COUNTY DEPARTMENT AGENDA REQUEST

Department:	Purchasing	Presenter(s):	Scott Bennett/Ted Burgess
Meeting Date:	Thursday, June 23, 2011	Type of Request:	Consent

Wording for the Agenda:

Approval of Ordinance No. 2011-04 which amends the Fayette County Code of Ordinances, Chapter 2, Administration Article V Purchases; Sales, which increases the amount of gasoline and fuel the County can purchase without issuing formal bids to $30,000. This action is being taken to expedite the purchase of fuel, which can result in a savings to the County.

Background/History/Details:

Staff is seeking to a change to the County's purchasing regulations that will enable larger quantities of fuel to be purchased at one time and in a more timely manner. The County's formal bidding process takes several weeks to finalize. Current regulations limit the dollar amount of goods that can be purchased without a formal bidding process, and a bid award by the Board of Commissioners, to $20,000. With fuel prices escalating, this threshold limits the County's ability to "shop" for fuel effectively and to be able to take advantage of quantity discounts that may be available for a limited time only. Also, an annual contract for the purchase of gas and fuel cannot be provided because gas providers will not commit to an annual per gallon price because of the volatility of the fuel market.

In order to amend the County's purchasing authority, the County's Code of Ordinances must be amended. To do that, local legislation that mandates how the County's ordinance is written must also be amended. To accomplish that, there is a cumbersome legal process that requires that Resolution No. 2011-09 be advertised in the legal notice section of the newspaper, that the Resolution appear on the County Commissioners agenda for two meetings, that the Resolution be adopted, and finally that a new County Ordinance be adopted. Thus, Resolution No. 2011-09 will appear again on the June 23 County Commission Agenda, along with Ordinance 2011-04.

THIS CHANGE APPLIES ONLY TO THE PURCHASE OF GAS AND FUEL AND NOT ALL GOODS AND SERVICES.

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance No. 2011-04.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Thursday, June 9, 2011
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. 2011 - 04

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, the 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 2-119, 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.

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 23RD DAY OF JUNE, 2011, BY THE

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERB FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK