

SOUTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ATTACHMENT D
1/14/94
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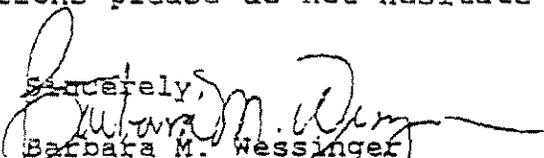
Edwin E. Evans, Esquire
Cherie Rogers, Law Clerk
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

Re: South Carolina Consolidated Procurement
Code Exemptions within Section 11-35-710(a)

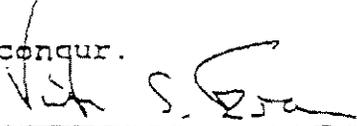
Dear Mr. Evans:

Your office has requested the South Carolina Department of Transportation's interpretation regarding Section 11-35-710(a) of the South Carolina Procurement Act. The Department's administrative practice regarding purchasing procedures has been, and continues to be, to interpret Section 11-35-710(a) to create three distinct and separate categories of exempt expenditures. The first category grants exemption from the Procurement Code for all "construction, maintenance and repair of bridges, highways and roads." The second category provides for the exemption of all "vehicle and road equipment maintenance and repair." Finally, the third category exempts "any other emergency type parts or equipment utilized by the Department." Inasmuch as the language in this subsection appears to be clear and unambiguous, and has been approved by the Federal Highway Administration, only the third category of this subsection relates to "emergency type" items.

If you have any further questions please do not hesitate to contact me.

Sincerely,

Barbara M. Wessinger
Assistant Chief Counsel

bmw/

I concur.

Victor S. Evans
Chief Counsel