

FILED  
NEWBERRY COUNTY

BSTATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )

ORDINANCE NO. 2051142022

ELIZABETH P. FOLK  
CLERK OF COURT

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 34 OF THE NEWBERRY COUNTY CODE OF ORDINANCES REVISING PROVISIONS DEALING WITH AMOUNTS REQUIRING COUNCIL APPROVAL AND STATE AND FEDERAL PURCHASING AND SALE AND TRANSFER OF SURPLUS COUNTY PROPERTY.**

**WHEREAS**, Newberry County Council through passage of Ordinance 01-02-04 established purchasing procedures and structure for Newberry County; and

**WHEREAS**, Newberry County Council has received requested modifications that certain changes be made; and

**WHEREAS**, Newberry County Council desires to adopt these modified versions and also provisions addressing administrative policies or procedures.

**NOW, THEREFORE BE IT ORDAINED THAT:**

Newberry County Council hereby adopts the following changes to dollar award amounts requiring County Council approval as follows:

§34.16 **Award of Contract** is modified in sections (D) and (E) with the following language

(D) "Bids of \$25,000 or less and bids not exceeding \$50,000 established in the current budget year shall be subject to review and approval by the Administrator or his or her designee."

(E) "Bids exceeding \$25,000 and not included in the current budget year or bids exceeding \$50,000 as shown in the current budget year shall be subject to review and approval by County Council; provided that these amounts may be increased or decreased by appropriate provision in the annual budget ordinances, or by resolution of Council."

(F) (1) It is the intent of this chapter that County Council shall have an oversight role in the selection of successful bids in excess of \$25,000 if not included in the current budget year or \$50,000 if included in the current budget year, and that County Council shall evaluate and approve the ultimate selection publicly,

(F) (2 and 3) remain unchanged.

§34.38 Request for Qualifications; Professional Services; Public Announcement and Selection Process in section (B) with the following language

(B) "Selection Process. A selection committee composed of a minimum of 3 members, including the Purchasing Director, the Administrator, or designee and the head of the using agency in need of the architect-engineer or land surveying services, or other professional services shall conduct discussions with 3 or more firms, whenever possible, regarding the proposed contract and the relative utility alternative methods of approach for furnishing the required services and shall select from among no less than 2 of the firms deemed most qualified to provide the required services. The selection shall be made in order of preference, based on criteria established and published by the selection committee. Provided, however, in the event that the County of Newberry has an ongoing professional relationship with a provider of those services required by the county, the County Administrator, in his or her discretion, may negotiate with the provider for the provision of the required services. Provided further, the County Administrator may select the provider of professional services in any event if the anticipated cost is \$25,000 or less and not included with the current budget year or \$50,000 or less if the amount is included in the current budget year. For services in excess of \$25,000 when not included in the current budget year or greater than \$50,000 included in the current budget year, the County Council shall select the provider of the services.

**AND BE IT FURTHER ORDAINED THAT:**

Newberry County Council hereby adopts the following changes to purchasing other than through bids or requests as follows:

§34.43 **State and Federal Purchasing and other Cooperative Purchasing** is modified in sections (A) and (C) with the following language

(A) As an alternative to the procedures described in this section, the Purchasing Director may purchase any supplies, materials, equipment, or contractual services through the State Purchasing Office of the Division of General Service, GSA or the Houston-Galveston Area Council (H-GAC) cooperative purchasing program provided, however, that any such purchases estimated to cost in excess of \$5,000 up to \$25,000 in the current budget year or not exceeding \$50,000 if budgeted in the current budget year shall be approved by the County Administrator or his or her designee, and any such purchase estimated to cost in the aggregate in excess of \$25,000 (unbudgeted) or \$50,000 (budgeted) in the current budget year shall be approved by County Council. Provided, however, items for which a specific appropriation has been made are deemed to be approved by County Council, and the County Administrator is authorized to purchase from State Purchasing, GSA or H-GAC. Multiple vehicle purchases are to be considered in the aggregate amount of all the vehicles so purchased by a using agency.

(B) remains unchanged

(C) Likewise, the Emergency Preparedness Director or other county agencies may be eligible to purchase items from programs administered by the GSA or other federal agency, H-GAC, and in the event, if the price is advantageous to the county, the purchase may be made, subject to approval by the County Administrator or his or her designee, provided, however, that the purchasing county agency shall first obtain a purchase order, purchased order number or direct payment number, as is necessary, from the Purchasing Director and the check for the purchase will be issued through the office of the county's Finance Director, so that the county will have current and accurate Purchasing Director records of the expenditures.

**AND BE IT FURTHER ORDAINED THAT:**

Newberry County Council hereby adopts the following changes to sale or transfer or surplus property as follows:

**§34.47 Sale or Transfer of Surplus County Property**

(A) Any items of personal or real property belonging to the county, which are declared by the County Administrator to be obsolete or surplus, may be sold to the highest responsible bidder by advertising for sealed bids or by public auction. Surplus property, in the discretion of the Administrator may be transferred to other county agencies or transferred to or loaned to entities supported by county funds, in addition, at the discretion of the County Administrator, surplus property may also be traded in or exchanged for other property needed by the county. In connection with the sale of surplus property, the Purchasing Director shall ensure that the procedures described in this section are followed, according to the estimated dollar salvage value of the goods to be sold. Vehicle or heavy equipment trade-ins must be approved by County Council, or its designee

(B) remains unchanged

(C) The County Administrator is authorized to investigate the advantages to the county of selling any of its surplus equipment and property (personal and real) via an appropriately competitive internet sales mechanism, and he or she is authorized to enter into preliminary contracts for the sale of select surplus property, so that he or she can investigate the efficacy of such methods of selling surplus property, including surplus heavy equipment, and report on same to Council. If such methods prove to be advantageous to the county, then further sales via the Internet may be authorized by Council.

AND IT IS SO ORDAINED by Newberry County Council this 6<sup>th</sup> day of July, 2022 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

Attest:  
Jackie Lawrence  
Jackie Lawrence, Clerk to Council

1<sup>st</sup> reading: May 18, 2022  
2<sup>nd</sup> reading: June 1, 2022  
3<sup>rd</sup> reading: July 6, 2022

NEWBERRY COUNTY COUNCIL

By: Todd Johnson  
Todd Johnson, Chairman

Reviewed and approved as to form:

Christopher Inglese  
Christopher Inglese, County Administrator