



FINANCE AND POLICY COMMITTEE MEETING

MONDAY, OCTOBER 5, 2020 | 6PM

2nd committee meeting

The Committee will meet in the Mauldin City Hall at 5 East Butler Road in the Upstairs Conference Room at 6 p.m.

Please note that members of the public may attend this meeting in-person, but are encouraged to participate remotely. The meeting will be available remotely through Zoom. Please visit the City's website at <https://cityofmauldin.org/your-government/meeting-minutes-agendas/> to access the meeting via audio and videoconferencing. You may also email comments about specific items on the agenda to City Clerk Cindy Miller at cmiller@mauldincitysc.com. Comments emailed about specific agenda items prior to 6:00 p.m. on Monday, October 5, 2020 will be read during the Public Comment segment of the meeting.

Finance & Policy Committee Agenda

October 5, 2020

Committee Members: Michael Reynolds (Chair), Carol King, Diane Kuzniar

- | | |
|--|--------------------------------|
| 1. <u>Call to Order</u> | The Honorable Michael Reynolds |
| 2. <u>Public Comment</u> | The Honorable Michael Reynolds |
| 3. <u>Reading and Approval of Minutes</u> a. Finance Committee Meeting: September 14, 2020 | The Honorable Michael Reynolds |
| 4. <u>Reports or Communications from City Officers</u> a. City Administrator Brandon Madden i. Budget Review b. Finance Director Holly Abercrombie i. Budget Review ii. Unclaimed Property Update iii. Annual Audit Update iv. Capital Improvement Program Update v. Bond Escrow Funds Update c. Human Resources Director Mark Putnam i. Budget Review | The Honorable Michael Reynolds |
| 5. <u>Unfinished Business</u> There is no unfinished business. | The Honorable Michael Reynolds |
| 6. <u>New Business</u> a. Amendment to the Purchasing Policy b. Amendment to Vehicle Use Policy c. 206 Libby Lane Demolition d. City Council Method of Representation e. City Council Compensation f. Motion to enter into Executive Session to Consider a Personnel Matter as allowed by State Statute Section 30-4-70 (a) (1) g. Possible action on items discussed in executive session | The Honorable Michael Reynolds |

7. Public Comment

The Honorable Michael Reynolds

8. Committee Concerns

The Honorable Michael Reynolds

9. Adjournment

**Minutes
Finance and Policy Committee
Monday, September 14, 2020
6:00 p.m.
2nd meeting**

Meeting Location: City Hall Upstairs Conference Room

Members: Chairman Michael Reynolds, Committee Members Carol King and Diane Kuzniar. Holly Abercrombie, Finance Director, Mark Putnam, HR Director, and Brandon Madden, City Administrator were also present.

1. Call to Order

Chairman Michael Reynolds

2. Public Comment- None

3. Reading and Approval of Minutes

b. Finance Committee Meeting: August 3, 2020

Action: Councilwoman King made a motion to approve the minutes with Councilwoman Kuzniar seconding.

Vote: The vote was unanimous (3-0).

4. Reports or Communications from City Officers

b. Department Reports

City Administrator Brandon Madden
Budget Review

Finance Director Holly Abercrombie

Budget Review

Holly reported the new budget looks good and is in-line with last year's numbers.

HR Director Mark Putnam

Evaluations are being finished now to be ready to give merit raises in October. The City should be getting a rebate check from Southern Scripts soon. Chairman Reynolds mentioned health insurance renewal would be coming up soon. Mark said he was going to meet with Scott Ogburn about that.

5. Unfinished Business- None

6. New Business

Chairman Michael Reynolds

Action: Councilwoman King made a motion to go into executive session for the items listed below. Councilwoman Kuzniar seconded the motion.

Vote: The vote was unanimous (3-0).

- a. Executive Session for the consideration of a potential contractual matter involving WH Platt as allowed by State Statute 30-4-70 (a) (2)
- b. Executive Session for the consideration of potential contractual and economic development matters as allowed by State Statute 30-4-70 (a)(2) and (a) (5)
- c. Possible action on items discussed in executive session

Chairman Reynolds called the meeting back to order. Councilwoman King reported no votes were taken and no action taken.

Action: Councilwoman King made a motion to forward the capital project item and

operational item along with the suggesting funding sources to Council.

Councilwoman Kuzniar seconded the motion.

Vote: The vote was unanimous (3-0).

d. Approval of FY2021 Grants

Staff has compiled a list of all of the grants that the City has applied for and/or will apply for this fiscal year. City Council approval of the grants is requested. Approval will allow the City to accept the funds once awarded without having to come back to City Council for approval on each grant. No funding is being requested, as all of the matching funds needed for the grants were included in the FY2021 Council approved budget.

Action: Councilwoman King made a motion forward this item to Council to approve any grant funding that may be awarded. Councilwoman Kuzniar seconded the motion.

Vote: The vote was unanimous (3-0).

7. Public Comment- None

8. Committee Concerns

Chairman Reynolds would like an item brought to committee regarding council wards. He

is concerned that one area of town has too much participation on Council. He would like the process looked at and the Department of Justice contacted to ask them what we may do to change the system.

Chairman Reynolds asked for an item to be brought to the next Finance and Policy committee on Council compensation. He asked for information on whether the Council's pay is in line with other City Council's compensation.

Councilwoman Kuzniar said there are not a lot of people interested in running for election and the people from the neighborhood did not get together and decide to run to get a majority on Council. Chairman Reynolds said he was not implying that.

9. Adjourn- Chairman Reynolds adjourned the meeting.

Respectfully Submitted,

Cindy Miller

Municipal Clerk

FINANCE AND POLICY COMMITTEE AGENDA ITEM

MEETING DATE: October 5, 2020

AGENDA ITEM: 6a

TO: Finance and Policy Committee

FROM: City Administrator Brandon Madden

SUBJECT: Changes to the Purchasing Policy

REQUEST

To request that the Finance and Policy Committee and City Council adopt a revision to the Purchasing Policy to eliminate the requirement for posting requests for proposal in the local newspaper.

HISTORY/BACKGROUND

The City of Mauldin purchasing policy was adopted in December 2007 and has had subsequent revisions in 2016, 2017 and 2019. Currently, the policy mandates that purchases greater than \$25,000 follow a formal Bid procedure. As part of that procedure, Advertisement is required. The policy states that, "All purchases...shall be publicly advertised at least once in a newspaper of general circulation in the city at least five (5) calendar days prior to the date established for receipt..." Additionally, the policy eliminates this requirement for professional services.

Additionally, City Ordinance Sec. 2-304. - Award to lowest bidder; advertising; when required., states that, "Newspaper notices, when required by the procedures manual, shall include a general description of the articles or services to be purchased, and shall state where specifications may be secured and the time and place for opening the bid."

ANALYSIS or STAFF FINDINGS

Newspapers have been a critical part of the American news landscape, but they have been hit hard as more and more Americans consume news digitally. Since the year 2000, newspaper readership has declined 51% (2019 - *Pew Research Center*). However effective this publication requirement was, it is now less than half as effective. The advent of the information age has allowed for goods and services to be searched nationwide and prices to be obtained instantly. The ultimate goal of obtaining exactly what is budgeted for, at the lowest price, can be accomplished instantly on a computer.

Transparency of government when spending public funds is also of mention in regard to the publication requirement. This transparency is essentially satisfied with the publication of the request for proposal on the City's website and the State Procurement website. The City could drive additional internet traffic to this publication by including information on all social media platforms.

TIMELINE

If approved, the program would begin immediately.

RECOMMENDATION

It is recommended that the purchasing policy be revised to eliminate the newspaper publication requirement, and the ordinance is amended to remove the reference to newspaper publications. It is also recommended that information be sent out on the social media platforms to drive traffic to the posting on the City's website.

ATTACHMENT

City Purchasing Policy



**PROCUREMENT POLICY
 ORIGINALLY ADOPTED DECEMBER 17,
 2007
 CREDIT CARD POLICY ADOPTED JULY,
 2016
 UPDATED OCTOBER 16, 2017
 UPDATED JANUARY 22, 2019
 UPDATED APRIL 17, 2019**

SUMMARY OF CHANGES

NEW POLICY

OLD POLICY

| | |
|---|--|
| City Administrator approves up to \$15,000 | City Administrator approves up to \$5,000 |
| No Council Approval for purchase of budgeted items up to or less than budget amount | All purchases over \$5,000 required Council approval |
| Unbudgeted items up to \$15,000 – City Administrator can approve | Same as above – Council approved all purchases over \$5,000 |
| Unbudgeted items over \$15,000 – Require City Council Approval | Same |
| Informal Bids required on \$5,000 up to \$15,000 | Informal bids required on \$1,000 up to \$5,000 |
| Written Invitations required - \$15,000-\$25,000 | No written invitations required- only informal & formal requirements |
| Formal Bid Procedures required -\$25,000 or more | Formal Bids required \$5,000 or more |
| Emergency purchasing | |

EXISTING SECTIONS RETAINED FOR:

Emergency Purchasing
 Vender/Mf. Rebates
 Credit Card Policy & Procedures

SECTIONS ADDED FOR:

| | |
|----------------------|--|
| General Provisions | Explains purpose and clarifies policy goals |
| Purchase Orders | Explains detail use of two types |
| Bidding Requirements | Provides details of each level |
| Bid Specifications | Provides detail requirements |
| Approval of Council | Provides detail of when approval is required |
| Other Issues | |

NEW DETAIL SECTIONS ON:

Sensitive Procurement
 Cooperative Purchasing
 Materials Testing
 Bonding
 Construction contracting
 Negotiations
 Multistep sealed bidding
 Professional Services

Information to bidders

Procurement Responsibility
Inventory and Surplus Property
Emergency Purchasing

PURPOSE:

This is the City's policy for the purchase of tangible assets – materials, supplies, equipment, and construction as well as the procurement of professional services. Purchasing guidelines have been established to ensure compliance with state and local laws regarding the manner in which the City procures its supplies, services and other products for use. The City purchasing policy will govern the procurement of supplies and services per the Purchasing Ordinance (Mauldin City Code Article 6. Et seq.).

GENERAL PROVISIONS

The purpose of this policy is to provide for the fair and equitable treatment of all activities involved in public purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity. This policy shall provide, but not be limited to, the following:

- a. To consolidate, clarify, and modernize procurement by the City
- b. To provide adequate procurement oversight by the City Council
- c. To require the adoption of competitive procurement practices by all departments of the City
- d. To promote increased public confidence in the procedures followed in public procurement
- e. To ensure the fair and equitable treatment of all persons who deal with the procurement system
- f. To provide increased economy in procurement activities and to maximize to the fullest extent practicable the purchasing values of public funds
- g. To provide safeguards for the maintenance of a procurement system of quality and integrity with clearly defined rules for ethical behavior on the part of all persons engaged in the public procurement process
- h. To develop an efficient and effective means of delegating roles and responsibility to the staff and various municipal departments with oversight of the City Administrator.
- i. To develop procurement capability responsive to appropriate user needs

PURCHASE ORDERS

The City uses two types of purchases orders. “Small Purchase Orders” are stamped price quotes used for purchases up to \$5,000. “Large Purchase Orders” are issued electronically through the City’s financial software for purchases of over \$5,000.

Small Purchase Orders:

- Use -Procurement of goods or service of **less than \$5,000**
Small purchase orders are used if a purchase is \$5,000 or less excluding tax and shipping charges. Purchases under \$5,000 require no bidding.
- Approval-up to \$2,500 – Department Designee
City department heads may assign department designees to prepare and approve small purchase orders up to \$2,500.
- Approval-up to \$5,000 – Department Head
City Department heads may approve small purchase orders for budgeted items up to \$5,000.
- No Bids Required for Under \$5,000
No formal or informal bidding is required for purchases less than \$5,000. However, it is recommended that department heads and all City employees do price comparisons to acquire the best price on items purchased. In addition, all City employees are encouraged to utilize Mauldin vendors on all purchases where local prices are competitive. Department heads are encouraged to request evidence from their department staff prior to approval of the small purchase order to document compliance with this recommendation.

The department head or department purchasing designee should complete and sign a detailed purchase order prior to an employee purchasing an item. Upon return with the goods, the purchase order and receipt should be reviewed and signed by the department head or his/her designee and forwarded to the Accounts Payable Clerk for payment with invoice or receipt attached and proper cost code listed. Only individuals listed on the A/P Clerk’s list of authorized signatures will be allowed to approve purchase orders. All others will be returned to the department head.

Large Purchase Orders:

- Use -Procurement of goods or service of **more than \$5,000**
- Approval – City Administrator
Purchase orders over \$5,000 require City Administrator approval. The department head will complete the purchase order in detail, sign it and forward it to the City Administrator for approval. The City Administrator will ensure that all bid requirements per purchasing policy have been followed. Once approved, the purchase order will be forwarded to the Accounts Payable Clerk along with bid documentation. See Bid Requirements section. Additional Council approval may be required, see Council Approval section of this document.

BIDDING REQUIREMENTS:

Purchases > \$5,000 < \$15,000

- **Informal Bids Required**
For all budgeted purchases larger than \$5,000 but less than or equal to \$15,000 , a large purchase order must be completed with documentation of attempts to obtain at least three informal bids (verbal or written) or sole source justification attached. City Administrator must approve all sole source purchases for items over \$5,000. Verbal quotes must be documented and submitted to the AP clerk for review and entry into the computer system, computer generated PO is then approved and signed by the City Administrator.
- **Approval – City Administrator**
Upon award of bid, the department head will complete and sign a large purchase order and submit it for City Administrator approval. The large purchase order form contains three columns, the verbal or written bids will be tallied in detail on the P.O. form. The signed and approved purchase order completed in detail will be given to the Accounts Payable Clerk along with copies of documentation/notation of solicitation of bids or price quotes and copies of any written bids received. All original bid records will be kept by the A/P clerk. The City Administrator will ensure that all departments comply with the requirement providing documentation of requests for informal bids.

Purchases > \$15,000 < \$25,000

- **Written Invitations for Written Bids or Proposals required**
Offers shall be requested in writing from at least three sources. The invitation or request for purchases of more than \$15,000 but less than \$25,000 must be accomplished in writing. This may be via letter, fax or email. All copies of written invitations will be submitted with the purchase order to the City Administrator for approval. *Only purchases less than \$15,000 may be accomplished by verbal solicitation -see above.*
- **Approval – City Administrator – Budgeted Purchases**
Upon award of bid, the department head will complete and sign a large purchase order and submit it for City Administrator approval. If the purchase is for a budgeted item and the bid awarded is for less than or equal to the budget, no additional formal Council approval is needed. The large purchase order form contains three columns, the written bids will be tallied in detail on the P.O. form. The signed and approved purchase order completed in detail will be given to the Accounts Payable Clerk along with copies of written solicitation of bids or price quotes and copies of any written bids received. All original bid records will be kept by the A/P clerk. The City Administrator will ensure that all departments comply with the requirement of written invitations to bid.

BIDDING REQUIREMENTS: (CONTINUED)

Purchases > \$25,000

- Formal Bid procedures are required.
- Formal Requests For Proposals will be prepared.
RFPs will be mailed, emailed or faxed to at least three vendors of the items/items to be purchased. Care will be taken to include all City and local vendors.
- Advertisement is required.
All purchases where the cost exceeds twenty-five thousand (\$25,000) dollars, shall be publicly advertised at least once in a newspaper of general circulation in the City at least five (5) calendar days prior to the date established for receipt and opening of bids or proposals; provided, however, that in the case of professional services, this section shall not apply. The newspaper notice shall include a general description of the materials, equipment, or services to be purchased, where bid forms and specification may be obtained and the time and the place for the bid opening.
- Sealed Bidding will be required.
Bids/ proposals shall be delivered/submitted to the City Administrator securely sealed in an envelope, and shall be identified on the envelope in accordance with bid instructions. Bids/proposals not properly sealed shall not be opened and will be returned to the bidder. Bids/proposals shall be opened in public at the time and place stated in the public notices. The amount of each bid/ proposal and such other relevant information as may be specified, together with the name of each bidder, shall be tabulated. A tabulation of all bids/proposals received shall be available for public inspection.
- Approval – City Administrator / Budgeted Purchases.
Upon award of bid, the department head will complete and sign a large purchase order and submit it for City Administrator approval. If the purchase is for a budgeted item and the bid awarded is for less than or equal to the budget, no additional formal Council approval is needed. The large purchase order form contains three columns, the written bids will be tallied in detail on the P.O. form. The signed and approved purchase order completed in detail will be given to the Accounts Payable Clerk along with copies of written solicitation of bids or price quotes and copies of all written bids received. All original bid records will be kept by the A/P clerk. The City Administrator will ensure that all departments comply with the formal bid requirements..

| Purchase Amount: | Purchase Order Type: | Approval Required: |
|---|-----------------------------|---|
| Purchases up to \$2,500 | Small P.O. | Approval by authorized department designee |
| Purchases up to \$5,000 | Small P.O. | Approval of Department head |
| Purchases over \$5,000- up to \$15,000 | Large P.O. | Approval of City Administrator |
| Sole Source –over \$5,000 – up to \$15,000 | Large P.O. | Approval of City Administrator-with communication to City Council |
| Budgeted purchases equal to or less than budget amt | Large P.O. | Approval of City Administrator |
| Budgeted purchases with bids exceeding budgeted amounts | Large P.O. | Up to \$15,000 – City Administrator More than \$15,000- City Council |
| Unbudgeted purchases up to \$15,000 | Large P.O. | Approval of City Administrator-with communication to City Council |
| Unbudgeted purchases exceeding \$15,000 | Large P.O. | Approval of City Council |
| Emergency Purchases | Large P.O. | Approval of City Administrator- with communication to City Council |

BID SPECIFICATIONS

The City Administrator shall have the authority to reject any or all bids/proposals for any supplies, materials, equipment or contractual services, to waive technicalities and to make an award in the best interest of the City within the limits defined by this policy. All contracts for City improvements, material, equipment or services shall be awarded to the lowest responsible bidder; provided, however, in the case of professional services or consultants, this section shall not apply. In determining “lowest responsible bidder”, the City Administrator will consider, in addition to price, the ability, capacity, skill, and financial resources of the bidder to perform the contract or provide services, whether the bidder can perform the contract or provide the services promptly without delay, the character, integrity, reputation, judgment, experiences, and efficiency of the bidder, the quality of performance, the quality, availability and adaptability of the supplies or service to the use required, the ability of the bidder to provide maintenance, parts, and service, the quality and suitability of a product based on past performance, and the ability, capacity and skill of the vendor to train personnel.

When the award is not given to the lowest bidder, a full and complete statement of the reason for placing the order elsewhere shall be prepared by the City Administrator, filed with the papers relating to the transaction, and reported to council.

The City shall not accept the bid/ proposal from a vendor or contractor who is delinquent in the payment of taxes, license, or other monies due the City.

Corrections or withdrawal of inadvertently erroneous bids/ proposals before bid opening, withdrawal of erroneous bids after award, or cancellation of awards or contracts based on such bid mistakes may be permitted by the City Administrator where appropriate. Any bidder may, by requesting in writing, withdraw his or her bid/ proposal for any reason prior to the scheduled bid opening.

