

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
)
IN THE MATTER OF: BID PROTEST)
)
MSI CONSTRUCTION CO., INC.)
)
V.)
)
UNIVERSITY OF SOUTH CAROLINA)
)
INDEFINITE DELIVERY OF)
MECHANICAL CONTRACTING)
SERVICES)
PROJECT H27-D157-NA)
_____)

BEFORE THE CHIEF PROCUREMENT
OFFICER FOR CONSTRUCTION

DECISION

CASE NO. 2012-014

POSTING DATE:
APRIL 13, 2012

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from MSI Construction Co., Inc. (MSI), under the provisions of §11-35-4210 of the South Carolina Consolidated Procurement Code, for an administrative review on the Indefinite Delivery of Mechanical Contracting Services bid (the “Project”) for University of South Carolina (USC). MSI protests USC’s posting of a Notice of Intent to Award an indefinite delivery contracts to two of the eight awardees, Trane Comfort Solutions, Inc. (Trane) and Johnson Controls, Inc. (JCI). Pursuant to S.C. Code Ann. §11-35-4210(4), the CPOC conducted an administrative review. This decision is based on the evidence and applicable law and precedents.

NATURE OF THE PROTEST

MSI’s letter of protest is hereby incorporated by reference and is attached as Ex. 1.

UNDISPUTED FACTS

1. USC advertised for bids for the project on February 27, 2012. [Ex. 2]
2. The solicitation notified bidders that USC would award indefinite delivery contracts to the eight lowest bidders. [Ex. 2]
3. By the time for receipt of bids, USC received thirteen bids. [Ex. 3]
4. Trane submitted the low bid and JCI the sixth lowest bid. [Ex. 3]

5. On March 20, 2012, USC posted a Notice of Intent to Award an indefinite delivery contract to each of the eight lowest bidders, including Trane and JCI. MSI was the tenth lowest bidder. [Ex. 3 and 4]

6. On March 28, 2012, MSI protested USC's intended awards to Trane and JCI.

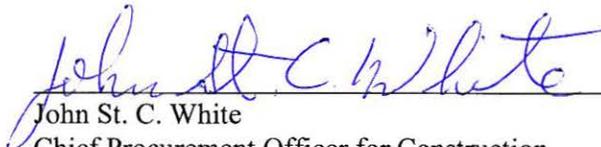
DISCUSSION

MSI protests the awards to Trane and JCI on the grounds that both companies are manufacturers of heating, ventilation, and air conditioning equipment and/or controls giving both a competitive advantage vis-à-vis entities such as MSI who are only mechanical contractors.¹ MSI further alleges this competitive advantage is unfair and one which both Trane and JCI are using to take projects away from traditional mechanical contractors. However, MSI does not allege any violation of the Consolidated Procurement Code or any other law. A competitive advantage and the use of such advantage is not in and of itself a violation of law. Having failed to allege any acts by USC in violation of the Consolidated Procurement Code, MSI's protest fails to state a claim for which relief can be granted.

DETERMINATION

The CPOC finds that MSI's protest fails to state a claim for which relief can be granted.

For the foregoing reason, protest denied.



John St. C. White
Chief Procurement Officer for Construction

13 April 12

Date

Columbia, South Carolina

¹ An examination of the bid tab does not suggest a clear competitive advantage. Trane's base bid was only \$995.00 less than the bid of State Mechanical Contracting and the total bid (base plus alternate) was only \$8,843 lower than the bid of State Mechanical Contracting. JCI's total bid (base plus alternate) was higher than Trane's and four other bidders.

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW
Protest Appeal Notice (Revised March 2012)

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: www.procurementlaw.sc.gov

FILE BY CLOSE OF BUSINESS: Appeals must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

FILING FEE: Pursuant to Proviso 83.1 of the 2011 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2011 S.C. Act No. 73, Part IB, § 83.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, an incorporated business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).

MSI **CONSTRUCTION COMPANY, INC.**

CREDIBILITY ACHIEVED THROUGH PERFORMANCE

745 Greenwood Rd., West Columbia, S.C. 29169 (803) 796-3324 Fax (803) 796-3482

March 28, 2012

Subject: USC-AIKEN IDC Contract H27-D157-NA (Chiller Replacement)

ATTN: Chief Procurement Officer for Construction, Office of State Engineer

MSI Construction is formally submitting a protest of the award of a USC Mechanical IDC Contract to two of the following companies:

Trane Comfort Solutions (low bidder)
Johnson Controls Inc (awarded IDC contract)

While the primary equipment on the USC-Aiken project is not manufactured by the above named firms, MSI feels that these businesses have an unfair advantage over their competition.

The average price for H27-D157-NA from thirteen bidders was \$ 99,181.00. Trane's winning price was \$ 68,870.00. The Johnson Controls price of \$ 9,270.00 for the temporary chiller was \$ 3,972.00 less than the next bidder Trane.

We feel it is clear that these companies have demonstrated their intent to use this clear advantage against their competition. There is the possibility on future IDC projects that Trane and/or Johnson Controls may build, sell and/or install the specified equipment. This will eliminate opportunities for mechanical contractors that are not actually manufacturer representatives.

Both Trane and Johnson Controls have current relationships and/or contracts with the University of South Carolina. Their mechanical devices and controls systems constitute a significant portion of the HVAC equipment present on the school's campuses.

At the present time there are at least 3 projects listed on USC's procurement website that list HVAC equipment and/or control systems by one of these two companies:

H27-6082-NA South Tower Mechanical Renovations
H27-6073-AC Maxcy College Renovations
H27-1987- USC Capstone Campus Room Renovations

This protest is to point out that Trane and Johnson Controls are first and foremost, equipment and controls manufacturers. Both companies are using this unfair equipment and systems advantage to take projects away from traditional mechanical contractors.

Therefore, I am requesting your consideration on this issue. If there is any additional information I could offer to you that would hasten this matter, please feel free to contact me.

Thank you for your time and consideration of this important matter.

Sincerely,

Danny Hagood

Mechanical Division Manager
Office: 803-796-3324

February 27, 2012

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Volume 32, Issue 17

**UPDATE OF RICHLAND COUNTY
SOLID WASTE MANAGEMENT PLAN**

REQUEST FOR PROPOSAL
RC-033-P-1112

Richland County Government Is Seeking Proposals from pre-approved engineering firms for the purpose of Updating the Richland County Solid Waste Management Plan

Richland County Solid Waste Department Is Seeking Proposals from pre-approved engineering firms for the purpose of updating the current solid waste plan. The selected firm shall demonstrate knowledge of solid waste planning as prescribed in the South Carolina Solid Waste Policy & Management Act of 1991 (44-96-80). The selected firm should demonstrate the knowledge & ability to update the October 2005 Richland County Solid Waste Management Plan (Plan).

One Original Sealed Proposal Clearly Marked "RC-033-P-1112, Update the Richland County Solid Waste Management Plan" shall be submitted in an enclosed & secured envelope/container; the container to shall be addressed to Paul F. Alcantar, Director, Solid Waste Department, 400 Powell Road, Columbia, SC 29203.

Additionally; Participants Must Submit one exact electronic copy of the original proposal via electronic mail (e-mail) to rcsolicitations@rcgov.us

Proposals Will Be Accepted any weekday from Monday through Friday (excluding County holidays & weekends) between 9:00am through 4:00pm, local time. Last day of acceptance for this solicitation is 4:00pm, Tuesday, March 13, 2012, local time.

Solicitation Packages May Be Obtained by accessing the Richland County procurement page at <http://www.richlandonline.com/departments/procurement/index.asp>

CONSTRUCTION

Invitation for Construction Bids

The information for State construction projects previously listed in the SCBO Notes is now addressed in the project manual.

Please verify requirements for non-State agency advertisements by contacting the agency / owner.

Projects expected to cost less than \$50,000 are listed under the Minor Construction heading.

