



Administrative Services Committee Meeting Commission Chamber- 3/8/2010- 12:45 PM

ADMINISTRATIVE SERVICES

1. An Ordinance to amend the Augusta, GA Code Title One Section 1-2-2 relating to the time and place for Commission and Committee meetings of the Augusta-Richmond County Board of Commissioners; to repeal all Code sections and Ordinances and parts of Code sections and Ordinances in conflict herewith; to provide an effective date and for other purposes. ☐ [Attachments](#)
2. Approve an ordinance designating Harrisburg/West End as an Enterprise Zone. ☐ [Attachments](#)
3. Approve an Ordinance providing for the demolition of certain unsafe and uninhabitable structures in the Harrisburg Neighborhood: 1601 Watkins Street (two buildings), 1648 Brinson Lane, 403 Hamilton Street, 850 Heard Avenue, (District 1 & 3, Super District 9 & 10); South Augusta Neighborhood: 2509 Tara Heights Circle, (District 5, Super District 9); South Richmond Neighborhood: 4022 Smokey Road, 5050 Old Waynesboro Road, 1120 C Hephzibah-McBean Road, 2012 McNutt Road, (District 8, Super District 10); Turpin Hill Neighborhood: (City owned properties) 2235 Dyer Place, 2108 Grand Boulevard, (District 2, Super District 9); Bethlehem Neighborhood: 1748 Martin Luther King Boulevard, (District 2, Super District 9); AND WAIVE 2ND READING. ☐ [Attachments](#)
4. Approve the reorganization of the finance department that provides a cost savings to the general fund. ☐ [Attachments](#)
5. Approve an Resolution designating Harrisburg/West End as an Opportunity Zone. ☐ [Attachments](#)
6. Acceptance of the Laney Walker/Bethlehem Urban Redevelopment Plan (URP) that designates Laney Walker/Bethlehem as an Urban Redevelopment Area (URA). This is the second and final part of the process to establish the Laney Walker/Bethlehem neighborhoods as an Urban Redevelopment Area. This designation is a condition of receiving Bond Financing for use in acquiring vacant and abandoned property and developing property in the Laney Walker/Bethlehem Urban Redevelopment Area. ☐ [Attachments](#)
7. Motion to approve the retention of the Augusta Housing and Community Development Department Modified Contract Process. (Referred from February 22 Administrative Services) ☐ [Attachments](#)

8. Motion to discuss revisions to the Augusta-Richmond County Procurement Code. (Referred from February 22 Administrative Services) ☐ [Attachments](#)
9. Approve the Solid Waste Department Reorganization. ☐ [Attachments](#)

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**Administrative Services Committee Meeting
3/8/2010 12:45 PM**

An Ordinance to amend the Augusta, GA Code Title One Section 1-2-2 relating to the time and place for Commission and Committee Meetings

Department:	Law
Caption:	An Ordinance to amend the Augusta, GA Code Title One Section 1-2-2 relating to the time and place for Commission and Committee meetings of the Augusta-Richmond County Board of Commissioners; to repeal all Code sections and Ordinances and parts of Code sections and Ordinances in conflict herewith; to provide an effective date and for other purposes.
Background:	Section 1-48 of the Augusta, GA. Charter provides that Commissioners shall hold at least one session on the first Tuesday of every month (except the month of April) "and at such other times as often as in their judgment the powers and duties [therein] conferred may require." Section 1.01.01 of the Rules of Procedure adopted by the Commission on July 3, 1996, provide that "Regular and special meetings of the Augusta-Richmond County Commission-Council ... shall be as determined by Ordinance adopted by the Augusta-Richmond County Commission-Council."
Analysis:	Holding Commission and Committee Meetings at 5:00 p.m. may increase public participation by persons otherwise unable to attend because of work or school obligations.
Financial Impact:	Requiring staff and employees to work later hours could have an adverse financial impact.
Alternatives:	Keep the current meeting times or set new meeting times.
Recommendation:	For discussion.
Funds are Available in the Following Accounts:	Funds have not been identified at this time.

REVIEWED AND APPROVED BY:

**Finance.
Law.
Administrator.
Clerk of Commission**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE ONE SECTION 1-2-2 RELATING TO THE TIME AND PLACE FOR COMMISSION AND COMMITTEE MEETINGS OF THE AUGUSTA-RICHMOND COUNTY BOARD OF COMMISSIONERS; TO REPEAL ALL CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Section 1-48 of the AUGUSTA, GA. CHARTER provides that Commissioners shall hold at least one session on the first Tuesday of every month (except the month of April) “and at such other times as often as in their judgment the powers and duties [therein] conferred may require”; and

WHEREAS, Section 1.01.01 of the Rules of Procedure adopted by the Commission on July 3, 1996, provide that “Regular and special meetings of the Augusta-Richmond County Commission-Council ... shall be as determined by Ordinance adopted by the Augusta-Richmond County Commission-Council”;

THE AUGUSTA-RICHMOND COUNTY COMMISSION hereby ordains as follows:

SECTION 1. AUGUSTA, GA. CODE Section 1-2-2 as set forth in the AUGUSTA, GA. CODE, re-adopted July 10, 2007, is hereby amended by striking each of these sections in their entirety as set forth in “Exhibit A” hereto. A new Code Section 1-2-2 is hereby inserted to replace the repealed Code Section as set forth in “Exhibit B” hereto.

SECTION 2. This ordinance shall become effective April 1, 2010.

SECTION 3. All ordinances, parts of ordinances, policies, and procedures concerning the time or location of Commission, Committee or Legal meetings in conflict herewith are hereby repealed.

Adopted this _____ day of _____, 2010.

Attest:

Lena J. Bonner, Clerk of Commission

David S. Copenhaver
As its Mayor

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta-Richmond County Commission on _____, 2010 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading _____

Second Reading _____

Exhibit A

STRIKE:

~~Sec. 1-2-2. Meeting-Time and place; committees.~~

~~(a) All Commission's regular meetings shall be held on the first and third Tuesday of each month at 2:00 p.m. at the Municipal Building 8th floor, in the Lee Beard Commission Chambers. The committee meetings are held on the second and last Monday of every month on the 8th floor, Room 802. There are also called meetings of the Commission and the subject, dates and times of these meetings are scheduled and notified in advance.~~

~~Note By Ordinance No. 6883, on May 2, 2006, the Augusta-Richmond County Commission changed its first meeting in April 2007 to the last Wednesday in March of 2007, and the first meeting of every April thereafter to the last week of the preceding March.~~

~~(b) If there is a necessity to change the time and date of the regular meeting of the Commission or of the regular called meeting, this shall be done by request of the Mayor or a majority of the members of the Commission, provided a majority of the Commissioners can attend the meeting which shall be held on a different date and shall be given the notice required herein.~~

~~(c) The Commission may hold such additional meetings as shall be deemed necessary when called by the Mayor or a majority of the members of the Commission, provided all members shall have been notified at least twenty-four (24) hours in advance of the special meeting. Provided, further, that a majority of the Commission may convene the same in extraordinary session for emergency business, such as a natural disaster or civil disturbance, whenever in their judgment it may be necessary.~~

~~(d) Any action taken at all committee meetings shall be placed on the agenda of the regular meeting, regular called meeting, or special meeting of the full Commission for approval of the action of the committee.~~

Exhibit B

REPLACE WITH:

Sec. 1-2-2. Meeting-Time and place; committees.

- (a) All regular Commission meetings shall be held on the first and third Tuesday of each month at 5:00 p.m. at the Municipal Building, in the Lee Beard Commission Chambers or such other Commission Chambers as may be created in the future.
- (b) All regular Committee meetings shall be held on the second and last Monday of every month at 5:00 p.m. at the Municipal Building, in the Lee Beard Commission Chambers or such other Commission Chambers as may be created in the future.
- (c) Other called meetings of the Commission and Committees and the subject, dates and times of these meetings may be scheduled as needed and notification of such meetings shall be provided to the public in advance as required by law.
- (d) Closed session legal meetings of the Commission shall be held on the second and last Monday of every month at 3:00 p.m. and after each Commission or Committee meeting as necessary. Nothing in this section is intended to restrict the calling of a Legal meeting as necessary at other times.

Note-By Ordinance No. 6883, on May 2, 2006, the Augusta-Richmond County Commission changed its first meeting in April 2007 to the last Wednesday in March of 2007, and the first meeting of every April thereafter to the last week of the preceding March.

- (e) If there is a necessity to change the time and date of the regular meeting of the Commission or Committees or of any specially called meeting or any Legal meeting, this shall be done by request of the Mayor or a majority of the members of the Commission, provided a majority of the Commissioners can attend the meeting which shall be held on a different date and shall be given the notice required herein.
- (f) The Commission may hold such additional meetings as shall be deemed necessary when called by the Mayor or a majority of the members of the Commission, provided all members shall have been notified at least twenty-four (24) hours in advance of the special meeting. Provided, further, that a majority of the Commission may convene the same in extraordinary session for emergency business, such as a natural disaster or civil disturbance, whenever in their judgment it may be necessary.
- (g) Any action taken at any committee meeting (other than to postpone the agenda item to the next, or a future, committee meeting) shall be placed on the agenda of the regular meeting, regular called meeting, or special meeting of the full Commission for approval of the action of the committee.



**Administrative Services Committee Meeting
3/8/2010 12:45 PM
Creation of Harrisburg West End Enterprise Zone**

Department: Planning Commission

Caption: Approve an ordinance designating Harrisburg/West End as an Enterprise Zone.

Background: The Augusta Code at 2-4 provides for the Designation of Enterprise Zones as an economic development incentive for depressed areas. Harrisburg/West End meets the criteria for designation found at O.C.G.A. 36-88-8, and with the completion of the St. Sebastian Extension, the Kroc Center and the acquisition of the Sibley Mill by the Canal Authority some very positive things could happen in the area. The designation would result in business's that create 5 or more new jobs begin exempt from advalorem taxes on a scale over a 10 year period.

Analysis: The incentives of tax abatement are positive, and the theory is that revenue not realized due to the abatement would not have happened without the incentives. The abatement schedule for advalorem taxes is as follows: 100% first 5 years, 80% years 6 and 7 60% year 8 40% year 9 and 20% year 10. In addition the City could elect to waive fees and other forms of revenue.

Financial Impact: See above

Alternatives: Designate or don't designate

Recommendation: Designate

Funds are Available in the Following Accounts:

REVIEWED AND APPROVED BY:

Clerk of Commission

DATE: February 26, 2010

COMMITTEE: Administrative Services

FROM: George Patty

SUBJECT: Designation of Harrisburg/West End Enterprise Zone

CAPTION: Approve an ordinance designating Harrisburg/West End as an Enterprise Zone

BACKGROUND: The Augusta Code at 2-4 provides for the Designation of Enterprise Zones as an economic development incentive for depressed areas. Harrisburg/West End meets the criteria for designation found at O.C.G.A. 36-88-8, and with the completion of the St. Sebastian Extension, the Kroc Center and the acquisition of the Sibley Mill by the Canal Authority some very positive things could happen in the area. The designation would result in business's that create 5 or more new jobs begin exempt from advalorem taxes on a scale over a 10 year period.

ANALYSIS: The incentives of tax abatement are positive, and the theory is that revenue not realized due to the abatement would not have happened without the incentives. The abatement schedule for advalorem taxes is as follows:

100% first 5 years,
80% years 6 and 7
60% year 8
40% year 9 and
20% year 10.

In addition the City could elect to waive fees and other forms of revenue.

FINANCIAL IMPACT: See above

ALTERNATIVES: Designate or don't designate

RECOMMENDATION: Designate

REQUESTED AGENDA DATE: March 8, 2010

ORDINANCE NO. _____

An Ordinance to Amend the Augusta Richmond County Code so as to amend Section 2-4 by adding a new subsection 22 entitled "Harrisburg/West End Enterprise Zone"; to provide an effective date, to repeal conflicting Ordinances and for other purposes.

Be It Ordained by the Augusta Richmond County Commission, and it is hereby ordained by authority of same as follows:

SECTION 1. The Augusta Richmond County Code, Section 2-4, is amended by adding a new Section 2-4-22 which reads as follows:

2-4-22 Designation of "Harrisburg/West End Enterprise Zone".

The Augusta Richmond County Commission hereby designates the area hereafter described as an Enterprise Zone to be known as the "Harrisburg/ West End Enterprise Zone" to wit:

BOUNDARY DESCRIPTION

Beginning at a point where the south bank of the Savannah River intersects the centerline of Thirteenth Street; thence, in a southwesterly direction along the centerline of Thirteenth Street to a point located at the intersection of Thirteenth Street and Greene Street; thence, in an easterly direction along the centerline of Greene Street to a point located at the intersection of Greene Street and Twelfth Street; thence, in a southwesterly direction along the centerline of Twelfth Street; thence, in a southwesterly direction along the centerline of Twelfth Street to a point located at the intersection of Twelfth Street and D'Antignac Street; thence, in a northwesterly direction along the centerline of D'Antignac Street to a point located on the centerline of Thirteenth Street becoming R. A. Dent Boulevard; thence, in a southwesterly direction along the centerline of R. A. Dent Boulevard to a point located where the Laney Walker Boulevard intersects; thence, extending in a northwesterly direction along the northeast right-of-way line of Laney-Walker Boulevard to a point located on the centerline of Fifteenth Street; thence, in a northeasterly direction along the centerline of Fifteenth Street to a point located on the centerline of Walton Way; thence, in a westerly direction along the centerline of Walton Way to a point located on the centerline of Hickman Road; thence, in a northeasterly direction along the centerline of Hickman Road (following the west boundary line of Census Tract 2) to a point located on the centerline of Gardner Street; thence, following the west boundary line of Census Tract 2 east along the centerline of Gardner Street then northwesterly direction back to the centerline of Hickman Road to a point located at the intersection of Telfair Street; thence, in a westerly direction along the centerline of Telfair Street to a point located on the centerline of Milledge Road; thence, in a northeasterly direction along the centerline of Milledge Road to a point located on the centerline line of Broad Street; thence, in a northwesterly

direction along the centerline of Broad Street to a point located on the west bank of Lake Olmstead; thence, extending along the north boundary of Census Tract 2 along the north boundary of Lake Olmstead and continuing east along the north boundary of Census Tract 2 across River Watch Parkway to the south bank of the Savannah River; thence, in a southeasterly direction along the south bank of the Savannah River to the point of beginning.

SECTION 2. This Ordinance shall become effective immediately upon adoption.

SECTION 3. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Duly adopted by the Augusta-Richmond County Commission this _____ day of _____, 2010.

MAYOR, AUGUSTA COMMISSION
AUGUSTA, GEORGIA

ATTEST:

LENA BONNER, CLERK

First Reading: _____

Second Reading: _____

DESIGNATION OF HARRISBURG/WEST END AS AN ENTERPRISE ZONE
MARCH ____, 2010
ENTERPRISE ZONE CRITERIA

The proposal is to designate the traditional Harrisburg and West End neighborhoods plus an adjoining similar area to the east as an Enterprise Zone pursuant to the Enterprise Zone Empowerment Act as amended (O.C. G. A. § 36-88-1). The area consists of Census Tracts 2, 3 and 8 as defined in the 2000 Census, and it is bordered generally by the following:

Beginning at a point where the south bank of the Savannah River intersects the centerline of Thirteenth Street; thence, in a southwesterly direction along the centerline of Thirteenth Street to a point located at the intersection of Thirteenth Street and Greene Street; thence, in an easterly direction along the centerline of Greene Street to a point located at the intersection of Greene Street and Twelfth Street; thence, in a southwesterly direction along the centerline of Twelfth Street; thence, in a southwesterly direction along the centerline of Twelfth Street to a point located at the intersection of Twelfth Street and D'Antignac Street; thence, in a northwesterly direction along the centerline of D'Antignac Street to a point located on the centerline of Thirteenth Street becoming R. A. Dent Boulevard; thence, in a southwesterly direction along the centerline of R. A. Dent Boulevard to a point located where the Laney Walker Boulevard intersects; thence, extending in a northwesterly direction along the northeast right-of-way line of Laney-Walker Boulevard to a point located on the centerline of Fifteenth Street; thence, in a northeasterly direction along the centerline of Fifteenth Street to a point located on the centerline of Walton Way; thence, in a westerly direction along the centerline of Walton Way to a point located on the centerline of Hickman Road; thence, in a northeasterly direction along the centerline of Hickman Road (following the west boundary line of Census Tract 2) to a point located on the centerline of Gardner Street; thence, following the west boundary line of Census Tract 2 east along the centerline of Gardner Street then northwesterly direction back to the centerline of Hickman Road to a point located at the intersection of Telfair Street; thence, in a westerly direction along the centerline of Telfair Street to a point located on the centerline of Milledge Road; thence, in a northeasterly direction along the centerline of Milledge Road to a point located on the centerline line of Broad Street; thence, in a northwesterly direction along the centerline of Broad Street to a point located on the west bank of Lake Olmstead; thence, extending along the north boundary of Census Tract 2 along the north boundary of Lake Olmstead and continuing east along the north boundary of Census Tract 2 across River Watch Parkway to the south bank of the Savannah River; thence, in a southeasterly direction along the south bank of the Savannah River to the point of beginning.

The Harrisburg and West End neighborhoods constitute a large residential area that developed for the most part between 1797 and the 1930's. It includes a variety of housing types and styles, some of which is mill housing. The mill housing was constructed in the 1880's for workers of the King and Sibley Mills that are located in the neighborhoods on the Augusta Canal, and for

other mills in the surrounding area. Also in the district are many churches, schools, and commercial buildings. The mills are all closed with one small exception and today employment opportunities in the area are limited to commercial service and retail business located within the area.

The area essentially between Thirteenth Street and Fifteenth Street that is immediately east of the Harrisburg/West End neighborhoods was once indistinguishable from those neighborhoods. The Enterprise Mill has been converted to a mixed use facility, the Sutherland Mill is closed, and the Augusta Medical Complex is located where mill housing once stood. Still, the area is underdeveloped and meets the criteria for designation.

The O.C. G. A. at 36-88-6 says that “in order to be designated as an enterprise zone, a nominated area shall meet at least three of the five criteria specified in subsection (b), (c), (d), (e) and (f) of the Code Section.” Our research indicates that the proposed Harrisburg/West End Enterprise Zone clearly meets four of the five criteria (a-d) qualifying it for designation:

1. Pervasive Poverty – The Georgia Code requires that for parcels within the nominated area, the parcels must be within or adjacent to a census block group where the ratio of income to poverty level for at least 15 percent of the residents shall be less than 1.0. The census block groups within the proposed area range from 30.3% to 58.5% of the residents above the poverty level. This information was obtained from the 2000 Census of Population and Housing.
2. Unemployment – The Georgia code requires that the average rate of unemployment for the nominated area for the preceding full calendar year be at least 10 percent higher than the state average rate of unemployment. The state rate of unemployment for 2008 was 6.2% and the 2008 unemployment for the area was 12.5%, approximately 100% greater than the state average. This information was obtained from the Georgia Department of Labor for 2008, the most recent full year for which information is available.
3. General Distress – The Georgia Code requires evidence of adverse conditions other than those of pervasive poverty such as a high incidence of crime, abandoned or dilapidated structures, deteriorated infrastructure, and substantial population loss. Records of the Sheriff's department indicate that in 2009 there were 31,000 incident reports county wide of which 2,490 were in the proposed enterprise zone. This represents 8 percent of all reports. The area contains 3 percent of the County's population per the 1990 census, so the rate is 2.7 times as high in the area as it is in the entire City. The License and Inspection department has 275 “open” cases involving property maintenance, 11 are forced demolitions, 137 involve lot conditions, and the other are varied. A recent study in the area indicates that 14% of all units are vacant, and 77% of occupied units are rentals. The City has forced the demolition of 28 units in the area since 2000. The population loss in the area has indeed been substantial, as the total population declined from 6,294 to 5,628 between 1990 and 2000. That is a total loss of 666 residents or 10.6%. During the decade the population of Augusta Richmond County increased by 10,056. This information was obtained from the 2000 Census of Population and Housing.

4. Underdevelopment – The Georgia Code requires evidence that development activities, or lack thereof, through land disturbance permits, business licenses, building permits, development fees, or similar data indicates that the level of development in the nominated area is lower than within the local government's jurisdiction. During 2009 there were no subdivisions of land within the proposed area although 161 new lots were created within the County. There were only two site plans approved in the area, the Kroc Center and a Krystal restaurant, although there were 124 approved in the County. There were no first year business licenses issued in the study area in spite of 660 issued county wide according to the License and Inspection department. There were only 10 new housing units permitted in the area although there were 418 county wide. The forgoing clearly demonstrates a lack of development activity in the proposed Enterprise Zone.



**Administrative Services Committee Meeting
3/8/2010 12:45 PM
Demolition of Unsafe Structures**

Department:	License & Inspection
Caption:	Approve an Ordinance providing for the demolition of certain unsafe and uninhabitable structures in the Harrisburg Neighborhood: 1601 Watkins Street (two buildings), 1648 Brinson Lane, 403 Hamilton Street, 850 Heard Avenue, (District 1 & 3, Super District 9 & 10); South Augusta Neighborhood: 2509 Tara Heights Circle, (District 5, Super District 9); South Richmond Neighborhood: 4022 Smokey Road, 5050 Old Waynesboro Road, 1120 C Hephzibah-McBean Road, 2012 McNutt Road, (District 8, Super District 10); Turpin Hill Neighborhood: (City owned properties) 2235 Dyer Place, 2108 Grand Boulevard, (District 2, Super District 9); Bethlehem Neighborhood: 1748 Martin Luther King Boulevard, (District 2, Super District 9); AND WAIVE 2ND READING.
Background:	The approval of this ordinance will provide for the demolition of certain structures that have been determined to be dilapidated beyond repair and a public nuisance. The owners of the above referenced properties have been requested to correct the property maintenance violations, and - excluding the City owned properties - the violations were not corrected. By approving this ordinance the City will have the structures demolished, record a lien against the property in the amount of the costs incurred, and send the property owners a bill for payment that is due within 30 days of receipt.
Analysis:	Continuing the removal of dilapidated structures will signal to the public that neglected, unsafe and uninhabitable structures will not be allowed and that property owners will be held responsible for their properties.
Financial Impact:	The average total cost associated with the demolition of each property will be approximately \$5,200.00. This includes the title search, asbestos survey, and demolition.
Alternatives:	Allow the unsafe structures to remain and continue to have a negative impact on the neighborhoods and City.
Recommendation:	Approval
Funds are Available in the Following Accounts:	FUNDS ARE AVAILABLE IN THE FOLLOWING ACCOUNT: Account # 101072910 / 5212999

REVIEWED AND APPROVED BY:

Clerk of Commission

ORDINANCE NO. _____

ORDINANCE TO PROCEED WITH DEMOLITION AND REMOVAL OF THE STRUCTURES ON PROPERTY LOCATED AT: 1601 WATKINS STREET, 1648 BRINSON LANE, 403 HAMILTON STREET, 850 HEARD AVENUE, 2509 TARA HEIGHTS CIRCLE, 4022 SMOKEY ROAD, 5050 OLD WAYNESBORO ROAD, 1120 C HEPHZIBAH-MCBEAN ROAD, 2012 MCNUTT ROAD, 2235 DYER PLACE, 2108 GRAND BOULEVARD, AND 1748 MARTIN LUTHER KING BOULEVARD.

TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE AUGUSTA-RICHMOND COUNTY COMMISSION AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME AS FOLLOWS:

Section I. That the following properties have been identified by the Director of the Augusta – Richmond County License and Inspection Department as unfit for human habitation (or unfit for its current commercial or business use) and the cost of repair, alteration or improvement of said properties exceeds one-half the value of property and that the said Director shall cause the structures located on hereinafter described property to be demolished and removed as ordered by Augusta-Richmond County Magistrate Court; and that said Director shall cause the costs of such removal and demolition for said property be entered upon the lien docket maintained in the office of Clerk of Augusta - Richmond County Commission and said Director shall otherwise proceed to effectuate the purpose of O.C.G.A. SS 41-2-7 through 41-2-17 with respect to said property, to-wit:

- 1601 WATKINS STREET, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 35-4 as Parcel 110.
- 1648 BRINSON LANE, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 36-1 as Parcel 99.
- 403 HAMILTON STREET, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 35-2 as Parcel 443.
- 850 HEARD AVENUE, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 35-3 as Parcel 345.
- 2509 TARA HEIGHTS CIRCLE, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 84-4 as Parcel 320.
- 4022 SMOKEY ROAD, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 181 as Parcel 6.18.
- 5050 OLD WAYNESBORO ROAD, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 352 as Parcel 4.

- 1120 C HEPHZIBAH-MCBEAN ROAD, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 337 as Parcel 27.
- 2012 MCNUTT ROAD, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 305 as Parcel 52.
- 2235 DYER PLACE, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 72-1 as Parcel 157.
- 2108 GRAND BOULEVARD, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 72-2 as Parcel 486.
- 1748 MARTIN LUTHER KING BOULEVARD, Augusta – Richmond County, Georgia, identified on Augusta-Richmond County Tax Map 59-3 as Parcel 304.

Section II. This Ordinance shall become effective upon adoption.

Section III. That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Duly adopted this _____ day of _____, 2010.

