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HORRY- GEORGETOWN TECHNICAL COLLEGE

Procurement Manual

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HORRY-GEORGETOWN TECHNICAL COLLEGE

INDEX

I. AUTHORITY, POLICIES AND ORGANIZATION

- a. Purpose of Manual
- b. Authority of the Procurement Department
- c. Determination of Compliance
- d. Ethical Standards
- e. Payment of Goods and Services
- f. Definitions
- g. Public Access to Procurement Information
- h. Conflict of Interest
- i. Procurement Organization
- j. Procurement Training and Certification
- k. Agency Certification
- l. Drug Free Workplace
- m. The Official State Government Publication
- n. Exemptions
- o. Accounting and Fiscal Reporting
- p. Authority to Contract for Auditing Services
- q. Authority to Contract for Legal Services
- r. Procurements at Auction
- s. Food Service Contract

II. METHOD OF SOURCE SELECTION, CONTRACTS AND AUDITS, MODIFICATIONS AND TERMINATION OF CONTRACTS AND COST PRINCIPLES

- a. Small Purchases
- b. Competition and Price Reasonableness
 - i. Purchases Not in Excess of \$10,000
 - ii. Purchases from \$10,000.01 to \$50,000.00
 - iii. Purchases between \$50,000.01 and College's Certification Limits
- c. Protest Rights
- d. Requirement to Advertise
- e. Competitive Sealed Bid
- f. Preferences
- g. Competitive Fixed Price Bidding
- h. Competitive Best Value Bidding
- i. Competitive Sealed Proposals
- j. Sole Source Procurements
- k. Emergency Procurements
- l. Participation in Auction or Sale of Supplies from Bankruptcy
- m. Information Technology Procurements
- n. Cancellation of Invitation for Bids or Request for Proposals
- o. Responsibility of Bidders and Offerors
- p. Pre-Qualification of Supplies and Suppliers
- q. Cost or Pricing Data

- r. Types and Forms of Contracts
- s. Approval of Accounting System
- t. Multi-Term Contracts
- u. Finality of Determinations
- v. Reporting of Anticompetitive Practices
- w. Retention of Procurement Records
- x. Records of Procurement Actions
- y. Modification and Termination of Contracts for Supplies and Services
- z. Cost Principles Required for Supplies and Services Contracts

III. CONSTRUCTION, ARCHITECT-ENGINEER, CONSTRUCTION MANAGEMENT AND LAND SURVEYING SERVICES

- a. Definitions of Terms Used in this Article
- b. Construction Services
- c. Architect-Engineer, Construction Management and Land Surveying Services
- d. Exception for Small Architect-Engineer and Land Surveying Services Contract
- e. Construction Related Indefinite Delivery Contracts

IV. SUPPLY MANAGEMENT

- a. Management of Warehouse and Inventory
- b. Regulations for Sale, Lease, Transfer and Disposal of Surplus Property
- c. Allocation of Proceeds for Sale or Disposal of Surplus Supplies
- d. Trade-In Sales
- e. Licensing for Public Sale of Certain Publications and Materials
- f. Sale of Unserviceable Supplies

V. LEGAL AND CONTRACTUAL REMEDIES

- a. Procurement Review Panel

VI. COOPERATIVE PURCHASING

- a. Cooperative Purchasing Authorized
- b. Sale, Acquisition or Use of Supplies by a Public Procurement Unit
- c. Cooperative use of Supplies or Services
- d. Joint Use of Facilities
- e. Supply of Personnel, Information and Technical Services
- f. Use of Payments Received by a Supply Public Procurement Unit
- g. Public Procurement Units in Compliance with Code Regulations
- h. Review of Procurement Requirement

VII. ASSISTANCE TO MINORITY BUSINESS'S

- a. Assistance to Minority Business's Definitions
- b. Statement of Policy and Its Implementation Regarding Minority Business's
- c. Duties of the Procurement Manager
- d. Regulation for Negotiations with State Minority Firms
- e. Minority Business Enterprise Utilization Plan

VIII. OPERATING PROCEDURES

- a. Banner Requisition System
- b. Amendment to Purchase Order
- c. State Term Contracts
- d. Open Purchase Orders
- e. Blanket Purchase Orders
- f. Receipt and Acceptance of Supplies or Services
- g. Direct Purchase Order – Expenditure Authorization
- h. Purchasing Cards
- i. Ordering Procedure for Printed Material
- j. Professional and Consultant Services Ordering Procedure
- k. Information Technology Ordering Procedures
- l. Construction and Related Professional Services
- m. Assistance to Minority Business
- n. Equipment Inventory Control
- o. Disposition of Property and Supplies
- p. Surplus Property
- q. Trade in Sales
- r. Approval of Trade-In Sales
- s. Office Supplies
- t. Exempted Commodities List
- u. Interagency Contract
- v. Interagency Mail
- w. Unauthorized Procurement Procedures
- x. Budget Accounts – Fund
- y. Personal Purchases
- z. Petty Cash
- aa. Retention of Procurement Records
- bb. Equipment Repair
- cc. College Vehicles
- dd. Complaint Procedures

AUTHORITY, POLICIES AND ORGANIZATION

A. Purpose of Manual

This manual is provided, only as a guide, to assist departments of Horry-Georgetown Technical College (HGTC) in the procurement of supplies, equipment, and services required in their respective operations; and also to serve as a guide for the budgetary control of costs of purchases.

Procedures outlined herein apply regardless of the source of funds. Federal guidelines will supersede state guidelines.

Although this manual is not intended to completely cover the internal operations of the College's procurement department, certain phases of its operation are included for clarification purposes of the procedures stated herein.

B. Authority of the Procurement Department

The South Carolina Consolidated Procurement Code is the basis for purchasing decisions. Under the authority delegated to HGTC by the South Carolina Act Number 654 and 976, Bylaws of the Horry-Georgetown Technical College Area Commission, in conformity with provisions, regulations/policies of the State Board for Technical and Comprehensive Education, the Procurement Department under the supervision of the Vice President for Finance and Business Affairs has the responsibility for:

1. Supporting the educational mission of the college by procuring supplies, equipment, and services required for the college's operation.
2. Provide purchasing services to all departments and locations that are part of the college.
3. Procuring such commodities and services in the most efficient, economical and responsible manner while ensuring fair and equitable treatment of all persons who deal with the procurement department.
4. Provide for competitive procurement while applying the rules of the SC Consolidated Procurement Code.

C. Determination of Compliance

It is the intent of the HGTC Procurement Department to adhere to and abide by the policies, procedures and guidelines relating to the procurement, management and control of supplies and services, as applicable under the authority of the South Carolina Consolidated Procurement Code and Regulations Annotated. The Purchasing Card Program allows full-time employees, upon approval of the appropriate Vice-President and the Procurement Manager, to procure supplies and services up to \$2,500 or as approved by the Vice President for Finance and Business Affairs not to exceed \$10,000 per month. The Procurement Manager oversees all purchases up to the most recent certification limits granted by the State Procurement Office. **See attachment #1.**

The Procurement Manager submits procurements above these limits to SFAA Procurement Services on a State requisition to be processed. The appropriate forms for Construction projects above \$100,000.00 are submitted by the Procurement Manager to Office of State Engineer Office to be approved and processed.

D. Ethical Standards

Horry Georgetown Technical College Procurement Department adheres to the Code of Ethics as adopted by the National Association of Educational Procurement:

1. *Give first consideration to the objectives and policies of my institution.*
2. *Strive to obtain the maximum value for each dollar of expenditure.*
3. *Decline personal gifts or gratuities.*
4. *Grant all competitive suppliers equal consideration insofar as state or federal statute and institutional policy permit.*
5. *Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.*
6. *Demand honesty in sales representation whether offered through the medium of a verbal or written statement, and advertisement, or a sample of the product.*
7. *Receive consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes.*
8. *Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier; and/or be willing to submit any major controversies to arbitration or other third party review, insofar as the established policies of my institution permit.*
9. *Accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions.*
10. *Cooperate with trade, industrial and professional associations, and with governmental and private agencies for the purpose of promoting and developing sound business methods.*
11. *Foster fair, ethical and legal trade practices.*
12. *Counsel and cooperate with all Faculty and Staff and promote a spirit of unity and a keen interest in professional growth among them.*

E. Payment of Goods and Services

In accordance with Section 11-35-45 of the Consolidated Procurement Code, payment for services, supplies, or information technology must be rendered within 30 days after satisfactory acceptance of the goods and services and a proper invoice. Occasionally, there are instances when a small vendor or new vendor may request a partial payment with order. If deemed appropriate by the Procurement Manager, the College will provide partial prepayments.

F. Definitions

As stated in Section 11-35-310, the definitions shall apply.

G. Public Access to Procurement Information

Procurement Information must be a public record to the extent required in Chapter 4 of Title 30 (The Freedom of Information Act) with the exception that commercial or financial information obtained in response to a 'Request for Proposals' or any type of bid solicitation that is privileged and confidential, need not be disclosed.

Privileged and confidential information is information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the party supplying the information. See Section 11-35-410 for specific types of information.

Evaluative documents pre-decisional in nature such as inter-agency or intra-agency memoranda containing technical evaluations and recommendations are exempted so long as the contract award does not expressly adopt or incorporate the inter-agency or intra-agency memoranda

For all documents submitted in response or with regard to any solicitation or other request, the person submitting the documents shall comply with instructions provided in the solicitation for marking information exempt from public disclosure. Information not marked as required by the applicable instructions may be disclosed to the public.

H. Conflict of Interest

It is the responsibility of the Procurement Manager to take all appropriate steps to assure that the College does not, knowingly, enter into any purchase commitment that could result in a conflict of interest situation.

I. Procurement Organization

A chart showing the organization of the Procurement Office of Horry Georgetown Technical College is attached. **See attachment #2**

J. Procurement Training and Certification

It is the intent of Horry Georgetown Technical College to promote and sponsor participation in procurement training and certification of procurement personnel as stated in 11-35-1030. The procurement staff offers training for any faculty and staff that require use of the electronic requisitioning process and p-card use annually or as needed.

K. Agency Certification

Horry Georgetown Technical College has been certified for \$150,000.00 per purchase commitment for Goods and Services and Consultant Services; and \$100,000 for Information Technology in accordance with the approved Information Technology Plan. **See attachment #1**

L. Drug Free Workplace

The State of South Carolina has amended Title 44, Code of Laws of South Carolina, 1976, relating to health, by adding Chapter 107, so as to enact the Drug-Free Workplace Act. The College will comply with Section 44-107-20 of the Drug-Free Workplace Act by requiring vendor certification on all contracts of \$50,000.00 or more that a drug free workplace has been provided for their employees.

M. The Official State Government Publication

“*South Carolina Business Opportunities*” (SCBO) is the official state government publication and is published daily by the State Fiscal Accountability Authority, Procurement Services. The purpose of the publication is to provide a listing of proposed procurements of construction, information technology, supplies, goods, services and other procurement information of interest to the business community. This publication is available on the Internet at <https://scbo.sc.gov/>

N. Exemptions.

The State Fiscal Accountability Authority has exempted specified supplies, services, information technology or construction from the purchasing procedures required in Section 11-35-710. https://procurement.sc.gov/files/20130103_Exemption_Table_%28FINAL%29_%28booklet%29.pdf

O. Accounting and Fiscal Reporting

The Office of Audit and Certification shall review the adequacy of the College’s internal controls in order to ensure compliance with the requirements of the South Carolina Consolidated Procurement Code and Regulations. Non-compliances, if any shall be reported to the audited governmental body, the State Fiscal Accountability Authority. The auditors shall provide in writing proposed corrective action to the College. Based upon audit recommendations by the Office of General Services, the board may revoke certification as provided for in Section 11-35-1210 and require the College to make all procurements through the office of Materials Management above a dollar limit set by the board until such time as the board is assured of compliance with the South Carolina Consolidated Procurement Code and the regulations by the College.

P. Authority to Contract for Auditing Services

Prior to the award of any state contract for auditing or accounting services, approval for such services shall be obtained from the State Auditor’s office. Procurement of such services shall be made in accordance with the Procurement Code Section 11-35-1250. <http://osa.sc.gov/leadership/sue-f-moss-cpa/>

Q. Authority to Contract for Legal Services

Procurement of such services shall be made in accordance with the Procurement Code Section 11-35-1260. Prior to the award of any state contract for the services of attorneys, approval for such services shall be obtained from the State Attorney General. <http://www.scag.gov/civil>

R. Procurements at Auction

The college when participating in an auction shall follow the guidelines as set forth in the Code 11-35-1575. The college shall

- (a) survey the needed items being offered to ascertain their condition and usefulness
- (b) determine a fair market value for new like items through informal quotes
- (c) determine the fair market value from similar items considering age and useful life, and
- (d) estimated repair cost and delivery cost, if any, of the desired items

Using this information, the college shall determine the maximum price that can be paid for each item desired. At the auction, the college shall not exceed the maximum price so determined.

S. Food Service Contract

Any food service contracts entered into shall be solicited under Code Section 11-35-1530, Competitive Sealed Proposals and Regulation 19-445.2095. A review panel composed of members from the college and the Materials Management office shall review proposals and approve it prior to contract award

I. METHOD OF SOURCE SELECTION, CONTRACTS AND AUDITS, MODIFICATIONS AND TERMINATION OF CONTRACTS AND COST PRINCIPLES

Small Purchases

- (1) Authority. The following small purchase procedures may be utilized in conducting procurements for the college that are less than \$50,000.00 in actual or potential value. The college may conduct its own procurements up to \$150,000 as Horry Georgetown Technical College has been certified in Goods and Services; and up to \$1000,000 for Information Technology (Local Funds Only) in accordance with the approved IT Plan; and Consultant services (Local Funds Only).
- (2) Competition and Price Reasonableness.
 - (a) **Purchases Not in Excess of \$10,000.00:** Small purchases not exceeding \$10,00.00 may be accomplished without securing competitive quotations if the prices are considered to be fair and reasonable. Procurement shall annotate on the purchase order – “Price is fair and reasonable” The Purchasing Card is used for small purchases when a purchase order is impossible or impractical and audited on the back end by Accounting. Such purchases shall be distributed equitably among qualified suppliers. When practical, three (3) quotes will be solicited from other than the previous supplier prior to placing a repeat order. The administrative cost of verifying the reasonableness of the purchase price may more than offset potential savings in detecting instances of overpricing. Action to verify the reasonableness of the price will need to be taken only when Procurement suspects that the price may not be reasonable, e.g., comparison to previous price paid personal knowledge of the item involved. If a quote is obtained, the order will be placed with the vendor offering the lowest responsive and responsible bid.
 - (b) **Purchases from \$10,000.01 to \$50,000.00:** This section shall be called RFQ’s or Request for Quote. Written solicitation for quotes shall be made. The procurement must be advertised at least 7 days in the SCBO. A copy of the written solicitation and written quotes shall be maintained in the Procurement files. The award shall be made to the lowest responsive and responsible source. For this level of procurement, no public opening when preferences apply, etc.
 - (c) **Purchases between \$50,000.01 and College’s Certification limits:** Must adhere to the sealed bid section of the Procurement Code. See section “Competitive Sealed Bid”

(3) Protest Rights. The provisions of Section 11-35-4210 shall not apply to contracts awarded under the procedures set forth in this section.

