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## Protest Decision

**Matter of:** Protest of Fatherhood & Families Engagement Program, Inc.

**Case No.:** 2016-114

**Posting Date:** November 6, 2015

**Contracting Entity:** SC Department of Social Services

**Solicitation No.:** 5400009899

**Description:** Noncustodial Parent Initiatives

### DIGEST

Under a solicitation for enrichment services to non-custodial parents, Chief Procurement Officer ruled (a) claim that typographical errors in amendments confused protester was untimely; (b) claim that cost proposal was misunderstood denied where cost was not an evaluation factor; (c) arithmetic error in award statement did not violate Code where Record of Negotiations confirmed correct value of resulting contract; (d) Code Sections 11-35-1520(9) (tie bids) and -1520(13) (minor informalities) not applicable to perceived defects in RFP; and (e) claim that protester should have been scored higher denied, absent any indication that evaluators lacked reasonable basis for their scores or were actually biased against protester.

## **AUTHORITY**

The Chief Procurement Officer<sup>1</sup> conducted an administrative review pursuant to S.C. Code Ann. §11-35-4210(4). This decision is based on the evidence and applicable law and precedents.

## **DECISION**

Fatherhood & Families Engagement Program, Inc. (FFEP) protests the South Carolina Department of Social Services (DSS) posting of a Notice of Intent to Award of a contract to SC Center for Fathers and Families (CFF), to provide Noncustodial Parent Initiatives. FFEP's letter of protest is incorporated by reference. [Attachment 1]

The CPO denies the protest.

## **Findings of Fact**

Request for Proposal Issued:	07/28/2015
Amendment 1 Issued	08/12/2015
Amendment 2 Issued	08/13/2015
Bid Opening	08/28/2015
Amendment 3 Issued	09/15/2015
Intent to Award Posted:	09/23/2015
Letter of Protest Received	10/01/2015

## **Background**

The Chief Procurement Officer delegated authority to DSS to solicit proposals for Noncustodial Parent Initiatives. DSS issued this Request for Proposals on July 28, 2015, as solicitation number 5400009899. The original proposal due date was August 28, 2015 with any questions about the solicitation due to the procurement officer by August 10, 2015. The award posting date was listed as September 11, 2015.

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<sup>1</sup> The Interim Materials Management Officer delegated the administrative review of this protest to the Chief Procurement Officer for Information Technology.

DSS issued Amendment #1 on August 12, 2015, with a description on the cover page as “Noncustodial Parent Initiatives.” The amendment responded to questions from potential offerors about this solicitation. There were several clerical errors on the cover page: The type of solicitation was identified as an Invitation for Bids instead of a Request for Proposals; the solicitation number was listed as 5400009986 (which was actually an Invitation for Bids issued by the Department of Health and Human Services for UTS Corrective Action); the opening date was August 10, 2015, 2 days before the amendment was issued; and the award posting date was August 20, 2015.

DSS issued Amendment #2 the next day, August 13, 2015, with the same solicitation type, solicitation number, and description as Amendment 1. Amendment #2 changed the opening date back to August 28, 2015, and the award posting date back to September 11, 2015. These were the only changes to the solicitation by this amendment.

Amendment #3 was issued on September 15, 2015, after proposals were opened. It carried the same errors regarding solicitation type and number as Amendment #2. However the body of the amendment changed the award posting date to September 18, 2015.<sup>2</sup> This was the only change to the solicitation by this amendment.

DSS posted a Notice of Intent to Award to the South Carolina Center for Fathers and Families on September 23, 2015, with the proper solicitation number and description.

## **Discussion**

FFEP’s initial allegation is that the errors on the cover pages of the Amendments as detailed above, caused considerable confusion to the FFEP Inc. in its bid preparation and consequently the award should be cancelled pursuant to Regulation 19-445.2085(C)(1) (“Inadequate or ambiguous specifications were cited in the [solicitation]”). The Code provides potential bidders the opportunity to protest a solicitation or amendments within 15 days of issuance of the document.

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<sup>2</sup> Typically delays in posting an award notice are announced by notice, not amendment. SCEIS users have available specific forms for this purpose. One extends the time for posting and the other announces the new posting date. *See* S.C. Code Ann. Reg. 19-445.2090(B).

If the amendments created such significant confusion as to impede preparation of its proposal, FFEP should have protested the solicitation. Section 11-35-4210(1)(b) states:

(b) Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest to the appropriate chief procurement officer in the manner stated in subsection (2)(b) within ten days of the date award or notification of intent to award, whichever is earlier, is posted in accordance with this code; except that a matter that could have been raised pursuant to (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

(emphasis added)

DSS posted Amendment #3 on September 15, 2015, making the last day for a timely protest September 30. FFEP failed to protest until October 1. To the extent it attempts to protest the solicitation or any amendment, it is untimely. This issue of protest is dismissed.<sup>3</sup>

FFEP's second issue is that DSS did not properly evaluate the offerors' cost. Section 11-35-1530(5) provides that: "Price may, but need not, be an evaluation factor." Cost was not included in the evaluation criteria for this solicitation. In lieu of evaluating cost, the solicitation included the evaluation of a business proposal that was to address "Risk Analysis, Risk Mitigation, and Risk Sharing among a coalition of service providers." The Business Proposal was included as Evaluation criteria #3:

**3. Business Proposal - 20 Points:** The value of the proposed solution to meet or exceed the needs of this RFP with specific respect to Risk Analysis, Risk Mitigation, and Risk Sharing among a coalition of service providers.

Since the solicitation legally excluded the evaluation of cost, there is no basis for FFEP's claim that cost was improperly evaluated. This issue of protest is denied.

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<sup>3</sup> Even if the protest were timely, the errors cited were clerical and had no effect on the specifications or material requirements of the solicitation. There is no evidence that FFEP actually was confused by these mistakes, as it submitted its offer on time and apparently responded to the material requirements of the solicitation. Consequently there is no justification to cancel the award for inadequate or ambiguous specifications

The third item from FFEP's protest is the observation of an error in addition on the Intent to Award as follows:

Significant Notation: The final award amount the Department of Social Services shows for the "successful bidder" over the five year period is \$5,942,747. The actual dollar amount for the figures shown by year for the "successful bidder" totals \$5,915,747, a difference of \$27,000; that is, the actual Award is \$27,000 more than the bidder required. The fact that this numerical error occurred raises questions regarding the competency of the evaluation of the Proposals.

Comparing the annual breakdown on the Intent to Award to the breakdown in the Record of Negotiations indicates the transposition of two numbers in the annual cost of year 5 on the Intent to Award. According to the Record of Negotiations, the total potential value of \$5,942,747 is the correct amount and the Record of Negotiations supersedes the Intent to Award in the Order of precedence.

	<b>Record of Negotiations</b>	<b>Intent to Award</b>
Year 1	\$918,899.00	\$918,899.00
Year 2	\$1,215,010.00	\$1,215,010.00
Year 3	\$1,242,565.00	\$1,242,565.00
Year 4	\$1,269,620.00	\$1,269,620.00
Year 5	<u>\$1,296,653.00</u>	<u>\$1,269,653.00</u>
	\$5,942,747.00	\$5,915,747.00

This is a clerical error and not a violation of the Code or Regulations. This issue of protest is denied.

FFEP's next protests:

The Code (Section 11-35-1520(9)(d) stipulates, "Tie bids involving South Carolina firms must be resolved in favor of the South Carolina firm located in the same taxing jurisdiction as the governmental body's consuming location." The entity to which the Florence Region's NCP Award was issued is not within the same taxing jurisdiction as the consuming location; whereas, the FFEP, Inc. is located within the same taxing jurisdiction as the consuming location and has operated unilaterally as a Fatherhood Program for more than 10 consecutive years.

This section of the Code only applies to situations where two or more bids have identical prices:

Section 11-35-1520(9) Tie Bids. If two or more bidders are tied in price while otherwise meeting all of the required conditions, awards are determined in the following order of priority:

That is not the situation here. This issue is dismissed.

FFEP's next issue states:

Section 11-35-1520(13), provides information regarding items, or anomalies that are considered minor informalities and irregularities in Bids. The FFEP Inc. submits that the violations, abnormalities, and inconsistencies that occurred in the evaluation of its Proposal exceed the threshold to be classified as "minor," and consequently, deserves redress.

Section 11-35-1520(13) is titled "Minor Informalities and Irregularities in Bids." It is intended to avoid rejection of an otherwise responsive offer which contains trivial yet technical responsiveness issues, where those issues do not affect the bid price, quality, quantity, or delivery of the supplies or performance of the contract. The statute by its terms has no application to errors in a solicitation. This issue is dismissed.

FFEP's final issue addresses the three evaluation criteria listed in the solicitation and its belief that it should have received the maximum points available for each criterion. Section 11-35-2410 states that the evaluator's ranking of proposals required by Section 11-35-1530(7) and the determination to award required by Section 11-35-1530(9) are final and conclusive, unless clearly erroneous, arbitrary, capricious, or contrary to law. While FFEP may believe that it should have scored higher, there is no indication that the evaluators were clearly erroneous, arbitrary, capricious, or violated the law. The CPO will not substitute his judgement for that of the evaluators. This issue of protest is denied.

### **Recommendations**

In Amendment #1, DSS was asked if this was cost reimbursement or fixed price proposal and whether indirect costs were allowable. DSS responded that this was a fixed price proposal and all costs were to be included in the proposal. The awarded five-year cost of this contract is \$5,942,747.00. Even though DSS required offerors submit a firm fixed price, it opted to evaluate a business proposal that did not include the cost or price of the proposals. The only reference in

the solicitation to the Business Proposal is in the evaluation criteria where offerors were only required to address risk analysis, risk mitigation, and risk sharing among a coalition of service providers. There is nothing in the solicitation to indicate why DSS felt that managing risk among a coalition of service providers was more important than nearly \$6 million dollars in cost to the taxpayers. In addition, there apparently was not a common understanding among the evaluators of what they were to consider with relation to this evaluation criteria as evidenced by the evaluator's comments for the Business Proposal evaluation criteria:

Evaluator:

The offeror provided a breakdown of the budget. The offeror provided letters of support from potential partners.

Evaluator:

FFEP, Inc. specified that they would be able to implement the remaining counties in 90 days. FFEP, Inc. uses a lot of volunteers within their program. They also say they will be implementing certain services, but they did not give details to the plans.

Evaluator:

Meet requirements. Debt to income ratio is questionable. The reference letters of support demonstrate the intention to partner with various community agencies.

Evaluator:

Debt to income ratio shows a high risk.

On the surface it appears that the evaluators considered factors other than risk analysis, risk mitigation, and risk sharing when evaluating criteria #3. However, no prospective offeror questioned the fact that cost was not being evaluated as part of the business proposal and no actual offeror questioned the evaluation of the business proposal.

The clerical and typographical errors coupled with the questions about the evaluation of the business proposals indicate the need for additional training at DSS prior to the issuance of any more Requests for Proposals.

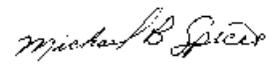
For the reasons stated above, the protest of Fatherhood & Families Engagement Program, Inc. is denied.

Protest Decision, page 8

Case No. 2016-114

November 6, 2015

For the Materials Management Office

A handwritten signature in cursive script that reads "Michael B. Spicer".

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Michael B. Spicer

Chief Procurement Officer

Attachment 1

!NCP PROTEST FEEP(10-01-2015).docx

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STATE OF SOUTH CAROLINA ) BEFORE THE CHIEF ) PROCUREMENT  
OFFICER

IN THE MATTER OF: AWARD PROTEST )

) POSTING DATE: August 28, 2015

Fatherhood & Families Engagement )

Program, Inc. ) AWARD DATE: September 28, 2015

)

vs. ) NON-CUSTODIAL PARENT (NCP)

) PROPOSAL NUMBER: 5400009899

South Carolina Department of Social Services ) FLORENCE REGION AWARD

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The South Carolina Consolidated Procurement Code (the Code) (11-35-4210(1) grants the right to protest to any actual bidder who is aggrieved in connection with the intended award of a contract. The Fatherhood & Families Engagement Program, Inc. (FEFP) herewith protests the award of the above referenced Non-Custodial Parent (NCP) Award for the Florence Region for reasons contained herein.

**Item 1:**

Section 19-445.2085(C)(1) of the Code stipulates, "When it is determined after an award has been issued but before performance has begun that the State's requirements for the goods or services have changed or have not been met, the award or contract may be canceled and either re-awarded or a new solicitation issued, if the Chief Procurement Officer determines in writing that (1) Inadequate or ambiguous specifications were cited in the invitation." Note the following amendments that followed the original Solicitation:

- A. Exhibit I (the original Solicitation, issued on July 28, 2015) displays the Solicitation Number as **5400009899**;
- B. Exhibit II (Amendment Number 1, issued on August 12, 2015) displays a changed Solicitation Number as **5400009986**;
- C. Exhibit III (Amendment Number 2, issued August 13, 2015) displays the Solicitation Number as **5400009986**;
- D. Exhibit IV (Amendment Number 3, issued September 15, 2015) displays the Solicitation

Number as **5400009986**.

- E. Exhibit V is submitted as documentation the aforementioned Amendments were in fact, submitted.

In addition, announcements from the Department of Social Services changed the bid openings from the original date of September 11, 2015, to September 18, 2015; and finally, to September 23, 2015.

Because there was a significant departure from the original Solicitation number, the subsequent amendments caused considerable confusion to the FFEP Inc. in its bid preparation.

**Item 2:**

Section 19-445.2085(C)(4) of the Code stipulates an Award may be cancelled prior to performance when it is determined "the invitation did not provide for consideration of all factors of cost to the State, ...". The FFEP Inc. submitted a bid for the Florence Region with a total budget for the five year period of \$6,535,584 over the five year period of the Award. The Successful bidder's proposal was \$5,943,747 over the five year period of the award, or \$592,837 less than the FFEP Inc. over the five year period of the Award. However, the Department of Social Services did not consider the fact the FFEP Inc. Proposal would be at no cost to the State.

Because the FFEP Inc. would provide state matching funds (via certified public expenditures), the FFEP Inc.'s Proposal would actually total \$1,340,838 less than the successful bidder's Proposal; and the FFEP Inc. Offer would be at no cost to the State. Refer to Exhibit VI, which illustrates the difference in the two proposals.

The FFEP Inc. herein contends based on dollar value, the Award should have been extended to FFEP Inc. The fact the FFEP Inc. made the Department of Social Services aware that the state match would be provided is included on page 17 of the FFEP Inc. Offer; and should have been considered a part of the Offer. Because it is enumerated in the context of the FFEP Inc.'s Offer, it is officially a part of the FFEP Inc.'s Offer. Further, it is to the State's advantage to contract with the FFEP Inc. Reference Exhibit VII. It is apparent this critical step was omitted by the Department of social Services in its evaluation of the Offers.

**Item 3:**

**Significant Notation:** The final award amount the Department of Social Services shows for the "successful bidder" over the five year period is \$5,942,747. The actual dollar amount for the figures shown by year for the "successful bidder" totals \$5,915,747, a difference of \$27,000; that is, the actual Award is \$27,000 more than the bidder required. The fact that this numerical error occurred raises questions regarding the competency of the evaluation of the Proposals.

**Item 4:**

The Code (Section 11-35-1520(9)(d)) stipulates, "Tie bids involving South Carolina firms must be resolved in favor of the South Carolina firm located in the same taxing jurisdiction as the governmental body's consuming location." The entity to which the Florence Region's NCP Award was issued is not within the same taxing jurisdiction as the consuming location; whereas, the FFEP, Inc. is located within the same taxing jurisdiction as the consuming location and has operated unilaterally as a Fatherhood Program for more than 10 consecutive years.

