COUNTY DEPARTMENT AGENDA REQUEST

Department:	Purchasing	Presenter(s):	Ted Burgess
Meeting Date:	Thursday, May 26, 2011	Type of Request:	New Business

Wording for the Agenda:

Consideration of a request from staff to approve Ordinance 2011-04, authorizing the Purchasing Department to purchase fuel, based on the lowest bid available, at a total cost not to exceed $30,000 per bid in order to minimize the impact of price volatility, and for the Purchasing Director to provide a quarterly report to the Board concerning fuel purchases.

Background/History/Details:

In the last 12 months, the county has processed 51 purchase orders for 293,500 gallons of gasoline and 113,271 gallons of diesel fuel. Of the 51 purchase orders, 23 were for payments over $20,000.

County Code Section 2-119 says that, if the price of a purchase exceeds $20,000 "the purchase may be made by the director of purchasing only after the prospective purchase has been approved by the board of commissioners on a competitive sealed bid basis." Historically, county staff have followed this procedure. The price of fuel has become increasing volatile, creating a need to consider raising the purchase authority for fuel to $30,000.

Ordinance 2011-04 will amend County Code Section 2-119 by authorizing the director of purchasing to make purchases of fuel on the open market where the purchase price does not exceed thirty thousand dollars ($30,000); and where the purchase price exceeds thirty thousand dollars, the purchase may be made by the director of purchasing only after the Board's approval.

The Purchasing Director will also provide a quarterly report to the board concerning fuel purchases.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to amend County Code 2-119, authorizing the Purchasing Department to purchase fuel, based on the lowest bid available, at a total cost not to exceed $30,000 per bid in order to minimize the impact of price volatility, and for the Purchasing Director to provide a quarterly report to the Board concerning fuel purchases.

If this item requires funding, please describe:

Funds are budgeted for fuel purchases. This request will not require additional funds.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Yes	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

STATE OF GEORGIA
FAYETTE COUNTY

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, FAYETTE COUNTY, GEORGIA TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE V., PURCHASES; SALES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, due to the rising cost of fuel and the frequency with which the County receives quotes for fuel, governing authority desires to amend the provision that provides for the purchasing authority of the director of purchasing relative to the purchase of fuel;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. Part of the Fayette County Code, is hereby amended by deleting section 2-1119, of the Code of Ordinances, Fayette County, Georgia, in its entirety and replace same to read as follows:

Sec. 2-119. - Purchasing authority.

a. General Purchases. The director of purchasing shall have the authority to make purchases of materials, supplies and services on the open market where the purchase price does not exceed twenty thousand dollars ($20,000.00); where the purchase price exceeds twenty thousand dollars ($20,000.00), the purchase may be made by the director of purchasing only after the prospective purchase has been approved by the board of commissioners on a competitive sealed bid basis.

b. Fuel Purchases. Subsection a. above notwithstanding, the director of purchasing shall have the authority to make purchases of fuel on the open market where the purchase price does not exceed thirty thousand dollars ($30,000.00); where the purchase price exceeds thirty thousand dollars ($30,000.00), the purchase may be made by the director of purchasing only after the prospective purchase has been approved by the board of commissioners on a competitive sealed bid basis.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

IT IS SO ORDAINED THIS ____ DAY OF _____, 2011.

FAYETTE COUNTY BOARD OF COMMISSIONERS

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HERB FRADY, CHAIRMAN

ATTEST:

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CLERK/DEPUTY CLERK