MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 14, 2023
9:00 AM

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, November 14, 2023 at 9:00 a.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairwoman Lisa Cupid
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

Commissioner JoAnn Birrell - Not Present

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 9:06 a.m.

PRESENTATIONS

1. **To present a proclamation to the National Society of Daughters of the American Revolution American Indians Committee designating November as *National American Indian Heritage Month.***

   Commissioner Gambrill present a proclamation on behalf of Commissioner Birrell to the National Society of Daughters of the American Revolution American Indians Committee designating November as *National American Indian Heritage Month* in Cobb County.

2. **To present a check in recognition of *High Performance Sports and Training Solutions, LLC*; a recipient of the Entrepreneurship and Innovation Grant.**

   Commissioner Sheffield presented a check on behalf of Commissioner Birrell to *High Performance Sports and Training Solutions, LLC in recognition of the* recipient of the Entrepreneurship and Innovation Grant.

3. **To present a proclamation recognizing Indigenous Peoples' Day in Cobb County.**

   Chairwoman Cupid presented a proclamation designating October 9, 2023 as *Indigenous Peoples' Day* in Cobb County.

PUBLIC HEARING

4. **To conduct a public hearing prior to the establishment of a contract where the fees will likely exceed $100,000.00 for consultant services to develop an Economic Development Strategic Plan.**

Sabrina Wright, Economic Development Director, requested a public hearing prior to the establishment of a contract where fees will likely exceed $100,000.00 for a consulting firm to develop an Economic Development Strategic Plan.

Chairwoman Cupid opened the public hearing and asked those wishing to speak to come forward to address the Board. Following one speaker, the public hearing was closed.

No official action was taken by the Board.

PUBLIC COMMENT

1. Ibrahim Awad addressed the Board regarding the attack on Gaza.
2. Musa Ghanayem addressed the Board regarding the attack on Gaza.
3. Sig Giordano addressed the Board regarding the attack on Gaza.
4. Faith Shatzman addressed the Board regarding the attack on Gaza.
5. David Brooks addressed the Board regarding Holt Road pedestrian safety.
6. Saadia Memon addressed the Board regarding the attack on Gaza.

Chairwoman Cupid called for a brief recess at 10:03 a.m. through 10:09 a.m.

Clerk's Note: Commissioner Gambrill requested the following statement that is on file in the County Clerk's office be attached to each vote and made a part of these minutes:

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

In addition, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002).

In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, " you should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to the a comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this to attempt to establish the validity of the Amendment." "In fact" he continues " it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply to Georgia Law or the State Constitution.

With the majority of this Board actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.

Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

MOTION TO ADD NON-AGENDA ITEMS

Motion by Cupid, second by Richardson, to **approve** the addition of the following agenda item to be added to the end of Consent:

- *To authorize the settlement of Vicki Lucas' claim.*

VOTE: **ADOPTED 4-0,** Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

Motion by Cupid, second by Richardson, to **approve** the addition of the following agenda item to be added to the end of Consent:

- *To authorize the dismissal of all open predatory lending matters.*

VOTE: ***ADOPTED 4-0,*** Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following items on the Consent Agenda, *as revised*; with exception to Items 10 and 22, *which were withdrawn from this agenda*; and **authorize** execution of the necessary documents by the appropriate County personnel.

District Attorney

5. To authorize acceptance of grant funds from the Criminal Justice Coordinating Council's 2023 Victims of Crime Act Competitive Grant to support the District Attorney's Office Family Advocacy Center.

To **authorize** the acceptance of grant funds from the Criminal Justice Coordinating Council's 2023 Victims of Crime Act Competitive Grant to support the District Attorney's Family Advocacy Center in the amount of $263,953.00; **authorize** the creation of one Judicial Program Manager, Pay Grade 112; one Family Therapist, Pay Grade 112; one Judicial Admin Tech, Pay Grade 103; **authorize** the corresponding budget and personnel transactions; **authorize** the District Attorney or designee to sign programmatic and finance reports for the Cobb District Attorney Family Advocacy Center; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget appropriations:

Increase Revenue:	270-170-F081-4467	CJCC	$263,953.00
Increase Expenditure:	270-170-F081-6012	personnel services, pay and fringe	$249,294.00
	270-170-F081-6116	General Office Supplies	$14,659.00

Juvenile Court

6. To authorize acceptance of the Truancy Intervention Project Georgia, Inc., grant.

To **authorize** acceptance of the Truancy Intervention Project Georgia, Inc., grant in the amount of $5,000.00, which shall be paid in two equal installments of $2,500.00; **authorize** corresponding budget transactions; **authorize** the Court Administrator to execute the Memorandum of Understanding Truancy Intervention Project Georgia EXPAND Partnership as approved by the County Attorney's Office; and **further authorize** the Chairwoman to execute any necessary documents.

Increase revenue	270-190-G464-4506	(Other Local Revenue)	$5,000.00
Increase expenditure	270-190-G464-6155	(Education and Training Materials)	$4,000.00
	270-190-G464-6116	(Supplies)	$1,000.00
		TOTAL	$5,000.00

Water System

7. **To accept maintenance responsibility of the existing storm drainage pipe within a dedicated drainage easement at 64 Olive Circle.**

To **authorize** the acceptance of maintenance responsibility for the existing stormwater drainage pipe within a dedicated drainage easement at 64 Olive Circle.

8. **To approve a construction contract with APAC Controls, LLC for FY24 Programmable Logic Controller Replacement Program, Program No. S5037.**

To a**pprove** a construction contract with A-PAC, LLC, in the amount of $261,626.00, for FY24 Programmable Logic Controller Replacement Program, Program No. S5037; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:			
Program Logic Controllers			
Preliminary Estimates	510-500-5753-8005	T5007-Z	$352,866.00
Transfer to:			
FY24 Programmable Logic Controller Replacement Program			
Construction	510-500-5755-8260	S5037-C	$261,626.00
Materials & Supplies	510-500-5755-8265	S5037-M	$ 86,000.00
Contingency	510-500-5755-8810	S5037-T	$ 5,240.00
Total			$352,866.00

9. **To approve Change Order No. 1 (final) to the construction contract with K. M. Davis Contracting, Co., Inc. for the Charlotte Circle Water Main Replacement, Program No. W2406.**

To **approve** Change Order No. 1 (final) to the construction contract with K. M. Davis Contracting Co., Inc., a savings to the project in the amount of $60,913.70, for Charlotte Circle Water Main Replacement, Program No. W2406; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional Funding is required for the Water System's Charlotee Circle Water Main Replacement, Program No.W2406.

Decrease Encumbrance:			
GAE 51004122214	510-500-5754-8260	W2406-C	$60,913.70
Transfer from:			
Charlotte Circle Water Main Replacement			
Construction	510-500-5754-8260	W2406-C	$60,913.70
Materials & Supplies	510-500-5754-8265	W2406-M	$ 8,000.00
Contingency	510-500-5754-8810	W2406-T	$ 8,790.00
Total			$77,703.70
Transfer to:			
Unidentified New/Replacement Water Mains			
Preliminary Estimates	510-500-5754-8005	W1503-Z	$77,703.70

10. **Withdrawal of request to authorize the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted or Cooperative Pricing Agreements, for the procurement of new and replacement vehicles and equipment for the Water System.**

This item was withdrawn from the agenda.

11. **To authorize advertisement for and conduct of a public hearing for employment of consultant services where contract fees will likely exceed $100,000.00 for South Cobb Water Reclamation Facility Expansion and Upgrade, Program No. T3025.**

To **authorize** the advertisement for and conduct of a public hearing prior to the employment of a consultant or consulting firm where contract fees will likely exceed $100,000.00 for professional services for South Cobb Water Reclamation Facility Expansion and Upgrade, Program No. T3025.

Transportation

12. **To authorize the establishment of "No Parking" zones on Sunset Boulevard, Lakeside Drive, and Freeman Place.**

To **authorize** the establishment of "No Parking" zones along both sides of Sunset Boulevard, Lakeside Drive, and Freeman Place, effective 24-hours per day Monday through Saturday.

Available in the Department's approved FY24 General Fund Operating Budget, as follows:

Available:	010-050-0781-6197	Signage Supplies	$1,500.00

13. **To approve a Passenger Bus Stop Access and Transfer Agreement with Douglas County to support Connect Douglas transit system access to the CobbLinc Route 30 Riverside EpiCenter bus stop.**

To **approve** a one-year Passenger Bus Stop Access and Transfer Agreement with Douglas County to support Connect Douglas transit system access to the CobbLinc Route 30 Riverside EpiCenter bus stop, to include automatic successive one-year renewal terms; and **authorize** the Chairwoman to execute the necessary documents.

14. **To authorize advertisement to hold a public hearing for the transit-related 2024 Title VI Program Update for CobbLinc.**

To **authorize** advertisement to hold a public hearing for the transit-related 2024 Title VI Program Update for CobbLinc.

15. **To approve revisions to the current *Policy for Procurement of Professional Services* as adopted by the Board of Commissioners on July 22, 1997 and last revised on July 14, 2020.**

To **approve** revisions to the current Policy for Procurement of Professional Services. A copy of the approved policy is attached and made a part of these minutes.

Public Services Agency

Senior Services

16. **To authorize the submission of a grant application for the FFY25 Community Services Block Grant (CSBG) Program to provide emergency financial assistance with rent, mortgage, utility payments, and deposits for older adults in Cobb County.**

To **authorize** the submission of a grant application for the FFY25 Community Services Block Grant (CSBG) Program to provide emergency financial assistance with rent, mortgage, utility payments, and deposits for older adults in Cobb County.

17. **To authorize the submission of a proposal to the Atlanta Regional Commission, the designated Area Agency on Aging, to provide services and support for older adults in Cobb County and their caregivers, through Federal and State funding such as Title III-B, Title III-C1, Title III-C2 & Title III-E, CBS-HCBS State (Home and Community Based Services), CBS-Respite, CBS Case Management, SSBG-HCBS (Social Services Block Grant), NSIP (Nutrition Services Incentive Program), NSIP State, NSIP SSBG, Alzheimer's State, for a two-year period, July 2024 through June 2026.**

To **authorize** the submission of a proposal to the Atlanta Regional Commission, the designated Area Agency on Aging, to provide services and supports for older adults in Cobb County and their caregivers, through Federal and State funding such as Title III-B, Title III-C1, Title III-C2 & Title III-E, CBS-HCBS State (Home and Community Based Services), CBS-Respite, CBS Case Management, SSBG-HCBS (Social Services Block Grant), NSIP (Nutrition Services Incentive Program), NSIP State, NSIP SSBG, Alzheimer's State, for a two-year period, July 2024 through June 2026.

The planning allocations detailed in the RFP reflect an increase in funding of approximately $141,000.00 compared to the current state's fiscal year SFY2024 award. The total projected planning allocation for Cobb County is $2,049,961.00 and is inclusive of County match.