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**Item 5:**

Section 11-35-1520(13), provides information regarding items, or anomalies that are considered minor informalities and irregularities in Bids. The FFEP Inc. submits that the violations, abnormalities, and inconsistencies that occurred in the evaluation of its Proposal exceed the threshold to be classified as "minor," and consequently, deserves redress.

**Item 6:**

Page 24 of the Solicitation lists the following areas on which scoring would be based:

1. **Functional Requirements – 50 Points:** The degree, completeness, capacity and suitability of the OFFEROR's response to meet or exceed the requirements of this RFP.
2. **OFFEROR's Qualifications – 30 Points:** The completeness, capacity and suitability of the OFFEROR's response by meeting the needs of the RFP with regards to the OFFEROR's depth and breadth of experience, and evidence of successful cultural competency within the State of South Carolina.
3. **Business Proposal – 20 Points:** The value of the proposed solution to meet or exceed the needs of this RFP with specific respect to Risk Analysis, Risk Mitigation, and Risk Sharing among a coalition of service providers.

**Regarding Number 1 above:** FFEP Inc. staff concludes it is inconceivable that an agency that operates outside the local consuming area can be determined to be more qualified than the FFEP Inc., which is currently operational within the area; and has been operational within the local consumption area for the last 11 consecutive years. Further, FFEP Inc. already has long established working relationships with the court system, schools, local supporting agencies and other entities which are peripherally involved with success in assisting NCPs move forward. The FFEP Inc. should have been

<https://mail-attachment.googleusercontent.com/attachment/u/0/?view=att&th=150239289e...> 10/1/2015

awarded 50 points for this requirement.

**Regarding Number 2 above:**

FFEP Inc. provided a full and comprehensive response regarding its capacity and suitability of meeting the needs of the consuming locality. In regard to cultural competency, the FFEP Inc. is a minority owned business; whereas, the successful bidder is not. FFEP Inc. staff has observed numerous situations where companies who are not members of the consuming majority have applied methods and practices that simply do not connect. Mass media have played and apparently continues to play a crucial role in the way white Americans perceive African-Americans. As a result of the overwhelming media focus on crime, drug use, gang violence, and other forms of anti-social behavior among African-Americans, the media have fostered a distorted and pernicious public perception of African-Americans. FFEP Inc. staff lives in the community with many of the NCP's that will be served via this RFP. They go to Church with them and their children go to the same schools. We simply cannot envision how an outside company can have more care and concern than FFEP Inc. FFEP Inc. should have been awarded the full 30 points for this criteria.

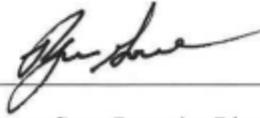
Page 3 of 4 Pages

**Regarding Number 3 above:**

FFEP Inc. and its operations represent minimal risk for the State with regard to the services offered. Should 11 consecutive years of providing exceptional service in the same geographical region be over looked? If that is the case, then what is the formula for success for such a program? Risk is defined as the probability or threat of damage, injury, liability, loss, or any other negative occurrence that is caused by external or internal vulnerabilities, and that may be avoided through preemptive action. There is no bidder in this process with a better record than the FFEP Inc. The FFEP Inc. should have received no less than the full 20 points for this criteria.

**REQUEST**

The Fatherhood & Families Engagement Program, Inc. of Florence, South Carolina, herewith requests the Chief Procurement Officer to Cancel the Offer extended to the SC Center for Fathers and Families of Columbia, SC for Region IV; and either extend the Offer to the FFEP Inc., or re-open the process in order that a fair and judicial decision may be reached on a new Offer.



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Roger Gore, Executive Director

FFEP Inc.

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September 30, 2015

Florence, South Carolina

	<b>State of South Carolina</b>  <b>Request for Proposal</b>	Solicitation: <b>540009899</b>
		Date Issued: 07/28/2015
		Procurement Officer: MICHELE MAHON
		Phone: 803-898-7402
		E-Mail Address: Michele.Mahon@dss.sc.gov
		Mailing Address: SC Department of Social Services
		Attn: Procurement Office - Room 225
		PO Box 1520
		Columbia SC 29202-1520

DESCRIPTION: **Noncustodial Parent Initiatives**  
 USING GOVERNMENTAL UNIT: **Department of Social Services**

SUBMIT YOUR OFFER ON-LINE AT THE FOLLOWING URL: <http://www.procurement.sc.gov>

SUBMIT OFFER BY (Opening Date/Time): **08/28/2015 10:00:00** (See "Deadline For Submission Of Offer" provision)

QUESTIONS MUST BE RECEIVED BY: **08/10/2015 12:00:00** (See "Questions From Offerors" provision)

NUMBER OF COPIES TO BE SUBMITTED: **SEE PAGE THREE**

CONFERENCE TYPE: <b>Not Applicable</b> DATE & TIME:	LOCATION: <b>Not Applicable</b>
<small>(As appropriate, see "Conferences - Pre-Bid/Proposal" &amp; "Site Visit" provisions)</small>	

<b>AWARD &amp; AMENDMENTS</b>	Award will be posted on <b>09/11/2015</b> . The award, this solicitation, any amendments, and any related notices will be posted at the following web address: <a href="http://www.procurement.sc.gov">http://www.procurement.sc.gov</a>
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You must submit a signed copy of this form with Your Offer. By signing, You agree to be bound by the terms of the Solicitation. You agree to hold Your Offer open for a minimum of thirty (30) calendar days after the Opening Date.  
(See "Signing Your Offer" provision.)

