

FULTON COUNTY

PROCUREMENT REVIEW

SUPPLEMENTAL INFORMATION

April 4, 2024



INTRODUCTION



INTRODUCTION

The purpose of this supplemental information is to share additional background related to the Fulton County Procurement Review Report delivered to the County Auditor on January 30, 2024. This information was requested by the County's Audit Committee on March 14, 2024, following a presentation made by the Cherry Bekaert team who conducted the review and presented their observations and recommendations.

The Committee requested that the Cherry Bekaert team provide additional background information (as available) focusing on areas, processes, and procedures determined to be high-risk currently or on a trajectory to reach high-risk in the future. This supplemental provides additional detail used in this review and provides a list of departments/agencies interviewed and documents reviewed.

It is important to note the scope of the review conducted by Cherry Bekaert was a high-level review of overall County procurement processes and procedures. This review was not an audit. We were not seeking wrongdoing but getting a sense of the County procurement system by interviewing key officials and a diverse sampling of departments/agencies based on suggestions of the Office of the County Auditor. The report presented to the County is derived from these interviews and a review of many procurement-related policies, procedures, and documents. Our observations and recommendations are based on an objective set of criteria, the significant experience of the Cherry Bekaert team in public procurement, and an understanding of commonly used and successfully implemented procurement practices within the public sector.

No observations reported are intended to be accusatory or an insinuation of wrongdoing by any office, department or individual. Rather, the observations and recommendations throughout the report are focused on improvement opportunities identified during our engagement. Areas of high-risk being highlighted are done so specifically because, based on our team's experience, they deviate significantly from commonly accepted public procurement practices. We recommend these high-risk practices be reviewed and addressed by the appropriate governing bodies within the County.

Overview of the Main Report and Recommendations

While it is appropriate and normal to focus attention on high-risk areas first, for sustained long-term improvement it is just as important to begin a process for acting on the broader range of improvement opportunities identified in the report. Typically, areas of high-risk grow to that point over time through the assumption and expansion of implied authority because of a lack of clear lines of authority or clear and consistently followed rules governing procurement. This appears to be the case in Fulton County.

There are many recommendations throughout the report that are within the County's authority and may be acted upon fully by the County which will result in performance improvement, cost savings, and revenue enhancement opportunities. As we shared in our report, the County has a competent and well-run procurement department. For this reason, we view procurements run through the Department of Purchasing as low risk. However, even though they are judged to be low risk, we do make recommendations that will enhance the ability to more fully address the business requirements of certain procurements which can improve procurement outcomes.

The areas of highest risk are procurements handled outside the Department of Purchasing generated from Constitutional offices and other Countywide elected offices where independent procurement authority is claimed and exercised without apparent oversight, policies, procedures, accountability, and transparency. This is a significant gap in the overall integrity of Fulton County's procurement system and a key impediment to lowering the County's risk for these procurements which can fall outside the bounds of commonly accepted government procurement practices.

There is a need for greater oversight, accountability, and transparency for procurements outside of the County's standard procurement system managed by the Department of Procurement. Georgia law related to county procurement has led to different interpretations as to the independent procurement authority of Constitutional offices and Countywide elected offices. During our research, we became aware that State law is also interpreted differently by other counties as well as other stakeholders and outside interests. There are a variety of avenues that could be pursued to address this gap in the County's procurement system including the following:

- Exercise and/or seek authority to require that all procurements, including those of Constitutional offices and other Countywide elected offices, adhere to the County procurement code and utilize the Department of Purchasing in the same manner as other County departments/agencies.
- If requisite authority doesn't exist, request such authority from the State of Georgia specific to Fulton County based on its size and complexity.
- Alternatively, coordinate with other Georgia counties sharing similar concerns and collectively seek changes in State law.
- If the State is unwilling to extend County procurement oversight over the procurements of Constitutional offices and other Countywide elected offices, encourage the State to enact more robust procurement requirements that would require the adherence of Constitutional officers and Countywide elected officials.

- In the interim, the County could seek the voluntary participation of Constitutional offices and Countywide elected officials in utilizing the Department of Purchasing for all procurements regardless of whether they believe they may have independent procurement authority by highlighting the overall benefits to their offices as well as the County as a whole.
- Creation of a Purchasing Task Force/Committee could facilitate this by providing a vehicle for: 1) issue identification, 2) implementation of the recommendations identified in the report, 3) communication, and 4) coordination amongst the Department of Purchasing and user departments/agencies including Constitutional offices and Countywide elected offices.
- Lastly, the County could consider a full delegation of procurement authority to Constitutional offices and Countywide elected offices to avoid confusion and mixed responsibilities. The County could request that these offices opt fully in or fully out of the County procurement system. If they opt out, the County could seek to require that these offices have: 1) their own trained procurement staff, 2) policies and processes to assure compliance with state law, 3) sound public procurement practices, 4) integrated appropriately with County processes for legal review, risk management review, IT review (as necessary) and vendor payment, and 5) assured public transparency of their procurement processes including how procurement decisions are made.

Methodology and Interviews

As described in detail in the report, a risk-based approach was utilized when determining the risk level assigned to certain departments, offices, policies, and processes.

Cherry Bekaert's methodology involved conducting interviews of key individuals within a select sampling of County departments/agencies as suggested by the County Auditor's Office. This includes departments/agencies that are part of the general government under the Board of Commissioners and several offices led by Countywide elected officials. In addition to interviews, procurement documents/documentation and policy and procedure manuals related to County procurement were reviewed. Various documents were gathered and reviewed as part of the engagement, including those shown in the list below. Some documents were requested at the outset of the engagement while other documents were reviewed based on information gathered during interviews. Interviews were primarily conducted in-person, with subsequent follow-up discussions carried out virtually or through email for efficiency.

The list below shows the departments/agencies and offices interviewed.

- Department of Registration & Elections
- Office of the County Auditor
- Superior Court of Fulton County
- Office of the Fulton County Attorney
- Chief Financial Officer
- Department of Purchasing & Contract Compliance
- Grants Management
- Finance
- Budget
- Department of Information Technology
- Fulton County Police Department
- Department of Public Works
- State Court of Fulton County
- Fulton County Sheriff's Office
- Fulton County District Attorney's Office

Key Interview Topics

The interviews were structured to promote free discussion while maintaining a deliberate and consistent approach. The same, or similar, questions were asked of interviewees so risk assessments could be made objectively and “apples to apples” comparisons made. Additionally, open-ended questions were included to encourage interviewees to share honest feedback about what is effective and where improvements could be made.

During interviews, we sought general feedback on county leadership and discussed the roles and responsibilities of individual departments or offices in the procurement process. We inquired about each department's specific procurement processes and common methods, their policies and procedures, collaboration with the County Procurement Office, training in procurement, and the challenges they encounter in their daily work. We specifically asked their opinions on improvement opportunities. Additionally, we explored topics such as grant-funded purchases, contract negotiation, procurement terms and conditions, and indirect costs.

These discussions provided robust and candid feedback that informed the observations, recommendations and determination of risk areas shown in the report. Furthermore, they identified specific circumstances or procurements that may fall outside the norms of commonly accepted public sector procurement practices.

Examples of High-Risk Activity

Fulton County spends a significant amount of tax dollars every year on goods and services. While much of the money is spent on repeatable items that are well known to the buyers and users, there is also significant money spent on infrastructure that supports the business of government. Examples of this include new technology and updated and upgraded infrastructure.

As shown below, the high-risk activities we encountered came from procurements handled outside the Department of Purchasing, creating the previously mentioned gap in the County's procurement system. Our report provides extensive observations and recommendations, many of which address this gap, including some also mentioned in this supplemental document.

Examples of High-Risk Activities Outside Generally Accepted Practices

- Procurements utilizing the "Black Card Memo" (Sheriff's Office)

Several discrepancies and errors were discovered upon reviewing sampled purchases made using Black Card Memos. This term refers to the unlimited purchasing ability of holders of the American Express Black Card. A lack of review and approval mechanisms was evident, raising concerns about accountability and oversight in procurement processes using this alternative method. Based on our interviews, several procurements and related activities lack a control structure, procurement solicitation, justification, selection, or delivery acceptance criteria. This creates high financial and reputational risk for the County and for these purchases is not a sign of a properly functioning procurement system.

- Procurement of Inmate Food Services (Sheriff's Office)

Our assessment revealed a lack of transparency and adherence to the County's established criteria for vendor selection in the contract procurement process.

While we were not provided with the selection documents and only the final contract, based on what was reported to our team by multiple individuals, this vendor selection was not consistent with commonly accepted government procurement practices. It was reported that an evaluation committee recommended maintaining the incumbent vendor, but the Sheriff overruled the committee's recommendation and awarded the contract to the current food service vendor at a higher cost. Although not typical in public contracting, this happens sometimes; however, it is common for a written justification to be provided and publicly available.

In addition to food service, the newly selected vendor agreed to additional requirements for providing capital equipment and technology. We were unable to gather sufficient supporting documentation to validate whether the terms and conditions (Figure 1) outlined in the contract regarding Contractor Investment and Contractor Technology Grant requirements were fulfilled by the contractor¹.

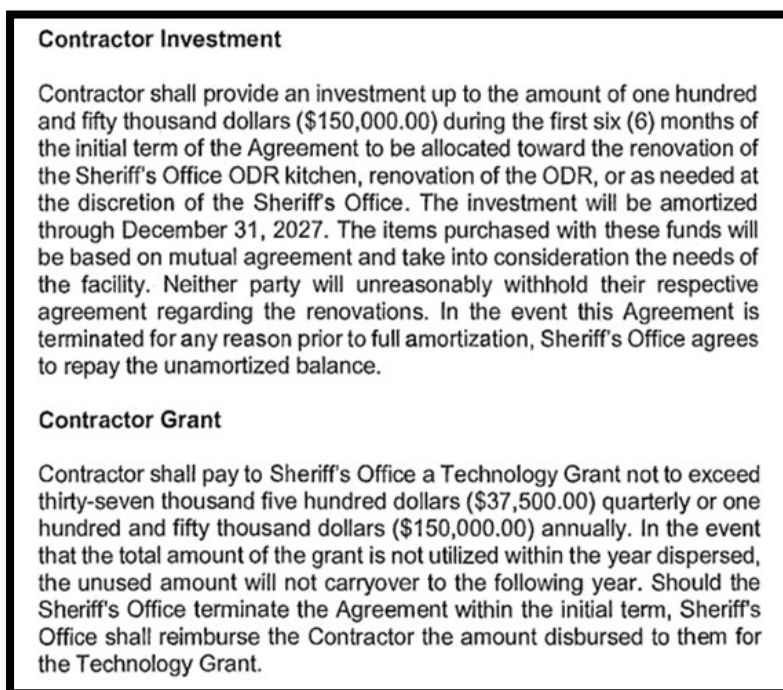


Figure 1

In addition, the execution of the contract by the Sheriff's Office and the utilization of a Black Card Memo to escalate the purchase order limit without written justification for the cost increase raises questions regarding fiscal responsibility and procurement integrity. While we were not able to obtain detailed documentation, it was reported to our team that the difference in bid prices was significant.

