

1 AN ORDINANCE TO AMEND CHAPTER 102 (ADMINISTRATION), ARTICLE V  
2 (PURCHASES AND CONTRACTS), DIVISION 1 (GENERAL PROVISIONS),  
3 SECTION 102-351 (DEFINITIONS) AND DIVISION 3 (SOURCE SELECTION AND  
4 CONTRACT FORMATION), SECTION 102-373 (COMPETITIVE SEALED BIDDING)  
5 OF THE FULTON COUNTY CODE OF ORDINANCES TO ALTER THE PUBLIC  
6 NOTICE REQUIREMENTS FOR ADVERTISEMENTS INVITING RESPONSES TO  
7 FULTON COUNTY SOLICITATIONS TO PERMIT, BUT NOT REQUIRE, SUCH  
8 ADVERTISEMENTS TO BE PUBLISHED IN THE COUNTY'S LEGAL ORGAN; AND  
9 FOR OTHER PURPOSES.

10  
11 WHEREAS, public advertisement of solicitations for Fulton County contracts is  
12 necessary to ensure competition in the procurement and award of such contracts; and

13 WHEREAS, one means of ensuring that important information from Fulton  
14 County is publicly available, including the procurement process and any instructions to  
15 interested parties, is through the use of newspaper meeting the requirements to be a  
16 "legal organ" as detailed in O.C.G.A. § 9-13-142; and

17 WHEREAS, Fulton County's legal organ changed, effective January 1, 2024,  
18 from the *Fulton County Daily Report* to the *South Fulton Neighbor*; and

19 WHEREAS, the cost to advertise solicitations in the *South Fulton Neighbor* is  
20 more than the cost to advertise in the *Fulton County Daily Report* was and the lead time  
21 for submitting advertisements in the *South Fulton Neighbor* is longer than it was to  
22 submit advertisements in the *Fulton County Daily Report*; and

23 WHEREAS, having considered the matter, the Department of Purchasing and  
24 Contract Compliance wishes to utilize the other permitted alternatives to meet the public  
25 notice requirement as provided by state law; and

26 WHEREAS, O.C.G.A. §§ 36-91-20 ("Contracts to be in writing and available for  
27 public inspection; competitive bids or proposals; notice; addenda; prequalification of  
28 prospective bidders") and 36-80-27 ("Advertisement in the Georgia Procurement

Registry”) provides for solicitations to be advertised by other methods outside of advertisement in the legal organ of a county; and

**WHEREAS**, the laws of the State of Georgia that reference a county’s use of legal organ to advertise solicitations do not require its use, but rather mention it in a list of alternatives for public notification; and

**WHEREAS**, Fulton County Code of Ordinances Section 102-351 currently defines “advertisement” as meaning “public notice inviting bids or proposals on a specified project” and requires that all “projects shall be published in the county’s legal organ and on the Fulton County website under ‘Bid Opportunities’”; and

**WHEREAS**, Fulton County Code of Ordinances Section 102-373(b)(1) currently requires that, in addition to being posted on a website of Fulton County or a website designated by Fulton County for inviting bids, the Department of Purchasing and Contract Compliance “shall place an advertisement inviting bids in the county’s legal organ and in any other medium”; and

**WHEREAS**, having considered the matter, the Department of Purchasing and Contract Compliance wishes to utilize the other permitted alternatives to meet the public notice requirement for solicitations as provided by state law; and

**WHEREAS**, the Board of Commissioners finds that it is in the best interest of the public to amend Section 102-351 and Section 102-373 of the Fulton County Code to remove the requirement that County solicitations be advertised in the County legal organ; and

**WHEREAS**, pursuant to Art. IX, § II, ¶ 1(a) of the Georgia Constitution, the Board of Commissioners has the “legislative power to adopt clearly reasonable ordinances,

52 resolutions, or regulations relating to its property, affairs, and local government for  
53 which no provision has been made by general law and which is not inconsistent with  
54 this Constitution or any local law applicable thereto.”

55 **NOW, THEREFORE, BE IT ORDAINED**, that the Fulton County Board of  
56 Commissioners hereby amends Section 102-351 of the Fulton Code of Ordinances to  
57 permit, but not require, County solicitations to be published in the County’s legal organ,  
58 so that, when amended, Section 102-351 shall read in full as in Exhibit A, attached  
59 hereto and fully incorporated by reference, with all other sections having the same force  
60 and effect.

61 **BE IT FURTHER ORDAINED**, that the Fulton County Board of Commissioners  
62 hereby amends Section 102-373 of the Fulton Code of Ordinances to permit, but not  
63 require, County solicitations to be published in the County’s legal organ so that, when  
64 amended, Section 102-373 shall read in full as in Exhibit B, attached hereto and fully  
65 incorporated by reference, with all other sections having the same force and effect.

66 **BE IT FINALLY ORDAINED**, that this Ordinance shall become effective when  
67 passed and adopted, and that all ordinances and resolutions and parts of ordinances  
68 and resolutions in conflict with this Ordinance are hereby repealed to the extent of the  
69 conflict.

70 **SO PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,  
71 Georgia this \_\_\_\_ day of \_\_\_\_\_, 2024.

72 **FULTON COUNTY BOARD OF**  
73 **COMMISSIONERS**

74  
75 \_\_\_\_\_  
76 Robert L. Pitts, Chairman  
77

78 ATTEST:

79

80

81 \_\_\_\_\_  
82 Tonya R. Grier, Clerk to the Commission

82

83

84 APPROVED AS TO FORM:

85

86

87 \_\_\_\_\_  
88 Y. Soo Jo, County Attorney