Project Name: MAXCY COLLEGE
RENOVATION

Project Number: H27-6073-AC

Location: Columbia, SC

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: The project consists of the renovation of an approximately 45,000 SF, historic dormitory building. The construction activities include: Replacement of the existing HVAC system throughout the building, the upfit of two new faculty suites, resident hall director suite, four offices, a classroom, lobby, new dining room & a demonstration kitchen. Also included in the work will be associated plumbing, electrical & structural work. Construction will be performed during the summer while the building is not occupied. The general contractor will have 85 days to complete the work. Contractor's responsibility also includes removing & storing the existing furnishings in a manner to prevent damage & returning the furnishing to the original location. The contractor is also responsible for coordinating construction activities with USC Facilities, USC Fire Marshall, USC Security & USC Technology Service crews, furnishing contractors, equipment suppliers & others. The project will be constructed achieve a LEED Silver certification. Contractor may be subject to performance appraisal at close of project.

Construction Cost Range: \$2,197,000 - \$2,544,000

Architect/Engineer: JHS Architecture; Integrated Design

A/E Contact: Clint Burdett

A/E Address: 1812 Lincoln St., Ste. 300, Columbia, SC 29201

A/E Telephone: (803) 252-2400

A/E Fax: (803) 252-1630

A/E E-mail: cburdett@jhs-architects.com

Note: All questions & correspondence concerning this Invitation to Bid shall be addressed to the A/E.

Plans May Be Obtained From: ARC at (803) 254-2561 or <http://purchasing.sc.edu>

Plan Deposit: \$100.00, Refundable

Note: Only those bidding documents / plans obtained from the aforementioned sources are official. Bidders rely on copies of bidding documents / plans obtained from any other source at their own risk.

Pre-Bid Conf./Site Visit: Non-mandatory

Pre-Bid Date/Time: 3/8/12 - 10:00am

Place: 743 Greene St., Columbia, SC 29208

Agency/Owner: University of South Carolina

Name of Agency Procurement Officer: Michelle Adams, Procurement Manager

Address: 743 Greene St., Columbia, SC 29208

Telephone: (803) 777-0981

Fax: (803) 777-7334

E-mail: mdadams@fmc.sc.edu

Bid Closing Date/Time: 3/22/12 - 2:00pm

Place: 743 Greene St., Columbia, SC 29208

Hand Deliver/Mail Bids To: Kay Keisler, University of South Carolina - Facilities Center, 743 Greene St., Columbia, SC 29208

Project Name: INDEFINITE DELIVERY OF MECHANICAL CONTRACTING SERVICES

Project Number: H27-D157-NA

Project Location: University of South Carolina

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: Provide indefinite delivery of mechanical contracting services for all USC campuses statewide. The basis for this award will be determined by low bid for an actual project - USCA B&E Chiller Replacement. The contractor shall possess a Mechanical Contractor's License. **A total of eight mechanical contractors will be selected.** Small & minority business participation is encouraged. Contractor may be subject to performance appraisal at close of project.

Construction Cost Range: \$100,000 - \$250,000

Architect/Engineer: GMK Associates, Inc.

A/E Contact: Tom Weiland

A/E Address: 1201 Main St., Ste. 2100, Columbia, SC 29201

A/E E-mail: tweiland@gmka.com

A/E Telephone: (803) 256-0000

A/E Fax: (803) 256-9610

Note: All questions & correspondence concerning this Invitation to Bid shall be addressed to the A/E.

Bidding Documents/Plans May Be Obtained From:

<http://purchasing.sc.edu>

Plan Deposit: None

Note: Only those bidding documents / plans obtained from the aforementioned source are official. Bidders rely on copies of bidding documents / plans obtained from any other source at their own risk.

Bidding Documents/Plans Are Also on File for Viewing Purposes At: <http://purchasing.sc.edu>

Pre-Bid Conf./Site Visit: Not mandatory

Pre-Bid Date/Time: 3/7/12 - 11:30am

Place: USC-Aiken, Business & Education Building, Room 102, 471 University Pkwy., Aiken

Agency/Owner: University of South Carolina

Agency Procurement Officer: Michelle Adams, Procurement Manager

Address: 743 Greene St., Columbia, SC 29208

E-mail: mdadams@fmc.sc.edu

Telephone: (803) 777-0981

Fax: (803) 777-7334

Bid Closing Date/Time: 3/16/12 – 11:00am

Place: USC-Aiken, Business & Education Building, Room 102, 471 University Pkwy., Aiken