MAYOR _____

ATTEST: _____
CLERK OF COMMISSION

ID	Street	Address	Map Parcel	Neighborhood	Comm Dist
7	Thirteenth St	1320	059-1-126-00-0	Laney-Walker	1
10	Dupont St	521	061-2-147-00-0	East Augusta	1
12	Thirteenth St	1115	046-3-082-00-0	Laney-Walker	1
13	Reynolds St	204	047-2-112-00-0	Old Town	1
14	Watkins St	549	047-3-029-00-0	CBD	1
18	Perry Ave	931	059-2-311-00-0	Laney-Walker	1
21	Dupont St	506	061-2-161-00-0	East Augusta	1
22	Aiken St	621	061-4-022-00-0	East Augusta	1
5	Fleming Dr	2818	110-1-008-00-0	South Augusta	2
8	Wrightsboro Rd	2471	044-3-014-00-0	Summerville	2
9	Watkins St	1929	035-1-418-00-0	Harrisburg	2
15	Emory St	1629	058-4-002-00-0	Turpin Hill	2
16	Chestnut St	1436	059-1-400-00-0	Bethlehem	2
17	Wrightsboro Rd	1118	059-1-537-00-0	Bethlehem	2
19	Chestnut St	1613	059-3-095-00-0	Bethlehem	2
20	Sharpes La	1136	059-3-074-00-0	Behlehem	2
23	Rozella Rd	1950	070-4-056-00-0	South Augusta	5
6	Boy Scout Rd	467	025-2-034-03-0	West Augusta	7
11	Wilkshire Dr	2438	019-2-147-00-0	West Augusta	7

ID	STREET	ADDRESS	MAP PARCEL	Neighborhood	Comm Dist
48	Brinson St	1648	036-1-099-00-0	Harrisburg	1
13	Brown St	1421	046-3-209-00-0	Laney-Walker	1
14	Brown St	1423	046-3-208-00-0	Laney-Walker	1
31	Dugas St	914	046-4-460-00-0	Laney-Walker	1
3	Hamilton St	403	035-2-443-00-0	Harrisburg	1
16	Hopkins St	1131	046-4-386-00-0	Laney-Walker	1
19	McElmurray Dr	148	061-2-201-00-0	East Augusta	1
17	Orange St	409	061-2-024-00-0	East Augusta	1
24	Summer St	1024	046-4-508-00-0	Laney-Walker	1
34	Telfair St	112	047-4-274-00-0	Old Town	1
29	Third St	805	060-2-012-03-0	May Park	1
20	Victoria Dr	219	087-3-130-00-0	East Augusta	1
30	Watkins St	1601	035-4-110-00-0	Harrisburg	1
35	Wheeler Rd	2541	034-1-067-00-0	Sand Hills	1
47	Wrightsboro Rd	1810	045-3-367-00-0	Academy - Baker	1
12	Anderson La	1262	059-4-453-00-0	Bethlehem	2
53	Branch St	1227	072-2-071-00-0	Turpin Hill	2
25	Calvary Dr	1912	086-2-051-00-0	South Augusta	2
38	Cedar St	1110	059-2-187-00-0	Bethlehem	2
54	Chestnut Rd	1515	059-1-475-00-0	Bethlehem	2
41	Dan Bowles Rd	197	087-4-078-00-0	Hyde Park	2
58	Dyer Place	2235	072-1-157-00-0	Turpin Hill/City Prop	2
40	Florida Rd	1934	088-1-039-00-0	Hyde Park	2
32	Forest St	1651	059-3-121-00-0	Bethlehem	2
42	Golden Rod St	2029	087-4-055-00-0	Hyde Park	2
43	Golden Rod St	2063	087-4-073-00-0	Hyde Park	2
44	Golden Rod St	2034	087-4-100-00-0	Hyde Park	2
1	Gordon St	1113	059-1-612-00-0	Bethlehem	2
18	Grand Blvd	2214	072-4-032-00-0	Turpin Hill	2
59	Grand Boulevard	2108	072-2-486-00-0	Turpin Hill/City Prop	2
55	Gregg St Ln	534	059-4-207-01-0	Bethlehem	2
49	Hester St	1681	058-3-065-00-0	Turpin Hill	2
37	Hunter St	1415	045-4-245-00-0	Bethlehem	2
23	Luckey St	1721	058-4-540-00-0	Turpin Hill	2
36	Luckey St	1668	058-4-263-00-0	Turpin Hill	2
5	Maple St	1505	059-4-082-00-0	Bethlehem	2
8	Martin Luther King Blvd	1824	059-3-046-00-0	Bethlehem	2
21	Martin Luther King Blvd	1616	059-3-411-00-0	Bethlehem	2
26	Martin Luther King Blvd	1949	058-4-413-00-0	Turpin Hill	2
50	Martin Luther King Blvd	1748	059-3-304-00-0	Bethlehem	2
2	Mill St	1644	059-3-081-00-0	Bethlehem	2
6	Mill St	1556	059-3-047-00-0	Bethlehem	2

ID	STREET	ADDRESS	MAP PARCEL	Neighborhood	Comm Dist
33	Mill St	1423	059-1-277-00-0	Bethlehem	2
27	Railroad St	1509	059-4-128-00-0	Bethlehem	2
9	Sharpes La	1119	059-3-339-00-0	Bethlehem	2
10	Sherman St	11	059-4-109-00-0	Bethlehem	2
11	Sherman St	17	059-4-108-00-0	Bethlehem	2
7	Wrightsboro Rd	1334	059-1-291-00-0	Bethlehem	2
46	Wrightsboro Rd	1352	059-1-251-00-0	Bethlehem	2
15	Heard Ave	850	035-3-345-00-0	Harrisburg	3
22	Dublin Dr	2438	082-0-329-00-0	Meadowbrook	4
45	Dublin Dr	2438	082-0-329-00-0	Meadowbrook	4
4	Hopie St	1935	070-4-042-00-0	South Augusta	5
28	Tara Heights Cir	2509	084-4-320-00-0	South Augusta	5
56	Hephzibah McBean Rd	1120 C	337-0-027-00-0	South Richmond	8
51	McNutt Rd	2012	305-0-052-00-0	South Richmond	8
57	Old Waynesboro Rd	5050	352-0-004-00-0	South Richmond	8
52	Smokey Rd	4022	181-0-006-18-0	South Richmond	8

ID	STREET	ADDRESS	MAP PARCEL	Neighborhood	Comm Dist
32	First St	820	060-2-148-00-0	East Augusta	1
13	Dugas St	1020	046-4-429-00-0	Laney-Walker	1
14	Strother Dr	833	061-3-022-00-0	East Augusta	1
65	Wallace St	510	061-1-276-00-0	East Augusta	1
28	Walker St	29	047-4-290-00-0	Old Town	1
21	Watkins St	133/135	047-4-397-00-0	Old Town	1
27	Watkins St	129	047-4-398-00-0	Old Town	1
56	Fairhope St	520	061-2-143-00-0	East Augusta	1
57	Fairhope St	521	061-2-127-00-0	East Augusta	1
23	Eighth Ave	1019 1/2	072-2-551-00-0	Turpin Hill	2
1	Aragon Dr	155	088-1-033-00-0	East Augusta	2
31	Walnut St	2060	087-4-038-00-0	East Augusta	2
30	Golden Rod St	2068	087-4-117-00-0	East Augusta	2
29	Ash St	22	059-4-083-00-0	Bethlehem	2
26	Sherman St	33	059-4-052-00-0	Bethlehem	2
34	Swanee Quintet	1402	058-4-128-00-0	Turpin Hill	2
24	Willow St	2016	087-2-216-00-0	East Augusta	2
35	Mercier St	1130	059-3-277-00-0	Bethlehem	2
22	Savannah Rd	1644	059-3-487-00-0	Bethlehem	2
18	Martin Luther King Blvd	1630	059-3-416-00-0	Bethlehem	2
17	Martin Luther King Blvd	1816	059-3-199-00-0	Bethlehem	2
15	Sharpes La	1109/1111	059-3-337-00-0	Bethlehem	2
10	Seventh Ave	1027	072-2-592-00-0	Turpin Hill	2
8	Fifteenth Ave	1017 1/2	072-1-144-00-0	Turpin Hill	2
2	Aragon Dr	161	088-1-044-00-0	East Augusta	2
25	Old Savannah Rd	2297	087-3-011-00-0	East Augusta	2
61	Porter St	2520	034-1-334-00-0	Sand Hills	2
74	Luckey St	1741	072-2-138-00-0	Turpin Hill	2
73	Garlington Ave	1673	058-3-031-00-0	Turpin Hill	2
71	Hernlen St	1245	058-4-351-00-0	Turpin Hill	2
70	Monroe St	1434	059-1-271-00-0	Bethlehem	2
69	Roosevelt St	1646	058-4-136-00-0	Turpin Hill	2
63	Franklin St	1716	058-1-147-00-0	Turpin Hill	2
33	Martin Luther King Blvd	1934/1936	058-4-445-00-0	Turpin Hill	2
62	Morgan St	1702	058-3-032-00-0	Turpin Hill	2
75	Luckey St	1739	072-2-139-00-0	Turpin Hill	2
60	Kissingbower Rd	1958	086-1-022-00-0	South Augusta	2
41	Aragon Dr	155	088-1-033-00-0	East Augusta	2
37	Greene St	2008	035-1-116-00-0	Harrisburg	2
39	Aragon Dr	137	087-2-119-00-0	East Augusta	2
40	Aragon Dr	161	088-1-034-00-0	East Augusta	2
51	Cleveland St	1640	045-2-101-00-0	Harrisburg	2

ID	STREET	ADDRESS	MAP PARCEL	Neighborhood	Comm Dist
52	Johnson Ave	1308	059-3-102-00-0	Bethlehem	2
53	Perry Ave	1308	059-1-120-00-0	Turpin Hill	2
67	Macintosh Terrace	1703	123-3-201-00-0	Meadowbrook	5
59	Stafford St	3528	141-0-529-00-0	Meadowbrook	5
54	Davis Dr	3535	120-0-010-00-0	Meadowbrook	5
9	Prince Rd	3503	120-0-123-00-0	Meadowbrook	5
4	Tara Heights	2509	084-4-320-00-0	South Augusta	5
3	Alene Cir	3610	107-0-338-00-0	Meadowbrook	5
66	Plantation Rd	2283	180-0-104-00-0	South Richmond	6
58	Elk St	3906	179-0-022-00-0	South Richmond	6
36	Plantation Rd	2207	180-0-012-00-0	South Richmond	6
11	Winston Way	2400	131-0-191-00-0	Meadowbrook	6
19	South Atlantic Dr	1530	171-0-077-00-0	East Augusta	8



Administrative Services Committee Meeting
3/8/2010 12:45 PM
Department Reorganization – Finance

Department:	Donna B. Williams, CGFM
Caption:	Approve the reorganization of the finance department that provides a cost savings to the general fund.
Background:	The Finance Department has reviewed the existing departmental organizational structure and determined that the department could be reorganized to be more effective and efficient while also becoming more cost effective.
Analysis:	The goals of evaluating the current organizational structure are to create a more efficient and effective department, in the most cost effective manner possible. As the nature of governmental finance has become more sophisticated with the enactment in the recent years of several significant GASB Pronouncements (GASB 34 - Financial Statements, GASB 43/45 OPEB Reporting, GASB 54 Fund Balance Reporting) and the additional regulatory and reporting requirements imposed by other governmental entities (Federal and State) it is imperative that we retain and hire staff with experience in governmental accounting. In the past we have been able to hire entry level personnel and provide training, we are no longer able to afford the luxury of being a training ground for others. As part of 2010 budget process, the finance department's organizational chart was reviewed to determine what if any savings could be found. After a detailed review it has been determined that by upgrading several positions and eliminating several entry level positions the overall salary budget would be reduced. Again, this plan will allow our department to operate more effectively and efficiently. As part of the re-structuring, the proposed organizational structure includes the elimination of 3 positions, the altering of 15 positions and the addition of 1 position. The 3 positions that are being eliminated are entry level and are currently unfilled. Reclassifications and pay grades have been reviewed and approved by Human Resources. Revised job descriptions are on file with the Human Resources department.
Financial Impact:	A cost savings of \$75,724 to the general fund.
Alternatives:	Do not approve reorganization, losing the cost savings while hampering the efficiency and effectiveness of the finance department
Recommendation:	Approve department reorganization
Funds are Available in the Following	No additional funds required, this is a cost savings

Accounts:

REVIEWED AND APPROVED BY:

Finance.

Law.

Administrator.

Clerk of Commission

**Augusta Georgia
Finance Department
Proposed Position Reclassifications**

<u>Current Position</u>	<u>Current Grade</u>	<u>Current Salary</u>	<u>Proposed Position</u>	<u>Proposed Grade</u>	<u>Grade Entry Level</u>	<u>Proposed Salary</u>	<u>Salary Increase</u>
Finance							
Accountant I	47	39,143	Financial Analyst I	53	52,099	52,099	12,956
Accountant II	46	36,917	Accountant I	47	35,904	42,455	5,538
Accountant II	46	42,860	Accountant I	47	35,904	49,289	6,429
Accountant I	47	51,656	Financial Analyst I	53	52,099	59,404	7,748
Assistant Director	59	70,874	Deputy Finance Director	61	78,531	81,505	10,631
Accounting							
Accountant III	44	45,394	Accounting Manger	52	49,494	52,203	6,809
Payroll							
Payroll Supervisor	48	47,929	Payroll Manager	52	49,494	55,119	7,189
						Total	<u>57,301</u>
Funding for Reclassification: Elimination of 3 Authorized Positions							
Salary and Benefits for 4 Accountant II Positions							133,025
Reclassification increase							<u>57,301</u>
Total Savings to General Fund							<u>75,724</u>

When an employee is reclassified into a new position the new salary is either the pay grade minimum or 15% increase from current salary which ever is greater. This is in accordance with the guidelines set forth in the employee handbook.
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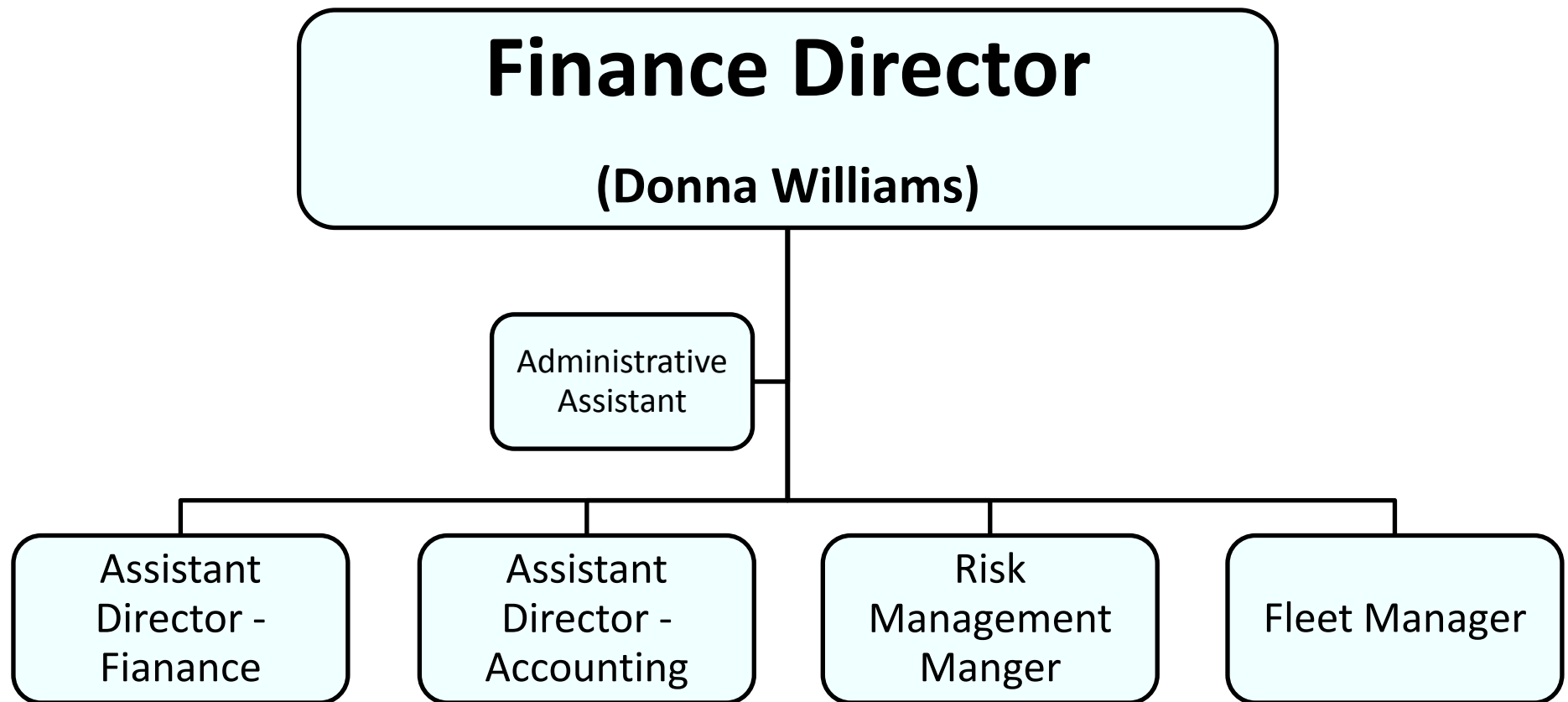
**Augusta Georgia
Finance Department
Proposed Position Reclassifications**

<u>Current Position</u>	<u>Current Grade</u>	<u>Current Salary</u>	<u>Proposed Position</u>	<u>Proposed Grade</u>	<u>Grade Entry Level</u>	<u>Proposed Salary</u>	<u>Salary Increase</u>
Risk Management							
Risk Mgmt Manger	55	63,129	Risk Mgmt Manger	55		69,442	6,313
Secretary	39	32,477	Admin Assistant I	43	27,674	37,349	4,872
Claims Assistant	42	28,681	Claims Coordinator	45	32,404	32,983	4,302
Claims Adjustor	48	44,138	Claims Adjustor	51	44,081	50,759	6,621
WC Coordinator	43	33,006	WC Supervisor	48	37,797	37,957	4,951
Loss Control/Training Officer	49	46,462	Loss Control Officer	53	52,099	53,431	6,969
Trainer/ Safety Officer	44	33,500	Safety Officer	47	35,904	38,525	5,025
Fleet							
Fleet Manager	55	64,383	Fleet Manager	55		70,821	6,438

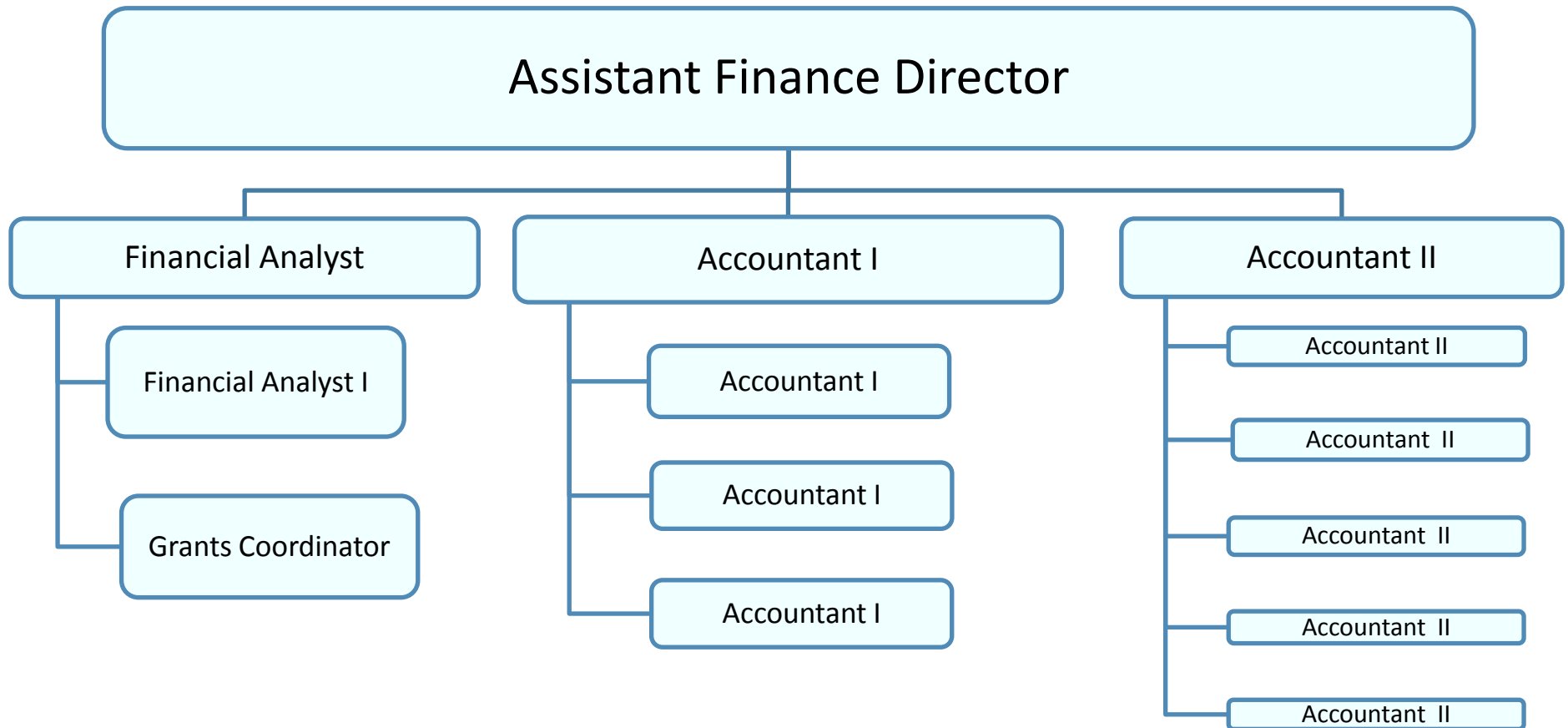
When an employee is reclassified into a new position the new salary is either the pay grade minimum or 15% increase from current salary which ever is greater. This is in accordance with the guidelines set forth in the employee handbook.

Finance Department, Augusta Georgia

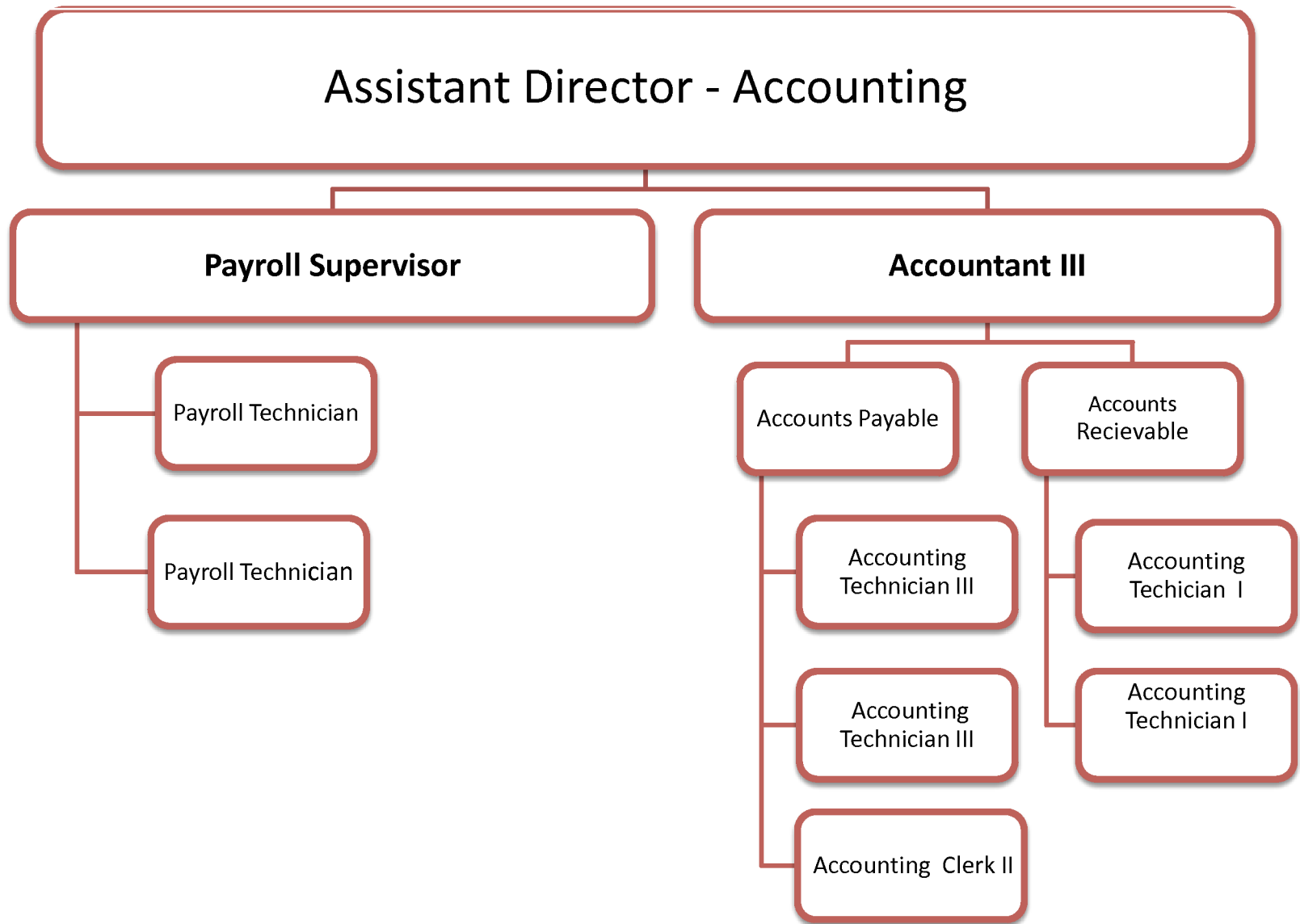
Organizational Chart - Current



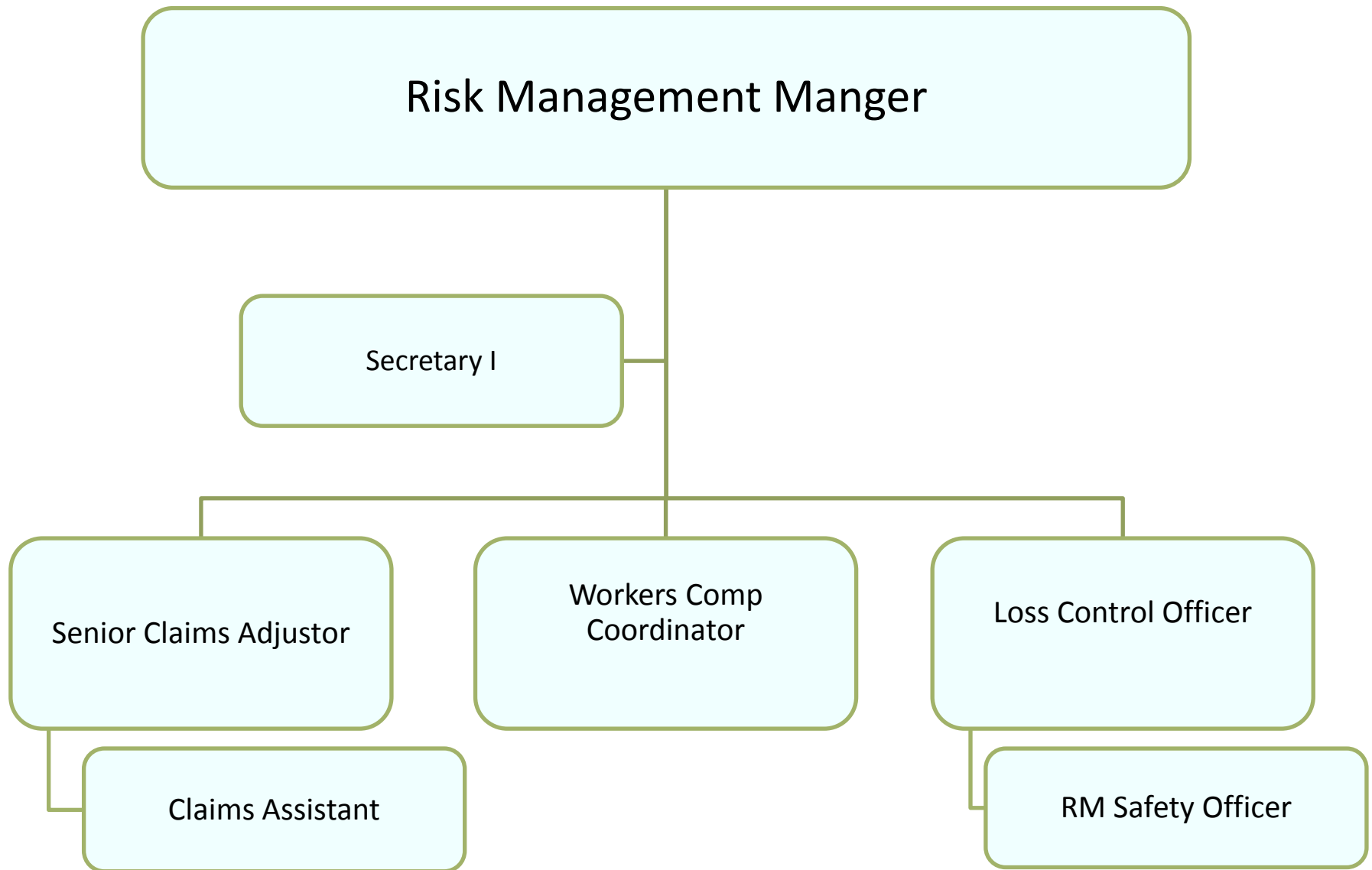
Finance Department, Augusta Georgia
Finance Division - Current



Finance Department, Augusta Georgia
Accounting Division - Current



Finance Department, Augusta Georgia
Risk Management Division - Current



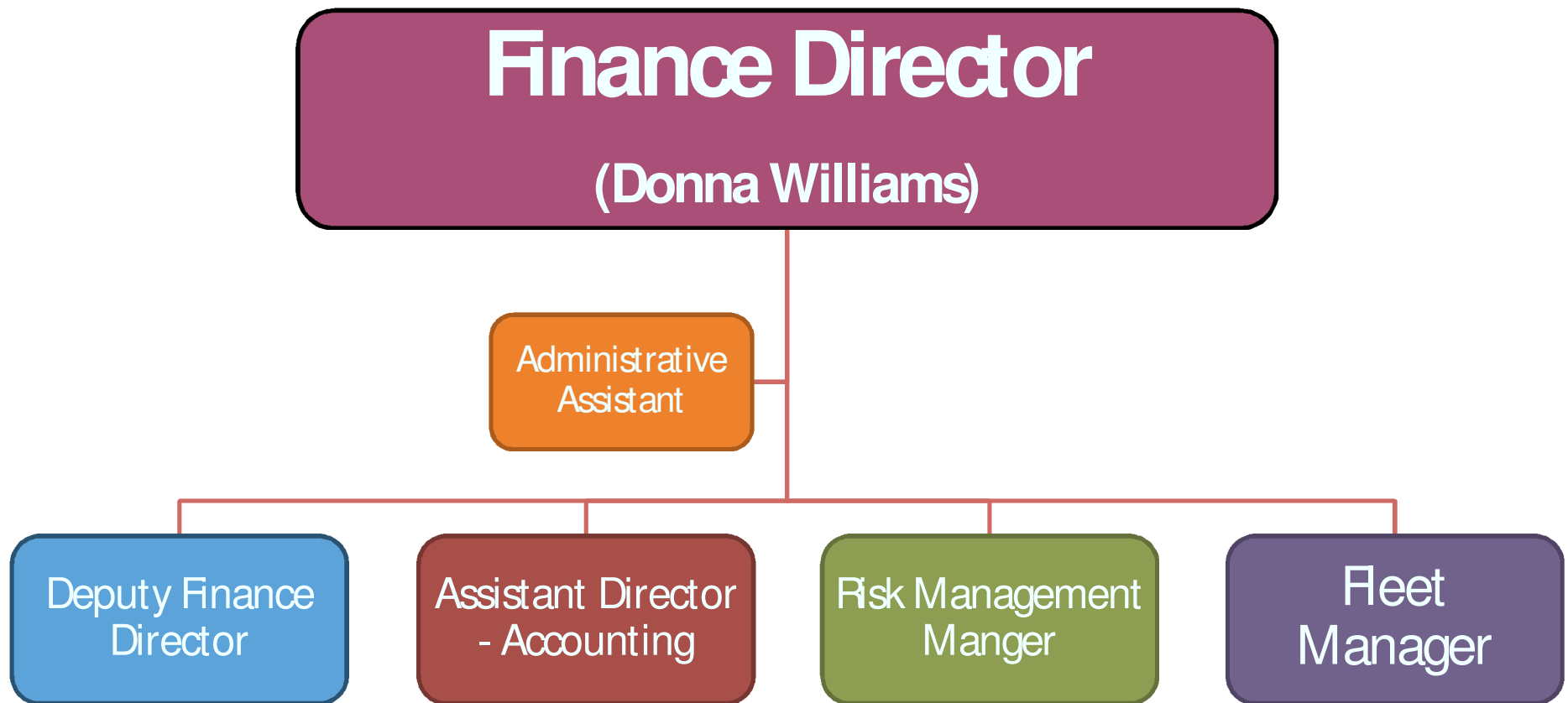
Finance Department, Augusta Georgia
Fleet Division - Current