Competitive Sealed Bid

(1) Condition for Use. Contracts greater than \$50,000 must be awarded by competitive sealed bidding except as otherwise provided in Section 11-35-1510.

(2) Invitation for Bids. An invitation for bids must be issued in an efficient and economical manner and must include specifications and all contractual terms and conditions applicable to the procurement.

(3) Notice - Adequate notice of the invitation for bids must be given at a reasonable time before the date set forth in it for the opening of bids. The notice must include publications in SCBO or a means of central electronic advertising as approved by the designated board office. Governmental bodies may charge vendors the cost incurred for copying and mailing bid or proposal documents requested in response to a procurement.

(4) Receipt and Safeguarding of Bids. All bids, including modifications, received before the time of opening must be kept secure and unopened, except as provided by regulation of the board.

(5) Bid Opening. Bids must be opened publicly in the presence of one or more witnesses, at the time and place designated in the invitation for bids and in the manner prescribed by regulation of the board. The amount of each bid, and other relevant information as may be specified by regulation, together with the name of each bidder, must be tabulated. The tabulation must be open to public inspection at that time.

(6) Bid Acceptance and Bid Evaluation. Bids must be accepted unconditionally without alteration or correction, except as otherwise authorized in this code. The invitation for bids must set forth the evaluation criteria to be used. Criteria must not be used in bid evaluations that are not in the invitation for bids. Bids must be evaluated based on the requirements in the invitation for bids and in accordance with the regulations of the board.

(7) Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before bid opening, withdrawal of inadvertently erroneous bids after award, or cancellation and re-award of awards or contracts, after award but before performance, may be permitted in accordance with regulations promulgated by the board. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition must not be permitted. After opening, bids must not be corrected or withdrawn except in accordance with the provisions of this code and the regulations promulgated pursuant to it. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts, after award but before performance, must be supported by a written determination of appropriateness made by the chief procurement officers or head of a purchasing agency.

(8) Discussion with Bidders. As provided in the invitation for bids, discussions may be conducted with apparent responsive bidders for the purpose of clarification to assure full understanding of the requirements of the invitation for bids. All bids, in the procuring agency's sole judgment, needing clarification must be accorded that opportunity. Clarification of a bidder's bid must be documented in writing by the procurement officer and must be included with the bid. Documentation concerning the clarification must be subject to disclosure upon request as required by Section 11-35-410.

(9) Tie Bids. If two or more bidders are tied in price while otherwise meeting all of the required conditions, awards are determined in the following order of priority:

(a) If there is a South Carolina firm tied with an out-of-state firm, the award must be made automatically to the South Carolina firm.

(b) Tie bids involving South Carolina produced or manufactured products, when known, and items produced or manufactured out of the State must be resolved in favor of the South Carolina commodity.

(c) Tie bids involving a business certified by the South Carolina Office of Small and Minority Business Assistance as a Minority Business Enterprise must be resolved in favor of the Minority Business Enterprise.

(d) Tie bids involving South Carolina firms must be resolved in favor of the South Carolina firm located in the same taxing jurisdiction as the governmental body's consuming location.

(e) In all other situations in which bids are tied, the award must be made to the tied bidder offering the quickest delivery time, or if the tied bidders have offered the same delivery time, the tie must be resolved by the flip of a coin witnessed by the procurement officer. All responding vendors must be invited to attend.

(10) Award. Unless there is a compelling reason to reject bids as prescribed by regulation of the board, notice of an award or an intended award of a contract to the lowest responsive and responsible bidders whose bid meets the requirements set forth in the invitation for bids must be given by posting the notice at a location specified in the invitation for bids. For contracts with a total or potential value in excess of fifty thousand dollars but less than one hundred thousand dollars, notice of the award of a contract must be given by posting and must be sent to all bidders responding to the solicitation on the same day that the notice is posted in accordance with this section. For contracts with a total or potential value of one hundred thousand dollars or greater, notice of an intended award of a contract must be given by posting the notice for ten days before entering into a contract and must be sent to all bidders responding to the solicitation on the same day that the notice is posted in accordance with this section. The posting date shall appear on the face of all these notices. Before the posting of the award, the procuring agency may negotiate with the lowest responsive and responsible bidder to lower his bid within the scope of the invitation for bids. The invitation for bids and a notice of award or notice of intent to award must contain a statement of a bidder's right to protest pursuant to Section 11-35-4210(1). When only one response is received, the notice of intent to award and the delay of award may be waived.

(11) Request for Qualifications.

(a) Before soliciting bids, the procurement officer, may issue a request for qualifications from prospective bidders. The request must contain, at a minimum, a description of the scope of work to be solicited by the invitation for bids, the deadline for submission of information, and how prospective bidders may apply for consideration. The request must require information concerning the prospective bidders' product specifications, qualifications, experience, and ability to perform the requirements of the contract. Adequate public notice of the request for qualifications must be given in the manner provided in Section 11-35-1520(3).

(b) After receipt of the responses to the request for qualifications from prospective bidders, the rank of the prospective bidders must be determined in writing from most qualified to least qualified on the basis of the information provided. Bids then must be solicited from at least the top two prospective bidders by means of an invitation for bids. The determination regarding how many bids to solicit is not subject to review under Article 17.

(13) Minor Informalities and Irregularities in Bids. A minor informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids having no effect or merely a trivial or negligible effect on total bid price, quality, quantity, or delivery of the supplies or performance of the contract, and the correction or waiver of which would not be prejudicial to bidders. The

procurement officer shall either give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or waive any such deficiency when it is to the advantage of the State. Such communication or determination shall be in writing. Examples of minor informalities or irregularities include, but are not limited to:

- (a) failure of a bidder to return the number of copies of signed bids required by the solicitation;
- (b) failure of a bidder to furnish the required information concerning the number of the bidder's employees or failure to make a representation concerning its size;
- (c) failure of a bidder to sign its bid, but only if the firm submitting the bid has formally adopted or authorized the execution of documents by typewritten, printed, or rubber stamped signature and submits evidence of that authorization, and the bid carries that signature or the unsigned bid is accompanied by other material indicating the bidder's intention to be bound by the unsigned document, such as the submission of a bid guarantee with the bid or a letter signed by the bidder with the bid referring to and identifying the bid itself;
- (d) failure of a bidder to acknowledge receipt of an amendment to a solicitation, but only if:
 - (i) the bid received indicates in some way that the bidder received the amendment, such as where the amendment added another item to the solicitation and the bidder submitted a bid, on it, if the bidder states under oath that it received the amendment before bidding and that the bidder will stand by its bid price; or
 - (ii) the amendment has no effect on price or quantity or merely a trivial or negligible effect on quality or delivery, and is not prejudicial to bidders, such as an amendment correcting a typographical mistake in the name of the governmental body;
- (e) failure of a bidder to furnish an affidavit concerning affiliates;
- (f) failure of a bidder to execute the certifications with respect to equal opportunity and affirmative action programs;
- (g) failure of a bidder to furnish cut sheets or product literature;
- (h) failure of a bidder to furnish certificates of insurance;
- (i) failure of a bidder to furnish financial statements;
- (j) failure of a bidder to furnish references;
- (k) failure of a bidder to furnish its bidder number; and
- (l) Notwithstanding Title 40, the failure of a bidder to indicate his contractor's license number or other evidence of licensure, except that a contract must not be awarded to the bidder unless and until the bidder is properly licensed under the laws of South Carolina.

Resident Vendor Preference 11-35-1524:

(A) For purposes of this section:

(1) "End product" means the tangible product described in the solicitation including all component parts and in final form and ready for the state's intended use.

(2) "Grown" means to produce, cultivate, raise, or harvest timber, agricultural produce, or livestock on the land, or to cultivate, raise, catch, or harvest products or food from the water which results in an end product that is locally derived from the product cultivated, raised, caught, or harvested.

(3) "Labor cost" means salary and fringe benefits.

(4) "Made" means to assemble, fabricate, or process component parts into an end product, the value of which, assembly, fabrication, or processing is a substantial portion of the price of the end product.

(5) "Manufactured" means to make or process raw materials into an end product.

(6) "Office" means a non-mobile place for the regular transaction of business or performance of a particular service which has been operated as such by the bidder for at least one year before the bid opening and during that year the place has been staffed for at least fifty weeks by at least two employees for at least thirty-five hours a week each.

(7) "Services" means services as defined by Section 11-35-310(29) and also includes services as defined in Section 11-35-310(1)(d).

(8) "South Carolina end product" means an end product made, manufactured, or grown in South Carolina.

(9) "United States end product" means an end product made, manufactured, or grown in the United States of America.

(B)(1) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease by seven percent the price of any offer for a South Carolina end product.

(2) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease by two percent the price of any offer for a United States end product. This preference does not apply to an item to which the South Carolina end product preference has been applied.

(3) Whether award is to be made by item or lot, the preferences must be applied to the price of each line item of end product. A preference must not be applied to an item for which a bidder does not qualify.

(4) If a contract is awarded to a bidder that received the award as a result of the South Carolina end product or United States end product preference, the contractor may not substitute a non-qualifying end product for a qualified end product. A substitution in violation of this item is grounds for debarment pursuant to Section 11-35-4220. If a contractor violates this provision, the State may terminate the contract for cause and, in addition, the contractor shall pay to the State an amount equal to twice the difference between the price paid by the State and the bidder's evaluated price for a substituted item.

(5) If a bidder is requesting this preference, the bidder, upon request of the procurement officer, must provide documentation that establishes the bidder's qualifications for the preference. Bidder's failure to provide this information promptly is grounds to deny the preference and for enforcement pursuant to subsection (E)(6).

(C)(1) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease a bidder's price by seven percent if the bidder maintains an office in this State and either (i) maintains

at a location in South Carolina at the time of the bid an inventory of expendable items which are representative of the general type of commodities on which the award will be made and which have a minimum total value, based on the bid price, equal to the lesser of fifty thousand dollars or the annual amount of the contract; (ii) is a manufacturer headquartered and having an annual payroll of at least one million dollars in South Carolina and the end product is made or processed from raw materials into a finished end product by that manufacturer or its affiliate (as defined in Section 1563 of the Internal Revenue Code); or (iii) at the time of bidding, directly employs or has a documented commitment with individuals domiciled in South Carolina that will perform services expressly required by the solicitation and the total direct labor cost to bidder for those individuals to provide those services exceeds fifty percent of the bidder's total bid price.

(2) Whether award is to be made by item or lot, the preferences must be applied to the price of each line item of end product or work, as applicable. A preference must not be applied to an item for which a bidder does not qualify.

(3) If a bidder is requesting this preference, the bidder, upon request by the procurement officer, must provide documentation that establishes the bidder's qualifications for the preference and, for the preference claimed pursuant to subsection (C)(1)(iii), must identify the persons domiciled in South Carolina that will perform the services involved in the procurement upon which bidder relies in qualifying for the preference, the services those individuals are to perform, and documentation of the bidder's labor cost for each person identified. Bidder's failure to provide this information promptly is grounds to deny the preference and for enforcement under subsection (E)(6) below.

(D)(1) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease a bidder's price by two percent if:

(a) the bidder has a documented commitment from a single proposed first-tier subcontractor to perform some portion of the services expressly required by the solicitation; and

(b) at the time of the bidding, the subcontractor directly employs or has a documented commitment with individuals domiciled in South Carolina that will perform services expressly required by the solicitation and the total direct labor cost to the subcontractor for those individuals to provide those services exceeds twenty percent of bidder's total bid price.

(2) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease a bidder's price by four percent if:

(a) the bidder has a documented commitment from a single proposed first-tier subcontractor to perform some portion of the services expressly required by the solicitation; and

(b) at the time of the bidding, the subcontractor directly employs or has a documented commitment with individuals domiciled in South Carolina that will perform services expressly required by the solicitation and the total direct labor cost to the subcontractor for those individuals to provide those services exceeds forty percent of bidder's total bid price.

(3) Whether award is to be made by item or lot, the preferences must be applied to the price of each line item of work. A preference must not be applied to an item for which a bidder does not qualify.

(4) Subject to other limits in this section, an offeror may benefit from applying for more than one of, or from multiple applications of, the preferences allowed by items (1) and (2).

(5)(a) In its bid, a bidder requesting any of the preferences allowed by items (1) and (2) must identify the subcontractor to perform the work, the work the subcontractor is to perform, and the bidder's factual basis for concluding that the subcontractor's work constitutes the required percentage of the work to be performed in the procurement.

(b) If a bidder is requesting a preference allowed by items (1) or (2), upon request by the procurement officer, the bidder shall identify the persons domiciled in South Carolina that are to perform the services involved in the procurement upon which the bidder relies in qualifying for the preference, the services those individuals are to perform, the employer of those persons, the bidder's relationship with the employer, and documentation of the subcontractor's labor cost for each person identified. Bidder's failure to provide this information promptly will be grounds to deny the preference and for enforcement pursuant to subsection (E)(6) below.

(c) If a contract is awarded to a bidder that received the award as a result of a preference allowed by items (1) or (2), the contractor may not substitute any business for the subcontractor on which the bidder relied to qualify for the preference, unless first approved in writing by the procurement officer. A substitution in violation of this sub-item is grounds for debarment pursuant to Section 11-35-4220. If a contractor violates this provision, the procurement officer may terminate the contract for cause. If the contract is not terminated, the procurement officer may require the contractor to pay the State an amount equal to twice the difference between the price paid by the State and the price offered by the next lowest bidder, unless the substituted subcontractor qualifies for the preference.

(E)(1) A business is not entitled to any preferences unless the business, to the extent required by law, has:

(a) paid all taxes assessed by the State; and

(b) registered with the South Carolina Secretary of State and the South Carolina Department of Revenue.

(2) The preferences provided in subsections (B) and (C)(1)(i) and (ii) do not apply to a single unit of an item with a price in excess of fifty thousand dollars or a single award with a total potential value in excess of five hundred thousand dollars.

(3) The preferences provided in subsections (C)(1)(iii) and (D) do not apply to a bid for an item of work by the bidder if the annual price of the bidder's work exceeds fifty thousand dollars or the total potential price of the bidder's work exceeds five hundred thousand dollars.

(4) A solicitation must provide potential bidders an opportunity to request the preferences that apply to a procurement. By submitting a bid and requesting that a preference be applied to that bid, a business certifies that its bid qualifies for the preference for that procurement. For purposes of applying this section, a bidder is not qualified for a preference unless the bidder makes a request for the preference as required in the solicitation. If a solicitation specifies which preferences, if any, apply to a procurement, the applicability of preferences to that procurement is conclusively determined by the solicitation unless the solicitation document is timely protested as provided in Section 11-35-4210. If two or more bidders are tied after the application of the preferences allowed by this section, the tie must be resolved as provided in Section 11-35-1520(9). Price adjustments required by this section for purposes of evaluation and application of the preferences do not change the actual price offered by the bidder.

(5) This section does not apply to an acquisition of motor vehicles as defined in Section 56-15-10 or an acquisition of supplies or services relating to construction. This section does not apply to a procurement conducted pursuant to Section 11-35-1550(2)(a) or (b), Section 11-35-1530, or Article 9, Chapter 35.

