

1983 WL 181914 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 14, 1983

*1 Mr. J. Felton Burton
Executive Director
Piedmont Multi-County Mental Retardation Board
Post Office Box 3004
Greenwood, South Carolina 29648-3004

Dear Mr. Burton:

This Office has a copy of your letter of May 18, 1983, to Mr. Edgar A. Vaughn, Jr., and a copy of Mr. Vaughn's letter to you or May 28, concerning ' . . . permission to purchase gas on the state budget . . . ' This Office finds no statutory provision creating the Piedmont Multi-County Mental Retardation Board, neither do we find your Board listed with the Secretary of State's Office as a nonprofit organization. The South Carolina Consolidated Procurement Code, under Article 19 (Intergovernmental Relationships) Section 11-35-4610(3), defines 'local public procurement unit' to mean any political subdivision or unit thereof which expends public funds for the procurement of supplies, services, or construction. And, Section 11-35-4810 authorizes any public government unit to participate in a cooperative purchasing agreement for the procurement of any supplies, services, or construction. Copies of the two sections, as they appear in the supplement to the Code, are included for your convenience.

It would appear that if your Board is a local public procurement unit, that same could be allowed to participate in cooperative purchasing for the procurement of supplies, which would include gasoline.

Mr. Allan Spence, Director of Motor Vehicle Management, 1022 Senate Street, Columbia, South Carolina, phone #758-7816, heads up the State Agency that issues 'credit cards' under the above-mentioned sections and if public funds are expended and your Board otherwise meets the State's criteria, Mr. Spence's office could issue credit cards for the purchase of gasoline from the various Highway Department Gas Shops and State Agency Gas Shops within the counties.

We hope this information will be of assistance to you in carrying on your fine work in the Greenwood area. If we might assist you further, please let us know.

Sincerely,

Frank K. Sloan
Chief Deputy Attorney General

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