**THE STATE OF SOUTH CAROLINA**
**In The Supreme Court**

---

Edward D. Sloan, Jr., individually and as a Citizen, Resident, Taxpayer, and Registered Elector of the State of South Carolina, and on behalf of all others similarly situated, Petitioner,

v.

The Department of Transportation, an Agency of South Carolina, and the Commission of the Department of Transportation, Robert W. Harrell, John N. Hardee, Eugene Stoddard, F. Hugh Atkins, B. Bayles Mack, L. Morgan Martin, and J. M. Truluck, in their capacities as Commissioners thereof, Respondents.

---

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

---

Appeal From Richland County
G. Thomas Cooper, Jr., Circuit Court Judge

---

Opinion No. 26014

Heard April 6, 2005 - Filed July 25, 2005

---

**REVERSED**

---

Jennifer J. Miller and James G. Carpenter, both of The Carpenter Law Firm, PC, of Greenville, for Petitioner.

Franklin J. Smith, Jr., of Richardson, Plowden, Carpenter & Robinson, P.A., of Columbia, and William A. Coates, of Roe Cassidy Coates & Price, P.A., of Greenville, for Respondents.

---

**JUSTICE WALLER:** We granted a writ of certiorari to review Sloan v. Dep't of Transp., Op. No. 2003-UP-416 (S.C. Ct. App. filed June 19, 2003), in which the Court of Appeals found appellant Edward Sloan (Sloan) lacked standing to bring these actions challenging the procurement procedure used by the Department of Transportation (DOT) to award construction contracts. We reverse the Court of Appeals on the standing issue and the circuit court on the merits.

## FACTS

Sloan, a resident of Greenville County, brought these three separate actions, which were consolidated for trial, challenging the procurement procedures used in the construction of: the Carolina Bays Parkway in Horry County, the Cooper River Bridge, and Highway 170 in Beaufort County. [1] Sloan alleges the DOT violated statutory bidding requirements because these

[1] Sloan also sought to enjoin the procurement of the Cooper River Bridge project. At the time of the hearing, construction had begun on the Carolina Parkways and Highway 170 and final funding was in the process of being secured for the Cooper River Bridge. The respondents represented that the Cooper River Bridge project would be similarly procured and it was.

construction projects were procured by Requests for Proposals ("RFPs") rather than competitive sealed bids.[2]

Both parties moved for summary judgment. The circuit court found Sloan did not have taxpayer standing or a particularized interest in the controversy. However, the court found standing because the issues involved "great public importance" and the same procedure would be used in the future. The court then granted the DOT summary judgment on the merits.[3] Alternatively, it found laches barred the actions regarding Carolina Bays Parkway and Highway 170.

The Court of Appeals reversed in part and affirmed in part. The Court of Appeals affirmed the circuit court's ruling that Sloan did not have taxpayer standing or a particularized interest in the controversy. The Court of Appeals, however, reversed the circuit court's finding that Sloan had standing and did not address the merits of the case or whether laches barred any of the actions.

## ISSUES

1) Is this case moot?
2) Does Sloan have standing?
3) Did the circuit court err in granting the DOT summary judgment?

## DISCUSSION

### 1) Mootness[4]

[2]The Court has ruled that the bonding issue raised in the trial court is not properly before it. (Order filed Sept. 22, 2004.)

[3]The parties agreed that there were no factual determinations for the circuit court to make.

[4]After oral argument in this case, the DOT filed a motion to dismiss on the ground that an opinion is now moot because of the enactment of recent legislation which allows the DOT to award construction contracts using a design/build procedure. The legislation became effective June 14, 2005. We denied the motion to dismiss. This opinion is not moot as there may be other contracts which were awarded by the DOT prior to the enactment of this legislation.

The DOT contends this case should be dismissed as moot because the construction contracts have been awarded and fully performed. We disagree.

"[A]n appellate court can take jurisdiction, despite mootness, if the issue raised is capable of repetition but evading review." Curtis v. State, 345 S.C. 557, 568, 549 S.E.2d 591, 596 (2001). Additionally, "if a decision by the trial court may affect future events, . . . an appeal from that decision is not moot, even though the appellate court cannot give effective relief in the present case." Id. Clearly, this issue is capable of repetition, yet will usually evade review. Accordingly, despite mootness, we will address the merits.

