

ORDINANCE NO. 2026-3

AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING CHAPTER 2, ARTICLE VII, PROCUREMENT PROCEDURES, IN ORDER TO UPDATE AND AMEND THE CITY'S PROCEDURES FOR COMPETITIVE BIDDING AND PROCUREMENT OF CONTRACTS AND SERVICES.

WHEREAS, the Mayor and Council of the City of Forest Acres deem it necessary to amend the provisions of Chapter 2, Article VII providing for procurement procedures in order to:

- i. clarify the procedures that apply to different types and amounts of procurements;
- ii. define additional categories of professional services contracts exempt from certain bidding requirements; and
- iii. otherwise update the City's procurement procedures.

NOW, THEREFORE, pursuant to the power vested in the Council of the City of Forest Acres by virtue of Sections 5-7-30 and 11-35-5320, Code of Laws of South Carolina, 1976, as amended; and to promote the general welfare of the City through adoption of procedures embodying sound principles of appropriately competitive procurement;

BE IT ORDAINED BY THE CITY COUNCIL, City of Forest Acres:

Section 1. That the Code of Ordinances of the City of Forest Acres be amended by revising Chapter 2, Article VII, Section 2-121 to read as follows:

Sec. 2-121. - Formal contract procedure.

Except as otherwise provided herein, all supplies and contractual services, when the estimated cost thereof shall exceed fifteen thousand dollars (\$15,000.00), shall be purchased by written contract. A standard purchase order approved by the purchasing agent and signed by both parties may serve as the contract. No contract or purchase shall be subdivided to avoid the requirements of this section. All sales of personal property which has become obsolete or unusable, when the estimated value exceeds fifteen thousand dollars (\$15,000.00), shall be sold by written contract or at a public auction to the highest responsible bidder, after due notice inviting proposals and bidders; provided, however, that this requirement shall not apply to trade in of vehicles, equipment or other personal property as consideration for a sale of similar replacement vehicles, equipment, or personal property.

Section 2. That the Code of Ordinances of the City of Forest Acres be amended by revising Chapter 2, Article VII, Section 2-122.1 to read as follows:

Sec. 2-122.1. - Competitive bidding; exceptions.

(a) *When required.*

- (1) *No bids required.* No competitive bidding shall be required for purchases or contracts for supplies, materials, equipment or services not exceeding five thousand dollars (\$5,000).
- (2) *Unsealed bids.* Before any purchases or contracts for improvements, supplies, materials, equipment or services exceeding five thousand dollars (\$5,000.00) up to and including twenty-five thousand dollars (\$25,000.00) are made, the purchasing agent shall give reasonable opportunity for competitive bidding. Publication of a request for bids on a city website or social media page shall constitute provision of such reasonable opportunity. All such bids shall be in writing. In review of such bids, the purchasing agent has the authority to reject all bids, parts of all bids, or all bids for any one (1) or more supplies or contractual services included in the proposed contract. The purchasing agent may attempt to negotiate the price with the lowest responsible bidder, including by a change in the bid specifications. The purchasing agent may also change the scope of the request for proposals in an effort to reduce the cost to a fair, reasonable and acceptable amount, so long as all responsive bidders are provided an opportunity to submit amended bids for the altered scope of work.
- (3) *Sealed bids.* All contracts for improvements, supplies, materials, equipment, or services costing more than twenty-five thousand dollars (\$25,000.00) shall be awarded pursuant to sealed bids as provided in this article. All such bids shall be in writing.

(b) *Exceptions.*

- (1) *Emergency purchases.* In the event of any emergency affecting city operations or services or the public welfare, health or safety, such conditions creating an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods, the provisions of this section shall not apply. A full report of any emergency purchase shall be filed by the purchasing agent with city council and shall be entered in the minutes of a council meeting.
- (2) *Professional services.* This section shall not apply to the procurement of professional services, including but not limited to legal, medical, architectural, construction management, accounting, professional consulting, appraisal, financial, marketing/advertising, governmental/public relations, environmental, municipal planning, engineering, landscape design, insurance, and information technology (including but not limited to storage, design, development and installation) services.
- (3) *Single qualified source.* A contract may be awarded without competitive bidding when the purchasing agent reasonably determines that there is only one (1) qualified source for the required goods or services and sets forth such determination and the basis therefore in a written statement submitted to city council and entered in the minutes of a council meeting.
- (4) *Construction contracting.*
 - a. Construction management services, design-build services, or turnkey management services may be used as alternatives for construction contracting

administration. Selection of such an alternative method shall be based on consideration of which method is the most advantageous to the city and will result in the most timely, economical, and successful completion of the construction project.

- b. Construction contracts are generally subject to competitive bidding where otherwise required under this article. However, construction contracts may be awarded without competitive bidding in the following instances:
 - i. The purchasing agent reasonably determines that timely, economical, and successful completion of the construction project will be best served by use of a contractor already mobilized on the same site or an adjoining site, and sets forth such determination and the basis therefore in a written statement submitted to city council and entered in the minutes of a council meeting; or,
 - ii. The city enters into a contract for the purchase of real property and, pursuant to such purchase agreement, contracts for the seller of the property to provide turnkey construction or construction management services for improvements to the property. The purchase contract, as approved by city council, shall recite a determination on the part of city council that, in its reasonable discretion, timely, economical, and successful completion of the desired improvements will be best served by use of this procurement method; or,
 - iii. The purchasing agent determines a single qualified source pursuant to subsection (b)(3) of this section.

Section 3. That the Code of Ordinances of the City of Forest Acres be amended by revising Chapter 2, Article VII, Section 2-123(a) to read as follows:

Sec. 2-123. - Award of contracts.

- (a) *Authority of purchasing agent.* The purchasing agent shall have the authority to award contracts of twenty-five thousand dollars (\$25,000.00) or less. Contracts in excess of twenty-five thousand dollars (\$25,000.00) shall be awarded by city council; provided, however, that the purchasing agent shall have the authority to award contracts of fifty thousand dollars (\$50,000.00) or less for emergency purchases pursuant to section 2-122.1(b)(1), such emergency procurement authority to automatically increase by 2% compounded annually on the first day of January of each year beginning on January 1, 2027.

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Section 4. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Effective date. The effective date of this ordinance shall be immediately upon its passage.

ORDAINED AND ADOPTED under the Corporate Seal of the City of Forest Acres, State of South Carolina, this 10th day of March, 2026.


MAYOR


COUNCILPERSON


COUNCILPERSON


COUNCILPERSON


COUNCILPERSON

ATTEST: , City Clerk

Approval of City Attorney as to Form: 

Person Requesting Ordinance: City Administrator/City Attorney

First Reading: February 10, 2026

Second Reading: March 10, 2026 (as amended)