

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY PROCUREMENT ORDINANCE, AS
AMENDED, DIVISION 3 – SOURCE SELECTION AND CONTRACT
FORMATION; AND DIVISION 5 – CONSTRUCTION, ARCHITECT-ENGINEER
AND LAND SURVEYING SERVICES.**

WHEREAS, Charleston County Council (“County Council”) has adopted and previously amended from time to time the Charleston County Procurement Ordinance that is identified as Article VI, Procurement Ordinance, pursuant to authority provided by the laws of the State of South Carolina; and

WHEREAS, County Council wishes to amend Division 3 – Source Selection and Contract Formation, Section 2-181, adding Indefinite Delivery Contracts to the list of definitions; and

WHEREAS, County Council wishes to amend Division 3 – Source Selection and Contract Formation, Section 2-182(g), adding Section 2-230 Indefinite Delivery Contracts to the methods of selection; and

WHEREAS, County Council wishes to amend Division 3 – Source Selection and Contract Formation, Section 2-183, to add language to further clarify the source selection method and include Section 2-230, Indefinite Delivery Contracts; and

WHEREAS, County Council wishes to amend Division – 5 Construction, Architect-Engineer and Land Surveying Services, Section 2-230, Indefinite Delivery Contracts, to provide for the procurement of construction or professional services when the exact time or quantity of delivery is unknown at the time of awarding contract as otherwise required by Section 2-230;

NOW, THEREFORE, BE IT ORDAINED by County Council of Charleston County, South Carolina, in meeting duly assembled, finds as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. AMENDMENTS TO PROCUREMENT ORDINANCE

The Charleston County Procurement Ordinance that is identified as Article VI, Procurement Ordinance, adopted December 20, 1983, and as subsequently amended, is further amended to include the text amendments of Division 3 –Source Selection and Contract Formation, Section 2-181, Section 2-182, and Section 2-183; and Division 5 - Construction, Architect-Engineer and Land Surveying Services, Section 2-230, which are attached hereto as Exhibit “A” and made a part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 5th day of June, 2018.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
A. Victor Rawl
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to Charleston County Council

First Reading: April 24, 2018
Second Reading: May 8, 2018
Third Reading: June 5, 2018

EXHIBIT "A"

**TEXT AMENDMENTS OF THE
PROCUREMENT ORDINANCE,
AS AMENDED.**

Amend Section 2-181. Definitions to add Indefinite Delivery Contracts to the definitions

Indefinite Delivery Contracts (IDCs) shall mean a contract that does not procure or specify a defined quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of delivery orders for the performance of tasks during the period of the contract.

Amend Section 2-182 to read:

SECTION 2-182. METHODS OF SOURCE SELECTION

Unless otherwise required by Law, all County contracts shall be awarded by competitive sealed bidding pursuant to Section 2-184 (competitive sealed bidding), except as provided in:

- (a) Section 2-185, Competitive Sealed Proposals
- (b) Section 2-186, Small Purchases
- (c) Section 2-187, Sole Source Procurement/Non-Competitive Procurement
- (d) Section 2-188, Emergency Procurement
- (e) Section 2-222, Selection of Method of Construction Contract Management
- (f) Section 2-229, Architect-Engineer and Land Surveying Services
- (g) Section 2-230, Indefinite Delivery Contracts

Amend Section 2-183 to read as:

SECTION 2-183. SOURCE SELECTION AND CONTRACT APPROVAL BY COUNTY COUNCIL

County Council shall retain the authority to establish or approve a method of source selection other than those specified in Sections 2-184 through 2-188, 2-222, 2-229, and 2-230. County Council shall further retain the authority to give final approval to any procurement authorized under this Article.

Amend Section 2-230-2-249 Reserved to add Section 2-230 Indefinite Delivery Contracts

Amend Section 2-230-2-249 to read as:

SECTION 2-230. INDEFINITE DELIVERY CONTRACTS

(a) Conditions for Use. Any agency or department head may request in writing that the Contracts and Procurement Director utilize an Indefinite Delivery Contract to procure construction or professional services when the exact time and/or the exact quantity of future deliverables are unknown at the time of contract award.

(b) Indefinite Delivery Contracts (IDC). If the Contracts and Procurement Director determines that the use of an IDC is appropriate, the IDC shall be solicited using one of the methods prescribed in Section 2-184, 2-185, 2-222, or 2-229. At any given time, the County may enter into one or more IDC's in accordance with the provisions contained in the procurement regulations, for IDC's for each of the following categories: architectural services, professional engineering services, land surveying services, and each licensing classification and sub-classification for construction services.

(c) Awards. IDC's may be awarded on an as needed basis for up to a two-year term. Where applicable, vendors that are awarded contracts under the IDC method may be awarded delivery orders on a rotational basis to ensure funds are allocated fairly and equitably amongst all companies.

(1) Construction Services. Contracts shall be made to one or more responsive and responsible contractors that meet the requirements and criteria set

forth in the solicitation. When construction services contracts are awarded, each IDC must be limited to a total expenditure of seven hundred fifty thousand dollars (\$750,000) for a two-year period. No delivery order, including the value of all amendments, may exceed two hundred and fifty thousand (\$250,000) dollars.

(2) Architectural-Engineering and Land-Surveying Services. When architectural, engineering, and land surveying services contracts are awarded, each IDC must be limited to a total expenditure of four hundred thousand dollars (\$400,000) for a five-year period. The County may secure architectural, engineering, or land surveying services, which are estimated not to exceed two hundred thousand (\$200,000) dollars by direct negotiation and selection, taking into account:

- a. The nature of the project;
- b. The proximity of the architectural, engineering, or land surveying services to the project;
- c. The capability of the architect, engineer, or land surveyor to produce the required service within a reasonable time;
- d. Past performance; and
- e. Ability to meet project budget requirements.

SECTION 2-231-2-249 RESERVED