

## ARTICLE VIII. PURCHASING AND CONTRACTING\*

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**\*Editor's note:** Ord. No. 87-5-25, § 1(1), adopted May 5, 1987, repealed the county purchasing ordinance, Ord. No. 77-5-37, as amended. Sections 1, 3, 4 and 5 of said Ord. No. 77-5-37 had been codified as §§ 2-696--2-699 of this article. Codification of §§ 1(2)--(28), 11(1)--(7), of Ord. No. 87-5-25 as a new article VIII hereof was at the editor's discretion.

**Cross references:** County finances generally, § 2-596 et seq.; imprest funds for clerk of court and coroner, § 6-1; funding of county library system, § 12-3; finances of public service authority, § 23-23.

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### DIVISION 1. GENERALLY

#### **Sec. 2-696. Establishment of revised centralized purchasing system; purchasing department; purchasing agent.**

Pursuant to South Carolina Code of Laws section 4-9-160, as amended, there is hereby established a revised centralized purchasing system for the procurement of goods and services for all county departments and agencies for which line-item budgets are maintained in the county's central accounting system.

- (1) There shall be established in Aiken County a purchasing department and it shall be under the direction of the county administrator who shall be responsible for the purchasing system and who shall designate the chief purchasing official. In the event of nondesignation, the chief purchasing official shall be the county administrator.
- (2) The division head shall act as the purchasing agent for the county, subject to the direction as provided by the department head, the county administrator, and the county council.
- (3) The purchasing agent, with the concurrence of the supervisory department head and the county administrator, shall have the authority to designate named individuals to solicit, negotiate, procure, and market specific goods and services within the guidelines of this article and any applicable state and federal laws.

(Ord. No. 87-5-25, § 1(2), 5-5-87)

#### **Sec. 2-697. Reserved.**

**Editor's note:** Ord. No. 03-08-17, § 1, adopted Aug. 19, 2003, repealed former section 2-697 in its entirety which pertained to the procurement advisory committee and derived from Ord. No. 87-5-25, § 1(3), 5-5-87; Ord. No. 99-10-33, § 1, 10-19-99.

#### **Sec. 2-698. Chief procurement officer and office.**

There shall be established the position of chief procurement officer and office which shall have the following duties and responsibilities:

- (1) To procure or supervise the procurement of all supplies, services, and construction needed by the county.
- (2) To exercise general supervisory control over all inventories and supplies belonging to the county.
- (3) To sell, trade or otherwise dispose of surplus supplies belonging to the county.
- (4) To establish and maintain programs for the inspection, testing and acceptance of supplies, services and construction with the concurrence of the procurement advisory board.
- (5) To ensure that when a procurement involves the expenditure of federal assistance or contract funds, that all applicable federal laws and regulations are complied with.
- (6) To delegate releasing authority to department or county employees for pre-negotiated buying arrangements for a designated period of time.

(Ord. No. 87-5-25, § 1(4), 5-5-87)

### **Sec. 2-699. Approval of requisitions; execution.**

The department head, where the need arises, is the proper person to approve a requisition. Approval of a requisition indicates that the money is in the budget and the department head concurs that there is a county need. To actually commit county funds or to make the purchase requires execution by an employee who has the authority given by this article or has been delegated/designated to have such authority. This separation of the approval and execution processes is sound financial practice controlling procurement expenditures which may exceed two million dollars (\$2,000,000.00) annually.

(Ord. No. 87-5-25, § 1(5), 5-5-87)

### **Sec. 2-700. Contracting/purchasing authority.**

(a) The following officials shall have the authority to enter into contracts on behalf of the county up to their applicable limits. No contract shall be artificially divided into separate contracts so as to allow the officials to enter into the contract. No other person, county employee, agency or department shall enter into a contract on behalf of the county except as listed below:

- (1) *Contracts not exceeding \$25,000.00:* The county administrator shall have the authority to enter into such contracts. This authority does not extend to contracts for special services.
- (2) *Contracts in excess of \$25,000.00 and all contracts for special services:* Only the county council has the authority to enter into these contracts.

