

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

BEFORE THE SOUTH CAROLINA
PROCUREMENT REVIEW PANEL

IN RE:

CASE NO.: 2014-1

Sodexo Operations, LLC,

CONSENT ORDER

v.

Francis Marion University,

(Contract Controversy)

This matter is before the South Carolina Procurement Review Panel (the Panel) for administrative review pursuant to sections 11-35-4230(6) and 11-35-4410(1)(a) of the South Carolina Consolidated Procurement Code (the Procurement Code). On March 24, 2014, Sodexo Operations, LLC (Sodexo) appealed the March 12, 2014, Order of the Chief Procurement Officer (the CPO) denying its request that Francis Marion University (FMU) pay current and ongoing sales taxes on board meal plans to FMU students and reimburse Sodexo for state sales taxes incurred on board meal plans to students at FMU for the 2012 – 2013 and 2013 – 2014 school years.

On May 22, 2014, the Panel convened a hearing to address several motions filed by Sodexo and FMU. The Panel ruled on the motions by Order dated June 4, 2014. As a result of the Panel's rulings on the motions, a hearing on the merits of Sodexo's appeal was moved to August 5, 2014, to allow the parties to conduct limited discovery as specified in the Panel's Order.

On July 1, 2014, the parties notified the Panel that Sodexo and FMU had been in discussions to resolve the sales tax issue that is before the Panel. The parties requested and consented to a sixty (60) day stay or postponement of this matter in order to continue

discussions. On July 17, 2014, the Panel issued a Notice of Hearing Cancellation announcing the August 5, 2014 hearing had been canceled and may be re-scheduled at a later date.

On November 13, 2014, the Panel issued a Hearing Notice to the parties scheduling the hearing on February 25, 2015. Since that time, Sodexo and FMU have discussed and are in favor of participating in mediation in an attempt to resolve the parties' dispute that is before the Panel. The parties have requested and consented to stay or postponement of this matter in order to facilitate this meditation.

Based upon the parties' consent as stated above, the Panel hereby stays this matter. Therefore, all deadlines are hereby stayed and the hearing scheduled for February 25, 2015, is continued until a date and time after completion of mediation, which is anticipated to occur in early March 2015. If the parties are unable to resolve this matter within the time requested, they shall notify the Panel to revise the scheduling order to complete discovery and reset the hearing.

Nothing in this Order shall be construed to extinguish, waive, or prejudice the rights or defenses of any party.

AND IT IS SO ORDERED.

SOUTH CAROLINA PROCUREMENT REVIEW PANEL

BY: 
C. Brian McLane, Sr., Chairman

WE SO MOVE AND CONSENT:

LEE, ERTER, WILSON, ERTER, HOLLER &
SMITH, LLC

COLLINS & LACY, P.C.

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Columbia, South Carolina
January 29, 2015

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