**2) Standing**

The circuit court found the issues raised by Sloan were of such public importance that standing should be conferred upon him. The Court of Appeals reversed and held Sloan did not have standing because, even though raising an issue of public importance, he failed to show a nexus between himself and the actions. Sloan contends this was error. We agree.

Under the public importance exception, standing may be conferred upon a party "when an issue is of such public importance as to require its resolution for future guidance." Baird v. Charleston Cty., 333 S.C. 519, 531, 511 S.E.2d 69, 75 (1999). This Court has never held that there must be no other potential plaintiffs with a greater interest in the case or some other nexus, as the respondents now argue.

This Court recently noted that standing is not inflexible and standing may be conferred upon a party when an issue is of such public importance as to require its resolution for future guidance. Sloan v. Wilkins, 362 S.C. 430, 608 S.E.2d 579 (2005)(holding Sloan had standing to challenge legislative enactment). Additionally, both this Court and the Court of Appeals have found standing in other cases of important public interest without requiring the plaintiff to show he has an interest greater than other potential plaintiffs. See id.; Sloan v. Sanford, 357 S.C. 431, 593 S.E.2d 470 (2004)(holding

standing to challenge governor's commission as officer in Air Force reserve); Sloan v. Greenville Cty., 356 S.C. 531, 548, 590 S.E.2d 338, 347 (Ct.App. 2003)(holding plaintiff had standing to bring declaratory judgment action alleging county failed to comply with ordinances governing procurement). Furthermore, in an extremely similar case, Sloan v. School Dist. of Greenville Cty., the Court of Appeals held that in addition to Sloan's standing as a taxpayer, Sloan had standing because the "issues involved 'are of such wide concern' that this declaratory judgment action should be decided for future guidance in the expenditure of public funds pursuant to competitive sealed bidding requirements." 342 S.C. 515, 524, 537 S.E.2d 299, 304 (Ct. App. 2000). None of these cases required the plaintiff show the absence of any other potential plaintiffs with a greater interest or any other nexus. Accordingly, ***despite the mootness in the present case***, we find Sloan has standing ***to raise this issue***.

3) **Merits**

Generally, there are two ways through which a construction contract may be awarded: 1) RFPs or Design/Build process; and 2) Invitation for Bids or Design /Bid/Build process, also referred to as competitive sealed bidding. The Court of Appeals recently addressed the differences between these two processes in Sloan v. Greenville Cty., 356 S.C. 531, 540, 590 S.E.2d 338, 343. In that case, Sloan brought an action against Greenville County alleging it failed to comply with county ordinances governing the procurement of construction services when it awarded contracts for the completion of three public works projects. As explained by the Court of Appeals, contracts awarded by the competitive sealed bidding proceed in multiple stages. Id. An architect or other design professional is hired to prepare initial plans and specifications for the project and after approval of these initial plans, a bid package is developed to publicly solicit bids from contractors to perform the work. The lowest bidder is awarded the project. Id.

However, the RFP or Design/Build procurement method differs from traditional competitive sealed bidding in two important ways. First, under the

Design/Build method, there is only one contract for both the design and construction of the project. Second, the Design/Build method allows for subjective evaluations to be made when awarding the contract. Price does not have be the sole or primary criterion for evaluating the proposals. Id. "It is design-build's lack of objective, bright-line criteria that raises concerns about its use. Critics espouse that design-build vests too much discretion with the governing body regarding when and to whom public contracts are awarded. Because price is not a controlling factor in design-build source selection, the public entity may not always receive the lowest, most competitive price possible." Id. at 541, 590 S.E.2d at 344. Sloan contends that using the Design/Build method also limits the number of potential vendors who can submit proposals because construction companies without design capability cannot make proposals.

The DOT's discretion to use Design/Build method instead of competitive sealed bidding ***was*** limited by S.C. Code § 57-5-1620. This section provides:

> Awards by the department of construction contracts for ten thousand dollars and more shall be made only after the work to be awarded has been advertised for at least two weeks in one or more daily newspapers in this State, but where circumstances warrant, the department may advertise for longer periods of time and in other publication media. Awards of contracts, if made, shall be made in each case to the lowest qualified bidder whose bid shall have been formally submitted in accordance with the requirements of the department. However, in cases of emergencies, as may be determined by the Director of the Department of Transportation, the department, without formalities of advertising, may employ contractors and others to perform construction or repair work or furnish materials and supplies for such construction and repair work, but all such cases of this kind shall be reported in detail and made public at the next succeeding meeting of the commission.

