

1983 WL 181801 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1983

*1 Mr. Marion E. Woodbury
Vice President for Finance
Medical University of South Carolina
171 Ashley Avenue
Charleston, South Carolina 29425

Dear Marion:

This will reply to your recent letter posing questions as to disposition of certain equipment by MUSC.

(1). Can the Board of Trustees of the Medical University allow equipment purchased at another institution and later transferred to this institution, as part of a federal research grant, be transferred to a third institution when the researcher who used the equipment leaves the University for this third institution?

Assuming that there are no outstanding duties, responsibilities, or obligations under the federal research grant or to the first institution and that the Medical University has sole title to the equipment, Section 11-35-3820 and Regulation 19-445.2150 of the Consolidated Procurement Code vests the Division of General Services with the authority to handle such transactions and specifically, Subsection B of the Regulations permits disposal by 'other means, including barter' where the procedure is advantageous to the State. Also, Section 11-35-4830 allows items to be transferred to another public procurement unit if it is expected to be cost effective. The Medical University may request written permission from General Services to transfer such items to another public procurement unit if it is expected to be cost effective. By definition, a public procurement unit is one that expends public funds for procurement. Cost effectiveness could include continued access to research data and benefits from equipment and possible future disposition of the equipment back to the Medical University of South Carolina.

(2). Is it allowable for the Medical University to sell items of equipment purchased with State funds to another institution outside the State on a direct sale basis?

Under Section 11-35-3820 and Regulation 19-445.2150 of the Consolidated Procurement Code the authority to handle such transactions is vested with the Division of General Services. The Division will handle the sale of the equipment upon your written request and return sale proceeds, less expense of sale, to the Medical University of South Carolina if requested to do so, for the purchase of like items.

It is hoped that these answers to your questions will be helpful. If I might assist further, please let me know, or you might communicate with Mr. Richard Campbell, Acting Materials Management Officer, 800 Dutch Plaza, Columbia, South Carolina 29210, 758-6060.

Sincerely,

Frank K. Sloan
Chief Deputy Attorney General

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