<b>NAME OF OFFEROR</b>  <small>(full legal name of business submitting the offer)</small>	<small>Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror. The entity named as the offeror must be a single and distinct legal entity. Do not use the name of a branch office or a division of a larger entity if the branch or division is not a separate legal entity, i.e., a separate corporation, partnership, sole proprietorship, etc.</small>
<b>AUTHORIZED SIGNATURE</b>  <small>(Person must be authorized to submit binding offer to contract on behalf of Offeror.)</small>	<b>DATE SIGNED</b>
<b>TITLE</b>  <small>(business title of person signing above)</small>	<b>STATE VENDOR NO.</b>  <small>(Register to Obtain S.C. Vendor No. at <a href="http://www.procurement.sc.gov">www.procurement.sc.gov</a>)</small>
<b>PRINTED NAME</b>  <small>(printed name of person signing above)</small>	<b>STATE OF INCORPORATION</b>  <small>(If you are a corporation, identify the state of incorporation.)</small>

<b>OFFEROR'S TYPE OF ENTITY: (Check one)</b>	<small>(See "Signing Your Offer" provision.)</small>
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership
<input type="checkbox"/> Corporate entity (not tax-exempt)	<input type="checkbox"/> Other _____
<input type="checkbox"/> Corporation (tax-exempt)	<input type="checkbox"/> Government entity (federal, state, or local)

	<b>State of South Carolina</b>  <i>Invitation For Bid Amendment 1</i>	Solicitation:	5400009986
		Date issued:	08/12/2015
		Procurement Officer:	MICHELE MAHON
		Phone:	803-898-7402
		E-Mail Address:	<a href="mailto:Michele.mahon@dss.sc.gov">Michele.mahon@dss.sc.gov</a>
		Mailing Address:	SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520

DESCRIPTION: **Noncustodial Parent Initiatives**

USING GOVERNMENTAL UNIT: **Department of Social Services**

*The Term "Offer" Means Your "Bid" or "Proposal". Your offer must be submitted in a sealed package. Solicitation Number & Opening Date must appear on package exterior. See "Submitting Your Paper Offer or Modification" provision.*

SUBMIT YOUR SEALED OFFER TO EITHER OF THE FOLLOWING ADDRESSES:

<b>MAILING ADDRESS:</b> SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520	<b>PHYSICAL ADDRESS:</b> SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520
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SUBMIT OFFER BY (Opening Date/Time): **08/10/2015 10:00:00** (See "Deadline For Submission Of Offer" provision)

QUESTIONS MUST BE RECEIVED BY: **07/21/2015 at 10:00:00**

NUMBER OF COPIES TO BE SUBMITTED: **SEE PAGE 3 OF SOLICITATION**

<b>CONFERENCE TYPE: Not Applicable</b> <b>DATE &amp; TIME:</b> (As appropriate, see "Conferences - Pre-Bid/Proposal" & "Site Visit" provisions)	<b>LOCATION: Not Applicable</b>
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<b>AWARD &amp; AMENDMENTS</b>	Award will be posted on <b>08/20/2015</b> . The award, this solicitation, any amendments, and any related notices will be posted at the following web address: <a href="http://www.procurement.sc.gov">http://www.procurement.sc.gov</a>
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You must submit a signed copy of this form with Your Offer. By signing, You agree to be bound by the terms of the Solicitation. You agree to hold Your Offer open for a minimum of thirty (30) calendar days after the Opening Date. (See "Signing Your Offer" provision.)

<b>NAME OF OFFEROR</b>  (full legal name of business submitting the offer)	Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror. The entity named as the offeror must be a single and distinct legal entity. Do not use the name of a branch office or a division of a larger entity if the branch or division is not a separate legal entity, i.e., a separate corporation, partnership, sole proprietorship, etc.
<b>AUTHORIZED SIGNATURE</b>  (Person must be authorized to submit binding offer to contract on behalf of Offeror.)	<b>DATE SIGNED</b>
<b>TITLE</b>  (business title of person signing above)	<b>STATE VENDOR NO.</b>  (Register to Obtain S.C. Vendor No. at <a href="http://www.procurement.sc.gov">www.procurement.sc.gov</a> )
<b>PRINTED NAME</b>  (printed name of person signing above)	<b>STATE OF INCORPORATION</b>  (If you are a corporation, identify the state of incorporation.)

<b>OFFEROR'S TYPE OF ENTITY: (Check one)</b>	(See "Signing Your Offer" provision.)
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership
<input type="checkbox"/> Corporate entity (not tax-exempt)	<input type="checkbox"/> Corporation (tax-exempt)
<input type="checkbox"/> Government entity (federal, state, or local)	

COVER PAGE - PAPER ONLY (MAR. 2015)

	<b>State of South Carolina</b>  <i>Invitation For Bid Amendment 2</i>	Solicitation: 540009986
		Date Issued: 08/13/2015
		Procurement Officer: MICHELE MAHON
		Phone: 803-898-7402
		E-Mail Address: <a href="mailto:michele.mahon@dss.sc.gov">michele.mahon@dss.sc.gov</a>
		Mailing Address: SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520