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graph TD; FM[Fleet Manager] --- AA[Administrative Assistant];
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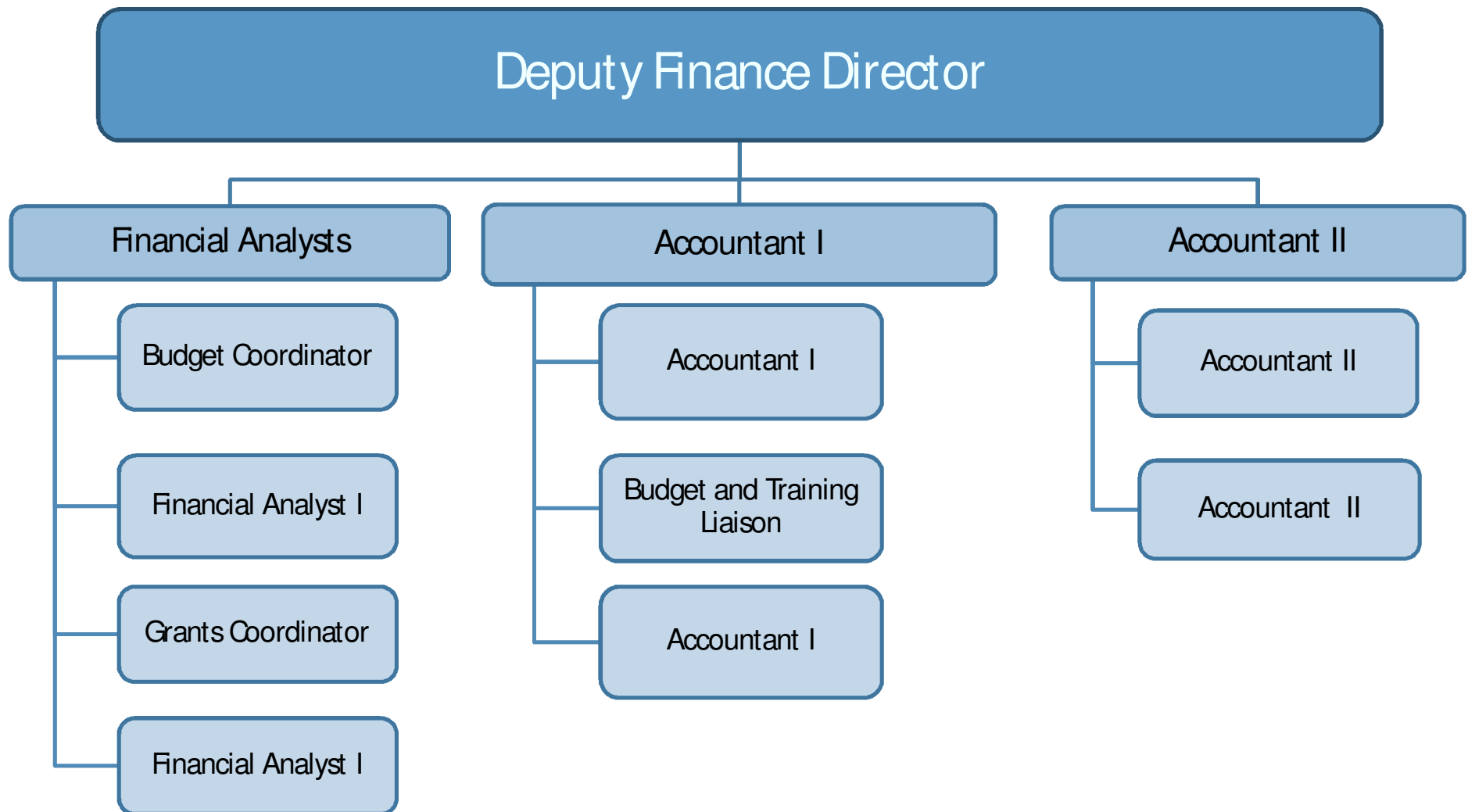
Fleet Manager

Administrative Assistant

Finance Department, Augusta Georgia- Proposed

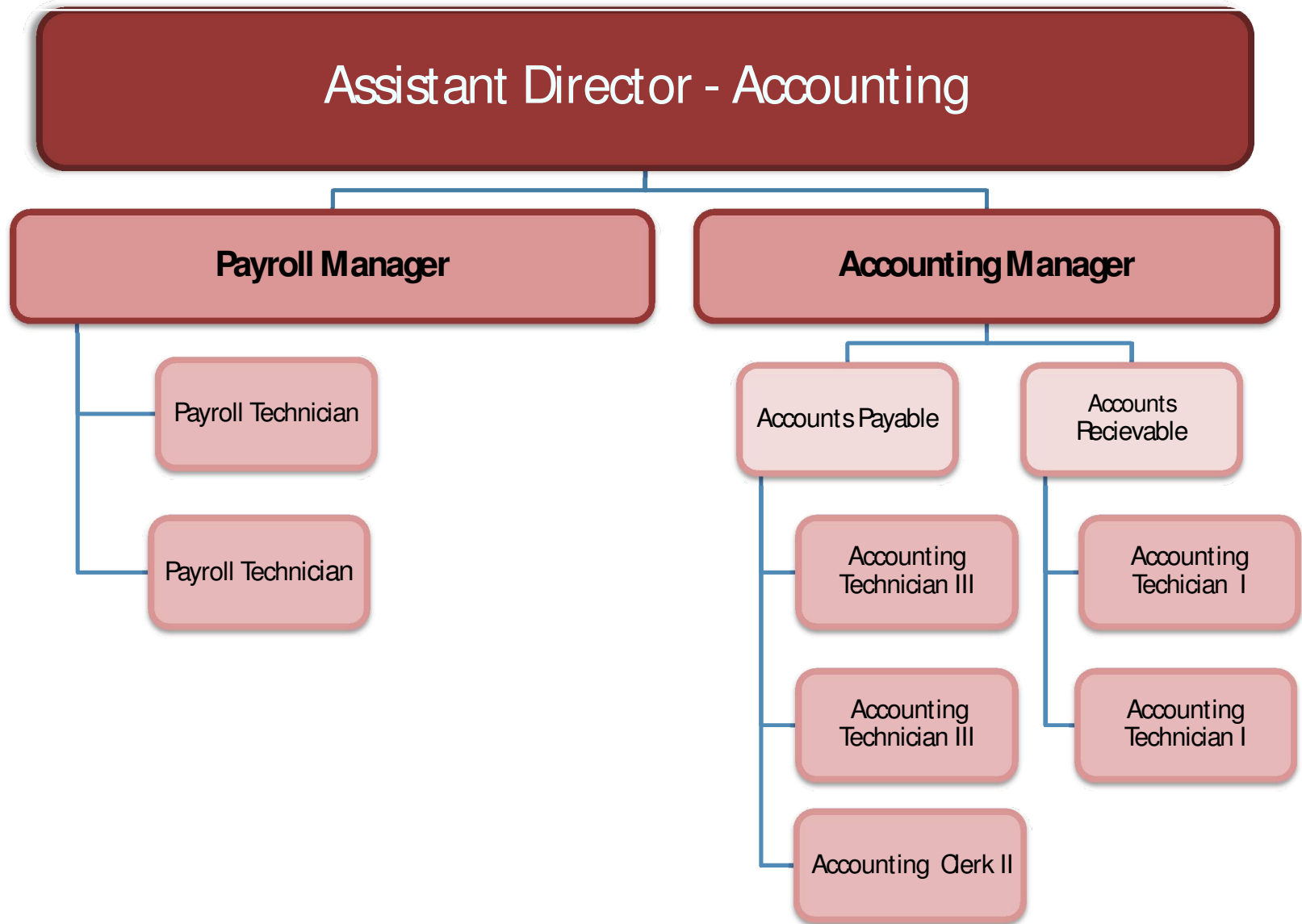


Finance Department, Augusta Georgia
Finance Division



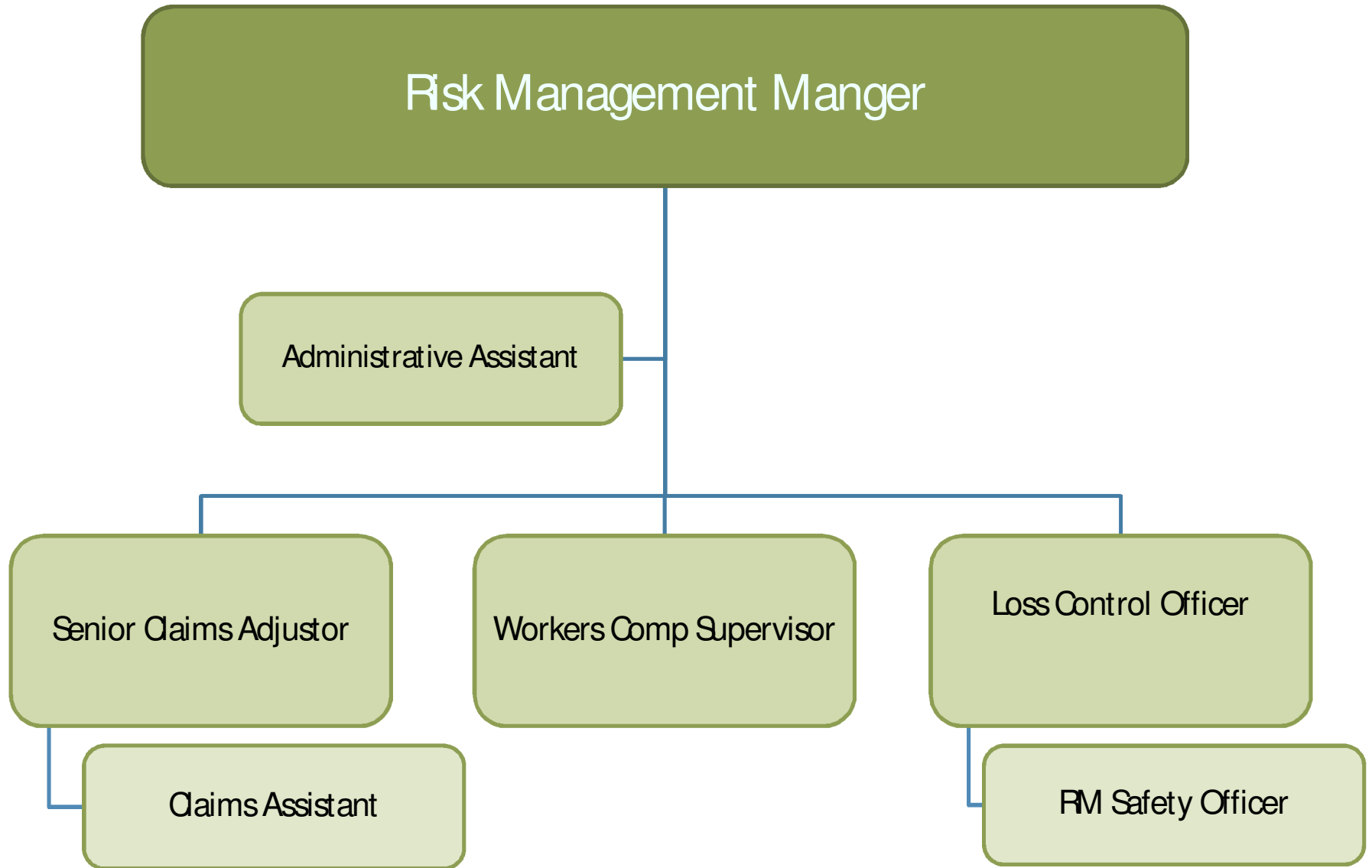
Finance Department, Augusta Georgia

Accounting Division - Proposed

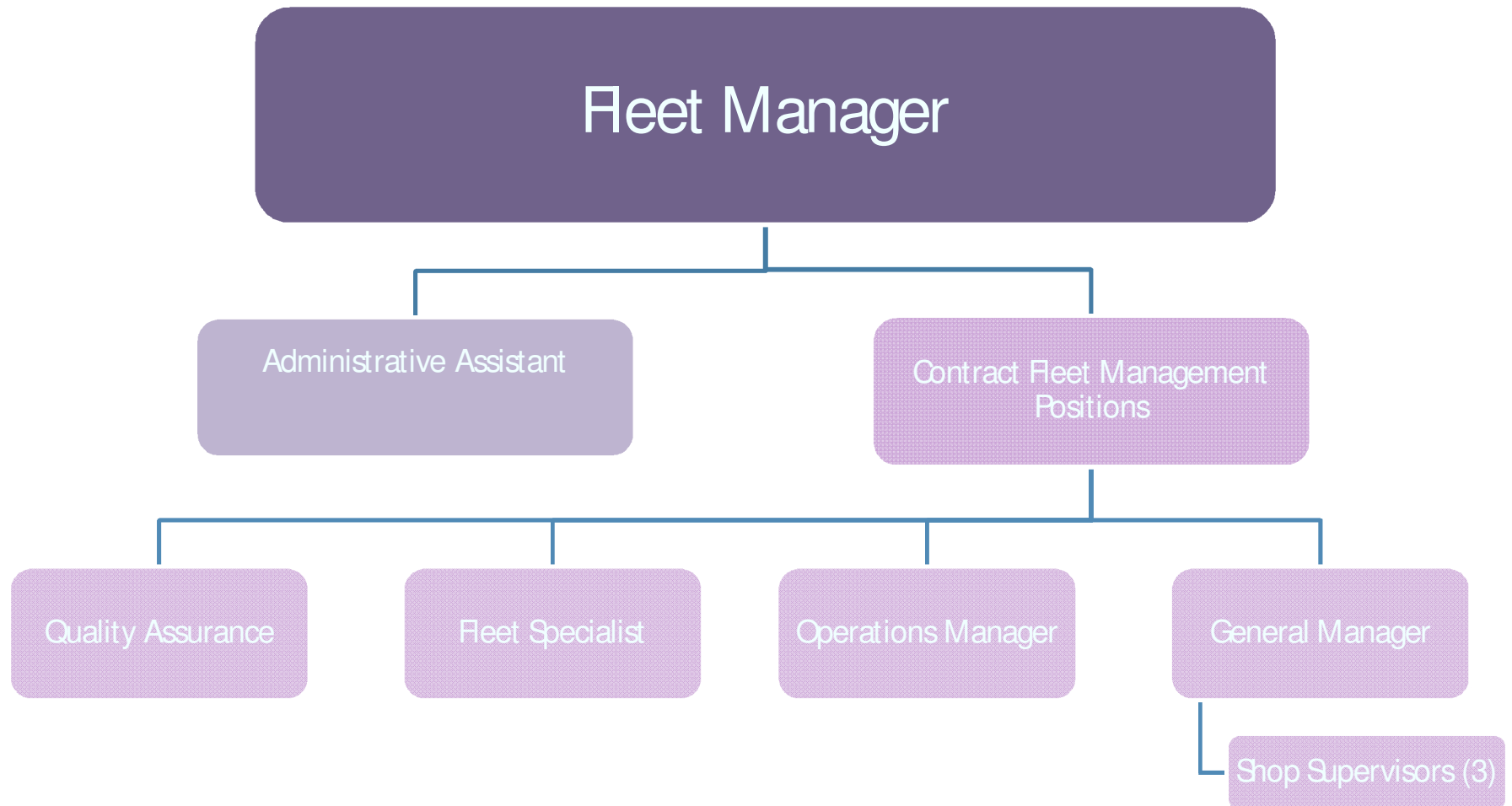


Finance Department, Augusta Georgia

Risk Management Division - Proposed



Finance Department, Augusta Georgia
Fleet Division -Proposed





**Administrative Services Committee Meeting
3/8/2010 12:45 PM
Designation of Harrisburg West End an Opportunity Zone**

Department: Planning Commission

Caption: Approve an Resolution designating Harrisburg/West End as an Opportunity Zone.

Background: The Georgia Code at O.C.G.A. 48-7-40.1 provides for state tax credits for jobs created in depressed areas that meet certain criteria. After Harrisburg/West End is designated as an Enterprise zone it will qualify as an Opportunity Zone. The combination of these two economic incentives should stimulate the creation of jobs in the subject area. The rules on Opportunity Zones may be changed by the Department of Community Affairs offices so this application, if approved, must move quickly. On July 7, 2009 the Commission approved the designation of various Opportunity Zones in Augusta, but the geographic limits were not specific enough to contain Harrisburg/West End.

Analysis: With the positive things that are going on in Harrisburg/West End, economic incentives could help create a powerful development district for that City. At stake here are state income tax credits, given to employers who create more than two jobs, so there would be no cost to the City.

Financial Impact: See above

Alternatives: Designate or don't designate

Recommendation: Designate

Funds are Available in the Following Accounts:

REVIEWED AND APPROVED BY:

Clerk of Commission

DATE: February 26, 2010

COMMITTEE: Administrative Services

FROM: George Patty

SUBJECT: Designation of Harrisburg/West End Opportunity Zone

CAPTION: Approve an Resolution designating Harrisburg/West End as an Opportunity Zone.

BACKGROUND: The Georgia Code at O.C.G.A. 48-7-40.1 provides for state tax credits for jobs created in depressed areas that meet certain criteria. After Harrisburg/West End is designated as an Enterprise zone it will qualify as an Opportunity Zone. The combination of these two economic incentives should stimulate the creation of jobs in the subject area. The rules on Opportunity Zones may be changed by the Department of Community Affairs offices so this application, if approved, must move quickly. On July 7, 2009 the Commission approved the designation of various Opportunity Zones in Augusta, but the geographic limits were not specific enough to contain Harrisburg/West End.

ANALYSIS: With the positive things that are going on in Harrisburg/West End, economic incentives could help create a powerful development district for that City. At stake here are state income tax credits, given to employers who create more than two jobs, so there would be no cost to the City.

FINANCIAL IMPACT: See above

ALTERNATIVES: Designate or don't designate

RECOMMENDATION: Designate

REQUESTED AGENDA DATE: March 8, 2010

RESOLUTION

WHEREAS, Augusta-Richmond County desires for the improvement of the Harrisburg/West End Neighborhood consisting of the following area:

Beginning at a point where the south bank of the Savannah River intersects the centerline of Thirteenth Street; thence, in a southwesterly direction along the centerline of Thirteenth Street to a point located at the intersection of Thirteenth Street and Greene Street; thence, in an easterly direction along the centerline of Greene Street to a point located at the intersection of Greene Street and Twelfth Street; thence, in a southwesterly direction along the centerline of Twelfth Street; thence, in a southwesterly direction along the centerline of Twelfth Street to a point located at the intersection of Twelfth Street and D'Antignac Street; thence, in a northwesterly direction along the centerline of D'Antignac Street to a point located on the centerline of Thirteenth Street becoming R. A. Dent Boulevard; thence, in a southwesterly direction along the centerline of R. A. Dent Boulevard to a point located where the Laney Walker Boulevard intersects; thence, extending in a northwesterly direction along the northeast right-of-way line of Laney-Walker Boulevard to a point located on the centerline of Fifteenth Street; thence, in a northeasterly direction along the centerline of Fifteenth Street to a point located on the centerline of Walton Way; thence, in a westerly direction along the centerline of Walton Way to a point located on the centerline of Hickman Road; thence, in a northeasterly direction along the centerline of Hickman Road (following the west boundary line of Census Tract 2) to a point located on the centerline of Gardner Street; thence, following the west boundary line of Census Tract 2 east along the centerline of Gardner Street then northwesterly direction back to the centerline of Hickman Road to a point located at the intersection of Telfair Street; thence, in a westerly direction along the centerline of Telfair Street to a point located on the centerline of Milledge Road; thence, in a northeasterly direction along the centerline of Milledge Road to a point located on the centerline line of Broad Street; thence, in a northwesterly direction along the centerline of Broad Street to a point located on the west bank of Lake Olmstead; thence, extending along the north boundary of Census Tract 2 along the north boundary of Lake Olmstead and continuing east along the north boundary of Census Tract 2 across River Watch Parkway to the south bank of the Savannah River; thence, in a southeasterly direction along the south bank of the Savannah River to the point of beginning.

WHEREAS, the rules of the Georgia Department of Community Affairs, Chapter 110-24-1 provide for the creation of Opportunity Zones in certain depressed areas of the State; and

WHEREAS, Harrisburg/West End qualifies for designation as an Opportunity Zone,

THEREFORE, Augusta Richmond County hereby approves the submission of an application to the Department of Community Affairs for the designation of Harrisburg/West End as an Opportunity Zone.

MAYOR

ATTEST: _____

DATE: _____



Administrative Services Committee Meeting
3/8/2010 12:45 PM
Laney Walker/Bethlehem Urban Redevelopment Plan

Department:	Augusta Housing and Community Development
Caption:	Acceptance of the Laney Walker/Bethlehem Urban Redevelopment Plan (URP) that designates Laney Walker/Bethlehem as an Urban Redevelopment Area (URA). This is the second and final part of the process to establish the Laney Walker/Bethlehem neighborhoods as an Urban Redevelopment Area. This designation is a condition of receiving Bond Financing for use in acquiring vacant and abandoned property and developing property in the Laney Walker/Bethlehem Urban Redevelopment Area.
Background:	The Urban Redevelopment Plan is for the Laney-Walker and Bethlehem Neighborhoods and designates these neighborhoods as an Urban Redevelopment Area (URA). This designation is an important tool in developing this area and will support new housing and economic development initiatives. Each of the programs and initiatives used throughout the Laney Walker/Bethlehem Urban Redevelopment Area will be designed to enhance the quality of life for the citizens of these communities. Over time, the once vibrant Laney Walker and Bethlehem Neighborhoods became neglected and fell into disrepair. The desire to revitalize this historic area was initiated in 2008 when the Augusta City Commission passed a \$1 dollar hotel-motel tax. This made approximately \$750,000 annually available over a 50-year period to finance future redevelopment projects. In order to pursue the issuance of bond financing and to fund projects developed in an Urban Redevelopment Area, an Urban Redevelopment Plan must be prepared in accordance with requirements of the Georgia Urban Redevelopment Act, O.C.G.A. 36-61. This document summarizes the assessment of blight that was included in the Blight Findings Report. The Blight Finding report identified the “slum and blight” conditions within the Laney Walker and Bethlehem Neighborhoods in accordance with the Georgia Statute "Urban Redevelopment Act". The Blight Report established the need to develop an Urban Redevelopment Plan that would be used to designate the Laney Walker and Bethlehem Neighborhoods as an Urban Redevelopment Area.
Analysis:	If the Laney Walker/Bethlehem Urban Redevelopment Plan is accepted and passed through a resolution by the Augusta City Commission, the Laney Walker and Bethlehem Neighborhoods will be designated as an Urban Redevelopment Area. The Plan provides a general blueprint for the elimination of blight conditions within these neighborhoods and outlines programs and initiatives that will be used to address both physical development and capacity building for current and future residents. A public meeting was held on February 15, 2010 to present a draft of the Urban Redevelopment Plan.

Financial Impact:	If adopted by the City Commission, the Plan meets a required condition needed to establish the Laney Walker/Bethlehem Urban Redevelopment Authority. Establishing the Authority is a condition of receiving the proceeds from the sale of Taxable Bonds. The proceeds will be used to leverage private sector financing needed for the acquisition of vacant and abandoned property and build new residential and neighborhood retail developments.
Alternatives:	None Recommended.
Recommendation:	Accept the Laney Walker/Bethlehem Urban Redevelopment Plan (URP) by resolution. The resolution will officially establish the Laney Walker and Bethlehem Neighborhoods as an Urban Redevelopment Area (URA). The designation of URA will convey all of the rights and privileges associated with a Redevelopment Area that meets the Georgia State statutes that have been established for such districts. The designation is an important step in the process of securing financing to eliminate blight conditions within these important Augusta neighborhoods.
Funds are Available in the Following Accounts:	Not applicable.

REVIEWED AND APPROVED BY:

Finance.
Law.
Administrator.
Clerk of Commission

**STATE OF GEORGIA
AUGUSTA-RICHMOND COUNTY**

RESOLUTION

**RESOLUTION OF NECESSITY PREREQUISITE TO EXERCISE OF POWERS
UNDER URBAN REDEVELOPMENT LAW**

WHEREAS, Chapter 61 of Title 36 of the Official Code of Georgia Annotated, entitled the "Urban Redevelopment Law," as amended (the "Urban Redevelopment Law"), requires Augusta, Georgia (sometimes referred to herein as "Augusta"), as a condition to the exercise of any of the powers conferred upon Augusta by the Urban Redevelopment Law, to adopt a resolution finding that one or more slum areas exist in Augusta and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of Augusta; and

WHEREAS, after careful study and investigation, Augusta desires to exercise the powers conferred upon Augusta by the Urban Redevelopment Law; and

WHEREAS, the Board of Commissioners of Augusta, Georgia anticipates activating and designating the Augusta-Richmond County Urban Redevelopment Agency (the "Agency") as its urban redevelopment agency under the Urban Redevelopment Law and delegating Augusta's "urban redevelopment project powers" to the Agency;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Augusta, Georgia that there is hereby found, determined, and declared that one or more slum areas exist in Augusta and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of Augusta.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this resolution be and the same are hereby repealed.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this ____ day of March, 2010.

AUGUSTA, GEORGIA

(SEAL)

By: _____
Mayor

Attest:

Clerk of Commission

CLERK OF COMMISSION'S CERTIFICATE

I, **Lena J. Bonner**, the duly appointed and qualified Clerk of Commission of Augusta, Georgia ("Augusta"), **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted on March __, 2010, by the Board of Commissioners of Augusta, Georgia in a meeting duly called and assembled in accordance with applicable laws and with the procedures of Augusta, by a vote of ____ Yea and ____ Nay, which meeting was open to the public and at which a quorum was present and acting throughout, and that the original of the foregoing resolution appears of public record in the Minute Book of Augusta, which is in my custody and control.

GIVEN under my hand and the seal of Augusta, this ____ day of March, 2010.

(SEAL)

Clerk of Commission, Augusta, Georgia

**STATE OF GEORGIA
AUGUSTA-RICHMOND COUNTY**

RESOLUTION

RESOLUTION DESIGNATING URBAN REDEVELOPMENT AREA

WHEREAS, Chapter 61 of Title 36 of the Official Code of Georgia Annotated, entitled the "Urban Redevelopment Law," as amended (the "Urban Redevelopment Law"), authorizes Augusta, Georgia (sometimes referred to herein as "Augusta") to designate an "urban redevelopment area," which is defined to mean a "slum area" which the Board of Commissioners of Augusta, Georgia designates as appropriate for an urban redevelopment project; and

WHEREAS, the Urban Redevelopment Law defines "slum area" to mean an area which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; by having development impaired by airport or transportation noise or by other environmental hazards; or any combination of such factors substantially impairs or arrests the sound growth of Augusta, retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; and

WHEREAS, after careful study and investigation, Augusta desires to designate the area described in Exhibit A attached to this resolution as an urban redevelopment area;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Augusta, Georgia that the area described in Exhibit A attached to this resolution is hereby determined to be a "slum area," by reason of the presence of a substantial number of deteriorating structures, predominance of defective or inadequate street layout and deterioration of site or other improvements, which substantially impairs or arrests the sound growth of Augusta or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, and that such area is therefore designated as appropriate for an urban redevelopment project.

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this resolution be and the same are hereby repealed.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this ____ day
of March, 2010.

**AUGUSTA,
GEORGIA**

(SEAL)

By: _____
Mayor

Attest:

Clerk of Commission

EXHIBIT A

The geographic area including all land lying and being within the boundaries of the Laney-Walker/Bethlehem Urban Redevelopment Area located in Augusta, Georgia ("Augusta") as described in Map 2 located in the Laney Walker/Bethlehem Blight Findings Report a copy of which is on file in the official records of Augusta; and as more particularly described as all land which is located in the eastern portion of the Augusta, south of the downtown area, which area is generally defined by Walton Way to the north, Gordon Highway, Old Savannah Road and Twiggs Street to the east, the existing railroad line to the northwest and R.A. Dent Boulevard to the west.

CLERK OF COMMISSION'S CERTIFICATE

I, **Lena J. Bonner**, the duly appointed and qualified Clerk of Commission of Augusta, Georgia ("Augusta"), **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted on March __, 2010, by the Board of Commissioners of Augusta, Georgia in a meeting duly called and assembled in accordance with applicable laws and with the procedures of Augusta, by a vote of ____ Yea and ____ Nay, which meeting was open to the public and at which a quorum was present and acting throughout, and that the original of the foregoing resolution appears of public record in the Minute Book of Augusta, which is in my custody and control.

GIVEN under my hand and the seal of Augusta, this ____ day of March, 2010.

(SEAL)

Clerk of Commission, Augusta, Georgia



Administrative Services Committee Meeting
3/8/2010 12:45 PM
Modified Contract Process - AHCDD

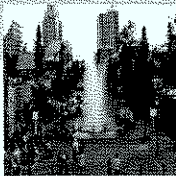
Department:	Augusta Housing and Community Development Department
Caption:	Motion to approve the retention of the Augusta Housing and Community Development Department Modified Contract Process. (Referred from February 22 Administrative Services)
Background:	Each year the City receives Federal and Non-Federal funds that are used to fund agencies and projects to assist low income persons and revitalize low income neighborhoods. An Annual Action Plan is created and presented to the Commission for approval that recommends a budget for spending the annual funds. To carry out these projects, the City is required to have signed agreements in place with agencies to expend these funds. Getting the agreements and contracts executed by all parties is time consuming and can prevent the City from expending its funds in a timely manner. To facilitate the execution of agreements/contracts in a timely manner, we propose that the Modified Contract Process that was approved by the Commission on July 10, 2007 be retained. The Modified Contract Process that was approved is as follows: 1. Once the Consolidated/Annual Action Plan is approved by Commission the following process will be followed: a. The Mayor will be given authorization to execute all necessary Grant Agreements relative to the approved Consolidated Plan/Annual Action Plan; and b. The Mayor, City Administrator and Director of AHCDD will be given authorization to execute all the necessary agency grant agreements and construction contracts required to implement the Consolidated Plan/Annual Action Plan as approved by the Commission. All contracts will be in compliance with the Augusta-Richmond County Bidding Policies and Procurement Processes. All changes to the Action Plan because of reprogrammed funds will be approved by they Commission.
Analysis:	The Modified Contract Process approved by the Commission on July 10, 2007, delegates the authority to execute the contracts to the Mayor, City Administrator, and the AHCDD Director for all projects approved by the Commission in the Consolidated/Annual Action Plan.
Financial Impact:	The modified contract process allows AHCDD to facilitate expenditure of funds in a timely manner. The Department has been timely on its expenditures of funds since 2007. Prior to this process, the Department was in non-compliance for the years 2004 – 2006, with a potential consequence of reduced funding.
Alternatives:	None Recommended.

Recommendation: Approval from the Commission to keeep in place the Modified Contract Process that delegates authority to execute contracts for all projects in the approved Action Plan by the Mayor, City Administrator and the AHCDD Director.

Funds are Available in the Following Accounts: Not applicable.

REVIEWED AND APPROVED BY:

Clerk of Commission



City of Augusta, GA

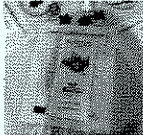
Contract Process

February 2010

Augusta Housing and Community
Development Department







Augusta-Richmond County Municipal Building

2/11/2010 530 Greene Street, 8th Floor, Augusta, GA 1

AHCDD Annual GRANT PROCESS

Why Our Process Works



2/11/2010 2

ACTION PLAN (AP) – Center of Process

What is the Annual Action Plan?

- The Action Plan spells out in detail what projects the City will carry out and how much money it will spend
- The Action Plan is presented to the Commission for Approval and presented to HUD by November 15th of each year
- When approved by the Commission and HUD, AHCDD is granted authority to issue subrecipient contracts for projects in the plan and present to Mayor for execution
- All changes to Action Plan because of reprogrammed funds are subject to Citizens Participation and Approval by Commission

2/11/2010

3

What are we Requesting?

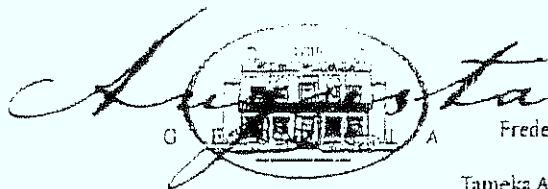
To Leave Approved
Modified Contract Process
In Place

Approved by Commission July 10, 2007

Attachment 1: Commission Approval Letter July 10, 2007

2/11/2010

4



Office Of The Administrator

Frederick L. Russell, Administrator

Tameka Allen, Interim Deputy Administrator
Robert Leverett, Interim Deputy Administrator

Room 801 - Municipal Building
530 Greene Street - AUGUSTA, GA. 30911
(706) 821-2400 - FAX (706) 821-2819
www.augustaga.gov

July 10, 2007

Mr. Chester Wheeler
Director - Housing & Community Development
925 Laney Walker Blvd.
Augusta, GA 30901

Dear Chester:

The Augusta-Richmond County Commission, at their regular meeting held on Tuesday, July 10, 2007, took action on the following items.

- ✓ 26. Approved Proposed Procedure for Authorization of Agreements/Contracts for the Housing and Community Development Department.
- 27. Approved the Reprogramming of \$1,032,392.14 in CDBG, HOME, ESG and HOPWA Funds and Change the Scope of Services for the Boys Club and Augusta Mini Theatre Projects; and that the Augusta Youth Center not be reprogrammed.

If you have any questions, please contact me.

Yours truly,

Tameka Allen
Interim Deputy Administrator

cc: Ms. Donna Williams

07-10-07: #26, #27



HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Chester A. Wheeler, III
Director

DRAFT FOR MUNI-AGENDA

CAPTION: Consider Proposed Procedure for Authorization of Agreements/Contracts for the Housing and Community Development Department

BACKGROUND: Each year the City receives Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnerships (HOME) and Housing Opportunities for Persons with AIDS (HOPWA) funds from HUD. These funds are used to fund agencies and projects to assist low income persons and revitalize low income neighborhoods.

The Housing and Community Development (HCD) Department annually solicits for proposals from agencies and develops CDBG, ESG, HOME and HOPWA budgets which are incorporated into the City's Annual Action Plan. For Year 2007, the Action Plan contains sixty-one (61) projects. To carry out these projects, HUD requires the City to have agreements with the agencies. In addition, if a project involves construction, a construction contract is required also. Getting these agreements and contracts executed by all parties is time consuming and prevents HCD from proceeding with the projects and expending the funds in a timely manner. As you are aware, HUD reviews our spenddown of funds each September 30.

To facilitate the execution of agreements/contracts process, we are proposing the following Agreement/Contract Execution Procedure for the Housing and Community Development Department:

Once the Consolidated Plan/Annual Action Plan is approved by Commission:

- Mayor will be given authorization to execute all necessary Grant Agreements relative to the approved Consolidated Plan/Annual Action Plan as required by HUD;
- The Mayor, City Administrator and Director of HCD will be given authorization to execute all the necessary agency grant agreements and construction contracts required to implement the Consolidated Plan/Annual Action Plan as approved by the Commission. All documents other than Forms HUD-7082, and HUD-40093 must require signatures by all (3) parties. All Augusta-Richmond County Bidding Policies will be complied with and acknowledgement given by the Director of Procurement; and

Housing and Community Development
925 Laney-Walker Boulevard, Augusta, GA 30901
(706) 821-1797 – Fax (706) 821-1784

www.augustarichmondcounty.gov



- Any construction contract that has a funding source not funded by HUD requires Commission approval.

ANALYSIS: The current procedure requires **all** agreements and contracts to be approved by the Commission and executed by the Mayor. This proposed procedure will allow the Commission to approve projects in the Annual Action Plan and delegate the authority to execute the contracts to the Mayor, City Administrator and HCD Director.

FINANCIAL IMPACT: Approval of the proposed procedure will facilitate the expenditure of funds in a timely manner.

ALTERNATIVES: None recommended.

RECOMMENDATION: Approve New Procedure for Authorization of Agreements/Contracts for the Housing and Community Development Department

FUNDS: HUD: CDBG, ESG, HOME & HOPWA funds

What is Modified Contract Process

- The **Modified Contract Process** allows the Commission to Approve Projects in the Annual Action Plan and delegates the authority to execute the contract to the City Attorney, Mayor, City Administrator or AHCDD Director
- Approved by Commission July 10, 2007

2/11/2010

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Why Are We Requesting to Keep Modified Contract in Place

- ✓ We have a documented contract approval process in place that is effective and efficient, and facilitates us being in compliance with Federal Regulations.
- ✓ From 2004 – 2006, the Department was untimely on use of funds
- ✓ In October 2007, Department became timely in use of funds
- ✓ Grantees are Federally Mandated by 24 CFR 570.902 to manage funds in a timely manner.

Attachment 2: Report PR56 60 Day Ratio Report

2/11/2010

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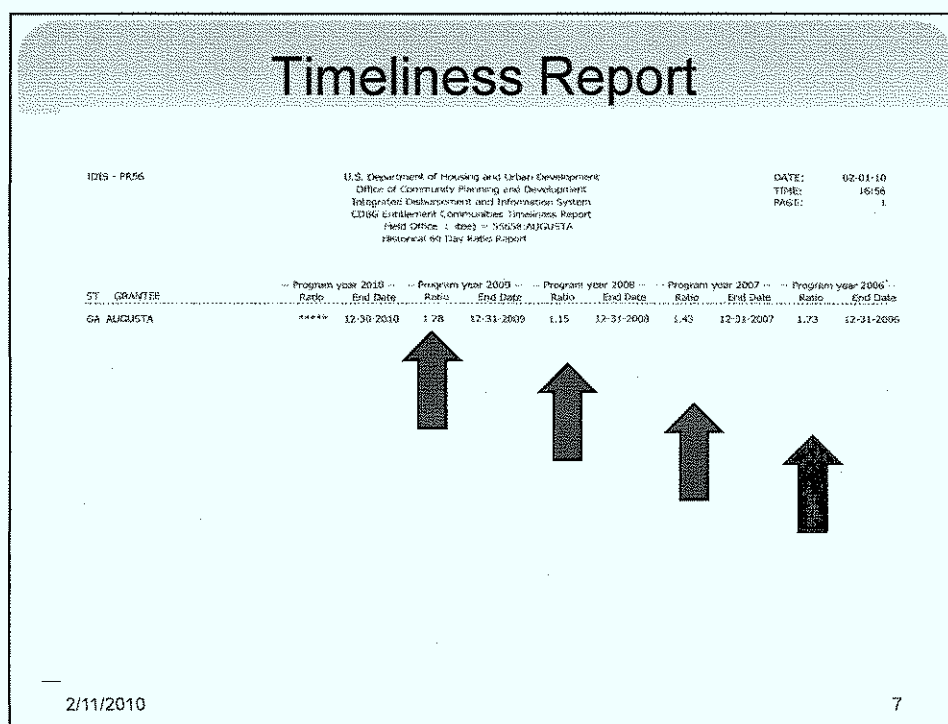
IDIS - PR56

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Integrated Disbursement and Information System
CDBG Entitlement Communities Timeliness Report
Field Office : itee} = 55658:AUGUSTA
Historical 60 Day Ratio Report

DATE: 02-01-10
TIME: 16:56
PAGE: 1

ST	GRANTEE	-- Program year 2010 --		-- Program year 2009 --		-- Program year 2008 --		-- Program year 2007 --		-- Program year 2006 --	
		Ratio	End Date	Ratio	End Date	Ratio	End Date	Ratio	End Date	Ratio	End Date
GA	AUGUSTA	*****	12-30-2010	1.28	12-31-2009	1.15	12-31-2008	1.43	12-31-2007	1.73	12-31-2006

Attachment 2: Report PR56 60 Day Ratio Report



Why Is Timeliness Important: Federal Mandate: Timeliness Test

24 CFR 570.902

**Review to determine if CDBG-funded activities are being
carried out in a timely manner**

- 60 days before the end of a grantee's year, November 1 for Augusta, HUD runs report PR 56 and determines "Grant Timeliness"
- Grantees are allowed under this regulation to have a balance NO GREATER than 1.5 times their annual grant remaining in their line of Credit 60 DAYS PRIOR to the end of their program.
- The failure to meet the 1.5 standard for a second consecutive year may result in the reduction of its FY grant by 100% of the amount of its Line of credit in excess of the 1.50.

2/11/2010

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Historical Perspective

- ✓ The City was non-compliant for Timeliness from 2004 – 2006
- ✓ For 2004-2006, City was at risk of grant reduction for timeliness non-compliance
- ✓ 2007 Department Documents Grant Process
- ✓ Modified Contract Approval Process Approved July 10, 2007
- ✓ 2007 and 2008 City Compliant for Timeliness
- ✓ 2009 City is Compliant for Timeliness – Grant Funds Issued Mid July 2009 and **City is Compliant by November 2009!**

Attachment 3: HUD Letter to City about Timeliness Issue (11/25/05)

Attachment 4: HUD Follow Up Letter to City 2/24/06

Attachment 5: HUD Letter Acknowledging 2007 Compliance for Timeliness (10/26/07)

Attachment 6: 2009 Grant Agreement – Funds Issued Mid-July 2009

2/11/2010

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2009 Quick Turnaround Process

- ✓ Federal Government Holds Release of Grant Money Because of Federal Stimulus Programs
- ✓ City receives Grant Funds in Mid-July 2009
- ✓ City Must Still Comply with 24 CFR 570.902 on Timeliness
- ✓ City Obtains Timeliness Compliance in 3.5 months



2009 City is Compliant for Timeliness by November 1, 2009 (1.28 ratio)

Attachment 6: 2009 Grant Agreement – Funds Issued Mid-July 2009

2/11/2010

10



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

NOV 25 2005

The Honorable Willie Mays III
Interim Mayor, Augusta-Richmond County
Consolidated Government
Municipal Building
530 Greene Street, Room 806
Augusta, GA 30911-4406

Dear Mayor Mays:

SUBJECT: Offer of Informal Consultation
Noncompliance with Timely Expenditure Requirements
Community Development Block Grant (CDBG) Program

Pursuant to a review, HUD has determined the Augusta-Richmond County Consolidated Government (herein after the consolidated government) is not carrying out its CDBG program in a timely manner. Grantees are allowed, under the CDBG regulations at 24 CFR part 570.902, to have a balance no greater than 1.50 times their annual grant remaining in their line-of-credit 60 days prior to the end of their program year. As the Department advised grantees in its letter of November 20, 2001, HUD has instituted a policy of reducing the future year's grant of a grantee that continues to be untimely.

The 60-day ratio for the consolidated government, as measured on November 2, 2004, was 1.63. The last 60-day test conducted for your community on November 2, 2005, indicated a balance remaining in its line-of-credit amounting to 1.95 times its Fiscal Year (FY) 2005 grant and, therefore, was again in non-compliance with the 1.50 performance standard. The consolidated government's failure to meet the 1.50 standard for the second consecutive year may result in a reduction of its FY 2006 grant by 100 percent of the amount in its line-of-credit in excess of 1.50. Based on the new drawdown ratio of 1.95, the amount of this reduction is calculated to be \$1,159,076, as shown in the enclosure. The consolidated government may avoid a sanction if it demonstrates to HUD's satisfaction that its untimeliness resulted from factors beyond the city's reasonable control.

Under the provisions of 24 CFR part 570.911, the consolidated government is entitled to an informal consultation prior to the actual reduction of its FY 2006 grant. Therefore, I am inviting you and members of your staff knowledgeable in this issue to attend a meeting at HUD Headquarters, 451 Seventh St., S.W., Washington, DC, at a date and time convenient for you and your staff. If you prefer, the meeting may be held by

Attachment 3: HUD Letter to City about Timeliness Issues (11/25/05)

teleconference. Please contact Ms. Valerie Browne, Community Planning and Development Specialist, Entitlement Communities Division, with the date and time the consolidated government would like the informal consultation to be held. Ms. Browne can be reached at (202) 708-1577.

The purpose of the consultation is to provide the consolidated government an opportunity to demonstrate that factors beyond its reasonable control caused delays in program implementation that affected timely performance or to demonstrate that HUD's finding of noncompliance is incorrect. Please be prepared to address in detail the factors related to the action(s)/activity(ies) that caused non-compliance or, if applicable, the factors that demonstrate compliance. These issues should include:

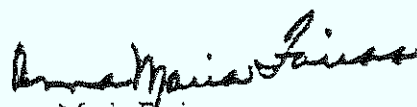
- The problem, as defined by the specific factor(s) beyond your control, why it was beyond your control, and how it caused untimely performance and/or affected the timeliness of expenditures for other parts of your CDBG program over the affected time period.
- The duration of the problem: when did it begin and when is it expected to end.
- The CDBG amount of each activity affected by the problem, explain, if applicable, why these funds were not reprogrammed after the problem occurred.
- Other actions implemented to ameliorate the effects this problem had on project specific and program-wide timely performance, when you undertook them, and what effect they have had and/or will have on timely performance (including the extent to which CDBG funds on hand have been obligated for specific activities).
- If the "factor(s) beyond your control" had not happened and funds were drawn down at the anticipated rate, would the consolidated government otherwise have met the 1.50 standard? Provide the calculation and the information the consolidated government used to reach that conclusion.

Please provide a written response to the factors that you deem relevant to the consolidated government's performance, no later than three business days before the requested teleconference date, with a copy to Mr. John Perry, Director, Community Planning and Development Division, HUD Atlanta Regional Office, so that we will be in a better position to discuss this matter with you. Please email your response to Valerie S. Browne@HUD.gov and John L. Perry@HUD.gov.

Following this informal consultation, HUD will advise you in writing of its decision. Should the consolidated government decline to participate in the consultation, the consolidated government's FY 2006 CDBG entitlement amount will be reduced by \$1,159,076 at the time of grant award. The amount of the city's FY 2006 entitlement award is not known as of the date of this letter because the U.S. Congress has not completed the appropriations process for the CDBG program.

Please feel free to contact Ms. Browne or Mr. Stanley Gimont, Director,
Entitlement Communities Division, at (202) 708-1577, if you have any questions
regarding the informal consultation.

Sincerely,


Anna Maria Farias
Deputy Assistant Secretary
for Grant Programs

Enclosure

AUGUSTA-RICHMOND COUNTY CONSOLIDATED GOVERNMENT
COMPLIANCE WITH 1.5 TIMELINESS STANDARD
60-DAY RATIO ON NOVEMBER 2, 2005

Line of Credit Balance as of November 2, 2005:

FY 2003 Grant Balance:	\$ 19,092.65
FY 2004 Grant Balance:	\$ 2,442,291.10
FY 2005 Grant Balance:	<u>+ 2,604,616.00</u>
Total Grant Balance	\$ 5,065,999.75

New 60-Day Ratio Calculation:

60-Day Ratio = $\frac{\text{Total Grant Balance}}{\text{FY 2005 Grant}} = \frac{\$ 5,065,999.75}{\$ 2,604,616.00} = 1.95$

Amount Over Timeliness Threshold:

Amount in Excess = (New 60-Day Ratio - 1.50) (FY 2004 Grant)
= $(1.95 - 1.50)(\$ 2,604,616.00) = \$ 1,159,075.75$

FY 2006 Potential Reduction: \$1,159,076.00



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

FEB 24 2006

MEMORANDUM FOR: John Perry, Director, Office of Community
Planning and Development, 4AD

FROM: Stanley Gimont, Director, Entitlement Communities
Division, DGBE

SUBJECT: Timeliness Issues, Augusta, Georgia
Community Development Block Grant Program

Attached is a copy of the letter to Augusta, Georgia regarding CPD's decision on the city's timeliness problem. The Department has determined that Augusta provided sufficient evidence demonstrating that factors beyond its reasonable control contributed to the untimely implementation of its CDBG program. Accordingly, Augusta's Fiscal Year 2006 CDBG entitlement grant of \$2,333,406 will not be reduced, and the entire grant should be made available to Augusta consistent with normal procedures.

Please be advised that as a result of Augusta's untimely performance in 2004 and 2005, a future grant may be reduced by 100 percent of the amount in excess of the 1.5 standard if Augusta's next 60-day ratio exceeds that standard. As such, the Department expects the grantee to be timely when its next 60-day ratio is measured in 2006.

If you have any questions regarding this decision, please contact me or Valerie Browne, CPD Specialist, at (202) 708-1577.

Attachment



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

FEB 24 2006

The Honorable Deke S. Copenhaver
Mayor of Augusta-Richmond County
Consolidated Government
Municipal Building
530 Greene Street, Room 806
Augusta, GA 30911-4406

Dear Mayor Copenhaver:

It was a pleasure meeting you on January 31, 2006, to discuss the city's expenditure performance for the Community Development Block Grant (CDBG) program. Please extend my thanks to Commissioner Richard Colclough, Commissioner Calvin Holland, and Paul DeCamp, Interim Director, Augusta Housing and Economic Development Department (AHEDD) for making the effort to attend the meeting.

The CDBG regulations at 24 CFR part 570.902 allow CDBG entitlement grantees, such as the city of Augusta, to have a balance no greater than 1.5 times their annual grant remaining in their line-of-credit 60 days prior to the end of their program year. In accordance with the CDBG program's timeliness policy, a grantee's future grant may be reduced when the grantee continues to be untimely. Augusta's 60-day ratio, as measured on November 2, 2004, was 1.63. The most recent 60-day test conducted for your community on November 2, 2005, indicated Augusta had a balance remaining in its line-of-credit amounting to 1.95 times its Fiscal Year (FY) 2005 grant. The city was, therefore, again in non-compliance with the 1.5 performance standard. This non-compliance has the potential to result in the reduction of the city's FY 2006 CDBG grant in the amount of \$1,159,076.

Under the provisions of 24 CFR 570.911 of the CDBG regulations, Augusta officials attended an informal consultation on January 31, 2006, to discuss reasons why the city might qualify for an exception to the Department's timeliness policy. According to the city, the following events negatively impacted its timely performance: (1) the loss of key AHEDD staff including the department's director, housing program administrator, and finance director; (2) conflicts concerning the mission and performance of AHEDD; and (3) an internal audit of AHEDD. The combined effect of the three factors resulted in AHEDD staff time being diverted from critical project management responsibilities to address those factors.

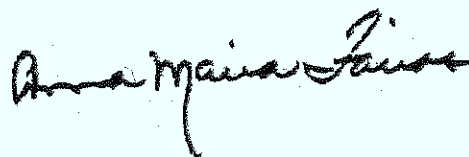
We have reviewed the written materials submitted by Augusta and evaluated your comments from the January 31 meeting. In consideration of the evidence provided by the city, the Department will grant Augusta an exception to the timeliness policy. Having made this determination, Augusta's FY 2006 grant will not be reduced.

However, the Department expects Augusta to be timely 60 days prior to the end of its FY 2006 program year. Since the city has been untimely for two consecutive years and has gone through the consultation process, the city should understand that a continued failure to perform with regard to the timely administration of CDBG program will place the city in a precarious situation for the future. The city has substantial ground to make up with regard to the expenditure of CDBG funds in order to be below the 1.5 threshold at the next computation date. HUD fully expects that actions proposed to close this gap, such as the acquisition of an existing multifamily property for use as senior housing and resolution of staffing issues, will be implemented. To be clear, failure to meet the 1.5 standard later this year will almost certainly result in a reduction of a future grant by 100 percent of the amount in excess of the 1.5 standard.

We appreciate your willingness to address HUD's concerns and in working with this office and HUD's Community Planning and Development (CPD) Division field staff in the Atlanta Regional Office. Please be assured that the Atlanta Regional Office staff is available to assist you in any way possible to meet the timeliness standard in the future, and we compliment you and your staff for the positive actions taken to improve program delivery.

Please feel free to contact Mr. Stanley Gimont, Director, Entitlement Communities Division, at (202) 708-1577 if you have questions regarding the contents of this letter. Please direct all other questions you may have to Mr. John Perry, CPD Director, in the Atlanta Regional Office. Mr. Perry can be reached at (404) 331-5001.

Sincerely,



Anna Maria Farias
Deputy Assistant Secretary
for Grant Programs



U. S. Department of Housing and Urban Development
Regional Director
Region IV

Attachment number 1
Page 17 of 20

October 26, 2007

The Honorable Deke Copenhaver
Mayor
Augusta-Richmond County Consolidated Government
Municipal Building
530 Greene Street, Room 806
Augusta, GA 30911

Dear Mayor Copenhaver:

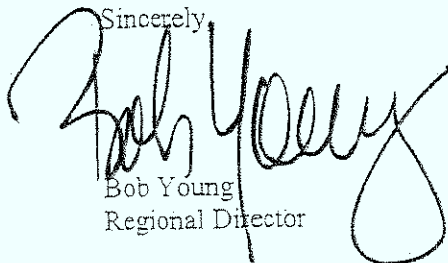
Congratulations! The Office of Community Planning and Development informed me that the City of Augusta has achieved compliance with the performance (timeliness) standard required by the Community Development Block Grant (CDBG) program. The timeliness standard requires that 60 days prior to the end of a grantee's current program year, the grantee may not have more than 1.5 times the amount of the current grant year funds available and undisbursed by the U.S. Treasury. The City has been non-compliant with this provision since November 2, 2004. The City's program year ends on December 31, 2007, and, as of October 18, 2007, the City's ratio was 1.47.

I commend your leadership and the diligent efforts of your staff in developing and implementing strategies that assisted the City in getting the CDBG program expenditures in compliance with the program requirements. Also, I encourage the City to maintain this expenditure rate, while continuing to improve efforts to develop viable, effective strategies that contribute to the overall revitalization of neighborhoods, particularly the provision of quality affordable housing.

We recognize that some of the factors that contributed to the timeliness situation were due to the lack of effective leadership in the Housing and Community Development Department, and the absence of a unified vision for neighborhood revitalization among the various community stakeholders. It appears that the City has taken actions to address these issues and is now in a position to move forward with the community development activities. The success of this effort will, to a large extent, depend on the ability of the City and its community stakeholders to jointly work together in carrying out comprehensive and coordinated revitalization efforts.

Again, I applaud your efforts and wish you continued success with all of the City's HUD-funded programs. If we can be of further assistance, please contact John Perry, Director, Office of Community Planning and Development, at (678) 732-2449.

Sincerely,



Bob Young
Regional Director

HUD's mission is to increase homeownership, support community development and increase access to affordable housing free from discrimination.

