

**Consolidated Procurement Code
Master List of Exemptions Granted
As of March 18, 2004**

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| 07/30/81 | 1. The Construction, maintenance and repair of bridges, highways and roads; vehicle and road equipment maintenance and repair; and any other emergency type parts or equipment utilized by the Department of Highways and Public Transportation. |
| 07/30/81 | 2. The purchase of raw materials by the South Carolina Department of Corrections, Division of Prison Industries. |
| 07/30/81 | 3. South Carolina State Ports Authority. |
| 07/30/81 | 4. South Carolina Public Railways Commission. |
| 07/30/81 | 5. South Carolina Public Service Authority. |
| 07/30/81 | 6. Expenditure of funds at State institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations and from the operation of canteens and bookstores, except as such funds are used for the procurement of construction, architect-engineer, construction-management and land surveying services. |
| 07/30/81 | 7. Livestock, feed and veterinary supplies. |
| 07/30/81 | 8. Articles for commercial sale by all governmental bodies. |
| 07/30/81 | 9. Fresh fruits, vegetables, meats, fish, milk and eggs. |
| 07/30/81 | 10. South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one-of-a-kind items such as paintings, antiques, sculptures and similar objects. Before any governmental body procures any such objects, the head of the purchasing agency shall prepare a written determination specifying the need for such objects and the benefits to the State. South Carolina Arts Commission shall review such determination and forward a recommendation to the Board for approval.
NOTE: Regulation 19-445.2010(B) further clarified this exemption in the following respect:
Before any governmental body procures any art objects such as paintings, antiques, sculptures or similar objects above \$200.00, the head of the governmental body shall prepare a written determination specifying the need for such objects and benefits to the State. The South Carolina Arts Commission acting on behalf of the Board shall have the responsibility to review such determination for approval prior to any acquisition. The 1985/86 Appropriations Act increased this limit to \$500.00. The 1996/97 Appropriations Act increased this limit to \$1,000.00 |
| 07/30/81 | 11. Published books, periodicals, and technical pamphlets. |
| 07/30/81 | 12. South Carolina Aeronautics Commission from the provision of Section 11-35-1520 of the Code in the procurement of maintenance services for aircraft. |
| 02/25/82 | 13. Postage. |

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- 03/23/82 14. Granted special exemption provided in Section 11-35-710 of the Consolidated Procurement Code to the Wildlife and Marine Resources Department to allow that Department to dispose of the research vessel "Atlantic Sun" declared to be surplus property and authorized the application of funds received from this sale toward modifying, redesigning and equipping the "Lady Lisa" as a research vessel, paying Colleton County for storage of the "Lady Lisa", paying the cost of selling the "Atlantic Sun", with any remaining funds to be deposited in the general fund, on the condition that the Department of Wildlife and Marine Resources report back to the Board on the results of this transaction.
- 04/27/82 15. Invoices for gas and electricity, water and sewer services provided by public utilities subject to rate regulation by the Public Service Commission.
- 04/27/82 16. U.S. Post Office box rentals.
- 04/27/82 17. Copyrighted education films, filmstrips, slides and transparencies.
NOTE: See 05/10/94 modification also.
- 04/27/82 18. Oil company credit card purchase for gas, oil and jet fuel charges only.
- 04/27/82 19. 04/27/82 04/26/83 04/27/82
Professional dues and registration and membership fees.
- 05/11/82 20. Raw materials and related supplies to be exclusively used in the production of a finished product by clients for the Department of Vocational Rehabilitation on a contract basis with industry
- 07/13/82 21. Attorneys, subject to approval by the Attorney General's Office
(See Note 1)
- 07/13/82 22. Certified public accountants and public accountants engaged to perform financial and/or compliance audits, subject to approval by the State Auditor's Office, with actuarial audits and other accounting services to be procured under the terms of the Consolidated Procurement Code.
(See Note 1)
- 07/13/82 23. Hospital and medical clinic services. **(See Note 1)**
- 07/13/82 24. Medical doctors. **(See Note 1)**
- 07/13/82 25. Optometrists. **(See Note 1)**
- 07/13/82 26. Dentists. **(See Note 1)**
- 07/13/82 27. Registered nurses. **(See Note 1)**
- 07/13/82 28. Licensed practical nurses. **(See Note 1)**

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- 07/13/82 29. Psychiatrists. **(See Note 1)**
- 07/13/82 30. Investment counselors. **(See Note 1)**
- 07/13/82 31. Clergy. **(See Note 1)**
- 07/13/82 32. Court reporters. **(See Note 1)**
- 07/13/82 33. Expert witness services. **(See Note 1)**
- 08/04/82 34. Furniture refurbishing services of the Department of Corrections.
- 08/24/82 35. Services and/or supplies provided by the Division of General Services to public procurement units.
- 08/24/82 36. Printed examination forms used in the administration of state licensing examinations.
NOTE: See 8/26/93 modification also.
- 08/24/82 37. Expenditure of funds by the Department of Corrections derived wholly from its canteen operations.
- 08/24/82 38. Expenditure of funds by the Office of State Treasurer in the issuance of bonds to include printing costs and any fees associated with any bond issuance.
- 08/24/82 39. Fuel oil and diesel oil (the \$2,500 limit is waived; however, competition should be obtained whenever possible). **(See Note 1)**
- 08/24/82 40. Contracts between the Insurance Reserve Fund and insurers and reinsurers for primary and reinsurance coverage.
- 09/14/82 41. Actuaries. **(See Note 1)**
- 09/14/82 42. Certified the State Personnel Division to competitively solicit and enter into consultant service contracts related to employee insurance programs with a \$55,000 certification limit in any yearly period, pursuant to the authority in Section 11-35-1210 of the Consolidated Procurement Code (an increase from \$35,000).
- 12/17/82 43. Professional artists utilized by the South Carolina Arts Commission.
(See Note 2)
- 12/20/82 44. Granted an exemption from the provisions of the Consolidated Procurement Code to Francis Marion College for purchases of office and other supply items from the College Bookstore by departments of the College, on the condition that the sales of such supplies to other departments of the College under this exemption not exceed 5% of total bookstore sales or \$30,000, whichever is less, in any fiscal year, and, further, on the condition that this exemption be effective for the same two-year period for which Francis Marion College is certified by the Board to make purchases above \$2,500, as recommended by the Division of General Services in accord with the requirements of the Procurement Code Section 11-35-710.

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- 01/11/83 45. Doctors of osteopathy.(See Note 1)
- 03/08/83 46. Instructional training seminars offered by governmental bodies to state employees on a registration fee basis and those contractual consultant services necessary to provide the professional instruction for the seminars.
- 03/22/83 47. Physical therapists and physical therapy assistance. (See Note 1)
- 03/22/83 48. Speech pathologists. (See Note 1)
- 05/10/83 49. Occupational therapists.(See Note 1)
- 09/13/83 50. Veterinary services customarily obtained on a fee basis rather than by competitive solicitation. (See Note 1)
- 09/13/83 51. Health and Human Services Commission when placing funds with recipients as defined in Section 11-35-310(18) of the Code, in administering Title XIX of the Social Security Act (Medicaid), including early periodic screening, diagnostic and treatment program, community long-term care system, and social services block grant program, provided that recipients receiving such funds shall follow the requirements of the Code in the expenditure of such funds.
- 09/21/83 52. Every expenditure of funds by the South Carolina Research Authority under contract for supplies, construction, and services, as defined in Code Section 11-35-310(7), (8), (26), (28).
- 12/20/83 53. All expenditures paid from the Tokyo office operated by the Development Board, the Ports Authority, and the Department of Agriculture.
- 06/27/84 54. The Department of Mental Retardation's \$500,000 emergency purchase of hepatitis B vaccine from their annual limit for the procurement of pharmaceuticals on contract.
- 08/14/84 55. The Board authorized an exception to the Procurement Code process under which the Division of Information Resource Management is to determine the most advantageous service provider of long distance telecommunications service with the approved filings of the Public Service Commission and the FCC to represent the established lowest responding rates available to the State.
- 11/05/84 56. The Board delegated to the Division of General Services the authority to exempt contracts between State government agencies and for supplies and services provided a cost justification is submitted to the Division in advance.
NOTE: See amendment dated 03/22/94.
- 02/28/85 57. The purchase or continued lease of embedded telephone systems when approved by Information Resource Management as being advantageous to the State.

