



Agenda
City of Bainbridge, Georgia
Regular Session - Mayor and City Council
October 18, 2022, 6:30 p.m. - City Council Chambers



- I. INVOCATION and PLEDGE TO THE FLAG
- II. APPROVAL OF MINUTES OF REGULAR SESSION – September 20, 2022
- III. RECOGNIZE VISITORS AND DELEGATIONS
- IV. PROCLAMATION
- V. CONSIDERATION OF STREET CLOSURE REQUESTS
- VI. CONSIDERATION OF ALCOHOLIC BEVERAGE LICENSE APPLICATION
- VII. PUBLIC HEARING – DEMOLITION ORDINANCE
- VIII. CONSIDERATION OF DEMOLITION ORDINANCE
- IX. PUBLIC HEARING - ZONING TEXT AMENDMENT
- X. CONSIDERATION OF ZONING TEXT AMENDMENT
- XI. INTRODUCTION OF AMENDMENT TO PURCHASING POLICY
- XII. INTRODUCTION OF AMENDMENT TO PUBLIC PLACES ORDINANCE
- XIII. INTRODUCTION OF AMENDMENT TO SOLICITATION ORDINANCE

Bids:

1. Superior Industrial Services, Inc.
Metal Warehouse Building – Utility Storage
Bainbridge, GA \$ 598,000.00

MINUTES
CITY OF BAINBRIDGE, GEORGIA
TUESDAY, SEPTEMBER 20, 2022
6:30 P.M.

PRESENT: MAYOR EDWARD REYNOLDS, PRESIDING

COUNCIL MEMBERS: GLENNIE BENCH, KREGG CLOSE, ROSLYN PALMER,
SYLVIA WASHINGTON, AND DON WHALEY

CITY STAFF: ADMINISTRATIVE SERVICES DIRECTOR LISA TAYLOR,
ALLIE GODWIN, STEVE O'NEIL, DAVID HOWER, FRANK
GREEN, REDELL WALTON, AND RYAN WIMBERLEY

GUESTS: MASHAUN MENDEZ, BARBARA SMART, SMART JR.,
KENNETH JACKSON, RYAN MOORE, CAROLYN
CHEATEM, WAYNE BELIN, AND BRYAN GAMBARA.

ABSENT: PHIL LONG

INVOCATION AND PLEDGE TO THE FLAG

Councilman Whaley gave the invocation and all those assembled pledged allegiance to the flag.

APPROVAL OF MINUTES

Upon a motion offered by Councilwoman Bench and seconded by Councilman Close, the Council voted 5-0 to approve the minutes from the August 16, 2022, and September 6, 2022, council meetings as presented.

RECOGNIZE VISITORS AND DELEGATIONS

Mayor Reynolds opened the floor for anyone who wish to speak on an item that was currently not on the agenda. Mr. Kenneth Jackson of 718 Burgess Street came forward to discuss concerns relating to speeding trash trucks, traffic and loud noise on and around Scott Street from 2-9:00 pm. Ms. Mashaun Mendez came forward to discuss her concerns relating to

missing street signs, her dirt road, as well as code violations throughout the city. Hearing from no other citizen, Mayor Reynolds proceeded to the next item on the agenda.

PUBLIC HEARING – FY 2023 BUDGET

Mayor Edward Reynolds informed those assembled that this meeting had been advertised as the time and place for a public hearing on the proposed FY 2023 Budget. Upon a motion offered by Councilman Whaley and seconded by Councilwoman Palmer, the council voted 5-0 to open the public hearing. Hearing from no one, Councilwoman Palmer made a motion to close the public hearing. The motion was then seconded by Councilwoman Washington and unanimously carried in a 5-0 vote.

CONSIDERATION OF ADOPTION OF FY 2023 BUDGET

Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Washington, the Council voted 5-0 to adopt the FY 2023 Budget as presented.

CONSIDERATION OF STREET CLOSURE REQUESTS

Mrs. Lisa Taylor presented four temporary street closure requests:

- Mr. Christopher Merritt, Principal of Bainbridge High School, requests the closure of portions of Wheat Avenue, Shotwell Street, Broad Street, Water Street, West Street, and Jackson Street to accommodate their Homecoming Parade. The parade will take place on Thursday, October 6, 2022, starting at 5:00 pm.
- Mr. Tommie Howell, member of the Walk to End Alzheimer's Organizing Committee, requests to close a portion of Broughton Street (between Broad and West) and a portion of Water Street (between Broad and West) from 8:30 am until 12:00 pm, as well as close portions of Broad, Water, Broughton, Shotwell, and Monroe Street from 10:30 am until 11:00 am to accommodate the walk on Saturday, October 22, 2022.
- Ms. Jennifer Cannon, Owner of J. Christine, is requesting to close Market Street, on Thursday, September 29, 2022, from 5pm – 10pm to hold a block party to celebrate her three-year anniversary of her business.

- Ms. Randee Eubanks, Special Event Coordinator with the City of Bainbridge, requests to close the following streets to assist in the safety of downtown events:
 - Munchkin Masquerade/Trunk or Treat - October 31st – West Street closed from Broughton Street to Water Street, Water Street closed from - Broad Street to West Street, Broughton closed from - Broad Street to West Street
 - Touch - A - Truck - November 12th – Market Street closed from - Broad Street to Clark Street, Clark Street closed from - Market Street to Water Street
 - Yuletide Jubilee - December 1st – West Street closed from - Water Street to Broughton Street, Broughton Street closed from - West Street to Broad Street, Water Street closed from - Broad Street to West Street
 - Christmas Parade - December 8th – Wheat Ave closed from - College Street to Shotwell Street, Miluli Ave closed from - Boulevard Drive - Gordon Ave Evans Street closed from - Boulevard Drive - Wheat Ave, Shotwell Street closed from - Wheat Ave - Broad Street, Broad Street closed from - Shotwell to Calhoun Street, and Water Street closed from - Broad Street to West Street.

Upon a motion offered by Councilwoman Bench and seconded by Councilman Close, the council voted 5-0 to accept the four street closure requests. Councilwoman Palmer stated that the parade route will need to be adjusted to acknowledge that Broad Street is now a one-way street.

CONSIDERATION OF ALCOHOLIC BEVERAGE LICENSE APPLICATION

Mrs. Lisa Taylor presented the council with a malt beverage and wine package retail application submitted by Suhail Saqi of Naz Enterprises, LLC dba Raceway #6837 located at 1418 Tallahassee Highway. Mrs. Taylor explained that the application had met all requirements for approval and found no reason to deny the application. Upon a motion by Councilman Whaley and seconded by Councilwoman Palmer, the council voted 5-0 to approve the application.

**CONSIDERATION OF AUTOMATED SPEED ENFORCEMENT SYSTEM
CONTRACT**

Director Frank Green presented the council with a contract from Blue Line Solutions for the installation of an automated speed enforcement system. Director Green stated that he believes this system will drastically decrease the number of vehicles speeding within school zones. Upon a motion offered by Councilwoman Palmer and seconded by Councilwoman Bench, the council voted 5-0 to approve the contract with Blue Line Solutions.

INTRODUCTION OF DEMOLITION ORDINANCE

City Planner Steve O’Neil presented the council with five proposed ordinances for demolition. Mr. O’Neil stated that the ordinances would be advertised for Public Hearing before being voted on at the next meeting of the City Council.

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATIONS

The Bainbridge – Decatur County Planning Commission met on Tuesday, September 13, 2022, and considered one item which requires council action.

ITEM 1: CU-2022-004: Applicant Carolyn Cheatem is requesting a conditional use for a hair salon at 621 S. West St. The property is 0.46 acres and is zoned Office-Professional (O-P).

Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Washington, the council voted 5-0 to accept the recommendation of the Planning Commission and approve the conditional use application.

INTRODUCTION TO ZONING TEXT AMENDMENTS

City Planner Steve O’Neil presented the council with a text amendment to the zoning ordinance relating to variance applications. Mr. O’Neil stated that the text amendment will be advertised for Public Hearing before being voted on at the next meeting of the City Council.

MAYORAL APPOINTMENTS

Mayor Reynolds nominated Mrs. Melinda Glenn for the Historic Preservation Commission and reappointed Mrs. Rhonda Kendrick to the Historic Preservation Commission. Upon a motion

offered by Councilwoman Bench and seconded by Councilwoman Washington, the council voted 5-0 to ratify the nominations of the Mayor.

CONSENT AGENDA

Bids:

- | | |
|--|---------------|
| 1. Superior Industrial Services, Inc.
Demolition Services
Bainbridge, GA | Price/Sq. Ft. |
| 2. Adams Equipment Co.
Transit Van/Portable Pipeline Inspection System
Austell, GA | \$189,621.00 |

Upon a motion offered by Councilwoman Palmer and seconded by Councilwoman Bench, the Council voted 5-0 to accept the bids as presented.

ADJOURNMENT

With there being no further business, Mayor Reynolds adjourned the meeting at 6:57 p.m.

BY:

EDWARD REYNOLDS, MAYOR

ATTEST:

ALLIE GODWIN, COUNCIL CLERK

National Federation of the Blind
"Blind Achievement Equality Month"
Proclamation

WHEREAS, the National Federation of the Blind (NFB) was founded in 1940 to end discrimination against the blind and to secure first-class citizenship for all blind persons; and

WHEREAS, today the Federation, representing more than fifty thousand members across the country, continues to work to secure equal rights and opportunities for the blind; and

WHEREAS, the NFB works to change attitudes about blindness by providing information about blindness to parents, teachers, school administrators, and business, political, social, and civic leaders; and


WHEREAS, since blind people and blindness are still frequently misunderstood, the National Federation of the Blind has developed a public education campaign, Blind Achievement Equality Month, to create opportunities for the people of Georgia to learn firsthand that blind people are basically like everyone else; and

WHEREAS: the Bainbridge affiliate of the National Federation of the Blind, invites neighbors, coworkers, and classmates to join them at various Blind Achievement Equality events throughout the month of October to learn how blind people lead full and active lives.


NOW, THEREFORE, I, Edward Reynolds, Mayor of the City of Bainbridge, Georgia, do hereby proclaim the month of October 2022 as **Blind Achievement Equality** month, and urge all the citizens of Bainbridge and surrounding areas to accept this invitation to meet members of the National Federation of the Blind, the voice of the nation's blind.

In witness whereof, I have hereunto set my hand and caused the seal of this city to be affixed this eighteenth day of October in the year of our Lord 2022.

Mayor: _____


Edward Reynolds
Mayor

Attest: _____


Chris Hobby
City Manager

Re: Street Closure Request for Feb 4

Gallagher Dempsey <gallagherdempsey@gmail.com>

Mon 9/19/2022 5:50 PM

To: Allie Godwin <allieg@bainbridgecity.com>

Allie,

Here is the map with request. If this doesn't make it for tomorrow I understand, well just have to roll it to the next meeting.

The Bainbridge Jazz & Blues Festival is seeking approval to close the roads for the 3rd Bainbridge Jazz & Blues Festival. The proposed date is Saturday February 4. We will need the road closure all day from 6am to 11:59PM.

Last year was a great success and the road closure did not create any issues. We had to modify the map slightly bc of recent changes to the streets. Some of the streets have become one way streets. This map accounts for the one way streets and detours are show in green.

This request was just sent to Georgia DOT on September 19, 2022 and we expect approval.

Consideration will be given to all local businesses(within the road closed area) and they shall be notified of the event. Many will participate in the event and also gain from the increased foot traffic and out of towners contributing to our local community. Above an economic impact the festival will provide an impact in the culture & arts for the Bainbridge community. The Bainbridge Firehouse Art Gallery will be contributing with an art show simultaneously occurring with live music from the festival at the Art gallery. There will be multiple stages, one on the street at Broughton b/w Broad & West Street and another stage at the Hook & Ladder outdoor space.

Thank you for your consideration.



Gallagher Dempsey
Head Brewer & General Manager
Southern Philosophy Brewing Co.
229-726-6464



On Thu, Sep 15, 2022 at 3:31 PM Allie Godwin <allieg@bainbridgecity.com> wrote:

Hey Gallagher,

Friendly reminder that I need your street closure info no later than tomorrow at 4:00 pm.

Thanks!

AG



Allie Godwin

Executive Assistant

O: (229) 400-9313 | C: (229) 726-9940 | F: (229) 246-7311

101 South Broad Street | P.O. Box 158 | Bainbridge, Georgia 39817

www.bainbridgecity.com

From: Gallagher Dempsey <gallagherdempsey@gmail.com>

Sent: Friday, September 2, 2022 3:57 PM

BAINBRIDGE HIGH SCHOOL

1 BEARCAT BOULEVARD
BAINBRIDGE, GA 39819-4878
229-248-2230



PRINCIPAL
CHRISTOPHER MERRITT
ASSISTANT PRINCIPALS
CHRISTOPHER BRYANT
VONDA HUBBARD
DAVID KIRKLAND
DAVID MACKEY
MARILYN MELTON
SCOTT MILLER
CHRISTINE PUGH

September 13, 2022


Mr. Chris Hobby, City Manager
City of Bainbridge
P. O. Box 158
Bainbridge, GA 39818

Dear Mr. Hobby:

Bainbridge High School is requesting permission from the City of Bainbridge to host our annual Syrup Sop/Pep Rally on the Square on Thursday, November 3, 2022. The Syrup Sop/Pep Rally will begin at 5:30 p.m. and end at 7:30 p.m. We would also like to request your assistance in providing Public Safety for this event and the shutting down of all traffic around the square during this time. If permission is granted, we will comply with all City of Bainbridge guidelines and procedures.