- Procurement of Inmate Tracking and Monitoring Services - Wrist Band (Sheriff's Office)

The Board of Commissioners' decision to terminate the inmate tracking and monitoring service contract, which was funded through the Inmate Welfare Fund, underscores the importance of robust and transparent vendor evaluation processes and contract management systems within the Sheriff's Office.

¹ INMATE FOOD SERVICES and RELATED FOOD SERVICE OPERATIONS For FULTON COUNTY SHERIFF'S OFFICE page 55 (Contract 22RFP0727B-EC)

- Procurement of Sprinter Van (Sheriff's Office)

Discrepancies were identified in the procurement timeline for a Sprinter Van purchase, where payment was made in 2021, but the vehicle was not received until 2023. However, we were informed that the Sheriff's Office did report to Finance that the van had been received and it was not until an audit was conducted that it was found to not be in the County's possession.

- Process utilizing Inmate Welfare Fund (Sheriff's Office)

Insufficient evidence was found to demonstrate adherence to established expense approval processes regarding use of the Inmate Welfare Fund. The updated procedure in 2022, which transfers the responsibility for audits from the County Auditor's Office to the Sheriff's Office, creates gaps in ensuring adequate oversight and accountability. In addition to not following the procedures in place a clear definition of "inmate welfare" could not be given. During our interview, the Sheriff's representative informed us that the Sheriff has sole determination over what is "inmate welfare" and the justification for expenditures.

Examples of Procurements That Could Become High Risk

- Procurements utilizing Prosecutorial Discretion (District Attorney's Office)

During our interviews, we were informed that prosecutorial discretion was utilized for purchases. Prosecutorial discretion was defined to us to be an allowance to secure goods and services that the District Attorney deems necessary to benefit trial proceedings in furtherance of the office's statutory duties.

It is typical for many similar offices around the country as well as emergency situations such as natural disasters, to use a form of emergency procurement. However, when such procurement takes place there is typically a reporting requirement back to a legislative, executive agency or both on the goods and services procured and, the reason and nature of the emergency requiring this process.

We were informed that the use of prosecutorial discretion has sometimes moved past securing services such as expert witness testimony during the course of a trial, to items such as gun holsters for agents and office supplies and other items that likely could have been planned for and obtained through the Department of Purchasing.

There can be ongoing temptation to use special procurement authority to circumvent procurement procedures that may be viewed as burdensome for procurements that may not clearly fit within the original intent of the accepted special procurement authority. This trend is evidenced by the email from the District Attorney's office found in the appendix of the original report.

List of Documents Reviewed

Policies, Procedures, and Training Documents

- County Code Article V. Purchases and Contracts - 2022
- 2000 ABA Model Procurement Code
- Purchasing Code Thresholds MEMO - 2022
- Board of Commissioners Agenda Item Summary for Purchasing Threshold Revision - 2022
- 2022-0203 Attachment to the Board of Commissioners Agenda Item 2022
- 2022-0203 Purchasing Code Revision Presentation - 2022
- Department of Purchasing and Contract Compliance Standard Operating Procedures - 2022
- P Card Manual - 2023
- BidNet Training Requestor User Department Instructions - 2023
- Grants Procurement Training Presentation - 2023
- Fulton County Sheriff's Office Jail Division Policies and Procedures Inmate Funds/Commissary - 2012
- Fulton County Sheriff's Office Jail Division Policies and Procedures Inmate Funds/Commissary - 2022

Past Audits

- Aramark Audit Report - 2020
- Aramark Audit Response - 2020
- Aramark Audit Follow-Up Report - 2022
- Aramark Audit Managements Response - 2022
- NaphCare Final Report - 2019
- NaphCare Audit Responses - 2019
- NaphCare Follow-Up Review 2021
- Purchase Card Audit - 2022
- Purchase Card Managements Response - Finance - 2022
- Purchase Card Managements Response - Purchasing - 2022
- Purchasing Update for Audit Follow-Up - 2014
- 2022 Fulton County Government Single Audit (Draft)

Communication and Memorandum

- Proposal to BOC Constitutional Officer - Purchasing Code 12.16.2020 Agenda Item Summary - December 16, 2020
- 20-0984 Fulton County Board of Commissioners Agenda Item Summary Minutes December 16, 2020
- Department of Purchasing and Contract Compliance Vendor Fair PowerPoint - 2023
- 2023 Outreach Information Session (Vendor Fair Flyer)
- FY2023 Procurement Forecast Template
- Fulton County Board of Commissioners Recess Meeting Minutes April 19, 2023
- Email - RE Equitable Sharing Agreement Certification - GA0600000 Fulton County Sheriff's Office - 2023
- Email - EXTERNAL - Inmate Food Services - Summit - 2023
- Email - RE_ Payment of invoices - 2021
- ACCG Guide to County Commissioners (Constitutional Officers Budgeting, Contracting, and Other Critical Issues) - 2016

Reports

- Purchase Orders from County Sheriff's Office for 2021, 2022, 2023
- Department of Purchasing Yearly Procurement Totals (Years 2021 - 2023)
- P Card - Card 9974 Billing Statement - 2022
- Purchasing Card Sample 1 summary - 2022
- Equitable Sharing Agreement and Certification FY2023 - DA's Office
- Equitable Sharing Agreement and Certification FY2023 - Sheriff's Office
- Equitable Sharing Agreement and Certification FY2023 - Police
- FY2022 eShare - Sharing Distribution Report - DA's Office
- FY2022 eShare - Sharing Distribution Report - Sheriff's Office
- Asset Forfeiture General Ledger FY2022
- FY2022 ESHARE - SHARING DISTRIBUTION REPORT - Sheriff's Office
- Annual Hardware and Software Maintenance and Support List - 2022
- Annual Hardware and Software Maintenance and Support List - 2023
- Combined FY2022 Payroll Reports for SAKI (Sexual Assault Kit Initiative) Grant - DA's Office

Demonstration

- BidNet Direct Application - Department of Purchasing and Contract Compliance

Purchase Orders and Contracts

- Purchase Order - PO23138567B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO 231936B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO2319418B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO23139523B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO23139566B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO23LEGACY0714B-EC, Interoffice Memo, and Sales Quote
- Purchase Order - PO23138534B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO23138577B-PS, Interoffice Memo, and Sales Quote
- Purchase Order - PO23138812B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO23139022B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO23139159B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO23139209B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO 23139308B-RT, Interoffice Memo, and Sales Quote
- Purchase Order - PO 23139346B-RT, Interoffice Memo, and Sales Quote
- Request for Proposal #22RFP0727B-EC Inmate Food Services and Related Food Service Operations for County Office
- Updated Negotiation Invitation Letter - Inmate Food Services
- Contract (22RFP0727B-EC) for Inmate Food Services and Related Food Service Operations for Fulton County Sheriff's Office
- Purchase Order (PO 330 22RFP0727B-EC) for Inmate Food Services and Related Food Service Operations for Fulton County Sheriff's Office
- Department of Purchasing and Contract Compliance Site Visit Sign-In Sheet - 20
- Fulton County Board of Commissioners Recess Meeting Minutes April 19, 2023
- Purchase Order - PO 330 23EA - TAL10428B-EC
- Monitoring Services Subscription Agreement Between Fulton County Sheriff's Office and Talitrix - 2023
- Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Amendment No.1 to Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Amendment No.2 to Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Amendment No.3 to Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Renewal 1 of Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Renewal 2 of Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Renewal 3 of Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Renewal 4 of Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Renewal 5 of Inmate Medical Service Contract (17RFP07012016B-BR) - NaphCare
- Request for Proposal 17RFP07012016B-BR Inmate Medical Service for Sheriff's Office
- Fulton County Board of Commissioners Agenda Item Summary November 15, 2017

- Department of Purchasing & Contract Compliance RE: Notice of Default and Request to Cure - 2017
- Department of Purchasing & Contract Compliance RE: Notice of Suspension of Work and Intent to Terminate for Failure to Cure Defaults - 2017
- Evaluation Committee Recommendation Letter - 2016
- Inmate Medical Services - CORRECT CARE Response to Notice of Suspension of Work and Intent to Terminate for Failure to Cure Defaults - 2017
- Inmate Medical Services - Letter from Morehouse School of Medicine - 2017
- Statewide Contract (DA's Office) - Wade Ford, Inc. - 2022
- Statewide Contract (Police) - Motorola Solutions, Inc - 2022
- Statewide Contract (Superior Court) - Siemens Healthcare Diagnostics Inc. - 2021
- Statewide Contract (Superior Court) - Siemens Healthcare Diagnostics Inc. - 2023
- Contract (21ITB129107C-GS) Uniforms and Related Accessories - Department of Real Estate and Asset Management
- Contract (22ITBC0412B-EF) - Duty Gear and Uniforms - Lawmen's and Shooter Supply Inc. - Police
- Renewal 1 of Contract (22ITBC0412B-EF) - Duty Gear and Uniforms - Lawmen's and Shooter Supply Inc. - Police
- Contract (22ITBC0412B-EF) - Duty Gear and Uniforms - Smyrna Police Distributors - Police
- Renewal 1 of Contract (22ITBC0412B-EF) - Duty Gear and Uniforms - Smyrna Police Distributors - Police
- Contract (22ITBC0412B-EF) - Duty Gear and Uniforms - T&T Uniforms - Police
- Contract (19ITBC122716A-FB) - Uniforms and Accessories - Cintas Corporation - Public Works
- Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - Master Agreement
- Renewal 2 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - Dana Safety and Supply - Sheriff's Office
- Renewal 1 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - Galls, LLC - Sheriff's Office
- Renewal 2 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - Galls, LLC - Sheriff's Office
- Renewal 1 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - G.T. Distributors of Georgia, Inc. - Sheriff's Office
- Renewal 2 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - G.T. Distributors of Georgia, Inc. - Sheriff's Office
- Renewal 2 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - NAFECO - Sheriff's Office
- Renewal 1 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - Smyrna Police Distributors - Sheriff's Office
- Renewal 2 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - Smyrna Police Distributors - Sheriff's Office

- Renewal 1 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - T&T Uniforms - Sheriff's Office
- Renewal 2 of Contract (19ITBC122018B-BR) - Sheriff's Uniforms and Gear - T&T Uniforms - Sheriff's Office
- Fulton County Sheriff's Office Client Information Form and Internal Control Questionnaire - 2022
- HG2 Emergency Lighting - Invoice (2933) and Purchase Order (PO 330 21HG21209B-PS)
- Sprinter Van-Vehicle Receiving Transmittal Form - 2023

FULTON COUNTY PROCUREMENT REVIEW

January 30, 2024



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INTRODUCTION



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Background

The Fulton County government is comprised of the general County government under governance of the Board of Commissioners, four independently elected constitutional officers, other countywide elected officials, and agencies administered by appointed officials (see Organizational Chart Appendix A). The Clerk of the Superior Court, Judge of the Probate Court, Sheriff, and Tax Commissioner serve as the County's constitutional officers. Countywide procurement and finance services are housed in the general County government; however, some constitutional officers and countywide elected officials have their own infrastructure supporting finance and procurement functions.

Fulton County is the largest county in the State of Georgia with a population approaching 1.1 million having grown about 17% since 2010¹. As the County's population has grown so have the needs of its residents requiring additional spending and investment in infrastructure and services. Fulton County's Proposed 2024 Budget of \$1.34 billion has grown over 47% since 2010² (Chart 1).

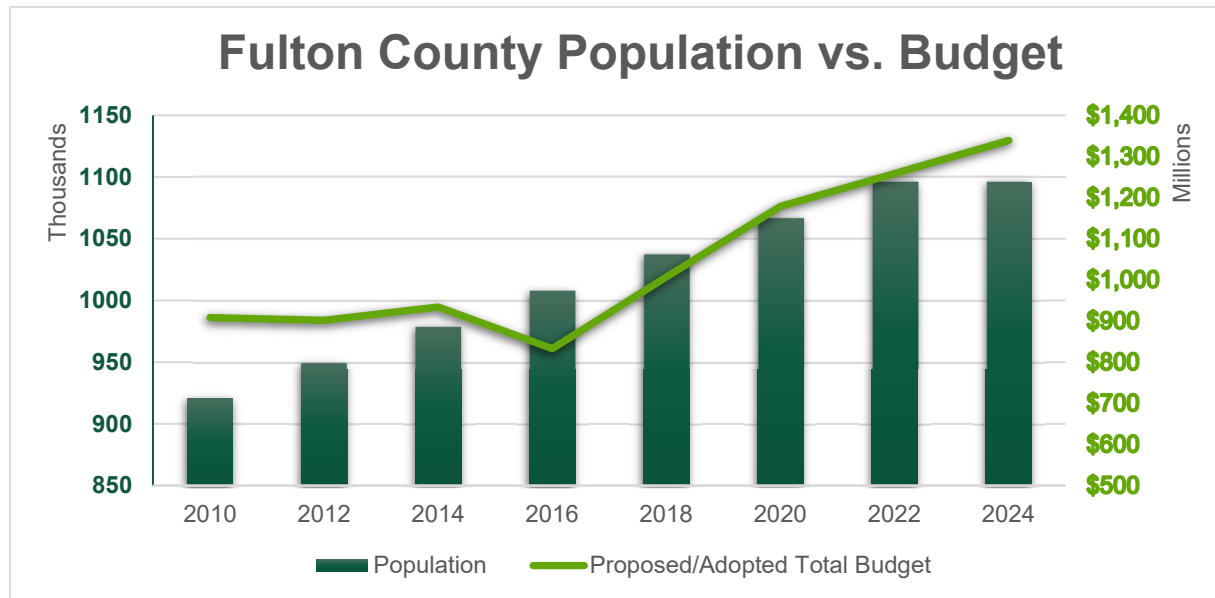


Chart 1

¹ United States Census Bureau <https://www.census.gov/quickfacts/fultoncountygeorgia>

² Fulton County Budget Documents <https://www.fultoncountyga.gov/inside-fulton-county/open-government/budget>

Given the increase in growth and spending, the Fulton County Office of the County Auditor requested proposals to provide a high-level review and assessment of procurement practices for the County government including the constitutional offices. The purpose of this review is to look at compliance with applicable Federal, State, and County rules and requirements governing procurements, as well as standard and successful procurement practices found in the public sector. In addition, the assessment evaluated if proper procedures and processes are in place and being followed while looking for areas of improvement in safeguarding County funds and achieving the timely acquisition of goods and services.

This shows what leaders value, what they expect and where they're trying to lead the organization.

This report shares general observations, areas of identified risk associated with procurement and areas with opportunities for improvement. *This is not a department/agency level review but a high-level countywide review of procurement practices that includes interviews with a cross-section of departments/agencies, constitutional offices and countywide elected offices as suggested by the County Auditor. This review was not conducted under audit standards.* We are also providing a brief assessment of the County's Grants Management (see Appendix B). Observations and areas of risk identified and attributed to any specific department/agency is not intended to be an accusation of intentional or unintentional wrongdoing but rather observation of practices that may increase risk associated with procurement and the spending of public funds.

It is important to note that leadership and tone start at the top of an organization with employees taking stock of what leaders say and even more importantly what they do. This shows what leaders value, what they expect and where they're trying to lead the organization.

Overview of the County's Procurement Process

In Fulton County, the procurement process has evolved significantly over the years, adapting to changes in governance and aiming for transparency and efficiency. The County utilized the 2000-American Bar Association (ABA) Model Procurement Code for State and Local Governments when adopting its own Purchasing Code in 2013. The ABA model code had undergone revisions and improvements since its original inception in 1979 and has been widely adopted across the country. The County's Purchasing Code serves as the guiding framework for procurement activities across the various departments/agencies within the County.

The procurement process encompasses various teams within the Department of Purchasing & Contract Compliance (Procurement Department), each dedicated to supporting specific departments/agencies or functions. These teams manage different aspects of procurement including P-Card management, vendor management, and contract compliance, while also liaising with the Office of the County Attorney and the Department of Real Estate and Asset Management for contract management.

The purchasing thresholds in Fulton County delineate the limits within which procurement can occur without competition or through competitive processes like quotes, Invitation to Bid (ITB), or Request for Proposal (RFP). These thresholds dictate the processes and methods for acquiring goods and services within the County's procurement system. Departments within Fulton County submit their procurement requests through a centralized contract management system, BidNet, which was implemented during the COVID-19 pandemic.

Despite these established processes, challenges arise particularly from the need to renew contracts on an annual basis. This practice results in contracts expiring every December 31st, requiring departments to undergo the contract renewal process annually which creates a recurring administrative burden. The County operates on a financial system implemented in the 1990s that lacks many modern features and capabilities which impacts the efficiency of the procurement system. In the State of Georgia, constitutional officers and some countywide elected offices can exercise a level of independence in procurement and contracting. This leads to issues regarding adherence to established County codes, policies, procedures, and budget deviations. This decision-making autonomy creates challenges in providing transparency, consistency, and fairness across the countywide procurement system while potentially leading to serious procurement pitfalls and significant risk exposure for the County.

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METHODOLOGY



METHODOLOGY

The Cherry Bekaert Approach

Cherry Bekaert used a risk-based approach consisting of in-person interviews, document reviews, data analysis, follow-up interviews and report development. *This effort was not an audit but rather a review conducted under consulting standards.* In addition, Cherry Bekaert was not asked to nor sought out wrongdoing, but rather conducted a review of processes and procedures looking for areas of possible control structure weakness or other systematic risks along with making recommendations for possible improvements. We have made recommendations associated with our observations throughout the report and included a summary of recommendations (See Appendix C).

Our project team has extensive experience in public sector procurement policy, procedures, and practices. The project focused on key areas of risk and possible opportunities for improvement in the areas of People, Process and Technology.

Our team utilized our risk-based framework methodology shown in Chart 2.



Chart 2

Chart 3 below presents an overview of procurement risk levels categorized as high, medium, and low risk. Each level signifies varying degrees of risk exposure within the procurement process, highlighting key areas of concern and potential vulnerabilities. The purpose of assessing these risk levels is to aid in prioritizing corrective measures, ensuring compliance, and enhancing transparency and efficiency within the County’s procurement practices.

High Risk	Medium Risk	Low Risk
Lack of Compliance	Threshold Challenges	Adherence to Codes and Procedures
Budget Deviations	Inconsistencies or Gaps in Documentation and Reporting	Transparent Processes
Decision-Making Autonomy	Outdated Technology and Industry Knowledge	Effective Utilization of Approved County Procurement Systems
Transparency Issues	Effectiveness of Contract Management Practices	Stable Budget Management
Consequences of Mismanagement	Training and Awareness	Accurate Procurement Documentation and Reporting

Chart 3

The data collected that informs our reporting comes from a series of 19 interviews with 27 people throughout 13 departments/teams and 2 independent constitutional offices and other countywide elected offices. The people interviewed and agencies selected were identified by the County Auditor's Office and represent a wide range of procurement activities and needs that provide a sampling of overall County needs and procurement related business.

In addition to interviews, the Cherry Bekaert team conducted an extensive review of previous procurements and related documents as well as reviews of existing policies, procedures, rules, guidelines, and practices related to procurements conducted by the County. These included reviews of various internal and external audit reports, countywide procurement policies, procedures, and training documents, as well as correspondences such as memorandums and communications exchanged between the Procurement Department and various departments, constitutional offices, or countywide elected offices. Furthermore, our assessment included a review and analysis of P-Card transaction reports, sampled purchase orders, invoices, and supporting documentation. Compliance testing was also conducted on selected procurement samples and contracts. This approach allowed us to gain a thorough understanding of the County's procurement processes and compliance with established regulations.

This report provides a high-level assessment of the effectiveness and efficiencies of the County's procurement activities, areas of risk categorized by priority, opportunities for improvement as well as other general observations and recommendations.

Regulatory Framework

Outside of federal requirements which are primarily associated with the use of federal grants/funding in purchasing, the regulatory framework governing procurement in Fulton County is comprised of state and County statutes, regulations, rules, procedures, policies, and processes. State law appears to focus primarily on construction related procurement via the "Georgia Local Government Public Works Construction Law" while also limiting contracts to one year. There have been ongoing and changing court interpretations of the procurement authority of constitutional officers and other countywide elected officers.

Advancing Georgia's Counties eloquently addresses the potential for tension amongst County Commissioners who hold ultimate fiscal responsibility for the counties and other elected officials who hold levels of independent authority for procurement and contracting. *"In Georgia, local government at the County level is structured so that power is distributed to several independent officials. One of the most challenging aspects of being a County Commissioner is harmoniously and efficiently working with other elected County officials. Sometimes these relationships falter because of the personalities of one or more individuals involved. More often, problems arise from the basic tension established in the Georgia Constitution and statutes between the fiscal duties of the board of commissioners and the independent authority of other elected County officials. This tension is compounded by a lack of understanding among the board of commissioners and elected County officials of each other's duties and responsibilities under the law. As constitutional officers and County commissioners are elected officers, there is a great deal of coordination and cooperation required to balance the board of commissioners' fiduciary and fiscal duties to the County taxpayers with constitutional officers' functions established by law."*³

The challenge for the Board of Commissioners is how to best fulfill their fiscal responsibilities for the County as a whole when there are significant amounts of County funding they don't control once the annual budget has been adopted. The Fiscal Year 2024 Proposed Budget for constitutional offices and other countywide offices is approximately \$417.4 million⁴ or approximately 31% of the overall County budget. The expenditure of some of these funds follows County policies and procedures while independent discretion is exercised at other times. This is a significant area of financial and reputational risk for the County and heightens the potential for improper or even illegal activities related to procurement and the use of public funds.

