

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2007-54

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED; SPECIFICALLY CHAPTER 2, "ADMINISTRATION", ARTICLE IV, "PURCHASES AND PROPERTY DISPOSITION"; TO PROVIDE PROCEDURES BY WHICH CLAYTON COUNTY WILL OBTAIN THE BEST AND FINAL OFFERS; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Central Services Department is responsible for the procurement of goods and services with economy and quality as priorities; and

WHEREAS, the Clayton County Central Services Department seeks to ensure that end user departments will receive the requested product or service in a more timely manner; and

WHEREAS, the goal of these amendments is to enable Central Services to handle emergency situations in an expeditious manner thereby enabling the Board of Commissioners to manage purchasing issues unique in nature; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County to amend the Ordinance as hereinafter set forth.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The Board of Commissioners hereby amends the Code of Clayton County, Georgia, as amended, specifically Chapter 2, Administration, Article IV, Purchases and Property Disposition, as follows:

By deleting Section 2-109 in its entirety and by substituting the following:

“2-109 Purchasing Authority.

The Purchasing Agent shall have the authority to make purchases or lease capital equipment, materials and supplies on the open market where the purchase or lease price does exceed \$35,000.00. When the purchase or lease price exceeds \$35,000.00, the purchase or lease may be made by the Purchasing Agent only after the prospective purchase has been advertised in the official county newspaper and has been approved by the board of commissioners during a duly authorized and constituted board meeting.”

By deleting Section 2-115 in its entirety and by substituting the following:

“2-115 Special Purpose Purchasing Agents.

The director of the department of fleet maintenance and the director of the department of building and maintenance are hereby designated as "special purpose purchasing agents" for their respective departments. The named directors are authorized to purchase materials, supplies and services for their respective departments, as "emergency purchases," where the soundness and integrity of vehicles, equipment, buildings and other public property of the county over which each director has a responsibility to maintain, repair, and/or construct is at risk. The named directors are authorized to make such emergency purchases of materials and supplies (as defined in County Code section 2-91.) and contract for necessary services using competitive procedures as circumstances reasonably permit. The nature of the emergencies shall be documented by the directors and be available for submission to the board of commissioners and the department of central services upon request. The board of commissioners shall approve all emergency purchases where the materials, supplies or services are valued at \$35,000.00 or greater. The Board of Commissioners shall retain the right to request a procedural audit from the Internal Audit department on a semi-annual basis, or as needed.”

By deleting Section 2-128 in its entirety and by substituting the following:

“2-128 Emergency Purchases.

(a) In all cases where there is an immediate need for any material or supplies, goods, wares or merchandise by any department of the county, the department shall write on its requisition to the purchasing agent, the words, "For Emergency Purposes"; and, when a

requisition so marked is received by the purchasing agent, it shall be his duty to give his immediate attention to the requisition.

(b) If an emergency should arise after office hours, which emergency requires immediate action on the part of the county department involved for the protection of the best interests of the county, or should such a situation arise on a Saturday, Sunday or holiday and where it is not possible or convenient to reach the purchasing agent, any necessary purchase shall be made by the county department for which the purchase is necessary. The purchase shall be reported to the purchasing agent without delay.

(c) The Purchasing Agent, or his/her designee, can grant the authority to County departments to purchase urgently needed items arising from unforeseen causes. An emergency purchase is handled outside the normal competitive process because of the urgency of the situation. The department requesting an emergency purchase must contact their assigned buyer to begin the purchasing process. The buyer will give instructions as to what actions must be taken, and in what order, to properly execute an emergency purchase. The buyer will also instruct the department on what documentation is needed to verify the purchase and to have the invoice paid. The requesting department is responsible for determining that the purchase is an emergency and that the necessary budget is available. Purchases made outside of these provisions must be processed through the Finance Department via a request for Accounts Payable check.

(d) The Chairman of the Board of Commissioners, in conjunction with the Purchasing Agent, Finance Director and user department, can approve the emergency repair of equipment when it is deemed beneficial to the County and expediency is required.”

By deleting Section 2-133 in its entirety and by substituting the following:

“2-133 Disqualification of Bids.