Attachment 5: HUD Letter Acknowledging 2007 Compliance for Timeliness (10/26/07)

U.S. Department of Housing and Urban Development Attachment Number 1
Office of Community Planning and Development Page 18 of 20
Community Development Block Grant Program

HI-00515R of 20515R

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

Development		Date (mm/dd/yyyy)		Signature		Date (mm/dd/yyyy)	
Signature <i>M. P. ...</i>		06/15/2009		<i>[Signature]</i>		7/1/09	

12a. Amount of Loan Guarantee Commitment now being Approved	12b. Name and complete Address of Public Agency
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency
	Title
	Signature

HUD Accounting use Only										Effective Date (mm/dd/yyyy)		F
Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount		
	1 5 3											
	1 7 6											
			Y									
			Y									

Verified By

Grant Consequences for Non-Compliance Calculation & Potential Funding Loss

AUGUSTA-RICHMOND COUNTY CONSOLIDATED GOVERNMENT
COMPLIANCE WITH 1.5 TIMELINESS STANDARD
60-DAY RATIO ON NOVEMBER 2, 2005

Line of Credit Balance as of November 2, 2005:

FY 2003 Grant Balance:	\$ 19,092.65
FY 2004 Grant Balance:	\$ 2,442,291.10
FY 2005 Grant Balance:	<u>2,604,616.00</u>
Total Grant Balance	\$ 5,065,999.75

New 60-Day Ratio Calculation:

60-Day Ratio = $\frac{\text{Total Grant Balance}}{\text{FY 2005 Grant}} = \frac{\$ 5,065,999.75}{\$ 2,604,616.00} = 1.95$

Amount Over Timeliness Threshold:

Amount in Excess = (New 60-Day Ratio - 1.50) (FY 2004 Grant)
= $(1.95 - 1.50)(\$ 2,604,616.00) = \$ 1,159,075.75$

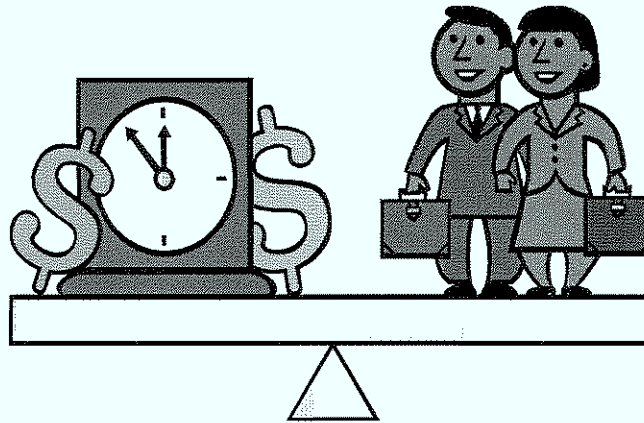
FY 2006 Potential Reduction: \$1,159,075.00

Recommendation

- Leave in Place Modified Contract Process approved January 7, 2010.

- ✓ Our Grant Process is documented and works
- ✓ We follow Richmond County Procurement Process
- ✓ Commission Approves Annual Action Plan and Budget
- ✓ We Have Been Timely in the Use of Funds Since 2007

QUESTIONS



2/11/2010

13



**Administrative Services Committee Meeting
3/8/2010 12:45 PM
Motion to Discuss Revisions to the Procurement Code**

Department: Procurement Department

Caption: Motion to discuss revisions to the Augusta-Richmond County Procurement Code. (Referred from February 22 Administrative Services)

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available in
the Following
Accounts:**

REVIEWED AND APPROVED BY:

Clerk of Commission

Article 1 General Provisions and Definitions

- Sec. 1-10-1. Purpose.
- Sec. 1-10-2. Application of this chapter.
- Sec. 1-10-3. Supplementary laws.
- Sec. 1-10-4. Good faith provision.
- Sec. 1-10-5. Public access to procurement information.
- Sec. 1-10-6. Preference for local suppliers, professional services and contractors.
- Sec. 1-10-7. Value analysis.
- Sec. 1-10-8. Compliance with state and federal requirement.
- Sec. 1-10-9. Definitions--Generally.

Article 2 Reserved

Article 3 Office of the Procurement Director

- Sec. 1-10-23. Authority and responsibility of procurement director.
- Sec. 1-10-24. Centralization of procurement function.
- Sec. 1-10-25. Contract Administration.
- Sec. 1-10-26. Unauthorized Contracts.
- Sec. 1-10-27. Conflicts of interests.
- Sec. 1-10-28. Gratuities and kickbacks.
- Sec. 1-10-29. Contingent Fees.
- Sec. 1-10-30. Penalties.
- Sec. 1-10-31. Reporting of anti-competitive practices to state.

Article 4 Product Specifications

- Sec. 1-10-32. Purpose.
- Sec. 1-10-33. Types of specifications.
- Sec. 1-10-34. Maximum practicable competition.
- Sec. 1-10-35. Qualified products list.
- Sec. 1-10-36. Background information on vendors.
- Sec. 1-10-37. Product references in specifications.
- Sec. 1-10-38. Responsibility for specifications.
- Sec. 1-10-39. Inspection of purchases.

Article 5 Requirements for Bidding or Proposing on Augusta-Richmond

- County Contracts
- Sec. 1-10-40. Responsibility of bidders and proposers.
- Sec. 1-10-41. Cost or pricing data.
- Sec. 1-10-42. Cost or price analysis.

- Sec. 1-10-43. Bid and performance bonds when required.
- Sec. 1-10-44. Bid bonds.
- Sec. 1-10-45. Payment and performance bonds.
- Sec. 1-10-46. Insurance requirements.
- Sec. 1-10-47. Pre-qualifications of contractors.

Article 6 Procurement Source Selection Methods and Contract Awards

- Sec. 1-10-48. Generally.
- Sec. 1-10-49. Purchase order.
- Sec. 1-10-50. Sealed bids selection method.
- Sec. 1-10-51. Request for proposals.
- Sec. 1-10-52. Sealed proposals.
- Sec. 1-10-53. Competitive Selection procedures for professional and consultant services.
- Sec. 1-10-54. Quotations or informal bids selection method (Standard and small purchases).
- Sec. 1-10-55. Banking services.
- Sec. 1-10-56. Sole source procurement.
- Sec. 1-10-57. Emergency procurement selection method.
- Sec. 1-10-58. Annual Contracts
- Sec. 1-10-59. Specific requirements/options for source selection method.
- Sec. 1-10-60. Rejection or cancellation of solicitations; negotiating; re-advertisement.
- Sec. 1-10-61. Multi-term contract.
- Sec. 1-10-62. Right to inspect facilities.
- Sec. 1-10-63. Right to audit records.
- Sec. 1-10-64. Rebidding or cancellation of existing contract.
- Sec. 1-10-65. Multiple Awards.

Article 7 Local Small Business Opportunity Program

- Sec. 1-10-66. Short Title.
- Sec. 1-10-67. Objective.
- Sec. 1-10-68. Policy.
- Sec. 1-10-69. Definitions.
- Sec. 1-10-70. Application; effective date.
- Sec. 1-10-71. Program Administration
- Sec. 1-10-72. Registration and Certification procedures.
- Sec. 1-10-73. Local small business opportunities program participation
- Sec. 1-10-74. Exceptions - Federally Funded Projects

Chapter 10
PROCUREMENT
ARTICLE 1

GENERAL PROVISIONS AND DEFINITIONS

Sec. 1-10-1. Purpose.

The purpose of this Augusta-Richmond County Procurement Procedures is to provide detailed administrative procedures for implementation of procurement policies for Augusta-Richmond County. Further, the purpose of this article is to:

- (a) Simplify and consolidate the procurement procedures;
- (b) Provide for centralized procurement;
- (c) Ensure fair and equitable treatment of all persons involved in the procurement process; and
- (d) Foster competition in the public procurement process; and
- (e) Provide safeguards for the maintenance of the procurement systems.

This chapter shall contain all of the administrative rules, regulations, and procedures needed to purchase goods and services and provide other procurement services for Augusta-Richmond County government.
(Ord. No. 6939, § 16, 1-2-07; Ord. No.)

Sec. 1-10-2. Application of this chapter.

- (a) The requirements of this chapter apply to contracts for the procurement of supplies, commodities, services, construction, professional, and consultant service products solicited or

¹ Note: Under Review. Reference: Contract Chapter 2.1.4.4.17 requires that the procurement of public programs and services be done in accordance with the requirements of the procurement code.

entered into by Augusta-Richmond County. It shall apply to every expenditure of public funds irrespective of the source of the funds. It shall also apply to the disposal of Augusta-Richmond County supplies and personal assets.

- (b) Nothing in this chapter shall preclude Augusta-Richmond County from complying with the terms and conditions of any grant, gift, donation or bequest that are otherwise consistent with state and federal laws.

(Ord. No.)

Sec. 1-10-3. Supplementary laws.

The principles of law and equity, including those relative to contract, agency, fraud, duress, coercion, mistake, bankruptcy, and Uniform Commercial Code of Georgia (O.C.G.A. 11-1-101 et seq. as amended) and all other applicable Federal, State and local laws shall apply, as appropriate, to the procurement process.

Questions of specific legal applicability may be directed through the Augusta-Richmond County Administrator to the Augusta-Richmond General Counsel or Law Department.
(Ord. No.)

Sec. 1-10-4. Good faith provision.

All parties involved in the negotiation, performance, or administration of Augusta-Richmond County contracts shall act in good faith. Good faith means honesty in fact in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.

See State Law References: O.C.G.A. § 11-2-201.

Sec. 1-10-5. Public access to procurement information.

- (a) Contract files. All written records pertaining to a solicitation, award or performance of a contract or purchase order shall be maintained by the Procurement Director.
- (b) Retention. All procurement records shall be maintained and disposed of in accordance with the Records Retention schedule as established

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(g) Criteria. To be certified as a local bidder, the eligible bidder must satisfy no less than two of the following criteria:

- (1) The eligible bidder's principal place of business is located in Augusta-Richmond County/Augusta-Richmond County; and
- (2) ~~or that~~ The eligible bidder has held a valid Augusta-Richmond County business license for at least six (6) months prior to the date of application; and
- (3) A majority of the full-time employees, chief officers, and managers of the eligible bidder have regularly conducted work and business in the county for at least six months prior to the date of application;
- (4) A majority of the employees based at the eligible bidder's location(s) in the county/Augusta-Richmond County have been residents of the county/Augusta-Richmond County for at least six months prior to the date of application.
- (5) The services the eligible bidder offers to the county have been provided by the eligible bidder in the county for at least six months prior to the date of application.

(h) Term. The certification as a local bidder shall expire two (2) years from the date of the approval of the application. Following the expiration date, a business is no longer a local bidder. An eligible bidder must submit a new application for certification as a local bidder to the Procurement Director and establish that it continues to meet the requirements contained in subparagraph (g) of this section in order to receive a bid preference on eligible local projects.

(i) Continuing obligations of eligible bidders certified as local bidders. Eligible bidders certified as local bidders shall be under a continuing duty to immediately inform the department of procurement in writing of any changes in the eligible bidder's business if, as a result of such changes, the eligible bidder no longer satisfies the requirements of subparagraph (g) of this section.

(j) Nothing in this section shall be interpreted to mean that the Augusta-Richmond County Administrator or Commission may abrogate the provisions of O.C.G.A. §§ 36-10-1 through 36-10-5, Public Works Contracts. This provision of the State Code-Georgia law requires that all County public works contracts of forty thousand dollars (\$40,000.00) or more, as defined therein, be publicly advertised

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before letting out the contract to the lowest bidder. Further, nothing in this section shall be interpreted to mean the County/Augusta-Richmond County Administrator or Board of Commissioners may abrogate the provisions of the AUGUSTA, GA CODE-Richmond County Code requiring public advertising before letting certain contracts.

(Ord. No. 6890, § 1, 6-15-06; Ord. No. 6939, § 16, 1-2-07; Ord. No.)

Sec. 1-10-7. Value analysis.

(a) Purpose. A significant portion of the Augusta-Richmond County Annual Budget is committed each year to various purchase contracts such as raw materials, equipment, equipment parts or components, general supplies, and professional and non-professional services. Therefore, it is essential that maximum value be obtained for every public tax dollar spent. A proven technique for obtaining this goal is value analysis.

(b) Definition of value analysis. Value analysis is the organized and systematic study of every element of cost in a part, material, or service to make certain it fulfills its function at the best low value-possible cost. It employs techniques which identify the functions the user wants from a product or service; establishes by comparison the appropriate cost for each function; then, it causes the required knowledge, creativity, and initiative to be used to provide each function for that cost.

(c) Application of value analysis to the procurement process. Value analysis is a study of function and the value of any service, material, or product established by the minimum cost of other available alternatives, materials, products, or services that will perform the same function. To achieve high value, emphasis must be placed on obtaining high use value at the lowest possible cost.

(Ord. No.)

Sec. 1-10-8. Compliance with state and federal requirement.

When the procurement transaction involves the expenditure of State or Federal Assistance funds, the transaction shall be conducted in accordance

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property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

(101) *Contract*. Means all types of county agreements, including purchase orders, regardless of what they may be called, for the procurement or disposal of supplies, services, construction, professional or consultant services and for the transfer of interests in real property.

(112) *Contract Administration*. All activity necessary after award of a contract to administer a contract and to ensure full compliance with its terms, conditions, and scope of services.

(123) *Contract Documents*. All documents which define the scope of the project, including but not limited to, the plans and specifications, advertisement for bids, instructions to bidders, the bid, the proposal, bonds, general conditions, special conditions, insurance and technical specifications.

(134) *Contract Modification*. Any written alteration in specifications, delivery point, time and rate of delivery, period of performance, price, quantity or other provisions of any contract reached by mutual action of the parties to the contract.

(145) *Contractor and/or Sub-Contractor*. Any person having a contract with Augusta-Richmond County, a using agency of Augusta-Richmond County, or a contractor thereof.

(156) *Cooperative Procurement*. Acquiring commodities, services, and construction by, or on behalf of, more than one public procurement agency.

(167) *Cost Analysis*. The evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.

(178) *Cost Data*. The factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by

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the contractor in performing the contract.

(189) *Cost-reimbursement Contract*. A contract under which a contractor is reimbursed for costs which are allowable and in accordance with the contract terms and the provisions of this chapter, and a fee or profit, if any.

(19) ~~County~~, Augusta-Richmond County, Georgia.

(210) ~~Board of County Commission~~. The Board of Commissioners of Augusta-Richmond County which is the governing body of Augusta-Richmond County, Augusta-Richmond County.

(221) ~~County Commission-Mayor~~. The chief executive officer of Augusta-Richmond County who is authorized to sign all contracts for the Board of Commissioners.

(232) ~~County Administrator~~. The chief appointed administrative office of Augusta-Richmond County.

(243) *Days*. Days mean calendar days. In computing any period of time prescribed by the Procurement Code, the first day shall not be counted but the last day shall be counted. If the last day falls on a Saturday or Sunday, the party shall have through the following Monday. When the last day falls on a legal holiday observed by the governing authority, the party shall have through the next day.

(254) *Debarment*. Exclusion from contracting and subcontracting with the ~~County~~ Augusta-Richmond County for a specified period of time.

(265) *Designee*. A duly authorized representative of a person holding a superior position.

(27) ~~Direct or Indirect Participation~~. Involvement through decision approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

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when it would have been brought to his attention if the organization had exercised diligence. (O.C.G.A. § 11-1-201).

(442) *Notice to proceed.* Written document issued by the Procurement Director or her designee directing the contractor to proceed with the performance of the contract.

(451) *Offer.* A proposal or bid submitted in response to a request for proposal (RFP) or invitation for bids (IFB).

(464) *Offeror.* Any person submitting a response to a solicitation issued, including an informal request for quotes, a request for proposal or invitation for bids.

(475) *Organization.* Includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity. (O.C.G.A. § 11-1-201).

(486) *Payment bond.* A bond issued for the protection of all persons supplying labor and material to the contractor or subcontractors for the performance of the work specified in the contract.

(497) *Performance bond.* A bond that insures that the contract will be completed in accordance with contract requirements.

(5048) *Person.* Any business, individual, union, committee, club, other organization, or group of individuals.

(5149) *Pre-qualification.* The process to determine whether a prospective bidder or proposer satisfies the criteria established for inclusion on the pre-qualified bidders or proposers list.

(520) *Price Analysis.* The evaluation of price data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

(531) *Pricing Data.* The factual information concerning prices for

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items substantially similar to those being procured. Prices in this definition refer to offered selling prices, historical selling prices, and current selling prices. The definition refers to data relevant to both prime and sub-contract prices.

(542) *Procurement.* Means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

(553) *Procurement Department.* The department responsible for the expenditure of public funds for the procurement of commodities, services, or construction products.

(564) *Procurement Director.* The department head of the Procurement Department responsible for the procurement of goods and services for Augusta-Richmond-County-Augusta-Richmond County.

(573) *Procurement Officer.* Any person duly authorized to enter into and administer contracts and make written determinations with respect thereto. The term also includes an authorized representative acting within the limits of authority.

(586) *Product.* Something produced by physical labor or intellectual effort, commodities, supplies, equipment, materials, goods, services and construction.

(597) *Product Reference.* A specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard of quality, performance, and other salient characteristics needed to meet County requirements, and which provides for the submission of equivalent products.

(6058) *Professional and consultant services.* Means those services within the scope of the practices of architecture, investment banking, professional engineering, planning, landscape architecture, land surveying, the medical arts,

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(753) *Responsive Bidder or Proposer.* A person who has submitted a bid or proposal which conforms in all material respects to the requirements set forth in the invitation for bids or request for proposal.

(764) *Sealed Bid.* A method for submitting a bid to perform work on a proposed contract. In general, each party interested submits a bid in a sealed envelope, and all such bids are opened at the same time and the most favorable responsible bid is accepted.

(775) *Sealed Proposal.* A method for submitting a proposal for services or a combination of services and commodities on a proposed contract.

(786) *Services.* The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

(797) *Small Business.* A United States business which is independently owned and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field of operation.

(8078) *Solicitation.* Means an invitation for bids, a request for proposals, a request for quotations or any other document issued by the ~~Augusta-Richmond-County~~ Augusta-Richmond County concerning its soliciting bids or proposals to perform an Augusta-Richmond-eCounty contract or purchase order.

(8179) *Sole Source.* A written determination made by the Procurement Director indicating that there is only one source for the procurement of any goods, supplies, services, construction, manufacturer or product source and/or only one vendor source for the required commodities, services or construction products.

(820) *Specification.* Any description of the physical or functional

characteristics or of the nature of commodities, services, or construction products. It may include a description of any requirement for inspecting, testing, or preparing a commodity, service, or construction product for delivery.

(831) *Substantial Interest.* The direct or indirect ownership of more than twenty-five (25) percent of the assets or stock of any business. (O.C.G.A. § 45-10-20).

(842) *Supplies.* Any goods, equipment, material or other personal property owned by ~~Augusta-Richmond-County~~ Augusta-Richmond County and available for use by the personnel of the organization.

(853) *Surplus Supplies.* Any Augusta-Richmond-eCounty owned supplies no longer needed having any use to ~~Augusta-Richmond-County~~ Augusta-Richmond County as determined of official action of the Board of Commissioners.

(864) *Using Agency.* Any department, commission, board, office, authority, or division of ~~Augusta-Richmond-County~~ Augusta-Richmond County requiring commodities, services or construction products or professional or other consultant services.

(875) *Using Agency Head.* The director or department head of a using agency ~~whohat~~ that is responsible for the administration or such using agency.

(886) *Value Analysis.* An organized and systemic study of every element of cost in a part, material, or service to make certain it fulfills its function at the ~~lowest possible cost~~ best value.

(897) *Warranty Period.* The period following final acceptance of the project during which the contractor/vendor is responsible for repair of any product, equipment and /or work not caused by vandalism or natural disaster.

(Ord. No. —)

ARTICLE 2

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- (15) Selling, trading, or otherwise disposing of surplus supplies belonging to Augusta-Richmond County;
- (16) Prequalifying suppliers;
- (17) Prequalifying products; ~~especially nonferrous products~~; through the study of testing data;
- (18) Maintaining the official Augusta-Richmond County bidder's list;
- (19) Adopting operational procedures;
- (20) Contract administration;
- (21) Examining solicitation documents and contracts;
- (22) Resolving protests; and
- (23) Any other duty assigned by the Administrator that is within the intent and scope of duties set forth in the AUGUSTA, GA - RICHMOND COUNTY CODE.

(Ord. No. 6939, § 16, 1-2-07; ~~Ord. No. —~~).

Sec. 1-10-24. Centralization of procurement function.

- (a) Except as otherwise required by law, ~~the~~ Procurement Director or designee shall solicit all bids or proposals for the procurement of commodities, services, and construction products, professional or consultant service products and personal property disposition for all using agencies of Augusta-Richmond County, except for certain purchases officially authorized to be made by an elected official or using agency head.

- (b) Augusta-Richmond County shall not be legally bound by any purchase order or contract made contrary to the provisions of the AUGUSTA, GA - RICHMOND COUNTY CODE and this chapter. Except as may be specifically provided herein, it shall be a violation of this chapter for any officer or employee of Augusta-Richmond County or

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other person to order the purchase of any commodities, make contracts for any services, or dispose of any property within the purview of this chapter other than through the Augusta-Richmond County Administrator or Procurement Director. Any such purchase may be considered ultra vires. Violators shall be subject to penalties provided by law and/or in Article 3 of this chapter.

(Ord. No. 6939, § 16, 1-2-07; ~~Ord. No. —~~).

Sec. 1-10-25. Contract Administration.

- (a) ~~Using~~ Agency requirements. The Procurement Director shall maintain a close and cooperative relationship with using agencies; and shall afford each using agency reasonable opportunity to participate in and make recommendations with respect to procurement matters affecting the agency. The Procurement Director and the Department Head of the using agency shall consult with and seek technical assistance from professionals or persons within the agency having subject matter expertise and knowledge when drafting and developing solicitation documents. If the knowledge and expertise is not available in the using agency then the Procurement Director and/or the using agency shall consult and seek such technical skills and knowledge from other county departments or professionals.

- (b) Examination of solicitation documents and contracts: The Procurement Director and the using agency shall review each solicitation for accuracy prior to advertising. The Procurement Director and the using agency shall review each contract to determine the accuracy of the terms, conditions, substance and the inclusion of all required documents including insurance and bonding.

(~~Ord. No. —~~)

Sec. 1-10-26. Unauthorized Contracts

Liability of city officers and employees for unauthorized contracts. If any officer or employee of the ~~county~~ Augusta-Richmond County shall create any actual legal liability against himself or herself or the ~~county~~ Augusta-Richmond County under the following circumstances:

- (a) ~~Such officer or employee requests or knowingly permits any~~

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Sec. 1-10-29. Contingent Fees.

(a) *Prohibition.* It shall be unethical for a person to be retained or to retain a person to solicit or secure a county contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees of bona fide established commercial selling agencies for the purpose of securing business.

(b) *Contract clause required.* Every county contract or purchase order shall contain the clause prohibiting contingent fees, as follows:

"The vendor or contractor or firm warrants that it has not employed or retained any company or person, other than a bona fide employee working for the vendor or contractor or firm, to solicit or secure this contract or purchase order; and that the vendor or contractor or firm has not paid or agreed to pay any person, company, association, corporation, individual or firm other than a bona fide employee working for the vendor or contractor or firms, any fee, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this agreement. For the breach or violation of the above warranty, and upon a finding after notice and hearing, the county/Augusta-Richmond County shall have the right to terminate the contract or purchase order without liability, and, at its discretion, to deduct from the contract or purchase order price, or otherwise recover the full amount of such fee, commission, percentage, gift or consideration."

(Ord. No.)

Sec. 1-10-30. Penalties.

(a) *Criminal penalties.* To the extent that violations of the ethical standards of conduct set forth in this division constitute violations of state law or violations of the county/Augusta-Richmond County standards of conduct set forth in section 1-1-8 of the Code, they shall be punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this division. Criminal, civil and

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administrative sanctions, against employees or nonemployees which are in existence on the effective date of the ordinance from which this article derives shall not be impaired.

(b) *Sanctions.* The Augusta-Richmond County/Augusta-Richmond County Board of Commissioners is permitted to impose sanctions upon any employee or non-employee for violations of these provisions.

(c) *Employees.* The Mayor, upon the recommendation of the county/Augusta-Richmond County Administrator may impose any one or more of the following sanctions on an employee for violations of the ethical standards of this division:

- (1) ___ Oral or written warnings or reprimands;
(2) ___ Suspensions with or without pay for specified periods of time;

or

- (3) Termination of employment.

(d) *Nonemployees.* The Mayor, upon recommendation and approval by the Board of Commissioners, may impose one or more of the following sanctions on a nonemployee for violations of the ethical standards:

- (1) Written warnings or reprimands;
(2) Termination of contracts; or
(3) Debarment or suspension as provided in Article 8.

(Ord. No.)

Sec. 1-10-31. Reporting of anti-competitive practices to state.

Under this article, collusion and other anticompetitive practices among offerors are prohibited by county, state and federal laws, and the county/Augusta-Richmond County, therefore, establishes the following:

(a) Certification of independent price determination. All offerors shall identify a person having authority to sign for the offeror who shall certify, in writing, as follows:

"I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting an offer for the same supplies, services, construction, or

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Richmond County shall keep an index of these vendors by name and the list shall be cross referenced for products and services. The vendor's name shall be kept for two (2) years or permanently if the vendor continues to offer bids. Records shall be kept as to the number of times a vendor is contacted for informal quotes and other bids. Upon the request of a vendor, the said vendor shall be added or deleted from the list. The use of such a list is not intended to restrict competition. Any vendor may submit, prior to product solicitation, a commodity, product or service to the Procurement Director for review and possible inclusion on the qualified products list.

- (b) Vendors shall be removed from the vendor list for the reasons established by the Procurement Director, including, but not limited to:
- (1) Declining to offer bids for a two-year period.
 - (2) Failing to satisfactorily meet terms, agreements, or contracts made with the procurement department or the using agency.
 - (3) Being convicted of criminal offenses in obtaining contracts or convicted of embezzlement, violation of state or federal anti-trust statutes, or any other crime which indicates a lack of business integrity or honesty.
 - (4) Violating contract provisions or failing to perform without good cause or any other cause which the Procurement Director deems to be so serious as to affect the responsiveness and responsibility of a contractor, including the disbarment or suspension from a vendor's list by another governmental entity.
 - (5) Violating the standards as set forth in Article II hereof for conflicts of interest.

(Ord. No. 6939, § 16, 1-2-07; Ord. No. —);

Sec. 1-10-36. Background information on vendors.

The Department Head and/or the Administrator is directed to provide the bid amount as submitted, information concerning the vendor's previous performance, the service and quality of the products offered, the availability

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of the goods and services when needed, adherence to delivery schedules, and other criteria pertinent to that particular item, on vendors who have submitted bids, proposals, or contracts for the Commission's consideration. The information is to be included in the backup documents for the Commission's consideration in awarding the contract

(Ord. No. —)

Sec. 1-10-37. Product references in specifications.

- (a) Use. Product references may be used in specifications, in conjunction with other descriptive narrative, when:
- (1) No other design or performance specification or qualified products list is available;
 - (2) Time does not permit the preparation of another form of purchase description;
 - (3) The nature of the product or the nature of Augusta-Richmond County's requirements dictates the use of a brand name or equal reference in the specification; or
 - (4) The use of a brand name or equal specification is in Augusta-Richmond County's best interests.
- (b) Designation of several products references. Product reference or equal specifications shall seek to identify as many different product references as are practicable, as or equal references and shall further state that substantially equivalent products to those designated will be considered for award, unless conditions warrant otherwise.
- (1) Unless otherwise authorized by the Administrator, product reference or equal specifications shall include a description of the particular design, functional, or performance characteristics which are required.
 - (2) Where a product reference or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of the product reference is for the purpose of describing the standard of quality, performance, and

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(section 1-10-56; Sole Source Procurement), or by competitive selection procedures for professional and consultant services (section 1-10-53).

(b) *Exceptions.* The submission of cost or pricing data relating to the award of a contract is not required when:

- (1) The contract price is based on adequate price competition;
- (2) The contract price is based on established catalogue prices or market prices;
- (3) The contract price is set by law or regulation; or
- (4) It is determined by the Procurement Director and approved by the Augusta-Richmond County Administrator, in writing, that the requirements of this Section may be waived, and the determination states the reasons for such waiver.

(c) *Required submissions relating to change orders or contract modifications.* A contractor shall submit cost or pricing data prior to the approval of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding, whether or not cost or pricing data was required in connection with the initial pricing of the contract, whenever the change or modification involves aggregate increases or aggregate decreases of five percent (5%) or more of original bid or proposal price.

(d) *Exceptions.* The submission of cost or pricing data relating to the pricing of a change order or contract modification is not required when:

- (1) Unrelated and separately priced adjustments for which cost or pricing data would not be required are consolidated for administrative convenience; or
- (2) It is determined in a written report by the Procurement Director and approved by the Augusta-Richmond County Administrator that the requirements of subsection (c) hereof (Cost or Pricing Data; Required Submissions Relating to Change Orders or

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Contract Modifications) may be waived, and the determination states the reasons for such waiver.

(e) *Certification required.* Any prospective or current contractor required to submit cost or pricing data in accordance with this Section shall certify that to the best of its knowledge and belief the cost or pricing data submitted was accurate, complete, and current, as of a mutually specified date prior to the award of the contract, or the pricing of the change order for contract modification.