Hand Deliver/Mail Bids To: USC-Aiken, Attn.: Lisa Groft, Supply & Maintenance Building, 471 University Pkwy., Aiken, SC 29801

Project Name: B. J. SKELTON BUILDING RENOVATIONS PROJECT – FORMER CAREER & TECHNOLOGY CENTER

Project Number: 112-9-3-15

Project Location: 1400 Griffin Mill Rd., Easley, SC 29640

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: Renovation of approximately 25,000 square feet for conversion to new office spaces

Construction Cost Range: \$1 million - \$1.25 million

Architect/Engineer: Jumper Carter Sease Architects

A/E Contact: Lori Long

A/E Address: 412 Meeting St., West Columbia, SC 29169

A/E Telephone: (803) 791-1020

Plans May Be Obtained From: Jumper Carter Sease Architects

Plan Deposit: None

Pre-Bid Conf./Site Visit: Mandatory

Pre-Bid Date/Time: Thursday, 3/1/12 – 2:00pm

Place: B.J. Skellon Building, 1400 Griffin Mill Rd., Easley, SC 29640

Agency/Owner: School District of Pickens County

Name & Title of Agency Coordinator: Joe Tommie, Director of Construction Procurement

Address: 415 Ann St., Pickens, SC 29671

Telephone: (864) 397-1137

Fax: (864) 898-5200

E-mail: JoeTommie@pickens.k12.sc.us

Bid Closing Date/Time: Thursday, 3/15/12 – 11:00am

Place: Operational Services, 415 Ann St., Pickens, SC 29671

Hand Deliver/Mail Bids To: Pickens County School District, Operational Services, 415 Ann St., Pickens, SC 29671

Project Name: ASPHALT RESURFACING OF FIVE PROPERTIES FOR BERKELEY COUNTY SCHOOL DISTRICT

District Project Number: 358-(11-12)

Architect's Comm. Number: 1206

Project Locations: (1) Goose Creek High School, 1137 Red Bank Rd., Goose Creek, SC 29445; (2) Men Riv Education Park, 0 Pulaski St., Goose Creek, SC 29445; (3) St. Stephens Elementary School, 1053 Russellville Rd., St. Stephens, SC 29479; (4) St. Stephens Middle School, 225 Carolina Ave., St. Stephens, SC 29479; (5) Whitesville Elementary School, 324 Gaillard Rd., Moncks Corner, SC 29461

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: Asphalt replacement at five District properties

Architect/Engineer: F. W. Architects, Inc., AIA

A/E Contact: Dennis S. Ward, AIA, President

A/E Address: PO Box 2261, Florence, SC 29503

A/E Telephone: (843) 662-9961

A/E Fax: (843) 665-5065

A/E E-mail: dward@fw-architects.com

Plans on File At:

AGC: Columbia

Plans May Be Obtained From: F. W. Architects, Inc., AIA

Plan Deposit: \$30.00, non-refundable

CD-Rom Available: No

Pre-Bid Conf./Site Visit: None

Agency/Owner: Berkeley County School District

Name & Title of Agency Coordinator: Marcie Abrahamson, Procurement Officer

Address: 229 East Main St., Moncks Corner, SC 29461

Telephone: (843) 899-8558

Fax: (843) 899-8757

E-mail: marci@berkeley.k12.sc.us

Bid Closing Date/Time: Friday, 3/23/12 – 1:00pm

Place: Berkeley County School District Office, 229 East Main St., Moncks Corner, SC 29461

Hand Deliver Bids To: Berkeley County School District, Attn.: Marcie Abrahamson, Procurement Office, 229 East Main St., Moncks Corner, SC 29461. Bid package must be time-stamped no later than 12:59pm, Friday, 3/23/12

Mail Bids To: Berkeley County School District, Attn.: Marcie Abrahamson, Procurement Office, 229 East Main St., Moncks Corner, SC 29461

Project Name: CENTER FOR HYDROGEN RESEARCH – PARKING EXPANSION PROJECT

Project Number: 12-25-B

Project Location: 227 Gateway Dr., Aiken County, SC 29803

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: Expand parking facilities. The plans are available for review at Aiken County Procurement, Room 216, 828 Richland Ave. West, Aiken, SC 29801. Plans must be purchased from Hussey, Gay, Bell & DeYoung, Inc.

