

PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

Agenda

Friday, March 3, 2023 ♦ 10:00 AM

Putnam County Administration Building – Room 203

Opening

1. Welcome - Call to Order
2. Approval of Agenda
3. Invocation - Pastor Pete Mattix, Lake Country Baptist Church
4. Pledge of Allegiance (BS)

Regular Business Meeting

5. Public Comments
6. Consent Agenda
 - a. Approval of Minutes - February 21, 2023 Regular Meeting (staff-CC)
 - b. Approval of Minutes - February 21, 2023 Executive Session (staff-CC)
 - c. Approval of Revised Putnam County Transit Procurement Manual (staff-Transit)
 - d. Approval of 2023 Alcohol Licenses (staff-CC)
7. Approval of 2024 Budget and 2023 Mill Rate Schedule (staff-Finance)
8. Awarding of Solicitation #23-36001-001 Ambulance (Two) (staff-EMS)
9. Approval of Short Term Rental Study Committee Roster (tabled from last meeting)
 - a. Rescind January 6, 2023 motion forming Short Term Vacation Rental Study Committee and disband committee
10. Approval to schedule a series of two special called meetings to obtain input from the public and stakeholders on potential changes to the Putnam County Short Term Vacation Rental Ordinance (AF)
11. Approval of Moratorium on Variances (staff-P&D/CA)

Reports/Announcements

12. County Manager Report
13. County Attorney Report
14. Commissioner Announcements

Executive Session

15. Enter Executive Session as allowed by O.C.G.A. 50-14-4 for Personnel, Litigation, or Real Estate
16. Reopen meeting following Executive Session
17. Authorize Chairman to sign Affidavit concerning the subject matter of the closed portion of the meeting
18. Action, if any, resulting from the Executive Session

Closing

19. Adjournment

The Board of Commissioners reserves the right to continue the meeting to another time and place in the event the number of people in attendance at the meeting, including the Board of Commissioners, staff, and members of the public exceeds the legal limits. The meeting cannot be closed to the public except by a majority vote of a quorum present for the meeting. The board can vote to go into an executive session on a legally exempt matter during a public meeting even if not advertised or listed on the agenda. Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Compliance Officer, at least three business days in advance of the meeting at 706-485-2776 to allow the County to make reasonable accommodations for those persons.

File Attachments for Item:

6. Consent Agenda

- a. Approval of Minutes - February 21, 2023 Regular Meeting (staff-CC)
- b. Approval of Minutes - February 21, 2023 Executive Session (staff-CC)
- c. Approval of Revised Putnam County Transit Procurement Manual (staff-Transit)
- d. Approval of 2023 Alcohol Licenses (staff-CC)

PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

Minutes

Tuesday, February 21, 2023 ♦ 6:00 PM

Putnam County Administration Building – Room 203

The Putnam County Board of Commissioners met on Tuesday, February 21, 2023 at approximately 6:00 PM in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

PRESENT

- Chairman Bill Sharp
- Commissioner Gary McElhenney
- Commissioner Daniel Brown (arrived late)
- Commissioner Alan Foster
- Commissioner Jeff Wooten

STAFF PRESENT

- County Attorney Adam Nelson
- County Manager Paul Van Haute
- County Clerk Lynn Butterworth

Opening

1. Welcome - Call to Order

Chairman Sharp called the meeting to order at approximately 6:00 p.m.
(Copy of agenda made a part of the minutes on minute book page _____.)

2. Approval of Agenda

Motion to approve the Agenda.

Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Foster, Commissioner Wooten

3. Invocation

County Attorney Adam Nelson gave the invocation.

4. Pledge of Allegiance (JW)

Commissioner Jeff Wooten led the Pledge of Allegiance.

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Regular Business Meeting

5. Public Comments

None

6. Consent Agenda

- a. Approval of Minutes - February 3, 2023 Regular Meeting (staff-CC)
- b. Approval of Minutes - February 3, 2023 Executive Session (staff-CC)
- c. Approval of 2023 Alcohol Licenses (staff-CC)

Motion to approve the Consent Agenda.

Motion made by Commissioner Foster, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Foster, Commissioner Wooten

(Copy of licenses made a part of the minutes on minute book pages _____ to _____.)

7. Discussion and possible action on moving the County Extension Office to Jimmy Davis Park (BOC)

County Extension Agent Keith Fielder explained some preliminary plans for moving the Extension Office to Jimmy Davis Park.

Mr. J.D. Jones commented that a study should be done about moving 4H to Jimmy Davis Park and the community should be involved.

Ms. Karen Evans commented that she likes the idea, but everyone should come together as one and figure out what needs to be done.

Ms. Patricia Hurt commented that it is awesome to hear that 4H wants to go to Jimmy Davis Park, but she is concerned about after hours of 4H.

Mr. Lavoniah Sanders commented that he didn't know the extension office was going to be moved there and asked about the kids and people that want to walk.

Ms. Wanda Lawson commented that she feels mistreated.

Motion to move the County Extension office to Jimmy Davis Park.

Motion made by Commissioner Brown, Seconded by Commissioner McElhenney.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten

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8. Approval of Short Term Rental Study Committee Roster (BS)

Adam reviewed the county ordinance regarding creating committees and the action which took place at the January 6th meeting to create the Short Term Rental Study Committee. He further explained that tonight’s agenda item is an offer by the Chairman of the names of the committee members and concurrence from the board for those members to be named.

Commissioner Foster commented that the motion creating the committee stated that each member of the board would appoint one individual and then either the Chairman or his designee would serve, making a total of six people. He further stated he believes the January 6th motion needs to be rescinded at the March 3rd meeting, along with an agenda item for special called meetings for public input.

Ms. Erin Olson thanked the board for bringing up the issue, stating that short term rentals are commercial ventures and the R1R zoning designation has severely restricted uses and does not include hotels/motels or other commercial ventures. She further stated the short term rental study committee was not formed as the motion indicated and is not reflective of the Putnam County citizens.

Mr. Steven Howard commented that short term rentals have marred his neighborhood and scarred their way of life.

Mr. Charles Patten commented his concerns with the short term rental study committee, thinking it was supposed to be six members. He further expects protection of his neighborhood and stated that R1R zoning is for single family not commercial.

Mr. Steve Mallinson commented that short term rentals have disrupted the tranquility of his neighborhood and that commercial ventures should not be allowed.

Motion to table this item until the next regular meeting.

Motion made by Commissioner Wooten, Seconded by Commissioner Brown.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten

- 9. Approval of Right-of-Way Permit Applications from Charter Spectrum/Ficoa Communications (staff-PW)
 - a. Fawnfield Court to Hickory Point
 - b. Hickory Point to Parks Mill Road
 - c. Marshall Road to N. Sugar Creek Road
 - d. N. Sugar Creek Road to Parks Mill Road
 - e. Nottley Way to Parks Mill Road
 - f. Parks Mill Drive to Parks Mill Road
 - g. Ridgeview Road to Parks Mill Road
 - h. Shadow Lake Drive to Parks Mill Road
 - i. Wortham Drive to Nottley Way

Public Works Foreman Anthony Frazier explained the projects and requests and answered questions.

Motion to approve the Right-of Way Permit Applications from Charter Spectrum/Ficoa Communications:

- a. Fawnfield Court to Hickory Point**
- b. Hickory Point to Parks Mill Road**
- c. Marshall Road to N. Sugar Creek Road**
- d. N. Sugar Creek Road to Parks Mill Road**
- e. Nottley Way to Parks Mill Road**
- f. Parks Mill Drive to Parks Mill Road**
- g. Ridgeview Road to Parks Mill Road**
- h. Shadow Lake Drive to Parks Mill Road**
- i. Wortham Drive to Nottley Way**

Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten

(Copy of permits made a part of the minutes on minute book pages _____ to _____.)

- 10. Approval of Georgia Power Easement Purchases (staff-CM)
 - a. Martin Mill Road/Old Landfill - Parcel 012
 - b. Martin Mill Road/Old Landfill - Parcel 013

Motion to approve the Georgia Power Easement Purchases

- a. Martin Mill Road/Old Landfill - Parcel 012**
- b. Martin Mill Road/Old Landfill - Parcel 013**

Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten

(Copy of easements made a part of the minutes on minute book pages _____ to _____.)

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11. Appointment to the Eatonton-Putnam Library Board of Trustees (staff-CC)
Ms. Pam Atkinson was nominated for appointment to the Eatonton-Putnam Library Board of Trustees.

**Nomination made by Commissioner Wooten, Seconded by Commissioner Brown.
Voting Yea for Pam Atkinson: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten**

12. Approval of Letter to Governor regarding GDOT Highway 44 Project (BOC)
Mr. Greg Hawkins advised that the attorneys couldn't be here tonight, and he wants to see the right thing done for the county.

Mr. Tom Thompson asked the board not to rubber stamp a GDOT plan that is 20 years old and to encourage safety but don't impede businesses and residents.

Mr. Jim Pound commented that he was impressed with the proposed letter, talked about the danger of U-turns, and said that roundabouts need to be considered at Scott Road and Harmony Road.

Ms. Carol Gracco commented on her concerns with changes to Highway 44 and how they will detract from the community; she urged sending a letter demonstrating the impact and requesting a pause of the plan design.

Motion to approve the mailing of the letter to Governor Kemp concerning State Route 44.

Motion made by Commissioner Foster, Seconded by Commissioner Brown.

Motion amended to include attaching the package distributed by the SaveMy44 group.

Amended Motion made by Commissioner Foster, Seconded by Commissioner Brown.

Voting Yea: Chairman Sharp, Commissioner McElhenney, Commissioner Foster

Voting Nay: Commissioner Brown, Commissioner Wooten

(Copy of letter and attachment made a part of the minutes on minute book pages _____ to _____.)

Reports/Announcements

13. County Manager Report

County Manager Van Haute reported the following:

- The Landfill project has been delayed due to wet weather; we can't get back in there to do the prep work
- There was a fatality on a Transit bus today
- As of March 1, 2023, Anthony Frazier will become the Public Works Director

14. County Attorney Report

No report but requested an Executive Session for two litigation matters.

15. Commissioner Announcements

Commissioner McElhenney: congratulated Mr. Frazier on the promotion and expressed appreciation for him stepping up and commented that he is the man for the job.

Commissioner Brown: echoed Commissioner McElhenney’s comments and thanked Mr. Frazier.

Commissioner Foster: none

Commissioner Wooten: gave praise to Putnam County Animal Services, commenting that they are always willing to help the community and they do it with smiling faces; he also congratulated Mr. Frazier on the promotion.

Chairman Sharp: congratulated Mr. Frazier on the promotion and commented that he always works hard.

Executive Session

16. Enter Executive Session as allowed by O.C.G.A. 50-14-4 for Personnel, Litigation, or Real Estate

Motion to enter Executive Session for Litigation.

Motion made by Commissioner Foster, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten

Meeting closed at approximately 7:33 p.m.

17. Reopen meeting following Executive Session

Motion to reopen the meeting.

Motion made by Commissioner McElhenney, Seconded by Commissioner Foster.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten

Meeting reconvened at approximately 8:37 p.m.

18. Authorize Chairman to sign Affidavit concerning the subject matter of the closed portion of the meeting

Motion to authorize the Chairman to sign the Affidavit concerning the subject matter of the closed portion of the meeting.

Motion made by Commissioner Foster, Seconded by Commissioner Brown.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten

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19. Action, if any, resulting from the Executive Session
Two litigation matters were discussed, no final action was taken.

Closing

20. Adjournment

Motion to adjourn the meeting.

Motion made by Commissioner McElhenney, Seconded by Commissioner Brown.

**Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster,
Commissioner Wooten**

Meeting adjourned at approximately 8:38 p.m.