(f) *Price adjustment provision required in contracts.* Augusta-Richmond County contracts shall include a provision stating that when detailed pricing data has been requested by the ~~County~~ Augusta-Richmond County and submitted by the offeror/contractor under the terms of the contract which is later found to be in error, that the price of the products charged to Augusta-Richmond County, including profit or fee, shall be appropriately adjusted. Such prices shall be accurate, complete, and current as of the date agreed upon between Augusta-Richmond County and the contractor.
(Ord. No. 6939, § 16, 1-2-07; ~~Ord. No. —~~).

Sec. 1-10-42. Cost or price analysis.

A cost analysis or a price analysis, including life cycle costing as appropriate, may be conducted prior to award of a contract. If this technique is to be used, notice shall be provided the bidder/offeror in the bid solicitation or request for proposals. A written record of such cost analysis or price analysis shall be made a part of the contract file.
(~~Ord. No. —~~)

Sec. 1-10-43. Bid and performance bonds when required.

Bid and performance bonds or other security shall be requested for any contract as the Procurement Director, using agency head, and/or Administrator deem advisable to protect Augusta-Richmond County's interest under circumstances specified herein. Any such bonding requirements shall be set forth in the solicitation.
(Ord. No. 6939, § 16, 1-2-07; ~~Ord. No. —~~).

Sec. 1-10-44. Bid bonds.

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- (d) *Authority to require additional bonds.* Nothing in this Section shall be construed to limit the authority of Augusta-Richmond County to require other security in addition to those bonds if warranted by the circumstances and other than specified in this Section.

(Ord. No.)

Sec. 1-10-46. Insurance requirements.

Standard ranges and types of coverage shall be determined under the direction of the Augusta-Richmond County Administrator and advice of the Augusta-Richmond General Counsel, Risk Management, Finance Director, Procurement Director and other appropriate staff. General requirements shall be reviewed at least once annually. Insurance shall be required within established ranges and for specific purposes for each solicitation and contract, except where otherwise provided for in this Code.

(Ord. No. 6939, § 16, 1-2-07; Ord. No.)

Sec. 1-10-47. Request for Qualifications; Pre-qualifications of contractors.

- (a) The Procurement Director, in consultation with the Administrator and using agency head may determine that it shall be in the best interest of Augusta-Richmond County to pre-qualify offerors for contracts of a particular type. The imposed standards shall be met by any contractor who wishes submit a bid or proposal for the subject project. The contractor shall submit required data in order to obtain a fair and impartial determination of whether the pre-qualification standards have been met. When pre-qualification is required, only those contractors who submit the required pre-qualification information and who are actually pre-qualified to submit a bid or proposal for the proposed solicitation.

- (b) *Public notice.* Public notice of pre-qualification shall be given in the same manner as provided in section 1-10-50 (c).

- (c) *Pre-qualification standards.* The Procurement Director and affected using agency heads shall review all information submitted by the suppliers and, if necessary, require additional information. The standards set for pre-qualification shall include but not be limited to factors set forth in section 1-10- 50-Sealed Bids; Bid Acceptance and

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Bid Evaluation or section 1-10-52-Sealed Proposals; Evaluation and Selection. If the Procurement Director and Administrator determine that the contractor meets all standards, then the contractor shall be so pre-qualified. The contractor shall be notified in writing.

- (d) *Failure to pre-qualify.* Should a contractor not be pre-qualified, appropriate written notice shall be sent and the contractor may appeal such determination as provided in Article 9.

- (e) In no instance shall a contract be awarded from the solicitation of request for qualifications.

(Ord. No.)

ARTICLE 6

PROCUREMENT SOURCE SELECTION METHODS AND CONTRACT AWARDS

Sec. 1-10-48. Generally.

The following sections provide detailed information concerning the use of the seven (7) source selection methods available for use for the procurement of commodities, services and construction products for Augusta-Richmond County. The seven methods are: (1) sealed bids, (2) sealed proposals, (3) special services, (4) quotations or informal bids, (5) sole source, (6) emergency procurement and (7) annual contracts.

(Ord. No.)

Sec. 1-10-49. Purchase order.

No officer or employee of Augusta-Richmond County shall request a vendor to deliver goods, merchandise, materials or supplies to the county/Augusta-Richmond County except upon a regular purchase order issued by the procurement agent; however, the provisions of this subsection shall not apply to emergency purchases provided for in this section.

(Ord. No. 6939, § 16, 1-2-07; Ord. No.)

Sec. 1-10-50. Sealed bids selection method.

- (a) *Conditions for use.* All contracts of Augusta-Richmond County shall

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inadvertently erroneous bids before or after bid opening may be permitted under the circumstances described below:

- (1) Mistakes discovered before bid opening may be modified or withdrawn by written or telegraphic notice received in the office designated in the invitation for bids prior to the time set for bid opening.
- (2) The bidder may withdraw the bid, prior to bid opening, without revealing the amount of the bid, by submitting a new sealed bid and providing written notice of such withdrawal.
- (3) After the bid opening, corrections to bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a non-judgmental character was made, the nature of the mistake, and the bid price actually intended. Otherwise, no changes in bid prices or other provisions of bids prejudicial to the interest of Augusta-Richmond County or fair competition shall be permitted.
- (4) In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
 - (ii) Such error in the calculation of the bid can be documented by clear and convincing written evidence;
 - (iii) Such error can be clearly shown by objective evidence drawn from inspection of the original work papers, documents, or materials used in the preparation of the bid sought to be withdrawn;
 - (iii) The bidder serves written notice upon the Procurement Director prior to the award of the contract and not later than forty-eight (48) hours after the opening of bids, excluding Saturdays, Sundays and legal holidays;
 - (iv) The bid was submitted in good faith and the mistake was due to a calculation or clerical error, an inadvertent omission or typographical error as opposed to an error in judgment; and

- (ev) The withdrawal of the bid will not result in undue prejudice to the ~~County~~ Augusta-Richmond County or other bidders by placing them in a materially worse position than they would have occupied if the bid had never been submitted.
- (5) In the event that an apparent successful bidder has withdrawn his or her bid as provided in subsection (3) of this Code section, action on the remaining bids should be considered as though the withdrawn bid had not been received. In the event the project is re-let for bids, under no circumstances shall a bidder who has filed a request to withdraw a bid be permitted to resubmit a bid for the work.
- (6) No bidder who is permitted to withdraw a bid pursuant to subsection (3) of this Code section shall for compensation supply any material or labor to, or perform any subcontract or other work agreement for, the person or firm to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted. (O.C.G.A. §13-10-22).
- (7) All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported in a written report made by the Procurement Director.
- (8) Withdrawal after receipt of bids is cause to forfeit bid security unless substantial evidence was presented clearly evidencing the mistake and hardship that would occur to either the ~~County~~ Augusta-Richmond County or the bidder in the event of award.
- (h) *Tie bids.* In the event two or more bidders are tied in price while otherwise meeting all of the required conditions, the bid shall be awarded to the business which is located within Augusta-Richmond County, or if not within the above, within the State of Georgia. Where no bidder is located in Augusta-Richmond County or in the State of Georgia, the Procurement Director shall call a public forum, cause each bidder or stand-in to write the name of the bidder on paper and

the written justification of the Procurement Director or using agency head that the sealed bid method is not in the best interest of Augusta-Richmond County. Generally, this method may be used when competitive sealed bidding (involving the preparation of detailed and specific specifications) is either not practicable or not advantageous to Augusta-Richmond County.

(b) *Request for proposals.* Competitive sealed proposals shall be solicited through a request for proposals (RFP).

(c) *Public notice.* Adequate public notice of the request for proposals shall be given in the same manner as provided in section 1-10-50(c)(Public Notice and Bidder's List); provided the normal period of time between notice and receipt of proposals minimally shall be fifteen (15) calendar days.

(d) *Pre-proposal conference.* A pre-proposal conference may be scheduled at least five (5) days prior to the date set for receipt of proposals, and notice shall be handled in a manner similar to section 1-10-50(c)-Public Notice and Bidder's List. No information provided at such pre-proposal conference shall be binding upon the County/Augusta-Richmond County unless provided in writing to all offerors.

(e) *Receipt of proposals.* Proposals will be received at the time and place designated in the request for proposals, complete with bidder qualification and technical information. No late proposals shall be accepted. Price information shall be separated from the proposal in a sealed envelope and opened only after the proposals have been reviewed and ranked.

The names of the offerors will be identified at the proposal acceptance; however, no proposal will be handled so as to permit disclosure of the detailed contents of the response unit after award of contract. A record of all responses shall be prepared and maintained for the files and audit purposes.

(f) *Public inspection.* The responses will be open for public inspection only after contract award. Proprietary or confidential information marked as such in each proposal will not be disclosed without written

consent of the offeror.

(g) *Evaluation and selection.* The request for proposals shall state the relative importance of price and other evaluation factors that will be used in the context of proposal evaluation and contract award. (Pricing proposals will not be opened until the proposals have been reviewed and ranked). Such evaluation factors may include, but not be limited to:

(1) The ability, capacity, and skill of the offeror to perform the contract or provide the services required;

(2) The capability of the offeror to perform the contract or provide the service promptly or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience, and efficiency of the offeror;

(4) The quality of performance on previous contracts;

(5) The previous and existing compliance by the offeror with laws and ordinances relating to the contract or services;

(6) The sufficiency of the financial resources of the offeror relating to his ability to perform the contract;

(7) The quality, availability, and adaptability of the supplies or services to the particular use required; and

(8) Price.

(h) *Selection committee.* A selection committee, minimally consisting of representatives of the procurement office, the using agency, and the Administrator's office or his designee shall convene for the purpose of evaluating the proposals.

(i) *Preliminary negotiations.* Discussions with the offerors and technical revisions to the proposals may occur. Discussions may be conducted with the responsible offerors who submit proposals for the purpose of

- (6) The financial ability to furnish the necessary bonds to the extent necessary;
- (7) The financial condition of the offeror; and
- (8) The ability to provide staffing of management personnel, satisfactory to the ~~county~~ Augusta-Richmond County.
- (c) *Negotiations and award.* Procurement Director shall negotiate a contract with the most responsible and responsive short-listed offeror at compensation that Procurement Director determines in writing to be fair and reasonable to the ~~county~~ Augusta-Richmond County. In making this decision, Procurement Director shall take into account the estimated value, the scope, the complexity and the professional nature of the services to be rendered. Should Procurement Director be unable to negotiate a satisfactory contract with the offeror considered to be the most responsible and responsive at a price for Procurement Director determines to be fair and reasonable to the ~~county~~ Augusta-Richmond County; negotiations with that offeror shall be terminated. Procurement Director shall then undertake negotiations with the second most responsible and responsive short-listed offeror. If negotiations with the second most responsible and responsive short-listed offeror are unsuccessful, negotiations shall be terminated and Procurement Director shall then undertake negotiations with the third most responsible and responsive short-listed offeror. Should Procurement Director be unable to negotiate a contract with any of the short-listed offerors, Procurement Director and the using agency may select from the additional offerors that were not short-listed in order of their responsibility and responsiveness and Procurement Director may continue negotiations in accordance with this section until an agreement is reached.

(Ord. No. _____)

Sec. 1-10-54. Quotations or informal bids selection method (Standard and small purchases).

- (a) *Conditions for use.* Any standard or small purchase contract or purchase order for supplies, services, and construction not exceeding ten thousand dollars (\$10,000.00) in total value may be made in accordance with the purchase procedures authorized in this Section and other applicable provisions of this Article. Contract requirements shall not be artificially divided so as to constitute a small purchase

- under this Section.
- (b) *Request for quotations and specifications.* Requests for quotations may be issued in writing or by telephone for purchases less than ten thousand dollars (\$10,000.00). In either case, specifications shall be prepared describing the item or service in a form suitable for an appropriate vendor response.
- (1) Informal oral bid quotations. Quotes from a minimum of three (3) sources shall be obtained. Maximum purchase under this system is to be five thousand dollars (\$5,000.00), including sales tax. Vendor quotes are to be noted on the requisition for retention. The procurement requirement shall not be artificially divided so as to constitute a purchase to be made by this method.
- (2) Informal written bid quotations. Solicitation for written bid quotes shall be obtained from three (3) sources, if available, from the vendor list. The maximum purchase under this system is to be five thousand dollars (\$5,000.00), including sales tax.
- (3) Selection is to be made from the list in the following manner:
 - (ai) Low bidder on last quote;
 - (bii) Next vendor on list;
 - (eiii) Repeat procedure until all vendors have been asked to quote;
 - (ivd) Begin new rotation of vendors by using the last low bidder on quote.
- (c) *Public notice.* Notice in the form of advertisements is not required. However, no less than three (3) vendors/contractors shall be directly solicited, if available, to submit quotations.
- (d) *Receipt of quotations.* Quotations shall be scheduled for receipt at a date, time and place certain. The amount of each quote and such other relevant information as the Procurement Director deems appropriate,

(a) *Vendor and payroll accounts.* Requests for Proposals shall be solicited as provided in section 1-10-52 of this chapter for each of these accounts.

(b) *Accounts other than vendor and payroll accounts.*

(1) Requests for Proposals shall be solicited as provided in section 1-10-52 of this chapter for each such account.

(2) As provided in section 1-10-6, local banks shall be contacted first. For purposes of this section, local banks shall be defined as those banking institutions with a full service banking location in Augusta-Richmond County.

(Ord. No. —)

Sec. 1-10-56. Sole source procurement.

(a) Notwithstanding other provisions in this Article, whenever it shall be made to appear that by reason of design, capacity, compatibility with other equipment or with machinery, purpose, function or other characteristics an item of procurement required by Augusta-Richmond County or one of its departments is obtainable only from one source, the item may be procured by the Procurement Department through negotiation from the source from which it is available without the necessity of bids or proposals.

(b) Before any item may be obtained under the provisions of this section, however, the requisitioning agency must accompany its requisition for the order with a statement specifying in reasonable detail the reasons why the item should be procured by sole source. This specification of reasons shall be in writing and shall be attached to the requisition at the time it is transmitted to the procurement officer and shall demonstrate due diligence in determining if other sources exist. The due diligence review shall include the research of available sources, contact with professional and trade associations related to the supply, service or construction item or professional or consultant service. There shall also be a written determination which states the sources reviewed, the name of the contractor and the terms of the agreement reached including terms and prices.

(c) If the Augusta-Richmond County Administrator, upon considering the requisition and the substantiation therefore, determines that the item should be purchased by sole source procurement and the cost thereof does not exceed ten thousand dollars (\$10,000.00), the Administrator may approve such procurement. If the item exceeds ten thousand dollars (\$10,000.00) in cost, and the Administrator determines that sole source procurement is appropriate, the requisition shall be referred to the Commission for action.

(d) The Procurement Director shall conduct the negotiations as to the terms of the sole source.

(e) The Procurement Director shall draft a letter of justification for the sole source and place in the contract file.

(Ord. No. 6939, § 16, 1-2-07; Ord. No. —)

Sec. 1-10-57. Emergency procurement selection method.

Notwithstanding any other provisions of this chapter, the Procurement Director, Augusta-Richmond County Administrator or constitutional officer may make or authorize others to make emergency procurement of equipment, supplies, services, general construction, or public works type construction services when there exists a threat to public health, welfare, or safety, or where daily operations are affected, provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the item(s) procured under the contract, and the identification number of the contract file. A written report explaining the determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file, and a copy of same provided the Augusta-Richmond County Commission at their next regular meeting in the case of public works contracts as defined by Georgia State Law or other Augusta-Richmond County purchases when the value of the purchase exceeds ten thousand dollars (\$10,000.00).

In the event an emergency should arise after office hours or on holidays or weekends which requires immediate action on the part of the using agency involved and where it is not possible or convenient to reach the Procurement

- (a) *Maximum period.* A contract for services or supplies may be entered into for a period up to five (5) years, provided that the term of the contract and the conditions for renewal or extension, if any, is included in the solicitation and funds are available for the balance of the then current fiscal year. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds. All multi-year contracts shall contain a clause which terminates the contract at the beginning of a fiscal year when funds are not appropriated by the Commission for continuation of the contract for that fiscal year.

- (b) *Determination prior to use.* Prior to the utilization of a multi-term contract, it shall be determined in writing:

- (1) that estimated requirements cover the period of the contract and are reasonably firm and continuing; and
- (2) that such a contract will serve the best interest of Augusta-Richmond County by encouraging effective competition or otherwise promoting economies in procurement.

- (c) *Cancellation due to unavailability of funds in succeeding fiscal periods.* All multi-term contracts shall include provisions providing that when funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled with appropriate notice.

- (d) *Renewal of contract.* At least ninety (90) days prior to the expiration of any term of a multi-term contract, the using agency shall submit to the Augusta-Richmond County Administrator, a report of the performance of the contract and the agency's recommendation as to the renewal of the contract. The Administrator, after consultation with the using agency and review of the report, and upon appropriate approval, shall renew the contract if renewal is in the best interest of Augusta-Richmond County. All other requirements of this Section must be met in order to consummate a renewal.

- (e) *Expiration and extension.* Contracts being considered for renewal or re-bid may be extended by the Administrator for a period of time not exceeding ninety (90) days. Any extensions are subject to the

availability of funds and mutual agreement of the vendor/contractor and Augusta-Richmond County.

(Ord. No.)

Sec. 1-10-62. Right to inspect facilities.

Official representatives of Augusta-Richmond County shall have the right to inspect facilities of a vendor at any reasonable time which is related to the performance of any contract award, bid on or to be awarded by Augusta-Richmond County.

(Ord. No.)

Sec. 1-10-63. Right to audit records and contracts.

- (a) Official representatives of Augusta-Richmond County may, at reasonable times and upon reasonable written notice to vendor, inspect the official records of the person or firm pertaining to a contract, change order, or purchase order with Augusta-Richmond County when such inspection is required by law, or is authorized by the Administrator in writing as being in the public interest.

- (b) Contract audit. ~~The~~ ~~Augusta-Richmond~~ County shall be entitled to audit the books and records of a contractor or subcontractor under any negotiated contract or subcontract, other than a firm fixed-price contract to the extent that such books, documents, papers and records relate to the performance of such contract or subcontract. Such books and records shall be maintained by the contractor for a period of three years from the date of final payment under the prime contract and by the subcontractor for a period of three years from the date of final payment under the subcontract, unless a shorter period is authorized in writing.

(Ord. No.)

Sec. 1-10-64. Rebidding or cancellation of existing contract.

In the event a vendor is unwilling or unable to perform a contract or the vendor gives written notice of cancellation of an existing contract, the Procurement Director may immediately pursue a replacement of said contract either by formal or informal bid procedure as is appropriate, with

Augusta-Richmond County has established the LSBOP to promote opportunities for certified Local Small Business to participate in Augusta-Richmond County's contracting and procurement activities by requiring contractors to utilize certified Local Small Businesses to perform commercially useful functions to the maximum extent possible and as economically feasible, as partners or subcontractors for service delivery or as suppliers of various goods required in the performance of a contract. This LSBOP is in addition to and shall not supplant the Local Preference Ordinance, Code §1-10-6.

Augusta's Local Small Business Opportunities Program shall comply with federal and state requirements applicable to small or disadvantaged business, including but not limited to those requirements set forth by regulation by the Federal Aviation Administration, U.S. Department of Defense, U.S. Department of Housing & Urban Development, and the Georgia Department of Transportation. It is expressly recognized that such federal and state regulations preempt Augusta's regulations regarding this subject.

(b) *Intent and Purpose.* The Augusta-Richmond County Local Small Business Opportunity Program is established to encourage equal opportunity, diversity, and equity in Augusta-Richmond County's contracting and procurement activities. In a race- and gender-neutral manner, the Program will promote fair and equal opportunities for all LSBs. It is specifically intended that the encouragement of LSB will allow for the development and growth of such businesses to increase competition for construction and procurement opportunities. ~~Augusta-Richmond County shall continue to monitor its contracting and procurement processes to ensure adopting remedies narrowly tailored to the evidence.~~

(1) It is the intent and purpose of this program to encourage equal opportunity in Augusta-Richmond County's contracting and procurement and to eliminate discrimination and the effects of past discrimination therein. ~~It shall also be a violation thereof for Ancillary Providers to discriminate in the provision of ancillary services related to Augusta-Richmond County contracting and procurement.~~

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It is also the intent and purpose of this program to encourage the use of the Local Small Business Opportunity Program, which will have the benefit to Augusta-Richmond County of assisting the local economy with job formation while remedying the discrimination against minority owned business enterprises in the Augusta-Richmond County contracts and procurement in a race- and gender-neutral manner.

(2)

(3) It is also the intent and purpose of the LSBOP to develop evidence relevant to whether future race and gender conscious programs are necessary to remediate the effects of past or current discrimination, as required by the applicable laws.

Sec. 1-10-69. Definitions.

(a) *Generally.* Those definitions set forth in Chapter 10 of the Code of Ordinances shall also apply to this Article, except as provided in this section.

(b) *Specifically.*

(1) *Citizen's Small Business Advisory Board (CSBAB).* Is a council to advise the Commission and DBE Coordinator of matters pertaining to this section, and to meet with small businesses to review and advise as to the issues in program administration. See Consolidation Act, Ga. Laws 1995, p. 3648, § 1-40. Members are appointed by the Mayor, Commission and the Richmond County Legislative Delegation to the Georgia General Assembly. A list of the appointees is maintained in the Clerk of Commission's Office and is incorporated herein by reference.

(2) *Commercially Useful Function.* For the purpose of determining whether a registered Local Small Business is performing a commercially useful function, ~~the~~ the Local Small Business Office ~~Coordinator~~ shall consider all of the facts in the record, viewed as a whole, including without limitation the following:

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(5) *Joint Venture*—aAn association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills, and knowledge.

(6) *Local Small Business (or "LSB")*—aA corporation, sole proprietorship, partnership or other business organization that meets the requirements for registration as such with Augusta-Richmond County in accordance with Section 1-10-64 of this code.

(7) *Monthly Utilization Report or MUR*—aA memorialization by a prime contractor of all subcontracting and Local Small Business participation utilized on a contract. Contractors/vendors are required to submit the Monthly Utilization Reports on all subcontracting participation to the *Local Small Business Office DBE Coordinator*.

(8) *Non-Discrimination Statement*—Written affirmation made by a bidder relating to the bidder's conduct prior to submission of a bid as well as after award of a contract that the bidder agrees to:

- (a) Follow the policies of Augusta-Richmond County relating to the participation of LSB's.
- (b) Undertake certain measures to ensure the maximum practicable participation by LSB's; and
- (c) Not engage in discriminatory conduct against LSB's inconsistent with the policy.

(9) *Personal Net Worth*—aNet value of the assets of an individual owner, after total liabilities are deducted must not exceed seven hundred and fifty thousand dollars (\$750,000). An individual's Personal Net Worth does not include the individual's ownership interest and the individual's equity in his or her primary place of residence. An individual's Personal Net Worth includes his or her share of assets held jointly with the individual's spouse. Property held by the entities is deemed to be owned equally by the spouse.

(10) *Prime Contractor*—aA person or firm who is awarded a contract from Augusta-Richmond County for provision of goods or services and has the primary responsibility for performance of the contract. The Prime Contractor may subcontract portions of the work required to Subcontractors, as indicated in the bid or solicitation documents.

(11) *Registered Local Small Business*—aAny business entity registered by the *DBE Coordinator* Local Small Business Office, providing goods or services, which has its principal office and place of doing business in Augusta-Richmond County; with gross annual receipts being less than \$500,000; and whose owners meet the personal net worth threshold, all as defined herein. The term Local Small Business shall also include a manufacturer with seventy-five (75) employees or less or wholesaler with fifty (50) employees or less without regard to gross revenues.

(12) *Schedule of LSB Participation*—Written data sheet which is a required submittal for a bid or proposal that lists proposed LSB subcontractors and the estimated value of proposed subcontracts.

Sec. 1-10-70. Application; effective date.

This ordinance shall apply to all bids, proposals, contracts, expenditures and purchases commenced by Augusta-Richmond County except sole source or emergency procurement. The effective date of this ordinance shall be the date it is approved by the Augusta-Richmond County Commission and after December 1, 2007, as further described below, except sole source or emergency procurement.

Sec. 1-10-71. Program Administration.

(a) *SERVICES TO BE PROVIDED BY THE LOCAL SMALL BUSINESS OPPORTUNITIES PROGRAM (LSBOP)*.
The DBE Coordinator shall have the primary responsibility to assure that the LSBOP is effectively and equitably carried out in Augusta-Richmond County. The DBE Coordinator shall direct the LSBOP so as to work in partnership with the Procurement Program set forth in Chapter 10 of ARC Code. Other Augusta-Richmond County officials and

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bidder has demonstrated Good Faith Efforts to meet the designated goals,

(c) *Procurement Department Responsibilities,*

- (1) Notify all registered vendors of formal bid opportunities through direct solicitation or public advertisement, including information on the LSBOP.
- (2) Work with project managers or user agencies to divide larger projects into smaller projects or contracts when commercially appropriate, in order to create more opportunities for LSB's to participate in contracts let by Augusta-Richmond County.
- (3) Provide data and technical assistance to support the outreach efforts of the LSBOP as necessary and appropriate.
- (4) Develop and utilize specifications that are open and competitive.

- (5) The Procurement Director, in consultation with the DBE Coordinator, the Using Agency and the Finance Director, may make special provision for progress payments as deemed reasonable to assist LSB's to carry out the terms of a contract.
- (6) When a LSB is awarded a contract with Augusta-Richmond County, the Procurement Director may furnish written confirmation of the same, providing the terms of the contract which may be used by the LSB in negotiating lines of credit with lending institutions.

(D) *EVALUATION OF THE LOCAL SMALL BUSINESS OPPORTUNITY PROGRAM BY AUGUSTA-RICHMOND COUNTY COMMISSION,*

The Local Small Business Opportunities Assistance Program shall be evaluated on an annual basis. Each annual report shall be compiled by the DBE Coordinator and shall compare the fiscal year ending with the previous fiscal year. Evaluation of the program may include:

- (1) Number of LSB firms certified or registered;

- (2) Training and technical assistance offered to LSBs;

- (3) Dissemination of LSBOP information at pre-bid conferences; and
- (4) Evaluation of the effectiveness of the LSB in relation to the achievement of Augusta-Richmond County's goals set forth under this policy, including the utilization of LSB's on contracts.

Sec. 1-10-72. *REGISTRATION AND CERTIFICATION PROCEDURES,*

(A) *REGISTRATION CRITERIA; ACCEPTANCE OF CERTIFICATION BY OTHER GOVERNMENTAL AGENCIES.*

The Augusta-Richmond County's Local Small Business Opportunities Program requires prior registration or evidence of current certification of a Local Small Business in order to count the participation of that Local Small Business toward program goals. Eligibility requirements for registration are:

- (1) Certification as to small business status may be accepted from other local governmental, state or federal agencies that apply criteria substantially similar to that imposed by this ordinance.
- (2) Applicant firm must complete an appropriate application form obtained from the DBE Coordinator. Local Small Business Office and must qualify as a local small business, as the term is defined in this Article as to principle place of business, gross annual receipts and personal net worth thresholds.
- (3) Representations as to a business entity's gross annual revenues, payroll, and personal net worth of individual applicants, shall be subject to audit by the DBE Coordinator. Applicant firm must have its principal place of business in Augusta-Richmond County. A location utilized solely as a post office box, mailbox, mail drop, virtual office, telephone message center, or any combination thereof, with no substantial work function,

(c) Notwithstanding any other provision of this program except on a finding of good cause by Augusta-Richmond County, a registered LSB is no longer eligible to participate in the LSBOP after being enrolled for ten (10) consecutive years regardless of whether the firm received contracts or prime contracts under the program. If a firm has been released from the program before graduation as a result of exceeding the LSBOP thresholds, it will still be eligible to receive contracts from ARC, but such participation will not be counted toward the LSBOP goal of identifying and employing local small businesses to the greatest extent possible.

In determining whether a good cause exists for a firm to continue participation beyond ten (10) consecutive years, ARC may review all relevant factors such as amount of business previously received by the firm, and capability of other small firms to provide goods and services, impact on a potential contract opportunity for other local businesses to compete. In no event shall a firm's participation in the program extend beyond fifteen (15) years.

Participation or registration as a LSB in the LSBOP shall not preclude a registered firm from competing for a prime contract with Augusta-Richmond County on the same basis as other prime contractors or suppliers.

(d) Graduation.

