

The State of South Carolina



Office of the Attorney General

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July 18, 1986

D. L. McMillin, CCPO
Manager, Administrative Services
Division of General Services
800 Dutch Square Blvd.
Suite 150
Columbia, SC 29210

Dear D. L.:

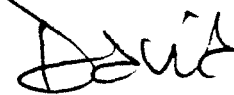
You requested advice as to whether Primary Care Association of South Carolina, Inc., would be eligible for cooperative purchasing under the South Carolina Consolidated Procurement Code. It is our opinion that they would not be eligible.

The Procurement Code provides that "[a]ny public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more public procurement units or external procurement activities...." § 11-35-4810, S.C. CODE, 1976 (as amended). The Code further defines a "public procurement unit" in this context as "any political subdivision or unit thereof...." § 11-35-4610, supra. A political subdivision, of course, is a governmental entity. Primary Health Care Association has advised that it is a private charitable corporation and they have provided us a copy of their corporate charter. Therefore, it is clear that Primary Care

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Association is not a political subdivision of the state or unit thereof. Therefore, there is no authority under the Procurement Code for Primary Care Association to enter into a cooperative purchasing agreement with the State.

Sincerely,



David C. Eckstrom
Assistant Attorney General

DCE:glS

REVIEWED AND APPROVED BY:

Robert D. Cook /ppp
ROBERT D. COOK
EXECUTIVE ASSISTANT FOR OPINIONS