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)
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.)
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.
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