(emphasis added). Sloan contends the respondents violated § 57-5-1620 by awarding the construction contracts to someone other than the lowest qualified bidder (i.e. using the Design/Build process). The respondents contend the DOT had other statutory authority to use the Design/Build procurement methods and, in any event, it does not matter because the DOT awarded the contracts to the lowest bidders complying with § 57-5-1620.

Agreeing with the DOT, the circuit court found it had complied with § 57-5-1620 because each project was ultimately awarded to the lowest bidder. Sloan contends this was error. We agree. The fact that these three contracts were awarded to the lowest bidder is irrelevant. As discussed above, the issue in this specific case is moot because the contracts have been awarded and fully performed. However, as discussed above despite this mootness ***as to these three contracts***, we have determined we should address the issue of whether the DOT ***should have followed § 57-5-1620 in awarding other contracts.***

The DOT cites several statutes which it claims gave it the authority to use the Design/Build process. However, these statutes ***did*** not specifically grant it the authority to use the Design/Build procurement method. Further, ***when these contracts were awarded***, there ***was*** no repeal by implication of § 57-5-1620 nor ***was*** there a conflict between it and the other statutes cited by the respondents. In re Keith Lamont G., 304 S.C. 456, 405 S.E.2d 404 (1991)(holding statutory sections that are part of the same general statutory law must be construed together). While the DOT has determined that the Design/Build method is more desirable, nothing in the statutes it cites requires the DOT to use it. Furthermore, to hold as the respondents argue would render § 57-5-1620 meaningless. Accordingly, we hold the circuit court erred and the DOT ***must have followed § 57-5-1620 in awarding contracts***.

The circuit court judge also determined two of the three actions were barred by laches.[5] The Court of Appeals, after holding Sloan did not have

[5]Laches is neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done." Muir v. C.R.

standing, specifically declined to address the laches issue. On appeal to this Court, Sloan failed to raise the laches issue. The failure to appeal an alternative ground of the judgment below will result in affirmance. South Carolina Tax Comm'n v. Gaston Copper Recycling Corp., 316 S.C. 163, 447 S.E.2d 843 (1994). See Town of Mt. Pleasant v. Jones, 335 S.C. 295, 516 S.E.2d 468 (Ct.App.1999) (holding an unappealed ruling becomes the law of the case, and the appellate court must assume the ruling was correct). However, even if laches bars two of Sloan' actions, the third one remains. Accordingly, laches does not prevent this Court from reviewing this issue.

Sloan seeks a remand to the Court of Appeals for a determination regarding the bond issue. This Court entered an order on September 22, 2004, striking from Sloan's brief any argument on the bond issue as procedurally barred because he failed to include the issue in his petitions for rehearing and certiorari citing Rule 226(d)(2), SCACR (only questions raised in Court of Appeals and in petition for rehearing shall be included in petition for writ of certiorari). Accordingly, this issue was not preserved for review. Rule 226(d)(2), SCACR; see also Anonymous v. State Bd. of Med. Examiners, 329 S.C. 371, 496 S.E.2d 17 (1998). We cannot remand an issue not properly before us. Accordingly, we deny Sloan's request for a remand.

**REVERSED.**

**TOAL, C.J., MOORE and BURNETT, JJ., concur. PLEICONES, JJ., dissenting in a separate opinion.**

---

Bard, Inc., 336 S.C. 266, 296, 519 S.E.2d 583, 598 (Ct.App.1999). Under laches, if a party who knows his rights does not timely assert them, and by his delay, causes another party to incur expenses or otherwise detrimentally change his position, then equity steps in and refuses to enforce those rights. Id., 519 S.E.2d at 599.

**JUSTICE PLEICONES:** I respectfully dissent. In my opinion, Sloan lacks standing to bring this action.

As the majority states, this case presents an issue of great public importance. However, "[t]he mere fact that the issue is one of public importance does not confer upon any citizen or taxpayer the right to invoke per se a judicial determination of the issue." Crews v. Beattie, 197 S.C. 32, 49, 14 S.E.2d 351, 358 (1941). I agree with the Court of Appeals that the existence of potential plaintiffs with greater interests, while not determinative in all cases, here weighs heavily against finding standing.

