

NIKKI R. HALEY, CHAIR
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



THE DIVISION OF PROCUREMENT SERVICES

DELBERT H. SINGLETON, JR.
DIVISION DIRECTOR
(803) 734-8018

MICHAEL B. SPICER
INFORMATION TECHNOLOGY MANAGEMENT OFFICER
(803) 737-0600
FAX: (803) 737-0639

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

GRANT GILLESPIE
EXECUTIVE DIRECTOR

Protest Decision

Matter of: Santee Automotive, LLC

Case No.: 2017-117

Posting Date: December 9, 2016

Contracting Entity: State Fiscal Accountability Authority

Solicitation No.: 5400011774

Description: Vehicles - Statewide Contract for Law Enforcement

DIGEST

Protest of an award alleging successful bidder was not a responsible bidder at the time of award and did not submit its price properly is denied. Santee Automotive's (Santee) letter of protest is included by reference. [Attachment 1]

AUTHORITY

The Chief Procurement Officer¹ 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.

¹ The Materials Management Officer delegated the administrative review of this protest to the Chief Procurement Officer for Information Technology.

BACKGROUND

<i>Event</i>	<i>Date</i>
Solicitation Issued	08/18/2016
Amendment 1 Issued	09/08/2016
Amendment 2 Issued	09/21/2016
Draft Intent to Award Posted	10/17/2016
Intent to Award Posted	10/18/2016
Protest Received	10/21/2016

ANALYSIS

This Invitation for Bids was issued by the State Fiscal Accountability Authority to establish a statewide term contract for law enforcement vehicles. Five (5) bids were received on October 4, 2016. Santee protests that Performance Automotive Group, LLC (Performance) was not legally registered to do business with the State when their bid was submitted, when the bids were opened on October 4, 2016 at 11:00 a.m., or when the draft Intent to Award was published online on the MMO website on October 17, 2016 at 3:40 p.m. Santee included a page from the South Carolina Secretary of State's website, indicating that Performance was not authorized to conduct business here until October 18, 2016, one day after the initial publication. Santee also included a copy of the draft Intent to Award with its protest.

Section 11-35-1810 requires that the responsibility of the bidder or offeror be ascertained for each contract let:

Responsibility of the bidder or offeror shall be ascertained for each contract let by the State based upon full disclosure to the procurement officer concerning capacity to meet the terms of the contracts and based upon past record of performance for similar contracts. The board shall by regulation establish standards of responsibility that shall be enforced in all state contracts.

One of the requirements set forth in Regulation 19-445.2125(A)(4) in determining whether a bidder is responsible, is whether a prospective contractor is qualified legally to contract with the State. Santee is correct that, when the draft Intent to Award was posted on October 17, 2016, Performance was not "qualified legally to contract with the State." However, the draft Intent to Award was incomplete, published in error and posted in violation of the Code and regulations.

Section 11-35-1520(10) requires that award be made to the lowest responsive and responsible bidder as follows:

Award. Unless there is a compelling reason to reject bids as prescribed by regulation of the board, notice of an award or an intended award of a contract to the lowest responsive and responsible bidders whose bid meets the requirements set forth in the invitation for bids must be given by posting the notice at a location specified in the invitation for bids.

(emphasis added) Regulation 19-445.2090(B) requires that the award posting date be specified in the solicitation as follows:

The procurement officer shall issue the notice of intent to award or award on the date specified in the solicitation, unless the procurement officer determines, and gives notice, that a longer review time is necessary. The procurement officer shall give notice of a time extension to each bidder by posting it at the location identified in the solicitation.

(emphasis added) An award cannot be made prior to the date specified in the solicitation. *But see Appeal by Companion Property and Casualty Insurance Company*, Panel Case No. 2004-4 (protester not prejudiced by award statement posted two days prior to date listed in solicitation) (decided under prior version of Section 11-35-4210 and Reg. 19-445.2090). The cover page of Amendment 2 set the award posting date as October 18, 2016, as follows:

Award will be posted on ~~10/13/2016~~ 10/18/2016.

(highlighting in original). In addition, the award statement posted on the October 17 was inconsistent with a valid posting. The posting date on the document was October 18, 2016; none of the line items included the product or manufacturer selected; the unit prices reflected the evaluated amount, not the contract value; and the total potential value for the LE-4 and LE-5 line items was \$0.00. The procurement officer indicates that the document posted on the October 17 was a draft and was published in error. The award posted on October 18 is complete and complies with the required Regulations. Performance's registration was effective at the time the award was made and was a responsible bidder eligible for award. This issue of protest is denied.

Santee protests that Performance did not correctly submit their evaluated price as the bid price for the solicitation as detailed in the instructions. Their bid price announced at the bid opening on October 4, 2016 was \$23,858. Their bid price on the initial Notice of Intent to Award published on the MMO website on October 17, 2016 was \$23,858. The Performance CDJR bid price listed on the second Notice of Intent to Award published on the MMO website on October 18, 2016 was \$23,915.

The solicitation required the bidders complete a spreadsheet providing a base price for the vehicle and prices for options to be added or deleted from the base price which would result in a price for evaluation as follows:

Each Offeror will provide a “Base Price” that includes all specified items except those identified as “Add” and “Deduct” options. Offerors will provide separate pricing for “Add” and “Deduct” options. These are popular options specifically identified in the individual vehicle specifications. The option prices will be totaled and weighted at 25% of their value as noted on the “Solicitation Line Item Schedule”. The weighted values will be added to (if an “Add” option) or subtracted from (if a “Deduct” option) the “Base Price” to determine an “Evaluated Amount.” Award will be made to the responsive and responsible Offeror with the lowest “Evaluated Amount.” If no “Add” or “Deduct” options are listed, the “Base Price” will be used for the “Evaluated Amount.”

[Solicitation, Page 22]

The solicitation instructed bidders to:

Enter the value in the “Evaluated Price” cell from the spreadsheet for the appropriate line item as the “Unit Price” in SCEIS.

[Solicitation, Page 36]

The solicitation also required each bidder to complete a spreadsheet showing the base price and optional equipment additions and deletions. Performance completed the required spreadsheet and entered the evaluated amount in SCEIS as instructed. The price disclosed at bid opening and published on the October 17th Intent to Award was Performance’s evaluated amount of \$23,857.75 which reflected the optional equipment additions and deletions. Performance bid the

lowest evaluated amount. The award amount published on the October 18th Intent to Award was the base price of \$23,915 without the additions and deductions. Performance submitted its bid in accordance with the instructions detailed in the solicitation and was the lowest responsive and responsible bidder. This issue of protest is denied.

DECISION

For the reasons stated above, the protest of Santee Automotive, LLC is denied.

For the Materials Management Office

A handwritten signature in black ink that reads "Michael B. Spicer". The signature is written in a cursive style with a horizontal line underneath it.

Michael B. Spicer
Chief Procurement Officer

Attachment 1

10/20/2016
Dennis Craven
Santee Automotive LLC
2601 Paxville Highway
Manning, SC 29102

Chief Procurement Officer
SFAA Division of Procurement Services, MMO
1201 Main Street Suite 600
Columbia, SC 29201

Protest of Notice of Intent to Award for Solicitation 5400011774, Contract 4400014504

Dear Chief Procurement Officer,

Santee Automotive LLC is a bidder for Solicitation 5400011774: Item 4, LE-4 Sedan Intermediate Rear Wheel. As a bidder, Santee Automotive LLC protests in writing the Notice of Intent to Award for this solicitation to Performance CDJR (Contact Number 4400014504). The issues under protest for this award are:

1. The bidder awarded the contract, Performance CDJR, was not legally registered to do business in the State of South Carolina when their bid was submitted, when the bids were opened by MMO on October 4, 2016 at 11:00 a.m., and when the initial Notice of Intent to Award was published online on the MMO website on October 17, 2016 at 3:40 p.m.
2. The bidder awarded the contract, Performance CDJR, did not correctly submit their evaluated price as the bid price for the solicitation as detailed in the instructions. Their bid price announced at the bid opening on October 4, 2016 was \$23,858. Their bid price on the initial Notice of Intent to Award published on the MMO website on October 17, 2016 was \$23,858. The Performance CDJR bid price listed on the second Notice of Intent to Award published on the MMO website on October 18, 2016 was \$23,915.

Performance CDJR Not Registered to Do Business in South Carolina.