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- 03/12/85 58. Appraisers. **(See Note 1)**
- 06/25/85 59. Health maintenance organizations (HMO'S).
- 07/01/85 60. Expenditures made for the various commodities Boards of the Department of Agriculture. (Ref. 1985/86 Appropriations Act, Part I, Section 63).
- 08/27/85 61. Historical artifacts, weapons, flags, firearms, etc., which are rare and reasonably priced in the judgment of the Confederate Relic Room and Museum staff.
- 10/09/85 62. Community Mental Health Centers from the requirements of Part II, Section 5 of the 1985/86 Appropriations Act. The exemption applied to the transaction by the Catawba Mental Health Center involving the sale of property at 311 Elm Street in Lancaster to Richland L. McKinney and Herbert McKinney for \$18,000.
- 10/09/85 63. Upholstering supplies and services procured by the Governor's Mansion Complex.
- 10/22/85 64. The State Housing Authority from the requirements of Part II, Section 5 of the 1985/86 Appropriations Act relating to the approval and recording of real property transactions.
- 10/22/85 65. All governmental bodies from the real property leasing procedure requirements of Part II, Section 5 of the 1985/86 Appropriations Act in the leasing of the following types of real property:
- State-owned student housing/dorm space;
- Parking spaces in State-owned garages or lots;
- State-owned lecture halls, theatres, coliseums, athletic areas, recreation areas and other areas for periods of less than seven days
- Non-State-owned real property
- (a) for less than 3 months in a single fiscal year; or
- (b) for a total cost of less than \$5,000 in a single fiscal year;
- State-owned box or other seats.
- 10/22/85 66. The following governmental bodies from the real property leasing procedure requirements of Part II, Section 5 of the 1985/86 Appropriations Act in the leasing of the following types of real property:
Department of Agriculture: State-owned farmers' market.
Highways and Public Transportation: lands for maintenance and construction purposes.
Community Mental Health Centers
Department of Corrections; farm lands
Mental Retardation: farm lands
Forestry Commission: forest lands

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PRT: State parks and recreation lands
Wildlife Department: game management areas

- 12/17/85 67. The financing arrangements of a contract to acquire telecommunications. Authorized Ted L. Lightle, Director of the Division of Information Resource Management, to execute an agreement for such an acquisition on behalf of the State.
- 01/16/86 68. The Governors' Mansion Committee from the requirements of the Procurement Code concerning matters of interior design for the three houses in the Governors' Mansion Complex and the Old Town House at Charles Towne Landing and exempted donated labor and materials on these facilities notwithstanding any other provisions of the law.
- 02/27/86 69. Any acquisition required to implement the Generally Accepted Accounting Principles (GAAP) conversion project.
- 02/27/86 70. All procurements and sales by the Clarks Hill Russell Authority under its October, 1984 Little River project master plan, as recommended by the Division of General Services, after agreeing that (1) periodic audits of such procurements and sales would be conducted by the Division of General Services; (2) the State Treasurers' Office would follow closely the implementation of the project; and (3) that periodic reports on the project would be presented to the Board.
- 03/11/86 71. The financing provisions of lease/purchase contracts entered into by Winthrop College, the College of Charleston, DHEC and the University of South Carolina with First Union Corporation.
- 03/25/86 72. The financing provisions of lease/purchase contracts and other debt and banking functions of the State Treasurer's Office.
- 04/08/86 73. The Research Authority from the requirements of Part II, Section 5 of the 1985-86 Appropriations Act (Code Section 1-11-65). This exempts them from approval of the Board for real estate transactions.
- 04/22/86 74. Animals acquired for specific or general research, testing or experimentation.
- 04/22/86 75. Advertisements in professional journals or publications.
- 04/22/86 76. Advertising time or space in newspapers, radio or television. (**Note:** Consultants obtained to handle advertising campaigns for agencies such as PRT and State Development Board are not exempted.)
- 04/22/86 77. Expenses of evaluation committees required for institutions of higher learning in order to maintain accreditation (i.e., Southern Association of Colleges and Schools).
- 04/22/86 78. License agreements for computer software after such software has been competitively bid as required by the Procurement Code.
- 05/13/86 79. The acquisition of all local and long-distance telecommunications service

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for or on behalf of the State of South Carolina from the requirement that they be purchased through the respective chief procurement officer's area of responsibility, and authorized the Division of Information Resource Management to secure such telecommunications services upon such terms and conditions as are regarded by it to be appropriate.

- 05/27/86 80. Clarified the exemption under Section 11-35-710 to exclude late payment charges under Section 11-35-45 effective July 1, 1986 thereby allowing public utilities to assess late payment charges under their respective tariffs as approved by the South Carolina Public Service Commission.
- 07/15/86 81. Clemson University real estate transactions involving any real estate that is part of the Agriculture Experiment Stations or other lands deeded to Clemson University by the Federal government and held for agriculture and forestry research purposes from the requirements of the Board's surplus property disposal procedures, but did not exempt the transactions from the requirements of Code Section 1-11-65.
- 07/29/86 82. Service provider contracts awarded by the Health and Human Services Finance Commission funded from Federal Title XIX (Medicaid) which are for the direct provision of services to eligible clients where each client has freedom of choice to select a provider. (In order to be eligible for this exemption, the procurement must meet the following requirements: (1) the service must be Medicaid eligible, (2) the provider of service must be recognized by the Department of Health and Human Services as qualified to provide the requested service, (3) the client must be eligible to received Medicaid services, and (4) the service must be provided under the Federal Title XIX freedom of choice requirements.)
- 01/06/87 83. Approved a request by the Division of General Services to exempt the transaction under which Club Sertoma of South Carolina, Inc., will donate a swimming pool and bath house to Clemson University (Camp Hope), pursuant to Code Section 11-35-710.
- 03/24/87 84. Under authority granted to the Board in Section 11-35-710, exempted from Section 11-35-45 late payment charges from regulated companies providing telecommunication services to State agencies thereby allowing public utilities to assess late payment charges under their respective tariffs as approved by the South Carolina Public Service Commission effective for late payment charges arising from services rendered after July 1, 1987.
- 07/14/87 85. Exempted tuition paid to all institutions of higher learning from certain requirements of the procurement code in accordance with Code Section 11-35-710.
- 01/22/88 86. In accord with Code Section 11-35-710, exempted procurements of US Department of Education certified National Diffusion Network programs and related costs to include materials and those contractual consultant services necessary to provide the professional instruction.