The potential plaintiffs with interests greater than Sloan's are the companies to which the bid was not awarded. Large amounts of money are at stake in bidding competitions, so a losing bidder has a strong incentive to take action if the process appears in violation of the law. That no such bidder is now before the Court does not mean that Sloan automatically has standing. When there exist numerous potential plaintiffs that have been directly and significantly affected, a court should be very reluctant to confer standing upon a member of the general public who can allege no particular harm. Third-party standing is supposed to be the exception, not the rule.

The recent opinions of this Court cited by the majority are distinguishable from the case *sub judice*. Sloan v. Wilkins, 362 S.C. 430, 608 S.E.2d 579 (2005); Sloan v. Sanford, 357 S.C. 431, 593 S.E.2d 470 (2004). Neither Wilkins nor Sanford involved potential plaintiffs capable of alleging such direct, distinct harm as that which the losing bidders could allege here.

In my opinion, Sloan lacks standing to bring this action. The Court of Appeals' decision should be affirmed.

**THE STATE OF SOUTH CAROLINA**
**In The Court of Appeals**

---

Edward D. Sloan, Jr.,
individually and as a Citizen,
Resident, Taxpayer and
Registered Elector of the State of
South Carolina, and on behalf of
all others similarly situated, Appellant/Respondent,

v.

The Department of
Transportation, an Agency of
South Carolina, and the
Commission of the Department
of Transportation, Robert W.
Harrell, John N. Hardee, Eugene
Stoddard, F. Hugh Atkins, B.
Bayles Mack, L. Morgan Martin,
and J. M. Truluck, in their
capacities as Commissioners
thereof, Respondents/Appellants.

---

Appeal From Richland County
G. Thomas Cooper, Jr., Circuit Court Judge

---

Unpublished Opinion No. 2003-UP-416
Submitted May 12, 2003 – Filed June 19, 2003

---

**AFFIRMED IN PART, REVERSED IN PART**

---

Jennifer J. Miller, of Greenville; for Appellant-Respondent.

Franklin J. Smith, Jr., of Columbia; William A. Coates, and Chace D. Campbell, both of Greenville; for Respondents-Appellants.

**PER CURIAM:** Edward Sloan brought three actions against the South Carolina Department of Transportation and the Commissioners of the Department of Transportation (collectively referred to as DOT), alleging DOT violated South Carolina Code sections 57-5-1620 and -1660 (Supp. 2002) when it awarded construction contracts on three large highway projects: (1) the Carolina Bays Parkway in Horry County, (2) the widening of Highway 170 in Beaufort County, and (3) the Cooper River Bridge in Charleston County. After the actions were consolidated for trial in Richland County, the trial court allowed Sloan to proceed with the lawsuit on the basis of the public importance of the litigation, but also found Sloan lacked both taxpayer standing and a particularized interest in the controversy. On the merits, however, the trial court held for DOT on all of Sloan's claims. Both sides appeal. We affirm the trial court's findings that Sloan did not have either taxpayer standing or a particularized interest in the litigation and reverse the trial court's determination that Sloan had standing based on the public importance of the lawsuit.[1]

## FACTS

On January 15, 1999, DOT issued a request for qualifications (RFQ) for the design and construction of the Carolina Bays Parkway in Horry County. Four firms submitted qualifications and three were determined to be

---

[1] Because oral argument would not aid the court in resolving the issues on appeal, we decide this case without oral argument pursuant to Rule 215, SCACR.

qualified. The three firms were each issued a request for proposal (RFP), listing the requirements of the project and the maximum price to be paid. Of the three, Palmetto Transportation Constructors was selected for the project. The bid of Palmetto Transportation Constructors to accomplish the entire project was $225.5 million, which was the lowest submitted bid.

On February 3, 1999, DOT issued an RFQ for improvements to Highway 170 in Beaufort County. Nine firms responded, of which DOT determined six were qualified. DOT invited each qualified firm to submit a proposal for the project. Of the six, Balfour Beatty Construction submitted the lowest bid and its proposal was determined to be the most advantageous to the State.

On July 14, 2000, DOT issued an RFQ for the Cooper River Bridge Project in Charleston County. Three firms responded and all three were found qualified to bid on the project. All three responded to the RFP that was issued. At the time of trial, no proposal had been selected, but the RFP indicated DOT would select the proposal least costly to the State.

