

STATE OF SOUTH CAROLINA)	BEFORE THE SOUTH CAROLINA
)	PROCUREMENT REVIEW PANEL
COUNTY OF RICHLAND)	
)	ORDER
IN RE: Protest of PC&C Enterprises,)	
LLC; Appeal by PC&C Enterprises,)	Case No. 2012-1
LLC)	
)	
IFB No. SB10353)	
(SCDOT Annual Contract for LED)	
Blankout Signs – Statewide))	
)	
)	

This matter is before the South Carolina Procurement Review Panel (the Panel) pursuant to a request for further administrative review by PC&C Enterprises, LLC (PC&C). On April 2, 2012, the Panel issued an order finding that PC&C was the actual bidder on the IFB issued by the South Carolina Department of Transportation (SCDOT) for an annual contract for LED Blankout Signs. Because Panel rules and precedent require business entities other than sole proprietorships to be represented by licensed South Carolina counsel, the Panel afforded PC&C ten business days in which to retain counsel. After the close of business on the tenth business day, April 16, 2012, George W. Penington, the owner of PC&C, sent a letter to the Panel’s counsel indicating that attorneys he had consulted with expressed concern regarding how quickly the matter would be scheduled for a hearing. On April 17, 2012, the Panel’s attorney advised Mr. Penington via e-mail that the Panel consulted with counsel for all parties prior to setting hearings and that he would be given until the end of the week, Friday, April 20, to notify the Panel whom PC&C had retained to represent its interests. Mr. Penington did not communicate with the Panel or its attorney until Sunday, April 22, when he sent the Panel’s attorney an e-mail indicating that PC&C had retained William L. Runyon, Jr., to

represent its interests before the Panel. On the morning of Monday, April 23, 2012, the Panel's attorney contacted Mr. Runyon by e-mail and asked him to confirm that he was indeed representing PC&C before the Panel. In response to this e-mail, Mr. Runyon both called the Panel's attorney and sent her an e-mail advising that he did not represent and had not been retained by PC&C. Furthermore, Mr. Runyon indicated that he had advised Mr. Penington in a meeting that he could not commit himself to PC&C's case because of his current caseload in federal court.

The Panel finds that PC&C has failed to meet the deadlines established by the Panel for retaining counsel, both on April 16th and then again on April 20th. Moreover, the Panel finds that Mr. Penington knowingly misrepresented to it that he had retained Mr. Runyon to represent PC&C's interests. Thus, the Panel finds that PC&C has repeatedly failed to comply with Panel procedure and precedent despite given ample opportunity to do so.

IT APPEARING THAT PC&C has failed to follow through on its responsibility in this case to retain legal counsel, the above matter is dismissed with prejudice.

IT IS SO ORDERED.

SOUTH CAROLINA PROCUREMENT REVIEW PANEL

BY: 

C. BRIAN MCLANE, SR., CHAIRMAN

This 26th day of April, 2012.

Columbia, South Carolina