

UNIVERSITY OF  
**South Carolina**

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**State of SC  
Procurement Code  
Updates**

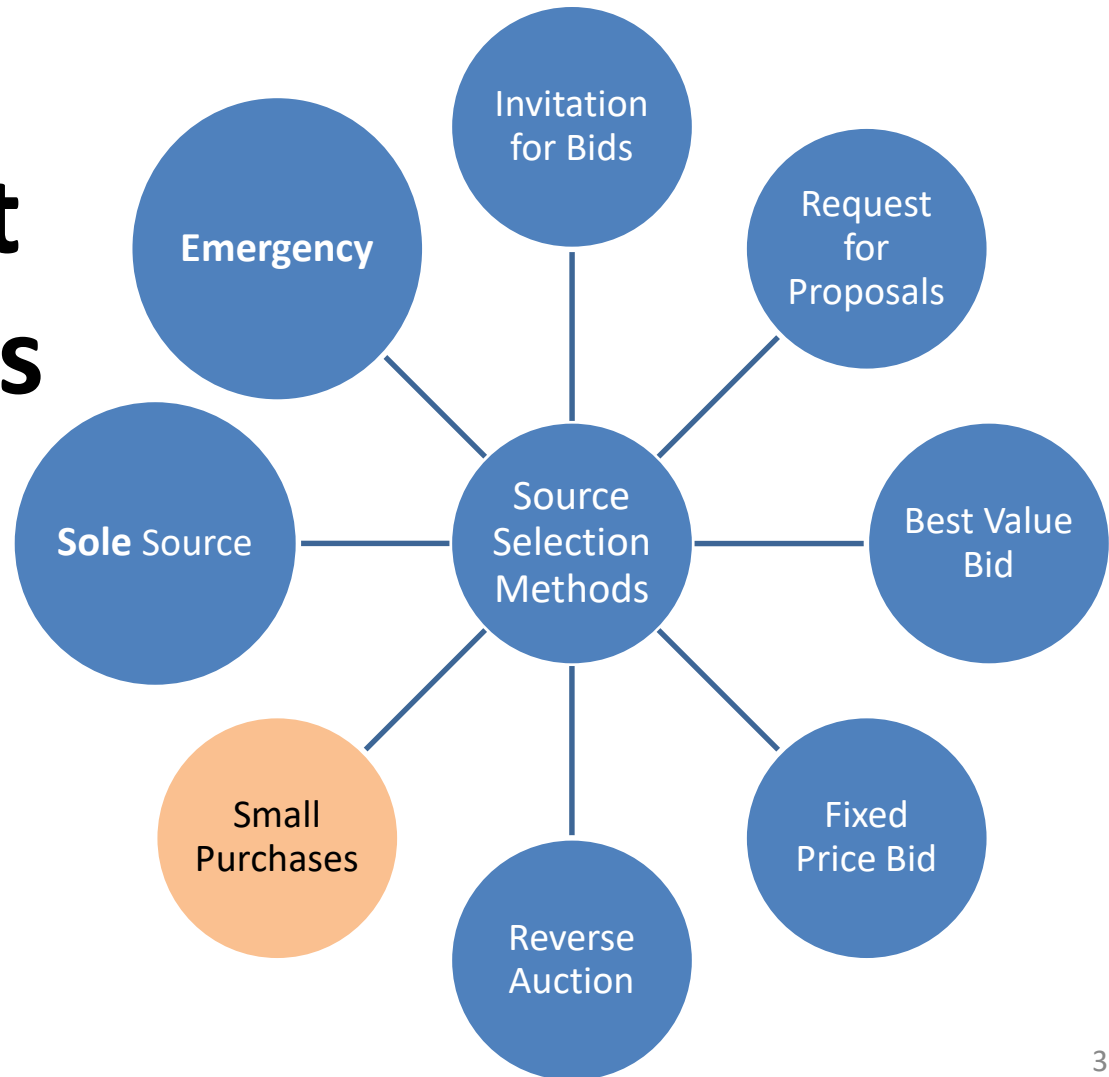
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October 30, 2019

- What are the new code changes?
- Small Purchases
- COTS
- Protests and Public Access
- Construction – IDQ and TOC
- Small & Minority Businesses
- Sole Source Procurements
- Emergency Procurements

# Procurement Code Changes

# Small Purchases





- **No Competition Required Up to \$10,000**
- Price must be “fair and reasonable”
- Purchases must be distributed equally among qualified suppliers



## **\$10,000 - \$25,000**

You have 2 options:

- 1) 3 bona fide\* written quotes, *or*
- 2) Advertise in South Carolina Business Opportunities

\* A “no quote” does not qualify as a bona fide quote.

## **\$10,000 - \$25,000**

You can provide 3 written quotes, but you must complete the following:

- ✓ Send a written solicitation (an e-mail will work) to no less than 3 vendors prior to receive any quotes.
- ✓ You must receive no fewer than 3 written bona fide quotes.
- ✓ A “no quote” does not qualify as a bona fide quote.
- ✓ Partial quotes do not qualify as a bona fide quote.
- ✓ Provide copies of the written solicitation, quotes, and any drawings or documents provided to vendors with the requisition.

OR, you can submit written specifications and Purchasing will advertise in South Carolina Business Opportunities (SCBO)



## **Advertised Small Purchases \$25,000 to \$100,000**

- Written solicitation of written quotes, bids, or proposals
- Must advertise in SCBO

## What are COTS?

11-35-1410



Defines Commercial Products as supplies (other than printing) or information resources that are customarily used by the general public and has been sold, leased, or licensed to the general public.

The definition allows for **minor** modifications customarily available in the marketplace or made to meet State requirements. The same section further defines Commercially available off-the-shelf product.





## Three Written Quotes Up to \$100,000 for COTS

- Written Request
- Bona Fide Quotes
- SCBO Advertisement



## **Three Written Quotes Up to \$100,000 for Construction**

- Written Request
- Bona Fide Quotes
- SCBO Advertisement

## Definitions

**Day:** ‘Day’ means calendar day. A calendar day runs from midnight to midnight.

**Business Day:** ‘Business day’ means a day that is neither a Saturday, a Sunday, nor a state or federal holiday. A business day runs from midnight to midnight.

**Note:** Business Days are important when calculating Protest Periods.



## New Terms Related to Construction Procurement

**IDQ** – Indefinite Quantity Contracts

**TOC** – Task Order Contracts



## PREVIOUSLY

**11-35-3310**

“Indefinite delivery contracts for construction items, architectural-engineering, and land surveying services”

## NOW

**11-35-3310:** Indefinite quantity contracts  
(Professional Services)

**11-35-3320:** Task order contracts  
(Construction)

**Note:** Reference Chapter 9 and Appendix D of the OSE Manual

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

# INDEFENITE QUANTITY CONTRACTS

- No change in process from previous Professional Services IDC to IDQ – just a name change.
- Project numbers will have a “P.” (e.g. H99-P002-HG)

## INDEFENITE QUANTITY CONTRACTS

### *Limitations of Small IDQ's:*

- Contracts cannot exceed 2 years.

### *Limitations of Large IDQ's:*

- Contracts cannot exceed 2 years.



# INDEFENITE QUANTITY CONTRACTS

- Awarded as previously done under the IDC's
- Reference Appendix D.2 for Forms for Indefinite Quantity Contracts and Delivery

## TASK ORDER CONTRACTS (Construction)

- Qualification-based selection method – no bidding.
- Project numbers will have a “C.” (e.g. H99-C002-HG)
- OSE must approve award of all Task Order Contracts regardless of the Agency’s construction contract certification.

## TASK ORDER CONTRACTS

### *Limitations of TOC's:*

- The Agency **MUST** award 4, and only 4, contracts for each specific category of service. **No Exceptions!**
- Contract **MUST** be for a term of 3 years, with 2 automatic 1-year extensions (unless Agency does not extend). The maximum time allowed for the contract, with extensions, is 5 years.

## AWARDING TASK ORDERS

- To award an individual Task Order, the Agency must solicit competitive bids from all four (4) contractors on the TOC.
- The Agency must receive at least two (2) responsive, bona fide bids in response to its solicitation to award a Task Order.
- The Agency must award the Task Order to the contractor providing the lowest bid within the Task Order dollar limits using the Construction Services Task Order (SE-690).

UofSC is committed to developing successful relationships with small, minority, and women-owned businesses with our procurement process and contract awards and encourage departments when seeking competition to reach out to small, minority, and women-owned businesses.

Purchasing's website ([purchasing.sc.edu](http://purchasing.sc.edu)) contains a menu option for the **Small and Minority Vendor Directory**

- **Purchasing Home**
- Solicitations and Awards
- Purchasing Card
- Small and Minority Vendor Directory**
- Consolidated Services
- Purchasing Toolbox
- Sustainable Initiatives
- Our Staff

❑ Click the link [Small and Minority Vendor Directory](#)

❑ Search the directory by either keyword or category:

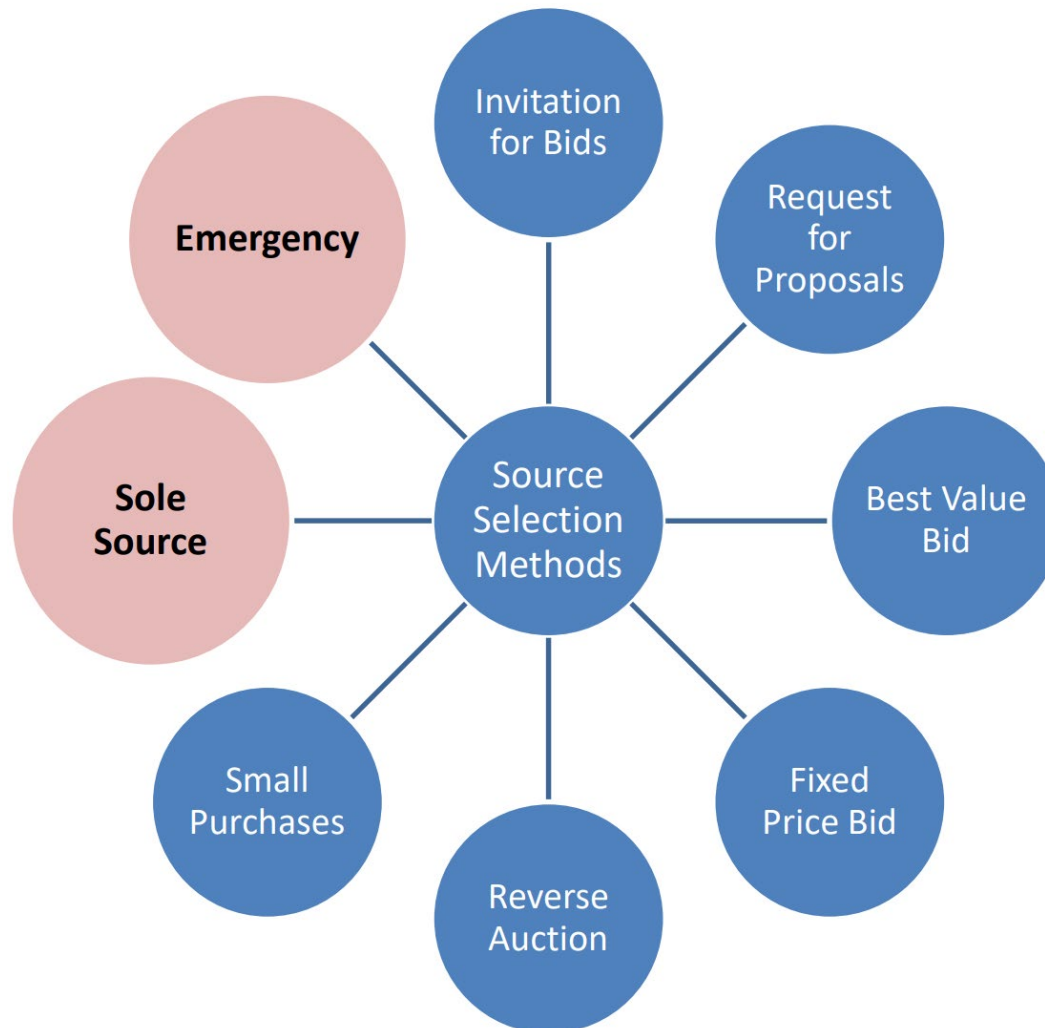
**Filter Your Results** Showing 1 to 25 of 644 entries

**Filter:**

**Category:**

❑ Where possible Purchasing has provided links to the company's:

- ✓ Website
- ✓ E-mail address
- ✓ Facebook page



### Procurement Code Section: 11-35-1560



Requires certification  
in writing that there is  
**only one source**



Total potential value  
of \$50k or more **must**  
be posted in **SCBO**  
before sourcing



## Procurement Code Section: 11-35-1560



Notice must be posted in SCBO at least **five (5) business days before** entering a contract > \$50,000 but < \$250,000



Notice must be posted in SCBO at least **ten (10) business days before** entering a contract > \$250,000

## Procurement Code Section: 11-35-1560



Notice must contain a statement of right to **protest under Section 11-35-4210(1)**.



Protestant must file intent to protest within **5 business days** of the date the notification of intent to award is posted.

## Procurement Code Section: 11-35-1560

### Written Documentation



**Thorough, detailed explanation** why no other vendor is suitable or acceptable to meet the need.

## Procurement Code Section: 11-35-1570



**Emergency Conditions pose immediate threat to:**

- Public health,
- Welfare,
- Critical economy & efficiency, *or*
- Safety

**Note:** Emergency procurements shall be made with as much competition as practicable under the circumstances, and information of the companies contacted shall be included with the requisition.

## Procurement Code Section: 11-35-1570



Total potential value of **\$50k or more** must be **posted in SCBO** as soon as practicable thereafter.



Notice must contain a statement of right to **protest**.

## Emergency Contracts

### Procurement Codes Sections:

**11-35-1570 & 11-35-4210(1) and (1)(c)**



Protestant must file intent to protest within **5 business days** of the date the notification of intent to award is posted.



If you have any additional questions, please email them to [purchasing@sc.edu](mailto:purchasing@sc.edu).