annual Contract" shall mean 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 any county department upon request with a specified commodity, product or service at a predetermined price or rate.

"Public works construction" shall have that meaning set forth in O.C.G.A. Article 36 Chapter 91, Public Works Bidding as amended, and means 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 other than those projects covered by Chapter 4 of Title 32 or by Chapter 37 of Title 50,. Such term does not include the routine operation, repair, or maintenance of existing structures, buildings, or real property, or any energy savings performance contract or any improvements or installations performed as part of an energy savings performance contract.

Section 2. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending Chapter 2, Administration Article IV. - Purchases and Property Disposition, Division 3, - Purchasing Methods, Sec. 2-111. Summary of General Purchasing Methods is hereby amended to add a new subsection (d) Annual Contracts as follows:

(d) Annual contracts. The County may enter into annual contracts for frequently used commodities and/or services. These contracts will be procured using the sealed bid method set forth above. The annual contract will permit all departments to order commodities and/or services directly from the awarded suppliers through the

use of an annual contract document at a contracted rate or cost. Should the awarded supplier be unable to provide the contract commodities and/ or service by the requested delivery date or should the terms of the contract cause unreasonable financial constraints on the county, commodities and/or services may be obtained in the open market through a competitive process. Where the expenditures under an annual contract by any department exceeds \$100,000.00 for an individual project, work authorization or task order or in the aggregate for a particular contractor, such expenditures shall be subject to the approval of the Board of Commissioners, unless such contract authorizes the issuance of work authorizations or task orders in excess of \$100,000.00 without further Board action.

(1) For contracts where the Board has established an annual contract budget and such contracts permit the issuance of Task orders or Work Authorizations exceeding \$100,000.00 without further Board action, the Director will provide a report of all such Task orders or Work Authorizations to the Board of Commissioners on a quarterly basis as part of the contracts report.

Section 3. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending Chapter 2, Administration Article IV. - Purchases and Property Disposition, Division 6, Contracting Requirements, Sec. 2-136 - Change orders and contract modifications is hereby amended to add a new Subsection (d) as follows:

(d) Change Orders for SPLOST and Public Works construction project contracts. The Board of Commissioners shall have the authority to establish a County controlled owner's contingency fund for any SPLOST funded construction project or a Public Works construction project at the time the project budget is approved. The Chairman and chief operating officer shall have the authority to approve any change order using the owner's contingency fund for a SPLOST funded construction project or a Public Works construction project up to an absolute value of 10% of the original project budget for 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 shall not be artificially divided so as to remain under the 10% threshold. The director of central services shall have the authority to approve any change order using the owner's contingency fund for a SPLOST funded construction project or a Public Works construction project up to an absolute value of \$100,000 of the original contract price for 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. All such change orders shall be ratified by official action of the board of commissioners at the next board of commissioners' meeting as part of the monthly reporting from the Director of Central Services and/or the chief operating officer. Change orders shall not be artificially divided so as to remain under the \$100,000.00 threshold.

Section 4. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

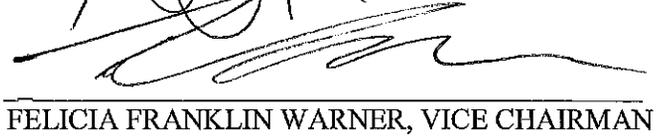
Section 5. If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 6. This Ordinance shall become effective immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the 2 day of April, 2019.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


FELICIA FRANKLIN WARNER, VICE CHAIRMAN


SONNA GREGORY, COMMISSIONER


GAIL HAMBRICK, COMMISSIONER


DEMONT DAVIS, COMMISSIONER

ATTEST:


BRENDA B. JAMES, CLERK