Bids may be disqualified by the Director of Central Services as a result of, but not necessarily limited to, the following reasons:

1. Failure to follow Clayton County’s bid schedule.
2. Failure to return applicable compliance and/or specification sheets.
3. Failure to return applicable addenda.
4. Failure to provide information on alternates or equivalents, when allowed.
5. Failure to provide bid bond when specifically stated will result in automatic rejection.
6. Failure of bidder to sign all requested documents.
7. Failure to submit bid by deadline.
8. Failure of supplier to extend prices.
9. Failure to hold firm pricing.
10. Failure to meet specified delivery requirements.
11. Prices for services or items that exceeds the department’s budgeted amount allowed for those items.

By adding a new Section 2-136 as follows:

"2-136 General Purchasing Methods.

The following purchasing methods will be utilized as it pertains to the procurement of goods and services.

(a) Competitive Sealed Bids

Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000. All goods and services in excess of \$25,000 are required to be purchased through the sealed bid process, or negotiated by the Director of Central Services with full Board of Commissioners approval. There must be clear and defined specifications available and contracts will be awarded to the lowest responsive and responsible bidder. It will be the responsibility of the user department to develop comprehensive specifications that do not hinder competition. Competitive Sealed Bids **will not** be accepted via facsimile or email. The bids will either be advertised for a minimum of two consecutive weeks in the legal organ of Clayton County and/or can be found on the County website. The Director of Central Services reserves the right to procure goods or services from a previous bid/proposal within a reasonable amount of time, as long as the purchase price remains the same or has been reduced. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval.

(b) Competitive Sealed Proposal

The competitive sealed proposal method is used when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The primary consideration in the competitive sealed proposal method is best value. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000. All goods and services in excess of \$25,000 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners approval. Clayton County typically utilizes the Competitive Sealed Proposal method for purchasing professional services, service contracts or highly technical equipment and systems. It will be the responsibility of the user department to develop comprehensive specifications and scoring criteria that do not hinder competition. Competitive Sealed Proposals **will not** be accepted via facsimile or email. The proposals will either be advertised in the legal organ of Clayton County for a minimum of two consecutive weeks and/or can be found on the County website. An Evaluation Committee, which will be established by the Director of Central Services, will review the proposals according to a pre-determined scoring method, with the award going to the proposal with the highest score. The Director of Central Services reserves the right to procure goods or services from a previous bid/proposal within a reasonable amount of time, as long as the purchase price remains the same or has been reduced. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval.

(c) Best and Final Offers

The Clayton County Central Services department may elect to solicit best and final offers from offerors under consideration for award after the initial evaluation of proposals. Best and final offers can only be utilized when evaluating Requests for Proposals (RFPs) and should never be used in the Competitive Sealed Bid process. Best and final offers should only be requested once during the RFP process and should not be used as a matter of routine. The development of clear specifications / scope of work and evaluation criteria, the selection of a qualified evaluation committee and the removal of all biases and conflicts of interests from the process should minimize the need for best and final offers. If the best and final offer procedure is to be used in the negotiation and evaluation process, then this must be stated in the RFP for the offerors' notification and consideration. When soliciting best and final offers, the Clayton County Central Services department will establish a common date and time for the submission of best and final offers, and will only allow the submission of information related to pricing. No changes will be allowed with any technical information submitted unless it is in the best interest of Clayton County to change requirements and require another submission of best and final offers. After the best and final offer is submitted, no further negotiations shall be conducted with the offerors. The offerors' proposals will be rescored to combine and include the information included in the best and final offer. The decision to award will be based on the final evaluation, including the best and final offer. Offerors must be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

Discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible to being selected for award for the purpose of clarification to ensure full understanding of and responsiveness to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to the opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of information derived from proposals submitted by competing offerors.

(d) Informal Written Quotation

The Written Quotation method is used for all purchases from \$500 to \$24,999.99. Buyers are required to solicit quotations and receive written responses from vendors. All reasonable efforts will be made to obtain three (3) written quotations for each item solicited. Written Quotations do not require advertising. Vendors will be randomly chosen from our vendor list according to commodity code. Two (2) vendors can be added to the randomly generated list at the discretion of Central Services staff members. Facsimiles and e-mails are acceptable forms of written quotations. Awards for Written Quotations are given strictly on a lowest cost method.

