



**Administration Committee
1:00 p.m., Monday, April 6, 2026
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC**

Public Comment:

Citizens who wish to speak during the meeting must email their first and last name, address and topic to Nicole DeNeane, City Clerk, at nicoled@iop.net no later than 3:00 p.m. the day before the meeting. Citizens may also provide written public comment here: <https://www.iop.net/public-comment-form>

Agenda

- 1. Call to order and acknowledgement that the press and the public have been duly notified of the meeting in accordance with the Freedom of Information Act.**
- 2. Citizen's Comments** – All comments have a time limit of three (3) minutes.
- 3. Approval of previous meeting's minutes** – March 3, 2026 (p2)
- 4. Old Business**
 - a. Discussion and consideration of recommendations from the Wage and Compensation Study and incentives (p5)
 - i. Market Adjustment – Public Safety, General & Administration
 - ii. Public Safety Incentive Plans
 - iii. Annual CPI Adjustment for Wage Bands/Steps (p6)
 - iv. Hiring Placement – Experience
 - v. Overtime Policy/Process
 - vi. Competitive Market Reviews
 - vii. Performance Appraisals
 - b. Review of updated organization chart (p11)
 - c. Discussion on Code of Ethics and Conduct proposed ordinance (p17)
 - d. Discussion on procurement/purchasing procedures (p24)
- 5. New Business**
- 6. Executive Session-** Pursuant to SC Code Section 30-4-70(a)(1) to discuss the City Administrator's recommendation for appointment of a new Director of Public Works. Upon returning to open session, the Committee may vote on any matter related to Executive Session.
- 7. Adjournment**



**Administration Committee Meeting
1:00pm, Tuesday, March 3, 2026
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Council members Miller, Pierce, and Ward

Staff Present: Administrator Kerr, HR Officer Ladd, Chief Cornett, Chief Oliverius,
Director Hamilton

2. Citizen's Comments

Patsy Hindman, Barnacle Row, spoke with concern about the low pay for firefighters. She believes a 10% raise is not sufficient and said speaking directly to the employees should have been done as part of the study.

Julie Nestler, 22nd Avenue, also spoke with concern about the firefighters being underpaid and the department being understaffed. She said she presented a plan to the City Administrator that would increase pay for firefighters and pay for the rescue boat without raising taxes. She also supports an incentive for bilingual officers.

3. Approval of Previous meeting's minutes

Council Member Miller suggested clarity in the last sentence on the first page regarding use of incentives. Chief Cornett offered, "Both chiefs agree utilizing incentives will allow them to place new personnel at their proper step based on their experience as well as retain current Public Safety personnel."

MOTION: Council Member Pierce made a motion to approve the minutes of the February 9, 2026 meeting as amended. Council Member Miller seconded the motion. The motion passed unanimously.

4. Old Business

A. Discussion with Evergreen on Wage & Compensation Study and incentives

Allie Crumpler of Evergreen presented the wage and compensation study to the Committee. That presentation can be found in the agenda packet on the City's website. Ms. Crumpler will give the same presentation to the City Council next week.

Council Member Pierce would like Council to focus on the pay and incentives for Public Safety. He noted that there seems to be a large disparity in general and administrative pay.

Ms. Crumpler said she could help the City craft a policy that will help them adjust their pay ranges on an annual basis so they do not fall behind. She will also review the incentives suggested by the Police and Fire chiefs.

Council Member Pierce would like to look more closely at changes to the grades in the general and administrative staff, noting that the needed pay increases are larger since City Council was not as aggressive with those increase after the last study.

Council Member Pierce later asked to have Evergreen look at pay in the 70th percentile for all Public Safety positions, including Public Safety administrative positions.

Chief Cornett shared suggested educational and certification incentives with the Committee. He said he will add an incentive for bilingual officers. He recommends a capped amount each year for the incentives, adding that the officer must retain those certifications annually in order to receive the incentive pay.

Chief Oliverius also shared a list of certification incentives with the Committee. His suggestions were based on a percentage of an employee's pay "baked into their hourly rate." Chief Cornett said it would be hard to stay within the step plan if he used percentages.

The chiefs were asked to put dollar values on all recommendations and bring them to the City Council meeting next week.

B. Discussion on Code of Ethics and Conduct proposed ordinance

Council Member Miller provided a rough draft of a Code of Ethics and Conduct ordinance. Administrator Kerr will send it to legal counsel for review prior to the April meeting.

C. Discussion procurement/purchasing procedures

Council Member Pierce believes recurring expenses should be put out to bid every 1-2 years. He is concerned about multi-year contracts.

Administrator Kerr said that the bid process does not apply to anything under \$25,000. He asked the Committee members to take note of large expenses that could be bid out as they go through the budget process. He will review them to clarify when their contracts, if applicable, will expire and need to go out to bid again.

5. New Business

A. Review of FY27 Operational Budgets for General Government and Building Departments

Director Hamilton said some of Evergreen's numbers are "baked in" to the budget numbers she presented as are the COLA and merit increases slated for 1/1/2027. She noted she is waiting on a letter with the insurance modifier before solidifying that number in the budget. She reviewed large changes in the budgets for General Government and the Building Department.

A full picture of the budget will be presented at the March 11 budget workshop.

B. Review process to appoint future Director of Public Works

Administrator Kerr said the position has been internally posted. He hopes to be able to make a recommendation to City Council at their March 24 meeting.

6. Miscellaneous Business

The next meeting of the Administration Committee will be held on Monday, April 6, 2026 at 1pm.

7. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Miller seconded the motion. The meeting was adjourned at 2:37pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Projected Implementation Date	Pay Plan Adjustment	Min. % Increase	Post Adjustment Increase	Parity Length	Step Discount	Step Cap	% Increase Cap	\$ Increase Cap	Salary Range Cap	Range Placement Discount	Range Placement Cap
4/1/2026	0.0%	0.0%	0.0%	25.0	0	25		\$ -	100.0%	Yes	10.0%

General/Admin

Implementation Options	Total Base Salary-Only Estimate	Number of Employees Adjusted	Average Adjustment for Impacted Employees	% of Payroll
Bring to Min	\$ 5,004.72	4	\$ 1,251.18	0.1%
Current Range Placement	\$ 202,462.87	40	\$ 5,061.57	3.0%
Discounted Range Placement	\$ 171,677.36	39	\$ 4,401.98	2.6%

Fire

Implementation Options	Total Base Salary-Only Estimate	Number of Employees Adjusted	Average Adjustment for Impacted Employees	% of Payroll
Bring to Min	\$ 50,096.04	35	\$ 1,431.32	1.1%
Step to Step	\$ 142,984.75	35	\$ 4,085.28	3.1%

Police

Implementation Options	Total Base Salary-Only Estimate	Number of Employees Adjusted	Average Adjustment for Impacted Employees	% of Payroll
Bring to Min	\$ 28,648.54	20	\$ 1,432.43	1.1%
Step to Step	\$ 101,054.65	20	\$ 5,052.73	3.7%

Public Safety	Step to Step	\$ 244,039.40
Gen/Admin	Current Range Penetration	\$ 202,462.87
TOTAL BASE-SALARY ESTIMATE		\$446,502.28

Public Safety	Step to Step	\$ 244,039.40
Gen/Admin	Discounted Range Penetration	\$ 171,677.36
TOTAL BASE-SALARY ESTIMATE		\$415,716.77

Fire Department - Advanced Certification Incentives

Certification	IOPFD Recommended Incentive Amount	Special Rules	Total # of IOPFD Employees Currently Qualifying	Total Proposed Cost with Current Employees
Bilingual	\$1,200	No Max. Must complete testing and requirements for Global Seal of Bilingualism or equivalent	2	\$2,400
Fire FTO	\$2,600	South Carolina Fire Academy Instructor Max of 3 personnel Deliver 4 classes annually on Fire Suppression, Rescue, Pump Operations, Emergency Vehicle Driving Instructor, Rapid Intervention, Air Management, Hazardous Materials, Technical Rescue, or Bailout Training through South Carolina Fire Academy, IFSAC, DOD, or Pro Board agency or equivalent. Reviewed annually by Deputy Chief of Fire Operations.	3	\$7,800
Medical FTO	\$2,600	Certified South Carolina Fire Academy Instructor Max of 3 personnel. Deliver 4 classes annually through monthly medical continuing education, including Company level training as lead instructor. Certified as SC DPH Instructor, in either or CPR, Pediatric Advanced Life Support, Pre-Hospital Trauma and Life Support, Advanced Cardiac Life Support, Tactical Emergency Medicine Instructor, Fire Sled Fitness Facilitator/Health and Wellness. Annually evaluated by Deputy Chief of Special Operations and Medical Control Physician Dr. Sorrell	3	\$7,800
Marine FTO	\$2,600	South Carolina Fire Academy Instructor. United States Lifesaving Instructor, NASBLA Instructor or equivalent. Max of 3 personnel. Deliver 4 classes per year at the Department and Company level on marine operations, response, planning, weather, tactics and safety. Annually evaluated by Deputy Chief of Special Operations.	3	\$7,800
Fire Safety Ed.	\$1,300	Fire and Life Safety Educator I South Carolina Fire Academy Certified 40 hour testable course, complete 30+ hours continuing education annually. Attend and schedule and facilitate 4 community risk reduction events annually	1	\$1,300
EMT Advanced	\$1,200	NREMT and SC DPH Certified EMT Advanced through 300-400 hours, skills, clinical didactic, internship to gain intravenous access on patients and deliver intravenous fluids and medications by South Carolina Department of Public Health Max of 6. Assist with Medical Supply Inventory. Annual completion of 25 hours of continuing education in areas of trauma, medical, pediatrics and geriatrics. Recertify every 2 years. Max of 6 personnel	6	\$7,200

Fire Invest Tech/CFI	\$1,375	International Association of Arson Investigators Max of 3. Complete 54 hours of tested training. Maintain internationally accredited continuing education requirements of 36 months of work experience and 80 hours of fireinvestigative training certified through CFI Trainer.net. Investigate Fires as appropriate on Isle of Palms and with Auto-aid partners.	2	\$2,750
SCBA Tech	\$1,375	MSA Safety G1 Self Contained Breathing Apparatus Certified Technician with 12 hour annual continuing education requirement and recertification testing at MSA Global in PA every 6 years. Perform SCBA preventative maintenance and repair, maintain posicheck machine, annual SCBA Fit Testing, air cylinder hydrostatic testing, Max of 2	2	\$2,750
Marine Operator or Water Rescue Technican	\$1,800	Complete Boat Captain and Boat Crewmember Manual or United States Lifesaving Association Rescue Swimmer 90 hours and Boat Crewmember Manual, Aquatic Rescue Response Team Member along with one of the following courses through NASBLA BOSAR, Boat Crewmember, Small Fireboat, EVOG, Flood Operations, Swiftwater Tech1-2 or licensure through the United States Coast Guard or equivalnet. complete annual practical testing. Max of 14	14	\$25,200
Center for Public Safety Designated Fire Officer	\$2,500	Open to Fire Marhsal, Deputy Chiefs, Fire Chief Max of 4. Center for Public Safety Excellence certified as Chief Fire Officer, Training Officer EMS or Fire, Chief EMS Officer, Fire Marshal Review and approval by third party panel members through the Commission on Fire Accredidation International through the Center for Public Safety Excellence.Miantain certification through required continuing education and resubmission to the Panel and Commision to review and submit for recertification every 3 years. Develop and assist with officer development, succession planning manuals and leadership training annually	4	\$10,000
			40	\$75,000

Police Department - Advanced Certification Incentives

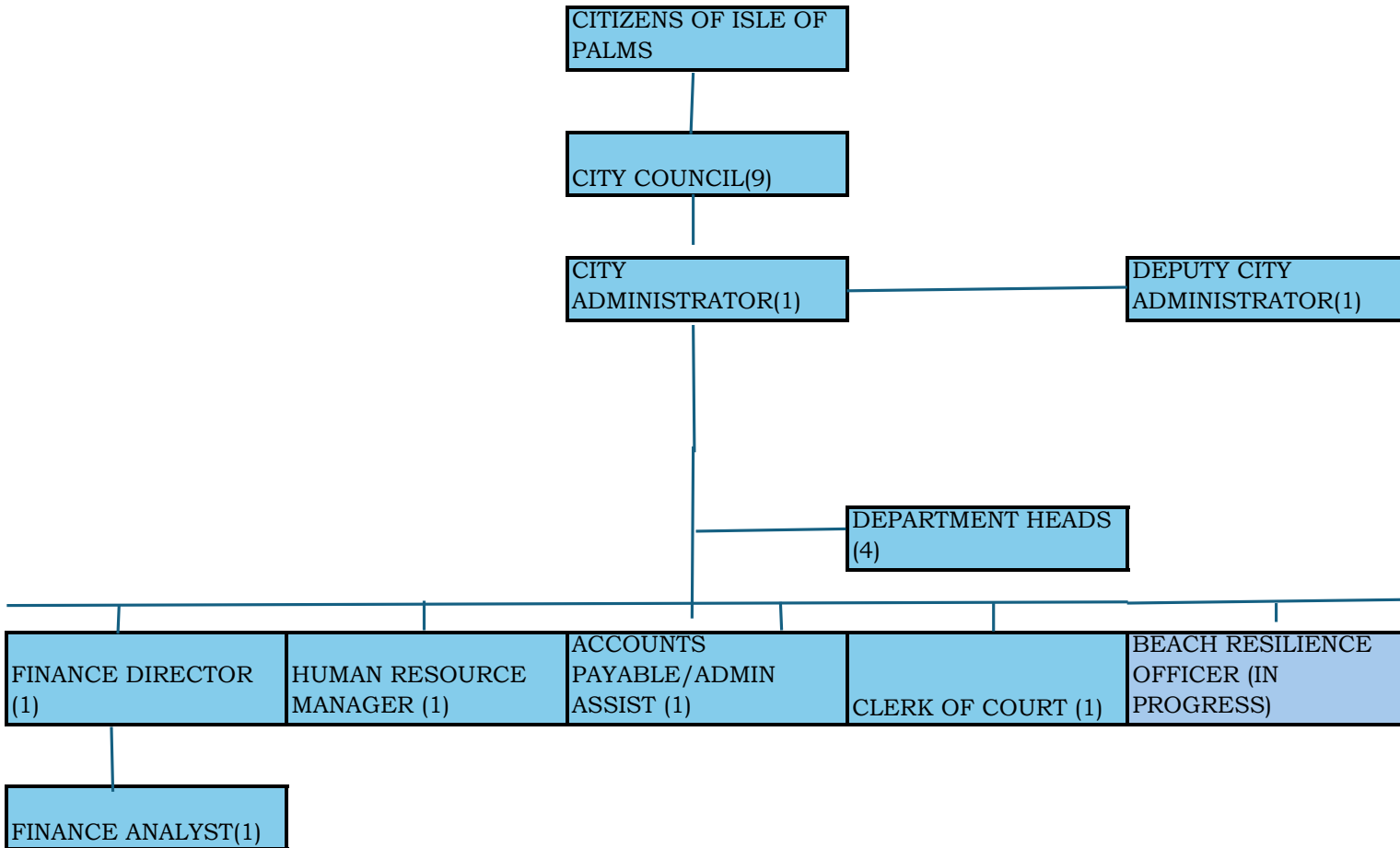
Certification	IOPPD Recommended Incentive	Special Rules	Total # of IOPPD Employees Currently Qualifying	Total # of un-filled positions for incentive	Total Proposed Cost with Current Employees
Active Shooter Response Instructor	\$1,200	Only certified instructors for LEO response. Only 3 approved and others wishing to obtain will go on a waitlist. Must participate as an instructor during in-service training each year.	1	2	\$3,600
Armorer	\$800	Only armorer for department issued firearms and must contribute to the agency in this capacity. No more than 3 armorers approved. All others will go on a waitlist.	3	0	\$2,400
Background Investigations	\$1,000	Must be certified and must conduct backgrounds as approved by the chief. Maximum number of 4. All others go on a waitlist.	2	2	\$4,000
Basic/Specific Skills Instructors	\$800	SCCJA certified instructors only. Maximum of 10 instructors. All others will go on a waitlist.	8	2	\$8,000
Bi-lingual	\$1,000	Must demonstrate proficiency in another language to be eligible and must be willing to serve in this capacity when needed. ASL will be considered a language as it pertains to this incentive.	2	2	\$4,000
Crash Reconstruction	\$1,000	Must complete at least phase 1 through SCCJA and assist with collisions within IOP involving GBI or death. Only 3 approved. All others will go on a waitlist.	1	2	\$3,000
Defensive Tactics / OC Spray Instructor	\$1,200	SCCJA certified instructors only. Only 3 DT and 3 OC instructors approved and others wishing to obtain will go on a waitlist. Must participate as an instructor during in-service training each year.	2	4	\$7,200

DRE	\$1,000	Must be an approved DRE through the SCCJA and must assist with DRE evaluations. Only 2 will be approved.	1	1	\$2,000
Driving Instructor	\$1,200	SCCJA certified instructors only. Only 3 approved and others wishing to obtain will go on a waitlist. Must participate as an instructor during in-service training each year.	2	1	\$3,600
Drone Pilot	\$1,000	Must have either a 107 Pilot license or have been trained under the department's policy. Must have XXX hours of flight every year to maintain. Maximum of 3 107 pilots. All others go on a waitlist	1	2	\$3,000
Firearms Instructor	\$1,200	SCCJA certified/approved instructors only. Only 3 approved and others wishing to obtain will go on a waitlist. Must participate as an instructor during in-service training/new officer certification each year.	2	1	\$3,600
Field Training Officer/FTO Manager	\$1,200	SCCJA/IOPPD certified/approved FTOs & SCCJA certified FTO Managers only. Must participate as a FTO/FTO manager when requested to train new officers and must maintain positive feedback from supervisors and FTO managers.	6	0	\$7,200
Hostage/Crisis Negotiator	\$1,000	Must be certified/trained hostage/crisis negotiator and must participate in consistent training annually to maintain this incentive. That can include training with surrounding agency negotiator units. Maximum of 3. All others will go on a waitlist.	1	2	\$3,000

Intelligence/ Analyst	\$800	Must have completed training through the International Association of Crime Analysts, must be selected by the chief for this role and must contribute to the department by gathering and analyzing data that reduces crime trends or identifies potential criminal activities prior to them occurring. Maximum of 2. All others will go on a waitlist.	1	1	\$1,600
Marine Unit	\$1,000	Must complete basic marine unit training approved by NASBLA and must participate in XX hours of marine operations every year to maintain. Will be limited to 5 members and others wishing to participate will be placed on a waiting list.	5	0	\$5,000
NCIC TAC, ATAC or LASO	\$1,100	Must be identified as the TAC, ATAC or LASO by the chief and must maintain certification/training through SLED,CJIS, and/or FBI. There will be 1 LASO, 1 TAC and up to 2 ATACs.	2	2	\$4,400
Public Information Officer	\$1,100	Must have completed advanced PIO training (FBI-LEEDA Master PIO, FEMA APIO) and must be designated by the chief to serve in this capacity.	1	1	\$2,200
SMD/SFST Instructor	\$1,200	SCCJA certified/approved instructors only. Only 3 approved and others wishing to obtain will go on a waitlist. Must participate as an instructor during in-service training each year.	2	1	\$3,600
Taser Instructor	\$1,200	Axon certified/approved instructors only. Must also have SSLor BID through the SCCJA. Only 3 approved and others wishing to obtain will go on a waitlist. Must participate as an instructor during in-service training each year.	2	1	\$3,600
			45	27	\$75,000

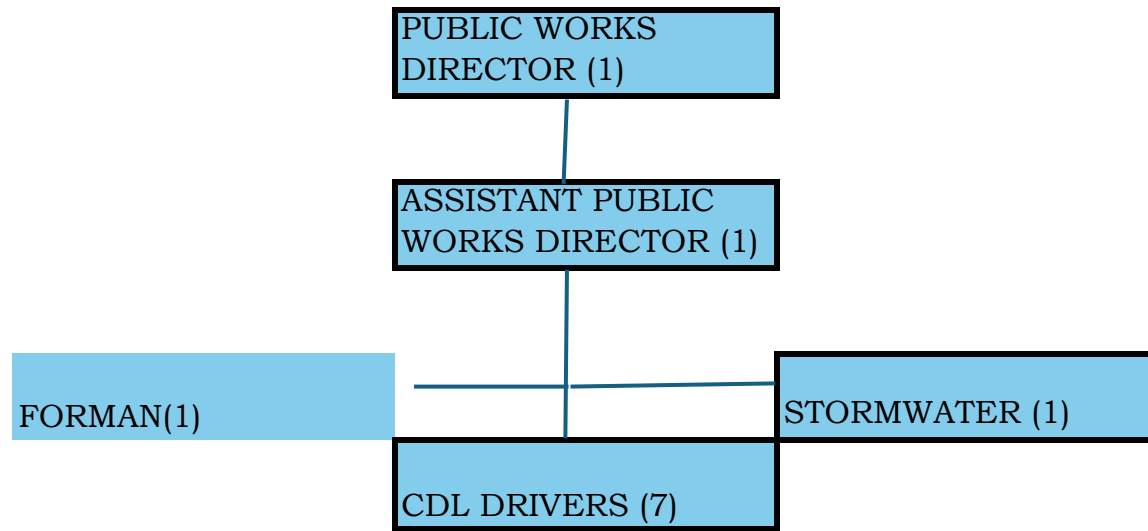
GEN GOV

2026



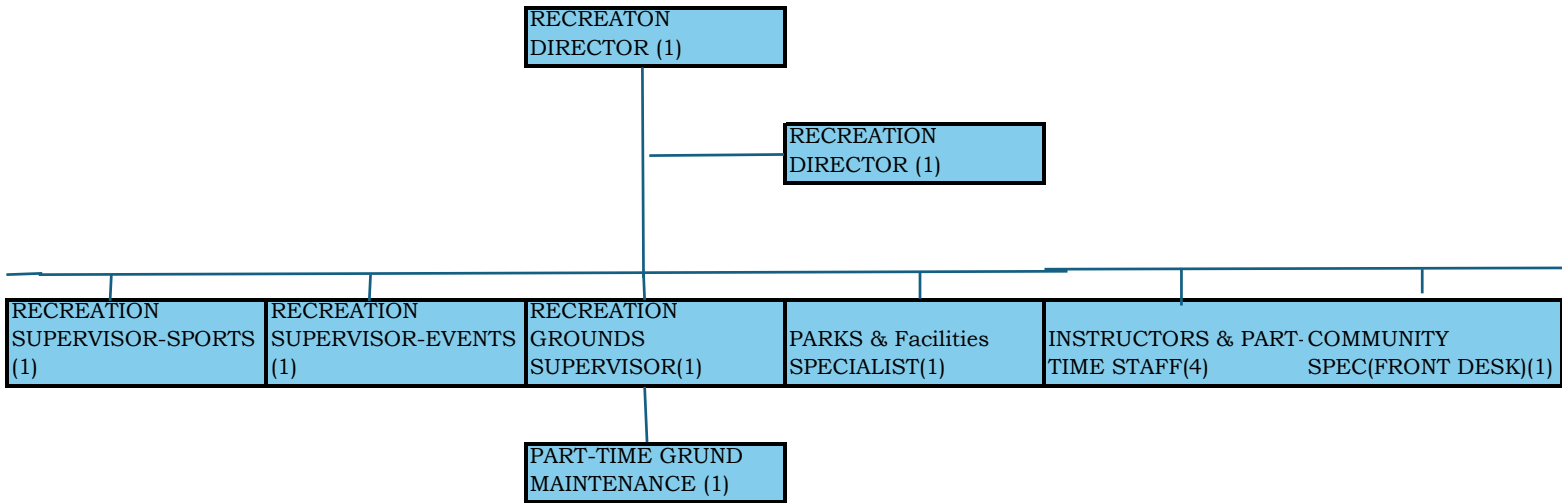
PUBLIC WORKS

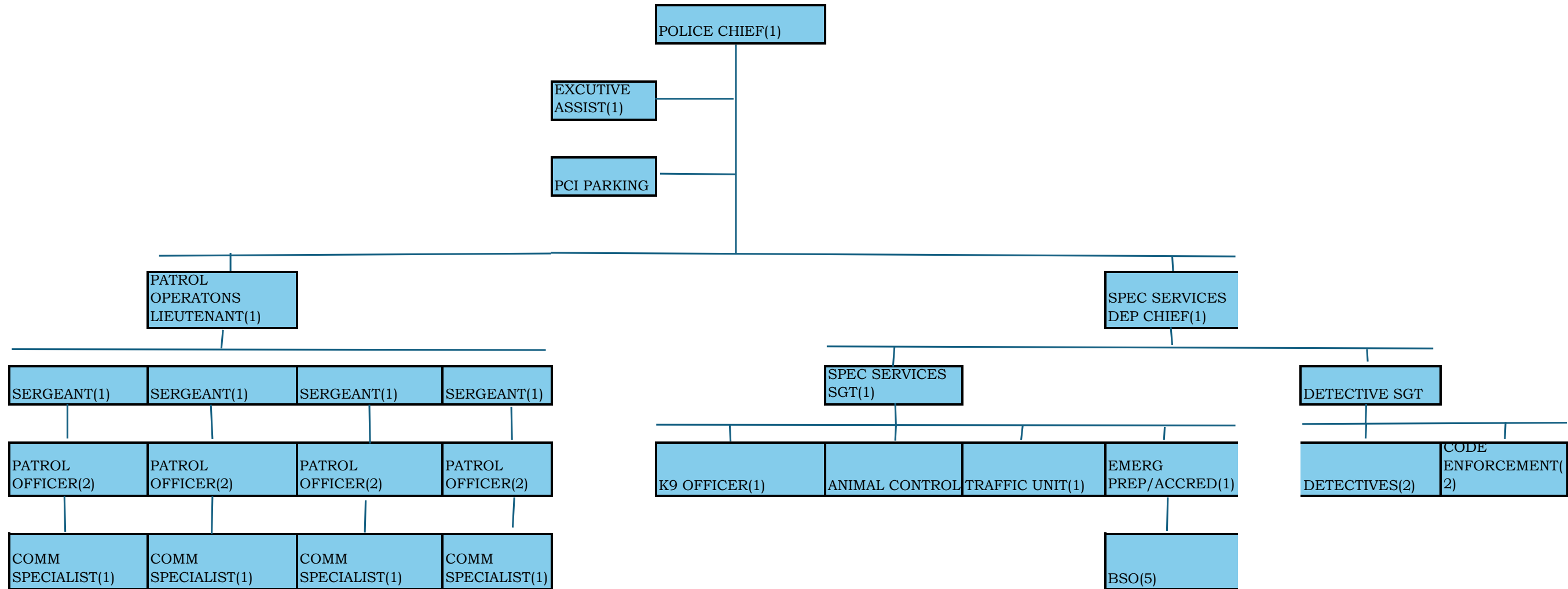
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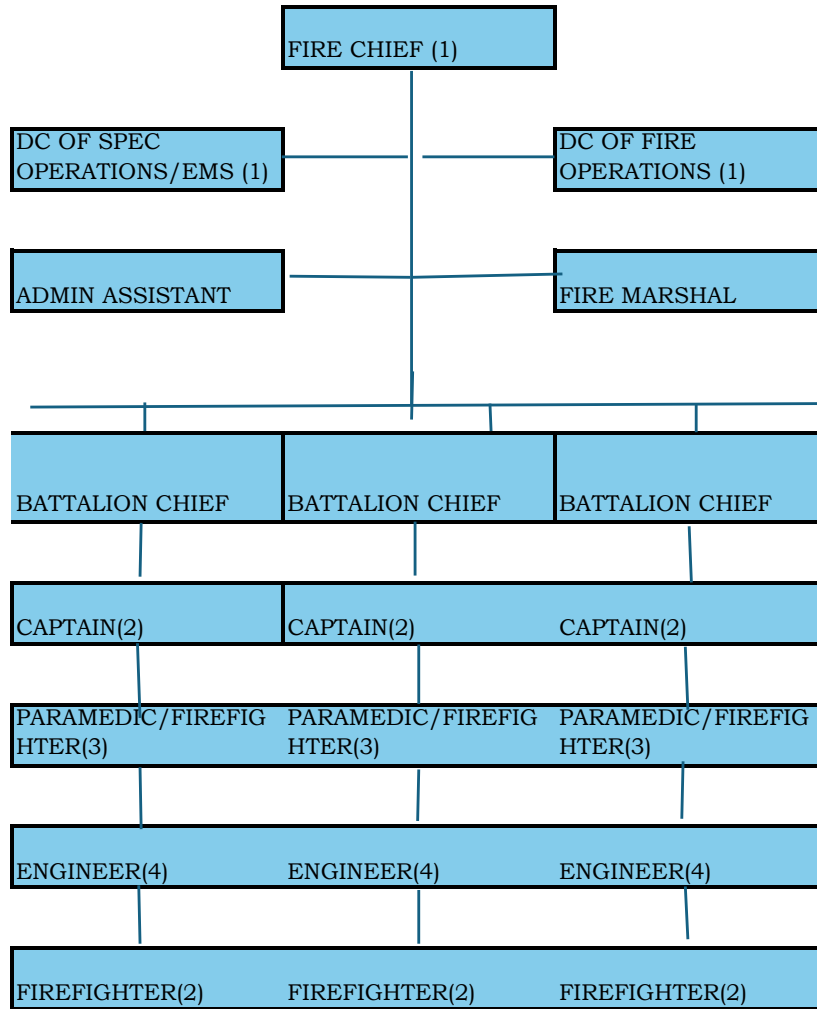
RECREATION

2026



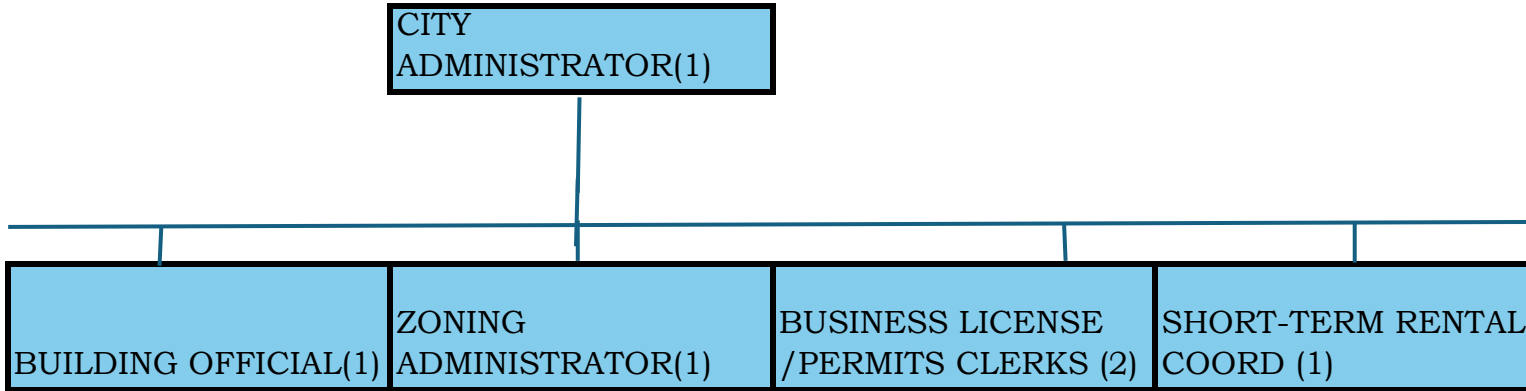


FIRE
2026



BUILDING

2026



CITY OF ISLE OF PALMS

CODE OF ETHICS

FOR ELECTED AND APPOINTED OFFICIALS

PURPOSE AND AUTHORITY

The City Council of the City of Isle of Palms adopts this Code of Ethics to provide a uniform set of standards so that elected and appointed officials, while exercising their respective offices, shall conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the City's government and provide enforceable ethical standards. The provisions in this Code of Conduct shall not supersede state law but are intended to supplement the same. To the extent any provisions contained in this Code of Conduct and state law are in conflict, state law shall apply.

DEFINITIONS

For purposes of this Code:

- (1) **Member** means any City Councilmember (including the Mayor) and any appointed member of a City board, committee, or commission.
- (2) **Family Member** means spouse, parent, child, sibling, parent-in-law, child-in-law, or sibling-in-law.
- (3) **Substantial Interest** means:
 - \$5,000 or more received in the preceding 12 months in salary, fees, goods, or services; or
 - A creditor/debtor relationship of \$5,000 or more.

GENERAL STANDARDS OF CONDUCT

Members shall conduct themselves in accordance with the following standards:

(1) Act in the Public Interest.

Members shall work for the common good of the residents and visitors of the City and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before them.

(2) Compliance with Law.

Members shall comply with all applicable federal, state, and municipal laws, including but not limited to the South Carolina Ethics Reform Act, Freedom of Information Act, election laws, and financial disclosure requirements.

(3) Conduct of Members.

The professional and personal conduct of Members while exercising their office must be above reproach and avoid the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, the City Staff or public. Members shall practice civility and decorum during public debate.

(4) Respect for Process.

Members shall perform their duties in accordance with the processes and rules set forth in the Rules of Order and Procedure in the City Code, Robert's Rules of Order, and the Rules of Conduct in the South Carolina Ethics Reform Act. Members shall honor the role of the Chairperson in maintaining order during public meetings.

(5) Decisions Based on Merit.

Members shall base their decisions on the merits and substance of the matter at hand. When making decisions, Members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

(6) Conflict of Interest.

Members shall not:

- Participate in a vote or decision affecting:
 - A Family Member
 - Any person or entity in which the Member has a Substantial Interest
- Vote on matters directly affecting their private business
- Use their office for personal financial benefit

Disclosure shall be made prior to discussion, and the Member shall abstain where required by law.

(7) Gifts and Favors.

Members shall not solicit or accept anything of value from any person or entity:

- Seeking business or contractual relations with the City
- Seeking to influence official action

Exceptions:

- Occasional items received in the normal course of business with a value of less than one hundred dollars (\$100.00) and admission to and or consumption of food and beverages at an event
- Award publicly presented in recognition of public service
- Campaign contributions lawfully reported
- Any gift, loan, or thing of value from a Family member

(8) Confidential Information.

Members must maintain the confidentiality of all written materials and verbal information provided to Members which is confidential or privileged under South Carolina law, including information provided during executive session, legal advice provided by the City's legal counsel, and any information otherwise protected by South Carolina law. Members shall not use or disclose confidential or non-public information for private benefit.

(9) Use of Public Resources.

Members shall not

- Use City Staff for personal, political, or business purposes
- Direct staff to perform personal tasks

- Order goods or bind the City without authorization

(10) Representation of Private Interests.

Members shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, in compliance with South Carolina law.

(11) Advocacy.

Members shall represent the official policies or positions of the City to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall explicitly state that said position is not endorsed by the City of Isle of Palms.

(12) Policy Role of Members.

Members shall respect and adhere to the council form of City government as provided in the City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, Boards, Committees and Commissions, and the public. Members shall not interfere with the administrative functions of the City or direct City Staff except through proper channels.

(13) Independence of Boards, Committees and Commissions.

Members shall not unduly influence boards, committees, or commissions or lobby members regarding matters pending before them.

(14) Positive Workplace Environment.

Members should make every effort to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Members shall not retaliate against City employees for truthful participation in ethics investigations.

(15) Social Media. Members who engage in personal social media activity (i.e., Facebook, Twitter, YouTube, blogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, etc.) that makes reference to the City, a Member's own official capacity with the City, any other elected or appointed City official, City Staff, City property, or any other City-related business, shall conduct themselves in accordance with all applicable laws and City policies. Members engaging in such activity should make it clear that they are speaking for themselves and not on behalf of the City. Members shall not engage in any form of unlawful harassment, discrimination, or intimidation or use slurs, profanity, personal insults or negative comments regarding City officials or City Staff that convey personal opinions and grievances, entice unproductive attitudes and behavior, or disrupt the harmony of the City's workplace.

RECEIPT of COMPLAINTS

All complaints against members shall be filed with the city clerk, provided, however, to discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a member, whether currently serving as a

member or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

- (a) No action may be taken on any complaint which is filed later than one (1) year after a violation of this division is alleged to have occurred, and a complaint alleging a violation must be filed within six (6) months from the date the complainant knew or should have known of the action alleged to be a violation. No proceedings under this article shall be instituted or prosecuted after the earlier of: (i) the expiration of the term of office of the person complained against; or (ii) the resignation, death, vacancy, disqualification or withdrawal from office of the person against whom a complaint is filed.
- (b) No action may be taken on any complaint which arises out of substantially the same facts or circumstance which have previously served as the basis for a complaint pursuant to this Ordinance.
- (c) A separate complaint shall be filed for each person alleged to have engaged in any activity violating this Ordinance even if the allegations arise from the same factual basis. Each complaint shall state: (i) a separate count for each alleged violation; (ii) the specific section of state law, the City Charter, or this Ethics Ordinance alleged to be violated for each count; (iii) with specificity, the facts which are alleged to constitute the violation; and (iv) the documentary evidence which the charging party possesses. Copies of said documentary evidence shall be attached to the complaint as exhibits.
- (d) All complaints shall contain an oath that the facts set forth therein are true and correct to the best of the complainant's knowledge in substantially the following form:

AFFIDAVIT

- (e) Upon receipt of a complaint, the City Clerk will deliver a copy of the complaint to the City Administrator.

APPOINTMENT OF HEARING OFFICER, SERVICE OF COMPLAINT, BURDEN OF PROOF

- (a) All complaints filed hereunder shall be heard before a Hearing Officer who: (i) shall be a competent attorney at law of good standing in his or her profession, (ii) shall have at least five (5) years' experience in the practice of law, and (iii) shall not maintain an office within a ten (10) mile radius of the City of Isle of Palms, SC. The City Clerk shall maintain a listing of no less than five (5) qualified attorneys to serve as a Hearing Officer pursuant to this section. Upon receipt of a properly verified complaint, the City Clerk shall draw names randomly from the listing of qualified Hearing Officers and appoint the first one who is available to serve in the matter.
- (b) Original pleadings shall be filed with the City Clerk and the city clerk shall cause the complaint to be served on the member charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.

- (c) In all proceedings under this section, the burden of proof shall be on the complaining party. Further, the quantum of proof required to establish a violation under this Ordinance shall be beyond a reasonable doubt.

HEARING

- (a) The member charged in the Complaint shall have fifteen (15) calendar days to file an answer to the complaint provided, however, the member charged shall have no obligation to file an answer to any complaint.
- (b) Upon the expiration of the fifteen (15) calendar day answer period, the Hearing Officer shall review the complaint and answer, if any, to determine: (i) whether the complaint is in conformity of the requirements of Section 3 above, (ii) whether upon consideration of the complaint and answer, the complaint is unjustified, frivolous, patently unfounded, or (iii) whether upon consideration of the complaint and answer, the complaint demonstrates facts sufficient to invoke disciplinary jurisdiction as set forth in this Ordinance, (iv) whether the complaint is based upon
- (c) If the complaint fails based upon the requirements of the foregoing subsection (b), the Complaint shall be dismissed stating the basis for said dismissal. If the dismissal is based upon the failure to comply with Sections 3(d) or 3(e), the Complaining party shall have fifteen (15) days to refile the complaint correcting the defect. If the corrected complaint is not filed within said fifteen (15) day period, the provisions of section 3(c) shall apply to the complaint. If fail the complaint otherwise fails, the provisions of section 3(c) shall apply to the complaint.
- (d) Upon a determination that the complaint should not be dismissed pursuant to the foregoing subsection (c), the Hearing Officer shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint. In furtherance of this investigation, the Hearing Officer may:
 - (i) Seek such further information from the to complainant or the member charged through inquiry or written questions, provided, however the member charged shall have no obligation to answer any inquiries, or
 - (ii) Conduct a hearing regarding the allegations set forth in the complaint. At any hearing, the member who is the subject of inquiry shall have the right: (i) to representation by counsel at all stages of these proceedings, (ii) to written notice of the hearing at least ten (10) calendar days before the first hearing, (iii) to hear and examine the evidence and witnesses and, (iv) to submit evidence and call witnesses to oppose or mitigate the allegations. In all hearings held under this section, the procedures and rules of evidence applicable in civil cases shall apply.
- (e) All investigations under this section shall be completed within forty-five (45) days of the filing of the complaint. Should the investigation not be completed in said period, the complaint will be deemed dismissed as fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. Within seven (7) days for the completion of the investigation, the Hearing Officer shall:

- (i) dismiss the complaint on the grounds that it is unjustified, frivolous, patently unfounded, or that it fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council, or
- (ii) prepare a report of findings and recommendations to the Mayor and City Council.
- (iii) Should the Hearing Officer determine to submit a report in the matter, the report shall consist of: (1) a written finding of facts; (2) a determination as to whether the complaint establishes beyond a reasonable doubt that a violation has been committed, and if so, the specific violation and evidence supporting the same, and (3) a recommendation regarding the punishment for such violation.
- (iv) Any person violating any provision of this article is subject to:
 - (1) Public or private reprimand or censure by the city council
 - (2) Request for resignation by the city council
 - (3) Removal from office in accordance with all applicable state and local laws.
- (v) The Hearing Officer's written determination of findings and recommendations shall be delivered to the City Clerk who shall provide a copy to the City Administrator and the Mayor and Council and serve a copy on the complainant and member charged by personal service, by certified mail, return receipt requested or by statutory overnight delivery.

REPORT TO MAYOR AND COUNCIL

- (a) Upon receipt of findings and recommendations from the Hearing Officer, the Mayor and Council may:
 - (i) by simple majority to accept the Findings and Recommendations of the Hearing Officer.
 - (ii) by simple majority accept the findings of fact and reject the recommended discipline instead substituting its own discipline.
 - (iii) by a supermajority consisting of a majority of those present forming a quorum, plus one, reject the findings and recommendations and either: (1) dismiss the complaint, or (2) conduct its own hearing in accordance with Section 5 hereof. Upon the completion of such hearing, the Findings and Recommendations of the Mayor and Council shall be binding.
- (b) If the subject of the complaint is the Mayor or any City Councilmember, he or she will not be allowed to vote pursuant to this section or participate in any hearing held pursuant to this section other than as set forth and allowable by the member charged.
- (c) Upon a final judgment and certification of the minutes of the meeting disposing of the matter, the City Clerk shall serve the respondent with a copy of the certified minutes and Findings and Recommendations by personal service, certified mail (return receipt requested) or by Federal Express or other overnight delivery service.

APPEAL

Any party may seek judicial review in Charleston County Circuit Court within thirty (30) calendar days of final action.

IMPLEMENTATION

This document shall be included in the regular orientations for candidates elected to City Council and newly appointed members to Boards and Commissions. Members are required to sign a statement (example below) acknowledging they have read and understand the Code of Ethics. In addition, the Code of Ethics shall be periodically reviewed by the City Council and may be amended or updated by City Council as necessary.

I affirm that I have read and acknowledge and accept the City of Isle of Palms Code of Ethics for Elected and Appointed Officials.

Signature _____

Date _____

CHAPTER 10. PURCHASING PROCEDURES¹

Sec. 1-10-1. Purchasing agent; specified duties.

The City Administrator or City Administrator's designee shall serve as the Purchasing Agent for the City. The Purchasing Agent shall be responsible for and supervise:

- (a) The purchase of supplies, materials and equipment and contractual services required by any office, department or agency of the City.
- (b) The storage and distribution of all supplies, materials and equipment required by any office, department or agency of the City.
- (c) Establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the City. Such specifications shall be definite and certain.
- (d) Maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment stored in storerooms or warehouses.
- (e) Obtaining as full and open competition as practical on all purchases, contracts and sales.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-2. Formal contract procedure.

Except as otherwise provided herein, all expenditures exceeding \$25,000.00 shall be made by formal written contract. Any expenditure not exceeding the amount of \$25,000.00 may be made in accordance with small purchase procedures promulgated by the Purchasing Agent; provided, however, that no contract or purchase shall be subdivided to avoid the requirements of this section.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-3. Approval of expenditures, sales and contract assignments.

- (a) Council approval shall be required for the following expenditures, sales and contract assignments:
 - (1) Unbudgeted expenditures in excess of \$10,000.00;
 - (2) All expenditures in excess of \$25,000.00;
 - (3) All sales of personal property when the estimated value exceeds \$10,000.00; and
 - (4) Assignments of contracts in excess of \$10,000.00.

¹Editor's note(s)—Ord. No. 2017-01, § 1, adopted Feb. 28, 2017, repealed the former Ch. 10, §§ 1-10-1—1-10-15, and enacted a new Ch. 10 as set out herein. The former Ch. 10 pertained to similar subject matter and derived from Ord. No. 2004-2, § 1(1-10-1—1-10-15), adopted April 27, 2004; Ord. No. 2005-1, § 1, adopted March 22, 2005; and Ord. No. 2013-11, § 1, adopted Oct. 22, 2013.

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- (b) The Purchasing Agent may authorize the following expenditures, sales and contract assignments without Council approval:
- (1) All expenditures of \$10,000.00 or less;
 - (2) Purchases of gasoline, which otherwise comply with the terms of this chapter, in amounts not to exceed \$25,000.00;
 - (3) All sales of personal property when the estimated value is \$10,000.00 or less; and
 - (4) Assignments of contracts that are \$10,000.00 or less.
- (c) The Purchasing Agent may also authorize any budgeted expenditure approved in the current fiscal year's budget, where the price does not exceed the budget estimate by more than ten percent (10%), if the total expenditure does not exceed \$25,000.00. The Purchasing Agent shall submit a report of the expenditure to City Council which shall be entered in the minutes of Council.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-4. Competitive procurement requirements; exceptions.

- (a) *When required.*
- (1) Expenditures of \$5,000.00 or less: Competitive procurement is not required for expenditures of \$5,000.00 or less if prices are considered by the Purchasing Agent or Department Head to be fair and reasonable.
 - (2) Expenditures exceeding \$5,000.00: Before any purchases or contracts for supplies, materials, equipment or services exceeding \$5,000.00 are made, the Purchasing Agent or Department Head shall give reasonable opportunity for competitive procurement.
 - (i) For purchases or contracts in excess of \$5,000.00 but not more than \$10,000.00, the Purchasing Agent or Department Head shall obtain either verbal or written competitive price quotes from at least two (2) vendors, unless only one (1) vendor is available. Informal quotes may be accepted verbally or via email, provided that the Purchasing Agent or Department Head retains appropriate documentation consisting of the name of the vendor, price quote, name of vendor's representative providing the quote, and the date of quote.
 - (ii) For purchases or contracts in excess of \$10,000.00 but not more than \$25,000.00, the Purchasing Agent or Department Head shall obtain at least three (3) informal written bids, unless three (3) vendors are not available. Informal written bids may be accepted via email.
 - (iii) Purchases or contracts in excess of \$25,000.00 shall be awarded pursuant to the formal competitive sealed bidding or competitive sealed proposals methods as provided in section 1-10-5, unless otherwise provided in this chapter.
 - (3) No contract or purchase shall be subdivided to avoid the competitive procurement requirements of this section.
 - (4) The Purchasing Agent or City Council has the authority to cancel a request for bids or proposals or other solicitation, and to reject any or all bids or proposals in whole or in part, and to waive informalities or irregularities in bids or proposals received when it is determined to be in the best interest of the City.
- (b) *Exceptions.*

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- (1) In the event of any emergency affecting the public welfare, health or safety, the competitive procurement requirements of this section shall not apply. A full report of any emergency purchase shall be filed by the Purchasing Agent with City Council and shall be entered in the minutes of Council.
 - (2) The competitive procurement requirements of this section shall not apply to the procurement of professional services where the person employed is customarily employed on a fee basis rather than by competitive bidding such as legal, medical, consulting, appraiser, auditor or accounting services. The Purchasing Agent may secure professional services by direct negotiation and selection, taking into account the type of services required, the proximity (location) of the professional providing the services, the capability of the professional to produce the required service within a reasonable time, past performance, and the ability to meet budget requirements. Nothing herein shall be deemed to prohibit the City from using competitive procurement procedures for professional services if City Council determines it is in the best interests of the City.
 - (3) The following types of expenditures are exempt from the competitive procurement requirements of this section:
 - (i) Utilities including gas, electric, water and sewer;
 - (ii) Information technology;
 - (iii) Maintenance and repairs to vehicles, machinery or equipment necessary in providing an essential City service;
 - (iv) Maintenance or service contracts which are made with the manufacturer or authorized service agent;
 - (v) Replacement parts of existing equipment supplied by the original equipment manufacturer or authorized dealer;
 - (vi) Routine, recurring purchases (e.g., office supplies);
 - (vii) Works of art and holiday decorations for public display;
 - (viii) Competitive online bidding, including, but not limited to, reverse auctions.
 - (ix) Corrective work necessary for repairing or replacing faulty or defective workmanship, design or materials, as determined by the Purchasing Agent.
 - (4) An expenditure may be made without competitive procurement when the Purchasing Agent reasonably determines that there is only one (1) qualified source for the required goods or services, or that a particular source has a unique ability or knowledge with respect to the required goods or services, or when there is only one (1) source which is compatible with existing equipment, software, systems, or services and the Purchasing Agent sets forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.
 - (5) An expenditure may be made without competitive procurement when an item is required for trial use or testing. The Purchasing Agent shall set forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.
 - (6) The Purchasing Agent may obtain goods and services from an awarded bidder in a competitive bidding process utilized within the preceding twelve (12) months by another political subdivision of the state for substantially the same goods or services when the Purchasing Agent has good reason to believe that the awarded bidder is the lowest qualified bidder at the time the City obtains such goods and services.
 - (7) Competitive procurement shall not be required for goods and services purchased through a state contract awarded by the purchasing division of the State of South Carolina, or when an item that is

equivalent or superior to a state contract item is purchased at a price equal to or less than the state contract price.

- (8) An expenditure may be made without competitive procurement when it is determined by the Purchasing Agent that the expenditure is critical to the City and time does not permit for solicitation or resolicitation in accordance with the procedures set forth in this chapter. The Purchasing Agent shall set forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.
- (9) The approval requirements set forth in section 1-10-3 shall apply to the expenditures listed in each exception hereinabove; provided, however, that City Council approval shall not be required for emergency purchases pursuant to paragraph (b)(1) of this section.

(Ord. No. 2017-01, § 1, 2-28-2017; Ord. No. 2018-12, §§ 1—3, 7-24-2018)

Sec. 1-10-5. Methods of source selection.

(a) *Definitions.*

- (1) *Request for information (RFI)* shall mean an informal request for information on potential vendors or service providers to determine what products and services are available and the capabilities of the vendors/providers in terms of offerings and strengths for the purpose of developing a future procurement process, developing strategy, and/or building a database. The RFI is not a procurement method and does not result directly in the award of a contract. In the event that sufficient information is received, the City may, but is not obligated to, initiate a competitive bidding opportunity. No contractual obligation whatsoever on behalf of the City shall arise from the RFI process.
 - (2) *Request for bids (RFB)* shall mean a formal request to prospective vendors soliciting price quotations or bids.
 - (3) *Request for proposals (RFP)* shall mean a formal solicitation for proposals based on a generalized scope of work with contract award to the responsible person(s) submitting the most advantageous and responsive proposal.
 - (4) *Request for qualifications (RFQ)* shall mean a formal solicitation for professional/technical capabilities.
- (b) *Request for information (RFI).* A request for information may be used prior to the issuance of a request for bids (RFB), request for proposals (RFP), or request for qualifications (RFQ) for any contract for City improvements, materials, equipment, or services costing more than \$25,000.00, if requested by City Council.
- (c) *Competitive sealed bidding.*
- (1) *Conditions for use.* Except as otherwise provided in this chapter, all contracts for City improvements, materials, equipment, or services costing more than \$25,000.00 shall be awarded by competitive sealed bidding.
 - (2) *Request for bids (RFB).* A request for bids shall be issued and shall include a purchase description, and all contractual terms and conditions applicable to the procurement.
 - (3) *Public notice.* Public notice of the invitation for bids shall be published in a newspaper of general circulation in the City and on the City's website at least five (5) days before the last day set for receipt of bids. The newspaper notice required herein shall include a general description of the articles or services to be purchased, state where bid forms and specifications may be secured, and the time and place for opening of sealed bids. In the event that, after advertising as aforesaid, no bids are received, the Purchasing Agent shall, with approval of the City Council, solicit bids by mail, telephone,

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- newspaper, posting on the City's website, or by any other reasonable manner to secure responsible bidders.
- (4) *Sealing.* Bids shall be submitted to the Purchasing Agent securely sealed in an envelope, and shall be identified on the envelope in accordance with bid instructions.
 - (5) *Opening.* Bids shall be opened in public in the presence of one (1) or more witnesses at the time and place stated in the public notices.
 - (6) *Tabulation.* A tabulation of all bids received shall be available for public inspection.
 - (7) *Rejection of bids.* The Purchasing Agent or City Council has the authority to reject all bids, parts of all bids, or all bids for any one (1) or more supplies or contractual services included in the proposed contract.
 - (8) *Bidders in default to City.* The Purchasing Agent shall not accept the bid of a vendor or contractor who is delinquent in the payment of taxes, licenses, or other monies due to the City.
 - (9) *Right to waiver.* The City has the right, but not the obligation, to waive informalities or irregularities in a bid received and allow the bid to be considered.
 - (10) *Bid instructions.* Bid instructions shall be prepared or approved by the Purchasing Agent. In the event of a conflict between the bid instructions and this chapter, the provisions of this chapter shall control.
 - (11) *Pre-qualification.* When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for proposals may be issued requesting the submission of unpriced offers to be followed by an invitation for bids complete with cost and pricing information limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.
 - (12) *Award.* Contracts shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, the Purchasing Agent and City Council shall consider:
 - (i) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - (ii) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - (iii) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - (iv) The quality of performance of previous contracts or services;
 - (v) The previous and existing compliance by the bidder with laws and ordinances relating to the contracts or services;
 - (vi) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - (vii) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
 - (viii) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
 - (ix) The number and scope of conditions attached to the bid;
 - (x) The ability of the bidder to meet the specifications or to offer an acceptable alternative equivalent.

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- (13) *Award to other than low bidder.* When the award is not given to the lowest bidder, a full and complete statement of the reasons for same shall be prepared or approved by the Purchasing Agent, filed with the documents relating to the transaction, and held for a period of not less than three (3) years.
- (14) *Tie bids.* If two (2) or more bidders submit the low bid, quality and service being equal, the contract shall be awarded to the local bidder. If two (2) or more of such bids are submitted by local bidders, the contract shall be awarded to one (1) of the local bidders by drawing lots in public. If local bidders are not involved in the tie bids, the Purchasing Agent shall award the contract to one (1) of the outside tie bidders by drawing lots in public.
- (15) *Bid deposits.* The Purchasing Agent or City Council shall have the authority to require a bid deposit, which shall be prescribed in the public notices inviting sealed bids. Upon entering into a contract, bidders shall be entitled to return of a required bid deposit. The City shall retain a successful bidder's bid deposit upon failure of bidder to enter into a contract within thirty (30) days after the award; provided, however, that the City Council, in its sole discretion, may waive this forfeiture.
- (16) *Performance bonds.* The Purchasing Agent or City Council shall have the authority to require a performance bond before entering into a contract, in such form and amount as the Purchasing Agent or City Council deems reasonably necessary to protect the best interest of the City. The requirement of a performance bond shall be stated in any bid instructions.
- (17) *Payment bond/labor and material bond.* The Purchasing Agent or City Council may require a payment bond and labor and material bond, before entering into a contract, in such form and amount as the Purchasing Agent deems reasonably necessary to protect the best interest of the City. The requirements of such bonds shall be stated in any bid instructions.
- (18) *Negotiations authorized.*
- (i) Generally, sealed bids are not negotiated, but in the event that all bids are rejected because of the amount of the bid, the Purchasing Agent is authorized in situations where the City's best interest precludes resolicitation of bids of a reduced scope, to negotiate an adjustment in the bid price of the lowest responsible bidder, including changing the bid specifications, in order to bring the bid within the amount of funds deemed by the Purchasing Agent or City Council to be available for the contract. If such negotiations are unsuccessful, the Purchasing Agent is authorized to enter into new negotiations with the next lowest responsible bidder, and likewise the third and sequential bidders until a bid price acceptable to the City is obtained. If the Purchasing Agent is unsuccessful in the first round of negotiations, negotiations may be reopened with any bidder with whom negotiations have occurred. If a contract is still not able to be negotiated, the scope of the request for bids may be changed in an effort to reduce the cost to a fair, reasonable and acceptable amount and all responsive bidders must be allowed to submit their best and final offers/bids.
- (ii) When all bids received are rejected and are not successfully negotiated as provided by subsection (ii) of this section and it is determined by the Purchasing Agent or City Council that time or other circumstances will not permit the delay required to resolicit competitive sealed bids, a contract may be negotiated provided that:
1. Each responsible bidder who submitted a bid under the original solicitation is notified of the determination and is given reasonable opportunity to negotiate;
 2. The negotiated price is lower than the lowest rejected bid by any responsible and responsive bidder under the original solicitation; and
 3. The negotiated price is the lowest negotiated price offered by any responsible and responsive bidder.

(d) *Competitive sealed proposals.*

- (1) *Conditions for use.* When the Purchasing Agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract for City improvements, materials, equipment, or services costing more than \$25,000.00 may be awarded by competitive sealed proposals.
- (2) *Request for proposals (RFP).* Proposals shall be solicited through a formal request for proposals.
- (3) *Public notice.* Public notice of the request for proposals shall be given in the same manner as provided for competitive sealed bidding.
- (4) *Sealing.* Proposals shall be submitted to the Purchasing Agent securely sealed in an envelope, and shall be identified on the envelope in accordance with the instructions in the request for proposals.
- (5) *Proposal opening.* Proposals shall be publicly opened in the presence of one (1) or more witnesses at the time and place stated in the public notices. Only the names of the offerors shall be disclosed at the proposal opening. Contents of competing offerors shall not be disclosed during the process of review and discussions. Proposals shall be for public inspection after contract award. Proprietary or confidential information marked as such in each proposal shall not be disclosed without written consent of the offeror. Late proposals shall neither be opened nor considered for award; however, the name and address of the late offeror and the time of attempted delivery shall be recorded wherever practicable.
- (6) *Rejection of bids.* The Purchasing Agent or City Council has the authority to reject all proposals, parts of all proposals, or all proposals for any one (1) or more supplies or contractual services included in the proposed contract.
- (7) *Bidders in default to City.* The Purchasing Agent shall not accept the proposal of a vendor or contractor who is delinquent in the payment of taxes, licenses, or other monies due to the City.
- (8) *Right to waiver.* The City has the right, but not the obligation, to waive informalities or irregularities in a proposal received and allow the proposal to be considered.
- (9) *Discussion with responsible offerors and revisions to proposals.* As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- (10) *Evaluation factors.* The request for proposals shall state the evaluation factors and, if necessary, the relative importance of price and of each other evaluation factor.
- (11) *Negotiations with preferred offeror.* After proposals have been evaluated, negotiations may be held with the preferred offeror in an effort to reach terms advantageous to the City. Notwithstanding this provision, requests for proposals may incorporate contract terms to which all offerors shall be expected to adhere.
- (12) *Award.* Award shall be made to the responsible offeror whose proposal is determined in writing to be most advantageous to the City taking into consideration the evaluation factors set forth in the request for proposals and any addenda thereto. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

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- (13) *Performance bonds.* The Purchasing Agent or City Council shall have the authority to require a performance bond before entering into a contract, in such form and amount as the Purchasing Agent or City Council deems reasonably necessary to protect the best interest of the City. The requirement of a performance bond shall be stated in the request for proposal.
 - (14) *Payment bond/labor and material bond.* The Purchasing Agent or City Council may require a payment bond and labor and material bond, before entering into a contract, in such form and amount as the Purchasing Agent deems reasonably necessary to protect the best interest of the City. The requirements of such bonds shall be stated in the request for proposal.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-6. Construction contracting.

- (a) The Purchasing Agent may recommend the appropriate method of construction contracting for a particular project. In determining which method to recommend, the Purchasing Agent shall consider the City's requirements, the scope of the project, its resources, and the potential contractor's capabilities.
- (b) City Council finds that certain non-traditional means of public construction project management, such as construction management services, design-build services, or turnkey management services, can be in the best interests of the City in certain circumstances. Such services allow for the selection of a single business to perform and manage the complete design and construction of a project. Therefore, the following methods may be employed under the following circumstances:
 - (1) The Purchasing Agent 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 Purchasing Agent shall consider the method which, in the Purchasing Agent's discretion, is the most advantageous to the City and will result in the most timely, economical, and successful completion of the construction project.
 - (2) If the Purchasing Agent 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 as set forth in paragraph (b)(1) of this section, and the amount of services to be secured thereby is anticipated to exceed \$500,000.00, the selection of the method of construction contracting administration shall be submitted for review to the Ways and Means Committee of City Council. Within fifteen (15) days after notice of such review, an interested party shall submit to the Ways and Means Committee 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 Committee, which shall not occur until after at least fifteen (15) days following notice of such review, those who submitted comments may address the Committee. Following the meeting of the Committee, if City Council does not reject the selection of this method, the construction contracting administration shall be secured in the manner set forth in paragraph (b)(3) of this section.
 - (3) The City shall use the competitive sealed proposal method set forth in this chapter for the purposes of procuring construction management services, design build services, or turnkey management services or any other similar type of construction management contract. The Purchasing Agent may retain outside consulting services to prepare such requests for proposals. The request for proposals for any of these services shall set forth the criteria which the City will be using to select the successful proposal.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-7. Architect-engineering services.

- (a) *Definition.* As used in this section "architect-engineering services" shall mean those professional services associated with the practice of architecture, professional engineering, landscape architecture, and interior design pertaining to construction, as defined by the laws of this State, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including studies, investigations, surveys, evaluations, consultations, planning, programming conceptual designs, plans and specifications, cost estimates, inspections, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals, and other related services.
- (b) *Request for qualifications (RFQ).* Contracts shall be awarded by request for qualifications for architect-engineering services.
- (c) *Public announcement.* It is the policy of the City to publicly announce all requirements for architect-engineering services through a request for qualifications and to negotiate such contracts on the basis of demonstrated competence and qualification at fair and reasonable prices. In the procurement of such services, the Purchasing Agent shall request firms to submit a statement of qualifications and performance data.
- (d) *Selection process.* When practicable, the Purchasing Agent shall conduct discussions with no less than three (3) firms regarding the contract and shall select from among them no less than three (3) of the firms deemed most qualified to provide the required services. The selection shall be made in order of preference, based on criteria established by the Purchasing Agent.
- (e) *Negotiation.* The Purchasing Agent shall negotiate a contract with the highest qualified firm for architect-engineering services at a compensation which is considered to be fair and reasonable to the City. In making this decision, the Purchasing Agent shall take into account the established value, the scope, the complexity, and the professional nature of the services to be rendered. If a satisfactory contract cannot be negotiated with the firm considered to be most qualified, negotiations with that firm shall be formally terminated. The Purchasing Agent shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Purchasing Agent shall formally terminate negotiations. The Purchasing Agent shall then undertake negotiations with the third most qualified firm. Should the Purchasing Agent be unable to negotiate a contract with any of the selected firms, the Purchasing Agent shall select additional firms in order of their competence and qualifications, and the Purchasing Agent shall continue negotiations in accordance with this section until an agreement is reached unless it is determined by the Purchasing Agent that in the best interests of the City, the process should be terminated or modified.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-8. Multi-term contracts.

Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the City, provided the term of the contract and conditions of renewal or extension, if any, are included in the original solicitation and funds are available for the first fiscal period at the time of contracting. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled with no penalty to the City and such condition shall be included as a provision of the multi-term contract.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-9. Additional projects completed under existing contract terms.

Contracts may be awarded on projects without additional open competition and formal solicitation when:

- (a) The Purchasing Agent determines that it is a like and similar project to a project under a current contract which was the subject of open competition and formal solicitation by competitive sealed bidding or request for proposals, or was entered into by sole source in accordance with this chapter; and
- (b) The Purchasing Agent determines that it is the method most practicable and advantageous to the City; and
- (c) The Purchasing Agent determines that the project and scope of the project were identified with reasonable certainty in previous open competition or formal solicitation to ensure fair notice of potential additional work being the subject of the competition or solicitation and that there was fair competition to potential contractors; and
- (d) The Purchasing Agent sets forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-10. Appeals.

Any actual or prospective bidder, offeror, contractor or subcontractor who is aggrieved in connection with the solicitation or award of a contract may appeal the award to the City Council. The appeal, setting forth the grievance, shall be submitted in writing to the Purchasing Agent within fifteen (15) days after such aggrieved person knew or should have known of the facts giving rise thereto.

- (a) *Hearing.* City Council shall convene and shall review and hear comments from the appellant and any other party intervening. The City Council's authority shall be rendered in a manner consistent with this chapter.
- (b) *Decision.* The Purchasing Agent shall give written notice of City Council's decision to the appellant within twenty (20) days of the rendering of the decision. City Council's decision shall state the reasons for the action taken.
- (c) *Finality of decision.* A decision rendered herein is considered final and conclusive. Such a decision is the final administrative review and the decision of the City which can be appealed to the County Court of Common Pleas.
- (d) *Limitation of damages; reimbursement for reasonable costs.* If an aggrieved bidder demonstrates to City Council, by a preponderance of the evidence, that such bidder should have been awarded a contract pursuant to this chapter, but was not, then such bidder may petition City Council for reimbursement of its actual costs, not to exceed \$5,000.00, incurred in connection with the solicitation, including bid preparation, which shall be such bidder's sole remedy at law or in equity for City's failure to award the contract to the bidder. Upon receipt of such petition, City Council may order the computation of a reasonable reimbursement amount and make such reimbursement as it deems equitable, including reimbursement of bid preparation costs, not to exceed the sum of \$5,000.00.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-11. Materials testing.

The Purchasing Agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are reasonably necessary to determine their quality and conformance with the specifications. In the performance of such tests, the Purchasing Agent shall have the authority to make use of laboratory facilities of any agency of the City or any outside laboratory.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-12. Financial interest of city officials and employees prohibited.

No member of City Council or any officer or employee of the City shall have a financial interest in any contract or in the sale to the City or to a contractor supplying the City of any land, material, supplies or services. Strict compliance with S.C. Code 1976, §§ 5-7-130 and 5-21-30 is required of all City officials and employees. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the City shall render the contract voidable by the Purchasing Agent or City Council. All Councilmembers and City officials shall also comply with all applicable state ethics laws regarding such contracts. This section is not intended to prohibit the award of contracts to City employees at public auction for the sale of City personal property or surplus supplies which have become obsolete, unusable or unsuitable for public use, provided that such sales are conducted in accordance with the conditions and requirements set forth in the City personnel manual and in conformance with the provisions of this chapter.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-13. Surplus property, materials and supplies.

- (a) All departments of the City shall submit to the Purchasing Agent, at such times and in such form as the Purchasing Agent deems appropriate, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.
- (b) Upon the approval of the Purchasing Agent, surplus stock may be transferred to other offices, departments or agencies of the City.
- (c) Upon the approval of the Purchasing Agent, all surplus property, materials, or supplies which have become obsolete, unusable, or unsuitable for public use may be sold, exchanged, or traded in on new supplies.
- (d) When the estimated value is \$10,000.00 or less, sales may be accomplished by any method that serves the best interest of the City as determined by the Purchasing Agent.
- (e) When the estimated value exceeds \$10,000.00, sales shall be made to the highest responsible bidder after a properly noticed solicitation of bids/proposals or public auction; provided, however, that property may be sold directly to another governmental agency without bids or public auction upon the approval of the Purchasing Agent.
- (f) All proceeds received from such sales shall be paid to the appropriate fund of the City.
- (g) Surplus property, materials, or supplies may be donated to another governmental agency or nonprofit entity upon the approval of the Purchasing Agent if the estimated value is \$10,000.00 or less or upon the approval of City Council if the estimated value exceeds \$10,000.00.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-14. Seized assets and unclaimed properties.

All seized assets and unclaimed properties, including, but not limited to, cars, bicycles, jewelry and other miscellaneous items, shall be disposed of in one (1) of the following procedures, subject to the approval of the Chief of Police or the Chief's designee, and in accordance with state law and the general orders and protocols established by the Police Department:

- (a) The City may place the property within the regular operating inventory of the City for use by the City.
- (b) When the estimated value is \$10,000.00 or less, sales may be accomplished by any method that serves the best interest of the City as determined by the Purchasing Agent.
- (c) When the estimated value exceeds \$10,000.00, sales shall be made to the highest responsible bidder after a properly noticed solicitation of bids/proposals or public auction; provided, however, that property may be sold directly to another governmental agency without bids or public auction upon the approval of the Purchasing Agent.
- (d) All proceeds from such sales shall be paid to the appropriate fund of the City.
- (e) The property may be donated to another governmental agency or nonprofit entity upon the approval of the Purchasing Agent if the estimated value is \$10,000.00 or less or upon the approval of City Council if the estimated value exceeds \$10,000.00.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-15. Gifts and rebates.

The Purchasing Agent and every other officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-16. Cooperative and intergovernmental purchasing.

The Purchasing Agent shall have the authority to join with other governmental units in cooperative purchasing plans and to enter into purchase contracts with other governmental units without the formality of publication and receiving competitive bids as otherwise required in this chapter when the best interest of the City would be served thereby.

(Ord. No. 2017-01, § 1, 2-28-2017; Ord. No. 2018-12, § 4, 7-24-2018)

Sec. 1-10-17. Compliance with federal requirements; compliance with disbursement and management requirements of financing documents.

Where a procurement involves the expenditure of federal assistance or contract funds, the Purchasing Agent shall comply with such federal law and authorized regulations which are mandatorily applicable, and which are not presently reflected in this chapter. Notwithstanding where requirements within this chapter are more restrictive, such federal requirements shall be followed.

Where a procurement involves the expenditure of funds, which are the proceeds of bonds or certificates of participation, or other financing instruments or documents, the Purchasing Agent shall comply with the terms of

such financing as they relate to the disbursement of funds and/or management of projects, insofar as such terms are mandatorily applicable and which are not presently reflected in this article. Notwithstanding where requirements within this chapter are more restrictive, such financing requirements shall be followed.

(Ord. No. 2017-01, § 1, 2-28-2017)

Sec. 1-10-18. Real property transactions.

(a) The following rules shall apply to the purchase and sale of City-owned real property:

- (1) The City shall sell, contract to sell, acquire by purchase, exchange or gift, real property only upon approval of City Council. At least one (1) appraisal by a certified appraiser shall be received.
- (2) A public hearing may be held at the discretion of City Council, after reasonable public notice, prior to final Council action being taken to sell or contract to sell real property owned by the City. Sale of real property may not occur until approval of an ordinance upon second reading.
- (3) Subject to paragraph (5) below, the sale or other disposal of real property owned by the City shall be made pursuant to the request for proposals method.
- (4) Notwithstanding paragraph (1) above, the exchange of real property is to be permitted only after appraisal of both properties by two (2) certified appraisers, unless both the parties agree in writing to accept the appraisal results of one (1) certified appraiser.
- (5) City Council shall retain the authority to determine an appropriate alternative method for offering any City-owned real property for sale.

(b) The following rules shall apply to the lease of real property by the City:

- (1) Subject to paragraph (3) below, the City shall contract to lease or sublease real property, or contract to lease real property owned by the City, only upon approval of City Council.
- (2) The request for proposals method may be used for the lease of real property owned by the City if City Council determines it is in the best interests of the City; provided, however, that renewals or amendments of existing leases shall not be subject to the request for proposals method.
- (3) A public hearing may be held at the discretion of City Council, after reasonable public notice, prior to final Council action being taken to contract to lease real property owned by the City. Lease of City-owned real property may not occur until approval of an ordinance upon second reading.

(Ord. No. 2017-01, § 1, 2-28-2017)