

Procurement Code Changes Related to Construction

**INDEFINITE QUANTITY
CONTRACTS (IDQs)
&
TASK ORDER CONTRACTS
(TOCs)**

IDQ & TOC Code Sections

PREVIOUSLY

§ 11-35-3310

“Indefinite delivery contracts for construction items, architectural-engineering, and land surveying services.”

IDQ & TOC Code Sections

NOW

§ 11-35-3310

“Indefinite quantity contracts”

(Professional Services)

§ 11-35-3320

“Task order contracts”

(Construction)



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INDEFINITE QUANTITY & TASK ORDER CONTRACTS

are covered in Chapter 9 and
Appendix D of the OSE Manual

<https://procurement.sc.gov/manual>

INDEFINITE QUANTITY CONTRACTS

- Section 9.4 of the OSE Manual
- No change in process from previous Professional Services IDC to IDQ – just a name change.
- Project numbers will have a “P”. (H99-P002-HG)
- Qualification-based Selection method as described in Chapter 4 of the Manual.
- Agencies may still do large and small contracts under this method.

INDEFINITE QUANTITY CONTRACTS

LIMITATIONS OF SMALL IDQs

- Contracts cannot exceed 2 years.
- The sum of all delivery orders issued during the two-year term of the contract may not exceed \$50,000. (not including reimbursable expenses)
- The sum of ALL small contract fees, excluding reimbursable expenses, paid to a professional in the 24 months preceding contract negotiations cannot exceed \$150,000.

(NOTE: The new law increased the limit of individual small contracts from \$25,000 to \$50,000.)



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INDEFINITE QUANTITY CONTRACTS

LIMITATIONS OF LARGE IDQs

- Contracts cannot exceed 2 years.
- The sum of all delivery orders issued during the 2-year term of the contract may not exceed \$300,000, including reimbursable expenses. For approved higher education institutions, this limit is \$500,000.
- Individual delivery orders issued during the 2-year term may not exceed \$100,000, including reimbursables. For an approved higher education institutions, this limit is \$200,000.

INDEFINITE QUANTITY CONTRACTS

Forms for Use in Procuring and Administering Indefinite Quantity Contracts (IDQs)

- Appendix D.1.
- 600, 610, 611, 612, 614, 615, 617, 619, 620 and 630 forms.

INDEFINITE QUANTITY CONTRACTS

Delivery Orders for IDQs will be awarded as previously done under the Indefinite Delivery Contracts (IDCs).

Indefinite Quantity Contracts and Delivery Orders

- Appendix D.2
- 635, 638, 640, 645, 648 forms.

TASK ORDER CONTRACTS

- Section 9.6 of the OSE Manual
- Now a qualification-based selection method – no bidding. The Selection method is described in Chapter 9, Section 9.6.2.
- Project numbers will have a “C”. (H99-C002-HG)
- OSE must approve award of all Task Order Contracts regardless of the Agency’s construction contract certification.

TASK ORDER CONTRACTS

LIMITATIONS OF TOCs

- The Agency **MUST** award four (4), and only four (4), contracts for each specific category of service. No exceptions!
- Contracts must be for a term of 3 years, with 2 automatic 1-year extensions (unless Agency does not extend). The maximum time allowed for the contract, with extensions, is 5 years.

TASK ORDER CONTRACTS

LIMITATIONS OF TOCs

- The sum of all task orders issued under a single TOC (includes all 4 Contractors) during the 5-year term of the contract may not exceed \$4,000,000.
- The minimum amount of a Task Order is \$90,000. The maximum amount of a Task Order is \$350,000.
- The total construction cost of a single project performed using multiple task orders or task orders in combination with other types of contracts (not small purchases) may not exceed \$500,000.
- Projects may not be divided artificially to avoid these limits.

TASK ORDER CONTRACTS

SELECTION & AWARD OF TOCs

- Agency must establish a Selection Committee (Committee) that shall consist of no less than 3 voting members AND the OSE Project Manager as a non-voting member.
- Committee's duties are to:
 1. Determine the construction services required for this contract and which licensing classification or subclassification is required to perform the work;
 2. Determine the geographic area to which the contract applies;
 3. Prepare the formal invitation for construction services on an Invitation for Task Order Contract (SE 655); and
 4. Evaluate all timely responses and determine the four firms the Agency will contract with.

TASK ORDER CONTRACTS

SELECTION & AWARD OF TOCs (cont.)

- In response to the Invitation, Contractor's will submit the Contractor's Statement of Qualifications & Questionnaire (Appendix D.3) as required.
- The Committee will evaluate the submittals using the following criteria:
 - a. Past performance;
 - b. Ability of proposed personnel;
 - c. Financial information regarding the firm's ability to provide required bonding and insurance;
 - d. Location of the firm's proposed office in relation to the project area;
 - e. Firm's general project experience.

TASK ORDER CONTRACTS

SELECTION & AWARD OF TOCs

- Committee will meet and each member will complete the required form Selection Committee Member Contractor Evaluation – Task Order Contract (SE-657). No interviews are conducted.
- The Committee Chair must compile these rankings into a committee ranking using the Selection Committee Summary – Task Order Contract (SE-658).
- Once the Agency determines its ranking is final, the Agency must submit a Request for Concurrence in Posting Notice of Intent to Award-TOC (SE-660) and submit to OSE for approval.

TASK ORDER CONTRACTS

AWARDING TASK ORDERS

- To award an individual Task Order, the Agency must solicit competitive bids from all four contractors on the TOC.
- The Agency must receive at least 2 responsive, bona fide bids in response to its' solicitation to award a Task Order.
- The Agency must award the Task Order to the contractor providing the lowest bid within the Task Order dollar limits using the Construction Services Task Order (SE-690).

TASK ORDER CONTRACTS

Forms for Use in Procuring and Administering Task Order Contracts (TOCs)

- Appendix D.3
- 655, 657, 658, 660 and 670 forms.

Task Order Contracts and Task Orders

- Appendix D.4
- 680, 685, 690 and 695 forms

QUESTIONS about IDQs or TOCs?



Any Additional Questions?

- We Are Always Willing To Help
- Call Us at 803-737-0600
- Visit our Website - www.procurement.sc.gov



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