Performance CDJR was not registered with the South Carolina Secretary of State to legally do business in South Carolina when the bids were submitted, when the bids were opened on October 4, 2016, and when the initial Notice of Intent to Award was published on October 17, 2016.

Performance CDJR registered with Secretary of State on October 18, 2016 as Performance Automotive Group Inc. on October 18, 2016. A revised Notice of Intent to award was then published on October 18, 2016 at 3:14 p.m.

The solicitation for 5400011774 details the following information to all bidders:

By submitting Your Bid or Proposal, You are offering to enter into a contract with the Using Governmental Unit(s). Without further action by either party, a binding contract shall result upon final award. Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror on the Cover Page. An Offer may be submitted by only one legal entity; "joint bids" are not allowed. [02-2A015-1]

In order to comply with this clause, an offeror would have to be legally registered to do business in South Carolina at the time of bid submission, bid opening, and Notice of Intent to Award. Performance CDJR (Performance Automotive Group Inc.) was not legally registered in South Carolina on October 4 or October 17, 2016.

The solicitation for 5400011774 details the following information to all bidders:

You must have a state vendor number to be eligible to submit an offer. To obtain a state vendor number, visit www.procurement.sc.gov and select New Vendor Registration. (To determine if your business is already registered, go to "Vendor Search"). Upon registration, you will be assigned a state vendor number. Vendors must keep their vendor information current. If you are already registered, you can update your information by selecting Change Vendor Registration. (Please note that vendor registration does not substitute for any obligation to register with the S.C. Secretary of State or S.C. Department of Revenue. You can register with the agencies at <http://www.scbos.com/default.htm>) [02-2A145-1]

In order to be eligible to submit an offer, vendors had to register with MMO and be assigned a state vendor number. The solicitation also informs bidders that they must be registered with the SC Secretary of State to conduct business in South Carolina and details for them how to register prior to submitting an offer. Performance CDJR was not registered with the SC Secretary of State when their bid was submitted, when their bid was opened on October 4, 2016, and when the initial Notice of Intent to Award was published on October 17, 2016.

Performance CDJR Did Not Submit the Correct Bid/Unit Price

The instructions for Solicitation 5400011774 requires all bidders to use the FY 17 Law Enforcement Specifications Excel sheet to calculate their Unit price. The instructions then direct the offerors to enter their **Evaluated Amount** as their Unit price.

At the bid opening on October 4, 2016, MMO employees opened the bids of Solicitation 5400011774: Item 4, LE-4 Sedan Intermediate Rear Wheel. The announced bids for this item were:

- Butler Chrysler \$24,205.50
- Santee Automotive \$23,985
- Performance \$23,858

On the initial Notice of Intent to Award published on October 17, 2016, the Performance CDJR unit price was listed as \$23,858. MMO subsequently published an amended Notice of Intent to Award on the afternoon of October 18, 2106 that listed the Performance CDJR unit price as \$23,915. Performance CDJR did not submit their unit price correctly as detailed in the instructions.

Relief Requested

In the Solicitation 5400011774: Item 4, LE-4 Sedan Intermediate Rear Wheel, it informs bidders that:

Award will be made to the lowest responsible and responsive bidder(s). [06-6020-1]

Santee Automotive LLC requests that the bid submitted by Performance CDJR (Performance Automotive Group Inc.) be excluded as non-responsive as the bidder was not registered to do business in South Carolina at the time their bid was submitted, their bid was opened, and the initial Notice of Intent to Award was published. Performance CDJR (Performance Automotive Group Inc.) also did not complete and submit the correct unit price for the solicitation.

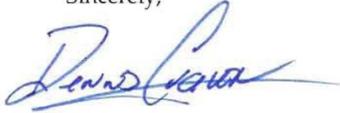
Since Santee Automotive LLC was the lowest responsible and responsive bidder for Solicitation 5400011774: Item 4, LE-4 Sedan Intermediate Rear Wheel, I request the MMO award the contract to Santee Automotive LLC.

Attachments

- Copy of Registration of Performance CDJR (Performance Automotive Group Inc.) with the Secretary of State on October 18, 2016.
- Copy of Notice of Intent to Award for Solicitation 5400011774: Item 4, LE-4 Sedan Intermediate Rear Wheel published on the MMO website on October 17, 2016 at 3:40 p.m.
- Copy of a revised Notice of Intent to Award for Solicitation 5400011774: Item 4, LE-4 Sedan Intermediate Rear Wheel published on the MMO website on October 18, 2016 at 3:14 p.m.