(6) Pursuant to Section 11-35-4220, a business may be debarred if (i) the business certified that it qualified for a preference, (ii) the business is not qualified for the preference claimed, and (iii) the certification was made in bad faith or under false pretenses. If a contractor has invalidly certified that a preference is applicable, the chief procurement officer may terminate the contract for cause, and the chief procurement officer may require the contractor to pay the State an amount equal to twice the difference between the price paid by the State and the price offered by the next lowest bidder.

(7) The sum of all preferences allowed by items (D)(1) and (D)(2), when applied to the price of a line item of work, may not exceed six percent unless the bidder maintains an office in this State. Under no circumstances may the cumulative preferences applied to the price of a line item exceed ten percent.

(8) As used in items (C)(1)(iii), (D)(1)(b), and (D)(2)(b), the term "documented commitment" means a written commitment by the bidder to employ directly an individual, and by the individual to be employed by the bidder, both contingent on the bidder receiving the award.

(9) The remedies available in this section are cumulative of and in addition to all other remedies available at law and equity.

Competitive Fixed Price Bidding 11-35-1525

- (1) Conditions for Use. When the college determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the college, a contract may be entered into by competitive fixed price bidding subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided for in this section.
- (2) Fixed price Bidding. The purpose of fixed price bidding is to provide multiple sources of supply for specific goods or services based on a pre-set maximum price, which the State will pay for such goods or services.
- (3) Public Notice. Adequate public notice of the solicitation shall be given in the same manner as provided in Section 11-35-1520(3).
- (4) Pricing. The College shall establish, prior to issuance of the fixed price bid, a maximum amount the College will pay for the goods or services desired.
- (5) Evaluation. Vendors' responses to the fixed price bid will be reviewed to determine if they are responsive and responsible.
- (6) Discussion with Responsive Bidders. Discussions may be conducted with apparent responsive bidders to assure understanding of the requirements of the fixed price bid. All bidders, whose bids, in the procuring agency's sole judgment, need clarification shall be accorded such an opportunity.
- (7) Award must be made to all responsive and responsible bidders to the college's request for competitive fixed price bidding. The contract file shall contain the basis on which the award is made and must be sufficient to satisfy external audit.
- (8) Bids Received after Award. Bidders not responding to the initial fixed price bid may be added to the awarded vendors list provided the bidder furnishes evidence of responsibility and responsiveness to the college's original fixed price bid as authorized by the solicitation.
- (9) Remedies. The failure of a specific offeror to receive business, once it has been added to the awarded vendor's list, shall not be grounds for a contract controversy under Section 11-35-4230.

Correction Creates Low Bid: To maintain the integrity of the competitive sealed bidding system, a bidder shall not be permitted to correct a bid mistake after bid opening that would cause such bidder to have the low bid unless the mistake, in the judgment of the Procurement Manager, is clearly evident from examining the bid document; for example, extension of unit prices or errors in addition.

Competitive Best Value Bidding 11-35-1528

- (1) Conditions for Use. When the college determines in writing that the use of competitive sealed bidding is either not practical or not advantageous to the College, a contract may be entered into by competitive best value bidding subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided for in this section.
- (2) Best Value Bidding. The purpose of best value bidding is to allow factors other than price to be considered in the determination of award for specific goods or services based on pre-determined criteria identified by the college.
- (3) Public Notice. Adequate public notice of the request for the solicitation shall be given in the same manner as provided in Section 11-35-1520(3).
- (4) Bid Opening. At the time of the bid opening, the only information released will be the participating vendors. Cost information will be provided after the ranking of bidders and the issuance of award.
- (5) Evaluation Factors. The best value bid shall state the factors to be used in determination of award and the numerical weighting for each factor. Cost must be a factor in determining the award and cannot be weighted as less than sixty percent. Best value bid evaluation factors may be defined to include, but are not limited to, any of the following as determined by the college in its sole discretion and not subject to protest:
 - (a) Operational costs that the College would incur if the bid is accepted;
 - (b) Quality of the product or service, or its technical competency;
 - (c) Reliability of delivery and implementation schedules;
 - (d) Maximum facilitation of data exchange and systems integration;
 - (e) Warranties, guarantees, and return policy;
 - (f) Vendor financial stability;
 - (g) Consistency of the proposed solution with the college's planning documents and announced strategic program direction;
 - (h) Quality and effectiveness of business solution and approach;
 - (i) Industry and program experience;
 - (j) Prior record of vendor performance;
 - (k) Vendor expertise with engagement of similar scope and complexity;
 - (l) Extent and quality of the proposed participation and acceptance by all user groups;
 - (m) Proven development methodologies and tools; and
 - (n) Innovative use of current technologies and quality results.
- (6) Discussion with Responsive Bidders. Discussions may be conducted with apparent responsive bidders to assure understanding of the best value bid. All bidders, in the college's sole judgment, need clarification shall be afforded such an opportunity.
- (7) Selection and Ranking. Bids shall be evaluated by using only the criteria stated in the best value bid and by adhering to the weighting as assigned. All evaluation factors, other than cost, will be considered prior to determining the effect of cost on the score for each participating bidder. Once the evaluation is complete, all responsive bidders shall be ranked from most advantageous to least advantageous to the College, considering only the evaluation factors stated in the best value bid.
- (8) Award. Award must be made to the responsive and responsible bidder whose bid is determined, in writing, to be most advantageous to the College, taking into consideration all evaluation factors set forth in the best value bid. The contract file shall contain the basis on which the award is made and must be sufficient to satisfy external audit.

Competitive Sealed Proposals 11-35-1530

- (1) Conditions for Use. When the College determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the College, a contract may be entered into

by competitive sealed proposals subject to the provisions of Section 11-35-1520 and the regulations, unless otherwise provided for in this section. Subject to the requirements of Section 11-35-3220, the board may provide by regulation that it is either not practicable or not advantageous to the College to procure specified types of supplies, services, or construction by competitive sealed bidding.

- (2) Public Notice. Adequate public notice shall be given in the same manner as provided in Section 11-35-1520 (3) for the request for proposals.
- (3) Receipt of Proposals. Proposals shall be opened publicly in accordance with regulations of the board. A tabulation of proposals shall be prepared in accordance with regulations promulgated by the board and shall be open for public inspection after contract award.
- (4) Request for Qualifications. Prior to soliciting proposals, the college acting through the authorized Procurement Manager, may issue a request for qualifications from prospective offerors. Such request shall contain at a minimum a description of the goods or services to be solicited by the RFP and the general scope of the work and shall state the deadline for submission of information and how prospective offers may apply for consideration. The request shall require information only on their qualifications, experience, and ability to perform the requirements of the contract. After receipt of the responses for qualifications, the perspective offerors shall be ranked from most qualified to least qualified on the basis of the information provided. Proposals shall then be solicited from at least the top two prospective offerors by means of an RFP. The failure of a prospective offeror to be selected to receive the request for proposals shall not be grounds for protest under Section 11-35-4210.
- (5) Evaluation Factors. The RFP shall state the relative importance of the factors to be considered in evaluating proposals but shall not require numerical weighting for each factor. Price may but need not be an evaluation factor.
- (6) Discussion with Offerors. As provided in the RFP, discussions may be conducted with apparent responsive offerors for the purpose of clarification.
- (7) Selection and Ranking. Proposals shall be evaluated using on the criteria stated in the RFP and must be adherence to the weightings previously assigned. Once evaluation is complete, all responsive offerors shall be ranked from most advantageous to least advantageous to the college, considering only the evaluation factors stated in the RFP. If price is an initial factor, award shall be made in accordance with Section 11-35-1530(9) below.
- (8) Negotiations. Whether price was an evaluation factor or not, the college, through the appropriate procurement official, may, in its sole discretion and not subject to challenge through a protest filed under Section 11-35-4210, proceed in any of the manners listed below:
 - (a) negotiate price with the highest ranked offeror. If a satisfactory price cannot be agreed upon, price negotiations may be conducted, in the sole discretion of the procuring agency, with the second, and then the third, etc.
 - (b) negotiate with the highest ranking offeror on matters affecting the scope of the contract, so long as the overall nature and intent of the contract is not changed. If a satisfactory contract cannot be negotiated with the highest-ranking offeror, negotiations may be conducted, in the sole discretion of the college with the second, third, etc.
 - (c) during the negotiation process as outlined above in (a) and (b), if the college is unsuccessful in its first round of negotiations, it may reopen negotiations with any offeror with whom it previously negotiated.
 - (d) If, after following the procedures set forth in Section 11-35-1530(8), a contract is not able to be negotiated, the scope of the RFP may be changed in an effort to reduce the cost to a fair and reasonable amount, and all responsive offerors must be allowed to submit their best and final offers. In conducting negotiations, there must be no disclosure of any confidential information derived from proposals and negotiations submitted by competing offerors.
- 9 Award. Award must be made to the responsive offeror whose proposal is determined in writing to be the most advantageous to the college, taking into consideration price and the evaluation factors set forth in the RFP, unless the college determines to utilize one of the options provided in Section

11-35-1530(8). The contract file shall contain the basis on which the award is made and must be sufficient to satisfy external audit. Procedures and requirements for the notification of intent to award the contract shall be the same as those stated in Section 11-35-1520(10)

Negotiations after unsuccessful competitive sealed bidding 11-35-1540

When bids received pursuant to an invitation for bids under Section 11-35-1520 are considered unreasonable by the procuring agency, or are not independently reached in open competition, or the low bid exceeds available funds as certified by the appropriate fiscal officer, and it is determined in writing by the chief procurement officer, the head of a purchasing agency, or the designee of either officer above the level of procurement officer, that time or other circumstances will not permit the delay required to re-solicit competitive sealed bids, a contract may be negotiated pursuant to this section, provided that:

- (1) each responsible bidder who submitted a bid under the original solicitation is notified of the determination and is given reasonable opportunity to negotiate;
- (2) the negotiated price is lower than the lowest rejected bid by any responsible and responsive bidder under the original solicitation;
- (3) the negotiated price is the lowest negotiated price offered by any responsible and responsive offeror.

Sole Source Procurements 11-35-1560

A contract may be awarded for a supply, service, or construction item without competition when any Department Head or Dean of the College determines in writing that there is only one source for the required supply, service, or construction item. These regulations must include the requirements contained herein - written documentation with an explanation as to why no other product is suitable or acceptable to meet the need, a letter from the proposed vendor stating that they are a sole provider of the supply, service or construction item. Document must be presented and signed by the Procurement Manager and the VP of Finance. After research to verify the validity of the sole source request by the purchasing staff, the document may be signed and forwarded to VP of Finance. If reasonable doubt exists, competition must be solicited. Just because a service or purchase was a sole source in the past, will justify a renewed sole source agreement. Any violation of these regulations by the college, upon recommendation of the Office of General Services with approval of the majority of the Budget and Control Board, result in the temporary suspension not to exceed one year of the violating agency's ability to procure supplies, services, or construction items under this section. **See Attachment #3**

Emergency Procurements 11-35-1570

The President of the College or Vice President for Finance and Business Affairs may make or authorize others to make emergency procurements only when there exists an immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions as defined in the regulations and provided, that such emergency procurements shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. **See Attachment #4**

Participation in Auction or Sale of Supplies from Bankruptcy 11-35-1575

A governmental body having knowledge of either an auction or a sale of supplies from a bankruptcy may elect to participate. The governmental body shall (a) survey the needed items being offered to ascertain their condition and usefulness, (b) determine a fair market value for new like items through informal quotes, (c) determine the fair market value from similar items considering age and useful life, and (d) estimated repair cost and delivery cost, if any, of the desired items. Using this information, the governmental body shall determine the maximum price that it can pay for each item desired. At the auction or sale, the governmental body shall not exceed the maximum price so determined.

Information Technology Procurements 11-35-1580

(1) Information Technology Management Office. The Information Technology Management Office shall be responsible for:

- (a) assessing the need for and use of information technology;
- (b) Work closely with the Procurement Office in administering all procurement and contracting activities undertaken for governmental bodies involving information technology in accordance with this chapter;
- (c) Work with the Inventory Control Manager in providing for the disposal of all information technology property surplus to the needs of a using agency;
- (d) evaluating the use and management of information technology;
- (e) operating a comprehensive inventory and accounting reporting system for information technology;
- (f) developing policies and standards for the management of information technology in state government;
- (g) initiating a state plan for the management and use of information technology;
- (h) providing management and technical assistance to state agencies in using information technology; and
- (i) establishing a referral service for state agencies seeking technical assistance or information technology services.

(2) Exemptions from the Requirements of this Section. The office may establish by regulation categories of procurement for information technology which shall be exempted from the requirements of this section.

(3) Training and Certification. The office may establish a training and certification program in accordance with Section 11-35-1030.

Cancellation of Invitation for Bids or Request For Proposals 11-35-1710

Any solicitation under the Procurement Code may be canceled, or any or all bids or proposals may be rejected in whole or part as may be specified in the solicitation, when it is in the best interest of the College. The reasons for rejection, supported with documentation sufficient to satisfy external audit, shall be made a part of the contract file.

Responsibility of Bidders and Offerors 11-35-1810

(1) Determination of Responsibility. Responsibility of the bidder or offeror shall be ascertained for each contract let by the State based upon full disclosure to the procurement officer concerning capacity to meet the terms of the contracts and based upon past record of performance for similar contracts. The board shall by regulation establish standards of responsibility that shall be enforced in all state contracts.

(2) Determination of Nonresponsibility. A written determination of nonresponsibility of a bidder or offeror shall be made in accordance with regulations promulgated by the board. The unreasonable failure of a bidder or offeror to supply information promptly in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror.

(3) Right of Nondisclosure. Except as otherwise provided by law, information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the offices of the board, the Office of the Attorney General, or the purchasing agency without prior written consent by the bidder or offeror.

Pre-qualification of Supplies and Suppliers 11-35-1820

The board shall be authorized to provide by regulation for prequalification of suppliers or supplies.

Cost or Pricing data 11-35-1830

(1) Contractor Certification. A contractor shall, except as provided in subsection (3) of this section, submit cost or pricing data and shall certify that, to the best of his knowledge and belief, the cost or pricing data submitted is accurate, complete, and current as of mutually determined specified date prior to the date of:

(a) the pricing of any contract awarded by competitive sealed proposals pursuant to Section 11-35-1530 or pursuant to the sole source procurement authority as provided in Section 11-35-1560 where the total contract price exceeds an amount established by the board in regulations; or

(b) the pricing of any change order or contract modification which exceeds an amount established by the board in regulations.

(2) Price Adjustment. Any contract, change order or contract modification under which a certificate is required shall contain a provision that the price to the State, including profit or fee, shall be adjusted to exclude any significant sums by which the State finds that such price was increased because the contractor furnished cost or pricing data was inaccurate, incomplete, or not current as of the date agreed upon between parties.

(3) Cost or Pricing Data Not Required. The requirements of this section shall not apply to contracts:

(a) where the contract price is based on adequate price competition;

(b) where the contract price is based on established catalog prices or market prices;

(c) where contract prices are set by law or regulations; or

(d) where it is determined in writing in accordance with regulations promulgated by the board that the requirements of this section may be waived and the reasons for such waiver are stated in writing.

Types and Forms of Contracts 11-35-2010

(1) Types of Contracts. Subject to the limitations of this section, any type of contract that will promote the best interests of the State may be used, except that the use of a cost-plus-a-percentage-of- cost contract must be approved by the appropriate chief procurement officer. A cost-reimbursement contract, including a cost-plus-a-percentage-of-cost contract, may be used only when a determination sufficient for external audit is prepared showing that the contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the supplies, services, information technology, or construction required except under that contract.

(2)(a) As used in this section:

(i) "Contracting document" means a standardized or model instrument, or a component part of it, for use as a contract, invitation for bids, request for proposals, request for qualifications, or instruction to bidders including, but not limited to, a contract clause or solicitation provision.

(ii) "Usage instructions" means directions regarding conditions for use of a contracting document, completion of a contracting document, and the process for obtaining permission, if possible, to omit or depart from the contracting document's established content for a particular solicitation or contract.

(b) The chief procurement officers may develop contracting documents for their respective areas of responsibility. Contracting documents may be published as internal operating procedures. Contracting documents may be accompanied by usage instructions.

(c) The board may adopt formally a contracting document, as developed by the appropriate chief procurement officer, for mandatory use by all governmental bodies only after notice of the proposed adoption has been published in the State Register and the board has provided the public at least sixty days to make written comments. If a contracting document is adopted by the board, the contracting document must be published in the State Register, accompanied by usage instructions, and used by all governmental bodies in accordance with its usage instructions. The chief procurement officers are not required to submit for board approval contracting documents used in connection with either solicitation issued or contracts awarded by the board or its offices.

(d) Notwithstanding item (c) above, the board may promulgate contracting documents as regulations.

Approval of Accounting System

The chief procurement officer, the head of a purchasing agency, or a designee of either officer may require that:

(1) the proposed contractor's accounting system shall permit timely development of all necessary cost data in the form required by the specific contract type contemplated;

(2) the proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles.

Multi-Term Contracts

(1) Specified Period. Unless otherwise provided by law, a contract for supplies, services, or information technology must not be entered into for any a period of more than one year unless approved in a manner prescribed by regulation of the board. The term of the contract and conditions of renewal or extension must be

included in the solicitation and funds must be available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods must be subject to the availability and appropriation of funds for them.

(2) Determination Prior to Use. Before the utilization of a multi-term contract, it must be determined in writing by the appropriate governmental body that:

(a) estimated requirements cover the period of the contract and are reasonably firm and continuing; and

(b) such a contract serves the best interests of the State by encouraging effective competition or otherwise promoting economies in state procurement.

(3) Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract must be canceled.

(4) The maximum time for a multi-term contract is five years. Contract terms of up to seven years may be approved by the designated board officer. Contracts exceeding seven years must be approved by the board.

Finality of Determinations 11-35-2410

(A) The determinations required by the following sections and related regulations are final and conclusive, unless clearly erroneous, arbitrary, capricious, or contrary to law: Section 11-35-1520(7) (Competitive Sealed Bidding: Correction or Withdrawal of Bids; Cancellation of Awards), Section 11-35-1520(11) (Competitive Sealed Bidding: Request for Qualifications), Section 11-35-1525(1) (Competitive Fixed Price Bidding: Conditions for Use), Section 11-35-1528(1) (Competitive Best Value Bidding: Conditions for Use), Section 11-35-1528(8) (Competitive Best Value Bidding: Award), Section 11-35-1529(1) (Competitive Online Bidding: Conditions for Use), Section 11-35-1530(1) (Competitive Sealed Proposals, Conditions for Use), Section 11-35-1530(4) (Competitive Sealed Proposals: Request for Qualifications), Section 11-35-1530(7) (Competitive Sealed Proposals, Selection and Ranking of Prospective Offerors), Section 11-35-1530(9) (Competitive Sealed Proposals Award), Section 11-35-1540 (Negotiations After Unsuccessful Competitive Sealed Bidding), Section 11-35-1560 (Sole Source Procurement), Section 11-35-1570 (Emergency Procurement), Section 11-35-1710 (Cancellation of Invitation for Bids or Requests for Proposals), Section 11-35-1810(2) (Responsibility of Bidders and Offerors, Determination of Nonresponsibility), Section 11-35-1830(3) (Cost or Pricing Data, Cost or Pricing Data Not Required), Section 11-35-2010 (Types and Forms of Contracts), Section 11-35-2020 (Approval of Accounting System), Section 11-35-2030(2) (Multi-Term Contracts, Determination Prior to Use), Section 11-35-3010(1) (Choice of Project Delivery Method), Section 11-35-3020(2)(d) (Construction Procurement Procedures: Negotiations after Unsuccessful Competitive Sealed Bidding), Section 11-35-3023 (Prequalification on State Construction), Section 11-35-3220(5) (Procurement Procedure, Selection and Ranking of the Five Most Qualified), Section 11-35-4210(7) (Stay of Procurement During Protests, Decision to Proceed), and Section 11-35-4810 (Cooperative Use of Supplies, Services, or Information Technology).

(B) The chief procurement officers or their designees shall review samples of the determinations periodically, and issue reports and recommendations on the appropriateness of the determinations made.

Reporting of Anticompetitive Practices

When any information or allegations concerning anticompetitive practices among any bidders or offerors, come to the attention of any employee of the State, immediate notice of the relevant facts shall be transmitted to the Attorney General.

Retention of Procurement Records

All procurement records of governmental bodies shall be retained and disposed of in accordance with records retention guidelines and schedules approved by the Department of Archives and History after consultation with the Attorney General. All retained documents shall be made available to the Attorney General or a designee upon request and proper receipt therefore.

Records of Procurement Actions

(1)(a) Contents of Records. A governmental body as defined in Section 11-35-310(18) shall submit quarterly a record listing all contracts made pursuant to Section 11-35-1560 (Sole Source Procurement) or Section 11-35-1570 (Emergency Procurements) to the chief procurement officers. The record must contain:

- (i) each contractor's name;
- (ii) the amount and type of each contract;
- (iii) a listing of supplies, services, information technology, or construction procured under each contract.

(b) The chief procurement officers shall maintain these records for five years.

(2) Publication of Records. A copy of the record must be submitted to the board on an annual basis and must be available for public inspection.

Modification and Termination of Contracts for Supplies and Services 11-35-3410

- (1) Contract Clauses: Service and Supplies contracts shall require clauses for providing for adjustments in prices, time of performance, or other contract provisions, as appropriate, and covering the following subjects:
 - (a) the right of the college to order in writing changes in the work scope within the scope of the contract and temporary stopping of the work or delaying performance;
 - (b) Variations occurring between estimated quantities of work in a contract and actual quantities.
- (2) Price Adjustments are regulated by 11-35-3410 of the Procurement Code.
- (3) Additional Contract Clauses will be covered by the Procurement Code.
- (4) Modification of Clauses will be covered by the Procurement Code.

Cost Principles Required for Supplies and Services Contracts 11-35-3510.

The board may promulgate regulations setting forth cost principles, which shall determine the allowable cost of incurred cost for the purpose of reimbursing costs under provisions in supplies and services contracts, which provide for the reimbursement of costs.

III. CONSTRUCTION, ARCHITECT-ENGINEER, CONSTRUCTION MANAGEMENT AND LAND SURVEYING SERVICES

Definitions of Terms Used in this Article “CONSTRUCTION, ARCHITECT-ENGINEER, CONSTRUCTION MANAGEMENT, AND LAND SURVEYING SERVICES” 11-35-2910

Terms shall be defined according to the Code and accepted by the College.

Construction Services 11-35-3010, 11-35-3-15, 11-35-3020, 11-35-3021, 11-35-3023, 11-35-3024, 11-35-3030, 11-35-3035, 11-35-3037, 11-35-3040, 11-35-3050, 11-35-3060, 11-35-3070

As HGTC has a limit of \$100,000.00 construction, the College will adhere to the guidelines as set forth in the Code. The Manual for Planning and Execution of State Permanent Improvements Part I and Part II shall be the official guidelines issued by the Office of State Engineer. <https://procurement.sc.gov/construction>

Architect-Engineer, Construction Management, and Land Surveying Services 11-35-3210, 11-35-3215, 11-35-3220, 11-35-3240, 11-35-3245

As HGTC has a limit of \$100,000.00 construction, the College will adhere to the guidelines as set forth in the Code. The Manual for Planning and Execution of State Permanent Improvements Part I and Part II shall be the official guidelines issued by the Office of State Engineer.

Exception for Small Architect-Engineer and Land Surveying Services Contract 11-35-3230

1) Procurement Procedures for Certain Contracts. A governmental body securing architect-engineer or land surveying service which is estimated not to exceed twenty-five thousand dollars may award contracts by direct negotiation and selection, taking into account:

- (a) the nature of the project;
- (b) the proximity of the architect-engineer or land surveying services to the project;
- (c) the capability of the architect, engineer, or land surveyor to produce the required service within a reasonable time;
- (d) past performance; and
- (e) ability to meet project budget requirements.

(2) Maximum Fees Payable to One Person or Firm. Fees paid during the twenty-four-month period immediately preceding negotiation of the contract by a single governmental body for professional services performed by an architectural-engineering or land surveying firm pursuant to Section 11-35-3230(1) may not exceed seventy-five thousand dollars. Persons or firms seeking to render professional services pursuant to this section shall furnish the governmental body with whom the firm is negotiating a list of professional services, including fees paid for them, performed for the governmental body during the fiscal year immediately preceding the fiscal year in which the negotiations are occurring and during the fiscal year in which the negotiations are occurring.

(3) Submission of Contracts to State Engineer's Office. Copies of contracts, including the negotiated scope of services and fees, awarded pursuant to this section must be submitted to the State Engineer's Office for information.

(4) Splitting of Larger Projects Prohibited. A governmental body may not break a project into small projects for the purpose of circumventing the provisions of Section 11-35-3220 and this section.

Construction Related Indefinite Delivery Contracts 11-35-3310

(1) General Applicability. Indefinite delivery contracts may be awarded on an as-needed basis for construction services pursuant to the procedures in Section 11-35-3015(2)(b) and for architectural-engineering and land surveying services pursuant to Section 11-35-3220.

(a) Construction Services. When construction services contracts are awarded, each contract shall be limited to a total expenditure of seven hundred fifty thousand dollars for a two-year period with individual project expenditures not to exceed one hundred fifty thousand dollars.

(b) Architectural-Engineering and Land Surveying Services. When architectural-engineering and land surveying services contracts are awarded, each contract shall be limited to a total expenditure of five hundred thousand dollars for a two-year period with individual project expenditures not to exceed two hundred thousand dollars.

(2) Small Indefinite Delivery Contracts. Small indefinite delivery contracts for architectural-engineering and land surveying services may be procured as provided in Section 11-35-3230. A contract established under this section shall be subject to and included in the limitations for individual and total contract amounts provided in Section 11-35-3230, and any regulations promulgated there under.

IV. SUPPLY MANAGEMENT

Management of Warehouse and Inventory 11-35-3620

The Procurement Department of HGTC shall be responsible for the management of the warehouse and inventory. The Vice President for Finance and Business Affairs shall be the final authority for this area. The Equipment and Inventory Control position shall report to the Procurement Manager. The Asset Management Process manual shall be the official guidelines. **See attachment #5**

Regulations for Sale, Lease, Transfer and Disposal of Surplus Property 11-35-3810

The board shall provide the guidelines for the sale, lease, or disposal of surplus supplies by public auction, competitive sealed bidding or other appropriate methods and the transfer of excess supplies between agencies and departments.

Allocation of Proceeds for Sale or Disposal of Surplus Supplies 11-35-3820

Except as provided in Section 11-35-1580 and 11-35-3830 the sale of all state owned supplies, property or personal property not in actual public use shall be conducted and directed by the Office of General Services. The sales shall be held at a time and place advantageous to the State. The College shall inventory and report all surplus personal property not in use to the Office within 180 days of the inventory date. The Office of General Services shall receive and deposit the proceeds from such sales in the state general fund.

Trade-In-Sales 11-35-3830

(1) The College may trade-in personal property the trade-in value of which may be applied to the procurement or lease of like items. The trade-in value of such personal property shall not exceed an amount as specified by the board.

(2) When the original unit cost of college property exceeds the specified amount, the board shall have the authority to determine if the property shall be traded in and the value applied to the purchase or new like items or shall be classified as surplus and sold in accordance with Section 11-35-3820.

(3)The College shall submit quarterly reports to the materials management officer a record listing all trade in sales.

Licensing for Public Sale of Certain Publications and Materials 11-35-3840

The State Fiscal Accountability Authority may license for public sale publications, including South Carolina Business Opportunities, materials pertaining to training programs, and information technology products that are developed during the normal course of the board's activities. The items must be licensed at reasonable costs established in accordance with the cost of the items. All proceeds from the sale of the publications and materials must be placed in a revenue account and expended for the cost of providing the services

Sale of Unserviceable Supplies 11-35-3850

Governmental bodies approved by the board may sell any supplies owned by it after the supplies have become entirely unserviceable and can properly be classified as "junk", in accordance with procedures established by the designated board office. All sales of unserviceable supplies by the governmental body must be made in public to the highest bidder, after advertising for fifteen days, and the funds from the sales must be credited to the account of the governmental body owning and disposing of the unserviceable supplies.

V. LEGAL AND CONTRACTUAL REMEDIES

In regard to Administrative Resolution of Legal and Contractual Controversies, the College shall adhere to the guidelines set forth in sections 11-35-4210, 11-35-4215, 11-35-4220 and 11-35-4230.

In regard to Contractual Remedies, the college shall adhere to the guidelines as set forth in sections 11-35-4310, 11-35-4320 and 11-35-4330

Procurement Review Panel 11-35-4410

The Procurement Review Panel shall have the responsibility to review and determine disagreements arising from procurements. The decision of the Procurement Review Panel is final as to the administrative review and may be appealed to the Circuit Court under the provisions of the South Carolina Administrative Procedures Act.

VI. COOPERATIVE PURCHASING

Cooperative Purchasing Authorized 11-35-4810

The College may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of supplies or services with another public procurement unit. A thirty-day notice of a proposed multi-state solicitation shall be provided through SCBO and such contracts may only be awarded to manufacturers who will be distributing the products to SC governmental bodies through SC vendors.

The College shall adhere to the guidelines as set forth in Section 11-35-4820 for Selective Mandatory Opting.

Sale, Acquisition, or Use of Supplies by a Public Procurement Unit 11-35-4830

The College may sell to, acquire from, or use any supplies belonging to another public procurement unit or external procurement activity in accordance with the requirements of Articles 5 and 15 of this chapter; provided that such procurement shall take place only when the procuring entities have good reason to expect the intergovernmental procurement to be more cost effective than doing their own procurement.

Cooperative use of Supplies or Services 11-35-4840

Any public procurement unit may enter into an agreement in accordance with the requirements of Articles 5 and 15 of this chapter with any other public procurement unit or external procurement activity for the cooperative use of supplies or services under the terms agreed upon between the parties; provided, that such cooperative use of supplies or services shall take place only when the public procurement units have good reason to expect the cooperative use to be more cost effective than utilizing their own supplies and services.

Joint Use of Facilities 11-35-4850

Any public procurement unit may enter into agreements for the common use or lease of warehousing facilities, capital equipment, and other facilities with another public procurement unit or an external procurement activity under the terms agreed upon between the parties.

Supply of Personnel, Information and Technical Services 11-35-4860

The College will adhere to the guidelines as set forth in this section.

Use of Payments Received by a Supply Public Procurement Unit 11-35-4870

All payments from any public procurement unit or external procurement activity received by a public procurement unit supply personnel or services shall be governed by the provisions of law concerning non-budgeted revenue of the recipient entity.

Public Procurement Units in Compliance with Code Regulations 11-35-4880

Where the public procurement unit or external procurement activity administering a cooperative purchase complies with the requirements of this Code, the college shall be deemed to have complied with this Code. The College shall not enter into a cooperative purchasing agreement for the purpose of circumventing this Code.

Review of Procurement Requirement 11-35-4890

To the extent possible, the chief procurement officers may collect information concerning the type, cost, quality, and quantity of commonly used supplies, services, or construction being procured or used by local public procurement units, which shall be required to respond appropriately as a precondition for participation in state contracts as governed by regulations promulgated by the board. The chief procurement officers shall make available all such information to any public procurement unit upon request.

VII. ASSISTANCE TO MINORITY BUSINESSES

Assistance to Minority Businesses Definitions 11-35-5010

The board has established regulations detailing definitions of the following terms using, in addition to the criteria set forth in this section, such criteria as it may deem desirable.

(1) Minority Person – a US citizen who is economically and socially disadvantaged.

- (a) Socially disadvantaged individuals – those individuals who have been subject to racial or ethnic prejudice or cultural bias because of their identification as members of a certain group without regard to their individual qualities. Such groups include but are not limited to, Black Americans, Hispanic Americans, Native Americans (to include American Indians, Eskimos, Aleuts and Native Hawaiians), Asian Pacific Americans and other minorities to be designated by the board.

- (b) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in a free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area that are not socially disadvantaged.
- (2) Socially and economically disadvantaged small business means any business which:
 - (a) Is at least 51% owned by one or more citizens of the US who are determined to be socially and economically disadvantaged?
 - (b) A corporation that is at least 51% of all classes of voting stock owned by socially and economically disadvantaged.
 - (c) A partnership that is 51% owned and managed by an individual or individuals determined to be socially and economically disadvantaged.

Statement of Policy and Its Implementation Regarding Minority Businesses 11-35-5210

The SC General Assembly wishes to ensure that minority owned and operated businesses in the State are given the opportunity to participate in the overall procurement process and has set procedures that will result in awarding contracts and subcontracts to minority business firms in order to enhance minority capital ownership, overall state economic development and reduce dependency on the part of minorities. The Procurement Manager of Horry Georgetown Technical College shall implement the policy set forth in subsection (1) of this section in accordance with the provisions of Section 11-35-5220.

Duties of the Procurement Manager 11-35-5220

- (1) Assistance from the Chief Procurement Officers. The chief procurement officers shall provide appropriate staffs to assist minority businesses with the procurement procedures developed pursuant to this code.
- (2) Special Publications. The chief procurement officers in cooperation with other appropriate private and state agencies may issue supplementary instructions designed to assist minority businesses with the state procurement procedures.
- (3) Source Lists. Chief procurement officers shall maintain special source lists of minority business firms detailing the products and services which they provide. These lists shall be made available to agency purchasing personnel.
- (4) Solicitation Mailing Lists. The chief procurement officers shall include and identify minority business on the state's bidders' list and shall ensure that these firms are solicited on an equal basis within nonminority firms.
- (5) Training Programs. The chief procurement officers shall work with appropriate state offices and minority groups in conducting seminars to assist minority business owners in learning how to do business with the State.
- (6) Fee Waivers. Upon request by an MBE certified by the Small and Minority Business Assistance Office, user or subscription fees for services provided by the chief procurement officers may be waived for an MBE.

Regulations for Negotiations with State Minority Firms 11-35-5230

A. Regulations shall be issued by the board that designate procurement contracts as deemed appropriate for negotiation with certified, South Carolina based minority firms. Among the criteria that shall be used to determine such designations are:

- (1) The total dollar value of procurement in South Carolina.
- (2) The availability of South Carolina based minority firms
- (3) The potential for breaking the contracts into smaller units, if necessary to accommodate such firms.

- (4) Insuring that the College shall not be required to sacrifice quality of goods or services.
- (5) Insuring that the price shall have been determined to be fair and reasonable, and competitive both to the College and to the contractor and results in no loss to the college.

B. (1) Firms with state contracts that subcontract with minority firms shall be eligible for income tax credit equal to four percent of the payments to minority subcontractors for work pursuant to a state contract. Such subcontractors must be certified as a minority firm as defined in Section 11-35-5210 of this code.

(2) The tax credit is limited to a maximum of twenty five thousand dollars annually. A firm shall be eligible to claim a tax credit for a period of five years from the date the first income tax credit is claimed.

(3) Any firm desiring to be certified as a minority firm shall make application to the Small and Minority Business Assistance Office (SMBAO) as defined by Section 11-35-5270, on such forms as may be prescribed by that office.

(4) Firms claiming the income tax credit shall maintain evidence of work performed for a state contract. All records shall be available for audit by the Department of Revenue in accordance with prevailing tax statutes.

Minority Business Enterprise (MBE) Utilization Plan 11-35-5240

The College falls under the auspices of the State MBE Utilization Plan as defined in this Section. Progress reports shall be submitted to the SMBAO not later than ten days after the end of each fiscal quarter to include (1) number of minority firms solicited; (2) number of minority bids received; and (3) dollar amount of minority bids awarded.

11-35-5250, 11-35-5260, 11-35-5270 shall be adhered to as defined in the South Carolina Procurement Code regarding the MBE Utilization Plan.

Reporting of Minority Business shall be quarterly. Files are maintained in the procurement office.

VIII. OPERATING PROCEDURES

Attached is a chart showing the approval process for purchase requisitions. **See attachment #6**

It is the preferred method of the College to have all purchase requisitions processed via the Banner Online Requisitioning System. Accurate and specific information pertaining to the goods and services desired, i.e., quantity, description, unit of measure, specifications, unit of cost, delivery dates and locations, vendor selection, accounting distribution and any special instructions must be entered. After the requisition is completed, it will go through the electronic approval hierarchy before being submitted to finance for coding review and then to Purchasing for price review and order placement. There are special circumstances, when a paper requisition form may be used. These two part forms can be obtained from the procurement office. This requisition form is to be properly completed, approved by the department head, division dean (if in the faculty area), and the appropriate vice president (if applicable) before being submitted to finance for coding review and to Purchasing for price review and order placement. Since this is the most important form of communication between the various departments and the procurement department, it must present specific and complete details pertaining to the goods and services desired. **See attachment #7**

When an item must be compatible with existing equipment, the reason must be clearly explained and the Brand Justification form MMO#139 attached to the requisition. **See attachment #8**

The requestor is responsible to provide the procurement department with:

1. W-9: If the vendor is a new vendor, the complete name, address and telephone number along with the federal employer identification number should be on the requisition.

2. The preferred method for order placement is via email. Requester is asked to provide purchasing with the vendor's sales office email address and the name of the account representative if known.
3. If a quote(s) is received, it should be attached to the paper requisition. If using on-line requisitioning, forward quotes via e-mail to the Purchasing Specialist. If quotes are provided, they must be written from qualified sources and addressed to HGTC. Quotes from \$10,000.01 or higher must be solicited via SCBO by the Procurement office. Over \$150,000.00 shall be sent to the State Materials Management Office to be solicited.
4. Registration forms, membership forms, order forms etc. should be completed by the requester. These documents need to accompany the requisition via email to the Purchasing Specialist. If the requisition is for services already rendered, and the invoice has been received, a copy of the invoice must be forwarded to the Purchasing Specialist along with the requisition. Note that committing College funds without prior approval is a procurement violation.

NOTE: Only the Procurement Manager, VP of Finance and Business Affairs, and the President have the authority to sign a contract that commits funds from the College to a Vendor or Organization.

Upon receipt of the requisition in the Procurement Office, it is then determined in accordance with the South Carolina Procurement Code the process in which the procurement will be made. The purchase order is printed out with 4 copies.

Page One – Requester

Page Two – Requester to hold until order is received, then sign and send to A/R

Page Three – Accounting

Page Four - Receiving

All purchase orders will be placed with the vendor by the Procurement department via email. Confirmation of receipt of the order will be expected from vendor. Vendor will also be advised to reference purchase order number on respective invoice(s). If the purchase order is for services such as membership dues or reservations, the Accounting department will mail a copy of the vendor's paperwork with the check. If order has already been completed, a copy of the invoice must accompany the requisition and be sent to Purchasing for processing and then forwarded to accounting for payment. A check cannot be mailed without sufficient information and forms to satisfy government guidelines. The purchasing department reserves the right to check pricing and obtain quotes. If savings can be achieved by using another source, the requester will be notified.

When shipment is received, it is delivered to the requestor by our in-house couriers. The order shall be verified against the purchase order before payment is made. If the order is complete, the requestor shall sign the receiving copy as complete and send to the accounts payable department. However, on partial orders, the receiving copy will be carefully marked with quantity received and forwarded to A/P for partial payment. Any subsequent deliveries, against that order, will be noted on a copy of the purchase order and also forwarded to A/P until order is complete.

All invoices are received in accounts payable, verified and payment made.

All purchases made via the Purchasing Card must adhere to the procurement guidelines.

Procurements over the \$150,000.00 certification level are requisitioned on a State Requisition form by the Procurement Department and sent to Materials Management Office. Once bids are secured, purchase orders are issued.

The Procurement Office maintains a limited number of catalogs to assist departments in preparing requisitions. Requesters are encouraged to contact the purchasing department to assist with obtaining quotes and negotiations with vendors. Do not wait until you have an urgent need for a piece of equipment to notify the purchasing department. Allow at least three (3) weeks for most solicitations done in-house and four (4) months for all solicitations done by the State Procurement Office.

Amendment to Purchase Order

When an amendment to a purchase order is needed, it shall be noted on the receiving copy of the purchase order if under \$100 or 10% of the total requisition. If the amount exceeds the limit listed above, a copy of the requisition and invoice shall be returned to the requester stating that a signed justification by the supervisor and be returned to the Procurement Manager where in Purchasing completes a change order to the original purchase order if it is still in open status or creates a second purchase order (considered a change order).

State Term Contracts

Term contracts are established by the Materials Management Office for a specific product or service for a specified time. It is mandatory that the college procure the requirements for goods or services during its term. If the college is offered goods or services at a price that is at least ten percent less than the term contract for the same goods or services, it may purchase from the vendor offering the lower price after first offering the vendor holding the term contract the option to meet the lower price. If the vendor holding the term contract meets the lower price, then the college must purchase from the contractor vendor. A term contract may be a multi-term contract as provided in Section 11-35-2030 of the Code. All products or services meeting the 10% rule, must be reported on the MMO quarterly report.

Open Purchase Orders

An open purchase order is created when the user knows the vendor, but does not know the exact items or quantities that they will need. It is created the same as a standard purchase order, but the item description will say something like "Misc. Teaching Supplies for Early Childhood Learning". The dollar amount will be an estimate of the value that is needed for the fiscal year and cannot exceed \$10,000. Once created, this money will be accrued in the departments' budget and will not be available to spend on other orders. It is important for the requester to manage these Open PO's carefully. The requester can place orders against this Open PO and any unused dollars will be cancelled at the end of the fiscal year.

Receipt and Acceptance of Supplies or Services

Acceptance of supplies or services shall be indicated by signature and date on the pink copy of the purchase order by the authorized college representative after verification and notation of any exceptions.

Direct Purchase Order – Expenditure Authorization

In some cases, the college has deemed it more cost effective to authorize department heads to purchase goods or services.

- 1) The Superintendent of Buildings and Grounds has been given the authority to use the Expenditure Authorization for purchasing certain emergency repair items and services as deemed appropriate for the efficient operation of his departments.

- 2) The Culinary Arts Department Head and Executive Chef for Student Food Service or his designee has been given the authority to purchase food supplies needed to support their respective departments.
- 3) Others as deemed appropriate by the Vice President for Business Affairs.

Purchasing Card – Expenditure Authorization

HGTC has adapted the SC State Procurement Code for P-Card use at its College. The guidelines of this code are strictly adhered to. Any user that violates this code will be written up with their VP being notified of the violation and it will be kept on file in the Procurement office. Violations may result in users card being suspended.

A formal written request, approved by the user's Dean, Supervisor, Manager, VP of Finance and Business Affairs and the Procurement Manager must be completed before obtaining a p-card. Each new user will be given a manual and brief training session before receiving their p-card for use.

The Organizations P-card account manager is the Procurement Manager. Audits will be conducted monthly by the Finance department.

Walmart Credit Card Use

HGTC will allow employees to make purchases at the local Walmart store if the items that are needed can not be ordered through the procurement department or time does not allow the purchase to go through the purchase requisition process. Their manager via a Walmart Purchase Request form must preapprove employee. **See Attachment #9** Forms are filed in the purchasing office. The employee will pick up the card from purchasing department if on the Conway campus, Student Accounts if on the Grand Strand campus and Administrative Assistant if on the Georgetown campus. After purchase is made, employee will end a requisition into Banner to match the purchase and return the receipt and card to the original cardholder. All receipts will be forward to purchasing to be matched with the purchase order and sent to Accounting to pay.

Ordering Procedure for Printed Material

HGTC maintains an in-house print services department. Print services has the capability to produce the majority of printed materials required for use by our College. If and when the need arises for us to hire an outside printing firm to provide services, we follow the SC Government Printing Services Manual and the State Procurement Code. <https://procurement.sc.gov/agency/resources-and-forms/procurement-forms>

Professional and Consultant Services Ordering Procedures

A purchase order will be issued, in accordance with the South Carolina Consolidated Procurement Code, for professional and consultant services under the certification limit of \$150,000.00 local funds only. Procurements exceeding the limit will be forwarded to the State Procurement Office for processing.

Information Technology Ordering Procedures

It will be the responsibility of HGTC's IT department to assist all requesters with specifications for their needs. They may also assist in obtaining price quotes and vendor selections. State contracts must be

used if they exist. The Procurement department will be responsible to review all pricing and/or State Contract availability and to place the orders with the vendor.

Purchases will be made in accordance with the South Carolina Consolidated Procurement Code and through the Information Technology Committee.

A master plan for Information Technology procurements as defined in Section 11-35-310 of the Procurement Code will be submitted for approval to the Division of General Services, after which acquisitions of Information Technology shall be through the Procurement Management Office. The VP for Information Systems of Horry Georgetown Technical College shall be responsible for preparing and submitting the Plan. A copy shall be maintained in the Procurement Office.

Construction and Related Professional Services

Horry Georgetown Technical College will adhere to the guidelines established by the Office of the State Engineer in conjunction with the South Carolina Consolidated Procurement Code requirements for construction procurements.

Assistance to Minority Business

The South Carolina Consolidated Procurement Code requires that all state agencies formulate a Minority Business Enterprise Utilization (MBE Plan). Under this plan, procedures have been established to assist minority-owned businesses to fully participate in all plans of the procurement process, in order to have balanced economic and community growth throughout the state. The college is supportive of this effort, and quarterly progress reports are submitted to Central State Purchasing. The statement of policy and regulations may be found in Article 21 of the South Carolina Consolidated Procurement Code.

Equipment Inventory Control

The control of Capital equipment will be the responsibility of the Inventory Control coordinator based on guidelines as outlined the State Board for Technical and Comprehensive Education Equipment manual. After inventorial items are received and tagged with the bar code, the receiving copy of purchase order is initialed and sent to accounts payable. The inventory item(s) are then added to AIMS, the College's automated inventory management system. An annual inventory audit is conducted through each department head. A spot check audit will be conducted by the inventory control person. A property transfer report will be used to control the moving of equipment.

