

COUNTY OF HORRY

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ORDINANCE NO: 02 - 10

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STATE OF SOUTH CAROLINA

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**AN ORDINANCE TO AMEND THE HORRY COUNTY CODE OF ORDINANCES TO REPEAL EXISTING ORDINANCES RELATING TO COUNTY PROCUREMENT AND TO ENACT THE HORRY COUNTY PROCUREMENT CODE AS APPENDIX E TO THE HORRY COUNTY CODE OF ORDINANCES.**

**WHEREAS**, Section 4-9-30 of the South Carolina Code of Laws empowers the Horry County Council “to acquire real property by purchase or gift; to lease, sell or otherwise dispose of real and personal property; and to acquire tangible personal property and supplies” and “to make and execute contracts”; and

**WHEREAS**, Section 11-35-50 of the South Carolina Code of Laws requires every political subdivision of the State of South Carolina to “adopt ordinances or procedures embodying sound principles of appropriately competitive procurement”; and

**WHEREAS**, County Council having reviewed existing ordinances and procedures relating to County procurement and finding same to require modification and revision, Council now wishes to amend said ordinances and procedures to better serve the purposes inherent in public purchasing, namely, best value, fair competition, and simplification and modernization of the law governing procurement by the County.

**NOW, THEREFORE**, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained that:

1. Appendix E of the Horry County Code of Ordinances is hereby repealed, and is rewritten and replaced in its entirety. Appendix E shall hereafter read as follows:

**APPENDIX E PROCUREMENT CODE**

**Section 101. Procurement code adopted; administration.**

The provisions of this appendix are adopted pursuant to Section 11-35-50 of the Code of Laws of South Carolina (1976, as amended), and may be referred to as the County Procurement Code.

**Section 102. Legislative Intent.**

(a) It is the intent of County Council that County government be the effective provider of services to the citizens of the County in the most efficient and economical way possible and that all purchases of goods and service be conducted with primary concern for the most prudent use of revenues provided by those citizens.

(b) The underlying purposes and policies of this legislation are to:

(1) Provide a clear and comprehensive ordinance governing procurement by the County;

- (2) Promote increased public confidence in the procurement regulations, procedures and practices used by the County;
- (3) Maximize the purchasing value of public funds;
- (4) Foster real and effective broad-based competition for public procurement within the free enterprise system;
- (5) Ensure the fair and equitable treatment of all persons who are providing, or seeking to provide, supplies and/or services to the County;
- (6) Provide safeguards for maintaining a procurement system of quality and integrity; and
- (7) Permit the continued development of procurement regulations, procedures and practices that support user needs.

**Section 103.** The County's Director of Procurement is hereby authorized to promulgate regulations governing procurement, management, control, and disposal of any and all supplies, services, and/or construction to be procured by the County, in a form substantially similar to that attached hereto; to submit such regulations and amendments thereto which may be made from time to time to the County Administrator for approval; and to promulgate and enforce compliance with such regulations. Such regulations once approved by way of Resolution of Horry County Council shall be binding in all procurements made by the County; however, no regulation shall change any commitment, right, or obligation of the County or a contractor/supplier under a contract in existence on the effective date of such regulation, unless all the parties to an existing contract execute a written bilateral modification agreeing to have the contract subject to the regulation. Such regulations as promulgated shall be appropriately disseminated.

**2. Severability.** If a section, sub-section, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that section, sub-section, or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

**3. Conflict and preceding Ordinances.** If a section, sub-section or provision of this ordinance shall conflict with the provisions of a section, sub-section or part of a preceding Ordinance of Horry County, then the preceding section, sub-section or part shall be repealed and no longer in effect.

**4. Effective date:** This Ordinance shall be effective upon implementation by the County Administrator, but no later than May 1, 2010.

**AND IT IS SO ORDAINED, ENACTED, AND ORDERED.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010

## **HORRY COUNTY COUNCIL**

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Liz Gilland, Chairman

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Harold G. Worley, District 1

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Brent J. Schulz, District 2

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Marion D. Foxworth, III, District 3

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Gary Loftus, District 4

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Howard D. Barnard, III, District 5

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Robert P. Grabowski, District 6

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James R. Frazier, District 7

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Carl H. Schwartzkopf, District 8

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W. Paul Prince, District 9

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Jody Prince, District 10

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Al Allen, District 11

Attest:

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Patricia S. Hartley, Clerk to Council

Date of First Reading:

Date of Second Reading:

Date of Third Reading: