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## Protest Decision

**Matter of:** Attendi US, Inc.

**Case No.:** 2019-203

**Posting Date:** October 16, 2018

**Contracting Entity:** State Fiscal Accountability Authority

**Solicitation No.:** 5400014595

**Description:** GPS Monitoring Services

### DIGEST

Protest dismissed for failure to state a claim. Attendi US, Inc.'s letter of protest is included by reference. [Attachment 1]

### AUTHORITY

The Chief Procurement Officer (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.

### ANALYSIS

The State Fiscal Accountability Authority (SFAA) issued this solicitation to acquire GPS monitoring services for multiple state agencies. An Intent to award was posted to BI Incorporated on September 28, 2018. Attendi notified the CPO of its intention to protest, and

requested certain information under the Freedom of Information Act on October 1, 2018. Attendi's intent to protest stated no basis or grounds for its protest. In accordance with Section 11-35-4210(2)(b), Attendi had until October 15, 2018 to amend its protest as follows:

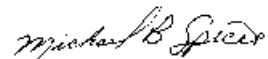
A protest pursuant to subsection (1)(b) must be in writing and must be received by the appropriate chief procurement officer within the time limits established by subsection (1)(b). At any time after filing a protest, but no later than fifteen days after the date award or notification of intent to award, whichever is earlier, is posted in accordance with this code, a protestant may amend a protest that was first submitted within the time limits established by subsection (1)(b). A protest, including amendments, must set forth both the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided.

Attendi did not amend its protest within the statutory time allowed.

## **DECISION**

Attendi US, Inc.'s protest is denied for failure to state a claim.

For the Information Technology Management Office



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Michael B. Spicer  
Chief Procurement Officer



October 1, 2018

Mike Spicer  
Chief Procurement Officer  
Division of Procurement Services  
1201 Main Street, Suite 601  
Columbia, SC 29201  
[protest-itmo@mmo.sc.gov](mailto:protest-itmo@mmo.sc.gov)

**Subject: Intent to Protest the Intent to Award Solicitation 5400014595, GPS Monitoring Services**

Dear Mr. Spicer:

Attenti US, Inc. asserts its right and interest to protest the Intent to Award Solicitation 5400014595, GPS Monitoring Services, to BI Incorporated.

In order to clearly submit our grounds of protest, and under the South Carolina Freedom of Information Act, §30-4-10 et seq., we request a timely release of all solicitation documents including:

- All Technical and Business-Price Proposals submitted, excluding those from Attenti
- All evaluations, tabulations, and scoring related to each proposal submission, oral presentation, demonstration, etc.
- Final tabulations and scoring
- All emails, both internal and external, including all emails from state email accounts (including but not limited to SCDPPS or state Procurement Services) and state employee personal accounts, related to, concerning, referencing, or impacting this procurement.

Additionally, we request that the protest submission date be extended to ten (10) days from receipt of the above requested documents in order to provide Attenti US, Inc. the opportunity to clearly set forth the required grounds of protest and relief requested.

Sincerely,

Attenti US, Inc.

A handwritten signature in black ink that reads "Arnold Roese".

Arnold Roese  
Vice President and General Manager

1838 Gunn Hwy.  
Odessa, FL 33556

T 813.749.5454  
F 813.749.5474

[contact@attentigroup.com](mailto:contact@attentigroup.com)  
[www.attentigroup.com](http://www.attentigroup.com)



cc: Delbert Singleton, Director, Procurement Service Division and Authority Secretary  
[Delbert@oed.sc.gov](mailto:Delbert@oed.sc.gov)

Sarah Hancock, Procurement Manager  
[shancock@ppp.sc.gov](mailto:shancock@ppp.sc.gov)

Jon Ozmint, Esquire

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## 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.

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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 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**

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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.**