

1974 WL 27517 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 22, 1974

*1 Mr. E. Lee Spence
Underwater Archeologist
P. O. Box 211
Sullivan's Island, South Carolina 29482

Dear Mr. Spence:

We are in receipt of your letter of November 7, 1974, in which you inquired whether or not bids are required when a State Officer intends to contract with a private corporation. The Appropriations Bill (Act No. 1136 of 1974, Section 18) includes within it a section which deals with this situation. The section reads as follows

Notwithstanding any other provision of law, all State agencies and departments, before contracting for fifteen hundred dollars or more with private individuals or companies for products or services, shall invite bids on such contracts from at least three qualified sources. Provided, however, that the provisions of this section shall not apply to professional services where the person employed is customarily employed on a fee basis rather than by competitive bidding. (emphasis added)

It is my understanding that the Institute of Archeology and Anthropology would customarily employ persons on a fee basis; therefore, the requirement for competitive bidding would not apply in this situation.

Sincerely,

Treva Ashworth
Assistant Attorney General

ATTACHMENT

A BILL

TO AMEND SECTION 56-1545.6, CODE OF LAWS OF SOUTH CAROLINA, 1962, AS AMENDED, RELATING TO THE DISPOSITION OF FEES AND OTHER FUNDS BY THE SOUTH CAROLINA REAL ESTATE COMMISSION, SO AS TO AUTHORIZE THE COMMISSION TO USE CERTAIN FUNDS FOR EDUCATIONAL PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56-1545.6 of the 1962 Code, as last amended by Act 1456 of 1972, is further amended to read: 'Section 56-1545.6. In order to carry out the provisions of this chapter, the Real Estate Commission shall retain such fees and other funds as may come into its possession.

The Commission in its discretion may use any funds in its possession which it determines to be in excess of those funds necessary to carry out its prescribed duties pursuant to this chapter for educational purposes including, but not limited to, the following:

(a) To carry out the advancement of education and research in the field of real estate for the benefit of those licensed under the provisions of this chapter and for the improvement and increased efficiency of the real estate industry in this State;

(b) To underwrite educational seminars and other forms of educational projects for the use and benefit generally of real estate licensees;

(c) To establish a real estate chair or courses at South Carolina state institutions of higher learning for the purpose of making such courses available to licensees and the general public who may seek such courses on a college or university level;

(d) To contract for a particular research project in the field of real estate for the State; and

(e) To sponsor, contract for and to underwrite any and all other educational and research projects of a similar nature having to do with the advancement of the real estate field in South Carolina.

*2 SECTION 2. This act shall take effect upon approval by the Governor.

56-1545.6 DISPOSITION OF FEES AND OTHER FUNDS.—In order to carry out the provisions of this chapter, the Real Estate Commission shall retain such fees and other funds as may come into its possession. (1956 (49) 2046; 1960 (51) 1727).

Add: The South Carolina Real Estate Commission is empowered to use funds for educational purposes in the field of real estate.

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