Construction Cost Range: Engineering estimate is \$61,000

Architect/Engineer: Hussey, Gay, Bell & DeYoung, Inc.

A/E Contact: Candace Mitchell

A/E Address: PO Box 7967, Columbia, SC 29202

A/E Telephone: (803) 799-0444

A/E E-mail: cmitchell@hgbd.com

Plans May Be Obtained From: Hussey, Gay, Bell & DeYoung, Inc.

Plan Deposit: \$50.00, non-refundable

Pre-Bid Conf./Site Visit: None

Agency/Owner: Aiken County

Name & Title of Agency Coordinator: Sharon Lyles, Chief Buyer

Address: 828 Richland Ave. West, Aiken, SC 29801

Telephone: (803) 642-1541

Fax: (803) 642-1543

E-mail: slyles@aikencountysc.gov

Bid Closing Date/Time: 3/14/12 – 3:00pm

Place: Aiken County Procurement, Room 216, 828 Richland Ave. West, Aiken, SC 29801

Hand Deliver/Mail Bids To: Aiken County, Procurement Office, Room 216, 828 Richland Ave. West, Aiken, SC 29801. Please indicate Project Number 12-25-B on the outside of the envelope

Project Name: WILSON CREEK W.W.T.P. UPGRADE – FILTER MODIFICATIONS

Davis & Floyd Project Number: 011980.00(0003)

Project Location: Greenwood, SC

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: The Filter Modifications Upgrade to the Wilson Creek WWTP includes removal of three existing traveling bridge sand filters & installation of two new cloth media filters. The two new cloth media filters are being pre-purchased by the owner & will be made available for installation by the contractor. The project also shall include construction of

This is certified to be a true copy.



University of South Carolina-Aiken
IDC Mechanical Contracting(B & E Chiller)/ Project # H27-D157-NA
Bid Opening, March 19, 2012 @ 11 am

Bidder	Ack. Add 1	Bid Bond	Base Bid	Alternate 1		Total (Base + Alt)
				Add To	Deduct From	
B & F Mechanical & Plumbing						
Bear Mechanical Services	X	X	\$ 143,000.00	\$ 18,700.00		\$ 161,700.00
Carolina Chillers Inc.						
Cayce Company	X	X	\$ 119,327.00	\$ 18,970.00		\$ 138,297.00
Cullum Constructors, Inc.	X	X	\$ 192,000.00	\$ 20,700.00		\$ 212,700.00
Cullum Services, Inc						
Emcor Services Aircond						
Heritage Construction Services						
International Public Works, LLC						
James M. Pleasants						
McCarter Mechanical, Inc.	X	X	\$ 93,219.00	\$ 15,875.00		\$ 109,094.00
MSI Construction	X	X	\$ 137,813.00	\$ 15,735.00		\$ 153,548.00
Palmetto Air and Water Balance						
State Mechanical Contracting	X	X	\$ 69,865.00	\$ 21,090.00		\$ 90,955.00
Steele's Heating and Air	X	X	\$ 119,881.00	\$ 25,368.00		\$ 145,249.00
Superior Maintenance and Piping						
Trane	X	X	\$ 68,870.00	\$ 13,242.00		\$ 82,112.00
Walker-White, Inc	X	X	\$ 99,300.00	\$ 19,250.00		\$ 118,550.00
WB Gulmarin						
Zuuk International, Inc.						
WO Blackstone	X	X	\$ 81,839.00	\$ 16,741.00		\$ 98,580.00
Gold Mech	X	X	\$ 145,780.00	\$ 26,000.00		\$ 171,780.00
Johnson Controls	X	X	\$ 104,670.00	\$ 9,270.00		\$ 113,940.00
Air Cond Corp	X	X	\$ 84,790.00	\$ 15,185.00		\$ 99,975.00
Read By: Michael Jara Recorded By: Juaquana Brookins						

SE-370
Notice of Intent to Award

STATE OF SOUTH CAROLINA

University of South Carolina (insert agency name)
743 Greene Street, Columbia South Carolina 29208 (insert agency address)

Posting Date: 3/20/2012

Unless stayed by protest or canceled, the State intends to enter into a contract for the project with the contractor noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provide in Section 4 of the Bid Form, except as otherwise provided in the instructions to bidders.

