

Division 14. Constitutional Officers' Procurement Duties

Sec. 102-485- Definitions.

Constitutional officers – as specified herein, means the Sheriff, Superior Court Clerk, Tax Commissioner and Probate Court Judge. (Ga. Const. Art. IX, § 1, ¶ 3(a)).

Code – all sections of the Fulton County Purchasing Code.

Sec. 102-486 - Purpose.

Although constitutional officers are afforded certain independence in the performance of their respective duties, the Board of Commissioners is charged with controlling the budget of Fulton County and has authority to review, approve, or modify constitutional officers' budgets. Further, the Code requires that all supplies, materials and equipment purchased using County funds shall be purchased or procured according to the Purchasing Code. Despite these provisions, constitutional officers in Fulton County have sometimes elected to solicit and/or procure goods and services without utilizing the Purchasing Agent and the Fulton County Department of Purchasing and Contract Compliance. This selective use of the Department of Purchasing and Contract Compliance and the Code has resulted in confusion, additional funds needing to be allocated by the Board of Commissioners to the constitutional officers' budgets, difficulty complying with reporting and auditing requirements, challenges to the efficient processing and reconciliation of payments and accounts, and has exposed the County to legal liability. Accordingly, this Division details constitutional officers' duties with regard to their use of the services of the Purchasing Agent and compliance with the Code.

Sec. 102-487 – Compliance by constitutional officers with Code.

- (a) Constitutional officers shall utilize the Purchasing Agent and the Department of Purchasing and Contract Compliance's procurement processes and procedures as outlined in the Code, except as otherwise provided in this Division; and
- (b) Constitutional officers shall only enter into contracts and agreements supported by funding in their budget as follows:
 - (1) Constitutional officers shall utilize the Purchasing Agent and Department of Purchasing and Contract Compliance, which uses a competitive solicitation process and procedure as outlined in Division III of this Code.
 - (2) Constitutional officers shall comply with the requirement and makeup of the Evaluation Committee composed pursuant to FCC § 102-380, when applicable, except that they shall be permitted to select all the voting members from their staff provided that the staff have the expertise and knowledge required by FCC § 102-380. Constitutional officers shall also be permitted to participate as voting members of the Evaluation Committee.

(3) After utilizing the Purchasing Agent and Department of Purchasing and Contract Compliance, constitutional officers may execute contracts without having the contracts or agreements go to the Board of Commissioners for approval and without being spread on the minutes of the Board of Commissioners pursuant to O.C.G.A. § 36-10-1.

(c) Constitutional officers shall work with and assist the Purchasing Agent and Department of Purchasing and Contract Compliance to ensure the maintenance of the records and inventory for each procurement and payment invoicing related to the same.

(d) After the establishment of the yearly budget for constitutional officers, should a constitutional officer enter into a contract without utilizing the Purchasing Agent and Department of Purchasing and Contract Compliance as described above, no additional funding will be allocated to the constitutional officer without a showing of compliance with this Division absent a showing of extraordinary need.

Secs. 102-488—102-490. - Reserved.