18. **To authorize the appropriation and allocation of unspent Capital Contingency from fund balance to the FY2024 Senior Services operating budget in support of capital improvements at the Tim D. Lee Senior Center.**

To **authorize** the appropriation and allocation of unspent Capital Contingency from fund balance to the FY2024 Senior Services operating budget in support of capital improvements at the Tim D. Lee Senior Center; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following fund balance appropriation:

Increase Revenue:	010-300-0060-4980	Fund Balance Appropriation	$110,000.00
Increase Expenditure:	010-300-0060-6258	Accountable Equipment	$110,000.00

19. **To approve the appropriation of FY2024 District 4 Capital Contingency funds to the Senior Services operating budget in support of capital improvements at the Austell Senior Center.**

To **approve** the appropriation of FY2024 District 4 Capital Contingency funds to the Senior Services operating budget in support of capital improvements at the Austell Senior Center; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transaction:

Decrease Expenditure:	010-001-0124-8820	District 4 Capital Contingency	$245,000.00
Increase Expenditure:	010-300-0060-6258	Accountable Equipment	$245,000.00

Support Services Agency

Property Management

20. **To approve a two-part design/build contract with Catamount Constructors, Inc., with initial phase to include only design, project fee, and general conditions costs, for the new Cobb & Douglas Public Health Vehicle and Equipment Storage Building, and approve a Memorandum of Agreement with Cobb & Douglas Public Health.**

To **approve** a two-part design/build contract with Catamount Constructors, Inc., with the initial phase contract amount of $447,363.00, to include only the design, project fee, and general conditions costs, for the new Cobb & Douglas Public Health Vehicle and Equipment Storage Building, to be located at 1650 County Services Pkwy, Marietta, Georgia; **approve** a Memorandum of Agreement with Cobb & Douglas Public Health; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available in the Property Management Capital Projects Fund with the following transfer:

Increase Revenue:	381-110-PM07-4506	(Other Local Revenue)	$447,363.00
Increase Expenditure:	381-110-PM07-CDPH-8125-C	(New Construction)	$447,363.00

Create GAE in the amount of $447,363.00

21. **To approve a Supplemental Agreement No. 1 with John W. Spratlin and Son LLC to establish the Guaranteed Maximum Price for Design Build services for the replacement of Fire Station 2, and authorize procurement of furniture, fixtures, and equipment.**

To **approve** Supplemental Agreement No.1, in the amount of $9,030,375.00, with John W. Spratlin and Son LLC, to establish the Guaranteed Maximum Price of $9,971,345.00, for the replacement Fire Station 2, located at 208 Barber Rd, Marietta; **authorize** procurement through the Procurement Services Department of furniture, fixtures, and equipment not to exceed $300,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transactions:

Available in FY2024	230-130-1000-8125	(New Construction)	$6,000,000.00
Decrease Expenditure:	230-130-1000-8460	(Office Furniture)	$ 300,000.00
Increase Expenditure:	230-130-1000-6258	(Accountable Equip-FFE)	$ 300,000.00
Increase Revenue:	230-130-1000-4980	(Fund Balance Appropriation)	$3,030,375.00
Increase Expenditure:	230-130-1000-8125	(New Construction)	$3,030,375.00

Increase GAE 23003142317 in the amount of $9,030,375.00

22. **Withdrawal of request to approve a contract with A-Action Facility Services, Inc., for vending services within various County facilities.**

This item was withdrawn from the agenda.

Public Safety Agency

Police Department

23. **To approve a First Amendment to the Master Service and Purchasing Agreement with Axon Enterprise, Inc for an additional purchase of one hundred cameras.**

To **approve** a First Amendment to the Master Service and Purchasing Agreement with Axon Enterprise, Inc for an additional purchase of one hundred cameras in an amount not to exceed $617,052.00, and **further authorize** the Chairwoman to execute all necessary documents.

Funding is available in the Police Department FY24 Operating Budget for the increased expense of the contract year-two amount of $154,263.04 in 010-130-2100-6491 (Annual Maintenance and Support Contracts).

Fire and Emergency Services

24. **To approve a one-year contract with D.H. Pace Company for annual maintenance of automatic pedestrian and overhead doors for Cobb County Fire locations.**

To **approve** a one-year contract with D. H. Pace Company, in the amount of $115,935.00, for annual maintenance of automatic pedestrian and overhead doors at Cobb County Fire locations, **authorize** the Chairwoman to execute the necessary documents; and **further authorize** the corresponding budget transactions.

Funding is available in the FY2024 Fire Fund's operating budget:

230-130-1000-6491	Annual Maintenance & Support Contracts	$115,935.00

25. **To authorize the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted Pricing Agreements, for the procurement of replacement of aging corded lifts for cordless lifts.**

To **authorize** the use of available State Contracts, Sourcewell (formerly NJPA), and other Contracted Pricing Agreements, for the procurement of replacement lifts per the Fire Department's replacement schedule, in an amount not to exceed $160,991.20; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the Sourcewell contract, and any other necessary documents.

Funding is available in the FY2024 CCFES Capital Budget and is not related to SPLOST funding.

230-130-1000-8490	Other Machinery & Equipment	$160,991.20

26. **To approve amendment of the Front Line Mobile Health (FLMH) Agreement authorizing the use of a portion of Station 30 for conducting the Medical Exams pursuant to the Professional Services Agreement.**

To **approve** an amendment with Front Line Mobile Health authorizing the use of a portion of Station 30 for conducting the Medical Exams pursuant to the Professional Services Agreement, and **further authorize** the Chairwoman to execute any necessary documents.

Emergency Management

27. **To approve a Memorandum of Understanding between Cobb County and Must Ministries, Inc. to provide warming shelter services for the homeless community in Cobb County on designated cold weather days.**

To **approve** the Memorandum of Understanding between Cobb County and Must Ministries to provide warming shelter services for the homeless community in Cobb County on designated cold weather days with a total cost of $108,000.00; **authorize** any necessary budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the EMA FY24 budget:

010-130-0260-6574	(Contributions)	$108,000.00

Community Development

28. **To review a summary of the appeal hearing conducted by the License Review Board on October 19, 2023, for Tian Shou, Inc. d/b/a Mika Sushi.**

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of October 19, 2023, to **approve** the application for a beer, wine and Sunday sales pouring license for Tian Shou, Inc. d/b/a Mika Sushi, 4648 Woodstock Rd., Ste. 210, Roswell, GA 30075, Yi Zheng, licensee.

Economic Development

29. **To adopt a resolution approving the issuance by the Development Authority of Cobb County of its Revenue Bonds for the purpose of assisting Liberty Classical Schools Foundation, Inc. for the Northwest Classical Academy Project.**

To **adopt** a resolution approving, for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, the issuance by the Development Authority of Cobb County of its Revenue Bonds, in a maximum principal amount not to exceed $35,000,000.00 to finance an educational facility for use an operation of Northwest Classical Academy, a public charter school, and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

30. **To approve an Economic Incentive Commitment Agreement with Murata Electronics, N.A, Inc.**

To **approve** an Economic Incentive Commitment Agreement with Murata Electronics, N. A., Inc. in a substantially similar form as presented and **authorize** the Chairwoman to execute all necessary documents.

Finance

31. **To adopt a resolution adopting all budget amendments set forth in agenda items on this date.**

To **adopt** a resolution adopting all budget amendments set forth in agenda items on this date. A copy of said resolution is attached and made a part of these minutes.

32. **To authorize the creation of a Capital Contingency Unit within the Public Facility Projects Fund, and approve the appropriation of General Fund surplus revenue collected in FY23 to support countywide capital improvement projects therein.**

To **authorize** the creation of a Capital Contingency Unit within the Public Facility Projects Fund; **approve** the appropriation of General Fund surplus revenue collected in FY23, in the amount of $15,000,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	010-015-0145-4964	Pool Interest Income:	$ 9,800,000.00
Increase Revenue:	010-030-0360-4332	Occupation Tax:	$ 1,000,000.00
Increase Revenue:	010-230-9600-4038	Title Ad Valorem Tax (TAVT):	$ 4,200,000.00
Increase Expenditures:	010-015-0145-6594	Interfund Transfer Expense:	$15,000,000.00
Increase Revenue:	380-055-CPCT-4960	Interfund Transfer Revenue:	$15,000,000.00
Increase Expenditures:	380-055-CPCT-8820	Undesignated Contingency:	$15,000,000.00

CDBG

33. **To authorize the submission of the Program Year 2024 Annual Action Plan for Cobb County to the U.S. Department of Housing and Urban Development, and to accept grant funding through the Community Development Block Grant, Home Investment Partnership Act, and Emergency Solutions Grant Program.**

To **authorize** the submission of the Program Year 2024 Annual Action Plan for Cobb County to the U.S. Department of Housing and Urban Development, and to accept grant funding through the Community Development Block Grant, Home Investment Partnerships Act, and Emergency Solutions Grant Programs; **authorize** the corresponding budget transactions, and **further authorize** the Chairwoman to execute the necessary documents.

The estimated funding levels as depicted in Attachments A, B, and C, are based on 70 percent of PY2023 final allocations. The proposed funding amounts for the PY2024 CDBG, HOME, and ESG programs are as follows:

CDBG Program	$2,355,830.40
HOME Program	$1,123,561.60
ESG Program	$ 194,205.20
Total	**$3,673,597.20**

County Clerk

34. To approve minutes.

To **approve** the minutes from the following meetings:

- October 23, 2023 - Agenda Work Session
- October 24, 2023 - BOC Work Session
- October 24, 2023 - BOC Regular Meeting
- October 25, 2023 - Legislative Forum

County Attorney

35. To authorize the settlement of Vicki Lucas' Claim.

To **authorize** the settlement with Vicki Lucas ("Claimant"), pursuant to the direction discussed in Executive Session on November 13, 2023, and **authorize** counsel to prepare and execute any necessary documents for the purpose of settling ongoing litigation

Funding is available in account: 71005580116608

36. To authorize the dismissal of all open predatory lending matters.

To **authorize** the dismissal of all open predatory lending matters, pursuant to the direction discussed in Executive Session on November 13, 2023; and **further authorize** the County Attorney to execute the necessary dismissal documents.

CONSENT VOTE: **ADOPTED 4-0,** Commissioner Gambrill in opposition to Item 27, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

REGULAR AGENDA

ARPA

37. To approve the return of previously appropriated funding to Undesignated Contingency, within the ARPA Fund.

Motion by Cupid, second by Richardson, to **approve** the return of previously appropriated funding to Undesignated Contingency, within the ARPA Fund; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute any necessary documents for said purpose.

Funding will be returned to Undesignated Contingency, within the ARPA Fund, with the following budget transactions:

Decrease Expenditure:	279-130-PS02-6594	(Interfund Transfer Expense)	$10,151,575.78
Increase Expenditure:	279-055-ARCT-8820	(Undesignated Contingency)	$10,151,575.78

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

38. To approve a sole source contract with Ecolane USA, Inc., for the ARPA-funded Project S.A.F.E.T.Y. (Seniors to have Affordable housing & food, facilities that are safe, Education & Exercise, Transportation to medical appointments for a healthier YOU!) transportation scheduling software.

Motion by Cupid, second by Richardson, to **approve** a sole source contract with Ecolane USA, Inc., for the ARPA-funded Project S.A.F.E.T.Y. (*Seniors to have Affordable housing & food, facilities that are safe, Education & Exercise, Transportation to medical appointments for a healthier YOU!)* transportation scheduling software; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Partial funding is available in the ARPA budget, with the balance in Senior Services' operating budget, with the following transfers:

Transfer from:	279-499-CI01-8005	Preliminary Estimates	$87,696.00
Transfer to:	279-499-CI01-8675	Computer Software	$87,696.00
Transfer from:	010-300-0060-8820	Undesignated Contingency	$ 7,115.00
Transfer to:	010-300-0060-8675	Computer Software	$ 7,115.00

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

District Attorney

39. To authorize the creation of eight full-time and one part-time Victim Advocate positions for the District Attorney's Victim Witness Unit.

