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EXECUTIVE DIRECTOR

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MICHAEL B. SPICER
INFORMATION TECHNOLOGY MANAGEMENT OFFICER
(803) 737-0600
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Protest Decision

Matter of: BFG Marketing, LLC

Case No.: 2018-170

Posting Date: July 13, 2018

Contracting Entity: State Fiscal Accountability Authority

Solicitation No.: 5400014790

Description: Backfire SC Media and Marketing Campaign

DIGEST

Protest alleging procurement portal malfunction is denied. BFG Marketing's (BFG) letter of protest is included by reference. [Attachment 1]

AUTHORITY

The Chief Procurement Officer¹ (CPO) conducted an administrative review pursuant to S.C. Code Ann. §11-35-4210(4). This decision is based on materials in the procurement file 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

Event	Date
Solicitation Issued	02/09/2018
Amendment One Issued	03/09/2018
Intent to Award Issued	05/21/2018
Protest Received	05/22/2018

ANALYSIS

The State Fiscal Accountability Authority issued this Request for Proposals on behalf of the South Carolina Department of Health and Environmental Control to acquire professional development, implementation, and evaluation of a comprehensive media and marketing campaign to decrease youth tobacco use, decrease initiation of use, and promote quitting.

BFG's protest alleges prolonged and uncorrected technical errors with the South Carolina Procurement Portal including, but not limited to, being locked out of the Portal and being unable to submit a proposal because portions of the Portal were unavailable. BFG previously submitted a protest of this issue after bid opening but prior to award, but it was dismissed for lack of jurisdiction.

Bid opening for this procurement was scheduled for March 28, 2018 at 11:00 AM. BFG attempted to upload its proposal at 9:30 AM. BFG contacted the DSIT help desk at 9:45 AM for assistance in resolving its problems and worked with the help desk until the bid closed at 11:00 AM without success in uploading its proposal. BFG requests that, since it took reasonable steps to submit its proposal, up to and including working with the DSIT help desk, and still being unsuccessful, the State should either accept its proposal for consideration after the published opening date or reopen the bidding to allow it to submit its proposal.

BFG, however, lacks standing to maintain this protest. Under Section 11-35-4210(1)(b), only an "actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award" may maintain a protest of an intended award or award. While BFG may have tried to submit a bid, it was never able to upload a bid and become an "actual bidder." BFG's protest, therefore, is dismissed for lack of standing. *See, e.g., Appeal by Winyah Dispensary, Inc.*, Panel Case No. 1994-18 ("[A]fter bid opening, a vendor that has not submitted a bid, has no standing to protest

... [an] award.”); *Protest of Smith & Jones Distributing Co., Inc.*, Panel Case 1994-5 (finding company that submitted a “no bid” lacked standing to file a protest); *Appeal by Price Waterhouse, LLP*, Panel Case No. 1995-15(II) (“...PWs late proposal cannot confer standing as an “actual” offeror. PW does not have standing as an actual offeror to protest the award of the contract.”).

Even if BFG had standing to protest the Intent to Award, the CPO is unconvinced that BFG has alleged any violation of the Code.

In this case, the South Carolina Enterprise Information System (SCEIS) team reports that there were no problems with the system on the day BFG experienced its problems.² Three other bidders were able to submit a response to this solicitation through the Portal. One of those bidders, State Media Company, was able to submit its response at 9:23 AM on March 28, 2018, the same day BFG was experiencing problems. (Attachment 3). BFG has simply alleged that its bid was not accepted. That the State received other proposals electronically indicates there was no widespread outage or failure associated with the State’s electronic commerce system. Thus, even if BFG had standing, and even accepting BFG’s allegations as true, BFG’s protest letter fails to state a claim upon which the CPO may grant a protest.³

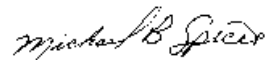
²The CPO cannot tell whether BFG attempted to upload its bid using an Edge browser. If BFG used this browser, it might explain why BFG could not upload its bid. The SRM RFX Bid Creation Guide states that “vendors must use Internet Explorer 8, 9 or 10. Other browsers such as Internet Explorer 11, Google Chrome, or Mozilla Firefox will not function properly and may prohibit bid submissions.” According to the SCEIS team, Edge is not a supported browser and “usually gets backed abap dumbs.” (Attachment 2) **ABAP** (Advanced Business Application Programming, originally Allgemeiner Berichts-Aufbereitungs-Prozessor, German for “general report creation processor”) is a high-level programming language created by the German software company **SAPSE**.

