



This Guide should be used by all VOCA, VAWA and SVAP subrecipients of Department of Crime Victim Assistance Grants (“DCVAG”) and cooperative agreements in ensuring the effective day-to-day management of awards. **The provisions of this Guide apply to awards made after October 1, 2020.**

We are pleased to respond to any questions not covered by this Guide and welcome suggestions to improve the utility of the Guide and its content. Please feel free to contact the DCVAG with any question at 803-734-3771. In addition, we urge you to send questions to the DCVAG customer service email at agohelpdesk@scag.gov.

SUBSISTENCE

This Guide is provided for the use of all subrecipients of Federal grant programs administered by Department of Crime Victim Assistance Grants (“DCVAG”) grant-making authority. The Guide was developed to serve as a compilation of the various laws and regulations governing DOJ grants financial management and the State of South Carolina Comptroller General’s Disbursement Regulations.

I. Users

A. Recipients

- 1) A recipient is a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program.
- 2) Recipients are required to adhere to the applicable law of their jurisdiction, and the financial and administrative rules in this Guide. However, other programmatic and technical requirements (for example, as set out in award conditions or contained in program-specific guidelines) may also apply.
- 3) Recipients are required to adhere to all applicable uniform (grants) administrative requirements, cost principles, and audit requirements set forth in 2 C.F.R. Part 200, South Carolina Comptroller Generals’ Disbursement Regulations and any other applicable law.

B. Subrecipients

- 1) A subrecipient is a non-Federal entity that receives a sub award from a pass-through entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program.
- 2) Subrecipients are required to adhere to the applicable law of their jurisdiction and the financial and administrative rules in this Guide. The pass-through entity may also impose additional financial and administrative requirements.
- 3) Subrecipients are also required to adhere to all applicable uniform (grant) administrative requirements, cost principles, and audit requirements set forth in 2 C.F.R. Part 200, South Carolina Comptroller Generals’ Disbursement Regulations and other applicable law.



C. Individuals

- 1) Any individual who works for a recipient or subrecipient should use this Guide as a reference for financial and administrative management of South Carolina Attorney General's Office funded grant programs or projects.
- 2) These individuals may include administrators, financial management specialists, grants management specialists, accountants, and auditors.

D. Consultants and third party service providers

- 1) A company contracted to provide product or services to the recipient or sub recipient.

E. For-Profit (or Commercial) Entities

- a. In accordance with 2 C.F.R. § 200.101(c), OJP/OVW applies 2 C.F.R. Part 200, subparts A through D (excluding 2 C.F.R. § 200.317 through 200.326), to for-profit (or commercial) entities. In addition, in accordance with 2 C.F.R. § 200.400(g), the grantee may not earn or keep a profit as a result of the award unless expressly authorized by the specific terms and conditions of the award.

II. General Rules

- A. **Registration Fees:** Registration fees must be approved by DCVAG program personnel and accompanied by a paid invoice, name of attendee(s) and agenda for reimbursement. If meals are included in the registration, the employee will not be reimbursed for meals at daily per diem for those meals provided.
- B. All Training Requests must receive prior approval before receiving reimbursement for registration fees or travel expenses.
- C. **Meals:** Employees are allowed reimbursement for meals at per diem according to the State approved meal reimbursement table (see appendix A). Providing meals and refreshments for staff meetings are unallowable. Meal receipts are not required for reimbursement.
- D. **Time of Arrival and Departure:** When reimbursements for meals are claimed, the time of arrival and departure, the starting point and the destination must be shown. If this information is not on the travel document, the document will be returned to the agency.
- E. **Porterage and Gratuities:** Gratuities are not an allowable reimbursement. Porterage, in general, is not an allowable reimbursement for state employees. It may be reimbursed when an employee flies to a major city out-of-state where there usually is no option concerning baggage handling. Porterage may also be reimbursed when an employee has heavy, excess equipment needed to conduct official state business.



- F. Parking: Parking fees for state-owned, privately-owned vehicles or rental vehicle are reimbursable upon presentation of a paid receipt. No reimbursement shall be made to operators of state-owned, privately-owned vehicles or rental vehicles who must pay fines for moving or non-moving violations. **A dated receipt for parking must be submitted with the disbursement document.**
- G. Receipts: When a grant funded employee is in an overnight travel status, itemized receipts for each occupant for hotel or motel accommodations must be attached to the document before payment will be authorized. If lodging rooms are shared, the name of all occupants must be listed. Receipts for parking and all other expenses incurred must also be attached.
- H. Receipts for taxis, rideshares, tolls and other related travel must be submitted for reimbursement.
- I. Most Economical Mode of Travel: The current Appropriations Act states that an employee while traveling on the business of the State is required to use the most economical mode of transportation.
- J. No federal funds may be used to purchase first class or business class airline tickets. One checked bag will be allowed per flight. The need for additional checked bags must be approved by grant DCVAG program staff prior to trip.
- K. When an employee elects to drive his/her car for his/her own convenience when air fare is more economical, the employee is entitled to the following reimbursement:
- L. Mileage equal to the amount of coach or tourist airplane fare. When submitting this information on the travel document, the actual number of miles driven will be listed on the document in the "No Miles" column. The amount of coach class air fare will be entered on the document in the transaction amount column. Supporting printout of economical round-trip airfare ticket (economy or main cabin flight) must be submitted with mileage reimbursement. If printed ticket cost not provided, the grant awarding agency will determine reimbursement rate.
 - 1) Vicinity mileage incurred on official business in lieu of using a taxi.
 - 2) Storage fees for automobile equal to that which would have been incurred if the automobile had been stored at the airport. Enter in Miscellaneous Section of the Travel Support Document.
 - 3) Subsistence which would begin on the date when airplane connections would have required departure and end on the date when airline connections would have returned the employee to his original departure point. Any period of time which exceeds these guidelines will be at the employee's expense and no reimbursement for subsistence will be paid.



- M. Payments to Vendors for Airline Tickets: Payments to travel agencies or airlines for airline tickets can be made.
- The name, number of trips, and cost of ticket for each traveler must be entered on the travel reimbursement support document.
- N. Payments to Car Rental Agencies and Others: Rental cars are allowable upon approval from grant program staff. Only compact, economy or standard vehicles will be approved for rental. Any request for special vehicle must be submitted in writing to program staff with supporting documentation for approval prior to trip. The agency may only be approved a set number of rental vehicles when multiple agency staff are attending conference, meetings, trainings or the like.
- O. Gasoline is a reimbursable expense with rental vehicle and will be approved upon submission of paid receipt and based on reasonable distance traveled while attending conference, meeting, trainings or the like. Additional supporting documentation may be requested to support reimbursement. The agency must use self-serve pump and fill rental car prior to returning to the rental agency. Excessive gasoline charges above area market rate imposed by rental agency may not be allowed or may be reduced to area market rate on reimbursement.
- P. Overnight Accommodations: No reimbursement for overnight accommodations will be made within seventy five (75) miles of the employee's official headquarters or place of official residence. Reimbursement for lodging will be allowed in the following:
- 1) Employee will be limited to one overnight lodging for conference, training, meeting, or the like involving direct services involving:
 - a. Which is one day or less and;
 - b. Duration of seven hours or less and;
 - c. Outside of the seventy five mile radius
 - 2) Conferences, trainings, meetings and the like outside of the seventy five mile radius and consisting of more than one business day will be allowed additional nights of necessary lodging upon approval by DCVAG program staff.
- Q. Consulting and third party service providers
- a. Travel expenses may be paid to individuals or companies that are doing business with the State. Reimbursements for travel are allowed in accordance with regulations established for State employees in South Carolina and 2 C.F.R. Part 200 financial guidelines.
 - b. **Any rate above \$81.25/hour and \$650/day must be approved by DCVAG. Please provide explanation supporting documentation for why this is the rate for the provider (i.e. market rate).**
 - c. Contracts are required for all consultants and other third party service providers. All contracts must be approved by DCVAG prior to execution.



III. Mileage

- A. The SC Appropriation Act states: Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall be eligible for reimbursement for actual mileage beginning at his/her residence.
- B. Mileage Reimbursement Rate: When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge equal to the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such automobile and the employee shall bear the expense of supplies and upkeep thereof.
- C. Auto travel should be by the most direct route practicable, and substantial deviation from the distances shown by the current State Highway System. Map of the South Carolina Department of Transportation should be explained. When more than one employee is traveling to the same location, the authorized number of automobiles should be limited to not more than one automobile to two people.
- D. A separate entry should be made for travel in the vicinity of a community or city. Only actual miles driven on official State business will be reimbursed. A brief description of actual grant activity must be displayed on mileage log for each entry. Simply stating "VOCA activities" or "same as above line item" is **not** acceptable and document will be returned to agency for correction.
- E. Donations: Mileage is allowable to retrieve donated items directly related to victim services such as toiletry items, clothing, food and other like items for shelters or direct victim needs. Mileage is unallowable to retrieve monetary donations or any fund-raising activities. All mileage to retrieve donated items must be explicitly stated on travel support document (i.e. picking up donated toiletry items for transitional shelter).

IV. Personnel Reimbursement

- A. Personnel expenses for grant approved direct service employees are allowed. All payroll reimbursement requests must be submitted with supporting documentation showing itemized expenses for salary or hourly charges and all employer benefits. The documentation must also state the pay periods and pay dates. Payroll check copies or payroll invoices can be submitted to satisfy this requirement. A notice of hire, timesheets and all other grant required documentation must be submitted and approved prior to receiving reimbursement for personnel expenses.



- B. Workers compensation, retirement rate, and all other related fringe benefit statements will be required to support reimbursement requests.
- C. Job title of personnel and notice of hire must be listed and approved on the grant to receive reimbursement.
- D. Overtime and bonus pay is disallowed.

V. Insurance

Insurance expenses such a malpractice for direct service personnel are allowed upon DCVAG program approval.

VI. Equipment and Supplies

A. General Principles for Property Acquisition and Management

Property includes both real property and personal property. Real property typically includes things like land and buildings. Personal property includes both tangible personal property, which is classified as either equipment or supplies; and intangible personal property, which includes things having no physical existence, like trademarks, copyrights, and patents. See definitions in [2 C.F.R. § 200.1](#). Each of these is addressed in further detail below.

DCVAG expects subrecipients of Federal funds to use good judgment when purchasing, managing, and disposing of property paid for by Federal funds. If a subrecipient uses award funds to purchase new property when suitable property is already available within the relevant organization, this use will be considered an unnecessary expenditure and may be disallowed.

Equipment means tangible personal property (including information technology systems) having 1) a useful life of more than one year and 2) a per-unit acquisition cost of \$2,500 or greater. All equipment must be approved in the grant prior to purchase and all equipment over \$2,500 must have a property control form.

B. Supplies

Supplies are all other items of tangible personal property that are not equipment. This includes computing devices and therapy supplies that cost less than \$2,500 per unit. A general office supply list will be provided to subrecipients and all items listed can be grouped into one grant budget line item. Anything purchased outside of the list must have approval prior to purchase and be stated in grant award narrative.



VII. Rent and Utilities Allocations

Rent and utilities will be allowed and reimbursed at the percentage of occupancy for the grant funded program personnel not to exceed 150 square foot per person. A rental agreement with square footage of the rental space will be required for reimbursement. A business **utilities expense** is a cost a business pays for using the infrastructure provided by public **utilities** companies, they include electricity, natural gas, water, sewage.

VIII. Cellphones, Landlines, Hotlines and Crisis Lines

Cellphone will be allowed and reimbursed based on actual phone assignment to shown on the billing invoice statement.

Hotlines, crisis lines and shared landlines will be allowed and reimbursed based on percentage of usage by grant funded personnel and/or grant program direct victims. Supporting documentation to justify expense is required prior to reimbursement.

The program personnel name should be listed by each line charged to our grant program on telecommunications statement.

IX. Printing Services and Public Awareness

- A. Brochures that describe available services;
- B. Design and maintenance of websites and social media;
- C. Public awareness and education presentations (including, but not limited to, the development of presentation materials, brochures, newspaper notices, and public service announcements) in schools, community centers, and other public forums that are designed to inform crime victims of specific rights and services and provide them with (or refer them to) services and assistance. Publications cannot be used for VOCA unallowable activities, such as fundraising, prevention or lobbying;
- D. In all materials publicizing or resulting from award activities, you must acknowledge awarding agency assistance. An acknowledgement of support shall be made through use of the following or comparable footnote: "This project was supported by Award # _____ by the Office of Victims of Crime, U.S. Department of Justice through the South Carolina Office of the Attorney General. The opinions, findings, and conclusions or recommendations expressed in this program are those of the author and do not necessarily reflect the views of the Department of Justice." Please contact DCVAG staff to get the proper Award number for your subgrant.
- E. All printing services and public awareness must be approved by the DCVAG prior to purchase or material distribution.



