

Stonecrest Housing Authority

Minutes

October 13, 2021

4:00 p.m.

Virtual Meeting – City of Stonecrest YouTube Channel

<https://www.youtube.com/channel/UCp3rYzHzhZvd9Y7Ruf1O6kg>

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. REVIEW AND APPROVAL OF MINUTES FOR SEPTMEBER 8, 2021 MEETING

V. PUBLIC COMMENTS

Email public comments to bill.stonecrest.ha@gmail.com and they will be read during the meeting.

VI. REPORTS AND PRESENTATIONS

a. Treasurer's Report

- i. Funds Status
- ii. Status of the 2020 audit for the DCA
- iii. Insurance

VII. OLD BUSINESS

a. **DISCUSSION: Reconsider the Stonecrest Housing Authority lack of consent for the Housing Authority of DeKalb County to issue financing for the Union at Stonecrest Senior Housing on Chupp Road.**

b. **APPROVAL of the Stonecrest Housing Authority Purchasing Policy**

VIII. NEW BUSINESS

a. **Authorize opening a checking account for the Stonecrest Housing Authority at BB&T / Truist**

b. **Authorize the Stonecrest Housing Authority Attorney and Chairperson to draft an Intergovernmental Agreement with the Housing Authority of Dekalb County to be presented to the SHA for approval.**

IX. EXECUTIVE SESSION (when required)

X. OTHER BY COMMISSIONERS

XI. ADJOURNMENT

Stonecrest Housing Authority

PURCHASING POLICY

LAST REVISED 9/15/2021

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PURPOSE

The purpose of this policy is to state the Housing Authority's position regarding the responsibility and authority for the acquisition and contracting for Goods, Services, Professional Services, and, Real Estate, and Capital Assets.

SCOPE

This policy and the award of bid provisions herein are solely for the fiscal responsibility and benefit of the Stonecrest Housing Authority, and confer no rights, duties or entitlements to any vendor, bidder or proposer.

The policy covers all contractual and purchase agreements between the Housing Authority and another Person. The procurement function includes the initial agreement/purchase, changes and/or re-negotiations. This policy establishes the specific responsibility and authority of the procurement of materials and services.

DEFINITIONS

When used in this policy, the following words, terms and phrases, and their derivations, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **ADDENDUM** means a change, clarification or correction in the Solicitation Documents, prior to the award of a Contract.
2. **AMENDMENT** means an agreed upon change order, addition to, deletion from, correction or modification of a Contract including a Contract Extension or a Contract Renewal.
3. **BID / PROPOSAL BOND** means a form of bid security executed by the Bidder (or Proposer) as principal and by a Surety, to guarantee that the Bidder (or Proposer) will enter into a Contract within the time specified in the Invitation for Bid or Request for proposals, and will furnish the necessary bonds and insurance, and meet any other requirements of those documents.
4. **BIDDER** means a person or entity submitting a bid or quote to the Housing Authority for the supply of Goods or Services.
5. **CAPITAL ASSET** is an item of personal property having a normal life expectancy of three years or more other than components.
6. **HOUSING AUTHORITY** means the Stonecrest Housing Authority and, as the context warrants, those persons or bodies authorized to act on its behalf, including, but not limited to, the Commissioners, committees, boards and staff.
7. **HOUSING AUTHORITY ETHICS POLICY** shall mean the section in this document entitled, "Ethics in Procurement" and the Stonecrest Housing Authority Code of Ethics
8. **COMPETITIVE AWARD** means a procurement based upon the outcome of one of the competitive processes set forth in this Policy, where award is made based on the lowest quotation or Bid submitted by a responsible and responsive Bidder or to the most qualified

or advantageous Proposer based on the qualitative and/or quantitative factors identified for the procurement. A Competitive Award can be made even if only a single bid or proposal has been received from a Bidder or Proposer who is determined to be responsible and responsive.

9. CONSTRUCTION means the process of building, altering, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property including the provision of materials therefor. The term "Construction" does not include the routine operation, repair and/or maintenance of existing structures, buildings, or real property.
10. CONSTRUCTION SERVICES means services rendered by an independent and licensed contractor having expertise in Construction.
11. CONTRACT means all types of Housing Authority agreements for the purchase or disposal of Goods, Real Estate or Capital Assets, and the procurement of Services, Professional Services or Construction Services regardless of what they may be called, including contracts for a fixed price, cost plus a fixed fee, incentive contracts, and contracts providing for the issuance of job or task orders, leases, letter contracts and purchase orders. Contracts also include Amendments, modifications and supplemental agreements with respect to any of the foregoing. Every Contract must be duly authorized and approved prior to execution.
12. CONTRACT EXTENSION means an Amendment to a Contract that includes an increase in the term of a Contract, for which no options to renew the Contract beyond the current expiration date exist.
13. CONTRACT RENEWAL means an exercise of an approved, existing option to increase the term of a Contract. Options to renew a Contract are often done in annual increments.
14. COOPERATIVE PURCHASE means a group of public entity purchasers organized for the purpose of creating contracts or pricing agreements in order to take advantage of group or quantity buying discounts or special pricing from which members of the group can benefit.
15. EMERGENCY PROCUREMENT means any procurement of Goods, Capital Assets, Services or Professional Services in the context of an Emergency. An emergency exists when a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements or for the ability of the Housing Authority to conduct its normal activity.
16. ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES means Goods and Services that have a lesser or reduced negative effect on human health and the environment when compared with competitive Goods and Services that serve the same purpose.
17. GEORGIA PROCUREMENT REGISTRY means the state's central bid registry established by the Department of Administrative Services, which provides a public listing of solicitations posted by state entities and local governments.
18. GIFTS or FAVORS means anything of any service or value. Value shall as defined in any Stonecrest Housing Authority ethics policy.
19. GOODS or COMMODITIES means supplies, apparatus, materials, equipment and other forms of tangible personal property used by a Housing Authority department in the accomplishment of its responsibilities other than Capital Assets.

20. GOVERNING AUTHORITY means the Housing Authority of the City of Stonecrest.
21. INFORMAL WRITTEN QUOTES (IWQ) means all documents utilized for soliciting quotations for Goods, Services, or Professional Services, in which award is made based on the lowest responsive and responsible quotation and in which the type or cost of the procurement does not require a more formal Bid or proposal process.
22. INVITATION FOR FORMAL BID (IFB) means all documents utilized for soliciting bids, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. Bids are requested when requirements are clearly defined, price is the major determining factor for award, and a formal sealed submittal is required.
23. LATE BID/PROPOSAL means a Bid or proposal received after the time or date such bid or proposal was due, as stated in the Solicitation Documents.
24. LIFE CYCLE COST ASSESSMENT means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service and disposal costs.
25. MULTIPLE AWARD CONTRACT means a Contract based upon one solicitation awarded to two or more Vendors to supply Goods or Services.
26. NEGOTIATED AWARD means a procurement made as the result of negotiations between the Housing Authority and a Supplier, such as a Sole Source Procurement or Single Source Procurement or another instance, including competitive Invitation to Negotiate, where a Contract award based on direct negotiations with a Supplier of Goods or Services is appropriate.
27. OFFICIAL means any person serving as a commissioner on the Stonecrest Housing Authority.
28. PAYMENT TERMS means the established due date for payments by the Housing Authority to pay an invoice. Absent any agreement otherwise stated, the Housing Authority's payment term will be Net 30.
29. PERFORMANCE BOND means a bond provided by a contractor/supplier in which a surety guarantees to the Housing Authority that the Goods or Capital Assets are delivered, or the Services or Construction Services are performed in accordance with the Contract documents. A letter of credit issued by a financial institution that meets the Housing Authority's requirements may, at the reasonable discretion of the Housing Authority, be substituted for the performance bond.
30. PERSON means any business, entity, company, firm, individual, union, committee, club or other organization or group of individuals.
31. PRACTICABLE means satisfactory and within reason when considering price, performance, availability, compatibility with specified operation, and public safety.
32. PRE-QUALIFICATION means the part of a competitive procurement process in which the Housing Authority determines, based on standards developed for a specified product or service, which interested Vendors meet those standards and are eligible for further consideration in the purchasing process.

33. PROFESSIONAL SERVICES means services rendered by an independent contracting individual or firm having expertise in a particular industry or subject matter due to specialized education, training, licensure or skill, and consisting primarily of advice reports, conclusions, recommendations or other outputs resulting from the time and effort of the service provider, as opposed to the acquisition of specific commodities, or of services not requiring any specialized education, licensing, training or skill (e.g. janitorial services). Professional Services include, but are not limited to, evaluations, consultations, management systems, management consulting, compiling statistical data, support of planning and operating activities, appraisal services, and research and development studies or reports.
34. PROPOSER means a Person submitting a proposal or qualifications to the Housing Authority for the supply of Goods, Capital Assets, Real Estate, Construction Services, Services, or Professional Services.
35. PURCHASE ORDER means a document approved and issued by the Purchasing Agent or designee and accepted by the Vendor to obtain Goods, Capital Assets, and Services.
36. PURCHASING is the process of securing real estate, capital assets, materials, services, repairs, leases and rentals necessary for the operation and support of the Housing Authority. The renewal, renegotiations and changes to Contracts, leases and agreements are functions of purchasing.
37. PURCHASING AGENT means the principal purchasing official of the Housing Authority who is authorized and appointed to purchase a range of Goods, Capital Assets, Real Estate, Services, Construction Services, or Professional Services on a routine basis.
38. REAL ESTATE means land and any improvements and appurtenances thereto.
39. REAL ESTATE ACQUISITION means the acquisition of a fee interest, estate for years or usufruct in Real Estate by purchase or lease.
40. REQUEST FOR PROPOSALS (RFP) means all documents utilized for soliciting proposals for Goods, Capital Assets or Services, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. This method is used when factors in addition to price are considered for award.
41. REQUEST FOR QUALIFICATIONS (RFQ) means all documents utilized for soliciting qualifications for Goods, Services, Capital Assets, Construction Services or Professional Services.
42. RESPONSIBLE BIDDER OR PROPOSER means a Person, who, in the exclusive judgment of the Housing Authority, (a) has the capability in all respects to fully perform the Contract requirements; and (b) the integrity, experience, qualification, and reliability which assures good faith performance.
43. RESPONSIVE BIDDER OR PROPOSER means a Person, who, in the exclusive judgment of the Housing Authority, has submitted a bid or proposal that conforms in all material respects to the Solicitation Documents.
44. SERVICES mean any performance of effort or labor, for which the Housing Authority has contracted other than Professional Services or Construction Services. Services include, but are not limited to, janitorial, and landscaping.

45. **SHORTLISTING** means the part of a competitive procurement process in which the Housing Authority determines, based on criteria developed for a specified Good, Service, or Professional Service which of the interested Vendors are the best qualified to be eligible for further consideration in the purchasing process.
46. **SINGLE-SOURCE PROCUREMENT** means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services among others in a competitive marketplace, which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling a given Purchasing need of the Housing Authority.
47. **SOLE-SOURCE PROCUREMENT** means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services when that source is the only one available that can fulfill a given Purchasing need of the Housing Authority.
48. **SOLICITATION DOCUMENTS** means an Invitation for Bids, Request for proposals, Request for Qualifications, Request for Quotations, or an Invitation to Negotiate including all of the associated forms and documents of each solicitation, or any other types of documents used by the Housing Authority to procure Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.
49. **SPECIFICATION OR SCOPE OF WORK** means any description of the physical or functional characteristics, or of the nature of Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services. Specifications or Scope of Work may include any function and other criteria that will be required to perform the work and a description of any requirement for inspection, testing, or delivery.
50. **SUPPLIER, MERCHANT OR VENDOR** means a Person currently supplying or in the business of supplying Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.
51. **SURETY** means an organization who, for a consideration, promises in writing to make good the debt or default of another organization. The Surety must be satisfactory to the Housing Authority and licensed to do business in Georgia.

ETHICS IN PROCUREMENT

Every person, business, or entity involved in the procurement process must adhere to a high standard of ethics. Each will be bound by the Stonecrest Housing Authority Code of Ethics and this section. Whenever this section conflicts with the Housing Authority Code of Ethics, the Housing Authority Code of Ethics shall control.

Conflict of Interest

It shall be unethical for any Housing Authority Official to transact any business or participate directly or indirectly in a procurement Contract when the Official knows that:

1. The Official or immediate family of such Official has a substantial interest pertaining to the procurement Contract.

2. Any other person, business or organization with whom the Official or immediate family of such Official is negotiating or has an arrangement concerning prospective employment is involved in the procurement Contract.
3. An Official or any immediate family of such Official who holds a substantial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that substantial interest.
4. All Officials will be asked to sign a disclosure document indicating his or her compliance with the Housing Authority Ethics Policy.
5. The terms “immediate family” and “substantial interest” shall have the meaning given to such terms in the Housing Authority Code of Ethics.

Gratuities, Rebates, and Kickbacks

Gratuities and other benefits.

It shall be unethical for any Official to directly or indirectly solicit, demand, receive, accept, or agree to receive any gratuity, reward, offer of employment, services, or thing of value from any person, business, or entity in connection with any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal.

It shall further be unethical for any person, business, or entity to offer, give, or agree to give or offer to give any Official any gratuity, reward, offer of employment, services, or thing of value with the purpose of influencing any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal.

A “thing of value” shall not include:

1. Any gift with a value less than \$25.00;
2. Food or beverage consumed at a single meal or event;
3. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
4. Promotional items generally distributed to the general public or to public officers;
5. Rebates normally or routinely offered to customers in the ordinary course of business of such person, business or entity for the purchase of their Goods and Services are acceptable and are the property of the Housing Authority; and
6. Educational events, materials, and meals as described below.

Educational Events. Nothing in this section shall preclude an Official of the Housing Authority from attending seminars, courses, lectures, briefings, or similar functions at any person, business, or entity's facility or at any other place if any such seminar, course, lecture, briefing,

or similar function is for the purpose of furnishing the Official with knowledge and information relative to the person, business, or entity's products or services and is one which the collective Housing Commissioners determine would be of benefit to the Housing Authority. In connection with any such seminar, course, lecture, briefing, or similar function, nothing shall preclude the Employee or Official from receiving meals or educational materials and business-related items of not more than nominal value from a person, business, or entity. However, no Official shall accept or receive free travel or lodging for less than the value thereof from a person, business, or entity.

Kickbacks and Rebates

It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a Contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract or order.

Contract Clause

The prohibition against gratuities, rebates and kickbacks prescribed in this Section shall be referenced in every Contract and Solicitation.

Prohibition Against Contingent Fees

It shall be unethical for any Person to be retained, or to retain a Person, to solicit or secure a Contract upon any agreement or understanding for a contingent fee, except for agreements with manufacturer representatives, or agents, including, but not limited to, commercial services sales agents engaged in the business of soliciting contracts on behalf of Vendors. A "contingent fee" as used in this section, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a Person has in securing a Housing Authority Contract.

Use of Confidential Information

It shall be unethical for any Official to knowingly disclose or use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

Unauthorized Purchases

No purchases of Goods and Services shall be made in the name of the Housing Authority, except such as is required for official use by the Housing Authority. Purchases in the name of the Housing Authority for personal use by an individual or for other than official use are prohibited, and no Housing Authority funds will be expended or advanced therefore.

Penalties and Sanctions

Legal or disciplinary action by the Housing Authority.

The Housing Authority may take appropriate legal and/or disciplinary actions pursuant to the Housing Authority Code of Ethics against any Official or other Person in violation of these ethical standards.

Administrative penalties for outside contractors/Vendors

The Housing Authority may impose any one or more of the following penalties or sanctions on a Vendor or other Person or organization for violations of these ethical standards:

1. Written warnings or reprimands.
2. Termination of Contracts.
3. Debarment or suspension.

Vendor Contact During Open Solicitations

Persons seeking an award of a Housing Authority contract may not initiate or continue any verbal or written communications regarding a solicitation with any Official or other Housing Authority representative other than the Purchasing Agent named in the solicitation between the date of the issuance of the solicitation and the date of the final contract award. The Housing Authority Commissioners or designee will review violations. If determined that such communication has compromised the competitive process, the offer submitted by the individual, firm or business may be disqualified from consideration for award.

PURCHASING AGENT

The Housing Authority Board of Commissioners appoints the Purchasing Agent for the Housing Authority **on a case by case basis**, to serve under the direction of the Housing Authority in accordance with this Purchasing Policy, Housing Authority Code of Ethics, Georgia Law and other Housing Authority polices related to purchasing/procurement. The Purchasing Agent may be one of the Officers of the Authority such as the Treasurer.

If a Contract is required or appropriate, all negotiations of agreements for Goods and Services shall be conducted by the Purchasing Agent.

The Housing Authority attorney will review the Contract for form, completeness, insurance considerations, legal implications, and any other items dictated by each situation.

Once the Contract is officially executed, the original of the Contract will be filed with the Treasurer.

Once a Contract is awarded by the Housing Authority, the Contract may be amended, without the necessity of rebidding such Contract, provided the original Contract amount and the scope of the Contract is not substantially altered however prior approval must be obtained from the

Housing Authority Commissioners. If a quoted price of the change order more than \$2,500.00, or 5% of the contract amount, shall require additional approval from the Housing Authority Commissioners.

PURCHASING THRESHOLDS AND CHECK WRITING

All purchases, regardless of amount, must be approved by the Housing Authority Board of Commissioners.

Purchases **less than \$5,000** need only one signature on the check. Such checks shall be signed by the Treasurer. If the Treasurer cannot sign, the Chairperson shall sign. If neither the Treasurer nor the Chairperson can sign, the Secretary shall sign.

Purchases **more than \$5,000** require two signatures on the check. Such checks shall be signed by both the Treasurer and the Chairperson. If either the Treasurer or Chairperson can not sign, the Secretary may sign in place of one of them.

COMPETITIVE PROCUREMENTS

Procurements will take one of the following forms as determined on a case by case basis by the Housing Authority Board of Commissioners.

Informal Solicitations

Requests for informal quotes, bids, and proposals are Informal Solicitations (“IS”) that are prepared and issued with the goal of obtaining competitive responses. Informal Solicitations shall be used for all Purchases **\$5,000 to \$24,999** unless otherwise provided by this policy. The steps to complete an IS are outlined below.

1. The Housing Authority will appoint a Commissioner to develop specifications, scope of work, etc. for all goods and services being requested and act as Purchasing Agent. Upon finalization of the specifications, that person will prepare any documents required by the IS and send them to the Housing Authority for approval.
2. Use the Formal Solicitation Process if the Purchasing Agent deems it necessary to serve the best interests of the Housing Authority.
3. After specifications are approved by the Housing Authority, send a copy of the specifications to the identified Vendors.
4. Public Notice. The Purchasing Agent shall, at a minimum, post a copy of the IS on the Housing Authority’s designated website, and provide any additional public advertisement if required by law.
5. Purchasing Agent shall evaluate the responses to the IS. On or after the due date indicated in the IS, the Purchasing Agent shall determine which quote, bid, or proposal best serves the Housing Authority’s interests. Tie informal quotes/bids shall be handled in the same way as tie formal bids. A split or partial award may be given to the lowest cost provider of each item or reasonable grouping of items if:
 1. The IS requires multiple Goods or Services;

2. More than one Vendor provides a quote/bid/proposal that meets the specifications for the Goods or Services;
 3. A price comparison can be made between the Goods or Services; AND
 4. An acquisition, delivery, and other requirements can be reasonably administered.
6. Amend Documentation and include authorized approvals.
 7. Purchasing Agent shall prepare and issue Purchase Order or Contract, where appropriate.

Formal Solicitations

All purchases from **\$25,000 and greater** require a formal solicitation. The assigned Purchasing Agent shall determine the method of formal solicitation is appropriate for the subject purchase. A Bid/ Proposal Bond or Performance Bond may be required for any solicitation.

Invitation for Formal Bids

Invitation for Formal Bids (IFB) are prepared and issued with the goal of obtaining competitive responses in the procurement of Goods, Capital Assets, Services and Construction Services. The process to initiate and complete an IFB is outlined below:

1. Person assigned by the Housing Authority develops specifications, scope of work, etc. for all goods and services being requested.
2. Upon finalization and approval by the Housing Authority of the specifications, Purchasing Agent shall prepare any documents required for the IFB.
3. *Public Notice.* The designated Purchasing Agent shall advertise the IFB on the Housing Authority's website, and on the Housing Authority's offices, and provide additional public advertisement if required by law. Said public notice shall include such details and specifications as will enable the public to know the extent and character of the IFB, and shall be advertised a minimum of thirty (30) calendar days prior to the date set for bid opening, unless it can be demonstrated that an Emergency exists, pursuant to the section titled Emergency Procurement. In such event, the requirement for public notice may be reduced by the Purchasing Agent.
4. *Correction/Withdrawal of Bids.* Correction or withdrawal of inadvertently erroneous bids is permitted in accordance to the terms indicated within the IFB; however, minor irregularities may be waived by the Purchasing Agent. No bid may be withdrawn for a period of ninety (90) days after the time scheduled for bid opening, or as otherwise stated in the IFB.
5. *Opening Sealed Bids.* Bids shall be opened in the presence of the Purchasing Agent or the designee of the Purchasing Agent and at least one other witness at the time and place designated in the Invitation for Bids. All relevant information, including each Bid amount and Bidder's name, will be recorded on a summary sheet. Late bids will be rejected and returned unopened. Interested persons shall have access to information regarding procurement transactions of the Housing Authority in accordance with Housing Authority policy and the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq.