The challenge for the Board of Commissioners is how to best fulfill their fiscal responsibilities for the County as a whole when there are significant amounts of County funding they don't control once the annual budget has been adopted.

The County has established a professional procurement function that helps assure compliance with procurement requirements and minimize risk to the County. When constitutional offices and countywide elected officials exercise independent procurement and contracting authority, the County is potentially exposed to higher levels of risk if this work isn't handled by procurement professionals focused on meeting the needs of their agencies in a manner compliant with requirements and sound procurement practices. If constitutional officers and countywide elected officers hire professional procurement staff, they may better protect the County, but this can also lead to duplication, inefficiencies, and inconsistencies.

³ Constitutional Officers: Budgeting, Contracting, and Other Critical Issues A Guide for County Commissioners 4th Edition Advancing Georgia's Counties

⁴ These numbers were identified by reviewing page 15 of the Fiscal Year (FY) 2024 Proposed Budget showing FY2024 Proposed Budget by Department and Focus Area.

It is important to keep in mind that constitutional officers and other countywide elected officers have mandated duties they must fulfill and that voters render judgement on how well they perform those duties at election time. The ability of procurement systems to meet their needs can play a significant role in their success. Those offices that have independent procurement and contracting authority are likely more motivated to use countywide procurement systems if they believe those systems can adequately meet their needs. There are opportunities to improve and streamline County procurement processes thereby encouraging constitutional offices and countywide elected offices to utilize the countywide procurement system even for purchases in which they may have independent authority. This can also discourage the temptation to push the boundaries of independent authority for purchases that should be managed through the countywide procurement system. Ultimately, the Board of Commissioners carries significant financial and other levels of risk based on the independent decisions of the constitutional officers and other countywide elected officers.

ASSESSMENT OF ORGANIZATIONAL CULTURE AND TRUST WITHIN THE LEADERSHIP



ASSESSMENT OF ORGANIZATIONAL CULTURE AND TRUST WITHIN THE LEADERSHIP

Risk Level: Low

Observations

Without exception, all individuals interviewed expressed a strong level of confidence in the leadership of the Department of Purchasing and Contract Compliance. The overall belief is that there exists a commitment to doing the right thing when it comes to stewarding the County's money and maintaining the integrity of the public procurement process. The departments also echoed a belief that Procurement Department leadership acts as problem solvers within a control agency rather than simply a control point. Significant advances have been made in procurement over the last few years to introduce electronic procurement management through DocuSign and BidNet, raising procurement thresholds and achieving accreditation by the National Institute of Governmental Purchasing (NIGP). The interest, openness and willingness of a department director to assess his or her department's operations against industry standards and best practices to identify and implement improvements is a good gauge of confident, improvement focused management and tends to reduce the risks associated with departmental operations.

Accreditation of the Procurement Department by NIGP is a significant achievement (less than 50 agencies are accredited nationally) that speaks well of the commitment of department leadership to establishing and maintaining a high functioning procurement operation. The Procurement Department has also been recognized by the National Purchasing Institute (NPI) for Achievement of Excellence in Procurement in 2023. The Chief Purchasing Agent's designation as a Certified Chief Procurement Officer by the Universal Public Purchasing Certification Council as well as her encouragement for other purchasing staff to achieve certifications also speaks to this commitment.

Accreditation of the Procurement Department by NIGP is a significant achievement (less than 50 agencies are accredited nationally) that speaks well of the commitment of department leadership to establishing and maintaining a high functioning procurement operation.

The main area of concern focused on perceptions of long, burdensome processes. While there appears to be a strong desire to work closely with the Procurement Department, there are opportunities for improvement that can be acted upon and achieved quickly that will strengthen the relationships and improve the overall processes which will be discussed in detail throughout the recommendations.

County departments feel supported and trust the Chief Purchasing Agent and her team. They believe in the Procurement Department's commitment to doing the right thing and have confidence in the County's leadership, which appears to have a unified vision. Based on our conversations, the Procurement Department and Grants Office appear to have a strong emphasis on compliance. Moreover, most departments interviewed indicate adherence to the outlined procurement processes. We also discovered that bid protests have decreased over the years which is a positive indicator (Chart 4). However, there is a general feeling that the Procurement Department may be understaffed which could contribute to longer times in processing purchases. Much of this is due to the pandemic caused staff loss, general attrition, and inability to find qualified replacement candidates although efforts have been made to address this in the last few years.

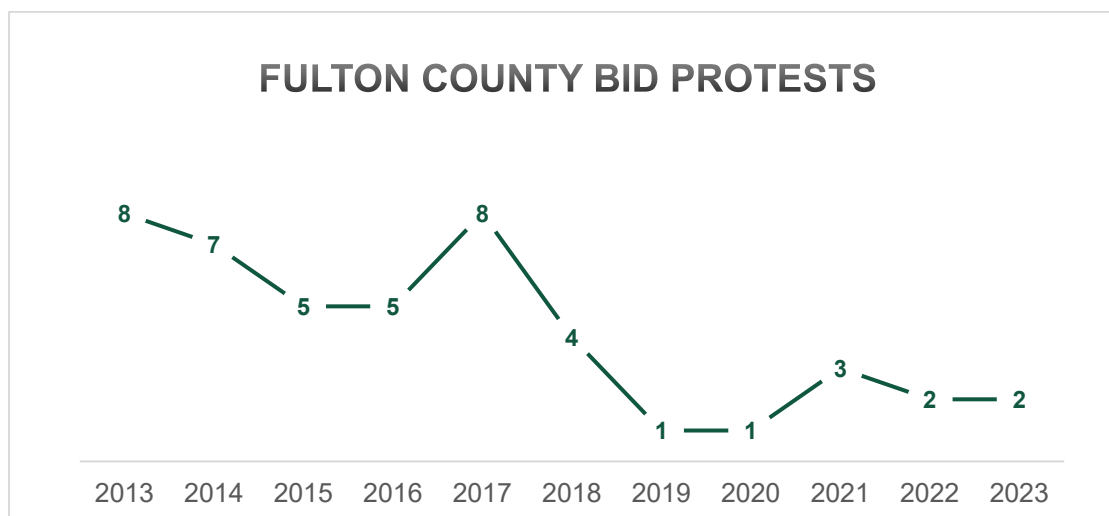


Chart 4

Recommendations

- 1) Recognize and celebrate achievements and milestones in the procurement process. Acknowledging and rewarding success can motivate procurement staff and other departments to maintain high standards. We were impressed to learn that Procurement Department employees and other County employees are rewarded with incentives based on Key Performance Indicators (KPI).
- 2) Encourage a culture of continuous improvement in procurement processes. Regularly review and update procurement policies and procedures to make them more current, efficient, transparent, and aligned with County goals.
- 3) As the County implements new technology (such as an upgraded financial system) and takes advantage of opportunities to streamline procurement processes, the County should evaluate the adequacy of its procurement staffing as well as opportunities to better attract and retain procurement staff.

ASSESSMENT OF COUNTY'S SPENDING THRESHOLD AND CONTRACT COMPLIANCE MANAGEMENT



ASSESSMENT OF COUNTY'S SPENDING THRESHOLD AND CONTRACT COMPLIANCE MANAGEMENT

Risk Level: Low - Medium

Fulton County appears to be well organized to address contract compliance through its Procurement Department, with a team devoted to this responsibility. The County's spending thresholds were most recently updated in August 2022. The revised purchasing code increases thresholds across categories, with the exception of P-Cards. Small purchases are now allowed up to \$5,000 without competition, while both informal and formal competitive procurements range from \$5,001 to \$100,000 and \$100,000 and above, respectively. The County Manager has authority to sign contracts up to \$100,000. The Board of Commissioners must approve any contracts higher than \$100,000 (Chart 5).

PROCUREMENT METHOD	CURRENT THRESHOLDS
Small Purchases (Competition Not Required)	\$0 -\$5,000
P-Card per Transaction	\$2,500
Procured via Quotes	\$5,001 to \$100,000
Procured via ITB/RFP	\$100,001 and above

Chart 5

Observations

1. During the interviews, 50% of the departments expressed concern that the spending thresholds set by the County are too low. These limits are perceived as constraints, impacting their ability to efficiently acquire necessary goods or services without having to navigate a lengthy approval process.
2. The majority of departments interviewed utilize both state contracts and U.S. General Services Administration (GSA) Schedules, with a notable preference for leveraging state contracts.
3. All departments interviewed indicated dissatisfaction with the limitations imposed on contract durations. Although many contracts allow for renewals, the renewal process demands significant annual effort from departments, despite the renewals almost always being approved. Those interviewed struggled to think of any examples of contract renewals that had not been approved.

Risks

- The limitations placed on automatic contract renewals might result in higher costs and less favorable terms for the County. When contracts have shorter durations or limited renewals, it may lead to missed opportunities for negotiating more advantageous terms or volume discounts. Vendors are unable to spread costs over multiple years and may have to provide higher single year costs.
- The observation that many departments prefer state contracts or have dissatisfaction with contract durations may contribute to vendor instability or service disruptions.
- The effort required for processing renewals, managing frequent transactions, and navigating lengthy approval processes due to spending limitations can result in increased paperwork, higher operational costs, and inefficiencies in administrative tasks associated with procurement activities. The sheer volume of renewals needing to be separately processed can also result in less attention on larger dollar and higher risk contract renewals that may benefit from greater scrutiny.
- When departments face limitations due to contract durations or spending thresholds, there might be a tendency to conduct frequent small transactions to bypass these constraints. However, this approach might increase the volume of transactions without comprehensive compliance reviews. This lack of scrutiny could lead to compliance risks, such as not adhering to procurement guidelines or regulatory requirements, potentially causing issues in maintaining compliance standards.

The sheer volume of renewals needing to be separately processed can also result in less attention on larger dollar and higher risk contract renewals that may benefit from greater scrutiny.

Recommendations for Observation 1 and 2

- 1) Implement a process for periodically reassessing and adjusting spending thresholds consistent with state requirements to keep them in line with changing departmental budgets and economic conditions. The procurement/contract authority of the County Manager and department/agency directors is low based on our experience, especially when considering the size of Fulton County. For example, Fulton County department directors have authority for procurements up to \$5,000 whereas Dekalb County department directors have authority up to \$25,000.

