

7690 February



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

January 7, 2004

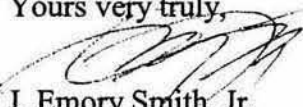
Mr. TEC Dowling  
Superintendent  
Fort Mill School District No. 4  
120 East Elliott Street  
Fort Mill, SC 29715

Dear Superintendent Dowling:

You have asked about the applicability of S.C. Code Ann. §11-35-3245 (Supp. 2002) of the Consolidated Procurement Code to the design-bid-build process for construction of school facilities. Please note that school districts are subject to the Procurement Code if they have annual budgets of seventy-five million dollars in expenditures, including debt service, except as provided in that law (Ops. Atty. Gen., February 16, 1989). If your District is subject to this provision, I suggest that you contact the Materials Management Office of the Budget and Control Board at 1201 Main Street, Suite 600, Columbia (ph. 803-737-0635). If your District is not subject to this provision, §11-35-50 provides that all political subdivisions shall adopt ordinances or procedures embodying sound principles of appropriately competitive procurement. *See also* §11-35-310(18). If your District has adopted a procedure under §11-35-50, you may want to discuss that procedure with your local counsel or with the Materials Management Office.

If we may be of other assistance, please let us know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Deputy Attorney General