6. *Evaluation of Bids.* Bids will be evaluated based on the qualification factors set forth in the IFB, which may include criteria to determine acceptability of Goods or Capital Assets (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of Goods or Capital Assets shall be used to determine whether particular Goods are responsive to the IFB, and not to determine the relative desirability between acceptable Goods or Capital Assets. The Housing Authority reserves the right to waive any informalities or irregularities of bids, to request clarification of information submitted in any bid, to further negotiate with the Responsive and Responsible Bidder selected for Contract award, or to reject any or all bids for any reason whatsoever.
7. *Contracts.* The Bid may require a Contract. Once the proposed contract terms, exceptions, and/or modifications are reviewed and approved by the Housing Authority Attorney, the Purchasing Agent may submit his or her recommendation and the proposed Contract to the Board of Commissioners for approval and award.
8. *Award of Bids.* The Purchasing Agent shall submit his or her recommendation and proposed Contract to the Housing Authority for approval and award. The Bid will be awarded, if an award is made, to the Responsible and Responsive Bidder offering the lowest price whose bid meets the requirements and criteria set forth in the IFB. The Contract shall be approved by the Housing Authority prior to execution and/or performance.
9. Upon the award of bid, Purchasing Agent shall prepare a Purchase Order or Contract, if appropriate.
10. *Split/Partial Awards.* Split or partial bid awards may be awarded with the same guidelines and restrictions as those provided for split or partial Informal Solicitations.
11. *Tie Bids.* In the event two or more identical bids are received, the following procedure will be used when the basis of award is low bid:
 1. A tie Bidder whose products are manufactured in Georgia would be recommended to the Housing Authority for an award, over a Tie Bidder without products manufactured in Georgia.
 2. If the procedures in 11.1 above do not result in an award, then the tie Bidder who has environmentally preferable goods and services would be recommended to the Housing Authority for an award.
 3. If the procedures in 11.1 and 11.2 above do not result in an award, then to the extent permitted by law, a tie Bidder having an office within the limits of the City of Stonecrest would be recommended to the Housing Authority for an award over one without an office in the City. A Person within the state of Georgia would be recommended to the appropriate approving authority for an award over one without an office in Georgia.
 4. If the procedures in 11.1 through 11.3 above do not result in an award, the tie Bidders will be contacted and advised of the tie and asked if they wish to reduce their bid in writing submitted in a sealed envelope to be opened at the time and place stated by the Purchasing Agent or the designee of the Purchasing Agent. If one or more of the tied Bidders agrees to participate, award will be made to the new low bid. If none of the tied Bidders agree to participate or if the new bids are tied, then Board of Commissioners shall break the tie by following the procedures described below, as necessary.

5. If all of the procedures above do not result in an award, then, the Purchasing Agent or the designee of the Purchasing Agent in the presence of the Board of Commissioners will flip a coin one time. Award to the winner of the coin flip will be recommended to the Housing Authority.

Request for Proposals (RFP)

With approval of the Housing Authority, when the Purchasing Agent determines the use of an Invitation for Bids is not practical or not advantageous because of existing market conditions or the type of items required, the Housing Authority may procure Goods, Capital Assets, Services, or Construction Services through receipt of competitive sealed proposals. Competitive sealed proposals are solicited through the use of an RFP, with the goal of obtaining competitive responses. The process to initiate and complete RFP is outlined below:

1. Person assigned by the Housing Authority prepares Requisition and develops specifications, scope of work, etc. for all goods and services being requested.
2. Upon finalization and approval of the specifications, Purchasing Agent shall prepare any documents required for the RFP.
3. *Public Notice.* The Purchasing Agent shall advertise the RFP on the Housing Authority's website, and provide additional public advertisement if required by law. Said public notice shall include such details and specifications as will enable the public to know the extent and character of the RFP, and shall be advertised a minimum of thirty (30) calendar days prior to the date set for opening proposals, unless it can be demonstrated that an Emergency exists.
4. *Correction or Withdrawal of Proposals.* Correction or withdrawal of proposals is permitted in accordance with instructions contained within the RFP. No proposal may be withdrawn for a period of ninety (90) days after the time scheduled for proposal opening, or as otherwise stated in the RFP.
5. *Opening Sealed Proposals.* Proposals shall be opened publicly by the Purchasing Agent, in the presence of one or more witnesses at the time and place designated in the RFP. A register of proposals is prepared that lists each Proposer's name. Late proposals will be rejected and returned unopened.
6. *Evaluation of Proposals.* The RFP will identify the criteria to be considered and evaluated as the basis of award. Proposals submitted by Responsible and Responsive Proposers are evaluated by Purchasing Agent or the designee of the Purchasing Agent based upon the criteria applicable to the RFP. All proposals (or the most acceptable proposals in the discretion of any committee evaluating proposals) will be ranked in order of their acceptability to the Housing Authority, giving consideration to the criteria.
7. *Contract Award.* Once the proposed contract terms, exceptions, and/or modifications are reviewed and approved by the Housing Authority Attorney, the Purchasing Agent may submit his or her recommendation and the proposed Contract to the Housing Authority for approval and award. The Contract award will be awarded, if award is made, by the Housing Authority to the Responsive and Responsible Proposer whose proposal is determined, in the Housing Authority's exclusive discretion, to be the most advantageous to the Housing Authority, taking into consideration price, qualifications, and other factors as indicated in

