

Sec. 2-201. Application.

This division applies to contracts for procurement of supplies, services, and construction entered into by the Town of Surfside Beach after the effective date of this division. It shall apply to every public fund expenditure governed by the mayor and town council irrespective of its source. Nothing in this division shall prevent any town department from complying with terms and conditions of any grant, gift or bequest, which are otherwise consistent with law.
(Ord. No. 00-0450, Art. I, 10-24-00)

Sec. 2-202. Public access to procurement information.

Procurement information shall be public record to the extent required by The Freedom of Information Act, S.C. Code 1976, § 30-4-10 et seq., with the exception that commercial or financial information, which is privileged and confidential, obtained in response to a "request for proposal" shall not be disclosed.
(Ord. No. 00-0450, Art. II, 10-24-00; Ord. No. 05-0573, 9-27-05)

Sec. 2-203. Compliance with federal requirements.

Mandatory applicable federal laws and/or requirements shall be applied when procurement involves expenditure of federal assistance or contract funds even though such federal laws and/or requirements are not reflected in this division.
(Ord. No. 00-0450, Art. III, 10-24-00)

Sec. 2-204. Standards of conduct.

In all actions involving procurement of supplies, services, or construction for the Town of Surfside Beach, the provisions of S.C. Code 1976, § 8-13-100 et seq., and subsequent amendments thereto, shall govern.
(Ord. No. 00-0450, Art. IV, 10-24-00; Ord. No. 05-0573, 9-27-05)

Sec. 2-205. Cooperative purchasing.

The Town of Surfside Beach may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for procurement of supplies, services, or construction with one (1) or more public agencies in accordance with an agreement entered into between the participant, independent of the requirements of this division, subject to the ratification by the mayor and town council of the Town of Surfside Beach.

The administrator may sell to, acquire from, or use any supplies belonging to another public agency independent of the requirements of this division upon authorization of the mayor and town council.

The administrator may enter into an agreement, independent of the requirements of this division, with any public agency for the cooperative use of supplies or services under the terms agreed up between the parties upon ratification of the agreement by the mayor and town council.
(Ord. No. 00-0450, Art. V, 10-24-00)

Sec. 2-206. Use of state contracts.

The administrator may, independent of the requirements of this division, procure supplies, services, or construction items through the contracts established by the Purchasing Division of the State of South Carolina as provided in South Carolina Consolidated Procurement Code, S.C. Code 1976, § 11-35-10 et seq., and subsequent amendments, upon approval by the mayor and town council of items in excess of the limit prescribed for formal bidding as established by this division.

(Ord. No. 00-0450, Art. VI, 10-24-00; Ord. No. 05-0573, 9-27-05)

Sec. 2-207. Administering position.

In accordance with Ordinance No. 82-0160, the town administrator is assigned the authority and responsibility of administering policies governing purchasing and procurement.

(Ord. No. 00-0450, Art. VII, 10-24-00)

Sec. 2-208. Bidding and quotation requirements and approval authority.

(a) An item or group of items involving a single vendor and in excess of five thousand dollars (\$5,000.00) requires the execution of formal bidding procedures as set forth in section 2-209 herein below.

(b) An item or group of items involving a single vendor and in excess of one thousand dollars (\$1,000.00) but less than five thousand dollars (\$5,000.00) requires execution of informal bidding procedures as set forth in section 2-209 hereinbelow.

(c) An item or group of items involving a single vendor and in an amount of less than one thousand dollars (\$1,000.00) shall be approved by the department head without obtaining more than one (1) quotation as long as expenditure meets approved budget guidelines.

(d) The administrator together with the finance director shall approve all purchases whether or not the expenditure is budgeted for which it has been determined the expenditure is in the best interest of the town and funds are available without exceeding the approved budget, subject to bid and quotation requirements set forth in this section and section 2-209 herein below.

(e) The administrator shall inform town council in writing of any purchases, contracts or agreements or modifications thereto within fifteen (15) days of any purchases, contracts or agreements or modifications thereto when the any purchases, contracts or agreements or modifications thereto exceeds five thousand dollars (\$5,000.00).

(Ord. No. 00-0450, Art. VIII, 10-24-00)

Sec. 2-209. Bidding procedures.

(a) *Formal bids.*

(1) *Class 1--Nonbudgeted expenditures \$5,000 and over.* Nonbudgeted expenditures five thousand dollars (\$5,000.00) and over shall require preparation of detailed specifications; bid package; advertisement in the legal section of a newspaper with general circulation in Surfside Beach at least once and not less than ten (10) nor more than thirty (30) days prior to the final submission date and time established for receiving bids. The administrator shall conduct a public bid opening in the presence of the appropriate department head. Bid tabulation, minutes of the opening, and bid specification compliance reviews shall be completed. The administrator shall

submit bids, advertisement, minutes, bid tabulation, and administrator's recommendation to the mayor and town council for review and award. Bids received after the established deadline shall not be considered.

(2) *Class II--Budgeted expenditures \$5,000 and over.* Budgeted expenditures five thousand dollars (\$5,000.00) and over shall require preparation of detailed specifications; bid package; advertisement in the legal section of a newspaper with general circulation in Surfside Beach at least once and not less than ten (10) nor more than thirty (30) days prior to the final submission date and time established for receiving bids. The administrator shall conduct a public bid opening in the presence of the appropriate department head. Bid tabulation, minutes of the opening, and bid specification compliance reviews shall be completed. The administrator in his sole discretion shall award bids based on lowest and/or best bid for any budgeted item regardless of cost. Bids received after the established deadline shall not be considered.

(b) *Informal bids--Expenditures over \$1,000 and less than \$5,000.* Expenditures over one thousand dollars (\$1,000.00) and less than five thousand dollars (\$5,000.00) shall require the administrator to receive three (3) oral or written quotations from separate vendors. The department head must document oral quotations. The administrator may award the bid after compliance review.

(Ord. No. 00-0450, Art. IX, 10-24-00)

Sec. 2-210. Bidding exceptions.

The administrator may waive procurement requirements under the condition that prior to the next council meeting the administrator has informed council in writing of the terms of such waiver.

(a) Sole source. When there exists only one (1) known source (sole source) of supply.

(b) Previous contract. When it is to the advantage of the Town of Surfside Beach to acquire goods and/or services on the basis of a previously awarded bid or contract and the administrator has informed council in writing of the terms of such waiver.

(c) Emergency situations. In the case of emergency purchases when the interruption of a project due to need of an item or service will directly affect the efficient and orderly completion of the project, when the use of normal purchasing procedures will cause an excessive delay in obtaining the needed part of service, and when the use of normal purchasing procedures will jeopardize the health or safety of Surfside Beach residents. The administrator shall review and authorize the use of emergency purchases and award the contract.

(d) Open-ended contracts. When an item or group of items has been previously purchased through formal procedures as set forth in Section 2-209 and an "open-ended contract" exists from those procedures.

(e) State contracts. Items purchased through state contract as indicated in section 2-206 of this division.

(f) Professional services. Administrator shall, subject to section 2-209 set forth hereinabove, contract for professional services as directed by town council for physicians, attorneys, engineers, certified public accountants, information technology consultants and other professionals as appropriate to conduct the town's business. The administrator may select eligible

candidates and after interviews award the contract to the best responsive and responsible professional, or if the contract amount exceeds the administrator's authority set forth in section 2-209 hereinabove or at the administrator's discretion he shall present the professionals to town council for selection. Special considerations shall include desired expertise, experience, and quality of performance needed to perform the required services.
(Ord. No. 00-0450, Art. X, 10-24-00)

General Provisions.

1. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.
2. Effect of section headings: The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this article.
3. Repeal and Effective Date: All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT SO ORDERED AND ORDAINED by the Mayor and Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 8th day of December, 2009.

K. Allen Deaton, Mayor

Vicki Blair, Town Council

Joseph P. Martin, Town Council

Robert F. Childs III, Town Council

Douglas F. Samples, Town Council

James S. Truett, Mayor Pro Tem

Mark Johnson, Town Council

Attest:

Sharon Pinnell, Town Clerk