(b) Responsibility for the awarding of bids on proposals shall be as follows:

- (1) *Up to \$25,000.00:* The county administrator.
- (2) *Amounts exceeding \$25,000.00 and all contracts for special services:* County council, except for repairs to existing equipment where a delay would cause a threat to public health, welfare and safety under emergency conditions or where normal daily operations are affected, provided that such emergency procurements shall be made with competition as is practicable under the emergency provisions of this article. In the case of an emergency in this bid price range, the county council shall review the bid award action.

"Special services" means the furnishing of labor, time or effort by a contractor not required to deliver a specific end product, other than reports which are merely incidental to required performance. It includes, by way of illustration and not limitation, services such as those provided by physicians, architects, ministers, engineers, accountants, and consultants. It does not include contracts for services of regular employees of the county other than those which this Code specifically provides are to be employed or retained by county council or as otherwise provided for by law.

(Ord. No. 87-5-25, § 1(6), 5-5-87; Ord. No. 92-11-44, § 6, 11-17-92; Ord. No. 95-9-46, §§ 1--7, 9-19-95)

**Cross references:** Emergency procurements, § 2-706.

### **Sec. 2-701. Vendor list.**

(a) The county shall advertise at least once per fiscal year for vendors to register with the purchasing division the products and services they wish to offer the county. The county shall keep an index of these vendors by name and the list shall be cross referenced for products and services. The vendor's name shall be kept for two (2) years or permanently if the vendor continues to offer bids. Records shall be kept as to the number of times a vendor is contacted for informal quotes and other bids. Upon the request of a vendor, the said vendor shall be added or deleted from the list.

(b) Vendors shall be removed from the vendor list for the following reasons:

- (1) Declining to offer bids for a two-year period.
- (2) Suspension for the following shall not be for less than three (3) months or more than three (3) years:
  - a. Failing to satisfactorily meet terms, agreements, or contracts made with the central purchasing department.
  - b. Being convicted of criminal offenses in obtaining contracts or convicted of embezzlement, violation of state or federal anti-trust statutes, or any other crime which indicates a lack of business integrity or honesty.
  - c. Violating contract provision or failing to perform without good cause or record or failure to perform or any other cause which the chief purchasing officer deems to be so serious as to affect the responsibility of a contractor, including disbarment or suspension from a vendor list by another governmental entity.
  - d. Violating the standards as set forth in the State Ethics Act.

(Ord. No. 87-5-25, § 1(7), 5-5-87)

### **Sec. 2-701.1. Background information on vendors.**

The county administrator is directed to provide the bid amount as submitted, information concerning the vendor's previous performance, the service and quality of the products offered, the availability of the goods and services when needed, adherence to delivery schedules, and other criteria pertinent to that particular item, on vendors who have submitted bids, proposals, or contracts for county council's consideration. The information is to be included in the backup documents for the awarding resolution or ordinance.

(Res. No. 86-3-70, §§ 1, 2, 3-4-86)

**Editor's note:** Res. No. 86-3-70, §§ 1 and 2, adopted March 4, 1986, were originally included as § 2-700. Subsequently, the provisions were redesignated as § 2-701.1 to accommodate new material

added by Ord. No. 87-5-25 (see editor's footnote to the title of this article).

### **Sec. 2-702. Types of bids.**

(a) *Bid solicitations.* There shall be the following types of bid solicitations:

- (1) Small purchases;
- (2) Informal oral bid quotations;
- (3) Informal written bid quotations;
- (4) Formal bid process.

(b) *Small purchases.* Procurement of an item or article which does not exceed four hundred ninety-nine dollars and ninety-nine cents (\$499.99), not including sales tax, shall be exempt from the bid process. All purchases must be approved in advance with a purchasing card or purchase order. Where applicable, contract vendors shall be used unless substitution is approved in writing and in advance by the purchasing official. Further, the purchasing requirements shall not be artificially divided so as to constitute a small purchase. A reasonable effort shall be made to negotiate price agreements that will cover much of the small purchase volume.

(c) *Informal oral bid quotations.* Quotes from a minimum of two (2) sources shall be obtained. Maximum purchase under this system is to be two thousand dollars (\$2,000.00), including sales tax. Vendor quotes are to be noted on the requisition for retention. The purchasing requirement shall not be artificially divided so as to constitute a purchase to be made by this method.

(d) *Informal written bid quotations.* Solicitation for written bid quotes shall be obtained from three (3) sources, if available, from the vendor list. The maximum purchase under this system is to be nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99), including sales tax. The next time that quotes are solicited, selection is made from the list in the following manner:

- (1) Low bid on last quote;
- (2) Next two (2) vendors on list;
- (3) Repeat procedure until all vendors have been asked to quote;
- (4) Begin new rotation of vendors by using the last low bidder on quote.

(e) *Formal bid process.* All contracts for supplies, services and construction, except certain professional services which are exempt, shall use formal bid process. All bids covering a period of more than one (1) year must, if appropriate, include the cost or method to adjust the contract for the second and future years. All single purchase items or services in excess of ten thousand dollars (\$10,000.00) shall use formal bid process. Any special certifications required by a granting agency shall be included in the bid documents. Bids are to be maintained as retention of records is required by this article. The request for formal bids must be advertised at least once in a newspaper of general circulation in the county for not less than ten (10) working days prior to the date for receipt of bids.

(f) *Purchasing card program policies and procedures.*

- (1) *Cardholder eligibility.* In order to receive a purchasing card the following criteria must be met:
  - a. Applicant must be an employee of Aiken County;
  - b. Applicant's request for a purchasing card must be approved by the department head;

- c. Applicant must be assigned to a departmental liaison appointed by his/her department head;
- d. Employee must attend a training session before receiving his purchasing card;
- e. Each individual cardholder must sign a cardholder agreement (See paragraph (g) below) in the presence of the purchasing card administrator.

(2) *Cardholder liability.* The purchasing 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 purchasing card cardholder manual as well as Aiken County purchasing policies and procedures relating to the expenditure of county funds. Failure to comply with program guidelines may result in permanent revocation of the card, notification of the situation to management, and further disciplinary measures that may include termination.

(3) *Cardholder termination.* The purchasing card administrator is required to close an account if a cardholder:

- a. Transfers to a different department;
- b. Moves to a new job in which a purchasing card is not required;
- c. Terminates employment; or
- d. For any of the following reasons which will also subject cardholder to disciplinary action in accordance with county policy relating to disciplinary action and termination for cause:
  1. The purchasing card is used for personal or unauthorized purposes.
  2. The purchasing card is used to purchase alcoholic beverages or any substance, material, or service which violates policy, law or regulations of Aiken County.
  3. The cardholder allows the card to be used by another individual.
  4. The cardholder splits a purchase to circumvent the limitations of the purchasing card.
  5. The cardholder uses another cardholder's card to circumvent the purchase limit assigned to either cardholder or the limitations of the purchasing card.
  6. The cardholder fails to provide departmental liaison with required receipts.
  7. The cardholder fails to provide, when requested, information about any specific purpose.
  8. The cardholder does not adhere to all of the purchasing card policies and procedures.

(g) *Purchase card agreement.* Each cardholder must sign the agreement below:

#### Cardholder Agreement

Aiken County Government is authorizing you the use of an Aiken County purchasing card. It represents trust in you and empowerment as a responsible agent to safeguard and protect county assets.

I, (employee name) hereby acknowledge receipt of an Aiken County commercial card. The card account number is \_\_\_\_\_. As a cardholder, I agree to comply with the terms and conditions of this agreement and the commercial card procedures.

I acknowledge receipt of said agreement and confirm that I have read and understand the terms and conditions. I understand that Aiken County is liable to the bank and the card issuer (Visa/Mastercard) for all charges.

I agree to use this card for approved purchases only and agree not to charge personal items. I understand that Aiken County will audit the use of this card and report any discrepancies.

I further understand that improper use of this card may result in disciplinary action, up to and including termination of employment. Should I fail to use this card properly, I authorize Aiken County to deduct from my salary an amount equal to the total of the discrepancy. I also agree to allow Aiken County to collect any amounts owed by me even if Aiken County no longer employs me.

I understand that Aiken County may terminate any right to use this card at any time for any reason. I agree to return the card to Aiken County immediately upon request or upon termination of employment.

TABLE INSET:

Cardholder:	
Signature: _____	Date: _____
Print Name: _____	Phone: _____
Aiken County Approval:	
Signature: _____	Date: _____
Print Name: _____	Phone: _____

(Ord. No. 87-5-25, § 1(8), 5-5-87; Ord. No. 92-11-44, § 7, 11-17-92; Ord. No. 99-10-34, § 1, 10-19-99; Ord. No. 01-2-7, § 1, 2-6-01)

**Sec. 2-702.1. Late bids.**

Sealed bids which are not submitted by the deadline will be accepted but will remain unopened. Under extraordinary conditions late bids may be considered, provided that the circumstances are justifiable in the view of the purchasing office and that the concurrence of the procurement advisory committee is obtained. The vendor involved will be responsible for providing written justification of the circumstances for review, and evaluation.

(Ord. No. 88-5-17, § 1, 5-3-88)

**Editor's note:** Section 1 of Ord. No. 88-5-17, adopted May 3, 1988, amended Ord. No. 87-5-25 by adding provisions thereto, but did not specify manner of inclusion. The substantive provision of Ord. No. 88-5-17, § 1, were codified as § 2-702.1.

**Sec. 2-703. Local preference.**

(a) For the purpose of determining the low bidder, local vendors (those maintaining a place of business in Aiken County) shall be granted preference on the amount of their bid by adding to

the non-local bids a factor of the amount indicated below of such non-local bid for the purpose of evaluation. The local preference shall be waived if the purchase is paid from grant funds which do not allow for local preference. For tie bids with the local bidders' preference calculated, the local vendor will be given preference. In the instance of tie bids for local vendors, a lottery method of selection will be evoked in a public meeting. The amount of the local preference added shall be five (5) percent for bids under five thousand dollars (\$5,000.00), four (4) percent for bids between five thousand dollars (\$5,000.00) and ten thousand dollars (\$10,000.00) and three (3) percent for bids over ten thousand dollars (\$10,000.00), using the local vendor's bid as the figure for determining the percent to be added to the other vendors' bids. A maximum amount of two thousand dollars (\$2,000.00) will be added for non-local bidders.

TABLE INSET:

Bid Amount	Local Preference
up to \$5,000.00	5% of bid
\$5,001.00 to \$10,000.00	\$250.00 plus 4% of amount between \$5,001.00 and \$10,000.00
\$10,001.00 and up	\$450.00 plus 3% of the amount above \$10,000.00, with the maximum being \$2,000.00

(b) When requesting local preference, the vendor shall submit to the purchasing division sufficient evidence that such business has been operating in Aiken County for a period exceeding ninety (90) days before the request for bid proposal is made public. Such evidence may be in the form of a South Carolina business tax license or other such evidence as required by the purchasing division.

(Ord. No. 87-5-25, § 1(9), 5-5-87; Ord. No. 94-4-18, § 1, 4-5-94; Ord. No. 96-7-37, § 1, 7-16-96; Ord. No. 99-10-34, § 1, 10-19-99)

### **Sec. 2-704. Request for proposals.**

Request for proposals shall be handled in the same manner as the bid process as described above for solicitation and awarding of contracts for goods or services with the following exceptions:

- (1) Only the names of the vendors making offers shall be disclosed at the proposal opening.
- (2) Content of the proposals submitted by competing persons shall not be disclosed during the process of the negotiations.
- (3) Proposal shall be open for public inspection after the award is made.
- (4) Proprietary or confidential information, marked as such in each proposal, shall not be disclosed without the written consent of the offeror.
- (5) Discussions may be conducted with responsible persons submitting a proposal determined to have a reasonable chance of being selected for the award. These discussions will only be for the purpose of clarification to assure a full understanding of the solicitation requirement and responsiveness thereto.
- (6) Nonmonetary revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers.
- (7) In conducting discussions with the persons submitting the proposals, there shall be no disclosure of any information derived from the other persons submitting proposals.

(Ord. No. 87-5-25, § 1(10), 5-5-87)

### **Sec. 2-705. Sole source procurement.**

A contract may be awarded for a supply, service, or construction item without competition when the chief purchasing officer determines, in writing, with the consent of the county administrator, that there is only one source for the required supply service or construction item.

(Ord. No. 87-5-25, § 1(11), 5-5-87)

### **Sec. 2-706. Emergency procurements.**

The chief purchasing officer, with the concurrence of the county administrator, may make or authorize others to make emergency procurement when there exists a threat to public health, welfare, or safety under emergency conditions or where normal daily operations are affected; provided, that such emergency procurement shall be made with such competition as is practical under the circumstances. The reviewing of these procurement actions will be made at the same level of authority as required for a regular bid award of that amount.

(Ord. No. 87-5-25, § 1(12), 5-5-87)

**Cross references:** Contracting/purchasing authority, § 2-700.

### **Sec. 2-707. Authority to contract for special services.**

As used in this section, "special services" are those professional services, such as those provided by physicians, architects, ministers, engineers, accountants and attorneys, which are normally obtained on a fee basis. In the procuring of professional services those departments which normally utilize such services may contract on their behalf for such service in accordance with this article provided that the following requirements are met:

- (1) The departments must solicit the best possible contract with the person providing the professional service.
- (2) Negotiation with the person providing professional services shall include the department head and the purchasing officer.
- (3) The department shall obtain the approval of the county council.
- (4) On those special services in the county, where a department head's expertise and recommendations can be of special use, the department procuring such service shall seek the advice of such department head.
- (5) County council shall have the authority to continue a contract for professional services from year to year when it is in the best interest of the county.
- (6) Contract for the service of legal counsel may be awarded without the approval of county council.

(Ord. No. 87-5-25, § 1(13), 5-5-87)

### **Sec. 2-707.5. Uniform policy for selection of independent auditing.**

The following procedures are hereby adopted to govern the solicitation of independent auditing

services for the county:

- (1) A yearly renewable contract, on a three-year cycle, will be utilized for independent auditing services.
- (2) Each audit contract will contain a "funding out clause," as approved by the county attorney.
- (3) Before the end of each three-year cycle, the county administrator is authorized to advertise and solicit for independent auditing services, based upon criteria and an

audit work program recommended by the county staff and approved by county council.

- (4) As a part of its proposal, each auditing firm will be required to answer questions submitted to them in their bid package which are related to their ability to perform independent auditing services for the county.
- (5) Upon receipt of audit proposals, the county administrator will evaluate them and forward same, with a recommendation, to the appropriate county council standing committee and to county council.
- (6) Independent auditing firms completing a three-year cycle of service to the county will not be eligible for a second three-year contract period until after at least one interim year has elapsed.
- (7) Upon selection of the auditing firm, the county council chairman or the county administrator shall have the authority to request special audits of county funds when, in their opinion, there is a need for such an audit to protect the integrity of the county's finances or to safeguard public funds. Upon making a request for a special audit, the council chairman or the county administrator shall notify county council of that action at the earliest reasonable opportunity. The cost of special audits shall be charged to the county council's professional services account in the annual county budget.

(Ord. No. 87-7-47, § 1, 7-21-87)

**Editor's note:** The county has advised that the five-year cycle formerly prescribed in paragraphs (1), (3) and (6) of this section has been changed to a three-year cycle.

### **Sec. 2-708. Procedure for selecting short-term professional services for certain contractual amounts.**

This section establishes the procedures to be used in the selection of engineers, architects, or land surveyors to do work for Aiken County for amounts of five thousand dollars (\$5,000.00) or less for routine projects and twenty-five thousand dollars (\$25,000.00) or less for projects funded by the local option sales tax.

- (1) *Solicitation:* Solicitation of interest by professional engineering firms may be accomplished in any manner deemed to be appropriate by the county engineer and the purchasing agent, with the consent of the county administrator. The following method of solicitation may be employed:

Bi-annual solicitation: The purchasing division may, every two (2) years, solicit letters of interest, qualification, and references from engineers, architects and land surveyors. This solicitation may be performed by:

- a. Placing an advertisement in at least three (3) local newspapers.
- b. Mailing invitations to all engineers, architects, and land surveyors who previously expressed interest.

This solicitation may be as follows:

- a. Firms may be apprised that the county is updating its list of engineering contractors.
- b. This list will be used to select firms for minor projects and later to compile a list of engineering firms for bids on major projects.
- c. Parties who wish to work for the county will be instructed to submit qualifications and references to:  
;Aiken County

Purchasing Division  
828 Richland  
Aiken, SC 29801

This solicitation does not imply or guarantee that any work will be given to the firms that respond.

(2) *Selection:* After the responses to the solicitation have been received, the purchasing division shall send all information to the county engineer for evaluation. The county engineer shall establish a priority listing of all firms that are qualified to perform work for Aiken County. This list of firms shall be maintained in both the purchasing division and the county engineer's department. The listing may be divided into the following categories: Surveys, Engineering, and Architects. A firm may be included in more than one category.

(3) *Rotation:* The county engineer shall, when needed, select the firm from the top of the priority listing for the type of work needed. If the firm is able to perform the work in the time frame needed, it will be given the job and moved to the bottom of the list. If it is unable to the work that time, it shall remain at the top of the list, and this procedure shall move to the second firm. This will provide an equitable utilization of as many firms as possible. Consideration shall be given to untasked firms in future listings to provide a high priority ranking.

(4) *Changes and additions:* Addition of firms to the listings (at the bottom) shall be done only with the concurrence of the county engineer and purchasing agent. Changes in these procedures will require the concurrence of these two officials, as well as the approval of the county administrator.

(Ord. No. 87-5-25, § 1(14), 5-5-87; Ord. No. 01-2-8, § 1, 2-6-01)

### **Sec. 2-709. Exempted items not requiring competitive bidding.**

The following items shall not require competitive bidding even though they exceed the normal dollar amount, but all expenditures shall require purchase order issuance in advance.

- (1) Books and publications
- (2) Dues and memberships
- (3) Board and lodging
- (4) Utilities/water bills
- (5) Travel
- (6) Seminars, conference fees
- (7) Training

- (8) Postage
- (9) Advertising
- (10) Consulting fees
- (11) Surety bonds
- (12) Lease contracts
- (13) Rent on land, buildings and equipment
- (14) Works of art and artifacts for museum and public display
- (15) Casual field labor
- (16) Financial services
- (17) Lecturer fees
- (18) Legal services
- (19) Marketing research or survey
- (20) Medical and dental fees
- (21) Tuition payments
- (22) Maintenance fees and insurances premiums

Whenever possible, the department purchasing such items shall advertise in order to obtain the best possible price.

(Ord. No. 87-5-25, § I(15), 5-5-87; Ord. No. 88-5-14, § 1, 5-3-88; Ord. No. 92-11-44, § 8, 11-17-92)

#### **Sec. 2-710. Legal service and counsel.**

The county attorney, through the county administrator, shall serve as legal counsel and provide necessary legal services to the chief purchasing officer.

(Ord. No. 87-5-25, § I(16), 5-5-87)

#### **Sec. 2-711. Cancellation of invitation for bids or request for proposals.**

An invitation for bids or request for proposal or other solicitation may be canceled or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interest of the county. The reason therefor shall be made a part of the contract file.

(Ord. No. 87-5-25, § I(17), 5-5-87)

#### **Sec. 2-712. Multi-term contract.**

A contract for services or supplies may be entered into for a period up to five (5) years, provided that the term of the contract and the conditions for renewal or extension, if any, are included in the solicitation and funds are available for the balance of the then current fiscal year. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds. All multi-year contracts shall contain a clause which terminates the contract at the beginning of a fiscal year when funds are not appropriated by county council for continuation of the contract for that fiscal year.

(Ord. No. 87-5-25, § 1(18), 5-5-87)

### **Sec. 2-713. Right to inspect facilities.**

Official representatives of county government, including the procurement advisory board, will have the right to inspect facilities of a vendor at any reasonable time which is related to the performance of any contract award, bid on or to be awarded by the county.

(Ord. No. 87-5-25, § 1(19), 5-5-87)

### **Sec. 2-714. Right to audit records.**

Official representatives of the county, including the procurement advisory board, may, at reasonable times and upon reasonable written notice to vendor, inspect the official records of the person or firm pertaining to a contract, change order, or purchase order with Aiken County when such inspection is required by law or is authorized by the county administrator in writing as being in the public interest.

