

## **An Ordinance amending Part 1, Chapter 4, Article A, Section 1-4004, Paragraph (9) of the City Code of Ordinances.**

**WHEREAS**, City Council desires to amend the purchasing (procurement) procedures in which the City of Beaufort selects firms to purchase materials, supplies, equipment, or services:

**WHEREAS**, the City Manager may prepare and issue specifications for supplies, services and construction required by the City. The City Manager may delegate to a department the authority to prepare its own specifications.

**WHEREAS**, all specifications shall be drafted to promote overall economy for the purpose intended and encourage maximum free and open competition in satisfying the city needs and shall not be unduly restrictive.

**WHEREAS**, the City Manager may delegate procurement authority to designees.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of Beaufort, South Carolina, duly assembled by authority of the same, that Part 1, Chapter 4, Article A, Section 1-4004, Paragraph (9) shall be amended as follows:

- (9) Purchase all materials, supplies, equipment, or services for which funds are provided in the budget, in accordance with the following procedures:
  - a. Whenever it is deemed necessary or desirable that supplies, materials, equipment, or contractual and professional services, be purchased or secured, requisitions shall be submitted to the person designated by the city manager. Upon receipt of such requisition, he/she shall proceed with the procurement as follows:
    - 1. If the estimated cost of a procurement exceeds one hundred thousand dollars (\$100,000.00), a minimum of three (3) sealed bids and a public bid opening is required for the award of purchase. If the bids are not available, a statement of explanation will be on file.
    - 2. If the estimated cost of a procurement is less than one hundred thousand dollars (\$100,000.00) but more than fifty thousand dollars (\$50,000.00) a minimum of three (3) written bids are required for procurement or a statement as to why they are not available.. (Public bid opening is not required.)
    - 3. If the estimated cost of a procurement is less than fifty thousand dollars (\$50,000.00) but more than fifteen thousand dollars (\$15,000.00) purchase information may be gathered by telephone or email. A minimum of two (2) quotes must be obtained.
    - 4. The City Manager may, independent of this Code, authorize the procurement of supplies, services, or construction items through the contracts established by the purchasing division of the state as provided in chapter 35 of title 11 (State Consolidated Procurement Code), South Carolina Code of Laws, 1976, or through any state, regional, county, or other governmental public procurement unit.
  - b. Whenever the estimated cost of procurement is one hundred thousand dollars (\$100,000.00) or more, we shall prepare specifications for the article or services required and shall advertise the requirements of the city inviting the tender of bids in writing for the furnishing of those requirements, such bids to be publicly opened at a time and place specified in the published notice. The bids shall be opened and read publicly.. An investigation of the responsibility of the bidders shall be made if the city manager deems it necessary.
  - c. Contracted and Professional services shall be procured as follows when the estimated cost exceeds one hundred thousand dollars.

1. Advertise publicly the request for qualifications or request for proposals for an adequate number of days to announce all requirements for professional services.
  2. Establish the minimum criteria and performance data by which each responding firm will be evaluated.
  3. Conduct interviews or discussions with no less than three (3) firms regarding the agreement and select from among them the firm deemed most qualified to provide the required services. Firms should be scored and then ranked in order of preference.
  4. Determine that adequate time was allowed for response and that a good faith effort was put forth to solicit responses should less than three (3) firms respond to the advertisement.
  5. Negotiate an agreement with the highest qualified firm at a compensation on which is fair and reasonable, considering the established value, scope, complexity, and professional nature of the services to be rendered.
- d. Sole source procurement: A City contract may be awarded without competition when the City Manager or designee, determines in writing, after conducting a good faith review of available Sources, that there is only one source for the required supply, service, or construction item or an Item has a unique characteristic, extreme durability, or other quality not found with competitors.
- e. No contract for the purchase of articles or services over one hundred thousand dollars (\$100,000) shall be made unless council has authorized and directed the city manager to do so by budget or otherwise.
- f. Execution of contracts. Unless otherwise specifically stated by a resolution or ordinance of council, all contracts made by and on behalf of the city shall be executed by the signature of the city manager.
- g. Exceptions. In the event of disaster or other emergency, if purchases of supplies, materials, equipment or contractual services must be made immediately without an opportunity for the procedures herein or council approval, the mayor and/or the city manager is authorized to make necessary purchases to protect the public health, safety and welfare without complying with the procedures outlined in this chapter. In the event of any emergency purchases, the city manager shall report the details of the purchases to council at the earliest possible regular meeting.
- h. For continuing or repeating projects (such as studies required annually) a multi-year contract may be awarded to a firm where detailed knowledge of city procedures or databases is important to the ability to perform the project and would add significantly to the costs if it had to be relearned by a new firm. The multi-year contract cannot exceed five (5) years without rebidding. City council must approve all multi-year contracts.

This Ordinance shall become effective immediately upon adoption.

  
Stephen D. Murray III, Mayor

Attest

  
Traci Guldner, City Clerk

First Reading 2-22-22

Second Reading and adoption 3-8-22