

## Session 116 - (2005-2006)

### S\*0572 (Rat #0386, Act #0376 of 2006) General Bill, By Leatherman and Setzler

**Summary:** Procurement Code supersedes any other conflicting law

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-35-25 SO AS TO PROVIDE THAT THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE SUPERSEDES ANY OTHER CONFLICTING LAW; BY ADDING SECTION 11-35-3850 SO AS TO PROVIDE FOR THE SALE OF UNSERVICEABLE SUPPLIES BY A GOVERNMENTAL BODY; BY ADDING SECTION 11-35-4420 SO AS TO PROVIDE THAT THE CHIEF PROCUREMENT OFFICER AND THE AFFECTED LOCAL GOVERNMENTAL BODY HAVE THE OPPORTUNITY TO PARTICIPATE FULLY IN MATTERS PENDING BEFORE OR APPEALED FROM THE PROCUREMENT REVIEW PANEL; TO AMEND SECTIONS 11-35-40, 11-35-45, 11-35-210, 11-35-310, 11-35-410, 11-35-450, 11-35-510, 11-35-540, 11-35-710, 11-35-810, 11-35-820, 11-35-830, 11-35-845, 11-35-1030, 11-35-1210, 11-35-1220, 11-35-1230, 11-35-1240, 11-35-1410, 11-35-1510, 11-35-1520, ALL AS AMENDED, SECTIONS 11-35-1525 AND 11-35-1528; AND SECTIONS 11-35-1530, 11-35-1550, 11-35-1560, 11-35-1575, 11-35-1825, 11-35-2010, 11-35-2030, 11-35-2210, 11-35-2410, 11-35-2440, 11-35-2710, 11-35-2720, 11-35-3020, 11-35-3030, 11-35-3040, 11-35-3060, 11-35-3220, 11-35-3230, 11-35-3240, 11-35-3245, 11-35-3410, 11-35-3510, 11-35-3820, 11-35-3840, 11-35-4210, 11-35-4220, 11-35-4230, 11-35-4330, 11-35-4410, 11-35-5220, 11-35-5230, 11-35-5240, 11-35-5260, AND 11-35-5270, ALL AS AMENDED, ALL RELATING TO THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO, AMONG OTHER THINGS, DELETE REFERENCES TO THE OFFICE OF GENERAL SERVICES OR DIVISION OF GENERAL SERVICES OF THE STATE BUDGET AND CONTROL BOARD AND REPLACE THEM WITH THE TERMS "CHIEF PROCUREMENT OFFICER", "DESIGNATED BOARD OFFICE", OR "DESIGNATED BOARD OFFICER", AND TO PROVIDE, FURTHER THAT THE CHIEF EXECUTIVE OFFICER OF THE STATE BUDGET AND CONTROL BOARD DESIGNATE THE APPROPRIATE OFFICE OR SUBDIVISION OF THE BOARD OR OFFICER OR POSITION OF THE BOARD; TO REPLACE REFERENCES OF PROCUREMENT REQUIREMENTS FOR "GOODS AND SERVICES" WITH "SUPPLIES, SERVICES, AND INFORMATION TECHNOLOGY", REFINE AND CONFORM VARIOUS COMPETITIVE BIDDING MODES, TO INCREASE MAXIMUM DOLLAR THRESHOLDS IN SEVERAL INSTANCES, TO REDUCE THE POTENTIAL BIDDERS TO BE RANKED IN CERTAIN CONTRACTS, TO REDUCE THE CONTRACT AMOUNT ALLOWING WAIVER OF A BOND AND SECURITY, AND TO ADJUST SMALL PURCHASE THRESHOLDS AND AGENCY BASELINE CERTIFICATION; TO PROVIDE THAT A GOVERNMENTAL BODY SHALL HAVE CERTAIN GOALS FOR ITS TOTAL DOLLAR AMOUNT OF FUNDS EXPENDED WITH REGARD TO A MINORITY BUSINESS ENTERPRISE AND TO INCREASE THE TAX CREDIT FOR DEALING WITH AN MBE TO FIFTY THOUSAND DOLLARS ANNUALLY OVER TEN YEARS; TO SHORTEN THE PROTEST DEADLINE; AND TO PROVIDE THAT THE CHIEF PROCUREMENT OFFICER AND AN AFFECTED GOVERNMENTAL BODY HAVE THE OPPORTUNITY TO PARTICIPATE FULLY IN A REVIEW OR APPEAL OF AN ADMINISTRATIVE OR LEGAL DECISION MADE PURSUANT TO THE PROCUREMENT CODE; TO AMEND SECTION 12-6-3350, RELATING TO TAX CREDITS FOR STATE CONTRACTORS AND SUBCONTRACTORS WITH MINORITY FIRMS, SO AS TO INCREASE THE CREDIT TO FIFTY THOUSAND DOLLARS ANNUALLY FOR TEN YEARS; AND TO REPEAL SUBARTICLE 11 OF ARTICLE 1, CHAPTER 35, TITLE 11, RELATING TO THE ACCEPTANCE OF GIFTS IN KIND OF ARCHITECTURAL AND ENGINEERING SERVICES BY A GOVERNMENTAL BODY; AND TO AMEND SECTION 11-35-1270, AS AMENDED, RELATING TO AUTHORITY TO CONTRACT FOR CERTAIN SERVICES, AND SUBARTICLE 5 OF ARTICLE 15, CHAPTER 35, TITLE 11, RELATING TO THE CONTINUATION OF CERTAIN PROVISIONS OF LAW. - ratified title

**03/03/05 Senate Introduced and read first time SJ-6**

**03/03/05 Senate Referred to Committee on Finance SJ-6**

**03/15/06 Senate Committee report: Favorable with amendment Finance SJ-12**

**03/28/06 Senate Amended SJ-19**

**03/28/06 Senate Read second time SJ-19**

**03/29/06 Senate Read third time and sent to House SJ-20**

**03/30/06 House Introduced and read first time HJ-9**

**03/30/06 House Referred to Committee on Ways and Means HJ-11**

**05/10/06 House Committee report: Favorable Ways and Means HJ-4**

**05/16/06 House Debate adjourned until Wednesday, May 17, 2006 HJ-13**

**05/17/06 House Amended HJ-29**

**05/17/06 House Debate adjourned HJ-35**

**05/17/06 House Amended HJ-108**

**05/17/06 House Read second time HJ-108**

05/18/06 House Read third time and returned to Senate with amendments HJ-35  
05/18/06 House Roll call Yeas-101 Nays-0 HJ-37  
05/23/06 Senate Non-concurrence in House amendment SJ-26  
05/24/06 House House insists upon amendment and conference committee appointed Reps. Toole, McGee, and Neilson HJ-2  
05/25/06 Senate Conference committee appointed Setzler, O'Dell, and Cromer SJ-179  
05/31/06 Senate Conference report adopted SJ-197  
06/01/06 House Conference report received and adopted HJ-88  
06/01/06 Senate Ordered enrolled for ratification SJ-32  
06/07/06 Ratified R 386  
06/13/06 Signed By Governor  
06/20/06 Copies available  
06/20/06 Effective date 06/13/06  
06/23/06 Act No. 376