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Applicability: All DSN Boards and Contracted Service Providers

I. PURPOSE

The purpose of this document is to establish a uniform, businesslike approach in the procurement of goods and services by county disabilities and special needs (DSN) boards and other contracted service providers to people with disabilities. The directive is intended to ensure that local provider procurement practices maximize the use of funds allocated by the Department of Disabilities and Special Needs (DDSN) for goods and services.

II. APPLICABILITY

This document applies to all county DSN boards, and contracted service providers (hereinafter referred to as "providers") receiving grants or contract funding from DDSN. This directive was written to be compliant with the South Carolina Consolidated Procurement Code, which may be referenced for additional guidance; however, DSN boards are not required to comply with this code.

III. ADOPTION OF PROVIDER PROCUREMENT POLICIES AND PROCEDURES

All DSN Boards/providers shall establish procurement policies and procedures with requirements at least as restrictive as those contained in this directive. The policies and

procedures shall be approved by the DSN Boards/providers governing boards and shall apply to all procurement activities supported in whole or in part by DDSN funding. If both a nonprofit organization and county DSN boards operate programs in a county, governing boards of both entities should approve the policies and procedures. DDSN shall provide assistance to providers in developing and implementing procurement policies and procedures.

It is possible that a DSN Board is considered to be an agency of a county government and their procurement policy is covered by that county's policy. If a local provider and county government determine that the county government's code pertains to them, it will not be necessary to adopt another set of policies and procedures.

IV. STANDARDS OF CONDUCT

Each DSN Board/provider shall establish and implement a written code of conduct governing the board members, employees, or agents as part of the procurement policy. The code shall specify that no employee, board member, or agent of the local DSN Board/provider shall participate in vendor selection or in the award or administration of a purchase supported by DDSN award funds, if a conflict of interest would be involved. Such a conflict would arise when:

- A. An employee, board member, or agent;
- B. Any member of his or her family;
- C. His or her partner; or
- D. A board/provider which employs or is about to employ any of the above; has a financial or other interest in the firm selected for the purchase. The provider's code of conduct does not have to prohibit awards to these parties, but should prohibit their participation in the selection process or in administration of purchases where there would be a conflict of interest.

The code of conduct also should prohibit employees, board members, or agents from soliciting or accepting personal gratuities, favors, or anything of monetary value from contractors/suppliers, potential contractors/suppliers, or parties.

The State Ethics Code, S.C. Code Ann. § 8-13-10 through § 8-13-1020, governs DSN boards. Non-profit boards shall use the State Ethics Code as a guide in developing codes of conduct.

V. STANDARDS FOR PROCUREMENT POLICIES AND PROCEDURES

The DSN Board/provider's policies and procedures shall ensure that all procurement transactions are conducted in a manner that provides maximum open and free competition. The following guidelines shall be used by the provider in developing procurement policies and procedures:

A. Confidentiality of Price Information

The DSN Board/provider personnel shall not supply information concerning prices to prospective bidders for items or services being procured.

B. Procurement and Source Selection

Direct procurement shall be accomplished by means of a properly authenticated purchase order. A single DSN Board/provider employee (“purchasing official”) should be authorized to approve purchases.

It is recommended that each local DSN Board/provider establish a minimum dollar limit for DSN Board/provider involvement in a purchase. Under such a provision, the DSN Board/provider’s board would have to approve any purchase above that level.

In regard to source selection, the DSN Board/provider’s policies shall apply the following rules to purchases, except for emergency, sole source, and professional services procurements, covered in Sections VIII; C, D, and E.

VI. SOLICITATIONS LIMITS

Below are the solicitation limits as defined by the Consolidated Procurement Code:

A. \$10,000 or less

NO COMPETITION: Small purchases not exceeding \$10,000 may be accomplished without securing competitive quotations if the prices are considered reasonable. The purchasing office must annotate the purchase requisition “Price is fair and reasonable” and sign. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchase “not in excess of” may more than offset potential savings in detecting instances of overpricing. Action to verify the reasonableness of the price need be taken only when the procurement officer of the governmental body suspects that the price may not be reasonable, comparison to previous price paid, or personal knowledge of the item involved.