Disposition of Property and Supplies

The property and inventory control department will be contacted by the department head and given a property disposal form completed and signed by the department head. The form is then signed by the Vice President for Business Affairs. The equipment and scrap materials or "junk" are to be stored, classified and listed until such time as they can be disposed of according to State Regulations. Items that cannot be located during an inventory audit will be reported to the state using the Report of Survey/Inventory Adjustment Form. This will allow the item to be taken off inventory.

Surplus Property

A Department Head shall contact the inventory control person stating that that department has surplus property no longer needed. The inventory control person will check to see if any other department

within the College can utilize the equipment. If not he will relocate the property to the warehouse and reassign it to the Warehouse Department. State Surplus will be contacted and will verify with an on campus visit that the equipment is surplus and will be removed by the State according to guidelines outlined in Procurement Code Section 11-35-3820.

Trade in Sales

Unless otherwise provided by law, the College may trade-in personal property. The trade-in value may be applied to the purchase of similar items. The trade-in value of such personal property shall not exceed an amount as specified in regulations promulgated by the board and shall be preapproved by the State prior to any trade in commitment or transaction.

Office Supplies

Purchases for expendable supplies in the amount of \$.01 to \$999.99 should be ordered from one of the vendors listed on the State Contract for office supplies. Supplies are charged to departmental budgets monthly. At no time will the purchase of supplies exceed the \$2,500.00 limit as no competition has been received.

Interagency Contract

The college may sell to, acquire from, or use any supplies belonging to another public procurement unit or external procurement activity in accordance with the requirements of Article 5 and 15; provided that such procurement shall take place only when the college has good reason to expect the intergovernmental procurement to be more cost effective than doing its own procurement.

The college may enter into an agreement with any other public procurement unit or external procurement activity for the cooperative use of supplies or services under the terms agreed upon between the parties; provided that such cooperative use of supplies or services shall take place only when the college has good reason to expect the cooperative use to be more cost effective than utilizing its own supplies and services.

Interagency Mail

The interagency courier mail services shall be used between agencies. Only college related mail will be sent through the interagency mail service.

Unauthorized Procurement Procedures

The ratification of an act obligating the State in a contract by any person without the requisite authority to do so by an appointment or delegation under the Procurement Code rests with the Office of General Services. **See attachment #10**

1. The President of HGTC delegated the authority to ratify unauthorized procurements within the limits of the college's \$100,000.00 certification level to the VP for Business Affairs.
2. Unauthorized procurements above the college's \$100,000.00 must be approved by the Materials Management Officer.
3. Corrective Action and Liability – In either case listed above, a written determination as to the facts and circumstances surrounding the act shall be prepared, what corrective action is being taken to prevent reoccurrence, action taken against the individual.

Budget Accounts – Fund

Designated funds and budget accounts are established by the Vice President for Business Affairs.

Personal Purchases

The Procurement Department does not enter into any negotiations or become involved in any transaction for the purchase of anything whatsoever for the personal account of employees. Items that might be classified as personal in nature and are suspected as inappropriate expenses may be questioned or disallowed.

Petty Cash

The College has established a petty cash fund to minimize the paperwork and time involved in small emergency purchases. No petty cash funds will be distributed without supervisor approval and must be less than \$50.00. This is not to be used to circumvent the purchase order system. Petty Cash is to be used once at any given time. Receipts will not be honored that apparently are circumventing the petty cash system. Like items split on different receipts, different times, or any other action that indicates such will be returned to the appropriate vice president for justification and approval. The person in charge of petty cash disbursements will have the responsibility of monitoring the fund.

Retention of Procurement Records

All procurement records shall be retained and disposed of in accordance with record retention guidelines and schedules approved by the Department of Archives and History after consultation with the Attorney General. All retained documents shall be made available to the Attorney General or a designee upon request and proper receipt therefore. <https://dc.statelibrary.sc.gov/handle/10827/7053>

Equipment Repair

For copier repair, the Print Shop Manager shall be contacted, who will make the repairs if possible or contact the dealer.

IT equipment repairs should be channeled through the Department for Information System.

All other requests for repair should be forwarded to the Purchasing Office.

College Vehicles

The College has vehicles that it owns for faculty and staff use as well as a rental contract with Enterprise for rental cars. They are to be used for official college business only, and in lieu of private automobiles when available. Any driver must have a valid South Carolina driver's license. The vehicle coordinator will maintain a car reservation and check out system. Keys to cars should not be held when the vehicle is not in use. Accidents and/or malfunctioning of vehicles should be reported to the vehicle coordinator immediately. All vehicles need to be returned with a full tank of gas. Users will be charged a fee for use of a College owned vehicle or the rental vehicle to their department budget. Rental car forms can be found on the college procurement website. **See Attached #11**

Complaint Procedures

A. Agency Complaints

Complaints should be sent to the procurement department in writing, and complaints will be fully investigated. A telephone call to the vendor made by the Procurement Manager often will clarify the problem. However, if it does not, a state complaint form will be initiated to solve the problem.

B. Vendor Complaints

Verbal complaints will be resolved informally. Written complaints will be handled in accordance with the 1976 South Carolina Code of Law, Title II, Chapter 35, Article 17. This article contains the basis for processing and resolving any and all protests by vendors/contractors. These procedures apply in three areas: (1) Protests of Solicitation and Award; (2) Department of Suspension; (3) Contract and Breach of Contract controversies.

In regard to invoices and purchase orders, the accounts payable supervisor will determine if a problem can be solved by discussion with the requestor. If a problem still exists, it will be given to the Procurement Manager to be handled. All protests relating to procurement activities that cannot be resolved by the Procurement Manager will be referred to the Vice President for Business Affairs for further action. Guidelines as outlined in the Directive 95-01 from the State Procurement Manager will be issued whenever a complaint relating to purchase orders issued or contracts awarded by the Materials Management Office arises. Form #141 will be used to report the complaint.

The Employee Procurement Guide is available for all Faculty and Staff to use for helpful hints regarding the College's procurement processes. **See Attached #12**

Procurement Manual Attachments

Attachment # 1 Copy of Most Recent Certification Limits

Attachment # 2 Procurement Organization Chart

Attachment # 3 Sole Source Document

Attachment # 4 Justification for Emergency Procurement

Attachment # 5 Asset Management Process

Attachment # 6 Purchase Approval Levels

Attachment # 7 Sample Paper Requisition

Attachment # 8 Procurement Card Quick Guide

Attachment # 9 Procurement Violation Ratification

Attachment #10 Walmart Card Use Approval Form

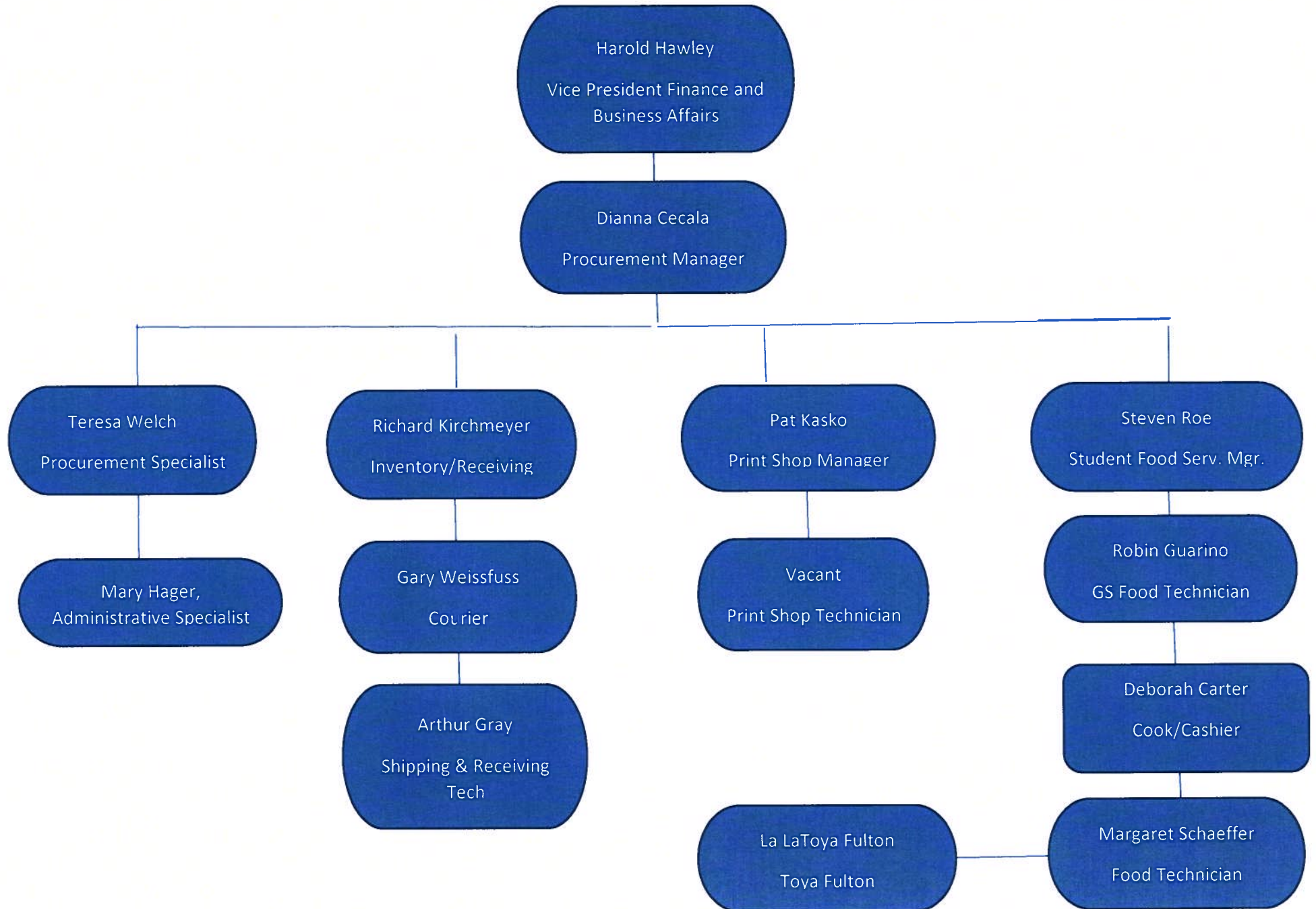
Attachment # 11 Rental Car Request Form

Attachment #12 Employee Procurement Guide

ACTIVE ALPHABETICAL LISTING OF CERTIFIED AGENCIES AS OF MAY 16, 2018

<u>CERTIFICATION NO.</u>	<u>AGENCY</u>	<u>CERTIFICATION DATE</u>	<u>EXPIRATION DATE</u>	<u>PROCUREMENT AREA/ COMMODITY CLASS</u>	<u>AMOUNT PER COMMITMENT/CONTRACT</u>
446)	HORRY-GEORGETOWN TECH.	05/09/12	05/09/15	Supplies and Services	\$ 150,000 per commitment
				Consultant Services	\$ 150,000 per commitment
				Information Technology	\$ 100,000 per commitment
				Construction Contract Award	\$ 100,000 per commitment
				Construction Contract Change Order	\$ 5,000 per change order
				Architect/Engineer Contract Amendment	\$ 10,000 per amendment
472)	DEPT. OF JUVENILE JUSTICE	11/07/16	11/07/19	Supplies and Services	\$ 500,000 per commitment
				Construction Contract Award	\$ 100,000 per commitment
				Construction Contract Change Order	\$ 25,000 per change order
				Architect/Engineer Contract	\$ 5,000 per amendment
464)	DEPT. OF LABOR, LICENSING AND REGULATION	08/25/15	08/25/18	Supplies and Services	\$ 100,000 per commitment
				Consultant Services	\$ 100,000 per commitment

PROCUREMENT ORGANIZATION 2018



**JUSTIFICATION FOR
SOLE SOURCE PROCUREMENT**

SOLE SOURCE CHECKLIST

Based upon the following determination, the proposed procurement action described below is being procured pursuant to the authority of Section 11-35-1560 of the South Carolina Procurement Code and 19-445.2105 of the Rules and Regulations, 1976 South Carolina Code of Laws.

This agency proposes to procure _____
(1)

as a sole source procurement from _____
(2)

On the basis of:

(3)

DATE	<u>Horry Georgetown Technical College</u> GOVERNMENTAL BODY	AUTHORIZED SIGNATURE	Requester
DATE	GOVERNMENTAL BODY	AUTHORIZED SIGNATURE	<u>Dianna Cecala</u> Procurement Manager
DATE	GOVERNMENTAL BODY	AUTHORIZED SIGNATURE	<u>Harold Hawley</u> VP Finance & Business Affairs

NOTES: (1) Enter description of goods or services to be procured.
(2) Enter name of sole source contractor.
(3) Enter the determination and basis for sole source procurement.

The Drug-free Work Place certification must be obtained for sole source procurements greater than \$50,000.

JUSTIFICATION FOR
EMERGENCY PROCUREMENT

Based upon the following determination, the proposed procurement action described below is being procured pursuant to the authority of Section 11-35-1570 of the South Carolina Procurement Code and 19-445.2110 of the Rules and Regulations, 1976 South Carolina Code of Laws.

This governmental body proposes to procure _____
(1)

as a emergency procurement from _____
(2)

The basis for this emergency determination and the reason no other vendor is suitable
is: _____
(3)

DATE

GOVERNMENTAL BODY

AUTHORIZED SIGNATURE

TITLE

NOTES: (1) Enter description of goods or services to be procured.
 (2) Enter name of emergency contractor.
 (3) Enter the determination and basis for emergency
 procurement.

**THE DRUG FREE WORK PLACE ACT APPLIES TO ALL EMERGENCY PROCUREMENTS OF
\$50,000 OR GREATER.**



Horry Georgetown Technical College

Asset Management Process

Updated 02/01/2018

President: Dr. Marilyn Fore

VP for Finance and Business Affairs: Harold N. Hawley

Procurement Manager: Dianna L. Cecala

Inventory Control Manager: Richard H. Kirchmeyer

Purpose of Manual

The purpose of this manual is to consolidate all procedures and policies relating to equipment management at Horry Georgetown Technical College from acquisition through disposition. These procedures and policies are within the requirements set by the State Board for Technical and Comprehensive Education and the SC Consolidated Procurement Code & Regulations Annotated, Article 15. Supply Management and Section 19-445.2150 Surplus Property Management. Some procedures change in accordance with evolving College policies.

Responsibility and Accountability

Inventory Manager:

This position is accountable to the Procurement Manager for the coordination of equipment management, communication of policy to all departments, and final disposition of all equipment.

Department Head and/or Person Assigned Equipment:

Accountable to their supervisor and vice president for the management of equipment assigned to them and adhering to State and local policies and procedures as outlined in this manual.

All Employees:

Accountable to the College President for the security of equipment. Before any equipment is moved, approval by the department head must be given. It is the responsibility of the department head to notify the inventory manager of the equipment move so that the change may be entered into the inventory system. If the equipment to be moved is Computers or IT related equipment, then the IT department must also be notified prior to any move. The use of the College's "Track-It" system will be used for all requests to move inventoried equipment.

Specific questions about inventoried equipment management policies can be directed to the Inventory Manager, Richard Kirchmeyer at ext. 5338, or the Procurement Manager, Dianna Cecala at ext. 5207.

New Equipment

Requisition for Purchase

The requisition is the most important document used in the management of new equipment. This is the requester's opportunity to give procurement accurate information that will be used in the process of obtaining quotes, performing a solicitation and procuring the equipment.

1. Detailed Specifications
2. Department Name and Organization Code
3. Quantity
4. Delivery Information
5. Trade-In of Existing Equipment
6. Sole Source Justification
7. Brand Specification Determination

Any request for equipment with a value > \$2,500 must be requested using the New Equipment Form which is available from your Dean, VP, Finance or Purchasing Office. All requests must be approved by Cabinet. Purchasing can assist you with obtaining a budget for your new equipment request.

Purchase Order

The purchase order will include an asset tag number which is assigned by the Procurement Manager. A copy of the purchase order with this information will be given to Finance, Requester, Receiving and Purchasing so that they are all aware that the order has been placed and that when the equipment is received, information needs to be input into the AIMS system.

1. Description
2. Department Name and Organization Number and location
3. Manufacturers' Name
4. Vendors' Name
5. Serial Number
6. Funding Source
7. Purchasing Order Number
8. Price

Procurement policies prevent the use of p-cards, Walmart Cards or State Contract with FSI self-serve ordering system for the purchase of inventoried equipment.

Receipt and Tagging

The purchase order is used to help determine if equipment will be inventoried.

When new equipment is delivered to the Receiving Department, the items are:

1. Checked by the Receiving staff to insure there is no shipping damage.
2. Logged into AIMS per the criteria above
3. Asset Tag is affixed to equipment in a safe but easily accessible location
4. Note on the purchase order that item has been received and file
5. Delivered to requester
6. Assembled if assembly is not required by vendor.

NOTE: if equipment is IT related, steps 5 and 6 are replaced with:

5. Call the IT department to arrange for delivery
6. Make delivery per IT department's instructions

If for some reason equipment is received directly by the requester, then it is their responsibility to contact the Inventory Manager to let them know and arrange for him to apply asset tag and input the information. The Inventory Manager will track his copy of purchase orders, and if he sees a purchase order that has not been received and it is past the expected delivery date, he will follow-up with requester and/or purchasing to check on the status of order.

Equipment Location Updates

Physical Move of Equipment

It is the responsibility of the department head to know at all times where his/her equipment is located and therein lays the responsibility of notifying the Inventory Manager immediately, so that the changes can be made in the AIMS system. This can be done by a phone call, e-mail or use of Track-It. If the equipment move is not permanent (defined as 4 weeks or less) then it is not necessary to log the new location into AIMS.

If assistance is required due to the size of the equipment, a maintenance request should be processed. This form is located in the employee section of Wavenet.

If the equipment is IT related, then a Track-It must be entered and wait for a response from the IT staff.

Physical Inventory Process

The physical inventory process will begin no later than October 1st of each fiscal year and be completed no later than June 15th. It is the policy of HGTC to perform a count 100% of all Capital equipment (> \$5,000) and 100% of all Non-Capital equipment (\$2,500.00 - \$4,999.99). Each item must be scanned. If that is not possible due to the location of equipment, then a book will be maintained in the Inventory Manager's office of all non-scannable equipment. This equipment will be physically views and accounted for each year.

Before performing a physical inventory in any given area, the user of that space may or may not be contacted. The determination will be the ease of entry into the location.

1. The first scan of equipment will be performed on a building by building basis. Once the building has been swept for all visible equipment, a report is generated showing the missing equipment by room number. A second scan is performed in order to reconcile and account for those items. All outstanding equipment that cannot be located is then placed on a "missing list" which is forwarded to the appropriate department head for further query.

2. Although it is the responsibility of the inventory manager to locate and scan all equipment, the department head is responsible for locating all lost or misplaced equipment. The inventory manager will notify the department head of missing equipment and will coordinate with them to meet to locate and scan equipment. Items that cannot be located by a department head will be added to a final missing list. Once the full inventory has been completed, this list will be revisited and reviewed again by department head and staff. If it is determined that the equipment cannot be located, a formal report is prepared per state guidelines. Prior to filing the final report, the investigative process conducted by the department head and the inventory manager is both thorough and exhaustive.

3. Once equipment has been deemed missing or lost, the inventory manager will file paperwork in accordance with State procedure and remove the item from AIMS. If the final disposition of a missing asset is deemed criminal in nature, a police report will be attached with the inventory report.

Disposition of Equipment

Adjustments

1. Adjustments include such items as outdated software, missing/stolen equipment, trade-ins, authorization to use existing equipment for parts and returns to vendors. An adjustment form must be completed and signed by the Department head and their Vice President for all adjustments.
2. Authorization to use existing equipment for parts must be granted by the State Inventory Control Office prior to removing parts from equipment.
3. Missing and stolen equipment requires a Public Safety incident report and a police report. Reference procedure below for thefts and stolen equipment.
4. When using the adjustment report to remove software from inventory, software disk(s) and documentation must be turned in with the adjustment report.
5. When using the adjustment report to remove equipment that will be traded in on new equipment, a completed and approved form #137 "Request for Trade-In Document" must be attached to the adjustment report. Refer to "New Equipment"

Thefts/Stolen Equipment

The State Board for Technical and Comprehensive Education policy requires that all equipment that is missing or cannot be located must be reported to the local police.

1. Thefts should be reported to Public Safety immediately by phone and then followed up by an Accident/Incident Report. Copies of this report are distributed to a user group which includes the Inventory Manager.
2. The following information is needed when reporting stolen/missing equipment:

Item Description	Serial Number
Asset Tag Number	Equipment Value
Department Information	Date of Incident
Location of Incident	

Surplus and Excess Equipment

Do not destroy or throw away or donate and equipment. No matter what the condition equipment is in or what type of funds were used to procure it, all surplus equipment must be turned in for the Inventory Manager to process through the State Surplus Property Management Office. This also applies to equipment that does not require a tag. Disposing of any equipment locally is strictly prohibited.

1. Computers and servers require the added step of erasing data stored on hard drives. This process must be coordinated by the IT staff before equipment can be turned in to State Surplus.

2. The Department Head initiates all surplus requests to the Inventory Manager and IT Director. The request should include confirmation that all surplus equipment without an asset tag is not on the active inventory. The following information is required for processing:

Equipment Description	Asset Tag Number
Serial Number	Location of Equipment
Condition of Item	

3. IT and the Inventory Manager will coordinate the removal of equipment for the requestor's department. They will supply requester with the paperwork needed to be signed off. Storage space in our dock is limited so in the case of large equipment, it may be decided to keep the equipment at its' current location and have State Surplus pick up or sell the equipment on-site.

Cannibalizing Equipment

1. Definition – The removal of serviceable parts, components, or assemblies from one item of equipment for installation on another item of equipment to serve the same basic function.

2. Contact the Inventory Manager for assistance in completing necessary State forms to obtain authorization for procedure. The approval process may take 4 to 6 weeks to complete and prior authorization must be given before removing any parts.

Inventory Manager's Procedures for Turned-in Equipment

1. Once an asset has reached the warehouse, or has been staged at a specified other location, the inventory manager will scan the bar code and change the status of the asset in AIMS to "turned in." If the asset does not have a bar code tag, it is placed on a separate state form #1 turn-in document. This document is signed by the president and inventory manager and is then turned in as an attachment for that month with any other turn-in documents that were generated via the Asset Information Management System for tagged items.
2. The inventory manager will then make all efforts to ensure that no other departments can use the asset, in which case, the asset will remain college property and will be assigned to said department and removed from the TID list for that month's turn-in process. At this point, following a campus-wide query, the IM will place the asset in "surplus mode" in AIMS and finalize the list of turned in items for that month to have signed by the president. Once the president has signed the turn-in document(s) the forms are sent to SPO in Columbia for screener notification. These forms are requested to be at SPO by no later than the 25th of each month in order to give SPO time to review the assets. SPO will post the assets to other state agencies via a SQL report to ensure that no other agency would like to retain the item for their own use. At this time, SPO sets up a time with the inventory manager to come and screen the assets listed on the turn-in reports.
3. Upon arrival of the state screener, the IM and screener review all turned in assets. The screener will identify and physically mark all items to be secured by SPO with a 6-digit state ID number. These assets are then staged and picked up at a later date by an SPO courier. Assets which were already staged at other locations are also visited and screened in the same fashion as those that were in the warehouse and are also assigned final disposition accordingly.
4. Assets forfeited by the screener become permanent property of the college and are recycled or disposed of in accordance with state procedures. In furtherance of this, the IM will reconcile the AIMS report for that month to reflect which items were retained by the state for "surplus sale" and which items were retained by the college for "junk" and disposal.



Signatures/Approval Requirements for Requisitioning

For amounts of \$.01 - \$1,000.00

- *Requestor
- *Department Head
- *Finance

For amounts of \$1,000.01 - \$1,999.99

- *Requestor
- *Department Head
- *Academic Dean (if applicable)
- *Finance

For amounts of \$2,000.01 - \$4,999.00

- *Requestor
- *Department Head
- *Academic Dean (if applicable)
- *Purchasing
- *Finance

For amounts of \$5,000.00 and Up

- *Requestor
- *Department Head
- *Academic Dean (If applicable)
- *Purchasing Manager
- *Finance
- *VP of Department*

HORRY-GEORGETOWN TECHNICAL COLLEGE

DATE _____

P.O BOX 261966/ CONWAY, SC 29528-6066

PURCHASE REQUISITION

DEPARTMENT _____

Requestor

Signature Approval of Department Head

SHIP TO: Conway __ Grand Strand __ Georgetown __
G S Conf Center __ Speir Healthcare Center __ Spier Dental Expansion __

P.O. Number _____

Signature Approval of Academic Dean

Signature Approval of Vice President

VENDOR INFORMATION

(A completed + signed W-9 required for New Vendors)

PROCEDURE FOR NON-STATE PURCHASES

ALL VENDORS MUST BE GIVEN IDENTICAL SPECIFICATIONS

Below - 2500.00	One Vendor
2500.01 - 10,000.00	Attach 3 Written Quotes
Above 10,000.01	Contact Procurement Manager

Signature Scale:

01-1000.00 Dept Head Only
1000.01-2000.00 Dept Head + Academic Dean (if applicable)
Above 2000.00 Dept Head, Academic Dean (If applicable) & V. P.

Date Needed _____

Vendor Contact _____

Vendor Telephone # _____

Vendor Fax # _____

Vendor Email: _____

QUANTITY	UNIT OF MEASURE	DESCRIPTION	UNIT COST	TOTAL

ORDER PLACEMENT INSTRUCTION: Mail P.O. to Vendor () FAX P.O. to Vendor () Requestor to Pick Up Items () Requestor to Place Order ()

IF A CHECK IS REQUIRED, PLEASE CHOOSE THE APPROPRIATE BOX.

Mail Check with ORDER () Give Check to REQUESTER ()

Attach Order Form, Registration or Membership to the Requisition for Prepay Orders.

For On-Line Requisitioning, write the Requisition Number on the Attachment, and send it to the Procurement Office.

Organization and Account Number: _____

White Copy – Vendor/Requestor

Pink Copy – Finance

ACCOUNT CLOSURE

An account will be closed for any of the following reasons, which will also subject Cardholder to disciplinary action in accordance with the Material Management Division of The State Fiscal Accountability Authority and Horry-Georgetown Technical College Policies and Procedures relating to disciplinary action and termination for cause:

- The Card is used for personal or unauthorized purposes.
- The Card is used to purchase alcoholic beverages or any substance, material, or service, which violates policy, law or regulation pertaining to the College.
- The Cardholder allows the card to be used by another individual.
- The Cardholder splits a purchase or uses another Cardholder's card to circumvent the purchase limit assigned to the card(s).
- The Cardholder fails to provide the Account Coordinator with required receipts.
- The Cardholder fails to provide, when requested, information about any specific purchase.
- The Cardholder does not adhere to all of the Purchasing Card policies and procedures.

WHAT IS THE PURCHASING CARD?

The Purchasing Card is a VISA credit card issued by Bank of America. It provides a fast, cost-efficient method for purchasing **low-dollar** supply (non-state contract) items and membership dues.

Cardholder Eligibility

Approved Horry-Georgetown Technical College **Full Time** employees.

Cardholder Liability

The purchasing card is a corporate charge card that will not affect your personal credit. **It is your responsibility to ensure** that the card is used within the guidelines of the South Carolina Material Management Division of the office of SFAA (State Fiscal Accountability Authority) and Horry-Georgetown Technical College's Purchasing Card Policies and Procedures. Go to: http://procurement.sc.gov/files/ProcCardRev_0.pdf for complete SC State Procurement Card Manual.

The cardholder must use the Purchasing Card only for legitimate business purposes. Misuse of the card will subject the cardholder to disciplinary action (see Account Closure).

Purchasing Card Use

The card works just like your personal credit card, except that the College pays all charges in full. It is issued only for the purchase of non-state contract supplies and certain services. Cardholders should treat the College Purchasing Card with at least the same level of care as his/her own personal credit card. Cards should be maintained in a secure location, and the card account number should be carefully guarded.

PROCUREMENT CARD QUICK GUIDE

2018-2019



CARDHOLDER RESPONSIBILITIES

- Ensure the Purchasing Card is used only for legitimate business purposes.
- Be aware that **all** food and drink/water purchases are prohibited.
- Cardholder may secure hotel accommodations with the procurement card only. You may not use your procurement card to pay hotel bills. It is the cardholder's responsibility to ensure that the hotel reservationist understands a check will be forwarded ASAP.
- A Certificate of Liability is required for any on campus services.
- Maintain the Purchasing Card in a secure location at all times.
- **Cardholders are responsible for obtaining all original itemized receipts. Attach receipts to your monthly statement, forward promptly to your Account Coordinator for reconciliation of all transactions. All statements must be sent to the Accounting Office no later than the 10th of the month for processing. Failure to do so may result in your card being suspended.**
- Account Coordinators must obtain the signature of the department head/manager/supervisor prior to forwarding reconciled statements to the Accounting Office.
- **DO NOT** allow other individuals to use the Purchasing Card.
- Adhere to the purchase limits and restrictions of the Purchasing Card Program, and ensure the total transaction amount of any single transaction does not exceed \$999.99 (individual transaction limit may be higher on some cards).
- Provide appropriate detailed justification for all charges.
- Notify Account Coordinator if the default account number should be changed on an individual transaction.
- Attempt to resolve disputes or billing errors directly with the vendor and notify Bank of America if the dispute or billing error is not satisfactorily resolved.
- Ensure that an appropriate credit for the reported disputed item(s) or billing error appears on a subsequent statement.
- Do not accept cash in lieu of a credit to the Purchasing Card account.
- Immediately report a lost or stolen card to: Bank of America at 1-800-538-8788 (24 hours a day, 365 days a year). Notify Purchasing Card Administrator—Dianna Cecala at 843-349-5207 or dianna.cecala@hgtc.edu regarding the lost or stolen card at the first opportunity during normal business hours.
- Upon terminating employment with the College or transferring departments within the College, the Purchasing Card should be immediately returned to the Purchasing Card Administrator.

FREQUENTLY ASKED QUESTIONS

Can I use the card for travel related expenses?

Answer: The card can be used for registration fees and airline tickets. **You may NOT use your card to pay for food, lodging, parking fees, tolling fees, gas or any other travel related expenses.**

Cards may be used for **Emergency Purchases** (imminent threat to life or limb) only when a disaster or a life threatening situation has occurred, which requires an immediate purchase of goods, services or supplies and **MUST** be authorized by the President of the College.

Can I use the card to purchase items on the Internet?

Answer: Yes, but make sure that you print out your shopping cart/receipt. Once the order is received, attach the packing slip to the receipt and attach both to your monthly statement before forwarding to your Account Coordinator for reconciliation.

Can I use the card to place orders via telephone?

Answer: Yes, but make sure the vendor faxes or emails you a confirmation to be used for a receipt.

What should I do if my card is declined?

Answer: Call the Procurement Card administrator at 843-349-7830 or 843-349-5207. The administrator will immediately contact the bank and determine the reason for the decline. If the decline is resolved, the vendor can obtain a manual override for that particular transaction.

What if I lose a receipt?

Answer: Contact the vendor for another receipt. As a last resort if no receipt can be obtained, create a receipt, documenting the situation, list the items that were purchased (include the vendor name, charges and date of purchase). Sign the receipt and obtain your department head's signature on the receipt. Attached the document to your monthly statement, forward to your Account Coordinator for account reconciliation.

What are the limits on my card?

Answer: Horry-Georgetown Technical College default limits are \$999.99 per transaction and \$2500.00 per month.

PROCUREMENT VIOLATION RATIFICATION

Vendor:

Date:

Submitted by:

The SC Consolidated Procurement Code states that when goods or services have been received without procurement approval, it is a violation of the State's procurement policy. The procedure of a justification has been initiated by the College and a corrective action statement must be approved by the Department Head, if applicable, Dean, if applicable, appropriate Vice President and the Senior Vice President of the College. The request for Ratification should be completed and submitted through the proper channels. As in the case of petty cash reimbursements over \$50.00, no funds will be disbursed until the completed form is returned to the Procurement Office.

Violation: Funds utilized without prior approval or PO number issued

The SC Consolidated Procurement states that no funds shall be committed without a purchase order number, unless it is for petty cash up to \$50. The College must order off State Contracts when applicable.

Justification: _____

Corrective Action to be taken: _____

Department Head (if applicable)

Division Dean (if applicable)

Appropriate Vice President

Procurement Manager

I APPROVED THE ABOVE LISTED PROCUREMENT VIOLATION.

Harold H. Hawley-VP Business Affairs

DATE

HORRY GEORGETOWN TECHNICAL COLLEGE

Walmart Card Use Approval Form

In order to use a Horry Georgetown Technical College Walmart Card you must have your Department Manager's approval. This is a one-time approval. Complete the requested information below, sign and forward to the Procurement Manager. Once this application has been received and approved, your name will be entered onto a log that will be kept on file in the Procurement office.

Date:

Department Name and Org. Number:

Card Requestor's Name:

Signature of Card Holder

Date

AVP, Dean or Department Manager

Date

The Walmart card is to be used to make purchases from a local Walmart store. It must be for the legitimate business benefit of Horry Georgetown Technical College. **Absolutely no Alcohol or gift cards are to be purchased with this card.**

The Process for use of the Walmart card –

1. Approved users will contact the Procurement Office on the Conway Campus, Eileen Smith on the Georgetown Campus and Pat Kleber on the Myrtle Beach Campus.
2. User will take card to Walmart, pick up and pay for supplies.
3. User will immediately enter into Banner a detailed requisition for the supplies purchase from Walmart.
4. User will write the requisition number on the receipt and sign the receipt, then return the receipt with the Walmart card to the person they picked up the Walmart card from.
5. Forward all receipts to the Purchasing Department for processing into a purchase order.
6. Purchasing will send receipt and copy of purchase order to Accounting for payment.
7. **This process needs to be performed in a quick, efficient manner to insure prompt payment.**

Violations of these requirements may result in revocation of use privileges and/or disciplinary action, up to and including termination of employment. Employees who have inappropriately used the Walmart card will be required to reimburse the College for all costs associated with such improper use.



HORRY GEORGETOWN TECHNICAL COLLEGE

ENTERPRISE RENT -A- CAR

Select your vehicle:

Premium SEDAN or SUV _____ 12 PASSENGER VAN _____ MINI-VAN _____

Date FAXED: _____

DESTINATION: _____

DRIVER'S NAME: _____

DATE OF BIRTH: _____ LICENSE#: _____ STATE: _____

DATE LEAVING: _____

TIME: _____ AM or PM

RETURNING: _____

TIME: _____ AM or PM

ADDITIONAL DRIVERS:

None

SPECIAL NOTES:

VEHICLE MUST BE FUELED UP PRIOR TO RETURN TO CAMPUS

Return vehicle keys, gas card & receipts to:

Bldg 100, Procurement Office-2nd Floor

HGTC DEPARTMENT ACCOUNT#: _____

Attn: Enterprise

Bill To: Visa Card # on File Name on Card: Dianna Cecala

Email confirmation of reservation to dianna.cecala@hgtc.edu

UNAUTHORIZED PURCHASES

Any purchases that have not been authorized by the Procurement department will not be accepted or considered binding by the College and may be returned to the vendor at vendor cost or may be considered a donation to the College.

MINORITY BUSINESS ENTERPRISES

The College fully supports the efforts of the Governor and the State Legislature to assist minority-owned businesses to develop as part of the state’s policies and programs which are designed to promote balanced economic and community growth. Therefore, the College wishes to ensure that those businesses owned and operated by minorities in the State of South Carolina are afforded the opportunity to participate fully in the overall procurement process. The State maintains a directory of these vendors; please visit *Office of Small and Minority Business Assistance* for additional information or to apply for certification.

GRATUITIES/ETHICS

Employees of the HGTC are prohibited from accepting gifts, meals, trips, rebates, or any promise of future reward or compensation or any other article and/or object of value from a vendor, although the intent of such a gesture may be honorable or a customary practice of the vendor. It is suggested that these gratuities be directed in cost saving to our solicitations, for benefit to the entire College. The College has adopted the National Institute of Governmental Purchasing Code of Ethics.

TRAVEL AUTHORIZATION

Appropriate signatures/approvals are required before registrations or hotel accommodations can be processed. (Travel Authorization Request forms are available on the college website).

RENTAL CAR SERVICE

The College has a State contract with Enterprise. If you need to rent a car, please fill out the proper request form located on the Procurement website and forward to Procurement at least 1 week in advance. The car will be delivered to Procurement where you can pick up the key and a gas card. You must have a valid driver’s license to rent a car for College business.

CONTACT INFORMATION

Procurement Manager	
Dianna Cecala	843-349-5207
Procurement Specialist	
Teresa Welch	843-349-7830
Procurement Admin.	
Mary Jane Gamboa Hager	843-349-7858
Receiving/Inventory	
Richard Kirchmeyer	843-349-5338
Accounts Payable	
Brenda Gresh	843-349-5360



WEB ADDRESS:

www.hgtc.edu/purchasing

PHYSICAL ADDRESS:

Conway Campus
2050 Hwy 501 E
Conway, SC 29526

MAILING ADDRESS:

PO Box 261966
Conway, SC 29528-6066

EMPLOYEE PROCUREMENT GUIDE 2018

PURCHASING POLICY AND PROCEDURES

HGTC is a state agency governed by state law. The Procurement, Receiving and Inventory, Print Shop, and Student Food Service Departments are centralized under the Procurement Manager. Policies and procedures are in accordance with the South Carolina Consolidated Procurement Code which governs the expenditure of all funds regardless of the source, unless specifically exempted.

GENERAL INFORMATION

All purchases must be authorized by the Procurement office. All contracts for goods and services that commit the College to funds, must be reviewed by the College President, CBO, or Procurement Manager. Shipments should not be made without receipt of a College purchase order and definitely not until a purchase order number has been provided. *IRS Form W-9* is required for all new vendors conducting business with the HGTC.

PROCUREMENT METHODS

REQUISITIONS:

All requisitions are to be entered into the College's Banner system. A requisition is a request to purchase and not an authorization to purchase. Only when a purchase order number has been assigned are you authorized to make a purchase. Any orders placed before approval, is considered to be a Procurement Violation and will be handled accordingly. If you would like assistance in entering your requisitions, please schedule training with Procurement.

A paper requisition can be used, and is actually preferred, when a bid is required. The Purchasing department must have an approved requisition before submitting a bid to SCBO.

SMALL PURCHASES:

Orders for \$10,000 or less may be made without securing competition, if the prices are certified as being fair and reasonable by the purchaser. These purchases require an HGTC purchase order; unless they are paid for with the State Purchasing Card (see next section).

Approval limits for small purchases are:

Up to \$1,000.00 – Requestor, Department Head, Finance

\$1,000.01 to \$1,999.99 – Add Academic Dean

\$2,000.00 and above – Add Vice President

CAPITAL EQUIPMENT:

When purchasing any single item that is \$1,000 or greater, it needs to follow the special rules for "Equipment" purchases. This insures that funds are available, gives Cabinet the opportunity to review and

approve or disapprove of the purchase as well as alert that an asset tag needs to be affixed to the item. It is also the time to review if there are any facility or IT infrastructure needs associated with the purchase. A special "Equipment" document can be found on the purchasing website that is to be used for a purchase meeting this criteria.

PURCHASING CARD:

Purchasing cards are used primarily for emergency purchases, on-line registrations and reserving hotel accommodations.

P-Cards should NEVER be used to purchase food, drink (includes water) or travel (excluding airline tickets only).

CRITERIA FOR APPLICATION:

- Applicant must be a full time employee of HGTC.
- Applicant must complete a Procurement Card Application. Contact the Procurement Office for this application form.
- Applicant must sign a Card Holder Agreement, agreeing to adhere to all SC State Procurement and HGTC's policies and procedures.

WALMART PURCHASES:

Walmart cards are available for use on purchases \$250 or less. In order to use a Walmart card, you must be pre-approved by your supervisor by filling out a document found on the Procurement web page. After picking up your card and making your purchase, you must enter a requisition into banner matching the receipt. Write your requisition number on the receipt and return receipt with card to the Procurement Office. They will process a PO for payment.

SHIPPING INSTRUCTIONS

All shipments must be shipped F.O.B. destination unless otherwise directed on the purchase order. All shipments must be directed to the location shown on the purchase order.

INVOICING/PAYMENT

After receipt of goods or services, promptly sign the pink copy of your purchase order and return to Accounts Payable. If you receive an invoice for goods or services, please forward to Accounts Payable immediately. All invoices must reference purchase order numbers. Submit invoices via mail to the Horry-Georgetown Technical College, Accounts Payable, PO Box 261966. Conway, SC 29528-6066 or via email brenda.gresh@hgtc.edu.

FORMAL BIDDING CONDITIONS AND INSTRUCTIONS

SOLE SOURCE PROCUREMENT:

When an item is available from only one known source and exceeds \$10,000 an order may be placed without competitive bids if sufficient, written justification is provided and sent with the requisition. There is a special form available from Procurement for this purpose. Before an order can be released, Procurement must verify and approve the purchase as a sole source.

EMERGENCY PROCUREMENTS:

For emergency purchases, repairs, or other situations where it is not practical to prepare an order in advance, Procurement can place order for you. Please note that failure to plan ahead is not justification for an emergency order.

PREPARATION OF BIDS:

For all orders that require a formal bid (where total value of supply or service exceeds \$10,000 either in a single year or in a total of a 5-year contract) the Purchasing department will prepare the formal bid document, post bid in SCBO as well as the procurement website, received quotes, bids or proposals from vendors and review for award. Awards will be made per state Procurement laws. The requesting department will be responsible for obtaining an approved requisition for the estimated amount, complete specifications that allow for competitive vendor bidding, and a list of preferred vendors. Once this information is presented to the Procurement department, we will handle your procurement. Please note that this process usually takes 3-5 weeks. It is in your best interest to include the Purchasing department in the beginning if you are seeking vendors for demonstrations.





HORRY GEORGETOWN TECHNICAL COLLEGE POLICY STATEMENT FOR MINORITY BUSINESS UTILIZATION

I. Agency Policy Statement

It is the policy of Horry Georgetown Technical College to use minority-owned businesses whenever feasible in all aspects of procurement. HGTC will seek to identify minority-owned businesses for the purchase of necessary goods and services.

II. Name, Address and Telephone Number of MBE Liaison Officer

Teresa Welch, Buyer
Horry Georgetown Technical College
2050 Hwy. 501E
Conway, SC 29526
Telephone number – 843-349-7830

The above employee of HGTC will be responsible for submitting the Minority Business Enterprise Utilization Plan.

III. Operational Procedures Definitions

A. "Minority person" for the purpose of this article, means a United States citizen who is economically and socially disadvantaged.

B. "Total Dollar" is the total dollar estimated to be expended by an agency or entity during the fiscal year where the agency or entity has the discretion in the selection of the private vendor.

C. "Socially disadvantaged individuals" are those individuals who have been subject to racial or ethnic prejudice or cultural bias because of their identification as members of a certain group, without regard to their individual qualities. Such groups include, but are not limited to, women, Black Americans, Hispanic Americans, Native Americans (including American Indians, Eskimos, Aleuts and Native Hawaiians), Asian-Pacific Americans and other minorities to be designated by the board or designated agency.

D. "Economically disadvantaged individuals" are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area that are not socially disadvantaged.

IV. Duties of MBE Liaison Officer

A. Maintain all records and reports required by Section 11-35-5240 of the Procurement Code.

B. Develop, manage and implement the MBE program on a day-to-day basis.

C. Disseminate information on available business opportunities so that MBEs are provided an equal opportunity to bid on services, supplies and construction to be procured by the governmental body.

D. Maintain records to indicate the number and dollar value of small purchases made from certified minority firms including local purchase orders, service orders and verbal contracts.

V. Designation and Negotiation Procedures

A. Goals will be achieved through the normal competitive process and through negotiation with SC based minority vendors.

B. When selecting contracts for negotiations, the liaison should consider the total dollar value of the contract and insuring that the price is determined to be fair and reasonable if not competitively bid.

VI. Dividing Larger Projects into Smaller Units

Consideration will be given if the opportunities arise to divide larger projects in smaller projects but subject to the guidelines of South Carolina Procurement.

VII. Income Tax Credit Statement

Income Tax Credit Statement will be included in all applicable solicitations.

VIII. Progress Payments

HGTC may make special provisions for progress payments deemed reasonable to assist minority businesses to carry out the contract.

IX. Quarterly Reporting Procedures

In order to submit quarterly reports as required, this agency will extract the data from number of minority bids received and the dollar amount of minority bids awarded. All information required on OSMBA 100 and 101 will be submitted at the end of each quarter.

X. Subcontracting Procedures

When the opportunities arise, HGTC will utilize prime contractors.

XI. Purchasing Card Transactions

All purchasing card transactions will be monitored for quarterly reporting purposes. Purchasing cardholders can use the card as long as they are within the provisions of the South Carolina Procurement Code. Cardholders will be encouraged to use the card when deemed feasible such as for small purchases such as office supplies under \$250.

Submitted By: _____
Dianna Cecala, Procurement Manager