

REVISED 10/25/22
SPECIAL MEETING/WORKSHOP OF CITY COUNCIL
OCTOBER 27, 2022 - 5:00 PM
MUNICIPAL COURTROOM
2222 HIGHMARKET STREET
GEORGETOWN, SOUTH CAROLINA
AND LIVESTREAM:



<https://www.facebook.com/cityoftown/>

Notice of this meeting has been made in accordance with the
South Carolina Code of Laws as amended.

1. **CALL TO ORDER**
2. **ANNOUNCEMENT CONCERNING ELECTRONIC DEVICES**
3. **ADMINISTRATION**
 - A. **Motion to authorize the city administrator to submit a letter to the US Department of Commerce, Economic Development Administration, noting the additional \$131,500 funds for the Secondary Water Sedimentation Basin project at the Water Treatment Plan will be appropriated by City Council through a budget amendment to FY 2023 using local ARPA funds.**

Attachments:

 - 1 Financial Assistance Award - CD-450 - City of Georgetown SC Executed
 - 2 Attachment No. 1 - ED-508 Budget
 - 3 2022-09-02 City of Georgetown WTP Floc-Sed Basin 2 - Opinion of Probable Cost
 - 4 GeorgetownCityWTPSC-07777.BidDocs-CL
 - 5 2022.10.28 EDA Additional Funds WTP 2nd basin # 04-79-07777
4. **PRESENTATION**
 - A. **Affordable Housing Marquis Complex**

Attachments:

 - 1 Affordable Housing Marquis Complex
 - B. **Procurement Policy Revisions**

Attachments:

 - 1 Procurement Policy draft clean
 - 2 Procurement Policy draft redlined
5. **ADJOURNMENT**
 - A. **Motion to adjourn the Special Meeting of City Council.**



120 North Fraser Street • Georgetown, SC 29440 • (843) 545-4000

ACTION ITEM

DOC ID: 3708

Council Meeting Date:	27 October 2022
Department:	Administration
Issue Under Consideration:	Motion to authorize the city administrator to submit a letter to the US Department of Commerce, Economic Development Administration, noting the additional \$131,500 funds for the Secondary Water Sedimentation Basin project at the Water Treatment Plant will be appropriated by City Council through a budget amendment to FY 2023 using local ARPA funds.
Amount Requested:	\$131,500
Is Item in Current Budget?	No
If no, please explain:	Additional funds are required to complete the WTP Secondary Water Sedimentation project
Financial Impact:	\$131,500
Points to Consider:	• Preliminary Engineer Report at time of grant application in December 2021: \$4,285,000 • September 2022 Engineer's Opinion of Probably Cost: \$4,416,500 • EDA requires a commitment letter from the City for the additional funds required: \$131,500 • Staff recommends appropriating additional funds from the ARPA infrastructure fund. • The actual construction cost will not be known until the time of bid opening, which may be higher or lower than the costs estimated by the consulting engineer.
Options:	Approve or Deny
Staff Recommendation:	Approve

Reviews:

Sandra E. Yudice Ph.D. Completed 10/25/2022 4:43 PM

Orlando Arteaga Skipped 10/25/2022 4:43 PM

Already reviewed

Scott Whittier Skipped 10/25/2022 4:44 PM

already reviewed

Sandra E. Yudice Ph.D. Completed 10/25/2022 4:44 PM

Stephanie Buccione Completed 10/25/2022 5:14 PM

Georgetown City Council Pending 10/27/2022 5:00 PM

Attachments:

1. 1 Financial Assistance Award - CD-450 - City of Georgetown SC Executed (PDF)

2. 2 Attachment No. 1 - ED-508 Budget (PDF)

Updated: 10/25/2022 12:19 PM by Sandra E. Yudice Ph.D. (Page 1)

3. 3 2022-09-02 City of Georgetown WTP Floc-Sed Basin 2 - Opinion of Probable Cost (PDF)
4. 4 GeorgetownCityWTPSC-07777.BidDocs-CL (PDF)
5. 5 2022.10.28 EDA Additional Funds WTP 2nd basin # 04-79-07777 (PDF)

FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER

RECIPIENT NAME

PERIOD OF PERFORMANCE

STREET ADDRESS

FEDERAL SHARE OF COST

\$

CITY, STATE, ZIP CODE

RECIPIENT SHARE OF COST

\$

AUTHORITY

TOTAL ESTIMATED COST

\$

CFDA NO. AND NAME

PROJECT TITLE

This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.

DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS

R & D AWARD

FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE

SPECIFIC AWARD CONDITIONS (See attached Exhibit "A")

LINE ITEM BUDGET (See Attachment 1)

2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS,
AS ADOPTED PURSUANT TO 2 CFR § 1327.101

48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES

MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.

OTHER(S): _____

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

DATE

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

DATE

Form ED-508
(Rev. 3/89)

Attachment No. 1

U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION

PUBLIC WORKS PROJECT COST CLASSIFICATIONS

EDA Investment No. 04-79-07777

State: South Carolina

County: Georgetown

<u>Cost Classification</u>	<u>Proposed</u>	<u>Approved</u>
Administrative and legal expenses	\$ 30,000	\$ 30,000
Land, structures, and rights-of-way appraisals, etc.		
Relocation expenses and payments (Cost incidental to transfer of titles)		
Architectural and engineering fees		
Other architectural and engineering fees		
Project inspection fees and audit	20,000	20,000
Site Work	250,000	250,000
Demolition and removal		
Construction	3,600,000	3,600,000
Equipment		
Miscellaneous		
Contingencies	385,000	385,000
TOTAL PROJECT COSTS	\$ 4,285,000	\$ 4,285,000

Remarks:

Attachment: Attachment No. 1 - ED-508 Budget (3708 : WTP Secondary Water Basin: Additional Funds)



W.K. Dickson & Co., Inc.
Community Infrastructure Consultants
162 Seven Farms Drive, Ste. 210
Charleston, SC 29492
Phone (843) 416-5560

Opinion of Probable Costs

Project: WTP Floc-Sed Basin No. 2

Date: 9/2/2022

Client: City of Georgetown

ITEM	DESCRIPTION	UNIT	EST QTY	TOTAL
1	Mobilization and General Conditioms	LS	1	\$550,000
2	Site Excavation	LS	1	\$90,000
3	Yard Piping / Valves	LS	1	\$180,000
4	Erosion Control / Grassing	LS	1	\$15,000
5	Sidewalks and Paving	LS	1	\$50,000
6	Foundation Piles	LS	1	\$420,000
7	Concrete Floor Slab	LS	1	\$350,000
8	Concrete Walls	LS	1	\$450,000
9	Concrete Suspended Slabs	LS	1	\$150,000
10	Concrete Fill	LS	1	\$50,000
11	Staris / Platforms / Handrail	LS	1	\$140,000
12	Painting / Coatings	LS	1	\$60,000
13	Plate Settlers	LS	1	\$620,000
14	Flocculators (Mixers)	LS	1	\$80,000
15	Sludge Thickener / Collector	LS	1	\$130,000
16	Sluice Gates	LS	1	\$60,000
17	Equipment Installation	LS	1	\$260,000
18	Electrical, Instrumentation and Controls	LS	1	\$360,000
SUBTOTAL CONSTRUCTION				\$4,015,000
CONTINGENCY				10% \$ 401,500
TOTAL CONSTRUCTION COST (INCLUDES CONTINGENCY)				\$ 4,416,500

WK Dickson's opinion of probable costs are made on the basis of WK Dickson's experience and qualifications and represent WK Dickson's best judgment as a professional generally familiar with the construction industry. Since WK Dickson has no control over the cost of labor, materials, equipment, or services furnished by others; over the contractor's methods of determining prices; or over competitive bidding or market conditions, WK Dickson cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from opinions of probable costs prepared by WK Dickson.



1230 Highmarket Street
Georgetown, SC 29440
(P) 843.546.8502
(F) 843.527.2302
www.wrcog.org

WACCAMAW
REGIONAL
COUNCIL OF GOVERNMENTS

ONE REGION MOVING FORWARD TOGETHER

Serving Georgetown, Horry, and Williamsburg Counties

Date: 10/10/2022

Asa R. Williams, E.I., Civil Engineer/Project Manager
U.S. Department of Commerce
Economic Development Administration
Atlanta Regional Office
401 West Peachtree Street, N.W., Suite 1820
Atlanta, Georgia 30308-3510

Re: EDA Award Number: 04-79-07777
City of Georgetown, South Carolina

Subject: **Construction Bid Documents**

Dear Mr. Williams:

Enclosed, please find the following documents attached for your review:

- Checklist for Bid Document Review
- Transmittal Form
- Project Manual (Bid Set)
- Project Drawing

Please review the project site certificate documents, sign below indicating EDA's acceptance, and email a copy of this letter for our records to your project/grant administrator at msmith@wrcog.org and mail to the above address.

Should you require additional information please contact Marsha Smith at msmith@wrcog.org or 843-436-6141.

Sincerely,

Marsha Smith
Grant Services Director
Waccamaw Regional Council of Governments

1. Please use the sign attached to the email.
2. Please include the Buy American Clause per the Specific Award Condition #12.
3. Remove the page with the ECONOMIC DEVELOPMENT ADMINISTRATION REQUIRED SPECIFICATION DOCUMENTS listed.
4. Complete the "NOTICE OF REQUIREMENTS FOR AFFIRMATIVE ACTION page with the percentage.
5. The Checklist estimate and the estimate in the Specs are different. If the estimate amount is above the Awarded amount, then you will need to provide a letter from Recipient stating there are adequate funds on hand to complete the project. Please provide the detailed estimate.
6. The SAC #17 should be on the Plans and in the Specifications, did not see in the S

☐ EDA Concurrence: _____
☒ EDA Acceptance: (Insert Name of EDA Engineer) _____ Date _____
Civil Engineer/Project Manager

☒ EDA Remarks, notes, and/or further instructions are ^{above.} ~~attached~~ as a separate page(s) (if checked)

MAYOR
CAROL JAYROE

CITY ADMINISTRATOR
SANDRA E. YUDICE, Ph.D.

CITY CLERK
STEPHANIE BUCCIONE



COUNCIL MEMBERS
JIM CLEMENTS
MAYOR PRO TEMPORE

JONATHAN ANGNER
HOBSON H. MILTON
JIMMY MORRIS
CLARENCE SMALLS
VACANT

Executive Office
(843) 545-4001

October 28, 2022

Via Email: awilliams@eda.gov

Asa R. Williams
Civil Engineer/Project Manager
US Department of Commerce
Economic Development Administration
Atlanta Regional Office
401 West Peachtree St., NW Suite 1820
Atlanta, GA 30308-3510

Re: WTP Improvements –Secondary Sedimentation Basin
EDA Award No. 04-79-07777
City of Georgetown, SC

Dear Mr. Williams:

The City of Georgetown appreciates your assistance with reviewing the bid documents for the above referenced project. As noted, the revised engineer's estimate exceeds the estimated amount presented at the time of the grant award by \$131,500.

The City has received the second disbursement of the ARPA funds. We will request City Council to approve appropriating \$131,500 from these funds to the WTP Secondary Sedimentation Basin project. As you may know, a budget amendment to FY 2023 will be required and we will initiate this process at the November 17, 2022 meeting. We anticipate completing this process with second reading of the ordinance at the December 15, 2022 meeting. After completing this process, the additional funds will be available for the WTP Improvements project.

Sincerely,

Sandra E. Yúdice, Ph.D.
City Administrator

Cc: Mayor Carol Jayroe and Members of City Council
Kathy Vermeland, Finance Director
Scott Whittier, Public Works and Utilities Director
Orlando Arteaga, City Engineer
Marsha Smith, WRCOG

Drawer 939
Georgetown, SC 29442

Attachment: 2022.10.28 EDA Additional Funds WTP 2nd basin # 04-79-07777 (3708 : WTP Secondary Water Basin: Additional Funds)



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INFORMATION ITEM

DOC ID: 3707

Council Meeting Date: 27 October 2022
Department: Administration
Issue Under Consideration: Affordable Housing Marquis Complex

MARQUIS COMPLEX

Affordable Housing
Georgetown, SC

UNDENIABLE DEMAND FOR AFFORDABLE HOUSING

- Housing is expensive due to land costs, building supplies, low supply, etc.
- The infrastructure costs are the same whether developing affordable housing or luxury properties
- The Low-Income Housing Tax Credit (LIHTC) is a program that makes a project feasible for affordable housing
- Monthly rent is reduced through the sale of tax credits to corporations

THE PROPERTY

- Potential surplus property owned by the Georgetown Housing Authority
- Approximately 8 acres
- Two access points: 1) Lincoln Street 2) Merriman Road
- Surrounded by like buildings
- Balance builder requirements and zoning requirements

RELEASE PROPERTY

- Faircloth Limit
 - “...sets a limit on the number of Public Housing units for which a PHA [Public Housing Authority] may receive Capital Funds and Operating Funds. Specifically, the amendment prohibits HUD from funding the construction or operation of new public housing with Capital or Operating Funds if the units would exceed the number of units the PHA owned, assisted, or operated as of October 1, 1999...”
- Housing Authority must deem as surplus property
- City Council must approve of the sale

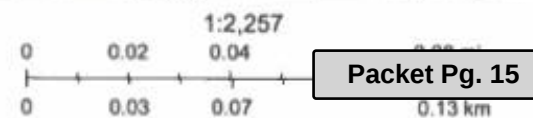
DEAL STRUCTURE

- Two ways to structure
 - Public sale
 - City has the option to use the property for its own projects



7/22/2022, 8:56:13 AM

— Lot Line Dimensions — Private Road — Other
 Streets — State Road



DEVELOPMENT CONCEPT

- There would be two "family" buildings and two "Senior" buildings
- Buildings would be three stories high
- The property would need to be subdivided into four parcels
- Maximize space with master stormwater planning
- Reduce parking requirements for senior 55+ year old building for more green space
- Each building will have approximately 40 apartments



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INFORMATION ITEM

DOC ID: 3706

Council Meeting Date: 27 October 2022
Department: Finance
Issue Under Consideration: Procurement Policy Revisions

This is for information and no action will be taken.
Revisions require Council approval through an ordinance.

ARTICLE IV. PROCUREMENT

DIVISION 1. GENERAL INFORMATION

Section 2-161 Purpose.

Regulations for the procurement of goods and services for The City of Georgetown, South Carolina, hereinafter referred to as the City, are promulgated under the authority of its Mayor and City Council consistent with the requirements of SC Code § 11-35-50 (political subdivisions required to develop and adopt procurement laws). These regulations are developed to set forth the policies and procedures for procuring goods and services. Regulations herein provided are established to ensure the fair and equitable treatment of those involved in public procurement and maximize the value of public funds. Procedures are also set forth to provide safeguards for maintaining a procurement system of uniformity, quality, and integrity. (cross-ref. SC Code § 22-35-10, et. seq.)

Section 2-162 Scope.

The funds for such expenditures having been appropriated in the budget passed by the City Council, these regulations apply to the procurement of any materials and supplies, equipment, professional and contractual services, or construction contracts (goods and services) entered into by the City Departments and any of its activities with funds expended from all state, federal and local funding sources. All prior procurement regulations of the City shall be amended as applicable, beginning the effective date of these regulations.

Section 2-163 Who We Are.

The Finance Department's Procurement Division is the responsible buyer for the acquisition of supplies, equipment, materials and many of the various services required by all departments within the City of Georgetown. Services are provided as requested from City departments by planning, organizing, coordinating, and directing the procurement process.

The Procurement Division is part of the Finance Department. Based on the Procurement Ordinance, the Purchasing Agent is responsible for promulgating regulations and procedures to insure proper receipt, identification, and inventory control for all services and supplies purchased for City use and for the management of all City purchases that are processed through the Procurement Division. Purchases not processed through the Procurement Division become the sole responsibility of the respective Department Director wherein the purchase originated. All procurement activities are to be made in accordance with this procurement policy and other state and federal laws and regulations where applicable.

Section 2-164 Location.

The Procurement Division address:

City Hall Finance Department
1134 North Fraser Street (Temporary)
Post Office Drawer 939
Georgetown, South Carolina 29442
Telephone: (843) 545-4043
Email: purchasing@georgetownsc.gov

Section 2-165 Responsibilities.

It is the Procurement Division's responsibility to ensure that all purchases for supplies, equipment, materials and services are made in accordance with the established procedures, policies, and regulations of the City of Georgetown. In addition to procurement responsibilities, the Procurement Division coordinates the disposal of surplus property.

Section 2-166 Definitions.

Addenda/Addendum: Additional requirements, specifications, or instructions to the original Request for Bids and Proposals or Request for Quotations. All contents of the addendum are incorporated into the original document.

Appropriation: An authorization granted by the City Council to make expenditures and to incur obligations for specific purposes.

Architectural, Surveying, and Engineering Services: Contracts performed by private consulting firms as agents of the City including feasibility studies, planning design, testing, and construction administration or management services.

Bidder: Any person, firm, partnership, corporation, association, or joint venture seeking award of a public contract or subcontract with the City.

Business: Any corporation, partnership, individual, sole proprietorship, joint stock, company, joint venture or any other private legal entity.

Certificate of Insurance: A document providing evidence that insurance has been purchased.

Change Order: Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual agreement of the parties to the contract.

Commodity: Tangible goods, wares, and merchandise which are moveable in trade.

Cooperative Purchasing: Procurement conducted by, or on behalf of, more than one public procurement unit.

Construction: The process of building, altering, repairing, remodeling, improving or demolishing any public structure or building or other public improvements of any kind to any public real property. It does not include the routine operation, repair or maintenance of existing structures, buildings or real property.

Construction Management Services, Design-Build Services, or Turnkey Management Services: Approaches to construction contract management that allow for the selection of a single firm to perform and/or manage the complete design and construction of a project.

Contract: A legally binding document, which specifies and defines the performance requirements and expectations for a purchase or project administered by the City.

Contractor: The person, firm, partnership, joint venture, corporation, or association who performs a trade or service agreement at any level with the City.

Days: Days shall mean calendar days. The day of the event from which the designated period of time begins to run is not included. If the final day of the designated period falls on Saturday, Sunday or a legal holiday for the City of Georgetown, then the period shall run to the next business day.

Department: A department of the City.

Designee: A duly authorized representative of a person holding a superior position.

Discrimination: An action or series of activities which sets apart or causes separate and unequal treatment of a person or group of persons solely on the basis of their age, gender, ethnic background, and national origin, veteran's status, and/or disability. Acts of discrimination are illegal in the performance of projects for the City.

Emergency: An immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions that threatens to terminate essential services, a dangerous condition or an immediate need for supplies, equipment, or services.

Employee: An individual drawing a salary from the City of Georgetown whether elected or not, and any non-compensated individual performing personal services for the City to include but not limited to board and commission members.

Encumbrance: Expenditure commitments created by purchase orders that have been issued, but for which no goods and services have been received.

Formal Bid: Procedure required for awarding contracts for apparatus, supplies, materials and equipment by the sealed competitive bid valued at \$25,000 or more. They must be advertised, opened in public, and recorded. Awards are made to the lowest responsible bidder taking into consideration quality, performance, and the time specified for the performance of the contract.

Governmental Body: Any department or agency of the City.

Invitation for Bids: A written or published solicitation issued by an authorized officer for bids to contract the procurement or disposal of stated supplies, services, equipment, or construction, which will ordinarily result in the award of the contract to the responsible bidder making the lowest responsive bid; a contract resulting from such an award is not a grant but a procurement contract.

Procurement: Buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, equipment, and construction. It also includes all functions that pertain to the obtaining of any supply, service, equipment, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of contracts.

Professional Service: Such services provided by a formally certified member of a professional body.

Proposer: Refers to each firm that submits a proposal for consideration by the City in compliance requirements dated in the Request for Bids and Proposals or Request for Quotation.

Purchase Order (PO): Created from a purchase requisition, this is a legal contract document issued by the Finance Department making a purchase to a vendor to order goods and/or services.

Purchasing Agent: The person responsible for the purchase of all supplies, materials and equipment and contractual services required by any office, department, or agency of the City government.

Quote: Procedure used for expenditures less than \$25,000. Pricing can be obtained by written quotations, facsimile, email, or sealed competitive bids.

Real Property: Any land, all things growing on or attached thereto and all improvements made thereto including buildings and structures located thereon.

Reasonable Price: Selling price that is fair to both parties considering quality, performance, supply situation, delivery time, and payment options.

Request for Proposals: A written or published solicitation for proposals to provide supplies or services, which ordinarily result in the award of the contract to the responsible bidder making the proposal determined to be most advantageous to the City.

Request for Quotation (RFQ): Informal procedure to expend budget funds for specific goods or services. Vendors may quote on items in writing by fax, email or informal written quotations.

Requisition: An electronic request from a City department to the Purchasing Agent to obtain specific goods or services.

Solicitation Document: The document used by the City to advertise the project, service, or goods sought and request expressions of interest, statement of qualifications, proposals, or offers.

Specifications: The parameters, requirements, and instructions that define the exact item or service that is desired and provide the basis for comparing bids. Specifications are generally incorporated into a contract, by reference, to become the successful bidder's legal obligations under the contract.

Subcontractor: A person(s) having a contract to perform work or render service to a prime contractor as part of the prime contractor's agreement with the City.

Supplies and Materials: Consumable items required by any department or agency of the City government in order to perform and deliver City duties and services.

Term Contract: A formal agreement between the City and a designated vendor(s) to provide an identified commodity upon request at an established price, and for a specified term.

The City: The City of Georgetown, South Carolina.

Vehicle: A motor vehicle, used for transporting people or goods especially on land (Over the Road) such as a car, or truck.

Vendor: Any bidder, offeror, contractor, supplier, or consultant supplying equipment or software and providing services to the City. Services may include, but are not limited to, construction, construction management, engineering, legal, surveying, financial, accounting, Information Technology, real estate appraisals, and environmental consulting services.

Sections 2-167-2-169 Reserved.

DIVISION 2. ETHICS IN CITY CONTRACTING

Section 2-170 Ethical Conduct.

The City of Georgetown strongly believes in the principle of fair and open competition in maintaining the integrity of the City's procurement and contracting process.

Section 2-171 Conflict of Interest.

The policies and procedures of the City of Georgetown prohibit business transactions with their respective employees, either directly or indirectly. This policy is fully applicable to the Procurement Division, which shall conduct City procurement in compliance with rules and definitions of Title 8, Chapter 13, SC Code of Laws, (Ethics, Government Accountability, and Campaign Reform).

No City elected officials or employees may knowingly use their official office, membership, or employment to obtain an economic interest for themselves, members of their immediate family, an individual with whom they are associated, or a business with which they are associated. This

prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a City official or employee's use that does not result in additional public expense.

No City elected officials or employees may make, participate in making, or in any way attempt to use their office, membership, or employment to influence a decision in which they, members of their immediate family, an individual with whom they are associated, or a business with which they are associated has an economic interest.

City elected officials or employees who, in the discharge of their official responsibilities, are required to take an action or make a decision that affects an economic interest of themselves, a member of their immediate family, an individual with whom they are associated, or a business with which they are associated shall:

- (a) Prepare a written statement describing the matter requiring action or decisions and the nature of their potential conflict of interest with respect to the action or decision;
- (b) If they are a City employee, they shall furnish a copy of the statement to the City Administrator who shall assign the matter to another employee who does not have a potential conflict of interest;
- (c) If they are a City elected official, they shall furnish a copy of the statement to the Mayor, or presiding officer, of the governing body or the chair of any commission or board on which they serve, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists or the appearance of conflict of interest and shall cause the disqualification and the reasons for it to be noted in the minutes.

No City officials or employees, elected or appointed, in a decision making or influential position, shall accept anything of value. (cross-ref. SC Code § 8-13-100, et. seq.)

No City officials or employees, elected or appointed, may use or disclose confidential information gained in the course of, or by reason of, their public responsibilities in any way that could affect an economic interest held by themselves, a member of their immediate family, an individual with whom they are associated, or a business with which they are associated.

Section 2-172 Providing Information to Vendors and Bidders.

No City official or employee, elected or appointed, shall knowingly provide false or misleading information to any vendor or bidder wishing to do business with the City. The procurement process, including the sale of surplus property, shall be open to prospective bidders or suppliers, and all parties shall have equal access to pertinent information; however, any information or statistics accumulated during the course of a bid process, including the number of bids received, or the identity of parties from whom bids have been received, is considered confidential information and should not be disclosed until the time of bid opening whenever disclosure of such information could result in a competitive advantage to one or more vendors or bidders or when not in the best interest of the City.

Section 2-173 Equal Opportunity.

The policies and procedures of the City of Georgetown prohibit discrimination against any person or business in pursuit of business opportunities on the basis of race, color, sex, religion, or national origin. Furthermore, it is the policy of the City of Georgetown to conduct its contracting and procurement programs so as to prevent any discrimination and to resolve any and all claims of such discrimination.

Section 2-174 Fair and Open Competition.

The City of Georgetown promotes fair and open competitive solicitation process, wherever practicable. Restrictive or proprietary specifications are kept at minimum and applied where absolutely necessary to meet technical demands for operational compatibility with existing City equipment and/or operations which are truly unique and cost effective performance applications.

The City may contract with persons other than City personnel for the preparation of specifications. However, no person or entity preparing specifications shall receive any direct or indirect advantage or benefit from the utilization of such specifications.

Section 2-175 Women/Minority Business Enterprises (WMBE Statement).

It is the policy of the City of Georgetown to provide minorities and women equal opportunity for participating in all aspects of the City's contracting and procurement programs, including but not limited to employment, construction projects, and lease agreements consistent with the laws of the State of South Carolina.

It is further the policy of the City of Georgetown to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, notional origin, religion, sex, age, handicap, or veteran status.

It is further the policy of the City of Georgetown to conduct its contracting and procurement programs so as to prevent such discrimination and to resolve any and all claims of such discrimination.

Section 2-176 Communication.

It is the policy of the City of Georgetown to commit to transparency, ensure impartiality, and complete procurement processes free of internal and external influences. To accomplish this policy, *ex parte* communication (written or oral) is prohibited. Therefore, potential respondents and/or respondents submitting proposals, bids, qualifications, quotes, etc. shall not engage in communication with any City employee, including elected officials, except the City official(s) designated as the contact in the Solicitation Document. Any communication outside the one between the designated City contact in the Solicitation Document and respondents shall be considered *ex parte* communication and shall not be relied upon. The City shall disqualify any potential respondent and/or respondent's proposal if the City discovers that potential respondent and/or respondent engaged in *ex parte* communication. City employees and/or elected officials shall neither initiate nor engage in *ex parte* communication with potential respondent and/or respondents. This entire section shall be included in all Solicitation Documents.

Sections 2-177-2-179 Reserved.

DIVISION 3. CITY OF GEORGETOWN PROCUREMENT POLICY

Section 2-180 Oversight.

It is the policy of the City to provide comprehensive oversight of the City's procurement activities which promote public confidence, maximize the value of goods and services acquired with public funds, encourage competition, and ensure equitable and fair access to all potential vendors.

The City Administrator, or designee, has the authority to issue policies governing the procurement and disposal of all goods and services. The Administrator, or designee, has the authority to approve

procurements outside of its policy when he determines such actions serve an appropriate public purpose which assures that the City's best interests are served and exemplifies the most efficient use of public funds.

All original purchasing documents pertinent to bidding activities shall be retained in official files of the Purchasing Agent; all invoices associated with the purchase of goods or services will be retained by the Finance Department. All files must be maintained under provisions of the City's records retention policy.

The Purchasing Agent is responsible for soliciting and maintaining an up-to-date list of qualified suppliers who have requested that their names be added to the City's "Bidders List". The Purchasing Agent shall have the authority to remove temporarily the names of vendors who have defaulted on their bids or quotations, attempted to defraud the City, or who have failed to meet established specifications, delivery dates, and product or service requirements after an award of a contract. Adequate documentation stating reason for removal of a vendor from the City's "Bidders List" shall be maintained on file.

All goods and services obtained through the use of state or federal funds shall be in compliance with applicable state and federal laws and regulations. Disposal of items or property purchased with state or federal funds shall also be accomplished in accordance with the authorized agency procedures. Whenever this policy is more restrictive than the state or federal laws or regulations, the provisions of the City's procurement policy shall be followed.

Section 2-181 Purchase of Tangible Assets.

Purchases less than or equal to \$5,000.00 may be accomplished without securing competitive quotations if the prices are considered to be reasonable. Sufficient funds must have been appropriated in the budget and available for expenditure. The Department Director indicates by signature on the invoice that the price is fair and reasonable (as defined by Section 2-166) and that purchase becomes the sole responsibility of the Department Director. Upon invoice approval and general ledger coding said invoice should be submitted to the City's Accounts Payable division for payment. Such purchases shall be distributed equitably among qualified suppliers. When practical, a quotation will be solicited from someone other than the previous supplier prior to placing a repeat order.

Purchases greater than \$5,000.01 must be submitted via requisition to the Purchasing Agent for approval and purchase order creation following all guidelines detailed in Section 2-189 Purchase Order Authority.

Action to verify the reasonableness of the price (as defined by Section 2-166) needs to be taken only when the Purchasing Agent or designee suspects that the price may not be reasonable; e.g., comparison to previous price paid, or personal knowledge of the item involved.

Section 2-182 Quotations.

Quotations for all transactions, on materials and/or services with estimated cost of \$5,000.01 up to \$25,000.00 not covered by a contractual agreement, state contract, or cooperative purchasing agreement shall be obtained. Department Directors or designees are responsible for obtaining quotations except for situations otherwise provided in this policy.

Definitions of Quotation: A price that is mailed, faxed, or e-mailed which includes the following:

- Company logo or letterhead
- Sales person's name and signature
- Telephone and email address

- Itemized price
- Delivery date

Levels of Quotations:

\$5,000.01 to \$25,000.00 Minimum of three written quotes

If unable to secure three quotes, adequate documentation of the effort must be provided for the Purchasing Agent's file.

Section 2-183 Emergency Purchases

Notwithstanding any other provisions of this Ordinance, the Purchasing Agent may make or authorize others, subject to the approval of the City Administrator, to make emergency procurements of supplies, services or construction items when there exists a threat to the functioning of the City of Georgetown, such as, the preservation or protection of property, health, welfare, or safety of any person provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be made and shall set forth the contractor's name, amount, and a listing of the item(s) procured under the contract.

