

AN ORDINANCE TO REPEAL CHAPTER 2, ARTICLE VI, DIVISION 5, SECTION 2-565, OF THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA AND TO SUBSTITUTE A NEW SECTION WITH THE SAME NUMBER.

Be it ordained by Dorchester County Council, duly assembled, as follows:

Chapter 2, Article VI, Division 5, Section 2-565 is hereby repealed and new Chapter 2, Article VI, Division 5, Section 2-565 is substituted in lieu thereof which Section shall read as follows:

Sec. 2-565. - Architect-engineer and land surveying services.

Public announcement and selection process.

- (1) Public Announcement Required. It is the policy of the County to publicly announce all requirements for architect-engineer and land surveying services, except those falling under subsection (4) below, and to negotiate such contracts on the basis of demonstrated competence and qualification at fair and reasonable prices. In the procurement for architect-engineer and land surveying services, the Director of Procurement shall request firms to submit a statement of qualifications and performance data.
- (2) Selection Process. A selection committee shall be comprised of not less than 3 nor more than 5 members. One member shall be the county department head or his designee who is directly affected by the procurement, one member shall be the Chief Financial Officer of the county or his designee, and one member shall be the Public Works Director of the county or his designee. Should these 3 members believe that additional members should be on the selection committee, the Director of Procurement in consultation with the County Administrator shall appoint up to 2 additional members who shall be members of the county staff. The selection committee shall conduct discussions with no less than three firms, except when fewer respond. 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 Director of Procurement. The Director of Procurement shall facilitate the selection process. Following the ranking of the firms by the selection committee, the Director of Procurement shall report the rankings to the County Administrator prior to the conducting of negotiations as set forth below.

(3) Negotiation. The selection committee in consultation with the Director of Procurement and County Attorney, shall negotiate with the highest qualified firm for architect- engineer or land surveying services at a compensation which is considered to be fair and reasonable to the county. In this negotiation, the committee shall take into account the established value, the scope, the complexity, and the professional nature of the services to be rendered. If the committee is unable to negotiate a satisfactory contract to recommend to the County Administrator for execution by him, with the firm considered to be most qualified, negotiations with the firm shall be formally terminated. The committee shall then undertake negotiations with the second most qualified firm. Failing negotiation with the second most qualified firm, the committee shall then undertake negotiations with the third most qualified firm. If the committee is unable to negotiate a satisfactory contract to recommend to the County Administrator, with any of the selected firms, the committee may select additional firms in order of their competence and qualifications, and the committee shall continue negotiations in accordance with this section until it has negotiated a satisfactory contract to recommend to the County Administrator for execution by him.

(4) Exception for small architectural, engineering, and land surveying services contracts.

a. The County may secure architectural, engineering, or land surveying services, which are estimated not to exceed twenty-five thousand dollars (\$25,000) by direct negotiation and selection, taking in account:

- i. The nature of the project;
- ii. The proximity of the architectural, engineering, or land surveying services to the project;
- iii. The capability of the architect, engineer, or land surveyor to produce the required service within a reasonable time;
- iv. Past performance; and
- v. Ability to meet project budget requirements.

b. Maximum Fees Payable to one firm. Fees paid during the twenty-four month period immediately preceding negotiation of the Contract for professional services performed by architectural, engineering, or land surveying firm pursuant to Section 2-565 (4) (a) may not exceed seventy-five thousand dollars (\$75,000). Firms seeking to render professional services pursuant to this section shall furnish the County with a list of any services and fees provided to the County during the fiscal year

immediately preceding the current fiscal year in which the negotiations are occurring and during the fiscal year in which the negotiations are occurring.

- c. Splitting of Larger Projects Prohibited. A governmental body may not break a project into small projects for the purpose of circumventing the provisions of SC Code Section 11-35-3220 and SC Code Section 11-35-3230.

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

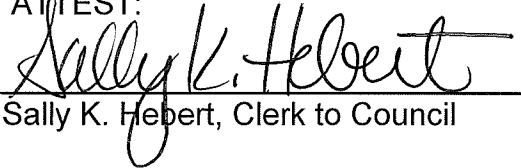
Adopted this 7th day of October, 2013.



William R. Hearn, Chairman
Dorchester County Council

First Reading: 09/03/2013
Second Reading: 09/16/2013
Public Hearing: 10/07/2013
Third Reading: 10/07/2013

ATTEST:



Sally K. Hebert, Clerk to Council