

Acting Chief Procurement Officer erred in concluding that this ground had not been timely raised in writing.

5. At the hearing, the attorney for Sterile Services stated that Sterile was waiving all of its grounds for protest except the two set forth in Paragraph 4 above.

CONCLUSIONS OF LAW

1. Section 11-35-4210(1) provides that "[t]he protest, setting forth the grievance, should be submitted in writing ...", and provides for certain time periods.

2. It is undisputed that Sterile's written protests filed prior to the hearing before the Acting Chief Procurement Officer did not in any way allude to the OSHA-20 form issue which Sterile sought to raise at the hearing. It is likewise undisputed that Sterile knew or should have known of that ground of protest no later than October 4, 1983, when it was provided with full information surrounding the award.

3. Sterile argued before the Panel that since its notice was in writing and made all concerned aware that a protest existed, Sterile could validly argue any ground of protest. The Panel disagrees. While the Panel does not intend to require that the specificity of protests be judged by highly technical or formal standards, the Panel concludes that § 11-35-4210(1) does require that the protest must in some way alert the parties to the general nature of the grounds

for protest. Since the present protest was admittedly devoid of any statement from which it could reasonably be deduced that the OSHA-20 form matter was intended to be a ground of protest, the Panel must conclude that the minimal requirements of § 11-35-4210(1) were not met.

4. Since the only ground which Sterile presented to the Panel was not timely raised in writing before the Acting Chief Procurement Officer, the Panel concludes that the appeal must be dismissed. In so doing, the Panel intimates no view as to the correctness of the Acting Chief Procurement Officer's decisions on matters which were not presented to the Panel for review.

AND IT IS SO ORDERED.

SOUTH CAROLINA PROCUREMENT REVIEW PANE


SENATOR HUGH K. LEATHERMAN, CHAIRMAN

December 19th, 1983