

**AN ORDINANCE**

**AMENDING:** Marietta City Code Article 3-6-050, Competitive bidding required.

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**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

**Section 1:** Article 3-6-050, Competitive bidding required, shall read:

3-6-050 Competitive bidding required.

A. All purchases of, and contracts or agreements for supplies and contractual services, having an approved budget estimate greater twenty-five thousand dollars (\$25,000.00) except as otherwise provided herein, shall be based wherever reasonably possible on three or more sealed competitive bids after publishing notice of request for bids. Where budget estimates are under twenty-five thousand dollars (\$25,000.00), quotations shall be obtained from as many competitive sources as possible.

B. The lowest bid for purchases shall be accepted by the purchasing manager or, if the purchasing manager, using agency, or other contracting authority finds that the lowest bid is not in the city's best interest, whereupon the purchasing manager may accept another bid or may call for additional bids. The city reserves the right to reject any and all bids submitted.

C. In addition to price on all bids or quotations, the following shall be considered, but not limited to in determining responsiveness:

1. The ability, capacity and skill of the person or firm offering the bid or quotation to perform the contract or provide the service required;
2. Whether the person or firm can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the person or firm;
4. The quality of performance on previous contracts or services with the city or others;
5. The previous and existing compliance by the person or firm with laws and ordinances relating to the contractual service or supplies;
6. The sufficiency of the financial resources and ability of the person or firm to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;

8. The ability of the person or firm to provide future maintenance and service for the use of the subject of the contract; and

9. The number and scope of conditions attached to the bid or quotation.

D. The above requirements shall not apply to any projects for which the city receives aid from any federal agency or state agency or foundations when unit prices have been established by such other agency. The contractor shall be selected from contractors certified by the agency supplying the funds for the project. In addition, the purchasing manager shall further ascertain that existing and future procurement procedures are in accord with applicable federal guidelines regulating procurement procedures for recipients of federal funds.

E. The above requirements shall not apply in sole source procurements where there is only one vendor capable of providing particular goods or services as determined by the purchasing manager.

**Section 2:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**Section 3:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 4:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: July 10, 2024

APPROVED: \_\_\_\_\_



R. Steve Tumlin, Mayor

ATTEST: \_\_\_\_\_

  
Stephanie Guy, City Clerk

Approved as to form: \_\_\_\_\_

  
Douglas R. Haynie, City Attorney