After bid/ proposal opening, no changes in prices or other provision of bids prejudicial to the interest of the City or fair competition shall be permitted.

All suppliers solicited shall be afforded complete, unbiased information as to the description or requirements of the goods and services including any special conditions of the expected procurement.

All bidders shall be afforded time considered reasonable by the City to provide verbal or written bids or proposals. Written responses shall be acceptable by hand delivery or mail.

All responses received shall be evaluated for price, quality, acceptability as specified, availability of goods or services, past performance, transportation or any other special cost or factors which may apply, including any special conditions or exceptions which the bidder may have stipulated.

APPROVAL OF CITY COUNCIL

Budgeted Purchases:

If the purchase is for a budgeted item and the bid awarded is for less than or equal to the budget, no additional formal Council approval is needed. However, the department head and City Administrator will communicate all such purchases to the Council in the monthly reports and during committee meetings. **Notification of a capital purchase will be made to the Committee Chair prior to purchase whenever practical.**

Unbudgeted Purchases:

City Council must approve all unbudgeted purchases exceeding \$15,000 except where an emergency exists. (see Emergency Purchases). The City Council authorizes the City Administrator to approve any purchase, budgeted or unbudgeted up to \$15,000.

Bid Awards:

Award to other than low bidder when the cost does not exceed \$15,000 will be approved by the City Administrator.

REPORTING TO CITY COUNCIL

All expenditures will be reported to City Council in the monthly financial reports. Detailed monthly financial reports and budget to actual comparisons will also be reviewed and discussed by department heads during monthly committee meetings with Council members. Further detailed reporting will be available to Council members upon request.

OTHER PROCUREMENT ISSUES

Sole Source

The City Administrator must approve all sole source purchase orders. Department heads must submit documentation/evidence of sole source to the City Administrator.

Emergency Purchase

Emergency Purchase

An “emergency” shall be deemed to exist under anyone or more of the following circumstances:

- A great public calamity;
- An immediate need to prepare for national or local defense;
- A breakdown in machinery, facilities or essential services which requires the immediate procurement of goods and/or services to protect the public welfare, health, safety, property, or personal/confidential information;

- An operation directly affecting the public welfare, health, or safety, the protection of public property, or personal/confidential information, is so severely impacted by any cause that personal injury or property destruction appears to be imminent and probable unless goods and/or services designed or intended to mitigate the risks thereof are procured immediately; or
- An ongoing City project, which is of such a nature that the need for particular goods and/or services can only be ascertained as the project progresses and, when ascertained, must be satisfied immediately for the preservation of public welfare, health, safety or property.

Ample opportunity for competitive bidding will be given in accordance with the above details of this purchasing policy. However, in the event of an emergency affecting the public welfare, health or safety, the purchasing provisions of this policy may be waived, per City Ordinance Sec. 2-303 (Code 1994, § 2-223), when, in the judgment of the City Administrator, such an emergency exists, the purchase of necessary items may be made as follows:

Upon declaration of an emergency, the department head should determine vendors having needed items and obtain price quotes if possible. The department head will obtain City Administrator approval to complete the purchase. If time allows, the department head will prepare a purchase order; if time does not permit, the department head may file the required purchase order after the crisis is over.

Within 10 calendar days of the emergency, a full report of the circumstances of an emergency purchase shall be filed by the City Administrator with the City Council and appropriate committees and shall be entered in the minutes of the council and committees

Sensitive Procurement

When it is determined that unlimited solicitation may jeopardize sensitive operations, a limited solicitation shall be authorized with such competition as practicable under the circumstances. Unless authorized otherwise by the City Administrator, sensitive procurement shall be limited to legal services for outside council other than the City Attorney; certain goods; financial services such as financial advisors and rate consultants; or, services for the Police Department. In all such cases, the appropriate department head must seek the approval of the City Administrator or authorized designee prior to ordering.

Cooperative Purchasing

The City shall have the authority to purchase supplies through other cooperative purchasing plans, such as purchasing under State contract. Such purchases shall not require the formality of publication and receipt of competitive bids, however they will require approval of the City Administrator. Documentation of cooperative purchasing will be submitted with the purchase order to the A/P clerk.

Materials Testing

The City Administrator shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries, which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the City Administrator shall

have the authority to make use of laboratory facilities of any agency of the City government or any outside laboratory.

Bonding

When deemed to be in the best interest of the City, the City Administrator may require bid bonds to be submitted by vendors as part of the bidding documents. Bid bonds shall be returned to any unsuccessful bidder and the successful bidder upon execution of a contract. A successful bidder shall forfeit any bid bond upon failure to enter into a contract within ten (10) days after award, provided, however, that the City, in its uncontrolled discretion, may waive this forfeiture. The bid security should be in an amount equal to at least 5% of the amount of the bid at minimum. When the invitation for bids requires security, noncompliant requesters will be notified that their bid will be rejected.

Performance bonds- When deemed to be in the best interest of the City, the City Administrator may require a performance bond for the full amount of the contract from the successful bidder; provided, however, that this has been specifically stated as part of the bid criteria. Failure on the part of the contractor to complete the contract would result in forfeiture of performance bond. Bond shall be returned to contractor upon completion of contract, provided performance is satisfactory to the City in accordance with the specification and terms of the contract.

Construction contracting

The method of construction contracting administration used for a City construction project shall be determined to be that method which is most advantageous to the City and result in the most timely, acceptable quality, economical, and successful completion of the construction project.

All contracts valued at \$25,000 or greater shall be awarded by sealed bidding pursuant to the procedures as set forth elsewhere in this policy and with the following exceptions:

The invitation shall include, but not be limited to, all contractual terms and condition applicable to the procurement.

Bids shall be accepted unconditionally without alteration or correction except as otherwise authorized in this chapter. The invitation for bids shall set forth all requirements of the bid including the following:

Where required by the invitation, all responsible bidders shall include subcontractor information as specified.

Any bidder in response to an invitation for bids shall set forth in his or her bid or offer the areas and the locations of the place of business for each subcontractor who will or is expected to perform work or render service to the prime contractor to or about construction, and who will specifically fabricate and install a portion of the work which is expected to exceed 3% of the prime contractor's total base bid, or any subcontractor whose construction elements are deemed vital by the City for the project and so listed and specified by the City in the invitation and the bidding documents.

Failure to list subcontractors when required and specified by the invitation in accordance with this section may render the prime contractor's bid to be nonconforming.

No prime contractor whose bid is accepted in accordance with the section shall submit any person as subcontractor in place of the subcontractor listed in the original bid, except with the consent of the City. The City reserves the right to reject any and all subcontractors for justifiable cause with the substitute to be agreed upon by both parties.

The City shall make available to all in attendance, a copy of the bid tabulation at the public opening for the bids. Like information shall be provided to those not in attendance at the opening when so requested in writing.

Negotiations

Generally, sealed bids are not negotiated, but, in the event all bids exceed available funds or are considered unreasonable, the City Administrator shall be authorized in situations where the City's best interest precludes re-solicitation of work, goods, or services for a reduced scope to negotiate an adjustment in the bid price, including a change in the requirements, with the low, responsive and responsible bidder.

In the event that negotiations do not result in a price or scope of work or services which would be acceptable, the City, at its discretion, may terminate all negotiations with the lowest bidder, and enter into new negotiations with the next lowest bidder, and likewise the third and sequential bidders should negotiations not be productive with the second lowest bidder.

Subsequent negotiations shall be conducted in like manner as with the first bidder. No changes or reductions in scope of work or services shall be permitted during negotiations with sequential bidders that was not permitted or offered with in the negotiations with previously responsible bidders.

In conducting negotiations, there must be no disclosure of any information derived from bids submitted by competing bidders.

Multistep sealed bidding

When it is considered initially impractical to prepare a purchase description complete with specification to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

Professional Services

Professional services are exempt from the competitive bidding process whenever the provider is customarily employed on a fee basis rather than through competitive bidding. (Examples: architects, attorneys, accountants, auditors, appraisers, computer consultants, engineers, physicians, etc). A request for proposal or qualifications may be solicited for professional services.

Code of Ethics

Public employment is a public trust. It will be considered a breach of that public trust for City of Mauldin employees to subvert the public purchasing process by directing purchases to certain favored vendors, or to tamper with the competitive bidding process for any reason including but not limited to kickbacks, friendship or gratuities.

No department will be permitted to break down purchases of supplies, materials, services, vehicles, machinery, equipment, appliances, apparatus, construction, repair and maintenance for the purpose of avoiding the procedural requirements that would have applied had the items been appropriately grouped together and purchased at the same time.

No City official or employee, elected or appointed, shall knowingly provide false or misleading information to any vendor or bidder wishing to do business with the City. The purchasing process, including the sale of surplus property, shall be open to prospective bidders or suppliers, and all parties shall have equal access to pertinent information; however, any information or statistics accumulated during the course of a bid process, including the number of bids received, or the identity of the parties from whom bids have been received is considered confidential information and should not be disclosed until the time of bid opening whenever disclosure of such information could result in a competitive advantage to one or more vendors or bidders or when not in the best interest of the City.

In addition, the City also requires ethical conduct from those with whom the city does business. Any effort by a vendor or bidder to influence an employee to violate the code of ethics will be considered grounds to dismiss or reject any current or future bids from that vendor, if in the judgment of the City Administrator that even the appearance of wrong doing has occurred.

Procurement Responsibility

Departments shall insure that prices are competitive and that local vendors are utilized whenever possible.

It will be the responsibility of the department head to ensure compliance with the purchasing ordinance. Failure to do so may result in the denial of the purchase and or disciplinary action.

The Finance department will monitor all departments' compliance with the purchasing policy and report issues to the City Administrator.

