**A** **BILL**

TO AMEND SECTION 57‑5‑1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONSTRUCTION CONTRACTS AWARDED BY THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT EMERGENCY CONTRACTS MAY BE AWARDED UPON A GUBERNATORIAL-DECLARED EMERGENCY INSTEAD OF UPON A DETERMINATION OF THE SECRETARY OF TRANSPORTATION, AND TO PROVIDE THAT SUCH CONTRACTS MAY NOT BE ISSUED MORE THAN NINETY DAYS AFTER THE DECLARATION; AND TO AMEND SECTION 11‑35‑1570, AS AMENDED, RELATING TO EMERGENCY CONTRACTS AND THE PROCUREMENT CODE, SO AS TO PROVIDE THAT A CONTRACT AWARDED IN EMERGENCY STATUS MAY NOT LAST MORE THAN NINETY DAYS AND THAT ANY SUBSEQUENT RELATED CONTRACT MAY NOT BE AWARDED IN EMERGENCY STATUS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 57‑5‑1620 of the 1976 Code is amended to read:

“Section 57‑5‑1620. Awards by the department of construction contracts for ten thousand dollars and more shall be made only after the work to be awarded has been advertised for at least two weeks in one or more daily newspapers in this State, but where circumstances warrant, the department may advertise for longer periods of time and in other publication media. Awards of contracts, if made, shall be made in each case to the lowest qualified bidder whose bid shall have been formally submitted in accordance with the requirements of the department. However, in cases of emergencies, as ~~may be determined by the Secretary of the Department of Transportation~~ declared by the Governor, the department, without formalities of advertising, may employ contractors and others to perform construction or repair work or furnish materials and supplies for such construction and repair work, but all such cases of this kind shall be reported in detail and made public at the next succeeding meeting of the commission. The department may not make such emergency procurements more than ninety days after the emergency is declared by the Governor.”

SECTION 2. Section 11‑35‑1570 of the 1976 Code, as last amended by Act 41 of 2019, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) The duration of an emergency contract may not extend beyond ninety days. Further, any subsequent related contract may not be awarded in emergency status.”

SECTION 3. This act takes effect upon approval by the Governor.

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