We would like to thank you for all the support you have provided Bainbridge High School throughout the years and for helping make this Syrup Sop a success.

Sincerely,


Christopher Merritt
Principal

City of
BAINBRIDGE
GEORGIA

City of Bainbridge Alcohol License Checklist

LICENSE # 1365

CITY COUNCIL MEETING DATE 10/18/2022

NEW RENEWAL AMENDED

TYPE OF LICENSE APPLYING FOR:

CLASSIFICATION OF LICENSE						
Distilled Spirits	Package Store	Malt Beverage	Wine Package	Malt Beverage Consumption Retail	Wine Consumption Retail	Bar Fee:
Consumption Fee: \$2,400.00	Fee: \$3,125.00	Retail	Retail	Fee: \$300.00	Fee: \$300.00	\$4,800.00
Late Fee: \$100	Late Fee: \$100.00	Fee: \$150.00	Fee: \$200.00	Late Fee: \$100.00	Late Fee: \$100.00	Late Fee: \$100.00
		Late Fee: 100.00	Late Fee: \$100.00			

Amended Fee: \$100 Initial Application Fee: \$100

NAME OF BUSINESS Southwest GA Oil Co, Inc. dba Sunstop # 425

STREET ADDRESS OF BUSINESS 525 W Shotwell Street

NAME OF APPLICANT/OWNER Glennie C. Bench

NAME OF MANAGER Cedric Brown

- Completed Application ✓
- Paid Fee ✓
- Signature of Applicant and/or Property Owner ✓
- Distance statement and Approval from Chief Marshall/Building Official clp
- Personal Statement ✓
- Notarized Affidavits if applicable (*required for new owner and manager*) ✓
- Copy of Driver's License or current Photo Identification ✓
- Background Check Payment: YES NO
- Privacy Rights (Applicant retains a copy) ✓
- Approval by Director of Public Safety WJH
- Approval by Director of Administrative Services RHT
- Approval by City Manager and/or, Mayor and City Council _____

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 434 SIMS ST., OWNED BY DERRICK B. SAMUEL AND DECATUR COUNTY TAX COMMISSIONER'S OFFICE TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith, AND FOR OTHER PURPOSES.

SECTION I

WHEREAS, pursuant to Section 14-1 (3) c of the City of Bainbridge Municipal Code (the "Code"), Chief City Marshall and Building Official Keith Pollock has inspected the property, filed notices, held hearings and issued a determination that the property located at 434 Sims St., is unsafe; and

WHEREAS, pursuant to the determination of the Chief City Marshall and Building Official the City of Bainbridge has previously ordered the owner of the property located at 434 Sims St., Bainbridge, Georgia; to either repair, alter, improve, or demolish the structure located on the property; and

WHEREAS, the owner of such property has failed to comply fully with such order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of The City of Bainbridge that the City Manager of the City of Bainbridge is hereby authorized and directed to demolish the structure (s) and clean up the property located at 434 Sims St., being more particularly described as 434 Sims St., Bainbridge, Georgia 39817.

SECTION II

BE IT FURTHER ORDAINED that all ordinances of the City of Bainbridge in conflict herewith be and the same hereby are repealed for purposes of this ordinance only.

SECTION III

BE IT FURTHER ORDAINED that the provisions of the ordinance shall not be made a part of the official codified ordinances of the City of Bainbridge but shall nevertheless be made a part of the public minutes of the City of Bainbridge.

SECTION IV

This ordinance was introduced and read at the lawful meeting of the Council of the City of Bainbridge held on September 20th, 2022, a Public Hearing on the Ordinance was held on October 18th, 2022 and the Ordinance was adopted by a

majority vote of the City Council during its regular meeting of October 18th, 2022.

BY: _____
EDWARD REYNOLDS, MAYOR

ATTEST: _____
ALLIE GODWIN, CLERK

CITY SEAL

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 701 CEMETERY ST., OWNED BY HENRY A. BELIN, JR. (ETAL) AND DECATUR COUNTY TAX COMMISSIONER'S OFFICE TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith, AND FOR OTHER PURPOSES.

SECTION I

WHEREAS, pursuant to Section 14-1 (3) c of the City of Bainbridge Municipal Code (the "Code"), Chief City Marshall and Building Official Keith Pollock has inspected the property, filed notices, held hearings and issued a determination that the property located at 701 Cemetery St., is unsafe; and

WHEREAS, pursuant to the determination of the Chief City Marshall and Building Official the City of Bainbridge has previously ordered the owner of the property located at 701 Cemetery St., Bainbridge, Georgia; to either repair, alter, improve, or demolish the structure located on the property; and

WHEREAS, the owner of such property has failed to comply fully with such order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of The City of Bainbridge that the City Manager of the City of Bainbridge is hereby authorized and directed to demolish the structure (s) and clean up the property located at 701 Cemetery St., being more particularly described as 701 Cemetery St., Bainbridge, Georgia 39817.

SECTION II

BE IT FURTHER ORDAINED that all ordinances of the City of Bainbridge in conflict herewith be and the same hereby are repealed for purposes of this ordinance only.

SECTION III

BE IT FURTHER ORDAINED that the provisions of the ordinance shall not be made a part of the official codified ordinances of the City of Bainbridge but shall nevertheless be made a part of the public minutes of the City of Bainbridge.

SECTION IV

This ordinance was introduced and read at the lawful meeting of the Council of the City of Bainbridge held on September 20th, 2022, a Public Hearing on the

Ordinance was held on October 18th, 2022 and the Ordinance was adopted by a majority vote of the City Council during its regular meeting of October 18th, 2022.

BY: _____
EDWARD REYNOLDS, MAYOR

ATTEST: _____
ALLIE GODWIN, CLERK

CITY SEAL

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 709 ALBANY RD., OWNED BY RUTH MATTIE DAVIS AND DECATUR COUNTY TAX COMMISSIONER'S OFFICE TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

SECTION I

WHEREAS, pursuant to Section 14-1 (3) c of the City of Bainbridge Municipal Code (the "Code"), Chief City Marshall and Building Official Keith Pollock has inspected the property, filed notices, held hearings and issued a determination that the property located at 709 Albany Rd., is unsafe; and

WHEREAS, pursuant to the determination of the Chief City Marshall and Building Official the City of Bainbridge has previously ordered the owner of the property located at 709 Albany Rd., Bainbridge, Georgia; to either repair, alter, improve, or demolish the structure located on the property; and

WHEREAS, the owner of such property has failed to comply fully with such order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of The City of Bainbridge that the City Manager of the City of Bainbridge is hereby authorized and directed to demolish the structure (s) and clean up the property located at 709 Albany Rd., being more particularly described as 709 Albany Rd., Bainbridge, Georgia 39817.

SECTION II

BE IT FURTHER ORDAINED that all ordinances of the City of Bainbridge in conflict herewith be and the same hereby are repealed for purposes of this ordinance only.

SECTION III

BE IT FURTHER ORDAINED that the provisions of the ordinance shall not be made a part of the official codified ordinances of the City of Bainbridge but shall nevertheless be made a part of the public minutes of the City of Bainbridge.

SECTION IV

This ordinance was introduced and read at the lawful meeting of the Council of the City of Bainbridge held on September 20th, 2022, a Public Hearing on the

Ordinance was held on October 18th, 2022 and the Ordinance was adopted by a majority vote of the City Council during its regular meeting of October 18th, 2022.

BY: _____
EDWARD REYNOLDS, MAYOR

ATTEST: _____
ALLIE GODWIN, CLERK

CITY SEAL

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 711 ALBANY RD., OWNED BY WILLIE B. DAVIS & MAE L. & CLEMON JONES AND DECATUR COUNTY TAX COMMISSIONER'S OFFICE TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

SECTION I

WHEREAS, pursuant to Section 14-1 (3) c of the City of Bainbridge Municipal Code (the "Code"), Chief City Marshall and Building Official Keith Pollock has inspected the property, filed notices, held hearings and issued a determination that the property located at 711 Albany Rd., is unsafe; and

WHEREAS, pursuant to the determination of the Chief City Marshall and Building Official the City of Bainbridge has previously ordered the owner of the property located at 711 Albany Rd., Bainbridge, Georgia; to either repair, alter, improve, or demolish the structure located on the property; and

WHEREAS, the owner of such property has failed to comply fully with such order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of The City of Bainbridge that the City Manager of the City of Bainbridge is hereby authorized and directed to demolish the structure (s) and clean up the property located at 711 Albany Rd., being more particularly described as 711 Albany Rd., Bainbridge, Georgia 39817.

SECTION II

BE IT FURTHER ORDAINED that all ordinances of the City of Bainbridge in conflict herewith be and the same hereby are repealed for purposes of this ordinance only.

SECTION III

BE IT FURTHER ORDAINED that the provisions of the ordinance shall not be made a part of the official codified ordinances of the City of Bainbridge but shall nevertheless be made a part of the public minutes of the City of Bainbridge.

SECTION IV

This ordinance was introduced and read at the lawful meeting of the Council of the City of Bainbridge held on September 20th, 2022, a Public Hearing on the

Ordinance was held on October 18th, 2022 and the Ordinance was adopted by a majority vote of the City Council during its regular meeting of October 18th, 2022.

BY: _____
EDWARD REYNOLDS, MAYOR

ATTEST: _____
ALLIE GODWIN, CLERK

CITY SEAL

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 805 W. COLLEGE ST., OWNED BY ANDREW BRYAN DOSS AND DECATUR COUNTY TAX COMMISSIONER'S OFFICE TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

SECTION I

WHEREAS, pursuant to Section 14-1 (3) c of the City of Bainbridge Municipal Code (the "Code"), Chief City Marshall and Building Official Keith Pollock has inspected the property, filed notices, held hearings and issued a determination that the property located at 805 W. College St., is unsafe; and

WHEREAS, pursuant to the determination of the Chief City Marshall and Building Official the City of Bainbridge has previously ordered the owner of the property located at 805 W. College St., Bainbridge, Georgia; to either repair, alter, improve, or demolish the structure located on the property; and

WHEREAS, the owner of such property has failed to comply fully with such order.

NOW, THEREFORE, BE IT ORDAINED by the City Council of The City of Bainbridge that the City Manager of the City of Bainbridge is hereby authorized and directed to demolish the structure (s) and clean up the property located at 805 W. College St., being more particularly described as 805 W. College St., Bainbridge, Georgia 39819.

SECTION II

BE IT FURTHER ORDAINED that all ordinances of the City of Bainbridge in conflict herewith be and the same hereby are repealed for purposes of this ordinance only.

SECTION III

BE IT FURTHER ORDAINED that the provisions of the ordinance shall not be made a part of the official codified ordinances of the City of Bainbridge but shall nevertheless be made a part of the public minutes of the City of Bainbridge.

SECTION IV

This ordinance was introduced and read at the lawful meeting of the Council of the City of Bainbridge held on September 20th, 2022, a Public Hearing on the Ordinance was held on October 18th, 2022 and the Ordinance was adopted by a majority vote of the City Council during its regular meeting of October 18th, 2022.

BY: _____
EDWARD REYNOLDS, MAYOR

ATTEST: _____
ALLIE GODWIN, CLERK

CITY SEAL

Bainbridge

Section 15.2.7. Criteria for Approval of Variances.

Any applicant requesting consideration of a variance to any provision of this zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The planning commission shall not approve the variance application unless it shall have adopted findings that one or more of the following conditions exist. The Planning Commission may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this ordinance in the district in question. Such variance may be granted in an individual case upon a finding by the Planning Commission that the following exists:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this zoning ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Provided that the Planning Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood. Whenever the Planning Commission shall find, in the case of any permit granted pursuant to the provisions of this article, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Planning Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

A RESOLUTION TO AMEND SECTION 15.2.7 OF THE BAINBRIDGE ZONING ORDINANCE TO ADDRESS THE CRITERIA FOR APPROVAL OF VARIANCES.

WHEREAS, the City of Bainbridge, Georgia hereby declares it to be the purpose and intent of this Resolution to modify the criteria for the approval of variances within the City of Bainbridge.

WHEREAS, This Resolution is adopted as part of strategy to firm up the existing language to protect health, safety and general welfare of the City of Bainbridge.

WHEREAS, the Bainbridge-Decatur County Planning Commission has reviewed alternatives to the current language and have come to a decision on the changes that need to occur.

WHEREAS, planning staff have advertised a public hearing as per requirements and made copies of the proposed text amendments available to the public.

WHEREAS, the proposed language is as follows:

Section 15.2.7. Criteria for Approval of Variances.

~~Any applicant requesting consideration of a variance to any provision of this zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The planning commission shall not approve the variance application unless it shall have adopted findings that one or more of the following conditions exist. The Planning Commission may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this ordinance in the district in question. Such variance may be granted in an individual case upon a finding by the Planning Commission that the following exists:~~

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this zoning ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Provided that the Planning Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood. Wherever the Planning Commission shall find, in the case of any permit granted pursuant to the provisions of this article, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Planning Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

This Resolution shall be effective immediately upon its adoption by City Council.