ATTEST:

Lynn Butterworth
County Clerk

B. W. "Bill" Sharp
Chairman

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PUTNAM COUNTY BOARD OF COMMISSIONERS



Office of the County Clerk
117 Putnam Drive, Suite A ♦ Eatonton, GA 31024
706-485-5826 (main office) ♦ 706-485-1877 (direct line) ♦ 706-923-2345 (fax)
lbutterworth@putnamcountyga.us ♦ www.putnamcountyga.us

The draft minutes of the February 21, 2023 Executive Session are available for Commissioner review in the Clerk's office.

**PUTNAM COUNTY BOARD OF COMMISSIONERS
PUTNAM COUNTY TRANSIT
FTA PROCUREMENT POLICY**



**Adopted
April 6, 2018
Revised
July 10, 2020
Revised Again
March 3, 2023**

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1. INTRODUCTION

1.1. Purpose

This policy establishes guidelines and minimum standards that Putnam County Transit will use in the management of its third party contracts. This manual is intended to ensure that Putnam County Transit complies with Federal Transit Administration (FTA) and the Georgia Department of Transportation’s standards to ensure full and open competition and equitable treatment of all potential sources for all purchases made with funding derived from the Federal, state, and local governments. In all purchasing activity, the goal of Putnam County Transit is to ensure maximum open and free competition consistent with:

- FTA Circular 4220.1F "Third Party Contracting Guidance" or latest version thereof;
- 2 CFR § 200.318 – 200.327

1.2. Applicability

This manual applies to all procurements undertaken and financed, in whole or in part, with FTA financial assistance provided to Putnam County Transit to support **open market procurements**. An open market solicitation is used to purchase a good or service by soliciting from any available source. Most grantee procurement activity will be undertaken on the open market. Open market procurements exclude:

- Employment Contracts;
- Real Estate Contracts; and
- Intergovernmental Agreements.

The goal of this procurement policy is to provide an atmosphere in which all procurement transactions will be conducted in a manner providing full and open competition. Putnam County Transit will avoid the following situations considered to be restrictive of competition:

- Application of unreasonable requirements placed on firms in order for them to qualify to do business;
- Imposition of geographic preference standards in the selection of vendors;
- Imposition of unnecessary experience and excessive bonding requirements;
- Use of noncompetitive pricing practices between firms or between affiliated companies;
- Employment of noncompetitive awards to any person or firm on retainer contracts;
- Failure to recognize organizational conflicts of interest, which means that because of other activities, relationships, or contracts, a contractor is unable, or potentially unable, to render impartial assistance or advice to the grantee; a contractor's objectivity in performing the contract work is or might be otherwise impaired; or a contractor has an unfair competitive advantage;
- Use of "brand name" specifications without listing its salient characteristics and not allowing "an equal" product to be offered; and
- Any arbitrary action in the procurement process.

Putnam County Transit will conduct procurements in a manner that does not give in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not pre-empt Georgia licensing laws from being considered in those disciplines that are regulated by the State of Georgia. Geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services if an appropriate number of qualified firms, given the nature and size of the project, are able to compete for the contract.

1.3. Third Party Contracting Capacity

FTA regulations (2 CFR § 200.319(c) and FTA Circular 4220.1F, Chapter III, § 3a) requires Putnam County Transit to have written procurement procedures. This policy is designed to meet FTA and GDOT’s requirements in this regard.

1.4. Relationship to Other County Policies

The purpose of these purchasing policies and procedures are two-fold. First, the County has established these policies and procedures to conform to the provisions of Federal procurement regulations that govern the County’s use of FTA and GDOT funds. Second, these policies and procedures assure that materials, supplies, services and equipment required for efficient and effective operation of the transit program are procured with regard to an analysis of price, quality, quantity, terms and delivery specifications. These policies and procedures pertain only to the County’s purchases made with FTA funds for the transit program; purchases with local funds and for purposes other than transit should follow the applicable Georgia law.

These policies may not answer all questions related to purchasing; if any employee of Putnam County Transit has a question regarding these procedures, GDOT should be contacted for clarification and guidance.

When Putnam County Transit undertakes any purchase utilizing FTA funds, this policy shall supersede any existing purchasing policy promulgated by the County. When any conflict exists between this policy and the existing policies of the County, the procedures in this policy shall prevail. If any employee of Putnam County Transit determines that a conflict exists between these policies and state and local law, Putnam County Transit shall contact GDOT and communicate the conflict.

2. CODE OF ETHICS AND CONFLICT OF INTEREST POLICY

2.1. Purpose

Federal grant management rules (2 CFR § 200.318(c)(1)) require each recipient to maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. This policy must address:

- Personal conflicts of interest
- Gifts; and
- Violations.

2.2. Definition of Key Terms

As used herein, the following definitions apply:

Conflict of Interest – A situation in which an employee, Commissioner, officer, or agent has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties. A conflict of interest represents a divergence between a person covered by this policy and their private interests and their professional obligations to the Putnam County Transit such that an independent observer might reasonably question whether the individual’s professional actions or decisions are determined by considerations of personal gain, financial or otherwise.

Financial Interest – An officer, agent, Commissioner, his or her partner, employee, or their immediate family, is considered as having a financial interest in a company if: they receive more than \$10,000 in consulting income, salaries, or equity in the company; they have more than 5 percent equity in the company; they have intellectual property rights in or receive royalties from the company; or they serve as a director, officer, partner, trustee, manager or employee of the company.

Immediate Family – Immediate family includes an employee’s spouse, grandparent, parent, brother, sister, child or grandchild, his or her partner.

2.3. Applicability

No employee, elected official, agent, or other individual under an employment contract with Putnam County, or his or her immediate family member, partner, or organization that employs or is about to employ any of the foregoing may participate in the selection, award, or administration of a contract supported with FTA assistance if a conflict of interest, real or apparent, would be involved.

Such a conflict would arise when any of those previously listed individuals has a financial or other interest in the firm selected for award.

2.4. Gifts

Any contractor, subcontractor, or supplier who has a contract with the County; has performed under such a contract within the past year; or anticipates bidding on such a contract in the future shall be prohibited from making gifts or to providing favors to any individual defined in Section 2.2. who is charged with the duty of:

- Preparing plans, specifications, or estimates for public contract; or
- Awarding or administering public contracts; or
- Inspecting or supervising construction.

Putnam County Transit also prohibits all covered individuals defined in Section 2.2. who perform the functions listed above from receiving or accepting any such gift or favor.

2.5. Employee Conflicts of Interest

2.5.1. Conflicts of Interest

It shall be a breach of ethical standards for any Putnam County Transit employee to participate directly or indirectly in a procurement when the employee knows:

- The employee or any member of the employee’s immediate family, Commissioner, officer, agent, his or her partner, has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee’s immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with whom the employee or any member of employee’s immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

2.5.2. Discovery of Actual or Potential Conflict of Interest (Disqualification and Waiver)

Upon discovery of an actual or potential conflict of interest, an employee participating directly or indirectly in a procurement shall:

- Promptly file a written statement of disqualification with the County Manager; and
- Withdraw from further participation in the procurement.

The employee may, at the same time, request from the County Manager, an advisory opinion as to what further participation, if any, the employee may have in the procurement. It shall be at the sole discretion of the County Manager to determine if the employee may have any further participation in the procurement and, if so, the extent to which the employee may participate. Any employee who fails to comply with the provisions of this paragraph may be subject to disciplinary action.

2.5.3. Employee Disclosure Requirements

A Putnam County Transit employee, who has reason to believe that he/she or his/her immediate family have an interest that may be affected by his/her official acts or actions as a Putnam County Transit employee or by the official acts or actions of Putnam County Transit, shall disclose the precise nature and value of such interest in a written disclosure statement to the County Manager. The employee’s disclosure statement will be reviewed by the County Manager and the County Manager will respond to the employee in writing with an opinion as to the propriety of said interest.

In the event that the County Manager has reason to believe that he/she or his/her immediate family has an interest that may be affected by his/her official acts or actions as a Putnam County Transit employee or by the official acts or actions of Putnam County Transit, he/she shall disclose the precise nature and value of such interest in a written disclosure statement to the Finance Director.

2.5.4. Confidential Information

A Putnam County Transit employee may not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, confidential information acquired by virtue of their position or employment with Putnam County Transit.

2.5.5. Solicitation Provision

Putnam County Transit shall insert the following provisions in all formal competitive solicitation documents for products and services:

These policies shall apply to Putnam County Transit employees involved in procurement. It is a breach of ethical standards for any Putnam County Transit employee to participate directly or indirectly in a procurement when the employee knows:

- *The employee or any member of the employee’s immediate family has a financial interest pertaining to the procurement;*
- *A business or organization in which the employee, or any member of the employee’s immediate family, has a financial interest pertaining to the procurement; or*
- *Any other person, business or organization with whom the employee or any member of employee’s immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.*

In addition, any persons acting as members of an evaluation committee for any procurement shall, for the purposes of the procurement, be bound by conditions of this Section. Throughout the bid/proposal evaluation process and subsequent contract negotiations, offerors shall not discuss or seek specific information about this procurement, including but not limited to, the contents of submissions, the evaluation process or the contract negotiations, with members of any evaluation committee, the Putnam County Board of Commissioners, or other Putnam County employees other than the designated procurement officer.”

2.6. Organizational Conflicts of Interest

The procurement officer and technical personnel are encouraged to work closely with the County Attorney to review all situations that appear to have the potential for an organizational conflict of interest.

Organizational conflicts of interest may result in bias and potentially provide an unfair competitive advantage to a potential offeror. An organizational conflict of interest occurs due to the type of work to be performed under a third-party contract, or because of other activities or relationships such as:

- A contractor is unable, or potentially unable, to render impartial assistance or advice to the County;
- A contractor’s objectivity in performing contract work is or might otherwise be impaired; or
- A contractor has an unfair competitive advantage.

Bias arises when a contractor is placed in a situation where there may be an incentive to distort advice or decisions. Whenever a contract is awarded that involves the rendering of advice, the question must always be asked as to whether the potential for a conflict of interest exists for the contractor rendering the advice. Putnam County Transit will utilize a "Conflict of Interest Disclosure Statement," in its solicitation when contracting for services of this nature.

3. PUTNAM COUNTY TRANSIT RESPONSIBILITIES UNDER FEDERAL LAW

3.1. Third Party Contracting Capacity

Putnam County Transit must maintain adequate technical capacity to carry out its FTA assisted projects and comply with Federal rules. Putnam County Transit's third party contracting capability must be adequate to undertake its procurements effectively and efficiently in compliance with applicable Federal, state, and local requirements.

3.2. Contract Administration System

Putnam County Transit must maintain a contract administration system to ensure that it and its third-party contractors comply with the terms, conditions, and specifications of their contracts or purchase orders and applicable Federal, state and local requirements. See Section 6 of this policy for a full discussion of contract administration.

3.2.1. Written Procurement Procedures

Putnam County Transit must maintain and follow written procurement procedures that address:

- (a) Solicitations – Requirements for Putnam County Transit solicitations are addressed in Section 5.
- (b) Necessity – Requirements related to Putnam County Transit's need for products or services are addressed in Section 3.2.2.
- (c) Lease Versus Purchase – Requirements related to the use of lease or purchase alternatives to achieve an economical and practical procurement are addressed in Section 3.2.2
- (d) Metric Usage – Requirements related to the acceptance of products and services dimensioned in the metric system of measurement are addressed in Section 3.5.2.
- (e) Environmental and Energy Efficiency Preferences – Requirements related to preference for products and services that conserve natural resources, protect the environment, and are energy efficient are addressed in Sections 3.4.3 and 3.4.4.
- (f) Procurement Methods – Descriptions of the procurement methods that Putnam County Transit may use are included in Section 5.
- (g) Legal Restrictions – Descriptions of Federal and state restrictions on Putnam County Transit's acquisitions are included in Section 5.
- (h) Third Party Contract Provisions – Specific third party contract provisions required for each third party contract and flow down requirements to subcontracts are included in Section 3.1 through 3.7.
 - (1) Sources – Descriptions of the availability and use of various sources of products and services are addressed in Section 4.