³ Protest decisions involving federal acquisitions are neither binding on the CPO nor necessarily persuasive when South Carolina’s Code and regulations are not substantially similar to the Federal Acquisition Regulation. In the absence of authority from the Panel or other controlling case law, the reasoning in federal decisions can be helpful. The federal Comptroller General has entertained a number of protests claiming that the government’s electronic commerce system “lost” a bid because of a computer malfunction. With narrow exceptions, those protests have all been denied, even where the negligence of the agency contributed to “losing” the bid. *See, e.g., NOVA Corporation*, B-411851, 2015 CPD ¶ 346 (2015) (denying protest alleging that the inability to upload required documents showed “that if the agency did not receive the form, the problem must lay with DITCO’s website”); *PMTech, Inc.*, B-291082, 2002 CPD ¶ 172 (2002) (protest denied where bidder waited until thirteen minutes before opening to transmit its electronic proposal); *American Material Handling, Inc.*, B-281556 (Comp. Gen.), 99-1 CPD ¶ 46 (1999) (“...[E]ven with appropriate procedures in place, an agency may lose or misplace a bid or quotation, and the occasional loss of a bid or quotation--even if through the negligence of the agency--generally does not entitle the bidder or vendor to relief.”). GAO recognizes a limited exception where the protester demonstrates that the loss was not an isolated incident, but rather, was part of a systemic failure. *Id.* In *S.D.M. Supply, Inc.*, B- 271492, 96-1 CPD ¶ 288 (1996), the comptroller general wrote:

DECISION

For the reasons stated above, the protest of BFG Marketing, LLC is denied.

For the Materials Management Office



Michael B. Spicer
Chief Procurement Officer

This case involves more than mere occasional negligent loss of a quotation. Instead, the agency's loss of the protester's quotation was due to a systemic failure that resulted in the loss of all other quotations submitted for this RFQ through FACNET. The agency reports that similar systemic failures have occurred for other RFQs issued by Ft. Rucker. As indicated, an agency, in order to satisfy its obligation under CICA to promote competition to the maximum extent practicable, must have adequate procedures to receive and safeguard quotes actually received, as well as to give them fair consideration. The record here evidences that the agency did not have adequate procedures in place to ensure that quotations received through FACNET would be considered, and we sustain the protest on this basis.

(citations omitted)

Had BFG established such a “systemic failure” in SCEIS, it unfortunately would still lack standing if the failure prevented it from submitting a bid. Even though there may be no remedy available under § 11-35-4210, though, the Code’s goal of “effective broad-based competition for public procurement” would not be frustrated. The CPO has the discretion to cancel the solicitation, or an intended award or award, and order a new solicitation. *See* Regulations 19-445.2065(h) (“for other reasons, cancelation [of bids prior to award] is clearly in the best interest of the State”); 19-445.2085(C)(7) and (8) (cancellation of awards prior to performance because of administrative error or in the State’s best interest, respectively), and 19-445.2097(h) (cancelation of solicitation prior to award in the State’s best interest). But BFG has presented no facts that would support a cancellation and re-solicitation.

Attachment 1



VIA EMAIL

Materials Management Office
ATTN: Mike Spicer, Chief Procurement Officer
mspicer@mmo.sc.gov
protest-mmo@mmo.state.sc.us

CC: Delbert H. Singleton, Jr., Director, Procurement Service Division and Authority Secretary
delbert@oed.sc.gov

May 22, 2018

RE: Formal protest of contract award for South Carolina State Solicitation number 5400014790, Backfire SC Media and Marketing Campaign (the "RFP").

Dear Mike,

We are in receipt of your Protest Decision ("Decision"), dated May 7, 2018. In light of your Decision, and pursuant to S.C. Code Annotated, Section 11-35-4210(1)(b) (the "Code"), we hereby reinstate and resubmit our protest, dated April 11, 2018, in its entirety as a new protest of award or intent to award (the "Protest"). A copy of our reinstated and resubmitted protest is attached hereto as Exhibit A, and is incorporated into this Protest by reference; provided, however, we now request additional relief in the form of an entirely new RFP. Pursuant to the Code, such Protest must be submitted "within ten days of the date award or notification of intent to award, whichever is earlier." It is our understanding the Notice of Intent to award was posted on Thursday, May 17, with the contract to be awarded Friday, May 18. As such, our reinstated Protest is timely per the Code.

Our formal and timely Protest aside, what's troubling about your Decision is it turned on a technicality, rather than the merits of our original protest letter. In fact, based on the letter of your Decision, the State of South Carolina, State Fiscal Accountability Authority and the Division of Procurement Services do not provide *any* channel of recourse which adequately addresses the manner in which we were aggrieved.

As noted in the Protest, we were aggrieved by what was ultimately an inadequate *submission process*, not by the solicitation of the contract itself. Thus, we had no reason to protest pursuant to Section 11-35-4210(1)(a). Moreover, with respect to the *submission process*, we provided evidence and supporting documentation our internal network and IT services were functioning at an optimal level on the closing date; a demonstration which we respectfully ask you to reciprocate with respect to this Protest. It's worth noting we successfully submitted a proposal for the Department of Public Safety on May 4, 2018, using identical hardware as the RFP in question.

Finally, I recognize you could conceivably deny our Protest on a technicality for a second time. As noted in the Code, a party protesting the award or intended award of contract must be, "*any actual bidder, contractor, or subcontractor.*" For the purposes of this Protest are we an *actual bidder, contractor or subcontractor*, considering our submission upload wasn't accepted? If the answer to that question is yes, then we look forward to a decision based on the merits of our Protest.

If the answer is no, then it is clear the Division has not provided a means of redress for current and future parties aggrieved by the submission process, particularly those parties unable to submit due to unidentified and



unacknowledged technical problems. And the clear absence of an adequate remedy begs the question: where does BFG go from this point? I leave this issue for you, and ask you to provide a specific answer to that question.

If you need additional information please feel free to contact me directly. Otherwise, I look forward to your response.

Best Regards,

A handwritten signature in black ink, appearing to read 'Kevin Meany'.

BFG Marketing, LLC
By: Kevin Meany, President | CEO
843.837.0211
kmeany@bfgcom.com



Exhibit A

Protest



VIA EMAIL

Materials Management Office
ATTN: Mike Spicer, Chief Procurement Officer
mspicer@mmo.sc.gov
protest-mmo@mmo.state.sc.us

CC: Kathy Santandreu, Procurement Manager, ksantandreu@mmo.sc.gov

April 11, 2018

RE: Formal protest of contract award for South Carolina State Solicitation number 5400014790, Backfire SC Media and Marketing Campaign (the "RFP").

Dear Mike,

In furtherance of recent discussions with you and Kathy Santandreu, and pursuant to the terms and conditions of the RFP, this letter shall serve as BFG Marketing, LLC's (State Vendor No. 7000241673; "BFG") formal protest of the intended award of a contract or contracts related to the RFP. For the reasons set forth below, BFG has been aggrieved with respect to the online submission process. Specifically, BFG experienced prolonged and uncorrected technical errors within the South Carolina Procurement Portal (the "Portal") including, but not limited to, being locked out of the Portal, as well as portions of the Portal - which were necessary to upload our proposal - being entirely unavailable. Those technical errors, which occurred through no fault of BFG, ultimately led to multiple failed upload attempts.

Attached for your reference as Exhibit A is a brief timeline of events which occurred during our multiple upload attempts on the morning of March 28, 2018 ("Submission Timeline"). As you will see in the Submission Timeline, BFG initiated the submission process at 9:30AM on March 28, 2018, well in advance of the Opening Time.

I also want to draw your attention to BFG's Network Latency and Loss Report for March 28, 2018, attached hereto as Exhibit B. As shown in the report, our network was functioning at an optimal level, and was more than capable of facilitating the upload. Further, we conducted extensive IT forensics on the computer used for the RFP submission, and no hardware errors were identified. In fact, that computer was configured specifically for, and had been used exclusively in conjunction with, submitting proposals to the State of South Carolina. Nevertheless, BFG is now being kept out of the bid process because DSIT will not formally acknowledge the existence of any technical issues within the Portal.

While I understand and appreciate you are strictly bound by South Carolina's Budget and Control Board Procurement Regulations, it is our firm belief that BFG complied with both the spirit and the letter of those regulations, as well as the RFP, by attempting to submit our proposal five times prior to the Opening Time. Put differently, there was no deficiency in BFG's submission efforts. Rather, the deficiency occurred as the Portal attempted to upload our submissions, and continued throughout the morning as we were locked out of our account, the Portal failed to populate necessary fields and ultimately froze again during our final four upload attempts. These facts are clearly supported by the record, and BFG should not be penalized for a problem it did not cause, simply because DSIT won't acknowledge any level of responsibility.

At BFG, we take great pride in the years of dedicated service we've provided to the State of South Carolina and its various Departments. Among our most notable accomplishments was the creation and



rollout of the BackFire brand and all related creative/media assets. To be eliminated from the RFP process due to circumstances beyond our control is both unreasonable and, most importantly, it jeopardizes the quality and integrity of the BackFire brand. As such, we hereby request that you allow BFG to submit its proposal for consideration. In the alternative, we ask that on Monday, April 23rd, 2018, you reopen the submission process in its entirety, and for all potential participants, for one (1) hour (which represents the approximate amount of time we were unable to fully access the Portal the morning of 3/28).

If you have any questions, please feel free to contact me directly. Otherwise, I look forward to your response.

Best Regards,

BFG Marketing, LLC
By: Kevin Meany, President|CEO
843.837.0211
kmeany@bfgcom.com



EXHIBIT A

SUBMISSION TIMELINE

3/28/18 Submission Effort Details

9:30 am – BFG's initial submission; upload fails. Mr. Arlett completed the initial submission process (through step 30 on the Submission Simulation), selected the document to upload, and submitted the first document. The Portal froze and after approximately ten (10) minutes, the document had not uploaded. Mr. Arlett then contacted DSIT for technical support (see *Attachment 1* showing the first stalled upload).

9:45 am – First call for assistance logged by BFG to DSIT help desk. Mr. Arlett reached a live operator, and was informed that the team responsible for resolving the technical issue wasn't available until 10 am. Mr. Arlett was instructed to call back at that time.

10:00 am – Second call for assistance logged by BFG to DSIT help desk. Mr. Arlett, along with BFG's VP of Client Services, spoke with Jessica Cummings (DSIT), who attempted to identify and resolve the upload issue. Due to the Portal's inability to upload the first submission, as well as the inability to stop the stalled upload, Ms. Cummings instructed Mr. Arlett to log out of the Portal, and log back on to restart the upload. Unfortunately, this step caused a larger issue, as the Portal still recognized the *initial* Portal session, together with the ongoing (and still stalled) upload attempt. As a result, we were locked out of the Portal. Multiple individuals at DSIT were consulted and various fixes were attempted, but without success.

10:36 – Portal still unable to upload proposal. While on hold with DSIT, Mr. Arlett contacted Kathy Santandreu via e-mail to identify the technical issue, and request an alternate submission option in the event of continued technical errors within the Portal (See *Attachment 2*).

10:37 am – Continuing to hold with DSIT. Mr. Arlett followed up with Kathy Santandreu via phone to discuss the technical issues, and to discuss options should DSIT's attempts to resolve not work. He was unable to reach her.

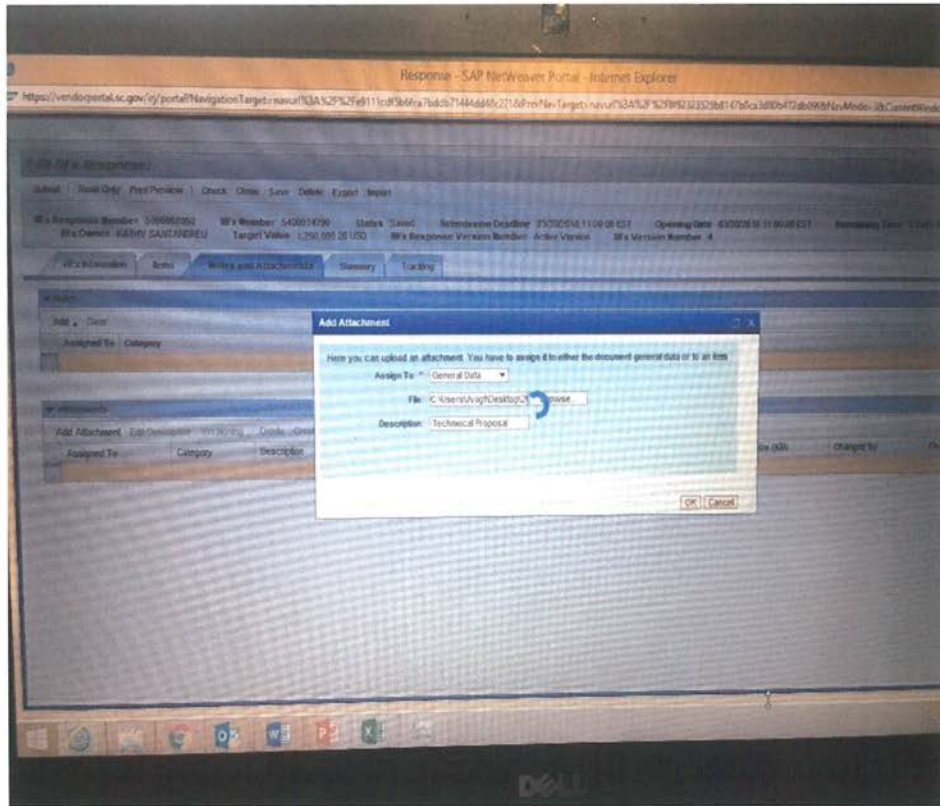
10:39 am – BFG still speaking with DSIT and working to resolve the lock out. Ms. Cummings indicated she had not seen a freeze like this in the Portal, but was eventually able to resolve the Portal lock out. However, portions of the Portal necessary to initialize the file upload were not populating, and Mr. Arlett was not able to submit BFG's proposal.

10:55 am – All fields within the Portal are now populated. We are now able to log back into the Portal, and all necessary upload fields are populated, enabling us to submit our documents. Prior to submitting our files for the second time, we confirmed that each of the files was under 10MB in size (all were under 4MB) and the title for each file was under 30 characters. Mr. Arlett submitted the first document and experienced the exact issue he encountered at 9:30am, in the upload failed following his submission (see *Attachment 3* which provides proof of four (4) separate upload attempts via the Portal's Javascript applet between 10:55AM and 10:59AM).

11:00 am – Bid process for the RFP closes. Despite five (5) submission attempts, no documents were successfully uploaded to the Portal, and Ms. Cummings informs Mr. Arlett she's no longer able to assist.



Attachment 1





Attachment 2

From: Santandreu, Kathy [<mailto:ksantandreu@mmo.sc.gov>]
Sent: Wednesday, March 28, 2018 11:53 AM
To: neil arlett <narlett@bfgcom.com>
Subject: RE: 5400014790

Neil, hi, good morning.

I saw where you called, but I've been away from my desk checking on this RFP.

Unfortunately, your bid was not submitted and there is nothing that can be done. RFP closed at 11AM.

SCEIS checked and there were no issues to report on their end.

I hate this happened, but there is nothing that I can do to remedy this situation.

Kathy



Kathy C. Santandreu, CPPB, CPPO | Procurement Manager
Division of Procurement Services | SC State Fiscal Accountability Authority
1201 Main Street, Suite 600 | Columbia, SC 29201 | Office: (803) 896-5304 | ksantandreu@mmo.sc.gov

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From: neil arlett [<mailto:narlett@bfgcom.com>]
Sent: Wednesday, March 28, 2018 10:36 AM
To: Santandreu, Kathy
Subject: 5400014790

Kathy,

We've been online with Technical Support now for about 30 minutes. We are having considerable technical issues submitting. Is it possible to send our PDF forms to you and upload to the system as soon as technical support is able to help us clear our technical issues.

We got all the way to upload documents and when we started uploading, we waited 20 minutes for it to upload and then it timed out.

They are currently trying to back us out of it now, but don't want to miss the deadline.

Thanks.



Browser Profile :
URL Length : 67
Typed Count :

=====

=====

URL : <https://srwwebgui.sc.gov/favicon.ico>
Title :
Visit Time : 3/28/2018 10:57:27 AM
Visit Count : 1
Visited From :
Visit Type :
Web Browser : Internet Explorer 10/11 / Edge
User Profile : Jvogt
Browser Profile :
URL Length : 36
Typed Count :

=====

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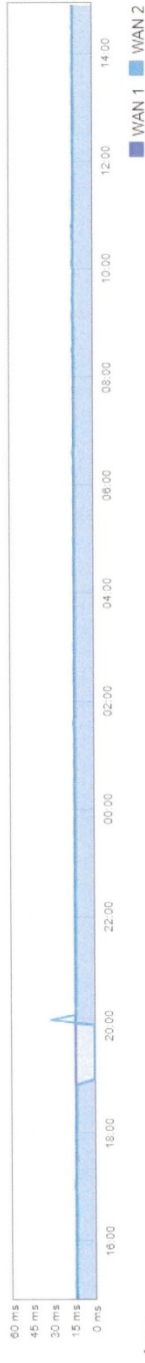
EXHIBIT B

NETWORK LATENCY AND LOSS FOR MARCH 28, 2018

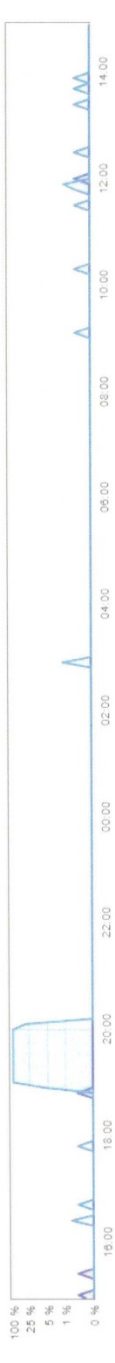
Historical data for the last day

Connectivity to 8.8.8.8

Latency



Loss



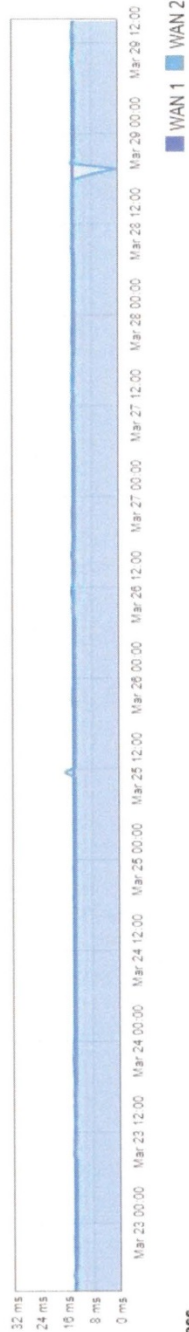


Historical data for the last week

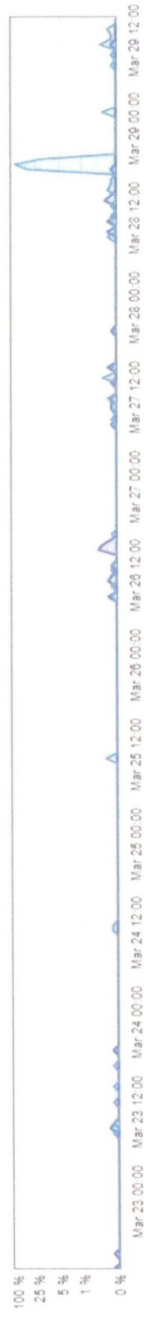
Connectivity to 8.8.8.8

WAN 1 WAN 2

Latency



Loss



Attachment 2

From: Samuels, Samuel
To: Samuels, Samuel
Subject: FW: Help
Date: Tuesday, May 29, 2018 10:01 PM
Attachments: image002.png
image003.png
image004.png
image005.png
image007.png

Comments from Paul L our Basis team lead.

More to come.

Sam Harvey, CPPB, APM
Program Manager, Plant Maintenance and Contract and Bidding Expert MM Team
South Carolina Enterprise Information System
Samuel.Harvey@admin.sc.gov
Sharvey@scoscs.sc.gov

**The South Carolina
Department of Administration**
1626 Browning Road, 2nd Floor, Columbia, SC 29210
(803) 652-9070 (TDD) 734-0177 (Fax)

The South Carolina Department of Administration (Admin) serves the citizens of South Carolina and agency partners by making innovative efforts to provide secure, cost-effective, responsive and standardized services.



*It's a great day in South Carolina!
Have a Blessed Day!*

From: Lanolette, Paul
Sent: Tuesday, May 29, 2018 8:23 AM
To: Harvey, Samuel <Samuel.Harvey@admin.sc.gov>
Cc: Walter, James <Jim.Walter@admin.sc.gov>; Dixon, Wanda <Wanda.Dixon@admin.sc.gov>
Subject: RE: Help

Can say one thing before looking at audit files. Edge is not supported and usually gets backend abad dumps
I'll look at those audit files too.

From: Harvey, Samuel
Sent: Tuesday, May 29, 2018 8:17 AM
To: Lanolette, Paul <Paul.Lanolette@admin.sc.gov>
Cc: Walter, James <Jim.Walter@admin.sc.gov>; Dixon, Wanda <Wanda.Dixon@admin.sc.gov>
Subject: FW: Help

Paul/JIm,

This bidder is claiming that the system (Portal) would not allow their submission on March 28, 2018 starting at 9:30 AM and the CPO is requesting us to validate the claim.

Can you please see if we had any system problems that would have prevented this vendor from submitting a response.

5400014780

Thanks

Parts of the attached protest letter

Attached for your reference as [Exhibit A](#) is a brief timeline of events which occurred during our multiple upload attempts on the morning of March 28, 2018 ("Submission Timeline"). As you will see in the Submission Timeline, BFG initiated the submission process at 9:30AM on March 28, 2018, well in advance of the Opening Time.

I also want to draw your attention to BFG's Network Latency and Loss Report for March 28, 2018, attached hereto as [Exhibit B](#). As shown in the report, our network was functioning at an optimal level, and was more than capable of facilitating the upload. Further, we conducted extensive IT forensics on the computer used for the RFP submission, and no hardware errors were identified. In fact, that computer was configured specifically for, and had been used exclusively in conjunction with, submitting proposals to the State of South Carolina. Nevertheless, BFG is now being kept out of the bid process because DSIT will not formally acknowledge the existence of any technical issues within the Portal.

Attachment 3

From: [Harvey, Samuel](#)
 To: [Robert, Robert](#)
 Subject: RE: H4B
 Date: Tuesday, May 29, 2018 1:07:51 PM
 Attachments: [mms001.png](#)
[mms004.png](#)
[mms007.png](#)
[mms008.png](#)
[mms011.png](#)
[mms013.png](#)

They had no system issue on our end.

I believe it was with their computer.

There was another bidder that was able to respond on the same day!

Responses and Awards

Remaining Time 9 Days 00:00:00 | Smart Number: BACKFIRE SC MEDIA AND MARKETING CAMPAIGN | Type: Request for Proposal | Status: Published | Number of Suppliers: 5 | RFA Number: 5400018720

Response Number	Response Status	Company Name	Bidder Name	Item	Response Version	Last Changed
5500057029	Submitted	STATE MEDIA COMPANY				03/26/2018
5500057051	Saved	MIDWOOD ANIMATION STUDIO LLC				03/26/2018
5500057050	Saved	BFD MARKETING LLC				03/26/2018
5500057028	Accepted	RESCUE AGENCY PUBLIC BENEFIT LLC				06/11/2018
5500056779	Saved	ENTERCOM GREENVILLE LLC				03/26/2018
5500056864	Submitted	THE M NETWORK INC				03/27/2018

After further review, another one of the bidders was able to submit just before this bidder tried at 9:23 AM on 3/28/2018

Display RFX Response:

RFA Response Number: 5500057029 | RFA Name: BACKFIRE SC MEDIA AND MARKETING CAMPAIGN | Status: Submitted | Supplier Name: STATE MEDIA COMPANY | Target Value: 2,250,000.00 USD | RFA Number: 5400018720

RFA Information | Name | Notes and Attachments | Approval | Tracking

Basic Data

Bidder Contact Information
 Supplier Name: STATE MEDIA COMPANY
 Contact Person Name: LAUREN LIBET
 E-Mail: LIBET@THESTATE.COM
 Fax:
 Phone: (803) 771-4372

RFA Response Information
 Last Changed On: 03/26/2018 11:09:35 EST
 Last Changed By: EDNA SMAS
 Creation Date: 03/26/2018 09:23:32 EST
 Created By: LAUREN LIBET

Event Parameters
 Process Type: QUOT
 Validity Period: 05/15/2018 - 05/14/2023
 Currency: United States Dollar
 Detailed Price Breakdown: Single Price
 Follow-On Document: Contract
 Target Value of RFA in Original Currency: 0.00 USD
 Target Value of RFA in Selected Currency: 0.00 USD
 Target Value of RFA Response: 2,250,000.00 USD
 Net Value of Header Items: 2,250,000.00 USD

Organization
 Responsible Purchasing Organization: 0 550000061 SCES Purchasing Organization
 Responsible Purchasing Group: 0 550000067 MMO - K. Santandreu 519

Pricing Arrangement
 Pricing Arrangement:
 Colling Amount:

Status and Statistics
 Created On: 03/26/2018 09:23:32 EST
 Created By: LAUREN LIBET
 Last Processed On: 03/26/2018 11:09:35 EST
 Last Processed By: EDNA SMAS

Followers and Delivery Information

Function	Number	Name	Phone Number
Contact Person	44816	LAUREN LIBET	(803) 771-4372
Bidder	700052746	STATE MEDIA COMPANY	(803) 771-4372
Goods Recipient	23965	CHARLOTTE HEADGERS	
Ship-To Address	94	SCES Post	(803) 886-9003
Location	9997	SC Dept of Health & Environmental Control	

I hope this helps!

Sam Harvey, CPPB, APM
 Program Manager II, Fleet Maintenance and Contract and Bidding Expert MM Team
 South Carolina Enterprise Information System
 Samuel.Harvey@admin.sc.gov
 SHarvey@scies.sc.gov

The South Carolina Department of Administration
 1628 Browning Road, 2nd Floor, Columbia, SC 29210
 (803) 852-4071 | (803) 734-0179 fax

The South Carolina Department of Administration (Admin) serves the citizens of South Carolina and agency partners by leading innovative efforts to provide secure, cost-effective, responsive and standardized services.



From: Lanouette, Paul
 Sent: Tuesday, May 29, 2018 8:36 AM
 To: Harvey, Samuel <Samuel.Harvey@admin.sc.gov>
 Cc: Winters, James <jm.winters@admin.sc.gov>; Dixon, Wanda <Wanda.Dixon@admin.sc.gov>
 Subject: RE: H4B

This is the logon data pulled from that time period

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised June 2018)

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 2018 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.