

## ARTICLE V. FINANCIAL ADMINISTRATION

### DIVISION 2. - PURCHASING REQUIREMENTS

#### Sec. 2-285. - Items less than \$3,000.00.

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All purchases and contracts of less than \$3,000.00 may be made in the open market, without advertisement and without the necessity of complying with the provisions of this article.

(Code 2004, § 1.5B.10; Ord. No. 88-3, 3-10-1988; Ord. No. 1994-11, 1-12-1995; Ord. No. 2008-02, § II(1.5B.10), 6-24-2008)

#### Sec. 2-286. - Items between \$3,000.00 and \$10,000.00.

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All purchases and contracts of less than \$10,000.00 but more than \$3,000.00 may be made in the open market, without newspaper advertisement and without observing the formal competitive bidding procedures set forth in subsections (1) through (3) of this section, but shall be undertaken in accordance with the following procedures:

- (1) All open market purchases shall, wherever reasonably possible, be based on at least three price quotations.
- (2) The mayor or designee shall solicit quotations by direct mail or by telephone to be confirmed in writing by the person offering the price quotation. The final purchasing decision shall be the mayor's responsibility.
- (3) The mayor or designee shall keep a record of all orders and the quotations submitted, and such records shall be open to public inspection during normal business hours.

(Code 2004, § 1.5B.20; Ord. No. 88-3, 3-10-1988; Ord. No. 1994-11, 1-12-1995; Ord. No. 2008-02, § II(1.5B.20), 6-24-2008)

#### Sec. 2-287. - Items greater than \$10,000.00.

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All purchases and/or contracts exceeding \$10,000.00 shall be made in accordance with the competitive bidding procedures set forth in subsections (1) through (5) of this section:

- (1) *Invitation to bid.* The mayor or designee shall solicit bids by mail, telephone, newspaper, or by any other reasonable means designed to secure responsible bidders. Invitations to bid shall be advertised or noticed at least ten days prior to the date on which bids are due unless, due to extraneous time constraints, such cannot be complied with.
- (2) *Bid deposits.*
  - a. All bidders must provide a bid security. Bid deposits shall be prescribed in the public notice inviting bids. The amount of such deposit shall be five percent of the bid and shall be in the form of a certified check, bond or cash. Bid deposits may be waived provided notice of such is given when bids are solicited.
  - b. Unsuccessful bidders shall be entitled to the return of their surety within 30 calendar days after the awarding of the contract or the rejection of all bids.

- c. Upon the failure of a successful bidder to enter into a contract within seven calendar days after the town tenders the proposed contract, the bidder shall forfeit the bid deposit.

(3) *Submission and opening of bids.*

- a. All bids shall be submitted to the Office of the Town of Seabrook Island during normal business hours in a sealed condition with identification contained on the envelope containing the bid.
- b. Bids shall be submitted at the designated place no later than the date and time stated in the notice of bid.
- c. Bids shall be opened in public at the time and place stated in the public notice.
- d. A tabulation of all bids received shall be made available for public inspection.

(4) *Analysis and recommendation of bidder.* Contracts shall be awarded to the lowest responsive, responsible bidder. In determining the lowest responsive, responsible bidder, in addition to price, consideration may be given to:

- a. The ability, capacity and skill of the bidder to provide the services required;
- b. The capability of the bidder to perform the contract or provide the services 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, both with the town or other entities, including performance within contract specifications and costs, and the absence of litigation or arbitration associated with the contractual performance;
- e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract and services;
- f. The sufficiency of the financial resources of the bidder to perform the contract or provide the services;
- g. The quality, availability and adaptability of the suppliers of contractual services to the particular use required; and
- h. The quality of samples requested by the town.

(5) *Award of contract.* The mayor shall recommend the successful bidder to the town council for approval as soon as possible and shall advise the successful bidder of the council's decision within one week of the council's action.

(Code 2004, § 1.5B.30; Ord. No. 1994-11, 1-12-1995; Ord. No. 2007-05, § II(1.5B.35), (1.5B.36), 6-26-2007; Ord. No. 2008-02, § II(1.5B.30), 6-24-2008)

Sec. 2-288. - Professional service contracts.

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- (a) *Authority.* For the purpose of procuring any professional services, where the person or firm employed is customarily employed on a fee basis rather than by competitive bidding, the town

may act as a purchasing agent and contract on its own behalf for such services without the necessity of complying with the provisions of this article.

- (b) *Mayoral recommendation; council approval.* The mayor shall recommend the person or firm to the town council for approval as soon as possible. If approved by the town council, such contract may thereafter be entered into.

(Ord. No. 2008-02, § II(1.5B.40), 6-24-2008)

Sec. 2-289. - Sole-source procurement.

A contract may be awarded for a supply, service or construction item without competition when the mayor or designee determines in writing that there is only one source for the required supply, service or construction item. After such written determination has been made, all sole-source contracts not exceeding \$3,000.00 may be entered into without the necessity of complying with the provisions of this article. For all sole-source contracts exceeding \$3,000.00, the mayor shall recommend such contracts to the town council for approval as soon as possible. If approved by the town council, such contract may thereafter be entered into.

(Ord. No. 2008-02, § II(1.5B.50), 6-24-2008)

Sec. 2-290. - Emergency procurements.

Notwithstanding any provision to the contrary, the mayor or designee may make or authorize others to make emergency procurements when there exists an immediate threat to the public health, welfare, critical economy and efficiency or safety; provided that such emergency procurement shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and the selection of a particular contractor shall be included in the contract file.

(Ord. No. 2008-02, § II(1.5B.60), 6-24-2008)

Sec. 2-291. - Cancellation or rejection of invitation for bids, requests for proposals, etc.

Invitations for bids, requests for proposals or other solicitations may be cancelled or any and all bids or proposals may be rejected in whole or in part when it is in the town's best interests. The mayor or designee may amend any of the requirements set forth in an invitation to bid, notice of bid or solicitation when necessary and in the town's best interest. Reasonable notice of such amendment shall be given. The town may reject any and all bids for any purpose whatsoever.

(Ord. No. 2008-02, § II(1.5B.70), 6-24-2008)

Sec. 2-292. - Disposal of town property valued under \$500.00.

Town property with an estimated value of less than \$500.00 may be sold without formal advertisement of competitive procedures.

(Ord. No. 2008-02, § II(1.5B.80), 6-24-2008)

Secs. 2-293—2-311. - Reserved.