- (2) Resolution of Third Party Contracting Issues – Procedures related to the resolution of third party contracting issues are included in Section 6.8.

3.2.2. Adequate Third Party Contract Provisions

Putnam County Transit must include provisions in all of its third-party contracts that are adequate to form a sound and complete agreement.

3.2.3. Industry Contracts

Putnam County Transit shall not use an industry developed contract or a contract that is provided by a bidder or offeror unless it has first evaluated the benefits of the contract. Putnam County Transit shall ensure that such contracts include all required Federal provisions but do not include terms and conditions that may be unfavorable to Putnam County Transit.

3.2.4. Revenue Contracts

Putnam County Transit may enter into a revenue contract with a third party to generate revenues in connection with a transit related activity, or to create business opportunities utilizing an FTA funded asset. Any such said contract opportunity will follow a competitive selection procedures and principles outlined herein.

3.2.5. Record Keeping

Putnam County Transit must prepare and maintain adequate and readily accessible project performance and financial records, covering procurement transactions as well as other aspects of project implementation. Putnam County Transit must maintain these records for five (5) years after Putnam County Transit and its subrecipients, if any, have made final payment and all other pending matters are closed. Specific record keeping requirements include:

- (a) Written Record of Procurement History – Putnam County Transit must maintain and make available to GDOT and FTA written records detailing the history of each procurement. For all procurements above the micro-purchase level Putnam County Transit must maintain records relating to:
 - (1) Procurement Method – Putnam County Transit must provide its rationale for the method of procurement it used for each contract, including a sole source justification for any acquisition that does not qualify as competitive;
 - (2) Contract Type – Putnam County Transit must state the reasons for selecting the contract type it used;
 - (3) Contractor Selection – Putnam County Transit must state its reasons for contractor selection or rejection;
 - (4) Contractor Responsibility – Putnam County Transit must provide a written determination of responsibility for the successful contractor;
 - (5) Cost or Price – Putnam County Transit must evaluate and state its justification for the contract cost or price; and

- (6) Reasonable Documentation – Putnam County Transit must retain documentation commensurate with the size and complexity of the procurement.
 - (7) Vendor Verification – Putnam County Transit must include verification of acceptance with a selected vendor/supplier/manufacturer through the Federal System of Award Management (SAM) for each project and associated project file.
- (b) Access to Records – Putnam County Transit must provide FTA and GDOT officials, the Comptroller General, or any of their representatives, access to and the right to examine and inspect all records, documents, and papers, including contracts, related to any FTA project financed with Federal assistance.
- (c) Use of Technology/Electronic Commerce – Putnam County Transit may use an electronic commerce system to conduct third party procurements. If Putnam County Transit uses an electronic commerce system, then the following requirements apply:
- (1) Sufficient System Capacity – Putnam County Transit's system must have sufficient system capacity necessary to accommodate all Federal requirements for full and open competition.
 - (2) Written Procedures – Before any solicitation takes place, Putnam County Transit must establish adequate written procedures to ensure that all information FTA/GDOT requires for project administration is entered into the system and can be made readily available to GDOT as needed.

3.3. Determination of Needs

Putnam County Transit must maintain and follow adequate procedures for determining the types and amounts of products and services it needs to acquire. Putnam County Transit shall comply with the following requirements when determining the types and amounts of products and services it needs to acquire:

3.4. Eligibility

All products and services to be acquired with FTA funds must be eligible under the Federal law authorizing the FTA assistance award and any regulations thereunder. All products and services to be acquired with FTA funds must also be eligible for support within the scope of the underlying grant or cooperative agreement from which the FTA assistance to be used is derived.

3.5. Necessity

Putnam County Transit shall adhere to the following standards for avoiding the purchase of duplicative and/or unnecessary products and services it does not need.

3.5.1. Unnecessary Reserves

Putnam County Transit shall limit the acquisition of Federally-assisted property and services to the amount it needs to support its operations.

3.5.2. Acquisition for Assignment Purposes

Putnam County Transit shall contract only for its current and reasonably expected public transportation needs and shall not add quantities or options to third party contracts solely to permit assignment to another party at a later date. These limits on assignments, however, do not preclude joint procurements that are entered into simultaneously by two or more parties to obtain advantages unavailable for smaller procurements.

- (a) General Prohibition – Putnam County Transit may contract only for its current and reasonably expected public transportation needs and may not add quantities or options to third party contracts solely to permit assignment to another party at a later date.
- (b) Changes in the Recipient’s Needs – GDOT and FTA recognize that the quantity of property or services a recipient reasonably believes it may need at the time of contract award may change. Putnam County Transit's later needs might decrease due to changed circumstances or honest mistakes. In those situations, Putnam County Transit may assign its unneeded contract authority to another entity that would like to acquire the property or services.
- (c) Exceptions – These limits on assignments, however, do not preclude:
 - (1) Joint Procurements – Putnam County Transit and one or more other FTA recipients may enter into a single procurement at the same time to obtain advantages unavailable for smaller procurements.
 - (2) Participation in GDOT Sponsored Vehicle Procurements – Putnam County Transit may enter into contracts developed by the State of Georgia to acquire vehicles. See Section 4.3 of this policy for a full discussion of state government purchasing schedules and contracts.
- (d) Procurement Size – For every procurement, Putnam County Transit shall consider whether to consolidate or break out the procurement to obtain the most economical purchase. Absent efforts to foster greater opportunities for Disadvantaged Business Enterprises (DBEs), small and minority firms and women’s business enterprises, Putnam County Transit shall not split a larger procurement merely to gain the advantage of micro-purchase or small purchase procedures.
- (e) Options – Putnam County Transit shall justify, as needed, all option quantities included in every solicitation and contract. An option is a unilateral right in a contract by which, for a specified time, Putnam County Transit may acquire additional equipment, supplies, or services than originally procured. An option may also extend the term of the contract.
- (f) Lease Versus Purchase – Putnam County Transit shall review lease versus purchase alternatives for acquiring property and shall prepare or obtain an analysis to determine the most economical alternative. If Putnam County Transit chooses to lease an asset

then it must prepare a written comparison of the cost of leasing the asset compared with the cost of purchasing or constructing the asset.

- (g) Lease of Rolling Stock – For rolling stock and related equipment, the Fixing America’s Surface Transportation (FAST) Act removed the requirement to demonstrate the cost effectiveness of leasing compared to purchasing described above in subsection (f). The FAST Act, however, now requires Putnam County Transit to submit a report to FTA within three years of executing a rolling stock lease that includes: (1) An evaluation of the overall costs and benefits of leasing rolling stock; and (2) A comparison of the expected short-term and long-term maintenance costs under a lease versus maintenance costs when buying rolling stock.
- (h) Specifications – Putnam County Transit's procurement specifications shall clearly describe the products or services to be procured and shall state how the proposals will be evaluated. Putnam County Transit's procurement specifications shall not be exclusionary, discriminatory, unreasonably restrictive or otherwise in violation of Federal or Georgia laws or regulations.

3.6. Contractor Responsibilities

Putnam County Transit, in awarding contracts, financed in whole or in part, with FTA financial assistance, shall follow guidance in this section to evaluate contractor capabilities to perform the contract.

In addition to the Federal rules (2 CFR § 200.318(h)) that require contract awards be made only to responsible contractors, Federal transit law at 49 U.S.C. § 5325(j) limits third party contractor awards to those contractors capable of successfully performing under the terms and conditions of the proposed contract. Before selecting a contractor for award, Putnam County Transit must consider such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

3.6.1. Debarment and Suspension

Debarment and suspension regulations and guidance include the following provisions.

3.6.1.1. DOT Debarment and Suspension Regulations

U.S. Department of Transportation (DOT) regulations, “Nonprocurement Suspension and Debarment,” 2 CFR Part 1200 apply to each third party contract at any tier of \$25,000 or more, to each third party contract at any tier for a federally required audit (irrespective of the contract amount), and to each third party contract at any tier that must be approved by an FTA official irrespective of the contract amount (2 CFR § 1200). Putnam County Transit shall apply DOT’s debarment and suspension requirements to itself and each third-party contractor at every tier to the extent required by DOT’s regulations that incorporate the requirements of Office of Management and Budget (OMB), “Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)” (2 CFR § 180).

3.6.1.2. System for Award Management

The System for Award Management (SAM) combines Federal procurement systems and the Catalog of Federal Domestic Assistance into one new system. SAM includes the functionality from the following systems:

- Central Contractor Registry (CCR)
- Federal Agency Registration (Fedreg)
- Online Representations and Certifications Application
- Excluded Parties List System (EPLS)

As a best practice, Putnam County Transit should print the screen with the results of the SAM.gov search to include in the procurement file. Alternatively, Putnam County Transit may collect a debarment and suspension certification from the prospective third party contractor or include a clause in the third party contract requiring disclosure. FTA notes that affirmative actions, such as checking SAM.gov or including a requirement for a signed certification, are preferred. As such, it shall be the policy of Putnam County Transit to verify that the prospective third party vendor is not listed as a debarred contractor on SAM.

3.6.2. Lobbying Certification and Disclosure

If a third-party contract will exceed \$100,000, before awarding the contract, Putnam County Transit will obtain a lobbying certification, and if applicable, a lobbying disclosure from a prospective third party contractor (see DOT regulations, “New Restrictions on Lobbying,” 49 CFR Part 20, modified as necessary by 31 U.S.C. Section 1352).

3.6.3. Required Contract Clauses

In addition to the requirements outlined above, there are various required clauses that may apply to Putnam County Transit’s third-party contracts, depending upon the type of procurement and the anticipated dollar value of said contract. It is the responsibility of Putnam County Transit to assess each procurement and determine the applicable FTA third party terms and conditions that should be included in the solicitation and contract documents. A listing of required third-party contract clauses is contained in the most recent FTA Master Agreement as well as FTA Circular 4220.1F, Appendix D. These clauses may include:

- All FTA Assisted Third Party Contracts and Subcontracts:
 - No Federal government obligation to third-parties
 - False or fraudulent statements or claims
 - Access to records
 - Federal changes
 - Civil rights
 - Incorporation of FTA terms
 - Energy conservation
 - Safe operation of motor vehicles

- Prohibition on certain telecommunications and video surveillance services or equipment
- Contracts Exceeding \$10,000:
 - Termination provisions
- Contracts Exceeding \$25,000:
 - Debarment and suspension
 - Notice regarding disputes, breaches, defaults, and litigation
- Contracts Exceeding \$100,000:
 - Byrd Anti-Lobbying Amendment
- Contracts Exceeding \$150,000:
 - Clean Air Act
 - Federal Water Pollution Control Act
 - Buy America (procurements involving iron, steel, manufactured products, and constructions materials)
- Contracts Exceeding the Simplified Acquisition Threshold:
 - Legal remedies for violation or breach
- Contracts for Construction:
 - Davis-Bacon Act
 - Copeland Anti-Kickback Act
 - Contract Work Hours and Safety Standards Act
 - Seismic safety
 - Veterans hiring preference
 - Bonding
- Contracts for Transit Operations:
 - School bus restrictions
 - Charter bus restrictions
 - Transit employee protective arrangements
 - Substance abuse requirements
- Miscellaneous:
 - Conformance with Intelligent Transportation Systems (ITS) national architecture
 - Cargo preference
 - Fly America
 - Patent rights
 - Rights in data and copyrights
 - Procurement of recovered materials
 - Never Contract with the Enemy Act (for grants performed outside the U.S.)
- Rolling Stock Certifications:
 - Bus testing
 - Transit Vehicle Manufacturer (TVM) compliance with DBE requirements
 - Pre-Award Buy America Certification
 - Pre-Award Purchaser's Requirements
 - Pre-Award Federal Motor Vehicle Safety Standards (FMVSS) Certification
 - Post-Delivery Buy America Certification
 - Post-Delivery Purchaser's Requirements
 - Post-Delivery FMVSS Certification

3.7. Bonding

Some procurements may require Putnam County Transit to require the vendor to submit a bid bond, performance bond, or payment bond (typically construction projects). When bonding is required, the following conditions will apply.

