

- **ARTICLE II. - PURCHASING**

FOOTNOTE(S):

⁽²⁴⁾ **Editor's note**— Ord. No. 2012-001A, § 1, adopted Jan. 10, 2012, amended art. II in its entirety to read as herein set out. Former art. II, §§ 2-9-20—2-9-32, pertained to similar subject matter, and derived from: Code 1979 §§ 1-3004(a)—(m); Ord. No. 2005-001A, § 1, adopted June 28, 2005; and Ord. No. 2008-005A, adopted Sept. 23 2008.

- **Sec. 2-9-20. - Scope.**

This article shall govern all acquisitions and dispositions by Floyd County of commodities, equipment, materials, supplies and services and all related contracts and agreements, including those that may generate revenue. The ordinance from which this article derives supersedes and repeals all previously existing ordinances to the extent they are inconsistent with the provisions herein.

(Ord. No. 2012-001A, § 1, 1-10-12)

- **Sec. 2-9-21. - Exemptions.**

The following supplies and services are exempted from this article:

(1)

Works of arts for public places or other creative/artistic endeavors that require a particular and demonstrated skill or talent to include, but not limited to, artists, musicians and writers.

(2)

Real property, real estate brokerage and appraising, abstracts of titles for real property, title insurance for real property and other related costs of acquisition of real property.

(3)

Dues, memberships and board member fees.

(4)

Subscriptions.

(5)

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 and instructor services.

(6)

Utilities where there is no reasonable basis for competitive procurement, for example power, water and sewerage.

(7)

Licensed health professionals.

(8)

Legal services, litigation and related expenses.

(9)

Marketing of bonds and other forms of debt or debt related services and management products for the purchase of certain investment assets and services and pension assets and services.

(10)

Training, facilitators for meetings, travel, lodging or meal expenses, provided adherence to all county policies has taken place.

(11)

Advertising and legal advertisements, including but not limited to, bid/proposal solicitations, planning commission, zoning board of adjustment and other boards that are required by law to publicly advertise their meetings or actions in the legal organ.

(12)

Public works construction contracts to the extent covered by O.C.G.A. § 36-91-1 et seq.

(13)

Material or services required for confidential and secure investigations, apprehensions and detentions of individuals suspected of or convicted of criminal offenses by law enforcement personnel.

(Ord. No. 2012-001A, § 1, 1-10-12)

- **Sec. 2-9-22. - Purpose.**

This article shall be construed and applied to promote its underlying purposes and policies, which are:

(1)

To obtain the best value in terms of quality, service and price when expending public funds.

(2)

To foster effective, fair and broad based competition for public procurement within the free enterprise system.

(3)

To provide safeguards for the maintenance of quality, integrity and equity in the purchase and disposition of county property.

(Ord. No. 2012-001A, § 1, 1-10-12)

- **Sec. 2-9-23. - Application of law.**

It is intended that this article shall conform to all applicable provisions of the laws of the United States and the State of Georgia and the provisions hereof shall be so construed whenever possible. In the event any portion of this article shall be declared invalid for its failure to conform to state or federal law, such invalidity shall not affect the remaining portions hereof. Notwithstanding any other provisions of this article, the county may enter into any contract, follow any procedure or take any action that is otherwise at variance with this article if necessary or convenient to receive funds from the Government of the United States or the State of Georgia. In the event of any direct conflict between this article and the Floyd County Board of Commissioners Purchasing Department Policies and Procedures as amended from time to time, this article shall control.

(Ord. No. 2012-001A, § 1, 1-10-12)

- **Sec. 2-9-24. - Expenditures.**

All purchases shall comply with the Floyd County Board of Commissioners Purchasing Department Policies and Procedures adopted by the Board of Commissioners of Floyd County, as amended from time to time. To ensure that all purchases made are appropriate expenditures, each elected official or department head or director shall ensure that purchases made within his or her authority conform to the principals of the Floyd County Board of Commissioners Purchasing Department Policies and Procedures, as amended from time to time.

(Ord. No. 2012-001A, § 1, 1-10-12)

- **Sec. 2-9-25. - Purchasing department director.**

The Purchasing Department of Floyd County shall serve all of Floyd County Government by obtaining required commodities, equipment, materials, supplies and services and all rated contracts and agreements, including those that may generate revenue, in accordance with the laws of the State of Georgia, this article and the Floyd County Board of Commissioner's Purchasing Department Policies and Procedures. The purchasing director shall, except as otherwise specified herein, be responsible for the administration of all transactions governed by the provisions of this article and the Floyd County Board of Commissioner's Purchasing Department Policies and Procedures and shall serve as the principal procurement officer of the county. Unless otherwise provided, any duties and powers of the purchasing director may be delegated by her/him to subordinate purchasing staff members and other employees. The purchasing director shall be subject to the authority and supervision of the county manager.

(Ord. No. 2012-001A, § 1, 1-10-12)

- **Secs. 2-9-26—2-9-39. - Reserved**