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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

## Protest Decision

**Matter of:** Event Partners, Inc.

**Case No.:** 2018-171

**Posting Date:** June 11, 2018

**Contracting Entity:** Coastal Carolina University

**Solicitation No.:** 5400015106

**Description:** Event Staffing Services

### DIGEST

Protest of Responsibility determination is denied. Event Partners' (EP) letter of protest is included by reference. [Attachment 1]

### AUTHORITY

The Chief Procurement Officer<sup>1</sup> (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.

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

## BACKGROUND

<b>Event</b>	<b>Date</b>
Solicitation Issued	03/09/2018
Amendment One Issued	03/26/2018
Intent to Award Issued	05/25/2018
Protest Received	05/30/2018

## ANALYSIS

The State Fiscal Accountability Authority (SFAA) issued this Invitation for Bids (IFB) behalf of Coastal Carolina University to acquire event staffing services for athletic events, special events, commencement ceremonies, and other University functions.

EP protests that the apparent successful bidder, Taylor Smith Consulting, LLC (TSC), is not a responsible bidder for the following reasons:

- A temporary staffing agency, not a credible event staffing agency.
- There is no evidence that TSC has the experience or resources to meet the needs of the solicitation.
- TSC has no experience in this region and, in particular, in South Carolina.
- TSC is a Texas limited liability corporation that is not registered with the South Carolina Secretary of State.

Section 11-35-1810(1) requires that the responsibility of bidders shall be determined as follows:

Determination of Responsibility. 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.

A “responsible bidder” is defined in Section 11-35-1410(6) as:

[A] person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance which may be substantiated by past performance.

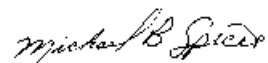
There is no definition of a “credible event staffing agency” in the solicitation and no requirement that a bidder be a “credible event staffing agency.” There is no requirement

in the solicitation that a bidder have experience in South Carolina or in this region. The procurement file indicates that, in making her determination that TSC was responsible, the procurement officer reviewed TSC's corporate references and event supervisor's resume, requested TSC identify events it had worked involving attendance exceeding 7500, and confirmed TSC's "low risk" rating through Dunn and Bradstreet. After posting the intent to award, but before the protest, she confirmed that the Secretary of State had issued a South Carolina Certificate of Authority (Attachment 2) authorizing TSC to conduct business in South Carolina. The procurement officer exercised due diligence in determining that Taylor Smith Consulting, LLC was a responsible bidder, and EP has offered nothing indicating the contrary.<sup>2</sup> Since her determination is supported by a rational basis, the CPO will not disturb it. *E.g., Appeal by Allied Waste Services*, Panel Case No. 2013-12.

## **DECISION**

For the reasons stated above, the protest of Event Partners, Inc. is denied.

For the Materials Management Office



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Michael B. Spicer  
Chief Procurement Officer

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<sup>2</sup> EP's request for TSC's references, resumes, and list of failed projects, suspensions, debarments, and significant litigation is denied as this information is protected under Section 11-35-1810.

# Attachment 1

## PROTEST OF BIDDING AND AWARD FOR EVENT STAFFING SERVICES

### COASTAL CAROLINA UNIVERSITY

#### SOLICITATION 5400015106 & CCU-9300211

**May 30, 2018**

Kristen Moss  
Chief Procurement Officer  
Materials Management Office  
1201 Main Street, Suite 600  
Columbia, South Carolina 29201

Dear Kristen Moss,

Based on a posting on May 25, 2018, of your intent to award the Event Staffing Services for Coastal Carolina University (CCU) to Taylor Smith Consulting LLC out of Houston, Texas, Event Partners, Inc. (EPI) is filing a formal protest of the award, pursuant to your rules and regulations.

EPI has provided competitive and successful event staffing services to CCU for 9 years. We are proud of our work history at Coastal Carolina and other State of South Carolina campuses i.e. Clemson University, The Citadel, College of Charleston, etc.

#### **Grounds for Protest**

EPI's research has revealed that Taylor Smith Consulting LLC is not a credible event staffing company, as is illustrated by their website. They are a temporary staffing agency. Their touted involvement with the Phoenix Open appears to have been limited to trash pickup and cleanup of the grounds staff. That in itself is a far cry from the level of management talent and experience required for highly attended public sporting events at your university.