I appreciate your consideration of this request. If you have any questions or requests for Santee Automotive LLC, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Craven". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dennis Craven
Santee Automotive LLC



PERFORMANCE AUTOMOTIVE GROUP INC

Note: This online database was last updated on 10/20/2016 3:06:19 AM.
See our Disclaimer.

DOMESTIC / FOREIGN:	Foreign
STATUS:	Good Standing
STATE OF INCORPORATION / ORGANIZATION:	NORTH CAROLINA Profit

REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME:	STEPHEN SHEPHERD
ADDRESS:	101 SUNSET DR
CITY:	ROEBUCK
STATE:	SC
ZIP:	29376
SECOND ADDRESS:	
FILE DATE:	10/18/2016
EFFECTIVE DATE:	10/18/2016
DISSOLVED DATE:	//

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Authority	10/18/2016	SCBOS Filing: AUTHORITY	

Disclaimer: The South Carolina Secretary of State's Business Filings database is provided as a convenience to our customers to research information on business entities filed with our office. Updates are uploaded every 48 hours. Users are advised that the Secretary of State, the State of South Carolina or any agency, officer or employee of the State of South Carolina does not guarantee the accuracy, reliability or timeliness of such information, as it is the responsibility of the business entity to inform the Secretary of State of any updated information. While every effort is made to insure the reliability of this information, portions may be incorrect or not current. Any person or entity who relies on information obtained from this database does so at his own risk.

10/20/2016

South Carolina Secretary of State: Search Business Filings

Physical Address: Edgar Brown Building - 1205 Pendleton Street Suite 525 Columbia, SC 29201
Mailing Address: SC Secretary of State's Office 1205 Pendleton Street Suite 525 Columbia, SC
29201

STATE OF SOUTH CAROLINA
SFAA, DIV. OF PROCUREMENT SERVICES, MMO
1201 MAIN STREET, SUITE 600
COLUMBIA SC 29201

Intent to Award

Posting Date: October 18, 2016

Solicitation: 5400011774

Description: VEHICLES - STATEWIDE FOR LAW ENFORCEMENT

Agency: Statewide Term Contract

The State intends to award contract(s) noted below. Unless otherwise suspended or canceled, this document becomes the final Statement of Award effective **08:00:00, November 01, 2016**. 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.

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]

PROTEST - CPO ADDRESS - MMO: Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing

(a) by email to protest-mmo@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.

Contract 4400014505

Number:

Awarded To: LOVE CHEVROLET COMPANY (7000044959)

C/O ALLY

P.O. Box 8387

COLUMBIA SC 29202

Total Potential Value: \$ 0.00

Maximum Contract November 01, 2016 through October 31, 2018

Period:

Item	Description	Unit Price	Total
00001	LE-5: Sedan, Full Size, Rear Wheel	\$ 26,522.00	\$ 265,220.00

Contract 4400014501
Number:
Awarded To: LOW COUNTRY HARLEY DAVIDSON (7000238419)
 4707 DORCHESTER RD ATTN: FLEET SALES AND LEASING
 NORTH CHARLESTON SC 29405

Total Potential Value: \$ 308,797.50
Maximum Contract November 01, 2016 through October 31, 2018
Period:

Item	Description	Unit Price	Total
00002	LE-1: Motorcycle Cruiser	\$ 0.00	\$ 0.00

Contract 4400014504
Number:
Awarded To: PERFORMANCE CDJR (7000241847)
 605 WARSAW HWY
 CLINTON NC 28328

Total Potential Value: \$ 0.00
Maximum Contract November 01, 2016 through October 31, 2018
Period:

Item	Description	Unit Price	Total
00001	LE-4: Sedan, Intermediate, Rear Wheel	\$ 23,858.00	\$ 4,175,150.00

Procurement Officer
 ROBERT MALPASS

STATE OF SOUTH CAROLINA
SFAA, DIV. OF PROCUREMENT SERVICES, MMO
1201 MAIN STREET, SUITE 600
COLUMBIA SC 29201

Intent to Award

Posting Date: October 18, 2016

Solicitation: 5400011774
Description: VEHICLES - STATEWIDE FOR LAW ENFORCEMENT
Agency: Statewide Term Contract

The State intends to award contract(s) noted below. Unless otherwise suspended or canceled, this document becomes the final Statement of Award effective **8:00AM, October 31, 2016**. 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.