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- 01/08/88 87. The acquisition of all local and long-distance telecommunications equipment and maintenance and other services procured under the terms of the Settlement Agreement entitled "Agreement between the South Carolina Budget and Control Board and AT&T", approved by the Budget and Control Board on March 8, 1988, in settlement of the case of AT&T Information Systems, Inc. v. The State Budget and Control Board, an agency of the State of South Carolina, 87-CP-40-0876
- 06/28/88 88. In accord with Section 11-35-710, exempted from the requirements of the procurement code procurement of pharmacy services by the South Carolina Retirement Systems under the prescription drug card program where retirement system members have freedom of choice to select from among participating pharmacies.
- 06/28/88 89. With regard to property reinsurance bids, after it was advised that the Procurement Review Panel had concluded, in response to a protest, that the Brown agency bid is non-responsive and agreed to exercise the exemption granted to the Insurance Reserve Fund on August 24, 1982, from requirements of the Procurement Code and thereby exempted the 1988 property reinsurance bids from those requirements.
- 09/13/88 90. In accord with Code Section 11-35-710, exempted the donation of a memorial structure to Clemson University by the Class of 1939.
- 11/30/88 91. In accord with Section 11-35-710, exempted the Patriot's Point Development Authority from the requirements of the Procurement Code (a) in the selection of a developer to continue construction of a marina and hotel and (b) in the hiring of a construction financial advisor.
- 12/13/88 92. In accord with Code Section 11-35-710, approved an exemption from procurement procedures for the acquisition process for conference facilities, on the condition that staff implements guidelines for the process designed to result in a greater geographic spread of conference sites in-State
- 03/28/89 93. Approved self-insurance of the school bus program by the Insurance Reserve Fund; and granted an exemption under Section 11-35-710 for a contract with the existing claims service provider for 12 months during the transition, with a new claims service contract to be bid within six months of the effective date of the contract.
- 04/25/89 94. In accord with Code Section 11-35-710, exempted the Patriots Point Development Authority from the requirements of the Procurement Code for its food concession and public relations contracts until August 1, 1989.
- 06/05/89 95. Exempted from the requirements of the Procurement Code the Medical University acquisition of a building in the Charleston Research Park; charged the Division of General Services and the Medical University with the responsibility of negotiating the most cost-effective contract, which may involve a lease/purchase, for biomedical research facility in the Charleston Research Park; and directed staff to report back to the Board on the cost comparisons.

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- 07/18/89 96. In accord with Code Section 11-35-710, extended the exemption of the Patriots Point Development Authority from the requirements of the Procurement Code for the food concession and public relations contracts until January 1, 1990.
a) On 3/13/90, this was extended to 9/1/90.
b) On 9/12/90, this was extended again.
- 09/12/89 97. Approved an agreement and a lease between Duke Power Company and the Department of Parks, Recreation and Tourism for the proposed 622-acre Devil's Fork State Park and exempted this transaction from the requirements of the Procurement Code.
- 12/20/89 98. In accord with Code Section 11-35-710, as recommended by the Division of General Services, approved the following exemptions from the purchasing policies and procedures of the Procurement Code:

(a) the following medical items invasive to the human body which would be selected by a patient and doctor: implants, grafts, pacemakers, heart valves, joint replacements, organs, tissue, blood and blood components; and

(b) the following State Development Board procurements: all procurements paid from the Frankfurt, West Germany office for the use of that office; leases for office space in foreign countries; and all part-time international business consultants who represent the State of South Carolina in foreign countries.
- 01/29/90 99. Approved a study of the appeal process and related matters associated with the Division of State Fire Marshal and the Fire Marshal Appeal Panel, and to expedite the study completion, exempted the contract to be involved from the requirements of the Procurement Code.
- 06/27/90 100. Approved an increase in the exemption level for commercial leases. Effective immediately, commercial leases, that is, lease of non-state owned property, which commit less than \$10,000 in a single fiscal year are not subject to the lease procurement process. However, agencies must report these exempt leases to the Division of General Services Property Management by copy of the executed lease document. This exemption level was \$5,000. This grants to agencies more responsibility for the negotiation of lower cost leases and, hopefully, makes the process more expeditious.
- 08/14/90 101. Exempted the Commission on Higher Education procurement of consultants for evaluations of academic programs from the requirements of the Procurement Code, provided the Commission follows procedures approved by the Division of General Services.
- 09/12/90 102. In accord with Code Section 11-35-710, granted an extension to the Patriots Point Development Authority exemption from the requirements of the Procurement Code for food concession and public relations contracts.
- 11/21/90 103. Granted an exemption from the requirements of Code Section 11-35-710 to permit Clemson University to enter into an agreement by which an

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anonymous donor will provide for the construction of a horse research facility on land owned by Clemson University.

