

ORDINANCE 2018-12

AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 10, PURCHASING PROCEDURES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE NEW EXCEPTIONS FROM COMPETITIVE PROCUREMENT REQUIREMENTS AND TO DELETE REFERENCE TO THE STATE BUDGET AND CONTROL BOARD.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Paragraph (b)(3) of Section 1-10-4, "Competitive procurement requirements; exceptions," is hereby amended by adding a new Paragraph (ix) to state as follows:

“(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.”

SECTION 2. That Paragraph (b)(6) of Section 1-10-4, "Competitive procurement requirements; exceptions," is hereby amended to state as follows:

“(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.”

SECTION 3. That Paragraph (b) of Section 1-10-4, "Competitive procurement requirements; exceptions," is hereby amended by adding new Paragraphs (7) and (8) and by renumbering existing Paragraph (7) as Paragraph (9) to state as follows:

“(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.”

SECTION 4. That Section 1-10-16, “Cooperative and intergovernmental purchasing,” in Chapter 10, “Purchasing Procedures” is hereby amended to state as follows:

“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.”

SECTION 5. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 6. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 7. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE 24th DAY OF July, 2018.



Jimmy Carroll, Mayor

Attest:


Marie B. Copeland, City Clerk



First Reading: June 20, 2018

Second Reading: July 24, 2018

Ratification: July 24, 2018