

## Session 117 - (2007-2008)

### S\*0282 (Rat #0179, Act #0174 of 2008) General Bill, By Leatherman and Setzler

#### Summary: Procurement Code

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-35-3005 SO AS TO AUTHORIZE CERTAIN PROJECT DELIVERY METHODS FOR STATE PROCUREMENTS RELATING TO INFRASTRUCTURE FACILITIES; BY ADDING SECTION 11-35-3015 SO AS TO SPECIFY THE SOURCE SELECTION METHODS FOR THE TYPES OF AUTHORIZED PROJECT DELIVERY METHODS; BY ADDING SECTION 11-35-3021 SO AS TO PROVIDE FOR SUBCONTRACTOR SUBSTITUTION; BY ADDING SECTION 11-35-3023 SO AS TO PROVIDE FOR PREQUALIFICATION ON STATE CONSTRUCTION; BY ADDING SECTION 11-35-3024 SO AS TO PROVIDE FOR CONTENTS OF A REQUEST FOR PROPOSALS AND EVALUATION FACTORS APPLICABLE TO CERTAIN PROJECT DELIVERY METHODS; BY ADDING SECTION 11-35-3035 SO AS TO PROVIDE FOR THE REQUIREMENT OF ERRORS AND OMISSIONS INSURANCE TO COVER CERTAIN SERVICES DELIVERED PURSUANT TO CERTAIN PROJECT DELIVERY METHODS; BY ADDING SECTION 11-35-3037 SO AS TO PROVIDE FOR OTHER FORMS OF SECURITY TO ENSURE PERFORMANCE; BY ADDING SECTION 11-35-3070 SO AS TO ALLOW THE GOVERNING BODY TO APPROVE NONMATERIAL CHANGE ORDERS; TO AMEND SECTION 11-35-310, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO REDEFINE "CONSTRUCTION"; TO AMEND SECTION 11-35-1510, AS AMENDED, RELATING TO METHODS OF SOURCE SELECTION, SO AS TO PROVIDE FOR SELECTION METHODS IN CONNECTION WITH PROJECT DELIVERY METHODS; TO AMEND SECTION 11-35-1530, AS AMENDED, RELATING TO COMPETITIVE SEALED PROPOSALS, SO AS TO REQUIRE COMPETITIVE SEALED PROPOSALS FOR CONTRACTS FOR CERTAIN PROJECT DELIVERY METHODS AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11-35-2410, AS AMENDED, RELATING TO FINALITY OF DETERMINATIONS IN CONNECTION WITH COMPETITIVE SEALED BIDDING, SO AS TO INCLUDE REFERENCES TO CHOICE OF DELIVERY METHOD AND PREQUALIFICATION ON STATE CONSTRUCTION; TO AMEND SECTION 11-35-2910, AS AMENDED, RELATING TO CERTAIN SERVICES, SO AS TO INCLUDE DEFINITIONS PERTAINING TO THE VARIOUS AUTHORIZED PROJECT DELIVERY METHODS INCLUDING "DESIGN REQUIREMENTS", "INDEPENDENT PEER REVIEWER SERVICE", AND "INFRASTRUCTURE FACILITY"; TO AMEND SECTION 11-35-3010, AS AMENDED, RELATING TO ADMINISTRATION OF CONSTRUCTION CONTRACTING, SO AS TO SUBSTITUTE PROJECT DELIVERY METHOD FOR THE PROCESS AND "GOVERNMENTAL BODY" FOR "USING AGENCY"; TO AMEND SECTION 11-35-3020, AS AMENDED, RELATING TO CONSTRUCTION PROCUREMENT PROCEDURES, SO AS TO DELETE SOURCE SELECTION LANGUAGE, TO INCORPORATE NEW PROVISIONS ADDED IN EARLIER SECTIONS AND TO DELETE LANGUAGE DUPLICATIVE OF NEW PROVISIONS ADDED; TO AMEND SECTION 11-35-3030, AS AMENDED, RELATING TO BOND AND SECURITY SO AS TO PROVIDE THAT THE CONTRACT PRICE FOR PURPOSES OF A PAYMENT BOND OR PERFORMANCE BOND DOES NOT INCLUDE THE COST OF OPERATION, MAINTENANCE, AND FINANCE, AND TO ALLOW FOR NO SURETY DURING PRECONSTRUCTION OR DESIGN PHASES; TO AMEND SECTION 11-35-3210, AS AMENDED, RELATING TO APPLICABILITY AND POLICY IN CONNECTION WITH CERTAIN SERVICES, SO AS TO DELETE THE PROVISIONS REFERRING TO APPLICABILITY TO THOSE SERVICES; TO AMEND SECTION 11-35-3220, AS AMENDED, RELATING TO PROCUREMENT PROCEDURES, SO AS TO SUBSTITUTE "GOVERNMENTAL BODY" FOR "USING AGENCY"; TO AMEND SECTION 11-35-3230, AS AMENDED, RELATING TO SMALL ARCHITECT-ENGINEERING AND LAND SURVEYING CONTRACTS, SO AS TO SUBSTITUTE "GOVERNMENTAL BODY" FOR "USING AGENCY"; TO AMEND SECTION 11-35-3245, AS AMENDED, RELATING TO PERFORMING OTHER WORK, SO AS TO LIMIT ITS APPLICATION TO PROCUREMENTS FOR CONSTRUCTION USING THE DESIGN-BID-BUILD PROJECT DELIVERY METHODS; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONSTRUCTION CONTRACTS, SO AS TO ADD A CROSS REFERENCE; AND TO REPEAL SECTION 11-35-1825 RELATING TO PREQUALIFICATION OF CONSTRUCTION BIDDERS. - ratified title

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| 01/17/07 | Senate | Introduced and read first time SJ-5                                       |
| 01/17/07 | Senate | Referred to Committee on Finance SJ-5                                     |
| 03/16/07 | Senate | Referred to Subcommittee: O'Dell (ch), Peeler, Reese, Short, Fair, Verdin |
| 03/28/07 | Senate | Committee report: Favorable Finance SJ-23                                 |
| 04/03/07 | Senate | Read second time SJ-22  |
| 04/04/07 | Senate | Read third time and sent to House SJ-7                                    |
| 04/10/07 | House  | Introduced and read first time HJ-14                                      |
| 04/10/07 | House  | Referred to Committee on Judiciary HJ-16                                  |
| 04/12/07 | House  | Recalled from Committee on Judiciary HJ-27                                |

04/12/07 House Referred to Committee on Ways and Means HJ-27  
05/15/07 House Committee report: Favorable Ways and Means HJ-7  
05/17/07 House Amended HJ-30  
05/17/07 House Read second time HJ-33  
05/17/07 House Unanimous consent for third reading on next legislative day HJ-33  
05/18/07 House Read third time and returned to Senate with amendments HJ-3  
05/22/07 Senate Non-concurrence in House amendment SJ-31  
05/23/07 House House insists upon amendment and conference committee appointed Reps. White, Edge, and Jennings HJ-3  
  
05/29/07 Senate Conference committee appointed Setzler, Alexander, and Fair SJ-16  
01/09/08 House Conference report received and adopted HJ-47  
01/09/08 Senate Conference report adopted SJ-17  
01/09/08 Senate Ordered enrolled for ratification SJ-19  
01/31/08 Ratified R 179  
02/04/08 Signed By Governor  
02/11/08 Copies available  
02/11/08 Effective date See Act for Effective Date  
02/11/08 Act No. 174