

DORCHESTER COUNTY

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, ORDINANCE NUMBER 19-30 BY REVISING CHAPTER 2, ARTICLE VI, DIVISION 1, SECTION 2-522, DIVISION 2, SECTION 2-532 (C), DIVISION 3, SECTIONS 2-542 (A)(5), (B)(8) and (C)(1)(2), SECTION 2-543 (B), SECTION 2-544 (B)(1), DIVISION 5, SECTIONS 2-561 (B)(C)(D)(E) and 2-565 (B) AND DIVISION 6, SECTION 2-583 (H)(2).**

**WHEREAS, Dorchester County Council approved an updated procurement ordinance in November 2019, Ordinance number 19-30. Additional changes have since been identified.**

**NOW, THEREFORE, be it ordained by Dorchester County Council, duly assembled, that the Dorchester County Procurement Ordinance Number 19-30, Chapter 2, Article VI, Division 1, Section 2-522, Division 2, Section 2-532 (C), Division 3, Sections 2-542 (A)(5), (B)(8) and (C)(1)(2), Section 2-543 (B), Section 2-544 (B)(1), Division 5, Sections 2-561 (B)(C)(D)(E) and 2-565 (B) and Division 6, Section 2-583 (H)(2) be amended as follows:**

**DIVISION 1. – GENERALLY**

**Sec. 2-522. – Definitions of terms used in this article**

*Change order.* A written order approved by the County Administrator or his designee and issued by the Purchasing Services Manager, directing the contractor to make changes which the contract authorized the Purchasing Services Manager to order.

**DIVISION 2. – PROCUREMENT ORGANIZATION**

**Sec. 2-532. – Organization of public procurement**

*(C) Exemptions.* The following supplies and services need not be procured through the purchasing services division but shall nevertheless be procured by the appropriate department subject to regulations promulgated by the Purchasing Services Manager. Additions and deletions shall also be made by regulation:

1. Advertising time or space in newspaper, radio, television, professional journals, publications, or social media.
2. Works of art for public display.
3. Published books, maps, periodicals, and technical pamphlets.
4. Postage stamps and postal fees and U.S. Post Office box rentals.
5. Professional training.
6. Conference facilities.

7. Maintenance on equipment that must be provided by the original equipment manufacturer or an authorized dealer.
8. Chemicals for mosquito control.
9. Maintenance services on aircraft.
10. Services provided by public utilities (gas, electricity, water and sewer) subject to rate regulation by the Public Service Commission.
11. Professional dues and registration and membership fees.
12. Attorneys and legal services.
13. License and Maintenance agreements for computer software, after such software has been purchased subject to the provisions of the ordinance.
14. The procurement of copyrighted educational films, filmstrips, slides and transparencies, CD ROM documents, data bases, computer assisted instructional materials, interactive video programs and other related materials made available by information technology that can only be obtained from the company providing the information or service.
15. The purchase of goods, products, and services from the South Carolina Department of Corrections, Division of Prison Industries.
16. Payment to the State against purchases made from the State.
17. All insurance premium and self-insurance claims.
18. Monthly fees for Medical Director for Fire Department and EMS.
19. Hospital fees.
20. All payments to Federal and State agencies (e.g. unemployment taxes, fees to Coastal Council).
21. Travel and lodging that adheres to established Human Resources policies.
22. Medical services, including hospitals, drug screening, primary urgent care, and physicals. This does not include procurement of services, goods, or other equipment in the Fire Department or EMS.
23. Financial advisory services for the purposes of monitoring the county's financial condition and supervising the issuance of debt.
24. Auto body repairs, glass replacements, and contracted vehicle maintenance

### **DIVISION 3. – SOURCE SELECTION AND CONTRACT FORMATION**

#### **Sec. 2-542. – Methods of source selection**

##### *(A) Competitive sealed bidding.*

5. *Procedure when only one bid or proposal received in response to invitation for bids.* If only one responsive bid is received in response to an invitation for bids (including multistep bidding), an award may be made to the single bidder if the Purchasing Services Manager finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time for re-solicitation. Otherwise, the bid may be rejected and either:
  - a. New bids or offers may be solicited;
  - b. The proposed procurement may be canceled;

- c. Or, if the Purchasing Services Manager determines in writing that the need for the supply or service continues, but that the price of the one bid is not fair and reasonable and there is no time for re-solicitation or re-solicitation would likely be futile, the bid price submitted may be negotiated to a fair and reasonable price, or the procurement may be completed as a sole source purchase or an emergency purchase if all the requirements are met for sole source or emergency purchase.

*(B) Competitive Sealed Proposals.*

8. *Award.* Award shall be made to the responsible and responsive offeror whose proposal is determined in writing to be most advantageous to the county. Proposals shall be evaluated by a selection committee, which shall be comprised of not less than three members. One member shall be the Purchasing Services Manager or Purchasing Agent, who may serve in either a scoring or non-scoring role. Additional members shall be the Deputy County Administrator/CFO or designee, and at least one other person designated by the Purchasing Services Manager. Proposals shall be scored or ranked, whichever is most effective for the solicitation, taking into consideration the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

*(C) Small purchases.*

1. For those procurements greater than \$5,000 but less than \$25,000, three quotes must be obtained. In the event that a department is unable to obtain three quotes, the Purchasing Services Manager may allow an exception to this requirement if he feels it is warranted. However, an informal request for quotes must also be published for a minimum of seven calendar days.
2. For those procurements greater than \$25,000 but less than \$75,000, three quotes must be obtained and an informal request for quote must be advertised on the county's electronic bidding site for a period of not less than seven calendar days.

**Sec. 2-543. – Qualifications and duties**

*(B) Prequalification of suppliers.* Prospective suppliers may be prequalified for particular types of supplies, services, and construction. Electronic notification of the solicitation shall be sent to all prequalified suppliers.

**Sec. 2-544. – Types of contracts**

*(B) Multi-term contracts.*

1. *Specific period.* A contract for supplies or services may be entered into for a period of time not to exceed five years, provided the term of the contract and the conditions of renewals or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor. Exemptions o

the five-year term limit must be approved by the Purchasing Services Manager and County Council by resolution or ordinance.

## **DIVISION 5. – CONTRACT MANAGEMENT**

### **Sec. 2-561. – Execution Authority**

(B) *Contract modifications.* Every contract modification, change order, or contract price adjustment for non-construction contracts shall be subject to prior approval by the Purchasing Services Manager and executed by the Deputy County Administrator/CFO when the adjustment that increases the contract value by \$25,000 or less. In the instance that the price adjustment exceeds \$25,000, approval must also be received from the Purchasing Services Manager and the County Administrator. The County Administrator may approve such modifications, change orders, or adjustments that do not exceed the budgeted amount approve by County Council. Any increase over the budgeted amount must be approved by County Council. Those which are executed outside of the scope of this section constitute an unauthorized procurement under section 2-547.

(C) *Payment applications.* An application for payment submitted by a contractor holding a valid contract for goods, services or construction executed by the county may be approved by the department head holding responsibility for management and administration of the contract.

(D) *Task Orders.* A task order less than \$5,000 may be executed by the department head. Task orders exceeding \$5,000 must be executed by the County Administrator or designee.

~~(E) *Sales agreements.* A sales order may be executed by the Department Head for quantities of specific goods and services as allowed under Section 2-592 where the actual terms and conditions of the contract are agreed upon by a third party. Funds must be available in the budget for the specified scope of goods or services as approved by County Council.~~

### **Sec. 2-565. – Architect-engineer and land surveying services**

(B) *Selection process.* A selection committee shall be comprised of not less than three members. One member shall be the Purchasing Services Manager or Purchasing Agent, who may serve in either a scoring or non-scoring role. One member shall be the county department head or his designee who is directly affected by the procurement, one member shall be the Deputy County Administrator/CFO of the county or his designee, and one member shall be the Director of Public Works, Director of Water & Sewer, or his designee. Should the Purchasing Services Manager believe that additional members should be on the selection committee, the Purchasing Services Manager, in consultation with the County Administrator, shall appoint additional members. The selection committee may conduct discussions with any number of firms. They shall select from among them the firms deemed most qualified to provide the required services. The selection shall be made in order of preference, based on criteria established and published by the purchasing services manager. The Purchasing Services Manager shall facilitate the selection process. Following the ranking of the firms by the selection committee, the Purchasing Services Manager shall report the rankings to the County Administrator prior to the conducting of negotiations as set forth below.

**DIVISION 7. – LEGAL AND CONTRACTUAL REMEDIES**

**Sec. 2-583. – Procurement appeals board**

(H) *Rules of procedures.*

2. *Decision.* Upon receipt of an appeal from an aggrieved party, the Chairperson shall convene the board within ten days to conduct an administrative review of the appeal. The board within ten days of hearing such appeal shall affirm, alter, or deny the decisions rendered by the Purchasing Services Manager. The board shall promptly decide whether the:

Except as specifically amended herein, the Dorchester County Code of Ordinances shall remain in full force and effect.



A handwritten signature in black ink, appearing to read "William R. Hearn, Jr.", written over a horizontal line.

William R. Hearn, Jr., Chairman  
Dorchester County Council

A handwritten signature in black ink, appearing to read "Tracey L. Langley", written over a horizontal line.

Tracey L. Langley  
Clerk to Council

1ST READING: September 19, 2022

2ND READING: October 3, 2022

3RD READING: October 17, 2022