SO ORDAINED BY THE BAINBRIDGE CITY COUNCIL ON THE _____ DAY OF _____, 2022

Edward Reynolds, Mayor

Allie Godwin, City Clerk

PURCHASING POLICY
REVISED OCTOBER 2022

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PURCHASING POLICY

INTRODUCTION:

The City of Bainbridge's Purchasing Department was established to create a centralized purchasing system and to uphold the City's commitment to the public trust through proactive, consolidated and standardized purchasing methods. The Purchasing Department's primary goal is to procure the right product/service at the right price at the right time from the right supplier. The Scope of this Purchasing Policy Manual is applicable to all City staff and elected officials.

PURPOSE:

This Policy is intended to establish the methods by which the City procures and enters into contracts, including the following: purchase orders, maintenance agreements, public works/construction projects, revenue generating arrangements, leases, purchase orders on an emergency basis, and sole source orders.

This Policy is not intended to cover the purchase of real property (referring to land and its improvements and the acquisition of various property rights, such as rights of way) or to supersede specific state or federal laws that apply to and control certain contractual arrangements (e.g., G.D.O.T. road projects).

PURCHASING OBJECTIVES:

- Purchase quality materials, equipment, supplies, and services in the correct quantity, at the lowest evaluated cost, and at the required time, focusing on reduced lead times, improved service levels, increased value-added services and optimized inventory cost to the operating departments.
- Enhance supplier relationships with properly authorized and documented bidding procedures; improved purchase specifications, sales terms and conditions; and reduced time for invoice verification and payment.
- Ensure bids and proposals for goods and services are conducted competitively and objectively, giving equal opportunity to all suppliers and developing reliable and competitive sources.
- Select suppliers, not by price alone, but through detailed evaluation of quality, service, price, productivity, availability, administrative costs, environmental impact, and experience.
- Monitor required delivery schedules, supplier performance and post-completion contractor warranties to meet departmental and contractual requirements. Provide guidance regarding

Purchase Order changes and claims.

- Research, collect, and share information on innovative practices and new products for potential City use that would create savings and continuous improvement in the purchasing process.
- Manage the disposition of Surplus Property and Fixed Assets based upon the Policy for the Disposal of Assets.

DEFINITIONS:

Account Number – A tracking number for specific goods and services assigned by the Finance Department and used in the financial software to track charges made on a Purchase Order and/or contract against the budgeted amount and tied to the General Ledger.

Bid Requisition Form – Prior to a Bid's going out to the public, a Requisition Form is required for budgeted items and must be completed by the operating department, approved by the Department Head, Finance Director, City Manager and then sent to the Purchasing Department which will assign a bid number and schedule the bid process.

Bid Bond – Not used very often, a bid bond guarantees the bidder is financially capable of performing the project.

Change Order – A written alteration that is issued to modify or amend a contract or purchase order and requires approval. A request which directs the contractor to make changes to the contracted scope of work or specifications. In reference to construction contracts, it relates primarily to changes caused by unanticipated conditions encountered during construction not covered by the drawings, plans or specifications of the project. A Change Order to a Purchase Order changes the cost and/or quantity line item or org/object codes in the city financial software.

Confidential Information – Any information that is available to an employee only because of their employment with the City of Bainbridge and is not a matter of public knowledge or available to the public upon request. Or, information furnished to Purchasing by a supplier who has requested that such information be held in confidence and such request is not in conflict with the state's Open Records laws.

Construction – The process of building, altering, repairing, improving or demolishing any structure or building or other public improvements of any kind.

Contract – Instrument used to create the written obligations between the City of BAINBRIDGE and a supplier for services and goods. The completed Purchase Order is considered a contract when no other contract is signed.

Contractor / Supplier / Vendor – Any individual, company, corporation, partnership, sole proprietorship or other legal entity that sells goods, materials, equipment, or supplies to the City of BAINBRIDGE; a collective term for manufacturer, distributor, wholesaler, retailer and contractor when referring to all as a group.

Cooperative Procurement – Purchases made from contracts negotiated by other governmental agencies or through cooperative purchasing organizations as allowed by state law.

Dollar Threshold – A dollar amount established to determine the purchasing method used.

Excess and Obsolete Materials – It shall be the duty of the Department to report all excess or obsolete materials to the Purchasing Office. At this point, the Purchasing Agent will examine alternatives as to the most advantageous disposition of the items. Items could be discarded, refurbished or reconditioned, transferred, traded in on new equipment or sold by auction or sealed bid.

Emergency Procurement – The procurement of goods or services made on an emergency basis outside the normal procurement procedure. 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. The City Manager must approve all emergency purchases. If the amount exceeds \$50,000, the City Council must ratify the purchase at their next regularly scheduled meeting.

Employee – An individual, whether elected or not, who is receiving from the city wages, salary or other benefits in lieu of salary.

E-Verify Program – An affidavit stating affirmatively that the individual, firm, or corporation which is contracting with the City of Bainbridge has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA) P.L. 99-603), in accordance with the applicability provisions and deadlines established in O.C.G.A.

§13-10-91(b)(1)

Formal Sealed Bid – The established dollar amount of purchases/contracts which require use of the sealed bid process as approved by the Mayor and Council and specified in this Purchasing Policy. These sealed bids are advertised on the City’s official website and/or in a local newspaper. Bid awards of \$50,000 or more require approval by Mayor and City Council.

Georgia Procurement Registry (GPR) - The Georgia Procurement Registry (GPR) is the State of Georgia’s central bid registry established by the Georgia Department of Administrative Services (DOAS) and managed by the State Purchasing Division (SPD) of DOAS. The registry is also the public policy tool for notification to suppliers for bid opportunities with state entities and local governments to ensure transparency and offer market competition.

Good Faith – Acting to meet the intent of a contract, agreement, or purchase order even when not specifically described in the agreement.

Gratuity – Gifts, payment, loans, advances, deposits of money or services, etc. promised by a supplier for preferential treatment or creating an expectation of preferential treatment.

Insurance Certificate – Document issued by an insurance company validating that a company or corporation is insured by their company, has the required coverage levels and names the City as Additional Insured.

Invitation to Bid (ITB) – A request by the Purchasing Department which is sent to suppliers along with a description of the commodity or services needed and which requires supplier response with price and other information. Evaluation and recommendation for award should be based on the ITB that best meets price, quality, delivery, service, past performance and reliability of both the vendor and the product. These transactions may or may not be subject to the Sealed Bid process and further negotiations are usually unnecessary.

Local Bidder Preference - A local preference of 2% for qualifying Decatur County Businesses will be permitted when evaluating bids for supplies, equipment, materials, and personal services that are not a part of a construction project.

Notice of Award – Written confirmation of an award by the City to a successful bidder, stating the amount of the award, the award date, and when the contract (if applicable) will be signed. It may also contain a notice to proceed. Award and bid tabulation information is also posted on the City's website.

Performance Bond – The performance bond ensures payment of a sum of money (100% of the annual contract price) to the City of Bainbridge in the event the contractor fails in the full performance of the contract and replaces the bid bond upon award of a contract.

Professional Services – Those services which are defined by statute as a “profession” or “professional service” and require a license or accreditation, including, but not limited to, certified public accounts, actuarial services, architecture, landscape architecture, interior design, licensed or accredited appraisers or licensed or accredited financial analysts providing opinions of value, chiropractic, dentistry, professional engineering, podiatry, pharmacy, veterinary medicine, registered nursing, harbor piloting, land surveying, law, psychology, medicine and surgery, optometry and osteopathy

Public Works Construction Contracts – Pursuant to O.C.G.A. 36-91-2 Definitions - "Public works construction" 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. Such term does not include the routine operation, repair, or maintenance of existing structures, buildings, or real property.

Purchase Order – A contract document including payment terms and conditions generated via the City’s Financial System to document the transactions between the City and a Supplier. Purchase Orders will also be used to control the payment to contractors for work performance under a formal contract

Purchase Requisition – The first step in the purchasing process of all goods and services regardless of price. Purchase Requisitions are created in the financial software, routed electronically to department heads for approval and then are converted to Purchase Orders by the Purchasing Agent or other finance department employee.

Request for Information (RFI) – A non-binding procurement practice in which a request is made by Purchasing or is published via newspaper, internet, or direct mail to solicit input from potential suppliers (contractors) prior to issuing a solicitation. Input may include vendor qualifications, price, best practices, industry standards, technology issues, etc.

Request for Qualifications (RFQ) – A formal request made by Purchasing to obtain qualifications of vendors and offers of price and plans for handling a project. Pricing not read at the bid opening is submitted separately and only opened after the qualification proposals are considered during the evaluation process. This process is used when the expertise of the bidders will be relied on to develop a solution for the City. Value-for-money will be the primary deciding factor in the bid award. These transactions are subject to the Sealed Bid process and allow for negotiations in certain areas (scope) of the proposal following the bid opening.

Request for Proposal (RFP) – A formal request made by Purchasing to obtain competitive offers of price and plans for handling a project. Pricing will be considered in the evaluation of the proposals as well as qualifications, references and other critical factors to make the process successful. These transactions are subject to the Sealed Bid process and allow for negotiations. The content of the proposals will not be released until the item or service has been evaluated and awarded.

Sale – Excess, surplus and obsolete items not transferred or traded-in may be consolidated and offered for sale by auction or by sealed bid method. The consolidated list will be submitted to City Council for approval before an auction or sealed bid is organized. The property offered for sale will be on an “AS IS/WHERE IS” basis. The sale will be given public notice. Sealed bids will be opened at the time and place announced with the City, retaining the right to reject all bids.

Sale to Employees – To avoid any appearance of impropriety in the disposition program, it will be the City's policy to prohibit the direct sale of surplus property to any City employee, official or agent. This policy does not prohibit any City employee, official or agent from extending an offer at a public auction or in the form of a sealed bid.

Secondary Supplier – An approved supplier who receives a portion of a bid award as contingency in case of performance or other issues with the primary supplier or who offers a product or service not provided by the primary supplier. The intent of using a secondary supplier is explained in the RFP/RFQ package and results in a Split Bid Award.

Sole Source – A Purchase that is made without a formal competitive bid. A quote submission, regardless of dollar amount, with written documentation indicating that the supplier is the only viable source for the required supply, service, or item is required. A Sole Source letter must be provided by the supplier. The Purchasing Agent will have discretion to either accept or reject the product or service as Sole Source. A contract may be awarded, or a purchase made without competition when the Purchasing Agent determines that there is only one source for the required products, supply services or construction items. The Purchasing Agent shall conduct negotiations as appropriate, as to the price, delivery and terms to determine reasonableness of price. 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.

Sole Brand Purchase – Similar to Sole Source purchases but requires documentation to the unique capabilities of the Source, along with documentation and specifics as to why the Brand is necessary. A Sole Source Brand Form must be completed and submitted to the Purchasing Agent for approval.

Surplus Property – Surplus property is non-consumable personal property that the City no longer requires. It is rarely real property. Restricted assets must be adjudicated and approved by the Mayor and City Council before disposition.

Transfer or Re-use – The most gainful method for handling an item no longer needed by a department is to transfer it to another department that has a use for the item.

Trade-In – In replacing obsolete equipment, it may be financially advantageous to trade-in the old equipment. The invitation for bids on the replacement item should call for bid prices with or without trade-in and provide that award may be made either way.

POLICY:

The City of Bainbridge's Purchasing Policy covers the following purchasing thresholds, regular and special purchasing methods, change orders, and other processes:

Purchasing Thresholds:

Purchasing Methods and Dollar Thresholds – The dollar value of the goods and services to be purchased determines the purchasing method to be used. The award of Purchase Orders and contracts with suppliers will be based on the lowest evaluated cost, while meeting the specified quality, quantity and delivery requirements. Any exceptions to this are further defined in this Policy.

With the City financial software system, ALL goods and services purchased by the City MUST have a Purchase Requisition created in the system. This is not dependent upon the dollar amount. Determination of the method of purchasing is still dependent upon the dollar threshold. The only exceptions are purchases made with city-issued State Purchasing cards which are paid and reconciled monthly through the Bank of America Works system with oversight by the Finance department after required departmental and administrative approvals. All receipts must be scanned into the system.

During the Purchase Requisition conversion process, purchasing staff reviews all purchases made, verifying the correct process was used, proper documentation provided, and policy followed. All purchase documentation must be scanned into the system during the Purchase Requisition creation. The Purchasing Agent is the final reviewer for all Requisitions over \$5,000.

The following specific dollar thresholds are used to determine the appropriate purchasing method:

Less than \$5,000 – The purchase of goods and services in an amount less than \$5,000 shall be approved by a division director. These purchases do not require a competitive bid process. Division Directors, Department managers and/or authorized representative(s) may select a supplier, taking into consideration: fair and reasonable cost, delivery/pickup time, and convenience to the work site. Per state law, all services/work of \$2,500 or more requires an E-Verify Contractor's Affidavit or SAVE document, completed, signed and notarized, with the original sent to Purchasing.

\$5,000 to \$9,999 – Informal quotes from at least three (3) suppliers are required (this can include pages printed from a vendor's website that state product specifications and price). Verbal quotes are not allowed. The Purchasing Agent/Buyer reviews all requisitions to ensure proper documentation (COI, W-9, Contractor's Affidavit or SAVE) has been included and the correct process followed. Division Director approval is required.

\$10,000 to \$49,999 – Written quotes from at least three (3) suppliers are required (this can include pages printed from a vendor’s webpage that state the product specifications and price). Upon departmental request, the Purchasing Agent, will solicit and receive these written quotes. Purchasing will review all quotes and make a recommendation. The department will issue a Purchase Requisition, collect all required documents (COI, W-9, Contractor’s Affidavit or SAVE) and the same process is followed as with all other purchases. The Formal Sealed Bid process is not required and is optional at this level and will be determined in consultation with the Purchasing Department. Final approval from the City Manager is required.

Over \$50,000 – The Purchasing Department will administer a formal sealed Bid Process upon a determination that an item or service will have an estimated value in excess of \$50,000. An approved Requisition Form must be signed by the appropriate Division Director prior to Purchasing proceeding with the Sealed Bid solicitation. Prior to any award, the bid award recommendation must be approved by the Mayor and City Council. After approval, a Purchase Requisition/Order and/or Services Contract will be processed. For detailed procedures and sole source/brandspecific, see the section in this Policy titled “The Formal Sealed Bid Process.”

Routing requests – All requests must be approved by the Director of each division. Once the approval has been given, a requisition will be entered in the financial software by the department. Purchasing will receive the request to purchase and verify that all documentation has been entered. Purchasing will then determine if the amount to be purchased will need authorization from the City Manager or will need Mayor/Council approval. See thresholds for detailed information above.

Purchasing Methods:

Contract Purchases / Professional Services – Purchase transactions \$50,000 and greater for services performed on City of Bainbridge property or on behalf of the City of Bainbridge shall be purchased using a duly executed, formal contract. The contract shall contain, but not be limited to, the following elements: specifications fully describing the goods, materials, and equipment including the construction and maintenance services and the effective dates; general conditions of the contract; special conditions, if applicable, and the contractor’s proposal.

Except for licensed Professional Services (Title 43 professions, which are exempt from State Purchasing regulations), this purchase method requires the Purchasing Department to solicit bids, obtain a technical evaluation by the operating department, prepare a commercial evaluation, and obtain a purchase approval prior to an award. For these purchases, the approved Requisition Form precedes the issuance of a bid solicitation.

The City Manager or designee shall execute all service contract documents. The Purchasing Department will issue a Purchase Order in conjunction with the contract. The Purchase Order will reference the contract document and the City will utilize the Purchase Order to render receipt and payment for services performed by the contractor. All procedures and processes regarding Purchase Orders remain unchanged by this method.

Operating Division "Supplier Direct" Purchases – A City Division may purchase directly from a supplier and may process these transactions up to \$4,999 in value by creating a Purchase Requisition. For these Supplier Direct Purchases, the operating departments are required to scan into the system all supporting documentation for selecting, receiving, and invoicing associated with the purchase transaction, including W-9, E-Verify documents, Certificates of Insurance, etc.

Purchase Order Purchases – Purchase Orders will be issued on all purchase transactions, over \$4,999. The first step is creation of a Purchase Requisition in the financial software system, followed by an automatic work flow routing to approvers and finally conversion to a Purchase Order by the Purchasing Agent. Purchase Orders shall be completed in detail, accurate in content, have all documentation scanned into the system and meet all requirements of the City.

Payments – Prior to the approved Purchase Order's being routed to Accounts Payable for payment, the Purchase Order must be "receipted" into the system verifying the goods or services have been received. This process requires a scanned copy of the bill of lading, packing slip, final invoice or other documentation. Then, an invoice should be sent to Accounts Payable with the Purchase Order number or copy for a check to be cut. Before receipting, the buyer should have verified that all goods and services ordered were received by the City. The verification process includes, but is not limited to, comparison of quantity ordered to quantity received, Purchase Order price to supplier's invoice price, goods ordered to goods received, discount terms and payment terms, etc. It is the City's policy to make payment(s) only for goods ordered and received and at the price agreed upon by the Purchase Order. Supplier invoice errors should be brought to the attention of the Finance Department.

Special Types of Purchase Transactions:

In addition to the primary purchase methods described above, some special types of purchase transactions may be used. Their use must be properly documented by notes in the purchase order. The specific dollar amounts defined in "Purchase Thresholds" also apply to Special Types of Purchase Transactions, which include the following:

Open Purchase Orders – For recurring purchases or leases of the same goods and services with the same supplier, the Purchasing Department may issue an Open Purchase Order. Originally processed as a Request for Proposal or Invitation to Bid (RFP/ITB), the bid award will designate specific items and prices that may be purchased over a specified period of time, usually one year or the term of a contract, by the operating departments under the Open Purchase Order without additional negotiations or approvals so long as price and specifications remain the same as the original bid award. The bid number (RFP/ITB) must be included in the Vendor/Sourcing Notes section on the purchase requisition.

Change Orders, Modifications and Amendments – All of the City’s contracts contains terms and conditions that must be met in order to change any provision of the contract. In order to be binding on the City and the contractor, they must be approved by Council (if the original contract was Council approved or if the change order raises the amount of the contract above the limits of the City Manager’s authority), in writing, and executed by both parties. A contractor that proceeds with changed work without a change order, modification and amendments does so at its own risk.

All Change Orders, Modifications and Amendments will follow the City’s purchasing thresholds approval process. Details of the process are found in the “Purchasing Thresholds” section of this Policy.

Cooperative Procurement – Federal, State, and Contracts negotiated by other governmental agencies can be used to the fullest benefit of the City of Bainbridge. The Purchasing Agent shall be authorized to enter into purchasing or contracting cooperatives with other governmental agencies inside or outside the State (O.C.G.A. § 36-69A).

The purchaser should use these contracts as a benchmark for pricing and specifications and use when Purchasing cannot add value or secure better pricing by bidding locally. Purchases under these contracts may be made without public advertisement or competitive bidding if the contracts were originally competitively bid. Depending on dollar threshold, customary purchasing methods are followed. The agency or cooperative (such as U.S. Communities or Decatur County Schools, Decatur County Board of Commissioners etc.) and the contract number must be included on the purchase requisition in the Vendor/Sourcing Notes section.

Statewide Contract – For items where a Georgia Statewide Contract exists; the City Manager has the authority to approve this purchase regardless of the price based on the availability of funds approved in the City’s annual budget as approved by the Mayor and City Council.

Emergency Purchases – 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. Under these circumstances, with pre-approval of the City Manager, the Division Directors shall have the authority to purchase necessary goods and services with values up to \$50,000 without competitive bidding. Purchases greater than \$50,000 must be pre-approved by the City Manager and are authorized when an existing agency contract is available for use. Emergency Purchases will be performed using competitive sources of supply when practical under the restrictions imposed by the emergency. A Purchase Requisition, including a written explanation of the basis for the emergency and the Supplier selection, shall be submitted to support and request payment for the Emergency Purchase. Emergency repairs to in-service Public Safety or Public Works vehicles, equipment or infrastructure are considered Emergency Purchases when timely repairs are necessary to continue essential City services. An Emergency Purchase scenario can also be utilized in circumstances when a contractor does not perform to the City's satisfaction or when a breach of contract occurs and there is no time to re-bid the work. "Emergency Purchase" should be included as a note that prints on the Purchase Order, entered in the General Notes or Vendor/Sourcing Notes section of the requisition. Emergency purchases greater than \$50,000 require affirmation at the next available City Council meeting for ratification of the emergency action.

Original Equipment Manufacturer Purchases – Competitive bids are not required for purchases when the purchase is made from the original equipment manufacturer (OEM) and other sources are not available. Purchasing will document the purchase by indicating "OEM Purchase" on the purchase requisition. Purchasing will encourage the consideration of "like" or "similar" products by notifying the operating department of product availability. The operating department will evaluate the additional source of supply and the product's acceptability prior to purchasing. Approval is required by Mayor and Council for purchases over \$50,000. It should be noted on the purchase requisition that the purchase is from an original manufacturer.

Single Source - The City may acquire Goods, Capital Assets, Services, Construction and Professional Services pursuant to a Single Source Procurement. A Single Source Procurement is a procurement in which, although two or more vendors supply the commodities or services, the department selects one for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need. The Division Director must provide the justification for the Single Source Procurement to the Purchasing Department. All purchases over \$50, 000.00 must be approved by the Mayor and City Council.

Sole Source/Brand Specific Procurement – Sole source procurement is initiated by a Division with the completion of a written statement verifying the Supplier is the only source. This letter is attached to the Purchase Requisition and sent to the Purchasing Department. The statement briefly identifies the product or service to be purchased and the reason(s) justifying the sole source selection. Supplemental

documentation (specifications, manufacturer letter etc.) should be furnished when available. Approval is required by Mayor and Council for all purchases over \$50,000.00. A copy of the Sole Source letter from the Vendor or the completed Sole Source/Brand form must be scanned into the requisition, along with the invoice.

Split Bid Awards – At its discretion, the City may elect to award a percentage or a portion of a service contract to a secondary supplier. This option will be stated in the RFP/RFQ document and may be exercised if the primary supplier is unable to meet all the needs of the operating department or if the existence of a secondary supplier is deemed to be of benefit for maintaining continuity of service. The City’s final determination regarding the use of a secondary supplier and corresponding percentage of the contract to be awarded shall be determined by the evaluation team during the evaluation and negotiation stages of the formal Sealed Bid process. The RFP/RFQ number must be included in the requisition Notes.

Purchasing Used Equipment:

Due to budgetary constraints or for reasons of economy, a city Division may desire to acquire used equipment. Used equipment purchases will utilize the process described in *Sole Source/Brand Specific Procurement*. Before purchasing, the Division Director must have the used equipment examined by qualified personnel who will certify its condition and value. This certification should include good working condition for intended use, price comparisons to comparable used equipment, and substantial savings versus comparable new equipment. There must also be a letter from the supplier indicating the price for the used equipment and any warranty they might offer. Purchasing of used equipment will follow the same approval processes as all other city purchases.

Cost Estimate:

Through market analysis, the Purchasing Agent will be able to develop a more reliable estimate of the likely cost of the desired goods or services. Pricing may be available through Internet research or suppliers may be willing to offer preliminary price quotes. Other methods of estimating cost may include reviewing the price of recently awarded contracts on the GPR for similar purchases or reviewing pricing on any applicable convenience statewide contracts. Estimating the expected cost of the needed goods or services is necessary for at least two reasons.

1. Preliminary cost estimates will assist stakeholders in determining whether the needed goods or services are likely to be obtained within the requesting Division’s approved budget or if an alternative procurement strategy will be necessary.

2. Estimating the expected cost of the needed goods or services is required to determine which purchasing method will be utilized.

Additional Processes and Documentation:

Where applicable, the following processes and corresponding documentation are to be maintained by the Purchaser and/or Supplier as described:

Immigration Compliance Reporting – In compliance with O.C.G.A. §§13-10-91(b) (1) and as amended in SB 160, all Contractors and Subcontractors bidding on City projects wherein the labor or services exceed \$2,499.99, must complete and submit a Contractor’s or Subcontractor’s Affidavit of Immigration Compliance indicating the firm adheres to and is participating in a federal work authorization program [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA) P.L. 99-603)]. The Purchasing Agent shall maintain copies of these Affidavits and submit a report of all Affidavits collected during the year to the State Department of Audits and Accounts in December.

Insurance Requirements – The Purchasing Department is responsible for obtaining Certificates of Insurance on service contracts or service Purchase Orders. Insurance certificates shall be complete, current and in accordance with the limits set in the contract language. The City of BAINBRIDGE shall be named as Additional Insured. Purchasing is responsible for maintaining current certificates on all active contracts. If the Contractor fails or refuses to provide a renewal certificate, Purchasing should take immediate action to stop work and file a breach of contract notice to the contractor. Operating departments should assist Purchasing with the enforcement of a stop work order given to the contractor.

Performance Bond – For all Public Works construction projects and for other work over \$50,000 as required in the bidding documents, a Contractor may be required to furnish a corporate surety bond as security for the performance of the service or construction contract awarded via a sealed bid. Said surety bond shall be in the amount of one hundred percent (100%) of the annual gross revenue of the contractor under the service contract. O.C.G.A §36-91-2 defines a Performance Bond as a bond with good and sufficient surety or sureties for the faithful performance of the contract and to indemnify the governmental entity for any damages occasioned by a failure to perform the same within the prescribed time. Such bond shall be payable to, in favor of, and for the protection of the governmental entity for which the work is to be done.

In certain cases, the City may adopt Georgia Code §36-91-71: Credit In Lieu Of Bond - When the amount of the performance bond required under this article does not exceed \$750,000, the governmental entity may, in its sole discretion, accept an irrevocable letter of credit by a bank or savings and loan association.

Purchase Requisitions – All purchases, regardless of funding sources, will be made using properly prepared and authorized Purchase Requisitions which must be reviewed, converted to a Purchase Order, and signed by the Purchasing Agent. Purchase Requisitions shall specify the requirements for goods and/or services in full detail and are required of all purchases, except those made with purchasing cards.

Purchases must not be divided into smaller quantities of the same goods/services to meet lower purchasing threshold standards. Incorrect or incomplete Purchase Requisitions will be rejected and sent back to the applicable operating division with comments about what is needed for approval.

Sales Tax Exemption – The City of Bainbridge is exempt from sales tax. Suppliers may request a tax exemption certificate or tax exemption form for their records. These forms are available from the Finance Department.

Securing Payment – Following any Purchasing Method and upon receipt and verification of any purchased materials, equipment, or services, an operating department shall go to the corresponding Purchase Order and Receipt it. Then, the department should send the paper invoice, along with the Purchase Order number or copy to the Finance Department.

All Purchases of any dollar amount shall be consistent with the purchasing procedures as described in “Purchase Thresholds.” In addition to those procedures, the guidelines below are also applicable:

Material, Supplies, and Equipment Receipts – When operating departments receive materials, supplies and/or equipment at any location, the receiver should immediately count the goods and compare to the packing list quantity. Discrepancies in quantity or damage to goods must be noted on the shipping ticket and the department’s order copy. This packing list, bill of lading, or other documentation for the items received must be scanned into the financial system during the PO Receipting process.

If the packing slip does not accompany delivery of goods, the receiver should make a record of the delivered quantity and date on the order file copy. A copy of this documentation must be scanned into the financial system during the PO Receipting process.

Construction, Maintenance, and other Service Receipts – An operating department receiving services for construction, maintenance, and other services should compare the Purchase Order document and/or contract for the agreed to payment terms. The Purchase Order Receipting process must be completed for invoice payment in strict accordance with the payment terms, such as payment for lump sum contracts, where payment is made upon completion; or payment is made for completed work progress; etc. Under no circumstances should an operating department pay in advance for work or material received related to the

project, unless provided under the contract terms.

THE FORMAL SEALED BID PROCESS:

The Formal Sealed Bid process is required for all solicitations with a value greater than \$50,000 and optional for solicitations greater than \$10,000 but less than \$50,000. The Formal Sealed Bid process is used only by the Purchasing Department. The only exception to the dollar threshold for the Formal Sealed Bid process is when the purchase meets criteria for Special Types of Purchasing Methods. Transparent business practices are always followed to encourage suppliers to participate in a protected, competitive environment.

All Formal Sealed Bid responses are opened in a public venue and recorded at the exact time and date designated in the bidding documents. Depending on the type of bid, the award will be made to the most qualified, responsive and lowest responsible bidder whose bid satisfies all requirements contained in the bid or additional evaluation will commence, followed by the award. Bid Awards and Bid Tabulations will be posted on the City's website. The successful bidder will receive a Notice of Award, followed by a Purchase Order and/or contract for the goods or services.

Bidding Formats:

The City of Bainbridge's Purchasing Department uses two bidding formats to solicit Formal Sealed Bids from suppliers – Invitation to Bid (ITB) and Request for Proposal (RFP). The ITB/RFP process may be augmented by use of electronic bidding or reverse auctions for the pricing segment of the bid. Electronic transactions, such as electronic RFPs and/or reverse auctions are also defined. In addition to the ITB and RFP, the Purchasing Department may also issue a Request for Information (RFI) or Request for Qualifications (RFQ) without the intention to purchase.

Invitation to Bid (ITB) – The City's Purchasing Agent may elect to use the Invitation to Bid (ITB) bidding format when both the specifications and the process are predetermined. The ITB clearly defines the scope of the work and contains contractual terms and conditions. In most cases, the bid award will be made on best price, but the award may be made in what is determined to be the most responsive and responsible and/or in the best interest of the City. The ITB may require the submission of bid samples, descriptive literature, and technical data and may require inspection or testing of a product before a final award.

Request for Proposal (RFP) – The Request for Proposal (RFP) bidding format may be used when the goods and services do not lend themselves to a clear and accurate statement of work, and/or the objective of the solicitation is to identify the bidder who can offer the best possible solution at the most reasonable cost. The RFP seeks to identify the "best value" for the City by using a combination of technical and commercial

factors to evaluate bidders' proposals. All eligible proposals will be subjected to confidential evaluations prior to award (see "Bid Evaluations" section). During the evaluation stage, the City may request interviews, clarifications or negotiate scope changes with a short list of select bidder(s) to finalize technical and/or cost proposals. Following the evaluation stage, the suppliers may be asked for a "best and final offer" to obtain the lowest price.

Request for Information (RFI) or Request for Qualifications (RFQ) – At the request of an Operating Department, the City's Purchasing Agent, shall support the request for technical and commercial data to evaluate the feasibility of a commodity or service, the qualifications of potential suppliers or to prepare fiscal year budget information. Should price be requested from suppliers, suppliers will be instructed that price(s) is budgetary only and the City of BAINBRIDGE shall not be obligated to purchase. Information received by this process will remain confidential to both the City and to the participating suppliers. Disclosure of the information associated with a specific RFI is prohibited.

Electronic Bidding and Reverse Auctions – Pursuant to the State's Uniform Electronic Transactions Act, (§10-12-1 through §10-12-20 and subsequent changes to Titles 14, 15, 31, 33, 43, 44 and 50) the use of electronic media, including acceptance of electronic signatures, is authorized consistent with the State's applicable statutory, regulatory, or other guidance for use of such media, so long as such guidance provides for:

- a. Appropriate security to prevent unauthorized access to the bidding, approval, and award processes; and
- b. Accurate retrieval or conversion of electronic forms of such information into a medium which permits inspection and copying.

Currently, the City may utilize Electronic Bidding through a state run or state approved electronic bidding or auction website with proper security and encryption. An Electronic Reverse Auction may be used for certain commodity bids as an alternative to sealed bidding. The reverse auction process allows the suppliers to see the lowest bid, but not the identities of the bidders during the bidding process. No City Division may conduct a reverse auction without prior approval from the City Manager. In this scenario, all steps of the RFP or RFQ are followed, including issuing a sealed bid and receiving responses, but responses do not contain pricing. During the auction process, which is often managed by an outside firm, all vendor participants who submitted bid responses will submit pricing in a real time, web-based format that allows a specified time frame for submission. While the auction is running, the vendors can view their standing by low to high price. The auction continues as long as vendors are still submitting prices before time out occurs. The award is made to the lowest price vendor who has met all other qualifications and criteria. Reverse auctions cannot be used for procurement of construction-related procurements or for any contract for goods or services

valued at less than \$50,000.

Bidding Process:

Bid Authority Form – The Division Director, shall send an email to the Purchasing Agent to schedule the bid preparation. The email must include the complete list of specifications and potential suppliers, including name, address, phone, fax, email, and contact person.

Solicitation – Once all the items have been received, the Purchasing Department will assign a bid number, set a date for bid opening and prepare bid packages. Bid packages will include, at a minimum, the following information and/or materials:

- A cover letter inviting the suppliers to bid
- The date and time the bids are due and any pre-bid conference meetings
- Address of the office in which bids are to be received
- A Scope of Work or Specifications including a complete description of the goods or the services required
- The technical specification plans and drawings (if applicable)
- Contract terms and conditions, including warranty and bonding or other security instruments (if applicable)
- A proposal/ pricing form
- Acknowledgment of agreement with all aspects of the bid including a date or schedule on which goods or services are required
- Contractor's/Subcontractor's Affidavits for Immigration Compliance or SAVE Documents; Supplier's References, Business License and Certificate of Insurance with minimum coverage as required by the City.
- Any other special requirements as outlined in the bid documents.
- A sealed bid label to be affixed to the outside of the bid submission envelope.

Public Posting –

- For purchases over \$50,000, Purchasing will post the formal solicitation on the City website and may advertise through the legal organ of the county newspaper and other means, such as trade journals and social media outlets.
- Purchasing will post all formal procurement opportunities on the State of Georgia Procurement Registry.

- Purchasing shall notify the public regarding the bidding of projects funded under Community Development Block Grant regulations (CDBG). This public notification shall be in accordance with the U.S. Department of Housing and Urban Development (HUD) regulations and policies and advertised in the legal organ of the county.
- Bid packages will be posted on the city website. Bid packages retrieved electronically will still need the Sealed Bid label which may be added at the submission provided the bid is submitted prior to the bid opening time. Electronic submissions without the corresponding paper sealed bid submissions are not accepted.
- Any change to a formal solicitation after the initial public posting, including but not limited to changes to requirements, attachments, or the closing date and time, must be posted as an official written addendum. When posting an addendum, the City must ensure bidders are provided adequate time to view and process the new information. Addenda are also posted on the City’s website.

The posting and closing dates of a solicitation are used to determine the total public posting period. Solicitations must remain publicly posted for a minimum period of time depending on the estimated dollar value of the contract. The Purchasing Agent may increase the posting time period as needed.

PUBLIC POSTING GUIDELINES	
If the Estimated Contract Value is...	Then, the Posting Period is.....
Up to \$49,999.99	0 Day's (No competitive bid posting is required)
\$50,000 - \$99,999.99	Minimum of Five (5) Days
\$100,000 - \$249,999.99	Minimum of Fifteen (15) Calendar Days
\$250,000 or more	Minimum of Thirty (30) Calendar Days (Georgia Law mandates a minimum of fifteen (15) calendar days.)
All solicitations for Construction and/ or Public Works Projects	Minimum of Thirty (30) Calendar Days (mandated by Georgia Law)

Pre-Qualified Suppliers – The City of Bainbridge will strive to pre-qualify its suppliers and maintain the qualified suppliers in a database, classified by commodity and service type along with technical and commercial factors. Vendor registration for this database is accomplished on the City’s website. Additionsto or removals from the database will be a consensus of the operating department and Purchasing. Suppliers currently utilized by the City will be considered qualified and/or pre-approved. Registering as a Vendor does not guarantee a business opportunity. All pre-qualified vendors must bid on all projects when solicited,if more than one (1) opportunity is missed your firm will be terminated from the pre-qualified list.

All communication must go through Purchasing.

Instructions for Bid Packages – Sealed bid packages may be distributed via the following processes:

- Bid packages may be hand delivered at a pre-bid conference. Purchasing will issue a letter of invitation to the bidders announcing the bid solicitation, the pre-bid conference location, and the requirement to attend.
- Bid packages may be sent via USPS or another delivery service.
- Bid packages may be picked up at the Purchasing Department.
- Bid packages may be downloaded from the City's website, but submissions must be in paper form and must still include the official Sealed Bid sticker.

At its discretion, the City may choose to hold a pre-bid conference to clarify any ambiguities, answer questions, and ensure that all bidders have a common understanding regarding the supplies or services required. The conference shall be held at least seven (7) days prior to the bid deadline, and the bid solicitation should contain all conference details, including whether or not bidder attendance is mandatory. Statements made at the pre-bid conference shall not be considered addenda to the bid solicitation unless a written addendum is issued pursuant to the conference.

Receipt and Evaluation of Sealed Bids – The Sealed Bid process prohibits fax, email, telegram, or verbal responses unless specified in the bid documents. All bids solicited under the Sealed Bid process will be processed and maintained as follows:

- Bidders' responses to the solicitation shall be in written form and subject to the Sealed Bid process. Purchasing will only accept responses through the USPS, other overnight delivery service, or by hand-delivery to the Purchasing Department unless specified in the bid documents. Regardless of delivery methods, all bids must be presented in paper format to be considered.
- For consideration, all bids shall be placed in a sealed package and marked with the sealed bid label provided by Purchasing. Failure to follow this process is reason to disqualify a Supplier's bid.
- All bid packages will be date and time stamped when received to indicate timeliness. Late bids are generally rejected unless due to a fully documented delivery service delay. Late bids are not opened.
- All bids subject to and received on or before the due date shall be maintained unopened in a

protected, proprietary environment.

- A public opening of bids/proposals will be held at City Hall on the date and time specified in the solicitation package. The information read aloud shall consist of the bidder names, including those who submitted “no bids” and “non-responses and the submitted pricing. There are no awards made at the bid opening.
- Operating Division’s and Purchasing Department personnel may prepare independent evaluations depending on the purchase transaction. The evaluation process for each of the two formal bidding processes is described in the “Bid Evaluations” section of this Policy.
- If an electronic Reverse Auction will be conducted to submit pricing, the auction date will be set in the bid documents and conducted after the sealed bids have been received. The only process change is when and how pricing is submitted.

Extension of Due Date – Extension of the due date during the bid solicitation process is granted uniformly to all bidders by the Purchasing Department and with the concurrence of the operating department. Any extension of the due date will be based on the technical, commercial and financial impact on the City of Bainbridge. Bid extensions may be verbally granted, but they will be confirmed in writing to all bidders as an addendum to the bid and will be posted on the City’s website.

Late Bids – A proposal or modification to a bid received after the due date is classified as a “late bid.” The Purchasing Agent usually rejects all late bids or modifications, with the following rare exception:

If the supplier’s bid is delayed no more than one business day due solely to failure of the USPS or other delivery services to deliver on time, Purchasing may consider the postmark or other date stamp indicator as documentation the delivery was attempted prior to the due date and time. Fully documented delivery failures will be taken into consideration as to when the package was entered into the delivery service system. This is rarely approved. Suppliers should plan and allow enough time to avoid delivery issues.

Modifications or Withdrawal of Bids Prior to Bid Closing – A bidder or an authorized representative may modify or withdraw the bid in person before the time and date set for bid closing. The modification or withdrawal must be in writing and must be received before the time and date set for the bid closing.

All documents concerning a modification or withdrawal of a bid shall be retained in the appropriate procurement file.

Late Modifications or Withdrawal of Bids – During the evaluation process, if the evaluator suspects a bid has a calculation error, the bidder will be given opportunity to reconfirm the bid before a final recommendation is made. The supplier shall not be permitted to correct the bid unit price but will be permitted to correct extended amounts. Should the supplier determine a unit price(s) is in error, the supplier will be permitted to withdraw its bid without penalty and without affecting future bidding opportunities. The Purchasing Department, at its option, will be permitted to exercise a supplier's bid bond if the supplier does not produce satisfactory evidence of the error. In such case, it will be the practice of the Purchasing Department to accept a bid withdrawal and exclude the supplier from future bidding for a period of one year. Purchasing will document the decision.

Bid Evaluations:

Bid Evaluations – Technical and/or Commercial - are components of the Request for Proposal (RFP) process and are sometimes used in consideration of Invitation to Bid (ITB) where price is not the only factor used in making an award. An ad-hoc team of subject matter experts conducts the technical evaluations. This team of employees may conduct interviews and negotiations for a specific product or service following receipt of sealed bids. Commercial evaluations are conducted by the Purchasing Department and those results blended with those of the Technical Evaluation team. All evaluation criteria for analyzing the technical and cost proposals should be developed in a manner that is straightforward and fair to all bidders.

Technical Evaluations – When considering an RFP in which fulfilling or developing technical specifications is critical, the bid response is expected to describe in detail what an offeror proposes to furnish and the method of delivery, along with the price proposal. The evaluation team will perform technical evaluations on bids that must consider the bidders' specifications, the City's specifications, the product or service performance, the bidders' delivery or completion schedule and any alternate proposals or options that might impact the operating department's requirements.

The team members typically represent the functional areas identified in the Statement of Work (SOW) which need to be addressed in the discussions, is chaired by a Purchasing representative, and may include staff from City Departments. Before the evaluation team reviews any proposal(s), its members should be provided the evaluation criteria and a list of bidder names so that any conflicts of interest may be exposed and members recused, if necessary. The Technical Evaluation does not consider the price proposal or contractual areas since the Commercial Evaluation will review those.

Commercial Evaluations – For all sealed bids, Commercial evaluations are performed by Purchasing using qualitative factors to evaluate/score a proposal and select the most qualified proposer/offeror. These may

include such factors as past performance, references, management and technical capability, price, quality and performance requirements and liability and risk exposure to the City. Purchasing may utilize lowest cost, lowest total cost, total cost of ownership, or greatest savings to determine the best price proposal. The cost proposals may be scored on an overall basis or at the category/subcategory/ line level (as applicable) relative to other proposals. The bidder deemed to have the most competitive cost proposal will receive the maximum score for the cost criteria. In the RFP process, alternate proposals and optional pricing will be given consideration based on the technical evaluation developed by the operating department or evaluation team. Purchasing will summarize both the technical and commercial evaluations in a format that offers a concise summary for award consideration.

Clarification and Negotiation – If the evaluation team or operating department and Purchasing agree that further discussion with the bidder(s) is necessary, Purchasing will request one or more rounds of negotiation with the bidder(s) to conclude recommendations. Any proposed modification in scope or process from a bidder must be submitted to the Purchasing Department or during a formal round of negotiation with the evaluation team. These discussions will not permit a bidder to resubmit a proposal with new pricing for the original specification; however, a bidder may propose pricing based on an alternate or option. Price discussion, at this stage, is not intended to circumvent the competitive bid process. The purpose is to negotiate with a short list of the most eligible bidder(s) and seek a best and final offer. If the operating division and Purchasing Agent determine the scope has changed too substantially, Purchasing may reject all bids and re-issue a new solicitation for bids.

Bid tabulations and Awards:

Bid Tabulations – Bid tabulations are utilized for all ITBs, RFPs and RFQs. Purchasing will create a Bid Tabulation sheet which may include bid components such as quantity, descriptions, unit price, extended price, FOB, discounts, terms of payment, shipping point, promise date, date required, RFQ due date, and total bid amount. Tabulations shall be maintained in the Purchasing Department files and posted on the City's website following the bid award. From the bid tabulation information, Purchasing will create a Bid Recommendation memo to the operating department or submit a recommendation to the evaluation team or to the City Manager.

Award – Following the necessary approvals for tabulations or evaluations, as set forth herein, the notice of intent to award the contract will be posted on the City's website 8 business days prior to the next regularly scheduled City Council meeting.

- Transactions greater than \$50,000 shall be awarded by the Mayor and City Council, followed by a Purchase Order and/or Contract. Under certain circumstances, City of Bainbridge officials may

announce verbal awards.

- As soon as a Contract is approved by Mayor and City Council it will be posted to the City's website. A Notice of Award will be sent to the awarding vendor and posted on the City's website. Upon the receipt of all requested documentation a Purchase Order and/or Contract will be issued. Verbal awards are often made to allow the Supplier to expedite the delivery schedule or the project start/completion schedule. Details of the process are found in the "Bidding Formats" section of this Policy.

Bid Protests – Any responsive, timely bidder may protest the process or apparent award or recommendation by submitting a protest in writing to the Purchasing Agent within five (5) business days of the posting on the City's website of the intent to award letter. Only timely, written protests delivered by statutory overnight delivery, USPS, or hand delivered will be accepted. Emails or faxes will not be accepted or deemed a valid protest under this policy. A processing fee of \$50 must accompany any protest. A decision will be issued by City officials within ten (10) business days.

Open Records Provisions for Bids and Proposals:

All submitted bids/proposals shall be subject to the requirements of the State of Georgia Open Records Act, O.C.G.A. § 50-18-70, and made available for public inspection and/or copying per the law. If a bidder or interested party would like to review specific bid(s), that party must first submit a request to the City Clerk. The City of BAINBRIDGE has three (3) working days to respond, stating the length of time and associated costs necessary to provide the information, if it is available. Purchasing will make an appointment for time to review the document(s). Proprietary and/or confidential information may be redacted from any bid material in the City's possession, at the charges listed in the adopted City's fee schedule. Information regarding bids and proposals over \$50,000 is not available until the City Council approves the award and the award has been made.

ETHICAL & PROFESSIONAL STANDARDS & PRACTICES:

Competitive Process:

Except in circumstances set forth by this Policy, any other City policy, or pursuant to applicable law, or as determined by Mayor and City Council to be in the City's best interest, all purchase orders must result from a competitive process. Prior to payment of any Purchase Order, the purchase must be reviewed by appropriate Division Director and other persons designated by this policy.

Conflicts of Interest:

It is imperative that city Elected Officials and employees follow the City of Bainbridge's Purchasing Policy and Procedure which places the responsibility of purchasing transactions with the Purchasing Department. Unless authorized or delegated by Purchasing Procedures, employees shall remove themselves from the decision- making process when there is an implied or actual conflict of interest. Elected Official's and City Employees are not prohibited from doing business with the city as long as all purchasing procedures are followed, the process is open and transparent and all potential or actual conflicts of interest are properly reported and documented.

All representatives of the city should:

- Uphold the Constitution, laws and regulations of the United States, the state of Georgia and of the City of Bainbridge;
- Never discriminate unfairly by dispensing special favors or privileges to anyone, whether for remuneration or not; and never accept for themselves or their families favors or benefits under circumstances which might be construed by responsible persons as influencing the performance of their governmental duties;
- Make no private promises of any kind binding upon the duties of office, since a government employee has no private work which can be binding on public duty;
- Engage in no business with the government either directly or indirectly which is inconsistent with the conscientious performance of their governmental duties;
- Never use any information divulged to them confidentially in the performance of governmental duties as a means for making private profit; and
- Expose corruption whenever discovered.

Employees Approved for Purchasing:

The financial software system will maintain a list of City employees who are authorized to purchase goods and services or generate and/or approve purchase requisitions above the \$5,000 purchasing thresholds.

Federal Work Authorization Program:

In compliance with O.C.G.A. §§13-10-91(b)(1) (b)(1) and as amended in SB 160and 13-10-90(2)), the City of Bainbridge will require a principal of any corporation providing services under contract with the City to verify that corporation's participation in the Federal Work Authorization Program (known as E-Verify) as defined below:

“Federal work and authorization program” means any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603.

Foreign vs Domestic Supply:

The City of Bainbridge encourages a “buy domestic” philosophy, recognizing that its suppliers may supply both domestic and foreign manufactured products. The City’s overall purchasing objective is to buy from suppliers that are the best in quality, service, price, delivery, responsiveness, warranty and other relevant factors. City bids that include foreign sources of supply will be evaluated fairly, but, all factors equal, Purchasing will select the domestic supplier’s products.

Local Bidder Preference:

The City of Bainbridge supports the businesses of Decatur County and where possible it shall be the policy of the city that these businesses be given preference over non-Decatur County businesses.

The local preference shall be available only to a supplier or vendor who, at the date of the purchase or bid for supplies acquired under this policy, and for a period of at least 90 days prior thereto, maintains and has maintained an office and place of business physically located with Decatur County, Georgia, who has at least two full time employees working at or out of said office and business location, and who holds a current City of Bainbridge or Decatur County Occupational Tax Certificate. Post office boxes shall not be used for the purpose of establishing said physical address. Any local bidder wishing to take advantage of the Local Bidder Preference must include a copy of their Occupational Tax Certificate, a sworn and notarized affidavit verifying their current local address and number of employees and a letter requesting the preference at the time they submit their bid. No preference will be available where the supplier/vendor fails to make such a written request.

The Purchasing department shall make an effort to solicit prices, quotations and bids from local vendors or suppliers where available. Nothing herein shall require that a purchase be made locally. In all cases consideration must be given to cost, quality of goods, past service performance, availability of goods and delivery time. Where purchases are made by obtaining competitive quotations, or by a bidding process, whenever a supplier who meets the qualifications in Section 1 above submits a quotation or a bid that is responsive and is within two percent (2%) of the lowest

responsive bid or quote, such supplier shall be afforded the opportunity to match the bid or quote. Should such supplier agree to match the lowest responsible bid or quote, the purchase shall be made from such supplier, provided such supplier is otherwise qualified. In cases where more than one local bidder is within two percent (2%) of the lowest responsive bid or quote the lowest local bidder shall be first be given the opportunity to match the low bid. If this bidder declines to match the price; the city will proceed in order from lowest to highest until all qualifying local bidders are eliminated.

The preference contained in this Ordinance shall not apply to the following purchases:

- (1) Goods or services provided under a cooperative purchasing agreement or Interlocal agreement;
- (2) Contracts for professional services procurement of which is subject to any competitive consultant selection policy or procedure adopted or utilized by the City Council;
- (3) Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference;
- (4) Purchases made or contracts let under emergency situations.

In order to take advantage of the local preference, a supplier's/vendor's ad valorem taxes on real and personal property in Bainbridge/Decatur County cannot be delinquent.

Gifts and Gratuities:

City elected officials and employees should not accept or solicit any gifts or gratuities from any vendor or supplier that might create the impression or be construed as evidence offavoritism or providing an unfair advantage to that vendor or supplier. Under no circumstances should meals, entertainment, etc. be accepted if there is a pending bid or during the bidding process. When in doubt, elected officials and employees should consider the results and reactions of public scrutiny.

Any offer of a gift by a supplier or their representative in relation to any part of the purchasing process should be rejected and reported. Offers may include, but are not limited to, money, entertainment, event tickets, gifts, favors, loans, or promises of employment. Attendance at events sponsored by governmental, public utility or professional organizations or at regular meetings which include meals, etc., are not

considered as gifts or gratuities.

Records Retention:

The City of Bainbridge Purchasing Department, in accordance with the Georgia Open Records Act as amended in 1984, shall chronologically file and manage such files related to Bids, Purchase Requisitions, Purchase Orders, Change Orders, Contracts, Amendments, Insurance Certificates, and Bonds (O.C.G.A. § 50-18-99). File structure is by Purchase Order number in reverse chronological order with the Purchase Requisition and supporting documentation attached. File storage shall be locked for security. Retention periods for various document types shall correspond, at a minimum, to the lengths established in the Retention Schedules published biannually by The Georgia Archives. Files can be scanned and stored electronically.

Sources of Supply:

The Purchasing Department will keep current bidders' lists with a manageable number of active and approved suppliers. Competitive sources will be used.

Standardization:

Standardization of supplies, materials, and equipment allows the City to purchase in optimum quantities and negotiate the lowest possible purchase price. The policy is to achieve standardization through attrition rather than unnecessary replacement of inventories. All standardized operating supplies and materials should be recorded in a manual or database for future City purchases.

State Purchasing:

In compliance with state code (O.C.G.A. § 50-5-61) as a local authority in the State of Georgia, the City of Bainbridge will give, to a reasonable extent, preference to supplies, materials, equipment and agricultural products manufactured or produced in Georgia. Such preference shall not sacrifice quality, and nothing herein prohibits the City from selecting an out-of-state Supplier deemed to have a more competitive bid.

Supplier Contact During Bidding:

The City embraces a "no lobbying" policy when Formal Sealed Bids are released for bidding to the public and in the evaluation or negotiation stages. During this time period, staff and elected officials will refrain from discussing the bids or projects with the suppliers. Suppliers may conduct discussions or submit additional information only through the Purchasing Department.

