

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

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OF COURT

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CLERK OF COURT
LANCASTER, SC

ORDINANCE NO.: 2017-1450

AN ORDINANCE

TO AMEND PORTIONS OF ARTICLE VI (LANCASTER COUNTY PROCUREMENT CODE) OF THE LANCASTER COUNTY CODE OF ORDINANCES SO AS TO MAKE VARIOUS CHANGES TO THE WORDING AND TERMS CONTAINED IN SECTION 2-256, TO DELETE IN ITS ENTIRETY THE WORDING NOTED IN SECTION 2-287 AND TO SUBSTITUTE AND REPLACE THEREFORE THE NEW PROVISIONS OF SECTION 2-287 AS DETAILED HEREIN.

WHEREAS, on December 13, 2010, through the passage of Ordinance No. 1076, Lancaster County did adopt the Lancaster County Procurement Code; and

WHEREAS, the County Administrator has recommended to both the Administration Committee and to the Council itself several amendments to Section 2-256 of the Procurement Code so as to more closely define the duties and responsibilities of the procurement officer; and

WHEREAS, the County Administrator has recommended to both the Administration Committee and to the Council itself a substantial rewording of Section 2-287 of the procurement Code so as to insure compliance with both federal and state requirements regarding minority and women-owned business enterprises; and

WHEREAS, Council finds the recommended amendments to be necessary and appropriate;

NOW, THEREFORE, by the power and authority granted to the Lancaster 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 and enacted that:

- A. Section 2-256 of the Lancaster County Procurement Code is amended to the following extent:

DIVISION 2. - PROCUREMENT OFFICER

Sec. 2-256. - ~~Procurement officer~~. Procurement Director

- (a) There is created the position of ~~procurement officer~~ **Procurement Director** who shall be the ~~county's principal contact~~ **Chief Procurement Officer** for procurement ~~and contract~~ services. The ~~procurement officer~~ **Procurement Director** shall be under the supervision of the finance director and the county administrator ~~report to the Financial Management Division Director~~.

- (b) The ~~procurement officer~~ **Procurement Director** shall not incur any obligation on behalf of the county if sufficient funds have not been appropriated by the county council.
- (c) Responsibilities of the ~~procurement officer~~ **Procurement Director** include, but are not limited to:
- (1) ~~Procuring supplies, materials, equipment and services needed by county government and its officials~~ **Direct the day-to-day operations of the Procurement Department, including the supervision of staff and the review of their work;**
 - (2) **Ensures compliance with applicable policies, laws, and regulations;**
 - (3) **Administers and maintains procurement card program for the County;**
 - (4) **Establishes standard contract clauses for use in contracts, solicitations, and purchase orders;**
 - (5) **Conducts contract negotiations and contract administration;**
 - (6) **Attends staff, committee, and Council meetings as needed;**
 - (7)(2) **Coordinates** the disposal of all surplus property and equipment;
 - (8)(3) **Assists** grant recipients in ensuring proper procurement procedures are followed;
 - (9)(4) **Maintains** a complete record of all purchasing transactions;
 - (10)(5) **Conducts** pre-bid conferences and bid openings;
 - (11)(6) **Handles** bid advertisements, logging bids, mailing and posting notice of awards and rejection notices;
 - (12)(7) Properly **maintains** records of all bid information;
 - (13)(8) **Establishes** and **updates** a bidders list;
 - (14)(9) **Assists** county government entities with writing bid specifications;
 - (15)(10) **Develops, reviews, and updates** procurement and contract procedures to ensure effective and efficient operations;
 - (16)(11) **Receives** and **responds** to inquiries from county government entities and vendors regarding procurement procedures; and
 - (17)(12) Providing instruction and guidance to county government entities and officials.
- (d) The **Procurement Director** ~~procurement officer, subject to approval by the finance director,~~ is authorized to develop, prepare and publish rules, regulations, manuals, guidelines, interpretations and other directives to aid in the implementation and use of the Lancaster County Procurement Code.

B. Section 2-287 of the Lancaster County Procurement Code in its present form is deleted and substituted therefor is the following:

Sec. 2-287. Participation in procurements. Minority and Women-Owned Business Enterprises.

1. Non-Discrimination.

- a. It is a continuing public policy of the County to achieve the full and equitable participation of businesses owned by minorities and women in Lancaster County's procurement process as both prime contractors and subcontractors.

- b. The County is committed to a policy of preventing and reducing discrimination in the award of or participation in County contracts and eliminating arbitrary barriers to full participation in such contracts by all persons regardless of race, ethnicity, or sex.

2. Definitions.

- a. Certified means the business or business owner must be able to show evidence of:
 - i. Existence as a “for profit” business;
 - ii. Operations for at least one (1) year;
 - iii. US citizenship or legal resident alien status; and, either:
 - 1. Be determined as an eligible MBE/WBE in accordance with this subchapter, subject to subsection 2(c) and 2(e); or
 - 2. The business holds current registration of MBE/WBE status with a reciprocal agency deemed acceptable to the County.
- b. Certified Firm means a firm that has been accepted by Lancaster County as Certified.
- c. Minority Business Enterprise (MBE) means a business:
 - i. Which is at least fifty-one (51) percent owned by one (1) or more Minority Individuals, or in the case of a publicly owned business, at least fifty-one (51) percent of all classes of the stock of which is owned by one (1) or more such Minority Individuals;
 - ii. Whose management, policies, major decisions, and daily business operations are independently managed and controlled by one (1) or more Minority Individuals;
 - iii. Which performs a commercially useful function; and
 - iv. Which is a Certified Firm.
- d. Minority Individual means a natural person of at least twenty-five (25) percent minimum (documentation may be required) in one (1) of the following groups:
 - i. African-Americans/Black;
 - ii. Hispanic-Americans, which includes persons who are Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, regardless of race;
 - iii. Native-Americans, which includes persons who are American-Indians, Eskimos, Aleuts, or Native-Hawaiians;
 - iv. Asian-Americans, which includes persons who are individuals of Far East Asia, Southeast Asia, the islands of the Pacific, or the Indian Subcontinent;
 - v. Arab-Americans.

- e. Woman-Owned Business Enterprise (WBE) means a business:
 - i. Which is at least fifty-one (51) percent owned by one (1) or more women, or in the case of a publicly owned business, at least fifty-one (51) percent of all classes of the stock of which is owned by one (1) or more such women;
 - ii. Whose management, policies, major decisions, and daily business operations are independently managed and controlled by one (1) or more such women;
 - iii. Which performs a commercially useful function; and
 - iv. Which is a Certified Firm.
3. Non-Discriminatory Efforts.
- a. In furtherance of the County's non-discrimination process, Lancaster County Procurement shall:
 - i. Compose and maintain a list of minority and women-owned vendors eligible to contract with the County;
 - ii. Seek and locate MBE/WBE's to be involved in the procurement process of County goods and services;
 - iii. Ensure no barriers in procurement procedures that will prohibit full participation of MBE/WBE's from doing business within the County;
 - iv. Maintain regular reporting of such activities to be available to all County management.

4. MBE/WBE Utilization.

- a. Lancaster County wishes to ensure that all duly certified Minority Business Enterprises ("MBE"), and Woman-Owned Business Enterprises ("WBE") are afforded the opportunity to fully participate in the procurement process. In addition to any requirements set forth in state or federal mandates, the County Administrator or Procurement Officer may include qualified MBE's and WBE's on solicitation lists.

Section 2. Severability

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the other sections, subsections and clauses shall not be affected.

Section 3. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersedes all other provisions and this ordinance is controlling.

Section 4. Effective Date.

This ordinance is effective upon passage of Third Reading.

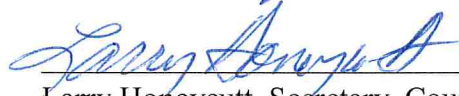
AND IT IS SO ORDAINED

Dated this 26th day of June, 2017

LANCASTER COUNTY, SOUTH CAROLINA

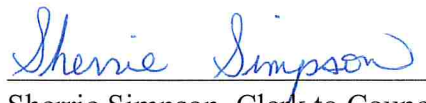


Steve Harper, Chair, County Council



Larry Honeycutt, Secretary, County Council

ATTEST:



Sherrie Simpson, Clerk to Council

First Reading:	May 22, 2017
Second Reading:	June 12, 2017
Third Reading:	June 26, 2017