Project Number: H27-D157-NA
Project Name: Indefinite Delivery of Mechanical Contracting Services
Awarded To: Trane Comfort Solutions

Solicitation Type Invitation for Bid Request for Proposals
Contract Amount \$ \$1,000,000.00

Invitation for Bid

Information Description	Bid Amount
Base Bid	\$
Alternate 1	\$
Alternate 2	\$
Alternate 3	\$

Remarks (explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and performance and payment bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written notice to proceed. The State assumes no liability for any expenses incurred by the contractor prior to issuance of notice to proceed other than contractor's non-reimbursable costs incurred in providing such bonds.

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest within ten days of the date notification of award is posted in accordance with the Consolidated Procurement Code. A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the appropriate Chief Procurement Officer within the time provided. [Section 11-35-4210]

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to protest-ose@mmo.sc.gov, (b) by facsimile at 803-737-0639, or (c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.

Agency Procurement Officer:  _____
(Signature)

INSTRUCTIONS TO THE AGENCY:

1. Post a copy of this form at the location specified by the Instructions to bidders and announced at the Bid Opening.
2. Send a copy of this form and the final bid tabulation to all responsive bidders and OSE.

SE-370
Notice of Intent to Award

STATE OF SOUTH CAROLINA

University of South Carolina (insert agency name)
743 Greene Street, Columbia South Carolina 29208 (insert agency address)

Posting Date: 3/20/2012

Unless stayed by protest or canceled, the State intends to enter into a contract for the project with the contractor noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provide in Section 4 of the Bid Form, except as otherwise provided in the instructions to bidders.

Project Number: H27-D157-NA
Project Name: Indefinite Delivery of Mechanical Contracting Services
Awarded To: WO Blackstone

Solicitation Type Invitation for Bid Request for Proposals
Contract Amount \$ \$1,000,000.00

Invitation for
Bid

Information Description

Bid Amount

Base Bid	\$
Alternate 1	\$
Alternate 2	\$
Alternate 3	\$

Remarks (explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and performance and payment bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written notice to proceed. The State assumes no liability for any expenses incurred by the contractor prior to issuance of notice to proceed other than contractor's non-reimbursable costs incurred in providing such bonds.

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest within ten days of the date notification of award is posted in accordance with the Consolidated Procurement Code. A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the appropriate Chief Procurement Officer within the time provided. [Section 11-35-4210]

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to protest-ose@mmo.sc.gov, (b) by facsimile at 803-737-0639, or (c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.

Agency Procurement Officer:  _____
(Signature)

INSTRUCTIONS TO THE AGENCY:

1. Post a copy of this form at the location specified by the Instructions to bidders and announced at the Bid Opening.
2. Send a copy of this form and the final bid tabulation to all responsive bidders and OSE.

SE-370

Notice of Intent to Award**STATE OF SOUTH CAROLINA**

University of South Carolina (insert agency name)
743 Greene Street, Columbia South Carolina 29208 (insert agency address)

Posting Date: 3/20/2012

Unless stayed by protest or canceled, the State intends to enter into a contract for the project with the contractor noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provide in Section 4 of the Bid Form, except as otherwise provided in the instructions to bidders.

Project Number: H27-D157-NA
Project Name: Indefinite Delivery of Mechanical Contracting Services
Awarded To: Walker White

Solicitation Type Invitation for Bid Request for Proposals
Contract Amount \$ \$1,000,000.00

**Invitation for
Bid**

Information Description	Bid Amount
Base Bid	\$
Alternate 1	\$
Alternate 2	\$
Alternate 3	\$

Remarks (explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and performance and payment bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written notice to proceed. The State assumes no liability for any expenses incurred by the contractor prior to issuance of notice to proceed other than contractor's non-reimbursable costs incurred in providing such bonds.

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PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to protest-ose@mso.sc.gov, (b) by facsimile at 803-737-0639, or (c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.

Agency Procurement Officer:  (Signature)

INSTRUCTIONS TO THE AGENCY:

1. Post a copy of this form at the location specified by the Instructions to bidders and announced at the Bid Opening.
2. Send a copy of this form and the final bid tabulation to all responsive bidders and OSE.

SE-370
Notice of Intent to Award

STATE OF SOUTH CAROLINA

University of South Carolina (insert agency name)
743 Greene Street, Columbia South Carolina 29208 (insert agency address)

Posting Date: 3/20/2012

Unless stayed by protest or canceled, the State intends to enter into a contract for the project with the contractor noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provide in Section 4 of the Bid Form, except as otherwise provided in the instructions to bidders.

Project Number: H27-D157-NA
Project Name: Indefinite Delivery of Mechanical Contracting Services
Awarded To: State Mechanical Contracting

Solicitation Type Invitation for Bid Request for Proposals
Contract Amount \$ \$1,000,000.00

**Invitation for
Bid**

Information Description	Bid Amount
Base Bid	\$
Alternate 1	\$
Alternate 2	\$
Alternate 3	\$

Remarks (explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and performance and payment bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written notice to proceed. The State assumes no liability for any expenses incurred by the contractor prior to issuance of notice to proceed other than contractor's non-reimbursable costs incurred in providing such bonds.

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Agency Procurement Officer:  _____
(Signature)

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SE-370

Notice of Intent to Award**STATE OF SOUTH CAROLINA***University of South Carolina (insert agency name)**743 Greene Street, Columbia South Carolina 29208 (insert agency address)*

Posting Date: 3/20/2012

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Project Number: H27-D157-NA**Project Name:** Indefinite Delivery of Mechanical Contracting Services**Awarded To:** McCarter Mechanical, Inc**Solicitation Type** Invitation for Bid Request for Proposals**Contract Amount** \$ \$1,000,000.00**Invitation for****Bid****Information Description****Bid Amount****Base Bid**

\$

Alternate 1

\$

Alternate 2

\$

Alternate 3

\$

Remarks (explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

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Agency Procurement Officer:  _____
(Signature)

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Notice of Intent to Award

STATE OF SOUTH CAROLINA

University of South Carolina (insert agency name)
743 Greene Street, Columbia South Carolina 29208 (insert agency address)

Posting Date: 3/20/2012

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Project Number: H27-D157-NA
Project Name: Indefinite Delivery of Mechanical Contracting Services
Awarded To: Johnson Controls

Solicitation Type [X] Invitation for Bid [] Request for Proposals
Contract Amount \$ \$1,000,000.00

Invitation for Bid

Table with 2 columns: Information Description, Bid Amount. Rows include Base Bid, Alternate 1, Alternate 2, and Alternate 3.

Remarks (explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution.

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Agency Procurement Officer: [Signature]

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Notice of Intent to Award

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Project Number: H27-D157-NA
Project Name: Indefinite Delivery of Mechanical Contracting Services
Awarded To: Cayce Company

Solicitation Type Invitation for Bid Request for Proposals
Contract Amount \$ \$1,000,000.00

Invitation for Bid

Information Description	Bid Amount
Base Bid	\$
Alternate 1	\$
Alternate 2	\$
Alternate 3	\$

Remarks (*explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates*)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and performance and payment bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written notice to proceed. The State assumes no liability for any expenses incurred by the contractor prior to issuance of notice to proceed other than contractor's non-reimbursable costs incurred in providing such bonds.

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Agency Procurement Officer: _____


(Signature)

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SE-370
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Project Number: H27-D157-NA
Project Name: Indefinite Delivery of Mechanical Contracting Services
Awarded To: Aircond Corp

Solicitation Type Invitation for Bid Request for Proposals
Contract Amount \$ \$1,000,000.00

**Invitation for
Bid**

Information Description	Bid Amount
Base Bid	\$
Alternate 1	\$
Alternate 2	\$
Alternate 3	\$

Remarks (*explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates*)

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