- 2) Implement procurement technology or a dashboard system that can help monitor and manage spending thresholds more effectively. Ideally, these systems can provide real-time tracking of departmental expenses and notify relevant personnel when thresholds are approaching. State and local governments are beginning to use artificial intelligence (AI) or explore the use of AI and this may be a good future test case.
- 3) Enhance transparency in spending processes and hold departments accountable for their budget management. For example, using regular reporting and audits to help maintain control and ensure responsible spending.

Recommendations for Observation 3

- 1) Offer training and guidance to departmental staff on the availability, benefits and proper utilization of state contracts and GSA Schedules. Ensure that they are aware of the advantages, terms, and conditions associated with state contracts and GSA Schedules.
- 2) Create a centralized repository providing access to state contracts and GSA Schedule information, making it easily accessible to all departments/agencies. This repository should include details about available contracts, vendors, and product/service categories. It could also include ratings or simple evaluations from county departments/agencies that have used the contracts that can allow others to procure with greater confidence.
- 3) Provide departments with dedicated procurement support and experts who can assist them in navigating the intricacies of GSA Schedules and state contracts, helping them make informed decisions.

Recommendations for Observation 4

- 1) Implement an automatic renewal process for contracts. Define clear criteria and thresholds for contracts eligible for automatic renewals based on factors such as contract value, vendor performance, the nature of the goods or services being provided, and relevant regulations and County policies. The County could potentially tie approval of renewals to adoption of the budget, so both are accomplished at the same time.
- 2) Implement a countywide centralized contract management system or software that tracks contract expiration and renewal dates, ensuring that renewal opportunities are not missed.
- 3) Conduct regular contract audits to assess the cost-effectiveness and performance of contracts eligible for automatic renewal.

ASSESSMENT OF PROCUREMENT PLANNING, COMMUNICATION AND COLLABORATION



ASSESSMENT OF PROCUREMENT PLANNING, COMMUNICATION AND COLLABORATION

Risk Level: Medium

Communication between the Procurement Department and County departments/agencies is frequent and open on an individual level. The Procurement Department also provides regular updates to departments/agencies as a whole, usually through e-mails, but the agencies report that these communications are more technical in nature. We see opportunities for more structured and robust communication efforts that can enhance planning and collaboration.

Observations

1. The Procurement Department attempts to build advance planning for future procurements into their processes to facilitate planning for and managing the procurement workload while also providing advance notice through procurement forecasts to prospective vendors. The Procurement Department has had limited success in this effort due to the challenge of getting departments/agencies to think and plan ahead for their future procurements although the County's Procurement Code requires that "All using agencies shall file with the purchasing agent, within 30 days after the adoption of the annual budget and quarterly thereafter, a procurement forecast of their needs for the procurement of services, supplies, construction, professional or consultant services for the ensuing fiscal year or calendar quarter".
The Procurement Department has had limited success in this effort due to the challenge of getting departments/agencies to think and plan ahead for their future procurements.
2. Communication between Procurement and departments is often based on relationships and trust, with an acknowledgment of the opportunity to develop more documented and updated policies and procedures. 50% of the departments interviewed mentioned the need to develop or update existing written procurement procedures within their department or the County.
3. Some departments require additional support in negotiating with vendors during the procurement process. This signals a potential gap in negotiation skills or experience within these departments, emphasizing the need for training or specialized assistance to ensure favorable terms and value for the County when dealing with suppliers.

4. There's an opportunity to optimize cost savings by consolidating common purchases across various County departments. By aggregating purchasing power and standardizing procurement practices, the County can negotiate better deals, leverage volume discounts, and streamline procurement processes.
5. Departments often face challenges in procuring specialized goods or services due to a shortage of technical expertise. This is a common shortfall in government and may lead to acquisitions that do not meet the intended business objectives or County needs of the procurement as well as higher costs.

Risks

- The ability to plan ahead for upcoming procurements provides many benefits in terms of having departments/agencies think and plan ahead for their procurements while also allowing the Procurement Department to do the same. In the absence of this planning and forecasting, the Procurement Department is less able to effectively manage its workload which impacts timeliness and potentially quality. It can also lead to greater efforts by departments/agencies to find workarounds to the usual procedures/processes which can be more costly and increase risk.

In the absence of this planning and forecasting, the Procurement Department is less able to effectively manage its workload which impacts timeliness and potentially quality.
- The reliance on relationships and trust for communication, while positive, can lead to inconsistencies in the procurement process. Without well-documented policies and procedures, variations in how different departments handle procurement can cause confusion, lack of standardization, and potential deviations from best practices. This inconsistency may result in inefficiencies and difficulties in ensuring compliance with regulations.
- When communication heavily depends on specific individuals, it poses a risk if these individuals were to leave the County, be unavailable or lack comprehensive knowledge, creating vulnerabilities in the County's procurement process.
- Insufficient documentation in procurement processes can lead to ambiguity, disputes, and challenges in tracking or justifying procurement decisions. Lack of comprehensive records may hinder audits, compliance verification, or evidence-based decision-making, increasing the risk of non-compliance or discrepancies.
- Without streamlined and standardized procedures, procurement can become administratively burdensome and inefficient. Manual or inconsistent processes may lead to duplication of efforts, unnecessary delays, increased workload, and higher operational costs, reducing overall efficiency in procurement activities.

Recommendations for Observation 1 and 2

- 1) The County should send a strong message to departments/agencies on the importance of adhering to Procurement Code requirements requiring procurement forecasts. Department/agency compliance with this requirement should be reported to the County Manager and Board of Commissioners.
- 2) Complete, update, and formalize policies and procedures. Having well-defined and simply written guidelines will provide a structured framework for procurement activities at the department or constitutional office level.
- 3) Conduct regular training sessions to ensure that all staff, both in the Procurement Department and other departments, are aware of and trained on the documented policies and procedures. The Procurement Department could also facilitate access to procurement training on a wide array of topics that can help develop deeper procurement knowledge and competencies within the Procurement Department as well as user departments/agencies.
- 4) Establish a Procurement Committee or Users Group that includes representatives of all departments/agencies and other key staff involved in the procurement process throughout the organization. Organize collaborative workshops or meetings involving procurement staff and representatives from other departments. Both Dekalb and Gwinnett counties have standing Purchasing Committees to review and advise County procurement providing a built-in communication and feedback channel.

Recommendations for Observation 3

- 1) Departments that require support in vendor negotiations can benefit from tailored training programs and capacity-building workshops. These programs should focus on enhancing negotiation skills, understanding vendor contracts, and developing strategies for effective vendor engagement.
- 2) Implement a centralized negotiation support system and provide standardized negotiation strategies that can offer guidance, templates, and expertise to departments during vendor negotiations.
- 3) Encourage vendors to conduct training sessions for department staff on their products, services, and contract terms. By better understanding the offerings and terms, departments can make more informed decisions, improve relationships, and align procurement with their specific needs.

Recommendations for Observation 4

- 1) Consider establishing a centralized team responsible for handling common purchases on behalf of all County departments. This centralization can streamline the procurement process and lead to cost savings through economies of scale.
- 2) Negotiate master vendor agreements for common purchases, which can include favorable terms and pricing for the entire County government. These agreements can fill a niche for areas not adequately addressed by state contracts or GSA Schedules or that otherwise provide greater benefit to the County.
- 3) Conduct a Spending Analysis to help prioritize areas where savings can be maximized.

Recommendations for Observation 5

- 1) External experts often bring a wealth of experience and specialized knowledge in market trends, best practices, and the latest technologies. This expertise can fill gaps in knowledge that internal employees might have, ensuring more informed decision-making. It can also lead to cost savings in the long run by optimizing procurement processes, negotiating better contracts, and reducing errors. When making large, specialized or highly technical procurements above a determined dollar threshold, the County should require the use of outside support to gather requirements, support the evaluation scoring protocol and in some cases serve as a non-voting member of the selection committee.
- 2) When making non-standard, large, or technically detailed procurements for goods or services, the County should consider utilizing a Request for Information to do a market scan of goods and services along with pricing that is available from the vendor community. The Request for Information (RFI) responses should be kept confidential as part of an active procurement to encourage vendors to be open with solution options and pricing. The County may want to consider engaging outside support to assist the Procurement Department with the crafting of the RFI and communication strategies with the vendor community.
- 3) When a large procurement is contemplated and being budgeted, the County should consider setting aside funds to engage outside project oversight. Typically, this is 10-20% of the overall project budget. This outside project support can save significant dollars and help assure the County is getting what it expects and is paying for. It also reduces the impact on County employee workloads by not stretching employees too far beyond their day-to-day responsibilities. This is common with large technology projects, but also can serve the County well on other efforts.

ASSESSMENT OF INTERDEPARTMENTAL COMMUNICATION AND STAKEHOLDER ENGAGEMENT



ASSESSMENT OF INTERDEPARTMENTAL COMMUNICATION AND STAKEHOLDER ENGAGEMENT

Risk Level: Medium

Observations

1. Throughout our interviews, it became evident that every department, constitutional office, and countywide elected office has distinct and varied training requirements. Unfortunately, these needs often remain unmet due to factors such as staff turnover, shortages, or insufficient communication. Additionally, we found that while the Procurement Department previously offered pre-recorded training videos, these sessions fell short in adequately addressing the specialized training needs of each department. As a result, the gap between available training resources and the specific requirements of individual departments remained unfulfilled.
2. We identified a challenge with communication silos in the County, leading to disparate awareness of crucial topics and essential updates.
3. Several departments have expressed concerns about processes continually being added onto resulting in longer and more burdensome processes over time. In addition, some departments have voiced concerns regarding inconsistent guidance received from different procurement staff members.

Risks

- The lack of adequate training and skill development might lead to non-compliance with regulations or procedures, employee dissatisfaction or disengagement, contributing to increased turnover rates.
- Inconsistent guidance could lead to confusion among staff members, potentially resulting in errors, delays, or incorrect execution of tasks.
- The lack of consistent communication might lead to inconsistent decision-making or conflicting actions, impacting overall County operations and cohesiveness.
- Prolonged processes can lead to inefficiencies, delays, and increased costs, impacting productivity and overall operational effectiveness. Streamlined, efficient and fair procurement processes can also encourage greater vendor involvement in competing for business with the County.

Recommendations for Observation 1

- 1) Conduct regular needs assessments or surveys to understand evolving training needs. Identify common training needs as well as department-specific ones. Establish a feedback system that allows departments to provide input on the effectiveness of the training and suggest improvements.
- 2) Institute a requirement for procurement officials and staff for Continuing Professional Development or Education (CPEs) on an annual basis. Continue to encourage and support procurement staff in pursuing credentials such as the Certified Public Procurement Officer (CPPO) and Certified Professional Public Buyer (CPPB) certifications in the field of procurement and purchasing. This requirement should be for County employees within the Procurement Department but could also include department/agency staff with significant procurement responsibilities.
- 3) Combine both pre-recorded training materials and live or interactive training sessions. Pre-recorded content can cover general topics, while live sessions can address department-specific concerns.
- 4) Allocate resources, including staffing and budget, to support unique training needs or hire external experts to supplement existing internal resources. There are extensive opportunities to offer a variety of high-quality online and in-person training addressing general procurement competencies as well as County and department/agency specific topics.