(Ord. No. 87-5-25, § 1(20), 5-5-87)

### **Sec. 2-715. Reporting anti-competitive practices.**

When for any reason, collusion or any other anti-competitive practice is suspected among any bidder or offerors, a notice of relevant facts shall be transmitted to the county attorney through the county administrator.

(Ord. No. 87-5-25, § 1(21), 5-5-87)

### **Sec. 2-716. Retention of procurement records.**

Unless otherwise authorized by law, the procurement records shall be retained for a period of not less than five (5) years. If a contract is being funded in whole or in part by assistance from a federal agency, then all procurement records pertaining to that contract shall be maintained for five (5) years from the close-out date of the assistance agreement or final disposition of any controversy arising out of the assistance agreement.

(Ord. No. 87-5-25, § 1(22), 5-5-87)

### **Sec. 2-717. Construction contract bid security.**

Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated to exceed twenty-five thousand dollars (\$25,000.00). Security shall be a bond provided by a surety company authorized to do business in this state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the county. Nothing herein prevents the requirement of such bond on construction contracts under twenty-five thousand dollars (\$25,000.00) when the circumstances warrant. Bid security shall be an amount equal to at least five (5) percent of the amount of the bid.

(Ord. No. 87-5-25, § 1(23), 5-5-87; Ord. No. 92-11-44, § 9, 11-17-92)

**Sec. 2-718. Contract performance and payment bonds.**

(a) When a construction contract is awarded in excess of fifty thousand dollars (\$50,000.00) the following bonds or security shall be delivered to the county and shall become binding on the parties upon the execution of the contract:

(1) Performance bond in the amount of one hundred (100) percent of the price specified in the contract.

(2) Payment bond in the amount of one hundred (100) percent of the price specified in the contract.

(b) Either bond may be reduced to fifty (50) percent when determined in writing that a reduction is necessary or warranted. Bonds may be required on lesser amounts if circumstances warrant the same.

(c) The county administrator may waive the bond requirement upon written notification to the county council when based upon his determination that such bond is unnecessary.

(Ord. No. 87-5-25, § 1(24), 5-5-87; Ord. No. 92-11-44, § 10, 11-17-92)

**Sec. 2-719. Supply management.**

(a) Generally, this section shall relate to nonexpendable supplies which have an acquisition cost of five hundred dollars (\$500.00) or more and a useful life of more than one year.

(b) All such items purchased with public funds shall be tagged and inventoried on county records as a fixed asset. Internal procedures shall be developed for this process by the chief purchasing officer.

(c) Excess supplies shall be released by the assigned department or agency to the chief purchasing official for reassignment to another using department or agency. A standing list of departmental needs shall be maintained by the chief purchasing officer. Assignment of excess property shall be made by the chief purchasing officer with the concurrence of the county administrator.

(d) Surplus and obsolete property shall be reported to the chief procurement officer from the various departments and agencies and shall be made available for other departments and agencies. The chief procurement officer shall present properties not transferred to another department or agency to the county administrator along with a recommendation for their disposition, either by public sale or sealed bid or other appropriate method designated. The property so recommended may be declared surplus by resolution supported by the majority of county council at a public meeting. The chief procurement officer shall dispose of such properties as designated by county council resolution.

Surplus computer equipment and accessories which are unlikely to sell at auction or by sealed bid may be disposed of by the county administrator at public landfills without approval by resolution of county council.

(Ord. No. 87-5-25, § 1(25), 5-5-87; Ord. No. 92-11-44, § 11, 11-17-92; Ord. No. 03-09-19, § 1, 9-16-03)

**Sec. 2-720. Allocation of proceeds from sale or disposal of surplus supplies.**

The chief purchasing officer shall deposit proceeds from the sale, lease or disposal of surplus supplies in the county general fund except when designated otherwise by the county administrator.

(Ord. No. 87-5-25, § 1(26), 5-5-87)

### **Sec. 2-721. Right to protest--Authorized.**

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the chief purchasing officer. The protest shall be submitted in writing within fourteen (14) days after such aggrieved person knows or should have known of the facts giving right thereto.

