

Stonecrest Housing Authority

August 11, 2021

4:00 p.m.

Virtual Meeting – City of Stonecrest YouTube Channel

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

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. REVIEW AND APPROVAL OF MINUTES FOR JULY 14, 2021 MEETING

V. PUBLIC COMMENTS

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

VI. REPORTS AND PRESENTATIONS

a. Treasurer's Report

i. Funds Status

ii. Insurance

b. Stonecrest City Finance Director's Report on SHA Funds

c. Report on possible uses for SHA funds

VII. OLD BUSINESS

a. Discussion: In-person meetings

b. Discussion: Stonecrest Housing Authority Purchasing Policy

c. Discussion: Stonecrest Housing Authority Code of Ethics

d. Confirm meeting with Firestation 439

VIII. NEW BUSINESS

a. None

IX. EXECUTIVE SESSION (when required)

X. OTHER BY COMMISSIONERS

XI. ADJOURNMENT

Stonecrest Housing Authority
PURCHASING POLICY

LAST REVISED: 8/9/2021

DRAFT

ARTICLE I. GENERAL PROVISIONS	3
SECTION 1.01 PURPOSE AND OBJECTIVE	3
SECTION 1.02 SCOPE OF POLICY	3
SECTION 1.03 DEFINITIONS	4
ARTICLE II. ETHICS IN PROCUREMENT	10
ARTICLE III. PURCHASING AGENT	13
ARTICLE IV. PROCUREMENT PROCESS	16
ARTICLE V. PURCHASING THRESHOLDS	19
ARTICLE VI. COMPETITIVE PROCUREMENTS	19
SECTION 6.01 INFORMAL SOLICITATIONS	19
SECTION 6.02 FORMAL SOLICITATIONS	20
SECTION 6.03 SOLICITATIONS REQUIRING PUBLIC NOTICE IN GEORGIA PROCUREMENT REGISTRY (GPR)	25
ARTICLE VII. NON-COMPETITIVE PROCUREMENTS	26
ARTICLE VIII. PREFERABLE GOODS AND SERVICES	30
SECTION 8.01 PREFERENCE FOR PRODUCTS MANUFACTURED IN GEORGIA	30
SECTION 8.02 ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES	31
ARTICLE IX. PROTESTS, SUSPENSION, AND DEBARMENT	32
ARTICLE X. PROPERTY DISPOSAL	35
APPENDICES	37
APPENDIX A: SAMPLE REQUISITION FORM	37

Article I. GENERAL PROVISIONS

Section 1.01 PURPOSE AND OBJECTIVE

- (a) The purpose of this policy is to state the Housing Authority's position regarding the responsibility and authority for the acquisition and contracting for Goods, Services, Professional Services, Real Estate, and Capital Assets. This policy will clarify purchasing functions and outline purchasing policies, as well as describe departmental relationships, responsibilities, and participation in the procurement cycle. Moreover, this policy will provide control functions, assure proper record keeping and confirm purchases in writing to allow the Housing Authority to meet the following goals:
- (i) Ensure funds are spent in the most economical way;*
 - (ii) Encourage and promote fair and equal opportunity for all persons doing, or seeking to do, business with the Housing Authority;*
 - (iii) Safeguard the quality and integrity of the Housing Authority's procurement process;*
 - (iv) Ensure compliance with laws and regulations pertaining to procurement;*
 - (v) Administer procurement contracts and contract amendments; and*
 - (vi) Properly dispose of all material and equipment declared to be surplus or obsolete.*

Section 1.02 SCOPE OF POLICY

- (a) This policy and the award of bid provisions herein are solely for the fiscal responsibility and benefit of the Stonecrest Housing Authority, and confer no rights, duties or entitlements to any vendor, bidder or proposer.
- (b) The scope of this purchasing policy covers the procurement of most Goods and Services for non-construction purposes without regard to the past method by which the material or service has been or is customarily procured. The policy covers all contractual and purchase agreements between the Housing Authority and another Person. The procurement function includes the initial agreement/purchase, changes and/or re-negotiations. This policy establishes the specific responsibility and authority of the procurement of materials and services.
- (c) The provisions of this policy do not apply to procurements for the following:
- (i) Services and construction whose procurement falls under a conflicting federal or Georgia statute;*

- (ii) Works of art for public places, or other creative/artistic endeavors that require a particular and demonstrated skill or talent to include, but not limited to, artists, musicians, and writers;*
- (iii) Antiques and other unique assets of historical value, including restoration of these items;*
- (iv) Employee Benefits and health related services procured through a quotation and negotiating process conducted by an expert in the field, or to maintain continuity of employee-health records;*
- (v) Travel, conferences, training, speakers, instructors, facilitators, and meeting expenses, or other expenditures only if covered by another Housing Authority policy;*
- (vi) Dues, memberships, and board member fees established during the budget process;*
- (vii) Insurance procured through a negotiating process;*
- (viii) Legal services, litigation, experts and materials, and related legal expenses;*
- (ix) Items or services procured for resale or to generate a revenue;*
- (x) Advertisements including, but not limited to, bid/proposal solicitations and legal advertisements required by law or by Housing Authority policy;*
- (xi) Financial Instruments: Professional services and instruments/products related to the Housing Authority's financial well-being, including but not limited to the following areas: marketing of bonds and other forms of debt or debt management, investments, banking, assets, and pension assets;*
- (xii) Subscriptions and dues established during the budget process;*
- (xiii) Utilities;*
- (xiv) Seized Property included in a court order authorizing disposal;*
- (xv) Grant awards or agreements that require certain firms or individuals to perform the work;*
- (xvi) Contracts involving federal funding whose procurement falls under a conflicting federal or Georgia statute or regulation.*

Section 1.03 DEFINITIONS

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

- (i) *ADDENDUM means a change, clarification or correction in the Solicitation Documents, prior to the award of a Contract.*
- (ii) *AMENDMENT means an agreed upon change order, addition to, deletion from, correction or modification of a Contract including a Contract Extension or a Contract Renewal.*
- (iii) *BID / PROPOSAL BOND means a form of bid security executed by the Bidder (or Proposer) as principal and by a Surety, to guarantee that the Bidder (or Proposer) will enter into a Contract within the time specified in the Invitation for Bid or Request for proposals, and will furnish the necessary bonds and insurance, and meet any other requirements of those documents.*
- (iv) *BIDDER means a person or entity submitting a bid or quote to the Housing Authority for the supply of Goods or Services.*
- (v) *CAPITAL ASSET is an item of personal property having a normal life expectancy of three years or more other than components.*
- (vi) *HOUSING AUTHORITY means the Stonecrest Housing Authority and, as the context warrants, those persons or bodies authorized to act on its behalf, including, but not limited to, the Commissioners, committees, boards and staff.*
- (vii) *HOUSING AUTHORITY ETHICS POLICY shall mean Article II, Ethics in Procurement and the Stonecrest Housing Authority Code of Ethics*
- (viii) *HOUSING AUTHORITY FINANCE DIRECTOR/FINANCE DIRECTOR means the department head of the Housing Authority Finance Department, if such a department is in existence.*
- (ix) *COMPETITIVE AWARD means a procurement based upon the outcome of one of the competitive processes set forth in this Policy, where award is made based on the lowest quotation or Bid submitted by a responsible and responsive Bidder or to the most qualified or advantageous Proposer based on the qualitative and/or quantitative factors identified for the procurement. A Competitive Award can be made even if only a single bid or proposal has been received from a Bidder or Proposer who is determined to be responsible and responsive.*
- (x) *CONSTRUCTION means the process of building, altering, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property including the provision of materials therefor. The term "Construction" does not include the routine operation, repair and/or maintenance of existing structures, buildings, or real property.*
- (xi) *CONSTRUCTION SERVICES means services rendered by an independent and licensed contractor having expertise in Construction.*

DRAFT

Formatted: Not Highlight

Deleted: n

Deleted: Article ?, Ethics, of Chapter ?, Administration of the Ethics Policy of the Stonecrest Housing Authority Policy, Stonecrest, Georgia.

- (xii) *CONTRACT* means all types of Housing Authority agreements for the purchase or disposal of Goods, Real Estate or Capital Assets, and the procurement of Services, Professional Services or Construction Services regardless of what they may be called, including contracts for a fixed price, cost plus a fixed fee, incentive contracts, and contracts providing for the issuance of job or task orders, leases, letter contracts and purchase orders. Contracts also include Amendments, modifications and supplemental agreements with respect to any of the foregoing. Every Contract must be duly authorized and approved prior to execution.
- (xiii) *CONTRACT EXTENSION* means an Amendment to a Contract that includes an increase in the term of a Contract, for which no options to renew the Contract beyond the current expiration date exist.
- (xiv) *CONTRACT RENEWAL* means an exercise of an approved, existing option to increase the term of a Contract. Options to renew a Contract are often done in annual increments.
- (xv) *COOPERATIVE PURCHASE* means a group of public entity purchasers organized for the purpose of creating contracts or pricing agreements in order to take advantage of group or quantity buying discounts or special pricing from which members of the group can benefit.
- (xvi) *EMPLOYEE* means an individual drawing a salary or wage from the Housing Authority whether on a full-time or part-time basis. For purposes of this Purchasing Policy the term "employee" shall include, any Vendor or any employee of such Vendor who has entered into a Contract with the Housing Authority to provide administrative and department services.
- (xvii) *EMERGENCY PROCUREMENT* means any procurement of Goods, Capital Assets, Services or Professional Services in the context of an Emergency as defined in Section VII Subsection C.
- (xviii) *EMERGENCY* means a situation that occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public under the Housing Authority purview or Housing Authority Employees and affects the continuation of services to Housing Authority tenants, and/or serious loss or injury to the tenants. Emergency shall also mean a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements to include declared emergencies of the state or federal government.
- (xix) *ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES* means Goods and Services that have a lesser or reduced negative effect on human health and the environment when compared with competitive Goods and Services that serve the same purpose.