B. \$10,001 to \$25,000

THREE WRITTEN QUOTES: Written request for written quotes from a minimum of three (3) qualified sources of supply may be made and, unless adequate public notice is provided in the South Carolina Business Opportunities, documentation of at least three (3) bona fide, responsive, and responsible quotes must be attached to the purchase requisition for a small purchase not in excess of \$25,000. The award must be made to the lowest responsive and responsible sources. The request for quotes must include a purchase description. Requests must be distributed equitably among qualified supplies unless advertised as provided above.

C. \$25,001 to \$100,000

ADVERTISED SMALL PURCHASE: Written solicitation of written quotes, bids, or proposals may be made for a small purchase not in excess of \$100,000. The procurement

must be advertised at least once in the South Carolina Business Opportunities publication. A copy of the written solicitation and written quotes must be attached to the purchase requisition. The award must be made to the lowest responsive and responsible source or, when a request for proposal process is used, the highest ranking offeror.

D. Advertising Threshold

All competitive procurements above \$25,000 must be advertised at least once in the South Carolina Business Opportunities publication. DSN Board/Providers may charge vendors the cost incurred for copying and mailing bid or proposal documents required in response to a procurement.

E. Purchases \$100,000.01 and higher (See Appendix D)

The "Invitation to Bid" process is used and preferences applied. Formal solicitation using specifications, advertisement and time allowed for clarification of questions. Generally, Sealed Bids should be opened 21 working days from date advertisement appears in print. If a shorter opening is required, then documentation must be noted in file as to why short bid cycled was required. Seven (7) days from the date advertisement appears in print is the shortest opening period allowed. Bids must contain place bids are to be mailed and opened, opening date and time, name and contact information of the person submitting the bid. Bids will be kept secured until opening time and date. Bid opening will be announced at time of opening and no new bids will be accepted. Award shall be made to the party providing the lowest bid with preferences applied to those bids which are also both responsive (provided all information requested) and responsible (able to perform the work). Faxed or emailed bids are NOT accepted.

VII. SOURCES OF PROCUREMENT

A. State Contract

DSN Boards may utilize the state contracts for their needs. All vendors that have state contracts may not want to participate; however, the first option should be the state contract. The web site is www.procurement.sc.gov. Click on Goods and Services contracts.

B. State Surplus Property

Another source for purchasing by DSN Boards is the State Surplus property office. It is located in West Columbia on Boston Avenue. They have items that are surplus by other state agencies. Some items are in great shape and some are not. They are also the avenue for Federal Surplus which may be purchased. Both have items such as vehicles, furniture, clothing and office supplies and equipment. Their web address is <http://www.ogs.state.sc.us/surplus/SP-index.phtm>.

VIII. PROCUREMENT METHODS

A. Small Purchases (No Quotes)

The Executive Director/CEO should set a limit on a procurement spending level before requiring competition. As listed in section VI, the limit the Material Management Office has set is \$10,000. The DSN Board/provider's limit must not exceed this, but does not have to be that high. Also, the Boards/providers can set limits on individual's procurement level. Documentation should be kept with the procurement package for the length of time required for procurements.

B. Written Solicitations

A written solicitation with resident vendor preferences applied must be issued prior to making a purchase. The two primary solicitation methods are:

1. Request for Quote (see Appendix C) and
2. Invitation for Bids (see Appendix D)

Both of these methods afford the opportunity to specify the requirements and the terms under which the procurement is to be conducted. These specifications must contain clear and precise information to ensure that needs are satisfied as intended. If they are left too ambiguous, a vendor will be able to use their own interpretation of the requirement in order to fulfill it by means best suiting themselves as opposed to the DSN Board/provider. Care must also be taken not to make the specifications so restrictive that they unnecessarily reduce the number of Offerors. In short, specifications should be written so that an Offeror can be both responsive and responsible. Written solicitations are used to encourage competition, so the more Offerors that are willing and capable of doing the work, the more likely you are to receive the best possible price.

