



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: FileID

Substitute

4/25/23

Public Hearing: YES NO

Department: Board of Commissioners – District 7

SUBJECT:

Commission District(s): District 7

A Resolution Of The Board of Commissioners Of DeKalb County, Georgia Requesting That The Administration Consider Requiring DeKalb County Contractors To Report Changes In Their Corporate Structure And/Or Violations of Federal Or State Law And For Other Purposes

Information Contact: Commissioner Lorrain Cochran-Johnson

Phone Number: 404-371-2899

PURPOSE:

To adopt a Resolution Of The Board of Commissioners Of DeKalb County, Georgia Requesting That The Administration Consider Requiring DeKalb County Contractors To Report Changes In Their Corporate Structure And/Or Violations of Federal Or State Law And For Other Purposes

NEED/IMPACT:

The DeKalb County Board of Commissioners seeks to add to the County's existing contracting processes and procedures to ensure that the County does not continue contracts or business relationships with entities that fail to demonstrate proper business practices and requires action by both the Executive and Legislative branches.

FISCAL IMPACT:

None.

RECOMMENDATION:

To approve the Ordinance and authorize the Chief Executive to execute all necessary documents.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF DEKALB COUNTY,
GEORGIA REQUESTING THAT THE ADMINISTRATION CONSIDER REQUIRING
DEKALB COUNTY CONTRACTORS TO REPORT CHANGES IN THEIR
CORPORATE STRUCTURE AND/OR VIOLATIONS OF FEDERAL OR STATE LAW
AND FOR OTHER PURPOSES**

WHEREAS, DeKalb County established a purchasing policy in 2014 (“the Purchasing Policy”) that governs all acquisitions and dispositions of commodities, equipment, and services and all related contracts and agreements, including those that may generate revenue; and

WHEREAS, the DeKalb County Governing Authority consistently works toward making effective governance possible and enforces a responsible procurement policy for awarding contracts based on the best value in terms of quality, service and price when expending public funds and requires services to be rendered by contractors who are responsible, compliant, ethical and uphold federal and state laws; and

WHEREAS, fraud increases the overall cost of government services and stifles legitimate competition, as well as erodes public trust in government institutions and increases skepticism about the quality of services taxpayers are getting for their money; and

WHEREAS, the DeKalb County Governing Authority takes the necessary steps to ensure due diligence in the procurement process and that all work performed by contractors is in compliance with the Purchasing Policy; and

WHEREAS, the DeKalb County Governing Authority seeks to prevent improper business practices, including, but not limited to, personal conflict of interests in contracting opportunities and endeavors to provide safeguards for the maintenance of quality, procurement integrity and equity in the purchase and disposition of DeKalb County property; and

WHEREAS, the DeKalb County Board of Commissioners seeks to add to the County’s existing contracting processes and procedures to ensure that the County does not continue contracts or business relationships with entities that fail to demonstrate proper business practices; and

WHEREAS, developing, adopting and implementing a regulation or provision addressing continuing contracts or business relationships with entities that fail to demonstrate proper business practices businesses requires action by both the Executive and Legislative branches.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of DeKalb County, Georgia, requests that the Administration consider supporting amendments to the Purchasing Policy and/or purchasing procedures, as necessary, to address the following:

1. Require DeKalb County contractors to report any change in their corporate structure and partnerships, including a change to a joint venture relationship, to DeKalb County within fourteen (14) days of such change. A change in corporate structure is defined as a change or transfer in ownership, corporate officers, directors, managers, stockholders, and/ or members holding 10% or greater financial interest. Partnerships are defined as businesses who perform

work in unison to carry out DeKalb County contracts. This notification requirement should be mandatory and allow DeKalb County to carry out its due diligence in performing risk and compliance checks associated with the economic and legal circumstances of such corporate structural changes and partnerships to determine any legal issues and implications of such awarded contracts.

2. Require that the person who executed the County's contract on behalf of the contractor ("contractor's signatory") provide notice, in writing, to the DeKalb County Chief Operating Officer and the County Attorney if contractor, or contractor's owner(s), corporate officer(s), director(s) or employee/agent who is assigned to work on the County's contract ("contractor's employee") is facing a federal or state felony indictment for a crime related in any way to the contractor's business or misuse of money (including but not limited to embezzlement, malfeasance, fraud). Such notice shall be made within fourteen (14) days of the date of indictment. The contractor's signatory shall provide the County's Chief Operating Officer and the County Attorney with notice of the disposition of such indictment, by plea, trial or dismissal no later than fourteen (14) days after such disposition. If the contractor's signatory is the subject of such an indictment, or is no longer in the same role as when he/she signed the County's contract, the contractor shall designate another employee or official of the contractor to make such reports to the County. Any failure to provide such initial or subsequent notice may result in the termination of all County contracts and revocation as a vendor with DeKalb County. The County reserves the right to take any and all actions vis-à-vis a contractor or its employees which are deemed to be in the best interest of the County given the totality of the circumstances.
3. Establish a Business Code of Conduct that will become part of the DeKalb County Purchasing Policy. All businesses seeking to do business with DeKalb County will receive a Business Code of Conduct that must be read, signed confirming the contractor's obligation to comply with it, dated and returned to the County as a part of the vendor application process. Businesses who fail to sign and date the document should not be approved as vendors. Existing vendors will be required to sign the Business Code of Conduct or have their approved status temporarily revoked until the signed document is received. If the executed document is not received within thirty (30) days, the vendor should lose its vendor status and not be allowed to seek further opportunities as a vendor with DeKalb County.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2023.

ROBERT J. PATRICK
Presiding Officer

April 10, 2023

Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer, this ____ day of ____, 2023.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the BOC and CEO

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

ZACHARY L. WILLIAMS
Chief Operating Officer
DeKalb County, Georgia

VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia