



## County Council Meeting Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls  
Complex 100 Ribaut Road, Beaufort

**Monday, September 09, 2024  
5:00 PM**

### AGENDA

#### COUNCIL MEMBERS:

JOSEPH F. PASSIMENT, CHAIRMAN  
DAVID P. BARTHOLOMEW  
LOGAN CUNNINGHAM  
YORK GLOVER  
MARK LAWSON  
ANNA MARIA TABERNIK

LAWRENCE MCELYNN, VICE CHAIR  
PAULA BROWN  
GERALD DAWSON  
ALICE HOWARD  
THOMAS REITZ

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION- Chairman Joseph Passiment
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
- [5.](#) APPROVAL OF MINUTES - *County Council Meeting on July 15, 2024*
6. ADMINISTRATOR'S REPORT
- [7.](#) PRESENTATION OF A PROCLAMATION RECOGNIZING RECOVERY MONTH - *Vice-Chair Lawrence McElynn*
- [8.](#) PRESENTATION OF A PROCLAMATION RECOGNIZING MEMBERS OF THE SOUTH CAROLINA STATE GUARD - *Council Member Anna Maria Tabernik*

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#### CITIZEN COMMENTS

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- [9.](#) CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes ( a total of 15 minutes ) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)
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#### COMMITTEE REPORTS

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10. LIASION AND COMMITTEE REPORTS

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**PUBLIC HEARINGS AND ACTION ITEMS**

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11. APPROVAL OF CONSENT AGENDA

12. THIRD READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY'S TRAFFIC IMPACT ANALYSIS (TIA) POLICY

*Vote at First Reading on June 24, 2024 - 11:0*

*Vote at Second Reading on July 15, 2024 - 10:0*

*Public Hearing was held on August 26, 2024: motion to amend to postpone Third Reading until September 9, 2024 was approved.*

13. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING BEAUFORT COUNTY MEMORIAL HOSPITAL TO PLEDGE REVENUES IN CONNECTION WITH THE ISSUANCE BY THE SOUTH CAROLINA JOBS ECONOMIC DEVELOPMENT AUTHORITY OF ITS HEALTHCARE REVENUE BONDS (SOUTH OF BROAD HEALTHCARE PROJECT) SERIES 2024 IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$120,000,000; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO

*Vote at First Reading on August 26, 2024 - 11:0*

14. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS, TO PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS COOLER TRACT B (**FISCAL IMPACT: The cost of the purchase is be the appraisal value, \$1,140,000, plus closing costs. Funding for this project is Land Purchase account 4000-80-1000-54400 with a balance of \$3,000,000**)

*Vote at First Reading on August 26, 2024- 11:0*

15. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY REAL PROPERTY LOCATED AT 333 & 335 BUCKWALTER PARKWAY FOR DEVELOPMENT OF WORKFORCE AND AFFORDABLE HOUSING AND MEDICAL FACILITIES; AND OTHER MATTERS RELATED THERETO (**FISCAL IMPACT: this property was purchased for \$3,200,000 for the purpose of facilitating Affordable Workforce housing. The Transfer of property has no fiscal impact**)

*Vote at First Reading on August 26, 2024 - 11:0*

16. FIRST READING OF AN ORDINANCE ACCEPTING THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS FROM THE TOWN OF PORT ROYAL TO THE BEAUFORT COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS

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**CITIZEN COMMENTS**

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17. CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

*Anyone who wishes to speak during the Citizen Comment portion of the meeting will limit their comments and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language. In accordance with Beaufort County's Rules and Procedures, giving of a speaker's time to another is not allowed.*

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## **EXECUTIVE SESSION**

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- 18. PURSUANT TO S. C. CODE §30-4-70(a)(2): TO RECEIVE LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (RETAINING LEGAL COUNSEL)
  - 19. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(1) DISCUSSION OF EMPLOYMENT OF PERSONS REGULATED BY A PUBLIC BODY.
  - 20. PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2) TO RECEIVE LEGAL ADVICE WHERE THE ADVICE RELATES TO PENDING LITIGATION (PINE ISLAND PROPERTY HOLDINGS, LLC v BEAUFORT COUNTY)
  - 21. PURSUANT TO S.C. CODE SECTION 30-04-70(A)(2) TO RECEIVE LEGAL ADVICE REGARDING CONTRACTUAL ARRANGEMENTS (PEPPER HALL/OKATIE PARK)
  - 22. PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2) TO ENGAGE IN DISCUSSIONS AND NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS (LOBBYING CONTRACT)
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## **END OF EXECUTIVE SESSION**

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- 23. MATTERS ARISING OUT OF EXECUTIVE SESSION
- 24. ADJOURNMENT

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## CONSENT AGENDA

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### Items Originating from the Finance Committee

1. SECOND READING OF AN ORDINANCE TO REPEAL AND REPLACE BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE VII, DIVISION 4 (BEAUFORT COUNTY PURCHASING ORDINANCE); TO ESTABLISH NEW POLICIES OF CENTRALIZED PURCHASING AND COMPETITIVE BIDDING FOR COUNTY AGENCIES (A NEW PURCHASING ORDINANCE); DELEGATING PURCHASING AUTHORITY TO THE COUNTY PURCHASING DIRECTOR; ESTABLISHING PROCEDURES FOR THE PURCHASING OF GOODS AND SERVICES AS REQUIRED BY COUNTY AGENCIES; AND OTHER MATTERS RELATED THERETO

*Vote at First Reading on August 26, 2024- 11:0*

***Public Hearing will take place at 3rd Reading on September 23, 2024.***

2. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT BLOCK GRANT AWARDS OFFERED BY THE SOUTH CAROLINA DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES(***FISCAL IMPACT: The Beaufort County Alcohol and Drug Abuse Department will receive \$149,691.07 (Federal \$147,858.07 and State \$1,833.00) to fund the provision of primary prevention services for alcohol and other drugs and \$354,542.18 (Federal \$318,311.18 and State \$36,231.00) to provide intervention, treatment and recovery services for the citizens of Beaufort County. There is no requirement for matching funds)***)
3. APPROVAL OF A CONTRACT TO PAVE AROUND BLUFFTON TOWNSHIP FIRE DISTRICT'S TRAINING BUILDING (***FISCAL IMPACT: This project is funded by Fire Impact Fees. This proposal is under budget. The current proposal is \$440,000. Budgeted amount was \$500,000. Funds to be from ACCOUNT# 10001410-57810 7308-050000-57810)***)
4. APPROVAL OF THE APPOINTMENT OF DAVID JOHNSON TO THE BEAUFORT COUNTY TRANSPORTATION COMMITTEE FOR A FOUR-YEAR TERM WITH THE EXPIRATION DATE OF AUGUST 2028.
5. BOARDS AND COMMISSIONS APPOINTMENTS & REAPPOINTMENTS

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## END OF CONSENT AGENDA

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TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>





## County Council Meeting Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls  
Complex 100 Ribaut Road, Beaufort

**Monday, July 15, 2024  
4:00 PM**

### MINUTES

*Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting <https://beaufortcountysc.new.swagit.com/videos/310165>*

#### 1. CALL TO ORDER

Chairman Passiment called the meeting to order at 4:00PM

#### PRESENT

Chairman Joseph F. Passiment  
Vice-Chairman Lawrence McElynn  
Council Member David P. Bartholomew - (Arrived Late)  
Council Member Paula Brown  
Council Member Logan Cunningham  
Council Member Gerald Dawson  
Council Member York Glover  
Council Member Alice Howard  
Council Member Mark Lawson - (Arrived Late)  
Council Member Anna Maria Tabernik  
Council Member Thomas Reitz

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the pledge of allegiance and Council Member Howard gave the Invocation.

#### 3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

Chairman Passiment stated that public notice of this meeting had been published, posted and distributed in compliance with the SC Freedom of Information Act.

#### 4. APPROVAL OF AGENDA

**Motion to Amend:** It was moved by Vice-Chairman McElynn, Seconded by Council Member Brown to amend the agenda to move item #13, a proclamation recognizing Beaufort County Coroner David Ott, SC Coroner of the Year, up on the agenda after approval of the minutes.

**The Vote** - Motion was approved without objection.

**Main Motion:** It was moved by Vice-Chairman McElynn, Seconded by Council Member Brown to approve the agenda as amended.

**The Vote** - Motion was approved without objection.

## 5. APPROVAL OF MINUTES

**Motion:** It was moved by Council Member Glover, Seconded by Vice-Chairman McElynn to approve the minutes of May 13, 2024; Special Called County Council Meeting's of May 14, 2024; May 15, 2024; and May 16, 2024.

**The Vote** - Motion was approved without objection.

## 6. PROCLAMATION RECOGNIZING BEAUFORT COUNTY CORONER DAVID OTT, SC CORONER OF THE YEAR

Council Member Alice Howard presented Coroner Ott with a proclamation honoring him for receiving SC Coroner of the Year.

## 7. EXECUTIVE SESSION

**Motion:** It was moved by Vice-Chairman McElynn, Seconded by Council Member Glover to go into executive session to discuss the items below.

*Pursuant to s.c. code section 30-4-70(a)(2): discussion of matters covered by the attorney-client privilege (inquiries and investigations Pursuant To S.C. Code Section 4-9-660 - Hsb)*

*Pursuant To S.C. Code Section 30-4-70(A)(1) discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body.*

*Pursuant To S.C. Code Sec. 30-4-70(A)(2): receipt of legal advice where the advice to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege. (personnel issue)*

*Pursuant To S.C. Code §30-4-70(A)(2): receipt of legal advice where the legal advice relates to matters covered by the attorney-client privilege (DIFS contract)*

*Pursuant To S.C. Code Section 30-04-70(A)(2) discussions of negotiations incident to proposed contractual arrangements (MOA proposed by Town of Hilton Head Island)*

**The Vote** - Motion was approved without objection.

## 8. MATTERS ARISING OUT OF EXECUTIVE SESSION

There were no matters arising out of executive session.

## 9. ADMINISTRATOR'S REPORT

To see the full County Administrator report please click on the link below.

<https://beaufortcountysc.new.swagit.com/videos/310165>

## 10. CITIZEN COMMENT PERIOD

Citizen Comments were taken.

## 11. LIASION AND COMMITTEE REPORTS

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/310165>

## 12. APPROVAL OF CONSENT AGENDA

Motion made by Council Member Dawson, Seconded by Council Member Howard to approve the following consent agenda items: Third Reading of an ordinance authorizing the County Administrator to execute the necessary documents to convey utility easement # 904091 with Dominion Energy encumbering property owned by Beaufort County (688 Parris Island Gateway); Third reading of an ordinance authorizing the acceptance of drainage easements associated with drainage systems located in the shell point area on parcels r100 033 00a 0350 0000 & r100 033 00a 0116 0000; Third Reading of an ordinance authorizing the conveyance of a portion of parcels r123-018-000-0483-0000 and r200-018-000-0257-0000 of real property from Beaufort County to the City Of Beaufort associated with us 21 airport area and frontage road improvements; Third Reading of an ordinance authorizing the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right of way for private section of Scheper Lane; Second reading of an ordinance to amend Beaufort County's Traffic Impact Analysis (Tia) Policy; Second reading of an ordinance providing for the appropriation of funds for fiscal year 2024-2025 generated by the local a-tax committee; and Second reading reading of an ordinance providing for the appropriation of funds for fiscal year 2024-2025 generated by the local hospitality tax.

**The Vote** - Motion was approved without objection.

## 13. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT AN INFRASTRUCTURE PLANNING GRANT FROM THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY (RIA) FOR THE ALLJOY COMMUNITY

Motion: It was moved by Vice-Chairman McElynn, Seconded by Council Member Glover to approve a resolution authorizing the County Administrator to accept an infrastructure planning grant from the South Carolina Rural Infrastructure Authority (RIA) for the Alljoy Community.

**The Vote** - Motion was approved without objection.

## 14. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PURSUE CONDEMNATION ON PARCEL R200 011 000 0007 0000 ASSOCIATED WITH SHEPPARD ROAD, CAUSEY WAY AND DOCK BUILDERS DRIVE ON LADY'S ISLAND

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Tabernik to approve a resolution authorizing the County Administrator to pursue condemnation on parcel r200 011 000 0007 0000 associated with Sheppard Road, Causey Way And Dock Builders Drive on Lady's Island.

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/310165>

**The Vote - Voting Yea:** Chairman Passiment, Vice-Chairman McElynn, Council Member Cunningham, Council Member Glover, Council Member Howard, and Council Member Tabernik. **Voting Nay:** Council Member Brown, Council Member Dawson, and Council Member Reitz. **Voting Abstaining:** Council Member Bartholomew. The motion passed 6:3 with 1 abstention.

## 15. APPROVAL OF A RESOLUTION TO ACCEPT FAA BIL AIRPORT TERMINAL PROGRAM GRANT IN THE AMOUNT OF \$5,000,000 FOR HXD TERMINAL IMPROVEMENTS - CONTINGENT UPON FINAL FAA OFFER

Motion: It was moved by Council Member Reitz, Seconded by Vice-Chairman McElynn to approve a resolution to accept Faa Bil Airport Terminal Program Grant in the amount of \$5,000,000 for HXD Terminal Improvements - contingent upon final FAA offer

**The Vote** - Motion was approved without objection.

**16. APPROVAL OF A RESOLUTION TO ACCEPT FAA GRANT FUNDING FOR THE HILTON HEAD ISLAND AIRPORT (HXD) TAXIWAY F REHABILITATION PROJECT- CONTINGENT UPON FINAL FAA OFFER**

**Motion:** It was moved by Council Member Reitz, Seconded by Council Member Cunningham to approve a resolution to accept FAA Grant funding for the Hilton Head Island Airport (HXD) taxiway F rehabilitation project- contingent upon final FAA offer.

**The Vote** - Motion was approved without objection.

**17. APPROVAL OF A RESOLUTION TO ACCEPT FAA GRANT IN THE AMOUNT OF \$137,209 FOR HXD AIRFIELD DRAINAGE IMPROVEMENTS – DESIGN AND BIDDING CONTINGENT UPON FINAL FAA**

**Motion:** It was moved by Council Member Reitz, Seconded by Council Member Cunningham to approve a resolution to accept FAA grant in the amount of \$137,209 for HXD airfield drainage improvements – design and bidding contingent upon final FAA offer.

**The Vote** - Motion was approved without objection.

**18. APPROVAL OF UPDATED MEETING CALENDAR**

**Motion** made by Council Member Cunningham, Seconded by Council Member Dawson to approve an updated committee and council meeting calendar.

**The Vote** - Motion was approved without objection.

**19. CITIZEN COMMENT PERIOD**

Citizen comment was taken.

**20. EXECUTIVE SESSION**

**Motion:** It was moved by Vice-Chairman McElynn, Seconded by Council Member Cunningham to go back into executive session to discuss the items below.

*Pursuant To S.C. Code Section 30-4-70(A)(1) discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body.*

*Pursuant To S.C. Code Sec. 30-4-70(A)(2): receipt of legal advice where the advice to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege. (personnel issue)*

*Pursuant To S.C. Code §30-4-70(A)(2): receipt of legal advice where the legal advice relates to matters covered by the attorney-client privilege (DIFS contract)*

*Pursuant To S.C. Code Section 30-04-70(A)(2) discussions of negotiations incident to proposed contractual arrangements (MOA proposed by Town of Hilton Head Island)*

**The Vote** - Motion was approved without objection.

**21. MATTERS ARISING OUT OF EXECUTIVE SESSION**

Chairman Passiment announced the retirement of Thomas Keaveny and gave an update on the Daufuskie Island Ferry Plan.

**22. ADJOURNMENT**

The meeting adjourned at 6:41PM.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Joseph F. Passiment, Jr., Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, Clerk to Council  
Ratified:

## ~ Proclamation ~

**Whereas**, mental health and substance use disorders impact people from all walks of life and across all age groups. These conditions are common, often recurring, and can be quite serious. However, they are treatable, and many individuals do recover, achieving healthier lifestyles and leading fulfilling lives in recovery.

**Whereas**, National Recovery Month, which began in 1989, occurs annually in September. The theme is 'Every Person, Every Family, Every Community.' Throughout our lives, we all experience peaks and valleys. However, we remain resilient with strength, support, and hope from our loved ones.

**Whereas**, the entire community is encouraged to celebrate September as National Recovery Month by promoting the message that behavioral health is essential for overall well-being, prevention is effective, treatment works, and recovery is possible.

**Now, therefore, be it resolved** that Beaufort County Council does hereby proclaim September 2024 as

### Recovery Month in Beaufort County

#### Also

**Whereas**, National Addiction Professionals Day is celebrated on September 20 as part of National Recovery Month, and

**Whereas**, Addiction Professionals are providers of prevention, treatment, and recovery management as well as change agents who contribute to a more hopeful and healthy society.

**Now, therefore, be it resolved** that Beaufort County Council does hereby join in observance and proclamation of September 20, 2024, as

### Addiction Professionals Day

Dated this 9<sup>th</sup> day of September 2024

\_\_\_\_\_  
Joseph F. Passiment, Chairman  
Beaufort County Council



## ~ Proclamation ~

**Whereas,** September is observed as National Preparedness Month to raise awareness about the importance of preparing for emergencies and to build resilience before disasters strike; and

**Whereas,** counties and municipalities throughout South Carolina have been affected by a variety of disasters and emergencies, including ice storms, flooding, earthquakes, hurricanes, and the COVID-19 pandemic; and

**Whereas,** the residents of Beaufort County deeply appreciate the protection that the South Carolina State Guard has provided to the citizens of this great State for more than three hundred fifty years; and

**Whereas,** authorized by the South Carolina Code of Laws, the State Guard is a professional military organization and component of the South Carolina Military Department which supports a variety of critical functions of the state, county, and municipal governments, such as providing disaster-relief assistance to communities and local first-responder organizations; and

**Whereas,** the South Carolina State Guard traces its earliest manifestation to the formation of the Charleston Militia in 1670, the colony's first military organization, protecting residents in earliest days from pirates, foreign invaders, and Native- American raids; and

**Whereas,** throughout the Revolutionary War the State Guard played a pivotal role in recapturing the South from British control with leaders, such as Francis Marion, "The Swamp Fox"; Thomas Sumter, "The Gamecock"; and Andrew Pickens, "The Wizard Owl"; and additionally played key roles in later conflicts such as early 19<sup>th</sup> century battles against the Spanish in Florida, the Mexican War, and the Spanish-American War; and,

**Whereas,** the State Guard is organized as an army brigade under the leadership of the Commander and is comprised of the Command Staff, the Chief of Staff Section, the Professional Services Command, and the 1st Civilian Support Brigade, which is further divided into three battalions. The battalions are divided into companies which correspond to the boundaries of the six regions of the South Carolina Emergency Management Division; and

**Whereas,** the State Guard trains new members at the McCrady Training Center in Eastover to provide a number of services: search and rescue operations, medical support, legal and engineering expertise, chaplain and counseling services, directing distribution of supplies, providing military funeral honors to veterans, executive governmental affairs that serves as a liaison to the Governor's Office and the Legislature as well as building relationships with military and civic organizations across the State; and

**Whereas,** when serious natural or man-made disasters strike the South Carolina, the State Guard provides "boots on the ground" with the mission to swiftly respond, safeguarding people and property, and to aid community recovery, in coordination with the National Guard, law enforcement, and other state, county, and municipal agencies; and

**Whereas,** the State Guard is part of the South Carolina Military Department and directed by the Adjutant General, and its Commander in Chief is the Governor of the State of South Carolina;

**Now, therefore, be it resolved,** County Council recognizes and honors the members of the South Carolina State Guard and commends their all-volunteer force who nobly provides aid during times of disaster, who share a passion and strong commitment to their fellow South Carolinians, and who embody the Spirit of National Preparedness month, and to declare September as "South Carolina State Guard Month" in Beaufort County.

### **South Carolina State Guard Month**

Dated this 9<sup>th</sup> Day of September 2024



\_\_\_\_\_  
Joseph F. Passiment, Jr.  
Beaufort County Council



CITIZEN COMMENTS 1<sup>st</sup> Portion

COUNTY COUNCIL  
September 9, 2024

## CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

Anyone who wishes to speak during the Citizen Comment portion of this meeting will limit their comments **TO AGENDA ITEMS ONLY** and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language.

FULL NAME (print only)

Agenda Topic

✓ Sandra Mack	
✓ <del>Robert New</del> QUEEN QUET	St. Helena Island CPO <del>Pine Island</del>
<del>(23) Queen Quet</del>	" "
✓ <del>Robert New</del>	" "
✓ Tom Donahue	Pine Island
✓ THERESA WHITE	Pine Island
✓ <del>Lucia Lanza</del>	" "
Arnold L Brown CPO	Dave Johnson APPOINTMENT
✓ ROBERT ADAMS	Pine Island
✓ Elizabeth Hayes	Pine Island
✓ <del>Germania Summers</del>	St. Helena Island Reed Trust Land
✓ Jindia Blount	Pine Island
✓ Miller Inez	Pine Island



Craig Reave  
Sally Mayson

Donna A Cole

Roy ~~Brown~~

Prestine Alexander

Pine Island

Pine Island

Pine Island

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# Support

## ST. HELENA ISLAND

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What is “Support St. Helena Island”?

**Empowering the dreams of St. Helena Island's underserved community, where every possibility becomes a pathway to hope and a brighter future.**

Support  
ST. HELENA ISLAND

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## The Mission

Our mission is to ignite the potential of nonprofits and local businesses by creating a dynamic community space that fuels innovation, sustainability, and growth. At the "Community Collaboration Center" (CCC), we cultivate a hub where organizations unite, share resources, and co-create programs to amplify their impact. Central to our vision is the revival of the Corners Community—a place once vibrant with culture and life. We are dedicated to breathing new energy into this community, empowering underserved entrepreneurs and aspiring leaders. The CCC stands as the first step towards realizing our dream of a mission-designed, purpose-crafted community center, where possibilities flourish and a brighter future is forged together.

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ST. HELENA ISLAND

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## The Vision

We dream of a flourishing, tightly-knit community where nonprofits and local businesses come together with passion and purpose, crafting sustainable solutions that spark hope and ignite change. Our "Community Collaboration Center" is more than just a space—it's the heartbeat of our vision, the foundation from which we will breathe new life into the Corners Community. Through the creation of a purpose-designed, mission-crafted community center and a warm, inclusive resource hub driven by the people, we aim to kindle economic vitality, safeguard cultural legacies, and nurture shared triumphs. These efforts will transform St. Helena Island into a shining example of what can happen when a community unites to reclaim its future.

These statements now resonate with even deeper emotion, capturing the powerful commitment and heartfelt connection driving SHI's mission to revitalize the Corners Community.

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ST. HELENA ISLAND

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## The Problem

Saint Helena Island faces significant challenges, with many residents lacking access to essential resources. Unlike the neighboring areas of Beaufort County, the island suffers from the absence of a central, well-equipped, community-focused facility that could bridge this gap. Historically, public facilities in Beaufort County have fallen short, unable to meet the diverse recreational, educational, and basic needs of the community. This shortfall stifles the community's ability to access vital services, engage in social and cultural activities, and effectively utilize shared resources. Given that Saint Helena Island is the largest landmass in the County, the need for a centralized community space is even more pressing, especially considering the unique challenges faced by the islanders. Additionally, a deep-seated fear prevents many locals from speaking out about community issues, bound by an unspoken code of silence. As a result, decisions that affect the entire community are made by a select few, further limiting the potential for positive change.

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ST. HELENA ISLAND

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## The Solution

With empowerment from the Support Saint Helena Initiative, the Cultural and Community Asset Network believes that a thriving and equitable environment for all St. Helena Island residents can only be realized if we put in the work together as a community. A long-term vision anchored in community collaboration and cultural awareness can yield a plan that identifies immediate critical needs gaps and creates long-term sustainability for current and future generations of Island Residents.

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ST. HELENA ISLAND

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### Phase 1 – Standup of Core Programs

- Youth Athletics & Mentorship
- Tutoring
- Meal Distribution
- Tax & Land Preservation Classes
- Labor-based Commissioned Fundraising
- Starter Community Center Building

### Phase 2 – Additional Programs

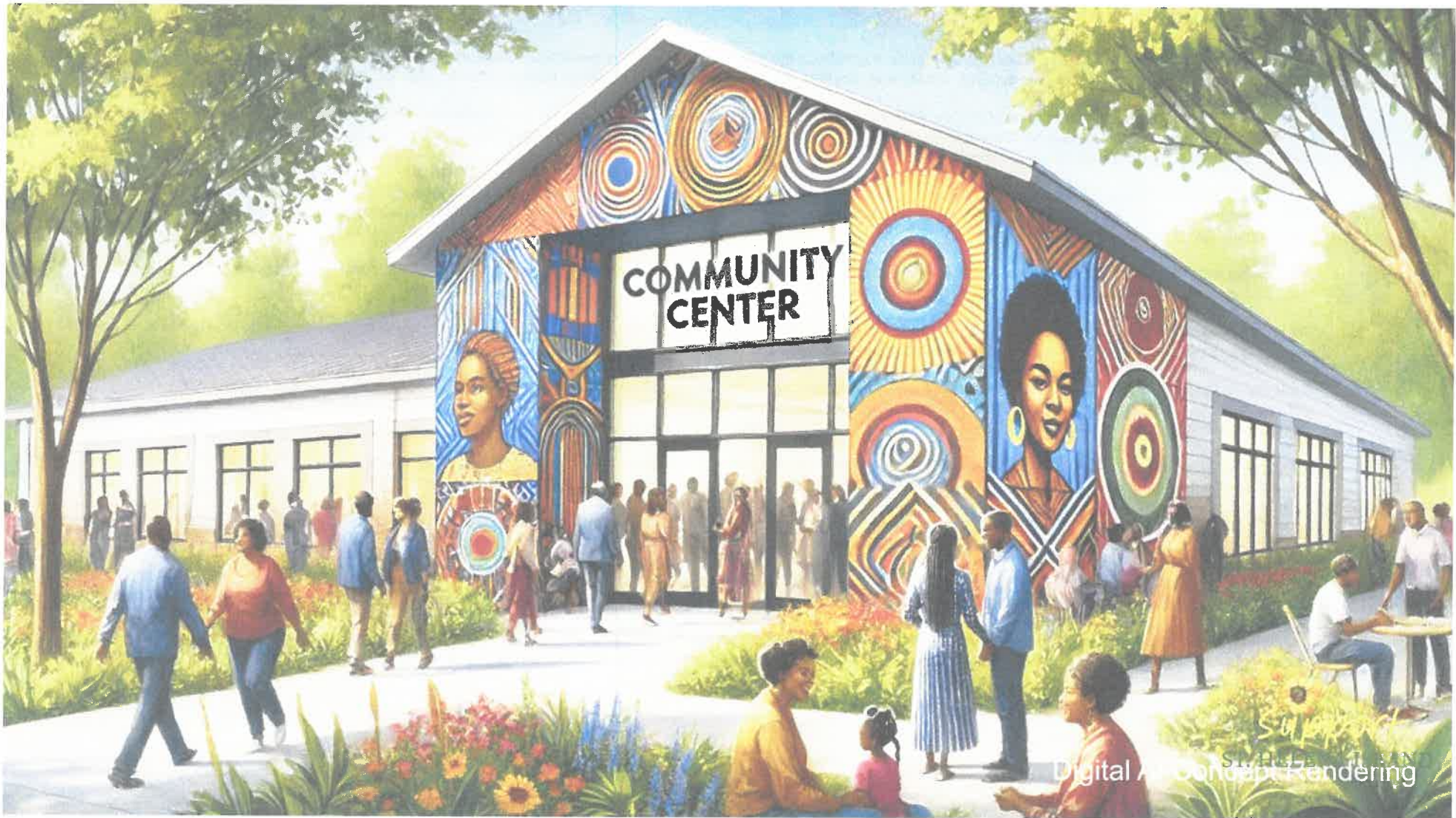
- Scholarships
- Entrepreneurship & Business Coaching
- Island Mobile Transportation Service

### Phase 3 – Community Center Convergence

Facilitating the creation of a Community Center: We aim to establish a purpose-designed and mission-crafted community center that serves as a hub for educational, recreational, and social activities. This center will offer a wide range of programs, including vocational & occupational training & education programs (VOTEP), after-school tutoring, health & wellness workshops, and cultural events and programming spotlighting the uniqueness of the Sea Island Communities. By providing a safe and supportive space, we empower individuals to develop new skills, pursue their passions, and strengthen community bonds.

*Support*  
ST. HELENA ISLAND





**Facade:** The center's exterior features a bold, colorful mural that reflects the rich cultural heritage of the African American community. The mural might include motifs like traditional patterns, historical figures, and symbols of unity and progress. It's welcoming and eye-catching, setting a positive tone for all who approach.

**Main Entrance:** The entrance is wide and accessible, with large glass doors framed by decorative metalwork that incorporates artistic elements such as musical notes, hands in motion, and abstract shapes representing the diverse activities happening inside. A welcoming sign, possibly made from reclaimed wood, proudly displays the center's name in both English and a local African American dialect or language.

**Community Garden:** To one side of the building, there's a well-tended community garden where local residents grow tomatoes, herbs, and flowers. Raised beds and vertical planters maximize space and accessibility. This area might have educational signage about sustainable gardening practices and a stand where people can buy or trade homegrown produce.

**Performing Arts / Black Box Multipurpose Space:** A dedicated multi-purpose space that fosters creativity, artistic expression and cultural exchange that supports local talent and attracts visitors to our beautiful community and region.

**Recycling Station:** Adjacent to the garden, a vibrant recycling station is set up with clearly labeled bins for sorting different types of recyclables. The station includes educational murals and interactive displays about the importance of recycling and waste reduction.

**Trade Skills Area:** On the other side of the entrance, there's a dedicated space for trades and vocational training. This area might have an outdoor workshop with tools and materials visible through large windows. It could include a small construction area where people are actively learning carpentry, masonry, and other skills. A display board shows upcoming workshops and classes.

**Sporting Facilities:** Nearby, there's an outdoor sports area featuring a basketball court and a multi-purpose field for soccer and other activities. These facilities are busy with locals engaging in games and practices. The court and field are surrounded by colorful murals and motivational quotes that promote teamwork and healthy living.

**Public Transportation Hub:** The center is strategically located near a public transportation stop. An area with benches and bike racks provides a convenient spot for people to wait for buses or catch a ride. Informational signs about public transit routes and schedules are prominently displayed.

**Art and Pottery Studio:** To one side of the building, there's a bright, inviting space dedicated to art and pottery. Large windows showcase the creative process inside. This area might have an outdoor exhibit space where finished pieces are displayed, attracting passersby and offering a chance for local artists to display their work.

**Chess and Community Gathering:** A shaded, open-air pavilion hosts large tables with chess boards and seating for players. This space is surrounded by lush landscaping and includes benches for casual gatherings. Regular chess tournaments and community meetings are held here, fostering engagement and strategic thinking.

**Marketplace:** At the front of the center, there's a small, vibrant marketplace where local vendors sell honey, homemade crafts, and art. This space features colorful canopies and displays that showcase the best of local products and art.

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## The Work Getting Done: What We Have Done!

### Youth Advocacy

- 60 Student AAU Travel Basketball
- Hundreds of Meals served to Local Children
- Crisis Intervention for 5 families
- Peer Tutoring over 25 kids
- Teacher Appreciation/ School Supply Drive \$2,000 worth of school and hygiene supplies donated to teachers for classrooms
- Over \$2,000 in student-athlete prizes, awards, and scholarships

### Land Education

- 100 Heirs Property Classes Conducted
- 100 Property Tax Classes Property
- 10k Property Taxes Paid
- 12 Homes Recovered
- Cemetery Dispute Mediation

### Veterans Assistance

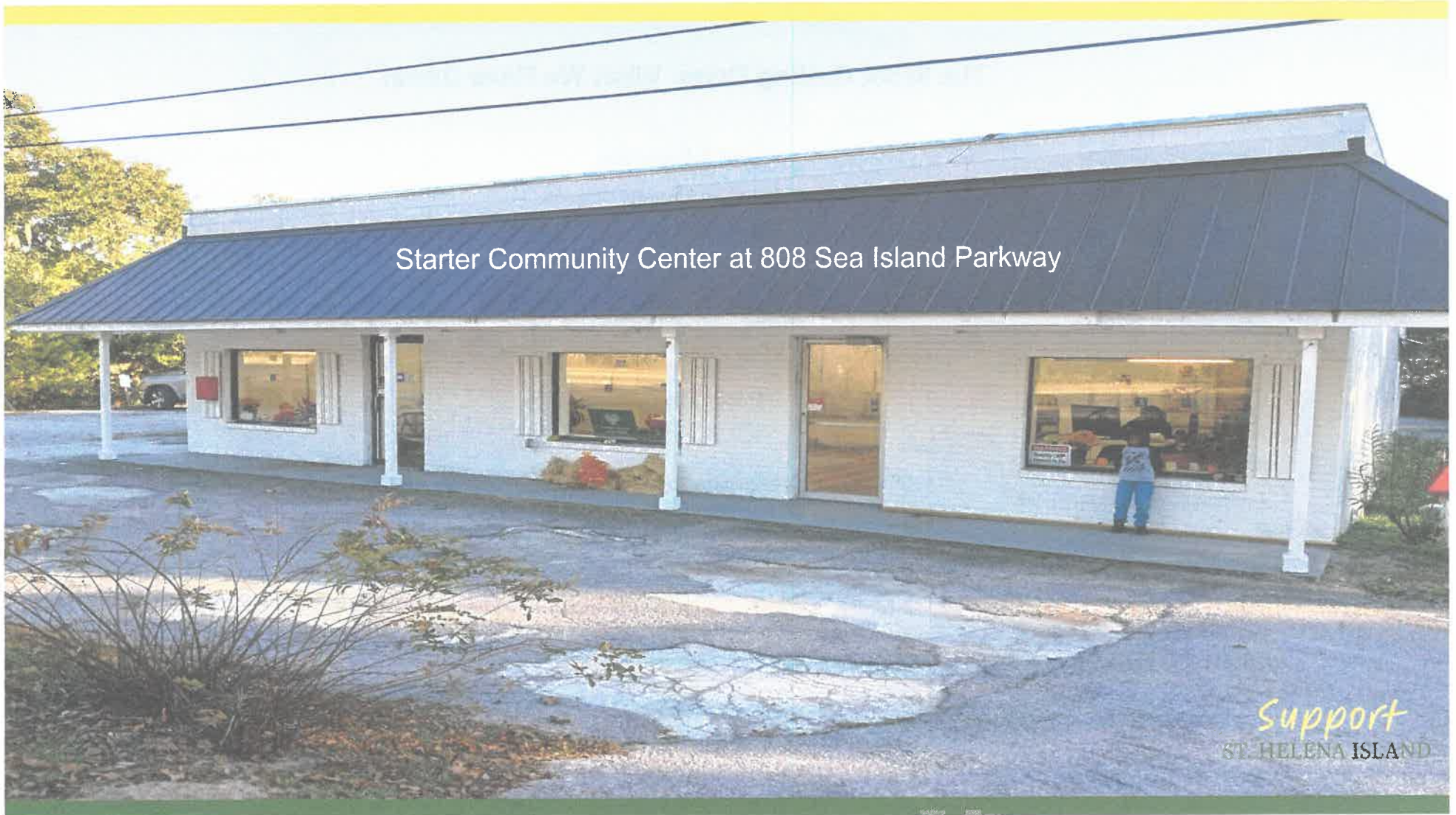
- 25 VA Disability Claims

### Cultural Events

- Annual Harvest Festival
- 3k raised by commissioned service
- Volunteer Clean-up Service of roads
- Voter registration drive Campaign through Rock The Vote
- Happy Birthdays for underserved kids.

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Community Coalition Action Network of St. Helena Island co-founders Roy R. Brown, left, and Tade Oyenlumi, right, flank owner Sandra L. Mack at the grand opening of Fountain Island Blue Convenience Store at 1210 Seaside Road, St. Helena Island at its Grand Opening on May 4, 2024. Submitted photo

## Fountain Island Blue open on St. Helena Island

June 26, 2024 Business/News

### From staff reports

The Fountain Island Blue Convenience Store, a new Black-owned business located at 1210 Seaside Road on St. Helena Island, held its Grand Opening on May 4, 2024.

The new store is owned by Beaufort businesswoman Sandra L. Mack, a licensed barber, author, and bail bondsman who hails from New Orleans. The grand opening was attended by dozens of people of all ages. It was sponsored by the Community Coalition Action Network of St. Helena Island (CCAN).

The Gullah Geechee Chamber of Commerce, a partner of CCAN, also supported the event, which provided free food and drinks, a DJ, giveaways, and a bouncy house for kids.

The store, located in a food desert on St. Helena Island, is one of only two Black-owned convenience stores on the island. It offers hot meals, lottery tickets, and a hand car wash, in addition to the usual convenience store products. During segregation, St. Helena Island had 14 Gullah-owned neighborhood country/convenience stores, according to Community Coalition Action Network of St. Helena Island co-founder Roy R. Brown, who was St. Helena Island's first Gullah U.S. Postmaster. The Fountain Island Blue Convenience Store operates at the site of the former Seaside Mini-Mart.

## INSIDE LOOK

### Inside look: Black-owned shops fill critical grocery need on St. Helena Island

BY KARL PUCKETT

UPDATED JULY 03, 2024 9:22 AM

"Our people should be in business for ourselves, and build wealth like the other ethnic groups in America," says Fountain Island's Mack. "Then we can give back to our communities."



Louisiana native Sandra Mack poses for a photo at Fountain Island Blue Convenience Store on Thursday, June 27, 2024 on St. Helena Island. Mack recently remodeled the former and closed Seaside Mini Market and offers to customers a deli counter, access to the lottery, bait for fishing and a full-service car wash. Drew Martin | [dmartin@islandpacket.com](mailto:dmartin@islandpacket.com)



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## The Outreach

Because of the generosity of one individual, several organizations have been able to share a space to do all this great work! Our collective missions are to give back to the Gullah Geechee Community, enhance the lives of the citizens who live on Saint Helena, work towards the betterment of the youth, and provide resources for those in need while being careful not to disturb the sensitive nature of the rich, historical traditions and deeply sacred culture of the Gullah community.

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**Willie's Breakfast Bar and Grill** is an authentic Breakfast Restaurant proudly serving the Sea Island Community. We strive to provide high-quality food for all who wish to combine enjoyable ambiance with skillful cooking into one extraordinary dining experience. At Willie's, we're more than just a restaurant; we're your go-to gathering place, a hub of warmth and friendship in the heart of our beloved community. Community is at the heart of everything we do. **We believe in nurturing the next generation**, inspiring them to dream big, and providing them opportunities to thrive. Your support at Willie's directly contributes to these initiatives, making every meal more meaningful.

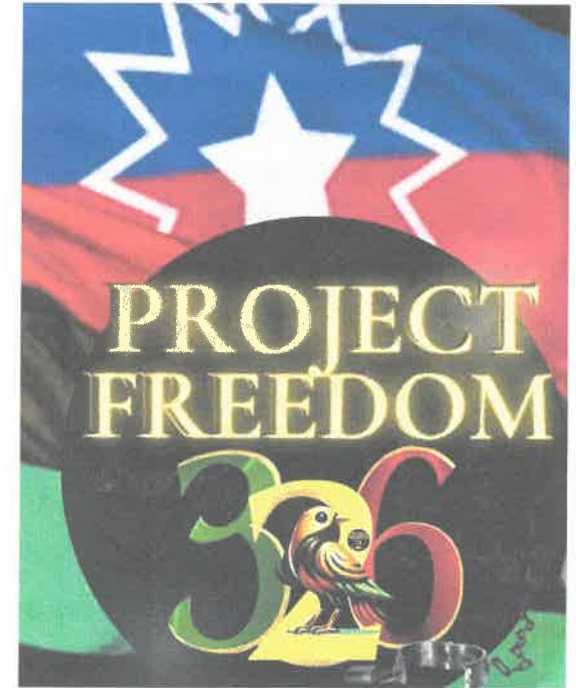
So, whether you're joining us for a comforting breakfast, a leisurely lunch, or a delightful dinner, know that you're not just savoring our dishes; you're creating memories that will last a lifetime. Join us at Willie's Breakfast Bar and Grill, where every meal celebrates friendship, flavor, and the heartwarming spirit of the Gullah Geechee culture. We're building a legacy, one plate and one friendship at a time.

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## Project Freedom 326

**Project Freedom 326** works tirelessly within the community to **preserve the authenticity of community relationships**, as well as making sure that they honor their mission in all that they do. In doing so, they are not just living out their mission, but staying true to the overall vision. They not only pay homage to the local culture, but they continue to find creative new ways to flawlessly execute each event they organize by living their mantra of “**Go Back and Get It,**” and always being responsible stewards of the **trust** they have garnered from those within the community.



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## PAFEN

The Pan-African Family Empowerment and Land Preservation Network has saved scores of homes from tax delinquency sales and recovered dozens more homes sold at auction to the tune off over \$20M in over ten counties from GA to SC. The work done by this organization to save Gullah Geechee land is vital to the community and often goes unnoticed by others. The organization also raises awareness by providing curriculum based programs to educate the community on heirs property and how to employ their land to generate family wealth.



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## Courtesy Care

Kristen Smith aka “Coach Kay” is a multitalented, multifaceted, and multitudinous entrepreneur and woman of God who serves her community as a life coach, financial literacy expert, educator, IT professional, and evangelist in her own right. She also serves as a hometown role model as “Ms. Mississippi Petite!”



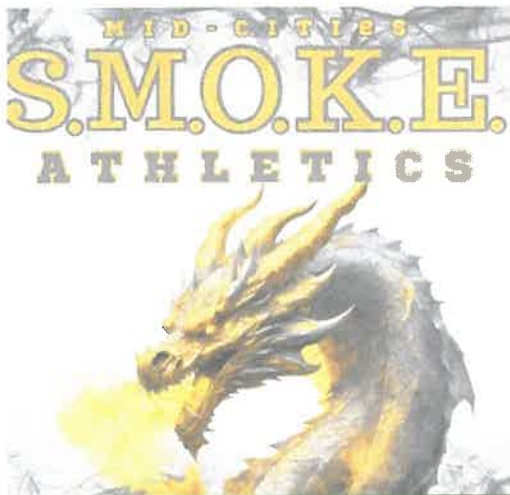
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### Team S.M.O.K.E.

Team Founder & CEO, Jindia Blount is a 100% Disabled Navy Veteran, wife, mother, entrepreneur, advocate, writer, mentor, coach and Socioeconomic and Environmental Justice Advocate for Youth. She happens to be the brains behind businesses like The House of Jewelry, Blount Force Public Relations, **Mid-Cities S.M.O.K.E. AAU teams**, The House of Healing, Spray by Dré, JadeD TV, JadeD Apparel, Jaheed Customs, Black Honey Brand, **The Henry Clay Foundation** and dozens of other brands, talents and projects which she has spearheaded from Behind the scenes.

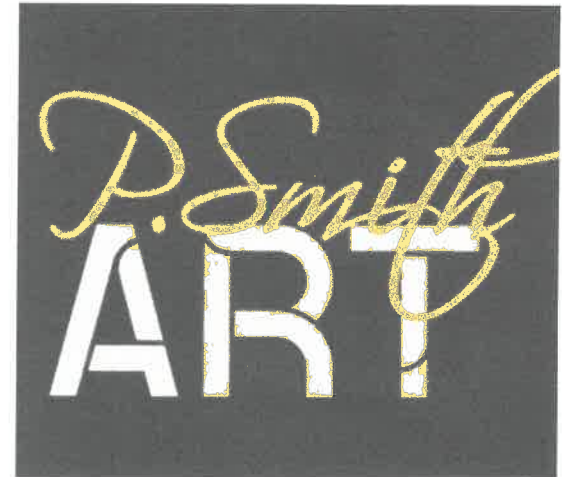
More affectionately referred to by local kids within the community who participating in her mentorship and AAU athletics programs as “**Mama Smoke**,” Jindia has always been known as the conduit for change and a woman of conviction and integrity who puts God first in ALL that she does and fosters an environment conducive of inclusivity and respect for all.





## P.. Smith Art

Princess Smith of P. Smith Art is more than an extraordinarily gifted curator of the arts. She is a healer whose gifts transcend beyond her ability to make beautiful art forms. Her energy exudes positive vibrations and permeates everything that she touches and does.



## Da Loc Doc



Creating Locs and working with natural hair is more than a craft; it is a profound art form that celebrates individuality and cultural heritage. Through this process, Ahava Yah aka Da Loc Doc honors the natural texture and strength of each strand, transforming the hair into a unique expression of identity.