Discrimination Prohibited

In the solicitation of bids or contracts, the City of Mauldin shall not discriminate because of race, religion, color, sex or national origin of the bidder or offeror.

RECEIPTS & INVOICE PROCESSING PROCEDURES

The original approved purchase orders are held by the Accounts Payable Clerk and attached to the invoice when paid. A copy of the purchase order is returned to the department head to be given to the vendor.

All purchase orders and purchase order stamps are ordered through the Accounts Payable Clerk and are distributed to department heads and administrative personnel as required. It is the Accounts Payable Clerk's function to see that the supply is kept at a steady amount and that all purchasing guidelines are followed.

Original invoices should be mailed to the City of Mauldin, attn: Accounts Payable Department, P.O. Box 249, Mauldin, SC 29662. Invoices should not be faxed. Invoices should not be sent to a street address or to the attention of a department. Original invoices will not be distributed to the departments during mail distribution – departments will be given a copy of all invoices.

When an invoice is received, the Accounts Payable clerk will stamp the invoice with the "A/P Received" date stamp and make a copy of the invoice for the department head. The invoice will be input into the accounts payable system to be scheduled for payment. The original will be kept in a date file by the A/P clerk. The department head will have five business days to produce all needed documentation for the invoice. In this manner, the City may take advantage of any vendor prompt payment discounts and maintain a positive credit rating with vendors.

The invoice should be stamped with the department's received stamp and dated and initialed by the employee that received the goods. This verifies that the goods were actually received. The invoice should be reviewed by the department head and compared with the purchase order. The purchase order should include the account distribution and be signed by a supervisor/designated approver or department head. The signed copy of the invoice, approved purchase order and all other necessary documentation should be returned to the Accounts Payable clerk within five business days, however, the department head may keep a copy for their department's files if they wish.

When receipts or invoices are given directly to the employee at the time of purchase, the department head will submit to the Accounts Payable department, all cashiers receipts and purchase orders for those goods purchased Monday through Sunday no later than the following Tuesday.

The A/P Clerk will verify that funds have been appropriated and are available before payment. All invoices with attached purchase orders are checked by the A/P Clerk to see if the amount is more than the original purchase order. Should the amount exceed the purchase order, it may be adjusted by the A/P Clerk with the approval of the City Administrator.

CREDIT CARD GUIDELINES AND PROCEDURES

PURPOSE

To establish those policies and procedures necessary to control the use of Credit Cards that will be assigned to and utilized by selected City employees to purchase goods and services on behalf of the City.

The intent of this policy/procedure is to accomplish the following:

- To provide a convenient method of purchase for employees and a less expensive method of payment for the City.

- To ensure that purchasing with cards is accomplished in accordance with the City's Ordinances and rules adopted by the City.
- To ensure appropriate internal controls are established and followed City wide when procuring with Credit Cards, so that they are used only for authorized purposes.
- To limit the City's liability from inappropriate use of Credit Cards.

Finally, it is intended that the policies established herein be viewed as minimum standards for the departments, which may wish to establish additional controls beyond those established by this policy.

A. Credit Card

Credit Cards will be issued only to the City Administrator and Department Heads by the Finance Department. Employees are prohibited from requesting or accepting Credit Cards directly from the card issuer.

The Credit Card will have the individual's name, the account number, and expiration date. The Finance Department will maintain a log of all cards issued and the names of the employees who are responsible for the cards. The employees responsible for the card (cardholders) will be held accountable for all purchases made with the card entrusted to him/her, along with documentation and payment procedures discussed herein.

The issuer has no individual cardholder information other than the cardholder's work address. No credit records, social security numbers, etc. are maintained.

B. Payments and Authorization

The City, not the individual employee, will pay for purchases made with the Credit Card. The City Administrator and the Finance Director maintain the right to cancel any Credit Card which has been abused or deny cards to any employee that violates any part of these guidelines or procedures.

C. Spending Limits

The City limits are as follows:

Single Purchase Limit: Each single purchase is limited to \$1,000. Purchases over \$1,000 will require a purchase order approved and signed by the Department Head, as well as the City Administrator.

Cardholder's 30-Day Limit: Each Purchasing Card will be assigned a maximum limit per month and all cards are subject to a pooled overall limit.

D. Use of Credit Cards

The Credit Card is to be used for purchases directly related to City business.

The cardholder may utilize the Credit Card on behalf of City employees for City purchases, but will continue to be directly responsible for purchases, documentation and payment procedures.

Charges for single purchases are not to be split in order to stay within the single purchase limit.

Receiving cash back from any transaction is strictly prohibited.

Cash advances through bank tellers or automated teller machines are prohibited.

When placing an order, be sure to give clear, accurate shipping instructions, which include your name, department, correct shipping address, and telephone number.

Ensuring that a Vendor has a contact name and phone number for the order will help to eliminate any confusion should there be any questions related to the order.

Be clear on the terms and conditions related to product and manufacturer warranties.

E. Restricted Credit Card Uses

The following items may not be purchased with the Credit Card unless specifically authorized by the City Administrator:

- Personal or unauthorized services (i.e. manicures, hairdressers, dry cleaners, face painters)
- Money Orders, Travelers Checks, and/or Foreign Currency
- Cannot be used at Bars, Taverns, Nightclubs, Lounges
- Items from Packaged Stores (Beer, Wine , Liquor)
- Medical drugs, narcotic drugs, or supplies related thereto
- Splitting of purchase into two transactions to circumvent the spending limitation
- Services which are repetitious in nature or exceed the spending limitation in any one year (should use Annual Purchase Order or open buying agreement, please contact Finance)
- Other supplies or services as prohibited by law
- When an open Purchase Order or contract has already been issued by Finance
- Non-budgeted goods/services
- Personal computers and software (unless pre-approved by the City Administrator)
- Using another Cardholder's card to circumvent the purchase limit assigned to either Cardholder or the limitations of the Credit Card.
- Vendors who require 1099 reporting should not be paid by Credit Card.

Failure to properly use the assigned Credit Card within the guidelines set by this memorandum may result in the cancellation of the card for the employee and/or disciplinary action.

F. Documentation

Required documentation: Any time a purchase is made, documents (charge slip, receipt, etc.) must be retained as proof of purchase. The documents (charge slip and PO with purchase description) should be later attached to the cardholder's monthly statement to verify the purchases. If the cardholder does not

have documentation for a transaction to attach to the statement, he/she will be personally responsible for the charge. TRAVEL expenses must always be substantiated as required by the IRS.

G. Disputes

If items purchased with the Credit Card are found to be defective or the repair or service is faulty, the cardholder has the responsibility to return item(s) to the merchant for replacement or to receive a credit on the purchase. If the merchant refuses to replace or correct the faulty item, then the purchase of this item will be considered to be in DISPUTE. It is the responsibility of the cardholder to correct DISPUTED items (defective/broken goods, wrong items received, etc.) with the merchant if possible. Department heads are also responsible to see that their employees correct the disputed items. When a cardholder is unable to correct a disputed item with the merchant, the cardholder shall contact Finance and submit a written explanation concerning the disputed item.

H. Master List

The Finance Department will maintain a master list of all card numbers and cardholders, including thirty-day purchase limits for each card.

I. Lost or Stolen Credit Cards

It is the cardholder's responsibility to notify the card issuer (BB&T) at 1-800-397-1253 IMMEDIATELY upon discovery of loss or theft of a card. In addition, the cardholder is also required to immediately notify Finance (e-mail is acceptable). Replacement cards will be issued by Finance.

J. Termination of Employees

If a cardholder is terminated or resigns, his/her card must be delivered and turned over to the Finance Department immediately, the card will then be cancelled and destroyed.

K. Responsibility

- a) The cardholder (employee) is responsible for the use of the Credit Card in accordance with these guidelines and procedures.
- b) The Department Head is responsible for allocating the expenses to the appropriate departmental budget.
- c) The department heads are responsible for the use of Credit Cards within their respective departments and are responsible for the resolution of DISPUTED items.
- d) If the department head is not available then the employee should seek to use the City Administrator's or the Finance Director's card.
- e) The Finance Department is responsible for issuing, monitoring, and controlling the cards and for enforcing these procedures.

f) Departments are responsible for monitoring and controlling the expenditure accounts to which the cards are assigned.

L. Card Eligibility

a) The applicant must be the City Administrator or a Department head of the City.

b) The City Administrator must approve the employee for a credit card.

c) Each individual Cardholder must sign a Cardholder Agreement which is attached as “Exhibit A” to this document.

M. Cardholder Termination/Resignation

The Finance Director is required to close an account if a Cardholder is terminated or resigns.

N. Credit Card Security

The department heads must keep their cards in an accessible but secure location. Since the Department head will be responsible for all charges, it needs to be accessible only to that department head and given only to a delegated employee in their department if necessary. After the delegated employee has used the credit card for an authorized purchase, it must be immediately returned to the department head. The department head must immediately review the receipt of goods purchased by the delegated employee.

When a Department head is absent from the City for an extended period, the department head may request that a new card be issued to another department member for the duration of the absence (e.g. leave of absences for extended illness, military duty, maternity leave, etc). The Department Head must turn his/her card in to the Finance Director when on extended leave.. The designated department member must sign and accept the Employee Credit card agreement before a card will be issued. This action described in this paragraph must be approved by the City Administrator.

All employees must guard the credit card account numbers carefully. Department heads must not have account numbers in a location that is easily accessible by others. Copies of credit card bills must be secured.

O. Cardholder Liability

The BB&T Card is a corporate charge card which will not affect the Cardholder’s personal credit; however, it is the Cardholder’s responsibility to ensure that the card is used within stated guidelines of the City of Mauldin’s Purchasing Policies and Procedures relating to the expenditure of City funds. Failure to comply with program guidelines may result in permanent revocation of the card, notification of the situation to the City Administrator, and further disciplinary measures that may include termination.