Motion by Cupid, second by Richardson, to **authorize** the creation of eight full-time, pay grade 107, and one part-time, pay grade 107P, Victim Advocate positions for the District Attorney's Victim Witness Unit, Unit 8775 effective November 26, 2023; **approve** the transfer of positions in Grant Fund Unit G341 into the General Fund Unit 8775 effective November 26, 2023; **authorize** the corresponding budget and personnel transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase in Revenue:	010-055-0800-4225	Insurance Premium Tax	$680,670.00
Increase Expenditure:	010-170-8775-6012	Salaries - Regular	$414,294.43
	010-170-8775-6018	Salaries - Parttime-Hourly	$ 34010.25
	010-170-8775-6032	Disability Insurance	$ 940.45
	010-170-8775-6034	FICA	$ 33,053.18
	010-170-8775-6036	Medical-Interfund Transfer	$ 60,836.70
	010-170-8775-6038	Life Insurance - Employee	$ 1,010.79
	010-170-8775-6044	Retirement Cont - County System	$ 99,792.86
	010-170-8775-6045	Defined Cont-Employer	$ 8,546.37
	010-170-8775-6052	Workers Comp Premium	$ 5,864.74
	010-170-8775-6054	Dental - Interfund Transfer	$ 2,320.23
	010-170-8775-6116	General Office Supplies	$ 20,000.00

VOTE: **ADOPTED 3-1, Commissioner** Gambrill opposed, Commissioner Birrell not present
(Commissioner Gambrill's statement is attached and made a part of these minutes).

Transportation

40. To approve Amendment No. 1 to the Cobb Framework Agreement with the City of Powder Springs for Powder Springs – Marietta Street Traffic Signal System Preservation, Project Nos. B2553 and B2557.

Motion by Sheffield, second by Cupid, to **approve** Amendment No. 1 to the Cobb Framework Agreement with the City of Powder Springs for Powder Springs – Marietta Street Traffic Signal System Preservation, Project Nos. B2553 and B2557; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Appropriate receipt of additional revenue from the City of Powder Springs to the 2022 SPLOST Transportation Improvements Program Fund, as follows:

Increase Revenue:	348-050-B250-B250-4506-B2553-A	Other Local Revenue	$173,904.42
IncreaseExpenditure:	348-050-B250-B250-8005-B2553-A	Preliminary Estimate	$173,904.42

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Traffic Management, Transportation Technology, and Planning.

Powder Springs – Marietta Street Traffic Signal System Preservation is an eligible project/program under the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 18). SPLOST funding for Traffic Management, Transportation Technology, and Planning will be used to replace and upgrade the county's traffic signal infrastructure, install traffic signals at locations that satisfy traffic signal warrant(s) as established in the current version of the Manual on Uniform Traffic Control Devices, optimize the operations of the traffic system, improve the county's transportation technology systems, and develop long and short-term planning strategies.

SPLOST Project Summary as of November 1, 2023: Powder Springs – Marietta Street Traffic Signal System Preservation (at Brownsville Road and New Macland Road)

Budget:	$902,000.00	Expended:	$1,209.30

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

41. To approve a contract with Williams Power & Signal, LLC for Powder Springs - Marietta Street at New Macland Road Traffic Signal Upgrade, Project No. B2557, CCDOT Contract No. 002168.

Motion by Sheffield, second by Cupid, to **approve** a contract with Williams Power & Signal, LLC, in an amount not to exceed $409,014.87, for Powder Springs - Marietta Street at New Macland Road Traffic Signal Upgrade, Project No. B2557, CCDOT Contract No. 002168; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B250-B250-8005-B2553-A	Preliminary Estimate	$409,014.87
Transfer to:	348-050-B250-B250-8762-B2557-C	Turnkey Construction	$409,014.87

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Traffic Management, Transportation Technology, and Planning.

Powder Springs – Marietta Street at New Macland Road Traffic Signal Upgrade is an eligible project/program in the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 18). SPLOST funding for Traffic Management, Transportation Technology, and Planning will be used to replace and upgrade the county's traffic signal infrastructure, install traffic signals at locations that satisfy traffic signal warrant(s) as established in the current version of the Manual on Uniform Traffic Control Devices, optimize the operations of the traffic system, improve the county's transportation technology systems, and develop long/short-term planning strategies.

SPLOST Project Summary as of November 1, 2023: Powder Springs – Marietta Street Traffic Signal (New Macland)

Budget:	$1,000.00	Expended:	$240.00

Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	$410,014.87

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

42. **To approve an Intergovernmental Agreement with Cobb County Board of Education for the conveyance of a temporary construction easement for Casteel Road at Still Elementary School, Project No. B2803.**

Motion by Gambrill, second by Richardson, to **approve** an Intergovernmental Agreement with Cobb County Board of Education for the conveyance of a temporary construction easement on a tract of land identified as Tax Parcel No. 19013100020, 19th District, Second Section of Cobb County, Georgia, for Casteel Road at Still Elementary School, Project No. B2803; **authorize** acceptance of the conveyance of the required easement for said project; and **further authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

43. **To approve an Intergovernmental Agreement for Maintenance with the Georgia Department of Transportation regarding a mast arm improvement for Akers Mill Road Managed Lanes Access, State P.I. No. 0015051, Cobb County Project No. X2410.**

Motion by Richardson, second by Gambrill, to **approve** an Intergovernmental Agreement for Maintenance with the Georgia Department of Transportation regarding a mast arm improvement for Akers Mill Road Managed Lanes Access, State P.I. No. 0015051, Cobb County Project No. X2410; and **authorize** the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

44. **To approve a Memorandum of Agreement with Cobb County-Marietta Water Authority for Resurfacing - Cobb County-Marietta Water Authority, Project No. B2951.**

Motion by Gambrill, second by Richardson, to **approve** a Memorandum of Agreement with Cobb County-Marietta Water Authority, in an amount not to exceed $2,645,216.89, for Resurfacing - Cobb County-Marietta Water Authority, Project No. B2951; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Appropriate receipt of revenue from the Cobb County-Marietta Water Authority to the 2022 SPLOST Transportation Improvements Program Fund, as follows:

Increase Revenue:	348-050-B290-B290-4506-B2951-C	Other Local Revenue	$2,138,673.51
Increase Expenditure:	348-050-B290-B290-8761-B2951-C	Preliminary Estimate	$2,138,673.51

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Roadway Resurfacing.

Resurfacing – Cobb County-Marietta Water Authority is an eligible project/program under the Transportation – Roadway Resurfacing Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 12). SPLOST funds will be used for resurfacing activities, including milling, patching, leveling, and resurfacing of various roadways throughout the county.

SPLOST Component Summary as of November 1, 2023: Roadway Resurfacing

Budget:	$222,253,717.64	Encumbered/Expended:	$109,394,035.66

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

45. To approve Change Order No. 1 (final) to the contract with D & H Construction Company, Inc., for drainage system repairs on Lakeridge Drive, Project No. B2234, CCDOT Contract No. 001932.

Motion by Richardson, second by Gambrill, to **approve** Change Order No. 1 (final) to the contract with D & H Construction Company, Inc., a savings to the project in the amount of $42,868.13, for drainage system repairs on Lakeridge Drive, Project No. B2234, CCDOT Contract No. 001932; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance			
GAE 34806132343:	348-050-B220-B220-8762-B2234-C	Turnkey Construction	$22,868.13
Transfer from:	348-050-B220-B220-8762-B2234-C	Turnkey Construction	$22,868.13
Transfer to:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	$22,868.13

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

Lakeridge Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of November 1, 2023: Drainage System

Budget:	$10,053,789.35	Encumbered/Expended:	$8,130,135.62

A savings to the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance			
GAE 51006132343:	510-500-5756-6496-W5078-C	Drainage Contract R&M Svc.	$20,000.00
Transfer from:	Lakeridge Drive Drainage -	Utility Allow.	
	510-500-5756-6496-W5078-C	Drainage Contract R&M Svc.	$20,000.00
	510-500-5756-8265-W5078-M	Materials and Supplies	$ 1,500.00
	510-500-5756-8810-W5078-T	Contingency	$ 500.00
		Total:	$22,000.00
Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	$22,000.00

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

46. **To approve Change Order No. 1 (final) to Project No. B2288 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for emergency drainage repairs on Rivendell Court, CCDOT Contract No. 002166.**

Motion by Cupid, second by Richardson, to **approve** Change Order No. 1 (final) to Project No. B2288 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., a savings to the project in the amount of $40,074.49, for emergency drainage repairs on Rivendell Court, CCDOT Contract No. 002166; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance GAE 34806132344:	348-050-B220-B220-8762-B2288-C	Turnkey Construction	$26,359.89
Transfer from:	348-050-B220-B220-8762-B2288-C	Turnkey Construction	$26,359.89
Transfer to:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	$26,359.89

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

Rivendell Court is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of November 1, 2023: Drainage System

Budget:	$10,053,789.35	Encumbered/Expended:	$8,130,135.62

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance GAE 51006132344:	510-500-5756-6496-W5079-C	Drainage Contract R&M Svc.	$13,714.60
Transfer from:	Rivendell Court Drainage - Utility Allow.		
	510-500-5756-6496-W5079-C	Drainage Contract R&M Svc.	$13,714.60
	510-500-5756-8265-W5079-M	Materials and Supplies	$ 2,500.00
	510-500-5756-8810-W5079-T	Contingency	$ 500.00
		Total:	$16,714.60
Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	$16,714.60

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

47. **To approve Change Order No. 1 (final) to Project No. B2289 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC for emergency drainage repairs on Shiloh Drive, CCDOT Contract No. 002174.**

Motion by Sheffield, second by Cupid, to **approve** Change Order No. 1 (final) to Project No. B2289 to the 2021 Countywide Unit Price Contract with Advanced Sports Construction, LLC, a savings to the project in the amount of $73,890.24, for emergency drainage repairs on Shiloh Drive, CCDOT Contract No. 002174; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance			
GAE 34807112334:	348-050-B220-B220-8762-B2289-C	Turnkey Construction	$38,890.24
Transfer from:	348-050-B220-B220-8762-B2289-C	Turnkey Construction	$38,890.24
Transfer to:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	$38,890.24

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

Shiloh Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14).

SPLOST Component Summary as of November 1, 2023: Drainage System

Budget:	$10,053,789.35	Encumbered/Expended:	$8,130,135.62

A savings to the Water System DOT Projects – Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance			
GAE 51007112334:	510-500-5756-6496-W5081-C	Drainage Contract R&M Svc.	$35,000.00
Transfer from:	Shiloh Drive - Utility Allow.		
	510-500-5756-6496-W5081-C	Drainage Contract R&M Svc.	$35,000.00
	510-500-5756-8265-W5081-M	Materials and Supplies	$ 1,500.00
	510-500-5756-8810-W5081-T	Contingency	$ 500.00
		Total:	$37,000.00
Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	$37,000.00

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

48. To approve Change Order No. 2 (final) to the contract with Glosson Enterprises, LLC for Shaw Road Sidewalk, Project No. X2751, CCDOT Contract No. 001577.

Motion by Cupid, second by Richardson, to **approve** Change Order No. 2 (final) to the contract with Glosson Enterprises, LLC, a savings to the project in the amount of $54,105.43, for Shaw Road Sidewalk, Project No. X2751, CCDOT Contract No. 001577; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance			
GAE 34708232231:	347-050-X270-X270-8762-X2751-C	Turnkey Construction	$44,605.43
Transfer from:	347-050-X270-X270-8762-X2751-C	Turnkey Construction	$44,605.43
Transfer to:	347-050-X270-X270-8761-X2751-C	Preliminary Estimate	$44,605.43

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Sidewalks.

Shaw Road Sidewalk is an eligible project/program under the Pedestrian Improvements – Sidewalks Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 14).