F. Billboards and banners are disallowed at this time.

X. Purchase of vehicles

Purchases of vehicles are disallowed at this time.

XI. Match

- A. Shared costs or matching funds and contributions, including cash and third party in-kind contributions, will be accepted as part of the [non-Federal entity's cost sharing or matching](#) when such contributions meet all of the following criteria:
- 1) Are verifiable from the [non-Federal entity's](#) records;
 - 2) Are not included as contributions for any other Federal award;
 - 3) Are necessary and reasonable for accomplishment of project or program objectives;
 - 4) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;
 - a. VOCA and VAWA Grant Funded Personnel cannot be used as in-kind match. This includes partially VOCA and VAWA grant funded personnel.
 - b. Salaries and Fringe and other expenses for partially funded VOCA and VAWA grant personnel can be used as a cash match for the portion of expenses not paid by a DCVAG grant program or any other federal award.
 - 5) Are provided for in the approved budget when required by the awarding agency
 - 6) Project Directors and Board Members are not eligible to be used as volunteer hours.
- B. Values for [non-Federal entity](#) contributions of services and property must be established in accordance with the cost principles in Subpart E - Cost Principles. If a Federal awarding agency authorizes the non-Federal entity to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing or matching must be the lesser of paragraphs (d)(1) or (2) of this section.
- 1) The value of the remaining life of the property recorded in the non-Federal entity's accounting records at the time of donation.



- 2) The current fair market value. However, when there is sufficient justification, the Federal awarding agency may approve the use of the current fair market value of the donated property, even if it exceeds the value described in (1) above at the time of donation.
- C. The value of donated property must be determined in accordance with the usual accounting policies of the non-Federal entity, with the following qualifications:
- 1) The value of donated land and buildings must not exceed its fair market value at the time of donation to the non-Federal entity as established by an independent appraiser (e.g., certified real property appraiser or General Services Administration representative) and certified by a responsible official of the non-Federal entity as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) (Uniform Act) except as provided in the implementing regulations at 49 CFR part 24.
 - 2) The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
- D. All third-party in-kind contributions such as volunteer hours will be valued at \$25. Any requests for allowance above the \$25 must be submitted to DCVAG for approval. Supporting documentation must be submitted with the requests. Fair market value for services must be documented and to the extent feasible supported by the same methods used internally by the non-Federal entity.

Timing of Matching Contributions

Matching contributions should be submitted on the agency's RFPs within 90 days of receipt of service date. The full matching share of the grant award must be contributed by the end of the award period. More stringent restrictions may be placed on subrecipients who fail to provide sufficient match by the end of grant award.

Match Waivers

Match may be waived based on demonstration of financial hardship. Match waivers must be submitted to program staff for approval at application.

Records for Match

Subrecipients must maintain records which clearly show the source, amount, and timing for all matched contributions.

- A. In addition, if a subrecipient has included a match that exceeds the required matching portion within the approved budget, the records of those additional amounts must be included and maintained as if they are a part of the regular match amount.
- B. The award recipient has primary responsibility for meeting the match requirement and for ensuring subrecipient compliance with the match requirements.
- C. Recipients must maintain records that clearly demonstrate the amount, source, and when the funds were contributed.



D. Supporting documentation must be available in the event of an audit or site visit.

XII. Indirect Cost

Indirect cost is allowable for salary and fringe for agencies with an approved federally negotiated rate. The federal de Minimis rate will be allowed for agencies whom have not had a previous federally negotiated rate. Indirect cost must be approved in your grant award prior to reimbursement.

XIII. Contracts with third party service providers

All contracts with third party direct service providers paid for by DCVAG grant funds must be approved by program staff prior to contract execution and before services are allowed under the grant award.

XIV. Grant award limitations and budget category thresholds

A subrecipient is allowed to exceed a budget category by 10% (i.e. Personnel, Equipment, etc.). However, the total grant award may not be exceeded.

XV. Grant Revisions

Subrecipients will be allowed two grant revision within a grant award period. Revisions will not be allowed after June 30th unless for extenuating circumstances. Revisions requested by the awarding agency for adjustments to grant awards do not count toward the two limit maximum.

XVI. Grant DE obligation

All awards must be deobligated at the end of the award period prior to receiving reimbursement for expenses for new grant awards.

