

1982 WL 189144 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 20, 1982

***1 Re: Application of the South Carolina Consolidated Procurement Code to Local Groups**

Mr. J. W. Lawrence
Assistant Director
S. C. Department of Parks, Recreation & Tourism
Box 113
Columbia, SC 29201

Dear Mr. Lawrence:

Your letter of January 12, 1982, concerning the application of the South Carolina Model Procurement Code has been referred to me for review. You state in your letter that funds in the PRT budget are disbursed as contributions to local groups and as matching grants to local groups for tourism promotion projects. The question that you have raised is whether or not these local groups must comply with the terms of the new State Procurement Code.

The South Carolina Consolidated Procurement Code, under Section 11-35-40(2), is stated to apply to every expenditure of funds by this State under contract acting through a governmental body. Under Section 11-35-310(18), a governmental body is defined to include all local political subdivisions such as counties, municipalities, school districts, or public service or special service districts. It is the opinion of this office, at the present time, that the State Procurement Code would not apply to local groups, so long as the funds were not allotted through that group for a specific contract. If a contract were involved, then the question would probably hinge on whether or not the local group was in the nature of a local political subdivision within the meaning of the Procurement Code. From the information contained in your letter, the Code would not apply to local groups using matching funds and grants for general tourism promotion projects. But again, I must stress that the question could easily turn on the nature of the local group and whether or not a grant was made for a specific contractual purpose.

I hope that this information will be of assistance to you, and I shall be glad to aid you further if the need should arise. Please do not hesitate to call on me.

Sincerely,

Judith Evans Finuf
Assistant Attorney General

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