

1992-11(II)

South Carolina Procurement Review Panel

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August 10, 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:

This is in further response to Carolina Alliance for Fair Employment's letters dated June 10 and July 15, 1992, seeking review of the Citadel food service contract under S. C. Code Ann. section 11-35-4410(1).

Please be advised that, under the South Carolina Supreme Court's interpretation of section 11-35-4410(1) as set forth in Hitachi Corp. v. Leatherman, et al., filed this morning and attached hereto, the Panel lacks authority to hear Alliance's claim because there has been no protest or application for review of a "written determination" as provided in the Procurement Code.

In other words, because the Chief Procurement Officer has not heard (and cannot hear) this matter, there is no written determination to review. Therefore, Carolina Alliance's request for review of the Citadel food service contract is denied.

Sincerely,

Gus J. Roberts
Chairman

cc: Helen T. Zeigler, Esq.
Jim Rion, Esq.
James J. Forth, CPO
Virgil Carlsen