**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑35‑57 SO AS TO PROVIDE THE CIRCUMSTANCES UNDER WHICH THE STATE MAY PROCURE PORTABLE SOLAR POWER GENERATOR SYSTEMS AND TO PROVIDE CERTAIN WAIVERS.

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

SECTION 1. Article 1, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11‑35‑57. (A) A governmental body or political subdivision only may procure portable solar power generator systems if the system:

(1) has security‑sensitive component parts that are manufactured in the United States including, but not limited to, the inverter, photovoltaic panels, and power controller;

(2) is manufactured in the United States;

(3) has an aggregate cost of the product’s domestic components that is at least eighty‑five percent of the total cost of the product’s components; and

(4) has battery components that are sourced from a company located in a country that is:

(a) a party to the World Trade Organization Government Procurement Agreement;

(b) a party to a free trade agreement;

(c) a least developed country; or

(d) a Caribbean Basin country.

(B) The provisions of subsection (A)(2) through (4) may be waived if the chief procurement officer or the chief procurement officer of the political subdivision, as applicable, certifies in writing that the compliant products are:

(1) not available in sufficient quantities to satisfy the public interest in a timely manner; or

(2) available only at a cost that is at least seventy‑five percent greater than the cost of the similar noncompliant systems.

(C) If the provisions of this section are waived pursuant to subsection (B), the waiver remains in effect only for as long as the conditions provided in subsection (B) remain in effect.”

SECTION 2. This act takes effect upon approval by the Governor.

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