SPLOST Project Summary as of November 1, 2023: Shaw Road Sidewalk

Budget:	$601,519.61	Expended:	$528,348.87

A savings to the Water System DOT Projects - Relocate Lines Adopted CIP Budget, with the following budget transfers:

Decrease Encumbrance			
GAE 51008232231:	510-500-5756-8260-W4457-C	Construction	$ 9,500.00
Transfer from:	Shaw Road Sidewalk		
	510-500-5756-8260-W4457-C	Construction	$ 9,500.00
	510-500-5756-8265-W4457-M	Material and Supplies	$ 2,200.00
	510-500-5756-8810-W4457-T	Contingency	$ 440.00
		Total:	$12,140.00
Transfer to:	DOT Projects - Relocate Lines		
	510-500-5756-8005-W4069-Z	Preliminary Estimate	$12,140.00

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

49. To approve 2024 Countywide Unit Price Contracts with 18 bidders for countywide construction and maintenance services.

Motion by Cupid, second by Richardson, to **approve** the 2024 Countywide Unit Price Contracts with 18 bidders for countywide construction and maintenance services; and authorize the Chairwoman to execute the necessary documents.

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

PUBLIC COMMENT

1. Kristie Miner addressed the Board regarding HB 520.
2. Zakir Syed addressed the Board regarding the attack on Gaza.
3. Donald Barth addressed the Board regarding various matters.
4. Christine Rozman addressed the Board regarding various matters.
5. Sarah Quraizni addressed the Board regarding the attack on Gaza.

APPOINTMENTS

50. To announce the reappointment of Jeff Wood to the Neighborhood Safety Commission.

Commissioner Gambrill **announced** the reappointment of Jeff Wood to the Neighborhood Safety Commission for a three-year term to expire on September 30, 2026.

51. To approve the reappointments of Dr. Paula Greaves. MD and Pete Quinones to the Board of Health.

Motion by Cupid, second by Richardson, to **approve** the reappointments of Dr. Paula Greaves, MD and Pete Quinones to the Board of Health for a six-year term to expire December 31, 2028.

VOTE: **ADOPTED 4-0**, Commissioner Birrell not present *(Commissioner Gambrill's statement is attached and made a part of these minutes).*

ADJOURNMENT

The meeting was adjourned at 11:31 a.m.

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

Commissioner Birrell's statement

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Board of Elections on November 15, 2022.

Commissioner Gambrill's statement

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

In addition, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002). In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, " you should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to the a comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this to attempt to establish the validity of the Amendment." "In fact" he continues " it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply to Georgia Law or the State Constitution.

With the majority of this Board's actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.

Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

In a letter dated October 3, 2022 Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

In January, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

Quotes by DaShanne Stokes, "Leadership by deception isn't leadership. It's fraud. Truth is hard, propaganda is cheap."

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein.

(Purchasing) Policy for Procurement of Professional Services

Effective Date: November 2023

Owner	Board of Commissioners (BOC)
Reviewer(s)	Supervisor of Procurement Services, Contract Management Coordinator, County Attorney, Support Services Agency Director, County Manager
Approver(s)	Purchasing Director and Board of Commissioners (BOC)
Related Policies	Policy on Procurement and Contract Management
Storage Location	iCobb
Last Review Date	November 2023
Next Review Date	November 2025
Review Cycle	Every 2 years

1. PURPOSE

To amend the current policy for Procurement of Professional Services as established by the Cobb County Board of Commissioners on July 22, 1997, and amended on December 13, 2005, July 28, 2009, and November 22, 2011, December 20, 2011, November 25, 2014, and July 14, 2020. This policy sets forth the County's policy for procuring professional services governed hereby and becomes effective November 2023.

2. SCOPE

This policy applies to all County agencies, elected offices and departments.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Official Code of Cobb County, Georgia	Part 1, Sec 2-141 and 142 and Part 2, Sec 2-34(18)
Georgia Open Records Act	O.C.G.A. 50-18-70, et Seq.
Georgia Archives as adopted by County Code	https://www.georgiaarchives.org/records/retention_schedules
And all other applicable laws and regulations	

4. DEFINITIONS

Professional Service – a service provided in support of county operations and/or projects from an independent contractor or consultant in a professional occupation or field. A professional occupation is an occupation which requires exceptional qualifications by education and experience in a particular field or discipline to perform a specialized service.

5. POLICY

I. APPLICATION OF POLICY

This policy shall apply when the cost of professional services is expected to exceed $50,000.00. When the estimated cost of such services is expected to be less than $50,000.00, an abbreviated selection process may be used (see Section VI, page 7).

II. NATURE OF PROFESSIONAL SERVICES

The value received from a professional service is greatly determined by the skill, experience, judgment, and creativity of the professional firm and/or the individual(s) providing the service (hereafter "firm" or "consultant"). Because of these factors, a strict bid process wherein the contract is generally awarded to the

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lowest responsive and responsible bidder meeting specifications may not be in the best interest of either Cobb County (hereafter "the County") or the professional. At the same time, it is generally recognized that the use of some type of competitive process in the selection of professional services provides superior and accountable results.

III. TYPES OF COMPETITIVE SELECTION PROCESSES

A. FACTORS TO CONSIDER

The type of competitive process used by the County shall depend on the scope of work and other factors associated with the specific service being requested. It is often not possible or desirable to develop more than a general scope of work without considerable interaction with the consultant(s). This is one factor which must be considered in determining the most appropriate selection process. When the scope of work cannot be well defined, the selection process should be one in which the development of the scope of work and the related fees occurs after the finalist or top group of finalists have been determined. If the selection process being used requires bids or fees to be quoted, it is important that a detailed scope of work be developed and communicated to all firms which are to submit bids or fees.

B. RFQ AND RFP

All the selection processes described in this policy use a Request for Qualifications (RFQ) and/or Request for Proposals (RFP) as part of the selection process.

1. REQUEST FOR QUALIFICATIONS (RFQ) – An RFQ requests that a firm submit a response in a standard format designed to provide uniform information about the experience and qualifications of the firm to perform a type of service. An RFQ does not describe a specific scope of work or require submitting firms to respond to or provide a scope of work. Because a detailed scope of work is not developed and included in an RFQ, pricing information is not requested. An RFQ is generally used in one of two ways: (1) a screening device used as the first step of a selection process to qualify firms as meeting the desired standards to perform the service, (see Section IV. Prequalification of Proposers), or (2) to select the most qualified firms (i.e., top 3 firms) to perform the desired service. A rank order may or may not be established based on the process being used. The criteria which will be considered in evaluating the responses should be described in the RFQ as set forth in Section X hereof.

2. REQUEST FOR PROPOSALS (RFP) - An RFP is similar to an RFQ, however, it requires a response to a scope of work. The scope of work is described in the RFP. If the scope of work cannot be defined, then the task(s) to be addressed is described. All proposers are requested to respond to the scope of work in the RFP or define a scope of work or approach in response to the task(s) to be addressed. Information concerning scheduling and hours may be requested in conjunction with the scope of work. The RFP may ask for the proposer's willingness to perform the work within a specific budget or time constraint. In certain selection processes the RFP may also request information related to fees and costs of services.

C. RECOGNIZED SELECTION PROCESSES

Each of the processes described below (and in Attachment One) is recognized as a selection process which may be appropriate, depending on the circumstances, for use in the selection of professional services for the County. The User Agency (or the "Department") shall enlist the assistance of the Purchasing Department prior to deciding on the use of a particular process.

1. COMPETITIVE NEGOTIATIONS - This selection process places emphasis almost exclusively on qualitative factors. An RFQ or RFP is developed for the professional services being sought. The responses to the RFQ or RFP are ranked in order by an evaluation committee using an evaluation process based on qualitative and other criteria set forth in Section X herein, but not including price. The final ranked order group is generally limited to the three (3) proposers that

are determined to be the most qualified. This process requires approval by the Board of Commissioners of the final ranking of proposers for professional services when the cost of the professional services is estimated to exceed $100,000.00. Negotiations are then held with the proposer that has been determined to be the most qualified to provide the professional services. The objective of the negotiations is to agree on a compensation level which is fair, competitive, and reasonable taking into consideration the scope and complexity of the services (scope of services may also be negotiated). If negotiations are successful, the department will seek approval from the Board of Commissioners for the award of the contract. If negotiations are unsuccessful with the firm considered to be most qualified, then negotiations are terminated with that proposer. Negotiations may then be held with the second highest ranked proposer. If negotiations are unsuccessful with all of the proposers in the top ranked group, then the Competitive Negotiations effort is terminated, and a new procurement process may be initiated for the services.

Note:
When the estimated professional services costs are expected to exceed $500,000.00, County Manager approval is required for use of this selection process.

Cobb County shall use the competitive negotiations method for the procurement of engineering and design related services when Federal Aid Highway Program (FAHP) funds are involved in the contract (as specified in 23 U.S.C. 112(b)(2)(A)). The solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications-based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. 1101-1104, commonly referred to as the Brooks Act.

2. COMPETITIVE PROPOSALS - This selection process uses an RFP and introduces price into the evaluation process as a consideration along with other criteria described above in the Competitive Negotiations process. An RFP is developed with a specifically defined scope of work. The responses to the RFP are required to include pricing information for performing the specific scope of work. The evaluation process performed by the evaluation committee considers the pricing information merely as one of the selection criteria and not the final determinant. Best and final offers of top-rated proposers may be solicited if the selection committee chooses. The selection criteria and the associated range of values are set forth in Section X herein.

3. PREQUALIFIED COMPETITIVE BIDDING - This is a two-step selection process. In the first step, an evaluation process is used to determine those firms from which sealed bids will be requested in the second step. The process is used when it is desired to make price the final determinant in selecting from those firms which have been determined to be qualified to perform a particular service.

In the first step, an RFQ is developed. The responses to the RFQ are evaluated by an evaluation committee to determine those firms which will be asked to submit bids in the second step of the process. The RFQ will be evaluated as required under this policy and the terms of the RFQ. The group of firms that proceed to step two of the process may consist of all firms which are deemed to meet the necessary qualifications to perform the scope of work, or the group may consist of the top three (3) ranked firms.

In the second step, an RFP with a detailed scope of work is issued and sealed bids are requested from the group of firms selected in step one. Subject to Board of Commissioners' approval, the award is made to the firm submitting the lowest responsive bid.

4. TASK ORDER CONTRACTING (DEPARTMENT OF TRANSPORTATION)
This selection process uses a three-step process. The first step utilizes DOT's existing triennial consultant Pre-Qualification process. In this process, Georgia Department of Transportation (GDOT) Pre-Qualified consultants submit an abbreviated application providing the GDOT Pre-Qualification Certificate and limited information about the firm and staff. Firms that are not Pre-Qualified with GDOT must submit a much more detailed application providing specific details of staffing, qualifications, and summary of experience. From these applications, Consultant Firms are reviewed and a recommendation for Pre-Qualification with Cobb County is made to the Board of Commissioners. After the triennial Pre-Qualification, quarterly modifications may be requested for approval by the Board of Commissioners if necessary. In Step Two an RFQ is used whereby consultants who have been pre-qualified under Step One are eligible to submit proposals for consideration to be placed on discipline-related Task Order Contractor Lists (sometimes referred to as the "Lists"). In Step Three DOT negotiates a Work Order with a consultant who is on a Task Order Contractor List for a particular Task Order Project pursuant to the terms set forth herein.

The intent of Task Order Contracting is to provide a method to quickly respond to professional services needs on small to medium sized projects. This selection methodology provides a way to quickly select a consultant, negotiate a scope and fee, and issue a notice to, thereby reducing the time from procurement to contract execution by several months.