XVII. Auditing Services

- A. **For fiscal years beginning on or after December 26, 2014.** Non-Federal entities that expend \$750,000 or more in Federal funds (from all sources including pass-through sub awards) in the organization's fiscal year are required to arrange for a single organization-wide audit conducted in accordance with the provisions of [Title 2 C.F.R. Subpart F](#).
- B. Auditing fees will be allowed to satisfy required A-133 audits. The reimbursement will be allowed for a prorated portion of the DCVAG programs.
- C. A copy of the A-133 audit must be submitted to the program staff upon completion.



XVIII.

A. Request for Payment (RFP) Processing and Required Documentation

- 1) Documents received by DCVAG grant financial staffs, which are correct, should be processed within 31 working days after receipt. During certain times of the year, due to an exceptionally large number of documents being submitted by all agencies, this schedule may not be achieved. Documents will be processed as expeditiously as possible after receipt.
- 2) Request for payment documents which are placed in “needs more info” on the AGO grants system will be given 10 business days from the notification to submit supporting documentation requested. If request for extended time to submit required documentation is not received by the deadline, approved line items will be processed for payment and the agency will be allowed to submit the necessary documentation and line item expenses for reimbursement on the next request for payment. Extended time beyond the 10 days may be allowed for final RFPs.
- 3) All vouchers for payment of purchases of services, supplies, information technology and reimbursement of personnel expenses must be delivered to the Attorney General’s office within ninety days from acceptance of the goods or services and proper invoice. Invoices for services, supplies, information technology or personnel expenses after ninety days may be allowed with written justification from the subrecipient agency program director. DCVAG grant program staff will determine if justification is approved by response to agency within 10 business days of received invoices, supporting documentation and justification letter. If perpetual late invoices dated beyond ninety days are received on more than two RFPs within an award period without sufficient justification, the subrecipient agency may be elevated to higher risk level.

B. Emergency Expenditures

- 1) Federal VOCA, VAWA and SVAP subrecipients must follow all state and federal guidelines **at all times**. During times of emergency situations, as either declared by the Governor or as determined by your Agency, expenditures may be incurred which will not necessarily be in accordance with state guidelines, but required given the circumstances.
- 2) Expenditures incurred during these times enable crime victim service agencies to provide vital services, exercise civil authority, maintain the safety and well-being of the general populace, and sustain the industrial/economic base (“emergency services”). **Only agencies impacted by an emergency and providing these emergency services should be incurring expenditures which may not be in accordance with state guidelines.** If your agency (or specific agency location) is not impacted or providing these emergency services, you **must not** be incurring emergency related expenditures. Applicable agencies incurring expenditures during these times must provide these necessary functions of government while being as diligent as the circumstances will allow in incurring expenditures on behalf of the State.



- 3) Agencies must submit justification for the emergency procurement via email to the Program Director within 24 hours and gain approval to move forward with emergency purchase. A grant revision must be submitted within 30 days of the purchase of the product or service to properly reflect the emergency cost line item in your agency grant award. Failure to notify and gain approval from the Program Director by email within 24 hours of emergency need and complete grant revision 30 days may delay or prohibit reimbursement of funds for emergency product or service.
- 4) Agencies will not be allowed to exceed their total grant award due to the purchase of emergency product or services. Grant revisions will be allowed to move appropriations within budget categories for emergency purposes. Emergency revisions will not count toward the agencies maximum allowable grant revision within award period.

XIX. Procurement Policy

C. General

Title 11, Chapter 35, of the South Carolina Code of Laws, 1976, as amended, covers all of goods, services, and construction by State agencies. Section 11-35-40 reads:

(1) General Application. This code applies only to contracts solicited or entered into after the effective date of this code unless the parties agree to its application to a contract entered into prior to its effective date.

(2) Application to State Procurement. This code applies to every procurement or expenditure of funds by this State under contract acting through a governmental body as herein defined irrespective of the source of the funds, including federal assistance monies, except as specified in Section 11-35-40(3) (Compliance with Federal Requirements) and except that this code does not apply to gifts, to the issuance of grants, or to contracts between public procurement units, except as provided in Article 19 (Intergovernmental Relations). Notwithstanding the foregoing, the provisions of Article 23 (Statewide Provisions) apply as provided therein. It also shall apply to the disposal of state supplies as provided in Article 15 (Supply Management). No state agency or subdivision thereof may sell, lease, or otherwise alienate or obligate telecommunications and information technology infrastructure of the State by temporary proviso and unless provided for in the general laws of the State.

(3) Compliance with Federal Requirements. Where a procurement involves the expenditure of federal assistance, grant, or contract funds, the governmental body also shall comply with federal laws (including authorized regulations) as are mandatorily applicable and which are not presently reflected in this code; however, failure to comply with the foregoing is not subject to review under Article 17. Notwithstanding, where federal assistance, grant, or contract funds are used in a procurement by a governmental body as defined in Section 11-35-310(18), this code, including any requirements that are more restrictive than federal requirements, must be followed, except to the extent such action would render the governmental body ineligible to receive federal funds whose receipt is conditioned on compliance with mandatorily applicable federal law. In those



circumstances, the solicitation must identify and explain the impact of such federal laws on the procurement process, including any required deviation from this code."

D. Procurement Rights, Powers, Duties and Authority

Chapter 35 of Title 11, Section 11-35-510, of the Code of Laws of South Carolina 1976 states: All rights, powers, duties and authority relating to the procurement of supplies, services, and information technology and to the management, control, warehousing, sale and disposal of supplies, construction, information technology, and services now vested in or exercised by any state governmental body under the provisions of law relating thereto, and regardless of source of funding, are hereby vested in the appropriate chief procurement officer, or with regard to Article 15, as provided therein. This vesting of authority shall be subject to Section 11-35-710 (Exemptions), Section 11-35-1250 (Authority to Contract for Auditing Services), Section 11-35-1260 (Authority to Contract for Legal Services), , Section 11-35-1550 (Small Purchases), Section 11-35-1560 (Sole Source Procurement), Section 11-35-1570 (Emergency Procurements), Section 11-35-3230 (Exception for Small Architect-Engineer, and Land Surveying Services Contracts), and Section 11-35-3620 (Management of Warehouses and Inventory)."

E. Small Purchases

Section 11-35-1550 reads in part:

"... Authority. The following small purchase procedures may be utilized only in conducting procurements for governmental bodies that are up to the amounts specified herein, but not in excess of the authority granted pursuant to Section 11-35-1210. Procurement requirements must not be artificially divided by governmental bodies so as to constitute a small purchase pursuant to this section.

Procurement Small Purchase Threshold Limits are as follows:

- (A) Fair and reasonable; not requiring quotes or solicitation \$0-\$10,000
- (B) Three written quotes required \$10,001-\$25,000
- (C) Competitive solicitation required \$25,001+

All procurements over \$10,000 must be approved by the grant awarding agency prior to purchase.

F. Sole Source Procurement

Section 11-35-1560 states:

(A) A contract may be awarded for a supply, service, information technology, or construction item without competition if, under regulations promulgated by the board, the chief procurement officer, the head of a purchasing agency, or a designee of either officer, above the level of the procurement officer, determines in writing that there is only one source for the required supply, service, information technology, or construction item. Except for contracts with a total potential value of fifty thousand dollars or less, adequate public notice of the intent to award without competition must be posted in South Carolina Business Opportunities, except that public notice, is not required if the appropriate chief procurement officer, after consultation with the head of the purchasing agency, determines in writing that award without such notice is in the interest of the State. Notice must contain a statement of the right to protest under Section 11-35-4210(1) and must be posted at least five business days before entering a contract. For contracts with a total



potential value greater than two hundred fifty thousand dollars, such notice must be posted at least ten business days before entering a contract.

(B) Written documentation must include the determination and basis for the proposed sole source procurement. A delegation of authority by either the chief procurement officer or the head of an agency with respect to sole source determinations must be submitted in writing to the SCAG. In cases of reasonable doubt, competition must be solicited. Any decision by an agency that procurement be restricted to one potential vendor must be accompanied by a thorough, detailed explanation as to why no other will be suitable or acceptable to meet the need.

(C) A violation of these regulations by a purchasing agency, upon recommendation of the Division of Procurement Services and Attorney General's Office with approval of the majority of the board, must result in the temporary suspension, not to exceed one year, of the violating governmental body's ability to procure supplies, services, information technology, or construction items pursuant to this section.

G. Emergency Procurement

Section 11-35-1570 states:

Notwithstanding any other provision of this code, the chief procurement officer, the head of a purchasing agency, or a designee of either officer may award or authorize others to award emergency contracts only when there exists an immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions as defined in regulations promulgated by the board; and provided, that such emergency procurements shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.