

STATE OF SOUTH CAROLINA	)	BEFORE THE SOUTH CAROLINA
	)	PROCUREMENT REVIEW PANEL
COUNTY OF RICHLAND	)	
	)	
	)	ORDER ON MOTION
	)	TO RECONSIDER
IN RE: Appeal by Qmatic, Inc.	)	
	)	Case No. 2012-3
	)	
BVB No. 5400003397	)	
Statewide Customer Queuing System	)	
for the South Carolina Department of	)	
Health and Environmental Control	)	
	)	

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This matter came before the South Carolina Procurement Review Panel (the Panel) for reconsideration on July 9, 2012, by motion of Q-matic Corporation (Qmatic). Qmatic requests the Panel to reconsider the ruling in its order dated June 28, 2012. The Panel issued the June 28th order granting summary judgment after considering the legal memoranda and oral arguments of the parties. The Panel did not hold a hearing on the motion to reconsider, but allowed all the parties to submit responsive legal memoranda to the motion.

After considering the written briefs of the parties, along with the provisions of the Consolidated Procurement Code and Panel precedent, the Panel finds that its June 28th order fully addressed the remedy issue raised on appeal by Qmatic and satisfied the statutory requirement of a *de novo* review. See S.C. Code Ann. § 11-35-4410(1) (2011) (The Panel has the responsibility “to review and determine de novo . . . requests for review of written determinations of the chief procurement officers . . . .”) and S.C. Code Ann. § 11-35-4410(5) (2011) (The Panel may either “conduct an administrative review or schedule a hearing to facilitate its administrative review.”) Furthermore, the Panel finds

that its order is supported by the evidence in the record. Therefore, the Panel denies Qmatic's motion to reconsider.

In its response to Qmatic's motion to reconsider, the South Carolina Department of Health and Environmental Control (DHEC) requested the Panel to impose sanctions upon Qmatic for filing a frivolous motion. The Panel finds that Qmatic's motion was filed in good faith and denies DHEC's motion for sanctions.

**IT IS SO ORDERED.**

**SOUTH CAROLINA PROCUREMENT REVIEW PANEL**

BY:   
**C. BRIAN MCLANE, SR., CHAIRMAN**

This 25<sup>th</sup> day of July, 2012.

Columbia, South Carolina