Establish a feedback system that allows departments to provide input on the effectiveness of the training and suggest improvements.

Recommendations for Observation 2

- 1) Establish clear communication protocols and guidelines for sharing information across departments. Standardizing communication practices can help minimize misunderstandings and ensure consistent dissemination of information.
- 2) Leverage technology for communication purposes to facilitate seamless information exchange among departments.

Recommendations for Observation 3

- 1) Leadership should actively support and champion process improvement and reduce administrative burdens across departments. This involves identifying bottlenecks, redundancies, and inefficiencies in existing processes. Ideally this will include internal process improvement champions and organizational support. Procurement is an excellent focus for these efforts since their services impact all departments/agencies.
- 2) Offer training sessions on streamlined processes and best practices for employees at all levels, emphasizing consistency and efficiency. These sessions can be conducted by experts in process improvement.
- 3) Conduct periodic audits of processes to identify areas for improvement. Encourage departments to proactively participate in these audits to address inefficiencies.

ASSESSMENT OF THE VARIATION IN PROCUREMENT PRACTICES WITHIN THE COUNTY



ASSESSMENT OF THE VARIATION IN PROCUREMENT PRACTICES WITHIN THE COUNTY

Risk Level: High

Observations

1. There are differences in the approach towards procurement between County departments under the County Manager, constitutional officers, and other countywide elected officials. Departments under the County Manager are clearly under the authority of the Board of Commissioners and thereby required to follow County policies and processes.
2. Constitutional officers and other countywide elected officials will sometimes use and follow County policies and processes while at other times exercise what they believe to be their independence and authority to procure and enter into contracts as they see fit.
3. It's not clear what (if any) purchasing policies and procedures are being followed when purchases are made outside the countywide procurement system.
4. Some constitutional officers and elected officials have special/unique business needs that if not handled or accommodated within County procurement policies/processes can lead them to seek alternative procurement methods without established procurement policies and procedures or oversight and lacking in transparency.
5. There appear to be some funds managed by offices outside the County Finance Department similar to the Inmate Welfare Fund that the County recently took over. The County should ensure that it has full information on all funds managed by County departments/agencies including constitutional offices and other countywide elected offices outside the County Finance Department and ensure these funds are being adequately managed and captured in annual audits.

Risks

- There is a lack of independent oversight of certain constitutional offices and countywide elected offices spending. The observed differences in procurement approaches and instances where certain constitutional offices have autonomy in procurement decisions lead to challenges in monitoring and transparency in spending practices, potentially leading to inefficiencies or weak internal control without adequate scrutiny.
- There is reduced accountability and therefore an increased risk of reputation damage. The observed tendencies for some constitutional offices and countywide elected offices to seek alternative procurement methods without established policies or oversight might lead to reduced accountability in spending practices. This lack of accountability could damage the County's reputation and erode public trust if perceived as mismanagement or inadequate oversight of public funds.

This lack of accountability could damage the County's reputation and erode public trust if perceived as mismanagement or inadequate oversight of public funds.
- The use of alternative procurement methods without established policies or oversight poses a risk of financial mismanagement or misuse of funds. Lack of adherence to countywide procurement systems and policies could lead to unmonitored spending or inconsistent financial practices, potentially resulting in improper use of allocated funds. This includes greater risk of violating state law (such as E-Verify requirements) as well as other stipulations associated with the use of federal funds if staff in the constitutional offices and other countywide elected offices lack familiarity and experience with these requirements. We heard concerns in this regard especially based on shared observations that staff involved in procurement within the constitutional offices and countywide elected offices tend to experience more frequent turnover as assignments are changed.
- Special funds managed outside County Finance offices may face compliance and internal control weaknesses due to their separation from centralized oversight. The decentralized management of these funds might lead to inconsistencies in compliance adherence or internal control mechanisms, potentially exposing these funds to risks of non-compliance or inadequate control measures.

Recommendations for Observation 1 and 2

- 1) Establish a procurement task force or committee comprised of County departments, constitutional offices, and other countywide elected offices procurement staff with structured input from government suppliers and outside support to develop up-to-date procurement regulations and processes to better meet the needs of the County. The Task Force could focus on addressing specific high priority issues and opportunities with an overall emphasis on streamlining the procurement process while maintaining a strong compliance posture. It may work well to start with a Task Force focused on the issues, concerns and opportunities of constitutional offices and other countywide elected offices that possess levels of independent procurement authority and evolve into a standing committee with representatives of all user departments/agencies. This provides an avenue for communication, training, issue/opportunity sharing, improvements and an ability to focus on opportunities for process improvement to streamline the procurement process without sacrificing compliance.
- 2) Request a change in law by the State legislature to allow Fulton County's procurement code, policies, rules, and regulations to clearly apply to all County departments as well as constitutional officers and countywide elected officials. Alternatively, seek a change in state law that requires constitutional officers and other countywide elected officials who exercise levels of independent procurement authority to establish their own procurement rules and policies while requiring transparency in selection processes.
- 3) The County could consider litigation if needed to clarify relevant procurement authority of the Board of Commissioners, constitutional officers, and Countywide elected officials.

Recommendations for Observation 3 and 4

- 1) Develop detailed and specific procurement rules and guidelines for constitutional officers and countywide elected officials in the County's Purchasing Code. These guidelines should outline the circumstances under which exceptions can be granted, outline those exceptions, and the approval process for such exceptions. Additionally, the guidelines should mandate that constitutional offices and countywide elected offices develop and publicly post the procurement policies and processes they will adhere to when exercising independent authority. As stated previously, this may require legislative action at the County or State level, or both.
- 2) Maintain transparency and reporting mechanisms for alternative procurement methods. All deviations should be documented, and the reasons for choosing alternative methods should be clearly justified. The basis for selections should be easily accessible by the public.
- 3) Implement consistent documentation and reporting requirements for all departments including constitutional offices and countywide elected offices to ensure transparency and accountability in procurement activities.
- 4) The County is looking to update its outdated financial system which should provide significant opportunities to improve the procurement process. Seek outside assistance as needed to fully leverage a new financial system to maximize opportunities for improvements in the procurement system.

Recommendations for Observation 5

- 1) Centralize the management of special funds within County Finance to provide better oversight, control, and consistency in fund management. Develop and implement standardized policies and procedures for the management of special funds.
- 2) Implement a compliance oversight program of special funds to ensure that all special funds are managed in accordance with relevant regulations and policies.
- 3) Conduct regular audits and reviews of special fund activities to assess their performance and ensure that they are aligned with the intended purposes.

CONCLUSION



CONCLUSION

Overall, the County procurement function operates at a level higher than typical large governments based on our team's first-hand experience working with public sector organizations nationally. While some individual functions or offices are rated at a high to medium risk level, the overall risk profile for County procurement is low. We were impressed with the consistency of the feedback we received from those we interviewed about the Chief Procurement Officer and her staff. Even when sharing concerns about the length of procurement processes, all those interviewed expressed confidence in the knowledge, capabilities and problem solving of the Procurement Department.

While some individual functions or offices are rated at a high to medium risk level, the overall risk profile for County procurement is low.

The County has an opportunity to build on the considerable strengths of the Procurement Department to reduce risks and further improve and streamline the procurement process. Clearly the issue of procurement and where the authority resides between the Board of Commissioners who have ultimate fiscal responsibility for the County with constitutional officers and countywide elected officers who have varying levels of independent authority is a central issue that needs to be addressed. Risk to the County could be mitigated if constitutional officers and countywide elected officers utilize County procurement services. To the degree that constitutional officers and countywide elected officers don't utilize County procurement services, they should: 1) have their own trained procurement staff, 2) establish policies and processes to assure compliance with state law, 3) follow sound public procurement practices, 4) integrate appropriately with County processes for legal review, risk management review, IT review (as necessary) and vendor payment, and 5) assure public transparency of their procurement processes including how procurement decisions are made.

During our research we discovered that Dekalb County has granted procurement authority to some independent departments/agencies who have their own purchasing offices and procedures.

We see three main scenarios:

1. The County seeks to exert the maximum level of adherence to countywide procurement policies and procedures including constitutional offices and other countywide elected offices which may lead to or necessitate litigation.

2. The County identifies the departments/agencies that have significant levels of independent procurement authority and allows them to have fully independent procurement and contracting authority while requiring that they establish their own procurement offices and policies. This should also include a requirement to address legal review, risk management review, IT review (as needed) and follow County payment policies/procedures for procurements which should be established in the County's procurement code.
3. The County works directly with constitutional officers and other countywide elected officers that have some levels of independent procurement authority and seeks their engagement to collaboratively address and work through procurement issues in a manner that best meets the fiscal oversight responsibility of the Board of Commissioners with the needs of elected officers to successfully fulfill their required responsibilities. This could be approached through a facilitated task force.

The overall low-risk rating does not include the procurement activities of the Sheriff's Office, which are rated at a high-risk level. Also, outside of the overall rating are the procurement activities of the District Attorney's Office which are rated at a medium-risk level. While both offices operate outside of established County procurement operating procedures at times, they do so for different business reasons as explained further below.

We interviewed two of the four Constitutional Offices and also the District Attorney's Office. In this case, our observations are limited to these two offices that are classified as medium to high levels of risk related to procurement. As stated in the introduction, this report contains observations. Areas of risk identified and attributed to any specific department/agency is not intended to be an accusation of intentional or unintentional wrongdoing, but rather observation of practices that may increase risk associated with procurement. Our observations related to these offices, the Sheriff's Office and District Attorney are found below.

County Sheriff's Office

Procurement authority for the independently elected constitutional office holders is not clear and opinions from several Fulton County Attorney's and other stakeholders and interested parties such as Advancing Georgia's Counties have not identified clear lines of authority.

Based on interviews with multiple County stakeholders, the current Sheriff has significantly expanded the assumed purchasing authority over previous Sheriffs. During our review we were informed of several purchases that followed no process or where the recommendation of the evaluation/selection committee was overturned without justification or public statement.

