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December 20, 2019

VIA EMAIL

Delbert H. Singleton Jr., Division Director
Procurement Services Division
State Fiscal Accountability Authority
1201 Main Street, Suite 600
Columbia, SC 29201
delbert@oed.sc.gov

RE: Procurement of goods, products, and services from the Department of Corrections' Division of Prison Industries

Dear Director Singleton:

The House Legislative Oversight Committee's Department of Corrections Ad Hoc Subcommittee is currently performing an oversight study of the Department of Corrections (SCDC). The purpose of legislative oversight is to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether or not they should be continued, curtailed, or even eliminated. Any House Member may file legislation to implement the Committee's recommendations.

The purpose of this letter is to seek input from your office about its statutory requirements in S.C. Code of Laws Section 24-3-330(b). For ease of reference, a copy of the statute is below.

Section 24-3-330. Purchase of products produced by inmate labor by State and political subdivisions.

(A) All offices, departments, institutions, and agencies of this State supported in whole or in part by this State shall purchase, and all political subdivisions of this State may purchase, from the Department of Corrections, articles or products made or produced by inmate labor in this State or another state as provided for by this article. These articles and products must not be purchased by an office, a department, an institution, or an agency from another source, unless excepted from the provisions of this section, as provided by law. All purchases must be made from the Department of Corrections, upon requisition by the proper authority of the office, department, institution, agency, or political subdivision of this State requiring the articles or products.

(B) The Materials Management Office of the Division of General Services shall monitor the cooperation of state offices, departments, institutions, and agencies in the procurement of goods, products, and services from the Division of Prison Industries of the Department of Corrections.

Based on our review of the statute's history, it appears subpart (B), which includes the Materials Management Office's (MMO's) responsibilities, was added in 1995 (1995 Act No. 7, Part II, Section 55). Please explain how MMO/Procurement Services monitors cooperation of state offices, departments, institutions, and agencies in the procurement of goods, products, and services from the Division of Prison Industries of the Department of Corrections. Additionally, please provide a list of data MMO maintains related to this responsibility.

Also, please provide a list of exemptions to the procurement process, including, but not limited to, the requirement of Joint Bond Review Committee review, and for each, please provide (a) the exemption granted, (b) to whom it was granted, and (c) basis for granting it.

Please respond to these questions by Tuesday, January 14, 2020. Additionally, the subcommittee welcomes any other input or feedback your office would like to provide. Thank you and your team for your service to the people of South Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward R. Tallon Sr.", with a stylized flourish at the end.

Edward R. Tallon Sr.
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton
Department of Corrections Ad Hoc Subcommittee
Department of Corrections