Supplier Relationships:

All supplier transactions and relationships will be conducted in a professional, objective, and businesslike manner. No supplier pricing information will be shared unless such information is a matter of public record. When such public information is requested in writing from a supplier, Purchasing will disclose competitor's pricing as required by statute or ordinance.

Use of Confidential Information:

It shall be unethical for any City of Bainbridge employee or official knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated person gain of any other person.

Penalties and Sanctions:

Legal or disciplinary action by the City – The City may take appropriate legal and/or disciplinary actions against any City of Bainbridge official, vendor, contractor, organization, or person in violation of these ethical standards.

POLICY FOR DISPOSAL OF ASSETS:

Pursuant to O.C.G.A. §50-5-51, §50-5-140 and §50-5-141, the disposal of the City's assets shall be conducted by the following guidelines.

Property Definitions:

Real property – Assets or property that includes land and buildings, and anything affixed to the land. All real estate acquisition activities shall conform to applicable federal, state (e.g. O.C.G.A §) 36-80-18 and O.C.G.A § 36-60-13) and local laws and regulations and shall be subject to the provisions of the City Code of Ethics. All real estate transactions shall be formally approved by the City Council in a public meeting prior to the City entering a sales contract.

Appraisals – For any piece of real estate for which a sales contract has been signed, the City will conduct at least one appraisal by an independent third-party who holds the MAI membership designation with the Appraisal Institute.

Land Acquisition Procurement Process – City staff will investigate and identify properties for purchase that generally meet an approved plan or strategy. Furthermore, land purchased with a specific funding source

will only be used for such purposes anticipated and/or authorized. If the City determines that the City Council and City staff shall maintain the confidentiality of potential and on-going real estate acquisitions and related information.

Personal property – “Any fixed or movable tangible property used for operations, the benefits of which extend beyond one year from the date of acquisition.” Essentially, personal property refers to any item that is owned by the City and is not real estate, regardless of acquisition cost or method.

Capital assets – *May be either real or personal property that have a value equal to or greater than the capitalization threshold for the classification of the asset and have an estimated life greater than one year. The personal property capitalization threshold is currently \$5,000.*

Surplus property – Is non-consumable property that the City no longer requires.

Capital Assets:

Capital assets are those defined above as having an original acquisition cost of \$5,000 or more. For the City’s asset disposal purposes, these do not include Real Property. Each department, as necessary, will provide to the Purchasing Agent, or designee, a list of capital assets that have no further useful life. The Purchasing Agent, or designee, will forward this list to all other departments for review.

If any department has a need for these assets, an asset transfer will be made to that department for official City use only. The Finance Department will receive a notice of the transfer and facilitate the necessary adjustments to the fixed asset schedules.

After the initial departmental review, the list of unusable capital assets which are ready for disposal will be forwarded to the City Manager for review. The City Manager and City Council will approve or disapprove the request for disposal of capital assets items with an original value over \$5,000. Upon approval and Finance Department notification, the assets will be disposed in one of the following ways:

- Assets may be used as trade in on new purchases.
- Assets may be donated to another tax supported agency or a direct sale negotiated between the City and another tax supported agency.
- Assets may be offered for sale at public auction either by official City of BAINBRIDGE auction or on-line auction through acceptable on-line auction services.
- Assets may be disposed of by the State of Georgia Department of Administrative Services Surplus Division.
- Assets may be destroyed or taken to a recycling facility.

Scrap / Surplus / Salvage Assets:

Scrap, Surplus, and Salvage Assets are non-capital assets, or those which had an original acquisition cost below \$5,000. These items now have limited value and are no longer needed by the City. Department heads can decide to dispose of these assets but must first notify the Purchasing and Finance Departments. These items will be disposed of by the same methods as above, including recycling, with the approval of the City Manager.

Maintenance of Disposal Records and Procedural Forms:

The Purchasing Agent, or designee, will maintain all asset disposal records for the period as required by the City Clerk's office. The Purchasing Agent, or designee, will also create and maintain all forms necessary to comply with this Policy. For all surplus sales in which State Sales Tax is collected, the Purchasing Agent will ensure these taxes are filed and paid annually.

PROJECTS FUNDED BY OUTSIDE AGENCIES:

Periodically, the City may enter into an agreement to accept grants, donations, or contracts for services from sources such as the State and Federal Government and private corporations or foundations. These types of solicitations are often more restrictive and may dictate the procurement process and methodology that the City is to follow for an award. The City agrees upon acceptance of such funding to adhere to procurement directives as set forth in the application or agreement. In the instance that the directives are less restrictive than this Policy, the City will adhere to the City of Bainbridge's Purchasing Policy.

Federal and State Funding:

Both federal and state procurement supersedes the purchasing requirements of the city when buying goods and services using federal or state grant monies. Departments should refer to the Federal Acquisition Regulations and consult with the Authorizing Agency for guidance on specific procurement policies.

State of Georgia Transportation and Federal Highway Program:

The City of Bainbridge has adopted the Georgia Department of Transportation (GDOT) Procurement Policy for the Procurement, Management, and Administration of Engineering and Design Related Consultant Services for all state and federally funded transportation projects administered by the City of Bainbridge. This includes, but is not limited to, any projects co-funded by the City. From time to time, the GDOT may amend the adopted Policy. As such, the City's adoption includes all amendments until the adoption of the policy is voided by a majority vote of City Council. Per the requirements of the GDOT, personnel involved

in the procurement, management and administration of engineering and design related consultant services for all state and federally funded transportation projects will attend GDOT training as directed by the Agency.

PURCHASING FLOW

Purchases under \$5,000:

Division Director Solicits three (3) prices from vendors. The Division Director requests a Purchase Order number from the Purchasing Department, places the order, receives the item(s), verifies quantity and price, attaches receipt/invoice to the Purchase Order and submits to the Finance Department for payment.

Purchases of \$5,000 to \$9,999:

Division Director Solicits three (3) prices from vendors. After receiving prices, the Division Director submits requisition to the Purchasing Department. The Purchasing Department ensures that procedure have been correctly followed and issues a Purchase Order. The Division Director places the order using the assigned Purchase Order, receives the item(s), verifies quantity and price, attaches receipt/invoice to the Purchase Order and submits to the Finance Department for payment.

Purchases of \$10,000 to \$49,999:

Division Director submits a request to the Purchasing Department for an item or service. The City Purchasing Agent will work with the Division Director to build suitable specifications in order to solicit three (3) written quotations (these can be printed from a vendor website). All quotations will be submitted to the Purchasing Department who will, upon submittal, verify that the submitted quotations meet all city specifications and make a recommendation to the Division Director. The Division Director will then submit a requisition to the Purchasing Department, the Purchasing Department will submit the requisition to the City Manager for approval. Upon City Manager approval, the Purchasing Department will issue a Purchase Order to the Division Director who will then place the order and upon receipt of the item or service attach the invoice/receipt to the Purchase Order and submit to the Finance Department for payment.

Purchases over \$50,000:

Division Director submits a request to the Purchasing Department for an item or service. The City Purchasing Agent will work with the Division Director to build suitable specifications in order to solicit sealed bids in accordance with this policy. All vendor communications will be coordinated by the Purchasing Department. Bid advertisement will be in accordance with the Public Notice requirements contained in this policy. Sealed Bids will be submitted to the Purchasing Department and will be opened at a time and place designated in the bid package. The bid opening will be done in public. Upon receipt of sealed bids, the Purchasing

Department will prepare a bid tabulation and administer the bid evaluation process. The Purchasing Department who will verify that the submitted bids meet all city specifications and make a purchasing recommendation to the City Manager. The City Manager will review the bids and will make a recommendation to the Mayor and City Council.

Draft for Amending City of Bainbridge Code of Ordinances on Damaging, Interfering with city park property.

Ordinance # 535

Existing language in the Code:

Part II Code of Ordinances

Chapter 54- Offenses and Miscellaneous Provisions

1. Sec 54-1 Damaging, Interfering with park Property. Will be stricken in its entirety. It will now be covered in Parks and Recreation Code Sec.
2. Replace 54-1 with **Improper use of public spaces.**

The Draft is configured utilizing the existing coded language in Black, changes and additions are in red

Chapter 54 - OFFENSES AND MISCELLANEOUS PROVISIONS

FOOTNOTE(S):

--- (1) ---

State Law reference— Limitations on home rule powers of municipal corporations, O.C.G.A. § 36-35-

6(a)(2); Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.

Sec. 54-1. - Damaging, interfering with city park property

~~It shall be unlawful for any person to cut the grass; pluck any flower, grass, shrub, tree, bush or vine; throw any trash or obstruction; climb any fence or railing; throw or place anything in the water; obstruct or interfere with the fountain; bruise or injure the cannon or cannonballs in the city park; or remove or in any way interfere with any seats or other property in the park.~~

(Code 1981, § 20-2; Code 1992, 13-1(b))

State Law reference— Interference with government property, O.C.G.A. § 16-7-24.

Sec. 54-1 Improper use of public places.

A. *Definitions.*

B. *Camp means residing in or using a location for private living accommodations, such as erecting tents or other temporary structures or objects providing shelter; sleeping in a single place for more than one hour at a time; cooking or preparing meals; or other similar activities.*

C. *Storing personal property means leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for more than one hour.*

D. *City parks. It shall be unlawful to camp or to store personal property in any park owned by the City.*

E. *Streets and sidewalks. It shall be unlawful to camp, sleep, store personal property, or to sit or lie down on any street or sidewalk or public right-of-way.*

F. *Other public property; blocking ingress and egress. It shall be unlawful to camp, sleep, store personal property, or to sit or lie down on any public property so as to interfere with the ingress or egress from buildings.*

G. *Warning. No person may be arrested for violating this section by simply sleeping, sitting or lying down in a prohibited location or for a prohibited period of time without having first received an oral or written warning to cease such unlawful conduct.*

H. *Exceptions. Notwithstanding anything in this section to the contrary, this section shall not apply to nor be construed to prohibit the following behavior:*

- (1) *Persons sitting or lying down as a result of a medical emergency;*
- (2) *Persons sitting in wheelchairs while using sidewalks;*
- (3) *Persons sitting down while attending parades;*

- (4) Persons sitting down while patronizing outdoor cafes;
- (5) Persons sitting down, lying down or napping while attending performances, festivals, concerts, fireworks or other special events taking place in any park or on any street or sidewalk closed by permit for such purpose;
- (6) Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;
- (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
- (8) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
- (9) Persons sitting or lying down in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provisions of meals; or
- (10) Children sleeping or napping in parks or napping anywhere else while being cared for, or carried by an accompanying person or while napping, sitting or lying in a stroller or baby carriage.

- I. Enforcement. The Bainbridge Public Safety Department shall be responsible for the enforcement of this section.
- J. Penalty. Any person who violates any provision of this section may be subject to arrest or summoned to appear in Municipal Court and upon conviction or other finding of guilt, be punished by a fine of up to \$1,000.00 or 60 days of imprisonment, or both.

(Code 1981, § 20-2; Code 1992, 13-1(b))

State Law reference— Interference with government property, O.C.G.A. § 16-7-24.

State law reference(s)—Magistrate courts, O.C.G.A. § 15-10-1 et seq.; violation of municipal ordinances.; O.C.G.A.

§ 15-7-84 et seq.; punishment for misdemeanors, O.C.G.A. § 17-10-3; maximum punishments which may be imposed for violations of county ordinances, O.C.G.A. § 36-1-20(b); county responsibility for sentencing and maintenance of inmates, O.C.G.A. § 42-5-51(a).

Introduction Draft for Amending the City of
Bainbridge Code of Ordinances on Solicitation
Ordinance # 588-A

Existing language in the Code:

Part II Code of Ordinances

Chapter 42 Article X. Sec 42-271 through Sec
42-285 with Sections 42-286-300 reserved.

The Draft is constructed utilizing the existing Bainbridge
code that language is in Black, changes and additions are
in red.

Tom Conger edits are in blue

Most of the new Language was copied from the Gwinnet
County ordinance.

ARTICLE X. - SOLICITATION

FOOTNOTE(S):

--- (6) ---

Editor's note—Ord. No. 588-A, adopted Feb. 7, 2006, amended Art. X, §§ 42-271—42-285, in its entirety to read as herein set out.

Sec. 42-271. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Solicitation in an aggressive manner means:

- (1) Approaching or speaking to a person or following a person before, during, or after soliciting if the conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, to fear damage to or loss of property, or to otherwise be intimidated into giving money or any other thing of value;
- (2) Continuing to solicit from a person after the person has given a negative response to such soliciting;
- (3) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- (4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (5) Using violent or threatening gestures toward a person solicited;
- (6) Following a person being solicited with the intent of asking that person for money or other things of value; or
- (7) Soliciting money from anyone who is waiting in line.

Automated teller machine means a device linked to a financial institution's account records which is able to perform transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries or mortgage and loan payments.

Automated teller machine facility means the area comprised of one or more automatic teller machines and the adjacent space which is made available to banking customers after regular banking hours.

Charitable organizations for the purpose of this article shall mean organizations that have a 501(c) certificate from the Internal Revenue Service, non-profit corporations, churches and public and private schools.

Check cashing business means any person duly licensed to engage in the business of cashing checks, drafts, or money orders for consideration pursuant to state law.

City: The corporate limits of the City of Bainbridge.

Financial institution means any banking corporation, credit union, or foreign exchange office as defined by state law.

