

STATE OF SOUTH CAROLINA

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CITY OF YORK

COUNTY OF YORK

ORDINANCE 26-770

AMENDING THE PROCUREMENT CODE THRESHOLDS FOR ARTICLE V. PURCHASING SEC. 2-356 TO 359 AND 361.

WHEREAS, York City Council finds that an amendment to the procurement ordinance necessary due to continual cost increases; and

WHEREAS, York City Council finds that such revised ordinances will ultimately streamline and make the overall timeliness of doing business beneficial to the organization and community and make the application process more understandable for all involved;

NOW, THEREFORE, BE IT ORDAINED in Council assembled on the dates hereafter set forth that York City Council does herewith amend the procurement ordinance as follows:

For purchases less than \$1,000, department heads have discretionary spending. Any purchase by a department head or designee of the department over \$1,000 requires the submittal of a requisition to the Finance Director that will either approve or deny. All purchases over ~~\$1,500~~ **\$5,000** follow the rules and procedures outlined in the City's Purchasing Ordinance.

Compliance with Applicable City Procurement – Article V. – Purchasing

DIVISION 1. - GENERALLY

- **Sec. 2-356. - Single purchase orders not exceeding ~~\$1,500.00~~ \$5,000**

Single purchase orders not exceeding ~~\$1,500.00~~ **\$5,000** may be awarded by the city manager, or some other person designated by the city manager without bids.

Editor's note— At the direction of the city, the above section has been amended to read as set out herein. The former section pertained to similar subject matter.

- **Sec. 2-357. - Single purchase orders exceeding ~~\$1,501.00~~ \$5,001 but less than ~~\$5,500.00~~ \$25,000**

Single purchase orders exceeding ~~\$1,501.00~~ **\$5,001**, but less than ~~\$5,500.00~~ **\$25,000**, may be awarded by the city manager, the municipal clerk, or some other person designated by the city manager, to the vendor or supplier of such goods or services whose quotation is most advantageous to the city after the city has received telephone, oral or written quotations from at least two vendors or suppliers of such goods or services, when practicable and feasible.

- **Sec. 2-358. - Single purchase orders exceeding ~~\$5,501.00~~ \$25,001 but less than ~~\$25,000.00~~ \$100,000**

Single purchase orders exceeding ~~\$15,001~~ \$25,001, but less than ~~\$25,000.00~~ \$100,000 may be awarded by the city manager, the municipal clerk, or some other person designated by the city manager, after telephone, oral or written quotations have been received from at least three vendors or suppliers of such goods and services, when practicable and feasible, and the purchase order has been approved by the city manager or municipal clerk.

- **Sec. 2-359. - Single purchase orders exceeding ~~\$25,001~~ \$100,001**

Single purchase orders which exceed the sum of ~~\$25,001.00~~ \$100,000 shall be publicly advertised for bids at least once in a newspaper having a general circulation in the city, at least seven days prior to the date set for formal opening of written bids. Bids in writing, based on written specifications, shall be received by the ~~municipal-clerk~~ designated city official until the advertised deadline. Upon receipt, the ~~municipal-clerk~~ designated city official will maintain a record of the date received and forward bid packages to the treasurer.

Bids will be secured in a lock box within the vault until the stated time of the bid opening. Bids shall be publicly opened at the date and hour specified in the advertisement soliciting bids by at least two members of the city's management staff, to be defined as follows: city manager, treasurer, public works director, fire chief, police chief, parks and recreation director, and planning director, or other member of the City's leadership team. At the bid opening, a form will be completed which includes the following information: item/project being bid, date and time of bid opening, contractors or firm bidding, amount of each bid and alternate bids where applicable. The city council shall award the contract for the furnishing of such goods and services to the vendor or supplier of such goods and services submitting the bid most advantageous to the city. The council shall receive a copy of the bid form and the bid package price pages prior to the council meeting at which the bid is to be awarded. Nothing contained in this article shall be construed to require the city manager, the treasurer or city council to accept the apparent low bid when it shall appear that the acceptance of some other bid shall be most advantageous to and in the best interests of the city government. If the bid selected as most advantageous to the city is not the apparent low bid, the city manager shall prepare a full and complete statement of the reasons for accepting the bid of, or awarding the contract to, the vendor or supplier of goods and services other than the apparent low bidder.

- **Sec. 2-360. - Procurement through division of general services.**

When it shall appear advantageous to the city government to procure materials, goods, supplies or equipment through the purchasing contracts of the division of general services of the state or any other form of municipal, county or federal government, such materials, goods, supplies or equipment may, with prior approval of the city council, be acquired through the division of general services of the state, or any other form of municipal, county or federal government; and in such event, the requirements of this article for obtaining quotations or bids may be waived.

- **Sec. 2-361. - Waiver of article provisions.**

The policies, procedures and guidelines established by this article may be waived under the following conditions:

- (1) When there exists no possibility of a competitive bid, as in the case of only one source of supply.
- (2) When it is to the advantage of the city to acquire goods and services on the basis of a previously awarded bid.
- (3) In the case of emergency purchases.
- (4) Sole Source

Any request by an agency or department head that procurement be restricted to one potential source shall be accompanied by a letter from the using department signed by the department head stating why no other source will be suitable or acceptable to meet the needs. A contract may be aware for a property, supply, service, or construction item without competition when the City Manager or designee determines in writing that there is only one source for the required property, supply, service, or construction item or that the proposed award to a single source is a permitted, non-competitive procurement as established herein, After verification of a sole source vendor or the justification of a sole source purchase is warranted, the City Manager, or designee, has the authority to negotiate the price, terms, and conditions of the procurement.

Examples of permissible, non-competitive procurement include, but are not limited to:

- When the City Manager and the Department Head has deemed the compatibility of equipment, accessories, services, systems, software or replacement of parts is to be of paramount importance.
- When public utility services are to be procured
- **Sec. 2-362. - Dividing contracts or purchases.**

Dividing contracts or purchases in order to evade any of the provisions of this article is prohibited.

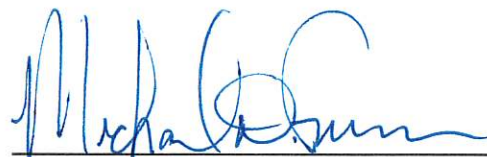
- **Sec. 2-363. - Capital projects.**

Two accepted methods of procuring capital projects are the following:

(1) *Construction management.* Management services provided to an owner of a project during the design phase, construction phase, or both, by a person or entity possessing requisite training and experience. Such management services may include advice on the time and cost consequences of design and construction decisions, scheduling, cost control, coordination of contract negotiations and awards, timely purchasing of critical materials and long-lead items, and coordination of construction activities.

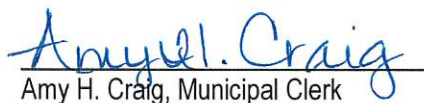
(2) *Design build.* A method of project delivery in which the owner contracts directly with a single entity which is responsible for both design and construction services for a construction project.

- **Secs. 2-364—2-385. - Reserved.**



Michael D. Fuessler, Mayor

ATTEST:



Amy H. Craig, Municipal Clerk

First Reading:

February 3, 2020

Second Reading:

March 3, 2020