- 02/12/91 104. Granted an exemption (not including State appropriated funds) from the purchasing procedures of the expenditure of private sector donations by the Development Board used to sponsor special marketing events.
- 06/11/91 105. In accord with Code Section 11-35-710, exempted from the purchasing procedures of the Consolidated Procurement Code and the Chief Procurement Officer's areas of responsibility all procurement activity relating to the development and construction of facilities needed for locating Ebasco Services, Inc., in Aiken, as requested by the Savannah Valley Authority.
- 07/17/91 106. Exempted from the requirements of the Consolidated Procurement Code the Labor Department employment of consulting engineers to examine the Charleston industrial explosion.
- 07/17/91 107. In accord with Code Section 11-35-710, exempted from the purchasing procedure of the Consolidated Procurement Code the following, as requested by the State Museum Commission; (a) Historical artifacts, to include both current, specific items and objects of future historical significance; (b) Scientific specimens, to include study skins, skeletal mounts, taxidermy mounts, models, fossils, rocks and minerals, and other such materials representative of, or illustrative of, the natural world; (c) Artworks, to include examples of fine art, decorative art, and folk art and craft work; (d) Collection disciplines, to include cultural history, science and technology, art and natural history; and (e) Exhibits, to include design and fabrication and specialty materials not commercially available that are used as components of exhibits.
- 05/12/92 108. Delegated to the Director of the Division of General Services the authority to grant exemptions from the Consolidated Procurement Code to permit agencies to accept gifts with a total value of \$100,000 or less, on the condition the five-year budgetary impact statement is positive.
- 05/12/92 109. Received as information a decision to declare the pending mobile data communications system proposal non-responsive; and, in accord with Code Section 11-35-710, granted an exemption from the Procurement Code to the Division of Information Resources Management to acquire two-way mobile radio voice and/or data communications systems to meet state agency needs; and authorized a contract in excess of five years but not exceeding ten years.
- 05/12/92 110. Authorized the Division of Insurance Services to continue the actuarial consultant services contractual agreement with The Wyatt Company for fiscal year 1992-93, and exempted this contract from the requirements of the Procurement Code.
- 06/02/92 111. Exempt the South Carolina Jobs-Economic Development Authority from the South Carolina Consolidated Procurement Code. Provided the Authority develops an alternative code that is approval by the Budget and Control Board.

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- 06/15/92 112. Exempt the Savannah Valley Authority from the South Carolina Consolidated Procurement Code except for Minority Business Provisions. Provided the Authority develops an alternative code that is approval by the Budget and Control Board.
- 02/25/93 113. Authorized the Division of Insurance Services to proceed with negotiations with potential vendors to provide life and long-term care insurance for the State employee group outside the limits of the State Procurement Code with any negotiated agreement to be subject to Board approval.
- 07/14/93 114. In accord with Code Section 11-35-710, exempted the acquisition of all local and long-distance telecommunications services for or on behalf of the State of South Carolina from the requirement that they be purchased through the respective chief procurement officer's area of responsibility and from the purchasing procedures of the Consolidated Procurement Code, until further Board action; and authorized the Division of Information Resource Management to secure such telecommunications services and equipment upon such terms and conditions as are regarded by it to be appropriate.
- 08/26/93 115. Modified the exemption from the requirements of the Consolidated Procurement Code of printed examination forms used in the administration of state licensing examinations to read as follows: electronic and printed examination forms and their administration for State licensing examinations.
- NOTE:** See original exemption dated 08/24/82.
- 03/22/94 116. Modified an existing exemption to the requirement of the Consolidated Procurement Code for contracts between state government agencies to read as follows: In accord with Section 11-35-710 of the Consolidated Procurement Code, delegated to the Office of General Services the authority to exempt contracts between state government agencies under Section 11-35-4830 and 11-35-4840 for supplies or services, provided a cost justification is submitted to the Office in advance. The following types of contracts between state government agencies shall be exempt from the Consolidated Procurement Code and submission to General Services is not required: (1) agreements between state government agencies which are mandated by federal or state laws; and (2) services agreements between state government agencies for services authorized by that agency's enabling legislation as its purpose, duty, or mission.
- NOTE:** See original exemption dated 11/05/84.
- 03/22/94 117. In accordance with Code Section 11-35-710, exempted procurements made by a requesting agency for the purchase of grant-specified and approved major equipment, subcontracts, and consultants the agency determines to be essential to the successful completion of the grant-

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funded project if those procurements are made in accordance with procedures approved by the Office of General Services on an agency-by-agency basis.

- 05/10/94 118. Amended an existing exemption to the requirements of the Procurement Code to read as follows: The procurement of copyrighted educational films, filmstrips, slides and transparencies, CD ROM documents, data bases, computer assisted instructional materials, interactive video programs and other related materials made available by information technology that can only be obtained from the company providing the information or service.
NOTE: See original exemption dated 04/27/82.
- 05/10/94 119. Granted an exemption to the Procurement Code, until June 30, 1995, to allow the procurement of all environmental remediation contracts from purchasing policies and procedures, provided these environmental remediation contracts will be procured under the authority of and in accordance with procedures established by the State Engineer's Office.
- 08/24/94 120. Exempted the contract for an automated child welfare system from the purchasing policies and procedures of the Procurement Code, provided the procedures outlined in the DSS Automated Child Welfare System Background and Requested Action document are followed.
- 08/24/94 121. Exempted the excess ITFS capacity transactions between Greenville Technical College and Prescient Telecommunications International and between Trident Technical College and Wireless Low Country Cable Management Corporation from purchasing the equipment involved through the respective chief procurement officer's area of responsibility and from the purchasing procedures of the Procurement Code; and, pursuant to Code Section 1-11-420, approved the contract thereon, subject to the coordination of the Information Technology Planning Office and the advice, assistance and approval of the Office of Information Resources.
- 11/03/94 122. Approved the Jobs-Economic Development Authority procurement policies, thereby exemption JEDA from the requirements of the Procurement Code except for Code Sections 11-/35-5120 through 11-35-5270, inclusive;
- 11/03/94 123. Granted an exemption from the requirements of the Procurement Code for the Health and Human Services Finance Commission contracts for the Medicaid Claims Control System and the Medicaid Insurance Verification Services, until such time as the State is certain as to the full schedule and impact of the Palmetto Health Initiative, or no later than December 31, 1995.
- 01/10/95 124. Exempted the Department of Health and Environmental Control from the requirements of the Consolidated Procurement Code for all contracts for home health services, on the condition that a written certification that this exemption will not adversely affect the medicaid reform waivers is received from the Health and Human Services Finance Commission;

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- 1/12/95 125. The purchase of goods, products, and services by state offices, departments, institutions, agencies, boards, and commissions or the political subdivisions of this State from the South Carolina Department of Corrections, Division of Prison Industries.
- 3/28/95 126. Exempted Trident Technical College from surplus property procedures and approved the sale of 2.293± acres of surplus College property off Rivers Drive in Charleston County to the adjacent land owner, with proceeds of the sale to be deposited in the capital improvement account of the local area commission as provided in Code Section 59-53-53.
- 10/24/95 127. In accord with Code Section 11-35-710, exempted environmental remediation projects from the purchasing policies and procedures of the Procurement Code, provided that these contracts will be procured under the authority of and in accordance with procedures established by the Office of State Engineer with the work effort to be monitored by the State Engineer.
- 11/14/95 128. Under authority of Section 11-35-710 of Code, granted an extension to the exemption granted November 3, 1994, for the current Medicaid Insurance Verification Services contract from the Consolidated Procurement Code until a succeeding contract is awarded and implemented.
- 11/14/95 129. Increased the lease procurement exemption from \$10,000 to \$25,000 for college and universities, and directed staff to report on the impact of the change within twelve months.
- 03/05/96 130. Granted an exemption from the leasing procedures for the leasing of Clemson University PSA lands provided that the leasing be done in accordance with procedures to be approved by the Office of General Services.
- 11/04/97 131. Granted an exemption from the Consolidated Procurement Code to allow the Office of General Services the authority to identify high volume procurement items such as office supplies, office equipment, information technology products, vehicles, petroleum products and pharmaceutical products that are used in the operation and the administration of state government which are suited for pursuant to multi-state cooperative agreements and to enter into those agreements using procurement procedures appropriate for each transaction and agreeable to the participating states in those instances in which clear cost savings can be realized.
- 06/18/98 132. Granted an exemption for the Department of Health and Human Services, in coordination with other appropriate agencies and organizations, for the development of a coordinated system of services, as required by Proviso 72.58, which provides for a continuum of long term care services for elderly individuals and their families through the distribution of applicable funds to Area Agencies on Aging.