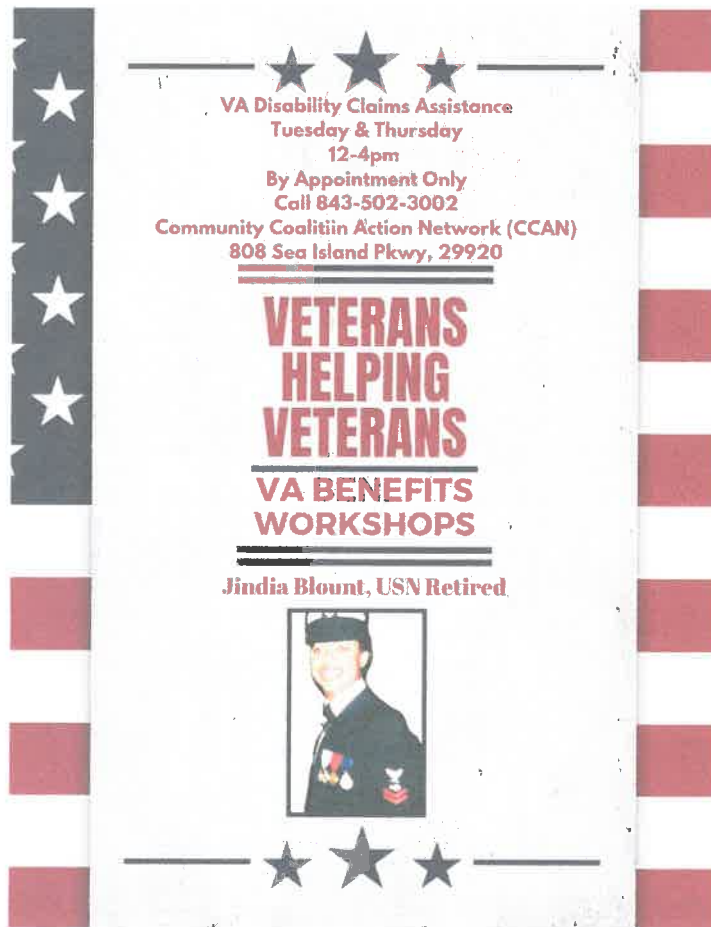
This journey not only enhances the beauty of the hair but also serves as a healing practice, nurturing and reconnecting individuals with their authentic selves while embracing the rich history and tradition embedded in every coil and curl.



## Veterans Helping Veterans

The "Veterans Helping Veterans" Claims Assistance Program is but one of the many programs offered by Roy Brown with the help of Mrs. Jindia Blount is a free service that assists vets with their VA Disability Claims. Many of the veteran clients serviced 808 Sea Island Pkwy are wartime veterans who still receive free care at the VA, but have never been rated for their service-connected disabilities.

This service is but a small token of appreciation the community can offer to these veterans for the countless sacrifices they have made for the very freedoms and liberties which we so often take for granted. We are honored to serve the veterans because we can never give them back all of the time, money, and resources they have lost by not having had any veterans compensation for their service-connected conditions.







Tade Oyelumi  
CCAN



Tade' Oyelumi  
Co-Founder & Executive Director  
**A Note From Tade' Oyelumi,  
Executive Director**

Dear Supporters,

I am delighted to welcome you to the inaugural impact report of the Community Coalition Action Network (CCAN) and our newly established Community Collaboration Center (CCC) on St. Helena Island. It has been a remarkable journey over the past six months, and I am excited to share our progress and plans for the future with you.

Since the official inception of CCAN and the CCC, we have learned invaluable lessons about starting and operating a grassroots organization. We were proud to receive our Non-Profit status from the State of South Carolina on December 5, 2023, just six days after our grand opening. This milestone has energized our team and community as we work towards sustainable development on St. Helena Island.

In the past six months, we have achieved significant milestones. Our meetings with community members and surveys from those we have yet to meet in person have provided us with a deep understanding of the needs and aspirations of our community. We have made considerable strides, but there is still much work to be done.

Tade' Oyelumi  
Co-Founder & Executive Director  
Community Coalition Action Network





**Mr. Roy Brown**

**A man for the  
people!**



## Ms. Marilyn Hemingway

### Congratulations to our CEO/ Founding President

SCBIZ/NEWS

# POWER LIST

— 50 MOST INFLUENTIAL —

## Marilyn L. Hemingway



Gullah Geechee Chamber of Commerce  
*Makin' Somethin' from Nothin'*



Gullah Geechee Chamber



[Click to read the article at SCBIZNews](#)

Marilyn L. Hemingway is founder and president of the Gullah Geechee Chamber of Commerce, the Gullah Geechee Chamber Foundation Inc and The Hemingway Group, a communications firm.

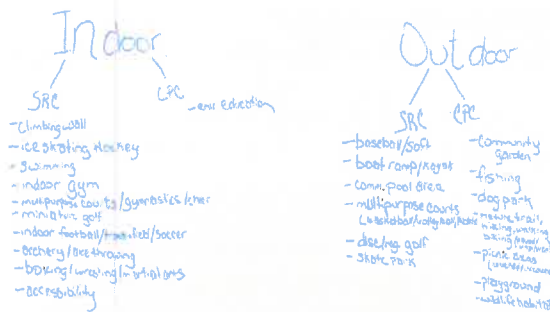
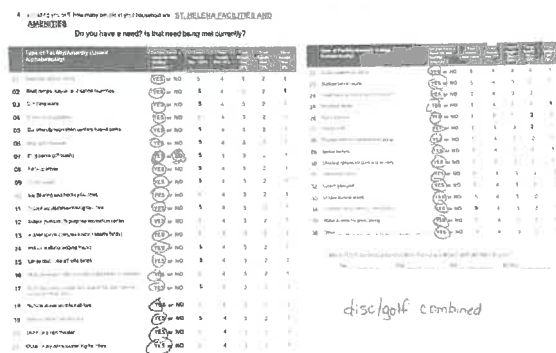
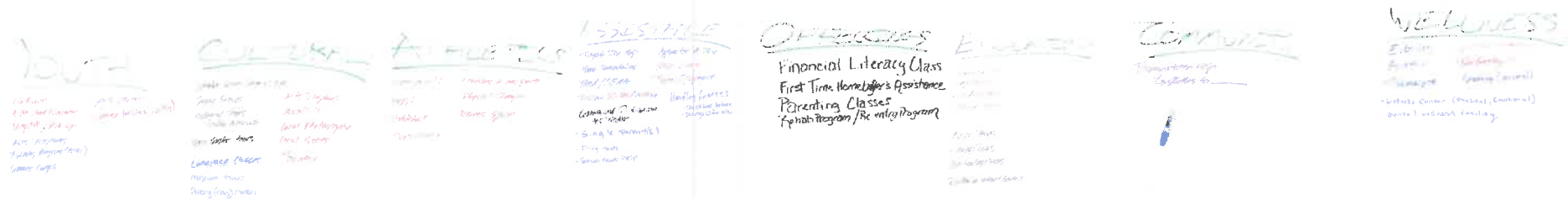
A native of Georgetown, SC, Marilyn's Gullah Geechee roots extend along the entire coast of South Carolina from Horry to Beaufort counties and includes a long line of family civic, business, education, and political engagement. An advocate for environmental justice and green, renewable energy, Marilyn created the annual Gullah Geechee Environmental & Energy Conference hosted in South Carolina and Georgia with plans to expand to North Carolina and Florida. As a civic leader and entrepreneur, Marilyn leads the Gullah Geechee Seafood Trail, celebrating and promoting the Gullah Geechee Maritime Heritage, seafood businesses and creators launching in January 2024 as a global tourism destination marketing tool through the Saltonstall-Kennedy grant program of the National Oceanic and Atmospheric Administration (NOAA).

Marilyn was recognized in 2020 by the Post and Courier as "12 African American Leaders to know in South Carolina." She is a recipient of the 2020 Conservation Voters of South Carolina Harriet Keyserling Community Advocate Award, the Georgetown NAACP Branch #5520 Leadership Award and the SC African American Heritage Commission 2021 Herbert A DeCosta Trailblazer award. In 2022, Marilyn received the Brookgreen Gardens Huntington Exemplary Service Award for working to improve race relations and a presidential appointment to the Gullah Geechee Cultural Heritage Corridor Commission. In 2023, she was recognized by SCBizNews magazine as one of the 50 Most Influential People in South Carolina.



## The Process

We conducted a comprehensive data collection project, engaging with individuals who regularly visited the community space at 808. We sought their input on their needs, desires, and any gaps they perceived in the existing offerings. Their feedback was gathered in an open and organic manner, ensuring their voices were authentically represented in the findings.



## The Goals

1. **Unite and Strengthen Our Community:** A community collaboration center is not just a building; it's a beacon of unity. It will provide a safe, welcoming space where people of all ages, backgrounds, and interests can come together, foster relationships, and build a stronger, more connected community.
2. **Empower Our Youth and Families:** By investing in a multipurpose community and collaboration center, we are investing in the future of our youth and families. This center could offer educational programs, after-school activities, and mentorship opportunities that empower our young people to succeed while providing parents and guardians with the resources they need to support their families, which is what has been proven successes at 808!
3. **Promote Economic Growth:** A thriving multipurpose community center is a catalyst for local economic development. It will attract events, workshops, and businesses that stimulate our local economy, creating jobs and providing opportunities for entrepreneurship and skill-building within our community.
4. **Enhance Public Safety:** When people are engaged in positive, community-driven activities, crime rates decrease, and neighborhoods become safer. A community collaboration center will offer a variety of constructive outlets for our residents, from sports leagues to arts programs, reducing the likelihood of negative behavior and enhancing public safety. Our parents can attest to the difference constructive engagement and programming makes in the lives of their children.
5. **Celebrate Diversity and Inclusivity:** Our community is rich in diversity, and a multipurpose collaboration center will serve as a hub for celebrating this. By hosting cultural events to preserve the heritage of the people, language classes, and inclusive programs, we will honor and embrace the diverse voices that make our community vibrant and unique while paying homage to the ancestral heritage and roots of the community.
6. **Support Mental and Physical Well-being:** A community collaboration center can be a haven for health and wellness. With space for fitness classes, mental health workshops, and support groups, the center will promote the well-being of all residents, ensuring they have access to resources that support both their physical and mental health.
7. **Create a Legacy for Future Generations:** This center is an investment in our legacy. It will be a space where future generations can learn, grow, and thrive, leaving a lasting impact on our community. By supporting the creation of this center, council members will be ensuring that we leave a positive, enduring mark for years to come.

**These 7 goals** provide proof of the broad and deep benefits of a multipurpose building, community collaboration center, encouraging the county council members to see the center as an essential, multi-faceted asset for the community.

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ST. HELENA ISLAND



## BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 12.

<b>ITEM TITLE:</b>
An Ordinance Amending Article 6 Subdivision and Land Development, Division 6.3 Traffic Impact Analysis of the Beaufort County Community Development Code
<b>MEETING NAME AND DATE:</b>
Community Services and Land Use Committee, June 10, 2024
<b>PRESENTER INFORMATION:</b>
Jared Fralix, Assistant County Administrator - Infrastructure 10 Minutes
<b>ITEM BACKGROUND:</b>
The Planning Commission approved unanimously on June 3 <sup>rd</sup> , 2024 to recommend the ordinance amendments move to County Council for approval.
<b>PROJECT / ITEM NARRATIVE:</b>
The purpose of this amended Traffic Impact Analysis (TIA) Policy is to establish an updated methodology for the conduct, delivery, and review of TIAs to the County. A methodology that provides regional consistency in traffic study assumptions, ensures a quality assured TIA product across jurisdictional boundaries, and reinforces multi-jurisdictional coordination. Establishing the policy in the form of an Ordinance which is compliant to our current standards.
<b>FISCAL IMPACT:</b>
N/A
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Staff recommends approval the Ordinance to Amend the TIA Policy.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Move forward to County Council recommending approval/denial of the Ordinance to Amend the County's Traffic Impact Analysis Policy in the Community Development Code.

**ORDINANCE 2024/****AN ORDINANCE AMENDING ARTICLE 6 SUBDIVISION AND LAND DEVELOPMENT, DIVISION 6.3  
TRAFFIC IMPACT ANALYSIS IN THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE**

**WHEREAS**, In November of 2021, Beaufort County adopted the 2040 Comprehensive Plan; and

**WHEREAS**, The Comprehensive Plan acknowledges that growth is desired and inevitable, but must be accomplished in ways that support traditional town planning, environmental protection, and access and equity for its citizens. Balance can be accomplished by guiding development to land that is most suitable based on economic, cultural, social, and environmental principles; and

**WHEREAS**, The Comprehensive Plan provides for planning for Mobility to address the desire for innovative, multimodal, and cost-effective infrastructure that sustains a high quality of life; and

**WHEREAS**, Traffic congestion on Beaufort County's roads is one of the most noticeable indicators of the adverse impacts of new growth and as a result, Beaufort County has invested heavily in improving its transportation network over the last 25 years; and

**WHEREAS**, Beaufort County adopted a Traffic Impact Analysis Policy as part of the Community Development Code; and

**WHEREAS**, The stated purpose of the Traffic Impact Analysis Policy is to measure the effects of development against the County's traffic service level goals set forth in the Beaufort County Comprehensive Plan (2010) in order to ascertain road facilities and improvements needed as a result of new development; and

**WHEREAS**, Beaufort County is one of the fastest growing regions in South Carolina. Over the last five years, the County population has increased exponentially because of the high quality of life that the County offers. To meet the forecasted housing demands of the County's expanding population, new developments need to be built. A substantial percentage of these new developments require Traffic Impact Analysis study, and our current Community Development Code allows for this analysis to be conducted by the Developer's Traffic Engineer; and

**WHEREAS**, Allowing the Developer's Traffic Engineer to conduct the Traffic Impact Analysis study has some inefficiencies which has led to issues in the consistency of the Traffic Impact Analysis studies submitted to the County. All of the jurisdictions within Beaufort County and Jasper County are all equally affected by this current trend, and as a result, have come to understand how multi-jurisdictional coordination can create a Traffic Impact Analysis product that is more reliable, consistent, and quality assured; and

**WHEREAS**, Beaufort County Council now desires to amend the Traffic Impact Analysis Policy in the Community Development Code to establish a new methodology for the conduct,

delivery, and review of Traffic Impact Analysis studies to the County for a methodology that will provide regional consistency in traffic study assumptions, ensure a quality assured Traffic Impact Analysis product across jurisdictional boundaries, and reinforce multi-jurisdictional coordination.

**NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL THAT:**

Article 6 Subdivision and Land Development, Division 6.3 Traffic Impact Analysis in the Beaufort County Community Development Code is hereby amended to reflect the language as depicted in exhibit A.

**Adopted this \_\_\_\_\_ day of 2024**

COUNTY COUNCIL OF BEAUFORT COUNTY

\_\_\_\_\_  
By: Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, JD, Clerk to Council

## **Exhibit A**

### **Division 6.3: - Traffic Impact Analysis**

#### **6.3.10 – Purpose, and Intent, and Applicability**

It is the purpose of this division to measure the effects of development against the County's traffic service level goals set forth in the Beaufort County Comprehensive Plan (2010) in order to ascertain road facilities and improvements needed as a result of new development. This section of the ordinance establishes requirements for the analysis and evaluation of traffic impacts associated with development. A traffic impact analysis (TIA) will be required with applications for rezoning, preliminary plans, single-site development site plans, and encroachment permit applications. The following provides the guidelines for the preparation of these TIAs. The estimate of the number of trips generated by proposed developments will be based on the Institute of Transportation Engineers (ITE) Trip Generation, 11<sup>th</sup> Edition, or latest edition at time of study. Other trip generation data collected locally may be used where approved by the Administrator/Manager or his/her designee.

- A. A traffic impact analysis study will be required for new developments when the proposed development is projected to generate 50 or more trips during the peak hour of the traffic generator or the peak hour of the adjacent street traffic (7:00 - 9:00 a.m. or 4:00 - 6:00 p.m.). Proposed developments that do not meet this threshold may also be required to complete a traffic study as determined by the Administrator/Manager or his/her designee.
- B. A traffic impact study will be required for a change or expansion at an existing site that results in an expected increase of 50 or more trips during the peak hour of the traffic generator or the peak hour of the adjacent street traffic (7:00 - 9:00 a.m. or 4:00 - 6:00 p.m.), or if the Administrator/Manager or his/her designee determines that the change or expansion of the existing site will have significant impact at the existing access points, proposed access points, or surrounding intersections.
- C. A driveway traffic analysis may be required if trip generation is projected to be below the thresholds above at the request of the Administrator/Manager or his/her designee.

#### **6.3.20 – Applicability**

- ~~A. Any development that will generate more than 50 trips during the peak hour as determined by the County Traffic Engineer shall require a Traffic Impact Analysis (TIA) as part of the application for development plan or subdivision plat approval.~~
- ~~B. A second phase, second subdivision, or addition that takes a property over 50 trips during the peak hour when taken as a whole shall require a TIA as part of the application for development plan or subdivision plat approval even though the development does not qualify on its own.~~
- ~~C. A change of use to another use permitted in the zoning district shall require a TIA as part of the application for a change of use if the proposed use will generate over 50 trips during the peak hour, even if a TIA was conducted for the previous use.~~
- ~~D. An application for a rezoning shall include a TIA where the particular project or zoning district may result in a development that generates 50 trips during the peak hour or will change the level of service of the affected street.~~

#### **6.3.320 - General TIA Requirements**

- ~~A. The TIA shall be conducted by an engineer registered in the state who is experienced in the conduct of traffic analyses and approved by the County Traffic Engineer.~~

## Exhibit A

- ~~B. The TIA shall indicate current conditions, the traffic generated by the subject site at full development, traffic generated by developments approved in the area that would affect future traffic flows, and an estimate of future traffic on the system at the time of buildout.~~
- ~~C. The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated and recommendations made for acceleration and deceleration lanes, left turn lanes, or signalizations.~~
- ~~D. The TIA shall review the number and types of curb cuts that are permitted. In particular, the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed use and the other properties, the TIA shall make recommendations on interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads rather than major roads for short trips.~~
- ~~E. The TIA shall assess the adequacy of the roads from which the development takes access. Recommendations for improvements shall be made. The relative share of the capacity created shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.~~
- ~~F. Residential development, residential care facilities, hospitals, hotels and resort-oriented developments shall submit an emergency evacuation analysis (EEA) as part of the TIA. The EEA shall indicate how the proposed development utilizes the county's prescribed evacuation routes and the effect of the proposed development upon existing evacuation times for that portion of the county. The EEA shall be reviewed and approved by the Director of Emergency Management prior to submittal as part of the TIA.~~

### A. The following criteria shall be used to evaluate the findings of traffic impact analyses.

- 1) A traffic impact analysis study shall be prepared in accordance with SCDOT standards.
- 2) Level of service. The results of the TIA shall inform and contemplate the traffic mitigation measures necessary to ensure that the minimum service standards established herein are met during the required planning horizon. The Future No Build conditions levels of service (LOS) for study area intersections, measured using the latest Transportation Research Board's *Highway Capacity Manual* standards for LOS calculation, shall be maintained in the Future Build conditions. If a reduction in the level of service is unavoidable, required improvements shall be identified to most effectively and practically minimize the reduction in operational LOS. Post-development operational LOS shall meet a LOS D goal for study area intersections. If LOS for an unsignalized intersection is found to be LOS E or F, mitigation measures should be reviewed, and discussion included in the report on potential side street queuing.
- 3) Number of access points. The number and spacing of access points shall comply with applicable standards set forth in the *SCDOT Access and Roadside Management Standards* (ARMS manual) and any designated Access Management Plans in the County's Community Development Code or any other access management planning in development. This shall be coordinated with Beaufort County staff during the development of the TIA.

### 6.3.630 – Review and Approval Traffic study preparation and/or review

#### A) **Traffic Impact Analysis Plan Submittal and Review.**

- 1. A traffic impact analysis plan (TIA) shall be submitted to the County Traffic Engineer for review as part of an application for a conceptual development plan or conceptual subdivision plat.

- ~~2. The County Traffic Engineer shall determine whether a TIA is complete and accurate. Failure by an applicant to provide a complete and accurate TIA where required by this Division may result in review delays for the accompanying plan or plat application.~~
- ~~3. TIA review coordination with other entities in the county and the South Carolina Department of Transportation (SCDOT) shall be the responsibility of the County Traffic Engineer.~~

A) At the sole expense of the Applicant, the TIA shall be prepared by a traffic engineer licensed in South Carolina who is experienced in the conduct of traffic analysis, and whom is one of the consultants the County has previously-selected for On-Call traffic engineering services.

Applicant shall coordinate with Beaufort County staff on details of the project to develop the scope of services for the TIA.

I.) The Applicant shall provide the following information to County staff as part of the Applicant's request for a TIA:

a. Total acreage for the project.

b. Description of the type of use(s) proposed and existing use or last known use

c. Concept or sketch plan showing total square footage for the buildings (existing and proposed), the number and type of dwelling units proposed, square footages floor area by land use type, planned point(s) of access, proposed roads, internal accesses, bike/pedestrian facilities, and any other transportation infrastructure or facilities, and parking areas

d. Projected buildout year when the site will be substantially occupied.

e. The project's civil engineer shall design on-site vehicle circulation, queuing and parking patterns so as not to interfere with the flow of traffic on any public street, including intersections and meets all SCDOT and Beaufort County driveway standards including sight distance requirements. The project's civil engineer shall ensure that no blocking of internal driveways shall occur. Cross access shall be required between parcels, where applicable.

f. The Applicant shall provide a site plan with driveway sight distance triangles, edge-to-edge distance to adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.

g. Documentation of any pre-coordination with the South Carolina Department of Transportation (SCDOT) regarding access location(s)

2.) After determination of the scope of services, the County's On-Call consultant shall provide a cost estimate of such services to the Administrator/Manager or his/her designee for review. An invoice shall be sent to the Applicant who shall provide payment in an amount equal to the estimated cost to the Administrator/Manager or his/her designee. The notice to proceed will be provided by staff to the County's On-Call consultant once the payment is received.

3.) Additional fees for services may be required if the Applicant substantially amends an application and/or the consultant's appearance is requested at meetings beyond what was



anticipated in the initial scope of services. The Applicant shall remit payment to the Administrator/Manager or his/her designee for these costs before the services are provided.

#### 6.3.40 – Methodology

- A. ~~The applicant's engineer will rely on the most current edition ITE trip generation manual or any alternative acceptable to the County Traffic Engineer, and available information on land use, travel patterns and traffic conditions, and will supply in writing to the County Traffic Engineer for approval the parameters to be followed in the TIA, including the directional split of driveway traffic, trip distribution, and background traffic growth rate. Previously approved but not completed projects and the intersections to be analyzed along with any associated and available turning movement counts will be provided by the Country Traffic Engineer.~~
- B. ~~The following elements shall be included in a TIA plan:~~
- ~~1. A conceptual site plan or subdivision plat identifying accesses to and from existing or proposed streets and intersection.~~
  - ~~2. Description of the proposed development, including the type of proposed land use, the number of residential units by type, the number of existing and proposed lots, the type of proposed nonresidential development and the amount of such development measured by gross floor area or other appropriate unit of measurement, the general size and type of accessory development or facilities, and, for non-residential development, adequate information to identify the appropriate land use category for trip generation.~~
  - ~~3. Projected vehicular trips to and from the completed development during a.m. and p.m. peak hour. The percentage of pass-by trips, if used in the plan, shall be included, as well as the source of this information. Trip rates shall be taken from the ITE manual provided, however, an applicant may elect to perform, at his own expense, a trip generation study that may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the County Traffic Engineer. For proposed uses not specifically listed in the ITE manual, and for which a trip generation study has not been performed, the County Traffic Engineer, in consultation with the applicant's traffic engineer, shall determine the most appropriate trip generation rate.~~
  - ~~4. A written narrative setting forth the assumptions upon which any projection made in developing the traffic analysis plan shall be included in the analysis. If the assumptions are derived from the ITE manual, the materials shall be referenced and properly cited. If the assumptions are not from the ITE manual, appropriate excerpts from other reliable transportation planning resources shall be stated in the narrative.~~
  - ~~5. The traffic impact analysis shall be based on intersection analysis procedures for signalized and unsignalized intersections as identified in the most current edition of Transportation Research Board's Highway Capacity Manual and/or the last update that analyses and emulates these procedures by means of computer software, if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the traffic goals in the Beaufort County Comprehensive Plan (2010).~~
  - ~~6. The intersections that must be analyzed in the study are as follows:~~
    - ~~a. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with arterials, and driveways offering direct access.~~
    - ~~b. The first major intersection as identified by the County Traffic Engineer on either side of the development's point of access.~~
    - ~~c. Other intersections on arterials if development generates more than 50 a.m. or p.m. peak hour trips to that intersection or when in the opinion of the County Traffic Engineer there is~~

~~a potential for a significant impact to the intersection's level of service from site related traffic or intersection demand critical.~~

- ~~d. Unsignalized intersections and access drives shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the concept plan. The analysis shall reflect the projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development shall be considered as well.~~
- ~~7. Accident analysis for intersections identified to be included in the study shall be completed for the most recent three years of accident data available from the S.C. Department of Public Safety or the County Traffic Engineer.~~
- ~~8. The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis shall be compared to the County's adopted traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.~~

#### 6.3.50—Mitigation Plan

~~If the initial analysis indicates that the County's adopted traffic service level goal of "D" will be exceeded, a mitigation plan must be prepared based on additional analysis. The mitigation plan must show how the County's service level goals are addressed as mitigated. Applicants will be responsible to mitigate the traffic impacts at any intersection affected by a proposed development.~~

- ~~A. If a traffic signal is recommended, the analysis shall provide information that does the following:
  - ~~1. Clearly indicates the need for a traffic signal.~~
  - ~~2. Assesses the ability of other existing or planned or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.~~
  - ~~3. Describes in detail how a specific development will affect the study area transportation system.~~
  - ~~4. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices (SCMUTCD) signal warrant satisfaction.~~
  - ~~5. Gives design geometry of the private road that is consistent with that of public road intersections including curbs, appropriate lane widths, pavement markings and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.~~
  - ~~6. Provides an approach throat length for the road to guarantee the movement of vehicles entering the site will not be impeded by on site conditions, and insure that all signal spacing requirements are adequately met.~~~~
- ~~B. A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards given the presence of existing signals or the possible existence of future signals proposed as part of a highway signal system.~~
- ~~C. The desirable spacing of signalized intersections on principal arterials is the SCDOT standards or county standards. The County Transportation Engineer may recommend to SCDOT the installation of a traffic signal at locations where using SCDOT standards, spacing is inappropriate due to: topography, existing or proposed road layout; documented accident history; unique physical constraints; existing or proposed land use patterns; or requirements to achieve specific objectives for highway segment designations as shown in any locally adopted land use or transportation plan or approved County transportation plan or approved transportation policy.~~

## Exhibit A

- ~~D. Signal spacing concerns may be ameliorated in the following ways:~~
- ~~1. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an onsite route or a frontage road that directs traffic to or from a nearby public road;~~
  - ~~2. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties;~~
  - ~~3. An existing or proposed intersection may be relocated; or~~
  - ~~4. A shared private road may be required to serve the needs of the multiple properties.~~
- ~~E. A traffic signal progression analysis for all new, revised or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the County Traffic Engineer. The roadway segment, analyzed to the extent possible, shall include all traffic signals in the existing or future traffic signal system. The progression analysis shall:~~
- ~~1. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week adjusted for peak season, for cycle lengths and travel speeds approved by the County Traffic Engineer;~~
  - ~~2. Demonstrate sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the County Traffic Engineer based on existing or projected conditions;~~
  - ~~3. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections; and~~
  - ~~4. Provide a progression bandwidth as large as that required, or as presently exists, for through traffic on arterials & collectors at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane at the lowest green time/cycle time (g/c) ratio.~~
- ~~F. The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry and lane balance considered at all locations shall be appropriate for the present and future conditions. Present and future conditions are usually considered to include the year of completion, and five years into the future.~~
- ~~G. A clear and concise summary of recommended improvements that can serve as an executive summary is required.~~

**6.3.40 – TIA Required Components** The TIA shall include the following components unless otherwise coordinated with the Administrator/Manager or his/her designee.

- A) *Existing conditions.* Description of existing traffic conditions, including existing peak-hour traffic volumes adjacent to the site and LOS for study area intersections. Existing traffic signal timings should be used. Morning (a.m.) and evening (p.m.) peak hour turning movement counts from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m., respectively, taken on a Tuesday, Wednesday, or Thursday when area K-12 public and private schools are in session shall be used.

Other peak periods may need to be counted, as determined by the Administrator/Manager or his/her designee, based on the specifics of the project. This would be determined during the TIA scoping process.

Seasonal data collection or conversion to represent seasonal conditions may be requested for TIAs on Hilton Head Island.

Existing counts may be used if taken within 12 months of the submittal of the TIA, unless authorized by the Administrator/Manager or his/her designee.

Other information that may be required to be collected may include, but is not limited to, crash data, stopping sight distances, and 50<sup>th</sup> and 85<sup>th</sup> percentile speeds.

*B) Proposed land use.* As provided by the Applicant, a description of the current and proposed land use including characteristics such as the number and type of dwelling units, square footage of the floor area, accompanied with a project site plan (with buildings identified as to proposed use) and a schedule for construction of the development and any proposed development stages should also be included in the TIA.

*C) Estimate of trip generation.* As noted previously, the projected trips for the development should be based on the most recent edition of the *ITE Trip Generation Manual*. Local trip generation studies may be conducted if previously approved by the Administrator/Manager or his/her designee. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. For large developments with multiple phases, the table should be divided based on the trip generation for each phase.

Any reductions due to internal trip capture (to a maximum of 20 percent) and pass-by trips (to a maximum of 10 percent of adjacent street traffic), and modal split should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix. Internal capture and pass-by should be based on *ITE* and National Cooperative Highway Research Program (*NCHRP*) methodologies.

For developments that do not have a final site plan, the highest and best use of the parcel shall be used in the TIA.

*D) Trip distribution and traffic assignment.* The trip distribution of the projected trip generation to the adjacent street network and study area intersections shall be included in the report and the basis should be explained.

*E) Internal circulation, queuing and parking patterns.* The TIA will generally review the on-site vehicle circulation, queuing and parking patterns to confirm that the flow of traffic is not impeded on any public street or surrounding intersections and the driveway design meets SCDOT and Beaufort County driveway standards for driveway width, throat, and sight distance requirements and cross access is included on the plan if applicable.

*F) Planning horizon.* The TIA shall be performed for the year the development will be substantially occupied. The buildout year for the development shall be provided by the

Applicant. If the development is planned to be phased, the phase year shall be provided by the Applicant.

G) *Growth and Approved developments.* In addition to the non-specific yearly growth, approved yet not constructed developments within the vicinity of the site shall be included in the Future No Build and Build conditions. The approved developments to include in the study shall be coordinated with Administrator/Manager or his/her designee and SCDOT staff.

H) *Future Year Analysis and Identification of Improvements.* A capacity analysis should be performed at each of the intersections and driveways (signalized and unsignalized) in the study area. Intersection analysis shall include LOS determination for the overall intersection or approach depending on the type of control at the intersection in the No-Build (without the development) and Build (with the development) conditions based on the latest HCM methodologies.

If the capacity analysis indicates that an intersection does not meet the LOS standard, a mitigation analysis will be conducted to identify the improvements needed to meet the LOS standard.

If the capacity analysis indicates that an intersection does not meet the LOS standard for No-Build conditions, a mitigation analysis for Build conditions will be conducted to determine the improvements needed to be completed for the project to accomplish the level of service and delay in No-Build conditions or better.

I) *Access management standards.* The report shall include the Applicant provided site plan showing and description of the proposed access points and compare it to the applicable SCDOT and Beaufort County standards and/or plans.

J) *Auxiliary turn lane requirements.* TIAs shall evaluate the need for right- and left-turn lanes at all project driveways. Right- and left-turn lanes shall be installed in accordance with the criteria and warrants contained in SCDOT's ARMS Manual.

K) *Traffic signalization.* If a traffic signal is proposed as a mitigation measure, a preliminary traffic signal warrant analysis based on the Manual on Uniform Traffic Control Devices shall be included in the study. While the installation of a traffic signal on projected volumes may not be able to be initially installed as the project traffic volumes are not yet realized, the Applicant shall provide funds for the future signal(s) to the County to deposit into an escrow or special account set up for this purpose, if future installation of a traffic signal(s) approved. The Applicant is also responsible for conducting the future traffic signal warrant studies at the direction of the County.

The Applicant should make any laneage improvements during construction so that if in the horizon year a signal is warranted, one may be installed with little impact to the intersection.

L) *Mitigation and alternatives.* The TIA should include proposed improvements or access management techniques as necessary to meet the LOS standards. The Administrator/Manager or his/her designee will be responsible for final determination of mitigation improvements required to be constructed by the Applicant as a part of the



development. Any improvements identified for the project including any future traffic signal installations are above and beyond any transportation impact fees.

**6.3.50 – Coordination with SCDOT**

- A) The draft TIA shall be submitted to SCDOT and other applicable municipalities for review and comment. Any SCDOT comments or requirements shall be incorporated in the study. These comments shall be coordinated with County staff and shall be addressed prior to the finalization of the traffic study.

**6.3.60 – Review and acceptance of traffic impact analysis**

- A) The Administrator/Manager or his/her designee shall also review and approve the traffic study once all County and SCDOT comments are addressed. The Administrator/Manager or his/her designee shall issue a memo or similar documenting the approval of the traffic study and the required mitigation associated with the project.

**6.3.70 – Expiration Traffic Impact Analysis**

- A) The Administrator/Manager or his/her designee may require an update to a previously approved TIA if any of the following criteria are met:
- 1) If a proposed development does not commence within 12 months of the traffic impact analysis.
  - 2) If the scale, intensity, or phasing of the proposed development that were contemplated in the approved traffic impact analysis are modified.
  - 3) If the number of access points, location of access points, or type of access points (right-in, right-out driveway, full access driveway, etc.) that were contemplated in the approved traffic impact analysis are modified.
  - 4) If the built environment dictates a change in land use or traffic distribution from what was previously contemplated within an approved TIA.
  - 5) If the proposed development is not completed within the proposed buildout date utilized in the TIA.
- B. ~~Action on Traffic Impact Analysis.~~ Based on the TIA findings and recommendations, as approved by the County Traffic Engineer, an applicant may be required to provide construction of recommended improvements, pay fees in lieu of construction, or phase or revise the proposed development to insure the County's adopted traffic service level goals are met.
- C. ~~Timing of Implementation.~~ If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of the development. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.
- D. ~~Responsibility for Costs of Improvements.~~ The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No Certificates of Compliance or Building Permits shall be issued unless the traffic impact analysis recommendations are met.

## ORDINANCE

### AN ORDINANCE AUTHORIZING BEAUFORT COUNTY MEMORIAL HOSPITAL TO PLEDGE REVENUES IN CONNECTION WITH THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS HEALTHCARE REVENUE BONDS (SOUTH OF BROAD HEALTHCARE PROJECT) SERIES 2024 IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$120,000,000; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO

**WHEREAS**, the South Carolina Jobs-Economic Development Authority (the “*Authority*”) is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, Code of Laws of South Carolina, 1976, as amended (the “*JEDA Act*”), to utilize any of its program funds to establish loan programs to be utilized to acquire, by construction or purchase, properties and for other purposes described in § 41-43-160 of the JEDA Act in order to promote and develop the business and economic welfare of the State, encourage and assist in the location of new business enterprises in the State, and in the rehabilitation and assistance of existing business enterprises and in the promotion of export of goods, services, commodities, and capital equipment produced within the State, and thus providing maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State and in the promotion and enhancement of industrial, commercial, agricultural, and recreational development in the State;

**WHEREAS**, Beaufort County Memorial Hospital is a public agency under (the “*Hospital*”) and has deemed it necessary to establish South of Broad Healthcare (collectively, the “*Borrowers*”), a South Carolina nonprofit corporation and an entity described in Section 103 of the Internal Revenue Code of 1986, as amended;

**WHEREAS**, the Borrower seeks to finance the Project (as defined below) through the issuance by the Authority through one or more series of its Healthcare Revenue Bonds (South of Broad Healthcare Project), Series 2024, in an aggregate principal amount not to exceed \$120,000,000 (the “*Series 2024 Bonds*”);

**WHEREAS**, the proceeds of the Series 2024 Bonds will be used to defray the cost of (i) financing the acquisition, development, construction and equipping of emergency rooms, an ambulatory surgery center, a medical office building, and a hospital with approximately 20 beds to provide outpatient and acute care healthcare services (such hospital to be constructed after January 1, 2027 or sooner if permitted by regulation or applicable law with respect to the approximately 20 beds), all located in Beaufort County (the “*County*”) (collectively, the “*Project*”); (ii) financing capitalized interest; and (iii) financing costs of issuance of the Series 2024 Bonds; and

**WHEREAS**, the County desires to authorize the pledge of revenues of the Hospital to secure only the Series 2024 Bonds.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, AS FOLLOWS:**

Section 1. The Series 2024 Bonds shall be secured by a pledge of the gross receipts of the Hospital pursuant to a master trust indenture among the Borrowers and a financial institution, as trustee, entered into in connection with the issuance of the Series 2024 Bonds. The Series 2024 Bonds do not and shall never constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power.

Section 2. The Chairman and the Clerk, and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out foregoing.

Section 3. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. This Ordinance shall become effective and be in full force immediately.

**BEAUFORT COUNTY, SOUTH CAROLINA**

(SEAL)

By: \_\_\_\_\_  
Chairman, County Council

ATTEST:

\_\_\_\_\_  
Clerk to County Council

First Reading:	August 26, 2024
Second Reading:	September 9, 2024
Third Reading:	September 23, 2024



# BEAUFORT COUNTY COUNCIL

## AGENDA ITEM SUMMARY

Item 14.

<b>ITEM TITLE:</b>
<b>RECOMMENDATION OF APPROVAL OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS, TO PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS COOLER TRACT B</b>
<b>MEETING NAME AND DATE:</b>
Finance Committee; August 19, 2024
<b>PRESENTER INFORMATION:</b>
Brittany Ward, County Attorney for Administration and Departments Jared Fralix, ACA for Engineering (10 minutes)
<b>ITEM BACKGROUND:</b>
SC 170 is one of the major corridors in the County with some of the highest traffic volumes in the region. As the area continues to grow, additional traffic will add to existing pressures on the roadway. In 2019, Lowcountry Area Transportation Study (LATS) finalized an access management plan for this section of SC 170 (from US 278 to SC 462) that provided recommendations for future improvements for the roadway. Beaufort County is currently working to advance those recommendations into the design phase for The Triangle Project (SC 170, US 278, and Argent Blvd). The Triangle project is listed on the proposed 2024 Sales Tax Referendum
<b>PROJECT / ITEM NARRATIVE:</b>
A 2.81-acre parcel at the corner of SC 170 and SC 462 known as Cooler Tract B (TMS R600-008-000-0625-0000) is currently on the market for sale. Although the final improvements at this intersection are undetermined at this time, it is envisioned that the planned roadway improvements that will be part of The Triangle project would require significant right-of-way acquisition along this parcel. Should the parcel be sold for development purposes and constructed upon, the potential right-of-way impacts may have significant adverse impacts to the development a may be rendered a total acquisition for the project at a much higher value the current undeveloped status of the property. Per recent appraisal obtained by the County, the appraised value is \$1,140,000.
<b>FISCAL IMPACT:</b>
The cost of the purchase is be the appraisal value, \$1,140,000, plus closing costs. Funding for this project is Land Purchase account 4000-80-1000-54400 with a balance of \$3,000,000.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Staff recommends approval to purchase the real property known as Cooler Tract B for the appraisal value and associated closing costs.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to purchase the real property known as Cooler Tract B for the appraisal value and associated closing costs.
Motion to approve/deny an ordinance authorizing the County Administrator to execute the necessary documents, provide funding for the purchase of real property identified Cooler Tract B.

**ORDINANCE 2024/\_\_\_\_\_****AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS, TO PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS COOLER TRACT B**

**WHEREAS**, Lowcountry Area Transportation Study (“LATS”) in 2019 finalized an access management report for South Carolina Highway 170 (“SC 170”), from US Highway 278 (“US 278”) to South Carolina Highway 462 (“SC 462”); and

**WHEREAS**, the access management report provided recommendations on SC 170 to improve safety and capacity; and

**WHEREAS**, Beaufort County (“County”) consolidated the recommendations from the SC 170 LATS report with similar reports for US 278 and Argent Blvd. to develop a roadway improvements project known as The Triangle Project (“Project”); and

**WHEREAS**, the Project is in the preliminary stages and the design is not finalized, but it is known there will be significant right-of-way impacts needed to provide for the planned improvements; and

**WHEREAS**, the Cooler Tract B parcel (TMS R600-008-000-0625-0000) is within the Project limits of and is expected to incur significant right-of-way impacts along the entire SC 170; and

**WHEREAS**, the Cooler Tract B parcel is currently undeveloped and is on the market for sale; and

**WHEREAS**, the County has negotiated terms for the sale and purchase of the Property and the County agrees to purchase the Property at fair market value in the amount of \$1,140,000 plus closing costs with funds from the General Fund-Land Purchase.

**NOW, THEREFORE, BE IT ORDAINED** by Beaufort County Council, duly assembled, authorizing the County Administrator to execute the necessary documents and provide funding in the amount of \$1,140,000 plus closing costs from the General Fund-Land Purchase Fund for the purchase of real property known as Cooler Tract B.

DONE this \_\_\_\_ day of \_\_\_\_\_ 2024.

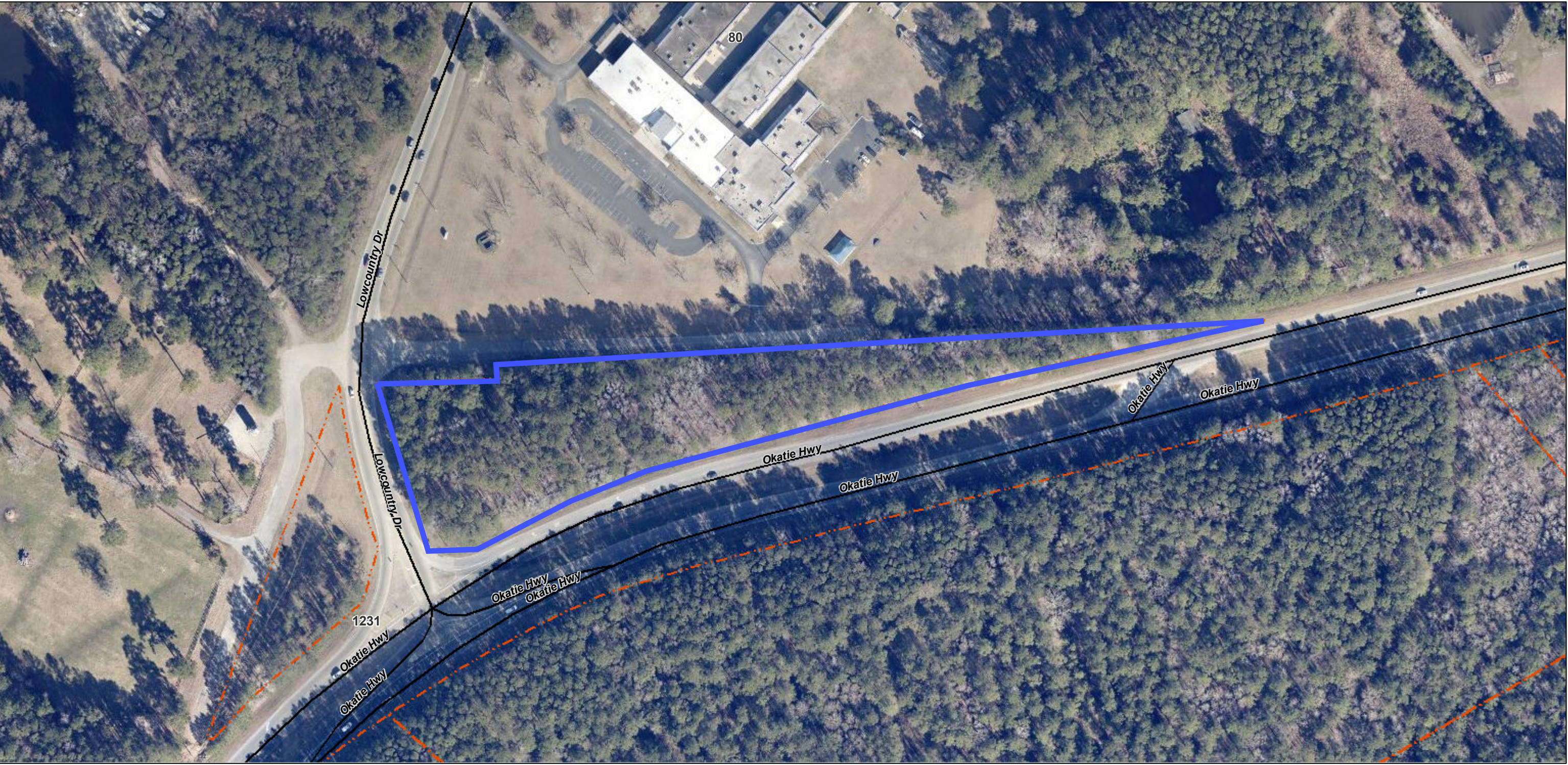
COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, Clerk to Council





80

Lowcountry Dr

Lowcountry Dr

1231

Okatie Hwy  
Okatie Hwy

Okatie Hwy  
Okatie Hwy

Okatie Hwy

Okatie Hwy

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## BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 15.

### ITEM TITLE:

**AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY REAL PROPERTY LOCATED AT 333 & 335 BUCKWALTER PARKWAY FOR DEVELOPMENT OF WORKFORCE AND AFFORDABLE HOUSING AND MEDICAL FACILITIES; AND OTHER MATTERS RELATED THERETO**

### MEETING NAME AND DATE:

Community Services and Land Use Committee; *August 19, 2024*

### PRESENTER INFORMATION:

Hank Amundson, Special Assistant to the County Administrator (10 mins.)  
Brittany Ward, County Attorney

### ITEM BACKGROUND:

In 2023, County Council approved the purchase of the 10.1 +/- acres located at 333 & 335 Buckwalter Parkway for the purpose of facilitating the development of affordable/workforce housing. (See Ordinance Attached)

In late 2023, with communication and assistance from the Town of Bluffton ("Town"), the County began the process of partnering with Beaufort Memorial Hospital ("BMH") in this effort, as BMH has taken a leadership role in workforce housing in an effort to help their own workforce. Additionally, the Town desires increased access to healthcare/medical services for its residents, so the partnership seemed to be a perfect one.