Section 2-184 Sole Source Purchases

Sole Source Purchases: A bid or contract may be awarded for a supply, service, or equipment without competition when it is determined that there is only one feasible source available for purchase that exists, and that the normal procurement process is not appropriate. Sole source purchasing serves a proper corporate and public purpose. The determination as to whether procurement shall be made as a sole source shall be made by the City Administrator and the Director of Finance. Such determination and the basis therefore shall be in writing. In the case of reasonable doubt, competition should be solicited. Any request by a department that procurement be restricted to one potential contractor shall be accompanied by an explanation as to why no other procurement method will be suitable or acceptable to meet the need.

Section 2-185 Competitive Bid Process (Sealed Bids or Proposals).

This section shall not apply when procuring professional services under Section 2-187, when it is determined to be the most advantageous to the City.

All purchases of tangible assets of twenty-five thousand dollars (\$25,000) and greater shall be purchased by the department/division using the competitive bid process, except as otherwise provided in this policy. Public Notice of the solicitation document shall be advertised at least once in a newspaper of general circulation in the City, and through the internet on the City's website not less than five (5) calendar days prior to the established bid receipt and opening date. The notice shall include a general description of the materials, equipment, or services to be purchased, where solicitation documents including specifications and the time and place for the bid opening may be obtained.

A solicitation document shall be issued to at least three qualified vendors, when possible. It shall include specifications and all other contractual terms and conditions applicable to the purchase. The solicitation document shall set forth the evaluation criteria to be used. Each department/division shall assist in maintaining a vendor list for all purchases.

All bids must be kept in a secure location and shall remain unopened until the announced time of the bid opening. Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the solicitation document. The official clock shall be that of the City's Purchasing Agent. Bids shall be time-stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of bids, a Submittal Listing shall be prepared which shall include for all bids the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The Submittal Listing shall be certified in writing as true and accurate by both the person opening the proposals and the witness.

Bids shall be shown only to City personnel having a legitimate interest in them and then only on a "need to know" basis. Contents and the identity of competing offers shall not be disclosed during the process of opening by City personnel. The amount of each bid, the name of each bidder, and any other relevant information shall be recorded by the Department Director, Purchasing Agent, or designee. Upon opening of the bids, the tabulation is open to public inspection (§ 11-35-520). All documents submitted to the City and in the possession of the City may be subject to release under § 30-4-10 et. seq., SC Code of Laws, (the South Carolina Freedom of Information Act ("FOIA") and will be released to the public unless exempt from disclosure. Each party submitting a bid shall clearly and obviously mark any documents it deems to be exempt from disclosure under the FOIA, with the use of highlighting or bolding, to include clear language indicating the exemption.

Bid opening dates may be changed if the scope of work or bid specifications is altered. Any changes in bid opening date must be made in writing and mailed not less than five (5) days prior to the original bid opening date. If it becomes necessary to postpone a bid opening, the Purchasing Agent shall issue the appropriate amendments to the solicitation postponing or rescheduling the bid opening. When the Purchasing Division is closed due to force majeure, bid openings will be postponed to the same time on the next official business day.

Bids shall be evaluated on their responsiveness to bid requirements set forth in the invitation for bids and bid price. Award of bid other than to the low bidder must be approved by the City Administrator or designee.

The Purchasing Agent shall have the authority to award contracts within the purview of this policy, (consistent with the procedures outlined in the Procurement Manual). Any type of contract that promotes the best interest of the City may be used. However, a cost reimbursement contract or a cost-plus-a-percentage-of-cost contract may be used only when a written determination is prepared showing that such a contract is likely to be less costly to the City than any other type or that it is impractical to obtain the supplies, services, or construction required except under such a contract. Before awarding a contract or issuing a notification of intent to award, whichever is earlier, the Purchasing Agent must be satisfied that the prospective contractor is responsible.

Contracts may be negotiated by the Department Director or designee and City Attorney. Final approval of all contracts rests with the City Administrator or designee (consistent with the procedures outlined in the Procurement Manual). Contracts shall be awarded to the lowest responsive and responsible bidder. In determining lowest responsive and responsible bidder, in addition to price, the Purchasing Agent and/or Department Director shall consider:

- (a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (d) The quality of performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;

- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
- (i) Whether the bidder has met the criteria of the bid specifications, terms, and conditions. The determination is not limited to circumstances existing at the time of opening. If a bidder or offeror who otherwise would have been awarded a contract is found non responsible, a written determination of non-responsibility setting forth the basis of the finding shall be prepared by the Purchasing Agent. A copy of the determination shall be sent promptly to the non-responsible bidder or offeror. The final determination shall be made part of the procurement file.

The Purchasing Agent shall not accept a bid from a vendor or contractor who is delinquent in the payment of taxes, licenses, or other monies due the City.

The City of Georgetown reserves the right to use value engineering, negotiate with vendors, reject any or all bids, or waive any informality in the bidding. Bids could be held for a maximum of 60 (sixty) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to making a final decision.

Local Vendor Preference Option

1. A vendor shall be deemed a Local Georgetown City/County vendor for the purposes of this Section if such vendor is an individual, partnership, association or corporation that is authorized to transact business within the State, maintains an office in Georgetown County, and maintains a representative inventory or commodities within the City/County on which the bid is submitted, and has paid all taxes and business license fees duly assessed.
2. This option allows the lowest local bidder whose bid is within five-percent (5%) of the lowest non-local bidder to match the bid submitted by the non-local bidder and, thereby, be awarded the contract. This preference shall apply only when (a) the total dollar purchase is \$10,000 or more; (b) the vendor has a physical business address located and operating within the limits of Georgetown County and has been doing business in the City/County for a period of twelve (12) months or more; and (c) the vendor provides proof of payment of all applicable Georgetown City/County taxes, business license and fees if so requested.
3. Should the lowest responsible and responsive Georgetown City/County bidder not exercise its right to match the bid as granted herein, the next lowest qualified Georgetown City/County bidder shall have that right and so on. The right to match the non-Georgetown City/County bidder's bid shall be exercised within 24 hours of notification.
4. In order to qualify for the local preference authorized by this Section, the vendor seeking same shall be required to submit with the bid a statement containing relevant information which demonstrates compliance with the provisions of this Section. This statement shall be on the LOCAL VENDOR PREFERENCE OPTION SUBMITTAL FORM (Exhibit A) included in the bid document. Failure to provide such affidavit at the time the bidder submits its bid shall constitute a waiver of any claim for preference.
5. For all contracts for architecture, professional engineering, or other professional services governed by Section 2-187, Professional and Construction Management Services, Design-Build Services, Turnkey Management, the City shall include the local business status of a firm among the factors considered when selecting which firms are "most highly qualified." In determining which firm is the "most qualified" for purposes of negotiating a satisfactory

contract, preference shall be given to a local business where all other relevant factors are equal.

6. Local preference shall not apply to the following categories of contracts:

- (a) Goods or services provided under a cooperative purchasing agreement or similar "piggyback" contract;
- (b) Contracts for professional services except as provided for in Section 2-187;
- (c) Purchases or contracts which are funded, in whole or in part, by a governmental or other funding entity, where the terms and conditions of receipt of the funds prohibit the preference;
- (d) Purchases or contracts made pursuant to a noncompetitive award process, unless otherwise provided by this section, or
- (e) Any bid announcement which specifically provides that the general local preference policies set forth in this section are suspended due to the unique nature of the goods or services sought, the existence of an emergency as found by either City Council or City Administrator, or where such suspension is, in the opinion of the City Attorney, required by law.

Section 2-186 Bid Security, Payment and Performance Bonds.

Bid and performance bonds or other securities may be requested for supply contracts and service contracts as the Risk Manager, Purchasing Agent, and/or Department Director deems advisable to protect the City's interest. Any such bonding requirement shall be set forth in the solicitation.

Bid Security: In an amount equal to or at least five percent (5%) of the amount of the bid shall be required for all competitive bidding for construction contracts exceeding one hundred thousand dollars (\$100,000). Bid security shall be a legitimate bid bond provided by a surety company authorized to do business in South Carolina, or the equivalent certified check, cashiers' check, or money order. The City, at its option, may require bid bonds on construction contracts under one hundred thousand dollars (\$100,000) when the circumstances warrant. Noncompliance with this provision mandates that the City reject the bid. Bid security will be returned to the unsuccessful bidders upon contract award by the Purchasing Agent.

When a construction contract is awarded in excess of one hundred thousand dollars (\$100,000) the following bonds or security shall be delivered by the successful bidder to the City and shall become binding on the parties upon execution of the contract. Bid or performance bonds shall not be used in substitution for determination of bidder's responsibility.

- (a) A performance bond shall be in an amount equal to one hundred percent (100%) of the contract amount; and
- (b) A payment bond for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work shall be in an amount equal to one hundred percent (100%) of the contract amount.

The Purchasing Agent shall make the award of bid after obtaining the recommendation from City Council. The award letter shall be issued by the Purchasing Agent or designee to the lowest responsible and responsive bidder meeting the requirements set forth in the Invitation for Bids.

(a) The division/Department Director is responsible for obtaining the required insurance certificates and Business License verification for submittal to the Purchasing Agent and Risk Manager for approval.

(b) A bid may be canceled and/or all bids rejected upon written recommendation of the division/department manager, and approval of the Purchasing Agent.

Section 2-187 Professional and Construction Management Services, Design-Build Services, Turnkey Management.

When in the best interest of the City, a Request for Proposal (RFP) or a Request for Qualifications (RFQ) may be solicited for professional services. A RFP or RFQ will be issued efficiently and expeditiously to at least three (3) top-ranked vendors considered qualified and appropriate for the particular procurement. The RFP or RFQ must include specifications and all contractual terms and conditions applicable to the procurement. The City must receive at least two (2) responsive, bona fide quotes in response to its solicitation. If one or more vendor declines to provide a quote, the City must document that fact in the procurement file. The City must award to the lowest responsive and responsible vendor. The Submittal Listing shall be open to public inspection only after the issuance of an award or notification of intent to award, whichever is earlier.

The City Administrator or designee shall have the discretion to use construction management services, design-build services, or turnkey management services as alternatives for construction contracting administration. In exercising such discretion, the City Administrator or designee shall consider the method which in the Administrator or designee's discretion is the most advantageous to the City and will result in the timeliest, economical, and successful completion of the construction project.

The determination of the method of source selection utilized shall be stated in writing and included as part of the contract file. As a part of this determination, the City Administrator shall determine if the City should prepare the request for proposals for providing such method of construction contracting administration or if the City should retain outside consulting services to prepare such requests for proposals.

If the City Administrator or designee determines that the use of construction management services, design-build services, or turnkey management services is the most advantageous means of securing the construction contracting administration set forth in this section, the selection of the method of construction contracting administration used by the City shall be submitted for review to City Council at a regular meeting.

Within 15 days after notice of such review by City Council, an interested party shall submit to the City Administrator written comments which set forth the position of the party with respect to the decision as to which construction contracting method to use. At the next meeting of the City Council, those who submitted comments may address the Council. Following the Council meeting, if City Council does not reject the selection of this method, the construction contracting administration shall be secured in the manner set forth.

If the method of construction contracting administration is determined under this Section, the Mayor shall select an independent monitor from an agency of government who does not report directly or indirectly to the City Administrator or City Council to observe the source selection process to determine if the process was fair, open and competitive at the time of source selection. The monitor shall give a written report to the Mayor which sets forth those findings.

If the competitive sealed proposal method of construction contracting administration is determined to be the most advantageous to the City, the City shall use such method set forth in Section 2-185.

Section 2-188 Requests for Qualification (RFQ) leading to Request for Proposals (RFP).

The Departments may issue an RFQ to prospective offerors leading up to the issuance of an RFP. The RFQ may require information only on qualifications, experience, and ability to perform the requirements of the contract. Such request could contain, as a minimum a description of goods or services to be solicited by the RFP, the general scope of work, the deadline for submission of information, and how prospective offerors may apply for consideration.

After receipt of the responses to the RFQ from the prospective offerors, the prospective offerors shall be ranked from the most qualified to least qualified on the basis of the information provided. Proposals in the form of RFP shall be solicited from normally the top three but under no circumstances less than the top two prospective offerors to be selected to receive the RFP. The RFP shall not be reviewed by the City as grounds for protest from the prospective offerors.

Adequate public notice of the RFQ shall be given in the manner as provided for the issuance of an RFP.

Any solicitation document may be canceled, or any or all bids or proposals may be rejected in whole or in part when it is in the best interest of the City, and documentation supporting the reason(s) for rejection shall be made a part of the solicitation file.

The Submittal Listing shall be open to public inspection only after the issuance of an award or notification of intent to award, whichever is earlier.

Section 2-189 Purchase Order Authority.

A purchase order authorizes a vendor to ship and invoice materials as specified. Purchase orders must be created in a clear and concise manner which will prevent unnecessary misunderstandings and time consuming contact with the vendor. Once a purchase order is issued, all funds for that purchase order become encumbered funds.

Understanding that (1) each fiscal year, a Council-approved budget ordinance provides City staff the spending authority to carry out the goals included in the budget and (2) a system of authorization and approval is an important element of internal control, another layer of approval authority is required on all purchases prior to issuing a Purchase Order or contract. The following levels of authority are based on the dollar amount of purchase:

Option #1:

\$0 – \$5,000	Department Director or Designee – Purchase Order not required
5,000.01 - \$25,000.00	Department Director, Purchasing Agent, Director of Finance– Purchase Order required along with three written quotes
\$25,000.01 - \$75,000.00	Department Director, Purchasing Agent, Director of Finance and City Administrator – Purchase Order required along with competitive bid process
\$75,000.01 and Over	Department Director, Purchasing Agent, Director of Finance, City Administrator, and City Council - Purchase Order required along with competitive bid process

The Purchasing Agent shall include in the Procurement Manual required standard operating procedures for departments to follow.

Option #2:

Another option could be for the administrator to authorize everything above \$100,000 without going back to Council and providing a monthly report to Council on issued POs.

\$0 – \$5,000	Department Director or Designee – Purchase Order not required
5,000.01 - \$25,000.00	Department Director, Purchasing Agent, Director of Finance – Purchase Order required along with three written quotes
\$25,000.01 - \$100,000.00	Department Director, Purchasing Agent, Director of Finance and City Administrator – Purchase Order required along with competitive bid process
\$100,000.01 and Over	Department Director, Purchasing Agent, Director of Finance, City Administrator, and City Council - Purchase Order required along with competitive bid process

The Purchasing Agent shall include in the Procurement Manual required standard operating procedures for departments to follow.

Section 2-190 Cooperative Purchasing.

The City Administrator, Director of Finance, Department Director, or Purchasing Agent may wish to administer a cooperative purchasing agreement for goods and services with one or more governmental entities by entering into an intergovernmental agreement. The procurement policies, laws, and ordinances of each entity will be considered in the agreement.

In the event the City enters in an intergovernmental agreement for a joint project with the federal or a state government, or with another governmental entity including, but not limited to, a county, regional Council, special purpose district, special tax district, state authority, joint district, or public university, then the purchasing practices of the other public entity may be used in lieu of the City's own procedures.

Section 2-191 Permit and License Requirements.

Contractors and professional service providers contracted by the City shall be required to provide a Certificate of Insurance for Liability and Worker's Compensation with insurance coverage limits acceptable to and approved by the Risk Manager prior to commencing work. Certificates containing verbiage which releases the insurance company from liability for non-notification of cancellation of the insurance policy shall not be acceptable. Policies shall be endorsed to include a waiver of subrogation against its officers, officials, agents, and employees. Separate endorsements shall be required naming the City of Georgetown as additional insured for Liability insurance, and provide a waiver of subrogation for Worker's Compensation Insurance. Also, execution of a Hold Harmless/Indemnification Agreement may be required at the discretion of the Risk Manager in an effort to hold the City free of liability in the event circumstances warrant same due to a vendor's use and operation of any City-owned property.

