STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

ORDINANCE NO. 19-11

An Ordinance To Amend Darlington County Code Of Ordinances, Chapter 2 (Administration), Article V. (Finance) And Chapter 46 (Purchasing), To Update And Clarify County Budgeting And Purchasing Regulations And Establish The Effective Date Of This Ordinance

PURPOSE
The purpose of this ordinance is to update and clarify county budgeting and purchasing regulations.

NOW, THEREFORE, BE IT ORDAINED by the governing body of Darlington County, South Carolina, the Darlington County Council, that:

SECTION 1.
Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 2. (Budget Preparation), Section 2-292. (County Assets), which currently reads:

Sec. 2-292. - County assets.

There shall be no reduction of county assets without the approval of the county council, except as may be required by state law.

Be amended to read as follows:

Sec. 2-292. - County assets.

There shall be no reduction of county assets without the approval of the county council, except as may be required by state law or otherwise authorized in Chapter 46, Section 55 of Darlington County Code of Ordinances.

SECTION 2.
Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 2. (Budget Preparation), Section 2-294. (Unencumbered balances), which currently reads:

Sec. 2-294 – Unencumbered balances.
Upon expiration of each fiscal year, all unencumbered balances remaining in any fund appropriated by ordinance shall revert to the county general equipment replacement and capital expenditure fund except any balance in the county library equipment replacement and capital expenditure fund, the county airport capital fund, the sheriff's department drug fund and the EPA/CPL-FNF fund.

**Be amended to read as follows:**

Sec. 2-294 - Unencumbered balances.

Upon expiration of each fiscal year, all unencumbered balances remaining in any fund appropriated by ordinance shall revert to the respective Fund's unreserved/undesignated fund balance or net position except the sheriff's department drug fund and the EPA/FNF fund.

**SECTION 3.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 2. (Budget Preparation), Section 2-295. (Salary requirements for authorized positions), which currently reads:

Sec. 2-295. - Salary requirements for authorized positions.

All salary requirements for new or replacement positions shall be governed by the county classification and pay plan and policy, and the budget expenditures commentaries for each department which list the positions authorized for the fiscal year. Positions in addition to those contained therein may only be created and approved by action of the council.

**Be amended to read as follows:**

Sec. 2-295. - Salary requirements for authorized positions.

All salary requirements for new or replacement positions shall be governed by the county classification, pay plan, and policy, and the budget expenditures for each department authorized for the fiscal year. Positions in addition to those contained therein may only be created and approved by county council.

**SECTION 4.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 3. (Transfers and Internal Controls), Section 2-312. (Line item transfers), which currently reads:

Sec. 2-312. - Line item transfers.

If at any time during the fiscal year it shall appear that any funds appropriated are in excess of the needs of any agency, office, department or account, the council may, by
order, transfer such funds to such other account as it shall deem necessary. Also, the county administrator has the authority to approve interfund transfers up to $5,000.00 (excluding personnel line items) between departmental activities. No budget line item should be overspent without approval of the county council, except for emergency situations approved in advance by the county administrator.

Be deleted in its entirety and replaced with the following:

Sec. 2-312. - Line item transfers.

Upon written request by any department/agency head, the administrator may authorize a transfer of funds. The administrator shall designate the account from which the transfer shall be made and may select any line item account in any department/agency budget as a transferor account, provided that the withdrawal of funds from the transferor account would not cause the transferor account to be insufficiently funded for the balance of the fiscal year. The county administrator shall be authorized to transfer budgets between departments when deemed necessary. These transfers will not affect the total appropriation of Darlington County.

SECTION 5.

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 3. (Transfers And Internal Controls), Section 2-313. (Review of expenditures), which currently reads:

Sec. 2-313. - Review of expenditures.

It is the responsibility of the finance director to review expenditures of each department or agency by account. The county administrator in conjunction with the purchasing director and finance director shall establish controls to prevent an overrun of targeted expenditure rates. If, in the judgement of the county administrator, the rate of a requested expenditure will cause a possible annual overexpenditure of allocated funds in that account, the county administrator may place a hold on the issuance of purchase orders or expenditure payments. The administrator may require the department head to explain in writing the needed expenditure and the current rate of expenditure. If, in the judgement of the administrator, after explanation, there is still a probability of an annual overexpenditure, the department or agency head or administrator shall be notified of two options to be exercised within five days of the notice:

(1) Department/agency transfer request; or

(2) Council appropriation from contingency funds, if available.

If the department head elects not to follow any of the two options and continues to issue requisitions against the account, the finance director shall freeze the account.
and refuse to pay any obligations in that account. The finance director shall immediately notify the administrator that the account is frozen. The administrator shall notify the department head to appear at the next council session to discuss methods of correcting the account’s expenditure rate.

Be amended to read as follows:

Sec. 2-313. - Review of expenditures.

It is the responsibility of the finance director to review expenditures of each department or agency by account. The county administrator in conjunction with the purchasing director and finance director shall establish controls to prevent an overrun of targeted expenditure rates. If, in the judgement of the county administrator, the rate of a requested expenditure will cause a possible annual overexpenditure of allocated funds in that account, the county administrator may place a hold on the issuance of purchase orders or expenditure payments. The administrator may require the department head to explain in writing the needed expenditure and the current rate of expenditure.

SECTION 6.
Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 4. (Purchasing), Section 2-331. (Purchase requisitions), which currently reads:

Sec. 2-331. - Purchase requisitions.

No agency or department of the county for which funds are appropriated by the county council shall cause encumbrance upon these funds without the prior approval of the county administrator and in accordance with the county procurement ordinance, chapter 46 of this Code. All funds expended under this division for the purpose of supplies, equipment, other personal property, maintenance, repairs, contingencies and other contractual services for county agencies and offices shall only be expended after requisitions by the head of the county agency or department concerned are submitted to and approved by the county administrator upon a form supplied and kept on file by him. The county administrator shall furnish to the council monthly a detailed report of the purchases made for, and the sums expended for, each county agency or department.

Be amended to read as follows:

Sec. 2-331. - Purchase requisitions.

No agency or department of the county for which funds are appropriated by the county council shall cause encumbrance upon these funds without the prior approval of the county administrator and in accordance with the county procurement ordinance, chapter 46 of this Code. All funds expended under this
division for the purpose of supplies, equipment, other personal property, maintenance, repairs, contingencies, and other contractual services for county agencies and offices shall only be expended after requisitions by the head of the county agency or department concerned are submitted to and approved by the county administrator upon a form supplied and kept on file. The county administrator shall maintain a detailed record of the purchases made for, and the sums expended for each county agency or department. Such records shall be available to county council or the public upon request.

SECTION 7.
Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 4. (Purchasing), Section 2-332. (Purchase from local vendors), which currently reads:

Sec. 2-332. - Purchases from local vendors.

Whenever it is feasible and practical, and in the best interest of the county, the county administrator shall purchase supplies, materials and equipment locally and/or pursuant to S.C. Code 1976, §§ 11-35-50 and 11-35-4810 to 11-35-4890.

Be amended to read as follows:

Sec. 2-332. - Purchases from local vendors.

Whenever it is feasible and practical, and in the best interest of the county, the county administrator shall purchase supplies, materials and equipment locally and/or pursuant to Darlington County Code of Ordinances, Chapter 46 and S.C. Code 1976, §§ 11-35-50 and 11-35-4810 to 11-35-4890.

SECTION 8.
Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 5. (Reporting And Accounting), Section 2-352. (Allocation of public monies), which currently reads:

Sec. 2-352. - Allocation of public monies.

The treasurer of the county shall allocate public monies received, including interest earned on investment, separately by fund. All rents and fees received by the county from any source are to be credited to the general fund of the county.

Be amended to read as follows:

Sec. 2-352. - Allocation of public monies.

The treasurer of the county shall allocate public monies received, including interest earned on investment, separately by fund.
SECTION 9.
Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7. (Fees), Section 2-412. (Fee Schedule), Item 9 (Meal Reimbursement), which currently reads:

(9) Meals Reimbursement — Actual meal expenses according to the following:
   Overnight Trips .... $30.00 per 24 hours ($7.50 per six hours quarter day with
   three hours of any quarter counted as a full quarter) Receipts Required
   Non-Overnight Trips ...... $5.00 Breakfast (Receipt Required)
   $8.00 Lunch (Receipt Required)
   $12.00 Dinner (Receipt Required)

Employees on official business within high rate geographic areas will be reimbursed for actual and necessary subsistence expenses incurred if the county administrator, prior to the trip, approves such anticipated expenses

Be amended to read as follows:

(9) Meals Reimbursement
   Overnight Trips .... $35.00 per 24 hours
   Non-Overnight Trips....
   Breakfast .... $8.00
   Lunch .... $12.00
   Dinner .... $15.00

Employees on official business within high rate geographic areas will be reimbursed for actual and necessary subsistence expenses incurred if the county administrator, prior to the trip, approves such anticipated expenses.

SECTION 10.
Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7. (Fees), Section 2-412. (Fee Schedule), Item (10) (Mileage Reimbursement), which currently reads:

(10) Mileage Reimbursement ..... $0.45 per mile

Be amended to read as follows:

(10) Mileage Reimbursement ..... $0.545 per mile

SECTION 11.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-1. (Purchasing agent; specified duties), which currently reads:

Sec. 46-1. - Purchasing agent; specified duties.
The county administrator, or an officer of the county designated by the county administrator, shall be the purchasing agent for the county. He shall be responsible for:

(1) The purchase of supplies, materials and equipment and contractual services required by any office, department or agency of the county government.

(2) The storage and distribution of all supplies, materials and equipment required by any office, department or agency of the county government.

(3) Establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the county government. Such specifications shall be definite and certain and shall permit competition.

(4) Maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment stored in storerooms or warehouses.

(5) The purchasing agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotations, attempted to defraud the county or who have failed to meet established specifications or delivery dates.

(6) Obtaining as full and open competition as possible on all purchases, contracts and sales.

Be amended to read as follows:

Sec. 46-1. - Purchasing agent; specified duties.

The county administrator, or an officer of the county designated by the county administrator, shall be the purchasing agent for the county. The Procurement Officer shall be responsible for:

(1) The purchase of supplies, materials and equipment and contractual services required by any office, department or agency of the county government.

(2) The storage and distribution of all supplies, materials and equipment required by any office, department or agency of the county government.

(3) Establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the county government. Such specifications shall be definite and certain and shall permit competition.

(4) Maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment stored in storerooms or warehouses.
(5) The purchasing agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotations, attempted to defraud the county or who have failed to meet established specifications or delivery dates.

(6) Obtaining full and open competition as possible on all purchases, contracts and sales.

SECTION 12.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-2. (Formal contract procedure), which currently reads:

Sec. 46-2. - Formal contract procedure.

All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed $5,000.00, shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals. No contract or purchase shall be subdivided to avoid the requirements of this section. All sales of personal property which has become obsolete or unusable, when the estimated value shall exceed $5,000.00, shall be sold by formal written contract or at a public auction to the highest responsible bidder, after due notice inviting proposals and bidders.

Be deleted in its entirety and replaced with the following:

Sec. 46-2. - Formal contract procedure.

Contracts resulting in the amount of $35,000 or greater shall have a formal contract. The contract shall be awarded by competitive sealed bidding, excepts as otherwise provided herein.

Solicitations shall be posted on the County's website and shall include specifications and all terms and conditions applicable to the procurement. Adequate public notice of the invitation for bids shall be given for reasonable time not less than fifteen calendar days prior to the due date set forth for the opening of the bids. Such public notice may be made by posting on the County's website and/or South Carolina Business Opportunities (SCBO) website, and the local newspaper. The public notice shall state the place, date, and time of the bid opening.

Each department requesting a solicitation shall submit specifications to the procurement officer for bid. Any specification submitted for bids shall be in a generic specification, in such a way that it does not limit competition. If the specifications for a particular brand name is necessary and limits participation to a single provider, then the department must submit a detailed justification for sole source consideration for the award.
All bids received prior to the bid due date shall be kept secure and unopened. Bids shall be stamped with date and time received. This time and date shall serve as the official time received. Late bids will not be opened or considered.

Pre-bid conferences or site visits early in the solicitation cycle provide an opportunity to clarify aspects of the solicitation, eliminate ambiguities or misunderstandings, and permit vendor input. Pre-bid conferences are conducted with potential bidders or offerors for solicitations that are complex, large, or have critical requirements. Attendance at pre-bid conferences may be optional or mandatory. If mandatory attendance at a pre-bid conference is stipulated, only bids from the firms represented at the pre-bid conference or site visit will be accepted. If a modification to the solicitation is required, an addendum will be issued.

All bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitations for bids. The bidder's name, amount of the bid, and any additional relevant information as the Procurement Officers deem appropriate shall be read aloud. The immediate apparent tabulation of submissions shall be available publicly and so noted as quickly as possible after the openings. The final record tabulation of each bid shall be open to public inspection after awarding of the bid.

Bids shall be unconditionally accepted without modifications or corrections, except as authorized herein. Bids shall be evaluated based upon the requirements in the invitation for bids, which may include criteria to determine acceptability such as inspection, test, quality, workmanship, delivery, and suitability for a particular purpose. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that is not stated in the invitation for bids, except for licensing and other violations of state or local laws which become known and considered to be relevant.

Discussion with bidders. As provided in the invitation for bids, discussions may be conducted with apparent responsive bidders for the purpose of clarification if in the county's sole judgment such clarification is necessary. Clarification of any respondent's bid must be documented in writing by the County Procurement Office and shall be included with the bid file. Documentation concerning clarification shall be subject to disclosure upon request as required by the public access to procurement information section herein. Public officials shall not have "off the record" or "ex parte" communications of any type with any participating vendors during any bid period when the bid is still open, being considered, or still subject to open protest or appeal periods. All communications during these periods will be on the record, reported, and documented for public inspection.
SECTION 13.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-3. (Competitive bidding required; exception), which currently reads:

Sec. 46-3. - Competitive bidding required; exception.

Before any purchases or contracts for supplies, materials, equipment or services exceeding $500.00 are made, the purchasing agent shall give ample opportunity for competitive bidding. For purchases or contracts not exceeding $1,000.00, bids shall be in writing. Competitive bidding shall be encouraged for all contracts, purchases or sales. However, in the event of an emergency affecting the public welfare, health or safety, the provisions of this section shall not apply. A full report of the circumstances of an emergency purchase shall be submitted by the department to the procurement department justifying the purchase. Finance will then take before council to be entered into the minutes.

Be deleted in its entirety and replace with the following:

Sec. 46-3. – Required Solicitation and Competitive bidding

One written quote shall be required for all purchases of $2,000 or less, except for orders on state contract or cooperative purchase programs which Darlington County is a member and for all piggy back or other municipal contracts in which Darlington County may use.

Two written quotes shall be obtained for any purchase greater than $2,000 and up to $10,000, except for orders on state contract or cooperative purchase programs which Darlington County is a member and for all piggy back or other municipal contracts in which Darlington County may use.

Three written quotes shall be obtained for any purchase greater than $10,000 and up to $35,000, except for orders on state contract or cooperative purchase programs which Darlington County is a member and for all piggy back or other municipal contracts in which Darlington County may use.

Any purchase greater than $35,000 shall be in a competitive bid, except for orders on state contract or cooperative purchase programs which Darlington County is a member and for all piggy back or other municipal contracts in which Darlington County may use.

Any purchase over $50,000 shall be taken to County Council for approval. County contracts shall be awarded by competitive sealed bid, except as otherwise permitted or exempted elsewhere herein, or exempted by state or federal laws applicable, and except in instances when no competitive sealed bid is required.
1. Negotiations after unsuccessful competitive sealed bidding.
2. Competitive sealed proposal.
3. Sole Sources.
4. Emergency.
6. Construction.
7. Cooperative Purchases.
8. Real Property.
9. Professional Services, such as Medical Services, Surveys, Architect, Engineering, etc.

The following services and supplies must be handled through the procurement department to maintain financial control to assure budgeted funds are available, however, they are exempt from the competitive purchase process.

1. Works of art and one-of-a-kind items, such as paintings, antiques, sculptures and similar objects;
2. Published books, maps, periodicals, technical pamphlets, and other such materials;
3. Professional dues and membership fees;
4. Postage stamps, and U.S. post office box rentals;
5. Utility services;
6. Gasoline, fuel, oil, propane, or natural gas, diesel, or alternative fuels. The $35,000.00 limit is waived; however, competitive quotations shall be obtained and state procurement used to the extent feasible and economical;
7. Services and/or supplies provided by the Council of Governments, the State of South Carolina or departments/agencies thereof;
8. Expenditure of funds in the issuance of bonds, to include printing costs and any fees associated with bond issuance;
9. Reinsurance through South Carolina Insurance Reserve Fund;
10. Copyrighted educational films, filmstrips, slides, and transparencies and books, provided that documentation of efforts to obtain the best price is maintained;
11. Attorneys, subject to the approval of the county administrator;
12. Certified public accountants and public accountants engaged to perform financial and/or compliance audits subject to approval by the county council with actuarial audits and other accounting services to be procured under the provisions of S.C. Code 1976, § 4-9-150 (Home Rule Audit Requirements);

13. Hospital and medical clinic services;

14. Medical doctors and prescription drugs where such drugs are prescribed by medical doctors;

15. Optometrists;

16. Dentists;

17. Licensed practical nurses or registered nurses;

18. Psychiatrists;

19. Investment consultants or counselors;

20. Clergy;

21. Court reporters;

22. Interpreter services;

23. Expert witness services;

24. Title Searches

25. Artists used by the county library, sheriff's office, economic development partnership, or recreation department;

26. Commodities that pricing cannot be held for timely award by county council such as paving, rocking, grading and resurfacing, provided that at least three written quotes are obtained from vendors and submitted to the county administrator for approval (each "no-bid" or "nonresponse" from a capable vendor shall be considered a quote);

27. Computer programmers, software analysts, and licensed software engaged or used to modify county data processing system software to develop new software for the county's computer system or to provide maintenance or ongoing operation on the county's software or networks;

28. Auction services, to include, but not limited to, on-site auctions and internet-based auctions;
29. Consultant services necessary to provide professional instruction for seminars conducted by and/or for departments or agencies and/or personnel;

30. Collection agencies engaged to assist in the collection of delinquent accounts due for services rendered by the county;

31. Replacement parts of existing equipment or structures supplied by the original equipment manufacturer or an authorized dealer;

32. Goods, products, and services purchased from the South Carolina Department of Corrections, and/or the Division of Prison Industries;

33. Trips organized by Darlington County Parks and Recreation and funded fully by the participants;

34. Procurements obtained under any of the following methods are also exempt from request for bid/request for proposals procedures listed in this chapter:
   a. Sole source procurement
   b. Emergency procurement
   c. Existing bid or contract - acquisition of supplies, services, and/or construction previously contracted for;
   d. Equipment maintenance or service contracts which are made with the manufacturer or authorized service/agent;
   e. State contracts;
   f. Supplies and/or services procured from or through another governmental agency or under the terms of any other public entities’ existing competitively offered contract under the same terms than offered;
   g. Cooperative purchases
   h. Food supplies for routine use in the Detention Center and Prison Camp and for emergency/operational use for First Responders.

The above services and supplies must be handled through the procurement department to maintain financial control to assure budgeted funds are available, however, they are exempt from the competitive purchase process.

**SECTION 14.**
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-4. (Award to lowest bidder; advertising, when required), which currently reads:

Sec. 46-4. - Award to lowest bidder; advertising, when required.
All contracts for county improvements, materials, equipment or services costing more than $15,000.00 shall be awarded to the lowest responsible bidder after publication in a newspaper of general circulation in the county at least five days before the last day set for receipt of proposals; provided, however, that in case of professional services, this section shall not apply. The newspaper notice required herein shall include a general description of the articles or services to be purchased, shall state where bid blanks and specifications may be secured and the time and place for opening bids.

Be amended to read as follows:

Sec. 46-4. - Award to lowest bidder; advertising, when required.

All contracts for county improvements, materials, equipment or services costing more than $35,000 shall be awarded to the lowest responsible bidder and the bidder that would serve to be the most advantageous for the County. The solicitation shall be posted on the County’s website, South Carolina Business Opportunities’ (SCBO) website, and in the local newspaper. The solicitation shall include a general description of the articles or services to be purchased, shall state where bid forms and specifications may be secured and the time and place for opening bids.

SECTION 15.

Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-6. (Sealed bid procedures), Item (6) (Award of contract), subsection a, which currently reads:

(6) Award of contract.
   a. Authority in agent. The purchasing agent shall have the authority to award contracts within the purview of this article; provided, however, that contracts are not greater than $5,000.00. Contracts up to $15,000.00 shall not be awarded without county administrator approval and any contracts greater than $15,000.00 shall not be awarded without prior approval from the county council.

Be deleted in its entirety and replaced with the following:

(6) Award of contract.
All contracts shall be authorized by the County Administrator or his designee, except contracts that are great than $50,000 which County Council shall approve.

SECTION 16.

Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-6. (Sealed bid procedures), Item (6) (Award of contract.) subsection b.
(Lowest responsible bidder) be amended by adding the following items to the numbered list:

10. **Local Vendor Preferences.**

11. **Award the bid to the contractor that would serve to be the most advantageous for the county.**

**SECTION 17.**

Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-14. (Cooperative purchasing), which currently reads as follows:

Sec. 46-14. - Cooperative purchasing.

The purchasing agent shall have authority to join with other approved entities in cooperative purchasing plans when the best interests of the county would be served thereby approved entities include other units of local government, the State of South Carolina, the Pee Dee Regional Council of Governments, the South Carolina Association of Counties and the National Association of Counties. Such purchases to include purchases of supplies and equipment through the property division of the state budget and control board, may be made without the formality of publication and receiving competitive bids by the county.

**Be amended to read as follows:**

Sec. 46-14. - Cooperative purchasing.

The purchasing agent shall have authority to join with other approved entities in cooperative purchasing plans when the best interests of the county would be served thereby approved entities include, **but not limited to,** other units of local government, the State of South Carolina, the Pee Dee Regional Council of Governments, the South Carolina Association of Counties and the National Association of Counties. Such purchases to include purchases of supplies and equipment through the property division of the state budget and control board, may be made without the formality of publication and receiving competitive bids by the county.

**SECTION 18.**

Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-15. (Procurement Cards), item (i) (Use of cards), which currently reads as follows:

(i) **Use of cards.** The county P-Card may be used to purchase small dollar amounts so that the items that are needed are readily available. No backordering is allowed. All items purchased by telephone must be delivered by the vendor within the 30 day billing cycle. The purchase of the following is prohibited:

1. **Gasoline, fuel or oil.**
(2) Vehicle repairs.
(3) Food expenses.
(4) Cash advances.
(5) Telephone charges.
(6) Contract services.

All purchases are subject to the terms of the county procurement ordinances codes and the policy and procedures of the procurement card.

Be amended to read as follows:

(j) Use of cards. The county P-Card may be used to purchase small dollar amounts so that the items that are needed are readily available. No backordering is allowed. All items purchased by telephone must be delivered by the vendor within the 30-day billing cycle. The purchase of the following is prohibited:

(1) Vehicle repairs.
(2) Cash advances.
(3) Telephone charges.

All purchases are subject to the terms of the county procurement ordinances codes and the policy and procedures of the procurement card.

SECTION 19.

Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article I. (In General), Section 46-15. (Procurement Cards), item (j) (P-card dollar limits), which currently reads as follows:

(j) P-Card dollar limits. Each P-Card has a single transaction limit of $500.00 with a limit of $1,000.00. Request to increase the limit must be submitted in writing to the finance director. For purchases greater than the single transaction limit a purchase order must be processed. A single transaction more than $500.00 must be approved by the finance director. Any intentional avoiding the single transaction limit is strictly prohibited and may result in the immediate termination of the P-Card and possible employment.

Be amended to read as follows:

(j) P-Card dollar limits. Each P-Card has a single budget limit. All purchases with P-card shall fall under the procurement ordinances for written quotes. P-card purchases are not exempt from procurement requirements. Request to increase P-card credit line must be submitted in writing to the Finance Director and County Administrator. Any intentional avoiding the single transaction limit is strictly prohibited and may result in the immediate termination of the P-Card and possible employment.
SECTION 20.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-48 (Contacts, purchases and sales; formal contract procedure), which currently reads as follows:

Sec. 46-48. - Contracts, purchases and sales; formal contract procedure.

All purchases of supplies, materials, equipment or contractual services, when the estimated cost thereof shall exceed $15,000.00, shall be made according to prescribed procedures from the lowest responsible bidder after due notice inviting bids.

1) Notice inviting bids. The purchasing agent shall invite bids through the following methods:
   a. Advertisement of a form prescribed by the county administrator in a newspaper of general circulation in the county, giving a brief description of the things to be purchased, the time and place where bids will be opened, and a location or telephone number where bid blanks and complete specifications may be secured.

   b. Posting on a bulletin board at the county courthouse or in the county administrator's office all the above information, including complete specifications.

   c. Reserved.

Be amended to read as follows:

Sec. 46-48. - Contracts, purchases and sales; formal contract procedure.

All purchases of supplies, materials, equipment or contractual services, when the estimated cost thereof shall exceed $35,000, shall be made according to prescribed procedures from the lowest responsible bidder after due notice inviting bids.

1) Notice inviting bids. The purchasing agent shall invite bids through the following methods:
   a. Advertisement of the solicitation on South Carolina Business Opportunities’ (SCBO) website, in the local newspaper, and on the county's website, giving a brief description of the things to be purchased, the time and place where bids will be opened, and a location or telephone number where bid blanks and complete specifications may be secured.

   b. Reserved.

SECTION 21.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-48 (Contacts, purchases and sales; formal contract procedure), item (5) (Award of Contract), which currently reads as follows:
(5) **Award of contract.** Except as hereinafter prescribed, all contracts shall be awarded to the lowest responsible bidder whose bid complies materially with the specifications publicized. The purchasing agent may, however, refuse all bids and readvertise for bids if the public interest would be served thereby; provided, however, that if the purchasing agent shall refuse all bids, he shall submit to the county administrator a written explanation of the reasons therefor. Bids exceeding $15,000.00 shall be subject to review and approval by the county administrator. Bids exceeding $25,000.00 shall be subject to an additional review and approval by the county council.

**Be amended to read as follows:**

(5) **Award of contract.** Except as hereinafter prescribed, all contracts shall be awarded to the lowest responsible bidder whose bid complies materially with the specifications publicized. The purchasing agent may, however, refuse all bids and readvertise for bids if the public interest would be served thereby; provided, however, that if the purchasing agent shall refuse all bids, he shall submit to the county administrator a written explanation of the reasons therefor. Bids less than $50,000 shall be subject to review and approval by the county administrator. Bids exceeding $50,000 shall be subject to an additional review and approval by the county council.

**SECTION 22.**

Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-48 (Contacts, purchases and sales; formal contract procedure), item (6) (Tie bids), which currently reads as follows:

(6) **Tie bids.** The county administrator will make the award of the tie bids of $15,000.00. The county council will award bids that are $25,000.00 or greater. In the event one of the vendors is located in the county and the other vendor is not; the award will go to the local vendor. In the event that both vendors are located in the county or both are located outside the county, then the award will be awarded based on the following criteria of:

Completion period;

Past performance; and

Vendor history.

**Be amended to read as follows:**

(6) **Tie bids.** The county administrator will make the award of the tie bids less than $50,000. The county council will award bids that are $50,000 or greater. In the event one of the vendors is located in the county and the other vendor is not; the award will go to the local vendor. In the event that both vendors are located in the
county or both are located outside the county, then the award will be awarded based on the following criteria of:

Completion period;

Past performance; and

Vendor history.

SECTION 23.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-50 (Solicitation of quotations), which currently reads as follows:

Sec. 46-50.—Solicitation of quotations.

All purchases of supplies, materials, equipment or contractual services, when the estimated cost thereof shall exceed $500.00 but shall not exceed $1,000.00, shall be made after solicitation of quotations are confirmed in writing.

Be deleted in its entirety and the remaining sections renumbered accordingly.

SECTION 24.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-51 (State purchasing), which currently reads as follows:

Sec. 46-51. - State purchasing.

As an alternative to the procedures described otherwise herein, Chapter 46, the county administrator may purchase any supplies, materials, equipment or contractual services through the central state purchasing office of the division of general services; provided, however, that any such purchases estimated to cost in excess of $15,000.00 shall be approved by the county administrator, and any such purchase estimated to cost in excess of $25,000.00 shall be approved by the county council.

Be amended to read as follows:

Sec. 46-51. - State purchasing.

As an alternative to the procedures described otherwise herein, Chapter 46, the county administrator may purchase any supplies, materials, equipment or contractual services through the central state purchasing office of the division of general services; provided, however, that any such purchases estimated to cost less than $50,000 shall be approved by the county administrator, and any such
purchase estimated to cost $50,000 or greater shall be approved by the county council.

SECTION 25.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-52 (Purchase negotiations), Item (b) (Approval required) through item (c) (When Permissible), which currently reads as follows:

Sec. 46-52. - Purchase negotiations.

(b) Approval required. Purchase by negotiation shall be made only upon the approval of the purchasing agent when such purchases are estimated to cost less than $1,000.00. When purchases are greater than $1,000.00, but less than $15,000.00 the approval of the county administrator is required.

(c) When permissible. Purchase by negotiation shall be made only when one of the following conditions occurs:
   (1) Items are obtained from only one source, and there are not acceptable equivalents.

   (2) Bids are received, but prices are unreasonable.

   (3) Emergencies exist. Emergencies shall be deemed to exist when a breakdown in machinery or in an essential service occurs, or when unforeseen circumstances arise, including delays by contractors, delays in transportation, or unanticipated volume of work. In such cases, awards can be made without notice of intent as required in subsection (e).

   (4) A contract already exists on a family of items that must be compatible.

   (5) Repair and replacement parts or accessories peculiar to specialized equipment are needed.

   (6) Identical bidding is a persistent pattern.

   (7) Resale price maintenance is practiced by manufacturers, such as exclusive dealerships or other methods which result in only preestablished, published prices being offered.

   (8) There are reasonable indications of collusive bidding.

   (9) Contracts are renewed if provided for in the original bid invitation.
Be amended to read as follows:

Sec. 46-52. - Purchase negotiations.

(b) Approval required. Purchase by negotiation shall be made only upon the approval of the purchasing agent when such purchases are estimated to cost less than $2,000. When purchases are greater than $2,000, but less than $50,000 the approval of the county administrator is required.

(c) When permissible. Purchase by negotiation shall be made under these conditions, but not limited to:
(1) Items are obtained from only one source, and there are not acceptable equivalents.

(2) Bids are received, but prices are unreasonable.

(3) Emergencies exist. Emergencies shall be deemed to exist when a breakdown in machinery or in an essential service occurs, or when unforeseen circumstances arise, including delays by contractors, delays in transportation, or unanticipated volume of work. In such cases, awards can be made without notice of intent as required in subsection (e).

(4) A contract already exists on a family of items that must be compatible.

(5) Repair and replacement parts or accessories peculiar to specialized equipment are needed.

(6) Identical bidding is a persistent pattern.

(7) Resale price maintenance is practiced by manufacturers, such as exclusive dealerships or other methods which result in only preestablished, published prices being offered.

(8) There are reasonable indications of collusive bidding.

(9) Contracts are renewed if provided for in the original bid invitation.

SECTION 26.

Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-52 (Purchase negotiations), item (e) Notice of intent), which currently reads as follows:

(e) Notice of intent. When the estimated cost of the supplies, materials, equipment, or contractual services to be purchased by negotiation shall exceed $15,000.00, the county administrator shall advertise, except in the case of an emergency as
defined above, a notice of intent to award a contract at least one time in a newspaper of general circulation in the county.

Be amended to read as follows:

(e) Notice of intent. When the estimated cost of the supplies, materials, equipment, or contractual services to be purchased by negotiation shall exceed $35,000, the county administrator shall advertise, except in the case of an emergency as defined above, a notice of intent to award a contract on the County's website.

SECTION 27.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-53 (Petty expenditures revolving fund), which currently reads as follows:

Sec. 46-53. - Petty expenditures revolving fund.

There is hereby established the petty expenditures revolving fund to be administered by the county administrator or his designee. Any purchase estimated to cost under $20.00 may, with the approval of the county administrator or his designee, be made from this fund. The county administrator or his designee shall formulate policies for the disbursement of and accounting for any monies in this fund.

Be deleted in its entirety.

SECTION 28.
Darlington County Code of Ordinances, Chapter 46 (Purchasing), Article II. (Procedural Requirements), Section 46-54 (Purchase order required), which currently reads as follows:

Sec. 46-54. - Purchase order required.

Any purchase made with county funds shall be recorded on a purchase order bearing the quantity and description of each item to be purchased. If exceptions are made by the county administrator, a control system shall be in effect.

Be amended to read as follows:

Sec. 46-54. - Purchase order required.

Any purchase made with county funds shall be recorded on a purchase order bearing the quantity and description of each item to be purchased, except for items purchased with the County P-card and all receipts shall be uploaded for each transaction. If exceptions are made by the county administrator, a control system shall be in effect.
Section 29
The provision of this ordinance shall be included and incorporated in Darlington County Code of Ordinances as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 30.
This ordinance shall become effective upon third reading.

ATTEST:

J. James Bishop
Clerk to Council

DARLINGTON COUNTY COUNCIL

Bobby Hudson, Chairman

FIRST READING: May 6, 2019
SECOND READING: June 3, 2019
THIRD READING: June 21, 2019
PUBLIC HEARING: June 3, 2019
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Index Type: ORDINANCE
Type of Instrument: Ordinance
Type of Transaction:

First INDEXED NAME
DARLINGTON COUNTY COUNCIL

Received From:
DARLINGTON COUNTY COUNCIL

Return To:

Ordinance No: 2019-11
On (Recorded Date): 6/21/2019
At (Recorded Time): 12:53:56 PM
Recording Pages: 24
Recording Fee: $0.00

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