

1975 WL 29814 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 15, 1975

*1 Ladson F. Howell, Esquire
Beaufort County Attorney
P. O. Box 112
Beaufort, South Carolina 29902

Dear Mr. Howell:

You have requested an opinion from this office as to whether the Beaufort County Council must let bids on a contract for aerial spraying or whether such contract can be renewed annually with a local subcontractor.

Our research has failed to disclose any statutory requirement imposing upon the Beaufort County Council the duty to let bids before entering into contracts, with the possible exception of Part II, Section 1 of Act No. 606 of 1969 [56 STAT. 1075 (1969)] which appears in the permanent provisions of that year's Beaufort County Supply Act. Even that provision, however, does not impose an absolute duty to receive bids upon the county board of directors (now the County Council) since it provides:

All purchases over two hundred dollars shall be made only with a purchase order approved by the county board of directors, or its duly authorized agent, after receipt of bids where applicable. [Emphasis added.]

In addition, Section 1-24, Code of Laws of South Carolina, 1962, as amended (Cum. Supp.), which requires at least three bids to be invited before contracting for fifteen hundred dollars or more with private individuals or companies for products or services, applies only to State agencies and departments and does not include political subdivisions.

Our opinion is, therefore, that the Beaufort County Council, unlike the governing boards of some other counties (cf., e.g., §§ 14-1958 and 14-1959, Code of Laws of South Carolina, 1962, as amended, for provisions relating to Florence County), is not required to let bids on a contract for aerial spraying.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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