The main funding for the Highway 170 project was from revenue bonds issued by the South Carolina Transportation Infrastructure Bank (SIB); however, DOT admitted 1.7 per cent of the total contract cost had been paid out of cash reserves created from the general revenue.

The funding for the Carolina Bays project was entirely from revenue bonds issued by the SIB. Although the funding for the Cooper River Bridge project had not been fully determined when the appealed order was issued, counsel for DOT averred that no general tax revenue would be used to fund the project.

On the Carolina Bays project, DOT accepted a guaranty from the parent company of the construction firm whose proposal was accepted. DOT did not require a separate performance bond from a separate commercial entity as surety.

Sloan filed three separate actions against DOT challenging the three procurements and alleging violations of statutory bonding and competitive bidding requirements. In each action, Sloan sought declaratory and injunctive relief.

Both parties moved for summary judgment. Sloan asserted the RFPs violated South Carolina Code section 57-5-1620 (Supp. 2002), which gives the procedure for awarding construction projects totaling $10,000 or more. Sloan also claimed the guaranty received from the parent company on the Carolina Bays project did not meet the requirements of South Carolina Code section 57-5-1660 (Supp. 2002). DOT moved for summary judgment alleging (1) Sloan lacked standing to bring the suit, (2) the method employed by DOT was proper under the statutes, (3) the projects were awarded to the lowest bidders, (4) DOT complied with the bonding process in section 57-5-1660, and (5) the suit was barred by laches.

The trial court found Sloan lacked both taxpayer standing and a particularized interest in the three projects to bring a lawsuit; however, the trial court concluded Sloan nevertheless had standing because of the great public importance of the matters raised. As to the merits of the case, however, the trial court held that DOT's procedures in awarding the contracts were proper and that the actions regarding the Carolina Bays and Highway 170 projects were barred by laches.[2]

## LAW/ANALYSIS

On appeal, Sloan contends that the trial court erred in rejecting his claims to standing based on taxpayer status and a personalized nexus to the litigation. In its appeal, DOT contends the trial court erred in determining Sloan raised issues of significant public interest to give him standing to maintain the lawsuit. We hold (1) Sloan's status as a state taxpayer did not confer standing to bring this action, (2) Sloan failed to show he had the requisite personal stake in the litigation to maintain the lawsuit, and (3) there

[2] At the hearing, counsel for both sides acknowledged there were no genuine issues of material fact and the case should be decided as a matter of law.

was no overwhelming public interest that would warrant a finding of standing where it otherwise would not exist.

## I. Taxpayer Standing

"The general rule is that a taxpayer may not maintain a suit to enjoin the action of State officers when he has no special interest and his only standing is the exceedingly small interest of a general taxpayer."[3] Nevertheless, "[a] citizen and taxpayer has standing as such to contest the expenditure of public funds under an alleged unconstitutional statute."[4]

The cases cited by Sloan as authority for the proposition that he has taxpayer standing to bring this action all involve standing for a municipal or county taxpayer. Here, however, Sloan bases his standing on his status as a state taxpayer. He does not allege the statutes in question, South Carolina Code sections 57-5-1620 and -1660, are unconstitutional. Rather, he alleges only statutory violations in the methods employed by DOT in awarding the contracts for the various projects.

As this court observed in Sloan v. School District of Greenville County,[5] there is a difference between a municipal or county taxpayer and a state taxpayer in terms of what must be demonstrated in order to have

---

[3] Crews v. Beattie, 197 S.C. 32, 49, 14 S.E.2d 351, 357-58 (1941); see also, Beaufort County v. Trask, 349 S.C. 522, 529, 563 S.E.2d 660, 664 (Ct. App. 2002) ("[A]bsent a truly individual injury, . . . a taxpayer plaintiff[ ] must demonstrate some overriding public purpose or concern to confer standing to sue on behalf of her fellow taxpayers.").

[4] Shillito v. City of Spartanburg, 214 S.C. 11, 22, 51 S.E.2d 95, 99 (1948); see also Myers v. Patterson, 315 S.C. 248, 433 S.E.2d 841 (1993) (finding standing because the plaintiffs alleged that the expenditure that they were challenging violated the constitution).

