

1981 WL 157875 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 21, 1981

*1 Robert E. Bridges
Site Manager
South Carolina Human Services Demonstration Project
Project Site Office
One Congress Street
Suite 201
York, South Carolina 29745

Dear Mr. Bridges:

We appreciate your patience in awaiting our response to your letter concerning the use of gasoline and auto maintenance facilities by private non-profit human service agencies which will be participating in the Human Services Demonstration Project. The delay has been principally caused by our efforts to determine a method to accomplish the purposes of the project, which are to provide the services at the least cost.

Unfortunately, we find no proper method by which publicly purchased gasoline or maintenance services may be provided to private individuals or organizations.

Opinions of the Attorney General as recent as this month, and extending back for several years, have pointed out that only vehicles which are titled to the State, and bearing appropriate identification are eligible to use State purchased gasoline and maintenance facilities. Under Code Section 1-11-150, through arrangements with the Division of General Services, counties may contract for fuel for their publicly-owned vehicles; but a few counties negotiate independent contracts with private vendors for these services. In either event, neither the State nor the county could provide gasoline and auto maintenance services to private individuals or organizations through their public contracts.

The State or county may, of course, contract with private agencies or individuals to perform services. If these services include the use of vehicles, it is proper for the State or county to reimburse the individual or organization for such costs, and this is the arrangement which the Project should make with private agencies who participate in the program.

It may be that local vendors or businesses which supply gasoline and auto maintenance to York County might be willing to make advantageous contracts with some of the private non-profit human service agencies who are participating with the Project; but these would be private contracts between the vendor and the individual organization.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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