- (xx) *GEORGIA PROCUREMENT REGISTRY* means the state’s central bid registry established by the Department of Administrative Services, which provides a public listing of solicitations posted by state entities and local governments.
- (xxi) *GIFTS or FAVORS* means anything of any service or value. Value shall as defined in any Stonecrest Housing Authority ethics policy.
- (xxii) *GOODS or COMMODITIES* means supplies, apparatus, materials, equipment and other forms of tangible personal property used by a Housing Authority department in the accomplishment of its responsibilities other than Capital Assets.
- (xxiii) *GOVERNING AUTHORITY* means the Housing Authority of the City of Stonecrest.
- (xxiv) *INFORMAL WRITTEN QUOTES (IWQ)* means all documents utilized for soliciting quotations for Goods, Services, or Professional Services, in which award is made based on the lowest responsive and responsible quotation and in which the type or cost of the procurement does not require a more formal Bid or proposal process.
- (xxv) *INVITATION FOR FORMAL BID (IFB)* means all documents utilized for soliciting bids, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. Bids are requested when requirements are clearly defined, price is the major determining factor for award, and a formal sealed submittal is required.
- (xxvi) *LATE BID/PROPOSAL* means a Bid or proposal received after the time or date such bid or proposal was due, as stated in the Solicitation Documents.
- (xxvii) *LIFE CYCLE COST ASSESSMENT* means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service and disposal costs.
- (xxviii) *MULTIPLE AWARD CONTRACT* means a Contract based upon one solicitation awarded to two or more Vendors to supply Goods or Services.
- (xxix) *NEGOTIATED AWARD* means a procurement made as the result of negotiations between the City and a Supplier, such as a Sole Source Procurement or Single Source Procurement or another instance, including competitive Invitation to Negotiate, where a Contract award based on direct negotiations with a Supplier of Goods or Services is appropriate.
- (xxx) *OFFICIAL* means any person appointed by the City of Stonecrest City Council to serve on the Stonecrest Housing Authority.
- (xxxi) *PAYMENT TERMS* means the established due date for payments by the Housing Authority to pay an invoice. Absent any agreement otherwise stated, the Housing Authority’s payment term will be Net 30.

Formatted: Not Highlight

(xxxii) *PERFORMANCE BOND* means a bond provided by a contractor/supplier in which a surety guarantees to the Housing Authority that the Goods or Capital Assets are delivered, or the Services or Construction Services are performed in accordance with the Contract documents. A letter of credit issued by a financial institution that meets the Housing Authority's requirements may, at the reasonable discretion of the Housing Authority, be substituted for the performance bond.

Deleted: delivered

(xxxiii) *PERSON* means any business, entity, company, firm, individual, union, committee, club or other organization or group of individuals.

(xxxiv) *PRACTICABLE* means satisfactory and within reason when considering price, performance, availability, compatibility with specified operation, and public safety.

(xxxv) *PRE-QUALIFICATION* means the part of a competitive procurement process in which the Housing Authority determines, based on standards developed for a specified product or service, which interested Vendors meet those standards and are eligible for further consideration in the purchasing process.

(xxxvi) *PROFESSIONAL SERVICES* means services rendered by an independent contracting individual or firm having expertise in a particular industry or subject matter due to specialized education, training, licensure or skill, and consisting primarily of advice reports, conclusions, recommendations or other outputs resulting from the time and effort of the service provider, as opposed to the acquisition of specific commodities, or of services not requiring any specialized education, licensing, training or skill (e.g. janitorial services). Professional Services include, but are not limited to, evaluations, consultations, management systems, management consulting, compiling statistical data, support of planning and operating activities, appraisal services, and research and development studies or reports.

(xxxvii) *PROPOSER* means a Person submitting a proposal or qualifications to the City for the supply of Goods, Capital Assets, Real Estate, Construction Services, Services, or Professional Services.

(xxxviii) *PURCHASE ORDER* means a document approved and issued by the Purchasing Agent or designee and accepted by the Vendor to obtain Goods, Capital Assets, and Services.

(xxxix) *PURCHASING* is the process of securing real estate, capital assets, materials, services, repairs, leases and rentals necessary for the operation and support of the Housing Authority. The renewal, renegotiations and changes to Contracts, leases and agreements are functions of purchasing.

(xl) *PURCHASING AGENT* means the principal purchasing official of the Housing Authority who is authorized and appointed to purchase a range of Goods, Capital Assets, Real Estate, Services, Construction Services, or Professional Services on a routine basis.

- (xli) *REAL ESTATE* means land and any improvements and appurtenances thereto.
- (xlii) *REAL ESTATE ACQUISITION* means the acquisition of a fee interest, estate for years or usufruct in Real Estate by purchase or lease.
- (xliii) *REQUEST FOR PROPOSALS (RFP)* means all documents utilized for soliciting proposals for Goods, Capital Assets or Services, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. This method is used when factors in addition to price are considered for award.
- (xliv) *REQUEST FOR QUALIFICATIONS (RFQ)* means all documents utilized for soliciting qualifications for Goods, Services, Capital Assets, Construction Services or Professional Services.
- (xlv) *REQUISITION* means an internal document, provided by a department to the Purchasing Agent that contains the fund source, approvals, descriptions, quantities and other information about the Goods, Capital Assets, Real Estate, Services, Construction Services or Professional Services in order to proceed with the procurement. The Requisition becomes valid when properly completed and approved.
- (xlvi) *RESPONSIBLE BIDDER OR PROPOSER* means a Person, who, in the exclusive judgment of the Housing Authority, (a) has the capability in all respects to fully perform the Contract requirements; and (b) the integrity, experience, qualification, and reliability which assures good faith performance.
- (xlvii) *RESPONSIVE BIDDER OR PROPOSER* means a Person, who, in the exclusive judgment of the Housing Authority, has submitted a bid or proposal that conforms in all material respects to the Solicitation Documents.
- (xlviii) *SERVICES* mean any performance of effort or labor, for which the Housing Authority has contracted other than Professional Services or Construction Services. Services include, but are not limited to, janitorial, and landscaping.
- (xlix) *SHORTLISTING* means the part of a competitive procurement process in which the Housing Authority determines, based on criteria developed for a specified Good, Service, or Professional Service which of the interested Vendors are the best qualified to be eligible for further consideration in the purchasing process.
- (l) *SINGLE-SOURCE PROCUREMENT* means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services among others in a competitive marketplace, which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling a given Purchasing need of the Housing Authority.

- (li) *SOLE-SOURCE PROCUREMENT means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services when that source is the only one available that can fulfill a given Purchasing need of the Housing Authority.*
- (lii) *SOLICITATION DOCUMENTS means an Invitation for Bids, Request for proposals, Request for Qualifications, Request for Quotations, or an Invitation to Negotiate including all of the associated forms and documents of each solicitation, or any other types of documents used by the Housing Authority to procure Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.*
- (liii) *SPECIFICATION OR SCOPE OF WORK means any description of the physical or functional characteristics, or of the nature of Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services. Specifications or Scope of Work may include any function and other criteria that will be required to perform the work and a description of any requirement for inspection, testing, or delivery.*
- (liv) *SUPPLIER, MERCHANT OR VENDOR means a Person currently supplying or in the business of supplying Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.*
- (lv) *SURETY means an organization who, for a consideration, promises in writing to make good the debt or default of another organization. The Surety must be satisfactory to the Housing Authority and licensed to do business in Georgia.*
- (lvi) *THE USING DEPARTMENT/DIVISION (User) is defined as the department which has the authority and responsibility for determining the need for an item or service, its related specifications, and need date. The User is responsible for funding the need and advising Purchasing of the approved funding and the specific budget account number. The User is responsible for authorizing the purchases of all materials, services, repairs, leases and rentals in which the negotiated price exceeds the approved funding.*

Article II. ETHICS IN PROCUREMENT

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

- Deleted: City
- Deleted: City
- Deleted: City

(a) Employee Conflict of Interest

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

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

Formatted: Not Highlight

(b) Gratuities, Rebates or Kickbacks

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

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

- i) A "thing of value" shall not include:
 - a. Any gift with a value less than \$25,000;
 - b. Food or beverage consumed at a single meal or event;

Deleted: 100

- c. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
- d. Promotional items generally distributed to the general public or to public officers;
- e. Rebates normally or routinely offered to customers in the ordinary course of business of such person, business or entity for the purchase of their Goods and Services are acceptable and are the property of the Housing Authority; and
- f. Educational events, materials, and meals as described in subparagraph (2).

ii) *Educational Events. Nothing in this section shall preclude an Employee or Official of the Housing Authority from attending seminars, courses, lectures, briefings, or similar functions at any person, business, or entity's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the Official, Employee, or Agent with knowledge and information relative to the person, business, or entity's products or services and is one which the collective Housing Commissioners determine would be of benefit to the Housing Authority. In connection with any such seminar, course, lecture, briefing, or similar function, nothing shall preclude the Employee or Official from receiving meals or educational materials and ~~business-related~~ items of not more than nominal value from a person, business, or entity. However, no Employee or Official shall accept or receive free travel or lodging for less than the value thereof from a person, business, or entity.*

Deleted: business related

- 2) **Kickbacks and Rebates.** It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a Contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract or order.
- 3) **Contract Clause.** The prohibition against gratuities, rebates and kickbacks prescribed in this Section shall be referenced in every Contract and Solicitation.