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this article in whole or in part, within the limits of the City, is required to pay an annual license fee and obtain a business license as provided in Chapter

13, Article II, Business Licenses of the Code of Ordinances of the City of Georgetown, South Carolina.

Business means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.

Section 2-192 Specifications.

All specifications shall be drafted so as to assure cost effective procurement for the purposes intended. They shall also encourage competition and shall not be unduly restrictive.

The user department shall prepare, revise, and maintain the specifications for supplies, services and construction required by their departments with advice, recommendation, and approval of the Procurement Division.

The City shall have the authority to perform chemical and physical tests of products or samples of products when necessary to determine their quality and conformance with specifications. The City shall have the authority to make use of any testing facilities or laboratories of its choice when conducting such tests.

Brand Name or equal specifications may be used when the user department makes a written determination that no other design or performance specification or qualified product list is available. The solicitation shall contain explanatory language that the use of a brand name is for the sole purpose of describing the standard of quality, performance, and a characteristic desired and is not intended to limit or restrict competition.

Brand name or "equal" specification is a clause that uses one or more manufacturers' brand names or catalog numbers to describe the "best value" needed to win a bid.

Section 2-193 Exemptions.

The following goods and services may be exempt from the standard procurement process as could be considered to be in the best interest of the City:

1. One of a kind items;
2. Published books, maps, periodicals, subscriptions, and technical pamphlets, training/professional development programs;
3. Membership fees;
4. Postage stamps and other delivery fees;
5. Tuition reimbursement;
6. Conference registration;
7. Public advertising;
8. Existing bid or contract for like supplies, services, construction
9. State of South Carolina or GSA contracts;
10. Supplies and/or services from other governmental entities or cooperative purchasing programs, including colleges and universities;
11. Medicines/drugs;
12. State/Federal Surplus;
13. Used Equipment/supplies;
14. Equipment maintenance or service agreement with the manufacturer or authorized service agent; and
15. City Administrator directed contracts for professional services or employment when the provider is customarily employed on a fee basis rather than through competitive bidding and it is determined that such contract(s) are in the best interest of the City of Georgetown.

(Examples: architects, attorneys, accountants, auditors, appraisers, engineers, physicians, etc.)

16. "Any determinations with regard to procurement of an otherwise-exempt contract for professional services under Section 2-193 (15) shall be made solely by the City Administrator and must be in writing and submitted to the Finance Director and Purchasing Agent."

Section 2-194 Protest Procedures.

Any actual bidder or contractor who is aggrieved in connection with the intended award or award of a contract in excess of ten thousand dollars (\$10,000) shall protest to the City Administrator or designee in the manner stated under this section within ten (10) calendar days of the date of notification of award posted in accordance with this policy.

Protest Procedure: A protest shall be in writing, submitted to the City Administrator or his designee, as stated above, and shall set forth the grounds of protest and relief requested with enough details to give notice of the issues to be decided.

Authority to Resolve Protest: The City Administrator or designee, in coordination with and under the advisement of the City Attorney, shall have authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest by an actual aggrieved bidder, offeror, or a contractor concerning the award of a contract.

Decision: If the protest is not resolved by mutual agreement, the City Administrator or designee in coordination with the City Attorney shall issue a decision in writing within ten (10) days after receipt of the protest. The decision shall state the reasons for the action taken. **Notice of Decision:** A copy of the decision shall be mailed or otherwise furnished immediately to the protestant and any other intervening party.

Failure to Render Timely Decision: If the City Administrator or designee does not issue the written decision required under this section or within such longer period as may be agreed upon by the parties, then the contractor shall proceed as if an adverse decision has been received.

Section 2-195 Inventory and Surplus Property.

All departments are responsible for ensuring that an accurate and perpetual inventory of all materials, equipment, and goods is maintained. All offices, departments, or agencies of the City government shall submit to the purchasing agent, at such time and in such form as he or she shall prescribe, reports showing stocks of all material, equipment, and goods which are no longer used or which have become obsolete, depleted or scrapped.

The purchasing agent shall have authority to transfer excess or surplus materials, equipment, and goods stock to other offices, departments, or agencies of the City government. The purchasing agent shall also have the authority to sell all materials, equipment, and goods that have become unsuitable for public use, or to exchange the same for, or trade in the same, on new materials, equipment, and goods. Generally, materials, equipment, and goods with more than a nominal value will be advertised for sale through competitive sealed bids or by public auction. Award will be made to the highest responsible bidder; however, the City has the right to reject any and all offers. The City may negotiate a sale of surplus property to another government or nonprofit entity with the approval of the City administrator.

Items considered to be of nominal value and otherwise would be discarded may be disposed of through informal procedures developed by the purchasing agent.

Any items deemed by the purchasing agent to be beyond repair or unusable by the City may be discarded as refuse or sold for scrap value. Items that are beyond repair shall be documented as such and disposed of properly.

Disposal of all surplus property must be authorized by the purchasing agent and accompanied by proper documentation.

None of the above criteria applies to the sale or lease of public lands pursuant to section 2-41 of the City of Georgetown Code of Ordinances.

Section 2-196 Credit Card Program Policies and Procedures.

Credit cards in the name of the City of Georgetown shall be used only for purchases that are for the use and benefit of the City of Georgetown. Any cardholder who makes unauthorized purchases or carelessly uses the credit card, allows the card to be used by unauthorized individuals, or fails to secure the card so that it is used by unauthorized individuals will be liable for the total dollar amount of the unauthorized purchase(s) plus any administrative fees associated with the misuse charged by the lending financial institution. Additionally, the amount of the unauthorized purchase may be deducted from the employee's paycheck as an advance of wages. Failure to comply with the program criteria will result in permanent revocation of the card, notification of the situation to the City Administrator, and disciplinary action in accordance with City Policies and Procedures relating to disciplinary action and termination for cause.

Misuse of the City's credit card may constitute fraud and criminal charges may be issued against the cardholder.

Credit cards will only be issued to Department Directors with the approval of the City Administrator and the Director of Finance. This card should be used ONLY by the Department Director or designee. Each cardholder is responsible for safeguarding their issued card and all corresponding account information. The following criteria must be met prior to card issuance:

1. Applicant must be a City of Georgetown Department Director;
2. Applicant's request must be approved by the City Administrator and the Director of Finance; and
3. Applicant must sign the Employee Acknowledgement of Responsibilities and Obligation for Use of the City of Georgetown Credit Card (Exhibit B).

Should the cardholder be terminated or transferred to another department, the issued card must be returned to the Director of Finance immediately.

Credit cards may be used to purchase any small dollar goods, with a total dollar amount of less than two thousand dollars (\$2,000). The credit card may not be used for the following:

1. Personal purchases;
2. Any single purchase that exceeds two thousand dollars (\$2,000) or the card's purchase limit;
3. Cash advances;
4. Telephone calls/monthly service;
5. Alcohol and tobacco;
6. Office supplies that are on contract;
7. Restaurants, groceries, food items, or meals of any kind unless for City meetings;
8. Employee compensation;
9. Items in inventory; or
10. Travel (and all related expenses) unless pre-approved by City Management.

The maximum amount for any single purchase transaction is two thousand dollars (\$2,000). You CANNOT split a purchase into several transactions to stay within the single purchase limit.

The City of Georgetown is not tax exempt and should be charged sales tax when applicable.

Although competitive bidding is not required for small purchases less than five thousand dollars (\$5,000), employees are expected to seek competition and the lowest prices for goods and services. Whenever making a credit card purchase, check as many vendors as reasonable for the situation, to assure best price and delivery. The Finance Department has the discretion to establish pricing agreements and identify a "preferred supplier" list. You are expected to purchase from the vendors on that list whenever possible. You will be notified of any arranged discounts.

All items purchased over the counter must be immediately available at the time of credit card use. No back ordering of merchandise or prepayment is allowed.

When the goods are received, retain all shipping documentation and detailed receipts to turn in for payment verification.

Record all proper general ledger account information with the documentation for each purchase and forward to the Director of Finance for payment verification.

Any and all travel expenses must be accompanied by the appropriate PF form(s) within 15 days of travel so that the Finance Department can ensure compliance with the City's travel policy. You are responsible for all receipts. You should keep all documentation in a file to compare against the monthly statements. If you don't have a receipt for a transaction, you must attach an explanation to your monthly documentation that includes a description of the item(s) purchased, date of purchase, vendor's name, and reason for the lack of supporting documentation.

The statement is to be submitted to the Director of Finance for approval. If you continue to misplace receipts, your card privileges will be revoked.

At the end of each billing cycle you will receive a statement of purchases for your card. This is not a bill for you to pay. Simply forward all corresponding documentation to the Finance Department for final approval and payment.

When you receive your statement verify that each transaction agrees to your receipts and any shipping documents. Make sure all charges are correct and the goods were received or the services performed. Include completed employee expense reports if the card was used for travel. Assign the correct charge accounts to all purchases listed on the statement. Add and total charges for each account number and check to see they match the total on the statement. Staple all original sales documents (packing slips, invoices, cash register receipts, employee expense reports, etc.) to the back side of the statement in order as listed. This data attachment is critical for accounts payable. Sign the statement and forward the entire package to the Finance Department for approval within five (5) days of receiving the monthly statement. If the documentation is not received by the 6th day, that account may be suspended until all issues are resolved.

If an item purchased on the card is not satisfactory, received wrong, damaged, defective, etc., the cardholder is responsible for replacing the item or securing a credit. Contact the vendor as soon as possible to explain the problem and inquire about return policies. If a credit is given, retain the appropriate transaction documentation to compare with the monthly statement. If purchased items or credits are not listed on your monthly statement, you should hold on to the receipt or credit memo and check the next monthly statement. If the purchase or credit does not appear on the statement

within sixty (60) days after the date of purchase, notify the Director of Finance immediately. Under no circumstances should you accept cash in lieu of a credit.

If there is a charge on your monthly statement for something not purchased or an incorrect purchase amount, contact the vendor to resolve any incorrect transactions. If the vendor cannot correct the problem, notify the Director of Finance immediately.

A credit card may be declined if the cardholder has exceeded the single purchase/transaction limit or monthly credit limit. If this occurs contact the Director of Finance and explain the situation. The City's financial institution will be contacted to authorize the purchase, if appropriate.

If your credit card is lost or stolen you should immediately contact the Director of Finance.

Issuance of a City of Georgetown credit card in compliance with this policy implies no personal liability to the cardholder. The credit card is a City liability.

If, in the City's opinion, the cardholder has violated the terms of this policy, the cardholder's account may be closed and the employee may be disciplined. Reasons for this action include but are not limited to:

1. The credit card is used for personal or unauthorized purposes;
2. The credit card is used to purchase alcoholic beverages or any substance, material, or service which violated policy, law, or regulation pertaining to the City of Georgetown;
3. The card is used by someone other than the person to whom it is issued;
4. The cardholder uses the credit card to circumvent the purchase limit assigned to the cardholder or the limitation of the credit card itself;
5. The cardholder fails to provide the Finance Department with required receipts;
6. The cardholder fails to provide, when requested, information about any specific purchase; or
7. The cardholder does not adhere to all of the credit card policies and procedures.

Section 2-197 Pre-qualified bidders/offerors/contractors/consultants/suppliers

The City will determine that pre-qualification of vendors, as to their professional qualifications, is in the City's best interests. The Administrator or designee may pre-qualify bidders or offerors whom they believe to be responsible based on past performance, experience, reputation, background, skill, location, financial capability and bondability.

This pre-qualification approach may also be used to establish an on-call list for engineering and construction services at the discretion of the City Administrator. The pre-qualification process for engineering and construction services may occur on a 3-year cycle.

The City will publicly advertise a Request for Qualifications describing the project or services requested in detail and the selection criteria. The City would invite vendors to submit their qualifications for evaluation by the selection committee, which must then rank-order the firms using the published selection criteria in making their evaluations.

In determining whether a vendor is qualified and appropriate, such criteria as deemed to be in the City's best interests will be used. The notice of pre-qualification of vendors will set forth the criteria by which the qualifications and appropriateness of prospective vendors will be determined. Only those criteria set forth in the pre-qualification notice may be considered. The City Administrator will make all pre-qualification decisions in the exercise of their reasonable discretion and will make a written record of the basis for his/her pre-qualification determinations. Prior to issuance of the

Request for Proposal or Bid, all prospective bidders or offerors that were provided with pre-qualification notice will be notified of the City's decision relating to prequalification.

Section 2-198 Real Estate Property: Purchase or Sale

Purchase of Property: It shall be the policy of the City to purchase real property for a negotiated amount of up to its fair market value. The City shall appraise the real estate property by contracting a certified appraiser to determine the fair market value. Notwithstanding this rule, the City Council may authorize the City Administrator to purchase real property above the fair market value if it is in the best interest of the City.

Sale of Property: It shall be the policy of the City to offer for sale, at fair market value, all surplus real estate property owned by the City. Surplus real estate property may be sold to adjacent owners when, as determined by the City Administrator such property is usable by the adjacent property owner(s). When property is sold, adequate legal provisions shall be made so that no owner will be denied access to his or her property as a result of the sale.

1. Appraisal of Property. All surplus real properties must be appraised by a certified appraiser to determine fair market value.
2. Management Review and Recommendation. When it is determined that real property is no longer needed for current or future use by a department, it shall be considered surplus for review by City Council. Following review, the City Administrator will request authorization from City Council to sell City owned real properties that have been deemed to be surplus.
3. City Council Authorization. City Council must authorize the sale of any surplus real property. Authorization shall be made in City Council meetings by ordinance on the specific property to be offered for sale.
4. Sale of Real Property. After City Council authorization, surplus property will be sold according to the following procedures:
 - a) Properties Valued at \$25,000 or less. The City Administrator shall make arrangements for the sale of surplus properties valued at \$25,000 or less through negotiations considering the fair market value or, if after a reasonable negotiation or attempt to sell occurs, an alternate acceptable price resulting therefrom.
 - b) Properties Valued at more than \$25,000. The City Administrator, or designee, in addition to other provisions found in this section, shall have the ability to sell properties valued more than \$25,000 in the following manners:
 - (i) Online Advertisement
 - (ii) Online Auction Sites
 - (iii) Real Estate Listing Agency
 - (iv) Sealed Bid with a minimum offer requirement
 - (v) Exchange for alternative property, i.e. a land swap

It is in the best interest of the City of Georgetown to have flexibility with respect to real property sales as each situation presents a unique set of circumstances. The processes listed above meet

the intent of this section so long as the process used is reasonable considering the characteristics of the subject property.

5. Exceptions.

- (a) Community Development properties will be sold in accordance with all applicable federal government regulations.

Notwithstanding the above rules and regulations, and except for Community Development property, the City Council may authorize the City Administrator to dispose of real property by other legal methods.

Section 2-199 Reserved.



Exhibit A

LOCAL VENDOR PREFERENCE OPTION SUBMITTAL FORM

☐ I certify that [Company Name] _____
 is a **Resident Bidder** of Georgetown City/County as defined in the City of Georgetown Ordinance Chapter 2 Administration, Article IV Procurement, Section 2-185, and our principal place of business is _____ [City and State].

☐ I certify that [Company Name] _____
 is a **Non-Resident Bidder** of Georgetown City/County as defined in the City of Georgetown Ordinance Chapter 2 Administration, Article IV Procurement, Section 2-185, and our principal place of business is _____ [City and State].

