

STATE OF SOUTH CAROLINA

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BEFORE THE SOUTH CAROLINA

COUNTY OF RICHLAND

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PROCUREMENT REVIEW PANEL

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CASE NO. 2002-7

In re:

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Protest of Ondeo Nalco

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ORDER

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Appeal by Ondeo Nalco

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This case came before the South Carolina Procurement Review Panel ("Panel") on March 27, 2002, by way of a written request for administrative review from Ondeo Nalco ("Ondeo") of a decision by the Chief Procurement Officer ("CPO") dismissing its protest. The CPO issued a decision on March 18, 2002, after the Materials Management Office rejected Ondeo's proposal for Water Treatment Services for Clemson University as non-responsive.

FACTUAL BACKGROUND

Mr. Ian Eisner, District Account Manager, for Ondeo was called on April 3, 2002 and informed of the Panel Procedure requiring incorporated business entities to be represented by an attorney in order to participate in Panel hearings. On April 19, 2002, Mr. Eisner was further informed that when Ondeo retained an attorney to participate in the Panel hearing, the attorney must be licensed to practice law in South Carolina. On May 6, 2002, Ondeo was mailed a letter from the Panel stating in part the following:

...Your appeal was received in our office on March 27, 2002. It has been more than thirty days since your appeal was received. You are hereby notified that you have thirty days to obtain counsel or your case will be dismissed for failure to follow through with Panel Procedures.

As of June 6, 2002, the Panel had not received any correspondence from Ondeo regarding it retaining counsel. The Panel finds that Ondeo failed to follow through with Panel Procedures by not retaining counsel to handle its request for administrative review.

CONCLUSION

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

IT IS SO ORDERED.

**SOUTH CAROLINA PROCUREMENT
REVIEW PANEL**

BY: Patricia T. Smith
Patricia T. Smith, Chairman

Columbia, South Carolina

June 10, 2002