After pre-qualification under Step One and Step Two, discipline-related pre-qualified Task Order Contractor Lists are established. A selection committee, established pursuant to Section X. A. herein, evaluates proposals submitted in response to an RFQ and brings recommendations to the Board of Commissioners for approval of the Task Order Contractor Lists. The Lists are valid for three (3) years. At the end of three (3) years DOT consultants must be requalified. No new consultants are added to the Lists while the Lists are active, but consultants may be removed from the Lists with Board of Commissioners approval for reasonable cause. Joint ventures will be allowed to prequalify so long as one firm is designated as the lead firm with sole accountability. (This procedure is intended to vary and be separate from the procedures set forth in Section IV of this Policy). At the time of approval of the Lists, the Board of Commissioners will also be requested to approve Master Task Order Contracts with each consultant approved and included on each List. The Master Task Order Contracts have three (3) year terms with professional fees not to exceed $500,000.00 per year.

Under Step Three, when DOT determines that professional consultant services can best be provided through Task Order Contracting, DOT will negotiate a Work Order with one of the consultants on the applicable Task Order Contractor List. DOT may also choose to have consultants on the Lists compete for such work through a proposal process. Selection of the consultant will be determined by evaluating cost, the consultant's current work under contract, the consultant's performance on other contracts with the County (with emphasis on quality, schedule and maintenance of budget), the consultant's familiarity in the area of expertise needed for the project, and the consultant's specific experience on similar projects. The Work Order will address the specific duties and obligations related to the specific project and will be subject to the general terms and conditions of the Master Task Order Contract.

All Work Orders exceeding $50,000.00 and all Work Orders to be paid for with SPLOST proceeds will be brought to the Board of Commissioners for approval. Additionally, modifications to the scope and budgets of projects ("Change Orders") with an initial cost of less than $50,000.00 which exceed 20% of the original Work Order amount or are greater than $5,000.00 or result in the initial Work Order amount exceeding $50,000.00 require approval by the Board of Commissioners.

Non-SPLOST Work Orders valued at $50,000.00 or less may be executed by the Purchasing Department are pursuant to the terms set forth herein.

This procurement method will not be used for consultant services exceeding $500,000.00 per year or, in most cases, for projects where federal funds are available or anticipated.

IV. PREQUALIFICATION OF PROPOSERS

A. GENERAL

A prequalification process may be used as the first step of a Competitive Selection process. The purpose of a prequalification process is to eliminate the need for repeating the determination of qualifications each time professional services are sought. Prequalification is most practical for those services which are sought on a regular and frequent basis and where the nature of the scope of work for which future services will be sought is sufficiently standardized to allow the necessary qualifications to be determined and evaluated separately from a specific scope of work. Additionally, however, prequalification may be appropriate on a specific project that is of such complexity or size that specialized expertise is needed. Under a prequalification process, firms shall be asked to respond to an RFQ which has been developed for a particular type of professional service or a particular scope of work. The qualifications submitted by each firm in response to the RFQ will be evaluated by an evaluation committee. The committee will make a recommendation to the Board of Commissioners as to whether a firm should be included on a list of approved firms to perform the specified type of professional service or scope of work.

Multiple lists of qualified firms may be created by the Board of Commissioners when there is a sufficient degree of variance in size and/ or difficulty of scope of work or projects to justify more than one level of qualifications. This allows the more difficult work to be directed only toward those firms which are deemed the most qualified to perform that service. It also enables firms of smaller size and/or lesser experience or expertise to be included on an approved list so that they may compete for those services which are less complex or demand a lesser degree of resources or expertise.

B. PREQUALIFICATION FOR A TYPE OF PROJECT/SERVICE

Prequalification will be done for a type of service where professional services are sought on a regular and frequent basis and where the nature of or the scope of the work for which future work is sought is sufficiently standardized.

1. DEPARTMENT RESPONSIBILITIES
   - a. Similar formats for prequalification shall be used county-wide to facilitate submittals by firms and review by the County.
   - b. A firm who desires to become prequalified with a Department shall submit an application for qualification to such Department on prescribed forms. The Department may request clarification or additional information to properly evaluate the application.
   - c. The Department will establish categories of service or projects based on complexity and work type. Qualified firms will be evaluated on the ability and experience of the firm and staff to perform work within each category. Prequalification considers the firm's experience, staff experience, staff qualifications, previous work experience, financial stability, references, and other pertinent information in evaluating the capability of the firm to perform. False representation on applications will disqualify the firm from all categories for a period of twelve (12) months.
   - d. The Department will notify the firm as to what category(s) or service or project for which it has been prequalified. A firm may appeal the Department's decision as to the qualification of the firm. The appeal shall be made promptly in writing to the County Manager (at least within 30 days) detailing the basis for the appeal. The

County Manager may appoint a committee to investigate. The decision of the County Manager is final.

e. The Department will make a recommendation to the Board of Commissioners to include a firm on the list of prequalified firms specifying the category(s) of professional service or project they are prequalified for.

2. MAINTAINING PREQUALIFIED LISTS

a. A review of the firms on each approved list shall be conducted every three (3) years to ensure that they meet the necessary standards for inclusion on the list. To meet this condition, an RFQ will be prepared and advertised and all current prequalified firms will be required to complete and submit their current qualifications for evaluation by the User Department.

b. A firm may be removed from any approved list by the Board of Commissioners if they perform unsatisfactorily, become financially unstable, show a lack of interest by continuing to fail to respond to RFPs, or for any other reason deemed to be in the best interest of the County. Notice to the firm in writing stating reasons for the suspension or deletion is required.

c. Board of Commissioners authorization is required to add, suspend, or delete any firms from any approved prequalified list.

d. Requests to add to the list of prequalified firms will be presented to the Board of Commissioners no more frequently than on a quarterly basis.

3. MINIMUM STANDARDS

a. Firms must have an established office in the Metro-Atlanta area to be eligible for consideration to be on a prequalified list. The Metro-Atlanta area is defined as the counties of Cobb, Bartow, Cherokee, Clayton, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding, and Rockdale. The qualifications submitted shall be restricted to the qualifications of the professional staff located in the Metro-Atlanta office(s).

b. No professional or key personnel may be listed as bona fide employees of more than one (1) firm currently qualified with Cobb County. If such an employee was previously employed by a currently qualified firm, the application must indicate the date that such employee was hired by the applicant.

c. All personnel listed by the applicant in order to qualify for any type of work or sub-category must be bona fide employees of the firms. They must be actively engaged in the type of work for which they are listed, and their work experience must clearly demonstrate an ability to perform the activities normally associated with the particular type of work or sub-category for which qualification is sought. The County must be notified within thirty (30) days of the departure from the firm of personnel used to prequalify the firm. The deletion of an employee may affect the qualification status of a prequalified firm.

d. The County shall not recognize joint ventures for purposes of pre-qualifying Consultants. (SEE EXCEPTION PAGE 4, #4, PARAGRAPH 3)

C. PREQUALIFICATION FOR A SINGLE PROJECT

1. Prequalification for a specific single project is typically recommended when the project or scope of services is of such complexity or size that special expertise is required.

2. Qualifications are solicited through an RFQ. Notice of the RFQ shall be properly advertised in the official County organ and such other publication(s) which the County believes will best serve its interest. The choice of where to advertise will be made by Purchasing in conjunction with the Department. Notwithstanding and in lieu of the above,

DOT may utilize Georgia DOT's list of prequalified consultants when the cost is estimated to exceed $100,000.00 and may utilize Georgia DOT's list of prequalified consultants with prior approval of the County Manager when cost is estimated to be between $50,000.00 and $100,000.00.

3. The submittals are evaluated for minimum qualifications.

4. Once firms are prequalified for the project (joint ventures will be allowed to prequalify so long as one firm is designated as the lead firm with sole accountability), the Department may proceed with selection based on competitive negotiations (if approved by the County Manager) or may solicit additional information by use of an RFP or other appropriate avenue prior to proceeding with selection. Only firms that are prequalified may respond to subsequent requests for additional information.

5.

V. LOCAL VENDOR PRESENCE (LVP) PROGRAM

A. QUALIFICATIONS

1. Any business or firm having a physical office located within the geographical boundaries of Cobb County or a municipality located within the geographical boundaries of Cobb County for one (1) or more years. Only the "prime" contractor will be eligible for consideration.

2. Must have a current Cobb County Occupation Tax Certificate (or its equivalent from a Cobb municipality) on the closing date of solicitation for which a qualified bid has been submitted.

3. Must have no outstanding or unresolved taxes, fees, fines or penalties with Cobb County or one of its municipalities. An affidavit will be required which reserves the County's option to require additional documentation upon award or consideration of award.

B. DETERMINATION

Local Vendor Presence information is required to be submitted at the time of the qualified bid and determination will be made by the Purchasing Department prior to distribution to the approved Evaluation Committee. Specific qualification requirements are required to be included in individual Request for Proposals/Qualifications (RFP/Q). The absence of any required information will result in no local vendor presence consideration granted for the respective bid.

C. EXCEPTIONS

The LVP Program shall not apply to projects funded by Federal and state grants or any other grant or funding source that prohibits such.

D. MONITORING

The Purchasing Department will monitor and evaluate the LVP Program for overall budgetary, administrative, and financial impact on County operations and report to the Board of Commissioners and County Manager every six (6) months.

VI. PROFESSIONAL SERVICES NOT TO EXCEED $50,000.00

Whenever the estimated cost of professional services is not expected to exceed $50,000.00, an abbreviated selection process may be used as described below:

A. The Department will provide Purchasing with a scope of services describing the tasks to be performed, the necessary qualifications, a requisition, and the source of funds budgeted for the service. The Department may supply the name of any professional firms they consider to be qualified to perform the work.

B. Purchasing, together with the Department, will make the determination as to the firm from which to purchase the professional service, shall negotiate the terms, and shall issue a Purchase Order to the firm selected.

VII. PROFESSIONAL SERVICES OVER $50,000.00 - ADVERTISING

Each time professional services estimated to cost over $50,000.00 are sought, notice shall be properly advertised in the official County organ and such other publication(s) which the County believes will best serve its interest. Advertisement of a notice is not necessary when professional services are acquired through a selection process which solicits proposals from a list of prequalified firms approved by the Board of Commissioners.

For projects using Federal Aid Highway Program (FAHP) funding, the solicitation process shall be by public announcement, public advertisement, or any other public forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. Services will be procured utilizing the Competitive Negotiation Qualification-based Selection process in accordance with applicable federal regulations. See Appendix A.

VIII. CONFLICT OF INTEREST/CONTINGENCY FEES/CERTIFICATION BY SUBCONTRACTORS

All RFQs and RFPs shall require responding firms to sign as part of the terms and conditions of their being engaged by the County, at a minimum, the following statements regarding Conflict of Interest, Contingency Fees, and Certification of Subcontractors:

A. CONFLICT OF INTEREST - The Consultant certifies that to the best of its knowledge no circumstances exist which will cause a Conflict of Interest in performing the services required by this contract, that no employee of the County, nor any member thereof, nor any public agency or official affected by this agreement, has any pecuniary interest in the business of the Consultant or his Subcontractor(s), and that no person associated with the Consultant or his Subcontractor(s) has any interest that would conflict in any manner or degree with the performance of the agreement.

Should the Consultant become aware of any circumstances which may cause a Conflict of Interest during the term of this contract, the Consultant shall immediately notify the County. If the County determines that a Conflict of Interest exists, the County may require that the Consultant take action to remedy the Conflict of Interest or terminate the agreement without liability. The County shall have the right to recover any fees paid for services rendered by the Consultant which were performed while a Conflict of Interest existed if the Consultant had knowledge of the Conflict of Interest and did not notify the County within one (1) week of becoming aware of the existence of the Conflict of Interest.

