



# City of Lilburn Lilburn, Georgia

**Ordinance  
#2024-627**

## STATE OF GEORGIA COUNTY OF GWINNETT

Date of Reading and Adoption: June 10, 2024  
At the regular meeting of the Lilburn City Council

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LILBURN, GEORGIA, TO AMEND THE OFFICIAL CODE OF LILBURN, GEORGIA, CHAPTER 2, ADMINISTRATION, ARTICLE V, FINANCE, BY REPEALING AND REPLACING SECTION 2-135, PURCHASING.**

**WHEREAS:** the Mayor and City Council of the City of Lilburn is the governing authority of said City; and

**WHEREAS:** City Council finds that Chapter 2, Article 5, Section 135 of the Official Code of the City of Lilburn requires amendment to improve the efficiency of the purchasing process due to inflation; and

**WHEREAS:** Chapter 1, Section 6 of the Official Code of the City of Lilburn provides a mechanism by which amendments may be made to the Official Code.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Lilburn, Georgia, sitting in regular session on June 10, 2024, that Chapter 2, Article 5, Section 135 of the Official Code of Lilburn, Georgia, is hereby repealed and replaced as set forth in Exhibit A.

**SO ORDAINED** and effective this 10<sup>th</sup> day of June, 2024.

### **APPROVED:**

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Johnny Crist, Mayor

### **ATTEST/AUTHENTICATED:**

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Joann Nguyen, City Clerk  
(Seal)

## Sec. 2-135. Purchasing.

- (a) *Responsibility.* The city manager shall serve as the chief purchasing official of the city; provided that the city manager may delegate some or all of the responsibilities to a subordinate city employee. The chief purchasing official shall direct the purchasing activities of the city. All officials and employees of the city shall strictly adhere to the following policies when conducting purchasing activities.
- (1) *Competitive bidding required.* All purchases of, and contracts for supplies and contractual services, and all sales of personal property of the city which have become obsolete and unusable shall, except as otherwise provided ~~herein~~ in **Section (B) Exemptions**, be based wherever reasonably possible on three or more bids, regardless of the contract's dollar amount. The following dollar amounts shall be applied in determining the process to be used in obtaining bids/price quotations:
    - a. Up to ~~\$5,000.00~~ **\$20,000.00** —Verbal quotation;
    - b. ~~\$5,001.00~~ **\$20,001.00** to ~~\$25,000.00~~ **\$100,000.00** —Written quotations;
    - c. Over ~~\$25,000.00~~ **\$100,000.00** —Sealed bids.
  - (2) *Bids accepted; purchasing agent may call for additional bids.* The lowest responsible bid for the purchases and the highest responsible bid for sales shall be accepted by the purchasing agent. In determining the lowest responsible bidder, the city shall take into account the amount of the bid, the qualifications of the vendor and the vendor's history, if any, in fulfilling past city contract awards. If after consultation with the mayor and city council, the purchasing agent finds that the lowest bid is not in the city's best interest, the purchasing agent may accept another bid or may call for additional bids.
  - (3) *Approval.* The following approved authority shall apply to the expenditures of city monies:
    - a. Up to \$99,999.99—City manager;
    - b. \$100,000.00 and over—Mayor and council.
  - (4) *State and County contract use.* The purchasing agent may use State of Georgia and Gwinnett County contract vendors for purchasing any products or services that are available to local governments.
  - (5) *Purchase orders.* No purchase order shall be required.
  - (6) *Brand name purchases.* The purchasing agent may select purchase of a brand name product or service when the goods comprise a major brand system, program, or service previously selected by the city and due to operational effectiveness, future enhancements or additions, or maintenance and storage of spare parts preclude the mixing of brands, manufacturers, etc.
  - (7) *Sole source purchases.* A contract may be awarded or a purchase made without competition when the city determines that there is only one source for the required products, supply service, or construction item. The purchasing agent shall conduct negotiations as appropriate, as to price, delivery, and terms. A separate file of sole source procurements shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, and a listing of the item(s) procured under each purchase order or contract. An exception to the requirement of competitive purchasing for any procurement over \$5,000.00 may be made in the unusual circumstance when a good-faith review of all known or potential vendors determines that there is only a single known source for procurement.
  - (8) *Request for qualifications.* For the procurement of services where the qualifications of the firm or its principals are central to the services performed, procurement is permissible using a request for qualifications.
  - (9) *Modification of specifications.* Once a contract is bid and awarded by city officials in accordance with this section, the city reserves the right to further negotiate all terms of the contract if the city determines that it is in the city's best interest to do so without the necessity of re-bidding any such

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contract; provided, however, that any negotiations permitted hereunder shall not result in a variance of the price term exceeding ten percent of the original bid price.

- (10) *Operational policies/procedures.* Consistent with this section the city manager shall develop for city council adoption written operational policies/procedures relating to the execution of this section, the functioning of purchasing activities and such policies/procedures shall also include but not be limited to:
- a. The procurement of all supplies, services and construction needs by the city;
  - b. The establishment of programs for specifications development, contract administration and inspection and acceptance;
  - c. The selling, lending or other disposal of supplies and equipment belonging to the city.
- (11) *Collaborative purchasing.* The purchasing agent may elect to purchase products or services through a collaborative purchasing process authorized by any intergovernmental agreement signed by the city, county and the municipalities in the county. This process provides discounting through combining the "purchasing power" of local entities to achieve economies of scale associate with this type of relationship.
- (12) *Gifts and favors prohibited.* The purchasing agent and every officer and employee of the city whose duties involve the purchase of sale of goods and/or services, or the preparation of specifications for the purchase of goods and/or services for the city, or deciding which goods shall be declared surplus are expressly prohibited from accepting any gift or favor, directly or indirectly, from any person, company, firm or corporation which seeks to do business with or contract with the city or has contracted with the city within the past year, or to which any purchase order or contract is awarded, or to whom any surplus goods may be sold.
- (13) *Conflict of interest.* All officials and employees of the city shall avoid conflict of interest in procurement. A conflict of interest arises when a purchase of goods or services would result in the official or employee, or any member of the official or employee's family, directly or indirectly realizing a financial gain. In such situations, the affected official or employee shall refrain from any participation in the procurement activity or decision making.
- (14) *Purchases in violation.* Any purchase or service made in violation of this section by any person shall be null and void and shall not be binding upon the city or on any department or committee of the city.
- (b) *Exemptions. The following supplies and services are exempted from this Ordinance.*
- (1) Works of art for public spaces, or other creative/artistic endeavors that require a particular or demonstrated skill or talent to include, but not limited to, artists, musicians, and writers.
  - (2) Printed copyright material including published books, maps, periodicals, and technical pamphlets except where a greater savings can be realized by a quantity purchase.
  - (3) Real property, real estate brokerage and appraising, abstract for titles for real property, title insurance for real property and other related costs of acquisition of real property.
  - (4) Dues, memberships, and board member fees.
  - (5) Subscriptions.
  - (6) Services provided directly to individual citizens and employees including reimbursements and other miscellaneous payments, including but not limited to services provided in response to general liability insurance claims, solid waste services, and park attendant services.
  - (7) Utilities, where there is no reasonable basis for competitive procurement, for example, electric power, water, and sewerage.
  - (8) Licensed health professionals.

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(9) Legal services, litigation, and related legal expenses.

(10) Financial instruments

(11) Training, facilitators for meetings, travel, lodging, or meal expense covered by other city policies.

(12) Items for sale such as surplus items or items for resale such as the city's digital sign that requires a particular manufacturer or provider to enhance their marketability.

(13) Advertisements and legal advertisements.

(14) Public works construction contracts to the extend governed by OCGA 36-91-1 et seq.

(15) Antiques and other unique assets of historical value, including the restoration and relocation of these items.

(16) Materials or services required for confidential and secure investigations.

(17) Expenses associated with the disassembly, evaluation, and/or repair of equipment components.

(18) Professional services explicitly directed at improving the economic well-being and quality of life in the city through efforts that include, but are not limited to, enhancement of economic activity, job creation, job retention, business retention & expansion, neighborhood development, tax base enhancement, marketing, etc.

~~(b)~~ (c) *Conflicting provisions.* All sections or parts of sections in conflict with this section are hereby repealed in their entirety.