3.7.1. Thresholds

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, GDOT may accept the bonding policy and requirements of the County provided that GDOT has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

3.7.1.1. Bid Guarantee

A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

3.7.1.2. Performance Bond

A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract.

3.7.1.3. Payment Bond

A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. FTA has determined that payment bonds in the following amounts are adequate to protect Federal interest and will accept a local bonding policy that meets the following minimums:

- Less Than \$1 Million. Fifty percent of the contract price if the contract price is not more than \$1 million
- More Than \$1 Million but Less Than \$5 Million. Forty percent of the contract price if the contract price is more than \$1 million but not more than \$5 million
- More Than \$5 Million. Two and one half million dollars if the contract price is more than \$5 million

3.7.2. Acceptable Sureties

Federal rules for non-governmental recipients requires the non-governmental recipient to obtain construction bonds from companies holding certificates of authority as acceptable sureties under Department of the Treasury regulations, “Surety Companies Doing Business with the United States,” (31 CFR Part 223). For a current list of approved sureties, see Department of the Treasury’s Listing of

Approved Sureties (Department Circular 570). As FTA encourages governmental recipient to require similarly acceptable sureties, it shall be the policy of Putnam County Transit to such accept sureties.

3.7.3. Reduced Bonding

Putnam County Transit recognizes that bonding costs can be expensive. Putnam County Transit will accept a local bonding policy that conforms to the minimums described in Section 3.4.1. If bonding levels are sought at levels less than these amounts, Putnam County Transit must obtain the prior approval of GDOT/FTA. GDOT/FTA shall approve such requests only if it determines that Putnam County Transit's bonding policy adequately protects the Federal interest in the project.

3.7.4. Excessive Bonding

Putnam County Transit will adhere to FTA’s rules on excessive bonding requirements (FTA Circular 4220.1F, Chapter IV, § 2h(1)(f)). However, if Putnam County Transit determines it has a material risk of loss because of a failure of the prospective contractor, bonding requirements may exceed those outlined in Section 3.7.1 only with the prior approval of GDOT/FTA.

3.8. Preference for U.S. Property—Buy America

Any contract exceeding \$150,000 entered into by Putnam County Transit with FTA assistance requires that all iron, steel, manufactured products (including rolling stock), and construction materials used are produced or manufactured in the United States, unless FTA has granted a waiver authorized by Buy America regulations. FTA cautions that its Buy America regulations are complex and different from the Federal “Buy American Act” regulations in FAR Subparts 25.1 and 25.2.

3.9. Accessibility

Facilities to be used in public transportation service must comply with 42 U.S.C. Sections 12101 *et seq.* and DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 CFR § 37; and Joint ATBCB/DOT regulations, “Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles,” 36 CFR § 1192 and 49 CFR § 38. Notably, DOT incorporated by reference the ATBCB’s “Americans with Disabilities Act Accessibility Guidelines” (ADAAG), revised July 2004, which include accessibility guidelines for buildings and facilities, and are incorporated into Appendix A to 49 CFR Part 37. DOT also added specific provisions to Appendix A modifying the ADAAG, with the result that buildings and facilities must comply with both the ADAAG and amendments thereto in Appendix A to 49 CFR Part 37.

4. SOURCES OF ACQUISITIONS

4.1. Force Account

Force account means use of Putnam County Transit's own labor forces and equipment to undertake a project (typically construction, renovation, or repair). The use of force account labor is a project management function, rather than a procurement and contract administration function, except in the general sense of the County's ability to perform work with its own forces rather than contracting with another entity to acquire the property or services it needs, and the cost implications of the recipient's decision. Putnam County Transit does not charge force account labor to its FTA grants.

4.2. Joint Procurements

Putnam County Transit may participate in joint procurements whereby Putnam County Transit and one or more other entities agree from the outset to use a single solicitation document and enter into a single contract with a vendor for delivery of products or services. The following requirements apply to Putnam County Transit's participation in joint procurements:

- Solicitation documents may not be drafted for the purpose of accommodating the needs of other parties that may later want to participate in the benefits of the contract.
- Putnam County Transit is responsible for ensuring that the joint procurement solicitation and contract complies with all Federal requirements and that the solicitation document and contract includes all required clauses and certifications.

4.3. State or Local Government Purchasing Schedules or Purchasing Contracts

4.3.1. Definition

FTA uses the term "state or local government purchasing schedule" to mean an arrangement that a State or local government has established with several or many vendors in which those vendors agree to provide essentially an option to the State or local government, and its subordinate government entities, to acquire specific property or services in the future at established prices. These arrangements are somewhat similar to the General Services Administration's (GSA) Cooperative Purchasing Program available for Federal Government use.

4.3.2. Small Quantity Conditions for Rolling Stock

To the extent practicable, Putnam County Transit will use the innovative procurement tools authorized under section 3019 of the FAST Act. If Putnam County Transit conducts a stand-alone procurement (i.e., not part of a state contract or joint/cooperative procurement) for fewer than five buses, it must prepare a written justification for not using an authorized "innovative procurement tool" pursuant to 49 USC § 5339(a)(10)(B).

4.3.3. Applicability of Federal Provisions

When obtaining property or services in this manner, Putnam County Transit must ensure all Federal requirements, required clauses, and certifications (including Buy America) are properly followed and included, whether in the master intergovernmental contract or in the recipient's purchase document. While GDOT takes all precautions to ensure that such provision are in the original solicitation and contract documents, it is ultimately Putnam County Transit's responsibility to ensure such documents and certifications are obtained.

If such requirements, clauses, and certifications were not included in the original purchase solicitation and contracts, Putnam County Transit may request the vendor to append the required Federal clauses in the purchase order or other document that effects the Putnam County Transit's procurement. When this method is used, Putnam County Transit shall obtain Buy America certification before entering into the purchase order. This method cannot be used to circumvent FTA's Buy America requirements.

4.3.4. Federal Supply Schedules

Purchases by Putnam County Transit from Federal Supply Schedules established by the U.S. General Services Administration (GSA) are limited to the purchase of information technology (IT) products and to products and services to facilitate recovery from a major disaster. The following requirements apply to Putnam County Transit purchases from GSA schedules:

- Putnam County Transit is authorized to use GSA schedules for purchases of products and services to facilitate recovery from a major disaster that is declared by the President of the United States. Upon declaration of a major disaster by the President, Putnam County Transit may purchase products and services from GSA schedules both in advance and in the aftermath of the emergency event. Putnam County Transit shall be responsible for ensuring that the products and services acquired will only be used for recovery.
- Putnam County Transit must ensure that all Federal requirements, required clauses and certifications are properly followed and included, whether in the master intergovernmental contract or Putnam County Transit's purchase document.
- Putnam County Transit is required to evaluate the reasonableness of prices obtained from GSA schedules. GSA schedule pricing may not be used as a sole or single source for procurement. Putnam County Transit may only use GSA schedule pricing as one of multiple pricing sources solicited in accordance with its requirements for small purchases described in Section 5.

4.3.5. Existing Contracts

Putnam County Transit may use existing contract rights as an acquisition source. An "existing contract" means a contract that, when formed, was intended to be limited to the original parties thereto.

4.3.5.1. Permissible Actions

Within the conditions set forth below, Putnam County Transit may use existing contract rights held by another recipient of FTA assistance:

(a) Exercise of Options – Putnam County Transit may use contract options held by another recipient of FTA assistance with the following limitations:

- (1) Consistency with the Underlying Contract – Putnam County Transit must ensure that the terms and conditions of the option it seeks to exercise are substantially similar to the terms and conditions of the option as stated in the original contract at the time it was awarded.
- (2) Price – Putnam County Transit may not exercise an option unless it has determined that the option price is better than prices available in the open market, or that when it intends to exercise the option, the option is more advantageous.
- (3) Awards Treated as Sole Source Procurements – The following actions constitute sole source awards:
 - i. Failure to Evaluate Options Before Awarding the Underlying Contract – If a contract has one or more options and those options were not evaluated as part of the original contract award, exercising those options after contract award will result in a sole source award.
 - ii. Negotiating a Lower Option Price – Exercising an option after Putnam County Transit has negotiated a lower or higher price will also result in a sole source award unless that price can be reasonably determined from the terms of the original contract, or that price results from Federal actions that can be reliably measured.

(b) Assignment of Contract Rights (“Piggybacking”) – If Putnam County Transit finds that it has inadvertently acquired contract rights in excess of its needs, it may assign those contract rights to another GDOT subrecipient if the original contract contains an assignability provision that permits the assignment of all or a portion of the specified deliverables under the terms originally advertised, competed, evaluated, and awarded, or contains other appropriate assignment provisions. Putnam County Transit may use contractual rights through assignment from another recipient of FTA assistance after first determining the contract price remains fair and reasonable, and the contract provisions are adequate for compliance with all Federal requirements. Putnam County Transit need not perform a second price analysis if a price analysis was performed for the original contract; however, Putnam County Transit must determine whether the contract price or prices originally established are still fair and reasonable before using those rights. Putnam County Transit shall be responsible for ensuring the contractor’s compliance with FTA’s Buy America requirements and execution of all the required pre-award and post-delivery Buy America review certifications. Before proceeding with the assignment, however, Putnam County Transit shall review the original contract to be sure that the quantities the assigning recipient acquired, coupled with the quantities that Putnam County Transit seeks, do not exceed the amounts available under the assigning recipient’s contract.

4.3.5.2. Impermissible Actions

Putnam County Transit may not use Federal assistance to finance:

- (a) Improper Contract Expansion – A contract has been improperly expanded when it includes a larger scope, greater quantities, or options beyond the recipient’s reasonably anticipated needs. A contract has also been improperly expanded when excess capacity has been added primarily to permit assignment of those contract rights to another entity.

- (b) Cardinal Changes – A significant change in contract work that causes a major deviation from the original purpose of the work or the intended method of achievement, or causes a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract, is a cardinal change or “tag-on”. A change within the scope of the contract is not a cardinal change or “tag-on”.

4.4. The Open Market

Putnam County Transit will acquire most of the property and services it needs through procurements in the open market using procedures described in Section 5 of this Manual.

5. PROCEDURES FOR OPEN MARKET PROCUREMENTS

5.1. Solicitation of Competitive Price Quotes, Bids or Proposals

Compliance with the solicitation procedures described in Section 5.4 below will fulfill FTA requirements for “full and open competition.”

5.2. Receipt and Evaluation of Unsolicited Proposals

Putnam County Transit may enter into contracts based on an unsolicited proposal when authorized by applicable State law or regulation. Receipt of an unsolicited proposal does not, by itself, justify contract award without providing for full and open competition. Unless the unsolicited proposal offers a proprietary concept that is essential to contract performance, Putnam County Transit must seek competition. To satisfy the requirement for full and open competition, Putnam County Transit must take the following actions before entering into a contract resulting from an unsolicited proposal:

- Publicize its receipt of the unsolicited proposal;
- Publicize an adequate description of the products or services offered without improperly disclosing proprietary information or disclosing the originality of thought or innovativeness of the products or services sought;
- Publicize its interest in acquiring the products or services described in the proposal;
- Provide an adequate opportunity for interested parties to comment or submit competing proposals; and
- Publicize its intention to award a contract based on the unsolicited proposal or another proposal submitted in response to the publication.