[5] 342 S.C. 515, 537 S.E.2d 299 (Ct. App. 2000).

standing. In that case, the county taxpayers whom the plaintiff purported to represent were deemed to constitute only a comparatively small part of the general public; hence, their interest in the lawsuit was distinct from that of the general public, which included people outside the county.[6] In contrast, the taxpayers of the State of South Carolina, on whose behalf Sloan has filed the present action, comprise a class that represents a very large portion of the general public. We therefore hold Sloan's interest in this case is not specific or distinct from that of the general public; therefore, his status as a taxpayer of the State of South Carolina would be insufficient to confer standing in this instance.

## II. Particularized Interest

We further agree with the trial court that any harm Sloan alleged would be de minimis at best. Two of the projects, the Carolina Bays and Cooper River Bridge, did not utilize general taxpayer funds. The Highway 170 project used approximately $1,383,331.25 in taxpayer funds, or about 1.7 per cent of the cost of the project. According to DOT's calculations, this amount divided by the number of taxpayers in the State would be $0.35 per taxpayer. Sloan, therefore, had no special interest in the litigation that would accord him taxpayer to bring the lawsuit.[7]

---

[6] Id. at 519-20, 537 S.E.2d at 301.

[7] We do not address Sloan's contention that he had standing because he was challenging an ultra vires act by the State. The trial court did not rule on this argument in the appealed order, and Sloan failed to raise the issue in any post-trial motions. See Noisette v. Ismail, 304 S.C. 56, 403 S.E.2d 122 (1991) (holding that, when the trial court does not explicitly rule on a question and the appellant fails to move to alter or amend the judgment on that ground, the issue is not properly before the court of appeals and should not be addressed).

## III. Public Importance

The trial court found the issues presented in the lawsuit were of such significant public importance to warrant a finding that Sloan had standing on this ground. We disagree.

Regarding the right of an individual to obtain injunctive relief against an action by the State, the supreme court has held that "[t]he mere fact that the issue is one of public importance does not confer upon any citizen or taxpayer the right to invoke per se a judicial determination of the issue."[8] In so holding, the court explained that the basis for this rule is the "salutary public policy of limiting the judicial process to real controversies between the parties to the proceeding."[9]

In Carolina Alliance for Fair Employment v. South Carolina Department of Labor, Licensing, and Regulation,[10] this court found the plaintiff had standing based on the public importance of the issue of a worker's right to notice of the wage being offered. Although the plaintiff had not suffered any specific harm, there were no other potential plaintiffs with a greater interest in the case.[11]

In contrast, although the issue in this case is unquestionably important to the public, as any public works project would be, there are potential plaintiffs who were directly affected by DOT's actions in awarding the contracts on the three projects. Clearly, any of the firms whose bids were rejected would have a greater interest in DOT's procurement procedures than

---

[8] Crews, 197 S.C. at 49, 14 S.E.2d at 358.

[9] Id.

[10] 337 S.C. 476, 523 S.E.2d 795 (Ct. App. 1999).

[11] Id. at 488, 523 S.E.2d at 801.

did Sloan. None of these firms, however, brought suit alleging the procedures were improper.[12]

We therefore uphold the trial court's determinations that Sloan did not have taxpayer standing or standing based on a particularized interest in the lawsuit, but reverse the trial court's decision to allow Sloan to proceed with the case based on the public importance of the litigation.[13]

**AFFIRMED IN PART, REVERSED IN PART.**

**GOOLSBY and HOWARD, JJ., and BEATTY, A.J., concur.**

---

[12] In other cases in which the plaintiff was determined to have standing based on the public importance of the issues in the case, there were additional factors that would confer standing. See Baird v. Charleston County, 333 S.C. 519, 511 S.E.2d 69 (1999) (holding the plaintiffs had standing to sue to enjoin Charleston County's issuance of tax exempt bonds for the purchase and renovation of a medical care facility); Thompson v. South Carolina Comm'n on Alcohol and Drug Abuse, 267 S.C. 463, 229 S.E.2d 718 (1976) (holding the plaintiffs had standing to sue for declaratory and injunctive relief against allegedly unconstitutional provisions of the Uniform Alcoholism and Intoxication Treatment Act).

[13] We therefore do not address the arguments concerning the merits of the case or the trial court's findings regarding laches.