

1979 WL 43563 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 6, 1979

*1 Charles P. Edwards, Esquire
Assistant County Attorney
Post Office Box 5306
Spartanburg, South Carolina 29304

Dear Mr. Edwards:

In response to your request for an opinion from this Office concerning a proposed Spartanburg County ordinance which would grant a three per cent (3%) preference to county firms when they bid against out of county firms for county business, I agree with your conclusion that such an ordinance would be permissible along the lines suggested in your July 19, 1979, letter to Mr. Larry Ward, the Spartanburg County Purchasing Agent. That is, if the ordinance is similar to the one litigated in [Schrey v. Allison Steel Mfg. Co., 255 P.2d 604 \(1953\)](#), I think that it would be upheld. See generally, [Ebbeson v. Bd. of Public Education in Wilmington, 156 A. 286](#) (specifications for bids requiring subcontractor to be citizen of state was sustained); 10 McQUILLIN MUNICIPAL CORPORATIONS § 29.47 (1966 rev.vol.); cf., id., § 29.44 ('where specifications are so drawn as to confine bidding to one company, firm or individual, although others are engaged in the same business and can do the work or supply the materials, the contract let thereunder is void'). Furthermore, I do not believe that the provisions of [Section 4-9-160, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), as amended, requiring county councils to provide for a centralized purchasing system, would be relevant either for or against the proposed ordinance.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

1979 WL 43563 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.