the RFP. Unless otherwise provided by law, the Housing Authority has no obligation to award the Contract to the Proposer who proposes the lowest price.

8. *Public Access to Proposal Documents.* Interested persons shall have access to information regarding procurement transactions of the Housing Authority in accordance with Housing Authority policy and the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq. All meetings of the Housing Authority's Board of Commissioners are duly noticed public meetings and all documents submitted to the Housing Authority as a part of or in connection with a Proposal may constitute public records under Georgia law regardless of any person's claim that proprietary or trade secret information is contained therein. Unless otherwise provided herein, by submission to the Housing Authority, Proposers waive any claim to the proprietary nature of submitted information. The Proposer may designate in the smallest increments possible, that part of the qualifications which is deemed to be proprietary, which, subject to the Housing Authority's reasonable determination, shall be redacted for purposes of the public agenda. Proposals and all related correspondence are governed by the Georgia Open Records Act and shall be provided to anyone properly requesting same, after contract award. The Housing Authority cannot protect proprietary data submitted in vendor proposals unless provided for under the open records law and clearly marked as proprietary by the Proposer. In the event the Proposer deems certain information to be exempt from the disclosure requirements, the Proposal must specify what content is considered exempt and cite the applicable provision of the law to support that assessment. In the event such information is requested under the open records law, the Proposer's assessment will be examined by the Housing Authority Attorney who will make a determination. The decision to withhold or release the information will be at the Housing Authority Attorney's sole discretion.

Request for Qualifications

Requests for Qualifications (RFQ) may be used if the Housing Authority determines that it is in the Housing Authority's best interest to evaluate the experience and qualifications of a Service, Construction Service or Professional Service provider, without regard to price or prior to considering price.

The procedure for soliciting, opening and evaluating statements of qualifications shall be the same as described herein for competitive sealed proposals. Such service providers whose qualifications meet the criteria established in the RFQ, at the sole discretion of the Housing Authority, may be considered for Contract award by participation in the completion price negotiation. The Housing Authority shall attempt to negotiate a fee with the highest ranked firm. If no agreement is reached, the Housing Authority shall begin negotiations with the next highest ranked firm. Negotiations will proceed in this manner until an agreement is reached. The Housing Authority reserves the right to reject any or all responses for any reason. Clarification of information may be requested by the Housing Authority.

Multi-step Solicitation

The Housing Authority may initiate the multi-step solicitation process described below when: (a) the Purchasing Agent determines it is impractical to prepare an adequate or complete description of the Goods, Capital Assets, Services or Construction Services desired (due to insufficient data, uncertain requirements, unfamiliar market options, etc.), (b) the Purchasing

Agent desires to identify a field of qualified Bidders, Proposers, Goods or Services, out of a broader field of Bidders, Proposers, Goods or Services, or (c) the Purchasing Agent determines that a multi-step process would best serve the Housing Authority's interests.

The Housing Authority may request that priced proposals be submitted in two separate envelopes, with pricing information contained in one envelope and all other requested information contained in the other envelope. In such case, proposals will be evaluated in accordance with the requirements set forth in the RFP, initially without regard to price and without opening the envelope containing pricing information. Based on such evaluation, the Housing Authority will establish a field of at least three (if possible and available) qualified or most qualified Proposers. The Housing Authority may conduct interviews with Proposers to aid in the identification of qualified or most qualified Proposers. In the event the Housing Authority conducts interviews with Proposers, the Housing Authority is not required to interview any Proposers deemed by the Housing Authority to be unqualified or less qualified than other Proposers.

After establishing a field of qualified or most qualified Proposers, the Housing Authority will open the pricing envelopes of only the qualified or most qualified Proposers, and evaluate such pricing information in the manner described in the RFP for purposes of recommending/making an award (e.g. most advantageous proposal, price and other factors considered or low price submitted by qualified Proposers). In the absence of specific instructions to the contrary in the RFP, pricing information will be evaluated together with all other information required by the RFP for purposes of selecting among the qualified field of Proposers the most advantageous proposal, price and other factors considered.