If it is impossible to describe the products or services offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the products or services sought, Putnam County Transit may make a sole source award to the offeror. A sole source award may not be based solely on the unique capability of the offeror to provide the specific products or services proposed.

5.3. Prequalification

Putnam County Transit may prequalify bidders, offerors, and products for procurement purposes; however, Putnam County Transit is not required to do so. The decision of whether to require prequalification for eligibility to participate in procurement shall be made separately for every procurement and shall be approved by the Finance Director.

If Putnam County Transit opts to prequalify bidders, offerors, and products for procurement purposes, the following conditions apply:

- Putnam County Transit must ensure that all prequalification lists it uses are current;
- Putnam County Transit must ensure that all prequalification lists it uses include enough qualified sources to provide maximum full and open competition; and

- Putnam County Transit must permit potential bidders or offerors to qualify during the solicitation period (from the issuance of the solicitation to its closing date). Putnam County Transit is not required to hold a particular solicitation open to accommodate a potential supplier that submits products for approval before or during that solicitation nor must Putnam County Transit expedite or shorten prequalification evaluations of bidders, offerors, or products presented for review during the solicitation period.

5.4. Solicitation Requirements and Restrictions

Every procurement solicitation that Putnam County Transit issues above the micro-purchase level (currently established in Federal guidance at \$10,000), must include the following information and be advertised in a manner that ensures adequate and open competition.

5.4.1. Description of the Property or Services

The solicitation and the contract awarded thereunder must include a clear and accurate description of Putnam County Transit's technical requirements for the products or services to be acquired in a manner that provides for full and open competition.

5.4.1.1. Descriptive Elements

Putnam County Transit will prepare descriptions of property, goods, or service in terms of functions to be performed or level of performance required, including the range of acceptable characteristics or minimum acceptable standards. Detailed product specifications should be avoided if at all possible; however, there is no prohibition against their use when appropriate.

5.4.1.2. Quantities

Additional quantities or options above Putnam County Transit's needs at the time of acquisition may not be added to contracts solely to allow assignment of those quantities or options at a later date.

5.4.1.3. Brand Name or Equal

When it is impractical or uneconomical to provide a clear and accurate description of the technical requirements of the property to be acquired, a "brand name or equal" description may be used to define the performance or other salient characteristics of a specific type of property. The salient characteristics of the named brand that bidders or offerors must provide must be identified.

5.4.1.4. Prohibited Practices

Solicitations with requirements that contain features that unduly restrict competition may not be used. Putnam County Transit shall not:

- Impose unreasonable business requirements for bidders or offerors.
- Impose unnecessary experience requirements for bidders and offerors.

- Use prequalification procedures that conflict with the prequalification standards described in Section 5.3.
- Make a noncompetitive award to any person or firm on a retainer contract with Putnam County Transit if that award is not for the property or services specified for delivery under the retainer contract.
- Impose unreasonable restrictive bonding requirements on bidders and offerors in excess of FTA and state requirements.
- Specify only a “brand name” product without allowing offers of an “equal” product, or allowing an “equal” product without listing the salient characteristics that the “equal” product must meet to be acceptable for award.
- Specify in-state or local geographical preferences, or evaluating bids or proposals in light of in-state or local geographic preferences, even if those preferences are imposed by State or local laws or regulations. The only exception expressly mandated or encouraged by Federal law that may be applicable to Putnam County Transit is the procurement of Architectural and Engineering (A&E) Services. Geographic location may be a selection criterion in the procurement of A&E services if an appropriate number of qualified firms are eligible to compete for the contract in view of the nature and size of the project.
- Engage in practices that result in organizational conflicts of interest. An organizational conflict of interest occurs when any of the following circumstances arise:
 - Lack of Impartiality or Impaired Objectivity – When the bidder or offeror is unable, or potentially unable, to provide impartial and objective assistance or advice to «Db Name» Transit due to other activities, relationships, contracts, or circumstances.
 - Unequal Access to Information – When the bidder or offeror has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract.
 - Biased Ground Rules – When during the conduct of an earlier procurement, the bidder or offeror has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.
- Support or acquiesce in noncompetitive pricing practices between firms or between affiliated companies.
- Take any arbitrary action in the procurement process.

5.4.2. Evaluation Factors.

All solicitations issued by shall identify all factors to be used in evaluating bids or proposals. At the discretion of Finance Director, the relative order of importance and/or weights may be communicated to prospective offerors.

5.4.3. Permissible Contract Types

Putnam County Transit shall state the type of contract that will be awarded in all solicitation documents. The following types of contracts will typically be executed with the successful vendor:

5.4.3.1. Firm Fixed Price

A firm fixed price contract includes a price that remains fixed irrespective of the contractor’s cost experience in performing the contract. A firm fixed price contract may include an economic price adjustment provision, incentives, or both.

5.4.3.2. Cost Reimbursement

A cost-reimbursement contract provides for payment of the contractor’s allowable incurred costs, to the extent prescribed in the contract. Allowable costs may include incentives if the recipient believes they can prove helpful. Cost-reimbursement contracts are suitable for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed price contract.

5.4.4. Prohibitive or Restricted Contract Types

The following contract types are prohibited or restricted:

5.4.4.1. Cost Plus Percentage of Cost

Cost plus Percentage of Cost type contracts are prohibited.

5.4.4.2. Time and Materials

Time and Materials type contracts may be used only after a written determination is made that no other contract type is suitable. In addition, the contract between Putnam County Transit and the Contractor must specify a ceiling price that the Contractor may not exceed except at its own risk.

5.4.5. Other Federal Requirements Affecting the Property or Services to be Acquired

The solicitation and resulting contract must identify those Federal requirements that will affect contract scope and performance.

5.4.6. Other Federal Requirements Affecting the Bidder or Offeror and the Contractor

The solicitation and resulting contract must identify all Federal requirements that a bidder or offeror must fulfill before and during contract performance.

5.4.7. Reservation of Right to Award to Other Than the Low Bidder or Offeror

The solicitation must specifically reserve Putnam County Transit right to award a contract to other than the low bidder or offeror. If the solicitation documents do not specify this right, Putnam County Transit will be obligated to award the contract to the low bidder.

5.4.8. Reservation of Right to Reject All Bids or Offers

The solicitation must specifically reserve Putnam County Transit's right to reject all bids or offers.

5.5. Methods of Procurement

Putnam County Transit shall use competitive procedure(s) appropriate for the acquisition undertaken. The procedures used must comply with Georgia and local law as well as with Federal requirements. Federal restrictions vary with the type of procurement method used. The following guidance is based on the requirements of 2 CFR § 200.318 – 200.326, supplemented by FTA policies that address the needs of FTA recipients.

5.5.1. Informal Procurements: Micro Purchases

5.5.1.1. Definition

Micro-purchases are those purchases of products and services that cost \$10,000 or less, as defined by 2 CFR §200.67 (or current threshold established by Federal Acquisition Regulations (FAR)); for purposes of this policy, Putnam County Transit will use \$10,000 as the threshold for relatively simple purchases as a means to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost.

5.5.1.2. Approval Authority

Micro-purchases must be approved in writing by one of the following Putnam County Transit employees:

- County Manager; or
- Junior Accountant.

5.5.1.3. Competition

Putnam County Transit may acquire products and services valued at less than \$10,000 without obtaining competitive quotations. Micro-purchases should be distributed equitably among qualified suppliers.

Micro purchases are exempt from FTA’s Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding \$2,000, even though the recipient uses micro-purchase procurement procedures.

5.5.1.4. Prohibited Divisions

The size or dollar value of procurements may not be divided or reduced merely to come within the micro purchase limit. The only allowable exception to this restriction is for the express purpose of fostering greater participation of DBEs, small and minority firms and women’s business enterprises in Putnam County Transit's Federally-assisted procurements.

5.5.1.5. Documentation

Every micro-purchase must be accompanied by a written determination that the price is fair and reasonable and a description of how that determination was made.

5.5.2. Informal Procurements: Small Purchases

5.5.2.1. Definition

FTA defines small purchases are those purchases of products and services, including construction services, that cost greater than \$10,000 but not more than \$250,000. For purposes of this policy, Putnam County Transit will consider small purchase those that cost greater than \$10,000 but not more than \$251.

5.5.2.2. Approval Authority

Small purchases must be approved in writing by one of the following Putnam County Transit employees:

- County Manager; and/or
- Transit Director.

5.5.2.3. Required Competition

Price or rate quotations must be obtained from an adequate number of qualified sources. It is the responsibility of Putnam County Transit to ensure that an adequate number of quotations, bids, or proposals are received

5.5.2.4. Prohibited Divisions

The size or dollar value of procurements may not be divided or reduced merely to come within the small purchase limit. The only allowable exception to this restriction is for the express purpose of fostering greater participation of DBEs, small and minority firms and women’s business enterprises in Putnam County Transit’s Federally-assisted procurements

5.5.2.5. Documentation

Every small purchase must be documented in the grantee’s written procurement history file. The level of documentation is stipulated in Section 6.6.1.

For small purchases, price quotations may be oral or written.

5.5.2.6. Special Considerations

Putnam County Transit may acquire products and services directly from State contract vendors in lieu of competitively procuring such products and services itself through the small purchase method of procurement.

Putnam County Transit reserves the right to use formal purchase methods, even if small purchase thresholds are met, if the Finance Director believes it is in the best interests of the Putnam County Transit to do so.

5.5.3. Formal Procurements

5.5.3.1. Definition

Formal purchases are those purchases of products and services that cost greater than the current Federal threshold of \$250,000. For purposes of this policy, Putnam County Transit will use formal procedures for all purchases over \$251.

5.5.3.2. Approval Authority

Large purchases must be approved in writing by the following Putnam County Transit employees or officials:

- County Manager; or
- Chairman of the Board.

No further delegation of approval authority for large purchases may be made.

5.5.3.3. Procurement Methods

There are two primary methods of procurement for large purchases of products and services:

- Sealed Bid method; and
- Competitive Proposal method.

5.5.3.4. Required Competition

Formal bids and competitive proposals must be publicly advertised.

For formal purchases by the sealed bid method of procurement, two or more responsible bidders must be willing and able to compete effectively for the business.

For formal purchases by the competitive proposal method of procurement, two or more offerors must be willing and able to submit an offer or proposal.

5.5.3.5. Required Documentation

Every formal purchase must, at a minimum, be supported by a written independent cost estimate, formal bids or proposals, a written cost or price analysis as appropriate, a written justification and detailed rationale for contractor selection (including application of evaluation criteria) and a written determination of the responsibility of the contractor. Additional

documentation requirements are dependent upon the formal procurement method that is utilized to make the purchase.

5.5.3.6. Special Considerations

Putnam County Transit may acquire products and services via state contract in lieu of competitively procuring such products and services itself through the sealed bid and competitive proposal methods of procurement.

5.5.3.7. Procedural Methods for Sealed Bids

The sealed bid method of procurement is a formal method in which bids are publicly solicited and a firm fixed price contract is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the Invitation for Bids (IFB), is lowest in price. The vehicle through which bids are solicited is an IFB. The IFB document contains technical specifications for the product or service to be purchased, a description of the procedures for submitting a bid, and the forms on which bids must be submitted.

(a) When Appropriate – The sealed bid method of procurement is the preferred method for acquiring products and services that, including construction services, cost greater than \$251. The sealed bid method of procurement may also be used for small purchases if it is determined to be appropriate. The sealed bid method of procurement is appropriate if the following conditions apply:

- (1) Precise Specifications – A complete, adequate, precise, and realistic specification or purchase description is available.
- (2) Adequate Sources – Two or more responsible bidders are willing and able to compete effectively for the business.
- (3) Fixed Price Contract – The procurement generally lends itself to a firm fixed price contract.
- (4) Price Determinative – The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken. Apart from responsibility determinations, contractor selection may not be determined on the basis of other factors whose costs cannot be measured at the time of award.
- (5) Discussions Unnecessary – Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price-related factors alone.

