

1992-11(I)

South Carolina Procurement Review Panel

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June 30, 1992

Mr. Charles D. M. Taylor
State Coordinator
Carolina Alliance for Fair Employment
1 Chick Springs Road, Suite 103
Greenville, South Carolina 29609

In re: Carolina Alliance for Fair Employment
Case No. 1992-11

Dear Mr. Taylor:

The Procurement Review Panel is in receipt of your letter of June 10, 1992, clarifying Carolina Alliance for Fair Employment's protest of certain actions of the Citadel and ARA Services.

Please be advised that the Panel has jurisdiction only over matters arising under the South Carolina Consolidated Procurement Code, S. C. Code Ann. sections 11-35-10 et seq. (1986). Your clarification letter indicates that most of the matters you raise concern testimony and evidence about a state contract which was allowed into a hearing before the National Labor Relations Board. The Panel has no authority to interfere in such labor proceedings or to control ARA or the Citadel's conduct in such proceedings.

Your final two issues are arguably procurement matters - that is, consideration of work force stability and contractor integrity in renewing a contract. These issues, however, will not be ripe for consideration until such time as the contract is renewed and the State fails to consider the factors you mention.

Finally, it is unclear what interest Carolina Alliance for Fair Employment has in this matter. In order to have standing to bring a complaint before the Procurement Review Panel, the protestant must have a direct legal interest at stake, such as a party to the contract or a competitor

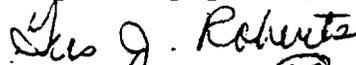
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seeking award of the contract. If Carolina Alliance for Fair Employment's sole interest in this contract is helping ARA's employees unionize, as it appears from your letter, this would not be a direct enough interest to confer standing on Carolina Alliance such that it could protest the renewal of ARA's contract before the Procurement Review Panel.

In order to bring a complaint before the Procurement Review Panel, Carolina Alliance must demonstrate that it has standing and that the issues it raises are truly procurement issues. To date, the Panel does not feel that Carolina Alliance has met this burden and therefore, the Panel has no jurisdiction over Carolina Alliance's complaints.

If you have any questions, please feel free to contact the Panel's attorney at the above address and phone number.

Very truly yours,



Gus J. Roberts (43)
Chairman

cc: Helen Zeigler, Esq.
James J. Forth
Virgil Carlsen