VENDOR/MANUFACTURER REBATES

Policy: No City employee may use their public position or office to obtain financial gain or anything of substantial value for personal benefit, or to benefit an organization with which they are associated. Violation of this policy will lead to disciplinary action, up to and including discharge per the City's Disciplinary Policies.

Definition: Rebate is defined as a return of all or part of an amount given in payment for product, whether in the form of money, "free" merchandise, or future benefits based on purchases made. Examples of rebates include but are not limited to cash, credit toward future purchases, free goods (including food and beverages) and coupons.

For the purpose of this policy, rebates associated with City purchases in the form of money or property are considered items of value that individuals may not personally acquire as a result of their position.

If an employee's City related purchase qualifies for a rebate the instructions on the rebate form must be followed including any legal requirements as follows:

Process:

1. Rebate checks should be made payable to the City. In no instance shall the rebate check be made payable to an individual. Rebate checks or reimbursements should be deposited back into the account and line item account from which the original purchase was made.
2. Rebates in the form of certificates, property or gift cards must be returned to Accounts Payable P.O. Box 249, Mauldin, S.C. 29662, for future use by the department that acquired the rebate. Department heads are responsible for assuring that a procedure is in place to account for rebates in this form.
3. Rebate documentation must be kept with the originating purchase documents showing the disposition of rebates back to the City.

When making purchases, departments may not solicit rebates from vendors. Rebates are incentives offered by a vendor to provide additional consideration or compensation to encourage the purchase of goods and/or services from that vendor.

INVENTORY AND SURPLUS PROPERTY

All departments are responsible for ensuring that an accurate and perpetual inventory of all materials and goods is maintained. All offices, departments, or agencies shall submit reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped. Every piece of equipment owned which has a value of \$1000 or more shall be inventoried, with the exception of computers. Computers will have a complete inventory kept regardless of value.

The City Administrator shall have authority to transfer excess or surplus stock to other offices, departments, or agencies of the City government. The City Administrator also has the authority to sell all materials that have become unsuitable for public use, or to exchange the same for, or trade in the

same, for new supplies. Generally, supplies and equipment with more than a nominal value will be advertised for sale through competitive sealed bids or by public auction. Award will be made to the highest responsible bidder; however, the City has the right to reject any and all offers.

The City may negotiate a sale of surplus property to another government or non-profit entity with the approval of the City Administrator.

Items considered to be of nominal value and otherwise would be discarded may be disposed of through informal procedures.

Any item deemed to be beyond repair or unusable by the City may be discarded as refuse or sold for scrap value. Items that are beyond repair shall be documented as such as disposed of property.

Disposal of all surplus property must be authorized by the City Administrator and accompanied by proper documentation.

This section, nor any other section of this article, applies to the sale or lease of public lands.

Credit cards cannot be transferred to a new or different employee after a department head leaves employment. The new employee will be issued his or her own credit card if necessary.

Compliance & Violation of Policies

The City Administrator may terminate the right of any employee to use a credit card at any time for any reason.

SALES AND USE TAX

Sales Tax

Per SC Revenue Ruling 98-21, sales tax is imposed on the sale of goods and certain services in South Carolina. Sales tax or use tax is imposed on goods and certain services purchased out of state and brought into South Carolina or on which no sales tax has been paid. The statewide sales and use tax rate is 6% as of June 2007. Generally, all retail sales of tangible personal property are subject to the state's sales or use tax. ***The City of Mauldin IS NOT exempt from sales or use tax.***

Use Tax

When the City buys tangible personal property from out-of-state and brings it into South Carolina it is responsible for paying a use tax at the rate of 6% and any applicable local taxes on the sales price. If the City purchases non-taxed purchases out of state, the City must report and pay the use tax to the State of South Carolina.

Procedure for accumulating Amounts Due:

The A/P clerk will calculate all sales/use taxes due on any invoices received for which sales/use tax should have been charged by the vendor. The sales tax expense will be charged to the department making the purchase and a corresponding credit will be made to a liability account for Sales Taxes Due. At the end of the month, the A/P clerk will pay the balance in the liability account to the State directly to the state.

Reporting and Paying the Tax

The City is committed to making timely and accurate payments of all sales and use tax due to the state. The City will complete a State of South Carolina State Sales and Use Tax Return (ST-3) each month by the due date.

The City Administrator shall enforce the procurement policies of the City. Violation of these policies can result in suspension or termination of purchasing privileges and/or disciplinary action in accordance with City Personnel Policy.

City of Mauldin

CREDIT CARD EMPLOYEE AGREEMENT FORM (Exh A)

I, _____ (City of Mauldin Employee) hereby acknowledge receipt of a City of Mauldin Credit Card, card number: _____ . As a cardholder, I agree to comply with the following terms and conditions regarding my use of the card:

- I understand that I am being entrusted with a valuable City asset - a Credit card - and will be making financial commitments on behalf of City of Mauldin, and will strive to obtain the best value for the City.
- I understand that the City is liable to BB&T for all charges made on the card. All Credit cards belong to the City and can be cancelled or revoked at any time at the discretion of the City Administrator.
- I agree to use this Card for approved purchases only and agree not to charge personal purchases. I understand that the Finance Department of City of Mauldin will audit the use of this Card and report misuse of the card to the City Administrator. The City Administrator will take appropriate action on any discrepancies. I also agree that I will be held responsible for unauthorized purchases made with this card and the amount of any unauthorized charges will be deducted from my paycheck.
- I have been given a copy of the Credit Card Policy and understand the requirements for the Card's use.
- I understand that I may delegate the use of this credit card to an employee in my department, but I may not give the card to a temporary or contract employee for any reason. I understand that if I give the credit card to any other employee that I am still responsible for all charges to the credit card.
- I agree to a criminal history background check prior to being issued a City Credit Card.
- I understand that it is my responsibility to furnish receipts for all credit card purchases for the card number listed above, even in the event that my card was delegated for use to another city employee.
- I will follow the established procedures for the use of the Card. Failure to adhere to any of the above responsibilities and the procedures detailed in the purchasing policy for credit card use will result in revocation of individual Cardholder privileges. Use of the Credit Card for non-City expenses, personal purposes, or allowing the use of the Credit Card by an unauthorized individual may result in discipline, up to and including dismissal from employment and may in some circumstances also constitute a criminal act punishable by law.

- As a Cardholder, I agree to accept the responsibility and accountability for the protection and proper use of this Credit Card, as enumerated above. If unauthorized charges are placed on the Credit Card, I hereby authorize the City to deduct any non-City charges from my paycheck as provided for in South Carolina Code § 41-10-30.
- I agree to return the Card immediately upon request or upon termination of employment (including retirement).
- Following termination of my employment at the City of Mauldin, I will continue to be financially responsible for and legally liable to the City for non-City, personal, or unauthorized items purchased on my Credit Card by myself or with my knowledge including any reasonable costs of collection and attorneys fees.
- I understand that the city of Mauldin may terminate my right to use this procurement credit card at any time for any reason.
- If the Card is lost or stolen, I agree to notify the City Administrator and BB&T immediately at 1(800) 397-1253.

EMPLOYEE SIGNATURE

DATE

DEPARTMENT

CITY ADMINISTRATOR'S SIGNATURE

DATE

Copy of front and back of credit card here:

FINANCE & POLICY COMMITTEE

AGENDA ITEM

MEETING DATE: October 5, 2020

AGENDA ITEM: 6b

TO: Finance & Police Committee

FROM: City Administrator Brandon Madden

SUBJECT: Amendment to Vehicle Use Policy

REQUEST

Council is requested to approve an amendment to the City's Vehicle Use Policy to incorporate a formal gas card program.

HISTORY/BACKGROUND

The approved a vehicle use policy in 2017. Staff recommends amending the policy to include provisions related to the use of the City gas cards.

ANALYSIS or STAFF FINDINGS

The current City gas card program is administered by way of custom and practice. The current custom and practices for the program have been updated and formalized into a policy that is incorporated into the City's current vehicle use policy.

This will allow for a formal document that can be shared with and reviewed by all gas card users to make sure they are using the cards properly. Also, this will allow for the implementation of measures to improve the current internal controls and prevent misuse of the gas cards.

Attached is the amended policy with the changes highlighted in red and underlined.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends approval.

ATTACHMENT

Amended vehicle use policy.

City of Mauldin

Vehicle Use Policy

Adopted 2017

Amended October , 2020

1. INTRODUCTION

The use of City vehicles is necessary in conducting City business. Vehicle use represents one of our largest liabilities; therefore, it is essential that the City set forth a policy governing the operation of vehicles used in the performance of City business. Department heads are responsible for the implementation and enforcement of this policy for all vehicles and drivers within their departments and shall seek to minimize the scope and number of vehicles used in take home situations.

2. SCOPE

This policy applies to all City owned vehicles including special-use vehicles such as public works equipment. (Police and Fire department vehicles are covered by additional operating policies within their respective departments). Where appropriate, this policy applies to the operation of privately owned vehicles used while performing City duties.

3. GENERAL GUIDELINES

Only City employees are authorized to operate City vehicles. Persons volunteering services to the City are considered employees of the city for purposes of this policy and may operate City vehicles when their duties require travel as long as such travel is under the approval or direction of the department head and necessary in the course of performing City business.

Intentional abuse, moving violations, reckless operating, or negligent actions while operating any City vehicle may result in the suspension of the employee's driving privileges and is grounds for further disciplinary action, as outlined in the City of Mauldin Personnel Policy.