Public place means a place where a governmental entity has title, to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

Solicitation: Soliciting orders or donations on behalf of a business, occupation, vocation or individual, door-to-door, or house-to-house, shall be deemed solicitation.

Soliciting means asking for money or objects of value with the intention that the money or objects be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, or signs with the purpose of obtaining an immediate donation of money or other things of value or soliciting the sale of goods or services.

Solicitor: Any person who shall solicit orders or donations on behalf of a business, occupation, vocation or individual, door-to-door, or house-to-house, shall be deemed a solicitor.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-272. - Announced purpose of call.

At each dwelling, whether it be an apartment unit or private residence, the solicitor shall inform the occupant in unambiguous terms of the purpose of the call and shall not represent that the solicitor is participating in any contest, game, or other competitive endeavor, or that he is offering the occupant an opportunity to participate in any such contest, game, or competitive endeavor.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-273. - Decorum required.

No solicitor shall use vulgar, insulting, or threatening language in the course of any solicitation, nor shall he remain upon the premises after the occupant of the premises has verbally indicated that he does not wish to make a purchase or donation. For the purpose of this article, a solicitation shall be deemed to continue until the solicitor has left the premises.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-274. - Posted property.

No solicitor shall enter a dwelling or place of business except at the express invitation of the occupant. No solicitation shall be made at any dwelling or in any group of apartments or at any place of business where a conspicuous "No Soliciting," "No Solicitation," "No Peddlers," or other similar sign is displayed at or near the main entrance, doorway or driveway to the premises. Further, no solicitation shall be made at any dwelling or at any place of business when the owner or occupant of such dwelling or place of business has caused his/her address to be placed on the city's no solicitation list. A copy of the "No Solicitation" list shall be made available to all persons applying under section 42-277 of this article.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-275. - Prohibited acts.

It shall be a violation of this article:

- (1) For any person, business, partnership, corporation, association, organization, or a group of persons to engage in solicitation without first obtaining a permit.

- (2) For any person to violate any of the provisions of this article or to violate any other city ordinance while engaging in any of the activities described in this article.
- (3) For any person to violate any criminal law of this state or to violate any state or federal consumer protection law while engaging in any of the conduct described in this article; for the purpose of this section, consumer protection law includes, but is not limited to, the Georgia Fair Business Practices Act (O.C.G.A. § 10-1-390 et seq.), the Georgia Home Solicitation Sales Act (O.C.G.A. § 10-1-1 et seq.), O.C.G.A. § 43-17-1 et seq. (dealing with professional fund raising), and the Federal Consumer Credit Protection Act (truth-in-lending and truth-in-leasing).
- (4) For any person to give, lend, rent, or sell his permit card to another.
- (5) For any person to engage in any of the conduct described in this article during a period in which his permit is in suspension or after his permit has expired or been revoked.
- (6) For more than two individuals to engage in solicitation upon any premises at the same time for the same goods or services. Each individual member of a group engaged in solicitation in violation of this subsection shall be deemed to have violated this subsection.
- (7) For any person to make more than one solicitation call at the same premises for the same or similar goods or services within any consecutive two-week period without receiving a prior invitation from the occupant of any such premises; this provision shall be construed to include solicitation upon the same premises by employees, agents, or representatives of any person, business, group or organization more than once during the aforesaid period without a prior invitation as provided in this subsection.
- (8) For any person with a criminal record as described in section 42-277 whether or not otherwise eligible for an exemption under section 42-277, to engage in any of the activities described in this article including but not limited to solicitation.
- (9) For any person, at the time of initial contact with a prospective customer, to fail to verbally identify himself and the company and product line he represents for the purpose of the solicitation.
- (10) For any person engaged in solicitation to misrepresent the purpose of his solicitation or use any false, deceptive, or misrepresentation to induce a sale or contribution, or use any plans, scheme, or ruse which misrepresent the status or purpose of the person making the call.
- (11) For any person to solicit or attempt to solicit at a place of residence at any entrance or part of the building other than the main entrance to the residence or building.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-276. - Use of city streets and right-of-way.

- (a) Pursuant to O.C.G.A. § 40-6-97(b) the city prohibits any person from standing or entering on any highway or public streets within the City of Bainbridge for the purpose of soliciting employment, business solicitations, and/or contributions from the occupant of any vehicle.
- (b) Charitable organizations shall be allowed to enter upon and conduct solicitations from the city sidewalks, parks or other city property under the conditions set forth under section 42-277 of this article.
- (c) The sale or peddling of merchandise, candies, fruits or vegetables from the streets or sidewalks of the city in the first fire district is hereby prohibited, except when such sales are part of a sidewalk sale sanctioned by the city and/or downtown development authority. Charitable organizations that are registered as set forth in section 42-277 are exempt from this section.
- (d) Anyone may promulgate religious or political beliefs from city sidewalks, parks or other city property at any time subject only to the restrictions of subsection (e) of this section.

- (e) Notwithstanding anything in this article to the contrary, for reasons of public safety no one may stand, walk or enter city streets or city roads and approach vehicle occupants.
- (f) Aggressive solicitation prohibited.
 - 1) No person shall solicit in an aggressive manner.
 - 2) No person shall solicit on private or residential property or within 20 feet of the entrance or exit without permission from the owner or other person lawfully in possession of such property. The distance of 20 feet shall be measured from the entrance or exit of the property at the ROW.
 - 3) No person shall solicit within 20 feet of any entrance or exit of any financial institution or check cashing business or within 20 feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such a facility. When an automated teller machine is located within an automated teller machine facility, the distance of 20 feet shall be measured from the entrance or exit of the facility.
 - 4) No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services. This subsection shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.
 - 5) No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public parking space.
 - 6) No person shall solicit while under the influence of alcohol or a controlled substance.
 - 7) No person shall solicit in any public transportation vehicle or at any bus or public transportation stop.
 - 8) No person shall solicit in any public parking lot or public parking structure or within 20 feet of the entrance or exit of any public parking lot or public parking structure. The distance of 20 feet shall be measured from the entrance or exit of the property measured at the ROW.
 - 9) No person shall solicit in a group of two or more persons.
 - 10) No person shall solicit within ten feet of an entrance to a building or entrance to any private parking lot.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-277. - Solicitors permit; regulatory fee; charitable organization registration.

- (a) A person seeking issuance of a permit to engage in any type of commercial solicitation, which involves going door-to-door or house-to-house, whether on a temporary or permanent basis, shall file an application with the city clerk or his designee on forms provided by the city.
- (b) Application shall be made no less than five days prior to the proposed commencement of any solicitation.
- (c) The application must contain the following information:
 - (1) Name, address, and telephone number;
 - (2) Date and place of birth;
 - (3) Drivers license number and state of issuance;
 - (4) Social Security number;

- (5) Race and sex;
 - (6) Height and weight;
 - (7) Eye and hair color;
 - (8) Name, address and telephone number of organization represented, if applicable;
 - (9) Name and telephone number of immediate supervisor, if applicable;
 - (10) Product or service; and
 - (11) A list of all arrests, convictions and the disposition of each charge, other than minor traffic violations. No person having been convicted of a felony or a misdemeanor involving violence or moral turpitude shall be entitled to any permit for solicitation granted under this article.
 - (12) Permission for the city to conduct a background check as contemplated by subsection 42-277(e).
- (d) A separate application shall be required from each person desiring to solicit regardless of any business or organizational affiliation or employment.
- (e) The application shall bear the following statement and must be signed by the applicant.

"O.C.G.A. 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgement of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willingly makes a false statement."

- (1) The City of Bainbridge Public Safety Department shall review all applications for the purpose of ascertaining whether the applicant has pled to or has been convicted of a felony or a misdemeanor involving violence or moral turpitude.
- (2) Upon satisfactory review by the public safety department and absent a finding that the issuance of a permit is contrary to section 42-277 the city clerk or his designee shall issue a permit if applicable.
- (3) The city shall impose a \$10.00 regulatory fee for all permits granted under this section. This fee shall be waived for:
 - a. Persons, businesses and organizations exempted from local regulation by operation of state or federal law, or by the Constitution of the United States, or of the state.
 - b. Representatives or agents of charitable organizations provided that the organization provides the city with proof that it is a charitable organization as defined in this article.
 - c. Representatives and/or employees soliciting for a permanent business. A permanent business shall be defined as a business that meets all of the following requirements:
 1. Has a current occupational tax certificate issued by the City of Bainbridge;
 2. Has a physical business address in Decatur County, Georgia from which it conducts the business for which the occupational tax certificate was issued.
- (4) The solicitation is part of the same business for which the occupational tax certificate was issued; and
- (5) Solicitation contributes less than 50 percent of the gross revenues of the business for which the occupational tax certificate was issued.
- (6) All permits issued under this section shall expire on December 31 of the calendar year for which they are issued.
- (7) For charitable organizations and permanent businesses for which no fee is imposed the completion of the application described above shall constitute registration with the city. Upon registration the city shall issue a permit allowing the organization to solicit. All rules and

regulations contained in this section shall apply to the permitted solicitation. At no time shall the activity interfere with the normal flow of traffic within the city.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-278. - Official to be sent copies.

Immediately upon the issuance of a charitable organization fund raising event permit, the city manager or his designee shall send a copy thereof to the director of public safety.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-279. - Duties of permittee; permit to be carried.

- (a) A permittee shall comply with all permit directions and conditions and with all applicable laws and ordinances;
- (b) The charitable organization fund raising event chairperson or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-280. - Revocation.

The city manager or his designee shall have the authority to revoke a permit issued under this article where a permittee has failed to comply with the requirements of this section. This decision may be appealed to the city council by filing a written request with the city manager no later than ten days after the revocation decision.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-281. - Issuance requirements.

- (a) The city shall not issue any permit that does not fully comply with the requirements of this section.
- (b) No solicitation is allowed during the following times:
 - (1) Between the hours of 7:00 p.m. and 9:00 a.m.
 - (2) Between the hours of 11:30 a.m. and 1:30 p.m., Monday through Friday;
 - (3) No solicitation shall be permitted on Sunday except between the hours of 1:30 p.m. and 6:00 p.m.
 - (4) No solicitation shall be permitted from the right-of-way of:
 - a. All bridges;
 - b. Any and all streets or highways that have more than three lanes of travel, including turn lanes.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-282. - Persons under 18.

All organizations that are permitted to solicit funds must have on adult supervisor over the age of 21 for up to four persons under the age of 18. If there are more than four persons under the age of 18, there must be one adult supervisor for every four persons under the age of 18.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-283. - Fines and rules.

- (a) Any person found guilty of violating this article shall be punished as allowed by section 1-7 of the Code of Ordinances of the City of Bainbridge
- (b) any person, organization, business or entity found guilty of violating this article may not be issued a permit for a two-year period from the date of the violation.
- (c) Nothing in this article shall be construed to prohibit or infringe on the right of anyone to disseminate or gather information or promulgate religious or political belief where no solicitation as defined in this article takes place and there is no violation of section 42-276.

~~State law reference(s) — Magistrate courts, O.C.G.A. § 15-10-1 et seq.; violation of county ordinances, O.C.G.A. § 15-10-60 et seq.; punishment for misdemeanors, O.C.G.A. § 17-10-3; maximum punishments which may be imposed for violations of county ordinances, O.C.G.A. § 36-1-20(b); county responsibility for sentencing and maintenance of inmates, O.C.G.A. § 42-5-51(a).~~

(Ord. No. 588-A, 2-7-2006)

Sec. 42-284. - Exemptions from coverage.

- (a) A solicitor who conducts activities on the property of another by express prior invitation of the owner or occupant thereof is exempt from the coverage of this article.
- (b) Minors conducting fundraising activities, who represent a nonprofit organization are exempt from the coverage of this article.
- (c) The solicitation of funds or contributions of any kind by any organization or association from its members.
- (d) Coming onto the property of another for any reason other than to solicit orders or donations on behalf of a business, occupation, vocation or individual shall not be considered solicitation and shall not be regulated by this article.

(Ord. No. 588-A, 2-7-2006)

Secs. 42-285 - False or misleading solicitation.

It shall be unlawful for any person to knowingly make any false or misleading representation in the course of soliciting. False or misleading representations include, but are not limited to, the following:

- (1) Stating that the solicitor is from out of town and is stranded when this statement is not true;

- (2) Stating or suggesting falsely that the solicitor is either a present or former member of the armed services;
- (3) Displaying any indication of physical disability when the solicitor does not suffer the disability indicated; or
- (4) Stating that the solicitor is homeless when he is not.

(Code 1994, § 74-33; Ord. of 11-21-2006, § 42-52)



BID TABULATION

October 12, 2022

100' x 200' CLEAR SPAN METAL WAREHOUSE BUILDING FOR 181 TAURUS WAY

<u>COMPANY</u>	<u>TOTAL BID PRICE</u>
Superior Industrial Bainbridge, GA	\$598,000.00
Riley Contracting Senoia, GA	\$714,000.00
Tyson Steel Doerun, GA	\$749,000.00
Hall Contracting and Design Bainbridge, GA	\$814,000.00
Tip Top Construction Havana, FL	\$1,641,145.95

VENDOR'S THAT NO BID

LM Installation – Bainbridge, GA
PDC – Bainbridge, GA

Award to be made to: #1
Superior Industrial
Bainbridge, GA