B. PROHIBITION AGAINST CONTINGENT FEES – The Consultant warrants that he and his Subcontractor(s) have not employed or retained any company or person other than a bona fide employee working solely for the Consultant or Subcontractor(s) to solicit or secure this agreement and that he and his Subcontractor(s) have not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for the Consultant or his Subcontractor(s) any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award of this agreement. For any breach or violation of this provision, the County shall have the right to terminate the agreement without liability and at its discretion to deduct from the price, or otherwise recover, the full amount of such fee, commission, percentage, gift, payment, or consideration.

C. CERTIFICATION OF SUBCONTRACTORS - The Consultant shall require each of his Subcontractor(s) to sign a statement certifying to and agreeing to comply with the terms and conditions of A. and B. above. Such signed statements shall be on forms provided by the County. The Consultant shall return such executed forms to the County and they shall be incorporated in and become a part of the agreement. No compensation shall be payable to the Consultant until executed certifications are received by the County for all of the Consultant's Subcontractors.

IX. RESPONSIBILITIES

A. BOARD OF COMMISSIONERS

1. Approve the award of contracts for professional services in excess of $50,000.00
2. Approve final ranking of proposers for professional services when the cost of professional services is estimated to exceed $100,000.00 and Selection Method 1, Competitive Negotiations, is utilized
3. Approve the establishment of each approved list of prequalified firms for professional services and additions or deletions thereto based on Department recommendations
4. Approve the establishment of all Task Order Contractor Lists when Selection Method 4, Task Order Contracting, is utilized and additions or deletions thereto based on Department recommendations
5. Approve all Work Orders exceeding $50,000.00 and all Work Orders to be paid with SPLOST proceeds or all Change Orders that exceed 20% of the original Work Order amount or that exceed $5,000.00, or that cause the original Work Order to exceed $50,000.00 when Selection Method 4, Task Order Contracting, is utilized
6. Approve any exemptions from the application of all or any portion of this policy for those types of professional services which are not specifically exempted from this policy
7. Exercise the right to reject any and all bids or proposals when appropriate; should the Board of Commissioners exercise this right, Cobb County shall not be responsible for the reimbursement of any costs, fees, or other losses associated with the bid or proposals and/or the rejection thereof

B. COUNTY MANAGER

1. Require procurement of professional services otherwise excepted from this policy to conform to this policy when deemed to be in the best interest of the County
2. Approve exception from this policy when there are severe time constraints or there is an emergency, with subsequent ratification by the Board of Commissioners
3. Decide appeals of decisions made by the Department related to prequalification
4. Approve DOT's use of Georgia DOT's prequalified list when the cost of service for a single project pursuant to Section IV.C. is estimated to be between $50,000.00 and $100,000.00

5. Approve the use of Selection Method One, Competitive Negotiations, when cost is expected to exceed $500,000.00

6. Provide approvals related to Selection Committees and any exceptions to Evaluation Criteria or Cost Methodologies as stated in this policy.

7. Exercise the right to reject any and all bids or proposals when appropriate; should the County Manager exercise this right, Cobb County shall not be responsible for the reimbursement of any costs, fees, or other losses associated with the bid or proposals and/or the rejection thereof.

C. USER DEPARTMENT

1. Notify the Board of Commissioners of the selection process method used each time an RFQ or RFP is recommended for Professional Services estimated to cost over $50,000.00, and there is not a specific line item for such services in the adopted budget or amendments thereto

2. Develop the scope of services, related project description, and required consultant qualification criteria and submit to Purchasing along with a requisition, if applicable; Firms may be recommended to Purchasing for solicitation

3. Ensure that funding is available for the professional services being requested

4. Coordinate development of RFQs and/or RFPs in conjunction with the Purchasing Department

5. Provide staff support and coordinate the Qualifications and/ or Proposal evaluation and selection/negotiation process in accordance with procedures and guidelines established by the Purchasing Department and set forth herein

6. Recommend additions or deletions to standing lists of prequalified professional services providers to the Board of Commissioners

7. Review and evaluate (or participate in a committee review of) responses to RFPs and RFQs in accordance with the selection process being used

8. If the Competitive Negotiations (Selection Method 1) selection process is followed, establish ranking of finalists and negotiate contract with the top ranked firm when the cost of professional services is estimated at $50,000.00 or less; Submit the rankings to the Board of Commissioners for approval prior to contract negotiations when the cost of professional services is estimated to exceed $100,000.00 and Selection Method 1 is utilized

9. Recommend award of contract to the Board of Commissioners when contract exceeds $50,000.00

10. Negotiate Work Orders with consultants if the Task Order Contracting (Selection Method 4) selection process is followed

11. Acquire the Board of Commissioners approval for all Work Orders exceeding $50,000.00 and all Work Orders to be paid for with SPLOST proceeds or all Change Orders that

either exceed 20% of the original Work Order amount or exceed $5,000.00, or that cause the original Work Order amount to exceed $50,000.00

D. PURCHASING DEPARTMENT

1. Assist User Agency/Department in the development of RFPs and RFQs

2. Participate on all evaluation committees (as a voting or non-voting member)

3. Advertise, solicit, and distribute RFPs or RFQs and distribute addenda

4. Receive responses to RFPs and RFQs and transmit to User Agency/Department evaluation committees

5. Maintain a file of the standing list of all prequalified firms, by category, as approved by the Board of Commissioners

6. Approve the purchase of professional services up to $50,000.00

7. Forward a copy of the RFP/RFQ and this Policy directly to the Department evaluation committee members.

X. EVALUATION COMMITTEES/EVALUATION CRITERIA

A. EVALUATION COMMITTEES

The composition and number of members of evaluation committees shall be presented by the Department to the County Manager for approval based on the following guidelines:

1. All evaluation committees shall consist of an odd number of members

2. No superior/subordinate positional relationships shall be allowed on the same evaluation committee unless unique circumstances exist and approved by the County Manager

3. All evaluation committee members shall execute an oath, prior to participating on a evaluation committee, that acknowledges they are aware of no Conflict of Interest which might exist by their participation on such committee and that they understand that they are not to conduct any discussion with a firm submitting a proposal response outside formal committee meetings, with the exception of conversations necessary to handle administrative functions such as setting up interviews

4. Property Management shall serve on the evaluation committee for those projects involving architectural design and other professional services related to buildings. The user(s) of the facility shall also be represented on the evaluation committee

5. Members of the User Agency/Department shall not exceed 60% of the evaluation committee, unless approved by the County Manager

6. There shall be a sufficient number of individuals on the evaluation committee, or serving in an advisory capacity only, who have the expertise and technical knowledge necessary to evaluate qualifications and proposals to be received

B. EVALUATION CRITERIA

The evaluation by any Evaluation Committee will be based on the criteria listed below. The evaluation criteria will not be changed unless approved by the County Manager and the BOC shall be notified on such change. The weight given to each criterion set forth below shall be determined by the User Department, approved by the Purchasing Manager, and shall equal 100 points, not including cost. The range of acceptable weights is provided at the end of each criterion. If cost is included, it shall be in addition to the 100 points.

1. Staffing – Evaluation of the list of personnel specifically assigned to the proposed project, including their qualifications, overall experience, and recent experience on projects of similar nature and complexity to the proposed project (25-50 points)

2. Experience/Performance – Review of past performance on Cobb County projects or other projects of similar nature and complexity as the proposed project; evaluation of client references whether included in the proposal response or not; evaluation of litigation history for the past five (5) years, including for each case: style of the case, parties to the litigation, court in which litigation was filed, and civil action number; nature of claims; whether the case is pending or resolved, and, if resolved, the date of and manner in which it was resolved (e.g., relief granted by court, settlement by or among parties, dispositive motion, trial verdict); (NOTE-County Attorneys' Office will provide an opinion/statement based on the information provided: points may be deducted, but no new points will be added); overall responsiveness to County's needs (20-50 points)

3. Approach – Evaluation of the overall understanding of the scope of the proposed project; completeness, adequacy and responsiveness to the required information of the RFPs or RFQs (15 – 50 points)

4. Availability – Evaluation of the work load of the proposing firm and the staffing to be assigned to the proposed project; time schedule of the proposer in relation to that of the proposed project location of the offices or facilities from which the services are to be provided to the County (5-10 points)

5. Local Vendor Presence (to be assigned as bonus points)
   i. Five (5) qualitative evaluation criteria points will be given to each local vendor that meets the approved qualifications where the estimated cost of professional services is expected to be between $50,000 and $100,000.
   ii. Three (3) qualitative evaluation criteria points will be given to each local vendor that meets the approved qualifications where the estimated cost of professional services is expected to exceed $100,000.
   iii. Local vendor presence shall not be used as an evaluation criteria for projects when Federal Aid Highway Program (FAHP) funds are involved in the project.

6. Cost – Evaluation of the overall cost of the required services as submitted in the RFP, where applicable. The User Department, in conjunction with the Purchasing Department, if necessary, shall evaluate cost (25-50 points).

7. Financial Stability – Financial Stability of the top proposer(s) will be evaluated by the Finance Department in the following areas: Liquidity Ratios (1 point); Financial Leverage Ratios (2 points); Profitability Ratios (1 point); and whether an audited or reviewed Financial Statement is submitted with Proposal (1 point). A maximum of 5 points may be awarded. Proposers who receive a score of 2 points or less will not be considered for award. Finance will notify the Purchasing Department of points to be awarded to each proposer.

The above evaluation criteria must be identified in the RFQ or RFP. Any deviation from the evaluation criteria listed above must be approved by the County Manager.

C. COST EVALUATION

The cost methodologies presented below are the primary cost methodologies to be used by the County. The County Manager must approve any deviation from these methodologies in advance.

1. COST EVALUATION METHOD ONE

- Award the maximum available points to the proposal with the lowest cost and award points to all other proposals on an inverse proportionate basis
- The lowest cost amount from all proposals is divided by Fee proposal/cost amount being evaluated and then multiplied by the points allocated to price
- Formula: $p = (x/y) * z$

  Where: p = cost points awarded for the proposal being evaluated (rounded)

  x = lowest cost amount from all proposals

  y = fee proposal/cost amount being evaluated

  z = maximum weight/points allocated to price

EXAMPLE
(Assumption: 25 points allocated to the price)

Firm	Fee Proposal	Lowest Cost divided by Fee Proposal being evaluated	Weight/Points allocated to Price	Cost Points Awarded (rounded)
A	$ 1,250,000	70.00%	25	18
B	$ 985,000	88.83%	25	22
C	$ 1,125,000	77.78%	25	19
D	$ 950,000	92.11%	25	23
E	$ 875,000	100.00%	25	25

2. COST EVALUATION METHOD TWO

The User Department's representative assigns a "dollar-per-point" value, usually based on a fee estimate prepared prior to the receipt of proposals and confidence-level factor applied to this estimate. For example, if it is assumed that the cost proposals should be within 25% of the project manager's/Department's fee estimate (-25% to +25%), then the total dollar value of the cost points could be spread over a range equal to 50% of the estimate. The dollars-per-point amount is then determined by dividing the total dollar value of cost points by the number of points assigned to cost, with the number of points selected based on the level of importance given to cost. See example below.

EXAMPLE

A possible scenario for application of this approach follows:

- Preliminary Fee Cost Estimate = $1,000,000
- Range of reasonable costs = 50% (-25% on the low range side and +25% on the high range side)
- Cost point value range = 50%
- Total value of cost points = $1,000,000 x 50% = $500,000
- Number of cost points assigned to cost = 25 (which places a lower proportionate value on cost in the overall selection process)
- Dollars-per-point = $500,000 / 25 = $20,000

The table below shows this calculation for an assumed situation.