As an additional support to the project, the seller, St. Andrew By-the-Sea United Methodist Church discounted the properties purchase price in order to help make the development feasible.

BMH then applied for Low Income Housing Tax Credits from the State of South Carolina in late 2023/early 2024. They have now been awarded these credits, making the project viable.

The Town has assisted the County in the process of having Residential Dwelling Units available for the project and has expressed support for the project producing workforce housing units, improved access to healthcare services, and the reduction of commercial units on the site.

### PROJECT / ITEM NARRATIVE:

The joint project, supported by Beaufort County, the Town of Bluffton, Saint Andrew By-the-Sea United Methodist Church, and undertaken by Beaufort Memorial Hospital ("BMH"), will produce approximately 125 affordable/workforce housing and medical offices will provide affordable/workforce housing and improve access to healthcare offerings in the ideal location near services, public transportation, and occupational opportunity. This project accomplishes goals for Beaufort County, Town of Bluffton and BMH. This collaborative effort between Beaufort County, BMH, and the Town of Bluffton is an example to be followed in the future. Additionally, the seller of the property, St. Andrew by-the-Sea United Methodist Church also contributed to the project by decreasing the sale price from the initial appraised value of \$4,000,000 to \$3,200,000 in support of making the project viable.

### FISCAL IMPACT:

*This property was purchased for \$3,200,000 for the purpose of facilitating Affordable Workforce housing. The Transfer of property has no fiscal impact.*

**STAFF RECOMMENDATIONS TO COUNCIL:**

*Staff recommends approval of the ordinance to convey the property to Beaufort Memorial Hospital for the development of affordable/workforce housing and medical facilities.*

**OPTIONS FOR COUNCIL MOTION:**

AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY REAL PROPERTY LOCATED AT 333 & 335 BUCKWALTER PARKWAY FOR DEVELOPMENT OF WORKFORCE AND AFFORDABLE HOUSING AND MEDICAL FACILITIES; AND OTHER MATTERS RELATED THERETO *(Motion to approve/deny recommendation and Move forward to County Council for first reading)*

MOVE FORWARD TO COUNCIL FOR FIRST READING ON AUGUST 26, 2024; a public hearing is required

**ORDINANCE 2024/\_\_\_\_\_****AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY REAL PROPERTY LOCATED AT 333 & 335 BUCKWALTER PARKWAY FOR DEVELOPMENT OF WORKFORCE AND AFFORDABLE HOUSING AND MEDICAL FACILITIES; AND OTHER MATTERS RELATED THERETO**

**WHEREAS**, Beaufort County (“County”) recognizes that workforce and affordable housing is a serious public health and safety concern throughout the County, which places stress on individual families and communities at large from a lack of diversity in neighborhoods, a separation of the workforce from workplaces, imbalances in educational opportunities and community amenities, adverse impacts on child development, and a higher incidence of violent crime that affect low-income neighborhoods; and

**WHEREAS**, Beaufort Memorial Hospital (“BMH”) has a goal to provide workforce and affordable housing for both healthcare employees and the public, and provide additional medical services throughout the County; and the Town of Bluffton (“Town”) has expressed a desire to support the goal of establishing affordable and workforce housing in the Town; and

**WHEREAS**, the County has identified two parcels of real property, owned by the County, located in southern Beaufort County in the Town, the parcels collectively consist of approximately 10.1 acres with TMS No. R610 030 000 0712 0000, and with addresses of 333 and 335 Buckwalter Parkway; collectively hereinafter referred to as the “Property”. The Property is conveniently located near grocery options, retail shopping, medical services, and multiple employment options, as well as public transit, which will further promote the County’s goal of providing citizens with much needed workforce and affordable housing and improved access to healthcare; and

**WHEREAS**, the County desires to support BMH and the Town’s goals by conveying the Property to BMH for One and 00/100 (\$1.00) Dollars for the purpose of developing workforce and affordable housing, and developing medical facilities to increase access to healthcare and medical in the area; and

**WHEREAS**, the County will 1) ensure the conveyance of the Property is contingent on the Town approving the issuing of the necessary approvals and the residential dwelling units for the development of workforce and affordable housing on the Property; 2) place contractual obligations on BMH to ensure that the residential housing constructed on the Property is dedicated to workforce and affordable housing; 3) place contractual obligations on BMH to ensure that a maximum of 6,000 sq ft of medical facilities will be constructed on the Property and the maximum number of residential housing units will be constructed on the remaining Property; 4) place contractual obligations on BMH to ensure that development of the Property commences within three (3) years of the conveyance of the property; and 5) ensure the conveying deed for the Property shall include terms restricting the use of the Property to the purposes stated herein otherwise the Property, including all infrastructure thereon, shall revert back to the County; and

**WHEREAS**, Beaufort County Council finds that it is in the best interest of the citizens and residents of Beaufort County to convey the Property to BMH to develop workforce and affordable housing as well as improved access to healthcare.

**NOW, THEREFORE, BE IT ORDAINED** by Beaufort County Council, duly assembled, authorizes the County Administrator to execute the necessary documents to convey the real property located at 333 & 335 Buckwalter Parkway for development of workforce and affordable housing and medical facilities pursuant to the terms and conditions described above.

DONE this \_\_\_\_ day of \_\_\_\_\_ 2024.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, Clerk to Council



## ORDINANCE 2023/14

**AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE  
NECESSARY DOCUMENTS TO PURCHASE AND TO FUND THE PURCHASE OF REAL  
PROPERTY LOCATED AT 333 & 335 BUCKWALTER PARKWAY**

**WHEREAS**, Beaufort County ("County") recognizes that work force and affordable housing is a serious public health and safety concern throughout the County, which places stress on individual families and communities at large from a lack of diversity in neighborhoods, a separation of the workforce from workplaces, imbalances in educational opportunities and community amenities, adverse impacts on child development, and a higher incidence of violent crime that affect low-income neighborhoods; and

**WHEREAS**, the County has identified real property in the southern portion of Beaufort County located conveniently near grocery options, retail shopping, medical services, and multiple employment options, as well as public transit, which will further promote the County's goal of providing citizens with much needed work force and affordable housing; and

**WHEREAS**, the real property identified by the County includes a parcel consisting of approximately 10.09 acres with TMS No. R610 030 000 0712 0000 and an address of 333 and 335 Buckwalter Parkway; collectively hereinafter referred to as the "Property"; and


**WHEREAS**, the County has negotiated terms for the sale and purchase of the Property and the County agrees to purchase the Property below the fair market value in the amount of Three million Six Hundred Thousand (\$3,600,000) Dollars plus closing costs with funds from the General Fund-Fund Balance; and

**WHEREAS**, Beaufort County Council finds that it is in the best interest of the citizens and residents of Beaufort County to purchase the Property in order to provide citizens of Beaufort County with work force and affordable housing.

**NOW, THEREFORE, BE IT ORDAINED** by Beaufort County Council, duly assembled, authorizing the County Administrator to execute the necessary documents and provide funding in the amount of \$3,600,000 plus closing costs as described above for the purchase of real property located at 333 & 335 Buckwalter Parkway.

DONE this 27th day of March 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:   
Joseph Passiment, Chairman

ATTEST:



Sarah W. Brock, Clerk to Council

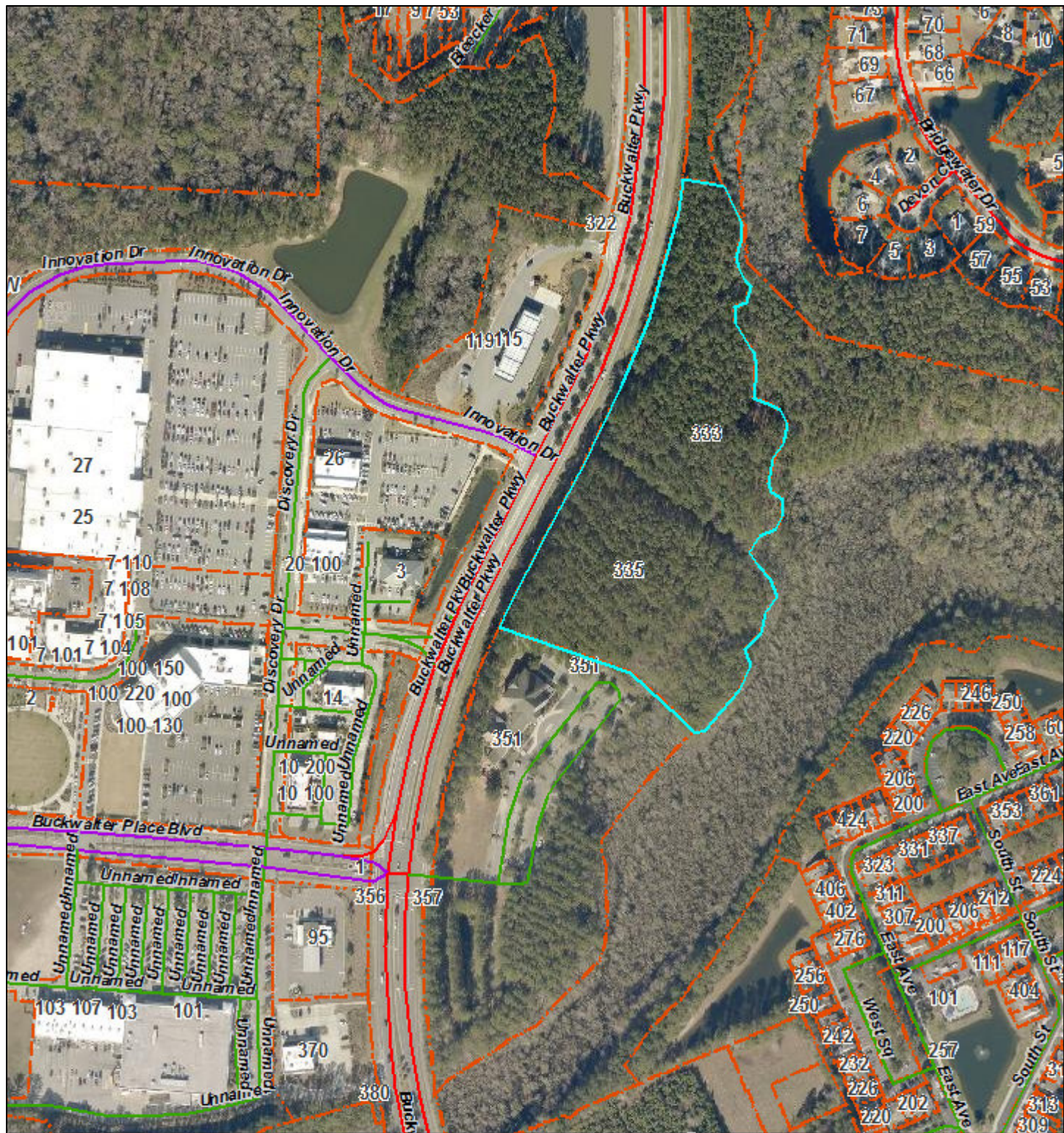
Third and Final Reading: March 27, 2023 / Vote 11:0

Public Hearing: March 13, 2023

Second Reading: March 13, 2023 / Vote 11:0

First Reading: February 27, 2023 / Vote 10:0





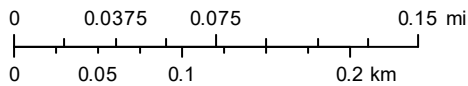
2/24/2023, 11:46:05 AM

1:4,514

Road Classifications

- UNCLASSED
- COUNTY, PAVED
- PRIVATE, PAVED
- MUNICIPAL, PAVED

- LiveParcels
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3







## BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 16.

<b>ITEM TITLE:</b>
<b>RECOMMEND APPROVAL OF AN ORDINANCE ACCEPTING THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS FROM THE TOWN OF PORT ROYAL TO THE BEAUFORT COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS</b>
<b>MEETING NAME AND DATE:</b>
Finance, Administration, and Economic Development, August 26, 2024
<b>PRESENTER INFORMATION:</b>
Marie Smalls Beaufort County Board of Voter Registration and Elections
<b>ITEM BACKGROUND:</b>
<p>State law (S.C. Code Sec. 5-15-145) allows municipalities to transfer authority for conducting municipal elections to County elections commissions. It also authorizes Counties to conduct municipal elections. As a condition of the transfer of authority to conduct elections, the governing bodies of the municipality and the County must agree to the terms of the transfer and enact ordinances embodying the terms of that agreement.</p> <p>The Town of Port Royal has worked with the Beaufort County Board of Voter Registration and Elections to agree on the terms of the transfer. Chief among the terms is that the Town of Port Royal shall reimburse Beaufort County for all costs incurred in conducting the municipal elections and protests. Town Council for the Town of Port Royal has adopted an ordinance embodying the terms of this agreement (Ordinance No 2024-13). The Board of Voter Registration and Elections presents the Town's ordinance, and an ordinance accepting the transfer, to County Council for its review, approval, and in support of Council adopting an ordinance embodying the same terms all as permitted by state law.</p>
<b>PROJECT / ITEM NARRATIVE:</b>
See above.
<b>FISCAL IMPACT:</b>
There will be no fiscal impact to the County. The Town of Port Royal is required to reimburse Beaufort County for all expenses incurred in conducting the municipal elections and any subsequent protests.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Adoption of the Ordinance
<b>OPTIONS FOR COUNCIL MOTION:</b>

**Adopt the Ordinance as Presented, Deny the Ordinance, Modify the terms of the agreement.**

**ORDINANCE No. 2024/\_\_\_\_\_**

**AN ORDINANCE ACCEPTING TRANSFER OF THE CONDUCT OF MUNICIPAL ELECTIONS FROM THE TOWN OF PORT ROYAL TO THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY**

WHEREAS, §5-15-145 of the South Carolina Code of Laws provides that municipalities are authorized to transfer by Ordinance authority for conducting municipal elections to the county elections commission; and

WHEREAS, §5-15-145 also provides that county elections commissions are authorized to conduct municipal elections; and

WHEREAS, §5-15-145 provides that the ordinance transferring such authority must state the terms of the agreement between the municipality and the County for such transfer of authority; and

WHEREAS, Town Council for the Town of Port Royal adopted an ordinance on July 10, 2024 (Ordinance 2024-13), which finds that it is in the best interest of the Town and its citizens to transfer the authority to conduct municipal elections to the Board of Voter Registration and Elections of Beaufort County; and

WHEREAS, pending approval of Beaufort County Council, the Board of Voter Registration and Elections of Beaufort County has agreed to accept the authority under the terms set forth below:

NOW, THEREFORE, BE IT ORDAINED by the Beaufort County Council, in meeting duly assembled, and by the authority of the same, as follows:

1. In accordance with the authority devolved by Section 5-15-145, Code of Laws of South Carolina, 1976 as amended, and pursuant to the terms of the Town of Port Royal's ("Town") ordinance adopted July 10, 2024 Beaufort County Council approves and accepts the complete transfer of authority to conduct all aspects of municipal elections for the Town to the Board of Voter Registration and Elections of Beaufort County ("Board"). The Board shall be completely responsible for municipal elections held within the Town. The authority hereby transferred includes, but is not limited to, addressing all disputes and questions that arise out of the election process, publishing proper notices of elections, insuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing the absentee ballot precinct, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to insure that proper procedures and laws are being followed, certifying the results of the election, reviewing decisions on challenges from candidates, reviewing decisions on challenged ballots, hearing protests filed or litigation commenced in connection with the conduct of a Town election. All elections conducted by the Board shall be in accordance with S.C. Code 1976, title 7, as amended, unless otherwise provided in or modified by S.C. Code 1976, Title 5, as amended.



2. The Town shall reimburse the Board for all costs incurred in providing ballots, advertising elections, printing costs, poll managers' compensation and all other additional expenses incurred in, or arising from, its conduct of municipal elections for the Town. Poll managers will be paid at the standard rate set by the South Carolina State Election Commission for all other elections.

3. In the event a protest is filed, or litigation is commenced, in connection with the conduct of municipal elections, the same shall be heard by the Board and defended by its attorney. The town shall pay all fees, costs, and expenses incurred in such protest or litigation, including, but not limited to, fees, costs and expenses of the board, its officers, agents and employees, and the officers, agents and employees of the county

4. The Board shall provide invoices and/or other documentation to the Town of all costs and expenses incurred in the conduct of municipal elections, protests, certification of results, litigation or other costs which may be incurred and reimbursed which are not specifically mentioned in this section.

5. If any provision of this section or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are severable.

6. This action shall take effect upon adoption of this section accepting the authority being transferred hereunder.

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Joseph Passiment, Chairman  
Beaufort County Council

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Sarah Brock,  
Clerk to Council

First Reading:\_\_\_\_\_

Second Reading:\_\_\_\_\_

Third Reading:\_\_\_\_\_

**Council**

Kevin Phillips  
Mayor

Mary Beth Heyward  
Mayor Pro Tempore

Jerry Ashmore  
Jorge Guerrero  
Darryl Owens



Van Willis  
Town Manager

T. Alan Beach  
Chief of Police

Jeffrey S. Coppinger  
Operations

Noah Krepps  
Planning

**ORDINANCE 2024 -13**

An Ordinance transferring the authority for conducting municipal elections to the county election commission, repealing Section 6-8 – Municipal Election Commission within Chapter 6 – Elections, and amending Section 6-9, 6-10, 6-11 Chapter 6 – Elections of the Town of Port Royal Code of Ordinances

**WHEREAS**, §5-15-145 of the South Carolina Code of Laws provides that municipalities are authorized to transfer by Ordinance authority for conducting municipal elections to the county elections commission; and,

**WHEREAS**, §5-15-145 also provides that the County elections commission is authorized to conduct municipal elections; and,

**WHEREAS**, §5-15-145 provides that the ordinance transferring such authority must state the terms of the agreement between the municipality and the County for such transfer of authority; and,

**WHEREAS**, Town Council for the Town of Port Royal finds that it is in the best interest of the Town and its citizens for the authority to conduct municipal elections to be transferred to the Board of Voter Registration and Elections of Beaufort County; and,

**WHEREAS**, pending approval of Beaufort County Council, the Board of Voter Registration and Elections of Beaufort County has agreed to this transfer of authority under the terms set forth below:

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Port Royal, in council duly assembled, and by the authority of the same, as follows:

1. The authority for the conducting municipal elections in the Town of Port Royal is hereby transferred to the Board of Voter Registration and Elections of Beaufort County.
2. The Board of Voter Registration and Elections of Beaufort County (the Beaufort County Board) shall hereafter be empowered to conduct municipal elections in the Town of Port Royal in accordance with Title 7 of the South Carolina Code of Laws, and the Code of Ordinances for the Town of Port Royal. The Beaufort County Board will certify the results of each election to the municipality immediately following the certification of the votes cast in each election.
3. The Town of Port Royal Municipal Election Commission shall be abolished, and Section 1-8003 of the Town of Port Royal Code of Ordinances shall be repealed.
4. The Town of Port Royal shall reimburse the Board of Beaufort County for all costs incurred in providing ballots, advertising elections, printing costs, poll managers compensation and other

related additional expenses incurred in its conduct of municipal elections in the Town of Port Royal. Poll Managers will be paid at the standard rate set by the State Election Commission and, in addition to those rates paid by the State, shall include any additional stipends approved by Beaufort County Council. In the event a protest is filed, or litigation is commenced in connection with the conduct of municipal elections, the Town of Port Royal shall pay all fees, costs and expenses incurred in such protest or litigation. The Beaufort County Board shall provide invoices and/or other documentation to the Town of Port Royal of all such additional costs and expenses incurred in the conduct of Town of Port Royal Municipal Elections, protests, certifications of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of inconsistency.
6. This Ordinance shall become finally binding upon adoption, and additionally upon the adoption of Beaufort County Council of an Ordinance accepting such transfer.



Kevin Phillips, Mayor



Lisa Graham, Town Clerk

Attest

First Reading

6/12/04

Second Reading and adoption

7/10/04

Approved in Form: Thomas A. Bendle, Jr.



## BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 1.

<b>ITEM TITLE:</b>
<b>AN ORDINANCE TO REPEAL AND REPLACE BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE VII, DIVISION 4 (BEAUFORT COUNTY PURCHASING ORDINANCE); TO ESTABLISH NEW POLICIES OF CENTRALIZED PURCHASING AND COMPETITIVE BIDDING FOR COUNTY AGENCIES (A NEW PURCHASING ORDINANCE); DELEGATING PURCHASING AUTHORITY TO THE COUNTY PURCHASING DIRECTOR; ESTABLISHING PROCEDURES FOR THE PURCHASING OF GOODS AND SERVICES AS REQUIRED BY COUNTY AGENCIES; AND OTHER MATTERS RELATED THERETO</b>
<b>MEETING NAME AND DATE:</b>
Finance, Administration, and Economic Development, August 26, 2024
<b>PRESENTER INFORMATION:</b>
John Robinson, Acting Chief Financial Officer
<b>ITEM BACKGROUND:</b>
State law (S.C. Code Sec. 11-35-5320) requires Counties to adopt ordinances or procedures embodying sound principles of appropriately competitive procurement. Pursuant to state law, Beaufort County adopted its present purchasing ordinance in 1982. The County has amended the ordinance several times in the intervening years. In 2023 Council retained the services of Haynsworth Sinkler Boyd to, among other things, draft a new and updated purchasing ordinance. Staff worked with Haynsworth Sinkler Boyd to draft a new purchasing ordinance that embraces good procurement principles of integrity, transparency, uniformity, and accountability. If adopted, this ordinance will repeal and replace the existing purchasing ordinance.
<b>PROJECT / ITEM NARRATIVE:</b>
See above
<b>FISCAL IMPACT:</b>
There will be no fiscal impact to the County. This action repeals Beaufort County's current procurement code and replaces it with an updated code.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Repeal the current ordinance and adopt the proposed purchasing ordinance
<b>OPTIONS FOR COUNCIL MOTION:</b>
Adopt the ordinance as proposed, modify the ordinance as proposed, deny the ordinance.

**ORDINANCE 2024/\_\_\_\_\_**

**AN ORDINANCE TO REPEAL AND REPLACE BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE VII, DIVISION 4 (BEAUFORT COUNTY PURCHASING ORDINANCE); TO ESTABLISH NEW POLICIES OF CENTRALIZED PURCHASING AND COMPETITIVE BIDDING FOR COUNTY DEPARTMENTS AND ELECTED OFFICIALS (A NEW PURCHASING ORDINANCE); DELEGATING PURCHASING AUTHORITY TO THE COUNTY PURCHASING DIRECTOR; ESTABLISHING PROCEDURES FOR THE PURCHASING OF GOODS AND SERVICES AS REQUIRED BY COUNTY DEPARTMENTS AND ELECTED OFFICIALS; AND OTHER MATTERS RELATED THERETO**

**WHEREAS**, Beaufort County is required by the South Carolina Code of Laws, Section 11-35-5320, to adopt competitive procurement policies; and

**WHEREAS**, Beaufort County's existing Purchasing Ordinance was originally adopted in 1982. The Ordinance has been amended several times. The most significant and most comprehensive amendment took place in 1996, more than twenty-six years ago; and

**WHEREAS**, Council wishes to update the County's existing Purchasing Ordinance, Policies, Procedures and Regulations by repealing the existing Ordinance and by adopting a new Ordinance that embodies sound principles of appropriately competitive procurement; and

**WHEREAS**: The new Ordinance is set forth in Exhibit "A" which is attached hereto and incorporated herein by reference. The purpose of the Ordinance is to set forth a centralized purchasing system that provides for fair and equitable treatment of all persons involved in public purchasing by Beaufort County Departments, Elected and Appointed Officials, to maximize value in public procurement, and to provide safeguards for maintaining a procurement system that is based on integrity, transparency, uniformity, and accountability; and

**WHEREAS**, the provisions of this Ordinance, as set forth in Exhibit "A", shall apply to all contracts and to the procurement of all supplies, services, and construction, entered into by Beaufort County Departments, Elected and Appointed Officials after the effective date of the Ordinance. It shall apply to every expenditure of public funds for public purchasing irrespective of the source of the funds. When procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal laws and regulations. Nothing in this Ordinance shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with the law.

**NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL**  
**That:** Chapter 2, Article VII, Division 4 (Beaufort County Purchasing Ordinance) is hereby repealed, and a new Purchasing Ordinance for Beaufort County Public Departments and Elected Officials as set forth in Exhibit "A" is hereby adopted.



Adopted this \_\_\_\_\_ day of 2024. This Ordinance shall take effect immediately upon Third and Final Reading by County Council.

COUNTY COUNCIL OF BEAUFORT COUNTY

\_\_\_\_\_  
By: Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, Clerk to Council

**Part 1-General Ordinances, Chapter 2-Administration, Article VII-Finance,**  
**DIVISION 4. – PROCURMENT SERVICES**

**Sec. 2-501. Title.**

This Division shall be known as and may be cited as the "Beaufort County Procurement Ordinance".

**Sec. 2-502. General Provisions.**

- (a) *Statement of Policy and Application.* It shall be the policy of Beaufort County Council that all goods and services required by County Departments, Appointed Officials, and Elected Officials shall be procured by centralized purchasing procedures based on integrity, transparency, uniformity, and accountability. The provisions of the Beaufort County Procurement Ordinance shall apply to all contracts and to the procurement of all supplies, services, and construction entered into by Beaufort County Departments, Appointed Officials, and Elected Officials. It shall apply to every expenditure of public funds for public purchasing irrespective of the source of the funds.
- (b) *Intent and Purpose.* It is the intent of County Council that a primary concern of county government be the effective provision of services to the citizens of the County in a competitive, efficient and economical way, and that all purchases of goods and services be conducted with a primary concern for the efficient and economical use of revenues provided by its citizens. The purpose of the procedures, requirements, regulations, and processes set forth in this Division, hereinafter collectively referred to as the "Procedures", is to adopt procurement practices that are appropriately competitive and allow the County:
  - (1) to provide increased economy in County procurement activities and to maximize to the fullest extent practicable the purchasing values of funds while ensuring that procurements are the most advantageous to the County and in compliance with the provisions of the Ethics Government Accountability and Campaign Reform Act;
  - (2) to foster effective broad-based competition for public procurement within the free enterprise system;
  - (3) to provide a clear and comprehensive ordinance governing procurement by the County and to permit the continued development of explicit and thoroughly considered procurement policies and practices;
  - (4) to ensure the fair and equitable treatment of all persons who deal with the County's procurement system which will promote increased public confidence in the procedures followed in public procurement; and
  - (5) to provide safeguards for the maintenance of a procurement system of quality and integrity with clearly defined rules for ethical behavior on the part of all persons engaged in the public procurement process.

### **Sec. 2-503. Definitions.**

Except as specifically defined in this Section, all words used in this Division have their customary dictionary meaning. For purposes of this Division the following words, terms and phrases shall have the meanings ascribed in this Section, except where the context clearly indicates a different meaning:

*After the Fact Purchase* means a request to create a purchase order in support of a good, service, or contract which has already been received or executed. Purchase orders or contracts as a result of an “Emergency Purchase” are not considered an “After the Fact” purchase.

*Authorized Person* means those Officials or Employees authorized to execute County Contracts as set forth in Section 2-506.

*Brand name or Equal Specification* means a specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet county requirements, and which provides for the submission of equivalent products.

*Business* means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

*Capital Assets* means a County owned item, acquired through purchase, donation, construction or transfer, which has tangible value of Five Thousand (\$5,000) Dollars or greater and a useful life of greater than two (2) years. The County Asset Manager under the direction of the Procurement Services Director may deem any county owned item as a managed capital asset.

*Change Order or Contract Modification* means a written document signed and issued by an Authorized Person and a contractor of the County altering the specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties of the contract.

*Competitive Bid Process* means an informal or formal procurement process requesting from sellers or vendors quotes, bids, qualifications and proposals from qualified vendors for the provision of a goods or services. This process requires an Employee to evaluate each vendor response and select the vendor who offers the lowest price, is most qualified, or is the best value to the County.

*Construction* means the process of building, altering, repairing, improving, or demolishing any public structure or building or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

*Contract* means all types of County agreements, regardless of what they may be called, for the procurement or disposal of supplies, services, property or construction.

*Contractor* means any person having a contract with the County.

*Contractors On-Call List* means a project delivery method where a vendor or groups of vendors after a competitive solicitation process are selected to provide services or materials to the County for one or more types of projects over an extended period of time but limited to a time period not to exceed three (3) years.

*Construction Management at-Risk* means a project delivery method in which the County awards separate contracts, one for design services to design a project and the second to a construction manager at-risk for both construction of the project according to the design and construction management services, which include but are not limited to those Professional Services associated with contract administration, project management, and other services provided in connection with the administration of a construction project.

*Co-operative Purchasing Entity* means an organization or alliance of municipalities or other governmental bodies throughout the United States established in part to achieve economies of scale and innovations through group purchasing strategies, shared resources and centrally administered competitive procurement processes to afford value and discount pricing programs to its members.

*County* means Beaufort County, a political subdivision of the State of South Carolina.

*County Council Committees* means the committees comprised of members of County Council.

*Delegation of Authority* or *Delegate Authority* means the transfer of decision-making power, responsibilities and authority from one individual to another individual, where said transfer shall only be deemed to have occurred if memorialized in writing and signed by the assignor.

*Design Services* means those Professional Services associated with the practice of architecture, professional engineering, land surveying, landscape architecture, and interior design pertaining to construction, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including without limitation studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual design, plans and specifications, construction documents, cost estimates, construction observations, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals and other related services.

*Design-Bid-Build* means a project delivery method in which the County sequentially awards separate contracts following separate competitive processes. The first for design services to design a project and the second for construction of the project according to the design.

*Design-Build* means a project delivery method in which the County enters into a single contract for design and construction of a project.

*Design-Build-Finance-Operate-Maintain* means a project delivery method in which the County enters into a single contract for design, construction, finance, maintenance, and operation of a project over a contractually defined period.

*Design-Build-Operate-Maintain* means a project delivery method in which the County enters a single contract for design, construction, maintenance, and operation of a project over a contractually defined period.

*Emergency Procurement* means the purchase of goods or services when there exists an imminent threat of harm to public health, welfare, critical economy and efficiency, government operations, or safety under emergency conditions.

*Employee(s)* means any individual who is monetarily compensated, draws a salary or wage from the County, excluding elected and appointed officials; and any other compensated individual performing services for the County or any department, agency, commission, council, board, or any other entity established by the County, excluding contractors and subcontractors; and whereby this definition is solely applicable to the Beaufort County Procurement Ordinance.

*Financial interest* means ownership of or ownership in, and should be determined when:

- a. any interest of immediate family or involvement in any relationship from which, or as a result of, a person within the past year has received, or is presently or in the future entitled to receive, equal to or greater than Five Hundred (\$500) Dollars per year, or its equivalent;
- b. Ownership of Five (5%) Percent of any real property, personal property, or business; or
- c. Holding a position or controlling interest in a business such as officer, director, trustee, partner, employee, or the like; or holding any position of management.

*Gratuity* means a payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

*Immediate Family* means a spouse, children, parents, an individual for whom an individual has legal custody of, or an individual claimed as a dependent for income tax purposes.

*Invitation for Bids* or *IFB* means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

*Local Vendor* means a vendor shall be deemed to be a "Beaufort County Local Vendor" if such vendor is a Person or Business that is authorized to transact business within the state, maintains an office in Beaufort County, has a business license of Beaufort County or one of the municipalities within Beaufort County, and maintains a representative inventory of commodities within Beaufort County or one of the municipalities on which the bid is submitted and has paid all taxes duly assessed.



*Non-Responsive Bidder* means a Person or Business who has submitted a bid, proposal, or qualification which does not conform with all material aspects of the Scope of Work presented. These persons or business may not be considered to have or possess the following:

- a. evidence of financial stability, material, equipment, facility, personnel resources, expertise or ability to obtain them;
- b. A satisfactory record of performance and integrity;
- c. Qualified legally to contract with the County; and
- d. Supplied all necessary information in connection with the inquiry concerning responsibility.

*Official* means an individual elected by the people, or an individual appointed by the General Assembly or the Governor; including, but not limited to, the Sheriff, Auditor, Treasurer, Clerk of Court, Coroner, Public Defender, Probate Judge, Magistrates, Director of Veterans Affairs, and Director of Voter Registration and Elections. When referencing all elected and appointed officials described above, the term “Officials” shall be used.

*Operations and Maintenance* means a project delivery method in which the County enters into a single contract for the routine operation, routine repair, and routine maintenance of a project.

*Person* means any business, individual, union, committee, club, other organization, or group of individuals.

*Procurement* means buying, purchasing, renting, leasing or otherwise acquiring any supplies, services, equipment or construction.

*Professional Services* refers to those services provided by an individual or business requiring specialized knowledge and skill usually of a mental or intellectual nature and usually requiring a license, certificate or registration. These services may include, but are not limited to, being within the scope of the practice of architecture, professional engineering, land surveying, real property appraisal, auditors, construction management, veterinarians, consultants, legal counsel, medical services, actuary services, and lobbyists.

*Public Agency* means a public entity subject to or created by the County who acts in an official capacity or performs functions for the County and is supported in whole or in part by public funds; this includes, but is not limited to, organizations, corporations, and non-profits.

*Public Procurement Unit* means any agency of the Federal Government, the State of South Carolina, and any county, city, town, special purpose district or any other government subdivision of the State of South Carolina or public agency of any such subdivision.

*Procurement Services Department* means the Employee(s), regardless of department name, which serves as the County’s central procurement office for processing the County’s goods and services; and provides support to the Procurement Services Director as requested and necessary to ensure compliance with the Procedures.

*Procurement Services Director* means the Employee, regardless of title, whose primary function is to oversee and manage, with assistance from the Procurement Services Department, all procurement activities of the County, including but not limited to compliance with the Procedures.

*Qualified Bidder* means a determination by the Procurement Services director or designee, that a bidder or bid has passed preliminary evaluation and is eligible to submit bids, is well-suited to fulfill the requirements outlined in a solicitation, is financial stable, and possess the requisite experience, and technical ability.

*Ratification* means the act of confirmation or affirmation of an unauthorized purchase, contract, or agreement by the appropriate approval authority.

*Request for Proposals* or *RFP* means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

*Request for Qualifications* or *RFQ* means a solicitation document that is issued by a procurement entity to obtain statements of the qualifications of potential responders (development teams or consultants) to gauge potential competition in the marketplace, prior to issuing the solicitation. RFQ's may include requesting proposals as part of the RFQ solicitation process.

*Responsive Bidder* means a Person or Business who has submitted a bid or proposal which conforms in all material aspects to the Invitation for Bids or Request for Proposals.

*Responsible Bidder* means a Person or Business who has the capability in all respects to perform adequately the contract requirements set forth in an Invitation for Bids or Request for Proposals, and has the integrity and reliability which, as substantiated by past performance and reputation, will assure good faith quality performance. Factors to be considered in determining whether the county standards of responsibility have been met include whether a prospective Contractor has:

- a. evidence of financial stability, material, equipment, facility, personnel resources, expertise or ability to obtain them;
- b. A satisfactory record of performance and integrity;
- c. Qualified legally to contract with the County; and
- d. Supplied all necessary information in connection with the inquiry concerning responsibility.

*Reverse Auction Method* means a real-time bidding process taking place at a previously scheduled time in which multiple prospective Contractors, anonymous to each other, submit bids to provide the designated goods or services.

*Small Disadvantaged Business* means a business which is at least fifty-one (51%) owned and controlled by socially disadvantaged individuals including, but not limited to, most minority classes and women.

*Selection Committee* means a group of individuals who have specific knowledge or ability necessary to evaluate proposals or bids based on evaluation criteria specified in the solicitation.

Members and number of members must be void of conflict of interest and shall be appointed by the Procurement Services Director.

*Services* means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

*Sole Source* refers to a situation where goods or services are only available from a single source vendor, with a unique ability or knowledge with respect to the supply, service or construction or a circumstance that is beneficial to the County and to the public. The sole source vendor and selection process may be based on issues concerning availability, standardization, warranty, and proprietary justification.

*Specification* means any description of the physical or functional characteristics or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

*Split Purchase* means a procurement which has been divided into two or more purchase orders, contracts, or agreements, with the intent to avoid the approved solicitation process.

*Supplies* means all property, including but not limited to equipment, materials, printing, insurance, and leases of personal property.

*Unauthorized Purchase* means the procurement of goods or services which have not been properly procured through the County procurement procedures or approved by the appropriate authority as defined in this Division.

*Using Agency* means any department, commission, board, or public agency requiring supplies, services, or construction procured.

## **Sec. 2-504. Application of Procedures.**

- (a) *General Application.* These Procedures apply to Procurements that are solicited for or contracts entered into after the adoption of and effective date of the Beaufort County Procurement Ordinance.
- (b) *Application of County Procurement.* These Procedures shall apply to every expenditure of funds by the County for the purpose of procuring property, supplies, services, and construction services for the County irrespective of the source of funds or the type of procurement. It shall also apply to the disposal of County equipment and supplies.
- (c) *Application to State or Federal Fund Procurements.* Where a procurement involves funds provided by the State of South Carolina or the United States of America, that procurement shall be in compliance with such State or Federal laws and authorized regulations as are

mandatorily applicable. However, in every instance where the provisions of this Article are more restrictive than State or Federal laws or authorized regulations, the provisions of this Article shall be followed.

- (d) *Purchases of \$5,000.00 and Under; Exempt Items.* These Procedures do not apply to any Procurement less than \$5,000.00 or that are exempt pursuant to Section 2-505. Departments may not create a Split Purchase to circumvent the dollar amount of \$5,000.00.

## **Sec. 2-505. Items Exempt from Procedures.**

- (a) *Decision of County Council.* County Council, upon recommendation from the County Administrator, may exempt by ordinance specific items, services, or projects from these Procedures when County Council finds that such exemption is in the best interest of the County.
- (b) *Specific Exemptions Generally.* The following items shall be exempt from the provisions of these Procedures:
- (1) Works of art for museum and public display;
  - (2) Published books, library books, maps, periodicals, technical pamphlets;
  - (3) Copyrighted educational films, filmstrips, slides and transparencies;
  - (4) Postage stamps, postal fees, and U.S. Post Office box rentals;
  - (5) Professional dues, membership fees, seminar registration fees, and professional training, subject to the County Administrator's approval;
  - (6) Medicine and drugs;
  - (7) Utilities including gas, electric, water and sewer;
  - (8) Advertisements or advertisement time/space in professional publications, newspapers, radio, television, and social media platforms, including local Chambers of Commerce;
  - (9) Fixed wing and rotary wing aircraft maintenance;
  - (10) Fixed Base operators, but only if approved by County Council; and
  - (11) Legal services, provided that legal services must be approved by the County Administrator or County Council.
- (c) *Real Property.* The purchase, lease or sale of real property by the County are exempt from the Procedures. The County Administrator may direct Employee(s) to have initial discussions with the owner of real property to determine potential terms and conditions for the purchase of real property; and may secure ancillary Professional Services when deemed appropriate. After receipt of approval from County Council, the County Administrator shall negotiate the final terms of a purchase, lease or sale of real property.
- (d) *Cooperative Purchasing.* The County may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement or programs for procurements with one or more Public Procurement Units in accordance with an agreement entered into between the participants.

- (1) Such cooperative procurement may include, but is not limited to, joint or multi-party contracts between Public Procurement Units.
- (2) Without limiting the County's ability to participate in procurements with other Public Procurement Units, the County may participate in the South Carolina Statewide Term Contracts program ("State Contract"), provided, however, that if any item needed for a Procurement is available from a potential Contractor within Beaufort County and the item (i) meets all State Contract specifications and (ii) is priced equal to or less than the State Contract price, the County may purchase such items from the potential Contractor within Beaufort County.

**Sec. 2-506. Procurement Responsibilities, Duties and Authority.**

The Procurement Services Director shall oversee and manage all procurement activities of the County, ensure compliance with these Procedures, and upon request or when required shall provide an annual report to the County Administrator concerning the County's procurement activities.

- (a) *Principal Public Procurement Official.* The Procurement Services Director shall serve as the principal public procurement official of the County and shall be responsible for the procurement of supplies, services, and construction, as well as the management and disposal of managed capital assets.
- (b) *Duties.* In accordance with this Division, the Procurement Services Director shall:
  - (1) Purchase all supplies, materials, equipment, and contractual services required by County agencies and perform the procurement-related functions required of the Procurement Services Director;
  - (2) Negotiate contracts, or delegate authority to negotiate contracts, and submit the contracts for approval and award;
  - (3) Use standard specifications wherever they are applicable to purchase orders and contracts and ensure compliance with such specifications through adequate inspection of deliveries;
  - (4) Manage the transfer of capital assets between agencies of supplies, materials, and equipment that are no longer needed by a holding agency but that can be used by the receiving agency;
  - (5) Exchange, trade in, or sell those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the County Administrator not to be required or appropriate for public use;
  - (6) Develop, with the approval of the County attorney as to legal sufficiency, standard forms and conditions of solicitations, purchase orders and contracts;
  - (7) Develop and prescribe the use by agencies of other documents required in carrying out this Division and amend or eliminate any such forms;
  - (8) Dispose of managed assets or other property that is deemed surplus; and
  - (9) Perform other duties as assigned by supervisor.



(c) *Operational Procedures.* Pursuant to this Division and consistent with the Procedures, the Procurement Services Director shall develop and adopt operational procedures relating to the execution of its duties.

(d) *Delegation of Authority.*

- (1) The Procurement Services Director may delegate authority established in this Division to an assignee within the Procurement Services Department, the Chief Financial Officer, or to any Employee or Official approved by the County Administrator.
- (2) The County Administrator may delegate authority established in this Division to any Employee at their discretion but excluding the Procurement Services Director and the Chief Financial Officer.
- (3) Notwithstanding any other terms contained in this Division pertaining to delegation of authority, procurement authority with respect to certain supplies, services, or construction may be delegated to other Employees by the County Administrator, when such delegation is deemed necessary for the effective procurement of the supplies, services, or construction.
- (4) This Section shall apply to every delegation of authority referenced in this Division.

(e) *Dollar Limitations for Contract Execution.* Only the following Authorized Persons shall have the authority to execute contracts on behalf of Beaufort County:

- (1) The Procurement Services Director or the Chief Financial Officer shall have the authority to execute any contract subject to this Division which is equal to or less than Fifty Thousand (\$50,000) Dollars;
- (2) The County Administrator or the County Administrator's designee shall have the authority to execute any contract subject to this Division which is equal to or less than One Hundred Fifty Thousand (\$150,000) Dollars;
- (3) County Council Committees shall have the authority to authorize the County Administrator to execute any contract subject to this Division which is equal to or less than Two Hundred Thousand (\$200,000) Dollars; and
- (4) County Council shall have the authority to authorize the County Administrator to execute any contract subject to this Division which is greater than Two Hundred Thousand (\$200,000) Dollars.

(f) *Beaufort County Procurement Cards.*

- (1) *Authorized Procurement Card.* The Procurement Card is a credit card issued to an Employee or Official by the Procurement Services Director, the Chief Financial Officer, or County Administrator.
  - (2) *Use of Procurement Card.* Procurement cards may be used to purchase goods and services by Employees and Officials that hold such card. The cardholder shall use the procurement card for legitimate County purposes only and in compliance with the Beaufort County Procurement Card Program Manual.
  - (3) *Procurement Card Compliance.* Purchases for goods and services with a procurement card shall adhere to the Dollar Limitations established in Section 2-506(e) in this Division. Purchases with a procurement card shall *not* be made if it creates a Split Purchase, an After the Fact purchase, or to circumvent the creation of a Purchase Order.
  - (4) *Misuse of Procurement Card.* Misuse of the procurement card shall subject the cardholder to disciplinary action in accordance with County personnel policies and criminal laws.
- (g) *Specialty Services.* Professional Services under Fifty Thousand (\$50,000) Dollars may be selected based on qualifications, availability, or from an “on-call” pre-qualified list. Final cost may be negotiated by the Procurement Services Director. Vendors on the “on-call” list should be rotated, for similar type of Professional Services.
- (h) *Elected and Appointed Officials.* Provided that funds have been approved by County Council as part of the annual budget appropriation process, and that any expenditure of funds regardless of the amount will not result in a budget deficit within any Official’s office shall be exempt from the dollar limitations on expenditure authority established in Section 2-506(e) of this Division, provided that an Official’s office complies with all the provisions as may be required by South Carolina law and the Beaufort County Purchasing Ordinance. County Council may request reports and information as it deems necessary and prudent on the procurement activities of an Official to ensure compliance with the Beaufort County Procurement Ordinance.
- (i) *Solicitations, Bids, Awards or Purchase in Violation of Ordinance.*
- (1) *Applicability.* The provisions herein apply where it is determined administratively, or upon administrative review, that a purchase, solicitation, bid, or award of a contract is in violation of this ordinance.
  - (2) *Remedies Prior to Award.* If prior to award it is determined that a solicitation, bid, or proposed award of a contract is in violation of law, then the solicitation, bid, or proposed award shall be:
    - (i) Canceled; or
    - (ii) The unlawful bid not considered; or
    - (iii) Revised to comply with the law.

(j) *Ratification.*

- (1) Ratification shall only be approved by the County Administrator.
- (2) Ratification may be considered for purchases which did not follow proper procedures or approvals established in these Procedures.
- (3) Upon knowledge of an unauthorized purchase or contract approval, known as but not limited to an After the Fact or a Split Purchase, the Procurement Services Director shall notify in writing the Department Head or other appropriate Employee of the purchase which is considered unauthorized.
- (4) The Department Head or other appropriate Employee shall prepare a written determination as to the facts and circumstances surrounding an unauthorized procurement, what corrective action is being taken to prevent occurrence, action taken against the individual committing the act, and documentation that the price paid is fair and reasonable. If the price paid is unreasonable, the individual committing that act may be held pecuniarily liable for the difference.
- (5) Procurement Services Director shall prepare written justification of Ratification. Ratification documents shall be prepared for and presented to the County Administrator for consideration. Ratification approval process should adhere to the limitations established in Section 2-506(e).

**Sec. 2-507. Retention of and Public Access to Procurement Information.**(a) *County Procurement Records.*

- (1) *Project File.* All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be kept together in a singular Project File by the Procurement Services Director.
- (2) *Retention of Procurement Records.* All procurement records shall be retained and disposed of by the County in accordance with records retention guidelines and schedules approved by County Council and consistent with South Carolina Department of Archives and History and Records Management Division's General Records Retention Schedules for County Records.

(b) *Public Record.* Procurement information shall be a public record pursuant to S.C. Code 1976, § 30-4-10 et seq. (The Freedom of Information Act).

- (1) Commercial or financial information obtained in response to a request for proposal which qualifies as privileged and confidential under the statute may be exempt from disclosure.

- (2) Privileged and confidential information is information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the party supplying the information. Examples of this type of information would include the following:

- (i) Customer lists;
- (ii) Design recommendations;
- (iii) Identification of prospective problem areas under a request for proposal;
- (iv) Design concepts, including methods and procedures; and
- (v) Biographical information which qualifies as personal and private information under the statute may be exempt.

- (3) For all documents submitted in response or with regard to any solicitation or other request, the person submitting the documents shall comply with instructions provided in the solicitation for marking information exempt from public disclosure. Information not marked as required by the applicable instructions may be disclosed to the public.

- (c) *Access to Solicitation Prior to Award.* If requested in writing before a final award by an actual bidder, offeror, contractor, or subcontractor with regard to a specific intended award or award of a contract, the Procurement Services Director shall, within five days of the receipt of any such request, make documents directly connected to the procurement activity and not otherwise exempt from disclosure available for inspection at an office of the Procurement Services Director. Without otherwise limiting any other exemptions granted by law, and except as provided herein, documents of and documents incidental to proposed contractual arrangements, including those used for contract negotiations, are not exempt from disclosure after the date notice of intent to award is given, unless the notice is subsequently canceled.

#### **Sec. 2-508. Methods of Source Selection.**

Unless otherwise provided by these Procedures, all County contracts must be awarded by an IFB (pursuant to Section 2-509) or Request for Proposals (pursuant to Section 2-510), except as provided in:

- 1. Section 2.511 -- Small Purchases Under \$50,000.00;
- 2. Section 2.512 -- Request for Qualifications;
- 3. Section 2-513 -- Reverse Auction
- 4. Section 2-514 -- Emergency Procurement;
- 5. Section 2-515 -- Sole Source Procurement; and
- 6. Section 2-516 -- Pre-Qualification.

**Sec. 2-509. Invitation for Bids (IFB).**

- (a) *Notice of Invitation for Bids.* An Invitation for Bids shall include (or state where such information is to be made available) a project or purchase description, and all contractual terms and conditions applicable to the procurement. At least two weeks before the date designated in the IFB for the opening of bids, the IFB shall be publicly announced.
- (b) *Receipt and Opening of Bids; Electronic Submittal Requirements.* Bids will only be received electronically and must be submitted online prior to the date and time listed in the IFB. Bids shall be received into an online 'lockbox' folder and shall not be opened prior to the due date and time listed in the IFB. Bids will be opened in a transparent manner and the amount of each bid, and such other relevant information as may be deemed appropriate by the Procurement Services Director, together with the name of each bidder, shall be tabulated by the Procurement Services Director. The ranking of each bidder, which need not include the dollar amounts of the bids, shall be made available to all bidders after the contract award.
- (c) *Bid Acceptance and Bid Evaluation.* Subject to the County's right not to accept any bid, the selected bid shall be accepted unconditionally without alteration or correction, except as otherwise authorized in these Procedures or by the Procurement Services Director. The IFB shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that is not set forth in the IFB or addenda to such bids. Bids shall be evaluated based on the requirements set forth in the IFB and addenda.
- (d) *Correction or Withdrawal of Bids or Proposals, Cancellation of Awards.* Correction or withdrawal of inadvertently erroneous bids or proposals before or after award, or cancellation and re-award of awards or contracts, after award but before performance, may be permitted in accordance with the solicitation, when it is for good cause and in the best interests of the County, provided, however, after bid or proposal opening, changes in prices or other provisions of solicitations prejudicial to the interest of the County or fair competition must not be permitted. The reasons for cancellation, withdrawal or correction shall be made part of the Project File and notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurements of similar items.
- (e) *Award.* If an award is to be made, the contract shall be awarded by written notice to the lowest responsible/responsive bidder. In the event two or more bidders are tied in price while otherwise meeting all the required conditions, an award shall be made to bidder who is determined in the discretion of the Procurement Services Director to be the most responsive, responsible, and qualified for the project described in the IFB.
- (f) *Right of Rejection and Re-solicitation.* The Procurement Services Director has the right, prior to award of the contract, to reject any and all bids for cause, or without cause, as he or she deems appropriate. The County has the right to determine not to award the contract to any bidder or to re-solicit bids based upon modified terms and conditions.



**Sec. 2-510. Request for Proposals (RFP).**

- (a) *Notice of Request for Proposals.* The RFP shall be publicly announced at least two weeks before the date designated in the RFP for the bid opening and shall include a description of the Project, enumerating all requirements for the Project; or state where such information is to be made available.
- (b) *Receipt and Opening of Proposals; Electronic Submittal Requirements.* Proposals will only be received electronically and must be submitted online prior to the date and time listed in the RFP. Proposals shall be received into an online 'lockbox' folder and shall not be opened prior to the due date and time and time listed in the RFP. Proposals will be opened in a transparent manner, but information within such proposals shall not be disclosed at this time.
- (c) *Selection Committee.* For each project in which a RFP is used, the Procurement Services Director shall approve a Selection Committee whom the Procurement Services Director determines to be qualified to make an informed decision as to the most responsive, responsible and qualified bidder for the proposed project.
- (d) *Evaluation of Proposals.* The RFP shall state the relative importance of each evaluation criterion but need not require numerical weightings for each factor. The Selection Committee shall review all responsive proposals and evaluate them using only the criteria set forth in the RFP. The Selection Committee shall adhere to any weightings for each of the criteria set forth in the RFP. The Selection Committee may hold interviews with the most qualified proposers as the Selection Committee deems appropriate. Following its evaluation of the proposals, the Selection Committee will rank the top proposer.
- (e) *Negotiation.* The Procurement Services Director shall negotiate a contract for services with the most qualified firm at a compensation which is fair and reasonable to the County. The Procurement Services Director may, at their discretion, include members of the Selection Committee in the negotiation process. Should the Procurement Services Director be unable to negotiate a satisfactory contract with the firm, negotiations shall be formally terminated. Negotiations shall commence in the same manner with the second and then the third, until a satisfactory contract has been negotiated. If no agreement is reached with one of the three, additional persons or firms in order of their competence and qualifications may be selected after consultation with the Selection Committee, and negotiations shall be continued in the same manner until agreement is reached.
- (f) *Right to Withdraw and Re-Solicit.* Until award, the Selection Committee and the Procurement Services Director have the right to determine not to award the contract to any proposer or to determine to re-solicit proposals based upon modified terms and conditions.

**Sec. 2-511. Small Purchases.**

- (a) *Small Purchase Authority.* The Procurement Services Director may authorize any procurement not exceeding \$50,000 by the solicitations of written quotations from a minimum of three qualified prospective Contractors.
- (b) As necessary, the Procurement Services Director may be required to contact additional prospective Contractors to obtain three quotations. If three quotations are not available following a reasonable effort, the Procurement Services Director shall document this fact in writing and place it in the Project File.
- (c) Award will be made to the lowest responsive and responsible bidder, provided that in addition to price, maintenance and service costs, transportation costs, delivery time, and other requirements relative to the purchase may be evaluated. If an award is not made to the lowest bidder, the reasons shall be documented in writing by the Procurement Services Director.

**Sec. 2-512. Request for Qualifications (RFQ).**

- (a) *Preparation of Project Description.* The Procurement Services Director along with the Using Agency Department Head shall be responsible for developing a description of the proposed project, listing the required Professional Services for that project, and preparing a formal invitation to firms for submission of information.
- (b) *Public Announcement.* The formal invitation shall be publicly announced. Nothing contained herein shall preclude the Procurement Services Director from directly inviting any person to submit information.
- (c) *Selection Committee.* For each project in which a RFQ is used, the Procurement Services Director shall approve a Selection Committee whom the Procurement Services Director determines to be qualified to make an informed decision as to the most responsive, responsible and qualified bidder for the proposed project.
- (d) *Selection and Ranking of the Most Qualified.* The Selection Committee shall evaluate each of the firms interviewed based upon criteria set forth in the invitation. Based upon these evaluations, the Selection Committee shall select the firms which, in its judgment, are the best qualified. The Selection Committee's report ranking the firms shall be in writing and will be made available to all firms interviewed upon written request from the interviewed firms.
- (e) *Interviews with Interested Firms.* Following receipt of information from all interested persons and firms, the Selection Committee shall hold interviews with at least three firms who have responded to the Selection Committee's advertisement and who are deemed most qualified on the basis of information available prior to the interviews, or if less than three persons or firms have responded to the advertisement, the Selection Committee shall hold

interviews with those that did respond. The purpose of the interviews shall be to provide such further information as may be required by the Using Agency Selection Committee to fully acquaint itself with the relative qualifications of the several interested firms.

- (f) *Negotiation of Contract.* The Procurement Services Director shall negotiate a contract for services with the most qualified firm at a compensation which is fair and reasonable to the County. The Procurement Services Director may, at their discretion, include members of the Selection Committee in the negotiation process. Should the Procurement Services Director be unable to negotiate a satisfactory contract with the firm, negotiations shall be formally terminated. Negotiations shall commence in the same manner with the second and then the third, until a satisfactory contract has been negotiated. If no agreement is reached with one of the three, additional persons or firms in order of their competence and qualifications may be selected after consultation with the Selection Committee, and negotiations shall be continued in the same manner until agreement is reached.
- (g) *Small Professional Purchases.* Purchases not expected to exceed \$50,000.00 for Professional Services may be procured using the small purchasing procedures in Section 2-511.

**Sec. 2-513. Reverse Auction.**

- (a) *Invitation for Reverse Auction Bids.* The Procurement Services Director shall issue an invitation for Reverse Auction Bids, which shall include all requirements for the bids, include the specifications for the required goods and services, the time of delivery and the quantities required.
- (b) *Public Notice.* Public notice of the bids (or pre-qualification of bidders) shall be announced. Not less than fourteen (14) days prior to the date set forth therein for the commencement of the Reverse Auction.
- (c) *Receiving Bids.* Bids shall be received online through a managed website specifically utilized for a Reverse Auction at a time and place designated in the IFB, and pursuant to the time period allotted for the Reverse Auction and other rules applicable to the Reverse Auction as set forth in the Invitation for Reverse Auction. The final amount of each bid and such other relevant information, together with the name of each bidder, shall be recorded in writing. This record, and each final bid, shall be open to public inspection after award.
- (d) *Bid Acceptance, Evaluation and Award.* Bids shall be unconditionally accepted without alteration or correction except as authorized in this Policy. The bidder with the lowest responsive, responsible bid will be awarded the contract.
- (e) *Correction or Withdrawal of Bids; Cancellation of Awards.* Correction or withdrawal of erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, may be permitted as set forth in Section 5-509(d).

**Sec. 2-514. Emergency Procurement.**

Notwithstanding any other provision of these Procedures, the Procurement Services Director may make or authorize others to make Emergency Procurements. Such Emergency Procurements shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the Emergency Procurement and for the selection of the particular vendor shall be included in the Project File; however, such written determination shall not be deemed to be a condition precedent to an award under this Section. The written determination must state at a minimum the cause of the Emergency Procurement, the reason the non-emergency procurement could not be followed within the time needed for the goods or services provided, and whether any competition was practicable.

**Sec. 2-515. Sole Source.**

- (a) *Use of Sole Source.* Sole source procurement is not the preferred procurement method and shall only be used when absolutely necessary and when all other procurement methods have been exhausted.
- (b) *Determination of Sole Source.* A contract may be awarded without competition when the Procurement Services Director recommends in writing, stating with particularity the factual basis for the determination. Sole Source justification and recommendation described herein shall be submitted by the Procurement Services Director to the County Administrator. Sole source determination shall demonstrate that:
  - 1. There exists only one appropriate, practicable source for the required supply, service, equipment or construction item;
  - 2. An explanation as to why no other vendor will be suitable or acceptable to meet the need;
  - 3. That a particular source for the required supply, service or construction item has a unique ability or knowledge, or circumstance that is beneficial to the County and to the public with respect to the supply, service or construction;
  - 4. Determination of fair and reasonable price; and
  - 5. Sole Source awards may be granted for contract renewals to maintain standardization, for specific proprietary concerns, to maintain existing product or service warranties or guarantees, or when in the best interest of the County as determined to meet the requirements herein.
- (c) *Record of Sole Source.* A record of Sole Source procurements shall be maintained as a public record and shall include the written Sole Source determination, listing each Contractor's name, the amount and type of each Contract, a listing of the items procured under each Contract, and the identification number of each Project File.

**Sec. 2-516. Prequalification of Bidders.**

- (a) The Procurement Services Director may pre-qualify all prospective bidders (including those for Reverse Auction) or proposers. The Procurement Services Director may also use pre-qualification selection procedures for the On-Call Contractor's List method of Source Selection in Section 2-522(d).
- (b) Notice of pre-qualification shall be publicly announced and shall set forth the criteria (or state where such criteria are to be made available) by which the qualifications and appropriateness of prospective bidders shall be determined. Only those criteria set forth in the pre-qualification notice may be considered in pre-qualifying bidders. The Procurement Services Director shall make all pre-qualification decisions in the exercise of its reasonable discretion and shall make a written record of the bases for its pre-qualification determinations. Prior to issuance of the IFB or RFP, all prospective bidders or proposers that were provided with pre-qualification notice will be notified of the Procurement Services Director's decisions relating to pre-qualification.

**Sec. 2-517. Cancellation and Rejection of Solicitations.**

When it is for good cause and in the best interests of the County, the County may cancel an IFB, RFP, RFQ or any other solicitation, or reject any or all bids or proposals in whole or in part as may be specified in the solicitation. The reasons for such cancellation or rejection shall be made part of the Project File. Each solicitation issued by the County shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the County. Notice of cancellation shall be sent to all businesses solicited and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurements of similar items.

**Sec. 2-518. Responsibility of bidders and offerors.**

- (a) *Determination of Non-Responsibility.* If a bidder or offeror who otherwise would have been awarded a County contract is found non-responsible, a written determination of non-responsibility, setting forth the basis of the finding, shall be prepared by the Procurement Services Director. The unreasonable failure of the bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to such bidder or offeror.
- (b) *Right of Nondisclosure.* Unless otherwise required by applicable law, information furnished by a bidder or offeror pursuant to this section shall not be disclosed by the County outside of the office of the Procurement Services Director, Administration, Legal Department, or Using Agency without prior written consent by the bidder or offeror.



**Sec. 2-519. Local Vendor Preference.**

- (a) *Extension of Local Vendor Preference.* To the extent no bids are received from a Beaufort County Local Vendor, a vendor shall be deemed to be a Beaufort County Local Vendor if such vendor is a Person or Business authorized to transact business within the state, maintains an office in Jasper, Hampton, or Colleton Counties (but only if Jasper, Hampton or Colleton Counties offer reciprocal preferences to Beaufort County Local Vendors), has a business license of Jasper, Hampton or Colleton Counties or one of the municipalities within such counties, and maintains a representative inventory of commodities within Jasper, Hampton or Colleton Counties or one of the municipalities within such counties.
- (b) *Preference Amount.* If a bid from a responsive and responsible Beaufort County Local Vendor does not exceed the lowest qualified bid from a nonlocal vendor by more than five percent or \$10,000.00, whichever is less of the lowest nonlocal bidder, the lowest Beaufort County Local Vendor has the discretion to match the bid submitted by the nonlocal vendor and receive the contract award.
- (c) *State or GSA Contracts.* When purchasing from State or General Services Administration (“GSA”) contracts, the County may purchase like items from a Local Vendor if the Local Vendor is willing to meet or beat the State or GSA contract pricing.

**Sec. 2-520. Small Disadvantaged Businesses.**

- (a) *Policy.* The County promotes an atmosphere whereby Small Disadvantaged Businesses are given an opportunity to provide goods and services to the County. The Procurement Services Department shall include Small Disadvantaged Businesses on any bidders lists it maintains, and the Procurement Services Department will actively seek bids and proposals from Small Disadvantaged Businesses.
- (b) *Approved List.* The Procurement Services Department will maintain an approved list of Small Disadvantaged Businesses. The Procurement Services Department will utilize an approved published list of Small Disadvantaged Business Enterprise from the South Carolina Department of Transportation's certified list.

**Sec. 2-521. Project Delivery Methods.**

- (a) *Authorized Methods.* The following project delivery methods are authorized:
  - (1) Design-Bid-Build;
  - (2) Construction Management at-Risk;
  - (3) Operations and Maintenance;
  - (4) Design-Build;
  - (5) Design-Build-Operate-Maintain;
  - (6) Design-Build-Finance-Operate-Maintain;
  - (7) Contractors On-Call List; and

- (8) Such other project delivery method that the Procurement Services Director may approve combining one or more aspects of the delivery methods in items 1-7 above in this Section 2-521.

- (b) *Construction Projects.* The Procurement Services Director, in consultation with the relevant Using Agency, shall have discretion to select the appropriate method of project delivery for a particular construction project. In determining which method to use, the Procurement Services Director shall consider the County's requirements, its resources, and the potential contractor's capabilities. The Procurement Services Director shall execute and include in the Project File a written determination setting forth the facts which led to the selection of a particular method of project delivery for each construction project.

**Sec. 2-522 Source Selection of Project Delivery Methods.**

Except as provided elsewhere in these Procedures, source selection methods applicable to procurements for the project delivery methods identified in Section 2-521 shall be as follows:

- (a) *Design-Bid-Build and Construction Management At-Risk.*

- (1) *Design.* The selection process provided for in Section 2-514 of this Division shall be used to procure Professional Services; including construction management.
- (2) *Construction.* Either an IFB or RFP must be used to procure construction in design-bid-build procurements.

- (b) *Design-Build, Design-Build-Operate-Maintain and Design-Build-Finance-Operate-Maintain.* RFPs must be used for the procurement of all design-build project delivery methods.

- (c) *Operations and Maintenance.* IFBs or RFPs must be used to procure contracts for operations and maintenance.

- (d) *Contractors On-Call List.* The Procurement Services Director is authorized to select a group or groups of pre-qualified vendors to provide services or materials to the County for one or more types of projects over an extended period of time (not to exceed three years).

- (1) Such group(s) of pre-qualified vendors shall be selected pursuant to an RFP or Qualifications Based Selection processes set forth in these Procedures.
- (2) Once an on-call contract is properly executed, the Procurement Services Director may procure services from such contractor(s) without further public notice or solicitation. If multiple vendors are on the executed contract, the Procurement Services Director should rotate the vendors when possible.

**Sec. 2-523. Bonds and Security.**

- (a) Bid security shall be required for all IFBs for construction contracts entered into pursuant to Section 2-509. Payment bonds, performance bonds, or other bonds as applicable shall be one provided by one or more surety companies meeting the criteria established by the Procurement Services Director. Bid security shall be in an amount equal to at least five percent of the bid unless a higher percentage is specified in the IFB. Any bid which does not comply with the bid security requirements shall be rejected.
- (b) When a contract to improve real property exceeding \$50,000 is awarded, the following bond security shall be delivered to the County upon or within a reasonable time after the execution of the contract and shall be binding on the parties:
  - (1) A performance bond satisfactory to the County, executed by one or more surety companies meeting the criteria established in the IFB or otherwise secured in a manner satisfactory to the County, in an amount equal to 100% of the contract price; and
  - (2) A payment bond satisfactory to the County, executed by one or more surety companies meeting the criteria established in the IFB or otherwise secured in a manner satisfactory to the County, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in the amount equal to 100% of the contract price.
  - (3) Bonding requirements may be waived for any emergency procurement.

**Sec. 2-524. Disposal of Surplus Supplies.**

All surplus supplies, materials and equipment which are considered salvage or surplus, may be sold to the highest responsive bidder in accordance with and upon such terms and conditions as the Procurement Services Director shall require with respect to such surplus supplies and materials; provided, however, that the Procurement Services Director may sell, lease, or dispose of any supplies, materials, or junk which has a value of less than Five Thousand (\$5,000) Dollars. An internet-based auction site may be used to sell surplus supplies, materials or equipment.

**Sec. 2-525. Contract Terms.**

- (a) *General Authority.* Subject to the limitations of this Section, any type of contract which is appropriate as determined by the Procurement Services Director and which will promote the best interests of the County may be used, provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the County than any other type or that it is impracticable to obtain the supply, service, or construction item required except under such a contract.

- (b) *Multiterm Contracts; Specified Period.* A contract for supplies or services may be entered into for a period of time, including all renewals or extensions, not to exceed five years unless otherwise approved by County Council, provided that the term of the contract and the conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.
- (c) *Void Contract Terms or Conditions.* Any term or condition in any contract entered into by the County that requires the County to defend, indemnify, or hold harmless another Person shall be void ab initio, unless such term is expressly authorized by law. Any contract containing any terms or conditions inconsistent with any of the foregoing is otherwise enforceable as if it did not contain such term or condition.
- (d) *Contract Audit.* The County shall be entitled to audit the books and records of a contractor or any subcontractor under any negotiated contract or subcontract other than a firm fixed price contract to the extent that such books and records relate to the performance of such contract or subcontract. Such books and records shall be maintained by the contractor for a period of three years from the date of final payment under the prime contract and by the subcontractor for a period of three years from the date of final payment under the subcontract, unless a shorter period is otherwise authorized in writing by the Procurement Services Director.
- (e) *Change Orders.* All Change Orders or Contract modification in excess of ten percent of the original Contract must first be approved by the Procurement Services Director and Beaufort County Budget Director. Change Orders must not exceed the total budgeted project amount, to include any approved contingency funds. Change Order requests which exceed the total budgeted funds are subject to the approval process established in Section 2-506.
- (f) *Gratuities and Kickbacks.* The prohibition against gratuities and kickbacks prescribed in Section 2-533 of this Division shall be conspicuously set forth in every contract and solicitation.
- (g) *Standard Contract Clauses.* The Procurement Services Director, after consultation with the County Attorney, may establish standard contract clauses for use in County contracts. If the Procurement Services Director establishes any standard clauses, such clauses may be varied provided that any variation and that notice of any such material variation be stated in the IFB or RFP.

## **Sec. 2-526. Specifications**

- (a) *Purpose.* The purpose of a specification is to serve as a basis for obtaining a supply, service, or construction item adequate and suitable for the extent practicable, the cost of ownership and operation as well as initial acquisition cost.
- (b) *Policy.* It is the policy of the County that all specifications shall be drafted so as to assure cost effective procurement of the County's actual needs and shall not be unduly restrictive.
- (c) *Brand Name or Equal Specification.* The use of a Brand Name or Equal Specification may be used only when the Procurement Services Director determines in writing that the use of such a specification is in the County's best interests.

#### **Sec. 2-527. Resolving Protests**

- (a) *Right to Protest.* Any actual or prospective bidder, proposer or contractor, who is aggrieved in connection with the solicitation or award of a contract, may protest to the Procurement Services Director. The protest, setting forth the grievance and the grounds therefor, shall be submitted in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no circumstance after fifteen days of notification of award of contract.
- (b) *Authority to Resolve Protests.* The Procurement Services Director shall have the authority to settle and resolve a protest of an aggrieved bidder, proposer or contractor, actual or prospective, concerning the solicitation or award of a contract.
- (c) *Decision.* Should the parties fail to resolve the protest, the Procurement Services Director shall promptly issue a decision in writing, stating the reasons for the action taken. A decision of the Procurement Services Director shall be mailed or otherwise furnished immediately to the protestant and any other intervening party, and the decision shall be final unless a Person adversely affected by the decision appeals to the County Administrator within seven (7) days of receiving the decision. The County Administrator shall make a ruling concerning the appeal within fifteen days of receipt of the appeal. The ruling of the County Administrator shall be mailed or otherwise furnished immediately to the protestant and any other intervening party, and the ruling shall be final.

#### **Sec. 2-528. Debarment.**

The offer of cash, merchandise, gratuities or any other thing of value to an Official or Employee by any Contractor or prospective Contractor is prohibited and shall be reason for the Procurement Services Director or County Administrator declaring such Contractor or prospective Contractor to be an irresponsible bidder and for debarring such Contractor or prospective Contractor from participation in the County's Procurements for a period of (2) years. A decision to debar shall be mailed or otherwise furnished immediately to the affected Contractor or prospective Contractor, and the decision shall be final unless appealed in writing to County Council and received by the Clerk to Council within ten (10) days of receiving the decision.

#### **Sec. 2-529. Auditing and fiscal reporting.**



- (a) The Chief Financial Officer shall develop written plans for the annual auditing of County Procurements.
- (b) On an annual basis auditors working for the County either as employees or as third-party professional consultants shall review the adequacy of the County's internal controls in order to ensure compliance with the requirement of these Procedures. A noncompliance discovered through an audit must be transmitted in writing to the Chief Financial Officer and County Administrator.

**Sec. 2-530. Internal Reporting.**

When any information or allegations concerning anticompetitive or unethical practices among any bidders or proposers come to the attention of any Employee, immediate notice of the relevant facts shall be transmitted to the County Attorney or pursuant to the County's Whistleblower Policy.

**Sec. 2-531. Training.**

The Procurement Services Director will develop a system of training for procurement processes that are consistent with and further the efficient implementation of these Procedures and that encompasses the latest techniques and methods of public procurement which are consistent with these Procedures. All Employees with purchasing responsibility shall take part in annual training.

**Sec. 2-532. Employee conflict of interest.**

It shall be unethical for any Employee to participate directly or indirectly in a procurement contract when the Employee knows that:

1. The Employee or any member of the Employee's Immediate Family has a financial interest pertaining to the procurement contract;
2. Any other person, business, or organization with whom the Employee or any member of an Employee's Immediate Family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract; or
3. An Employee or any member of an Employee's Immediate Family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.

**Sec. 2-533. Gratuities and Kickbacks.**

- (a) *Gratuities.* It shall be unethical and prohibited for any person to offer, to give, or agree to give any Employee or former Employee, or for any Employee or former Employee to solicit, demand, accept, or agree to accept from another person a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for

ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

- (b) *Kickbacks*. It shall be unethical and prohibited for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontractor order.

**Sec. 2-534. Prohibited Employee Participation.**

An Employee is prohibited from participating directly or indirectly in any procurement process while said Employee is also an employee of an entity contracting with the County. An Employee is prohibited from any unethical participation or action including, but not limited to, S.C. Code of Laws Ann. Title 8 Chapter 13 Public Officers and Employees as it applies.

**Sec. 2-536. Use of Confidential Information.**

It shall be unethical for any Employee or former Employee to use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person.

**Sec. 2-537. Severability.**

If any provision of these Procedures, this Division, or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Procedures or the Division which can be given effect without the invalid provisions or application, and to this end the provisions of these Procedures and Division are declared to be severable.

**Sec. 2-538. Repealed.**

All previously issued ordinances pertaining to public procurement for this County are hereby repealed.



## BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 2.

<b>ITEM TITLE:</b>
A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT BLOCK GRANT AWARDS OFFERED BY THE SOUTH CAROLINA DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES
<b>MEETING NAME AND DATE:</b>
Finance, Administration, and Economic Development Committee August 26, 2024
<b>PRESENTER INFORMATION:</b>
Rebeccas Whitt- Burgess, Director of the Alcohol and Drug Abuse Department 10 minutes
<b>ITEM BACKGROUND:</b>
In accordance with the S.C. Code of Laws, Title 61, Chapter 12, the Fiscal Year 2025 County Plan submitted by the Beaufort County Alcohol and Drug Abuse Department was reviewed and accepted by the S.C. Department of Alcohol and Other Drug Abuse Services (DAODAS) in accordance with the terms that govern the release of local excise alcohol taxes.
<b>PROJECT / ITEM NARRATIVE:</b>
<p>The prevention block grant partially funds three personnel to work on the reduction of underage alcohol use, tobacco use, and vaping, reducing alcohol-related car crashes, and preventing substance misuse and substance use disorders to improve the well-being of youth and families in Beaufort County.</p> <p>The treatment block grant is applied to funding outpatient treatment and recovery services in Beaufort County. Priority populations include adolescents, pregnant and parenting women, people who use IV drugs, people at risk for infectious diseases, and people involved in the criminal justice system. Treatment block grant funding ensures that citizens in need of services who are uninsured, underinsured, and indigent have access to care.</p>
<b>FISCAL IMPACT:</b>
The Beaufort County Alcohol and Drug Abuse Department will receive \$149,691.07 (Federal \$147,858.07 and State \$1,833.00) to fund the provision of primary prevention services for alcohol and other drugs and \$354,542.18 (Federal \$318,311.18 and State \$36,231.00) to provide intervention, treatment and recovery services for the citizens of Beaufort County. There is no requirement for matching funds.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Staff recommends approval of a Resolution to accept block grant awards from the South Carolina Department of Alcohol and Other Drug Abuse Services.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to approve/deny a resolution authorizing the County Administrator to accept block grant awards offered by the South Carolina Department of Alcohol and Other Drug Abuse Services.  (Next Step – Move forward to County Council for Approval).

# Funding Award

<b>DAODAS:</b>		<b>SUBGRANTEE/RECIPIENT:</b>	
South Carolina Department of Alcohol and Other Drug Abuse Services 1801 Main Street, 12 <sup>th</sup> Floor Columbia, South Carolina 29201		Beaufort County Alcohol and Drug Abuse Department 1905 Duke Street Beaufort, South Carolina 29902	
<b>GRANT PROGRAM:</b>			
Primary Block Grant Prevention			
<b>SUBGRANT NUMBER/PROJECT NAME:</b>		<b>SUBGRANT PERIOD:</b>	
SUBG24-PR-ALL-BEA-20240701-20250630		July 1, 2024 – June 30, 2025	
<b>AWARD:</b>		<b>FUNDING SOURCE:</b>	
<b>Federal Base:</b> \$147,858.07 <b>State:</b> \$1,833.00  <b>Total This Award:</b> \$149,691.07  Total Federal Funds Obligated*: \$147,858.07 Total Federal Funds Committed*: \$147,858.07  *FAIN: B08TI087064		Substance Use Prevention Treatment and Recovery Services Block Grant (SUBG) of the US Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) division. CFDA: 93.959 FAIN: B08TI087064 Federal Award Date (NOA Issue Date): 2/20/2024 R&D: No	
<b>DAODAS FINANCIAL REPORTING/ COST CODES:</b>			
SEE BUDGET ALLOCATIONS IN DAODAS GRANTS MANAGEMENT SYSTEM (GMS) FOR COST CODES.			
<b>SERVICES:</b>			
Subgrantee will perform all services and report all deliverables as outlined in <b>Attachment A</b> .			
<b>SUBGRANT AWARD AGREEMENT:</b>			
<p>This award is a "Funding Award Sheet" as contemplated by Article I, section 3 of the "FY25 Funding and Compliance Agreement" between DAODAS and Subgrantee. THE PARTIES HEREBY ACKNOWLEDGE THAT THE TERMS AND CONDITIONS OF THE "FY25 FUNDING AND COMPLIANCE AGREEMENT" SHALL APPLY TO THIS FUNDING AWARD.</p>			
_____ Michael Moore, Beaufort County Administrator		_____ Sara Goldsby, Director, DAODAS	
_____ Date		_____ Date	

**Subgrantee shall:**

1. Provide Primary Prevention and Alcohol Enforcement Team (AET) services in Subgrantee's catchment area.
2. Ensure all printed materials such as brochures, flyers, billboards, PSAs, posters, etc. paid for in part or whole by this Subgrant Agreement, are submitted to the DAODAS Program Manager as a draft copy prior to distribution for approval. Subgrantee must comply with P.L. 101-517, Section 511, which requires that Federal fund participation be clearly stated on brochures, posters, press releases, requests for proposals, bid solicitations or any other documents describing projects or programs funded in whole or in part with Federal Block Grant Funds. The following statement must be included: *"The source of these Federal funds is the Substance Abuse Prevention and Treatment Block Grant (SABG) of the U.S. Department of Health and Human Services (Substance Abuse and Mental Health Services Administration), CFDA Number 93.959 FAIN – B08TI087064"*.
3. Report all monthly deliverables in the DAODAS Grants Management System (GMS) by the eighth (8<sup>th</sup>) working day of the month for the project associated with the subgrant number.
4. Initiate reimbursement requests in the GMS by the eighth(8<sup>th</sup>) working day of the month for the project associated with the Subgrant Number.
5. Report all June data and reimbursement requests by July 7, 2025.



# Funding Award

DAODAS:		SUBGRANTEE/RECIPIENT:	
South Carolina Department of Alcohol and Other Drug Abuse Services 1801 Main Street 12 <sup>th</sup> Floor Columbia, South Carolina 29201		Beaufort County Alcohol and Drug Abuse Department 1905 Duke Street Beaufort, South Carolina 29902	
GRANT PROGRAM:			
Primary Block Grant Treatment			
SUBGRANT NUMBER/PROJECT NAME:		SUBGRANT PERIOD:	
SUBG24-TX-ALL-BEA-20240701-20250630		July 1, 2024 – June 30, 2025	
AWARD:		FUNDING SOURCE:	
<b>Federal:</b> \$ 318,311.18 <b>State:</b> \$ 36,231.00  <b>Total This Award:</b> \$ 354,542.18  Total Federal Funds Obligated*: \$466,169.25 Total Federal Funds Committed*: \$466,169.25  *FAIN: B08TI087064		Substance Use Prevention Treatment and Recovery Services Block Grant (SUBG) of the US Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) division. CFDA: 93.959 FAIN: B08TI087064 Federal Award Date (NOA Issue Date): 2/20/2024 R&D: No	
DAODAS FINANCIAL REPORTING /COST CODES:			
SEE BUDGET ALLOCATIONS IN DAODAS GRANTS MANAGEMENT SYSTEM (GMS) FOR COST CODES.			
SERVICES:			
Subgrantee will perform all services and report all deliverables as outlined in <b>Attachment A</b> .			
SUBGRANT AWARD AGREEMENT:			
This award is a "Funding Award Sheet" as contemplated by Article I, section 3 of the "FY25 Funding and Compliance Agreement" between DAODAS and Subgrantee. THE PARTIES HEREBY ACKNOWLEDGE THAT THE TERMS AND CONDITIONS OF THE "FY25 FUNDING AND COMPLIANCE AGREEMENT" SHALL APPLY TO THIS FUNDING AWARD.			
_____ Michael Moore, Beaufort County Administrator		_____ Sara Goldsby, Director, DAODAS	
_____ Date		_____ Date	

**Subgrantee shall:**

1. Provide Outpatient, and Intensive Outpatient substance use disorder treatment in the Subgrantee's catchment area.
2. Report all monthly deliverables in the DAODAS Grants Management System (GMS) by the eighth (8<sup>th</sup>) working day of the month for the project associated with the subgrant number.
3. Initiate reimbursement requests in the GMS by the eighth (8<sup>th</sup>) working day of the month for the project associated with the Subgrant Number.
4. Report all June data and reimbursement requests by July 7, 2025.

**RESOLUTION 2024/\_\_\_\_\_****A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT BLOCK GRANTS OFFERED BY THE SOUTH CAROLINA DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES**

**WHEREAS**, the South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS) is recognized as the single state agency for substance use services in South Carolina by the Federal Substance Abuse and Mental Health Services Administration (SAMSHA) and is responsible for administering the federal substance use prevention and treatment and recovery services block grants (SUBG), State funding related to alcohol and substance use, and other similar federal and state funding sources, including, but not limited to, State funding under Chapter 12 of Title 61 of the S.C. Code of Laws, as amended; and

**WHEREAS**, the Beaufort County Alcohol and Drug Abuse Department is a single existing organization designated as the sole agency in the county in its catchment area for alcohol and other drug abuse services, as defined by S.C Code Section 61-12-10(a) and

**WHEREAS**, the Beaufort County Alcohol and Drug Abuse Department represents and warrants that it meets applicable standards to receive such funds for providing prevention, intervention, treatment, and recovery services and

**NOW, THEREFORE, BE IT RESOLVED**, at a duly called meeting of Beaufort County Council, that the County Administrator is hereby provided the authority necessary to execute the aforementioned grants from the South Carolina Department of Alcohol and Other Drug Abuse Services.

Adopted this \_\_\_\_\_ day of August 2024.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, Clerk to Council



## BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 3.

<b>ITEM TITLE:</b>
Recommend Approval of a Contract to pave around Bluffton Township Fire District's Training Building.
<b>MEETING NAME AND DATE:</b>
Public Facilities & Safety Committee August 19, 2024
<b>PRESENTER INFORMATION:</b>
Paul Boulware – Fire Chief – Bluffton Township Fire District <i>5 Minutes</i>
<b>ITEM BACKGROUND:</b>
<p>In May of 2015 the Bluffton Township Fire District completed RFQ# 05050214for its Maintenance / Training Facility and Completed the project in February of 2017. The district had a budget for the project however it was not enough to complete the project 100%. We worked with the contractor to do some value engineering to make sure all the building components were completed but we were not able to complete all the exterior infrastructure for the project. The outside grounds were originally to be reinforced concrete to support the weight of our fire apparatus for maintenance access along with access for training ground operations. In the interim we have utilized a loose crushed concrete aggregate. The hopes were to be able to re-visit the project when funds were available to procure the reinforced concrete to finish the overall project 100%</p> <p>The BTFD has been mindful of its funding resources and are utilizing Impact Fee funds to support this project. We were in the process of a Sun City Fire Station remodel project that was using these funds as well. We were waiting to finish that project first and securing funds in that account to finish the concrete project. At this time, we have available funds to complete this project.</p> <p><i>Today these funds are \$1,204,701. We are seeking contract approval.</i></p>
<b>PROJECT / ITEM NARRATIVE:</b>
<p>The procurement process for the project was a competitive bid process. Procurement services along with the project committee created an IFB #061324 and received four (4) responses for review on June13, 2024.</p> <p>BTFD staff worked with County Procurement to seek out qualified vendors to complete this project in a specified time frame. BTFD required an on-site meeting with the winning bidder to affirm the project scope and ability to work around the schedule of the fire district. The price received was fair and reasonable (<b>\$440,000</b>) for the project requirements.</p>
<b>FISCAL IMPACT:</b>
This project is funded by Fire Impact Fees. This proposal is under budget.

The current proposal is \$440,000.

Budgeted amount was \$500,000.

Funds to be from ACCOUNT# 10001410-57810 7308-050000-57810

**STAFF RECOMMENDATIONS TO COUNCIL:**

Staff requests approval of this procurement and resulting contract with **MAJ Enterprises** in order to undertake the Recommend Approval of a Contract to pave around Bluffton Township Fire District's Training Building.

**OPTIONS FOR COUNCIL MOTION:**

Motion to approve and move to County Council for final approval.

Send to County Council meeting to be held on September 9, 2024



<b>Project Name:</b>	Beaufort County, Bluffton Fire District Training Facility Concrete project
<b>Project Number:</b>	IFB 061324
<b>Project Budget:</b>	
<b>Bid Opening Date:</b>	13-Jun-24
<b>Time:</b>	3:00:00 PM
<b>Location:</b>	Beaufort County
<b>Bid Administrator:</b>	Dave Thomas
<b>Bid Recorder:</b>	Victoria Moyer

The following bids were received for the above referenced project:

[illegible]

Non - Responsive

*Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.*

David L. Thomas

**Bid Administrator Signature**

Victoria Moyer  
d Recorder

**Bid Recorder**



IFB # 061324

## PRICING

## SCHEDULE OF VALUES

IFB #061324

Item No.	Description of Work	Scheduled Value
1	General Conditions/Permits/Testing	\$ 32,000.00
2	Concrete Demolition and Removal	\$ 55,600.00
3	Staking & Grading	\$ 14,000.00
4	Forming	\$ 34,000.00
5	Reinforcement	\$ 32,600.00
6	Compaction	\$ 5600.00
7	Joint Sealers	\$ 8000.00
8	Curing	\$ —
9	Demobilization	\$ 6000.00
10	Concrete + Placement	\$ 252,200.00
	Grand Total	440,000.00
	Alternate	\$ —
	Grand Total with Alternate	440,000.00



COUNTY COUNCIL OF BEAUFORT COUNTY  
**PROCUREMENT SERVICES DEPARTMENT**  
102 Industrial Village Road, Bldg. 2—Post Office Drawer 1228  
Beaufort, South Carolina 29901-1228

Item 3.

David L. Thomas  
Procurement Services  
Director  
843.255.2305  
dthomas@bcgov.net

August 21, 2024

Project description: IFB # 061324 Beaufort County Fire District Training Facility  
Concrete Project

Victoria Moyer  
Contract Specialist  
843-255-2295  
victoria.moyer@bcgov.net

The scope of work includes excavation, site preparation, and pouring of concrete around the Bluffton Fire District's training tower facility located at 19 Ulmer Road, Bluffton, SC.

Jessica Snowden  
Sr. Administrative Specialist  
843-255-2350  
jessica.snowden@bcgov.net

The IFB was advertised in the Beaufort Gazette/Island Packet on May 10, 2024, as well as published on SCBO (South Carolina Business Opportunities) and Vendor Registry.

On June 13, 2024, at 3:00 p.m. Procurement Services received the following four bids:

MAJ Enterprises	\$440,000
RAM Construction	\$800,670*
Beaufort Construction	\$985,880
Mitchell Brothers Inc.	\$1,397,000

\*Non-responsive due to missing required "Good Faith Effort" SMBE documentation.

Procurement Services Staff and the Bluffton Fire District Project Manager reviewed the bids submitted and found the prices to be fair and reasonable based comparison of cost for similar work performed for other county projects. MAJ Enterprises provided the lowest responsive/responsible bid of \$440,000. Staff did meet with MAJ representative to check on compliance to the scope of work required in the bid. MAJ has completed work for Beaufort County in the past and provided good services.

Total funds requested are the bid amount of \$440,000, plus a 10% contingency (\$44,000) bringing the total request to \$484,000. Funding source is the Fire Impact Fees (accounts # 10001410-57810 and 7308-050000-5780). The FY25 account budget available for this project is \$500,000.

Based on the factors presented above, it is the recommendation of the Beaufort County Procurement Services Department that MAJ Enterprises is the most responsive/responsible bidder and should be awarded the contract to perform work as described in IFB 061324.

David L. Thomas, CPPO, CPPB  
Procurement Services Director  
Beaufort County, SC

## Beaufort County Agencies, Boards, & Commissions

Item 4.

### Beaufort County Transportation Committee

RECOMMEND APPROVAL FOR THE APPOINTMENT OF DAVID JOHNSON TO THE BEAUFORT COUNTY TRANSPORTATION COMMITTEE FOR A FOUR-YEAR TERM WITH THE EXPIRATION DATE OF AUGUST 2028.

- ❖ TERM TO BE SERVED: 1<sup>ST</sup> - VOTE NEEDED: 6/11
- ❖ Managing Partner (Speyside Partners LLC)

**Vote: Finance, Administration, and Economic Development Committee:** approved 9/1

### Bluffton Township Fire District Board

RECOMMEND APPROVAL OF THE APPOINTMENT OF **WILLIAM BEDINGFIELD** TO THE BLUFFTON TOWNSHIP FIRE DISTRICT BOARD FOR A FOUR-YEAR TERM WITH THE EXPIRATION DATE OF AUGUST 2028.

- ❖ APPROVED BY THE BOARD
- ❖ DISTRICT 9
- ❖ TERM TO BE SERVED: 1<sup>ST</sup> - VOTE NEEDED: 6/11
- ❖ OCCUPATION: PRESIDENT/OWNER (TREEWISEMEN LLC.)

### Solid Waste and Recycling Board

RECOMMEND APPROVAL OF THE APPOINTMENT OF **MARK FEINBERG** TO THE SOLID WASTE AND RECYCLING BOARD FOR A FOUR-YEAR TERM WITH THE EXPIRATION DATE OF AUGUST 2028.

- ❖ APPROVED BY VICTORIA HOFFMAN & JARED FRALIX
- ❖ DISTRICT 8 (council) DISTRICT 9 (stormwater)
- ❖ TERM TO BE SERVED: 1<sup>ST</sup> - VOTE NEEDED: 6/11
- ❖ OCCUPATION: INDEPENDENT CONSULTANT  
\* (Chairman of the Stormwater Management Utility Board) \*

### Zoning Board of Appeals

RECOMMEND APPROVAL OF THE REAPPOINTMENT OF **WILLIAM CECIL MITCHELL III** TO THE BEAUFORT COUNTY ZONING BOARD OF APPEALS FOR A THREE-YEAR TERM WITH THE EXPIRATION DATE OF AUGUST 2027.

- ❖ DISTRICT 2
- ❖ TERM TO BE SERVED: 5<sup>th</sup> - VOTE NEEDED: 10/11

### Sheldon Fire District Board

RECOMMEND APPROVAL OF THE APPOINTMENT OF **ADRAIN SCOTT** TO THE SHELDON FIRE DISTRICT BOARD FOR A FOUR-YEAR TERM WITH THE EXPIRATION DATE OF AUGUST 2028.

- ❖ APPROVED BY COUNCIL MEMBER DAWSON
- ❖ DISTRICT 1
- ❖ TERM TO BE SERVED: 1<sup>ST</sup> - VOTE NEEDED: 6/11