

1979 WL 42824 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 23, 1979

*1 Honorable Charles G. Garrett
South Carolina Senate
Gressette Building
Columbia, South Carolina 29201

Dear Senator Garrett:

You have asked what effect, if any, Section 1-1-440 of the Code of Laws of South Carolina, 1976, has on the prices established by the State Dairy Commission.

The Dairy Commission's authority to establish minimum prices for milk is found in Sections 39-33-410 and 39-33-1030 of the 1976 Code. The pertinent provisions of Section 1-1-440 are as follows:

All State agencies and departments, before contracting for \$1,500.00 or more with private individuals or companies for products or services, shall invite bids on such contract from at least three qualified sources.

If a State agency or department contracts for \$1,500.00 or more for milk, Section 1-1-440 would obviously apply, and such agency or department would be required to invite bids for such contract from at least three qualified sources.

However, this invitation for bids would, in no way, affect the minimum prices established by the Dairy Commission. If the minimum prices established by the Dairy Commission are established pursuant to Sections 39-33-410 and 39-33-1030, they are presumed to be valid, and the milk prices of the companies submitting bids to the State agencies or departments would be subject to regulation by the Dairy Commission.

If you have any questions or if I can provide further assistance, please do not hesitate to contact me.

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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