Employees shall obey all City, County, State and Federal laws while operating City vehicles and any time when personal vehicles are used on City business. Any employee who receives a traffic, toll, or parking citation while operating a City vehicle is personally responsible for the payment of any fines associated with the citation.

City-owned vehicles are to be used only for City business and shall not be used by employees for personal reasons except as provided for in Section 14 of this policy. At no time shall a city take home vehicle be used as a means of compensation.

All City vehicles shall be identified as city vehicles with lettering and logo approved by City Council, within thirty (30) days after the vehicle's purchase. Removable stickers, slogans, departmental IDs other than city logos and numbering shall be approved by the City Administrator. Police undercover vehicles shall not be required to be marked.

Only persons being transported in connection with City business shall be passengers in any City vehicle. Exceptions may be authorized by the department head (e.g. dropping off child at school).

When cargo, materials or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.

No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this prohibition shall be vehicles assigned to the Public Works and Fire Department, which may be suitably designed and equipped for passengers outside the cab area.

The driver shall not operate any vehicle when normal vision is obstructed. Alcoholic beverages or illegal narcotics shall not be transported or placed in any City vehicle with the exception of a police department vehicle on official business. Smoking or use of smokeless tobacco is prohibited in city vehicles. {See City Code Section 18-39}.

A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer or supervisor. No vehicle shall be left unattended without first stopping the motor, placing the unit in park, locking the ignition, removing the key and locking the doors or otherwise securing the vehicle to prevent theft, vandalism, and unintentional movement. Requirement is not applicable to vehicles parked to perform a job related function.

The City is not responsible for any personal property left in City owned vehicles. No personal equipment shall be installed in any City owned vehicle without the permission of the department head.

Employees shall avoid operating cellular telephones, laptop computers, navigational devices and any other device that may cause driver distraction while operating a City vehicle or while operating a privately owned vehicle in the course of conducting City business.

The use of such devices shall be limited to instances where it is absolutely necessary in the performance of City business. Drivers shall make every attempt to properly park their vehicle prior to using such devices, and comply with state law governing the usage of such devices.

Take home vehicles are to be left with the department if an employee authorized to use the vehicle will be absent for more than two days.

4. OPERATOR'S LICENSE

A valid state issued vehicle operator's license must be in the employee's possession at all times while operating a City-owned vehicle. In the case of commercially rated vehicles, the proper commercial driver's license for the vehicle's weight and class must be valid, and in the driver's possession.

Any employee who operates a vehicle in the performance of City duties and whose operator's license is suspended or revoked shall immediately report this fact to the appropriate department head.

5. MOTOR VEHICLE DRIVING RECORD REVIEW

Employees whose job requires the use of a City vehicle are expected to maintain driving records that reflect the practice of safe driving habits both on and off the job. The City shall use the Employee's State of South Carolina driving record and corresponding point system to monitor the risks associated with operating vehicles while in the City's employment.

Drivers may be considered unqualified to drive and may be restricted from driving vehicles for City business when they:

- a. Have had more than three moving violations within the past 24 months.
- b. Have had more than two preventable (at-fault) accidents within the past 24 months.
- c. Have been convicted of any traffic crime or other crime involving the use of a motor vehicle within the last five (5) years.
- d. When a question of fitness to drive arises because of apparent illness, injury or impairment.
- e. Any DUI conviction or refusal to submit to a lawful sobriety test shall result in disciplinary action up to and including suspension of City driving privileges.

The Chief of Police or his designee will perform an initial review of all City employees who will operate a city owned vehicle before the employee is allowed to operate a City owned vehicle. Additionally, an annual review of all City Employees who operate a City Owned vehicle will be conducted by the Police Chief or his designee. This information will be reviewed and the findings reported to the City Administrator.

6. OPERATION INSPECTION

An employee who operates a City vehicle, regardless of frequency, is responsible for the proper care and operation of the vehicle.

Operation Inspection for all vehicles:

- a. At least once per day, the operator of these vehicles is responsible for insuring all vehicle safety equipment including headlights, turn signals, brake lights and horn are functioning properly. The operator is also responsible for ensuring all fluid levels are properly maintained, and tires properly inflated. A city vehicle inspection form will be submitted to public works monthly.
- b. In addition to the above paragraph and where applicable (e. g. for all vehicles requiring a Commercial Driver License) operators of city vehicles are responsible for complying with all pre-operation and post-operation checks as required by Department of Transportation CDL rules. Furthermore, the operator shall complete the Vehicle Check Sheet at the beginning and at the end of each shift. At the end of the week, the form shall be forwarded to the Supervisor for data collection. A new form shall be initiated at the beginning of each week.
- c. With any City owned vehicle, any defects which could potentially affect safe operation of the vehicle will be promptly reported to the driver's supervisor and/or City Maintenance Shop. No employee shall operate a City-owned vehicle in an unsafe condition. Any vehicle damage which is beyond normal wear and tear must be documented and reported to the employee's supervisor prior to the vehicle being driven.

7. **FUELING**

All City of Mauldin vehicles are assigned a fuel card (the Card). The Card enables the employee to purchase fuel at any fueling station participating in the Mansfield Fuel Card program. Employees authorized to use the Card will be assigned a Personal Identification Number (PIN), allowing them to use the Card at a fuel station.

The Finance Department will obtain and issue vehicle fuel cards and PIN numbers for the purchase of fuel in the course of City business. Employees who are assigned a PIN will be required to sign the Fuel Card-holder Agreement (Appendix A) acknowledging all the requirements and proper use of the Card and PIN number. Employees accept responsibility for the protection and proper use of the Card whenever the vehicle is assigned to them including use of the Card for authorized fuel purchases only. The Fuel Card-holder Agreement will be signed by all City employees who operate City owned vehicles and apparatuses.

Improper use of the Card may result in disciplinary action, up to and including termination of employment. Unlawful use of the Card will be reported to the Mauldin Police Department. Should an employee fail to use the Card properly, the City of Mauldin will cooperate with the prosecution of the unlawful use, even if the user is no longer employed by the City of Mauldin.

The following guidelines must be followed when fueling any City owned vehicle/equipment:

- a. The use fuel cards and PIN#'s are for official City business only. The fuel card is not to be used for personal vehicles or for non-business purposes. Using the fuel card for any purpose other than official business will be considered theft of City of Mauldin property.
- b. Purchase unleaded or diesel fuel for City-owned vehicles only. Plus and Premium grade fuels are prohibited unless authorized by the department head.
- c. Fuel cards may be used by an authorized cardholder for equipment related fuel purchases (e.g. lawnmower, trimmer, backhoe, gas cans, etc.).
- d. Keep the fuel card and PIN in a secure location at all times.
- e. Do not allow other individuals to know our use your PIN.
- f. Immediately report any lost, stolen or compromised fuel card or PIN to the department head.
- g. Obtain receipt at time of sale.
- h. The employee shall turn in or report all fuel receipts on a daily basis to the authorized person in their respective department.

The department head or department designee will reconcile all fuel expenses on a monthly bases and ensure the accuracy of the monthly fuel expense report provided by the Finance Department. The department head must notify the Finance Department to cancel an employees PIN when the employee is no longer authorized to make fuel purchases on behalf of the City, transfers departments, or is no longer employed by the City.

8. USE OF SAFETY RESTRAINTS

All City vehicles must be equipped with seat belts and all occupants of City vehicles must properly wear seat belts any time the vehicle is in motion as defined in the SC Code of Law.

The operator of construction, excavation and other off road equipment shall use the occupant restraint system, if equipped, any time the vehicle is in operation.

Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.

9. PARKED VEHICLES

Any vehicle left unattended shall be legally parked in a designated parking space. Vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.

City vehicles not taken home shall be secured in City parking lots during non-duty hours. When it is necessary to leave a vehicle at a job site overnight, the operator shall insure the vehicle is parked and secured in an area which provides reasonable security.

10. TRAILERS AND TOWING

A driver whose vehicle is towing a trailer, dolly, or other equipment shall assure that the trailer hitch is securely latched/locked, adequate for the load being towed, properly installed on the towing vehicle, and safety chains are properly attached.

The driver shall insure the trailer or other tow equipment is supplied with proper lighting including brake lights, turn signals, and running lights.

Any vehicle having a load which extends more than four (4) feet beyond the rear shall have the end of the load marked with a red flag which shall be at least twelve (12) inches square.

11. BACKING GUIDELINES FOR LARGE VEHICLE AND CONSTRUCTION EQUIPMENT

Whenever possible, the driver will position the vehicle so as to avoid the necessity of backing. Before entering the vehicle, the driver shall check the rear clearance. The driver shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. A spotter should be used whenever possible. Before and during backing movements, the driver and spotter will check blind zones for objects not visible in rear-view mirrors, watch both sides for adequate clearance, and limit speed to allow for a full stop.

12. ACCIDENT REPORTING REQUIREMENTS

All accidents involving a city vehicle, no matter how slight, must be immediately reported to the supervisor in charge.

Upon being notified of an accident, the supervisor should immediately give or obtain any needed medical treatment for any employee involved in the accident. EMPLOYEES INVOLVED IN MOTOR VEHICLE ACCIDENT AS THE DRIVER OF THAT VEHICLE WILL OBTAIN A DRUG TEST IMMEDIATELY.

Prior to the completion of the work day, the supervisor will complete an accident report on the approved form. This form will contain information about the drivers, passengers, and vehicles involved, as well as a statement from the employee and a statement from the supervisor.

The accident scene and damage to vehicles shall be documented and photographed. Any additional documentation should be collected and attached to the City accident report.

Any City vehicle accident involving a non-city vehicle should be reported to the Mauldin police department or appropriate law enforcement agency for investigation purposes and reporting to the South Carolina Department of Highways and Public Transportation. This investigative police report is made in addition to the information documented on the City accident report.

