

		
<b>Policies &amp; Procedures</b>		<b>Approved Oct. 17, 2002; Amended May 17, 2017; Amended January 15, 2021</b>
<b>4.9</b>	<b>Financial Services</b>	<b>Purchasing</b>

1. It is the policy of the Prosecuting Attorneys' Council to purchase equipment, supplies, contractual services, and all such other items and services as may be required for its operations in such a manner as to insure the greatest dollar value is obtained while assuring equitable treatment to all who wish to do business with this Office. Consistent quality, timely delivery, and price will be the guides by which purchases will be made. All proposed purchases and contractual agreements will be monitored to ensure that purchases are necessary, reasonable, and not duplicative in nature.
  
2. Type of Purchases. There are four categories of purchases covered by this statement of policy and procedure. They are:
  - A. Purchases without bid
  - B. Purchases with bid
  - C. Contracts resulting from Requests for Proposal
  - D. Blanket Orders
  
3. Purchases Without Bid. While the overall intent is to purchase at the lowest cost consistent with quality and delivery requirements, it is recognized that certain situations do not warrant the expenditure of time and effort in securing bids. These situations include at least the following six:
  - A. Equipment, supplies, or services that are commonly sold for a standard published price such as might be found in catalogs and in which the aggregate price of all equipment, supplies, or services for the order does not exceed \$25,000.<sup>1</sup>
  - B. The equipment, supplies, or services required are sufficiently unique that only one source of supply is known to exist. There is no dollar limitation on this type of purchase. It will be the responsibility of the Purchasing Officer to make a reasonable attempt to determine what sources of supply do exist and to consider substitutes which may be satisfactory for the purpose. The Executive Director of the Prosecuting Attorneys' Council is to be notified prior to actual purchase and must authorize it.
  - C. Equipment, supplies, or services that are needed on an emergency basis where delivery or performance is so urgently needed that it would not be feasible to obtain

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<sup>1</sup> This limitation may be changed by the Director.

		
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bids. It will be the responsibility of the requisitioner to document the nature of the emergency situation and provide it to the Purchasing Officer.

- D. Equipment or supplies of a custom nature which require manufacture or fabrication to customer specifications. It will be the responsibility of the Purchasing Officer to insure that labor and material costs associated with the manufacturer or fabrication of such equipment or supplies is consistent with the prevailing price for such labor and material. It will be the responsibility of the Purchasing Officer to insure that said purchase could not be made from standard equipment or supplies.
- E. Contractual services which result from engagements with individuals or companies wherein the specific skill and knowledge of the individual or company is the determinant cause of the contractual agreement. All such contracts must be approved by the Director.
- F. Equipment, supplies, or services for which a State Price Agreement is available.

4. Purchases with Bid.

- A. All purchases or leases of equipment, supplies, or personal services which are not specifically exempt from the bid process under the section "Purchases Without Bid" must be made as a result of bids having been obtained.
- B. The Purchasing Officer will maintain a Bidders List categorized by type of equipment, supply, or service. From this list, bids will be solicited from at least three suppliers if there are three available. When the full list of suppliers is not used regularly, those selected to receive bids will be rotated frequently enough to assure equitable treatment to all qualified vendors.
- C. Bids may be solicited by telephone or in person. In such cases, the person soliciting the bids will be responsible to record and retain for two years the prices quoted for each item and service, the date the bid was received, and the person representing the vendor in providing the quotation. Written confirmation will be requested for all bids in cases wherein a purchase order is not expected to be issued immediately upon completion of soliciting bids.

		
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- D. Bids should be solicited by mail whenever time permits and the nature of the equipment, supplies, or services being purchased requires the vendor to prepare or compose a response to the Request for Bid. The Purchasing Officer will be responsible to provide the vendors with appropriate forms to submit their bids on.
5. Contracts Resulting from Requests for Proposal.
- A. Requests for Proposal will usually involve large, complex projects, extending over a long period of time. Contracts of this nature are difficult to negotiate directly with contractors' variations in contract bid price of not more than 5 percent. Adjustments in contract price of more than 5 percent will require the approval of the Council.
  - B. Contracts of this type often result in follow-on contracts. The Director, with approval of the Council, may choose to award follow-on contracts without competitive bidding, if he determines that the successful completion of the project requires continuation with the contractor then under contract. This authority will not prevail in cases where federal government regulations prohibit awarding of single source contracts.
6. Blanket Orders. There is a continuing need for certain types of supplies and services, the nature of which does not warrant soliciting bids and issuing purchase orders for each individual need. Typical of these types of supplies are office supplies or janitorial services. The Office of the Prosecuting Attorneys' Council may enter into contracts for a duration not to exceed one year which cover the entire needs for supplies or services for a particular category. Such contracts will be submitted to the Council for approval and any renewing of such contracts will be submitted in similar fashion for approval by the Council.
7. Cash Purchases. It may be necessary from time to time for purchases to be made for cash by staff personnel. This will be especially true of members working in the field. Cash purchases may be made for equipment, supplies or personnel services as required and authorized by the Director. A receipt must be obtained for any such purchases. The dollar value of cash purchases should be limited to the minimum justifiable under the circumstances which necessitate the purchase.
8. If there is a Sales and Use Tax Exemption Certificate on file with the vendor, it will be expected that sales and use tax will not be charged nor paid. If there is no exemption

		
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certificate on file and the staff member has to pay sales tax, the tax will be considered to be part of the purchase price for reimbursement to the staff member.

9. Review. All goods, services and other contract deliverables will be subject to inspection, testing, and other appropriate review. Goods, services or other contract deliverables that do not meet applicable contract specifications and requirements will be rejected.
10. Records. The Purchasing Officer will be responsible to maintain records of all Requests for Bid, Requests for Proposals, Requisitions, and responses to requests for Bid or Proposal. Those records will be maintained with the appropriate purchasing file and will be retained until audit requirements have been met and further for such period as may be required by law.
11. Preference to State Agencies. Equipment, supplies, or services will be obtained from other State agencies when prices are comparable with outside sources and delivery is available on a reasonable basis.
12. Exceptions.
  - A. The Director of the Prosecuting Attorneys' Council may, with the prior approval of the Chairman and Vice Chairman of the Council, waive or suspend any or all requirements set forth in this policy, when, in his best judgment, compliance with this policy and procedure would be detrimental to the judicial process of Georgia and the same suspension or waiving will be in force until the next regular meeting of the Prosecuting Attorneys' Council when the matter will be presented to the Council for its approval.
  - B. The Chairman of the Prosecuting Attorneys' Council may, with the concurrence of the Vice Chairman of the Council, waive or suspend any or all requirements set forth in this policy when, in his best judgement, compliance with this policy and procedure would be detrimental to the judicial processes of Georgia. Such action by the Chairman will be entered upon the minutes of the Council.
13. The Executive Director is authorized to contract on behalf of the Council for equipment purchases.