

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 2

Package I

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

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Cobb County...Expect the Best!

Chapter 2 – ADMINISTRATION

ARTICLE IV. – FINANCE

Division 2. - Purchases

Section 2-141 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 2-141. – Advertising for bids; bid openings.

For all purchases ~~which require bidding~~ exceeding the formal sealed bid limit, as defined by Cobb County ordinance or resolution and as may be amended from time to time, advertisements ~~for formal sealed bids~~ shall be first published in the official organ of the county and/or by Internet for two consecutive weeks prior to the week of bid opening. Regular bid openings shall be conducted by the county ~~purchasing~~ procurement services department ~~manager~~ director or his designee at 2:00 p.m. on the second and fourth Thursdays of each month at the offices of the ~~purchasing~~ procurement services department or other designated location. Special bid openings may be conducted at other times as special circumstances may warrant in the opinion of the ~~purchasing~~ procurement services department ~~manager~~ director. Immediately after opening all bids, the ~~purchasing~~ procurement services department ~~manager~~ director or his designee shall record and certify each and every bid or proposal. The date, time and place of bid opening shall be included in the specifications or invitations to bid and in the published advertisement therefor.

The requirements outlined in this section shall not apply to:

- (1) Purchases made when an emergency exists that will not permit a delay.
- (2) Certain services as identified in the county's policy for the procurement of professional services.
- (2) Lease of real property.
- (3) Purchases made through government or cooperative purchasing agreements.
- (4) Purchases of secondhand or surplus goods.
- (5) When, after a good faith review, the procurement services director determines that the good or service is available from only one source or competition is inadequate given the number of sources.

Nothing contained herein shall alter state law advertisement, bidding, or procurement requirements, or obligations as may be imposed by the board of commissioners.

(Mo. of 7-13-65, No. XV; Res. of 4-25-78; Mo. of 1-9-79; Mo. of 3-9-82; Mo. of 6-28-83; Ord. of 1-26-88; Res. of 4-10-90; ~~Code 1977, § 3-12-11~~; Ord. of 7-27-04).

State enabling legislation reference—Purchases, § 2-34(18).

State law reference(s)—Bids required for public works projects, O.C.G.A. § 36-10-2.2

Section 2-142 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 2-142. – Formal sealed bid limit; Purchases exceeding \$50,000.00 formal sealed bid limit made by the procurement services department.

~~(a) The following policy and procedures with respect to certain purchases exceeding \$50,000.00 shall be construed and interpreted as, and have the effect of, the exercise of the authority of the board of commissioners to make these specific purchases. The formal sealed bid limit is defined as the purchase of goods or services expected to cost more than \$250,000.~~

~~(b) The adoption of the budget containing line item expenditures for purchases normally made through the county purchasing department shall be approved by the board of commissioners for the purchase of those line items by the purchasing department without further action of the board of commissioners, subject to and upon compliance with the following provisions: Purchases exceeding the formal sealed bid limit made by the procurement services department shall be construed and interpreted as, and have the effect of, the exercise of the authority of the board of commissioners without further action, subject to and upon compliance with the following provisions:~~

~~(1) The items goods or services to be purchased must be items included as line items in the approved budget approved by the board of commissioners and the purchase must be within the approved budgeted amount.~~

~~(2) There must be full compliance with all requirements with regard to advertisement and bidding prior to any such purchase.~~

~~(3) The purchase must be within the budgeted amount which has been approved.~~

~~(4) The purchase must be made from the lowest responsive and responsible bidder or the proposer determined to be most qualified based upon criteria set forth in a request for proposal.~~

~~(c) The procedure outlined in subsection (b) of this section shall not apply to purchases which are not normally made through the county purchasing procurement services department, nor shall it affect the county manager's authority to make purchases under \$50,000.00 the formal sealed bid limit.~~

~~(d) The procedure outlined in subsection (b) of this section shall not apply to or supercede the county's policy for the procurement of professional services, which present policy as amended from time to time shall remain in full force and effect.~~

~~(e)-(d) The policy and procedure described in this section is not intended to restrict the county budget management personnel's prior approved authority to make transfers within the budget, except that any proposed transfer relating to capital expenditures over \$50,000.00 the formal sealed bid limit not originally included in the annual budget shall be first approved by the board of commissioners before the procedure described in this section will apply.~~

(Res. of 2-27-90; ~~Code 1977, § 3-12-11.1~~; Ord. of 7-8-97; Ord. of 7-27-04; Amd. of 2-24-09)

State enabling legislation reference— County Manager § 2-33; Purchases, § 2-34.

State law reference(s)—Bids required for road and public works projects, O.C.G.A. §§ 32-4-60 *et seq.* and 36-10-2.2; Progress payments to be made to contractors on periodic basis, O.C.G.A. § 13-10-80; Limitations on authority to negotiate contracts O.C.G.A. § 32-4-63; Use of consultants, O.C.G.A. § 36-80-28; Use of multiplier effect on purchases over \$100,000, O.C.G.A. § 36-84-1; Lumber in construction projects, 50-5-63; Partnership for Public Facilities and Infrastructure, O.C.G.A. § 50-5C-1; Guaranteed Energy Savings Performance Contracting Act, O.C.G.A. § 50-37-1 *et seq.*; Georgia Security and Immigration Compliance, O.C.G.A. § 13-10-90 *et seq.*; Liquidated damages in construction projects, O.C.G.A. § 13-10-70; Georgia Local Government Public Works Construction Law, O.C.G.A. §§ 36-91-1, *et seq.*; Unsolicited Proposals for Public Projects, O.C.G.A. §§ 50-5C-1 – 50-5C-10; Terms and conditions under which counties

or municipalities may enter into multiyear lease, purchase, or lease purchase contracts, O.C.G.A. § 36-60-13; Certain purchases prohibited, O.C.G.A. § 36-60-14; Contracts to be in writing and entered on minutes O.C.G.A. § 36-60-1.