Firm	Fee Proposal	Cost Difference from Lowest	Difference divided by Dollars-per-point	Cost Points Awarded (rounded)
A	$ 1,250,000	$ 375,000	18.75	6
B	$ 985,000	$ 110,000	5.5	20
C	$ 1,125,000	$ 250,000	12.5	12
D	$ 950,000	$ 75,000	3.75	21
E	$ 875,000	$ 0	0	25

If more weight were desired to be allocated to cost in the selection process, the number of cost points would be increased. The impact of this change is illustrated below, using the assumed values in the previous scenario.

- Total value of cost points = $500,000
- Number of cost points assigned to cost = 50
- Dollars-per-point = $500,000 / 50 = $10,000

Firm	Fee Proposal	Cost Difference from Lowest	Difference divided by Dollars-per-point	Cost Points Awarded
A	$ 1,250,000	$ 375,000	37	13
B	$ 985,000	$ 110,000	11	39
C	$ 1,125,000	$ 250,000	25	25
D	$ 950,000	$ 75,000	7	43
E	$ 875,000	$ 0	0	50

D. ADDITIONAL GUIDELINES

- When applicable, proposers shall have the option to include alternative methods for business practices in responses when they are presented as part of the overall award process and do not invalidate the selection process.
- Evaluation committees may hold pre-evaluation committee meetings in advance of preparing individual ratings.
- Litigation history of the top proposers should be submitted to the County Attorney's office for review of current and past litigation.
- Committee members should sign off on final overall rankings only if an evaluation committee member(s) disagrees with the overall ranking of the proposals.

(I.) Solicitation.
The solicitation process shall be by public announcement, public advertisement or any other public forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. If a bid or proposal opportunity is extended by the county for goods or services valued at $10,000.00 or more, or if a bid or proposal opportunity is extended for public works construction contracts, such bid or proposal opportunity shall be advertised in the Georgia Procurement Registry, as established in subsection (b) of Code Section 50-5-69. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity. Procurement procedures may involve a single step process with issuance of a Request for Proposal (RFP) to all interested consultants or a multiphase process with issuance of a request for statements or letters of interest or qualifications (RFQ) whereby responding consultants are ranked based on qualifications and request for proposals are then provided to three or more of the most highly qualified consultants. Minimum qualifications of consultants to perform services under general work categories or areas of expertise may also be assessed through a prequalification process whereby statements of qualifications are submitted on an annual basis. Regardless of any process utilized for prequalification of consultants or for an initial assessment of a consultant's qualifications under an RFQ, a RFP specific to the project, task, or service is required for evaluation of a consultant's specific technical approach and qualifications.

(II.) Request for Proposal (RFP).
The RFP shall provide all information and requirements necessary for interested consultants to provide a response to the RFP and compete for the solicited services. The RFP shall:

(A) Provide a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the services to be rendered. The scope of work should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies;

(B) Identify the requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals;

(C) Identify evaluation factors including their relative weight of importance in accordance with subparagraph (a)(1) (III) of this section;

(D) Specify the contract type and method(s) of payment to be utilized in accordance with § 172.9;

(E) Identify any special provisions or contract requirements associated with the solicited services;

(F) Require that submission of any requested cost proposals or elements of cost be in a concealed format and separate from technical/qualifications proposals as these shall not be considered in the evaluation, ranking, and selection phase; and

(G) Provide a schedule of key dates for the procurement process and establish a submittal deadline for responses to the RFP which provides sufficient time for interested consultants to receive notice, prepare, and submit a proposal, which except in unusual circumstances shall be not less than 14 days from the date of issuance of the RFP.

(III.) Evaluation Factors.
(A) Criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services must assess the demonstrated competence and qualifications for the type of professional services solicited. These qualifications-based factors may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.

(B) Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.

(C) In-State or local preference shall not be used as a factor in the evaluation, ranking, and selection phase. State licensing laws are not preempted by this provision and professional licensure within a jurisdiction may be established as a requirement which attests to the minimum qualifications and competence of a consultant to perform the solicited services.

(D) The following non-qualifications based evaluation criteria are permitted under the specified conditions and provided the combined total of these criteria do not exceed a nominal value of ten percent of the total evaluation criteria to maintain the integrity of a qualifications-based selection:

(1) A local presence may be used as a nominal evaluation factor where appropriate. This criterion shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. If a consultant outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.

(2) The participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants may be used as a nominal evaluation criterion where appropriate in accordance with 49 CFR Part 26 and the Cobb County Department of Transportation's FHWA-approved DBE program.

(IV.) Evaluation, Ranking, and Selection.

(A) Consultant proposals shall be evaluated by the Cobb County Department of Transportation based on the criteria established and published within the public solicitation.

(B) While the contract will be with the prime consultant, proposal evaluations shall consider the qualifications of the prime consultant and any sub-consultants identified within the proposal with respect to the scope of work and established criteria.

(C) Following submission and evaluation of proposals, the Cobb County Department of Transportation shall conduct interviews or other types of discussions with the three consultants determined to be the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFP. Discussion requirements shall be specified within the RFP and should be based on the size and complexity of the project as defined in Cobb County Department of Transportation written policies and procedures (as specified in § 172.5(c)). Discussions may be written, by telephone, video conference, or by oral presentation/interview. Discussions following proposal submission are not required provided proposals contain sufficient information for evaluation of technical approach and qualifications to perform the specific project, task, or service with respect to established criteria.

(D) From the proposal evaluation and any subsequent discussions which have been conducted, the Cobb County Department of Transportation shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria.

(E) Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.

ATTACHMENT ONE

Policy for the Procurement of Professional Services
Guidelines for Determining Selection Method

Selection Methods				
	1. Competitive Negotiations	2. Competitive Proposals	3. Prequalified Competitive Bidding	4. Task Order Contracting
Scope of Services	Generally defined scope of work	Specifically defined scope of work	Step 1 – RFQ for Qualifications Step 2 – RFP w. specifically defined scope of work	Step 1 – RFQ for Qualifications Step 2 - Step Two, discipline-related pre-qualified Task Order Contractor Lists are established
Evaluation Criteria	Qualitative factors	Qualitative factors & price	Step 1 – Qualitative factors Step 2 – Price is determining factor	Qualitative factors
Evaluation Process	Firms rank ordered based on qualifications BOC approval of rankings required if fees are expected to exceed $100,000.00 Negotiations of scope of work and fees w/ top ranked firm	All factors considered Final scope and price may be negotiated with top ranked proposers	Step 1 – RFQ Determine either all minimum qualified firms or top three qualified firms Step 2 – RFP Determine lowest responsive bid	Determine all minimum qualified firms Selection of the consultant will be determined by evaluating cost, the consultant's current work under contract, the consultant's performance on other contracts with the County (with emphasis on quality, schedule and maintenance of budget), the consultant's familiarity in the area of expertise needed for the project, and the consultant's specific experience on similar projects

Appendix A

Cobb County Department of Transportation operates under the authority of the O.C.G.A. Title 32 Highways, Bridges, and Ferries, Chapter 2. Cobb County Department of Transportation, for the procurement of goods and services required for the construction and maintenance of roads and bridges and any services ancillary to such work. For the procurement of engineering and design related consultant services utilizing FAHP funds, the followings regulations are applicable:

Federal Laws and Regulations:

- 23 U.S.C 112, Letting of Contracts
- 23 CFR Part 172 Procurement, Management and Administration of Engineering and Design Related Services; Final Rule
- 2 CFR Chapter I, and Chapter II, Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; Final Rule
- 40 U.S.C 1101-1104 Selection of Architects and Engineers "The Brooks Act"
- 48 CFR Part 31 – Contract Cost Principles and Procedures
- Moving Ahead for Progress in the 21st Century Act (MAP-21)
- Repayment of Preliminary Engineering Cost (Order 2020.1)
- FHWA Policy for Contractor Certification of Costs in Accordance with Federal Acquisition Regulations (FAR) to Establish Indirect Cost Rates on Engineering and Design-related Services Contracts Order No.4470.1A
- FHWA Policy of Permissible Project Related Activities during the National Environmental Policy Act (NEPA) Process Order 6640.1A

State Regulations:

- O.C.G.A Title 32. Highways, Bridges, and Ferries, Chapter 2. Department of Transportation
- O.C.G.A Title 50. State Government, Chapter 22. Managerial Control over Acquisition of Professional Services
- O.C.G.A Title 43. Professions and Businesses, Chapter 15. Professional Engineers and Land Surveyors

Cobb County Department of Transportation Policy for Competitive Negotiation Qualifications-based Selection for Projects Using Federal Aid Highway Program (FAHP) Funding

(a) Procurement Methods.

The procurement of engineering and design related services funded by FAHP funds and related to a highway construction project subject to the provisions of 23 U.S.C.12 (a) shall be conducted in accordance with one of three methods: Competitive negotiation procurement, small purchases procurement for small dollar value contracts, and noncompetitive procurement where specific conditions existing allowing solicitation and negotiation to take place with a single consultant.

(1) Competitive negotiation:

Except as provided in (2) and (3) below, the Cobb County Department of Transportation shall use the competitive negotiation method for the procurement of engineering and design related services when FAHP funds are involved in the contract (as specified in 23 U.S.C. 112(b)(2)(A)). The solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications-based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. 1101–1104, commonly referred to as the Brooks Act.

In accordance with the requirements of the Brooks Act, the following procedures shall apply to the competitive negotiation procurement method:

(F) The Cobb County Department of Transportation shall retain acceptable documentation of the solicitation, proposal, evaluation, and selection of the consultant accordance with the provisions of 49 CFR 18.42.

(V.) Negotiation.

(A) Independent estimate. Prior to receipt or review of the most highly qualified consultant's cost proposal, the Cobb County Department of Transportation shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant services are obtained at a fair and reasonable cost.

(B) Elements of contract costs (e.g., indirect cost rates, direct salary or wage rates, fixed fee, and other direct costs) shall be established separately in accordance with § 172.11.

(C) If concealed cost proposals were submitted in conjunction with technical/qualifications proposals, only the cost proposal of the consultant with which negotiations are initiated may be considered. Concealed cost proposals of consultants with which negotiations are not initiated should be returned to the respective consultant due to the confidential nature of this data (as specified in 23 U.S.C. 112(b)(2)(E)).

(D) The Cobb County Department of Transportation shall retain documentation of negotiation activities and resources used in the analysis of costs to establish elements of the contract in accordance with the provisions of 49 CFR 18.42. This documentation shall include the consultant cost certification and documentation supporting the acceptance of the indirect cost rate to be applied to the contract (as specified in § 172.11(c)).

(2) Small Purchases.

The small purchase method involves procurement of engineering and design related services where an adequate number of qualified sources are reviewed and the total contract costs do not exceed an established simplified acquisition threshold. The Cobb County Transportation Department may use the State's small purchase procedures which reflect applicable State laws and regulations for the procurement of engineering and design related services provided the total contract costs do not exceed the Federal simplified acquisition threshold (as specified in 48 CFR 2.101). When a lower threshold for use of small purchase procedures is established in State law, regulation, or policy, the lower threshold shall apply to the use of FAHP funds. The following additional requirements shall apply to the small purchase procurement method:

(I.) The scope of work, project phases, and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures.

(II.) A minimum of three consultants are required to satisfy the adequate number of qualified sources reviewed.

(III.) Contract costs may be negotiated in accordance with State small purchase procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.

(IV.) The full amount of any contract modification or amendment that would cause the total contract amount to exceed the established simplified acquisition threshold would be ineligible for Federal-aid funding. The FHWA may withdraw all Federal-aid from a contract if it is modified or amended above the applicable established simplified acquisition threshold.