Augusta-Richmond County/Augusta-Richmond County shall graduate an LSB business from eligibility as an LSB. The LSB business will be graduated from LSB if any one of the following occurs:

- (1) The LSB's gross revenues in each of the previous consecutive three (3) years exceeds an average of \$1,500,000.00 (million);
- (2) The net worth of any owner of an LSB exceeds an average of \$750,000.00 for each of the previous consecutive three (3) years, exclusive of principal residence and the value of the LSB; or

(+)(2.) The LSB business has participated in the LSB for ten (10) years and ARC has not approved an extension of participation based on good cause.

Sec. 1-10-73. LOCAL SMALL BUSINESS OPPORTUNITIES PROGRAM PARTICIPATION

(a) Sealed Bids, Sealed Proposals, Professional Services And Other Major Purchasing.

The following procedures and contract requirements will be used to insure that LSB's are encouraged to participate in Augusta-Richmond County contracts, including but not limited to construction contracts, requests for professional services and the performance of public works contracts. The Augusta-Richmond County user department shall indicate goals for LSB in all solicitation with contracts over \$100,000 in value:

- (1) Bid conditions, requests for proposals, and all other specifications for contracts awarded by Augusta-Richmond County will require that, where subcontracting goal is utilized in performing the contract, the bidder or proponent, will make Good Faith Efforts to subcontract with or purchase supplies from LSB's. Bid specifications will require the bidder or proponent to keep records of such efforts that are adequate to permit a determination of compliance with this requirement.
- (2) Each bidder shall be required to provide documentation of achieving goal or provide documentation of Good Faith Efforts to engage LSB's as subcontractors or suppliers, the names of LSB's and other subcontractors to whom it intends to award subcontracts, the dollar value of the subcontracts, and the scope of the work to be performed, recorded on the form(s) provided or made available as part of the bid package. If there are no sub-contracting opportunities, bidder shall so indicate on the appropriate form.
- (3) For all such contracts, the Procurement Department will provide the DBE Coordinator with a copy of the invitation to bid or bid specifications, including the scope of work. The DBE Coordinator/Local Small Business Office will identify the existence of certified LSB's which are qualified to submit bids as prime contractors.

solicitations for projects over \$100,000 (including project management, contract management, and/or construction, and/or design contracts) shall have the following duties and responsibilities with regard to the LSB Program:

Departments shall:

- (1) Establish Project Specific Goals on all projects \$100,000 and above.
- (2) Submit the scope of work and cost estimate evaluations to the DBE Department so appropriate LSB subcontracting goals may be determined.
- (3) Assist the DBE Department with setting Project Specific Goals.
- (4) Assist in identification of available LSBs.
- (5) Gather and maintain data for those contracts which they manage.
- (6) Submit subcontracting data to the ~~DBE Coordinator~~ **Local Small Business Office** within fourteen (14) days of progress payments and thirty (30) days of contract closeout.
- (7) Submit to the ~~DBE Coordinator~~ **Local Small Business Office** on or before the beginning of each fiscal year, the Department's annual list of projects, listing all upcoming projects, estimating the probable monetary value, and stating the projected bid advertisement date.
- (8) Indicate goals for LSBs in solicitations for contracts that provide opportunities for LSB participation.
- (9) Work with User Departments to monitor contracts to facilitate prompt payments to LSB and to be in compliance with Project Specific Goals and commitments.
- (10) Track and report statistics regarding the effectiveness of the LSBOP, as measured by a review of data indicating prime and

subcontractor spending with LSB, as required by the policies and procedures.

- (C) Methodology for Setting LSB Project Specific Goals. The DBE Coordinator in consultation with User Department shall establish a LSB goal for all contracts through rules and guidelines for the implementation of the LSBOP Program. Such methodology shall take into account the reasonably known availability of subcontracting opportunities that LSB can perform on each contract. LSB goals should be calculated based upon specific contracting, subcontracting, and /or supplier opportunity and the availability of LSB registered in Augusta-Richmond County's directory. This will be achieved by adopting the Federal Guidelines for setting Goals 49 CFR Part 26-45.

- (d) Post Contract Award Requirements. The purpose of this sub-section is to establish requirements for contractor compliance with the LSBOP Program after a contract has been awarded. This is incorporated into all Augusta-Richmond County Contracts for which as LSB Goal has been established or negotiated.

- (1) Contractors shall have an affirmative, ongoing obligation to meet or exceed the committed LSB goal for the duration of the contract. The Augusta-Richmond County may deem a contractor to be in violation of the LSBOP Program and in breach of its contract if at any time Augusta-Richmond County determines that: (a) The contractor will not meet the committed LSB goals; and (b) the reasons for the contractor's failure are in within the contractor's control. For example, if a contractor does not meet the LSB goal because the contractor terminated an LSB without cause or if the contractor caused and LSB to withdraw from the project without justification, then Augusta-Richmond County is justified in finding the contractor to be in violation of the LSBOP Program.

- (2) Exceptions. A contractor shall not be deemed in violation of this Program for failure to meet the committed LSB goal to the extent such failure is directly attributable to:

- (i) Augusta-Richmond County reducing the scope of a Contract so as to eliminate or reduce work that was going

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(e) Subject to the dollar limits set forth under Augusta-Richmond County ordinance, departments are authorized to make small purchases using Agency Purchase Orders. Departments shall be directed by the County Augusta-Richmond County Administrator to utilize LSB's on small purchases whenever possible and appropriate.

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(1) The DBE-Coordinator Local Small Business Office shall make available to every Augusta-Richmond County department a directory of registered LSB's and encourage their use of by departments.

(2) The DBE-Coordinator Local Small Business Office shall provide annual training to all Augusta-Richmond County Departments on the Local Small Business Opportunities Program.

(3) The DBE-Coordinator Local Small Business Office shall track LSB purchases by department and provide feedback to department heads and the DBE Coordinator on use of LSB's for small purchases.

(4) The Procurement Director shall ensure that all Augusta-Richmond County specifications for goods and services do not contain any unnecessary impediment to LSB participation in the bid process. The DBE Coordinator will make recommendations to the Procurement Director when a specification appears to impede LSB's from competitively participating in a bid.

(5) For small purchases, quotations or informal bids, the Using Department will solicit bids from registered LSB's to supply the required materials, equipment, supplies or services using the LSB Registry created and maintained by the DBE-Coordinator Local Small Business Office.

(6) The DBE Coordinator will notify the Procurement Director whenever there are no registered LSB's available for utilization on a project-by-project basis. The DBE-Coordinator Local

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Small Business Office will attempt to identify qualified LSB's, and if successful, will notify the Procurement Director of their registration and availability. The Procurement Director will include such LSB's in bid/quote solicitation lists.

(ef) Procurement Department Buyer's Responsibilities

(1) For all purchases on which written bids are sought, registered LSB's which are ready, willing and able to perform the required services or provide the required commodity will be solicited for a written quotation or bid.

(2) Purchases from LSB's shall be tracked by the buyer.

(dg) Maintenance Of Records

(1) The DBE-Coordinator Local Small Business Office, with the assistance of the Department of Information Technology, shall compile data on LSB participation. Information on prime contract awards and subcontractor utilization will be maintained by the DBE-Coordinator Local Small Business Office which will gather information from all user Departments on a quarterly basis.

(2) LSB utilization statistics shall be maintained in the following manner:

(ei) Contracts and purchases shall be grouped into four categories: construction, professional services, general services and materials/equipment/supplies.

(bii) Statistics shall measure overall awards to LSB's by category of purchase (i.e. construction, professional services, general services, and materials/equipment/supplies).

(3) The following statistics shall be reported not less than annually to the Augusta-Richmond County Commission by the DBE Coordinator.

departments, buyers and prime contractors to locate registered LSB's for projects that can utilize LSB's for a commercially useful function.

- (3) Supply information to the Board of Commissioners regarding the ordinance and offer opportunities for ways in which the Board of Commission can be an advocate of the LSBOP.

Sec. 1-10-74. Exceptions – Federally Funded Projects.

In accordance with §1-10-8, this chapter shall not apply to any bid or procurement to which federal or state laws, regulations or guidelines regarding the use of disadvantaged businesses or other requirements apply.

Sec. 1-10-75. Citizens Advisory Council Small Business Advisory Board.

Augusta-Richmond County Local Small Business Opportunities Program, Citizens' Small Business Advisory Board (CSBAB) Advisory Council (CAC) shall be constituted to advise the Commission and DBE Coordinator on matters related to this ordinance, and to meet with local small businesses, to review and provide input as to the issues in program administration. See Consolidation Act, Ga. Laws 1995, p. 3648, §1-40. Members are appointed by the Mayor, Commission and the Richmond County Legislative Delegation. A list of the appointees is maintained in the Clerk of Commission's Office and is incorporated herein by reference.

(Ord. No. ---)

DISADVANTAGED BUSINESS ENTERPRISES ("DBE") PROGRAM (RESERVED)

—Note: Augusta-Richmond County does not operate a Disadvantaged Business Program or a Women/Minority Owned Enterprise Program. Under Review-Reference Court Order 3:14-cv-007 appointing race-based portion of DBE Program Thompson-Wrecking Company v. Augusta-Civil Rights Attorn.

ARTICLE 8

SUSPENSION OR DEBARMENT OF BIDDER OR PROPOSER

Sec. 1-10-76. Authority to suspend or debar from qualified bidder/proposer list for consideration of contract award.

Authority to debar or suspend. The Procurement Director, after consulting with the General Counsel, is authorized to debar a person for cause from participation in any county procurements at any tier and consideration for award of contracts. The debarment shall be for a period of not more than five years. The period of time during which the debarment will be imposed is to be determined by the Procurement Director based upon the severity of the causes for debarment. After consultation with the using agency and General Counsel, the Procurement Director is authorized to suspend a person from participation in any county procurement at any tier and consideration for award of contracts if there is probable cause for debarment. The suspension shall not be for a period exceeding the greater of: (1) three months; (2) the period during which administrative review of the suspension is pending; or (3) the period during which judicial review of an administrative decision that was adverse to the suspended firm is pending.

(Ord. No. ---)

Sec. 1-10-77. Causes for debarment or suspension.

The causes for debarment or suspension include:

- (a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract.
- (b) Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a county contractor.
- (c) Conviction under state or federal antitrust statutes arising out of the solicitation and submission of bids or proposals.
- (d) Violation of contract provisions, as set forth below, of a character which is regarded by the Procurement Director to be so serious as to justify debarment action:

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to debar or suspend such person for cause from participation in any county procurements at any tier and consideration for award of contracts.

(Ord. No. —)

ARTICLE 9

APPEALS, PROTESTS AND REMEDIES

Sec. 1-10-81. Procurement protests.

Authority to Resolve Protested Solicitations and Awards.

- (a) *Right to Protest.* Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Procurement Director. The protest shall be submitted in writing within ten (10) days after such aggrieved person knows or should have known of the facts giving rise thereto. ~~Untimely protests shall not be considered.~~

- (b) *Authority to Resolve Protests.* The Procurement Director, Procurement Director and the Administrator shall have the authority, prior to a final decision by the Commission, to the commencement of an action in court concerning the controversy to settle and resolve the protest of an aggrieved bidder, offeror, or contractor, actual or prospective, concerning the solicitation or award of a contract.

- (c) *Decision of Procurement Director.* If the protest is not resolved by mutual agreement, the Procurement Director shall promptly issue a decision in writing regarding the protest as specified in Section 1-10-83. The decision shall:

- (1) state the reasons for the action taken; and
 - (2) inform the protester of its right to administrative review as provided in this Article.
- (d) *Notice of Decision.* A copy of the decision shall be mailed or otherwise furnished ~~immediately~~ to the protestor and any other interested party.

- (e) *Finality of Decision.* A decision under Subsection (3d) of this Section shall be final and conclusive, unless ~~fraudulent~~ or any person adversely affected by the decision files a timely appeal in accordance with Section 1-10-7824.

- (f) *Stay of Procurements During Protests or Appeals.* In the event of a timely protest under section 1-10-7882 of this Article the Procurement Director shall not proceed further with the solicitation or with the award of the contract unless the Procurement Director, after consultation with the head of the using agency and General Counsel, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of Augusta-Richmond County. Such a determination shall be provided to the protestor.

(Ord. No. —)

1-10-82. Filing of Protest.

- (a) Protests shall be made in writing to the Procurement Director and shall be filed in within ~~ten~~ five (48) business days after the protestor knows or should have known of the facts giving rise thereto. A protest is considered filed when received by the Procurement Department. ~~Protests filed after the ten (10) day period shall not be considered.~~ Protests filed after the five (5) day period shall not be considered and are deemed a failure on the part of the protestor to exhaust administrative remedies.

- (b) *Subject of Protest.* Protestors may file a protest on any phase of solicitation or award including but not limited to specifications preparation, bid solicitation, award, or disclosure of information marked confidential in the bid or offer.

- (c) To expedite handling of protests, the written protest shall include as a minimum the following:

- (1) the name and address of the protestor;
- (2) appropriate identification of the procurement, and, if a contract has been awarded, its number;

(Ord. No. —)

Sec. 1-10-88. Administrative Services Committee Hearing Procedure and Effect of Failure to Appear at Hearing
Procurement appeals hearing officers.

(a) Protests appearing on the Administrative Services Committee shall be treated as any other Committee agenda item, except that the Protestor, or his or her representative, shall have the right to address the Committee and to present evidence in support of the protest for a minimum of ten (10) minutes. The Procurement Director and user department shall also have the opportunity to present evidence relating to the protest for a minimum of ten (10) minutes. The Chairman of the Administrative Services Committee may grant additional time equally to each party at his or her discretion. Appointment, qualifications and term. The Augusta General Counsel shall hire two procurement appeals hearing officers who shall serve on an alternating basis. The hearing officers shall possess a law degree and have public or private employment experience in with legal principles to controversies regarding procurement of goods, services and construction, professional and/or consultant services and information technology.

(b) No employee or official or family member of any employee or official of Augusta-Richmond County/Augusta-Richmond County shall be appointed, nor shall any person be appointed who is a contractor, subcontractor or who owns an interest in a business doing business with Augusta-Richmond County/Augusta-Richmond County. Each officer shall serve a two-year term and shall not be eligible to serve more than two consecutive terms. After considering the evidence presented, the Administrative Services Committee shall vote to grant or deny the protest or to send the item to the full Augusta-Richmond County Commission without recommendation. Regardless of the decision made by the Committee, the protest shall be forwarded to the full Commission agenda. However, the Commission may, at its discretion, dispose of the agenda item via the Consent Agenda and the Protestor does not have the right to force the item to be moved from the Consent Agenda to the Regular Agenda.

(Ord. No. —)

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(c) **Effect of Failure to Appear at Hearing**
Failure on the part of the Protestor to appear before either the Administrative Services Committee or the full Augusta-Richmond County Commission is considered an abandonment of their right to appeal and a failure on the part of the protestor to exhaust administrative remedies. The Procurement Director's decision is considered final and the award shall proceed accordingly. However, the Chairman of the Administrative Services Committee or the Mayor may, at his or her discretion, grant the Protestor one continuance to the next regularly scheduled Committee or Commission Meeting. Such continuance may only be granted during the Committee or Commission meeting and shall be recorded on the minutes of such meeting. Each officer shall hold hearings upon any appeals by a contractor or person affected by a procurement. All hearings shall be conducted in accordance with the Georgia Open Meetings Act and held in a building owned by Augusta-Richmond County/Augusta-Richmond County. Each officer shall be paid per day or for any portion of the day that the officer serves. Administrative services, as may be required by the officer, shall be provided by Augusta-Richmond County/Augusta-Richmond County departments.

(Ord. No. —)

Sec. 1-10-89. Authority of Administrator to Participate Procurement Matter
procurement appeals hearing officers.

The Augusta-Richmond County Administrator, the hearing officer, in the conduct of the hearing, has the authority power among others, to:

- (a) communicate with the protestor and other interested parties to hold informal conferences to try to settle any dispute, simplify, or narrow the issues for matters to be presented to the Committee or Commission; in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding either by consent of the parties or upon such officer's own motion;
- (b) consult with the Procurement Director, the User Department and the General Counsel regarding the need for a stay pursuant to Section 1-10-81(f) require parties to state their positions with respect to the various issues in the proceeding;

~~Decision of the county Augusta-Richmond County Administrator.~~ All claims by a contractor or vendor against Augusta-Richmond County relating to a contract shall be submitted in writing to the Augusta-Richmond County Administrator through the officially designated Augusta-Richmond County Project Manager for a decision. The contractor or vendor may request a conference on the claims. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.
(Ord. No. —)

Sec. 1-10-93. Augusta-Richmond County's right to amend bid solicitations or awards that are in violation of law.

Applicability. This section applies where it is determined by administrative review that a solicitation or award of a contract is in violation of applicable law. For purposes of this section administrative review shall refer to a review by the Procurement Director and/or Augusta-Richmond County Administrator in consultation with the General Counsel or a review by the County Augusta-Richmond County Administrator. A determination by the Procurement Director may be made independently and as a result of the Procurement Director receiving a decision from an appeals hearing officer that a solicitation or award of a contract is in violation of applicable law.

- (a) *Prior to bid opening or closing date for receipt of proposals.* If prior to the bid opening or the closing date for receipt of proposals, the Procurement Director, after consultation with the Augusta-Richmond County Administrator, and the Augusta-Richmond County General Counsel, determines that a solicitation is in violation of federal, state, or local law or ordinance, then the solicitation shall be canceled or revised to comply with applicable laws.
- (b) *Prior to award.* If after bid opening or the closing date for receipt of proposals, the Procurement Director, after consultation with the Administrator or his designee, and the Augusta-Richmond General Counsel determine that a solicitation or proposed award is in violation of federal, state or municipal law, then the solicitation or proposed award shall be canceled.
- (c) *After award.* If, after an award, the Procurement Director, after consultation with the Administrator and the Augusta-Richmond General Counsel, determines that a solicitation or award of a contract

was in violation of applicable law, the following options shall be available to Augusta-Richmond County;
then the contract shall be revised to comply with applicable law if:

(1) If the person awarded the contract has not acted fraudulently or in bad faith;

(21) The contract may be ratified and affirmed, provided it is determined that doing so is in the best interest of the county/Augusta-Richmond County and the person or company awarded the contract has not acted fraudulently or in bad faith; or

(22) If services or work have not commenced under the contract, it may be terminated and declared null and void and the person awarded the contract shall be compensated for the actual expenses reasonably incurred in preparing to perform and in terminating its performance under the contract, plus a reasonable profit, prior to the termination; or

(43) If services or work have commenced under the contract, it may be terminated and the person awarded the contract shall be compensated for the actual expenses reasonably incurred in for partially preparing to performing and in terminating its performance under the contract, plus a reasonable profit, prior to the termination, less any amount previously paid to it under the contract; or

(5) If the person awarded the contract has acted fraudulently or in bad faith;

(6) If Augusta-Richmond County is unable to revise the contract to comply therewith, the contract shall be terminated and declared null and void by the Augusta-Richmond County Commission; or

(7) The contract may be ratified and affirmed if such action is in the best interests of the county/Augusta-Richmond County, without prejudice to the county/Augusta-Richmond County's right to such damages as may be appropriate.
(Ord. No. 6939, § 16, 1-2-07 (Ord. No. —)).

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of contract; and

- (4) Purchase order to be signed by the Procurement Director.

- (f) *Emergency purchase contracts.* Emergency purchases (as defined elsewhere) regardless of the amount of the purchase must have:

- (1) Specific project concept approval by the Commission; and
- (2) General budget approval by the Commission (e.g. could be unspecified within a larger account) and specific budget approval of the using agency head as the Administrator's designee; and
- (3) Using agency head approval of the source selection method and award of contract if during non-standard working hours, or by the Administrator during normal working hours; and
- (4) Contract/small purchase order to be signed by the Administrator, using agency head, or Mayor based on the value of the purchase.

(Ord. No. 6939, §§ 14, 16, 1-2-07; Ord. No. _____).

Sec. 1-10-95. Public Works Contracts.

Augusta-Richmond County is authorized to utilize any construction delivery method, provided that places the bidder or offeror at risk for construction; and requires labor or building materials in the execution of the contract shall be awarded on the basis of competitive sealed bidding or competitive sealed proposals.

- a. (b) *Waiver of Technicalities.* Augusta-Richmond County shall have the authority to reject all bids or proposals or any bid or proposal that is nonresponsive or not responsible and to waive technicalities and informalities.

- (b) Modifications or Addenda to Public Works Plans and Specifications. Augusta-Richmond County shall not issue or cause to be issued any addenda modifying plans and specifications within a period of 72 hours prior to the advertised time for the opening bids or proposals, excluding Saturdays, Sundays, and legal holidays.

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However, if the necessity arises to issue an addendum modifying plans and specifications within the 72 hour period prior to the advertised time for the opening of bids or proposals, excluding Saturdays, Sundays, and legal holidays, then the opening of bids or proposals shall be extended at least 72 hours, excluding Saturdays, Sundays, and legal holidays, from the date of the original bid or proposal opening without need to readvertise as required by O.C.G.A. § 36-91-20 (b).

- e. (c) *Change Orders.* Augusta-Richmond County bid and contract documents may contain provisions authorizing the issuance of change orders, without the necessity of additional requests for bids or proposals, within the scope of the project when appropriate or necessary in the performance of the contract. Change orders may not be used to evade the purposes open, fair and competitive public bidding on public works contracts.

- d. (d) *Notice to Proceed.* The Procurement Director shall, after consultation with the using agency, issue a Notice to Proceed to the contractor, stating the name of the project, the date upon which the project is to begin, the contact name and telephone number for the using agency and the contract term.

- e. (e) *Registration and Participation of Contractors pursuant to the Georgia Security and Immigration Compliance Act and the Immigration Reform and Control Act of 1986.* All contractors and subcontractors entering into contracts with Augusta-Richmond County for the physical performance of services shall be required to execute an Affidavit verifying its compliance with O.C.G.A. §13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with Augusta-Richmond County has registered with and is participating in a federal work authorization program [any of the electronic verification of work authorized 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), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. §13-10-91 and shall

Page 112 of 116 Page 106 of 119

administration. Contract administration generally shall be the responsibility of the using agency requesting the commodity, general or construction service, except that certain specialized contracts may be administered by selected trade professionals, e.g., architects, engineers, construction managers, etc.

(Ord. No. 6939, § 16, 1-2-07—Ord. No. —)

Sec. 1-10-104. Augusta-Richmond County contracts and contract clauses.

(a) Use of model (standard) contracts and clauses. The Procurement Director, after consultation with the Augusta-Richmond County Administrator, using agency head, and Augusta-Richmond County General Counsel, may establish standard contract clauses for use in Augusta-Richmond County contracts for various commodities, services and construction products. Such contracts shall include provisions necessary to clearly define the responsibilities and rights of the parties to the contract.

(b) Provisions of Augusta-Richmond County contracts. Whether designed as a model or standard contract provision or specifically tailored for a particular contract, all Augusta-Richmond County contracts should include provisions for:

- (1) The unilateral right of Augusta-Richmond County to order in writing a temporary stopping of the work, or delaying performance that does not alter the scope, of the contract;
- (2) Variations, occurring between estimated quantities of work in contract and actual quantities;
- (3) Defective pricing;
- (4) Liquidated damages;
- (5) Specified excuses for delay or non-performance;
- (6) Termination of the contract for default;

(7) Termination of the contract in whole or in part for the convenience of Augusta-Richmond County;

(8) Payment procedures;

(9) Hold harmless provisions;

(10) Prohibition against contingent fees;

(11) Suspension of work on a construction project ordered by Augusta-Richmond County;

(12) Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:

(ei) When the contract is negotiated,

(eii) When the contractor provides the site or design, or

(eiii) When the parties have otherwise agreed with respect to the risk of differing site conditions, and

(13) Insurance requirements.

(14) Contractor's consent to venue in the Superior Court of Richmond County, Georgia;

(15) Provision that the terms of the contract supersedes any and all provisions of the Georgia Prompt Pay Act

(16) An acknowledgement by all parties contracting with the Augusta-Richmond County as follows:

Contractor acknowledges that this contract and any changes to it by amendment, modification, change order or other similar document may have required or may require the legislative authorization of the Board of Commissioners and approval of the Mayor. Under Georgia law, Contractor is deemed to possess

Administrator, determine that the contract modification or change order cannot be delayed without substantial delay and cost to Augusta-Richmond County and funds are available and the appropriate budget transfer is made, the Administrator may authorize the appropriate action.

(b) *Price adjustments.*

Adjustments in price in contracts shall be computed in one or more of the following ways:

- (1) By agreement on a fixed price adjustment before commencement of the pertinent performance or as soon thereafter as practicable;
- (2) By unit prices specified in the contract or subsequently agreed upon;
- (3) By the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon; and
- (4) In such other manner as the contracting parties may mutually agree upon.

(Ord. No. 6939, § 16, 1-2-07-(Ord. No. ---).)

Sec. 1-10-106. Bid security.

- (a) *Requirement for bid security.* Bid security shall be required for all competitive sealed bids for construction contracts when the price is estimated by the Procurement Director to exceed forty thousand dollars (\$40,000.00).
- (b) *Amount of bid security.* Bid security shall be in an amount equal to at least ten (10) percent of the amount of the bid.
- (c) *Rejection of sealed bids for noncompliance with bid security and authority.* If required, and the bid security is not included with the bid, the Procurement Director shall recommend to the Commission that the bid be rejected.
- (d) *Withdrawal of bids.* If a bidder is permitted to withdrawn its bid before award as provided in section 1-10-50(g) Sealed Bidding;

Correction or Withdrawal of Bids no action shall be taken against the bidder or the bid security and the bidder may be entitled to the return of its bid security).

(Ord. No. 6939, § 16, 1-2-07-(Ord. No. ---).)

Sec. 1-10-107. Contract performance and payment bonds.

- (a) Performance bonds or security shall be delivered to Augusta-Richmond County/Augusta-Richmond County and shall become binding on the parties upon the execution of the contract to provide a performance bond satisfactory to Augusta-Richmond County.
- (b) Payment bond satisfactory to Augusta-Richmond County for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract.

(Ord. No. 6939, § 16, 1-2-07-(Ord. No. ---).)

Sec. 1-10-108. Bond forms and copies.

The form of payment and performance bonds and other required bonds shall be prescribed by the Augusta-Richmond County General Counsel. Any person may request and obtain from Augusta-Richmond County a certified copy of a bond upon payment of the cost of reproduction of the bond and postage, if any. A certified copy of a bond shall be prima facie evidence of the contents, execution, and delivery of the original.

(Ord. No. ---)

Sec. 1-10-109. Retainage.

- (a) *Maximum amount to be withheld.* In any contract or subcontract for construction which provides for progress payments in installments based upon an estimated percentage of completion with a percentage of the contract's proceeds to be retained by Augusta-Richmond

Permitted: Space Before: 5 pt. After: 5 pt. Widow/Orphan control

Permitted: Indent: Hanging: 0.5"
Permitted: First: Indent
Permitted: Indent: Hanging: 0.5" Space
Before: 0 pt. After: 0 pt. No widow/orphan control

(Ord. No. —)

ARTICLE 13

SUPPLIES AND FIXED ASSETS MANAGEMENT PROGRAMS

Sec. 1-10-114. Surplus supplies.

(a) Generally, salvageable surplus supplies are divided into categories as described below:

- (1) *Scrap.* Any ferrous supplies that can be used for remelting to produce iron, steel, or its alloys.
- (2) *Waste.* All non-metallic refuse which has market value, e.g. paper.
- (3) *Worn or damaged.* Either scrap or waste supplies that may be sold or used as trade-in.
- (4) *Obsolete and surplus.* Any supplies that are of no use by Augusta-Richmond County.
- (5) *Excess.* Any supply that does not have a useful purpose for a particular department or agency. The supply may have value, within other departments or Augusta-Richmond County agencies and may be transferred. Nothing herein refers to the sale, lease or disposal of real property.

(Ord. No. —)

Sec. 1-10-115. Fixed asset management.

The Fixed Assets Management function in Augusta-Richmond County was implemented for the purpose of surveying and documenting all County owned personal assets, performing regular audits of County assets, centralizing the administration and control of excess supplies and determining whether excess supplies are suitable for other uses prior to disposition and prior to procuring new items of similar quality and functionality. Also, the Procurement Director shall regularly check with agencies regarding the use and availability of excess or potentially surplus

items.

With respect to surplus supplies, all using agencies shall submit to the Procurement Director, at such times and in such forms as prescribed, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped. The Fixed Assets Manager shall determine whether the item-(s) can be relocated for further use by other departments or agencies prior to disposition. If the item-(s) has no further use to Augusta-Richmond County, the Procurement Director shall prepare a report to the Augusta-Richmond County Administrator advising that office of the item-(s) available for disposition.