NO AWARD IS MADE ON ITEM(S): **TWO OR THREE**. NO BIDS RECEIVED.

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]

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(a) by email to protest-mmo@mmo.sc.gov,

(b) by post or delivery to:

1201 Main Street, Suite 600
Columbia, SC 29201

Contract Number: 4400014501

Awarded To: **LOW COUNTRY HARLEY DAVIDSON (7000238419)**
4707 DORCHESTER RD ATTN: FLEET SALES AND LEASING
NORTH CHARLESTON, SC 29405

Total Potential Value: \$ 205,870.00

Maximum Contract Period: November 01, 2016 through October 31, 2018

Item	Description	Unit Price	Total
1	LE-1: Motorcycle Cruiser Harley Davidson Electra Glide Standard Police – FLHTP	\$ 20,845.00	\$ 208,450.00

Contract Number: 4400014504
Awarded To: PERFORMANCE CDJR (7000241847)
605 WARSAW HWY
CLINTON, NC 28328

Total Potential Value: \$4,175,150.00
Maximum Contract Period: November 01, 2016 through October 31, 2018

Item	Description	Unit Price	Total
4	LE-4: Sedan, Intermediate, Rear Wheel Dodge Charger Pursuit – LDDE48	\$23,915.00	\$4,185,125.00

Contract Number: 4400014505
Awarded To: LOVE CHEVROLET COMPANY (7000044959)
C/O ALLY
P.O. Box 8387
COLUMBIA, SC 29202

Total Potential Value: \$265,220.00
Maximum Contract Period: November 01, 2016 through October 31, 2018

Item	Description	Unit Price	Total
5	LE-5: Sedan, Full Size, Rear Wheel Chevrolet Caprice PPV – 1EW19	\$26,522.00	\$ 265,220.00


ROB MALPASS
Procurement Officer

Attachment 2

STATE OF SOUTH CAROLINA
SFAA, DIV. OF PROCUREMENT SERVICES, MMO
1201 MAIN STREET, SUITE 600
COLUMBIA SC 29201

Intent to Award

Posting Date: October 18, 2016

Solicitation: 5400011774

Description: VEHICLES - STATEWIDE FOR LAW ENFORCEMENT

Agency: Statewide Term Contract

The State intends to award contract(s) noted below. Unless otherwise suspended or canceled, this document becomes the final Statement of Award effective **08:00:00, November 01, 2016**. 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.

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]

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(a) by email to protest-mmo@mmo.sc.gov ,

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(c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201.

Contract 4400014505

Number:

Awarded To: LOVE CHEVROLET COMPANY (7000044959)

C/O ALLY

P.O. Box 8387

COLUMBIA SC 29202

Total Potential Value: \$ 0.00

Maximum Contract November 01, 2016 through October 31, 2018

Period:

Item	Description	Unit Price	Total
00001	LE-5: Sedan, Full Size, Rear Wheel	\$ 26,522.00	\$ 265,220.00

Contract 4400014501
Number:
Awarded To: LOW COUNTRY HARLEY DAVIDSON (7000238419)
4707 DORCHESTER RD ATTN: FLEET SALES AND LEASING
NORTH CHARLESTON SC 29405

Total Potential Value: \$ 308,797.50
Maximum Contract November 01, 2016 through October 31, 2018
Period:

Item	Description	Unit Price	Total
00002	LE-1: Motorcycle Cruiser	\$ 0.00	\$ 0.00

Contract 4400014504
Number:
Awarded To: PERFORMANCE CDJR (7000241847)
605 WARSAW HWY
CLINTON NC 28328

Total Potential Value: \$ 0.00
Maximum Contract November 01, 2016 through October 31, 2018
Period:

Item	Description	Unit Price	Total
00001	LE-4: Sedan, Intermediate, Rear Wheel	\$ 23,858.00	\$ 4,175,150.00

Procurement Officer
ROBERT MALPASS

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised November 2016)

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: <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 2016 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
1205 Pendleton Street, Suite 473, 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: _____

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.