

SC CONSOLIDATED PROCUREMENT CODE
EXCERPTS - RE: APPLICATION OF THE CODE

ARTICLE 19.
INTERGOVERNMENTAL RELATIONS
SUBARTICLE 1.
DEFINITIONS

SECTION 11-35-4610. Definitions of terms used in this article.

As used in this article, unless the context clearly indicates otherwise:

- (1) "Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit, or by a public procurement unit with an external procurement activity.
- (2) "External procurement activity" means:
 - (a) any buying organization not located in this State which would qualify as a public procurement unit;
 - (b) buying by the United States government.
- (3) "Local public procurement unit" means any political subdivision or unit thereof which expends public funds for the procurement of supplies, services, or construction.
- (4) "Mandatory opting" is the requirement for a local procurement unit to choose whether to utilize a state contract before it is established as prescribed in regulation by the board.
- (5) "Public procurement unit" means either a local public procurement unit or a state public procurement unit.
- (6) "State public procurement unit" means the offices of the chief procurement officers and any other purchasing agency of this State.

SUBARTICLE 3.
COOPERATIVE PURCHASING

SECTION 11-35-4810. Cooperative purchasing authorized.

Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between public procurement units and open-ended state public procurement unit contracts which shall be made available to local public procurement units, except as provided in Section 11-35-4820 or except as may otherwise be limited by the board through regulations.

However, thirty days notice of a proposed multi-state **solicitation** shall be provided through central advertising and such contracts may be only awarded to manufacturers who will be distributing the products to South Carolina governmental bodies through South Carolina vendors. (Emphasis added)

SECTION 11-35-4880. Public procurement units in compliance with code requirements.

Where the public procurement unit or external procurement activity administering a cooperative purchase complies with the requirements of this code, any public procurement unit participating in such a purchase shall be deemed to have complied with this code. Public procurement units shall not enter into a cooperative purchasing agreement for the purpose of circumventing this code. (Emphasis added)