(X) _____

Signature of Company Officer

Attachment: Procurement Policy draft clean (3706 : Procurement Policy Revisions)

Exhibit B

City of Georgetown, SC

Credit Card Program Cardholder Agreement

I, _____, agree to the following terms, conditions, and requirements relating to my use of the City of Georgetown credit card.

1. I understand that I am being entrusted with access to the City of Georgetown's Credit Card Program, including the use of the credit card, to make financial commitments on behalf of the City of Georgetown and will restrict my purchases to approved City of Georgetown activities only.
2. I understand that under no circumstances will I use the credit card to make personal purchases, either for myself or for others. Use of the credit card for unauthorized purchases may result in disciplinary actions and/or criminal prosecution.
3. I will follow the established City procedures for using the credit card. Failure to do so may result in revocation of my credit card privileges and/or other disciplinary action up to and including termination of employment and/or criminal prosecution. In addition, I will keep the credit card secure so that it cannot be used by unauthorized persons.
4. I agree that should my credit card privileges be terminated or if I am transferred to another job or position within or without the City, I will return the credit card that I have been issued in connection with the City of Georgetown's Credit Card Program to the Director of Finance immediately.
5. I agree that should I violate the terms of this agreement and use the City of Georgetown's credit card for personal use or gain for myself or others, I will reimburse the City of Georgetown for all incurred charges and any fees (including attorney's fees and expenses) related to the collection of these charges, and will be subject to any other disciplinary actions the City may take, up to and including termination and/or criminal prosecution. I agree that the value of any unauthorized purchases may be deducted from my paycheck as an advance of wages.
6. I understand and agree to process all transactions made in connection with my credit card as prescribed in the City of Georgetown's Credit Card Policy.
7. A copy of the City of Georgetown's Credit Card Program Policy is incorporated by reference into this agreement and I agree to be bound by all terms, conditions, and requirements contained therein.

_____ Employee Name (Print)	_____ Employee Signature	_____ Date
_____ City Administrator Name (Print)	_____ City Administrator Signature	_____ Date
_____ Director of Finance Name (Print)	_____ Director of Finance Signature	_____ Date

~~AN ORDINANCE TO DELETE IN ITS ENTIRETY THE EXISTING CHAPTER 2
ADMINISTRATION, ARTICLE IV PURCHASING REGULATIONS IN THE CITY OF
GEORGETOWN
CODE OF ORDINANCES AND REPLACE WITH THE FOLLOWING REVISED
CHAPTER 2 ADMINISTRATION, ARTICLE IV PROCUREMENT~~

~~WHEREAS, Council has determined that the existing Purchasing Regulations of the City of Georgetown should be revised and updated; and~~

~~WHEREAS, Council further has determined that the Purchasing Regulations can best be revised by replacing all existing regulations with new regulations; and~~

~~NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Georgetown, South Carolina that the existing Chapter 2, Article IV, of the City Code of Ordinances is repealed and the following new provisions for Chapter 2, Article IV be adopted.~~

**ARTICLE IV. PROCUREMENT
DIVISION 1. GENERAL INFORMATION**

Section. 2-161 Purpose.

Regulations for the procurement of goods and services for The City of Georgetown, South Carolina, hereinafter referred to as the City, are promulgated under the authority of its Mayor and City Council consistent with the requirements of SC Code § 11-35-50 (political subdivisions required to develop and adopt procurement laws). These regulations are developed to set forth the policies and procedures for procuring goods and services. Regulations herein provided are established to ensure the fair and equitable treatment of those involved in public procurement and maximize the value of public funds. Procedures are also set forth to provide safeguards for maintaining a procurement system of uniformity, quality, and integrity. (cross-ref. SC Code § 22-35-10, et. seq.)

Section. 2-162 Scope.

The funds for such expenditures having been appropriated in the budget passed by the City Council, these regulations apply to the procurement of any materials and supplies, equipment, professional and contractual services, or construction contracts (goods and services) entered into by the City Departments and any of its activities with funds expended from all state, federal and local funding sources. All prior procurement regulations of the City shall be amended as applicable, beginning the effective date of these regulations.

Section 2-163 Who We Are.

The Finance Department's Procurement Division is the responsible buyer for the acquisition of supplies, equipment, materials and many of the various services required by all departments within the City of Georgetown. Services are provided as requested from City departments by planning, organizing, coordinating, and directing the procurement process.

The Procurement Division is part of the Finance Department. [Based on the Procurement Ordinance,](#) ~~the~~ Purchasing Agent is responsible [for promulgating regulations and procedures to insure proper](#)

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[receipt, identification, and inventory control for all services and supplies purchased for City use and](#) for the management of all City purchases that are processed through the Procurement Division. Purchases not processed through the Procurement Division become the sole responsibility of the respective Department [Head/Director](#) wherein the purchase originated. All procurement activities are to be made in accordance with this procurement policy and other state and federal laws and regulations where applicable.

[Section 2-164 Location.](#)

The Procurement Division address:

City Hall Finance Department
1134 North Fraser Street (Temporary)
Post Office Drawer 939
Georgetown, South Carolina 29442
Telephone: (843) 545-4043
Email: purchasing@georgetownsc.gov

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Section 2-165 Responsibilities.

It is the Procurement Division's responsibility to ensure that all purchases for supplies, equipment, materials and services are made in accordance with the established procedures, policies, and regulations of the City of Georgetown. In addition to procurement responsibilities, the Procurement Division coordinates the disposal of surplus property.

Section- 2-166 Definitions.

~~(a)~~ Addenda/Addendum: Additional requirements, specifications, or instructions to the original Request for Bids and Proposals or Request for Quotations. All contents of the addendum are incorporated into the original document.

~~(b)~~ Appropriation: An authorization granted by the City Council to make expenditures and to incur obligations for specific purposes.

~~(c)~~ Architectural, Surveying, and Engineering Services: Contracts performed by private consulting firms as agents of the City including feasibility studies, planning design, testing, and construction administration or management services.

~~(d)~~ Bidder: Any person, firm, partnership, corporation, association, or joint venture seeking award of a public contract or subcontract with the City.

~~(e)~~ Business: Any corporation, partnership, individual, sole proprietorship, joint stock, company, joint venture or any other private legal entity.

~~(f)~~ Certificate of Insurance: A document providing evidence that insurance has been purchased.

~~(g)~~ Change Order: Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual agreement of the parties to the contract.

~~(h)~~ Commodity: Tangible goods, wares, and merchandise which are moveable in trade.

~~(i)~~ Cooperative Purchasing: Procurement conducted by, or on behalf of, more than one public procurement unit.

~~(j)~~ Construction: The process of building, altering, repairing, remodeling, improving or demolishing any public structure or building or other public improvements of any kind to any public real property. It does not include the routine operation, repair or maintenance of existing structures, buildings or real property.

Construction Management Services, Design-Build Services, or Turnkey Management Services: Approaches to construction contract management that allow for the selection of a single firm to perform and/or manage the complete design and construction of a project.

~~(k)~~ Contract: A legally binding document, which specifies and defines the performance requirements and expectations for a purchase or project administered by the City.

~~(l)~~ Contractor: The person, firm, partnership, joint venture, corporation, or association who performs a trade or service agreement at any level with the City.

~~(m)~~ Days: Days shall mean calendar days. The day of the event from which the designated period of time begins to run is not included. If the final day of the designated period falls on Saturday, Sunday or a legal holiday for the City of Georgetown, then the period shall run to the next business day.

~~(n)~~ Department: A department of the City.

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~~(e)~~ Designee: A duly authorized representative of a person holding a superior position.

~~(p)~~ Discrimination: An action or series of activities which sets apart or causes separate and unequal treatment of a person or group of persons solely on the basis of their age, gender, ethnic background, and national origin, veteran's status, and/or disability. Acts of discrimination are illegal in the performance of projects for the City.

~~(q)~~ Emergency: An immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions that threatens to terminate essential services, a dangerous condition or an immediate need for supplies, equipment, or services.

~~(r)~~ Employee: An individual drawing a salary from the City of Georgetown whether elected or not, and any non-compensated individual performing personal services for the City to include but not limited to board and commission members.

~~(s)~~ Encumbrance: Expenditure commitments created by purchase orders that have been issued, but for which no goods and services have been received.

~~(t)~~ Formal Bid: Procedure required for awarding contracts for apparatus, supplies, materials and equipment by the sealed competitive bid valued at \$25,000 or more. They must be advertised, opened in public, and recorded. Awards are made to the lowest responsible bidder taking into consideration quality, performance, and the time specified for the performance of the contract.

~~(u)~~ Governmental Body: Any department or agency of the City.

~~(v)~~ Invitation for Bids: A written or published solicitation issued by an authorized officer for bids to contract the procurement or disposal of stated supplies, services, equipment, or construction, which will ordinarily result in the award of the contract to the responsible bidder making the lowest responsive bid; a contract resulting from such an award is not a grant but a procurement contract.

~~(w)~~ Procurement: Buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, equipment, and construction. It also includes all functions that pertain to the obtaining of any supply, service, equipment, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of contracts.

~~(x)~~ Professional Service: Such services provided by a formally certified member of a professional body.

~~(y)~~ Proposer: Refers to each firm that submits a proposal for consideration by the City in compliance requirements dated in the Request for Bids and Proposals or Request for Quotation.

~~(z)~~ Purchase Order (PO): Created from a purchase requisition, this is a legal contract document issued by the Finance Department making a purchase to a vendor to order goods and/or services.

~~(aa)~~ Purchasing Agent: The person responsible for the purchase of all supplies, materials and equipment and contractual services required by any office, department, or agency of the City government.

~~(bb)~~ Quote: Procedure used for expenditures less than \$25,000. Pricing can be obtained by written quotations, facsimile, email, or sealed competitive bids.

Real Property: Any land, all things growing on or attached thereto and all improvements made thereto including buildings and structures located thereon.

~~(cc)~~ Reasonable Price: Selling price that is fair to both parties considering quality, performance, supply situation, delivery time, and payment options.

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~~(dd)~~ Request for Proposals: A written or published solicitation for proposals to provide supplies or services, which ordinarily result in the award of the contract to the responsible bidder making the proposal determined to be most advantageous to the City.

~~(ee)~~ Request for Quotation (RFQ): Informal procedure to expend budget funds for specific goods or services. Vendors may quote on items in writing by fax, email or informal written quotations.

~~(ff)~~ Requisition: An electronic request from a City department to the Purchasing Agent to obtain specific goods or services.

Solicitation Document: The document used by the City to advertise the project, service, or goods sought and request expressions of interest, statement of qualifications, proposals, or offers.

~~(gg)~~ Specifications: The parameters, requirements, and instructions that define the exact item or service that is desired and provide the basis for comparing bids. Specifications are generally incorporated into a contract, by reference, to become the successful bidder's legal obligations under the contract.

~~(hh)~~ Subcontractor: A person(s) having a contract to perform work or render service to a prime contractor as part of the prime contractor's agreement with the City.

~~(ii)~~ Supplies and Materials: Consumable items required by any department or agency of the City government in order to perform and deliver City duties and services.

~~(jj)~~ Term Contract: A formal agreement between the City and a designated vendor(s) to provide an identified commodity upon request at an established price, and for a specified term.

~~(kk)~~ The City: The City of Georgetown, South Carolina.

~~(ll)~~ Vehicle: A motor vehicle, used for transporting people or goods especially on land (Over the Road) such as a car, or truck.

~~(mm)~~ Vendor: Individual or company who sells products or services and is usually compensated financially. Any bidder, offeror, contractor, supplier, or consultant supplying equipment or software and providing services to the City. Services may include, but are not limited to, construction, construction management, engineering, legal, surveying, financial, accounting, Information Technology, real estate appraisals, and environmental consulting services.

Sections 2-167-2-169 Reserved.

DIVISION 2. ETHICS IN CITY CONTRACTING

Section 2-170 Ethical Conduct.

The City of Georgetown strongly believes in the principle of fair and open competition in maintaining the integrity of the City's procurement and contracting process.

Section 2-171 Conflict of Interest.

The policies and procedures of the City of Georgetown prohibit business transactions with their respective employees, either directly or indirectly. This policy is fully applicable to the Procurement Division, which shall conduct City procurement in compliance with rules and definitions of Title 8, Chapter 13, SC Code of Laws, (Ethics, Government Accountability, and Campaign Reform).

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No City elected officials or employees may knowingly use his their official office, membership, or employment to obtain an economic interest for himself their self themselves, a members of his their immediate family, an individual with whom he they are is they are associated, or a business with which he they are is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a City official or employee's use that does not result in additional public expense.

No City elected officials or employees may make, participate in making, or in any way attempt to use his their office, membership, or employment to influence a decision in which he they, a members of his their immediate family, an individual with whom he is they are associated, or a business with which he is they are associated has an economic interest.

A City elected officials or employees who, in the discharge of his their official responsibilities, is are required to take an action or make a decision that affects an economic interest of himself their self themselves, a member of his their immediate family, an individual with whom he is they are associated, or a business with which he is they are associated shall:

(a) Prepare a written statement describing the matter requiring action or decisions and the nature of his their potential conflict of interest with respect to the action or decision;

(b) If they are he is a City employee, they he shall furnish a copy of the statement to the City Administrator who shall assign the matter to another employee who does not have a potential conflict of interest;

(c) If they are he is a City elected official, he shall they shall furnish a copy of the statement to the Mayor, or presiding officer, of the governing body or for the chair of any commission or board on which they he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists or the appearance of conflict of interest and shall cause the disqualification and the reasons for it to be noted in the minutes.

No City officials or employees, elected or appointed, in a decision making or influential position, shall accept anything of value. (cross-ref. SC Code § 8-13-100, et. seq.)

No City officials or employees, elected or appointed, may use or disclose confidential information gained in the course of, or by reason of, his their public responsibilities in any way that could affect an economic interest held by himself themselves, a member of his their immediate family, an individual with whom he is they are associated, or a business with which he is they are associated.

Section 2-172 Providing Information to Vendors and Bidders.

No City official or employee, elected or appointed, shall knowingly provide false or misleading information to any vendor or bidder wishing to do business with the City. The procurement process, including the sale of surplus property, shall be open to prospective bidders or suppliers, and all parties shall have equal access to pertinent information; however, any information or statistics accumulated during the course of a bid process, including the number of bids received, or the identity of parties from whom bids have been received, is considered confidential information and should not be disclosed until the time of bid opening whenever disclosure of such information could result in a competitive advantage to one or more vendors or bidders or when not in the best interest of the City.

Section 2-173 Equal Opportunity.

The policies and procedures of the City of Georgetown prohibit discrimination against any person or business in pursuit of business opportunities on the basis of race, color, sex, religion, or national

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origin. Furthermore, it is the policy of the City of Georgetown to conduct its contracting and procurement programs so as to prevent any discrimination and to resolve any and all claims of such discrimination.

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Section 2-174 Fair and Open Competition.

The City of Georgetown promotes fair and open competitive solicitation process, wherever practicable. Restrictive or proprietary specifications are kept at minimum and applied where absolutely necessary to meet technical demands for operational compatibility with existing City equipment and/or operations which are truly unique and cost effective performance applications.

The City may contract with persons other than City personnel for the preparation of specifications. However, no person or entity preparing specifications shall receive any direct or indirect advantage or benefit from the utilization of such specifications.

Section 2-175 Women/Minority Business Enterprises (WMBE Statement).

It is the policy of the City of Georgetown to provide minorities and women equal opportunity for participating in all aspects of the City's contracting and procurement programs, including but not limited to employment, construction projects, and lease agreements consistent with the laws of the State of South Carolina.

It is further the policy of the City of Georgetown to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, notional origin, religion, sex, age, handicap, or veteran status.

It is further the policy of the City of Georgetown to conduct its contracting and procurement programs so as to prevent such discrimination and to resolve any and all claims of such discrimination.

Section 2-176 Communication.

It is the policy of the City of Georgetown to commit to transparency, ensure impartiality, and complete procurement processes free of internal and external influences. To accomplish this policy, ex parte communication (written or oral) is prohibited. Therefore, potential respondents and/or respondents submitting proposals, bids, qualifications, quotes, etc. shall not engage in communication with any City employee, including elected officials, except the City official(s) designated as the contact in the Solicitation Document. Any communication outside the one between the designated City contact in the Solicitation Document and respondents shall be considered ex parte communication and shall not be relied upon. The City shall disqualify any potential respondent and/or respondent's proposal if the City discovers that potential respondent and/or respondent engaged in ex parte communication. City employees and/or elected officials shall neither initiate nor engage in ex parte communication with potential respondent and/or respondents. This entire section shall be included in all Solicitation Documents.

Sections 2-176-2-179 Reserved.

DIVISION 3. CITY OF GEORGETOWN PROCUREMENT POLICY

Section 2-180 Oversight.

It is the policy of the City to provide comprehensive oversight of the City's procurement activities which promote public confidence, maximize the value of goods and services acquired with public funds, encourage competition, and ensure equitable and fair access to all potential vendors.

The City Administrator, or ~~his~~-designee, has the authority to issue policies governing the procurement and disposal of all goods and services. The Administrator, or ~~his~~-designee, has the authority to

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approve procurements outside of its policy when he determines such actions serve an appropriate public purpose which assures that the City's best interests are served and exemplifies the most efficient use of public funds.

All original purchasing documents pertinent to bidding activities shall be retained in official files of the Purchasing Agent; all invoices associated with the purchase of goods or services will be retained by the Finance Department. All files must be maintained under provisions of the City's records retention policy.

The Purchasing Agent is responsible for soliciting and maintaining an up-to-date list of qualified suppliers who have requested that their names be added to the City's "Bidders List". The Purchasing Agent shall have the authority to remove temporarily the names of vendors who have defaulted on their bids or quotations, attempted to defraud the City, or who have failed to meet established specifications, delivery dates, and product or service requirements after an award of a contract. Adequate documentation stating reason for removal of a vendor from the City's "Bidders List" shall be maintained on file.

All goods and services obtained through the use of state or federal funds shall be in compliance with applicable state and federal laws and regulations. Disposal of items or property purchased with state or federal funds shall also be accomplished in accordance with the authorized agency procedures. Whenever this policy is more restrictive than the state or federal laws or regulations, the provisions of the City's procurement policy shall be followed.

Section 2-181 Purchase of Tangible Assets.

Purchases less than or equal to \$5,000.00 may be accomplished without securing competitive quotations if the prices are considered to be reasonable. Sufficient funds must have been appropriated in the budget and available for expenditure. The Department Director indicates by signature on the invoice that the price is fair and reasonable (as defined by Section 2-166~~(cc)~~) and that purchase becomes the sole responsibility of the Department Director. Upon invoice approval and general ledger coding said invoice should be submitted to the City's Accounts Payable division for payment. Such purchases shall be distributed equitably among qualified suppliers. When practical, a quotation will be solicited from someone other than the previous supplier prior to placing a repeat order.

Purchases greater than ~~\$5,000.01~~~~\$5,000.00~~ must be submitted via requisition to the Purchasing Agent for approval and purchase order creation following all guidelines detailed in Section ~~2-1892-487~~ Purchase Order Authority ~~and Procedures~~.

Action to verify the reasonableness of the price (as defined by Section 2-166~~(cc)~~) needs to be taken only when the Purchasing Agent or designee suspects that the price may not be reasonable; e.g., comparison to previous price paid, or personal knowledge of the item involved.

Section 2-182 Quotations.

Quotations for all transactions, on materials and/or services with estimated cost of \$5,000.01 up to \$25,000.00 not covered by a contractual agreement, state contract, or cooperative purchasing agreement shall be obtained. Department Directors or designees are responsible for obtaining quotations except for situations otherwise provided in this policy.

Definitions of Quotation: A price that is mailed, faxed, or e-mailed which includes the following:

- Company logo or letterhead
- Sales person's name and signature
- Telephone and email address

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- Itemized price
- Delivery date

Levels of Quotations:

\$5,000.01 to \$25,000.00 Minimum of three written quotes

If unable to secure ~~two~~three quotes, adequate documentation of the effort must be provided for the Purchasing Agent's file.

~~Real Estate may be acquired or transferred without the bidding process, provided the amount paid or received can be substantiated, on the fair market value or below (in case of a purchase) of the interest which is subject of the transaction. The City Administrator or his designee, the City Attorney, the Director of Finance, and City Council must review and approve all transactions prior to execution of documents.~~

Commented [YS1]: Revised language and moved to a new section

~~Vehicles will be purchased using procurement policies and procedures upon approval of the City~~City Administrator or his designee, the Director of Finance, and City Council.

Section 2-183 Emergency Purchases

~~The City Administrator or his designee may authorize the Department Heads to make emergency purchases when there exists an immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions. A written determination of the basis for the emergency and for the selection of the particular contractor or vendor shall be forwarded to the Purchasing Agent within 5 business days for review and retention. Under these circumstances, the Purchasing Agent may make any necessary purchases outside of the normal purchasing policies and procedures in order to facilitate timely acquisition of critical goods and services. Notwithstanding any other provisions of this Ordinance, the Purchasing Agent may make or authorize others, subject to the approval of the City Administrator, others to make emergency procurements of supplies, services or construction items when there exists a threat to the functioning of the City of Georgetown; such as, the preservation or protection of property, or the health, welfare, or safety of any person provided that such emergency procurements shall be made with such competition as is practicable under the circumstances as soon as practicable. A written determination of the basis for the emergency and for the selection of the particular contractor shall be made and shall set forth the contractor's name, amount, and a listing of the item(s) procured under the contract.~~

Section 2-184 Sole Source Purchases

Sole Source Purchases: A bid or contract may be awarded for a supply, service, or equipment without competition when it is determined that there is only one feasible source available for purchase that exists, and that the normal procurement process is not appropriate. Sole source purchasing serves a proper corporate and public purpose. The determination as to whether procurement shall be made as a sole source shall be made by the City Administrator and the Director of Finance. Such determination and the basis therefore shall be in writing. In the case of reasonable doubt, competition should be solicited. Any request by a department that procurement be restricted to one potential contractor shall be accompanied by an explanation as to why no other procurement method will be suitable or acceptable to meet the need.

Section 2-185 Competitive Bid Process (Sealed Bids or Proposals)~~Proposals (Bidding)~~.

~~This section shall not apply when procuring professional services under Section 2-187, when it is determined to be the most advantageous to the City.~~

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All purchases of tangible assets of twenty-five thousand dollars (\$25,000) and greater shall be purchased by the department/division using the competitive bid-sealed-bidding process, except as otherwise provided in this policy.

Public Notice of the solicitation document invitation for bids shall be publicly advertised at least once in a newspaper of general circulation in the City, and through the internet on the City's website not less than five (5) calendar days prior to the established bid receipt and opening date. The notice shall include a general description of the materials, equipment, or services to be purchased, where bid forms and specifications solicitation documents including specifications may be obtained and the time and place for the bid opening may be obtained.

~~However, in the case of professional services, this section shall not apply. When in the best interest of the City, a request for proposal (RFP) or a request for qualifications (RFQ) may be solicited for professional services.~~

~~An invitation for bids~~ A solicitation document shall be issued to at least three qualified vendors, when possible. It shall include specifications and all other contractual terms and conditions applicable to the purchase. The invitation for bids solicitation document shall set forth the evaluation criteria to be used. Each department/division shall assist in maintaining a vendor list for all purchases.

All bids must be kept in a secure location and shall remain unopened until the announced time of the bid opening. Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the solicitation document invitation for bids. The official clock shall be that of the City's Purchasing Agent. ~~Proposals and modifications~~ Bids shall be time-stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of proposals bids, a Register of Proposals Submittal Listing shall be prepared which shall include for all proposals bids the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The Register of Proposals Submittal Listing shall be certified in writing as true and accurate by both the person opening the proposals and the witness.

~~The Register of Proposals shall be open to public inspection only after the issuance of an award or notification of intent to award, whichever is earlier. Proposals and modifications~~ Bids shall be shown only to City personnel having a legitimate interest in them and then only on a "need to know" basis. Contents and the identity of competing offers shall not be disclosed during the process of opening by City personnel. The amount of each bid, the name of each bidder, and any other relevant information shall be recorded by the Department Director, Purchasing Agent, or designee. Upon opening of the bids, the tabulation is open to public inspection (§ 11-35-520). All documents submitted to the City and in the possession of the City may be subject to release under § 30-4-10 et. seq., SC Code of Laws, (the South Carolina Freedom of Information Act ("FOIA") and will be released to the public unless exempt from disclosure. Each party submitting a bid shall clearly and obviously mark any documents it deems to be exempt from disclosure under the FOIA, with the -use of highlighting or bolding, to include clear language indicating the exemption.

Bid opening dates may be changed if the scope of work or bid specifications is altered. Any changes in bid opening date must be made in writing and mailed not less than five (5) days prior to the original bid opening date. If it becomes necessary to postpone a bid opening, the Purchasing Agent shall issue the appropriate amendments to the solicitation postponing or rescheduling the bid opening. When the Purchasing Division is closed due to force majeure, bid openings will be postponed to the same time on the next official business day.

Bids shall be evaluated on their responsiveness to bid requirements set forth in the invitation for bids and bid price. Award of bid other than to the low bidder must be approved by the City Administrator or his designee.

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The Purchasing Agent shall have the authority to award contracts within the purview of this policy, (consistent with the procedures outlined in Section 2-189, infra the Procurement Manual). Any type of contract that promotes the best interest of the City may be used. However, a cost reimbursement contract or a cost-plus-a-percentage-of-cost contract may be used only when a written determination is prepared showing that such a contract is likely to be less costly to the City than any other type or that it is impractical to obtain the supplies, services, or construction required except under such a contract. Before awarding a contract or issuing a notification of intent to award, whichever is earlier, the Purchasing Agent must be satisfied that the prospective contractor is responsible.

Contracts may be negotiated by the Department Director or ~~his~~ designee and City Attorney. Final approval of all contracts rests with the City Administrator or ~~his~~ designee (consistent with the procedures outlined in the Procurement Manual-Section 2-189, infra). Contracts shall be awarded to the lowest responsive and responsible bidder. In determining lowest responsive and responsible bidder, in addition to price, the Purchasing Agent and/or Department Director shall consider:

- (a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (d) The quality of performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
- (i) Whether the bidder has met the criteria of the bid specifications, terms, and conditions. The determination is not limited to circumstances existing at the time of opening. If a bidder or offeror who otherwise would have been awarded a contract is found non responsible, a written determination of non-responsibility setting forth the basis of the finding shall be prepared by the Purchasing Agent. A copy of the determination shall be sent promptly to the non-responsible bidder or offeror. The final determination shall be made part of the procurement file.

The Purchasing Agent shall not accept ~~a the~~ bid from a vendor or contractor who is delinquent in the payment of taxes, licenses, or other monies due the City.

The City of Georgetown reserves the right to use value engineering, negotiate with vendors, reject any or all bids, or waive any informality in the bidding. Bids could be held for a maximum of 60 (sixty) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to making a final decision.

Local Vendor Preference Option

1. A vendor shall be deemed a Local Georgetown City/County vendor for the purposes of this Section if such vendor is an individual, partnership, association or corporation that is authorized to transact business within the State, maintains an office in Georgetown County, and maintains a representative inventory or commodities within the City/County on which the bid is submitted, and has paid all taxes and business license fees duly assessed.
2. This option allows the lowest local bidder whose bid is within five-percent (5%) of the lowest non-local ~~Bb~~ bidder to match the bid submitted by the non-local ~~Bb~~ bidder and, thereby, be

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awarded the contract. This preference shall apply only when (a) the total dollar purchase is \$10,000 or more; (b) the vendor has a physical business address located and operating within the limits of Georgetown County and has been doing business in the City/County for a period of twelve (12) months or more; and (c) the vendor provides proof of payment of all applicable Georgetown City/County taxes, business license and fees if so requested.

3. Should the lowest responsible and responsive Georgetown City/County bidder not exercise its right to match the bid as granted herein, the next lowest qualified Georgetown City/County bidder shall have that right and so on. The right to match the non-Georgetown City/County bidder's bid shall be exercised within 24 hours of notification.
4. In order to qualify for the local preference authorized by this Section, the vendor seeking same shall be required to submit with ~~its~~the bid a statement containing relevant information which demonstrates compliance with the provisions of this Section. This statement shall be on the LOCAL VENDOR PREFERENCE OPTION SUBMITTAL FORM "MANDATORY VENDOR SUBMITTAL" form (Exhibit A) included in ~~this~~the bid document. Failure to provide such affidavit at the time the bidder submits its bid shall constitute a waiver of any claim for preference.
5. For all contracts for architecture, professional engineering, or other professional services governed by Section 2-187, ~~Professional and Construction Services~~ Professional and Construction Management Services, Design-Build Services, Turnkey Management, the City shall include the local business status of a firm among the factors considered when selecting which firms are "most highly qualified." In determining which firm is the "most qualified" for purposes of negotiating a satisfactory contract, preference shall be given to a local business where all other relevant factors are equal.
6. Local preference shall not apply to the following categories of contracts:
 - (a) Goods or services provided under a cooperative purchasing agreement or similar "piggyback" contract;
 - (b) Contracts for professional services except as provided for in Section 2-187;
 - (c) Purchases or contracts which are funded, in whole or in part, by a governmental or other funding entity, where the terms and conditions of receipt of the funds prohibit the preference;
 - (d) Purchases or contracts made pursuant to a noncompetitive award process, unless otherwise provided by this section, or
 - (e) Any bid announcement which specifically provides that the general local preference policies set forth in this section are suspended due to the unique nature of the goods or services sought, the existence of an emergency as found by either City Council or City Administrator, or where such suspension is, in the opinion of the City Attorney, required by law.

Section 2-186 Bid Security, -and-Payment and Performance Bonds.

Bid and performance bonds or other securities may be requested for supply contracts and service contracts as the Risk Manager, Purchasing Agent, and/or Department Director deems advisable to protect the City's interest. Any such bonding requirement shall be set forth in the solicitation.

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Bid Security: In an amount equal to or at least five percent (5%) of the amount of the bid shall be required for all competitive bidding for construction contracts exceeding one hundred thousand dollars (\$100,000). Bid security shall be a legitimate bid bond provided by a surety company authorized to do business in South Carolina, or the equivalent ~~in-cash~~, certified check, cashiers' check, or money order. The City, at its option, may require bid bonds on construction contracts under one hundred thousand dollars (\$100,000) when the circumstances warrant. Noncompliance with this provision mandates that the City reject the bid. Bid security will be returned to the unsuccessful bidders upon contract award by the Purchasing Agent.

When a construction contract is awarded in excess of one hundred thousand dollars (\$100,000) the following bonds or security shall be delivered by the successful bidder to the City and shall become binding on the parties upon execution of the contract. Bid or performance bonds shall not be used in substitution for determination of bidder's responsibility.

(a) A performance bond shall be in an amount equal to one hundred ~~and ten~~ percent ~~(110%) (100% of)~~ of the contract amount; and

(b) A payment bond for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work shall be in an amount equal to one hundred percent (100%) of the contract amount.

The Purchasing Agent shall make the award of bid after obtaining the recommendation from City Council. The award letter shall be issued by the Purchasing Agent or designee to the lowest responsible and responsive bidder meeting the requirements set forth in the Invitation for Bids.

(a) The division/Department Director is responsible for obtaining the required insurance certificates and Business License verification for submittal to the Purchasing Agent and Risk Manager for approval.

(b) A bid may be canceled and/or all bids rejected upon written recommendation of the division/department manager, and approval of the Purchasing Agent.

Section 2-187 Professional and Construction Management Services, Design-Build Services, Turnkey Management.

When in the best interest of the City, a Request for Proposal (RFP) or a Request for Qualifications (RFQ) may be solicited for professional services. A RFP or RFQ will be issued efficiently and expeditiously to at least three (3) top-ranked vendors considered qualified and appropriate for the particular procurement. The RFP or RFQ must include specifications and all contractual terms and conditions applicable to the procurement. The City must receive at least two (2) responsive, bona fide quotes in response to its solicitation. If one or more vendor declines to provide a quote, the City must document that fact in the procurement file. The City must award to the lowest responsive and responsible vendor.

The Submittal Listing shall be open to public inspection only after the issuance of an award or notification of intent to award, whichever is earlier.

The City Administrator or designee shall have the discretion to use construction management services, design-build services, or turnkey management services as alternatives for construction contracting administration. In exercising such discretion, the City Administrator or designee shall consider the method which in the Administrator or designee's discretion is the most advantageous to the City and will result in the timeliest, the most timely, economical, and successful completion of the construction project.

The determination of the method of source selection utilized shall be stated in writing and included as part of the contract file. As a part of this determination, the City Administrator shall determine if the City should prepare the request for proposals for providing such method of construction contracting administration or if the City should retain outside consulting services to prepare such requests for proposals.

If the City Administrator or designee determines that the use of construction management services, design-build services, or turnkey management services is the most advantageous means of securing the construction contracting administration set forth in this section, the selection of the method of construction contracting administration used by the City shall be submitted for review to City Council at a regular meeting.

Within 15 days after notice of such review by City Council, an interested party shall submit to the City Administrator written comments which set forth the position of the party with respect to the decision as to which construction contracting method to use. At the next meeting of the City Council, those who submitted comments may address the Council. Following the Council meeting, if City Council does not reject the selection of this method, the construction contracting administration shall be secured in the manner set forth.

If the method of construction contracting administration is determined under this Section, the Mayor shall select an independent monitor from an agency of government who does not report directly or indirectly to the City Administrator or City Council to observe the source selection process to determine if the process was fair, open and competitive at the time of source selection. The monitor shall give a written report to the Mayor which sets forth those findings.

If the competitive sealed proposal method of construction contracting administration is determined to be the most advantageous to the City, the City shall use such method set forth in Section 2-185.

The purpose of this section is to outline the procedure for the selection of architectural, engineering and construction management firms to provide professional services to the City. Professional services with cost estimates less than ten thousand dollars (\$10,000) will be purchased using quotes as the basis.

It is the policy of the City to solicit professional qualifications for services from any and all qualified parties.

Procedure:

(a) The City Administrator or his designee may appoint a Project Committee. The City Administrator or designee may designate one committee member as Project Director. The City Administrator or his designee may serve as ex-officio member of the Committee.

(b) The Project Committee may develop a Project Description and a Request for Professional Qualifications. The Project Description may include: (a) Scope of professional services; (b) project design objectives; (c) time of performance; (d) preliminary site information; and (e) special conditions or unique factors affecting the project design.

(c) A Notice of Request for Professional Qualifications may be published on the City website and in the local newspaper including the notification of the availability of the Project Descriptions and a specified date by which all proposals must be received.

(d) The Project Committee will review the written Qualifications submitted by all firms. In its review, the Committee will consider all elements of the Request for Professional Qualifications. Following completion of its review, the Project Review Committee will generally select no more than five of the

~~most qualified responding firms. The Committee may interview each of the selected firms and select the most qualified by vote of the Committee. The department/division head will present the Committee's recommendations to the City Administrator or his designee, who will decide who may negotiate a fee for professional work to be done based on the scope of services. With City Administrator Approval, the applicable staff member and/or City Administrator will proceed to the negotiation of fees. The firm's proposal shall include a task-man-hour breakdown showing hours per task, hourly rates, overhead, profit and expenses. In the event that the selected firm and the Committee cannot agree upon the fee and basis for compensation, the Committee shall negotiate with the second rated firm to do the work.~~

Commented [YS2]: This administrative process will be included in the Procurement Manual

Section 2-188 Requests for Qualification (RFQ) leading to Request for Proposals (RFP).

The Departments may issue an RFQ to prospective offerors leading up to the issuance of an RFP. The RFQ may require information only on qualifications, experience, and ability to perform the requirements of the contract. Such request could contain, as a minimum a description of goods or services to be solicited by the RFP, the general scope of work, the deadline for submission of information, and how prospective offerors may apply for consideration.

After receipt of the responses to the RFQ from the prospective offerors, the prospective offerors shall be ranked from the most qualified to least qualified on the basis of the information provided. Proposals in the form of RFP shall be solicited from normally the top three but under no circumstances less than the top two prospective offerors to be selected to receive the RFP. The RFP shall not be reviewed by the City as grounds for protest from the prospective offerors.

Adequate public notice of the RFQ shall be given in the manner as provided for the issuance of an RFP.

Any ~~Invitation for Bids, a Request for Proposals, or other~~ solicitation document may be canceled, or any or all bids or proposals may be rejected in whole or in part when it is in the best interest of the City, and documentation supporting the reason(s) for rejection shall be made a part of the solicitation file.

The Submittal Listing shall be open to public inspection only after the issuance of an award or notification of intent to award, whichever is earlier.

Section 2-189 Purchase Order Authority and Procedures.

A purchase order authorizes a vendor to ship and invoice materials as specified. Purchase orders must be created in a clear and concise manner which will prevent unnecessary misunderstandings and time consuming contact with the vendor. Once a purchase order is issued, all ~~monies~~funds for that purchase order become encumbered funds.

Understanding that (1) each fiscal year, a Council-approved budget ordinance provides City staff the spending authority to carry out the goals included in the budget and A(2) a system of authorization and approval is an important element of internal control, This another layer of approval authority is required on all purchases prior to issuing a Purchase Order or contract. The following levels of authority are based on the dollar amount of purchase:

\$0 – \$5,000.00	Department Head or Designee – Purchase Order not required
\$5,000.01 – \$10,000.00	Department Head, Purchasing Agent & Director of Finance
\$10,000.01 – \$25,000.00	Department Head, Purchasing Agent, Director of Finance & City Administrator
\$25,000.01 and Over	Department Head, Purchasing Agent, Director of Finance, City Administrator, & Council

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Option #1:

\$0 – \$5,000	Department Head Director or Designee – Purchase Order not required
5,000.01 - \$25,000.00	Department Head Director, Purchasing Agent, Director of Finance & City Administrator – Purchase Order required along with three written quotes
\$25,000.01 - \$75,000.00	Department Head Director, Purchasing Agent, Director of Finance & City Administrator – Purchase Order required along with competitive bid process
\$75,000.01 and Over	Department Head Director, Purchasing Agent, Director of Finance, City Administrator, & City Council - Purchase Order required along with competitive bid process

The Purchasing Agent shall include in the Procurement Manual required standard operating procedures for departments to follow.

All change orders and contract amendments shall be signed and approved by the City Administrator or designee.

Purchases less than or equal to \$5,000.00 shall be made by department managers, or their designees, provided sufficient funds have been appropriated in the budget and are available for expenditure. Award shall be made to a qualified vendor who has submitted a fair and reasonable price (as defined by Section 2-166 (cc)). A purchase order is not required.

Purchases where the cost exceeds \$5,000.00 but does not exceed \$10,000 shall be submitted via requisition to the Purchasing Agent for approval and purchase order creation prior to purchase. Department Heads, or their designees, shall solicit no less than three (3) written quotations from qualified vendors, unless the purchase is available on state contract or approved cooperative purchasing program, available from qualified, responsible vendors at process which are equal to or less than state contract prices, or when the items can be sufficiently justified as an emergency or sole source purchase. Documentation of vendors contacted, dates of quotations, description of items required and quoted shall be submitted to the Purchasing Agent via requisition for approval and purchase order creation prior to purchase.

Purchases where the cost exceeds \$10,000.00 but is less than or equal to \$25,000.00 shall be submitted via requisition to the Purchasing Agent for approval and purchase order creation prior to purchase and require the approval of the City Administrator. Department Heads, or their designees, shall solicit no less than three (3) written quotations from qualified vendors, unless the purchase is available on state contract or approved cooperative purchasing program, available from qualified, responsible vendors at prices which are equal to or less than state contract prices, or when the items can be sufficiently justified as an emergency or sole source purchase. Documentation of vendors contacted, dates of quotations, description of items required and quoted shall be submitted to the Purchasing Agent via requisition for approval and purchase order creation prior to purchase.

Purchases greater than \$25,000.00 shall be submitted via requisition to the Purchasing Agent for approval and purchase order creation prior to purchase and require the approval of city council prior to award of bid or contract. The City Administrator and appropriate Department Head shall obtain and submit necessary bids or proposals and make recommendations for purchase to city council. A

~~requisition must be generated from the using department who is responsible for obtaining approval for said purchase at this level by an agenda item addressed during a Council Meeting. The Purchasing Agent will assure this required approval was obtained and verified by signature of the City Administrator before the purchase order is issued.~~

Commented [YS3]: This administrative process will be included in the Procurement Manual

~~prices~~ **Option #2:**

~~Another option could be for the administrator to authorize everything above \$5100,000 without going back to Council and providing a monthly report to Council on issued POs.~~

\$0 – \$5,000	Department <u>HeadDirector</u> or Designee – Purchase Order not required
5,000.01 - \$25,000.00	Department <u>HeadDirector</u>, Purchasing Agent, Director of Finance & <u>City Administrator</u> – Purchase Order required along with three written quotes
\$25,000.01 - \$5100,000.00	Department <u>HeadDirector</u>, Purchasing Agent, Director of Finance & <u>City Administrator</u> – Purchase Order required along with competitive bid process
\$5100,000.01 and Over	Department <u>HeadDirector</u>, Purchasing Agent, Director of Finance, <u>City Administrator</u>, and <u>City Council</u> - Purchase Order required along with competitive bid process – <u>City Administrator to provide a monthly report to Council on issued POs</u>

~~The Purchasing Agent shall include in the Procurement Manual required standard operating procedures for departments to follow.~~

Section 2-190 Cooperative Purchasing.

The City Administrator, Director of Finance, Department HeadDirector, or Purchasing Agent may wish to administer a cooperative purchasing agreement for goods and services with one or more governmental entities by entering into an intergovernmental agreement. The procurement policies, laws, and ordinances of each entity will be considered in the agreement.

In the event the City enters in an intergovernmental agreement for a joint project with the federal or a state government, or with another governmental entity including, but not limited to, a county, regional Council, special purpose district, special tax district, state authority, joint district, or public university, then the purchasing practices of the other public entity may be used in lieu of the City's own procedures.

Section 2-191 Permit and License Requirements.

Contractors and professional service providers contracted by the City shall be required to provide a Certificate of Insurance for Liability and Worker's Compensation with insurance coverage limits acceptable to and approved by the Risk Manager prior to commencing work. Certificates containing verbiage which releases the insurance company from liability for non-notification of cancellation of the insurance policy shall not be acceptable. Policies shall be endorsed to include a waiver of subrogation against its officers, officials, agents, and employees. Separate endorsements shall be required naming the City of Georgetown as additional insured for Liability insurance, and provide a waiver of subrogation for Worker's Compensation Insurance. Also, execution of a Hold Harmless/Indemnification Agreement may be required at the discretion of the Risk Manager in an

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effort to hold the City free of liability in the event circumstances warrant same due to a vendor's use and operation of any City-owned property.

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this article in whole or in part, within the limits of the City, is required to pay an annual license fee and obtain a business license as provided in Chapter 13, Article II, Business Licenses of the Code of Ordinances of the City of Georgetown, South Carolina.

Business means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.

Section 2-192 Specifications.

All specifications shall be drafted so as to assure cost effective procurement for the purposes intended. They shall also encourage competition and shall not be unduly restrictive.

The user department shall prepare, revise, and maintain the specifications for supplies, services and construction required by their departments with advice, recommendation, and approval of the Procurement Division.

The City shall have the authority to perform chemical and physical tests of products or samples of products when necessary to determine their quality and conformance with specifications. The City shall have the authority to make use of any testing facilities or laboratories of its choice when conducting such tests.

Brand Name or equal specifications may be used when the user department makes a written determination that no other design or performance specification or qualified product list is available. The solicitation shall contain explanatory language that the use of a brand name is for the sole purpose of describing the standard of quality, performance, and a characteristic desired and is not intended to limit or restrict competition.

Brand name or "equal" specification is a clause that uses one or more manufacturers' brand names or catalog numbers to describe the "best value" needed to win a bid.

Section 2-193 Exemptions.

The following goods and services may be exempt from the standard procurement process as could be considered to be in the best interest of the City:

1. One of a kind items;
2. Published books, maps, periodicals, subscriptions, and technical pamphlets, training/professional development programs;
3. Membership fees;
4. Postage stamps and other delivery fees;
5. Tuition reimbursement;
6. Conference registration;
7. Public advertising;
8. Existing bid or contract for like supplies, services, construction
9. State of South Carolina or GSA contracts;
10. Supplies and/or services from other governmental entities or cooperative purchasing programs, including colleges and universities;
11. Medicines/drugs;
12. State/Federal Surplus;

13. Used Equipment/supplies;
14. Equipment maintenance or service agreement with the manufacturer or authorized service agent; and
15. City Administrator directed contracts for professional services or employment when the provider is customarily employed on a fee basis rather than through competitive bidding and it is determined that such contract(s) are in the best interest of the City of Georgetown. (Examples: architects, attorneys, accountants, auditors, appraisers, engineers, physicians, etc.)
16. "Any determinations with regard to procurement of an otherwise-exempt contract for professional services under Section 2-193 (15) shall be made solely by the City Administrator and must be in writing and submitted to the Finance Director and Purchasing Agent."

Section 2-194 Protest Procedures.

Any actual bidder or contractor who is aggrieved in connection with the intended award or award of a contract in excess of ten thousand dollars (\$10,000) shall protest to the City Administrator or ~~his~~ designee in the manner stated under this section within ten (10) calendar days of the date of notification of award posted in accordance with this policy.

Protest Procedure: A protest shall be in writing, submitted to the City Administrator or his designee, as stated above, and shall set forth the grounds of protest and relief requested with enough details to give notice of the issues to be decided.

Authority to Resolve Protest: The City Administrator or ~~his~~ designee, in coordination with ~~;~~ and under the advisement of the City Attorney, shall have authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest by an actual aggrieved bidder, offeror, or a contractor concerning the award of a contract.

Decision: If the protest is not resolved by mutual agreement, the City Administrator or ~~his~~ designee in coordination with the City Attorney shall issue a decision in writing within ten (10) days after receipt of the protest. The decision shall state the reasons for the action taken. Notice of Decision: A copy of the decision ~~under subsection "d" of this section~~ shall be mailed or otherwise furnished immediately to the protestant and any other intervening party.

Failure to Render Timely Decision: If the City Administrator or ~~his~~ designee does not issue the written decision required under this section or within such longer period as may be agreed upon by the parties, then the contractor shall proceed as if an adverse decision has been received.

Section 2-195 Inventory and Surplus Property.

All departments are responsible for ensuring that an accurate and perpetual inventory of all materials, equipment, and goods is maintained. All offices, departments, or agencies of the City government shall submit to the purchasing agent, at such time and in such form as he or she shall prescribe, reports showing stocks of all material, equipment, and goods which are no longer used or which have become obsolete, depleted or scrapped.

The purchasing agent shall have authority to transfer excess or surplus materials, equipment, and goods stock to other offices, departments, or agencies of the City government. The purchasing agent shall also have the authority to sell all materials, equipment, and goods that have become unsuitable for public use, or to exchange the same for, or trade in the same, on new materials, equipment, and goods. Generally, materials, equipment, and goods with more than a nominal value will be advertised for sale through competitive sealed bids or by public auction. Award will be made to the highest responsible bidder; however, the City has the right to reject any and all offers. The City may negotiate

a sale of surplus property to another government or nonprofit entity with the approval of the City administrator.

Items considered to be of nominal value and otherwise would be discarded may be disposed of through informal procedures developed by the purchasing agent.

Any items deemed by the purchasing agent to be beyond repair or unusable by the City may be discarded as refuse or sold for scrap value. Items that are beyond repair shall be documented as such and disposed of properly.

Disposal of all surplus property must be authorized by the purchasing agent and accompanied by proper documentation.

None of the above criteria applies to the sale or lease of public lands pursuant to section 2-41 of the City of Georgetown Code of Ordinances.

Section 2-196 Credit Card Program Policies and Procedures.

Credit cards in the name of the City of Georgetown shall be used only for purchases that are for the use and benefit of the City of Georgetown. Any cardholder who makes unauthorized purchases or carelessly uses the credit card, allows the card to be used by unauthorized individuals, or fails to secure the card so that it is used by unauthorized individuals will be liable for the total dollar amount of the unauthorized purchase(s) plus any administrative fees associated with the misuse charged by the lending financial institution. Additionally, the amount of the unauthorized purchase may be deducted from the employee's paycheck as an advance of wages. Failure to comply with the program criteria will result in permanent revocation of the card, notification of the situation to the City Administrator, and disciplinary action in accordance with City Policies and Procedures relating to disciplinary action and termination for cause.

Misuse of the City's credit card may constitute fraud and criminal charges may be issued against the cardholder.

~~Credit cards will only be issued to Department HeadDirectors with the approval of the City Administrator and the Director of Finance. The name will be entered on the card as it is shown on their Driver's License. This card should be used ONLY by the employee whose name appears on the card. NO OTHER PERSON IS AUTHORIZED TO USE YOUR ASSIGNED CREDIT CARD. Each cardholder is responsible for safeguarding their issued card and all corresponding account information. The following criteria must be met prior to card issuance:~~

Credit cards will only be issued to Department Directors with the approval of the City Administrator and the Director of Finance. This card should be used ONLY by the Department Director or designee. Each cardholder is responsible for safeguarding their issued card and all corresponding account information. The following criteria must be met prior to card issuance:

1. Applicant must be a City of Georgetown Department HeadDirector;
2. Applicant's request must be approved by the City Administrator and the Director of Finance; and
3. Applicant must sign the Employee Acknowledgement of Responsibilities and Obligation for Use of the City of Georgetown Credit Card (Exhibit B).

Should the cardholder be terminated or transferred to another department, the issued card must be returned to the Director of Finance immediately.

Credit cards may be used to purchase any small dollar goods, with a total dollar amount of less than ~~one~~ two thousand dollars (\$~~1~~2,000). The credit card may not be used for the following:

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1. Personal purchases;
2. Any single purchase that exceeds ~~one~~two thousand dollars (\$~~1~~2,000) or the card's purchase limit;
3. Cash advances;
4. Telephone calls/monthly service;
5. Alcohol and tobacco;
6. Office supplies that are on contract;
7. Restaurants, groceries, food items, or meals of any kind unless for City meetings;
8. Employee compensation;
9. Items in inventory; or
10. Travel (and all related expenses) unless pre-approved by City Management.

The maximum amount for any single purchase transaction is ~~one~~two thousand dollars (\$~~1,000~~2,000). You CANNOT split a purchase into several transactions to stay within the single purchase limit.

The City of Georgetown is not tax exempt and should be charged sales tax when applicable.

Although competitive bidding is not required for small purchases less than ~~one~~five thousand dollars (\$~~1,000~~5,000), employees are expected to seek competition and the lowest prices for goods and services. Whenever making a credit card purchase, check as many vendors as reasonable for the situation, to assure best price and delivery. The Finance Department has the discretion to establish pricing agreements and identify a "preferred supplier" list. You are expected to purchase from the vendors on that list whenever possible. You will be notified of any arranged discounts.

All items purchased over the counter must be immediately available at the time of credit card use. No back ordering of merchandise or prepayment is allowed.

When the goods are received, retain all shipping documentation and detailed receipts to turn in for payment verification.

Record all proper general ledger account information with the documentation for each purchase and forward to the Director of Finance for payment verification.

Any and all travel expenses must be accompanied by the appropriate PF form(s) within 15 days of travel so that the Finance Department can ensure compliance with the City's travel policy. You are responsible for all receipts. You should keep all documentation in a file to compare against the monthly statements. If you don't have a receipt for a transaction, you must attach an explanation to your monthly documentation that includes a description of the item(s) purchased, date of purchase, vendor's name, and reason for the lack of supporting documentation.

The statement is to be submitted to the Director of Finance for approval. If you continue to misplace receipts, your card privileges will be revoked.

At the end of each billing cycle you will receive a statement of purchases for your card. This is not a bill for you to pay. Simply forward all corresponding documentation to the Finance Department for final approval and payment.

When you receive your statement verify that each transaction agrees to your receipts and any shipping documents. Make sure all charges are correct and the goods were received or the services performed. Include completed employee expense reports if the card was used for travel. Assign the correct charge accounts to all purchases listed on the statement. Add and total charges for each account number and check to see they match the total on the statement. Staple all original sales documents (packing slips, invoices, cash register receipts, employee expense reports, etc.) to the

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back side of the statement in order as listed. This data attachment is critical for accounts payable. Sign the statement and forward the entire package to the Finance Department for approval within five (5) days of receiving the monthly statement. If the documentation is not received by the 6th day, that account may be suspended until all issues are resolved.

If an item purchased on the card is not satisfactory, received wrong, damaged, defective, etc., the cardholder is responsible for replacing the item or securing a credit. Contact the vendor as soon as possible to explain the problem and inquire about return policies. If a credit is given, retain the appropriate transaction documentation to compare with the monthly statement. If purchased items or credits are not listed on your monthly statement, you should hold on to the receipt or credit memo and check the next monthly statement. If the purchase or credit does not appear on the statement within sixty (60) days after the date of purchase, notify the Director of Finance immediately. Under no circumstances should you accept cash in lieu of a credit.

If there is a charge on your monthly statement for something not purchased or an incorrect purchase amount, contact the vendor to resolve any incorrect transactions. If the vendor cannot correct the problem, notify the Director of Finance immediately.

A credit card may be declined if the cardholder has exceeded the single purchase/transaction limit or monthly credit limit. If this occurs contact the Director of Finance and explain the situation. The City's financial institution will be contacted to authorize the purchase, if appropriate.

If your credit card is lost or stolen you should immediately contact the Director of Finance.

Issuance of a City of Georgetown credit card in compliance with this policy implies no personal liability to the cardholder. The credit card is a City liability.

If, in the City's opinion, the cardholder has violated the terms of this policy, the cardholder's account may be closed and the employee may be disciplined. Reasons for this action include but are not limited to:

1. The credit card is used for personal or unauthorized purposes;
2. The credit card is used to purchase alcoholic beverages or any substance, material, or service which violated policy, law, or regulation pertaining to the City of Georgetown;
3. The card is used by someone other than the person to whom it is issued;
4. The cardholder uses the credit card to circumvent the purchase limit assigned to the cardholder or the limitation of the credit card itself;
5. The cardholder fails to provide the Finance Department with required receipts;
6. The cardholder fails to provide, when requested, information about any specific purchase; or
7. The cardholder does not adhere to all of the credit card policies and procedures.

Section 2-197 Pre-qualified bidders/~~offerors~~/contractors/consultants/suppliers

The City will determine that pre-qualification of vendors, as to their professional qualifications, is in the City's best interests. The Administrator or designee may pre-qualify bidders or offerors whom they believe to be responsible based on past performance, experience, reputation, background, skill, location, financial capability and bondability.

This pre-qualification approach may also be used to establish an on-call list for engineering and construction services at the discretion of the City Administrator. The pre-qualification process for engineering and construction services may occur on a 3-year cycle.

The City will publicly advertise a "Request for Qualifications (RFQ)" describing the project or services requested in detail and the selection criteria. The City would invite vendors to submit their qualifications for evaluation by the selection committee, which must then rank-order the firms using the published selection criteria in making their evaluations.

In determining whether a vendor is qualified and appropriate, such criteria as deemed to be in the City's best interests will be used. The notice of pre-qualification of vendors will set forth the criteria by which the qualifications and appropriateness of prospective vendors will be determined. Only those criteria set forth in the pre-qualification notice may be considered. The City Administrator will make all pre-qualification decisions in the exercise of their reasonable discretion and will make a written record of the basis for his/her pre-qualification determinations. Prior to issuance of the Request for Proposal or Bid, all prospective bidders or offerors that were provided with pre-qualification notice will be notified of the City's decision relating to prequalification.

Section 2-198 Real Estate Property: Purchase or Sale

Purchase of Property: It shall be the policy of the City to purchase real property for a negotiated amount of up to its fair market value. The City shall appraise the real estate property by contracting a certified appraiser to determine the fair market value. Notwithstanding this rule, the City Council may authorize the City Administrator to purchase real property above the fair market value if it is in the best interest of the City.

Sale of Property: It shall be the policy of the City to offer for sale, at fair market value, all surplus real estate property owned by the City. Surplus real estate property may be sold to adjacent owners when, as determined by the City Administrator such property is usable by the adjacent property owner(s). When property is sold, adequate legal provisions shall be made so that no owner will be denied access to his or her property as a result of the sale.

1. Appraisal of Property. All surplus real properties must be appraised by a certified appraiser to determine fair market value.
2. Management Review and Recommendation. When it is determined that real property is no longer needed for current or future use by a department, it shall be considered surplus for review by City Council. Following review, the City Administrator will request authorization from City Council to sell City owned real properties that have been deemed to be surplus.
3. City Council Authorization. City Council must authorize the sale of any surplus real property. Authorization shall be made in City Council meetings by ordinance on the specific property to be offered for sale.
4. Sale of Real Property. After City Council authorization, surplus property will be sold according to the following procedures:
 - a) Properties Valued at \$25,000 or less. The City Administrator shall make arrangements for the sale of surplus properties valued at \$25,000 or less through negotiations considering the fair market value or, if after a reasonable negotiation or attempt to sell occurs, an alternate acceptable price resulting therefrom.

b) Properties Valued at more than \$25,000. The City Administrator, or designee, in addition to other provisions found in this section, shall have the ability to sell properties valued more than \$25,000 in the following manners:

- (i) Online Advertisement
- (ii) Online Auction Sites
- (iii) Real Estate Listing Agency
- (iv) Sealed Bid with a minimum offer requirement
- (v) Exchange for alternative property, i.e. a land swap

It is in the best interest of the City of Georgetown to have flexibility with respect to real property sales as each situation presents a unique set of circumstances. The processes listed above meet the intent of this section so long as the process used is reasonable considering the characteristics of the subject property.

5. Exceptions.

- (a) Community Development properties will be sold in accordance with all applicable federal government regulations.

Notwithstanding the above rules and regulations, and except for Community Development property, the City Council may authorize the City Administrator to dispose of real property by other legal methods.

Secs 2-197-Section 2-199 Reserved.



Exhibit A

MANDATORY VENDOR SUBMITTAL FORM**LOCAL VENDOR PREFERENCE OPTION SUBMITTAL FORM**

**~~AN ORDINANCE TO AMEND
CHAPTER 2 ADMINISTRATION – ARTICLE IV
PROCUREMENT
SECTION 2-185 COMPETITIVE SEALED PROPOSALS LOCAL VENDOR PREFERENCE~~**

**~~ARTICLE IV.
PROCUREMENT
DIVISION 2. ETHICS IN CITY CONTRACTING~~**

☐ I certify that [Company Name] _____
is a **Resident Bidder** of Georgetown City/County as defined in the City of Georgetown Ordinance
Chapter 2 Administration, Article IV Procurement, Section 2-185, and our principal place of business
is _____ [City and State].

☐ I certify that [Company Name] _____
is a **Non-Resident Bidder** of Georgetown City/County as defined in the City of Georgetown
Ordinance Chapter 2 Administration, Article IV Procurement, Section 2-185, and our principal place
of business is _____ [City and State].

(X) _____

Signature of Company Officer

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Attachment: Procurement Policy draft redlined (3706 : Procurement Policy Revisions)

Exhibit B

City of Georgetown, SC

Credit Card Program Cardholder Agreement

I, _____, agree to the following terms, conditions, and requirements relating to my use of the City of Georgetown credit card.

1. I understand that I am being entrusted with access to the City of Georgetown's Credit Card Program, including the use of the credit card, to make financial commitments on behalf of the City of Georgetown and will restrict my purchases to approved City of Georgetown activities only.
2. I understand that under no circumstances will I use the credit card to make personal purchases, either for myself or for others. Use of the credit card for unauthorized purchases may result in disciplinary actions and/or criminal prosecution.
3. I will follow the established City procedures for using the credit card. Failure to do so may result in revocation of my credit card privileges and/or other disciplinary action up to and including termination of employment and/or criminal prosecution. In addition, I will keep the credit card secure so that it cannot be used by unauthorized persons.
4. I agree that should my credit card privileges be terminated or if I am transferred to another job or position within or without the City, I will return the credit card that I have been issued in connection with the City of Georgetown's Credit Card Program to the Director of Finance immediately.
5. I agree that should I violate the terms of this agreement and use the City of Georgetown's credit card for personal use or gain for myself or others, I will reimburse the City of Georgetown for all incurred charges and any fees (including attorney's fees and expenses) related to the collection of these charges, and will be subject to any other disciplinary actions the City may take, up to and including termination and/or criminal prosecution. I agree that the value of any unauthorized purchases may be deducted from my paycheck as an advance of wages.
6. I understand and agree to process all transactions made in connection with my credit card as prescribed in the City of Georgetown's Credit Card Policy.
7. A copy of the City of Georgetown's Credit Card Program Policy is incorporated by reference into this agreement and I agree to be bound by all terms, conditions, and requirements contained therein.

_____ Employee Name (Print)	_____ Employee Signature	_____ Date
_____ City Administrator Name (Print)	_____ City Administrator Signature	_____ Date
_____ Director of Finance Name (Print)	_____ Director of Finance Signature	_____ Date