In the event of any City vehicle accident resulting in an injury, the Mauldin police department will be notified. The scene should be left as is, with the vehicles and other physical evidence left where they came to rest.

A copy of the accident report will be forwarded by the supervisor to the department head. The department head may then use the report to review the circumstances surrounding the accident and take appropriate disciplinary action, if any.

The department head shall forward a copy of the vehicle accident report to the City Administrator. The staff Safety Committee will review all vehicle accident reports for the cause of the accident and possible preventive measures.

In the event of serious injury to an employee or member of the public, the department head shall immediately notify the City Administrator of the accident and forward a copy of the accident report as soon as practical.

13. LEASED/RENTED VEHICLES

When it is necessary for a City employee to use a rental vehicle for City business, the employee shall utilize a reputable leasing agency (Hertz, Enterprise, etc.). It is not necessary to purchase the optional comprehensive/collision or "loss damage waiver" coverage from the rental agency. Insurance will be covered under the Fleet Insurance Coverage, provided a City issued credit card is used to pay for the rental.

14. OUT OF TOWN TRAVEL AND MEETING ATTENDANCE

With department head approval an employee may take a City vehicle home prior to leaving for an out-of-town trip or attending a late evening or early morning meeting which would require a return to the work place before or after normal duty hours. The employee may use the City vehicle only for travel necessary to accomplish City business.

15. TAKE HOME VEHICLES

Department heads assigned a city vehicle are allowed to drive the vehicle to and from work. The decision regarding assignment of City vehicles to other employees as vehicles allowed to be driven to and from work shall be left to the discretion of the department head and must be approved by the City Administrator and City Council. The maximum number of city take home vehicles is three vehicles per department except for the Police Department and the Fire Department. All requests for take home vehicles must be submitted in writing and approved by the City Administrator and City Council.

Examples include; Supervisors whose personal use of a City owned vehicle is consistent with the requirements of the position. Employees who are subject to 24 hours call out, on call duty, or have job responsibilities requiring highly irregular work hours, specialized training or functions within the assigned department. Duty vehicles specifically designed or equipped for high priority response where response time will be enhanced by allowing the vehicle to remain in custody of individual employee.

Within reason, all employees assigned to duty vehicles which are taken home must be available to respond upon request any time the employee has custody of the vehicle.

Employees assigned vehicles that are taken home must reside within 10 miles of the city limits including Department Heads except for the Police and Fire Department.

City vehicles taken home overnight shall be locked and secured in the responsible employee's driveway or other designated parking space which is in close proximity to the employee's residence. Department heads will be responsible to maintain a current listing of all take home vehicles. This list shall include at a minimum the vehicle information, employee information, and the current address where vehicle is being kept.

Employees taking a vehicle home are permitted to stop briefly at a grocery store, pharmacy, for reasons of personal convenience, etc. provided stops are in a directional route to or from work. The City will apply the correct IRS valuation method to determine the tax liability for employees with non-exempt take home vehicles.

Non Police Department and non Fire Department employees will track city vehicle use by completing the attached Take-Home Vehicle Trip Log Form and submitting this form to their Department Head monthly. Department Heads will submit their vehicle use forms to the Human Resources Director.

[Employees who participate in the take home vehicle program will be required to sign the Take Home Vehicle Agreement \(Appendix B\) acknowledging all the requirements and proper usage of the take home vehicle.](#)

City of Mauldin Take-Home Vehicle Agreement

The City of Mauldin has adopted a partial take-home vehicle program designed to increase the efficiency and life expectancy of each vehicle and provide decreased response time for employees during after hour events. Being assigned a take-home vehicle is a privilege and may be terminated at the pleasure of the City at any time for any reason, with or without cause.

1. I will utilize my assigned vehicle for conducting city business.
2. I understand that I must live within a reasonable radius of the city limits of Mauldin as defined within the City of Mauldin vehicle use policy. (ensuring the employee would be able to reasonably return to the City in the event Emergency Response is needed). If my home address changes, I will notify the department head/fleet manager in writing within 24 hours of the change and complete a new agreement form.
3. Unauthorized persons in the vehicle are prohibited.
4. I will maintain the vehicle by ensuring that the fluids remain at a proper level (oil, coolant, etc.) I will also have my assigned vehicle available for maintenance when directed. If service is due while on off shift, arrangements must be made to service the vehicle without delay.
5. Alcoholic beverages are prohibited in city vehicle except in performance of official duties.
6. Personal errands are prohibited unless the errand is on your normal route to or from work.
7. While operating a city owned vehicle, employees shall be in suitable attire and shall carry their city credentials.
8. Employees are responsible for keeping their assigned vehicles clean at their own expense.
9. Employees are responsible for all equipment assigned to their vehicle. The employee will ensure that the vehicle is locked and shall safeguard the vehicle to prevent theft and vandalism.
10. If an employee is away from their home for 7 or more consecutive days, the vehicle will be left at the department or secured in the lower lot of City Hall.

I agree to and will abide by the terms set forth in this agreement.

Employee(Print): _____ **Department** _____

Signature: _____ **Date:** _____

Home Address: _____ **City:** _____ **Zip:** _____

GPS Cord. _____ / _____

Miles from City Hall to Residence: _____ **City Limits to Residence:** _____

Brief Directions:



Fuel Card User Agreement

Participation in the City of Mauldin Fuel Card Program is a privilege that also comes with cardholder and user responsibilities. The card is considered City property and should be used only for City business in accordance City policies. As a cardholder or user of a City of Mauldin Fuel Card, the undersigned cardholder/user agrees to the following terms and conditions:

1. I will use the card only in accordance with City policies, regulations and the procedures stated below and in accordance with the City of Mauldin Vehicle Use Policy.
2. I understand that this is **NOT** a personal fuel card and I will not make personal fuel purchases under any circumstances.
3. I am responsible for ensuring the fuel card I am using is the correct card assigned to the vehicle which I am fueling.
4. I am responsible for keeping my assigned Personal Identification Number (PIN) private so it cannot be used by anyone other than me.
5. I am responsible for entering the accurate mileage reading for the vehicle I am fueling at the pump.
6. I am responsible for turning in all fueling receipts on a daily basis.
7. I will surrender the Fuel Card to the City of Mauldin Finance Department or my immediate supervisor upon demand or upon my separation of employment with the City.

I have read this form and understand the requirements for the Card's use. I will follow these established procedures for the use of the Card and understand that my failure to do so, may result in either revocation of my use of the Fuel Card and/or other disciplinary actions up to and including termination. I understand that my misuse of the Fuel will result in criminal investigation and prosecution.

Cardholder/User Signature

Printed Name

Date

Supervisor's Signature denotes the following: I certify that I will monitor the fuel purchases made by this cardholder/user in accordance with these rules and procedures. Additionally it is my responsibility to determine if the cardholder/User is using the card responsibly in accordance with Purchasing and any other applicable City policy, and to revoke the cardholder's/user's use of the card if they are not using the card as intended, transfers departments, or is no longer employed by the City of Mauldin

| | | |
|------------------------|--------------|-------|
| _____ | _____ | _____ |
| Supervisor's Signature | Printed Name | Date |

Human Resources Department received the above Fuel Card User Agreement on:

| | |
|-------|--------------------------------|
| _____ | _____ |
| Date | Signature of HR Representative |

FINANCE & POLICY COMMITTEE

AGENDA ITEM

MEETING DATE: October 5, 2020

AGENDA ITEM: 6c

TO: Finance & Policy Committee

FROM: Economic Development Director Van Broad

SUBJECT: 206 Libby Lane Property Demolition

REQUEST

Council is requested to approve the use of available matching funds for the demolition of the structure located at 206 Libby Lane.

HISTORY/BACKGROUND

During the historic flooding event in 2015, multiple structures along Libby Lane that were located in the FEMA (Federal Emergency Management Authority) flood zone sustained significant flood damage. Following the following event, the City engaged hazard mitigation consultant Jeff Ward & Associates (JSWA) to manage the purchase and demolition of those properties through a FEMA its hazard mitigation grant program.

During the original scope of work in 2017, 206 Libby Lane was not able to be purchased and demolished. Subsequently and prior to the closing of the grant program, FEMA announced additional funds that would allow the city to purchase and demolish the site. Since 2018, staff has been working to settle this project. After negotiations with FEMA, the site has been approved purchase and demolition.

ANALYSIS or STAFF FINDINGS

JSWA has already begun the process of managing the purchase and demolition of the site. Council approved the purchase of the site but did not approve the matching funds. Council is being requested to approve the use of the funds for this project.

The original project pro-forma can be found in the attached contract with JSWA.

FISCAL IMPACT

No new funding is being requested. The matching funds needed total \$20,000. \$29,237 is available in the Grants Fund for this project.

RECOMMENDATION

Staff recommends approval.

ATTACHMENT

Contract with JSWA.

| Property Address | Estimated purchase price | Attorney Fee | Title Exam | Deed Recordation | Title Insurance | Total Closing Costs | Demo Estimate | Buyout Rep Fee | Appraisal Fee | Survey Fee | Total Project Cost | Federal Share | Local Match |
|------------------|--------------------------|--------------|------------|------------------|-----------------|---------------------|---------------|----------------|---------------|------------|--------------------|---------------|--------------|
| 206 Libby Lane | \$ 35,000 | \$ 350.00 | \$ 150.00 | \$ 10.00 | \$ 130.00 | \$ 640.00 | \$ 25,000 | \$ 1,200 | \$ 390 | \$ 990 | \$ 63,220.00 | \$ 47,415.00 | \$ 15,805.00 |

STATE OF SOUTH CAROLINA §
COUNTY OF GREENVILLE §
CITY OF MAULDIN §

**CONSULTING SERVICES FOR GRANT
IMPLEMENTATION AND ADMINISTRATION**

This is an agreement by and between the City of Mauldin, South Carolina, (CITY), and Jeffrey S. Ward & Associates, Inc., (CONTRACTOR).