(3) Noncompetitive.
The noncompetitive method involves procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. The following requirements shall apply to the noncompetitive procurement method:

(I.) The Cobb County Department of Transportation may use their own noncompetitive procedures which reflect applicable State and local laws and regulations and conform to applicable Federal requirements.

(II.) The Cobb County Department of Transportation shall establish a process to determine when noncompetitive procedures will be used and shall submit justification to, and receive approval from, the FHWA before using this form of contracting.

(III.) Circumstances under which a contract may be awarded by noncompetitive procedures are limited to the following:

(A) The service is available only from a single source;

(B) There is an emergency which will not permit the time necessary to conduct competitive negotiations; or

(C) After solicitation of a number of sources, competition is determined to be inadequate.

(IV.) Contract costs may be negotiated in accordance with the Cobb County Department of Transportation noncompetitive procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.

Additional Procurement Requirements.
(1) *Common Grant Rule*.
(I.) The Cobb County Department of Transportation must comply with procurement requirements established in State and local laws, regulations, policies, and procedures which are not addressed by or in conflict with applicable Federal laws and regulations (as specified in 49 CFR 18.36).

(II.) When State and local procurement laws, regulations, policies, or procedures are in conflict with applicable Federal laws and regulations, the Cobb County Department of Transportation must comply with Federal requirements to be eligible for Federal-aid reimbursement of the associated costs of the services incurred following FHWA authorization (as specified in 49 CFR 18.4).

(2) *Disadvantaged Business Enterprise (DBE) program*.
(I.) The Cobb County Department of Transportation shall give consideration to DBE consultants in the procurement of engineering and design related service contracts subject to 23 U.S.C. 112(b)(2) in accordance with 49 CFR part 26. When DBE program participation goals cannot be met through race-neutral measures, additional DBE participation on engineering and design related services contracts may be achieved in accordance with the Cobb County Department of Transportation's federal DBE program through either:

(A) Use of an evaluation criterion in the qualifications-based selection of consultants (as specified in § 172.7(a)(1)(iii)(D)); or

(B) Establishment of a contract participation goal.

(II.) The use of quotas or exclusive set-asides for DBE consultants is prohibited (as specified in 49 CFR 26.43).

(3) *Suspension and Debarment*.

The Cobb County Department of Transportation must verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or contract in accordance with 49 CFR 18.35 and 2 CFR part 180.

(4) *Conflicts of interest.*

(I) The Cobb County Department of Transportation shall maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of engineering and design related services contracts under this part and governing the conduct and roles of consultants in the performance of services under such contracts to prevent, identify, and mitigate conflicts of interest in accordance with 2 CFR 200.112, 23 CFR 1.33 and the provisions of this paragraph (b)(4).

(II) No employee, officer, or agent of the Cobb County Department of Transportation shall participate in selection, or in the award or administration of a contract supported by Federal-aid funds if a conflict of interest, real or apparent, would be involved. Such a conflict arises when there is a financial or other interest in the consultant selected for award by:

(A) The employee, officer, or agent;

(B) Any member of his or her immediate family;

(C) His or her partner; or

(D) An organization that employs or is about to employ any of the above.

(III) The Cobb County Department of Transportation officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from consultants, potential consultants, or parties to sub agreements. The Cobb County Department of Transportation may establish dollar thresholds where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

(IV) The Cobb County Department of Transportation may provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(V) To the extent permitted by State or local law or regulations, the standards of conduct required by this paragraph shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the Cobb County Department of Transportation officers, employees, or agents, or by consultants or their agents.

(VI) The Cobb County Department of Transportation shall promptly disclose in writing any potential conflict of interest to FHWA.

(5) *Consultant services in management support roles.*

(I) When FAHP funds participate in a consultant services contract, the Cobb County Department of Transportation shall receive approval from FHWA, or the recipient as appropriate, before utilizing a consultant to act in a management support role for the Cobb County Department of Transportation; unless an alternate approval procedure has been approved. Use of consultants in management support roles does not relieve the Cobb County Department of Transportation of responsibilities associated with the use of FAHP funds, as specified in 23 U.S.C. 302(a) and 23 U.S.C. 106(g)(4) and should be limited to large projects or circumstances

where unusual cost or time constraints exist, unique technical or managerial expertise is required, and/or an increase in contracting agency staff is not a viable option.

(II) Management support roles may include, but are not limited to, providing oversight of an element of a highway program, function, or service on behalf of the Cobb County Department of Transportation or may involve managing or providing oversight of a project, series of projects, or the work of other consultants and contractors on behalf of the Cobb County Department of Transportation. The Cobb County Department of Transportation's written policies and procedures as specified in §172.5(c) may further define allowable management roles and services a consultant may provide, specific approval responsibilities, and associated controls necessary to ensure compliance with Federal requirements.

(III) Use of consultants or subconsultants in management support roles requires appropriate conflicts of interest standards as specified in paragraph (b)(4) of this section and adequate Cobb County Department of Transportation staffing to administer and monitor the management consultant contract, as specified in §172.9(d). A consultant serving in a management support role may be precluded from providing additional services on projects, activities, or contracts under its oversight due to potential conflicts of interest.

(IV) FAHP funds shall not participate in the costs of a consultant serving in a management support role where the consultant was not procured in accordance with Federal and State requirements, as specified in 23 CFR 1.9(a).

(V) Where benefiting more than a single Federal-aid project, allocability of consultant contract costs for services related to a management support role shall be distributed consistent with the cost principles applicable to the Cobb County Department of Transportation, as specified in 2 CFR part 200, subpart E—Cost Principles.

6. EXCEPTIONS

This policy shall apply to the procurement of all professional services except as set forth below:

- Attorneys, paralegals, and other legal professionals
- Court reporters, expert witnesses
- Investment services obtained from other governmental agencies or non-profit professional organizations
- Physicians, nurses, and other professional medical services

The list of exceptions above shall not, however, be construed to prohibit the use of this policy when its use is deemed by the County Manager to be in the County's best interest.

Additionally, work involving severe time constraints or of an emergency nature may be exempted from the provisions of this policy upon the approval of the County Manager with ratification by the Board of Commissioners at the next available meeting. Additionally, a department, after consultation with the County Manager, may recommend to the Board of Commissioners that a firm be selected to provide professional services outside the terms of this policy when it can be demonstrated that the particular firm possesses an in-depth knowledge of conditions regarding the specific project. This exception to the policy may apply in cases such as utility design relocation work that could benefit multiple departments or agencies or design/engineer work on prototype buildings.

7. NON-COMPLIANCE

Violations of this policy may include one or more of the following:

1. Disciplinary action according to applicable County policies;
2. Termination of employment; and/or
3. Legal action according to applicable laws and contractual agreements.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
v.1.0-2020	October 2020	Purchasing Director	Reformat
v.2.0-2023	November 2023	Director of Procurement Services	Modification

Reference No. 21410

RESOLUTION OF THE BOARD OF COMMISSIONERS OF COBB COUNTY, GEORGIA APPROVING THE ISSUANCE OF THE DEVELOPMENT AUTHORITY OF COBB COUNTY CHARTER SCHOOL REVENUE BONDS (NORTHWEST CLASSICAL ACADEMY PROJECT)

WHEREAS, on at least seven days' notice published in the *Marietta Daily Journal*, a public hearing was held at the Cobb Chamber of Commerce, 1100 Circle 75 Parkway, Suite 1000, Atlanta, Georgia 30339 on October 13, 2023 at 11:00 a.m. on behalf of Cobb County, Georgia, regarding the proposed issuance by the Development Authority of Cobb County (the "**Issuer**") of its Charter School Revenue Bonds (Northwest Classical Academy Project) (the "**Bonds**"), in a maximum principal amount not to exceed $35,000,000 in one or more series, subseries or issuances as a part of a plan of finance; and

WHEREAS, the proceeds of the sale of the proposed Bonds, when and if issued, are to be used, along with other funds, for the benefit of Liberty Classical Schools Foundation, Inc., a Georgia nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "**Code**"), or a limited liability company of which Liberty Classical Schools Foundation, Inc. is the sole member (the "**Company**"), for the following purposes: (a) financing or refinancing (including through reimbursement) (i) the acquisition of an approximately 111,000 square foot educational facility located on an approximately 35-acre tract of land located at 3010 Cobb Parkway Northwest, Kennesaw, Georgia 30152 (the "**Facility**") and (ii) the costs of certain renovations, expansions, equipping or improvements of or to the Facility; (b) funding certain reserve fund(s) for the Bonds; (c) funding interest on the Bonds and/or working capital; and (d) paying the costs of issuance of the Bonds (collectively, the "**Project**"); and

WHEREAS, the Company, as the legal owner, will lease the Facility to Northwest Classical Academy, Inc., a Georgia nonprofit corporation and an organization described in Section 501(c)(3) of the Code, as the principal user, for use and operation of Northwest Classical Academy, a public charter school (the "**Charter School**"); and

WHEREAS, all or a portion of the proposed Bonds, when and if issued, are expected to be qualified Section 501(c)(3) bonds as described in Section 145 of the Code; and

WHEREAS, the proposed Bonds, when and if issued, will not be an obligation of Cobb County (the "**County**"), or of the State of Georgia or of any county, municipality, or political subdivision of the State of Georgia; the proposed Bonds will not be paid from taxes, but will be payable by the Issuer solely from amounts to be paid or provided by the Company; and no performance audit or performance review shall be conducted with respect to such bond issue; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "**Code**"), provides, in effect, that in order for the interest on the proposed Bonds to be excluded from the holders' gross incomes for federal income tax purposes, the "public approval" requirements of said section must be complied with; and

WHEREAS, the location of the Project is entirely within the County, and the Board of Commissioners of the County (the "**Board**") constitutes the elected legislative body of the County and is a proper body for granting the necessary public approval; and

WHEREAS, the Issuer has requested that the Board approve the issuance of the Bonds for the purposes stated above, the nature and location of the Project, and the plan of financing for the Project with the Bonds; and

WHEREAS, the Board finds and determines that it is in the public interest of the County to grant such approval.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Cobb County as follows:

Section 1. The issuance of the Bonds by the Issuer for the benefit of the Company and the Charter School in a maximum principal amount not to exceed $35,000,000 for the above-described purposes, the nature and location of the Facility, and financing for the Project, described above, are hereby approved for purposes of Section 147(f) of the Code.

Section 2. Such approval by the Board does not constitute any representation by the County to the prospective purchasers of the Bonds as to the creditworthiness of the Company or the Charter School, the accuracy or completeness of any information supplied to the Beneficial Owner of the Bonds, or the economic feasibility of the Project nor does it create, either expressly or by implication, any obligation on the part of the County for the payment of the Bonds or debt service thereon, such Bonds and debt service thereon being payable solely from the sources described above.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED this 21st day of Nov., 2023.

By: _____
Chairwoman of the Board of Commissioners
of Cobb County, Georgia

ATTEST:

_____
Deputy Clerk of the Board of Commissioners
of Cobb County, Georgia

[SEAL]

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
11/14/23

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Cobb County, Georgia (the "**Board**"), **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter pertaining to the approval of the issuance of Development Authority of Cobb County Charter School Revenue Bonds (Northwest Classical Academy Project), constitute a true and correct copy of the resolution adopted on 11/14, 2023, by the Board at a meeting duly called and assembled, which was open to the public and at which a quorum was present and acting throughout, and that the original of such resolution appears of record in the Minute Book of the Board which is in my custody and control.

GIVEN under my hand and the official seal of Cobb County, Georgia, this 21st day of November, 2023.

Deputy Clerk of the Board of Commissioners
of Cobb County, Georgia

[SEAL]

Resolution

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS SET FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissioners this date.

This 14th of November 2023

Reference No. 29