

**PIERCE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
TUESDAY, AUGUST 7, 2018 AT 6:00 PM**

Commissioners in attendance

Neal Bennett, Chairman  
Harold Rozier, District 1  
Mike Streat, District 2  
Randy Dixon, District 3  
Lanier Walker, District 4

Staff in attendance

Franklin Rozier, County Attorney  
Jason Rubenbauer, County Manager  
Amy Hitt, County Clerk

**CALL TO ORDER** – Chairman Neal Bennett called the meeting to order at 6:00 PM

**INVOCATION/PLEDGE OF ALLEGIANCE** – Commissioner Mike Streat gave an invocation and led the pledge of allegiance.

**MINUTES**

July 10, 2018 Regular Meeting Minutes

Commissioner Randy Dixon made a motion to approve the July 10, 2018 regular meeting minutes. Commissioner Mike Streat seconded the motion. All voted aye. Motion approved.

**PUBLIC COMMENTS**

1. Kimberly Dukes, Pierce Co Library Branch Manager – Update on activities at the Library. Martha Powers Jones the Regional Library Director introduced herself and the Pierce County Branch Manager Kimberly Dukes. Ms. Dukes thanked the Board for all they do to support the library and shared some general information about the activities at the library.
2. Ashley Holcomb – Like to discuss leash law for Pierce County. – Not present
3. James Spivey – Recognition of EMS Employees – James Spivey called forward Linnie Andreae, Dalton Johnson and Shawn Johnson to be recognized for their efforts in the June event where a young man lost his arm in a tractor accident. These employees not only saved the life but also saved the arm. The young man has his arm and has some feeling/movement in his fingers already. Dalton Johnson was voted EMT of the year by his peers and was recognized by Region 9 for his quick thinking and response while off duty.

**GENERAL BUSINESS**

4. County Manager Monthly Report – Jason Rubenbauer shared that the revenues are up about 9% over last year and that most of the departments are within budget at this time. County Farm Road is now officially open. We are having lots of road issues due to all the rain we have been having and the Road Department has put signs out about road closure and the signs keep getting stolen. We have a major issue at the Courthouse with the chiller system, its running but not fixed. Received a letter of resignation from Shawn Smith yesterday, he is going to pursue some other opportunities. We will post the position and start looking for a good fit to fill the spot. Shawn's last day will be Aug 17, 2018.
5. Request from the Georgia Forestry Commission for a land exchange. Jason Rubenbauer shared that the Forestry Commission had reached out about the possibility of a land exchange for approximately 4 acres of land on New School Road for the current forestry site on Hwy 32 in Patterson. Forestry has outgrown their current location and they do not have room to grow. They would like to be closer to the high school as well as in a more central location. Jason recommends that we retain about half an acre of that 4 acres to relocate the Bearville Fire Station but move forward. Chris Carter stated that this is the beginning of the process and he needs tentative approval from the Board so he can go ahead and get the official process started. He feels that 3.5 acres will be sufficient for the plans they have.

Commissioner Randy Dixon made a motion to move forward and to start the official process. Commissioner Harold Rozier seconded the motion. All voted aye. Motion approved.

6. Request from Southern Company to bury cabling for Southern Telecom along N Campus Road. Jason Rubenbauer, County Manager stated that he spoke with Southern Company and told them to amend their plan to bury cable at 60 inches and they agreed to the adjustment. He stated that the 30ft of ROW that is required for utilities will put the cable in the middle of the road. Chairman Bennett asked if there is a franchise fee for easement or any liability issues we need to know about. Southern Company is looking to have contract approval August 13, 2018. Chairman Bennett asked that Jason get answers to those questions and get back with the Board.
7. Request to seek proposals for the clean-up of old asphalt and concrete materials at the old county farm site. Materials will be used for aggregate base. Jason Rubenbauer, County Manager shared that it will be about 9.50 a ton to have the materials crushed and based on the amount we have, estimates are that it would cost between \$40,000 - \$45,000. Request is to put it out to bid.

Commissioner Randy Dixon made a motion to move ahead and put out to the bid. Commissioner Harold Rozier seconded the motion. All voted aye. Motion approved.

8. Request for approval of motor grader bid. AJ Griffis, Superintendent gave some information about the experiences with John Deere as well as Caterpillar. The operators have some issues with the John Deere equipment in that the set up in the cab causes issues with seeing the road and the sloper. The employee that will be assigned to this new machine has 35 + years experience on a Cat. And the response time for service has been better with Cat. Mr. Griffis would like to recommend the CAT12M3 be purchased. Chairman Bennett stated that there are three options to purchase outright, lease or lease with buyback. Commissioner Dixon stated that it depends on which option we choose as to how much we pay.

Commissioner Harold Rozier made a motion to purchase the CAT12M3 with Rome Sloper for \$298,388.20. Commissioner Randy Dixon seconded the motion. All voted aye. Motion approved.

9. Request adoption of the GDOT Procurement Policy for the Procurement, Management and administration of Engineering and Design Related Consultant Services.

**Pierce County Policy for Competitive Negotiation Qualifications-based Selection for Projects Using Federal Aid Highway Program (FAHP) Funding**

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

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

(I.) Solicitation.

The solicitation process shall be by public announcement, public advertisement, or any other public forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. Procurement procedures may involve a single step process with issuance of a request for proposal (RFP) to all interested consultants or a multiphase process with issuance of a request for statements or letters of interest or qualifications (RFQ) whereby responding consultants are ranked based on qualifications and request for proposals are then provided to three or more of the most highly qualified consultants. Minimum qualifications of consultants to perform services under general work categories or areas of expertise may also be assessed through a prequalification process whereby statements of qualifications are submitted on an annual basis. Regardless of any process utilized for prequalification of consultants or for an initial assessment of a consultant's qualifications under an RFQ, a RFP specific to the project, task, or service is required for evaluation of a consultant's specific technical approach and qualifications.

(II.) Request for Proposal (RFP).

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

- (A) Provide a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the services to be rendered. The scope of work should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies;
- (B) Identify the requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals;
- (C) Identify evaluation factors including their relative weight of importance in accordance with subparagraph (a)(1)(iii) of this section;
- (D) Specify the contract type and method(s) of payment to be utilized in accordance with § 172.9;
- (E) Identify any special provisions or contract requirements associated with the solicited services;
- (F) Require that submission of any requested cost proposals or elements of cost be in a concealed format and separate from technical/qualifications proposals as these shall not be considered in the evaluation, ranking, and selection phase; and

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

(III.) Evaluation Factors.

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

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

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

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

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

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

(IV.) Evaluation, Ranking, and Selection.

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

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

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

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

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

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

(V.) Negotiation.

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

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

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

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

(2) Small Purchases.

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

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

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

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

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

(3) Noncompetitive.

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

(I.) Pierce County may use their own noncompetitive procedures which reflect applicable State and local laws and regulations and conform to applicable Federal requirements.

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

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

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

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

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

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

Additional Procurement Requirements.

(1) Common Grant Rule.

(I.) Pierce County must comply with procurement requirements established in State and local laws, regulations, policies, and procedures which are not addressed by or in conflict with applicable Federal laws and regulations (as specified in 49 CFR 18.36).

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

(2) Disadvantaged Business Enterprise (DBE) program.

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

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

(B) Establishment of a contract participation goal.

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

(3) Suspension and Debarment.

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

Adopted this 7<sup>th</sup> day of August, 2018 by the Pierce County Board of Commissioners.

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Neal Bennett, Chairman

Attest:

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Amy Hitt, County Clerk

Commissioner Harold Rozier made a motion to approve the GDOT Procurement Policy for the Procurement, Management and administration of Engineering and Design Related Consultant Services. Commissioner Lanier Walker seconded the motion. All voted aye. Motion approved.

10. Request from Colleen Noble for a reduction of \$640.00 in rental fees, to only pay \$1000.00 for gym rental in June 2019. Jason Rubenbauer, County Manager made recommendation based on some figures he was able to work up that the Board grant the request.

Commissioner Mike Streat made a motion to take this item off the table. Commissioner Harold Rozier seconded the motion. All voted aye. Motion approved.

Commissioner Mike Streat made a motion to approve the request from Colleen Noble for a reduction in rental fee to only pay \$1000.00 for June 2019 rental of gym. Commissioner Harold Rozier seconded the motion. All voted aye. Motion approved.