WHEREAS CITY has floodprone properties within the City and has applied for a FEMA grant, to acquire and demolish eight homes and to elevate one home; and

WHEREAS CITY has received notification of award to acquire and demolish and/or elevate these homes; and

WHEREAS CONTRACTOR is in the business of managing/implementing above referenced grants,

WHEREAS CITY desires to contract with CONTRACTOR to provide such services,

NOW, THEREFORE, CITY and CONTRACTOR mutually agree as follows:

I. SCOPE OF SERVICES

CONTRACTOR shall serve as a contractor of the CITY. The description of services contained herein is intended to be general in nature. It is neither exhaustive, nor a limitation on the contracted services so long as the services actually delivered are consistent with the provisions of this agreement.

CONTRACTOR agrees to provide the following services:

Scope of Work

The consultant will provide the following services:

1. Grant Administration

The consultant will assist in the administration of any related grant programs implementation:

- a. Provide support for public meetings
- b. Assist in locating property owners
- c. Reporting
 - State quarterly reports
 - Monthly reports
 - Project Status Reports
 - Project completion reports
- d. Reimbursement requests
 - Collect supporting documentation
 - Increased Cost of Compliance
 - Public Assistance
 - Grant
 - Prepare requests
 - Acquisition
 - Demolition

2. Buyout Counseling Services

For each parcel that is approved for acquisition, the consultant will perform the following services:

- a. Review and Oversight of Title Company Activities. Specifically:
The Contractor will ensure that the Title Company activities are performed in a timely manner and in accordance with the terms of the contract. The Contractor will review Title Search and Title Insurance Commitments to ensure that they meet the requirements of the contract. If problems are encountered, the Contractor will seek resolution from the Title Company.
- b. Review of Appraisal. Specifically:
Each appraisal will be reviewed for compliance with the Uniform Standards for Professional Appraisal Practices (USPAP) and Grant agency requirements. The appraiser's estimate of value should be well documented and supported by the best comparable sale data available. Errors, omissions and unsupported conclusions will be brought to the attention of the appraiser and the report will be revised as needed to meet the reviewer's requirements. An approved estimate of value will be prepared. Should a property owner later challenge the Determination of Compensation and obtain their own appraisal, the Contractor will review owner's appraisal and a revised Offer to Sell will be prepared as appropriate. The review of owner appraisals and the preparation of revised offers will be billed for each parcel as appropriate.
- c. Develop Data for Determining Compensation. Specifically:
Information provided by the community will be reviewed and an amount of compensation for each parcel will be recommended. The Contractor will analyze the appraisal and/or community information to extract the needed information for the preparation of the Statement of Determination of Compensation and Offer to Sell Real Property. Duplication of Benefits information will be reviewed and proper deductions from value will be made.

Note: Duplication of Benefits data is only as good as the data provided by the Community and/or the homeowner. Contractor will not be responsible for duplication of benefits data not known or withheld at the time of the development of the Determination of compensation. Every effort will be made to obtain complete and accurate Duplication of Benefits data up to the point of settlement of the property.
- d. Prepare Determination of Compensation and Offer to Sell Real Property. Specifically:
Utilizing the data developed or obtained in Task 3, the Contractor will prepare the following documents for the City's review: (1) Letter to each parcel owner explaining the acquisition process and their rights and options, to be signed by the Community official, (2) a Statement of Determination of Compensation for each parcel to be signed by the Community official, and; (3) an Offer to Sell Real Property agreement for each parcel.
- e. Meet with Owners. Specifically:
Each parcel owner will be scheduled for a personal meeting at which time the letter from the City explaining the acquisition process and the owner's rights and options will be reviewed. The Statement of Determination of Compensation and Offer to Sell Real Property will also be explained to each parcel owner. If duplication of benefits deductions are made and the owner has documentation to support a revision to the deductions or to support a reimbursement, appropriate adjustments will be made. The meetings will be conducted in facilities provided by the client. Following this meeting, the offer to sell will be presented to the owner, by the City.

- f. Prepare Deeds. Specifically:
The Contractor will provide the Title Company a sample Deed for each parcel in a form that meets the requirements of the FEMA Section 404 program and/or the appropriate Grant agency. The Deed will be suitable for recording with the Recorder of Deeds in the appropriate County. This Deed will recite the true consideration to be paid, will identify the interest in the land to be acquired and will include appropriate deed restrictions as directed by FEMA and/or the Grant agency.
- g. Oversee and Coordinate Settlements. Specifically:
The title company will be responsible for scheduling closing with each parcel owner and for the preparation of all documents necessary for closing. These activities will be monitored to ensure that they are performed in a timely manner and that all matters are properly coordinated. A listing will be prepared and provided to the Client prior to each closing which identifies the amount needed for disbursement by the title company at the closing. The listing will identify each parcel by parcel number, owner name, address of property and amount of compensation. The client will be advised to deposit the needed funds in the Title Company escrow prior to closing.
- h. Prepare and Maintain Hard Copy Case Files. Specifically:
A hard copy case file for each parcel purchased will be prepared and submitted to the client. This file will contain at a minimum: the application package from the owner; a copy of the appraisal; a copy of the letter; a copy of the Determination of Compensation; a copy of the Offer to Sell and any revisions thereto; a copy of the final title insurance policy; and a copy of the recorded Deed. Notes regarding owner meetings and various discussions will be included in the case file as appropriate.
- i. Demolition Management
The consultant will assist in the administration of demolition related floodplain buyout program implementation. The consultant will follow City procurement ordinance for all activities included below.
- Solicit bids from local demolition contractors capable of handling and interested in providing demolitions
 - Make recommendation to City on demolition firm(s) to be available on an as needed basis when demolition is required
 - Enter into to contract with demolition firm(s)
 - Solicit demolition bids on a home by home basis
 - Provide recommendation to City based on received demolition bids
 - Oversee demolition contractor to ensure demolitions are completed in a timely manner (75 days from notice to proceed from City to consultant)
 - City will be responsible for permitting and site inspections related to demolition
 - Facilitate invoicing and payment processes for all demolitions

3. Project Management Services for Elevation projects

- Meet with Homeowners to overview and explain the process and detail the Homeowner's and elevation contractor's responsibilities
- Provide an overview of the budget the Homeowners must stay within for their individual elevation. This data will come from the grant award documents
- Manage the budget to ensure all homes are completed within available Federal funding
- Assist the City in ensuring that the elevation contract specifications meet the FEMA grant

requirements

- Develop a process to ensure that construction is performed in compliance with engineering specifications (especially homes not located within City limits)
- Ensure that a professional engineer reviews all construction specifications. Note, Professional Engineer is provided and paid for by the elevation contractor as part other total elevation contract amount bid and accepted by the homeowner and the City
- Solicit elevation contractors in accordance with Federal, State and local procurement standards
- Provide a list of qualified elevation contractors and describe the process for selection, review and approval
- Ensure Homeowner selects among the qualified contractors in the manner and method prescribed and supports the selection
- Prepare and present mitigation offer. Review details of mitigation offer and have offer signed by Homeowner
- Prepare and present Homeowner/City agreement for elevation. This agreement will provide the details of the Homeowner responsibility for hiring the elevation contractor and will have language indemnifying the City and their contractors from liability associated with the physical elevation. Have Homeowner sign the agreement
- Submit owner signed agreement to City for review and signature
- For those Homeowners that have a local cost share, collect this cost share at the time of execution of the agreement between City and Homeowner. Ensure these funds are deposited with the City in escrow accounts
- Facilitate payments to contractors from the City
- Meet with each Homeowner and review and concur with Elevation Contractor. Confirm bid is within grant limits and detail any/all costs that will not be reimbursable under the grant.
- Review work schedules and specifications to ensure that the elevation is completed in a timely manner and in compliance with the terms of the grant. If problems are encountered, the Contractor will seek resolution from the City and the State.
- This element requires the submittal of a schedule for completion for elevation as part of the bid and resultant contract for elevation. JSWA will closely monitor this schedule and include progress reviews in the below mentioned weekly reports.
- Facilitate the establishment and recordation of FEMA required post elevation deed restrictions.

Any additions to, expansion of or explanation of such terms shall be by letter of understanding agreed to and signed by both parties to this contract.

II. COMPENSATION

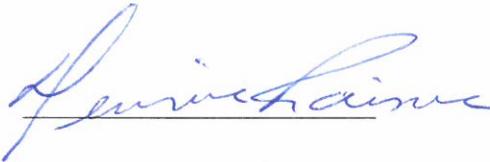
| <u>Description</u> | <u>Unit Price</u> |
|----------------------------------|-----------------------|
| Grant administration | \$175.00 per hour |
| Buyout counseling services | \$1,200.00 per parcel |
| Demolition management | \$2,500.00 per parcel |
| Project management for elevation | \$5,000.00 per parcel |

The Consultant will contract for title services and for appraisal services with the companies of his choosing. Consultant will be responsible for overseeing the title company and appraisal contractor to ensure that they meet the requirements of the Grant. The cost of the appraisal and title work are not part of the contractor's above mentioned per parcel fee. The appraisal fee will be billed, without markup, through the contractor billing at a separate per parcel rate. The title company fees are promulgated by the State and will be requested to be transferred from CITY to the Title Company as required to settle the property.

Based on the above fees, the City's out of pocket (25%) for fees paid to Consultant will not exceed \$28,000.

CITY OF MAULDIN

CONTRACTOR



Jeffrey S. Ward & Associates, Inc.

ATTEST:

