

HENRY MCMASTER, CHAIR  
GOVERNOR

CURTIS M. LOFTIS, JR.  
STATE TREASURER

RICHARD ECKSTROM, CPA  
COMPTROLLER GENERAL



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

W. BRIAN WHITE  
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

GRANT GILLESPIE  
EXECUTIVE DIRECTOR

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

## Written Determination

**Matter of:** Request to cancel awards prior to performance  
Request to lift automatic stay

**Case No.:** 2018-146

**Posting Date:** February 23, 2018

**Contracting Entity:** State Fiscal Accountability Authority

**Solicitation No.:** 540001353

**Description:** Statewide Term Contract for Office Furniture

This matter is before the Chief Procurement Officer for Information Technology<sup>1</sup> (CPO) pursuant to two requests from the South Carolina Fiscal Accountability Authority (SFAA). The first request is to cancel twenty-one contract awards for office furniture, due to an administrative error in determining the apparent successful bidders. [Exhibit 1] That request is made under the provisions of §11-35-1520(7) of the South Carolina Consolidated Procurement Code (Code), and Regulation 19-445.2085(C). The second request is to lift the automatic stay in the best interests of the State, and allow the procurement to proceed without delay. [Exhibit 2] It is made pursuant to S.C. Code Ann. § 11-35-4210(7).

---

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

## **AUTHORITY**

The Chief Procurement Officer (CPO) conducted an administrative review pursuant to S.C. Code Ann. §§ 11-35-1520(7) and (10) and Regulation 19-445.2085; and Code § 11-35-4210(7). This determination is based on material in the procurement file and applicable law and precedents.

## **REQUEST FOR CANCELATION**

On September 28, 2017, the Procurement Services Division (PSD) solicited bids for Office Furniture to establish a State Term Contract. PSD evaluated a number of bids. Based on its evaluation PSD posted a Notice of Intent to Award to multiple offerors on February 9, 2018. [Exhibit 3] Due to an administrative error, PSD overlooked a significant number of bids that had been timely submitted. The PSD Procurement Manager (the PM) realized that some bids had not been evaluated on February 12, 2018, when one of those offerors requested a debriefing on the solicitation process and evaluation.

Eight bidders protested the award on various grounds under Section 11-35-4210: Herman Miller, Jasper Group, The HON Company, Krueger International, 9 to 5 Seating, Hyer Office Furniture, National Office Furniture, Kimbal Office, Inc. On February 20, 2018, the PM suspended the Intent to Award. [Exhibit 4]

S.C. Code Ann. § 11-35-1520 provides that all bids received “must be evaluated based on the requirements in the invitation for bids and in accordance with the regulations of the board.” The bids that were overlooked had been submitted by the deadline for receipt of bids. Therefore, it was administrative error not to evaluate them.

S. C. Code Ann. §§ 11-35-1520(7) authorizes the cancellation of awards or contracts after award but prior to performance in accordance with regulations promulgated by the Board. Regulation 19-445.2085(C) authorizes cancellation of an award prior to performance:

After an award or notification of intent to award, whichever is earlier, has been issued but before performance has begun, the award or contract may be canceled

and either re-awarded or a new solicitation issued or the existing solicitation canceled, if the Chief Procurement Officer determines in writing that:

- (7) Administrative error of the purchasing agency discovered prior to performance, or
- (8) For other reasons, cancellation is clearly in the best interest of the State.

The authority to cancel awards and solicitations should be exercised carefully and sparingly. However, these provisions authorize the CPO to cancel an award of a contract before performance begins, when a compelling reason exists and one or more of the grounds listed in the Regulation are present. In this case, the failure to evaluate all bids received prior to making an award is in violation of the Code and the principles of fair and open competition.

#### REQUEST TO LIFT AUTOMATIC STAY

Section 11-35-4210(7) stipulates that “In the event of a timely protest pursuant to subsection (1), the State shall not proceed further with the solicitation or award of the contract until ten days after a decision is posted by the appropriate chief procurement officer, or, in the event of timely appeal to the Procurement Review Panel, until a decision is rendered by the panel except that solicitation or award of a protested contract is not stayed if the appropriate chief procurement officer, after consultation with the head of the using agency, makes a written determination that the solicitation or award of the contract without further delay is necessary to protect the best interests of the State.”

On February 23, 2018, the Chief Procurement Office received a request from the Materials Management Officer to lift the automatic stay, cancel the awards and allow the PSD to administer the solicitation without further delay to protect the best interest of the State. [Exhibit 2]

After careful consideration of the request and consultation with the head of the procuring agency, it is my determination that it is in the best interest of the state to lift the automatic stay and proceed with this procurement without further delay is necessary to protect the best interests of

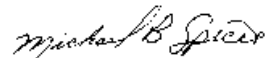
the State. Accordingly the automatic stay of procurement is lifted pursuant to S.C. Code Ann. § 11-35-4210(7), effective immediately.

## **DETERMINATION**

For the reasons stated above, the awards to Exemplis, Trendway, Indiana Furniture Company, Group Lacasse, High Point Furniture, OFS Brands, Teknion, Steelcase, Herman Miller, Haworth, Inc., Compatico, Allsteel, Fluid Concepts and Design (Inline), Jasper Group, Maxon, Knoll, Inc., The HON Company, Krueger International, Dauphin, Revolution Products, and Encore as shown in Exhibit 3 are cancelled under Regulation 19-445.2085(C). The State Fiscal Accountability Authority is directed evaluate all bids received in response to this solicitation and award contracts, as appropriate, in accordance with the Code.

The protests of the previous awards are dismissed without prejudice and may be reasserted if these or other actual offerors are aggrieved by future awards.

For the Materials Management Office



---

Michael B. Spicer  
Chief Procurement Officer

## Exhibit 1

### MEMORANDUM FOR THE FILE

To: Mike Spicer, PE—Chief Procurement Officer  
From: Kimber Craig, CPPO - Procurement Director  
Bid #: 5400013853 Office Furniture State Term Contract  
Re: Cancellation of Awards Prior To Performance  
Date: February 23, 2018

Solicitation 5400013853 for Office Furniture was issued on September 28, 2017. Procurement Services received bids on November 13, 2017. Procurement Services evaluated 37 bids and on Friday, February 9, 2018, posted a Notice of Intent to Award to 21 bidders. On Monday, February 12, Procurement Services discovered that 15 bids were inadvertently not evaluated. The Intent to Award was suspended on February 20, 2018. I respectfully request to correct this mistake by cancelling the intent to award pursuant to SC Regulation 19-445-2085 (C) (7) to permit evaluating all timely, submitted bids.

Exhibit 2

HENRY MCMASTER, 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

JOHN ST. C. WHITE  
MATERIALS MANAGEMENT OFFICE  
(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

February 23, 2018

Mike Spicer  
Chief Procurement Officer  
Division of Procurement Services  
1201 Main Street, Suite 600  
Columbia, SC 29201

**RE: Statewide Term Contract for Office Furniture  
Solicitation No. 5400013853**

Dear Mike:

On February 9, 2018, the Division of Procurement Services (the "Division") posted Notices of Intent to Award twenty-one contracts pursuant to Solicitation No. 5400013853, Statewide Term Contract for Office Furniture. At least eight vendors have protested the awards. After reviewing the protests the procurement officer discovered an administrative error wherein she failed to consider a number of bids that were timely submitted. The Division is sending you a separate request to cancel the awards because of this error, in accordance with S.C. Code Ann. Reg. 19-445.2185(C). After the awards are canceled the Division intends to complete its evaluation of the overlooked bids, and to post award statements based on consideration of all responsive bids timely received.

The protests triggered the automatic stay provided for in S.C. Code Ann. § 11-35-4210(7), which prevents the Division from proceeding further with the solicitation. The Division believes that its consideration of all timely bids, and awarding or re-awarding contracts as appropriate, is in the best interest of the State. Accordingly, I request the CPO lift the stay, grant the Division's request to cancel the awards, and allow the Division to administer the solicitation without further delay. Proceeding in this manner will also protect confidential source selection information from disclosure until after the Division has posted award statements.

Letter to Mike Spicer  
February 23, 2018  
Page 2

This action will not prejudice any vendors who previously received awards, as no performance has yet occurred and the Notices of Intent to Award have been suspended. Nor will any of the vendors who filed protests be prejudiced, as they may file new protests if they are aggrieved by the Division's posting new award statements.

Sincerely,

A handwritten signature in blue ink that reads "John St. C. White". The signature is written in a cursive style with a large initial "J".

John St. C. White  
Materials Management Officer  
Division of Procurement Services  
State Fiscal Accountability Authority

cc: Grant Gillespie  
Delbert Singleton

**Exhibit 3**

STATE OF SOUTH CAROLINA  
MATERIALS MANAGEMENT OFFICE  
CAPITAL CENTER  
1201 MAIN STREET, SUITE 600  
COLUMBIA SC 29201

**Intent to Award**

Posting Date: February 9, 2018

**Solicitation:** 5400013853  
**Description:** Office Furniture  
**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 **5:00PM, February 20, 2018**. 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](mailto:protest-mmo@mmo.sc.gov),
- (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201.

Total Potential Value of Contracts - \$55,000,000.00

- Desks & Tables - 15,000,000
- Filing Storage & Wooden Casegoods - \$11,000,000.00
- Systems Furniture - \$11,000,000.00
- Seating - \$18,000,000.00

*Estimated Quantity Unknown: The total quantity of purchases of any individual item on the contract is not known. The State does not guarantee that the State will buy any specified item or total amount. [07-7B095-1]*

**AWARDED CONTRACTS TO FOLLOW**



Stacy Gregg, CPPO  
Procurement Manager



Notice of Intent to Award – Solicitation 5400013853 Office Furniture

**Contract Number:** 4400018004  
**Awarded To:** **Exemplis**  
6415 Katella Avenue  
Cypress, CA 90630

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00003	Seating		\$8,874.50

**Contract Number:** 4400018005  
**Awarded To:** **Trendway**  
P.O. Box 9016  
Holland, MI 49422

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desks & Tables	57%	\$11,417.79
00002	Filing, Storage, and Wooden Caseloads	62.50%	\$14,849.25
00004	Systems	62.50%	\$5,706.38

**Contract Number:** 4400018006  
**Awarded To:** **Indiana Furniture Company**  
PO Box 270  
Jasper, In 47546

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desks & Tables	52%	\$12,717.60
00002	Filing, Storage, and Wooden Caseloads	52%	\$19,791.36
00003	Seating	52%	\$10,662.24

**Contract Number:** 4400018006  
**Awarded To:** **Group Lacasse**  
99 St. Pierre  
St-Pie QC J0H1W0 Canada

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desks & Tables	50%	\$12,782.50
00004	Systems	50%	\$10,441.50

Notice of Intent to Award – Solicitation 5400013853 Office Furniture

**Contract Number:** 4400018021  
**Awarded To:** **High Point Furniture**  
P.O. Box 2063  
High Point, NC 27261-2063

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desks & Tables	50%	\$13,716.50
00003	Seating	50%	\$11,902.50

**Contract Number:** 4400018020  
**Awarded To:** **OFS Brands**  
P.O. Box 100  
Huntingburg, In 47542

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desks & Tables	50%	\$14,394.00
00002	Filing, Storage, and Wooden Casegoods	50%	\$21,798.50
00003	Seating	50%	\$11,493.00

**Contract Number:** 4400018009  
**Awarded To:** **Teknion**  
350 FELLOWSHIP ROAD SUITE 100  
MOUNT LAUREL NJ 08054

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desk & Tables	54%	\$15,349.28
00002	Filing, Storage, and Wooden Casegoods	54%	\$21,408.40
00004	Systems	54%	\$7,027.42
00003	Seating	54%	\$10,720.30

**Contract Number:** 440018023  
**Awarded To:** **Steelcase**  
P.O. Box 1967  
Grand Rapids, MI 49501

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desk & Tables	50%	\$15,407.00
00002	Filing, Storage, and Wooden Casegoods	50%	\$22,740.50
00004	Systems	55%	\$7,061.40
00003	Seating	50%	\$12,530.50

Notice of Intent to Award – Solicitation 5400013853 Office Furniture

**Contract Number:** 4400018034  
**Awarded To:** **Herman Miller**  
855 East Main Avenue  
Zeeland, MI 49464

**Total Potential Value:** \$ 50,000,000.00 \*  
**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desk & Tables	60%	\$17,028.40
00002	Filing, Storage, and Wooden Caseloads	62.50%	\$17,822.63
00003	Seating	50%	\$11,545.35

**Contract Number:** 440018026  
**Awarded To:** **Haworth, Inc.**  
One Haworth Center  
Holland, MI 49423

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00001	Desk & Tables	51.50%	\$18,512.33
00002	Filing, Storage, and Wooden Caseloads	51.50%	\$28,340.49
00004	Systems	38.65%	\$10,626.54
00003	Seating	51.50%	\$13,892.70

**Contract Number:** 44-18028  
**Awarded To:** **Compatico**  
4710 44<sup>th</sup> Street, SE  
Grand Rapids, MI 49512

**Total Potential Value:** \$ 50,000,000.00 \*  
**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00002	Filing, Storage, and Wooden Caseloads	55%	\$20,673.90

**Contract Number:** 44-18027  
**Awarded To:** **Allsteel**  
2210 Second Avenue  
Muscatine, IA 52761

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00002	Filing, Storage, and Wooden Caseloads	50%	\$25,083.00
00004	Systems	60%	\$7,106.80
00003	Seating	50%	\$14,362.50

Notice of Intent to Award – Solicitation 5400013853 Office Furniture

**Contract Number:** 4400018030  
**Awarded To:** **Fluid Concepts and Design (Inline)**  
96 Planchet Road  
Concord, ON L46 2C7

**Total Potential Value:** \$ 50,000,000.00 \*  
**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00002	Filing, Storage, and Wooden Casegoods	50%	\$16,299.50

**Contract Number:** 440018025  
**Awarded To:** **Jasper Group**  
225 Clay Street  
Jasper, IN 47547-0231

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00002	Filing, Storage, and Wooden Casegoods	55%	\$22,519.80
00003	Seating	55%	\$12,760.00

**Contract Number:** 4400018032  
**Awarded To:** **Maxon**  
200 Oak Street  
Muscatine, IA 52761

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00004	Systems	75%	\$4079.00

**Contract Number:** 4400018031  
**Awarded To:** **Knoll, Inc.**  
526 King Street B  
Charleston, SC 29403

**Total Potential Value:** \$ 50,000,000.00 \*  
**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00004	Systems	68.50%	\$5,391.54

Notice of Intent to Award – Solicitation 5400013853 Office Furniture

**Contract Number:** 4400018033  
**Awarded To:** **The HON Company**  
200 Oak Street  
Muscatine, IA 52761

**Total Potential Value:** \$ 50,000,000.00 \*  
**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00004	Systems	61%	\$6,021.99

**Contract Number:** 440018024  
**Awarded To:** **Krueger International**  
1330 Bellevue Street  
Green Bay, WI 54302

**Total Potential Value:** \$ 50,000,000.00 \*  
**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00004	Systems	53%	\$7,631.39
00003	Seating	50%	\$12,713.00