There is no evidence available that shows Taylor Smith Consulting LLC has the experience or resources to meet the needs of the solicitation as listed in section III. Scope of Work/Specifications. Also, section V. Qualifications states that *"(1) To be eligible for award, you must have the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance."*

Furthermore "temporary staffing" is not the same as "event staffing". That is grounds for disqualification without that event staffing experience.

Taylor Smith Consulting LLC has no experience in this region and in particular in South Carolina anywhere. In fact, a search of businesses in the state of South Carolina through the Secretary of State shows that Taylor Smith Consulting LLC is not even registered to do business in the state. In the spirit of "buy local", why would SC Procurement go outside of the state when there are multiple "first tier" companies like EPI loyal to serving your community and the state?

While they appear to be a minority-owned company, that was not criteria of the proposal, and therefore should have no bearing on any selection scoring by SC Procurement.

Their social media footprint has multiple poor references from past employees that should give an indication on their lack of depth in procedures, training and supervision. Most importantly they appear to not understand the need for employees to always display a cooperative attitude with your public. Phrases like "horrible employee", "should have known better" and "very poor business practices" should be a tip to their lack of experience for event staffing services.

**EPI Request for Information**

EPI respectfully requests to see the information Taylor Smith Consulting LLC submitted for their proposal and the steps the state has taken to ensure that Taylor Smith Consulting LLC has the resources and experience to meet the needs of the solicitation, including the Section IV. Information for offerors to submit:

1. **Three (3) references for businesses or NCAA Division I universities for similar services performed at venues with crowds of 7,500 or greater within the last five (5) years. Provide Reference Point of Contact name, address, email address, and telephone number.**
2. **Copy of each Contractor Event Supervisor's resume.**
3. **Copy of Contractor's two-way radio license**

And the Section V. Qualifications – Required Information:

**(a) A listing of the three businesses or NCAA Division I universities for similar services performed at venues with crowds of 7,500 or greater within the last five (5) years ~~most recent, comparable contracts~~ (including contact information). For each contract, describe how the supplies or services provided are similar to those requested by this solicitation and how they differ; further, describe what type employee/staff training is required of event staff personnel.**

**(b) A list of every South Carolina public body (government entity) for which supplies or services have been provided at any time during the past five (5) years, if any.**

**(c) List of failed projects, suspensions, debarments, and significant litigation.**

**Relief Requested**

EPI and its Owner and Management value their longstanding relationship with, and commitment to, Coastal Carolina University. Given EPI's 9 year history of serving CCU without any issues, EPI possesses reason to believe that it possesses the best knowledge of CCU's event staffing requirements. Based on the objections set forth herein regarding the event staffing services award, EPI respectfully requests a face to face interview with SC Procurement along with the CCU leadership to discuss in detail our approach to your event staffing needs. EPI asks that CCU reassess the experience and management approach by the competing firms and that it conduct in-depth interviews of selected CCU account management to make a better comparison of services by each firm and whether or not they can meet the needs of the solicitation. EPI furthermore requests that CCU re-award the contract following such review.

Thank you for your attention to these matters. The EPI team stands ready to respond to your needs and looks forward to CCU's response.

Regards,

A handwritten signature in cursive script, appearing to read "Drew Cawood". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Drew Cawood

# *The State of South Carolina*



*Office of Secretary of State Mark Hammond*

## **Certificate of Authority**

**I, Mark Hammond, Secretary of State of South Carolina Hereby Certify that:**

**TAYLOR SMITH CONSULTING LLC,**  
a limited liability company duly organized under the laws of the State of Texas, and issued a certificate of authority to transact business in South Carolina on May 31st, 2018, with a duration that is at will, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to S.C. Code Ann. §33-44-809, and that the company has not filed a certificate of cancellation as of the date hereof.

Given under my Hand and the Great Seal  
of the State of South Carolina this 31st day  
of May, 2018.

  
Mark Hammond, Secretary of State

## STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

*Protest Appeal Notice (Revised July 2017)*

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

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

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Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: <http://procurement.sc.gov>

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

**FILING FEE:** Pursuant to Proviso 111.1 of the 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**

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

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

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

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

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

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

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

Sworn to before me this

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

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

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

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

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

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

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

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