(b) Requirements for Sealed Bids – The following requirements apply to the sealed bid method of procurement:

- (1) Publicity – The Invitation for Bids must be publicly advertised.
 - i. The Finance Director shall ensure that sufficient time is allowed to prepare bids before the date of bid opening.

- ii. Notice of bidding opportunities may be provided in other ways in addition, but not as a substitute, to a published notice. The methods may include, but not necessarily be limited to:
 - a. Direct notice, based on compiled vendor lists or from pre-qualification list, sent to prospective offerors; or
 - b. Use of advertisement by electronic means.
- (2) Adequate Sources – Bids must be solicited from an adequate number of known suppliers.
- (3) Adequate Specifications – The Invitation for Bids, including any specifications and pertinent attachments, must describe the property or services sought in sufficient detail that a prospective bidder will be able to submit a proper bid.
- (4) Sufficient Time – Bidders must be allowed sufficient time to prepare bids before the date of bid opening.
- (5) Public Opening – All bids must be publicly opened at the time and place prescribed in the Invitation for Bids.
- (6) Fixed Price Contract – A firm fixed price contract must be awarded in writing to the lowest responsive and responsible bidder unless the Invitation for Bids specifically allowed for award of a fixed price incentive contract or the inclusion of an economic price adjustment provision.
- (7) Rejection of Bids – Any or all bids may be rejected if there is a sound, documented business reason.

5.5.3.8. Competitive Proposals

The competitive proposal method of procurement is a formal method in which written proposals are publicly solicited and a contract is awarded to the responsible offeror whose proposal, taking into consideration price and other factors, is considered to be the most advantageous to Putnam County Transit or that is considered to be the “best value” to Putnam County Transit. The vehicle through which proposals are solicited is Request for Proposals (RFP). The RFP document contains technical specifications for the product or service to be purchased, a description of the procedures for submitting a proposal and the forms on which proposals must be submitted, if applicable.

- (a) When Appropriate – The competitive proposal method of procurement is appropriate for the acquisition of products and services that cost greater than \$251 when the nature of the procurement does not lend itself to sealed bidding and Putnam County Transit expects that more than one source will be willing and able to submit a proposal. The competitive proposal method of procurement may also be used for small purchases if it is determined to be appropriate. The competitive proposal method of procurement may not be used for the procurement of construction services. The competitive proposal method of procurement is appropriate when any of the following circumstances are present:
 - (1) Type of Specifications – The products or services to be acquired are described in a performance or functional specification, or if described in detailed technical specifications, other circumstances such as the need for

discussions or the importance of basing contract award on factors other than price alone are present.

- (2) Uncertain Number of Sources – Uncertainty about whether more than one bid will be submitted in response to an Invitation for Bids.
- (3) Price Alone Not Determinative – Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors.
- (4) Discussions Expected – Separate discussions with individual offerors are expected to be necessary after they have submitted their proposals.

(b) Requirements for Competitive Proposals – The following requirements apply to the competitive proposal method of procurement:

- (1) Publicity – The Request for Proposals must be publicly advertised.
- (2) Evaluation Factors – All evaluation factors and their relative importance must be specified in the solicitation, but numerical or percentage ratings or weights need not be disclosed.
- (3) Adequate Sources – Proposals must be solicited from an adequate number of qualified sources.
- (4) Evaluation Method – A specific method must be established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror.
- (5) Price and Other Factors – An award must be made to the responsible offeror whose proposal is most advantageous to Putnam County Transit or that represents the “best value” to Putnam County Transit with price and other factors considered.
- (6) Best Value – Putnam County Transit may award a contract to the offeror whose proposal provides the greatest value to Putnam County Transit. To do so, the solicitation must inform potential offerors that the award will be made on a “best value” basis and identify what factors will form the basis for award. Putnam County Transit must base its determination of which proposal represents the “best value” on an analysis of the tradeoff of qualitative technical factors and price or cost factors.

5.5.3.9. Two-Step Procurements

Putnam County Transit may use two-step procurement procedures in both sealed bid and competitive proposal procurements, provided the opportunity for full and open competition is retained.

- (a) Review of Technical Qualifications and Approach – The first step is a review of the prospective contractors’ technical approach to Putnam County Transit’s request and their technical qualifications to carry out that approach followed by the establishment of a competitive range consisting of prospective contractors that demonstrate a technically satisfactory approach and have satisfactory qualifications.
- (b) Review of Bids and Proposals Submitted by Qualified Prospective Contractors – The second step consists of soliciting and reviewing complete bids or proposals, including

price, submitted by each prospective contractor determined to be qualified. Absent exceptional circumstances, bids or proposals must be solicited from at least three qualified prospective contractors.

5.5.3.10. Architectural and Engineering (A&E) Services and Other Services

FTA’s enabling legislation at 49 U.S.C. § 5325(b)(1) requires the use of the qualifications-based procurement procedures contained in the “Brooks Act,” 40 U.S.C. § 1101 through 1104, to acquire A&E services.

(a) Qualifications-Based Procurement Procedures Required – Putnam County Transit must use qualifications-based procurement procedures to acquire architectural and engineering (A&E) services as well as certain other services that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property. In addition to A&E services, other services that must be procured by qualifications-based procurement procedures include:

- Program management;
- Construction management;
- Feasibility studies;
- Preliminary engineering;
- Design, architectural, engineering;
- Surveying, mapping; and
- Other related services.

The nature of the work to be performed and its relationship to construction, not the nature of the prospective contractor, determine whether qualifications-based procurement procedures may be used.

(b) Qualifications-Based Procurement Procedures Prohibited – Unless FTA determines otherwise in writing, qualifications-based procurement procedures may not be used to acquire other types of services if those services are not directly in support of, directly connected to, directly related to, or do not lead to construction, alteration, or repair of real property. Qualifications-based procurement procedures may not be used for actual construction, alteration or repair to real property.

(c) Qualifications-Based Procurement Procedures – The following procedures apply to qualifications-based procurements:

- (1) Qualifications – Unlike other two-step procurement procedures in which price is an evaluation factor, an offeror’s qualifications are evaluated to determine contract award.
- (2) Price – Price is excluded as an evaluation factor.
- (3) Most Qualified – Price negotiations are first conducted with only the most qualified offeror.

- (4) Next Most Qualified - Only after failing to agree on a fair and reasonable price may negotiations be conducted with the next most qualified offeror. Then, if necessary, negotiations with successive offerors in descending order may be conducted until contract award can be made to the offeror whose price the recipient believes is fair and reasonable.

5.6. Noncompetitive Procurements

Normally, Putnam County Transit must provide for full and open competition when soliciting bids or proposals. Federal regulations at 2 CFR § 200.320(f)(1) – (4), however, acknowledges that under certain circumstances, a recipient may conduct procurements without providing for full and open competition.

5.6.1. When Appropriate

Noncompetitive procurement procedures may only be used when the procurement is inappropriate for small purchase procedures, sealed bids, or competitive proposals, and at least one of the following circumstances are present:

5.6.1.1. Competition Adequacy

After soliciting several sources and receiving an inadequate response, Putnam County Transit shall review its specifications to determine if they are unduly restrictive or if changes can be made to encourage submission of more price quotes, bids or proposals. If Putnam County Transit determines that the specifications are not unduly restrictive and changes cannot be made to encourage greater competition, Putnam County Transit may determine the original competition adequate and complete the purchase from among the sources that submitted a price quote, bid or proposal. A cost analysis must be performed in lieu of a price analysis when this situation occurs.

5.6.1.2. Sole Source

When Putnam County Transit requires products or services available from only one responsible source, and no other products or services will satisfy its requirements, Putnam County Transit may make a sole source award. In addition, when Putnam County Transit requires an existing contractor to make a change to its contract that is beyond the scope of that contract, Putnam County Transit will consider the change a sole source award that must be justified. Sole source awards are only appropriate when one of the following conditions apply:

- (a) Unique Capability or Availability – The products or services are available from only one source if one of the conditions described below is present:
 - (1) Unique or Innovative Concept – The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to Putnam County

Transit only from one source and has not in the past been available to Putnam County Transit from another source.

- (2) Patents or Restricted Data Rights – Patent or data rights restrictions preclude competition.
 - (3) Substantial Duplication Costs – In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.
 - (4) Unacceptable Delay – In the case of a follow-on contract for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling Putnam County Transit's needs.
- (b) Single Bid or Proposal – Upon receiving a single bid or proposal in response to a solicitation, Putnam County Transit should determine if competition was adequate. This should include a review of the specifications for undue restrictiveness and might include a survey of potential sources that chose not to submit a bid or proposal.
- (1) Adequate Competition – Competition is adequate when the reasons for a single response were caused by conditions beyond Putnam County Transit's control.
 - (2) Inadequate Competition – Competition is inadequate when the reasons for a single response were caused by conditions within Putnam County Transit's control.
- (c) Unusual and Compelling Urgency – Putnam County Transit may limit the number of sources from which it solicits bids or proposals when Putnam County Transit has such an unusual and urgent need for the products or services that Putnam County Transit would be seriously injured unless it were permitted to limit the solicitation. Putnam County Transit may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the products or services.
- (d) Authorized by GDOT – Putnam County Transit may request permission from GDOT to allow it to use noncompetitive proposals for a particular procurement.
- (e) When Prohibited – Less than full and open competition is not justified based on:
- (1) Failure to Plan – Putnam County Transit's lack of advance planning, resulting in limited competition, is not justification for a sole source or single bid award.
 - (2) Limited Availability of Federal Assistance – Concerns about the amount of Federal assistance available to support the procurement;
- (f) Procurement Procedures – The following requirements apply when Putnam County Transit completes a procurement utilizing less than full and open competition:
- (1) Potential Sources – Putnam County Transit must solicit offers from as many potential sources as is practicable under the circumstances.

- (2) Sole Source Justification – Putnam County Transit must justify all sole source procurements in writing. Sole source procurement justifications must describe the reasons for why a sole source procurement is appropriate, state which of the authorized justifications listed in Section 5.6.1.2 are applicable, include a cost analysis and be signed by the Finance Director. If Putnam County Transit decides to solicit an offer from only one source, Putnam County Transit must justify its decision in writing. The written justification must include the same elements as a sole source justification except that it must state which of the authorized justifications listed in Section 5.6.1.2 are applicable to the sole source purchase.
- (3) Cost Analysis – Putnam County Transit must prepare or obtain a cost analysis verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits. A price analysis shall not be adequate to justify a sole source purchase.

- (g) Exception for Procurement Activities Using Non-FTA Funds – When it is determined by the Finance Director to be in the best interest of Putnam County Transit, noncompetitive procurement procedures may be utilized to acquire professional or other transportation-related services that do not involve the use of FTA financial assistance. Any such determination must be made in writing and signed by the Finance Director.

5.7. Evaluation Requirements

The following standards shall apply to all evaluations of bids or proposals conducted by Putnam County Transit.

5.7.1. General

When evaluating bids or proposals received in response to a solicitation, Putnam County Transit shall consider all evaluation factors specified in the solicitation documents and shall evaluate the bids or offers proposals only on the evaluation factors included in those solicitation documents. Putnam County Transit may not modify its evaluation factors after bids or proposals have been received without re-opening the solicitation.

5.7.2. Options

The following standards shall apply when awarding contracts that include options:

5.7.2.1. Evaluation Required

In general, Putnam County Transit must evaluate bids or offers for any option quantities or periods contained in a solicitation if it intends to exercise those options after the contract is awarded.

