

1981 WL 157842 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 29, 1981

*1 Mr. Tony R. Ellis

Director

Procurement and Supply Services

Division of General Services

300 Gervais Street

Columbia, South Carolina 29201

Dear Mr. Ellis:

Inquiry has been made of this Office whether The Citadel, The Military College of South Carolina, may enter into an elevator maintenance contract which is separate from the 'umbrella' maintenance contract made by the State, through the Division of General Services, on April 26, 1976, with Otis Elevator Company for the general maintenance of elevators at State agencies and institutions. That contract (since renewed) provided that separate contracts then existing with Otis would come under the terms of the 'umbrella' agreement, but that separate contracts were to be signed for each location. The Citadel had such a separate contract, dated January 24, 1975, which by its terms was renewed for five (5) years on January 24, 1980.

It is the opinion of this Office that The Citadel is empowered to make such separate contracts under its general statutory powers. See, [Code § 59-121-40](#), 1976 Code. The contract made by The Citadel with Otis is a valid and subsisting contract, renewed on January 24, 1980; and is not considered fully subordinated to the 'umbrella' contract by the terms of that contract or of the separate contract, as evidenced by the recent actions of both The Citadel and Otis in extending the separate contract. Consequently, The Citadel and Otis may negotiate such changes in the separate contract as are agreeable to the parties.

Sincerely,

Frank K. Sloan

Deputy Attorney General

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