(e) Telephone Bid

The Telephone Bid method is used for all purchases from \$.01 to \$499.99. Buyers are required to solicit informal quotes over the telephone and receive responses via

telephone, facsimile or e-mail from a minimum of three vendors. Telephone bids do not require advertising. Vendors will be randomly chosen from our vendor list according to commodity code. Two (2) vendors can be added to the randomly generated list at the discretion of Central Services staff members. Awards for Telephone Bids are given strictly on a lowest cost method.

(f) Annual Contracts

Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the County to order goods and services directly from the awarded suppliers through the use of an Annual Contract document. Should the awarded supplier be unable to provide the contract item or service by the requested delivery date, or should the terms of the contract cause unreasonable financial strains on the County, items may be obtained in the open market through the competitive process. The Purchasing Agent has the authority to purchase unlimited quantities of goods utilizing active annual contracts. O.C.G.A., Section 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." This allows the Purchasing Agent to utilize statewide contracts when this practice serves the best interests of Clayton County. The Clayton County Board of Commissioners makes the final award for state contract purchases of \$35,000 and greater.

(g) Sole Source Purchases

Before making a determination of Sole Source, research must be conducted to determine if other products or service providers exist that can satisfy the procurement requirements. Sound procurement practice requires that Sole Source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The Purchasing Agent requires all Sole Source providers to supply a letter stating that they are the Sole Source for a given product or service and why they are considered to be the Sole Source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners."

By adding a new Section 2-137 as follows:

"2-137 Process for Placement on Bidder's List.

Suppliers interested in participating in the bidding process may be placed on Clayton County's bidders list by completing a Bidder's Mailing List Application, available in the Central Services Department or on the County's website. All interested parties will be required to list the commodities related to the various materials, equipment, supplies and/or services that are provided. The suppliers will be placed on the bidders list according to the commodity codes they provide. However, a supplier may submit a bid without being listed for that commodity or without being on the bidders list at all. All suppliers are responsible for notifying the Clayton County Central Services Department of changes in company name, address, phone number, e-mail address, etc."

By adding a new Section 2-138 as follows:

“2-138 Soliciting Bids and Proposals.

Clayton County will employ the following methods to solicit bids and proposals:

(a) E-mail Solicitation

All sealed bids and proposals will be e-mailed to each vendor on the Clayton County approved bidder’s list. This represents a paperless solicitation process in which all vendors are notified of all sealed bid and proposal opportunities. Vendors that do not supply certain goods or services for a particular bid or proposal are asked to submit a “no bid” to the Clayton County Central Services department via email, facsimile or letter.

(b) Mail Solicitation

Bids and proposals can be mailed to suppliers on Clayton County’s approved bidder’s list, and to any suppliers that may be suggested by the User Departments. However, Clayton County cannot guarantee that every supplier contained on the approved bidder’s list will receive a copy of every bid or proposal opportunity for a particular commodity. Suppliers are urged to review the various methods of notification Clayton County uses to solicit bids and proposals.

(c) Newspaper

Bids and proposals with a cost of \$25,000 or greater will be advertised in the legal organ of Clayton County for a time period of no less than two (2) consecutive weeks. All public works construction contracts will be advertised according to O.C.G.A., Section 36-91-20.

(d) County Website

All bids and proposals will be posted on the Clayton County website, www.co.clayton.ga.us.

(e) Central Services Bulletin Board

All solicitations are posted on the glass-enclosed bulletin board at the entrance of the Clayton County Central Services Department. All information is current and is updated daily.”

By adding a new Section 2-139 as follows:

“2-139 Pre-Bid and Pre-Proposal Conferences.

Certain types of bids and proposals facilitate the need for pre-bid and pre-proposal meetings. These meetings are held in order to clarify specifications and expectations, to answer supplier questions specific to a certain bid or proposal or to allow suppliers to conduct an on-site review and inspection. Some pre-bid and pre-proposals are mandatory and some are voluntary. The bid document will state whether a pre-bid meeting is mandatory or voluntary. Any changes to the original bid or proposal will be made in writing in the form of an addendum, and will be mailed, faxed or e-mailed to all suppliers who have originally received or requested the solicitation. All questions and requests for additional

information must be directed to the names on the bid or proposal to ensure that all suppliers receive accurate and consistent information.”

By adding a new Section 2-140 as follows:

“2-140 Bonding and Insurance Requirements.

(a) Codes, Permits, Fees, Etc.

All permits, fees, arrangements for inspections, licenses, and costs incurred for the same project shall be the responsibility of the successful contractor. All work materials and construction must comply with all applicable rules and regulations of local, state and/or national codes, laws and ordinances.

(b) Site Examination

It shall be the responsibility of each bidder to visit the site of the proposed project to examine the conditions as they exist.

(c) Insurance

All bidders will be required to comply with Clayton County’s insurance requirements. A statement listing required coverage can be obtained from the Central Services department and must be carried without reservation or exclusion should the bidder be awarded this project. Failure to comply could result in a bid or proposal being found non-responsive.

(d) Exceptions and Omissions

If exceptions are taken to any portion of these specifications, such exception must accompany the bid and must be in writing. If any feature normally included in a complete job of this nature is omitted from these specifications, it too must be so stated in writing and be included with the bid.

(e) Performance Bond

The successful contractor shall be required to furnish a Performance Bond in an amount equal to the contract price. Bond must be filed with the Director of Central Services within ten (10) days after approval of the contract.

(f) Payment Bond

The successful contractor shall be required to furnish a Performance Bond in an amount equal to the contract price. Bond must be filed with the Director of Central Services within ten (10) days after approval of the contract.

(g) Affidavit

The successful contractor shall be required to execute an Affidavit in compliance with Georgia Code Annotated, Section 36-91-21 (e).

Clayton County reserves the right to accept or reject any and/or all bids, to re-advertise and to waive any technicalities.”

By adding a new Section 2-141 as follows:

“2-141 Process for Submitting a Bid.

All bidders are required to follow the bid submittal procedures contained herein:

1. Follow the instructions set forth in the bid or proposal. All bids and proposals include a copy of “Instructions to Bidders” that list certain instructions pertaining to all solicitations. In addition, there are specific instructions included in the bid and proposal documents that are unique to that particular bid.
2. Any questions regarding the bid or proposal should be directed to the appropriate Purchasing Agent or County employee as named in the solicitation as directed.
3. In order to submit a bid or proposal, the supplier must be able to responsibly meet the minimum requirements set forth in the solicitation.
4. Suppliers who are unable to meet the requirements of the solicitation should complete the appropriate form included in the bid package indicating a “No Bid”. The form should be returned to the Clayton County Central Services Department. It is very important for all suppliers to submit a response to each solicitation, even if it is a “No Bid”. Three (3) consecutive “No Responses” to solicitations will result in that supplier being removed from the Bidders List for that particular commodity.
5. Clayton County reserves the right to make an award determined to be in its best interest, which could include splitting a multi-item bid between suppliers or awarding a bid based on categories other than lowest cost, should other measurable financial savings be present.
6. Each bidder shall certify in writing that such bidder has not engaged in any collusive or anti-competitive practices in responding to a solicitation for bids or proposals. A declaration of non-collusion is simply a statement made by the supplier which states that the bid submitted is a bona fide bid that has been prepared independent of other bidders, and is in all respects fair and without collusion or fraud.
7. All bids or proposals must be submitted in a sealed envelope clearly marked as a “Sealed Bid” and with the solicitation number and description and company name and address in the upper left corner of the envelope. The envelope should be addressed to the **Clayton County Central Services Department; 7994 N. McDonough Street; Jonesboro, Georgia 30236**. Documents must be submitted via hand-delivery, mail or express delivery service. Clayton County **will not** accept facsimile or emailed copies as a valid form of sealed bid.
8. Clayton County has the right to reject any and all bids if it is in the best interest of the County.”

By adding a new Section 2-142 as follows:

“2-142 Process for Receiving Bids and Proposals.

Bids and proposals must be in a sealed envelope or package before they will be eligible for consideration. The Clayton County Central Services Department must receive all bids and proposals on or before the date and time specified in the document. Late bids **will not** be accepted and will be returned unopened to the supplier. There are no circumstances that will allow a late bid or proposal to be accepted. The envelope or package

containing the sealed bid will be time and date stamped and placed in a secure location until the date and time of the bid opening.”

By adding a new Section 2-143 as follows:

“2-143 Process for Opening Bids and Proposals.

1. Bids and proposals shall be opened publicly in the presence of one or more witnesses on the date and at the time and place specified in the specification documents. Suppliers and interested parties are invited to attend.
2. During the opening of the bid, the following information will be read aloud: the name of each supplier submitting a sealed bid, pricing information and any other relevant information. At this time all bids are considered to be open record.
3. During the opening of proposals, only the name of each supplier shall be announced. No other information will be disclosed nor shall the proposal be considered open record until the proposal is awarded.
4. Once the bid or proposal is opened, copies of the documents are forwarded to the User Departments for their evaluation and recommendation.”

By adding a new Section 2-144 as follows:

“2-144 Late Bids, Withdrawals, and Corrections to Bids.

Late Bids

Bids or proposals received after the date and time stated in the Invitation to Bid **will not** be accepted.

Withdrawals

A bidder wishing to withdraw their bid prior to the bid opening may submit a letter to the Clayton County Central Services Department requesting to withdraw. No bidder will be allowed to withdraw their bid subsequent to the bid opening. Any clerical errors should be reported to the Purchasing Agent, who has the authority to reject any and all bids if it serves the best interests of the County.

Modification/Correction

If an error is discovered prior to the opening, the supplier can submit a corrected sealed bid or proposal. The corrected document should be clearly marked that it supersedes the bid or proposal originally submitted. No corrections will be allowed subsequent to the bid opening. Any clerical errors should be reported to the Purchasing Agent, who has the authority to reject any and all bids if it serves the best interests of the County.”

By adding a new Section 2-145 as follows:

“2-145 Evaluation of Bids and Proposals.

1. Bids are evaluated by the User Department, which submits a letter of recommendation to the Central Services Department. The bid recommendation is reviewed by the Central Services Department and is then presented to the Clayton

County Board of Commissioners for its approval. The recommendation is made to the lowest responsive and responsible bidder.

2. Proposals will be reviewed and scored by an Evaluation Committee that will be established by the Director of Central Services. The proposals are scored based on the criteria set forth in the document. The evaluator may create a short list from proposals received, based on the criteria. The top firms may be interviewed and the prices reviewed to determine the final score. Once a firm has been chosen, the User Department submits a recommendation to the Clayton County Central Services Department. This recommendation is then presented to the Clayton County Board of Commissioners for their approval or rejection.”

By adding a new Section 2-146 as follows:

“2-146 Responsibility of Bidders.

An apparent low bidder may not be recommended for award of a bid or contract if they are found to be non-responsible. The Director of Central Services, setting forth the reasons for non-responsibility, shall inform the “non-responsible” bidder via written letter. Reasons that a supplier may be deemed non-responsible are as follows:

1. Previous supplier performance problems as documented in the supplier performance file, maintained by the Central Services Department.
2. Failure to meet contractual obligations after the award has been made.
3. Failure to conform to required delivery, specifications or detailed requirements.
4. Submission of a bid or offer in such a manner that would prevent the establishment or determination of a firm bid price. Such qualifications would include refusing to hold firm prices or submitting bid prices subject to manufacturer increases/decreases, market conditions or minimum order quantities.
5. Submission of a bid that is contingent upon receiving the award of another bid.
6. Failure to provide a bid surety or meet insurance requirements, when specifically required in the bid.
7. Submission of solicitation exceptions, when not acceptable to Clayton County based on its own best interests.”

By adding a new Section 2-147 as follows:

“2-147 Tie Bids.

Bids received from two (2) or more suppliers that are identical in price, delivery and meet the requirements of the bid specifications shall be awarded on the following basis:

1. The bid submitted by a supplier who does not have a documented negative supplier performance record contained in the vendor file.
2. The bid submitted by a supplier located within Clayton County who has a current Occupation Tax Certificate issued by Clayton County, or one of the municipalities located within the County.
3. If the tie bids meet all the above criteria, and it is not in the County’s best interest (at its sole discretion) to split the award, the bid award is based on the toss of a coin by

the Central Services staff in a public session. The bidders involved will be invited to attend the coin toss at a stated date and time. One or more witnesses from Central Services and the User Department may be present. A simple coin toss (called by the company listed first in the alphabet) will break the tie and decide the award.”

By adding a new Section 2-148 as follows:

“2-148 Post Bid/Proposal Award.

When an award of a bid or proposal is made, a purchase order is issued, a contract is prepared or a price agreement is established. Suppliers awarded annual contracts receive an Annual Notice followed by orders from the User Departments in the form of a voucher. When contracts are issued for projects or services, the supplier returns the signed contract along with any required insurance and bonding documents. A copy of the executed contract, along with a Notice to Proceed, is sent to the successful supplier so that work may proceed.”

By adding a new Section 2-149 as follows:

“2-149 Penalties for Non-Performance.

Performance problems documented by the User Department and forwarded to the Central Services Department will be reviewed and every effort will be made to resolve the issue. Should a performance problem exist that cannot be resolved with the intervention of the Central Services Department, a supplier may be placed on the Ineligible Source List. Any supplier placed on the Ineligible Source List by the Central Services Department will not be eligible to provide any commodities and services to the County during the time such firm remains on the list. The length of time a supplier remains on the list is dependent on the severity of the performance problem, not to exceed three (3) years. The following are persons or companies who may be placed on the Ineligible Source List:

1. Any person who submits a bid or proposal in bad faith.
2. Any person who willfully or repeatedly breaches a contract with the County.
3. Any person who repeatedly refuses to accept a bid or proposal award.
4. Any person who has established a pattern or practice of unethical or immoral business practices.
5. Any person who has been convicted of a crime involving moral turpitude.
6. Any person, who is owned, controlled or managed, in whole or in part by any other person described in (1) through (5) above.

By adding a new Section 2-150 as follows:

“2-150 Purchasing – Supplier Relationships.

Meetings

Suppliers are encouraged to meet with Central Services staff members for legitimate reasons. However, suppliers are urged to make an appointment with the staff member they wish to visit in advance. There are several times during the year in which the busy schedule of staff members may not allow them to meet with suppliers, or the time allotted for

meetings may be very limited. Information such as catalogs and new product information is always helpful and welcome.

Requested Research

From time to time User Departments may request suppliers to perform specific research prior to the official request for purchase. In these situations, the supplier has no guarantee of receiving the award as a result of providing research or other information. The commodity or service may be required to be bid, which would result in the award being given to the lowest responsive and responsible bidder.

Gratuities

The Clayton County Civil Service Rule # 3.104 states, "No employee shall accept any gift, favor or other reward other than his regular salary, or as provided for by law, for any service rendered as an employee of Clayton County, Georgia. Gifts to whole departments may be received upon approval of the department head. All such rewards to any department rendering such services, and prorated equally among the employees of that department at such intervals as the employees by a majority vote shall direct."

Section 2. In the event any section, paragraph, subpart, sentence, clause, phrase, or word of the Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this Ordinance which shall remain in full force and effect as if the portions declared invalid or unconstitutional had never been enacted into law.

Section 3. All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this ordinance are hereby repealed.

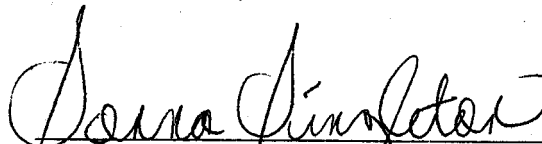
Section 4. This Ordinance shall become effective following its approval by the Board of Commissioners after the second reading of the Ordinance, provided the same receives an affirmative vote of three or more members, and provided further that a copy of the Ordinance has been published in the official organ of Clayton County and filed with the Secretary of State of Georgia as required by law.

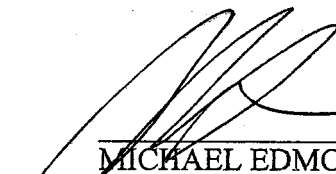
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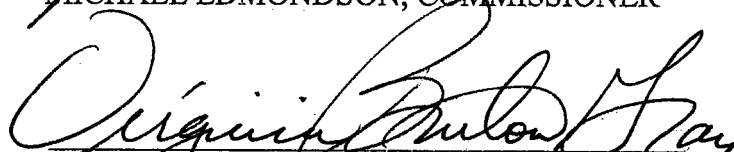
SO RESOLVED, this the 20th day of March, 2007.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

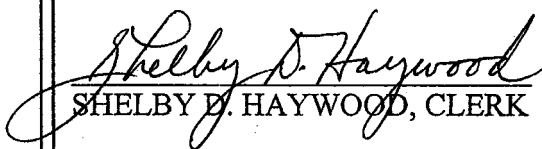

SONNA SINGLETON, VICE-CHAIRMAN


MICHAEL EDMONDSON, COMMISSIONER


VIRGINIA BURTON GRAY, COMMISSIONER


WOLE RALPH, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK