

1977 WL 37288 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 4, 1977

***1 Re: Bidding for Rental Space at the Florence Airport**

James A. Nelson, Esquire
Mitchell, Lewis and Nelson
308 S. McQueen Street
Post Office Box 2051
Florence, SC 29503

Dear Mr. Nelson:

Your letter concerning the necessity of inviting bids for lease of available space at the Florence Airport has been referred to me for answer. The fact situation is that the current airport terminal building is cramped for space. Space is allocated for rental to two car leasing operations and the space in the terminal building does not exist for a third car leasing operation. The Airport Commission has been approached by a national car rental franchise requesting lease space or, in the alternative, demanding that bids be invited for the two available spaces in the terminal. The question now arises as to whether or not the airport commission has to invite bids for rental of space in the airport terminal.

The Florence City-County Airport Commission was established by Act No. 482 of 1973 and was amended by Act No. 1239 of 1974. The general rule concerning the necessity of competitive bidding by public bodies is that in the absent of a statutory requirement mandating competitive bidding no such bidding is required. Section 3 of Act No. 482 does contain a bid requirement. However, this requirement is for the purchase of materials and equipment and for construction maintenance and repairs of the Commission's facilities. This bid requirement has nothing to do with inviting bids on money for space rented by the Commission. This is a bidding requirement for expenditure of money by the Commission, and not a requirement that the Commission invite bids when it is renting space. There are no other bidding requirements contained in the Commission's enabling legislation.

Furthermore, there are no State Statutes which would require the Commission to invite bids in a situation such as you described. Therefore, it is the opinion of this Office that if the Commission does not desire to invite bids on the rental of available space in the airport terminal, it does not have to do so.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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