Competition is promoted through the mandatory advertisement of written solicitations. These advertisement requirements, in the case of the Invitation For Bids, must be met by advertising in South Carolina Business Opportunities online magazine which is posted daily by the Materials Management Office of SFAA. When issuing a Request for Quotes, this requirement may also be met through advertisement in the providers' local area newspaper(s). Consideration on all advertisements must be given as to the actual print date of the advertisement versus the opening/submission deadline date of the solicitation, including any holiday schedules. A copy of each advertisement must be maintained as part of the procurement record. Refer to the documentation in Appendices A through L for more detailed information on South Carolina Business Opportunities.

Once a solicitation has been issued, specifications may only be changed through the issuance of a written amendment. An amendment must also be used to respond to any questions asked by prospective Offerors so that each has access to the same information when submitting a bid/quote. Amendments must be sent to each vendor to whom a copy of the solicitation has already been sent. Following the issuance of an amendment,

should a copy of the solicitation be requested, that prospective Offeror will be supplied with a copy of the solicitation and any amendments that have been issued. The issuance of amendment often necessitates the need to extend the bid opening/deadline for submission and must be taken into account. Such an extension may be included in any amendment.

Following the bid opening/deadline for submission, the bids/quotes received must be tabulated. In all cases, the award shall be made via written notice to the lowest bidder/Offeror with preferences applied that is responsive, qualified, and able to meet the requirements defined in the solicitation. A responsive bidder/Offeror is one that responds to a solicitation by providing everything requested of them within the timeframe defined in the solicitation.

(i) Written Request for Quotes (Appendix C)

This is a simplified solicitation method that does not require adherence to the sealed bidding procedures. If upon following the three (3) written quote rule and the lowest responsive and responsible quote received is over \$25,000.00, then the purchase cannot be made by this method and a Request for Quote must be conducted prior to making the purchase.

The deadline for submission of quotes must be set no sooner than seven (7) days after the required advertisement appears in the applicable periodical. Potential Offerors must have sufficient time to receive the solicitation and respond to it prior to the submission deadline. Following the deadline for submission of quotes, each quote received will be tallied on the quote Tally Sheet (located in Appendix C).

Following release of the award statement, a copy of the solicitation and each of the quotes received must be retained with your procurement records.

For more detail concerning the Request for Quotes solicitation method, please refer to Appendix C which includes the template documents necessary to complete such procurements. The use of these templates is strongly encouraged when utilizing the Request for Quotes solicitation method. Also included is a reference sheet providing more specific procedures and an explanation of each of the templates provided.

(ii) Invitation for Bids (Appendix D)

The Invitation for Bids is utilized as part of a more comprehensive method of procurement that is used when making higher value purchases. Should you conduct a Request for Quote and the lowest responsive and responsible quote is above \$100,000, that Request for Quote must be cancelled and an Invitation for Bid must be conducted prior to making the purchase.

Invitation for Bids require strict adherence to the sealed bidding procedures. Written on the Invitation For Bids must be the date and time of the bid opening and, if you choose to apply one, the deadline for questions to be submitted. Bids may not be opened prior to the stated bid opening date and time, and only opened by a procurement official and witness. They must be kept secure and unopened until the time for opening has arrived. Any questions received in response to the solicitation must be answered in the form of a written amendment.

All Invitation for Bids must be advertised in the South Carolina Business Opportunities publication with the ad being published no sooner than seven (7) days prior to the bid opening. If a deadline for questions is defined on the solicitation documents, then the ad must appear no sooner than 12 days prior to the bid opening. The question deadline must be timed carefully to allow prospective bidders time enough to examine the solicitation and formulate questions. The amendment must be issued with sufficient time for the prospective bidders to receive and review the answers and then submit their bids.

Bid openings must be tallied and then initialed both by the individual opening the bids and a witness. The tally must be made open to public inspection at that time.

Award statements must be posted at a location identified in the solicitation document. It is recommended that this location be the same location at which the bid opening is held. It is further recommended that a notebook be maintained which contains all award statements.

For more detail concerning the Invitation for Bid solicitation method, please refer to Appendix D which includes the template documents necessary to complete such procurements. The use of these templates is strongly encouraged when utilizing the Request for Quotes solicitation method. Also included is a reference sheet providing more specific procedures and an explanation of each of the templates provided.

C. Request for Proposal (RFP)

The RFP process is a complicated procurement method which should only be attempted by experienced procurement personnel. Boards/Providers wanting to issue an RFP must contact DDSN Procurement in advance for guidance.

The award shall be made via written notice, signed by the Executive Director/CEO of the DSN Board/provider. This document shall be sent to each Offeror that submitted a proposal.

D. Emergency Procurements

The DSN Board/provider chief administrator may make or authorize others to make emergency procurements only when there exists an immediate threat to a consumer's

health, welfare or safety under emergency conditions; and provided that such emergency procurements shall be made with as much competition as is practicable under the circumstances.

The DSN Board/provider purchasing official shall complete the Justification for Emergency Procurement form to include:

- 1) Description of goods or services to be procured,
- 2) The name of the emergency contractor, and
- 3) The determination and basis for the emergency procurement as it relates to the threat to consumer's health, welfare, or safety.

The justification shall be prepared as soon as possible following the emergency and then approved by the DSN Board/provider's chief administration officer. A copy of the approved Justification for Emergency Procurement must be maintained in the file with the Purchase Order for audit purposes.

If the emergency procurement was made by a person without designated procurement authority, his or her action must be approved by the chief administrative officer and governing board and documented accordingly with the file copy of the purchase order.

When a purchase has a total or potential value in excess of \$50,000, notice of the award must be posted in the South Carolina Business Opportunities publication as soon as practicable thereafter. The posted notice must contain a statement of the right to protest.

E. Sole Source Procurement

A contract may be awarded for a supply, service, information technology, or construction item without competition if under strict regulations, the DSN Board/provider's chief administration officer determines in writing that there is only one source for the supply, service, information technology, or construction item. Note, a sole source procurement is not to be used to select a certain contractor, but rather because no other source is suitable or acceptable.

The Justification for Sole Source Procurement form must be completed to include:

- 1) Description of goods or services to be procured;
- 2) The name of the sole source contractor; and
- 3) The determination and basis for the sole source procurement and why no other source is suitable. In cases of reasonable doubt, competition must be solicited.

Violations of these sole source regulations by DSN Boards/providers may result in the suspension of their sole source authority for up to one year.

When a purchase has a total potential value of \$50,000 or more, adequate public notice of the intent to award without competition must be posted in the South Carolina Business

Opportunities publication, except that public notice is not required if the appropriate chief procurement officer, after consultation with the head of the purchasing agency, determines in writing that award without such notice is in the interest of the State. Notice must contain a statement of the right to protest and must be posted at least five (5) business days before entering a contract. For contracts with a total potential value greater than \$250,000, such notice must be posted at least 10 business days before entering a contract.

F. Professional Services Source Selection

The DSN Board/provider shall establish separate procedures for procurement of professional services including, but not limited to, legal, auditing, medical, dental, psychological, therapy services, real estate agents, etc. These services should be procured on a fee basis rather than on a competitive bidding basis. Procedures should ensure evaluation of the reasonableness of the fees consistent with DDSN Directive 250-05-DD: Cost Principles for Grants and Contracts with Community Providers. If seeking competition for professional services, the DSN Board/provider may consider issuing an RFP which enumerates specifications/requirements.

G. Unauthorized Procurements

Except in emergencies, no person may obligate funds to a purchase without the requisite authority to do so. The DSN Board/provider shall establish procedures for handling unauthorized purchases with the following guidelines:

1. The chief administrative officer may ratify the unauthorized act of an employee who purchases or obligates funds to a purchase for amounts below \$500.
2. The chairman of the local DSN Board/provider's governing board must ratify unauthorized purchases above \$500.
3. The DSN Board/provider's chief administrative officer shall prepare a written report to the board/provider chairman on the facts and circumstances, corrective action taken to prevent recurrence, action taken against the individual committing the unauthorized purchasing act, and documentation concerning whether or not the price paid was fair and reasonable. If the price paid is unreasonable, the individual may be held pecuniarily liable for the difference.

The DSN Board/provider shall establish appropriate disciplinary actions for employees who make unauthorized purchases.

H. Blanket Purchase Agreements (See Appendix B)

The DSN Board/provider may use blanket purchase agreements or purchase orders (BPO) for the direct procurement of small quantities of supplies and services. This may be accomplished by establishing charge account agreements with qualified suppliers.

Normally, the items or services are those for which there is a recurring demand such as food preparation supplies, spare parts, and routine services for the repair of building systems, equipment, and vehicles. The following procedures shall be established for Blanket Purchase Orders:

1. A separate blanket purchase order shall be issued for each supplier. The Blanket Purchase Orders and any attached agreement shall conform to guidelines set forth in Appendix B.
2. A single call (delivery or pickup) may not exceed \$300 unless accompanied by a separately identified purchase order signed by the authorized purchasing official.
3. Suppliers shall be notified immediately when a provider employee is no longer authorized to place calls or receive supplies or services.
4. Blanket purchase orders may not be issued in excess of a 12 month period. If renewed, a new purchase order, bearing a different purchase order number shall be issued.

I. Purchase Order Register

It is recommended that the DSN Board/providers purchasing regulations require maintenance of a register of all purchase orders issued to vendors or that the information listed below is readily available in DSN Board/provider records. This register would include the following information:

1. Number assigned the purchase order.
2. Issue date of the purchase order.
3. Name of vendor.
4. Total dollar value of the purchase order at time of issue.

J. General Supply Procedures

The DSN Board/provider purchasing rules shall include the following requirements:

1. When supplies, equipment, and services related thereto are needed, it is recommended that the DSN Board/provider require the user to state his or her needs on a Request for Issue of Purchase Order form (requisition).
2. Personnel authorizing procurements are not authorized to certify receipt of goods or services, except under emergency situations.
3. Receiving, storage and distribution procedures at each DSN Board/provider site may vary somewhat due to differences in staff size, storage space limitations, distribution methods, geographical location, physical plant characteristics, and

other cost effectiveness considerations. However, the following general procedures and practices represent minimum procedural requirements that must be established by every DSN Board/provider:

- a. Written operating procedures shall be maintained to guide personnel who receive, store, and distribute goods.
- b. Procedures must include detailed instructions on the following subjects:
 - Comparison of merchandise received with identity and quantity information on packing slips and with items ordered as shown on the receiving copy of a purchase order or other receiving file document;
 - Inspection for damaged items on items of lower quality than specified;
 - Documentation of delivery or pick up of goods by personnel authorized in writing by the appropriate director to certify receipt;
 - Procedures for documentation of contractual services performed.

IX. PROPERTY DISPOSAL

The DSN Boards/providers should have a policy on the disposal of property to ensure no favoritism is shown in this area. Suggestions on how to handle this is to have a form that describes the item no longer needed. This form will require two signatures; one should be the Executive Director/CEO or his/her designee and the Chief Finance Officer. Information for the form will include description, acquisition price, current value (estimated) and condition. If the item is no longer needed and considered junk, it should be put in the dumpster. It is not to be given to anyone. If the item has any value, allow all interested parties an opportunity to bid on it. These suggestions are offered to reduce confusion. If there is a policy in place, use it; if not create one.

X. APPROVAL OF POLICIES AND PROCEDURES

The DSN Board/provider's procurement policies and procedures shall be maintained as part of other board policies and procedures and shall be subject to review during program and financial audits and reviews. Any variance of the local DSN Board/provider's policies and procedures from this procedural document shall be approved in writing by DDSN's Director of Procurement Services. It is not necessary for the DSN Board/provider to submit to DDSN policies and procedures for approval. However, the DDSN Director of Procurement Services will provide assistance to the DSN Board/provider in developing and implementing procurement policies and will review documents upon request.

XI. PROTESTS PROCEDURES

The soliciting for a product or service must be obtained so that all potential contractors who can provide that product or service can respond fairly. If a contractor thinks a solicitation has been written too restrictive or that an award over \$50,000 was made without proper merit, they may file a protest. Protests must be filed within 15 business days of the date of issuance of the solicitation.

DSN Boards/providers should establish a protest procedure(s) and it should be part of their procurement procedures. Also, a written copy should be kept separately as a desk top file. The procedures for administering a protest should be written with the approval of the Executive Director and a copy should be sent to DDSN's Director of Procurement Services for review and guidance.

A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the Board's/Provider's chief officer in timely manner.

Suggestions For Accepting, Hearing And Solving A Protest

The best way to avoid a protest is to make sure the solicitation is written so that the business community can understand it. When soliciting for a product or service, consult that industry of professionals. Chances are they can give you a better understanding on how to obtain a better quote. Sometimes while writing a quote we may make it so restrictive that it prevents some contractors from responding. This of course limits competition. The solicitation should list who the procurement person is for that solicitation. It should also list the name, phone number, email address, physical address, room and time where the bid will be opened. This same information is to be used for filing a protest.

Who Can File A Protest

Any vendor or contractor that feels they have been aggrieved by the bid process. A protest is restricted to purchases with a potential value of \$50,000 or more. Any protest for less than that amount should be returned to the originator of the protest with explanation as to why the protest will not be heard. The protest should be filed with the procurement official and can be sent by regular USPS mail or email. The protest must contain the signature of the person authorized to make business decisions on behalf of the contractor or vendor.


Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall notify the appropriate chief procurement officer in writing of its intent to protest within seven (7) business days of the date that award or notification of intent to award, whichever is earlier, is posted and sent in accordance with the directive. Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner stated in subsection (2) within 15 days of the date award or notification of intent to award, whichever is earlier, is posted and sent in accordance with the

directive; except that a matter that could have been raised as a potential bidder as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

After receiving the protest, the procurement official will inform the Executive Director and then attempt to resolve the issue that prompted the protest. If the negotiations do not net any positive results, the protest will then be passed on to the Executive Director. The Executive Director may elect to meet with the filer of the protest or they may rule for or against the filer. Because the DSN Board/provider is not an appointed agency, the Executive Director's decision will be final.



Robin Blackwood
Vice-Chairman



Gary Lemel
Chairman

Summary:

These changes were approved to make the job of purchasing easier. It is recommended if possible that the Board/Provider have a designated procurement official to handle procurement issues. All procurements should start with a requisition that explains exactly what the user needs or wants. Carefully reading each request will help reduce errors, complaints, and protest. Remember to take the time to listen to the end user. Get as many people involved in the purchase as you can. Always ask the end user to write their specifications and review them together. The number one thing that will cause an interruption in a bid solicitation is weak or insufficient specifications. Remember things like warranties, types of materials, deadlines, building permits, licenses, bonds and insurance. These items, if left unmentioned, could cause problems later. Do not allow yourself to be rushed; it takes time to put a solicitation, get responses, evaluate the bids and make an award. After reviewing the specs, talk to several vendors and tell them you are putting out a bid for an item and ask for their suggestions. Get as much information about the item you are trying to buy as possible. Follow your written procedures, ask questions when not sure and you will have a better chance at having a successful procurement.

To access the following attachments, please see the agency website page "Current Directives" at: <https://ddsn.sc.gov/providers/ddsn-directives-standards-and-manuals/current-directives>

Appendix A:	Procurement Exemptions	Appendix B:	Blanket Purchase Agreements
Appendix C:	Requests for Quotes	Appendix D:	Invitations for Bids/Solicitation Template
	Instructions		Instructions
	Amendment Template		Amendment Template
	Verification Sheet		Emergency Procurement
	Justification		
	Tally Sheet Template		Sole Source Justification
	Award Template		Verification Sheet
			Tally Sheet Template
			Award Template