

STATE OF SOUTH CAROLINA) BEFORE THE SOUTH CAROLINA
) PROCUREMENT REVIEW PANEL
COUNTY OF RICHLAND) CASE NO. 1988-18

IN RE:)
)
PROTEST OF FIRST CAPITAL LEASING AND) O R D E R
INVESTMENT COMPANY, INC.)
)
_____)

December 21, 1988

William F. Able, Esq.
Able & Associates
1415 Richland Street
Columbia, S. C. 29201

Re: Case No. 1988-18 In Re: Protest of First Capital
Leasing and Investment, Inc.

Dear Mr. Able:

On December 19, 1988, the South Carolina Procurement Review Panel received your letter of December 15, 1988, filing a protest on behalf of your client First Capital Leasing and Investment, Inc. From your letter it appears your client is protesting the award of lease purchase financing for renovations and additions to the Williamsburg County jail.

Section 11-35-40 of the Consolidated Procurement Code provides:

This code shall apply to every expenditure of funds by this State under contract acting through a governmental body as herein defined irrespective of the source of the funds . . .

Section 11-35-310(18) defines "Governmental body" to mean:

[A]ny state government department, commission, council, board, bureau, committee, institution, college, university, technical school, legislative body, agency, government corporation, or other establishment or official of the executive, judicial or legislative branches of this State. Governmental body excludes the General Assembly and all local political

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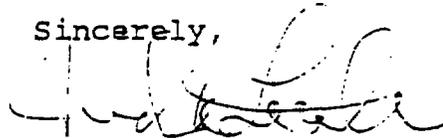
subdivisions such as counties,
municipalities, school districts or public
service or special purpose districts.

(Emphasis added).

Please be advised that, under the above-quoted sections, the Procurement Review Panel has no jurisdiction over the expenditure of funds by counties and, therefore, has no authority to hear your client's protest.

If the Panel misunderstands the nature of your client's protest, please let me know immediately. Otherwise, the protest of First Capital Leasing and Investment, Inc., is hereby dismissed for lack of jurisdiction.

Sincerely,



Hugh K. Leatherman, Sr.
Chairman, South Carolina
Procurement Review Panel

cc: Charles David Barr, Esq.