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- 02/09/99 133. Amended the July 13, 1992, exemption for legal services pursuant to Section 11-35-710 of the Code to exempt attorneys approved by the Budget and Control Board.
- 04/11/00 134 Approved an exemption from the Consolidated Procurement Code for the State Forestry Commission to procure fire equipment and related supply items from the Wildlife Protection Equipment and Supplies Catalog and subsequent editions through the Cooperative Fire Program of the U.S. Forestry Service.
- 06/21/00 135 Under the authority of Section 11-35-710 of the Consolidated Procurement Code, granted an exemption to allow all state law enforcement programs to procure law enforcement equipment and supplies for counter drug activities through Federal procurement channels under the United States Government's State and Local Law Enforcement Equipment Procurement Program created by the National Defense Authorization Act of 1994 provided, however, that the law enforcement agency must certify that the prices paid under this program are advantageous to the State.
- 09/17/01 136 7/29/04 South Carolina contact is:
Ellen Clark, Greenville County Sheriff, 864-467-5224
In accord with Section 11-35-710, the Board granted the South Carolina Department of Social Services (DSS) an exemption from the purchasing procedures of the Procurement Code for those supplies, services, and information technology, as defined in Code Section Ann. 11-35-310, necessary for DSS to develop and complete a statewide automated Child Support Enforcement System (CSES) and a State Disbursement Unit (SDU).
- 02/14/02 137 Approved the recommendation to exempt brokerage services and investment management and advisory services from the requirements of the Consolidated Procurement Code as recommended by the Retirement Systems Investment Panel and the Office of General Services.
- 12/09/03 138 Approved Clemson University's request for an exemption from the South Carolina Consolidated Procurement Code concerning Clemson University's Information Technology Center to be located at Clemson University International Center for Automotive Research and associated infrastructure; and approved an exemption from State Leasing Procedures for the leasing out by Clemson University of the Information Technology Research Center;
- 03/18/04 139 On March 18, 2004 the Budget and Control Rescinded the exemption from the Consolidated Procurement Code to Clemson University on December 9, 2003. Please refer to item 138.

**Consolidated Procurement Code
Master List of Exemptions Granted
As of March 18, 2004**

NOTES

1. For the exemption to apply to these categories, the individual or firm involved must be licensed to perform the specific professional services, must provide that specific service to the requesting governmental body, and the contractual relationship created by the individual or firm and the governmental body cannot be an employer/employee relationship which would be governed by State Personnel Rules and Regulations; and categories 29, 30, and 39 must be considered independent contractors.

2. The Arts Commission maintains lists of approved artists including painters, sculptors, poets, playwrights, theater groups, craftsmen, etc. which are available to governmental bodies. This exemption includes procurements of these services by all governmental bodies if approved by the Arts Commission.

- 04/26/83
3. The Board clarified that exemptions granted to date are exemptions from the competitive bid procedure only and that all other aspects of the Code, specifically, the disposition of property procedure and the reporting procedures, must be complied with.

- 05/27/86
4. Clarified the exemption for invoices for gas and electricity, water and sewer services provided by public utilities subject to rate regulation by the Public Service Commission to exclude late payment charges under Section 11-35-45 effective July 1, 1986 thereby allowing public utilities to assess late payment charges under their respective tariffs as approved by the South Carolina Public Service Commission.