DESCRIPTION: **Noncustodial Parent Initiatives**

USING GOVERNMENTAL UNIT: **Department of Social Services**

*The Term "Offer" Means Your "Bid" or "Proposal". Your offer must be submitted in a sealed package. Solicitation Number & Opening Date must appear on package exterior. See "Submitting Your Paper Offer or Modification" provision.*

SUBMIT YOUR SEALED OFFER TO EITHER OF THE FOLLOWING ADDRESSES:	
<b>MAILING ADDRESS:</b> SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520	<b>PHYSICAL ADDRESS:</b> SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520

SUBMIT OFFER BY (Opening Date/Time): **8/28//2015 10:00:00** (See "Deadline For Submission Of Offer" provision)

QUESTIONS MUST BE RECEIVED BY: **07/21/2015 at 10:00:00**

NUMBER OF COPIES TO BE SUBMITTED: **SEE PAGE 3 OF SOLICITATION**

CONFERENCE TYPE: <b>Not Applicable</b> DATE & TIME: (As appropriate, see "Conferences - Pre-Bid/Proposal" & "Site Visit" provisions)	LOCATION: <b>Not Applicable</b>
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<b>AWARD &amp; AMENDMENTS</b>	Award will be posted on <b>9/11/2015</b> . The award, this solicitation, any amendments, and any related notices will be posted at the following web address: <a href="http://www.procurement.sc.gov">http://www.procurement.sc.gov</a>
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You must submit a signed copy of this form with Your Offer. By signing, You agree to be bound by the terms of the Solicitation. You agree to hold Your Offer open for a minimum of thirty (30) calendar days after the Opening Date. (See "Signing Your Offer" provision.)

<b>NAME OF OFFEROR</b>  (full legal name of business submitting the offer)	Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror. The entity named as the offeror must be a single and distinct legal entity. Do not use the name of a branch office or a division of a larger entity if the branch or division is not a separate legal entity, i.e., a separate corporation, partnership, sole proprietorship, etc.
<b>AUTHORIZED SIGNATURE</b>  (Person must be authorized to submit binding offer to contract on behalf of Offeror.)	<b>DATE SIGNED</b>
<b>TITLE</b>  (business title of person signing above)	<b>STATE VENDOR NO.</b>  (Register to Obtain S.C. Vendor No. at <a href="http://www.procurement.sc.gov">www.procurement.sc.gov</a> )
<b>PRINTED NAME</b>  (printed name of person signing above)	<b>STATE OF INCORPORATION</b>  (If you are a corporation, identify the state of incorporation.)

<b>OFFEROR'S TYPE OF ENTITY: (Check one)</b>	(See "Signing Your Offer" provision.)
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership
<input type="checkbox"/> Corporate entity (not tax-exempt)	<input type="checkbox"/> Corporation (tax-exempt)
<input type="checkbox"/> Government entity (federal, state, or local)	

COVER PAGE - PAPER ONLY (MAR. 2015)

	<b>State of South Carolina</b>  <i>Invitation For Bid Amendment 3</i>	Solicitation: 5400009986
		Date Issued: 9/15/2015
		Procurement Officer: MICHELE MAHON
		Phone: 803-898-7402
		E-Mail Address: <a href="mailto:Michelle.mahon@dss.sc.gov">Michelle.mahon@dss.sc.gov</a>
		Mailing Address: SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520

DESCRIPTION: **Noncustodial Parent Initiatives**  
USING GOVERNMENTAL UNIT: **Department of Social Services**

*The Term "Offer" Means Your "Bid" or "Proposal". Your offer must be submitted in a sealed package. Solicitation Number & Opening Date must appear on package exterior. See "Submitting Your Paper Offer or Modification" provision.*

SUBMIT YOUR SEALED OFFER TO EITHER OF THE FOLLOWING ADDRESSES:	
<b>MAILING ADDRESS:</b> SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520	<b>PHYSICAL ADDRESS:</b> SC Department of Social Services Attn: Procurement Office - Room 225 PO Box 1520 Columbia SC 29202-1520

SUBMIT OFFER BY (Opening Date/Time): **8/28//2015 10:00:00** (See "Deadline For Submission Of Offer" provision)

QUESTIONS MUST BE RECEIVED BY: **07/21/2015 at 10:00:00**

NUMBER OF COPIES TO BE SUBMITTED: **SEE PAGE 3 OF SOLICITATION**

CONFERENCE TYPE: <b>Not Applicable</b> DATE & TIME: <small>(As appropriate, see "Conferences - Pre-Bid/Proposal" &amp; "Site Visit" provisions)</small>	LOCATION: <b>Not Applicable</b>
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<b>AWARD &amp; AMENDMENTS</b>	Award will be posted on <b>9/11/2015</b> . The award, this solicitation, any amendments, and any related notices will be posted at the following web address: <a href="http://www.procurement.sc.gov">http://www.procurement.sc.gov</a>
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You must submit a signed copy of this form with Your Offer. By signing, You agree to be bound by the terms of the Solicitation. You agree to hold Your Offer open for a minimum of thirty (30) calendar days after the Opening Date.  
(See "Signing Your Offer" provision.)

<b>NAME OF OFFEROR</b>  <small>(full legal name of business submitting the offer)</small>	<small>Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror. The entity named as the offeror must be a single and distinct legal entity. Do not use the name of a branch office or a division of a larger entity if the branch or division is not a separate legal entity, i.e., a separate corporation, partnership, sole proprietorship, etc.</small>
<b>AUTHORIZED SIGNATURE</b>  <small>(Person must be authorized to submit binding offer to contract on behalf of Offeror.)</small>	<b>DATE SIGNED</b>
<b>TITLE</b>  <small>(business title of person signing above)</small>	<b>STATE VENDOR NO.</b>  <small>(Register to Obtain S.C. Vendor No. at <a href="http://www.procurement.sc.gov">www.procurement.sc.gov</a>)</small>
<b>PRINTED NAME</b>  <small>(printed name of person signing above)</small>	<b>STATE OF INCORPORATION</b>  <small>(If you are a corporation, identify the state of incorporation.)</small>

<b>OFFEROR'S TYPE OF ENTITY: (Check one)</b> <span style="float: right;"><small>(See "Signing Your Offer" provision.)</small></span>	
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership
<input type="checkbox"/> Corporate entity (not tax-exempt)	<input type="checkbox"/> Corporation (tax-exempt)
<input type="checkbox"/> Government entity (federal, state, or local)	

COVER PAGE - PAPER ONLY (MAR. 2015)



PROCUREMENT SERVICES

**NOTICE OF TIME EXTENSION**  
**POSTINGS OF AWARD RELATED DOCUMENTS**  
 For solicitations issued by the Information Technology Management Office, the Statement of Award or Intent to Award will be posted at this location on the date published on the solicitation. If the appropriate award document has not been posted at this location by the close of business on the date published on the solicitation, contact the procurement officer whose name and contact information appears on the cover page of the solicitation, or if applicable, the last amendment to the solicitation.

For additional information, please reference Regulation 19-445.2090(B). Refresh

Solicitation Number	Solicitation Description	Purchasing Agency	Delivery Point	Submission Ending Date/Time
5400006899	NONCUSTODIAL PARENT INITIATIVES	Social Services	Columbia, SC	09/15/2015 01:30:00 PM

Attachment Type	Attachment Type	Attachment Type
<input checked="" type="checkbox"/> Bitmap (bmp)	<input checked="" type="checkbox"/> Extensible Markup Language (xml)	<input checked="" type="checkbox"/> Microsoft PowerPoint (ppt)
<input checked="" type="checkbox"/> Microsoft Word (doc)	<input checked="" type="checkbox"/> Moving Picture Experts Group (mpg)	<input checked="" type="checkbox"/> Microsoft Excel (xls)
<input checked="" type="checkbox"/> Tagged Image File (tif)	<input checked="" type="checkbox"/> Adobe Portable Document Format (pdf)	<input checked="" type="checkbox"/> Compressed File (zip)
<input checked="" type="checkbox"/> Graphics Interchange Format (gif)	<input checked="" type="checkbox"/> Rich Text Format (rtf)	<input checked="" type="checkbox"/> MPEG-1 Audio Layer 3 (mp3)
<input checked="" type="checkbox"/> Hypertext Markup Language (html)	<input checked="" type="checkbox"/> Text (txt)	<input checked="" type="checkbox"/> MPEG-4 Part 14 (mp4)
<input checked="" type="checkbox"/> Joint Photographic Experts Group (jpg)	<input checked="" type="checkbox"/> Uniform Resource Locator (url)	<input checked="" type="checkbox"/> Unknown



**Solicitation Attachments**

*Pre-Award Notices*

4 solicitation attachments found, displaying all solicitation attachments.

Attachment Name	Date/Time Posted
<input checked="" type="checkbox"/> 1 Solicitation.doc	07/30/2015 03:09:30 PM
<input checked="" type="checkbox"/> 2 Amendment.1.doc	08/12/2015 05:00:17 PM
<input checked="" type="checkbox"/> 3 Amendment.2.doc	08/13/2015 05:01:56 PM
<input checked="" type="checkbox"/> 4 Amendment.3.doc	09/15/2015 01:15:11 PM

**Contract Awards**

*Post-Award Notices*

No contracts found!

[BACK](#)

# EXHIBIT VI

Comparison Chart for FFEP INC. and SC Center For FATHERS AND FAMILIES					
	FFEP INC Std	FFEP INC w/CPes	SC Ctr for Fathers	Difference	FFEP INC ADVANTAGE
Year 1	1,362,000	953,400	918,899	(34,501)	(34,501)
Year 2	1,337,000	935,900	1,215,010	(279,110)	(279,110)
Year 3	1,337,000	935,900	1,242,565	(306,665)	(306,665)
Year 4	1,249,792	874,854	1,269,620	(394,766)	(394,766)
Year 5	1,249,792	874,854	1,269,653	(394,799)	(394,799)
<b>TOTAL</b>	<b>\$6,535,584</b>	<b>\$4,574,909</b>	<b>\$5,915,747</b>	<b>(1,340,838)</b>	<b>(1,340,838)</b>

- sociological needs of their developing children; and
- 8) In general, enhancing their presentation to the community to make them productive citizens.

In the past FFEP Inc. has received some limited support from the State through the Department of Social Services; however, that support ended in 2013 due to lack of State funds. In spite of the fact state funding dissipated in 2013, FFEP Inc. staff continued to work volunteering their time because of their commitment to the youth we served; and the inspiration they received from the many successes of our program participants. FFEP Inc. has now developed community resources that would be able to serve as certified public expenditures (CPEs) that could serve as state matching funds, enabling the State to draw down Federal funding for the support and expansion of the services provided by our programs.

In 2014, FFEP Inc., received commitments from two additional consultants with outstanding academic credentials in the areas of child development and counseling. One of these individuals will devote substantial efforts toward South Carolina's at-risk population to enlist the efforts of parents and extended families in avoiding children's participation in the Child Welfare System, (i.e. child protective services, foster care and Level 1, Level 2, and Level 3 group homes, and at times, death of a child) by providing Child Development Training to program participants; and by broadening this training by conducting regional training symposiums open to the public at least three times per year. FFEP Inc. recognizes many socioeconomically disadvantaged parents do not understand the stages of a child's development and this lack of understanding often leads to maltreatment of the child. FFEP Inc. recognizes the important influences a father can have on his child is often indirect.

FFEP Inc. understands that a father who has a good relationship with the mother of their children is more likely to be involved and to spend time with their children and to have children who are psychologically and emotionally healthier. One of the most important benefits of a positive relationship between mother and father and a benefit directly related to the objectives of the Child Protective Services caseworker, is the behavior it models for children.

The other individual has committed to provide counseling to both program participants and staff. Program participants will receive career counseling services that include but are not limited to job coaching and job skills development; but will assist them in their assimilation into the community as viable dynamic citizens.

FFEP Inc. staffing consists of volunteer professionals with college degrees and in some cases more than 30 years of professional experience as employees of the State of South Carolina. FFEP Inc. regularly collaborates with professional consultants to enhance the functioning of staff and improve the services we provide to NCPs. FFEP Inc. has one consultant with a Doctorate Degree in counseling; and another with more than 35 hours toward a Doctorate Degree in Education, with a concentration in Early Childhood Development.

FFEPs professional services are based on Evidence Based Practice and Educational Based Research.

STATE OF SOUTH CAROLINA  
SC DEPARTMENT OF SOCIAL SERVICES  
ATTN: PROCUREMENT OFFICE - ROOM 309  
PO BOX 1520  
COLUMBIA SC 29202-1520

**Intent to Award**  
Posting Date: September 23, 2015

**Solicitation:** 5400009899  
**Description:** NONCUSTODIAL PARENT INITIATIVES  
**Agency:** Department of Social Services

The State intends to award contract(s) noted below. Unless otherwise suspended or canceled, this document becomes the final Statement of Award effective **October 6, 2015, 8:00 AM EST.** Unless otherwise provided in the solicitation, the final statement of award serves as acceptance of your offer.

Contractor should not perform work on or incur any costs associated with the contract prior to the effective date of the contract. Contractor should not perform any work prior to the receipt of a purchase order from the using governmental unit. The State assumes no liability for any expenses incurred prior to the effective date of the contract and issuance of a purchase order.

CERTIFICATES OF INSURANCE COVERAGE TO BE FURNISHED PRIOR TO COMMENCEMENT OF SERVICES UNDER CONTRACT.

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 this 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]

**Contract Number:** 4400011449  
**Awarded To:** SC CENTER FOR FATHERS AND FAMILIES (7000154313)  
2711 MIDDLEBURG DRIVE - SUITE 111  
COLUMBIA SC 29204

**Total Potential Value:** \$ 5,942,747.00  
**Maximum Contract Period:** October 06, 2015 through October 05, 2020

Item	Description	Unit Price	Total
00011	NCP Florence Region Yr 1	\$ 918,899.00	\$ 918,899.00
00012	NCP Florence Region Yr 2	\$ 1,215,010.00	\$ 1,215,010.00
00013	NCP Florence Region Yr 3	\$ 1,242,565.00	\$ 1,242,565.00
00014	NCP Florence Region Yr 4	\$ 1,269,620.00	\$ 1,269,620.00
00015	NCP Florence Region Yr 5	\$ 1,269,653.00	\$ 1,269,653.00

**Procurement Officer**  
MICHELE MAHON

**EXHIBIT VIII**  
Page 1

**STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW**

*Protest Appeal Notice (Revised September 2015)*

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.

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Copies of the Panel’s decisions and other additional information regarding the protest process is available on the internet at the following web site: <http://procurement.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 111.1 of the 2015 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 financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. The Request for Filing Fee Waiver form is attached to this Decision. If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing.” PLEASE MAKE YOUR CHECK PAYABLE TO THE “SC PROCUREMENT REVIEW PANEL.”

**LEGAL REPRESENTATION:** In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by 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); and *Protest of PC&C Enterprises, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

**South Carolina Procurement Review Panel  
Request for Filing Fee Waiver  
1105 Pendleton Street, Suite 209, Columbia, SC 29201**

---

\_\_\_\_\_  
Name of Requestor

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Business Phone

---

1. What is your/your company's monthly income? \_\_\_\_\_

2. What are your/your company's monthly expenses? \_\_\_\_\_

3. List any other circumstances which you think affect your/your company's ability to pay the filing fee:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my/my company's financial condition. I hereby request that the filing fee for requesting administrative review be waived.

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public of South Carolina

\_\_\_\_\_  
Requestor/Appellant

My Commission expires: \_\_\_\_\_

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For official use only: \_\_\_\_\_ Fee Waived      \_\_\_\_\_ Waiver Denied

\_\_\_\_\_  
Chairman or Vice Chairman, SC Procurement Review Panel

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
Columbia, South Carolina

**NOTE: If your filing fee request is denied, you will be expected to pay the filing fee within fifteen (15) days of the date of receipt of the order denying the waiver.**