

ORDINANCE NO. 2011-02

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, GEORGIA, CHAPTER 2, ARTICLE V, CONTRACTS SECTIONS 2-181 PURCHASING PROCEDURE, SEC. 2-182 BID REQUIREMENTS, SEC. 2-183 CONTRACT PERFORMANCE BOND AND SECTION 2-184 SALE OF SURPLUS PROPERTY ORDINANCE BE AMENDED AS FOLLOWS:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA:

That Section 2-181 Purchasing Procedure of the Code of Ordinances, of the City of Smyrna, Chapter 2, Article V, Contracts be removed in its entirety and amended to read as follows:

(Sec. 2-181) Purchasing procedure

- (a) Administrative policies and procedures detailing control of city purchases will be published separately. At a minimum, this Purchasing Policy will contain specific departmental purchasing authorities and methods based on dollar limitations. Policy implementation or change must be approved by the mayor and council. Such approval, with dated policies and procedures, will be made a matter of record and maintained in the city clerk's office.
- (b) All requests for proposals/requests for bids will be submitted through the finance department's purchasing division and controlled as determined by the city administrator. All purchases above an established monetary amount are subject to competitive bidding procedures. Copies of such proposals/requests for bids will be made available to the mayor and council upon request .
- (c) All city employees are limited by the established policies and procedures. Employees violating them can be held personally and pecuniarily liable for their actions.
- (d) Exempt from the Purchasing procedure are purchases from
 - i. a verified single source supplier; or,
 - ii. via aggregate contracts competitively bid by cooperative organizations;
 - iii. or, for items maintained on contract by the Georgia Department of Administrative Services (DOAS) or Georgia Technology Authority (GTA); or other government agency, as permitted by state statute.
- (e) The City of Smyrna supports the use of local Suppliers when practical and cost effective. In the event of a tie in bid submissions pricing, and with all other factors equal, the local Supplier will receive the award.

That Section 2-182 Bid Requirements of the Code of Ordinances, of the City of Smyrna, Chapter 2, Article V, Contracts be removed in its entirety and amended to read as follows:

(Sec. 2-182) Bid requirements

- (a) Requests for sealed bids originated by the city shall be in writing with all specifications and requirements clearly stated. The operating department must gain approval from the City Administrator prior to the issuance of any request for proposal/request for bid.

(b) Under special circumstances, emergency purchases may be made by authorized personnel of an operating department with full documentation. Competitive sources of supply shall be used when practical and time permits. An emergency is defined as any unforeseen event or circumstance that threatens or results in a negative impact on public health, welfare and /or safety or results in the loss or potential loss of an essential service. Repair of certain City vehicles, used for public safety, sanitation, and specialized services, may be considered as “emergency” with proper documentation of the nature of the repair and the Supplier selection for the work.

That Section 2-183 Contract performance bond of the Code of Ordinances, of the City of Smyrna, Chapter 2, Article V, Contracts be removed in its entirety and amended to read as follows:

(Sec. 2-183) Contract performance bond

A performance bond shall be required on all work awarded and contracts in excess of \$20,000.00 entered into by the city.

That Section 2-184 Sale of surplus property of the Code of Ordinances, of the City of Smyrna, Chapter 2, Article V, Contracts be removed in its entirety and amended to read as follows:

(Sec. 2-184) Sale of surplus property

- a) Capital assets valued at \$5,000 or greater can be designated surplus and disposed or sold at auction only upon approval by the City Administrator. Scrap, Surplus and Salvage Assets, valued below \$5,000, are non-capital assets and may be disposed of by Department heads following notification to the Finance Department. Disposal of these items does not require the approval of the City Administrator.
- b) The finance department or its designee(s) has authority to receive bids and cash offers, including use of web-based government auction sites, for the sale of any city-owned surplus equipment and complete such transactions.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed as of the effective date of this ordinance.

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Approved by Mayor and Council this 4th day of April, 2011

Attest:

Susan D. Hiott, City Clerk
City of Smyrna

A. Max Bacon, Mayor

Approved as to form:

Scott A. Cochran, City Attorney
City of Smyrna