5.7.2.2. Evaluation Not Required

Putnam County Transit need not evaluate bids or offers for any option quantities when Putnam County Transit does not intend to exercise those options after the contract is awarded or if it determines that evaluation would not otherwise be in its best interests.

5.7.2.3. Evaluators

In addition to evaluators with experience in technical or public policy matters related to the procurement, other evaluators may also include auditors and financial experts to the extent that the Finance Director determines would be necessary or helpful. If Putnam County Transit lacks qualified personnel within its organization, it may solicit evaluators from other transit organizations or may contract for evaluation services. If it does so, the procurement procedures in this policy will apply to those contracts and to those contractors selected to perform evaluation functions on behalf of the recipient.

5.8. Contract Award Requirements

The following standards shall apply to all contract award decisions made by Putnam County Transit:

5.8.1. Award to Other Than the Lowest Bidder or Offeror

Putnam County Transit may award a contract to other than the lowest bidder if the award furthers an objective consistent with the purposes of 49 U.S.C. Chapter 53, including improved long-term operating efficiency and lower long-term costs. Putnam County Transit may also award a contract to other than the offeror whose price proposal is lowest, when stated in the evaluation factors of the solicitation. In both cases, Putnam County Transit must include a statement in its solicitation document reserving the right to award the contract to other than the low bidder or offeror.

5.8.1.1. Award Only to a Responsible Bidder or Offeror

Putnam County Transit may only award contracts to responsible contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract and who demonstrate that its proposed subcontractors also qualify as responsible. Putnam County Transit must consider such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources when making a determination of contractor responsibility. Putnam County Transit must also ensure that the contractor is not listed as a debarred or suspended contractor on the System for Award Management (SAM), which is maintained by the General Services Administration (GSA), at the time of contract award. Entities that are listed as debarred or suspended contractors on SAM may not be determined to be responsible contractors by Putnam County Transit. For every procurement action above the micro-purchase level, Putnam County Transit must make a written determination of the responsibility of the contractor and include such determination in the applicable contract file (See Section 3.6).

To designate a prospective contractor “responsible” as required by 49 U.S.C. § 5325, Putnam County Transit, at a minimum, must determine and ensure that the prospective contractor satisfies the following criteria described herein. In addition to being otherwise qualified and eligible to receive the contract award under applicable laws and regulations, a responsible contractor:

- (a) Integrity and Ethics – Has a satisfactory record of integrity and business ethics, in compliance with 49 U.S.C. Section 5325(j)(2)(A).
- (b) Debarment and Suspension – Is neither debarred nor suspended from Federal programs under DOT regulations, “Nonprocurement Suspension and Debarment,” 2 CFR Parts 180 and 1200, or under the FAR at 48 CFR Chapter 1, Part 9.4.
- (c) Affirmative Action and DBE – Is in compliance with the Common Grant Rules’ affirmative action and FTA’s Disadvantaged Business Enterprise requirements.
- (d) Public Policy – Is in compliance with the public policies of the Federal Government, as required by 49 U.S.C. § Section 5325(j)(2)(B).
- (e) Administrative and Technical Capacity – Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them, in compliance with 49 U.S.C. Section 5325(j)(2)(D).
- (f) Licensing and Taxes – Is in compliance with applicable licensing and tax laws and regulations.
- (g) Financial Resources – Has, or can obtain, sufficient financial resources to perform the contract, as required by 49 U.S.C. Section 5325(j)(2)(D).
- (h) Production Capability – Has, or can obtain, the necessary production, construction, and technical equipment and facilities.
- (i) Timeliness – Is able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.
- (j) Performance Record – Is able to provide a:
 - (1) Current Performance – Satisfactory current performance record; and
 - (2) Past Performance – Satisfactory past performance record in view of its records of long-time performance or performance with a predecessor entity, including:
 - i. Sufficient Resources. Key personnel with adequate experience, a parent firm with adequate resources and experience, and key subcontractors with adequate experience and past performance,
 - ii. Adequate Past Experience. Past experience in carrying out similar work with particular attention to management approach, staffing, timeliness, technical

success, budgetary controls, and other specialized considerations as described in the recipient’s solicitation, and

- iii. Any Past Deficiencies Not the Fault of the Bidder or Offeror. A prospective bidder or offeror that is or recently has been seriously deficient in contract performance is presumed to be non-responsible, unless the recipient determines that the circumstances were properly beyond the bidder or offeror’s control, or unless the bidder or offeror has taken appropriate corrective action. Past failure to apply sufficient tenacity, perseverance, and effort to perform acceptably is strong evidence of non-responsibility. Failure to meet the quality requirements of a contract is a significant factor to consider in determining satisfactory performance. GDOT expects Putnam County Transit to consider the number of the bidder or offeror’s contracts involved and the extent of deficient performance in each contract when making this determination.

5.8.1.2. Rejection of Bids and Proposals

Putnam County Transit may reject all bids or proposals submitted in response to an Invitation for Bids or Request for Proposals. Putnam County Transit must include a statement in its solicitation document reserving the right to reject all bids or proposals.

- (a) Extent and Limits of Contract Award – The selection of a contractor to participate in one aspect of a project does not, by itself, constitute a sole source selection of the contractor’s wholly owned affiliates to perform other work in connection with the project.

5.9. Independent Cost Estimate and Cost and Price Analysis

5.9.1. Independent Cost Estimate

For every procurement, Putnam County Transit shall make a written independent estimate of cost prior to receiving price quotes, bids or proposals.

5.9.2. Cost or Price Analysis

Putnam County Transit shall perform a cost or price analysis in connection with every procurement over \$250,000 and for all contract modifications.

5.9.2.1. Price Analysis

If Putnam County Transit determines that competition was adequate, a written price analysis, rather than a cost analysis, is required to determine the reasonableness of the proposed contract price.

5.9.2.2. Cost Analysis

Putnam County Transit must perform or obtain a cost analysis when:

- (a) A price analysis will not provide sufficient information to determine the reasonableness of the contract cost.
- (b) When the offeror submits elements of the estimated cost.
- (c) When only a sole source is available, even if the procurement is a contract modification.
- (d) In the event of a change order.

5.9.3. Approval of Contracts

All contracts must be signed by the Chairman of the Board.

6. CONTRACT ADMINISTRATION REQUIREMENTS AND CONSIDERATIONS

6.1. Putnam County Transit Staff Responsibilities

Prior to execution of third party contracts, Putnam County Transit shall designate a Project Manager to serve as Putnam County Transit's principal contact with the contractor and as the primary administrator of the contract. The designated Project Manager for each contract shall have responsibility for directing and overseeing the work performed by the contractor; reviewing and approving deliverables and invoices from the contractor; determining percentage of contract completion for progress payments (if applicable); making recommendations on the exercise of contract options (if applicable); recommending contract changes; preparing justifications for contract changes; performing independent cost estimates and cost or price analyses for contract changes; making recommendations on approval or rejection of subcontractors; assisting with the resolution of contract disputes; making recommendations on contract termination or other contractor disciplinary actions; maintaining complete contract files; and other contract administration duties that may be necessary.

6.2. Administrative Restrictions on the Acquisition of Property and Services

The following Federal laws and regulations impose administrative requirements, many of which will affect specific third party procurements.

6.2.1. Legal Eligibility

The property or services acquired must be eligible for support under the restrictions accompanying the Federal statute authorizing the Federal assistance to be used.

6.2.2. Scope of the Project

The property or services acquired must be eligible for support within the scope of the underlying grant or cooperative agreement from which the Federal assistance to be used is derived.

6.2.3. Period of Performance

Putnam County Transit will use sound business judgment and be judicious in establishing and extending a contract's period of performance.

6.2.3.1. General Standards

The period of performance generally should not exceed the time necessary to accomplish the purpose of the contract. Putnam County Transit will also consider competition, pricing, fairness, and public perception. Putnam County Transit's procurement files will document its rationale for determining the performance period designated for each contract.

6.2.3.2. Time Extensions

Consistent with the general tone of FTA Circular 4220.1F, contract time extensions shall be considered in light of whether they are permissible changes or impermissible cardinal changes. Once Putnam County Transit awards a third party contract, an extension of the contract term length that amounts to a cardinal change will require a sole source justification.

6.2.3.3. Authority to Extend

The Chairman of the Board has the sole authority to approve and execute contract modifications. The Finance Director for the contract shall recommend all contract time; prior to making a recommendation for a contract time extension. The Finance Director shall prepare a written justification and cost analysis (if applicable) for the contract time extension and shall negotiate the appropriate contract modification with the contractor.

6.3. Federal Cost Principles

Federal rules require project costs to conform to applicable Federal cost principles for allowable costs. In general, costs must be necessary and reasonable, allocable to the project, authorized or not prohibited by Federal law or regulation, and must comply with Federal cost principles applicable to the recipient.

OMB guidance for grants and agreements, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR § 200, applies to project costs incurred Putnam County Transit.

6.4. Payment Provisions

Putnam County Transit will follow the provisions of this section when using FTA funds to support its third party contracts.

6.4.1. Financial Support for the Project

Costs may only be incurred by Putnam County Transit if GDOT has awarded a financial assistance contract to Putnam County Transit.

6.4.1.1. Progress Payments

Progress payments are payments for contract work that has not been completed. Putnam County Transit may use GDOT assistance to support progress payments provided the recipient obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested.

6.4.1.2. Adequate Security for Progress Payments

Adequate security for progress payments may include taking title or obtaining a letter of credit or taking equivalent measures to protect the recipient’s financial interest in the progress payment. Adequate security should reflect the practical realities of different procurement

scenarios and factual circumstances. Putnam County Transit should always consider the costs associated with providing security (for example, the recipient may need to acquire bonds or letters of credit in the commercial marketplace) and the impact of those costs on the contract price, as well as the consequences of incomplete performance.

6.4.1.3. Adequate Documentation

Sufficient documentation is required to demonstrate completion of the amount of work for which progress payments are made.

6.4.1.4. Percentage of Completion Method

Federal rules require that any progress payments for construction contracts be made on a percentage of completion method described therein. Putnam County Transit, however, may not make progress payments for other than construction contracts based on this percentage method.

6.5. Protections Against Performance Difficulties

Putnam County Transit shall include provisions in its third party contracts that will reduce potential problems that might occur during contract performance, as follows:

6.5.1. Changes

Putnam County Transit shall include provisions that address changes and changed conditions in all third party contracts except for routine supply contracts.

6.5.2. Remedies

Putnam County Transit shall include provisions that address remedies in its third party contracts. Provisions related to remedies may include provisions for:

6.5.2.1. Liquidated Damages

Putnam County Transit may use liquidated damages if Putnam County Transit reasonably expects to suffer damages through delayed contract completion, or if weight requirements are exceeded, and the extent or amount of such damages are uncertain and would be difficult or impossible to determine. Rate and measurement standards must be calculated to reasonably reflect Putnam County Transit's costs should the standards not be met, and must be specified in the solicitation and contract. The assessment for damages may be established at a specific rate per day for each day beyond the contract's delivery date or performance period. A measurement other than a day or another period of time, however, may be established if that measurement is appropriate, such as weight requirements in a rolling stock purchase. The contract file must include a record of the calculation and rationale for the amount of damages established. Any liquidated damages recovered must be credited to the project account.

6.5.2.2. Violation or Breach

Third party contracts exceeding \$250,000 must include administrative, contractual, or legal remedies for violations or breach of the contract by the third party contractor.

6.5.2.3. Suspension of Work

Putnam County Transit may include provisions pertaining to suspension of work in its third party contracts.

6.5.2.4. Termination

Termination for cause and termination for convenience provisions must be included in third party contracts exceeding \$10,000.

6.6. Contents of Complete Contract Files

The following documents shall comprise the contents of a complete contract file for procurements above the micro-purchase level:

6.6.1. Written Record of Procurement History

Putnam County Transit shall maintain written records detailing the history of the procurement, including records relating to:

6.6.1.1. Procurement Method

Putnam County Transit must provide its rationale for the method of procurement it used for each contract, including a sole source justification for any acquisition that does not qualify as competitive.

6.6.1.2. Contract Type

Putnam County Transit must state the reasons for selecting the contract type it used.

6.6.1.3. Contractor Selection

Putnam County Transit must state its reasons for contractor selection or rejection, including written justification and evaluation documents.

6.6.1.4. Contractor Responsibility

Putnam County Transit must provide a written determination of responsibility for the successful contractor.

6.6.1.5. Cost or Price

Putnam County Transit must evaluate and state its justification for the contract cost or price, including the independent cost estimate and cost or price analysis.

6.6.1.6. Reasonable Documentation

Putnam County Transit must retain documentation commensurate with the size and complexity of the procurement, including documents related to solicitation, receipt and evaluation of offers, and contract award, negotiation and execution.

6.7. Access to Records

Federal rules (49 U.S.C. § 5325(g)) provide FTA and GDOT officials, the Comptroller General, or any of their representatives, access to and the right to examine and inspect all records, documents, and papers, including contracts, related to any FTA project financed with Federal assistance authorized by 49 U.S.C. Chapter 53.

6.8. Contract Administration and Close-Out Documents

Putnam County Transit shall maintain written records detailing the performance and close-out of the contract, including records relating to:

6.8.1. Contractor Performance

Putnam County Transit must maintain documents related to contractor adherence to budget and schedule, compliance with contract terms and conditions, DBE participation, progress reports, disputes and disciplinary actions.

6.8.2. Contract Deliverables

Putnam County Transit must maintain copies of all contract deliverables and records relating to approval, rejection and requested modifications of contract deliverables.

6.8.3. Contract Changes

Putnam County Transit must maintain copies of all contract modifications, including documentation related to the determination of need, written justification and rationale, cost analysis, negotiation and execution.

6.8.4. Contract Payments

Putnam County Transit must retain documentation of invoices, approval of payments, requests for modifications to invoices, determination of percentage of contract completion for partial payments (if applicable), and ownership of title to partial work products.

6.8.5. Contract Close-Out

Putnam County Transit must retain documentation related to contractor performance and evaluation, approval of final deliverables and payments, transfer of title to complete work products to Putnam County Transit, and contract audit and final reconciliation.

6.9. Protest Procedures

6.9.1. Statement of Policy

Putnam County Transit is responsible for resolving all contractual and administrative issues, including protests of evaluations and contract awards, arising out of its third party procurements using good administrative practices and sound business judgment.

In general, GDOT will not substitute its judgment for that of Putnam County Transit unless the matter is primarily a Federal concern. Nevertheless, GDOT and FTA can become involved in Putnam County Transit's administrative decisions when a Putnam County Transit protest decision is appealed to GDOT.

Putnam County Transit shall give timely notification to GDOT when it receives a third party procurement protest and will keep FTA informed about the status of any such protest. Putnam County Transit shall disclose all information about any third party procurement protest to GDOT upon request.

Putnam County Transit's procedure for addressing third party procurement protests is described in Paragraph 6.9.2 below. Putnam County Transit shall insert its protest procedure in all solicitation documents for products and services having an estimated value of \$100,000 or greater.

6.9.2. Putnam County Transit Staff Responsibilities

The following staff responsibilities shall be assigned in all protests:

- Finance Director – Responsibilities include: ensuring that the Putnam County Transit Protest Procedure is included in all solicitation documents; and providing information to and assisting the Chairman of the Board and County Attorney with the resolution of protests.
- County Attorney – Responsibilities include: reviewing all procurement protests; and advising and assisting the Putnam County Transit as needed with the resolution of all procurement protests.

6.9.3. Solicitation Provision

Putnam County Transit shall insert the following provision in all solicitation documents:

6.9.3.1. Pre-Proposal Protests

All protests concerning solicitation specifications, criteria and/or procedures shall be submitted in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to the Finance Director as specified below not later than ten (10) business days prior to the deadline for submission of bids/proposals.

The Finance Director may, within his or her discretion, postpone the deadline for submission of bids/proposals, but in any case, shall provide a written response to all protests not later than five (5) business days prior to the deadline for submission of bids/proposals. If the deadline for submission of bids/proposals is postponed by the Finance Director as the result of a protest the postponement will be announced through an addendum to the solicitation.

The decision by the Finance Director shall be the final agency decision on the matter but shall be subject to judicial review as set forth by FTA below.

6.9.3.2. Pre-Award Protests

With respect to protests made after the deadline for submission of bids/proposals but before contract award by Putnam County Transit, protests shall be limited to those protests alleging a violation of Federal or State law, a challenge to the bids/proposals evaluation and award process, Putnam County Transit's failure to have or follow its protest procedures or its failure to review a complaint or protest. Such protests shall be submitted in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to the Finance Director as specified below not later than five (5) business days after the Recommendation for Contract Award announcement by Putnam County Transit.

The Finance Director may, within his or her discretion, postpone the award of the contract, but in any case, shall provide a written response to all protests not later than three (3) business days prior to the date that Putnam County Transit shall announce the contract award.

The decision by the Finance Director shall be the final agency decision on the matter but shall be subject to judicial review as set forth or review by GDOT as specified below.

6.9.4. Requirements for Protests

All protests must be submitted to Putnam County Transit in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail), with sufficient documentation, evidence and legal authority to demonstrate that the Protestor is entitled to the relief requested. The protest must be certified as being true and correct to the best knowledge and information of the Protestor, and be signed by the Protestor. The protest must also include a mailing address to which a response should be sent.

Protests received after the deadlines for receipt of protests specified above are subject to denial without any requirement for review or action by Putnam County Transit.

All protests must be directed in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to the Finance Director at the address shown in the solicitation documents.

6.9.5. Protest Response

The Finance Director shall issue written responses to all protests received by the required protest response dates. All protest responses shall be transmitted by first-class U.S. Postal Service to the address indicated in the protest letter.

For convenience, Putnam County Transit will also send a copy of the response to a protest to the Protester by facsimile and/or electronic mail if a facsimile number and/or electronic mail address are indicated in the protest letter. The protest response transmitted by U.S. Postal Service shall be the official Putnam County Transit response to the protest and Putnam County Transit will not be responsible for the failure of the Protester to receive the protest response by either facsimile or electronic mail.

6.9.6. Review of Protests by GDOT

All protests involving contracts financed with Federal assistance shall be disclosed to GDOT. Protesters shall exhaust all administrative remedies with Putnam County Transit prior to pursuing protests with GDOT. GDOT limits its reviews of protests to: a grantee’s failure to have or follow its protest procedures; a grantee’s failure to review a complaint or protest when presented an opportunity to do so; or violations of Federal law or regulation. Appeals to GDOT must be received within five (5) working days of the date the Protester has received actual or constructive notice of Putnam County Transit final decision or within five (5) working days of the date the Protester has identified other grounds for appeal to GDOT.



Office of the County Clerk
117 Putnam Drive, Suite A ♦ Eatonton, GA 31024
706-485-5826 (main office) ♦ 706-485-1877 (direct line) ♦ 706-923-2345 (fax)
lbutterworth@putnamcountyga.us ♦ www.putnamcountyga.us

Approval of 2023 Alcohol Licenses

The following alcohol license applications (which are available for review in the County Clerk’s office) have been approved by the Sheriff, Fire Marshal and/or Building Inspector, and Tax Commissioner and are ready for BOC approval:

Individual Name	Business Name	Address	License Type
Ginger Ryser	The Silver Moon	1077 Lake Oconee Parkway	Beer/Wine/Liquor Pouring

File Attachments for Item:

7. Approval of 2024 Budget and 2023 Mill Rate Schedule (staff-Finance)

2024 Budget & 2023 Mill Rate Schedule (Fiscal Year Oct. 2023 – Sept. 2024)

May

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Meetings dates are in green, other major dates are in yellow

May 12 - Assessment notices mailed by Tax Assessor’s Office

May 31 - Distribute budget packages

June 26- Last day to appeal assessments (45 days after estimated mailing date)

June 28 - Budget packages due to the Finance Department

June 29 - Advertise budget work sessions

July 5 - Preliminary digest available

July 7 - Budget requests submitted to the Board of Commissioners

July 10 - First budget work session

July 11 - First budget work session continued and guidance to staff on proposed budget

July 25 - Proposed budget submitted to the Board of Commissioners

July 27 - Advertise proposed budget, public hearing on budget, meeting to adopt budget, and advertise first mill rate public hearing

August 3 - Advertise second mill rate public hearing

August 4 - Second budget work session (for comments from departments on proposed budget) and First mill rate public hearing

August 15 - Public Hearing on budget (with regular meeting) and Second mill rate public hearing

August 17 - Advertise final public hearing on mill rate, 5 Year History of Mill Rate, and meeting to adopt budget

August 24 – Final Advertisement (for mill rate increase only)

August 25 - Adopt budget

September 1 – Final (third) public hearing on mill rate & Adopt mill rate in regular meeting

File Attachments for Item:

8. Awarding of Solicitation #23-36001-001 Ambulance (Two) (staff-EMS)

File Attachments for Item:

9. Approval of Short Term Rental Study Committee Roster (tabled from last meeting)
 - a. Rescind January 6, 2023 motion forming Short Term Vacation Rental Study Committee and disband committee

Excerpt from January 6, 2023 BOC Minutes

11. Discussion and possible action on forming a Short Term Vacation Rental Study Committee (BS)

Chairman Sharp advised that he has received a lot of questions lately regarding Short-Term Rentals and wants to form a committee made up of people from the community to study our ordinances. He would like each commissioner to appoint one person within the next 10 days and he would like the committee to report back to the board at the second meeting in April.

Motion to form a Short Term Vacation Rental Study Committee as outlined by the Chairman.

Motion made by Commissioner Foster, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Foster, Commissioner Wooten

SHORT TERM RENTAL STUDY COMMITTEE

Maggie Milner, Chairperson

Lennie Brame

Rick Brantley

Lynn Butterworth

Alan Foster

Todd Ingle

Tommy Jefferson

Jo Jones

Steve Kollross

Cameron Smith

Charles Trumbo

File Attachments for Item:

11. Approval of Moratorium on Variances (staff-P&D/CA)

RESOLUTION TO ENACT A MORATORIUM ON VARIANCE FROM THE DEVELOPMENT STANDARDS AND PERFORMANCE STANDARDS OF PUTNAM COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Putnam County, Georgia, ("Board"), under the law of the State of Georgia has the power to establish certain restrictions on the use of land within the boundaries of Putnam County; and

WHEREAS, the Board has established, in the Putnam County Code of Ordinances, specific criteria for the grant of variance to said land use regulations; and

WHEREAS, the Board desires to amend the procedure and grounds on which variances will be granted; and

WHEREAS, the Board recognizes the need to allow for adequate time to consider and weigh the adoption of such regulations;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board that a moratorium on the grant of variances from the Land Development Code shall be enacted, as follows:

Section 1: Grant of Variance: Upon passage of this resolution, no variance shall be granted pursuant to Section 66-157(c) and Section 66-158(b).

Section 2: Impact on Other Ordinances: The provisions of this resolution shall not restrict or prohibit any improvement of any real property except that specifically stated herein.

Section 3: Effective Date and Duration: The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on March 3, 2023 at 11:00 a.m. or upon its passage and adoption, whichever shall later occur and shall terminate on June 1, 2023 at 11:59 p.m., unless extended or terminated by the Board.

SO RESOLVED, this ____ day of _____ 2023.

BY: _____
B.W. "Bill" Sharp, Chairman

ATTEST: _____
Lynn Butterworth, County Clerk