

SOUTH CAROLINA PROCUREMENT CODE

Fiscal Year End: June 30

1. **Pre-qualifications:** Can be authorized by board.
 - a. **11-35-1820** → The board shall be authorized to provide by regulation for prequalification of suppliers or supplies.
2. **Auto-drop:** None.
3. **Life Cycle Costing (LCC):** South Carolina uses a weighted equation including LCC-type analysis of different factors (including operational costs) to determine its “best value bid”. The exact criteria for best value bid is determined by the purchasing agency.
 - a. **11-35-1528.5** → The best value bid must state the factors to be used in determination of award and the numerical weighting for each factor. Cost must be a factor in determination of award and cannot be weighted at less than sixty percent. Best value bid evaluation factors may include, but are not limited to, any of the following as determined by the procurement officer in its sole discretion and not subject to protest:
 - i. operational costs the State would incur if the bid is accepted;
 - ii. quality of the product or service or its technical competency;
 - iii. reliability of delivery and implementation schedules;
 - iv. maximum facilitation of data exchange and systems integration;
 - v. warranties, guarantees, and return policy;
 - vi. vendor financial stability;
 - vii. consistency of the proposed solution with the state's planning documents and announced strategic program direction;
 - viii. quality and effectiveness of business solution and approach;
 - ix. industry and program experience;
 - x. prior record of vendor performance;
 - xi. vendor expertise with engagement of similar scope and complexity;
 - xii. extent and quality of the proposed participation and acceptance by all user groups;
 - xiii. proven development methodologies and tools; and
 - xiv. innovative use of current technologies and quality results
 - b. **11-35-1528.8** → Award must be made to the responsive and responsible bidder whose bid is determined, in writing, to be most advantageous to the State, 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
4. **Piggybacking:** Allowed.
 - a. **11-35-4810** → Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or

multi-party contracts between public procurement units and open-ended state public procurement unit contracts which shall be made available to local public procurement units, except as provided in Section 11-35-4820 or except as may otherwise be limited by the board through regulations

5. **Recycle Preferences:** None.
6. **Minority/Small/Disadvantaged Business Enterprise preferences:** 10 % of total funds set aside for MBEs.
 - a. **11-35-5230 (A)** → The board shall promulgate regulations that designate such procurement contracts as it may deem appropriate for negotiation with certified, South Carolina-based minority firms, as defined by this subarticle.
 - b. **11-35-5240.1** → (d) goals that include expending with Minority Business Enterprises certified by the Office of Small and Minority Business Assistance an amount equal to ten percent of each governmental body's total dollar amount of funds expended;

7. **Cooperative Purchasing**

Visit the National Joint Powers Alliance (NJPA) web site for state specific information

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

*****South Carolina Code of Laws (Title 11 Chapter 35, South Carolina Consolidated Procurement Code):**

[S.C. Code of Laws Title 11 Chapter 35 South Carolina Consolidated Procurement Code - www.scstatehouse.gov-LPITS](http://www.scstatehouse.gov-LPITS)