(c) **Prohibition Against Contingent Fees**

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

(d) **Use of Confidential Information**

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

(e) Unauthorized Purchases

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

(f) Penalties and Sanctions

- 1) Legal or disciplinary action by the Housing Authority.
- 2) The Housing Authority may take appropriate legal and/or disciplinary actions pursuant to the Housing Authority Code of Ethics against any Employee, Official or other Person in violation of these ethical standards.
- 3) *Administrative penalties for Employees.* The Housing Authority may impose any one or more of the following penalties or sanctions on an Employee for violations of the ethical standards in this Section as appropriate to the situation, subject to the Personnel Manual or other appropriate appeals procedures:
 - a) Oral or written warnings or reprimands.
 - b) Suspensions with or without pay for specified periods of time.
 - c) Termination of employment.
- 4) *Administrative penalties for outside contractors/Vendors.* The Housing Authority may impose any one or more of the following penalties or sanctions on a Vendor or other Person or organization for violations of these ethical standards:
 - a) Written warnings or reprimands.
 - b) Termination of Contracts.
 - c) Debarment or suspension.

(g) Vendor Contact During Open Solicitations

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

Article III. PURCHASING AGENT

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

(a) Duties and Responsibilities

The Purchasing Agent shall faithfully discharge the following duties and powers of said office:

- 1) Direct efforts to procure Goods, Capital Assets, Real Estate, Services, Construction Services, Leases, Service Agreements and Professional Services in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest and Georgia law.
- 2) Arrange and negotiate the purchase or Contract for all equipment, supplies and contractual services for the Housing Authority or any using agency; arrange and negotiate for the sale or otherwise dispose of all surplus equipment and supplies or real estate of the Housing Authority or any using agency, in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest Housing Authority and Georgia law, subject to proper approval as defined throughout this Purchasing Policy.
- 3) Manage and supervise purchasing staff.
- 4) Control and supervise all Housing Authority storerooms and warehouses.
- 5) Maintain and adhere to all Housing Authority purchasing procedures and the Purchasing Policy.
- 6) Recommend revisions to the Purchasing Policy and related procedures to provide for compliance with laws related to bidding, Contracting and Purchasing as set forth in the State of Georgia Code and Regulations, by examining the applicable laws and developing procedures for bidding, Contracting and procurement processes. Revisions to this Purchasing Policy shall be subject to the approval of Housing Authority Board of Commissioners.
- 7) Plan and implement processes for the ongoing protection of the Housing Authority's interests.
- 8) Establish guidelines, within the Purchasing Policy, governing the review and approval of specifications for procurement of Goods, Capital Assets and Services based on recyclability, energy and water conservation, life cycle cost, and other environmental considerations.

- 9) Maintain an inventory record of all materials, supplies, software, or equipment stored in Housing Authority storerooms, warehouses, and elsewhere, including monthly reports to the Housing Authority Board of Commissioners that include:
 - a) Titles of all formal solicitations and the method of source selections to be used.
 - b) Contracts authorized by the Housing Authority, the method of source selection used and the total dollar amount.
 - c) **Emergency Contracts awarded pursuant to Section ?**
 - d) Change orders or Contract modifications authorized by the Housing Authority and the dollar amount and reason
 - e) Amendments or change orders authorized by the Purchasing Agent and the dollar amount and reason.
 - f) Explanation of any changes, and the costs involved, in the scope of services made between the time a Contract is awarded and the time that the Contract is authorized by the Housing Authority.
 - g) Documentation of the types, quantities, and dollar amounts of environmentally preferable Goods (including the percentage of post-consumer and total recovered material content) and Services purchased. The report shall also include dollar amounts of non-environmental or conventional Goods and Services, identify and discuss instances where this policy is waived or its requirements found impracticable, and highlight barriers to the procurement of environmentally preferable Goods and Services, if applicable.
- 10) Secure all necessary approvals of the Housing Authority or its designee prior to execution of a Contract or purchase agreement.
- 11) Determine the most advantageous method of procurement in accordance with the requirements of this Purchasing Policy and Georgia law. This would include an evaluation of the need for each procurement to determine rather a good or service can be delivered by an existing Housing Authority department or a current vendor.
- 12) Ensure that all Contracts are reviewed and approved by the Housing Authority Attorney.
- 13) Ensure the Board of Commissioners is notified as soon as reasonably possible of all upcoming and active competitive procurements.
- 14) Whenever possible, utilize Housing Authority-generated and Housing Authority Attorney-approved standard goods/services purchasing agreements.

- 15) Consult with the Housing Authority Attorney if a contracting party breaches or is reasonably anticipated to breach its Contract with the Housing Authority.
- 16) Where in the best interest of the Housing Authority, require Bid/Proposal Bonds, insurance and other forms of protection for the Housing Authority on the process of procuring Goods, Capital Assets, Services and Construction Services for the Housing Authority.
- 17) Terminate solicitations for bids for any Goods, Capital Assets, Services, Construction Services and Professional Services when, in the opinion of the Purchasing Agent, it is in the Housing Authority's best interest to do so.
- 18) Reject any and all bids, when in the opinion of the Purchasing Agent it is in the Housing Authority's best interest to do so.
- 19) Advise the Board of Commissioners on the status of negotiations, as well as Contract provisions and their impacts on the Housing Authority.
- 20) Make recommendations on Contract approval, rejection, Amendment, and cancellation.
- 21) Provide Contract administration and supervision of Contracts. Such tasks shall include, but not be limited to, monitoring Amendments, obtaining applicable insurance certificates and monitoring applicable progress.
- 22) Provide and update all forms to procure Goods, Services, and Professional Services, as needed.
- 23) Ensure procurement by leasing, long-term financing, advance payments or deposits or any other special non-routine method must be approved in advance by the Housing Authority.

Article IV. PROCUREMENT PROCESS

The procurement process begins when the need to obtain goods or services is identified. All functions that pertain to the acquisition, including competitive procurement, contract negotiation and award, and all phases of contract administration are included in the procurement process.

- (a) Purchase Requisition

Requisitions are necessary to initiate the procurement process. A Requisition is essentially a request to purchase Goods, Capital Assets, Services, Construction Services or Professional Services. See Appendix A for sample Requisition form. It lets the Purchasing Agent know, in detail, what the Using Department/Division ("User") needs and whether the purchase or expenditure is authorized. In general, Users must prepare Requisitions for all procurements within the scope of this policy that exceed \$2,499.99.

The following steps shall be completed to initiate the procurement process:

- 1) *Determine Need:* The User is responsible for determining the need for a good or service and providing appropriate documentation and justification therefor, including a purchase requisition. The need is subject to evaluation by the Purchasing Agent to determine if the good or service can be delivered by an existing city department or a current vendor.
- 2) *Determine Funding:* The User is responsible for ensuring budget availability. Specific budget account numbers must be on the purchase requisition.
- 3) *Determine Specifications:* The User is responsible for determining the quantity, quality, dimensions, duration and all other necessary specifications essential to the determination of what is to be procured. The specifications must, where applicable, conform to the approved Housing Authority standards for identity and continuity.
- 4) *Prepare Requisition:* Requisitions shall be prepared far enough in advance that the Purchasing Agent can obtain competitive prices and the Vendor has enough time to make the delivery. A Requisition must contain the following information, where applicable to the goods or services sought:
 - a) User's information – name and contact information of the department/division and Employee preparing the purchase Requisition.
 - b) Date issued – the date the Requisition is prepared.
 - c) Need date – must state a definitive delivery date or date/duration of service (lead time of at least one week, must be allowed).
 - d) Complete description and specifications of goods or services.
 - e) Quantity.
 - f) Estimated cost.
 - g) Delivery destination.
 - h) Complete budget account number.

- i) Previous purchase information, quotation, or contract (if known).
 - j) Known or suggested Vendor(s).
 - k) Authorized Approval – must include signature from department director and Finance Director.
- 5) *Routing the Requisition.* After preparing the Requisition, Users shall transmit the Requisition to the following stations:
- a) Departmental Authorization- the department director shall certify that the Requisition is authorized.
 - b) Finance Department- the Finance Director shall certify, by signature, that the proper account was listed and the availability of budgetary funds.
 - c) Purchasing Office - the Purchasing Agent shall process the Requisition and obtain all necessary approvals.
- 6) *Acceptance of Procured Item or Service:* Within 48 hours, the User is responsible for advising the Purchasing Office in writing on a receiving report the receipt of the Goods procured and whether or not such Goods are found to be unsatisfactory. All returns of Goods or Capital Assets must be initiated by the User through the Purchasing Agent. Additionally, all Amendments or cancellation to any agreements must be made by the Purchasing Agent.
- (b) Purchase Orders and Contracts
- 1) The Purchasing Agent shall issue Purchase Orders for all approved Requisitions.
 - 2) If a Contract is required or appropriate, all negotiations of agreements for Goods and Services shall be conducted by the Purchasing Agent. It is recognized that special situations may exist where there is a special need for the User to be involved in the negotiation process. This must be in conjunction with the Purchasing Agent at all times. The Purchasing Agent will make final recommendation for agreements.
 - 3) The Purchasing Agent will review the Contract for form, completeness, insurance considerations, legal implications, and any other items dictated by each situation. The Contract will then be sent to the User and approved by the Department Director and returned to Purchasing.
 - 4) It is the responsibility of the Purchasing Agent to secure all necessary approvals prior to execution of a Contract or purchase agreement.

- 5) Once the Contract is officially executed, the original of the Contract will be filed in the City of Stonecrest Clerk's office if there is an Intergovernmental Agreement or with the Housing Authority Clerk's office.
- 6) Once a Contract is awarded by the Housing Authority, the Contract may be amended, without the necessity of rebidding such Contract, provided the original Contract amount and the scope of the Contract is not substantially altered however prior approval must be obtained from the Housing Authority. The Purchasing Agent will review all change orders. Change orders will be processed to correct the account distribution, quantity, addition/deletion of line items, change in description and unit price. If a quoted price of the change order more than \$2,500.00, or 5% of the contract amount, shall require additional Requisition and approval from all necessary parties pursuant to the Purchasing Thresholds. The Purchasing Agent cannot use the change order process to circumvent the Purchasing Policy. Change orders cannot substantially change the scope of the Contract.
- 7) All returns of Goods or Capital Assets must be initiated by the User through the Purchasing Agent.
- 8) All amendments or cancellation to any agreement must be made through the Purchasing Agent.

Article V. PURCHASING THRESHOLDS

In the future, Purchasing Thresholds may be established, but until such time, all purchases must be approved by the Housing Authority Board of Commissioners.

Article VI. COMPETITIVE PROCUREMENTS

Section 6.01 INFORMAL SOLICITATIONS

Requests for informal quotes, bids, and proposals are Informal Solicitations ("IS") that are prepared and issued with the goal of obtaining competitive responses. Informal Solicitations shall be used for all Purchases from **\$10,000 - \$24,999.99**, unless otherwise provided by this policy. The steps to complete an IS are outlined below. Unless otherwise provided, the responsibility for these steps shall fall on the User:

- (a) Prepare Requisition and Develop specifications, scope of work, etc. for all goods and services being requested. Upon finalization of the specifications, prepare any documents required by the IS and send to Purchasing Agent for approval.
- (b) Use the Formal Solicitation Process if the Purchasing Agent deems it necessary to serve the best interests of the City.

- (c) After specifications are approved by the Purchasing Agent, send a copy of the specifications to the identified Vendors.
- (d) *Public Notice.* The Purchasing Agent shall, at a minimum, post a copy of the IS on the Housing Authority's website, and provide any additional public advertisement if required by law.
- (e) Purchasing Agent and User shall evaluate the responses to the IS. On or after the due date indicated in the IS, the Purchasing Agent shall determine which quote, bid, or proposal best serves the Housing Authority's interests. Tie informal quotes/bids shall be handled in the same way as tie formal bids. A split or partial award may be given to the lowest cost provider of each item or reasonable grouping of items if:
 - 1) The IS requires multiple Goods or Services;
 - 2) More than one Vendor provides a quote/bid/proposal that meets the specifications for the Goods or Services;
 - 3) A price comparison can be made between the Goods or Services; AND
 - 4) An acquisition, delivery, and other requirements can be reasonably administered.
- (f) Amend Requisition and include authorized approvals.
- (g) Purchasing Agent shall prepare and issue Purchase Order or Contract, where appropriate.

Section 6.02 FORMAL SOLICITATIONS

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

- (a) Invitation for Formal Bids

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

- 1) User prepares Requisition and develops specifications, scope of work, etc. for all goods and services being requested.
- 2) Upon finalization and approval of the specifications, Purchasing Agent shall prepare any documents required for the IFB.

- 3) *Public Notice.* The Purchasing Agent shall advertise the IFB on the City's website, at City Hall, and provide additional public advertisement if required by law. Said public notice shall include such details and specifications as will enable the public to know the extent and character of the IFB, and shall be advertised a minimum of thirty (30) calendar days prior to the date set for bid opening, unless it can be demonstrated that an Emergency exists, pursuant to Section VII (D) Emergency Procurement. In such event, the requirement for public notice may be reduced by the Purchasing Agent.
- 4) *Correction/Withdrawal of Bids.* Correction or withdrawal of inadvertently erroneous bids is permitted in accordance to the terms indicated within the IFB; however, minor irregularities may be waived by the Purchasing Agent. No bid may be withdrawn for a period of ninety (90) days after the time scheduled for bid opening, or as otherwise stated in the IFB.
- 5) *Opening Sealed Bids.* Bids shall be opened in the presence of the Purchasing Agent or the designee of the Purchasing Agent and at least one other witness at the time and place designated in the Invitation for Bids. All relevant information, including each Bid amount and Bidder's name, will be recorded on a summary sheet. Late bids will be rejected and returned unopened. Interested persons shall have access to information regarding procurement transactions of the Housing Authority in accordance with Housing Authority policy and the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*
- 6) *Evaluation of Bids.* Bids will be evaluated based on the qualification factors set forth in the IFB, which may include criteria to determine acceptability of Goods or Capital Assets (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of Goods or Capital Assets shall be used to determine whether particular Goods are responsive to the IFB, and not to determine the relative desirability between acceptable Goods or Capital Assets. The Housing Authority reserves the right to waive any informalities or irregularities of bids, to request clarification of information submitted in any bid, to further negotiate with the Responsive and Responsible Bidder selected for Contract award, or to reject any or all bids for any reason whatsoever.
- 7) *Contracts.* The Bid may require a Contract. Once the proposed contract terms, exceptions, and/or modifications are reviewed and approved by the Housing Authority Attorney, the Purchasing Agent may submit his or her recommendation and the proposed Contract to the Board of Commissioners for approval and award.
- 8) *Award of Bids.* The Purchasing Agent shall submit his or her recommendation and proposed Contract to the Housing Authority for approval and award. The Bid will be awarded, if an award is made, to the Responsible and Responsive Bidder offering the lowest price whose bid meets the requirements and criteria set forth in the IFB. The Contract shall be approved by the Housing Authority prior to execution and/or performance.

- 9) Upon the award of bid, User amends Requisition and Purchasing Agent shall prepare a Purchase Order or Contract, if appropriate.
- 10) *Split/Partial Awards.* Split or partial bid awards may be awarded with the same guidelines and restrictions as those provided for split or partial Informal Solicitations.
- 11) *Tie Bids.* In the event two or more identical bids are received, the following procedure will be used when the basis of award is low bid:
 - a) A tie Bidder whose products are manufactured in Georgia would be recommended to the City Council for an award, over a Tie Bidder without products manufactured in Georgia. **See Section IX (1).**
 - b) If the procedures in (a) above do not result in an award, then the tie Bidder who has environmentally preferable goods and services would be recommended to the City Council for an award. **See Section IX (2).**
 - c) If the procedures in (a) and (b) above do not result in an award, then to the extent permitted by law, a tie Bidder having an office within the limits of the City would be recommended to the City Council for an award over one without an office in the City. A Person within the state of Georgia would be recommended to the appropriate approving authority for an award over one without an office in Georgia.
 - d) If the procedures in (a) through (c) above do not result in an award, the tie Bidders will be contacted and advised of the tie and asked if they wish to reduce their bid in writing submitted in a sealed envelope to be opened at the time and place stated by the Purchasing Agent or the designee of the Purchasing Agent. If one or more of the tied Bidders agrees to participate, award will be made to the new low bid. If none of the tied Bidders agree to participate or if the new bids are tied, then Board of Commissioners shall break the tie by following the procedures described below, as necessary.
 - e) If all of the procedures above do not result in an award, then, the Purchasing Agent or the designee of the Purchasing Agent in the presence of the Board of Commissioners will flip a coin one time. Award to the winner of the coin flip will be recommended to the Housing Authority.

(b) Request for Proposals (RFP)

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

- 1) User prepares Requisition and develops specifications, scope of work, etc. for all goods and services being requested.

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

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

(c) Request for Qualifications

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

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

(d) Multi-step Solicitation

The Housing Authority may initiate the multi-step solicitation process described below when: (a) the Purchasing Agent determines it is impractical to prepare an adequate or complete description of the Goods, Capital Assets, Services or Construction Services desired (due to insufficient data, uncertain requirements, unfamiliar market options, etc.), (b) the Purchasing Agent desires to identify a field of qualified Bidders, Proposers, Goods or Services, out of a broader field of Bidders, Proposers, Goods or Services, or (c) the Purchasing Agent determines that a multi-step process would best serve the Housing Authority's interests.

- 1) The Housing Authority may request that priced proposals be submitted in two separate envelopes, with pricing information contained in one envelope and all other requested information contained in the other envelope. In such case, proposals will be evaluated in accordance with the requirements set forth in the RFP, initially without regard to price and without opening the envelope containing pricing information. Based on such evaluation, the Housing Authority will establish a field of at least three (if possible and available) qualified or most qualified Proposers. The Housing Authority may conduct interviews with Proposers to aid in the identification of qualified or most qualified Proposers. In the event the Housing Authority conducts interviews with Proposers, the City is not required to interview any Proposers deemed by the Housing Authority to be unqualified or less qualified than other Proposers.
- 2) After establishing a field of qualified or most qualified Proposers, the Housing Authority will open the pricing envelopes of only the qualified or most qualified Proposers, and evaluate such pricing information in the manner described in the RFP for purposes of recommending/making an award (e.g. most advantageous proposal, price and other factors considered or low price submitted by qualified Proposers). In the absence of specific instructions to the contrary in the RFP, pricing information will be evaluated together with all other information required by the RFP for purposes of selecting among the qualified field of Proposers the most advantageous proposal, price and other factors considered.

Section 6.03 SOLICITATIONS REQUIRING PUBLIC NOTICE IN GEORGIA PROCUREMENT REGISTRY (GPR)

The GPR is the state's central bid registry established by the Department of Administrative Services (DOAS) and managed by the agency's State Purchasing Division (SPD). The registry provides for the advertising of bid opportunities by state and local governments to ensure transparency and offer market competition.

- (a) The Housing Authority shall advertise all bid or proposal opportunities for **goods, services, or both** that are valued at **\$100,000.00 or more** in the GPR for a minimum of thirty (30) calendar days prior to the date set for opening bids/proposals. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid or proposal opportunity. See O.C.G.A. § 36-80-27.
- (b) The Housing Authority shall advertise all contract opportunities for **public works construction** that are valued at **\$100,000.00 or more** in the GPR for at least four continuous weeks prior to the opening of the sealed bids or proposals, unless otherwise provided by O.C.G.A. § 36-91-20.
- (c) The Purchasing Agent may adopt procedures requiring additional bid or proposal opportunities to be advertised on the GPR.

Article VII. NON-COMPETITIVE PROCUREMENTS

The provisions of this policy section shall apply to the procurement of Goods, Capital Assets, Services, Construction Services or Professional Services, when the purchase does not exceed **\$9,999.99** or when the Purchasing Agent determines that competitive procurement is not practical, feasible, or possible. Notwithstanding any other provision, any Contract or subcontract entered into by the Housing Authority with any Person for the construction, reconstruction, or maintenance of all or part of a public road in the City including, but not limited to, a Contract or subcontract for the purchase of materials, for the hiring of labor, for professional services, or for other things or services incident to such work, shall be entered into in accordance with O.C.G.A. § 32-4-114.

(a) Sole Source Procurement

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

(b) Single Source Procurement

The Housing Authority may acquire Services or Professional Services pursuant to a Single Source Procurement. A Single Source Procurement is a procurement made from one Person among others in a competitive market place which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need. Single Source Procurement is available only if the following conditions exist:

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

No Single Source Procurement shall be valid without the prior authorization of the Housing Authority. For each instance in which the use of Single Source Procurement is proposed, the User must provide to the City Council a written report that identifies the specific reasons justifying such use and shows the requirements stated herein are satisfied. The Housing Authority may authorize the use of Single Source Procurement only if it determines that such use fully complies with the requirements stated herein

(c) Emergency Procurement

The Housing Authority may acquire Goods, Capital Assets, Services, Construction Services or Professional Services by directly negotiating an award in the event of an Emergency. An Emergency exists when a situation occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public or City Employees and affects the continuation of services to the citizens, and/or serious loss or injury to the Housing Authority. Emergency also exists if a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.

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

When the need for an emergency purchase occurs during normal working hours, the User shall request approval from the Housing Authority. If an Emergency situation should arise after office hours which requires immediate action on the part of the agency involved for the protection of the best interest of the Housing Authority or if a like situation arises on a weekend or holiday and when it is not possible or convenient to reach the Purchasing Agent, any purchase necessary shall be made by the official in charge of such department or agency, and such purchase reported to the Purchasing Agent within 24 hours.

As soon as practicable, a record of each Emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the Contract, a listing of the item procured under the Contract, and the identification number of the Contract file. Moreover, written determination of the basis for declaring the Emergency and for the selection of the particular person for the provision of Goods, Capital Assets, Services, Construction Services or Professional Services shall be included in the Contract file. If the cost of the procurement is \$25,000 or more, Housing Authority approval must be obtained at the next meeting following the emergency procurement.

(d) Cooperative Purchasing

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

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

Prior to making any purchase, the Purchasing Agent or User shall obtain approval from all necessary parties pursuant to the applicable purchasing threshold.

(e) Real Estate Acquisitions¹

1) Compliance with Applicable Regulations

All real estate acquisition activities shall conform to applicable federal, state (*e.g.* O.C.G.A § 36-80-18 and O.C.G.A § 36-60-13) and local laws and regulations and shall be subject to the provisions of the Housing Authority Code of Ethics.

2) Confidentiality

The Housing Authority and Housing Authority staff shall maintain the confidentiality of potential and on-going real estate acquisitions and related information subject to the provisions of the Open Meetings and Open Records Acts.

3) Formal Approval

All real estate transactions shall be formally approved by the Housing Authority in a public meeting prior to the Housing Authority entering a sales contract. This shall not prohibit or interfere with the Housing Authority's ability to discuss same and negotiate terms in Executive Session subject to the requirements of the Open Meeting and Open Records Acts.

4) Appraisals

For any piece of real estate, for which a sales contract has been signed, the Housing Authority will conduct at least one appraisal by an independent third-party who holds the Member of the Appraisal Institute (MAI) membership designation.

5) Land Acquisition Procurement Process

- a) Designated Housing Authority representative(s) or staff (herein referred to as "staff") will investigate and identify properties for purchase that generally meet an approved plan or strategy. Furthermore, land purchased with a specific funding source will only be used for such purposes anticipated and/or authorized. If the Housing Authority determines that the land cannot be used for its intended purpose, the Housing Authority may dispose of the property in a manner consistent with Georgia law and funds raised through the sale of the property will be used for future land purchases consistent with the purposes authorized.

¹ Reference Note- See O.C.G.A. § 36-37-1 et seq. for provisions governing the disposition of municipal property or acceptance of gifts, grants, or donations of property

- b) Housing Authority staff may work with a Real Estate broker to gather information and make site visits related to properties under consideration for acquisition. This Real Estate broker must be approved by the Housing Authority prior to the designated Housing Authority representative(s) or staff beginning work with the Real Estate broker.
- c) Housing Authority staff will regularly brief the Housing Authority in Executive Session on properties the Housing Authority is considering purchasing to receive direction on “terms and price” from the Housing Authority.
- d) Housing Authority staff will negotiate “Letters of Intent” with land owners on properties the Housing Authority has provided staff with direction on “terms and price”.
- e) Housing Authority staff will conduct due diligence on the real estate to be purchased including at a minimum but not limited to:
 - i) *Environmental testing (Phase I required, Phase II and specialized testing if warranted);*
 - ii) *Production of an ALTA survey of the property;*
 - iii) *Production of a MAI appraisal of the property;*
 - iv) *Complete title work on the property; and*
 - v) *Other reasonable due diligence activities as warranted.*
- f) Housing Authority staff will present the findings of the due diligence on the property to be purchased in executive session and may request a Resolution from the Housing Authority to execute any and all closing documents to complete the purchase of the property. (PUBLIC HEARING REQUIRED).
- g) City staff will publish the executed sales contract or lease on the [city website](#).

Article VIII. PREFERABLE GOODS AND SERVICES

Section 8.01 PREFERENCE FOR PRODUCTS MANUFACTURED IN GEORGIA

When contracting for or purchasing supplies, materials, equipment, or agricultural products, excluding beverages for immediate consumption, the Housing Authority shall give preference, as far as may be reasonable, economical, and practicable, to such supplies, materials, equipment, and agricultural products as may be manufactured or produced in the State of Georgia. Such preference shall not sacrifice quality.

In determining whether such a preference is reasonable in any case where the value of a contract for or purchase of such supplies, materials, equipment, or agricultural products exceeds \$100,000.00, the Housing Authority shall consider, among other factors, information submitted by the bidder which may include the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the state and the effect on public revenues of political subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state manufactured or produced goods. Any such estimates shall be in writing. The Housing Authority shall not divide a contract or purchase which exceeds \$100,000.00 for the sole purpose of avoiding these requirements.

Section 8.02 ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES

(a) In determining which Goods, Capital Assets and Services to purchase, the Housing Authority shall integrate environmental factors into the Housing Authority's procurement decisions, when available and commercially practicable in the reasonable discretion of the User. Whenever possible or practicable, the Housing Authority shall:

- (i) Purchase copy, computer, and fax paper with at least 30 percent post-consumer recycled content;*
- (ii) Purchase non-emergency fleet vehicles that provide the best available net reduction in vehicle fleet emissions including, but not limited to, the purchase of alternative fueled and hybrid vehicles;*
- (iii) Consider purchasing lower emission emergency fleet vehicles with comparable specifications for performance, safety, and fuel availability during emergencies as conventionally-powered emergency fleet vehicles;*
- (iv) Purchase at least Energy Star rated equipment and appliances for use in local government facilities when practicable based upon considerations of Life Cycle Costs;*
- (v) Purchase water-saving products, including WaterSense labeled, whenever practicable, including but not limited to, high performance fixtures such as toilets (1.28 gallons per flush or less), urinals (0.5 gallons per flush or less), low-flow faucets (1.5 gallons per minute or less), aerators, and upgraded high-efficiency irrigation systems;*
- (vi) Replace disposable with re-usable, recyclable, or compostable Goods;*
- (vii) Consider Life Cycle Cost Assessment; and*
- (viii) Evaluate, as appropriate, the environmental performance of Vendors in providing Goods and Services.*

(b) The analysis to determine environmentally preferable Goods and Services may include raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal of products, or service delivery. Specifically, factors that should be considered by the User when determining that Goods have environmentally preferable attributes include, but are not limited to:

- (i) Minimization of virgin, unrecycled material used in Goods;*

- (ii) Maximization of recycled materials used in Goods;
- (iii) Life cycle economics of Goods and Services;
- (iv) Reuse of existing Goods or materials in Goods;
- (v) Recyclability, biodegradability and compost ability of Goods;
- (vi) Minimization of packaging;
- (vii) Reduction of energy and fuel consumption;
- (viii) Reduction of water consumption;
- (ix) Toxicity reduction or elimination;
- (x) Durability and maintenance requirements; and
- (xi) Ultimate disposal of the Goods.

Article IX. PROTESTS, SUSPENSION, AND DEBARMENT

(a) Right to Protest.

Any actual Bidder or Proposer who is aggrieved in connection with the formal solicitation or award of a Contract may protest to the City. Protestors shall seek resolution of their protests/complaints initially with the City Manager.

(i) Timeliness.

- 1) Protests arising from factual or legal basis that the protestor knew or should have known prior to the submission of the bid/proposal must be submitted within three business days of the submission of the bid/proposal.
- 2) Protests arising from factual or legal basis that the protestor knew or should have known subsequent to the date the bid/proposal was submitted must be submitted within ten business days after the protestor knew or should have known of such basis, but in no event shall any protest be submitted more than ten business days after the award of the contract.
- 3) Untimely protests are invalid and shall be denied as such.

(ii) Contents of Protest. The protest shall, at a minimum, be in writing and include the following information:

- a) Identity and contact information of protestor;
- b) Appropriate identification of the subject solicitation or award;
- c) Detailed statement of the legal and factual grounds of the protest;
- d) Documentation supporting the protest and/or allegations;
- e) Statement of the specific relief requested; and
- f) Signed by an officer or person authorized to sign contracts on behalf of the protestor.

- (iii) *Submission of Protests.* All protests shall be submitted to the Housing Authority via registered mail, overnight delivery, or hand delivery.
- (iv) *Protest Resolution.* If a protest complies with subsections (1) through (3) above, the Housing Authority shall request a response from the Purchasing Agent. The Purchasing Agent's response will be returned to the Housing Authority within seven (7) business days from the submission of the protest. The Housing Authority is empowered to decide to uphold, dismiss or amend the decision of the Purchasing Agent.
- (v) *Decision on Protest.* The Housing Authority shall inform the protestor of the decision in writing within fifteen (15) business days of the submission of the protest or, if the City Manager requires more time to render a decision, the City Manager will advise the protestor within the initial ten (10) days of the additional amount of time required to render a decision.
- (vi) *Appeals.* Any actual Bidder or Proposer who is aggrieved by the decision of the Housing Authority in connection with a protest shall file a notice of appeal with the Housing Authority within seven (7) days of receipt of the decision.
- a) *Hearing.* The Housing Authority shall set a hearing date before the Housing Authority Board of Commissioners not more than thirty (30) days from the date of receipt of the notice. The City Clerk shall cause notice of the hearing date, time, and location to be served upon the parties by registered mail. At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to offer argument as to whether the Housing Authority's decision should be affirmed or overturned. Said hearing will not be de novo, but shall be of an appellate nature.
- b) *Decision.* Within seven (7) days of the hearing, the Housing Authority shall issue a written decision on the appeal, which shall either affirm or reject the Housing Authority's decision. The City Clerk shall send a copy of the decision to the protestor(s) by registered mail.
- c) *Finality.* A decision by the Housing Authority under subsection 8(b) above shall be final and conclusive as to the Housing Authority's appeal process. Any further action shall be through the court.
- (vii) *Stay of Procurement.* In the event a protest complies with subsections (i) through (iii) above, the Purchasing Agent shall not proceed with the further solicitation or award of the Contract until all administrative remedies have been exhausted, or the City Manager or City Attorney makes a determination that the award of the contract without delay is necessary to protect the interests of the City.

(b) Suspension and Debarment

(i) Authority to Suspend or Debar. After reasonable notice to the Person involved and reasonable opportunity for that Person to respond, the Purchasing Agent shall have the authority to initiate proceedings to suspend or debar a Person from doing business with the Housing Authority. The Housing Authority shall have the authority to order suspension or debarment as provided herein.

(ii) Causes for Suspension or Debarment. The causes for suspension or debarment include:

- a) Conviction for commission of a criminal offense as an incident to obtain or attempting to obtain a public or private contractor subcontract, or in performance of such contract or subcontract;
- b) Conviction of state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a city contractor;
- c) Conviction of state or federal antitrust statutes arising out of the solicitation and submission of bids or proposals;
- d) Violation of contract provisions of a character which is regarded by the Purchasing Agent to be so serious as to justify suspension action, which includes but is not limited to the following:
 - i) *Failure to perform in accordance with the specifications within a time limit provided in a city contract;*
 - ii) *A recent record of failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, provided, that failure to perform or unsatisfactory performance caused by acts beyond the control of the Person shall not be considered to be a basis for suspension; or*
 - iii) *Falsification of any documents.*
- e) Commission or solicitation of any act that would constitute a violation of the ethical standards set forth in this Purchasing Policy and the City's Code of Ethics.
- f) Any other cause that is serious and compelling as to affect the Person's responsibility as a city vendor, including debarment or suspension by another government entity.

(iii) Initiation of Suspension or Debarment Action. When the Purchasing Agent receives information from any source concerning a cause for suspension or debarment, he or she will promptly investigate the matter. If the Purchasing Agent finds cause that suspension or debarment is warranted, the Purchasing Agent shall prepare a written determination detailing the grounds for and length of the proposed suspension or debarment. Written notice of a proposed suspension or debarment action shall be sent by registered mail to the Person subject to the action, and shall also be sent to the Housing Authority and Housing Authority Attorney.

- (iv) Review of Proposed Suspension or Debarment. Within fifteen (15) days of receiving said notice, the Person subject to the action shall submit any and all responsive records or documents in defense of the proposed suspension or debarment to the Housing Authority. Failure to submit a timely written response shall result in a waiver of review.*
- (v) Final Decision. After consultation with the Housing Authority Attorney, the Housing Authority shall issue a final decision, which shall adopt, amend, or reject the proposed suspension or debarment. When suspension or debarment is ordered, the length of the suspension or debarment, the reasons for such action and to what extent affiliates are affected shall be set forth in writing and sent by registered mail to the Person subject to the action.*
- (vi) Effect of Suspension or Debarment. A suspension or debarment decision shall take effect upon issuance and mailing of written notice of such decision to the Person subject to the action. After the suspension or debarment takes effect, the Person shall remain suspended or debarred until the period specified in the decision expires.*
- (vii) Duration of Suspension/Debarment. Suspensions shall be for a period not to exceed 120 days. Debarment shall be for a period not to exceed three years, unless cause is based on a felony conviction for an offense related or associated with fraudulent contracting or misappropriation of funds. In such event, the debarment shall be for a period not to exceed seven years.*
- (viii) List of Suspended/Debarred Persons. The Purchasing Agent shall create and maintain a list of all suspended and debarred Persons. All departments shall be routinely supplied with said list.*

Article X. PROPERTY DISPOSAL

(a) Compliance with Applicable Regulations

The disposal of municipal property shall conform to applicable federal, state (*e.g.* O.C.G.A § 36-37-6) and local laws and regulations and shall be subject to the provisions of the City Code of Ethics.

(b) Excess, Surplus, and Obsolete Materials

It shall be the duty of the User to report all excess, surplus or obsolete materials to the Purchasing Agent. At this point, the Purchasing Agent will examine alternatives as to the most advantageous disposition of the items. Items could be refurbished or reconditioned, transferred, traded in on new equipment or sold by auction or sealed bid, or destroyed. For property over \$5,000 in aggregate or \$1,000 individually, the Housing Authority shall approve the request to have the property declared surplus. For other property, the Purchasing Agent shall present a list to the Housing Authority for approval.

- (i) *Transfer or Re-use. The most gainful method for handling an item no longer needed by a department is to transfer it to another department that has a use for the item.*
- (ii) *Trade-In. In replacing obsolete equipment, it may be financially advantageous to trade-in the old equipment. The invitation for bids on the replacement item should call for bid prices with or without trade-in and provide that award may be made either way.*
- (iii) *Sale. Excess, surplus and obsolete items not transferred or traded-in may be consolidated and offered for sale to the highest responsible bidder either by auction or by sealed bid method. Auctions can be traditional or contemporary including online auctions such as www.Govdeals.com or similar websites. The consolidated list will be submitted to City Council for approval before an auction or sealed bid is organized. The property offered for sale will be on an "AS IS/WHERE IS" basis. Sealed bids will be opened at the time and place announced with the City, retaining the right to reject any and all. A tabulation of all bids received shall be available for public inspection following the opening of all bids. Said bids shall be retained and kept available for public inspection for a period not less than sixty (60) days from the date the bids were opened.*
- (iv) *Public Notice of Sale: For the sale of personal property with an estimated value exceeding \$500.00, the City shall cause legal notice to be published in the official legal organ or newspaper of general circulation not less than fifteen (15) but no more than sixty (60) days preceding the day of the auction or the last day for the receipt of bids/proposals. The notice shall include a general description of the property to be sold.*
 - 1) The notice for sale by auction shall also contain the conditions of the proposed sale and shall state the date, time, and place of the proposed sale.
 - 2) The notice for sale by sealed bids shall also contain an invitation for proposals and shall state the conditions of the proposed sale, the address at which bid blanks and other written materials connected with the proposed sale may be obtained, and the date, time, and place for the opening of bids.

(c) Sale to Employees

To avoid any appearance of impropriety in the disposition program, it is the Housing Authority's policy to prohibit the direct sale of surplus property to any Housing Authority Employee, Official or Agent. This policy does not prohibit any Housing Authority Employee, Official or Agent from extending an offer at a public auction or in the form of a sealed bid.

(d) Allocation of Proceeds

Proceeds from the sale of excess or surplus property will go into the Housing Authority's Fund that held the asset.