(Ord. No. 87-5-25, § 1(27), 5-5-87)

### **Sec. 2-722. Same--Decision.**

(a) If the protest is not resolved by mutual agreement, the chief purchasing officer shall issue a decision in writing within ten (10) days after the last meeting attempting to reach an agreement. The chief purchasing officer shall notify the protester of its right to review by the county administrator.

(b) The final internal step in an attempt to resolve any disagreement is the county council.

(Ord. No. 87-5-25, § 1(28), 5-5-87; Ord. No. 03-08-17, § 2, 8-19-03)

### **Sec. 2-723. County policy pertaining to the execution of change orders on county construction projects.**

(a) The county administrator, with the approval of the county engineer or project architect, as applicable to a particular construction project, is hereby authorized to execute change orders on county construction projects in an aggregate amount not exceeding ten (10) percent of the contract amount. This authority applies only to projects where construction of the project has been previously approved by the county council, and where funds are available in project contingency, reserve or other accounts as required to implement the change order involved.

(b) Any change order requiring additional project funding, which would have to be provided from the general fund of the county to a capital construction account, shall require the advance approval of the county council.

(c) No change order shall be artificially divided into two (2) or more change orders.

(d) Change orders approved by the county administrator under the authority granted in subsection (a) above shall be circulated to the county council for information.

(Ord. No. 87-2-8, §§ 1--3, 2-17-87; Ord. No. 90-8-43, § 2, 8-21-90)

**Editor's note:** These provisions were formerly included as § 5-4 by the editor. The county instructed its location in this article. The editor has renumbered the provisions as § 2-723. See also § 5-5.

Secs. 2-724--2-735. Reserved.

## **DIVISION 2. INTERGOVERNMENTAL RELATIONS FOR PROCUREMENT COOPERATIVE PURCHASING**

**Sec. 2-736. Authorized.**

The chief purchasing officer may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for procurement of supplies, services or construction with one or more public procurement units in accordance with an agreement entered into between the participants. Such cooperative purchasing may include but is not limited to joint multiparty contracts between public procurement units.

(Ord. No. 87-5-25, § II(1), 5-5-87)

**Sec. 2-737. Sale, acquisition or use of supplies.**

The chief purchasing officer may sell to, acquire from, or use any supplies belonging to another public procurement unit independent of bid process or sales process of this article.

(Ord. No. 87-5-25, § II(2), 5-5-87)

**Sec. 2-738. Cooperative use of supplies and services.**

The chief purchasing officer may enter into an agreement, independent of the requirement of the bid process and sale process of this article, with any public procurement unit for the cooperative use of supplies or services under the term agreed upon between the parties.

(Ord. No. 87-5-25, § II(3), 5-5-87)

**Sec. 2-739. Joint use of facilities.**

The chief purchasing officer may enter into agreements for the common use or lease of warehousing facilities, capital equipment and other facilities with another public procurement unit under the terms agreed upon between the parties.

(Ord. No. 87-5-25, § II(4), 5-5-87)

**Sec. 2-740. Use of state contracts.**

The chief purchasing officer may, independent of the requirements of bid process of this article, procure supplies, services or construction items through the contract established by the purchasing division of the State of South Carolina as provided for in South Carolina Code section 11-35-10 et seq. (State Consolidated Procurement Code).

(Ord. No. 87-5-25, § II(5), 5-5-87)

**Sec. 2-741. Assistance to small and disadvantaged businesses.**

The chief purchasing officer shall take positive steps for the recruitment of, conduct educational and procedural seminars and workshops for, and take action which would encourage small, disadvantaged, and minority businesses to do business in Aiken County. It shall be the goal of these steps to fully implement the goals of the affirmative action program of the county.

(Ord. No. 87-5-25, § II(6), 5-5-87)

**Sec. 2-742. Rebidding or cancellation of existing contract.**

In the event a vendor is unwilling or unable to perform a contract or the vendor gives written notice of cancellation of an existing contract, the chief purchasing officer may immediately pursue a replacement of said contract either by formal or informal bid procedure as is appropriate, with the approval of the county administrator or his designee. The chief purchasing officer may accept a next lowest bidder. The option selected shall be the most advantageous to the county.

(Ord. No. 87-5-25, § II(7), 5-5-87)

Secs. 2-743--2-800. Reserved.