NON-COMPETITIVE PROCUREMENTS

The provisions of this policy section shall apply to the procurement of Goods, Capital Assets, Services, Construction Services or Professional Services, when the purchase does not exceed \$4,999.99 or when the Housing Authority determines that competitive procurement is not practical, feasible, or possible.

Sole Source Procurement

The Housing Authority may acquire Goods, Capital Assets, Services, Construction Services or Professional Services pursuant to a Sole Source Procurement. Sole Source Procurement is available when Goods, Services, or Professional Services are limited to one source, or when they must be obtained from a specific manufacturers' dealer and valid competition among dealers does not exist. No Sole Source Procurement shall be valid without the prior authorization of the Housing Authority. For each instance in which the use of Sole Source Procurement is proposed, the User must provide to the Housing Authority a written report that identifies the specific reasons justifying such use and shows the requirements stated herein are satisfied. The Housing Authority may authorize the use of Sole Source Procurement only if it determines that such use fully complies with the requirements stated herein.

Single Source Procurement

The Housing Authority may acquire Services or Professional Services pursuant to a Single Source Procurement. A Single Source Procurement is a procurement made from one Person among others in a competitive market place which, for justifiable reasons, is found to be most

advantageous for the purpose of fulfilling the given purchasing need. Single Source Procurement is available only if the following conditions exist:

1. The proposed use of Single Source Procurement concerns any of the following situations:
 1. To obtain the Professional Services of any Person where such Person establishes to the User that:
 1. Regarding the provision of such Professional Services, he has significantly more experience than other prospective providers or has unique knowledge and experience that no other prospective provider possesses;
 2. He has more historical knowledge of the particular issue/subject to be addressed by the procurement while other prospective providers have failed to demonstrate to the User that they have the same level of historical knowledge;
 3. In comparison to other prospective providers, he is particularly suited to provide the procurement as he and the Housing Authority had a satisfactory business relationship in his earlier provision of such Professional Services to the Housing Authority; or
 4. He has the capacity and willingness to provide such Professional Services to the Housing Authority in an emergency situation while other prospective providers have failed to demonstrate that they have such capacity and willingness.
 2. The Person desiring to provide the procurement has agreed, in writing, that he will not disclose to any third party any confidential information, trade secret or financial information of the Housing Authority that he may obtain in the course of providing the procurement to the Housing Authority.
 3. The Housing Authority has analyzed the current open, competitive market conditions regarding the provision of such Services or Professional Services and has determined that the price to be paid to the proposed provider is substantially similar to the current price in the open, competitive market for such Services or Professional Services.

No Single Source Procurement shall be valid without the prior authorization of the Housing Authority. The Housing Authority may authorize the use of Single Source Procurement only if it determines that such use fully complies with the requirements stated herein

Emergency Procurement

The Housing Authority may acquire Goods, Capital Assets, Services, Construction Services or Professional Services by directly negotiating an award in the event of an Emergency. An Emergency exists when a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.

The Housing Authority shall make the determination when an Emergency exists. Such emergency procurements shall be made with as much competition as is practicable under the circumstances.

If it is not practical for the Emergency Procurement approval to occur during the Housing Authority's regularly scheduled meeting, then the Chairperson will solicit approval from a quorum of members by email and/or by phone.

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 procured under the Contract, and the identification number of the Contract file. Moreover, written determination of the basis for declaring the Emergency and for the selection of the particular person for the provision of Goods, Capital Assets, Services, Construction Services or Professional Services shall be included in the Contract file.

Cooperative Purchasing

The Housing Authority may acquire Goods, Capital Assets and Services by from a Supplier having a requirements Contract/Annual Agreement with any public entity (e.g., federal, state, county, city, authority, school board, Buying Cooperative, etc.) for Goods, Capital Assets or Services described in such contract and at prices or discounts no less favorable than any set forth in such Contracts.

Use of State/Co-Op Contracts: The designated Purchasing Agent may procure supplies, services or construction items through the Contract established through competitive means by the purchasing division of the State of Georgia, national Co-Ops (i.e.-U.S. Communities), and collaborative purchasing agreements with other local governments when deemed to be in the best interest of the Housing Authority.

Prior to making any purchase, the Purchasing Agent shall obtain approval from the Housing Authority.