APPENDICES

APPENDIX A:

SAMPLE REQUISITION FORM

PURCHASE REQUISITION

Date issued (date requisition prepared)

Need Date (date delivery is needed)

Department (name of using department)

Requisitioner (signature of requesting person)

Department Head (signature of department head)

Req. No. (department file number)

To be purchased from:
(This area to be filled in by Purchasing)

To be delivered to:
Give specific delivery instructions, including the name of the person designated to receive the item(s), department and street address

Suggested Vendors:

- 1 _____
- 2 _____
- 3 _____

ITEM NUMBER	QUANTITY	UNIT	DESCRIPTION	ACCOUNT TO BE CHARGED	UNIT PRICE	AMOUNT

Specifications:

Competitive Prices: (To be filled in by Purchasing)

Approved:

Finance Officer

Purchasing Agent

Code of Ethics

DRAFT
The Stonecrest Housing Authority

Contents

Purpose	3
Goals	3
Definitions	3
External Vendors	5
Ethical Standards for Employees	5
Ethical Standards for Commissioners	9
Fraud	10
Definitions and Examples of Fraud, Waste, and Abuse	10
“ <i>Fraud</i> ” is defined as an intentional deception designated to obtain a benefit or advantage or to cause some benefit that is due to be denied. Examples of fraud include:	10
Responsibility to Report Suspected Fraud	11
Guidelines for Handling a Report of Suspected Fraud, Theft, Waste, or Abuse	13
Responsibility of the Executive Director	13
Guidelines for the Investigation of Suspected Fraud	14
Disciplinary Action	16

Deleted: 8

Deleted: 9

Deleted: 9

Deleted: 9

Deleted: 10

Deleted: 12

Deleted: 12

Deleted: 13

Deleted: 15

DRAFT

Code of Ethics

Purpose

The purpose of this Code of Ethics shall be to ensure the highest standards of behavior in the conduct of Stonecrest Housing Authority (SHA) Commissioners and employees, who, as members of a public corporation, hold positions of public trust. This Code of Ethics is an effort to provide SHA Commissioners/employees with guidelines to help them: to evaluate potential ethical problems before they have developed; to avoid potential conflict of interest situations; and to recognize and change behaviors not compatible with an employee’s position of public trust.

Goals

The goals of the SHA Code of Ethics shall be:

1. To ensure and maintain public confidence in the integrity of the commissioners, employees and operations of the SHA.
2. To ensure the accountability of the SHA to the people it serves.
3. To provide a system for the fair and effective enforcement of this Code of Ethics and a mechanism for sanctions and other disciplinary actions against Commissioners or employees who violate the Standards of Conduct.

Definitions

NOTE: At the time this Code of Ethics is adopted, the SHA does not have employees nor an Executive Director. Language related to employees are for future purposes. Until the SHA has an Executive Director, those responsibilities will fall on the Chairperson and Treasurer. In the event one of them is not available, the Secretary will fill in.

Deleted: and Executive director

"Agent" shall mean any employee of the Authority (whether full or part time) acting in his or her official capacity is an agent of the Authority.

"Claim" shall mean any demand, written or oral, made upon the Authority to fulfill an obligation arising from law or equity.

"Commissioner" shall mean one of the persons serving on the Board of Commissioners of the Authority.

"Contract" shall mean any obligation to do something arising from an exchange of promises or consideration between persons, regardless of the particular form in which it is stated.

"Conventional" shall mean those housing programs operated by the Authority, which are broadly considered part of the "conventional public housing program.

Code of Ethics

"Employee" shall mean any person appointed or hired, whether full or part time, seasonal, temporary, paid or unpaid, on a fixed or unfixed term, provisional or permanent.

"Enrollee" shall broadly mean any applicant, resident, or program participant in any program operated by the Authority. Specifically, an "enrollee" shall be a person who expects to receive, or is receiving, some form of assistance from the Authority.

"Family" shall mean the spouse, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister, or a person living in a stable family relationship.

"Interest" shall mean a benefit or advantage of an economic or tangible nature that a person or a member of his or her family would gain or lose as a result of any decision, or action or omission to decide or act, on the part of the Authority, its Board, or employees.

"Person" shall mean any individual, corporation, partnership, business entity, association, organization, and may include an Authority employee.

"Public Information" shall mean information obtainable pursuant to the Freedom of Information Act and Authority guidelines adopted pursuant thereto.

Code of Ethics

External Vendors

The Stonecrest Housing Authority of Stonecrest, GA, in establishing standards of conduct for its employees and commissioners, recognizes the importance of establishing standards of conduct for external vendors and suppliers of products and/or services to the Authority. While the Authority cannot mandate the internal conduct or policies of vendors, it nevertheless requires that vendors and suppliers adhere to certain basic principles in conducting business with the Authority. Specifically, these principles include:

- A. No direct or indirect personal inducement of Authority employees. This includes the giving of gifts, money, tickets or any item or service having value.
- B. No direct or indirect inducement of members of the Board of Commissioners. This shall include the same provisions covering employees, except that it is recognized that in the course of business dealings, there may be times when meals and/or visits may be arranged. In such cases, such events should be reported to the Chairman of the Board, with the nature of the visit explained.

It is expected that vendors or suppliers of professional services to the Authority will be governed by the Code of Ethics to which their particular profession prescribes.

Any vendor or supplier found in violation of Authority policy shall be barred from future business dealings with the Authority. The Authority reserves the right to have vendors and suppliers sign a statement of compliance with the standards of conduct of the Authority.

Ethical Standards for Employees

No employee of the SHA shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation in which directly or indirectly he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her official duties or that would be in conflict with the performance of his or her official duties.

No employee shall have or enter into any contract with any person who has or enters into a contract with the Authority unless:

- A. The contract between the person and the Authority is awarded pursuant to competitive bidding procedures and/or purchasing policies as outlined in regulations promulgated by the U.S. Department of Housing and Urban Development (HUD), state law, and the

Code of Ethics

Authority's Procurement Policy; or

- B. The contract between the person and the Authority is one in which the Authority employee has no interest, has no duties or responsibilities, or if the contract with the person is one which the Authority employee entered into prior to becoming an employee.

There shall be no preferential treatment given by an employee of the Authority acting in performance of his or her official duties to any person, agency or organization.

No Authority commissioner or employee shall use or permit the use of Authority-owned vehicles, equipment, materials or property for the convenience or profit of himself, herself, or any other person. However this provision shall not apply in the case of usage for "diminutive" purposes, i.e., purposes which in and of themselves should not be construed as abuse of Authority property.

No Authority commissioner or employee shall solicit any gift or consideration of any kind, nor shall any Authority commissioner or employee accept or receive a gift having value in excess of \$25.00 regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the Authority.

No authority commissioner or employee acting individually can bind the housing authority by any action or verbal representation.

No Authority commissioner or employee shall disclose without proper authorization non-public information or records concerning any aspects of the operation of the Authority, nor shall he or she use such information to the advantage or benefit of himself, herself, or any other person. This shall include records maintained on enrollees of the Authority, for whom a properly executed release of information form shall be obtained and kept in the client file. The release of any information relative to enrollees of the Authority shall be done pursuant to government regulations allowing the release of information among government agencies or agencies receiving government subsidy, shall be done following prescribed methods of requesting and transmitting such information, and shall be done with full knowledge of the enrollee except in those cases where through action of law the enrollee's knowledge is not required.

No Authority commissioner or employee currently employed shall represent any person, other than himself, in business negotiations, judicial or administrative actions or procedures, to which the Authority may be a party.

No former commissioner or employee of the Authority shall personally represent any person in a matter in which the former employee personally participated while employed by the Authority for one year, if

Code of Ethics

such representation would be adverse to the interests of the Authority. This provision shall not, however, bar the timely filing by a current or former commissioner or employee, of any claim, account, demand, or suit arising out of personal injury, property damage, or any benefit authorized or permitted by law.

No member of the family of any Authority employee shall be appointed or hired to serve under the direct supervision or authority of that employee, and in no event shall any Authority employee participate in the decision-making regarding employment or contract for services of any family member.

No Authority commissioner or employee shall have an interest in a contract between any person and the Authority, except that this provision shall not apply if the contract was entered into prior to the employee's hire by the Authority or the commissioner's appointment; the commissioner or employee discloses his or her interest in the contract prior to employment or appointment; and after employment or appointment, the commissioner or employee has no power to authorize or approve payment under the contract, monitor performance or compliance under the contract, or audit bills or claims under the contract and the compensation of the employee will not be affected by the contract.

No Authority commissioner or employee shall have any employment, engage in any business or commercial transaction, or engage in any professional activity in which, directly or indirectly, he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her duties with the Authority or that would be in conflict with his or her duties at the Authority.

No commissioner or employee of the Authority shall discuss, vote upon, decide or take part in (formally or informally) any matter before the Authority in which he or she has an interest. Exception shall be made in the case of an employee whose interest in the matter is minimal (e.g. an employee helping decide on a new telephone system owns 100 shares of AT&T stock), provided the commissioner or employee shall fully and specifically describe his or her interest, in writing, and the underlying basis of it, whether it be ownership, investment, contract, claim, employment or family relationship, to his or her immediate supervisor (or Chairman of the Board in the case of a Commissioner) prior to the commissioner or employee's participation.

Any matter decided on, contracted, adjudicated, or in any way acted upon by a commissioner or an employee who does not disclose a personal interest either in the matter, or in any person or organization having an interest in the matter, may be considered null and void by the Authority.

No employee of the Authority shall be permitted to participate as a lessor or lessor's agent in the leasing programs. Similarly, no member of the Board of Commissioners in his or her individual capacity shall be a lessor or lessor's agent. These prohibitions, however, shall not apply where the employee or Commissioner is a principal in a not-for-profit or charitable, educational, or humanitarian agency or

Code of Ethics

organization that may own or manage housing for rental purposes.

DRAFT

Code of Ethics

Ethical Standards for Commissioners

The Board of Commissioners of the Stonecrest Housing Authority is the architect of policy governing the operations of the Authority and retains legal and fiscal responsibility for the Authority. Recognizing that the Commissioners are chosen from a broad range of fields and professions and community interests renders difficult the circumscription of external interests and activities of the Commissioners. It is the intent that, insofar as is possible, the members of the Board of Commissioners are generally enjoined to follow the standards of conduct which are outlined in the Code of Ethics for employees. Further, it is expected that a Commissioner will voluntarily and fully outline his or her personal interests and potential conflicts of interest prior to assuming their seat on the board. Such a statement should be submitted to the Board Chairman within ninety (90) days of the Commissioner's appointment. For Commissioners currently serving, such an updated statement shall be developed annually at the year's first Housing Authority meeting.

Deleted: within ninety (90) days of their re-appointment for a new term. ann

- A. Any current or past contact in, or interest in, activities or programs of the Authority, including, but not limited to, any contracts previously bid and let, familial relationships with any staff or other board members, or any consultative or professional contracts.
 - 1. No Commissioner shall vote, decide on, or discuss any matter before the Board if that Commissioner has an interest in the matter, except that:
 - a. A Commissioner having interest through a voluntary association with the person or organization may be allowed to discuss the matter.
 - b. If the matter concerns a person or organization with which the Commissioner had former contact, and that former contact existed either prior to his or her selection, or occurred at least two years prior to the current discussion of the matter, the Commissioner may freely act.
 - 2. No Commissioner may use his or her position on the Board to intimidate, coerce, persuade or otherwise influence any of the activities or employees of the Authority.

Code of Ethics

Fraud

The Stonecrest Housing Authority by its Board of Commissioners, Executive Director (if applicable) and Staff (if applicable) are responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. This applies to any fraud, theft, waste or abuse or suspected fraud, theft, waste, or abuse involving any Commissioner, employee consultant, vendor, contractor, or outside agency doing business with the SHA or in any other relationship with the SHA.

The SHA does not tolerate any type of fraud, waste, or abuse. The agency’s policy is to promote consistent, legal and ethical organizational behavior.

Deleted: waste

Failure to comply subjects an employee to disciplinary action, including immediate termination. Failure to comply by a consultant, vendor, contractor, our outside agency, or person doing business with SHA or in any other relationship with SHA could result in cancellation of the business or other relationship between the entity and SHA. SHA will pursue prosecution if the results of an investigation indicate the possibility of criminal activity.

Definitions and Examples of Fraud, Waste, and Abuse

“*Fraud*” is defined as an intentional deception designated to obtain a benefit or advantage or to cause some benefit that is due to be denied. Examples of fraud include:

- Any dishonest or fraudulent act
- Forgery or alteration of any document or account belonging to the Stonecrest Housing Authority of Stonecrest, GA.
- Forgery or alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of company activities
- Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the Stonecrest Housing Authority (material value being defined as a value in excess of \$50).
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- Any similar or related inappropriate conduct

Code of Ethics

“*Waste*” is the loss or misuse of the SHA resources that results from deficient practices, system controls, or decisions. An example is purposely not taking advantage of early bird conference registration discounts.

“*Abuse*” is the intentional, wrongful, or improper use of resources or misuse of rank, position, or authority that causes the loss or misuse of resources such as tools, vehicles, computers, copy machines, etc. Examples of abuse include, but are not limited to:

- Using SHA equipment or supplies to conduct personal business; and
- An employee using non-confidential client information to get new customers for his/her outside business.

“*Theft*” is defined as the act of taking something from someone unlawfully. An example of theft is taking home a tool or other piece of equipment belonging to the SHA and keeping it for personal use.

Responsibility to Report Suspected Fraud

Each employee and Commissioner is required to report any suspected fraud, theft, waste, or abuse or other dishonest conduct to the Executive Director or, in lieu of an Executive Director, the Board Chairperson.

Each employee is required to report any suspected fraud, theft, waste, or abuse or other dishonest conduct of the Executive Director to the Board Chairperson.

Each employee and Commissioner is required to report any suspected fraud, theft, waste or abuse or other dishonest conduct of any Commissioner to the City of Stonecrest Mayor Pro Tem.

The Executive Director or, in lieu of an Executive Director, the Board Chairperson, has the authority to determine the merits of a report of suspected fraud including obtaining, if necessary, the assistance of the SHA Attorney.

The identity of an employee or complainant who reports suspected fraud will be protected to the full extent allowed by law. Suspected improprieties and or misconduct concerning an employee’s ethical conduct should be reported in the same manner and to the same reporting entity as fraud, theft, waste, abuse or other dishonest conduct.

Inappropriate employee or Commissioner conduct that does not constitute fraud or criminal activities are considered personal improprieties, and, as such, should be resolved by management or, in regard to Commissioners, by the Board. Examples of personal improprieties are an employee’s or Commissioner’s immoral, unethical, or inappropriate behavioral conduct. Any questions as to whether

Code of Ethics

an action constitutes fraud, should be directed to the Housing Authority’s Legal Counsel.

DRAFT

Code of Ethics

The Executive Director, the Board Chairperson, and the Housing Authority’s Legal Counsel shall treat all information received confidentially. Any employee or Commissioner who suspects dishonest or fraudulent activity will notify the Executive Director or the Housing Authority’s Legal Counsel ~~immediately and~~ should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act.

Deleted: immediately, and

Guidelines for Handling a Report of Suspected Fraud, Theft, Waste, or Abuse

Whether the initial report is made to the Executive Director, Board Chairperson or City Council, the reporting individual should receive the following instruction and information:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Allow the investigative body to conduct the investigation. Do not further investigate the allegations.
- Observe strict confidentiality. Do not discuss the case, facts, suspicions, or allegations with anyone else unless specifically asked to do so by the investigative body, police, SHA Attorney, or the Office of the Inspector General.
- Retaliation will not be tolerated. The SHA will not tolerate any form of retaliation against individuals providing information concerning fraud or suspected fraud.
- Every effort will be made to protect the rights and the reputations of everyone involved including the individual who in good faith alleges perceived misconduct as well as the alleged violator(s).
- The identity of an employee or other individual who reports a suspected act of fraud will be protected as provided by this policy.

Responsibility of the Executive Director

NOTE: In lieu of an Executive Director, the Board Chairperson will serve in this role.

The Executive Director, in consultation with HUD and Fiscal Auditor, shall evaluate the risks of fraud and implement processes, procedures and controls to mitigate those risks. Neither fraudulent financial reporting nor misappropriation of assets can occur without a perceived opportunity to commit and conceal the act. The Executive Director will be proactive in reducing fraud opportunities by:

- Identifying and measuring fraud risks;
- Taking steps to mitigate identified risks; and
- Implementing and monitoring appropriate preventative and detective internal controls and other deterrent measures.

The Executive Director shall serve as the primary Ethics Officer for the SHA. On receiving a report of fraud, the Executive Director shall document the contact and conduct a preliminary investigation to determine the credibility of the report. If the report is credible, the Executive Director shall follow the

Code of Ethics

investigation guidelines provided in this policy.

The Executive Director shall make every effort to protect the rights and the reputations of everyone involved in the report of suspected fraud, including the individual who in good faith alleges perceived misconduct as well as the alleged violator(s). The Executive Director also shall make every effort to protect the identity of a person who in good faith reported the suspected fraud. However, disciplinary action may be taken as provided by this policy if a report is made in bad faith.

The Executive Director may find it necessary to involve outside agencies to assist the investigation and may refer questions as to whether the action constitutes fraud to the agency's auditor or attorney, as appropriate.

On determining that a report is not credible or is not a report of fraud, the Executive Director shall document this determination. The Executive Director's documentation shall include support for the determination. The Executive Director is responsible for the administration, interpretation, and application of this policy. The Board of Commissioners is responsible for policy adoptions and revisions.

Guidelines for the Investigation of Suspected Fraud

The Executive Director is responsible for the investigation of reported wrongdoing and all suspected fraud and for coordinating investigative activities. Each employee involved in an investigation of suspected fraud shall keep the content of the investigation strictly confidential to the full extent provided by law. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know.

Any required investigative activity shall be conducted without regard to the suspected wrongdoer's length of service, position/title, relationship to the SHA, or any other perceived mitigating circumstance.

The Executive Director shall maintain appropriate documentation regarding incidents of fraud. The Executive Director shall develop and maintain guidelines for access to and security of this documentation, until a determination is filed.

If an investigation substantiates fraudulent activities, the Executive Director will prepare an incident report to the Board of Commissioners. The Executive Director shall prepare the report as soon as possible after the fraud is confirmed and shall document the content of the investigation, the findings, and any disciplinary action taken as a result of the finding.

If an investigation substantiated fraudulent activities of a possible criminal nature, the Executive Director shall determine, in consultation with the Board of Commissioners, HUD, Agency's Attorney

Code of Ethics

and/or the Office of the Attorney General, whether to refer the matter to law enforcement and/or at what level.

DRAFT

Code of Ethics

Any inquiries from the suspected individual, his or her attorney/representative, or any other inquirer shall be directed to the Executive Director. If necessary, the Executive Director will refer these inquiries to the SHA Attorney.

The Board Chairperson is responsible for the investigation of any reported ~~wrongdoing~~ by the Executive Director. The Board Chairperson shall follow the same procedures that have been established for the Executive Director to follow when investigating and addressing possible wrongdoing. The Board Chairperson shall advise the other members of the Board of Commissioners about the allegations and provide them with periodic updates on the status of the investigation. The Board Chairperson may also choose to appoint one or more Commissioners to assist with the investigation. Each Commissioner is bound by the same requirements for strict confidentiality.

Deleted: wrongdoing

Any reported wrongdoing by a member(s) of the Board of Commissioners shall be investigated by the City of Stonecrest Mayor Pro Tem in accordance with the policies of the City of Stonecrest Government.

Disciplinary Action

Failure to comply with any part of this policy will be grounds for disciplinary actions, including immediate termination. An employee who:

- Has engaged in any form of fraud, waste, or abuse;
- Suspects or discovers fraudulent activity and fails to report his or her suspicions as required by this policy; or
- Intentionally reports false or misleading information.

Any member of management who does not pass on to the Executive Director each and every report of suspected fraud made by an employee or other person is subject to disciplinary action, including immediate termination. Any losses from fraud will be recovered, if necessary, through civil action.