

The State of South Carolina



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February 3, 1989

The Honorable John R. Russell
Senator, District #12
Suite 510, Gressette Senate
Office Building
Post Office Box 142
Columbia, SC 29202

Dear Senator Russell:


You have requested the advice of this Office as to whether a public school district superintendent or board may choose private companies to operate their cafeteria and vending services. South Carolina law contains no prohibition on such an arrangement (see §59-63-710 et seq. of the Code of Laws of South Carolina, 1976), and no federal statutes or regulations appear to prohibit such an arrangement (See 7 CFR §§210.21 and 220.16); however, federal regulations do require compliance with the standards set forth in OMB Circular A-102 and 7 CFR, Part 3015. I have not reviewed the OMB Circular but Part 3015 does not appear to prohibit such an arrangement. To ensure compliance with any applicable federal standards, I suggest that interested individuals contact the Office of School Food Services at the South Carolina Department of Education. Finally, any contracts for such services should also comply with the school district's procedures for competitive procurement adopted in accordance with Sections 11-35-50 and 11-35-70 of the Consolidated Procurement Code.

In conclusion, subject to the above suggestions, school districts appear to have the authority to use private vendors to oper-

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ate their cafeterias and vending services. If you have any questions or need additional information, please let me know.

Yours very truly,



T. Travis Medlock
Attorney General

TTM/jps