

"C" Fund Requirements

Documentation Checklist for Submittal to the "C" Program Administration Office

County _____

Project ID _____

Project Description _____

Date of Submittal _____ Submitted By _____

Submitter's Email _____ Submitter's Phone _____

Procurements - All goods and services for the subject project shall be secured in accordance with the "C" Fund Law and the South Carolina Consolidated Procurement Code. Depending on the method of selection, specific documentation requirements are listed on the following pages entitled: "Procurement Documentation for "C" Fund Review". A copy of the selection method and supporting documentation is attached **for each procurement for which reimbursement is requested.**

Not Applicable: _____

Permits - The applicant shall obtain all necessary permits in order to complete the project including an SCDOT encroachment permit and SCDHEC NPDES permit, if applicable. The Sediment and Erosion Control plan and National Pollution Discharge Elimination System (NPDES) permit is required if the disturbed acreage of the contract is 1.0 acre or more. The applicant will be responsible for paying all fines assessed by SCDHEC if found in non-compliance with the NPDES regulations. Regulations may be reviewed at <https://www.scstatehouse.gov/coderegs/statmast.php> in Chapter 63. Copies of the applicable permits are attached.

Not Applicable: _____

SCBO Advertisement - Solicitations are to be publicly advertised in South Carolina Business Opportunities (SCBO). Please refer to the following pages entitled: "Procurement Documentation for "C" Fund Review" for guidance. You may contact SCBO at www.mmo.sc.gov or 803-737-0686 for more information. A copy of the SCBO ad is attached.

Not Applicable: _____

Bid Tabulations/Bid Summaries - The project must be awarded to the lowest responsible and responsive bidder, and no local preferences are allowed. A copy of the bid tabulations and the published advertisement of the bid summaries is attached. (For the published bid summaries, a screenshot of the public advertisement is requested.)

Not Applicable: _____

Bid Bond - A certified bid bond is secured for projects that are projected to be in excess of \$100,000.00. A copy of the bid bond is attached.

Not Applicable: _____

Payment & Performance Bond - All work performed under contracts must be covered by a 100% payment and performance bond for contracts in excess of \$100,000. A copy of the payment and performance bond is attached.

Not Applicable: _____

Procurement Documentation for "C" Fund Review

Purpose and Disclaimer: This document is intended to serve as a resource to all entities involved in expending "C" Funds so that the entity will be aware of what documentation SCDOT would like to review regarding procurements using "C" Funds. For SCDOT-Administered CTCs, each entity who requests to be reimbursed with "C" Funds must provide procurement documentation at the first time "C" Funds are requested under that procurement. Subsequent reimbursement requests from the same procurement need not include repetitive procurement documentation. For Self-Administered CTCs, each project is subject to review that all goods and services were acquired appropriately. The items listed in this document should assist Counties in preparing their procurement documentation prior to SCDOT review. This document does not relieve entities involved in expending "C" Funds from following appropriate procurement practices, and each entity involved in expending "C" Funds should ensure that they are appropriately acquiring goods and services based on legal requirements.

PROFESSIONAL SERVICES

If an entity is securing professional services and desires to be reimbursed with "C" Funds, then the entity securing the professional services shall follow the South Carolina Consolidated Procurement Code (Chapter 11-35). For each professional services contract using "C" Funds, the procurement method shall be documented for SCDOT review. The following sections are commonly referenced when "C" Funds are utilized. All code references can be found on the web at <https://www.scstatehouse.gov/code/statmast.php>

Qualifications Based Selection - SC Consolidated Procurement Code (Section 11-35-3220)

Guidance	Documentation to be reviewed by SCDOT
1 Each agency securing professional services by a qualifications based selection shall establish its own agency selection committee. An invitation must be advertised formally in SCBO ; including a description of the project, all required professional services, the submission deadline (not less than 15 days post-publication), and how interested persons or firms may apply for consideration.	1 A copy of the SCBO Advertisement.
2 The agency selection committee shall select at least three persons or firms based on who is considered most qualified out of all the responsive persons or firms. If only three or less persons or firms are responsive, then each person or firm must be interviewed. The agency selection committee shall respond to all interested persons or firms informing them of the selected persons or firms for interviews, including the list of all interested persons or firms and enumerating the reasons of the committee for selecting those to be interviewed. The agency selection committee conducts the interviews with each person or firm selected and subsequently ranks the three most qualified persons or firms. Written notification of the highest ranked person or firm is sent to all persons or firms interviewed.	2 The agency selection committee's ranking and the data and reasoning to substantiate its determinations. At least the top three persons or firms must be ranked (unless fewer persons or firms were interested, and in that case, each person or firm must be ranked).
3 The agency shall negotiate a contract with the most qualified person or firm. If negotiations stall, a formal termination is issued and negotiations begin with the second most qualified person or firm, and so on until a satisfactory contract is negotiated.	3 A copy of the award letter and contract. The contract is entered into with the most qualified person or firm (or formal termination letters). A statement of Certification from the agency that the payment amount does not exceed the contract amount.

Small Contracts - SC Consolidated Procurement Code (Section 11-35-3230)

Guidance	Documentation to be reviewed by SCDOT
A governmental body securing architect-engineer, construction management, or land surveying services which are estimated not to exceed fifty thousand dollars may award contracts by direct negotiation and selection . Maximum value of small contracts with one person or firm may not exceed one hundred fifty thousand dollars in a twenty-four-month period . Splitting of a larger project is prohibited.	1 A copy of the contract.
	2 A general ledger report listing all expenditures paid out to the individual person or firm from the beginning of the contract until the present day with a statement from the purchasing office certifying that the expenditure limit is not exceeded.

Indefinite Quantity Contracts - SC Consolidated Procurement Code (Section 11-35-3310)

Guidance	Documentation to be reviewed by SCDOT
Each contract must be limited to a total expenditure amount of three hundred thousand dollars for a two-year period with individual project expenditures not to exceed one hundred thousand dollars pursuant to Section 11-35-3220 (Qualifications Based Selection , see above). Work on an individual project started within the two-year indefinite quantity contract time period may continue past the time limit to bring the work to an expeditious completion.	In addition to the documentation listed in the Qualifications Based Selection , SCDOT would like to review a general ledger report listing all expenditures paid out to the individual person or firm from the beginning of the contract until the present day with a statement from the purchasing office certifying that the expenditure limit is not exceeded.

This document constitutes neither the complete requirements of the South Carolina Consolidated Procurement Code nor legal advice concerning a local entity's procurement. If you have any questions about the SCDOT review, please contact the C-Program Administrator at 803-737-0230.

Procurement Documentation for "C" Fund Review

Purpose and Disclaimer: This document is intended to serve as a resource to all entities involved in expending "C" Funds so that the entity will be aware of what documentation SCDOT would like to review regarding procurements using "C" Funds. For SCDOT-Administered CTCs, each entity who requests to be reimbursed with "C" Funds must provide procurement documentation at the first time "C" Funds are requested under that procurement. Subsequent reimbursement requests from the same procurement need not include repetitive procurement documentation. For Self-Administered CTCs, each project is subject to review that all goods and services were acquired appropriately. The items listed in this document should assist Counties in preparing their procurement documentation prior to SCDOT review. This document does not relieve entities involved in expending "C" Funds from following appropriate procurement practices, and each entity involved in expending "C" Funds should ensure that they are appropriately acquiring goods and services based on legal requirements.

