

# TCTC Purchasing Policies and Procedures Manual

**07/10/2023**



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## I. OVERVIEW

### ABBREVIATIONS

The following definitions are used in this manual.

**COTS:** Commercially Available Off-the-Shelf products

**CPO:** Chief Procurement Officer for the State of South Carolina

**DPS:** State Fiscal Accountability Authority, Division of Procurement Services (also known as state procurement)

**End User:** The requester of, or department requesting, the goods, services, information technology, or construction to be procured.

**IFB:** Invitation for Bids

**IT:** Information Technology

**NIGP:** National Institute of Governmental Purchasing

**OSE:** Office of State Engineer

**PO:** Purchase Order

**Procurement:** Tri-County Technical College Procurement Department

**Procurement Official:** The individual Procurement staff handling or processing the specific Procurement item.

**RFP:** Request for Proposals

**SCBO:** South Carolina Business Opportunities online newsletter

**AGENCY:** Tri-County Technical College

**College:** Tri-County Technical College

**SOW:** Scope of Work

**STC:** State Term Contract

**The Agency, Agency:** Tri-County Technical College

**The Code:** South Carolina Consolidated Procurement Code and Regulations

### COMPLIANCE AND INTENT

The intent of this manual is to comply with both the South Carolina Consolidated Procurement Code and Regulations which can be found at: <https://www.scstatehouse.gov/code/t11c035.php> and <https://www.scstatehouse.gov/coderegs/Chapter%2019.pdf>, and the State Purchase Order Policy, found at: <https://cg.sc.gov/guidance-and-forms-state-agencies/cgs-accounting-policies-and-procedures>.

This manual is to be a general guide for both Tri-County Technical College staff and how they are to handle procurement issues when needed as well as the Procurement Staff for processing their procurement tasks and performing their procurement responsibilities. It serves as a guide for the purchasing of materials, supplies, equipment, and services required for each budgetary department's respective operation, and for the budgetary control of the costs of purchases.

Procedures outlined herein apply regardless of the source of funds.

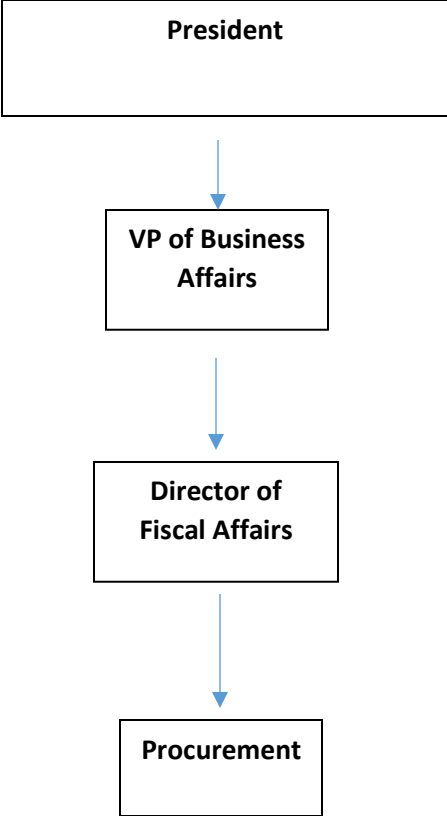
Any issues or requirements not covered in this manual related to Procurement will be completed at the direction of the Procurement Manager, who will handle or direct based on the requirements of the South Carolina Consolidated Procurement Code and Regulations.

All forms and this purchasing manual can be found on the College's TCTC Portal and/or provided by Procurement Staff.

Any questions, concerns, or needed clarifications should be directed to Procurement, which will assist in providing the information that is needed.

**ORGANIZATIONAL STRUCTURE - PROCUREMENT**

The following is the College organizational structure only as it pertains to Procurement:



**RESPONSIBILITIES OF THE PURCHASING OFFICE**

Under the authority delegated to Tri-County Technical College by and in conformity with provisions and regulations/policies of the State Board for Technical and Comprehensive Education, the Purchasing Office, under the supervision of the Director of Fiscal Affairs, has the exclusive responsibility for:

- A. Supporting the educational mission of the College by purchasing the materials, supplies, equipment, and services required for the College’s operation.
- B. Providing purchasing services to all departments and locations of the College.
- C. Purchasing such commodities and services in the most efficient, economical, and responsible manner.

**APPROVALS AND LIMITS**

The approval of certain procurement functions is based on certain positions of authority and the limits assigned to specific positions throughout the College. Some approvals are also based on the South Carolina Procurement Code and Regulations which only allow certain individuals in stated positions or their designee to approve certain procurement actions. The following is the list of the approval authorities and their limits for the College for Procurement related actions.

**Purchase Requisitions**

Budget Managers: .....	\$2,500
Appropriate Vice President: .....	Unlimited

**Direct Payment Requests**

Budget Managers: .....	\$2,500
Appropriate Vice President: .....	Unlimited

**Sole Source Procurements**

Appropriate Vice President: .....	Unlimited
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**Emergency Procurements**

Appropriate Vice President: .....	Unlimited
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**Unauthorized Procurements**

Appropriate Vice President: .....	Unlimited
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**Contracts**

Procurement Manager: .....	Unlimited
Director of Fiscal Affairs: .....	Unlimited
Vice President of Business Affairs.....	Unlimited
College President: .....	Unlimited

**CERTIFICATION**

Certification limits are the monetary amounts that Tri-County Technical College can solicit for one procurement contract without either sending to DPS to handle or requesting delegation of authority from DPS that would allow the College to solicit, with DPS’s oversight and review. Current College Procurement Certification Limits are:

Supplies and Services.....	\$250,000 per commitment
IT .....	\$150,000 per commitment
Construction.....	\$150,000 per commitment

## **Delegation of Authority**

For all non-construction procurements, the College can request Delegation of Authority from DPS to conduct a procurement in excess of the College's procurement certification limits. The Procurement Manager will determine if such a request is appropriate based on circumstances, and, if so, will make this request to the Chief Procurement Officer (CPO) for the State. If approved by the CPO, the College will abide by all requirements and direction given by DPS.

If the request for Delegation of Authority is denied, the solicitation request will be submitted to DPS for them to solicit with the College's assistance. Procurement, as directed by the Procurement Manager, will be the direct communicator with DPS on the solicitation or designate an end user, with Procurement included on all communications and direction.

## **COMPETITION AND INCLUSION**

It is always the intent of the College to promote competition and the inclusion of potential offerors in the procurement process. These are some of the basic foundations of public and South Carolina governmental procurement and whenever possible, they must be promoted through the acquisitions made by the College.

### **Scopes of Work and Specifications**

Whenever scopes of work or specifications are created and determined by the end user, they must consider whether they are exclusionary in nature and make every effort to prevent this, if the type of good, service, or IT needed will allow. All requirements of a procurement or solicitation are open to the Procurement Manager's decision of whether they limit competition and inclusion and if this is justified.

## **TRAINING**

Procurement training will be conducted twice each fiscal year, at a minimum. The topics covered will include portions of this manual, any issues evident to Procurement, and any other procurement topics as requested in advance. Procurement will provide an agenda and require a sign-in sheet for the session. The training instructors will be designated by the Procurement Manager, and they will, at a minimum, ensure the instructor is effective at conveying all information in a clear and concise manner.

### **Method**

The method for training will be the College chosen platform for either in-person or digital-based meetings. Procurement will attempt to accommodate individualized/departamental in-person or training in the field if requested.

### **Documentation**

Procurement will maintain a digital file on all training sessions that will include:

- Agenda,
- Sign in Sheets, and
- Copy of any additional training or support materials.



## **II. DETERMINATIONS PRIOR TO PROCUREMENT**

### **ACQUISITION PLANNING**

Acquisition planning will be conducted by the end user after a college need is identified and prior to market research activities.

The purpose of acquisition planning is to ensure that the College meets its needs in the most effective, economical, and timely way possible. This process should provide for:

- Clearly defining the College's need,
- Acquisition of commercially available items to the maximum extent practicable,
- Full and open competition to the maximum extent practical, regarding the nature of the supplies, services, or IT to be acquired,
- Selection of appropriate source selection method and contract type (this will require discussions with Procurement), and
- Appropriate consideration of the use-of-term contracts to fulfill the requirement, before awarding new contracts (this includes the use of STCs).

While the process of acquisition planning does not require certification by the end user, the end user will have to submit evidence and/or an overview of this process, if requested by the Procurement Manager. If the Procurement Manager determines that either acquisition planning has not taken place, or it is insufficient for any reason, the solicitation process may be delayed until this is corrected.

### **MARKET RESEARCH**

After the determination of what is needed by the College is made, market research must be conducted prior to the solicitation of goods, services, or IT of \$100,000 and above. The depth of this research will depend on the cost and complexity of the procurement, but all market research must be verifiable and documented. The end user will conduct this research, with assistance from Procurement if requested, but must make all market research activity with vendors available to Procurement for their involvement. No meetings of a significant nature will take place without the knowledge of Procurement in advance. No solicitation will take place prior to the end user submitting the Certification of Market Research form (available in Procurement), and documentation supporting this certification.

At a minimum, the end user must certify the following:

- Market research was conducted, including a description of the types of research,
- That the good, service, or IT was not currently available under a STC that met the needs of the College, and,
- That a COTS product was not available that met the needs of the College.

#### **Methods**

Numerous methods for conducting market research can be used. These include, but are not limited to:

- Exchange of information with potentially interested parties,
- Industry conferences, and
- Online research.

If requested by the end user, Procurement may conduct a pre-solicitation conference with its notice published in SCBO or a Request for Information through SCBO. These are two methods of advertising to the public a need for information pertaining to a potential solicitation.

## **Documentation**

For all applicable solicitation files, the procurement official will include Certification of Market Research form (available in Procurement) with its supporting documentation.

## **SCOPE OF WORK**

What is a Scope of Work (SOW)?

A Scope of Work is developed at the beginning of the procurement cycle and is a written description of the entity's needs and desired outcomes for the acquisition. It becomes the basis for any resulting solicitation. The SOW helps to ensure that the product or service meets the stated outcome and establishes the parameters of the resulting contract.

A SOW must provide sufficient information for the supplier to:

- Determine whether the solicitation aligns with the supplier's business,
- Decide whether responding to the solicitation is profitable and worth the effort, and
- Determine whether the supplier is responsible and can submit a responsive offer.

A SOW can be simple or complex, depending on the needs of the College. Anytime a bid, proposal, or requested quote is to be obtained, a SOW should be created to communicate what the College needs to acquire.

The following are general information requirements for potential SOWs:

- Clear and specific specifications on what is needed,
- Delivery information on where the goods/services are to be provided or shipped,
- Information on potential requirements like installation, support, maintenance, training, etc.,
- Period of time goods/services (or subscriptions) are needed (including warranty periods, support periods, etc.),
- On-site requirements like background checks for Contractor employees, security requirements for Contractor/Vendor staff to gain access to College property, etc.,
- Scheduling requirements,
- Quality control, documentation, etc. requirements,
- Milestones or phases for implementation, projects, payment, etc.,
- Project resource requirements, etc.,
- Certification or experience and skill requirements for the Contractor and their employees providing services for the contract,
- Any other special requirements as necessary.

The SOW may be a changing document for certain solicitations and procurements. As market research is conducted and more information is gathered, the SOW may change depending on new information or a re-examining of the needs of the College. The SOW writer must be able to incorporate any new information into the document.

The SOW may be edited or changed by Procurement. Procurement will review all SOWs based on the type of solicitation or procurement being done and change as needed for the type of solicitation or procurement being conducted. For Invitation for Bids (IFBs) and Request for Proposals (RFPs), the procurement official will submit the final SOW and Solicitation document to the SOW writer for final review and approval. It is the responsibility of the SOW writer to forward to any other individuals needed in this process for their review.

What goes into the SOW document may be modified by procurement in the final solicitation. The solicitation has certain areas for information that may be in the SOW writer's document as part of the SOW. Some of this information may not be in the SOW section of the solicitation, but in another area.

The SOW is the responsibility of the end user, or SOW writer if one is designated, that is not the End User. Procurement will assist in this process where needed but it is the responsibility of the end user/SOW writer to involve any other departments or College technical experts when needed.

For solicitations conducted for the College by DPS, the DPS procurement official may request changes and edits to the SOW and the College will work with this official as necessary and in a timely fashion.

Examples of SOWs may be requested from Procurement by the SOW writer.

### **III. REQUISITIONS, PURCHASE ORDERS, AND PAYMENT**

#### **PURCHASE REQUISITIONS**

The acquisition of goods, services, or IT begins with a determination of what is needed for the College to conduct the business required of the College. This determination must be made by the end user and/or the requester of the goods, services, or IT needed.

##### **Purchase Requisition**

The actual purchase requisition that will be used by the College for official procurement purposes is a paper or online requisition. The requisition will be created by the end user or the appropriate administrator in their department. The requisition will go through the required approval process prior to submission to Procurement.

##### **Approval Process**

Once the requisition is submitted, it should go through the approval process based on the following approval limits:

\$0-\$2,500: The appropriate budget manager(s) for the listed Organizational code

\$2,500.01 and Above: Appropriate Vice President

NOTE: Some approval levels may vary depending on request of the Supervisor of the area and funding source (Grant funds for example).

All equipment purchases, regardless of cost, must be approved by the appropriate Vice President.

#### **PURCHASE ORDERS**

*A Purchase Order is a purchaser's written document to a supplier formalizing all terms and conditions of a proposed transaction (e.g., description of the requested items, cost of items being purchased, delivery schedule, terms of payment, transportation). (NIGP)*

A purchase order is a contract. The College will view a PO as the point of no return for a purchase. Once submitted to the vendor, the purchase should not be retracted. The PO may be amended by Procurement and documentation, or notations may be added. If a PO must be retracted, the requesting end user must justify this in written form to Procurement and Procurement will decide if this is the correct action to be taken. The vendor must be willing to accept the retraction of a PO.

A purchase order is Tri-County Technical College's preferred means for order processing and payment. A PO contains the controls needed to properly manage not just procurement activities, but financial activities as well.

All purchase orders will be processed from approvals/requisitions received by Procurement and only Procurement will have the authority to process PO's. Procurement will notate on the PO the price is "fair and reasonable" and will sign on behalf of the College.

There are different types of POs that can be used based on the type of purchase being made (regular or standing). The final determination on what PO type is appropriate will be made by Procurement.

##### **Vendor Submittal**

After processing the PO, the procurement official will either submit the PO in PDF form by email attachment to the vendor for processing or send to the end user to forward to the vendor. The procurement official will include the appropriate requestor, budget manager, or department group email address, and Accounts Payable as

applicable. For POs that include fixed assets, the Asset Manager and Shipping/Receiving will be sent a copy of the PO. For grant-related POs, a Grants Department representative will be included if applicable.

### **Documentation**

Procurement will ensure that the following documentation is attached to the PO:

- Any quotations,
- All applicable approval documents,
- Copies of non-solicited contracts when applicable, and
- Any other information required by this manual or determined to be applicable by the procurement official.

### **Purchase Order Edits**

If an addition or deduction needs to be made to a PO, whether through increasing or decreasing an existing line item or by adding an additional line or closing an existing one, this request must be made to Procurement by email request from the appropriate end user. All PO additions that increase the total valuation of the PO will require the same approval process as a purchase requisition. Instead of submitting a new requisition, the end user will include the required approving authorities in the email submittal to Procurement and they will need to respond in the affirmative if the increase is to be approved. Once all required parties have responded in approval, the procurement official will increase the PO according to the request. The procurement official will make an internal notation on the revised purchase order with the date, requester's name, and amount of the increase, and why, if applicable. They will also attach the email approval response(s) from the required individuals. For purchase order reductions, no approval is required.

### **Purchase Orders for Assets**

POs for assets will be processed to ensure that multiple quantities of the same item are not done on a PO line for each asset, but with the accurate quantity represented on one line.

For example: If a PO is to be processed for 10 computers that qualify as assets, there will be one line for a quantity of 10 computers, not 10 separate lines for each computer.

### **Standing Purchase Orders**

A Standing PO is a PO type used when the College needs to create a PO for a duration of time with either a variable or fixed quantity within a current fiscal year.

An example of a Standing PO would be a PO for Café items for resale. If the estimated monthly amount of the Café resale items is \$750, a Standing PO would be processed at the beginning of the fiscal year for \$9,000 (12 months x \$750).

Any request for a Standing Purchase Order requires the end user to request the amount for the entire term of the PO. This requires the end user to estimate the entire valuation of the Standing PO. The end user must also include all quotations, if applicable.

No Standing PO will have a term beyond the fiscal year in which the PO is being issued.

### **Vendor Submittal for Standing POs**

Typically, the standing PO document will not be submitted to the vendor, only the PO number. All Standing POs will be sent electronically to the internal requestor for their records.

### **Modification for Standing POs**

When a standing PO is created, Procurement will include the following modification to the PO as "item text" in Banner:

- *The PO Total Amount is an Estimate Only, And Not a Guarantee to Spend By the College.*

## **Blanket Agreement POs**

Standing POs are not Blanket Agreement PO's. Blanket Agreement POs require special conditions and action according to Regulation 19-445.2100 B. of the Code. Currently, the College does not use Blanket Agreement PO's.

## **RECEIPT OF GOODS AND SERVICES**

When purchases are made for the needs of the College, the College must document that they were received. For procurement purposes, this is in the form of a goods receipt completed in Banner if applicable depending on PO type. The goods receipt is to be completed by Shipping & Receiving or by another individual that has been designated this authority. Prior to completing the goods receipt, the receiver must verify with the receiving party, if other than them, that the goods were actually received, and/or the services were performed.

Deficient or defective goods or services should not be received. The actual receiver of goods or inspector of performed services should not sign any documentation or take physical receipt for anything that is deficient. For goods, the receiver should reject the goods at the time of delivery and require the shipper, or deliverer, take them back. If the goods are accepted and then found to be deficient, the receiver or goods receipt creator will need to immediately contact the vendor and require the goods to be picked up and replaced with non-deficient items.

Goods receipts should not be created prior to the actual receipt of the goods or services.

## **METHODS OF PAYMENT**

### **Purchase Orders**

The PO is the preferred method of payment for the acquisition of all goods and services and should always be the default method used for payment. All PO's will be processed by the Procurement Department based on requisitions/approvals.

### **Direct Pay**

The direct pay method is only used when allowed by this manual. The direct pay method should never be used as a matter of convenience. It allows for less internal controls, approvals, and critical reporting information. The direct pay method is for payment purposes only, it has no effect on the procurement requirements and compliance with the Code. Direct Pay requests are no different than purchase requisitions for the purposes of approval.

For College purposes, the following can be paid using the Direct Pay Method:

- Supplies, services, information technology, or construction exempt from the SC Consolidated Procurement Code & Regulations. See <https://www.procurement.sc.gov/legal/procurement-law#ditem-15122> for a current list of exemptions from the Code. Appendix A.
- Court ordered interpreters
- Fuel card statements
- Honorariums & stipends
- Emergency (versus contracted) medical expenses for clients
- Inter-Governmental expenditures paid by check
- P-Card statements
- Federal criminal background checks paid to external governmental agencies
- Small payments <\$2,500; The Procurement requirements must not be artificially divided so as to constitute a small purchase pursuant to this section (Section 11-35-1550 of SC Consolidated Procurement Code).
- Late invoices after FYE cut-off (If applicable, the contract and/or PO number must be included in line-item text)
- Utilities – gas, electricity, water, and sewer services, and late fees associated with these services (telecommunication services are not a utility)
- Land acquisitions

- Dues, memberships, and registrations
- Postage
- U.S. Post Office box rentals
- Lodging and travel expenses where the vendor will not accept a PO, and the College Travel P Card is not an option
- Employee reimbursements
- As approved by the Procurement Manager in rare and uncommon circumstances as long as it complies with both the SC Consolidated Procurement Code and Regulations and the Comptroller General's PO Policy.

### **Single/One-Time Direct Payments/Check Requests**

The single/one-time direct pay method is to be used for all one-time payments that cannot go on a PO, qualify for the direct pay method according to this manual, and are not going to be reoccurring. This would include employee reimbursements. This method requires the completion of a requisition and/or reimbursement form. These requests will be submitted to the Accounts Payable Department for processing. Employee reimbursements are not subject to the Code but are subject to Finance and Procurement review to ensure other methods of acquisition are not available that are subject to this manual and the Code. Check requests are used when services must be paid on the date of the event or for items which must be prepaid such as membership fees, hotel/motel reservations, subscription renewals, registration fees for workshops, seminars, etc. that do not require a purchase order.

A copy of the invoice to be paid must be attached to the requisition. No payment will be processed without the required backup information. Requisitions received with incomplete information will be returned to the individual requesting the supply/service with a request to provide the backup, resulting in unnecessary delay of the order. Departments are encouraged to submit check requests to Accounts Payable at least 14 days in advance to allow for processing the check and mailing, if necessary.

Departments should be aware that the State does not allow State Agencies to prepay for products or services (other than those types listed above).

### **FISCAL YEAR END AND BEGINNING**

The College fiscal year is from July 1 to June 30 and there are requirements for both the end and beginning of each fiscal year.

#### **Fiscal Year End**

For Procurement related activities, all open POs must either be closed or rolled over to the new fiscal year. Procurement will decide what to close or roll over with input from requesting departments, budget managers, and/or Finance.

The following are the requirements for rolling over a PO:

- Must be for goods/items not received in whole or in full by fiscal year end
- Must be associated with an on-going construction or capital project
- Must be for legal expenses or approved attorney services
- Cannot be a standing PO.

The final decision for whether a PO is closed or 'rolled over' will be made by the Procurement Manager.

#### **Open PO Review**

Procurement, with the assistance of Finance and budget managers, will ensure that all open POs are reviewed on a regular basis during the current fiscal year to see what can be closed or reduced.

## **IV. PROCUREMENT**

### **SOURCE SELECTION METHODS**

There are numerous methods for conducting a procurement and solicitation. The available methods are determined by the total cost of the procurement and potential contract, and by Procurement's decision of what is the best means for determining the awarded contractor.

This manual will detail the common methods that will be available to the College. Other methods exist, but these methods will be used if they are determined to be viable options by the Procurement Manager in special situations. Other methods available will be conducted by or at the direction of the Procurement Manager according to the Code.

#### **Methods Available Based on Contract and Procurement Total Valuations**

Valuations for contracts are based on the entire life of the contract.

For example:

If a procurement and resulting contract is being solicited for a five-year contract with an annual cost of \$50,000, the total valuation would be \$250,000.

The following methods are available based on the total contract valuation:

\$0-\$10,000: One quotation

\$10,000.01-\$25,000: Three (3) written quotations

\$25,000.01-\$100,000: Advertised Request for Quotations

\$100,000.01–Above: Invitation for Bids or Request for Proposals

While multiple options are available in certain situations, the final determination of which method will be used will be made by Procurement. In any situation, Procurement may decide to use a more extensive method than what is the minimum requirement.

For example:

If a potential contract is being solicited that will have a total potential life of more than one year, but the total contract valuation is \$50,000, the decision may be made to go through the Invitation for Bids process instead of the Advertised Request for Quotations process because it is more extensive, including having more requirements, and terms and conditions that protect the College.

#### **One Quotation Method**

This method is when one quotation is obtained from an Offeror based on the requirements of what needs to be purchased. The quotation must be in writing and should be attached to the submitted requisition. This method will be conducted by the end user unless assistance is requested from Procurement.

#### **Three Written Quotations Method**

This method is when three quotations are obtained from three different Offerors for the same goods or services based on the requirements of what needs to be purchased. This method will be conducted by the end user unless assistance is requested of Procurement.

For this method, "No Quotes" or "No Bids" are not allowed. If three quotations cannot be obtained, then the end user will notify Procurement and submit all current documentation such as the lowest quotation obtained, any additional quotation(s) received, and SOW. Procurement will conduct a solicitation, that will be, at a minimum, an Advertised Request for Quotations.

## **Advertised Request for Quotations**

This method is when a Request for Quotations is conducted that is advertised to the public through SCBO. For this method, due to the solicitation being advertised, there is no rule on how many quotations must be obtained. This method will be conducted by Procurement.

This method will be used if the end user obtains an initial price estimate used to determine that the procurement will exceed \$25,000 or if they cannot obtain the required three quotations for a procurement that is \$10,000-\$25,000.

Procurement will advertise the solicitation on the SCBO website. They will also ensure that the solicitation is posted to the College solicitation website located at [www.tctc.edu/purchasing](http://www.tctc.edu/purchasing).

For this method, the Procurement Official will allow responses to be submitted electronically via email. The procurement official will ensure that the word “bid” is not used in any solicitation documentation and instead use the word “quote” or “quotation.” They will also ensure that all quotations are submitted by the deadline set in the solicitation documentation. The procurement official may include any quotations already received prior to the publishing of the solicitation advertisement, if the total valuation of the procurement is less than \$50,000 and the quotations are determined to meet and abide by all requirements of the SOW and solicitation document. The procurement official will not accept any quotations received after the submittal deadline.

After all submittals have been received, a quote tabulation will be completed for all responsive Offerors. Once this is done, the procurement official will determine the lowest cost, responsible Offeror. Any Offerors determined to not be responsible will have this documented with the use of the Justification For Determination of Non-Responsibility form (available in Procurement). If the lowest Offeror is determined to be non-responsible, the award will be made to the next lowest, responsible Offeror.

After the lowest cost responsive and responsible Offeror is determined, the procurement official will create an award statement if applicable. The Procurement Official will ensure the award statement is posted to the College website as applicable.

Once the award is completed the standard requisition and PO process will apply.

## **Other Methods of Procurement**

Other methods of procurement also exist that may be used by the College. These include:

- Commercially Available Off the Shelf (COTS) procurements
- Construction procurements
- Sole Source procurements
- Emergency procurements
- STC procurements
- Exemptions

## **SOUTH CAROLINA BUSINESS OPPORTUNITIES**

South Carolina Business Opportunities (SCBO) is a live database for goods, services, information technology and construction needs of state and local government. The South Carolina State Procurement Code requires SC state agencies' solicitations at or above \$10,000 in estimated or actual value to appear in SCBO. The purpose of this database is to provide a listing of proposed procurements of construction, information technology, supplies, services, and other procurement information of interest to the business community. This database is available on the web at <https://scbo.sc.gov/online-edition>.

## **INVITATION FOR BIDS (IFB)**



An Invitation for Bids (IFB) is a competitively sealed bid solicitation method that may be used for solicitations that have a total valuation of \$100,000 or more. IFBs should always be the default method for solicitations with a potential valuation of \$100,000 or more. IFB awards are based solely on the lowest cost responsive and responsible bid received. IFBs may also be used for solicitations of lower value if it is determined to be the appropriate method by Procurement.

Solicitation authority for all IFBs falls upon Procurement and will be issued according to the Code.

### **Prior to Publishing**

Before publishing, Procurement will send the IFB to the end user for their review.

### **Advertising**

Procurement will advertise the solicitation on the SCBO website. They will also ensure that the solicitation is posted to the College solicitation website located at [www.tctc.edu/purchasing](http://www.tctc.edu/purchasing).

### **Bid Submittal**

The bids must be submitted by mail or hand delivered per instructions listed on page 1 of the IFB. If they are submitted by mail or hand delivery, they must be in a sealed package or envelope with the solicitation number written on the outside, at a minimum.

All bids will be maintained in a secure environment until opening.

### **Bid Opening**

All bids will have a public opening conducted by the procurement official. The bids will be opened and the name of the Offeror and their bid total will be announced. At this time, the procurement official will review the bid submittal to see if all required information is present. All bids will be recorded on a bid opening form provided and completed by the procurement staff.

### **Amendments and Published Solicitation Documents**

The College will use, at its discretion, a form of amendment that could replace the previous version of the solicitation if this format allows for easier contract management after award is made. All amendments will be submitted to the Procurement Manager for review, approval, and final publishing.

### **REQUEST FOR PROPOSALS (RFP)**

A Request for Proposals (RFP) is a competitively sealed proposal solicitation method that may be used for solicitations that have a total valuation of \$100,000 or more. RFPs require a written justification prior to use by the procurement official and should never be a default method for source selection. RFPs require an extensive amount of time to accomplish properly, have high documentation requirements, are more likely to be protested, and may include more arduous procurement information requests as well. RFPs may also be used for solicitations of lower value if it is determined to be the appropriate method by Procurement.

RFPs are not based solely on cost. Cost may be one of the criterium used for evaluation and comparison, but it cannot be the only one.

Solicitation authority for all RFPs falls upon Procurement and will be issued according to the Code.

### **Prior to Publishing**

Before publishing, Procurement will send the RFP to the end user for their review.

### **RFP Panel**

The RFP process requires the use of an evaluation panel, made up of Tri-County Technical College employees. The panel will be developed by Procurement, with the end user providing suggestions if needed. The preferred panel total is three members, but more may be requested by the end user if approved by the Procurement Manager. The panel may also include no more than two technical experts that will also review all proposals but cannot provide scoring. They are present to only provide technical expertise when needed to the other panel members.

The panel members will review the proposals and score them based on the criteria stated in the solicitation and the requirements of the solicitation.

### **Advertising**

Procurement will advertise the solicitation on the SCBO website. They will also ensure that the solicitation is posted to the College solicitation website located at [www.tctc.edu/purchasing](http://www.tctc.edu/purchasing).

### **Proposal Submittal**

All Offerors must submit two proposals --one document that will be a technical proposal, and another separate document that will be a business/cost proposal. The business proposal document and any cost information in it may **not** be shared with the RFP Evaluation Panel prior to a highest-ranked Offeror being determined.

The proposals may be submitted by mail or hand delivered. If proposals are submitted by mail or hand delivery, they must be in a sealed package or envelope with the solicitation number written on the outside, at a minimum.

All proposals will be maintained in a secure environment until opening.

### **Amendments and Published Solicitation Documents**

The College will use, at its discretion, a form of amendment that could replace the previous version of the solicitation if this format allows for easier contract management after award is made. All amendments will be submitted to the Procurement Manager for review, approval, and final publishing.

### **BRAND NAME SPECIFICATIONS**

When procuring what is needed for the College, using a Brand Name Specification requires special care.

Brand Name Specification means a specification limited to one or more items by manufacturers' name or catalogue number. [19-445.2140(1)]

Brand Name or Equal Specification means a specification which uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and which provides for the submission of equivalent products. [19.445.2140(2)]

It is preferred that the College not use a brand name specification because it reduces or limits the items usable by the College, which can increase cost. It also reduces competition for the acquisition.

For Brand Name or Equal, the specifications will include a description of the design, and functional, and/or the required performance characteristics. When a Brand Name or Equal Specification is used in a solicitation, the solicitation will contain language explaining that the use of the brand name is for the purposes of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

If the use of a brand name specification is needed for any procurement of \$10,000 or above, the College Brand Name Justification form (available in Procurement) must be completed by the end user and submitted to Procurement. The use of the specification will be based on the Procurement Manager's approval. A copy of the form will be maintained in the solicitation file and if no file is created, attached to the resulting PO.

### **QUESTIONS FROM POTENTIAL OFFERORS**


Solicitations should convey to all potential Offerors an opportunity to ask questions about the solicitation and stated requirements. This phase of the process is important for helping to encourage competition and the ability for Offerors to provide the required items or services at a competitive and fair price.

**Solicitation Document**

When questions are allowed it must be addressed in the solicitation document.

Document Examples

Solicitation Cover Page #1:

	<p align="center"><b>State of South Carolina</b></p> <p align="center">Request for Proposal</p>	<p>Solicitation: xxx          Date Issued: xxx          Procurement Officer: xxx          Phone: xxx          E-Mail Address: xxx          Mailing Address:</p>	
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DESCRIPTION: xxx

USING GOVERNMENTAL UNIT: xxx

SUBMIT OFFER BY (Opening Date/Time): **05/21/20xx 10AM** (See "Deadline For Submission Of Offer" provision)

**QUESTIONS MUST BE RECEIVED BY: 04/21/20xx 5PM** (See "Questions From Offerors" provision)

NUMBER OF COPIES TO BE SUBMITTED: **One (1) on-line submission and One (1) Redacted Copy submitted online**, (See "Submitting Redacted Offers" provision Section IV & "Submitting Confidential Information" Section II.A.)

**Initial here if NO redacted copy is necessary** \_\_\_\_\_

<p>CONFERENCE TYPE: <b>Pre-Proposal</b>          DATE &amp; TIME: <b>04/21/20xx 10 AM</b>          (As appropriate, see "Conferences - Pre-Bid/Proposal" Provisions)</p>	<p>LOCATION: <b>Web Conference</b>          (See Section IIB "Conference – Pre-Bid/Proposal" clause)</p>
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<p>AWARD &amp; AMENDMENTS</p>	<p>Award will be posted on <b>07/21/20xx</b>. The award, this solicitation, any amendments, and any related notices will be posted at the following web address: <a href="http://www.tctc.edu/purchasing">www.tctc.edu/purchasing</a></p>
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You must submit a signed copy of this form with Your Offer. By signing, You agree to be bound by the terms of the Solicitation. You agree to hold Your Offer open for a minimum of one hundred twenty (120) calendar days after the Opening Date. (See "Signing Your Offer" provision.)

<p>NAME OF OFFEROR</p> <p>(full legal name of business submitting the offer)</p>	<p>Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror. The entity named as the offeror must be a single and distinct legal entity. Do not use the name of a branch office or a division of a larger entity if the branch or division is not a separate legal entity, i.e., a separate corporation, partnership, sole proprietorship, etc.</p>
<p>AUTHORIZED SIGNATURE</p>	<p>DATE SIGNED</p>

(Person must be authorized to submit binding offer to contract on behalf of Offeror.)	
TITLE (business title of person signing above)	STATE VENDOR NO. (Register to Obtain S.C. Vendor No. at <a href="http://www.procurement.sc.gov">www.procurement.sc.gov</a> )
PRINTED NAME (printed name of person signing above)	STATE OF INCORPORATION (If you are a corporation, identify the state of incorporation.)

OFFEROR'S TYPE OF ENTITY: (Check one) (See "Signing Your Offer" provision.) <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Other _____ <input type="checkbox"/> Corporate entity (not tax-exempt) <input type="checkbox"/> Corporation (tax-exempt) <input type="checkbox"/> Government entity (federal, state, or local)
---

COVER PAGE - ON-LINE ONLY (MAR. 2015)

Solicitation Section II. Instructions To Offerors – A. General Instructions:

**QUESTIONS FROM OFFERORS (MODIFIED)**

(a) Any prospective offeror desiring an explanation or interpretation of the solicitation, drawings, specifications, etc., must request it in writing. Questions regarding the original solicitation or any amendment must be received by the Procurement Officer no later than five (5) days prior to opening unless an earlier date is stated on the Cover Page. Label any communication regarding your questions with the name of the procurement officer, and the solicitation's title and number. Oral explanations or instructions will not be binding. [See R. 19-445.2042(B)] Any information given a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an Amendment to the solicitation, if that information is necessary for submitting offers or if the lack of it would be prejudicial to other prospective offerors. See clause entitled "Duty to Inquire." **We will not identify you in our answer to your question.** (b) The State seeks to permit maximum practicable competition. Offerors are urged to advise the Procurement Officer -- as soon as possible -- regarding any aspect of this procurement, including any aspect of the Solicitation that unnecessarily or inappropriately limits full and open competition. [See R. 19-445.2140]

All questions must be submitted in writing and received by the Procurement Officer for this solicitation no later than the **date and time listed on Cover Page One.**

Email is the required method for submitting questions to the procurement officer, Title the "Subject Line" of your email, "Questions xxx". Questions must be submitted as a Microsoft Word document that is an attachment to the email.

Do not place your questions in tables.

Email: xxx

**Question Form**

All questions must be submitted in written form to the procurement official by the deadline stated in the solicitation. This deadline will be after the date and time for any Pre-Bid/Proposal Conferences that take place.

**Response**

The procurement official will respond to all questions in the form of an amendment to the solicitation. Questions where the information is already clearly present in the solicitation do not have to have an official, written response. The procurement official will respond to these questions to the potential Offeror directly by email.

Any questions of a technical aspect or that are not able to be addressed by the procurement official will be submitted to the SOW writer as a Word attachment by email for their response. The procurement official will set a reasonable time frame for return based on the time requirements of the solicitation. It is the responsibility of the SOW writer to include any other College parties if needed.

**Use**

The Questions from Offerors phase will be used in all IFBs, RFPs, and Advertised Request for Quotes unless waived by the Procurement Manager for time constraint purposes.


**PRE-BID/PROPOSAL CONFERENCES**

Pre-Bid/Proposal Conferences are conferences open to the public which take place after a solicitation is published and before the deadline for questions from potential Offerors. Typically, these events are used in the IFB and RFP solicitation process.

All Pre-Bid/Proposal Conferences must be conducted by Procurement unless the solicitation is being conducted by DPS. Pre-Bid or Proposal Conference dates, times and instructions must be a part of the solicitation.

Document Examples

Solicitation Cover Page #1:

	<p align="center"><b>State of South Carolina</b></p> <p align="center">Request for Proposal</p>	<p align="right">Solicitation: xxx          Date Issued: xxx          Procurement Officer: xxx          Phone: xxx          E-Mail Address: xxx          Mailing Address: xxx</p>	
--	---	---	--

DESCRIPTION: xxx

USING GOVERNMENTAL UNIT: xxx

<p align="center"><b>AWARD &amp; AMENDMENTS</b></p>	<p>Award will be posted on <b>07/21/20xx</b>. The award, this solicitation, any amendments, and any related notices will be posted at the following web address: <a href="http://www.tctc.edu/purchasing">www.tctc.edu/purchasing</a></p>
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You must submit a signed copy of this form with Your Offer. By signing, You agree to be bound by the terms of the Solicitation. You agree to hold Your Offer open for a minimum of one hundred twenty (120) calendar days after the Opening Date. (See "Signing Your Offer" provision.)

<p>NAME OF OFFEROR</p> <p>(full legal name of business submitting the offer)</p>	<p>Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror. The entity named as the offeror must be a single and distinct legal entity. Do not use the name of a branch office or a division of a larger entity if the branch or division is not a separate legal entity, i.e., a separate corporation, partnership, sole proprietorship, etc.</p>
<p>AUTHORIZED SIGNATURE</p> <p>(Person must be authorized to submit binding offer to contract on behalf of Offeror.)</p>	<p>DATE SIGNED</p>
<p>TITLE</p> <p>(business title of person signing above)</p>	<p>STATE VENDOR NO.</p> <p>(Register to Obtain S.C. Vendor No. at <a href="http://www.procurement.sc.gov">www.procurement.sc.gov</a>)</p>

PRINTED NAME (printed name of person signing above)	STATE OF INCORPORATION (If you are a corporation, identify the state of incorporation.)
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OFFEROR'S TYPE OF ENTITY: (Check one) (See "Signing Your Offer" provision.) <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Other _____ <input type="checkbox"/> Corporate entity (not tax-exempt) <input type="checkbox"/> Corporation (tax-exempt) <input type="checkbox"/> Government entity (federal, state, or local)
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COVER PAGE – ON-LINE ONLY (MAR. 2015)

Solicitation Section II. Instructions To Offerors – B. Special Instructions:

**CONFERENCE – PRE-PROPOSAL (MODIFIED)**

Pre-Proposal Conference Date and Time: **04/21/20xx 10AM**

Location of Pre-Proposal Conference: "Location Listed"

Due to the importance of all offerors having a clear understanding of the specifications and requirements of this solicitation, a conference of potential offerors will be held on the date specified on the cover page. Bring a copy of the solicitation with you. Any changes resulting from this conference will be noted in a written amendment to the solicitation. Your failure to attend will not relieve the Contractor from responsibility for estimating properly the difficulty and cost of successfully performing the work, or for proceeding to successfully perform the work without additional expense to the State. The State assumes no responsibility for any conclusions or interpretations made by the Contractor based on the information made available at the conference. Nor does the State assume responsibility for any understanding reached or representation made concerning conditions which can affect the work by any of its officers or agents before the execution of this contract, unless that understanding or representation is expressly stated in this contract.

**All questions from Offerors at the conference must still be submitted in writing according to the requirements of the solicitation. All official responses from the State will be in the form of a written amendment to the solicitation.**

**This solicitation includes a NON-Mandatory Pre-Proposal Conference. While attendance is not required, Offerors are strongly encouraged to attend and participate. The purpose of the Pre-Proposal Conference is to identify items that are in error, unclear, or unduly restrictive.**

**If you would like to participate in the Conference, you must email the Procurement Officer in accordance with the contact information and date/time stated on Cover Page One and title the "Subject Line" of your email, "Pre-Proposal Invite Solicitation XXX". Instructions will be returned by email for attending the conference.**

**Deadline for requesting Pre-Proposal Conference instructions: 4/20/20xx 2PM**

Email: xxx

**All conference attendees should read the solicitation and develop their questions in preparation for the conference. The pace of the conference will NOT afford individuals enough time to complete an initial review of the document during the conference.**

During the conference, the procurement official will go over the solicitation document and highlight the portions needing emphasis. They will also include the SOW writer or technical expert.

**Conference Questions**

The procurement official will give the public attendees the option of asking questions, but they will verbally instruct the public that any questions asked at the conference must also be submitted in writing according to the requirements of the solicitation document and that any responses given at the conference will not be official. The only official responses will come in the form of an amendment based on the questions submitted in writing.

### **Recommendation**

It is highly recommended that these conferences take place for all RFP solicitations and for IFB solicitations of complexity and/or high value.

### **Method**

Pre-Bid/Proposal Conferences will typically take place on site and in person but could be offered through Microsoft Teams (or the College preferred method for electronic meetings) to allow for potential Offerors to attend where distance is an issue or travel is prohibitive or in person at the discretion of the Procurement Manager.

## **PREFERENCES**

The application of a preference is required in certain situations. Preferences are an applied reduction to an Offeror's bid based on certain qualifications. This reduction only reduces their bid for comparison purposes. They do not reduce the price the College will pay if an award is made. The award statement will state the award, without taking the reductions into account.

### **Resident Vendor or Contractor Preference**

A Resident Vendor or Contractor preference of a 7% reduction in bid price may be applied for those Vendors or Contractors that are S.C. based that qualify according to Section 11-35-1524 of the Code.

### **Subcontractor Preferences**

A Contractor may also receive a Subcontractor's preference of 4% or 2% in addition to the Resident Contractor Preference for those Contractors that qualify according to Section 11-35-1524 of the Code.

### **SC End-Product Preference**

A vendor may receive a preference of 7% for S.C. products that qualify according to Section 11-35-1524 of the Code.

### **U.S. End-Product Preference**

A vendor may receive a preference of 2% for U.S. products that qualify according to Section 11-35-1524 of the Code.

### **Maximum Preference Allowed**

No Contractor or vendor may receive more than 10% in total preferences regardless of what they qualify for.

For Example:

If a vendor qualifies for both the Resident Vendor Preference of 7% and the S.C. End Product Preference of 7%, they will receive a 10% total preference.

### **Request for Preferences**

In a solicitation, the Offeror must request the preference in their response.

## **DETERMINATIONS OF RESPONSIVENESS AND RESPONSIBILITY FOR OFFERORS**

The procurement official must make a determination of responsiveness and responsibility before allowing a submittal to be considered, or an award to be made.

### **Responsiveness**

An Offeror is non-responsive if it:

- fails to conform to the requirements of the solicitation
- imposes conditions which would modify requirements, or limit their liability to the State
- requires the College to determine if their product meets the stated specifications (the College can test the product to make a determination on if it meets the stated specifications and requirements, but this cannot be imposed by the Offeror)
- limit the rights of the College under any solicitation clause
- if a written determination is made that the Offeror's offered price is unreasonable, or
- if a required bid security is not furnished.

If a determination of non-responsiveness is made, the procurement official will reject the Offeror's submittal and not include it in any evaluations or tabulations. A separate, written determination of non-responsiveness is not required, but the procurement official will need to memorialize the reason why a submittal was rejected and maintain it in any resulting file. If an Offeror communicates in writing as to why their submittal was not considered, the procurement official will respond by email stating the reasons in the memorialization.

### **Responsibility**

The procurement official must make a determination of responsibility for the highest ranked or lowest cost Offeror prior to the issuance of an award. The following should be considered whether an Offeror has:

- available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements
- a satisfactory record of performance
- a satisfactory record of integrity
- qualified legally to contract with the state, and
- supplied all necessary information in connection with the inquiry concerning responsibility.

Any time prior to award the procurement official can request, and the Offeror must provide, information pertaining to the determination of responsibility. Failure to provide this information in a timely manner set by the procurement official is grounds for a determination of non-responsibility.

The procurement official may use any information in writing, when making a determination, including but not limited to:

- Information provided by the Offeror
- Knowledge of College personnel, including the procurement official
- Commercial sources of supplier information
- Suppliers, subcontractors, and customers of the prospective contractor
- Financial institutions
- Government agencies, and
- Business and trade associations.

The procurement official may also request the Offeror demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting:

- Evidence that they possess the necessary items,



- Acceptable plans to subcontract for the necessary items, or
- A documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.

The procurement official may include special standards of responsibility for all Offerors. These must be included in the solicitation document.

If the procurement official decides to determine the responsibility of a subcontractor, they must use the same standards used for determining responsibility for the Contractor/Offeror.

A determination of a highest ranked or lowest cost Offeror's responsibility is not required to be documented in writing. However, a procurement official's determination of non-responsibility is required to be documented with the use of the Justification For Determination of Non-Responsibility form (available in Procurement), which must be maintained in the solicitation file. This form must be completed by the procurement official for approval and execution.

All determinations of non-responsibility must be immediately sent to the Offeror by email. The Justification For Determination of Non-Responsibility form must be attached to the email.

Note: All procurements made with the use of a STC do not require determination of responsiveness or responsibility since this has already been conducted by DPS.

## **CANCELLATION OF SOLICITATIONS**

Both RFP and IFB solicitations may be cancelled if certain criteria are met, and the solicitation has been published but not awarded.

### **Cancellation After Issuance and Prior to Award**

A solicitation can be cancelled, prior to the issuance of an award when it meets at least one of the following requirements:

- Inadequate or ambiguous specifications were cited in the solicitation
- Specifications have been revised
- The supplies, services IT, or construction being procured are no longer required
- The solicitation did not provide consideration of all factors of cost to the College, such as cost of transporting state furnished property to bidder's plants
- Bids received indicate that the needs of the College can be satisfied by a less expensive article differing from that on which the bids were invited
- All otherwise acceptable bids received are at unreasonable prices
- The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith, or
- For other reasons where cancellation is clearly in the best interest of the College.

The procurement official must document the justification for the cancellation in writing.

Not estimating the needed quantity of an item is not reason for cancellation. In this case, another solicitation will need to be done for the additional items.

## **COST ANALYSIS**

When a solicited contract is intended to be awarded with a total valuation above \$500,000, a cost analysis must be performed to ensure the final cost is fair and reasonable, if only one bid or proposal is received, before award. The procurement official will conduct this analysis at the direction of the Procurement Manager according to the requirements of the Code. To perform this analysis, the procurement official may request cost information from

the Offeror and use prior pricing information, catalog prices, prices available on the open market and in-house cost estimates. The procurement official must document the final determination and submit to the Procurement Manager for approval.

This requirement also applies to any change order, contract modification, or termination settlement.

## **AWARDS**

Awards are made to contractors when they are determined to receive a specific contract for goods or services. Awards for solicitations require a unique set of rules that are dictated by the Code.

Code required awards are made through the issuance of an award statement by College Procurement Staff and will be posted to our website [www.tctc.edu/purchasing](http://www.tctc.edu/purchasing). There are two types of award statements: “Intent to Award Statement” and “Statement of Award”.

### **Information Requirements**

All award statements must include the following:

- Posting Date
- Solicitation and contract numbers
- Solicitation description
- College name and address
- Name of statement type
- Awarded contractor’s name, address, and State Vendor Number
- Total potential value of contract
- Maximum contract period
- Items, their descriptions, unit prices, and total costs
- Procurement officer (official’s) name
- Statement pertaining to when the contract becomes active
- Statement pertaining to contractor initiating work and the issuance of a PO, and
- Right to Protest statement and where to address and send them.

### **Intent to Award Statement**

This type of award statement is made according to the following requirements:

- Will be used when the total valuation of the contract award is more than \$100,000 and there is more than one offer.

The Intent to Award Statement turns into the Award Statement after the protest period has expired. This period is seven business days after the statement is released, published, and posted.

### **Statement of Award**

A Statement of Award is used when:

- Total valuation of contract is less than \$100,000 or there is only one offer.

A Statement of Award is the actual award statement making the contract active when it is released, published, and posted. For Statement of Awards where only one offer is received, a statement will be added to the document waiving the protest delay period.

### Document Examples

#### **Intent to Award Statement:**

STATE OF SOUTH CAROLINA

Agency Name  
Agency Address  
**Intent to Award**

Posting Date: November 09, 20xx

**Solicitation:** Xxx  
**Description:** Xxx  
**Agency:** Xxx

The State intends to award contract noted below. Unless otherwise suspended or canceled, this document becomes the final Statement of Award effective, **11/19/20xx**. Unless otherwise provided in the solicitation, the final statement of award serves as acceptance of your offer. Contractor should not perform work on or incur any costs associated with the contract prior to the effective date of the contract. Contractor should not perform any work prior to the receipt of a purchase order from the using governmental unit. The state assumes no liability for any expenses incurred prior to the effective date of the contract and issuance of a purchase order.

If you are aggrieved in connection with the award of the contract, you may be entitled to protest, but only as provided in Section 11-35-4210. To protest an award, you must (i) submit notice of your intent to protest within seven business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided. See clause entitled "Protest-CPO". The grounds of the protest and the relief requested must be set forth with enough particularity to give notice of the issues to be decided.

**Contract Number:** xxx  
**Awarded To:** Contractor Name  
Contractor Address

**Total Potential Value:** \$ xxx.xx  
**Maximum Contract Period:** November 19, 20xx through November 18, 20xx

Item	Description	Unit Price	Total
00001	xxx	\$ xxx	\$xxx

**Procurement Officer**  
xxx

**Statement of Award:**

STATE OF SOUTH CAROLINA

Agency Name  
Agency Address  
**Statement of Award**

Posting Date: January 24, 2022

**Solicitation:** xxx  
**Description:** xxx  
**Agency:** xxx

The Agency Name awards the contract noted below. This document is the final Statement of Award, effective, **January 24, 2022**. Unless otherwise provided in the solicitation, the final statement of award serves as acceptance of your offer.

Contractor should not perform work on or incur any costs associated with the contract prior to the effective date of the contract. Contractor should not perform any work prior to the receipt of a purchase order from the using governmental unit. The State assumes no liability for any expenses incurred prior to the effective date of the

contract and issuance of a purchase order.

If you are aggrieved in connection with the award of the contract, you may be entitled to protest, but only as provided in Section 11-35-4210. To protest an award, you must (i) submit notice of your intent to protest within seven business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided. See clause entitled "Protest-CPO". The grounds of the protest and the relief requested must be set forth with enough particularity to give notice of the issues to be decided.

**PROTEST - CPO ADDRESS - MMO:** Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing;

- (a) by email to: protest-mmo@mmo.sc.gov ,
- (b) by post or delivery to: 1201 Main Street, Suite 600, Columbia, SC 29201.

**Contract Number:** xxx  
**Awarded To:** Vendor Name  
 Vendor Address

**Total Potential Value:** \$ xxx.xx  
**Maximum Contract Period:** January 24, 20xx through January 23, 20xx

Item	Description	Unit Price	Total
00001	xxx	\$ xxx	\$ xxx

**Procurement Officer**  
 xxx

**Statement of Award, when only one offer was received:**

STATE OF SOUTH CAROLINA  
 Agency Name  
 Agency Address  
**Statement of Award**  
 Posting Date: January 13, 20xx

**Solicitation:** xxx  
**Description:** xxx  
**Agency:** xxx

The State intends to award contract noted below. Unless otherwise suspended or canceled, this document becomes the final Statement of Award effective, **January 13, 20xx**. Unless otherwise provided in the solicitation, the final statement of award serves as acceptance of your offer.

Contractor should not perform work on or incur any costs associated with the contract prior to the effective date of the contract. Contractor should not perform any work prior to the receipt of a purchase order from the using governmental unit. The State assumes no liability for any expenses incurred prior to the effective date of the contract and issuance of a purchase order.

**AWARD - ONE RESPONSE RECEIVED: IN ACCORDANCE WITH SC PROCUREMENT CODE 11-35-1520 (10) AWARD, "WHEN ONLY ONE RESPONSE IS RECEIVED, THE NOTICE OF INTENT TO AWARD AND THE DELAY OF AWARD MAY BE WAIVED."**

If you are aggrieved in connection with the award of the contract, you may be entitled to protest, but only as provided in Section 11-35-4210. To protest an award, you must (i) submit notice of your intent to protest within seven business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided. See clause entitled "Protest-CPO". The grounds of the protest and the relief

requested must be set forth with enough particularity to give notice of the issues to be decided.

**PROTEST - CPO ADDRESS - MMO:** Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing:

- (a) by email to: protest-mmo@mmo.sc.gov,
- (b) by post or delivery to: 1201 Main Street, Suite 600, Columbia, SC 29201.

**Contract Number:** xxx  
**Awarded To:** Contractor Name  
Contractor Address

**Total Potential Value:** \$ xxx  
**Maximum Contract Period:** January 13, 20xx through January 12, 20xx

Item	Description	Unit Price	Total
00001	xxx	\$ xxx	\$ xxx
00002	xxx	\$ xxx	\$ xxx

**Procurement Officer**  
xxx

## CANCELLATION OF AWARDS

Award for an IFB or RFP solicitation may only be cancelled prior to performance of the contract by the Contractor. In this scenario, the award may be cancelled and either re-awarded or a new solicitation will be issued, or the current solicitation cancelled. For an award cancellation, the Procurement Manager will submit the request for the cancellation to the CPO for a decision. The request will include the basis for the request which will include at least one of the following criteria:

- Inadequate or ambiguous specifications were cited in the solicitation
- Specifications were revised
- The supplies, service, IT, or construction being procured are no longer required
- The solicitation did not provide for consideration of all factors of cost to the State, such as cost of transporting state furnished property to bidders' plants
- Bids received indicate that the College can be satisfied by a less expensive article differing from that on which the bids were invited
- The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith
- Administrative error of the College discovered prior to performance, or
- For other reasons cancellation is clearly in the best interest of the College.

## PROTESTS

Protests may occur in certain situations pertaining to Procurement. Most commonly, a protest may be submitted for a solicitation award. All solicitation awards above \$50,000 in total valuation are subject to a Protest. Also, sole sources and emergency procurements may be protested.

The right to protest is written into the code and a statement of this right must be stated, at a minimum, in the following:

- Solicitations when the total estimated contract award is \$50,000 or more

- Sole Source Procurement Advertisements when the valuation is \$50,000 or more
- Emergency Procurement Advertisements when the valuation is \$50,000 or more, and
- Award statements when the estimated contract valuation is \$50,000 or more.

All official protests are handled by DPS and ultimately the Chief Procurement Officer for SC (CPO). Protest submissions are to be directed to DPS and they render a decision that the College is bound to comply with. Any documentation or information requested by DPS for a Protest will be provided in a timely manner. This information will be submitted to them by Procurement.

#### Document Examples

Solicitation Protest Sections and Language:

#### **PROTESTS (MAY 2019)**

If you are aggrieved in connection with the solicitation or award of the contract, you may be entitled to protest, but only as provided in Section 11-35-4210. To protest a solicitation, you must submit a protest within fifteen days of the date the applicable solicitation document is issued. To protest an award, you must (i) submit notice of your intent to protest within seven business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided. See clause entitled "Protest-CPO". The grounds of the protest and the relief requested must be set forth with enough particularity to give notice of the issues to be decided. [02-2A085-2]

#### **PROTEST - CPO - MMO ADDRESS (MODIFIED)**

Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing

- (a) by email to: protest-mmo@mmo.state.sc.us,
- (b) by post or delivery to: 1201 Main Street, Suite 600, Columbia, SC 29201.

Award Statement Protest Language:

If you are aggrieved in connection with the award of the contract, you may be entitled to protest, but only as provided in Section 11-35-4210. To protest an award, you must (i) submit notice of your intent to protest within seven business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided. See clause entitled "Protest-CPO". The grounds of the protest and the relief requested must be set forth with enough particularity to give notice of the issues to be decided.

**PROTEST - CPO ADDRESS - MMO:** Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing:

- (a) by email to: protest-mmo@mmo.sc.gov,
- (b) by post or delivery to: 1201 Main Street, Suite 600, Columbia, SC 29201.

Sole Source and Emergency Procurement Advertisement Language (Must be added by Procurement):

‘If you are aggrieved by this intended award you have a right to protest according to Section 11-35-4210 of the SC Consolidated Procurement Code.’

#### **STATE TERM CONTRACTS**

A State Term Contract (STC) is a contract for the procurement of goods or services that has been solicited by DPS, or with their authority, for use by all State agencies.

### **The use of these contracts is mandatory!**

Unless specifically stated on the contract or DPS's website, purchases made on these contracts do not require competition since they have already been competed through the solicitation process.

### **Contract List and Information**

All STCs can be found on the DPS website at: <https://www.procurement.sc.gov/contracts>.

### **How To Use**

These contracts are for a specific, or specific type of, good or service. Keep in mind that just because a vendor may be on a STC for a specific good or service, doesn't mean that all the goods and services that they may offer are also on a STC. Each contract on DPS's website will specifically state the good or service the vendor can sell on the contract.

If in doubt about using a STC, please notify Procurement for assistance.

### **Obtaining a Quotation with STCs**

When a quotation is obtained for goods or services on a STC, the vendor must include the STC number on the quote.

### **Additional Agreements**

The end user may not execute, or sign, any additional document associated with the purchase of goods or services on a STC. All terms, conditions, and requirements should be present in the existing contract. If the contract requires an additional Scope of Work, request form, or agreement of any kind, this is to be forwarded to Procurement for review and processing.

### **Purchases Made Using STCs**

Most purchases made using a STC will be made with the use of a Purchase Order but the use of College Purchasing Cards are encouraged when applicable. Please keep in mind, office furniture is *not* office supplies. Office furniture will be purchased using STCs, but through the PO process.

### **Quotations Lower than STC Pricing and the 10% Rule**

If a quotation is obtained for the same good or service available on a STC from a vendor that is not on a STC for that good or service, the 10% Rule may apply.

### **10% Rule**

The 10% Rule allows for goods or services that are covered under a STC with a specific vendor, to be purchased from another vendor offering the same item or service at a lower total cost if the total price of the resulting PO exceeds \$500. For this acquisition type the following procedures apply:

- All 10% Rule purchases will be conducted by Procurement
- Any quotation that is at a minimum, 10% lower than the STC vendor's quoted price must be made available to the STC vendor quoting the item or service so they will have an opportunity to match or beat the lower quotation or decline to adjust their quotation
- If the STC vendor matches or provides a lower quotation, the purchase will be made with them
- If the STC vendor declines to lower their original quotation, the purchase may then be made with the non-STC vendor offering the lower quotation
- Procurement must complete the Purchase Order Attachment – Acceptance of Offers 10% Below Statewide Term Contract Price form (available in Procurement) prior to the issuance of a PO. This

attachment must be maintained as an attachment to the PO and provided to the vendor along with the PO for processing, and

- If the alternate, non-STC vendor fails to complete, execute, and return the attachment within a reasonable time set by Procurement, then the purchase will go to the STC vendor.

### **10% Rule Purchase Documentation**

Procurement will ensure the following is attached to the PO:

- Completed Purchase Order Attachment-Acceptance of Offers 10% Below Statewide Contract Price form, and
- Quotations

#### **Note:**

- It is not a requirement to obtain quotations on goods and services on STCs from non-STC vendors.

## **CONSTRUCTION**

Construction is defined as the process of building, altering, repairing, remodeling, improving, or demolishing a public infrastructure facility, including any public structure, public building, or other public improvements of any kind to real property. It does not include the routine operation, routine repair, or routine maintenance of an existing public infrastructure facility, including structures, buildings, or real property (11-35-310).

If the College is uncertain if a project qualifies as Construction, this will be determined by the Project Manager and/or Procurement Manager, who will seek assistance from OSE if needed.

All construction procurements will abide by and be procured according to the most updated version of the Office of State Engineer (OSE) Manual (<https://procurement.sc.gov/manual>). The OSE Manual is specifically for construction procurement and OSE is a part of DPS.

For Procurements more than the College's current construction procurement certification, the College will contact OSE and have an OSE Project Manager assigned to the Procurement. The College will abide by the decisions and direction of the assigned OSE Project Manager and OSE on all College construction procurement matters.

Construction procurements can be solicited by obtaining three (3) written quotes up to \$100,000. This does not however, alleviate the requirement for using the OSE Manual and its forms for all construction procurements above \$50,000.

### **Architect and Engineering, and Land Surveying Services**

Architect and Engineering, and Land Surveying Services will also be procured through this section with the use of the OSE Manual process required.

## **INFORMATION TECHNOLOGY (IT) PROCUREMENT**

IT is defined as, information resources, telecommunications, and information services:

- Information resources means any equipment including interconnected systems or subsystems of equipment that is used in the automatic acquisition, creation, conversion, duplication, storage, analysis, evaluation, manipulation, management, movement, control, display, switching interchange, transmission, or reception of data or information by the using agency.
- Information resources includes, but is not limited to, computers, ancillary equipment, including imaging peripherals, input, output, and storage devices and devices necessary for security and surveillance, peripheral equipment designed to be controlled by the central processing unit of a computer, databases,



software, firmware, middleware, and application and application development software: whether owned, leased, licensed, or accessed as a service; and routine maintenance and support.

- i. Database means a collection of recorded information in a form capable of, and for the purpose of, being stored in, processed, and operated on by a computer.
- ii. Software means computer programs that comprise a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations.
- iii. For purposes of this definition, equipment is used by an agency if the equipment is used by the agency directly or is used by a contractor under a contract with the agency that requires its use.
  - a. Telecommunications means voice, data, message, and video transmissions, and includes the transmission and switching facilities of public telecommunications systems, as well as operating and network software.
  - b. Information Services means services provided by a contractor associated with any aspect of information resources or telecommunications, except that information services does not include information resources or telecommunications  
(11-35-310).

**For College purposes, examples of IT include:**

- Software, including maintenance and support
- Computer equipment, including personal computers, laptops, servers, etc.
- Cellular equipment and services
- IT consulting services
- Telecommunications equipment and service; including cellular, telephone, and internet
- Printers and copiers
- Security cameras, monitoring, and surveillance systems
- Network cabling
- Application and software creation and modification

**IT Requests**

All IT related requests will come from the IT Department to ensure that the IT Department is aware of what is being procured and approve of the acquisition. End users must request IT goods or services through the IT Department. Any requisitions for IT purchases without approval from the IT Department will be rejected and the end user will be notified to submit their request to IT.

**IT Plan**

If applicable, for all IT procurements at or above \$50,000, an IT Plan must be submitted to the Department of Administration, Division of Technology, by the IT Department. This plan must be approved prior to the submission of a requisition, and a copy of the IT Plan approval must be attached to the submittal.

Procurement will ensure that a copy of the approved IT Plan document is attached to the PO and/or in the solicitation file, if applicable. Academic IT equipment may be exempt from this requirement.

**SOLE SOURCE PROCUREMENTS**

A sole source procurement is when only one specific item or service will fulfill the need of the College, and there is only a single source of supply for its acquisition. Sole source procurements are processed without competition. Sole source procurements require special justification and rules for use. All sole source procurements must meet the following criteria:

- The item or service must be the only item or service that will meet the need of the College, and

- The item or service must only be available from one source.

### **Justification and Market Research**

The sole source procurement must be justified by the end user and the College's Justification for Sole Source Procurement form (available in Procurement) must be completed.

The end user must also conduct market research to validate that the procurement is truly a sole source. This can be anything from simple online research, the receipt of information from market vendors, letters from manufacturers, etc. In certain situations, Procurement may need to publish a request for information for additional information. Assistance from Procurement will be provided when requested or needed.

### **Submittal**

Once the end user has completed the process above, they will submit the Justification For Sole Source Procurement form and any supporting documentation, including those validating the market research conducted, attached with a requisition. Procurement will review all documentation, and once approved, submit the justification for final approval and execution.

### **Drug Free Workplace**

All sole source procurements with a total valuation of \$50,000 or greater require the vendor complete the Drug Free Workplace Certification. Procurement will submit this to the vendor and obtain an executed copy prior to the issuance of a PO.

### **Advertisement**

All sole source procurements with a total valuation of \$50,000 or greater must be advertised in SCBO prior to the issuance of a PO or engagement by Procurement. The following time periods must be allowed after the publish date of the advertisement prior to the issuance of a PO or engagement with the vendor:

- \$50,000-\$250,000: Five (5) business days
- \$250,000 and above: Ten (10) business days

### **EMERGENCY PROCUREMENTS**

An emergency condition is when a situation exists which creates a threat to public health, welfare, or safety that may arise by reason of floods, epidemics, riots, equipment failures, fire loss, or another reason that is proclaimed by the CPO or the Agency Director, or their designees. The existence of this condition must create an immediate and serious need for supplies, services, IT, or construction that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- The functioning of state government and/or the Agency,
- The preservation or protection of property, or
- The health or safety of any person.

If an emergency condition exists, a procurement may be made without going through the competitive solicitation process. Even if an emergency condition does exist and an emergency procurement is done, as much competition as possible needs to be undertaken. If time allows, the end user, with the assistance of Procurement if requested or needed, would need to, at a minimum, obtain more than just one quotation or estimate for the acquisition.

### **Limitations**

Emergency procurements are limited only to those supplies, services, IT, or construction items needed to meet the emergency.

## **Justification**

The emergency procurement must be justified by the end user and the Justification for Emergency Procurement form (available in Procurement) must be completed as soon as possible after the procurement is approved.

## **Submittal**

When an emergency condition exists, the end user will notify Procurement immediately. The Procurement Manager will decide if the procurement may be made under emergency conditions and immediately inform the Agency Director or Chief of Staff who can ratify their decision or deny their verbal approval.

After the procurement has been made, the end user will have a requisition submitted for the processing of a PO. The requisition will have the following, at a minimum, attached:

- Original quotation or estimate, if available,
- Documentation on any competition information obtained, if available, and
- Completed Justification for Emergency Procurement form.

Procurement will forward the Justification for Emergency Procurement form for execution.

## **Drug Free Workplace**

For all emergency procurements with a total valuation of \$50,000 or greater, Procurement will attempt to obtain a Drug Free Workplace Certification. Since the form request will be taking place after the procurement is already made, this may not be acquired.

## **Advertisement**

All emergency procurements with a total valuation of \$50,000 or more must be advertised in SCBO by Procurement, as soon as practical, after the procurement is done.

## **PROCUREMENT EXEMPTIONS**

Procurement exemptions are procurements for goods or services that are exempt from competition based on the most current list of exemptions found on the DPS website at:

<https://procurement.sc.gov/files/20190920%20Legal%27s%20Exemption%20Table%20%28booklet%29.pdf>.

Procurement exemptions must be applied correctly and require a full understanding of the exemption and its proper use. All exemption use is based on the final determination of the Procurement Manager.

## **Notation**

When a procurement exemption is processed, the procurement official will make a notation on the PO that the procurement is an exemption and reference either the date the exemption became effective or the exemption number as listed in the State exemption list as applicable.

## **Procurement Exemption Processing**

All procurement exemptions should be processed as a PO, except for those exemptions that are allowed to be paid through the direct pay method.

## **COMMERCIALLY AVAILABLE OFF-THE-SHELF PRODUCTS (COTS)**

COTS products are supplies that are commercial products, sold in substantial quantities in the commercial market, that are being procured by the College without modification. These items do not include printing, items sold in bulk, agricultural products, or petroleum products.

For the procurement of these products, the minimum solicitation requirement is:

\$0-\$100,000: Three written quotes (certain restrictions apply so reach out to College Procurement).

### **Submittal**

If the end user believes they are requesting a COTS product, they will notify Procurement and request Procurement make a determination whether it qualifies. If it qualifies, the end user will be notified to go forward by, at a minimum, obtaining three quotes as required by this manual.

The final determination of whether a procurement qualifies as a COTS procurement will be made and approved by the Procurement Manager.

### **Inapplicable Requirements for COTS**

The following provisions and resulting requirements are not required for COTS only purchases up to \$100,000:

- Chapter 14, Title 8, Unauthorized Aliens and Public Employment,
- Section 11-9-105, Contracts for Legal or Consulting Services,
- Section 11-35-5300, Prohibition of Contracting with Discriminatory Business,
- Chapter 57, Title 11, Iran Divestment Act, and
- Chapter 107, Title 44, Drug-Free Workplace Act (this means the College Drug Free Workplace Certification is not required for these purchases).

### **Documentation**

For this type of procurement, Procurement will attach a copy of the following to the PO:

- Quotations
- Determination Form, and,
- Any other documentation determined to be applicable by the procurement official

### **UNAUTHORIZED AND ILLEGAL PROCUREMENTS**

An unauthorized procurement is when someone makes a procurement or purchase that lacks the authority to do so. An illegal procurement is when a procurement is made that is in direct violation of the Code. Both of these situations require written documentation, reporting and a determination of what is to be done.

For an unauthorized or illegal procurement, upon discovery, the procurement official must initiate the MMO Unauthorized or Illegal Procurement Form (provided by Procurement), and all applicable employees must submit all information needed by the procurement official to properly understand the situation. The Procurement Manager will decide on the requested action to be taken for the situation. This may include:

- Ratification of the contract/procurement that can either result in a continuation of the contract/procurement or termination in a time period in the best interest of the College, or
- Declare the contract/procurement null and void.

Ratification can only occur when it is in the best interest of the College to do so.

All unauthorized and illegal procurements must be approved by the Vice President of Business Affairs, and they must make a determination on the recommendation presented to them for the situation.

All unauthorized and illegal procurement at \$100,000 and above must be submitted to the CPO to make a determination if they approve the Agency's requested solution.

### **CONFERENCE SITE SELECTION AND ACQUISITION**

The procurement of conference sites for the Agency is dictated by the requirements set forth by DPS. When the Agency needs to procure a conference site, the following requirements apply:

- Agency must designate a College employee to be the conference planner prior to contacting potential conference facilities.
- When possible, the conference site should be changed from those utilized for previous conferences. This change applies to both the geographical area and the particular hotel or motel.
- South Carolina State Park facilities should always be considered whenever they meet conference requirements.
- A minimum of two (2) hotels/motels shall be contacted in at least two (2) different cities when the conference is to be held in a different city than the one in which the Agency's central office is located. If the conference is to be held in the same city in which the Agency's central office is located, a minimum of two (2) hotels/motels shall be contacted in that city.
- A written determination of the site selection shall be made by the Agency on the Justification for Conference Site Selection Form (available in Procurement). This determination and any supporting documentation must be maintained by Procurement in a digital file and is subject to audit.

### **CONSULTANT SERVICES/INDEPENDENT CONTRACTORS**

In the past, these services have been identified as consultant, speaker, evaluator, performer, and lecturer, and have been contracted on a fee basis with travel, lodging and subsistence expenses, and (where applicable) reimbursed under the travel regulations.

This type of service is rendered from a platform of unusual experience or expertise in a particular field. Such expertise has usually been gained by education, training, certification, licensing, publication, public acclaim, election or appointment. Often, the professional is uniquely qualified to provide the requested service in the context of background, style, and/or time needed.

When personal, professional services are to be obtained under an independent contractual relationship, in which the College elects away the right to direct or control the professional in the method of performance or the end results of his/her efforts as defined in IRS regulations, then purchasing must be accomplished as directed in the Consolidated Purchasing Code 11-35-1270 and ensuring Regulation 19-445.2025.

The IRS looks at "control" in three areas:

1. **BEHAVIORAL:** Does the worker control how he/she works?
2. **FINANCIAL:** Does the worker have a significant investment (e.g., own tools, etc.)? Can a profit or loss be made?
3. **RELATIONSHIP:** Is the worker responsible for benefits? Is there a written contract?

Operational Procedures:

- A. A "Contract for Professional Service" must be completed with the contractor's signature, and approval must be granted by the Division Chair/Dean and the Procurement Department before work is started.
- B. After the contract is approved, an online purchase requisition must be entered to encumber the budget.
- C. A "W-9" form completed by the contractor may be required for new vendors.
- D. After work is finished, the Department Head will sign the confirmation of services section and send to the Accounts Payable Office for payment with accompanying contractor invoice.

### **FURNISHINGS COVERED UNDER SECTION 11-35-450 GENERAL**

Under section 11-35-450 of the South Carolina Consolidated Procurement Code, the purchase of furniture, floor coverings, wall coverings, or any other decorative or ornamental item by a governmental body for at least one of the following uses will be reported to the Area Commission when the cost of the furniture, coverings, or items exceed \$1,000 per item:

- A. In an office or adjoining reception area utilized by the President or Vice-Presidents
- B. In a board room or a conference room used as a board room.

The reports must include the item to be purchased and its price. The Area Commission shall approve or disapprove the purchase. These approvals will be retained in the Purchasing Office to substantiate compliance by the State Fiscal Accountability Authority Audit and Certification Team.

## **V. PROPERTY**

### **TRADE-IN SALES**

The College may trade in property when purchasing new items as a replacement if the original unit purchase price of the items to be traded in did not exceed \$5,000. For this to occur, the trade-in value obtained through the procurement process must be applied to (against) the purchase of the new items. Trade-In Sales require the completion of the Request for Trade-In Document (available in Procurement) by the end user. All Trade-In Sales that exceed the \$5,000 original unit purchase price limit must be approved by the Surplus Property Management Office prior to purchase or solicitation.

#### **Procurement Requirements**

All procurements that are conducted by the College that include trade-in sales must be conducted through the IFB or sole source procurement process. All document requirements of an IFB will be adhered to with the addition of including the Trade-In document and approval from the Surplus Property Management Office, if applicable.

#### **Junk**

Junk is State owned supplies and equipment having no remaining useful life and the cost of repair or to refurbish exceeds the value of like used equipment or the cost of transporting the property for sale exceeds the likely recovery from a sale. Property that can be recycled is not junk. Only the Surplus Property Management Office may determine if College property is junk and direct its disposal.

### **SURPLUS PROPERTY**

Surplus property is not under the authority of the College Procurement Department and is handled by the Property & Inventory Control Manager within the Physical Plant Department. The procedures for this area are available in their manual.

## **VI. CONTRACTS**

### **CONTRACTS**

The following section addresses solicited contracts, College contracts, and Inter-Agency contracts. This includes the different types of contracts, the rules, and procedures for handling these contracts, and information for the maintenance of these documents.

#### **Solicited Contracts**

When successfully soliciting goods or services, the College will be entering into a contract with the awarded Contractor. The College must make a determination of the length of time of the contract based on the best

interests of the College. The priorities will be cost savings, competition, and the availability of the goods or services needed. Issues that may affect this decision could be current state and national economics, supply chain issues, startup costs, etc. While the end user will collaborate with Procurement on this determination, ultimately it is the responsibility of Procurement to determine the contract's length based on all available information and data.

The maximum length or total potential life of any College solicited contract is five (5) years.

There are two (2) options for contracts that extend beyond a one-year period, Non-Multi-Term Contracts and Multi-Term Contracts.

### **Non-Multi-Term Contracts**

Non-Multi-Term Contracts are the most common type of solicited contracts. A Non-Multi-Term Contract is for a one-year initial period and gives the College the option not to renew the contract for any additional terms.

Example of a Non-Multi-Term Contract:

The College awards a contract to Vendor A for the purchase of cardboard boxes. The initial term of the contract is one (1) year. The contract has four (4) renewals for one (1) year each for a total potential life of five (5) years [initial term of one (1) year plus four (4) renewals of one (1) year each = five (5) total years]. The contract also gives the College the option not to renew the contract after each one-year term.

### **Multi-Term Contracts**

Multi-Term Contracts are less common and must be justified prior to solicitation. A Multi-Term Contract is for a period of more than one (1) year without the use of a renewal. The following conditions must apply when determining if the use of a Multi-Term Contract is warranted:

- Special production of definite quantities or the furnishing of long-term services are required; or
- A Multi-Term will serve the College's best interests through the encouragement of effective competition or by promoting economies in state procurement.

Along with the above conditions, one or more of the following factors must also apply:

- Firms which are not willing or able to compete because of high startup costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping such costs during the period of contract performance
- Lower production cost because of larger quantity or service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices
- Stabilization of the Contractor's work force over a longer period of time may promote economy and consistent quality, and
- The cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

Solicitations for Multi-Term Contracts must state:

- The estimated amount of supplies or services required for the proposed contract period
- That a unit price must be given for each supply or service, and that such unit prices will be the same throughout the contract (except to the extent price adjustments may be allowed in the solicitation and resulting contract)
- That the contract will be cancelled only if funds are not appropriated or otherwise made available to support continuation of performance in any fiscal period succeeding the first (this will not affect either the College or the Contractor's rights under any termination clause in the contract)
- That the College must notify the Contractor on a timely basis that the funds are, or are not, available for the continuation of the contract for each succeeding fiscal period

- Whether Offerors may submit prices for:
  - The first fiscal period only,
  - The entire time of performance only, or
  - Both the first fiscal period and the entire time of performance
- That a multi-term contract may be awarded and how the award will be determined including, if prices for the first fiscal period and entire time of performance are submitted, how they will be compared, and
- That, in the event of cancellation, the Contractor will be reimbursed the unamortized, reasonable incurred, nonrecurring costs.

It is Procurement’s responsibility to make the determination if a multi-term contract is warranted, along with input from the end user. Prior to solicitation, the procurement official must complete the Multi Term Contract Determination form (available in Procurement), and it must be approved by the Procurement Manager. This form must be included in the solicitation file.

The above requirements for multi-term contracts apply to goods, services, and IT. They do not apply to construction.

### **Change Orders for Solicited Contracts**

Some solicitations and the resulting contract will allow for change orders to be requested and processed that may make a non-material or price change to the contract. For all approved changes, they must be completed and submitted to the end user or contract owner for review and approval. Once they approve, the change order will be submitted to the Procurement Manager for final approval and execution. If denied, the procurement official or Procurement Manager, will respond to the vendor with the denial information. A copy of the document must be added to the contract file once completed and both parties have executed it. A copy of the fully executed change order must be sent to the vendor.

Before approving, it is the end user or contract owner’s responsibility to include all applicable College parties in their approval.

### **Material Changes Prohibited**

A material change to a solicited contract is a change order or contract modification that is beyond the general scope of the original contract. These are prohibited under Section 11-35-2060 of the Code and will not be approved. The final determination of whether a change is material will be made by the Procurement Manager.

### **Agency Contracts**

For all non-solicited contracts engaged in by the College, it is the responsibility of the end user to submit a copy of the contract documents to Procurement. Procurement will review the contract and either approve, submit for approval, or return it to the end user or other contracting party for edits or negotiations. Review and submittal for approval will be based on the following:

- Contracts with a total valuation of \$50,000 or less will be reviewed and approved by Procurement, involving General Counsel if needed
- Contracts with a total valuation of more than \$50,000 will be reviewed by General Counsel and Procurement, and approved by the State Director or Chief of Staff; and
- OSE Construction Contracts with a valuation up to \$500,000 will be approved by the Chief Engineer with OSE Construction Contracts exceeding this valuation being approved by the State Director or Chief of Staff.

Once approved and executed by the College, Procurement will submit to the other contracting party for their execution. Once this is completed and the final, fully executed contract is submitted back to Procurement, Procurement will forward a copy to the end user.



## **Inter-Agency Contracts**

An Inter-Agency Contract is a type of agency contract where the Agency engages another state agency in a contract, for the providing of goods or services. This type of contract has special requirements. The engagement cannot be a sole source procurement. The cost of the contract must be justified by breaking down the elements of the cost determination, providing a total cost estimate, and determining that the price of the goods/services is fair and reasonable. The estimated savings of using the other agency for providing the goods or services must also be determined. Once Procurement reviews the contract, they will request a completed Justification for Contracts Between State Agencies form from the contract requester.

All inter-agency contracts more than \$10,000 in total valuation, must be submitted by Procurement to DPS for their approval. Once approved by DPS, the contract will then be routed for execution.

## **Contract Execution (Signatory) Authority**

All contracts require the proper authority for execution within the College. The individuals listed below are authorized to sign contracts on behalf of Tri-County Technical College:

Dr. Galen DeHay, President

Cara Hamilton, Vice President, Business Affairs

Tracy Wactor, Controller/Director of Fiscal Affairs

Matt Whitten, Purchasing Manager

## **Contract Maintenance**

All College contracts will be maintained by Procurement as follows:

- All College contracts must go to Procurement according to this manual
- A copy of all contracts will be maintained in digital form on a network drive with access given to Procurement and the Finance Director

## **Contract Ownership**

Unless otherwise designated to another department by College senior management, the contract requesting department will have 'ownership' of the contract and will designate an individual within the department to manage this task. Ownership of the contract will include:

- Day-to-day management of the contract
- Awareness and tracking of contract performance
- Keeping aware of contract end dates and notifying Procurement and other departments in a timely manner of the need for renewals, new contract engagements, and solicitations
- Providing contract information as needed and taking part in contract discussions as requested
- Communicating and including Procurement on all contract related issues, and
- Maintaining all written communications with the vendor.

## **Contract Management**

The College will use as reference and best practices the DPS Contract Administration Guide (available in Procurement) in the contract management process. Procurement will assist the contract owner in their role in this process.

## **Contract Issues and Review**

All contract related issues will be communicated and handled by Procurement. Contract issues can include:

- Issues dealing with the vendor not providing the goods or services required by the contract,
- The vendor not abiding by the requirements of the contract,

- Ongoing performance issues by the vendor that are not being corrected, and
- Any issues considered major or of threat to the College.

The contract owner will communicate these issues in writing to Procurement and include all written communications with the vendor pertaining to the complaint. Procurement will communicate all issues to the vendor and include the contract owner as necessary.

All issues pertaining to contract performance, when communicated to the vendor, should be done in writing and submitted to Procurement as needed. Holding a vendor accountable depends on the ability to prove performance issues and properly communicate issues in a timely manner to the vendor.

Any issues related to a STC and the vendor's performance must also be maintained in writing and forwarded to Procurement. Procurement will then assess and if the issues are determined to be significant and contract related, forward to the proper DPS Contract Administrator for possible action. State Term Contract issues and the action taken for these issues are determined by DPS and are not determined by the College or College Procurement.

### **Drug Free Workplace Act**

All contracts with a total valuation of \$50,000 or more are subject to the Drug Free Workplace Act. Before the start of performance, the Drug Free Workplace Certification form (available in Procurement) must be executed and returned to Procurement. Procurement will submit this form to the vendor for execution and maintain in the contract file.

### **Insurance**

When applicable, all vendors must submit all required or needed insurance certificates to Procurement prior to performance. This will be kept in the contract file. It is the responsibility of the contract owner to ensure all insurance documentation is requested and submitted to Procurement after initiation of the contract.

### **Contract Modifications and Changes**

All Agency non-solicited contract modification and change requests must be submitted to Procurement from the end user or contract owner, if not submitted by the Contractor to Procurement. For contract changes that will have an added value to the contract of \$0-\$50,000, the Procurement Manager will review and execute if they approve. For contract changes that will have an added value to the contract above \$50,000, the change will be reviewed by both the Procurement Manager and General Counsel, and if approved, routed to the Agency Director or VP of Business Affairs for final approval and execution.

### **Revenue Generating Contracts**

These types of contracts and the procurement of supplies, services, information technology, or construction related to them fall under the authority of the SC Consolidated Procurement Code and Regulations. The Code applies even though the Agency does not make a payment of money [19-445.2000. E. (3)]. Examples of these contracts include revenue-generating contracts, concession agreements, and contracts structured as a design-build-finance-operate-maintain project. All procurements for these types of contracted goods and services, IT, or construction will be according to the Code and this manual.

## **CONTRACTING FOR LEGAL AND AUDITING SERVICES**

### **Legal Services**

Before engaging for legal services, General Counsel must obtain approval from the Office of the Attorney General for S.C. This approval must be submitted with a requisition for Procurement to process a PO. This approval must also be obtained and submitted to Procurement prior to the engagement in a contract.

Since attorney services are exempt from the Code (Professional Services-Attorneys 1982.07.13), competition is not required.

## **Documentation**

Procurement will attach the following documentation to the resulting PO:

- Approval from the Attorney General,
- Any resulting contract beyond the PO,
- Any other documentation determined to be applicable by the procurement official.

## **Auditing Services**

Certified Public Accountants and Public Accountants that are to be engaged for performing financial and/or compliance audits, must be approved by the State Auditor's Office for S.C. prior to engagement. This approval must be submitted with the requisition for Procurement to process a PO. This approval must also be obtained and submitted to Procurement prior to the engagement in a contract. Since these specific services are exempt from the Code (Professional Services-Auditors 1982.07.13), competition is not required.

Actuarial audits and other accounting services are not exempt from the Code and must be procured accordingly.

## **Documentation**

Procurement will attach the following documentation to the resulting PO:

- Approval from the State Auditor's Office,
- Any resulting contract beyond the PO,
- Any other documentation determined to be applicable by the Procurement Official.

## **LEASES**

For the acquisition of certain items, the College may have the option of procuring an item and related service like maintenance, with the purchase being for ownership of the item or procuring the item through a lease.

Examples of these types of items might be:

- Tractors,
- Copiers,
- Large equipment, and
- High value IT equipment, etc.

The basis for deciding between an outright purchase of the item with College ownership at the point of delivery or procuring through a lease should be based on total cost savings and budgetary concerns.

If a procurement is made for an acquisition of equipment through a lease, then the State of South Carolina Standard Equipment Agreement will be used. This is a state form and if any modifications are needed, these must be approved by the Procurement Manager, and they will not change any of the fundamental protections provided to the College.

## **Documentation**

The fully executed State of South Carolina Standard Equipment Agreement will be maintained by Procurement in the solicitation digital file or in a separate digital file if a solicitation is not conducted.

## **VII. PROCUREMENT ADMINISTRATION**

### **DISCLOSURE OF PROCUREMENT INFORMATION**

The disclosure of procurement information is based on certain circumstances that determine how the information is disclosed, to whom, and what information is allowed.

### **Prior to the Issuance of an Award or Intent to Award**

For solicitations that have not had an Award or Intent to Award Statement issued, any College personnel involved in the acquisition shall forward all requests for information to the procurement official responsible for the solicitation. The procurement official will direct the response.

Any participant that is not the procurement official cannot communicate directly with any party other than the procurement official on any matters pertaining to the solicitation. They must forward all communication requests to the procurement official.

### **Non-Freedom of Information Act (FOIA) Requests**

All other requests for procurement information not pertaining to a FOIA request will be directed to the Procurement Manager who will respond or direct a response according to the Code and with the assistance of General Counsel if needed.

### **FOIA Requests**

Any requests for procurement information pertaining to a FOIA request will be handled according to College Policy #8-0-107 and #8-0-107.1.

## **PROCUREMENT RECORDS**

Procurement must maintain records related to the College's procurement activity. These records must be maintained according to the requirements of this manual and access will be limited to those with a need for access to specific records requested in writing.

### **Format**

Procurement records from solicitations will be maintained in digital form on the College network Drive with general access limited to Procurement and the Finance Director. Hard copy files will also be maintained in secure filing drawers. File naming convention will be folders based on solicitation titles that identify the calendar year in which the solicitation was issued.

Other subfolders like Trade-In Sales, SMBE Information, etc. will be added as needed.

### **Procurement Types**

The following procurements and solicitations will be maintained as digital files with each procurement having a subfolder within that folder:

- Invitation for Bids
- Request for Proposals
- Sole Source Procurements
- Emergency Procurements
- 10% Purchases
- Unauthorized Purchases, and
- Construction Procurements above \$50,000.

Request for Quotations and Advertised Request for Quotations may only be scanned and stored within our ImageNow electronic document filing system.

### **Solicitations**

The following documentation will be maintained if applicable to the solicitation conducted:

- Solicitation
- Statements of Work
- Amendments
- All published documents
- Award statement
- Notices
- Record of Negotiations
- Communications with Offerors
- Bid Tabulation
- Bid Sheet
- All quotation, bid, and proposal submittals from Offerors
- Non-Disclosure Agreements
- Procurement Integrity Forms
- Award justifications and solicitation process documentation for RFPs
- Drug Free Workplace Forms
- Insurance certificates
- Approved IT Plan
- Purchase Orders
- Document requests and all applicable communication
- Preference Calculation Sheets
- Product Information, if applicable
- Brand Name Justification
- Multi Term Contract Determination
- Approved request for delegation of authority from Divisions of Procurement Services
- All available documentation on the market research that was conducted, and
- Any other documentation determined to be applicable by the procurement official.

### **Sole Source Procurements, when applicable:**

- Sole Source Justification Form
- SCBO advertisement
- Quotation
- Drug Free Workplace Form
- Purchase Order
- All available documentation verifying the sole source status, and
- Any other documentation determined to be applicable by the Procurement Official.

### **Emergency Procurements, when applicable:**

- Emergency Procurement Justification form
- SCBO advertisement
- Quotation
- Drug Free Workplace Form
- Purchase Order
- All available documentation verifying the emergency status
- Any documentation pertaining to any competition that was obtained, and

- Any other documentation determined to be applicable by the Procurement Official.

**10% Procurements**

- Quotation from the State Term Contract (STC) vendor
- Quotation from the awarded vendor
- Revised STC vendor quote or written communication where they decided not to re-quote
- Copy of STC award or contract website award overview for the contract
- Purchase Order
- 10% Below STC Purchase Order Attachment, and
- Any other documentation determined to be applicable by the Procurement Official.

**Unauthorized Procurements, when applicable:**

- Quotation, if available
- Unauthorized Procurement Form
- Purchase Order
- All available communication pertaining to the procurement, and
- Any other documentation determined to be applicable by the Procurement Official.

**Construction Solicitations, when applicable:**

- Bid documents
- Advertisement
- All responses from Offerors
- All published or posted documents
- Bid tabulation
- Award
- Amendments
- All approvals from Office of the State Engineer (OSE)
- Capital Project approvals and applicable documentation
- All insurance certificates
- All signed OSE and Agency contracts, and
- Any other documentation determined to be applicable by the Procurement Official.

**Purchase Orders**

The following documentation will be maintained in ImageNow (electronic scanning system) as an attachment to the PO:

For Solicitation and Construction award POs:

- Award.

For Sole Source and Emergency Procurement POs:

- Justification Form,
- Drug Free Workplace Form,
- SCBO Advertisement, and
- Quotation.

For 10% Procurements

- Quotation from the STC vendor,
- Quotation from the awarded vendor,
- Revised STC vendor quote or written communication where they decided not to re-quote,
- Copy of STC award or contract website award overview for the contract, and

- 10% Below STC PO Attachment.

Unauthorized Procurements:

- Quotation, if available,
- Unauthorized Procurement Form,

IT Procurements Above \$50,000:

- Quotation(s),
- Approved IT Plan, if applicable, and
- Award, if applicable.

Note: Approved IT Plans are required for IT procurements covered by a STC.

## **PROCUREMENT RECORD RETENTION**

Procurement records will be maintained according to the retention schedule for procurement records set by the SC Department of Archives and History, at a minimum. This schedule is for all records to be maintained for a three (3) year period beyond the termination of the contract and then destroyed. College files will only be removed or destroyed if approved by the Procurement Manager and the College Records Officer.

## **REPORTING**

Certain reports on College procurements are required by law. The following reports are required to be submitted by Procurement. These reports may require input or support from other departments within the College.

### **Quarterly Reporting**

The following procurements and POs are required to be submitted to the State and for public information purposes on a quarterly basis:

- Sole Source
- Emergency
- Unauthorized
- Trade-In
- 10% Rule, and
- Solicitation awards based on preferences.

The information for these procurements/POs will be entered on the following DPS reporting website:

<https://reporting.procurement.sc.gov>

For submission, all information and documentation requested on the website will be entered and submitted. All information must be entered for each quarter, no more than thirty (30) days after the end of the quarter.

### **Reporting Quarters**

Quarter 1: July–September

Quarter 2: October–December

Quarter 3: January–March

Quarter 4: April–June

## **SMALL AND MINORITY BUSINESS ENTERPRISES**

The College will encourage the involvement of Small and Minority Business Enterprises (SMBE) certified by the State, in the procurement process. This involvement will include:

- Obtaining quotes from SMBE vendors, when possible
- Using SMBE vendors, if possible, when multiple vendors are covered under a STC for the same item or service.

### **Annual SMBE Utilization Plan and Reporting**

The College is required to file a SMBE Utilization Plan each year with the Small and Minority Business Assistance Office (SMBAO) with the following minimum requirements:

- The name of the College
- A policy statement expressing a commitment by the College to use SMBE certified vendors in all aspects of procurement
- Must include the name of the SMBE coordinator
- Must include the College's goals that include expending with SMBE certified vendors at a percentage of no less than 10% of the College's total dollar amount of funds expended
- Solicitation of SMBE certified vendors
- Procedures for including SMBE certified vendors when it is necessary to divide total project requirements into smaller tasks, allowing more vendors to participate
- Procedures for the College if it subcontracts the scope of service to another government body, and
- Must be submitted annually to the SMBAO for approval no later than July 30<sup>th</sup>.

A copy of all submitted and approved SMBE Utilization Plans will be maintained in a file for a period of at least five (5) years and then destroyed if destruction is permitted by the Procurement Manager and College Records Officer. The S.C. Department of Archive and History's approved retention schedule for SMBE documents is five years and then destruction is allowed.

### **Reporting**

Quarterly reporting to the SMBCC is required on the progress of the College's SMBE Utilization Plan. This report is due no later than thirty (30) days after the end of each fiscal quarter. The report must contain:

- Number of minority firms solicited,
- Number of minority bids received,
- Total dollar amount of funds expended on contracts awarded to certified minority firms, and
- Total dollar amount of funds expended.

All reports will be maintained by Procurement in a file for a period of at least five years and then destroyed, if destruction is permitted by the Procurement Manager and the College Records Officer. The S.C. Department of Archive and History's approved retention schedule for SMBE documents is five years and then destruction is allowed.

### **Plans and Reports**

All plans and reports will be processed by Procurement, with assistance from Finance and any other needed individuals in the College. All plans and reports will be approved by the Procurement Manager before submittal.

### **Process for Inclusion of Minority Vendors**

#### **Quotations**

When the end user or Procurement researches for a vendor to request a quotation, when possible, they are to use the vendor search database located on DPS website at:



<https://webprod.cio.sc.gov/SCVendorSearch/vendorSearch.do>, to choose a minority vendor to include in the quotation process. These quotations will be noted as being minority vendor quotes.

### **STC Use and Quotations**

When the type of good, service or IT allows, if multiple vendors are currently under a STC to provide the item or service needed by the College, the individual obtaining the quotation will determine if one of the vendors is a minority vendor and use that vendor, if all other applicable factors are equal, including total cost. The quotation will be noted as being a minority vendor.

### **ETHICS**

All Procurement staff are required to abide by all laws, and policies for ethics as addressed in state law and by College policy. In addition to this, Procurement staff will abide by the direction of the Procurement Manager and General Counsel pertaining to this subject. Any violation or suspected violation of these requirements must be immediately reported to the Procurement Manager or their direct supervisor. The Procurement Manager and/or their direct supervisor will discuss with General Counsel and, if needed, Human Resources for a plan of action.

#### **Annual Ethics Filing**

The Procurement Manager will file an ethics report with the State on an annual basis as required.

### **GIFTS**

The College must abide by the policy of the State and should not accept or solicit a gift, directly or indirectly, from a donor that has, or the College has reason to believe, is seeking to obtain a contractual or other business or financial relationship with it.

Prior to the acceptance of any gift, the College must determine if its acceptance will provide the donor, directly or indirectly, an undue competitive advantage in subsequent procurements. If it determines this to be true, it may not accept the gift.

If a gift is accepted, it must be reported to the College Procurement Department immediately. No gifts of any kind or value may be accepted under any circumstances from an Offeror during the solicitation process.

The best course of action is to not accept a gift of any kind. This includes any contractor, vendor, or offeror the College has or may have contractual, business, or financial relationships within the future.

A contractual, business, or financial relationship with a vendor includes any business the College will engage for the acquisition of goods or services. This can be through the issuance of a Purchase Order, through the direct payment method or with the use of a State issued Purchasing Card. A contractual, business, or financial relationship does not require a formal contract or solicitation.

If you have any questions about how to handle a gift situation, please contact the Procurement Department prior to acceptance.