

1977 WL 46005 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 12, 1977

**MEMORANDUM**

**Re: Medical University of South Carolina Computer Bid**

\*1 Mr. Charles Robinson  
Acting Director  
Division of Computer Systems Management

M. Elizabeth Crum issued an opinion of this office on July 15, 1977, where it was stated the Medical University of South Carolina could not purchase an IBM 370/158 computer without a new Request for Proposal (RFP). However, in light of additional facts currently received, that opinion must be changed to conform to the complete facts.

There exists a difference of opinion as to whether the original RFP contained minimum job requirements which could be met by the IBM 370/148 computer. However, it is apparent that the original RFP put:

“All vendors on notice that the Medical University would consider any proposal calling for an interim system to be replaced ultimately by a larger system. This was discussed at the bidders' conference and a written response was directed to Univac and all other vendors in this regard.” Letter of Richard S. Rosen, Attorney for MUSC, August 16, 1977.

A previous concern for this office was the fact that a switch without a new bid would destroy the competitive nature of the old bid. However, it is apparent that through both written and oral communication, the RFP put the bidders on notice that the substitution would eventually be made. This substitution should have been taken into account, therefore the competitive nature of the bid would not be destroyed by such substitution.

The Medical University has now requested that a further substitution be made - the IBM 3031 instead of the IBM 370/158, which Computer World has rated as the equivalent of the IBM 370/158. Mr. Charles Robinson, Acting Director of MUSC's Computer Center states that the IBM 3031 will cost less and have a greater efficiency rate than the IBM 370/148 MUSC now uses.

Therefore, MUSC may substitute the IBM 3031 for the IBM 370/158, and may do so by purchase without submitting a new RFP.

A. Camden Lewis

Approved By:

Frank K. Sloan  
Deputy Attorney General  
Victor S. Evans  
Deputy Attorney General

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