(Ord. No. 6939, § 16, 1-2-07; Ord. No. —).

Sec. 1-10-116. Supplies management.

(a) *Responsibility.* The Procurement Director has responsibility for the sale, lease, or disposal of surplus supplies. No employee or official of Augusta-Richmond County or their agent shall be entitled to purchase such supplies.

- (1) The Procurement Director is responsible for the sale, or disposal of supplies via means described below, except that it shall first be determined that the item-(s) has no further use by Augusta-Richmond County.
- (2) The Procurement Director shall handle the procurement of auction facilities and professional auction services, and the advertisement process, or coordinate the sealed bidding process.
- (3) The Augusta-Richmond County Commission shall authorize the sale, lease, or disposal of surplus supply items when necessary and appropriate.

(b) *Surplus supplies—How disposed.*

- (1) Auction or sealed bids.
- (2) Transfer to other using agency or public entity.



**Administrative Services Committee Meeting
3/8/2010 12:45 PM
Solid Waste Department Reorganization for 2010**

Department:	Solid Waste
Caption:	Approve the Solid Waste Department Reorganization.
Background:	The Augusta Solid Waste Department, during the 2010 budget process, reviewed the existing departmental organizational structure and determined that the department could be better organized and more efficient. Further, the department needs to update its organizational chart to address taking on additional responsibilities from the 2009 budget, to include, internalizing maintenance as well as taking over vacant lot collections, which had been performed by Public Services. Additionally, in the 2010 budget, our department was required to pay additional fees to the general fund. It became necessary to reorganize and save money to maintain a balanced budget.
Analysis:	As part of the re-structuring, the proposed organizational structure includes the elimination of 13 positions, the altering of numerous others, as well as the addition of 1 position. Of the 13 positions that are being eliminated, only one is currently filled, and that staff member would be re-assigned to positions of similar scope and salary grade. In addition to simply rearranging positions, the changes in the organizational structure allow the Solid Waste Department to better service the programs that have been added over the past couple of budget cycles. For example, the solid waste department has internalized maintenance functions which required the addition of a maintenance manager, four mechanics, and an administrative person. Secondly, the department has taken on the waste disposal portion of vacant lot cleanups. The cleanup is performed by Public Services and the pickup and disposal is handled by the solid waste department. In the future, these pickups could be handled by internal staff instead of contracted haulers. Finally, the cart management system that is currently handled by outside contractor could be done completely in-house.
Financial Impact:	Overall, the modifications described above allow for an overall savings of over \$440,000 per year.
Alternatives:	1. Approve the reorganization as described. 2. Do not approve the reorganization.
Recommendation:	alternative 1.
Funds are Available in the Following	None required as this is a savings.

Accounts:

REVIEWED AND APPROVED BY:

Finance.

Human Resources.

Law.

Administrator.

Clerk of Commission



SOLID WASTE DEPARTMENT

Mark Johnson
Director

MEMORANDUM

TO: Fred Russell, Administrator
THROUGH: Rod Powell, Human Resources Director
FROM: Mark Johnson
DATE: February 22, 2010
SUBJECT: Solid Waste Department Reorganization

Please find attached the reorganization proposal for FY2010 that I have prepared for your review.

The Augusta Solid Waste Department, during the 2010 budget process, reviewed the existing departmental organizational structure and determined that the department could be better organized and more efficient. Further, the department needs to update its organizational chart to address taking on additional responsibilities from the 2009 budget, to include, internalizing maintenance as well as taking over vacant lot collections, which had been performed by Public Services. Additionally, in the 2010 budget, our department was required to pay additional fees to the general fund and it therefore became necessary to reorganize and save money to maintain a balanced budget.

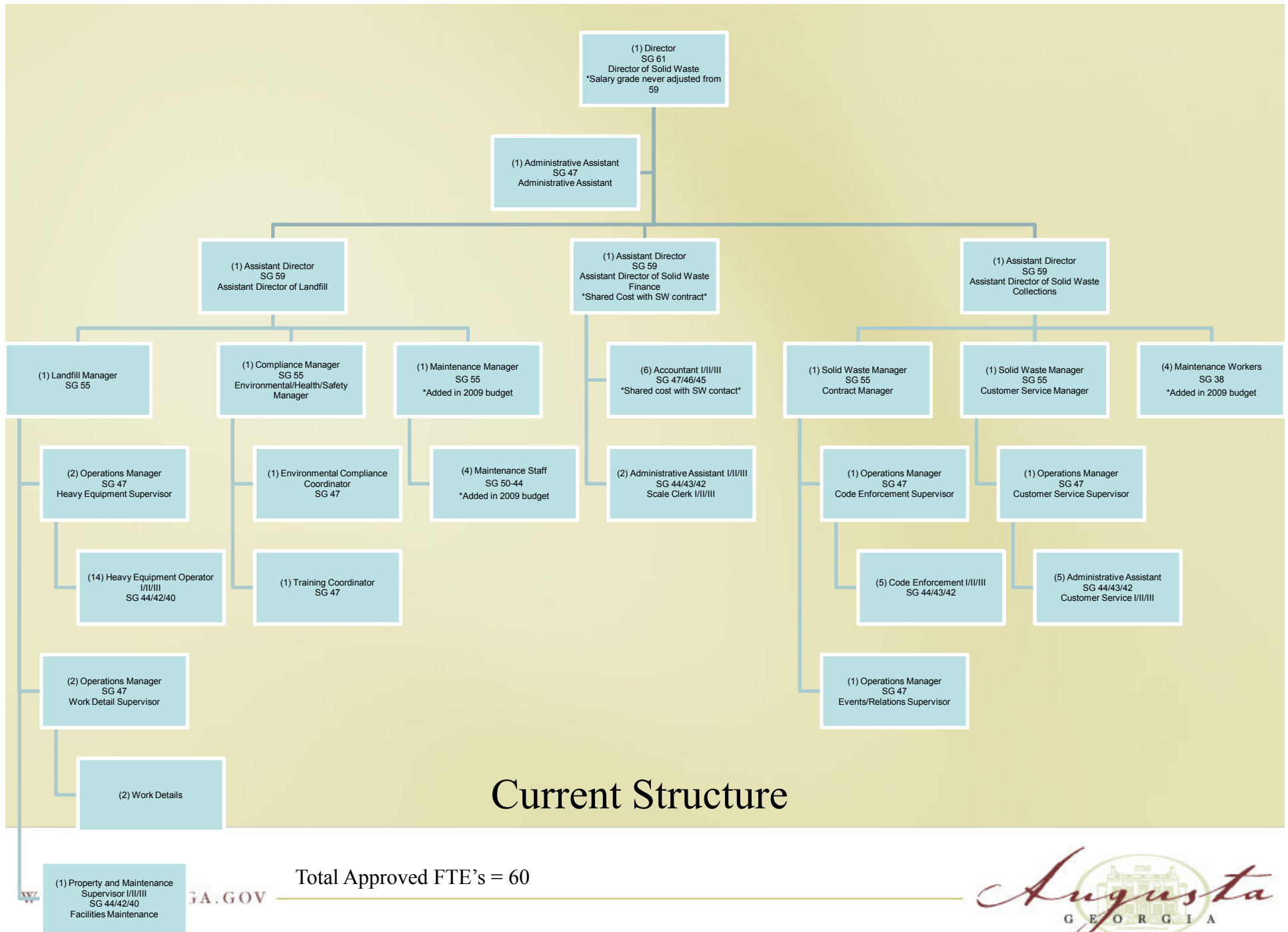
As part of the re-structuring, the proposed organizational structure includes the elimination of 13 positions and the altering of numerous others. Of the 13 positions that are being eliminated, only two are currently filled, and those staff members would be re-assigned to positions of similar scope and salary grade.

In addition to simply rearranging positions, the changes in the organizational structure allow the Solid Waste Department to better service the programs that have been added over the past couple of budget cycles. For example, the solid waste department has internalized maintenance functions which required the addition of a maintenance manager, four mechanics, and an administrative person. Secondly, the department has taken on the waste disposal portion of vacant lot cleanups. The cleanup is performed by Public Services and the pickup and disposal is handled by the solid waste department. In the future, these pickups could be handled by internal staff instead of contracted haulers. Finally, the cart management system that is currently handled by an outside contractor could be done completely in-house.

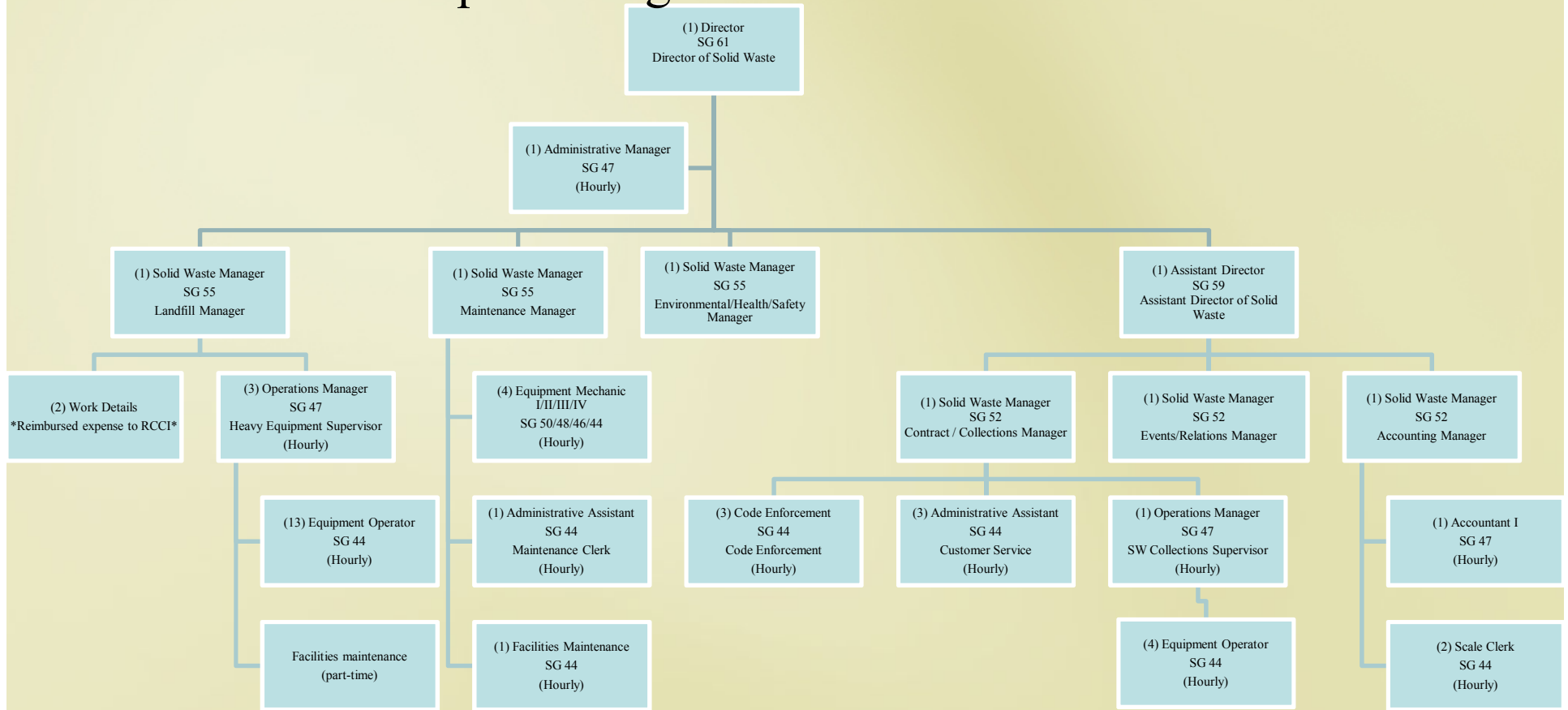
Overall, the modifications described above allow for an overall savings of over \$445,000 per year. This includes over \$360,000 in savings from salaries and approximately \$85,000 in benefits savings.

Thank you for your attention and consideration. Please feel free to contact me if you have any questions. I look forward to your response.

Solid Waste Department
4330 Deans Bridge Road – Blythe, GA 30805
(706) 592-3200 – Fax (706) 592-1658
WWW.AUGUSTAGA.GOV



Proposed Organizational Chart



Total Proposed FTE's = 48

Wage Savings	\$334,822.00
FICO Savings	\$20,758.96
Medicare Savings	\$4,854.92
Employee Only Insurance	\$41,940.00
Life Insurance	\$2,952.00
GMEBS	\$8,035.73
<u>Total Savings</u>	<u>\$413,363.61</u>

Proposed Structure

<u>Title</u>	<u>Emp ID #</u>	<u>Pay Grade</u>	<u>Hourly Wage</u>	<u>Hourly Auto Allowance</u>
Director	11510	61	\$52.88	\$3.46
Administrative Assistant	13290	47	\$17.26	
Solid Waste Manager - Landfill Manager	5194	55	\$28.37	\$2.31
Work Detail Officer - Provided by RCCI		43	\$16.53	
Work Detail Officer - Provided by RCCI		43	\$13.30	
Operations Manager - Heavy Equipment Supervisor	1934	47	\$18.31	
Operations Manager - Heavy Equipment Supervisor		47	\$17.26	
Operations Manager - Heavy Equipment Supervisor		47	\$17.26	
Equipment Operator	13803	44	\$14.80	
Equipment Operator	14022	44	\$14.80	
Equipment Operator	12403	44	\$14.80	
Equipment Operator	13775	44	\$14.80	
Equipment Operator	03966	44	\$15.18	
Equipment Operator	10588	44	\$15.34	
Equipment Operator	13538	44	\$14.80	
Equipment Operator	13622	44	\$14.80	
Equipment Operator	12453	44	\$14.80	
Equipment Operator	9577	44	\$14.80	
Equipment Operator	9117	44	\$14.80	
Equipment Operator		44	\$14.80	
Equipment Operator		44	\$14.80	
Equipment Operator		44	\$14.80	
Equipment Operator		44	\$14.80	
Solid Waste Manager - Maintenance Manager	14493	55	\$27.75	\$2.31
Equipment Mechanic I through IV	14492	48	\$21.00	
Equipment Mechanic I through IV	14491	48	\$20.00	
Equipment Mechanic I through IV	14494	48	\$20.70	
Equipment Mechanic I through IV		44	\$14.80	
Administrative Assistant - Maintenance Clerk		44	\$14.80	
Facilities Maintenance		44	\$14.80	
Solid Waste Manager - Environmental Health and Safety		55	\$27.75	\$2.31

Proposed Structure

<u>Title</u>	<u>Emp ID #</u>	<u>Pay Grade</u>	<u>Hourly Wage</u>	<u>Hourly Auto Allowance</u>
Assistant Director of Solid Waste	10569	59	\$37.02	\$3.46
Solid Waste Manager - Contract/Collections Manager		52	\$23.80	
Code Enforcement	09316	44	\$15.99	
Code Enforcement	09963	44	\$16.32	
Code Enforcement		44	\$14.80	
Administrative Assistant - Customer Service	13814	44	\$16.32	
Administrative Assistant - Customer Service	13456	44	\$15.30	
Administrative Assistant - Customer Service		44	\$14.80	
Operations Manager - SW Collections Supervisor	13293	47	\$17.26	
Equipment Operator		44	\$14.80	
Equipment Operator		44	\$14.80	
Equipment Operator		44	\$14.80	
Equipment Operator		44	\$14.80	
Solid Waste Manager - Events/Relations		52	\$23.80	
Solid Waste Manager - Accounting Manager		52	\$23.80	
Accountant I	14047	47	\$18.99	
Scale Clerk	13348	44	\$14.80	
Scale Clerk	12410	44	\$16.23	
Brooks, Elizabeth	09701	Part Time	9.25	

Hourly Rate	\$888.57	\$13.85
		Annual Amount
		Annual Amount Saved

Reduced Paygrade - Compensation unchanged

Reassigned employee - to equal paygrade

Total	
\$902.42	
\$1,877,033.82	
<u>\$328,610.85</u>	

Current Structure

<u>Title</u>	<u>Emp ID #</u>	<u>Pay Grade</u>	<u>Hourly Wage</u>
Director	11510	59	\$44.00
Administrative Assistant	12603	47	\$17.26
Assistant Director of Landfill		59	\$34.07
Landfill Manager	05194	55	\$27.75
Operations Manager		47	\$17.26
Operations Manger		47	\$17.26
Property Maint Supervisor		44	\$14.80
Heavy Equipment Operator	13803	40	\$11.81
Heavy Equipment Operator	14022	40	\$11.25
Heavy Equipment Operator	12403	42	\$12.67
Heavy Equipment Operator	13775	40	\$11.25
Heavy Equipment Operator	03966	40	\$13.20
Heavy Equipment Operator	10588	42	\$13.34
Heavy Equipment Operator	13538	40	\$11.25
Heavy Equipment Operator	13622	40	\$11.71
Heavy Equipment Operator	12453	40	\$11.81
Heavy Equipment Operator	9577	40	\$12.67
Heavy Equipment Operator	9117	40	\$11.81
Heavy Equipment Operator		44	\$14.80
Heavy Equipment Operator		44	\$14.80
Heavy Equipment Operator		44	\$14.80
Work Detail officer		47	\$17.26
Work Detail officer		47	\$17.26
Compliance Manager		55	\$27.75
Environmental Compliance	01934	47	\$18.31
Training Coordinator		47	\$17.26
Assistant Director of Finance		59	\$34.07
Accountant	14047	47	\$18.99
Accountant		47	\$17.26
Accountant		47	\$17.26
Accountant		47	\$17.26
Accountant		47	\$17.26
Accountant		47	\$17.26
Administrative Assistant (scale Clerk)	13348	38	\$12.56

Current Structure

<u>Title</u>	<u>Emp ID #</u>	<u>Pay Grade</u>	<u>Hourly Wage</u>
Administrative Assistant (scale Clerk)	12410	43	\$14.11
Assistant Director of Solid Waste	10569	59	\$35.17
Solid Waste Manager		55	\$27.75
Operations manager (code)	13293	47	\$17.26
Code Enforcement	09316	44	\$15.99
Code Enforcement	09963	43	\$14.19
Code Enforcement		44	\$14.80
Code Enforcement		44	\$14.80
Code Enforcement		44	\$14.80
Operations manager (events)		47	\$17.26
Solid Waste Manager (customer service)		55	\$27.75
Operations Manager (customer service)	13290	47	\$17.26
Administrative Assistant (customer service)	13814	43	\$14.19
Administrative Assistant (customer service)	13456	43	\$13.30
Administrative Assistant (customer service)		44	\$14.80
Administrative Assistant (customer service)		44	\$14.80
Administrative Assistant (customer service)		44	\$14.80
Maintenance Worker (transferred from PW)		38	\$10.15
Maintenance Worker (transferred from PW)		38	\$10.15
Maintenance Worker (transferred from PW)		38	\$10.15
Maintenance Worker (transferred from PW)		38	\$10.15
Maintenance Manager	14493	55	\$31.25
Mechanic	14492	49	\$21.00
Mechanic	14491	49	\$20.00
Mechanic	14494	46	\$18.00
Mechanic		49	\$19.13
Brooks, Elizabeth		Part Time	8.05
<u>Totals</u>			
		Hourly Rate	\$1,060.41
		Annual Amount	\$2,205,644.67

Solid Waste Department Re-Organization Plan - FY 2010

Current Position Title	Position Control Code	Current Pay Grade	Current Salary	Proposed Position Title	Proposed Pay Grade	Proposed New Salary	\$ Difference Between Proposed and Current Salary	% Difference Between Proposed and Current Salary	Annual Auto Allowance or county vehicle
Assistant Director - Landfill		59	\$70,874	Eliminated Position			(\$70,874.00)	(100.00)	
Heavy Equipment Operator		44	\$30,784	Eliminated Position			(\$30,784.00)	(100.00)	
Training Coordinator		47	\$35,904	Eliminated Position			(\$35,904.17)	(100.00)	
Accountant		47	\$35,904	Eliminated Position			(\$35,904.17)	(100.00)	
Accountant		47	\$35,904	Eliminated Position			(\$35,904.17)	(100.00)	
Accountant		47	\$35,904	Eliminated Position			(\$35,904.17)	(100.00)	
Accountant		47	\$35,904	Eliminated Position			(\$35,904.17)	(100.00)	
Code Enforcement Officer		44	\$30,783	Eliminated Position			(\$30,783.33)	(100.00)	
Code Enforcement Officer		44	\$30,783	Eliminated Position			(\$30,783.33)	(100.00)	
Solid Waste Manager - Customer Service Manager		55	\$57,728	Eliminated Position			(\$57,727.76)	(100.00)	
Operations Manager - Customer Service Supervisor	PWL0096001	47	\$35,904	Eliminated Position			(\$35,904.17)	(100.00)	
Administrative Assistant - Customer Service		44	\$30,783	Eliminated Position			(\$30,783.33)	(100.00)	
Assistant Director of Finance		59	\$70,875	Solid Waste Manager - Accounting Manager	52	\$49,494	(\$21,380.21)	(30.17)	
Work Detail Officer		47	\$35,901	Work Detail Officer	43	\$27,664	(\$8,236.80)	(22.94)	
Solid Waste Manager - Contract Manager		55	\$57,728	Solid Waste Manager - Contract/Collections Manager	52	\$49,494	(\$8,233.42)	(14.26)	
Equipment Mechanic		49	\$39,783	Equipment Mechanic	46	\$37,793	(\$1,990.01)	(5.00)	
Work Detail Officer	PWL0921001	47	\$35,901	Work Detail Officer	43	\$34,382	(\$1,518.40)	(4.23)	
Property Maintenance Supervisor -- Facilities Maintenance		44	\$30,783	Facilities Maintenance	44	\$30,783	\$0.00	0.00	
Administrative Assistant - Customer Service		44	\$30,783	Administrative Assistant - Maintenance Clerk	44	\$30,783	\$0.00	0.00	
Administrative Assistant	PWL0043001	47	\$35,904	Administrative Manager	47	\$35,904	\$0.00	0.00	
Operations Manager -- Heavy Equipment Supervisor		47	\$35,904	Operations Manager -- Heavy Equipment Supervisor	47	\$35,904	\$0.00	0.00	
Operations Manager -- Heavy Equipment Supervisor		47	\$35,904	Operations Manager -- Heavy Equipment Supervisor	47	\$35,904	\$0.00	0.00	
Heavy Equipment Operator		44	\$30,784	Equipment Operator	44	\$30,784	\$0.00	0.00	
Heavy Equipment Operator		44	\$30,784	Equipment Operator	44	\$30,784	\$0.00	0.00	
Compliance Manager - Environmental/Health/ Safety Manager		55	\$57,728	Compliance Manager - Environmental/Health/Safety Manager	55	\$57,728	\$0.00	0.00	\$4,800.00
Environmental Compliance Coordinator	PWL0395001	47	\$38,085	Environmental Manager -- Heavy Equipment Supervisor	47	\$38,085	\$0.00	0.00	

Solid Waste Department Re-Organization Plan - FY 2010

Current Position Title	Position Control Code	Current Pay Grade	Current Salary	Proposed Position Title	Proposed Pay Grade	Proposed New Salary	\$ Difference Between Proposed and Current Salary	% Difference Between Proposed and Current Salary	Annual Auto Allowance or county vehicle
Accountant	PWL3001002	47	\$39,499	Accountant	47	\$39,499	\$0.00	0.00	
Operations Manager - Code Enforcement Supervisor	PWL0682001	47	\$35,904	Operations Manager - SW Collections Supervisor	47	\$35,904	\$0.00	0.00	
Code Enforcement Officer	PWL0232002	44	\$33,259	Code Enforcement Officer	44	\$33,259	\$0.00	0.00	
Code Enforcement Officer		44	\$30,783	Code Enforcement Officer	44	\$30,783	\$0.00	0.00	
Administrative Assistant - Customer Service		44	\$30,783	Administrative Assistant - Customer Service	44	\$30,783	\$0.00	0.00	
Maintenance Manager		55	\$57,728	Solid Waste Manager - Maintenance Manager	55	\$57,728	\$0.00	0.00	\$4,800.00
Landfill Manager	PWL0668001	55	\$57,720	Solid Waste Manager - Landfill Manager	55	\$60,606	\$2,886.00	5.00	\$4,800.00
Assistant Director Solid Waste Collections	PWL0110002	59	\$73,154	Assistant Director Solid Waste	59	\$76,811	\$3,657.68	5.00	\$7,200.00
Administrative Assistant - Customer Service	PWL0233003	43	\$27,674	Administrative Assistant - Customer Service	44	\$30,783	\$3,109.78	11.24	
Heavy Equipment Operator	PWL0477002	42	\$27,747	Equipment Operator	44	\$31,907	\$4,160.00	14.99	
Code Enforcement Officer	PWL0235001	43	\$29,515	Code Enforcement Officer	44	\$33,942	\$4,427.28	15.00	
Equipment Mechanic	PWL0632001	49	\$43,680	Equipment Mechanic	50	\$50,232	\$6,552.00	15.00	
Equipment Mechanic	PWL0632002	49	\$41,600	Equipment Mechanic	50	\$47,840	\$6,240.00	15.00	
Heavy Equipment Operator	PWL0487004	40	\$27,456	Equipment Operator	44	\$31,574	\$4,118.40	15.00	
Equipment Mechanic	PWL0621001	46	\$37,440	Equipment Mechanic	48	\$43,056	\$5,616.00	15.00	
Administrative Assistant - Scale Clerk	PWL0447001	43	\$29,349	Scale Clerk	44	\$33,751	\$4,402.32	15.00	
Administrative Assistant - Customer Service	PWL0233001	43	\$27,664	Administrative Assistant - Customer Service	44	\$31,814	\$4,149.60	15.00	
Heavy Equipment Operator	PWL0477003	42	\$26,354	Equipment Operator	44	\$30,784	\$4,430.40	16.81	
Heavy Equipment Operator	PWL0487010	42	\$26,354	Equipment Operator	44	\$30,784	\$4,430.40	16.81	
Administrative Assistant - Scale Clerk	PWL0301001	38	\$26,125	Scale Clerk	44	\$30,784	\$4,659.20	17.83	
Director	PWL0109001	59	\$91,520	Director	61	\$110,000	\$18,480.00	20.19	\$7,200.00
Custodian	PWL7021001	part-time	\$8.05	Facilities Maintenance - Custodian	part-time	\$10.00	\$1.95	24.22	
Heavy Equipment Operator	PWL0487005	40	\$24,565	Equipment Operator	44	\$30,784	\$6,219.20	25.32	
Heavy Equipment Operator	PWL0487003	40	\$24,565	Equipment Operator	44	\$30,784	\$6,219.20	25.32	
Heavy Equipment Operator	PWL0487001	40	\$24,565	Equipment Operator	44	\$30,784	\$6,219.20	25.32	
Heavy Equipment Operator	PWL0487007	40	\$24,357	Equipment Operator	44	\$30,784	\$6,427.20	26.39	
Heavy Equipment Operator	PWL0487008	40	\$23,400	Equipment Operator	44	\$30,784	\$7,384.00	31.56	
Heavy Equipment Operator	PWL0487009	40	\$23,400	Equipment Operator	44	\$30,784	\$7,384.00	31.56	

Solid Waste Department Re-Organization Plan - FY 2010

Current Position Title	Position Control Code	Current Pay Grade	Current Salary	Proposed Position Title	Proposed Pay Grade	Proposed New Salary	\$ Difference Between Proposed and Current Salary	% Difference Between Proposed and Current Salary	Annual Auto Allowance or county vehicle
Heavy Equipment Operator	PWL0487011	40	\$23,400	Equipment Operator	44	\$30,784	\$7,384.00	31.56	
Operations Manager - Events/Relations Supervisor		47	\$35,904	Solid Waste Manager - Events/Relations	52	\$49,494	\$13,590.17	37.85	\$4,800.00
Maintenance Worker		38	\$21,120	Equipment Operator	44	\$30,783	\$9,663.33	45.75	
Maintenance Worker		38	\$21,120	Equipment Operator	44	\$30,783	\$9,663.33	45.75	
Maintenance Worker		38	\$21,120	Equipment Operator	44	\$30,783	\$9,663.33	45.75	
Maintenance Worker		38	\$21,120	Equipment Operator	44	\$30,783	\$9,663.33	45.75	
Grand Total of Re-organization Cost Between Proposed Plan and Current Budget							(\$330,022.48)		