11. Request adoption of resolution 2018.02 Freeport Exemptions. Franklin Rozier, County Attorney shared that the Department of Revenue requested a copy of the resolution be submitted with the digest this year. We were not able to locate an actual resolution having been adopted , only that the actions had taken place and been voted on. This was the best acceptable solution to the issue.

State of Georgia  
County of Pierce

Resolution 2018-2

The undersigned Clerk of the Board of Commissioner's of Pierce County, Georgia, a public body and an instrumentality of the State of Georgia, does hereby certify that the following was passed at a duly called meeting of the Board of Commissioners which was held on the 7<sup>th</sup> day of August, 2018.

A RESOLUTION OF THE PIERCE COUNTY BOARD OF  
COMMISSIONERS REGARDING THE CURRENT FREEPORT  
EXEMPTIONS AND OTHER ANCILLARY MATTERS

WHEREAS , the Board of Commissioners having previously called for a public referendum to vote on the issue of certain ad valorem tax relief or exemptions generally referred to as "Freeport;"

WHEREAS, said referendum was held on November 8, 1988;

WHEREAS, the voters of Pierce County, Georgia passed and approved by a majority vote Category 3 of Freeport *as* identified by O.C.G.A. Section 48-5-48.2; and

WHEREAS, said referendum was held on November 6,1990;

WHEREAS, the voters of Pierce County, Georgia passed and approved by a majority vote Category's 1 & 2 of Freeport *as* identified by O.C.G.A. Section 48-5-48.2; and

WHEREAS, O.C.G.A. Section 48-5-48.2 requires the governing authority, upon approval of the electorate, to establish the percentage by which the designated classes of personal property "Freeport" shall be exempt from taxation.

THEREFORE, BE IT RESOLVED that the Pierce County Board of Commissioners, after statutorily-required referendum, hereby authorizes the granting of Freeport Exemptions at the following percentages for the following classes of personal property:

The Exemption described in O.C-G.A. Section 48-5-48.2(b)(1) Inventory of goods in process or manufacture or production is set at 100%;

The Exemption described in O.C.G.A. Section 48-5-48.2(b)(2) Inventory of finished goods manufactured or produced within the state in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods is set at 100%; and,

The Exemption described in O.C.G.A. Section 48-5-48.2(b)(3) Inventory of finished goods which on January 1, are stored in a warehouse, dock or what, whether public or private, and which are destined for shipment to a final destination outside this state and inventory of finished goods which are shipped into this state from outside this state and stored for transshipment to a final destination outside this state is set at 100%.

FURTHER, this resolution is effective for applicable inventories upon original adoption and thereafter pursuant to O.C.G.A. Section 48-5-48.2(e)(1).

SO RESOLVED in open session this 7<sup>th</sup> day of August, 2018.

THE BOARD OF COMMISSIONERS

\_\_\_\_\_  
Neal Bennett, Chairman

Attest:

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Amy Hitt, County Clerk

Commissioner Harold Rozier made a motion to approve the Freeport Exemptions Resolution. Commissioner Mike Streat seconded the motion. All voted aye. Motion approved.

12. Approval of Intergovernmental Agreement with the Board of Education for Resource Officers.

Commissioner Randy Dixon made a motion to approve the agreement for 1 resource officer to be supplied to Midway Elementary for an annual amount of \$50,000.00 to be paid in monthly installments. Commissioner Harold Rozier seconded the motion. All voted aye. Motion approved.



13. Approval of the addition of 1 position at the Office of the Sheriff for a Resource Officer to be providing service to the Board of Education. Position is based on need of the BOE and reimbursement will be covered through an agreement with the BOE, Sheriff Bennett and the BOC.

Commissioner Randy Dixon made a motion to approve the additional position for a resource officer position to be added to the Office of the Sheriff for as long as there is an active contract for service at Midway Elementary. Commissioner Mike Streat seconded the motion. All voted aye. Motion approved.

**ADJOURN**

Chairman Bennett adjourned the meeting at 7:11 PM.

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Neal Bennett

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Harold Rozier

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Mike Streat

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Randy Dixon

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Lanier Walker