**Contract Number:** 440018007  
**Awarded To:** **Dauphin**  
100 Fulton Street  
Boonton, NJ 07005

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00003	Seating	50%	\$10,505.50

**Contract Number:** 440018021  
**Awarded To:** **High Point Furniture**  
1104 Bedford Street  
High Point, NC 27263

**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00003	Seating	50%	\$11,902.50

Notice of Intent to Award – Solicitation 5400013853 Office Furniture

**Contract Number:** 440018022  
**Awarded To:** **Revolution Products**  
259 Whip O Will Drive  
Clinton, SC 29325

**Total Potential Value:** \$ 50,000,000.00 \*  
**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00003	Seating	50%	12,365.00

**Contract Number:** 440018004  
**Awarded To:** **Encore**  
13747 Midway Street  
Cerritos, CA 90703

**Total Potential Value:** \$ 50,000,000.00 \*  
**Maximum Contract Period:** February 21, 2018- February 22, 2023

<b>Item</b>	<b>Description</b>	<b>Discount</b>	<b>Total</b>
00003	Seating	50%	\$9,073.50

Exhibit 4

STATE OF SOUTH CAROLINA  
MATERIALS MANAGEMENT OFFICE  
CAPITAL CENTER  
1201 MAIN STREET, SUITE 600  
COLUMBIA SC 29201

**Intent to Award**  
Posting Date: February 9, 2018

**AWARD-SUSPENDED – February 20, 2018**

**THE ABOVE NOTIFICATION OF AWARD IS HEREBY SUSPENDED PENDING  
THE ADMINISTRATIVE REVIEW IN RESPONSE TO A PROTEST**

Bidder's right to protest as listed in section 11-35-4210 in the South Carolina Consolidated Procurement Code applies to this award.

**Solicitation:** 5400013853  
**Description:** Office Furniture  
**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 **5:00PM, February 20, 2018**. 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](mailto:protest-mmo@mmo.sc.gov),
- (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201.

Total Potential Value of Contracts - \$55,000,000.00

- Desks & Tables - 15,000,000
- Filing Storage & Wooden Casegoods - \$11,000,000.00
- Systems Furniture - \$11,000,000.00
- Seating - \$18,000,000.00

*Estimated Quantity Unknown: The total quantity of purchases of any individual item on the contract is not known. The State does not guarantee that the State will buy any specified item or total amount. [07-7B095-1]*

**SUSPENDED CONTRACTS TO FOLLOW**

A handwritten signature in black ink, appearing to read "Stacy Gregg". The signature is written in a cursive style with a large, sweeping initial letter.

Stacy Gregg, CPPO  
Procurement Manager



**STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW**  
*Written Determinations Appeal Notice (Revised July 2017)*

The South Carolina Procurement Code, in Section 11-35-4410, subsection (1)(b), states:

(1) Creation. There is hereby created the South Carolina Procurement Review Panel which shall be charged with the responsibility to review and determine de novo:  
(b) requests for review of other *written determinations, decisions, policies, and procedures* arising from or concerning the procurement of supplies, services, information technology, or construction procured in accordance with the provisions of this code and the ensuing regulations; except that a matter which could have been brought before the chief procurement officers in a timely and appropriate manner pursuant to Sections 11-35-4210, 11-35-4220, or 11-35-4230, but was not, must not be the subject of review under this paragraph. Requests for review pursuant to this paragraph must be submitted to the Procurement Review Panel in writing, setting forth the grounds, within fifteen days of the date of the written determinations, decisions, policies, and procedures.

(Emphasis added.) *See generally Protest of Three Rivers Solid Waste Authority by Chambers Development Co., Inc.*, Case Nos. 1996-4 & 1996-5, *Protest of Charleston County School District*, Case No. 1985-5, *Charleston County School Dist. v. Leatherman*, 295 S.C. 264, 368 S.E.2d 76 (Ct.App.1988).

-----

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 367, 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.**