Requests for the issuance of purchase orders are sent by the Sheriff's Office to the County Procurement Office without the typical backup documentation and under the cover memo of what is referred to as "The Black Card Memo" in reference to the American Express Black Card with unlimited purchasing authority (See Appendix D). Out of the 14 purchase orders we reviewed between April and July 2023, totaling \$385,048, 4 of them contained errors either in the Purchase Order itself or in the supporting documentation. These errors included missing backup documents, inaccurate documentation, and mismatches in amounts between the purchase orders and the invoices. Among the 14 reviewed purchase orders, 10 exceeded the threshold for small purchases (\$5,000) or P-Card expenditures (\$2,500). Consequently, these purchases should have undergone an informal competitive procurement process, requiring quotes according to the County's current Purchasing Code thresholds. However, we did not find sufficient quotes to justify that a competitive procurement practice was followed.

Based on our interviews, a number of procurements and related activities lack a control structure, procurement solicitation, justification, selection, or delivery acceptance criteria. This creates high financial and reputational risk for the County and for these purchases is not a sign of a properly functioning procurement system.

This creates high financial and reputational risk for the County and for these purchases is not a sign of a properly functioning procurement system.

Based on our interviews, the use of dollars held in the Inmate Welfare Fund appears to lack a control structure and guidance for expenditures. During these interviews, it was communicated that the utilization of these funds should contribute to inmate welfare, with the Sheriff determining the specifics. Additionally, the Jail Operations Standard Operating Procedures (May 27th, 2022) for the Inmate Welfare Funds state that excess revenues from operations should benefit inmates and that the fund should undergo independent audits. However, recent public attention has revealed the possible misuse of the fund by the Sheriff's Office and lack of internal control in the management of the fund. It does not appear that County Code (Section 146-82) was being followed in which the Sheriff, Chief Jailer and Chairman of the Board of Commissioners or his appointee serve on a Committee responsible for all items purchased out of the welfare fund.

It became evident the Sheriff's Office has assumed a significant amount of procurement authority. Currently, there appears to be minimal to no oversight and control over the purchasing activity of the Sheriff's Office outside of the budget process. Throughout the course of our interviews with the control agencies, significant frustration and concern was expressed related to the assumed authority, however, all felt powerless to change or stop the behavior. Based on our observations, where independence is exercised, the procurement practices of the Sheriff's Office are significantly outside the norm found in government and appear to lack governing practices, policies, and procedures.

Currently, there appears to be minimal to no oversight and control over the purchasing activity of the Sheriff's Office outside of the budget process.

Given the lack of clearly defined legal authority, the County could consider litigation as a way to determine the actual legal authority of the Sheriff's office along with the other independent constitutional office holders.

Another option is for the County to request legislation by the State that would provide Fulton County with clear authority to implement procurement rules and regulations for all office holders and departments within the County Government structure or require that those that intend to exercise procurement independence must have established their own transparent policies and procedures.

District Attorney

The District Attorney's Office must operate in accordance with the procurement regulations, but also has circumstances that require what they describe as "prosecutorial discretion." An example of this discretion is the hiring of an expert witness for an ongoing trial. They may need to engage with an expert without prior knowledge or planning. That witness may be a key part of the evidence used by the prosecution in executing the District Attorney's role of protecting the people of the County and prosecuting suspected offenders.

Based on discussions with the District Attorney's Office, the use of prosecutorial discretion has been extended to the purchasing of goods and services that in all likelihood could have been planned for in advance. This would include the purchasing of items such as gun holsters or office products. It would also seem that some of these items could be available via state or County contracts.

The use of prosecutorial discretion as a justification comes with a risk of it being used with greater frequency with more purchases being made over time outside of County procedures. This has the potential to lead to a lack of enforcement of a proper control structure for expenditure of public funds. *We have assigned this a medium risk level based on our interviews and follow up documents from the District Attorney's Office that indicate acceptance of this justification growing more common place.*

The use of prosecutorial discretion as a justification comes with a risk of it being used with greater frequency with more purchases being made over time outside of County procedures.

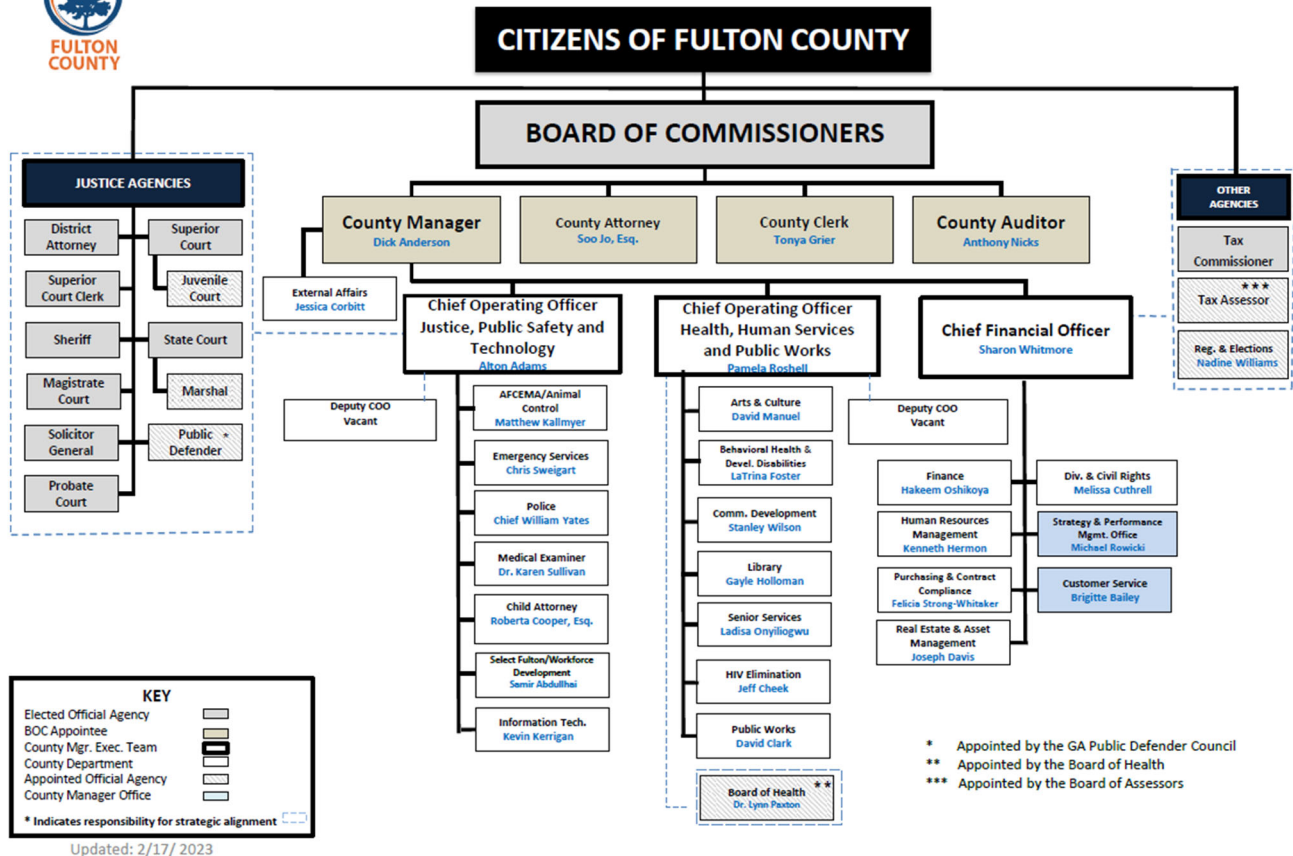
The District Attorney's Office raised important concerns about barriers to using grant dollars shared in discussions as well as the e-mail provided which is included in the Appendices (See Appendix E). We would think that these types of issues could be resolved in a mutually agreeable manner.

APPENDICES



APPENDICES

Appendix A. Fulton County's Organizational Chart



Appendix B. Observations on County's Grants Management

Risk Level: Medium

OBSERVATIONS

1. There is confidence in the Grants Office related to the proper management and compliance with grants received by the County.
2. The County does not appear to have grants management software and seems to be lacking a coordinated and proactive effort to seek grant funding which can lead to a significant loss of outside funding opportunities.
3. Overall County grant revenue appears to be low compared to peer counties. There could be missed opportunities to retain existing grant funding (indirect costs) and find and acquire new grants.
4. There does not appear to be a clear strategy, understanding or consistent utilization of cost allocation/indirect cost opportunities with grant funding among County departments/agencies, constitutional offices, and countywide elected offices.

RISKS

- Missed funding opportunities/Budget Constraints.
- Missed opportunities for improved efficiencies through grants management software.
- Loss of federal/state funds.
- Disruption of procurement process due to unexpected funding loss.
- Missed opportunities to recover indirect costs as part of grants and/or retain excess grant funds.

RECOMMENDATIONS

1. Conduct a comprehensive assessment of the County's grant revenue, including a review of existing grant programs, available indirect cost recovery opportunities, and areas where additional grants could be pursued.
2. Hire or designate a dedicated grant writer or grants specialist responsible for identifying grant opportunities, preparing grant applications, and managing grant relationships.
3. Implement or co-source a grant management software or systems that help track grant opportunities, deadlines, and compliance requirements, making the grant solicitation process more efficient and streamline the compliance management of grants received.
4. Conduct a needs assessment and seek grants that specifically address those needs, to make grant applications more competitive.
5. All procurements utilizing federal grants/funds should be processed through the County Purchasing Department which should be stated clearly in the County's procurement code.

Appendix C. Summary of Recommendations

Assessment of Organizational Culture and Trust within the Leadership

Recommendations by Observation:

<i>Observation.</i>	<ol style="list-style-type: none">1. Recognize and celebrate achievements and milestones in procurement processes.2. Encourage a culture of continuous improvement in procurement processes.3. Evaluate the adequacy of procurement staffing including opportunities to better attract and retain staff.
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Assessment of County's Spending Threshold and Contract Compliance Management

Recommendations by Observations:

<i>Observation 1&2.</i>	<ol style="list-style-type: none">1. Periodically review and adjust spending thresholds for efficiency, effectiveness, and state compliance.2. Implement technology that helps monitor procurement in real time allowing for earlier insights and adjustments.3. Enhance transparency to better hold departments/agencies accountable for budget management and responsible spending.
<i>Observation 3.</i>	<ol style="list-style-type: none">1. Offer training and guidance to departmental staff on the availability, benefits and proper utilization of state contracts and GSA Schedules.2. Create a centralized repository providing easy access to state contracts and GSA Schedule information.3. Provide dedicated procurement support and experts who can assist departments/agencies in navigating the intricacies of GSA Schedules and state contracts.
<i>Observation 4.</i>	<ol style="list-style-type: none">1. Implement an automatic renewal process for contracts.2. Implement a countywide centralized contract management system or software that tracks contract expirations and renewals.3. Conduct regular contract audits to assess the cost-effectiveness and performance of contracts eligible for automatic renewal.

Assessment of Procurement Planning, Communication, and Collaboration

Recommendations by Observations:

<i>Observation 1&2.</i>	<ol style="list-style-type: none">1. Send a strong message to departments/agencies on the importance of adhering to Procurement Code requirements requiring procurement forecasts while tracking compliance.2. Complete, update, and formalize policies and procedures while reviewing and updating them on a regular basis.3. Conduct regular training sessions ensuring that all staff in Procurement and user departments/agencies are aware of and trained on documented policies and procedures.4. Establish a Procurement Committee or Users Group that includes representatives of all departments/agencies and other key staff involved in procurement processes throughout the organization.
<i>Observation 3.</i>	<ol style="list-style-type: none">1. Develop and deliver tailored training programs and capacity-building workshops on vendor negotiations.2. Implement a centralized negotiation support system and provide standardized negotiation strategies.3. Encourage vendors to conduct training sessions for department staff on products, services, and contract terms.
<i>Observation 4.</i>	<ol style="list-style-type: none">1. Consider establishing a centralized team responsible for handling common purchases on behalf of all County departments/agencies.2. Negotiate master vendor agreements for common purchases, which can include favorable terms and pricing for the entire County government.3. Conduct a spending analysis to prioritize opportunities for common purchases to maximize savings.
<i>Observation 5.</i>	<ol style="list-style-type: none">1. When making large, specialized or highly technical procurements, the County should require the use of outside support to gather requirements, support the evaluation scoring protocol and in some cases serve as a non-voting member of the selection committee.2. When making non-standard, large, or technically detailed procurements for goods or services, the County should consider utilizing a Request for Information to do a market scan of goods and services along with pricing that is available from the vendor community.3. When a large procurement is contemplated and being budgeted, the County should consider setting aside funds to engage outside project assistance/oversight.

Assessment of Interdepartmental Communication and Stakeholder Engagement

Recommendations by Observations:

<i>Observation 1.</i>	<ol style="list-style-type: none">1. Conduct regular needs assessments for both common and department/agency specific training needs.2. Mandate Continuing Professional Development/Education (CPEs) for procurement staff and key department/agency staff involved in procurement.3. Utilize pre-recorded and live training formats.4. Allocate resources, including staffing and budget, to support unique training needs or hire external experts to supplement existing internal resources to expand and streamline training/information sharing.
<i>Observation 2</i>	<ol style="list-style-type: none">1. Establish clear communication protocols and guidelines for sharing information across departments.2. Leverage technology for communication purposes to facilitate seamless information exchange among departments/agencies.
<i>Observation 3</i>	<ol style="list-style-type: none">1. Actively support and champion procurement process improvement and reduced administrative burdens across departments/agencies.2. Offer training sessions on streamlined processes and best practices for employees at all levels, emphasizing consistency and efficiency.3. Conduct periodic audits of procurement processes to review status and identify areas for improvement.

Assessment of the Variation in Procurement Practices Within the County

Recommendations by Observations:

<i>Observation 1&2.</i>	<ol style="list-style-type: none">1. Establish a Procurement Task Force to address specific high priority issues and opportunities with an emphasis on streamlining procurement processes while achieving and maintaining a strong compliance posture.2. Consider requesting a change in State law to allow Fulton County's procurement code, policies, rules, and regulations to clearly apply to all County departments as well as constitutional officers and countywide elected officials.3. Consider litigation if needed to clarify relevant procurement authority of the Board of Commissioners, constitutional officers, and Countywide elected officials.
<i>Observation 3&4.</i>	<ol style="list-style-type: none">1. Consider developing detailed and specific procurement rules and guidelines for constitutional officers and countywide elected officials in the County's Procurement Code.2. Implement consistent documentation and reporting requirements for all departments including constitutional offices and countywide elected offices to ensure transparency and accountability in procurement activities.3. Document alternative procurement methods identifying deviations and justifications.4. Fully leverage planned upgrade of the County's financial system to improve procurement processes.
<i>Observation 5.</i>	<ol style="list-style-type: none">1. Centralize the management of special funds within County Finance to provide better oversight, control, and consistency in fund management.2. Assure compliance oversight of all special funds to ensure they are managed in accordance with relevant regulations and policies.3. Conduct regular audits and reviews of special funds to assess their performance and ensure that they are aligned with the intended purposes.

Appendix D. "The Black Card Memo"

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PATRICK "PAT" LABAT
FULTON COUNTY SHERIFF

FULTON COUNTY SHERIFF'S OFFICE
185 CENTRAL AVENUE, S. W. 9TH FLOOR
ATLANTA, GEORGIA 30303
(404) 612-5101

WWW.FCSOGA.ORG

INTEROFFICE MEMORANDUM

To: Felicia Strong-Whitaker, Chief Purchasing Agent
Fulton County Purchasing and Contracting

From: Patrick "Pat" Labat, Sheriff
Fulton County

Date: July 07, 2023

RE: **Procurement of Goods and Services**

As the Sheriff of Fulton County, I am executing my authority as a Constitutional Officer to make the purchase as described in the enclosed AMS requisition, Please process accordingly.

Appendix E. Email from the District Attorney's Office

From: [Bond, Dexter](#)
To: [Georgia Tucker](#); [Christian Fuellgraf](#); [Paul Folkers](#)
Cc: [Willis, Fani](#)
Subject: [EXTERNAL] Thank you for meeting with me!
Date: Thursday, October 19, 2023 6:04:44 PM

Caution: This email is from outside of the organization.

Ms. Tucker, Mr. Folkers, Mr. Fuellgraf --

I want to thank you for taking the time to discuss the procurement process at the Office of the Fulton County District Attorney. We discussed a lot, so I write to memorialize our conversation and highlight the position of this office:

1. **Prosecutorial Discretion.** I understand that your team interviewed ten (10) departments within Fulton County. As discussed, our office is not lead by a "Department Head." Instead, our office lead by a state-elected prosecutor who's duties and responsibilities are clearly outlined in the State of Georgia's Constitution. As a constitutionally-elected official, District Attorney Willis exercises "prosecutorial discretion." This discretion allows her to contract the services of expert witnesses, attorneys, reconstructionist, etc. The ability to contract these services are left to her own discretion – and, no one has the authority to challenge this discretion.
2. **Legal Authority.** District Attorney Willis is the District Attorney of the Atlanta Judicial Circuit. Technically, the "Office of the Fulton County District Attorney" is a misnomer. It just so happens that the "Atlanta Judicial Circuit" is the same exact geographical location as Fulton County. So, somewhere, somebody treated the two – "Atlanta Judicial Circuit" and "Fulton County" – the same. And, in a spirit of treating the two the same, imposed Fulton County rules on the Atlanta Judicial Circuit.

As discussed, "county rules" (e.g. spending authorities and spending approvals) are not constraints that other District Attorneys experience. You may recall the discussion we had regarding the District Attorney of the Macon Judicial Circuit. Within the Macon Judicial Circuit are three (3) counties: Bibb, Crawford and Peach Counties. Essentially, each county pays to represented by the District Attorney in Macon Judicial Circuit. In response to provided a budget, the District Attorney prosecutes any felonies that are occur within their county. And, since this District Attorney represents multiple counties – she is not strapped with each of the county rules.

As further discussed, not being strapped by county rules, afforded the District Attorney in Macon freedoms that District Attorney Willis, here in Fulton County, does not enjoy. Here are two examples: 1) District Attorney purchased "Nike shirts" for her staff. My District Attorney would not have been able to do that because the cost of the shirts exceeded the \$5,000 threshold. 2) Our office co-hosted a leadership retreat. The world-renown speaker allowed both Circuits to split the cost. The District Attorney of Macon was able to write a check on the spot. Our office, had to make sure that the speaker's LLC was a vendor, then had to get the payment voucher approved, then had two wait two weeks for the county to send the check.

3. **Antiquated and micro-managed Processes.** *The county's procurement process is outdated at best and inefficient at the worst. We first have to make sure the vendor is registered – this takes 2-3 days. Once an invoice is secured, we have to draft a PVX form. This form and contract needs to go to one person, the County CFO. The CFO has to approve this purchase. She gives an "Ok to pay." Once the "Ok to pay" is provided – we then have to give the payments to "accounts payable." They will not accept this form without the CFO's signature. If the CFO is not available – then the process halts until she reviews the email.*

As discussed – the people in Finance Department are often not helpful. However, as I clearly stated, that is not the case of the County Purchasing Director Felicia Strong-Whitaker. I find her to be very helpful, intelligent and have a strong command of her duties – and, a healthy understanding of "prosecutorial discretion." She is one of the few that I absolutely enjoy working with.

4. **This process does not work for grants!** *This office is one of the few recipients of the SAKI Grant. This grant allows staff test rape kits for victims who live all over the country and has been sexually assaulted here in Fulton County. First, the grant allows us to test kits for DNA. Then, we work to put together these aged rape cases. Sometimes, we have to travel to find a witness or interview a victim last minute. The grant has the budget for this! However, if this unit needs to travel – the travel must be booked using the office's Travel credit card. This card is for the entire office – every victim or witness that needs to travel for their case. This travel card has a limited amount of money per cycle. We have to put the SAKI employees on the travel card – to secure their travel. And, after reconciliations are done – then and only then can we draw from the grant funds. The County's procurement process forces me to tell the SAKI unit that they cannot travel because I already exceeded my monthly travel allowance. I strongly encourage you to speak with Deputy over SAKI Julianna Peterson (Julianna.Peterson@fultoncountyga.gov) or the Executive District Attorney Daysha Young (Daysha.Young@fultoncountyga.gov) – Deputy Young is over the Special Victims Division (which houses SAKI). They both speak passionately about this matter and I think you can benefit from hearing from them both.*

In sum, the Office of the Fulton County District Attorney is frustrated with the procurement process for four (4) main reasons: 1) the county rules do not provide the flexibility that allows Madam District Attorney to exercise her full "prosecutorial discretion," 2) there is no legal authority for county rules to restrict the abilities of a "judicial circuit." 3) The processes that this offices must adhere are both outdated and inefficient and 4) these processes frustrate the purpose of our grants.

You may recall during our conversation, I told you about one of my investigators who accidentally shot herself in the leg. I brought this example up several times during our call. So, its fitting that I bring up this situation once more as I end this email. In this real life example, if District Attorney Willis wanted to get her 85+ investigators a new duty belt and holster – it would take her upwards 30 days to secure this purchase, if she was to follow the county's outdated procurement process. As I stated, these are the examples where the county procurement process just does not work – in fact, its complete contrary to this office's mission of keeping staff and citizens staff. In those instances where safety is at issue – frankly put, the procurement process that we should not be confined is out of the window.

Yes, these processes are frustrating. Yes, these office will make every attempt to abide by these frustrating processes. But, No – no this office will not fail to do its job because of an outdated set of rules that have been placed upon us with no legal authority.

Again, thank you for the meeting. I trust that you will share our office's position in this spirit in which it was shared with you. –DQBJr

Sincerely,

Dexter Q. Bond, Jr