CONSTRUCTION

For each construction contract using "C" Funds, the procurement method shall be documented. The "C" Fund Law (Section 12-28-2740) must be followed, and specific to this topic, subsection (I) is referenced below. In addition, the following sections of the South Carolina Consolidated Procurement Code (Chapter 11-35) are commonly referenced when "C" Funds are utilized. All code references can be found on the web at <https://www.scstatehouse.gov/code/statmast.php>

"C" Fund Law (Section 12-28-2740); subsection (I) (1) ... counties ... shall use a procurement system that requires competitive sealed bids, no bid preferences not required by state or federal law, and public advertisement of all projects. All bids for contracts in excess of one hundred thousand dollars must be accompanied by certified bid bonds, and all work awarded under the contracts must be covered by performance and payment bonds for one hundred percent of the contract value. Bid summaries must be published in a newspaper of general distribution following each award. **(2)** The requirement of a bond for bid security or a bond for payment and performance may not include the requirement that the surety bond be furnished by a particular surety company or through a particular agent or broker.

Competitive Sealed Bidding - SC Consolidated Procurement Code (Section 11-35-1520)

Guidance	Documentation to be reviewed by SCDOT
Contracts greater than \$100,000 must be awarded by competitive sealed bidding. Additionally, the "C" Fund Law [Section 12-28-2740; subsection (I)], as stated above, lists specific guidance applicable to all projects utilizing "C" Funds.	1 A copy of the SCBO advertisement.
	2 Bid Tabs showing each responsive bidder.
	3 Actual competitive sealed bids submitted by all interested parties to be kept on file for the annual review.
	4 Bid summaries published in a newspaper of general distribution or governmental website, following each award.
	5 Certified Bid Bond.
	6 Performance and Payment Bonds.
	7 Contract awarded to the lowest bidder.
	8 Copies of all payment requests and a payment summary equal to or less than the bid amount. Change orders and amounts, if applicable.

Small Purchase Procedures (when competitive bidding required) - SC Consolidated Procurement Code (Section 11-35-1550)

Guidance	Documentation to be reviewed by SCDOT
1 Purchases not in excess of \$10,000: No competition: The prices must be considered reasonable. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. Procurement requirements must not be artificially divided so as to constitute a small purchase. If the purchase may exceed the expenditure limit, it is recommended to purchase at the next cost-level requirement.	(1) The purchasing office must document the purchase as follows: "Price is fair and reasonable" and sign. (2) The purchasing office must enumerate all purchases of the same item or service on a given project and certify that the expenditure limit is not exceeded.
2 All Purchases over \$10,000 and up to \$25,000, and Purchases over \$10,000 and up to \$100,000 for Construction and "Commercially Available Off-The-Shelf Products": Three Written Quotes: A written request for written quotes from a minimum of three qualified sources of supply must be made. The award must be made to the lowest responsive and responsible sources. Procurement requirements must not be artificially divided so as to constitute a small purchase. If the purchase may exceed the expenditure limit, it is recommended to purchase at the next cost-level requirement.	(1) The written request including a purchase description. (2) At least three bona fide written quotations OR advertisement in SCBO. (3) The purchasing office must enumerate all purchases of the same item or service on a given project and certify that the expenditure limit is not exceeded.
3 Purchases over \$25,000 to \$100,000; Not Construction: Advertised Small Purchase: A written solicitation of written quotes, bids, or proposals. The award must be made to the lowest responsive and responsible sources. Procurement requirements must not be artificially divided so as to constitute a small purchase. If the purchase may exceed the expenditure limit, it is recommended to purchase at the next cost-level requirement.	(1) The written solicitation including a purchase description. (2) Formal written quotes. (3) Advertisement in SCBO. (4) The purchasing office must enumerate all purchases of the same item or service on a given project and certify that the expenditure limit is not exceeded.
4 Contracts greater than \$100,000: Must be awarded by competitive sealed bidding (Section 11-35-1520).	See Competitive Sealed Bidding section 11-35-1520, above.

This document constitutes neither the complete requirements of the South Carolina Consolidated Procurement Code nor legal advice concerning a local entity's procurement. If you have any questions about the SCDOT review, please contact the C-Program Administrator at 803-737-0230.