

STATE OF SOUTH CAROLINA)	BEFORE THE SOUTH CAROLINA
)	PROCUREMENT REVIEW PANEL
COUNTY OF RICHLAND)	
)	
)	CASE NO. 2001-6
In re:)	
Protest of Comfort Enterprises)	
)	ORDER
)	
Appeal by Comfort Enterprises)	
)	

This case came before the South Carolina Procurement Review Panel (Panel) on June 5, 2001, by way of written appeal from Comfort Enterprises (Comfort) of a decision by the Chief Procurement Officer finding its bid nonresponsive.

FACTUAL BACKGROUND

After notifying Comfort in June of the Panel Procedures requiring incorporated business entities to be represented by an attorney, this agency postponed scheduling a hearing awaiting notice from Comfort as to what attorney would be representing them. On July 9, 2001, the Panel notified Comfort that thirty days had passed and the Panel had not received any information on who would be representing Comfort before the Panel. Thereafter, Comfort's president, Eric Hoffrichter, notified the Panel that Comfort was not an incorporated business and that he would be representing Comfort in this appeal. Mr. Hoffrichter further requested that the Panel consider an alternate procedure for handling Comfort's appeal hearing so that he would not have to personally appear before the Panel. On August 6, 2001, Mr. Hoffrichter was notified that as an appeal body, the Panel records sworn testimony at all hearings and that attendance would be mandatory. Mr. Hoffrichter was also informed that failure to comply with Panel Procedures could result in the in the dismissal of Comfort's appeal.

On September 19, 2001 all parties to the Comfort appeal were notified and given several dates in October for a hearing. The Panel requested that all parties communicate their availability for a hearing in October no later than October 1, 2001. All parties to the appeal, with the exception of Comfort, complied with the Panel's request. On October 3, 2001 the Panel notified Mr. Hoffrichter that Comfort's appeal was being dismissed for failure to comply with Panel Procedures.

CONCLUSION

For the forgoing reasons, the appeal by Comfort is dismissed and the decision of the CPO is upheld.

IT IS SO ORDERED.

**SOUTH CAROLINA PROCUREMENT
REVIEW PANEL**

BY: 

Gus J. Roberts, Chairman

Columbia, SC

October 24 ,2001