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EXECUTIVE DIRECTOR

Protest Decision

Matter of: Cleveland Construction, Inc.

File No.: 2020-004

Posting Date: January 21, 2020

Contracting Entity: Department of Administration, Division of Facility Management and Property Services

Project No.: D50-9976-CB

Description: New SLED Forensics Laboratory Building, Columbia SC

AUTHORITY

The Chief Procurement Officer for Construction (CPOC) conducted an administrative review per S.C. Code Ann. §11-35-4210(4). This decision is based on materials in the procurement file, the stated position of the South Carolina Contractor's Licensing Board, and applicable law and precedents.

BACKGROUND

On September 9, 2019, South Carolina Department of Administration, Division of Facility Management and Property Services (FM) advertised for bids to construct a new Forensics Laboratory Building (the Project) for the South Carolina State Law Enforcement Division (SLED). [Exhibit B] The solicitation documents required bidders to list the subcontractor they intended to use to perform the work of the project under the General Contractor – Specialty license subclassification of Structural Framing (SF). [Exhibit C] Prime bidders were allowed to list themselves for this work provided their contractor's license or combination of licenses permitted them to perform the work of SF.

By the deadline for submitting bids, FM received five bids. [Exhibit D] The lowest bidder, Contract Construction, Inc. (CCI), listed itself for the SF work. [Exhibit E] However, FM determined that all bids exceeded available funds and entered into negotiations with CCI per S.C. Code Ann. § 11-35-3020(d)(i). CCI's bid was for \$52,727,000. FM successfully negotiated CCI's price down to \$48,962,270 and, on December 12, 2019, posted a Notice of Intent to

Award a Contract to CCI. [Exhibit F] Cleveland Construction, Inc. (Cleveland) protested alleging that CCI's licenses did not allow it to offer to perform SF work on the project, that CCI did not possess the structural credentials required by the project specifications, that CCI's bid did not exceed available funds, and that FM did not make the written determination required by S.C. Code Ann. § 11-35-3020(d)(i) before entering into negotiations.

DISCUSSION

LICENSURE AND CERTIFICATIONS

Cleveland's first two allegations are allegations of nonresponsibility. A determination of responsibility is required by S.C. Code Ann. § 11-35-1810, which states "[r]esponsibility of the bidder or offeror shall be ascertained for each contract let by the State ... " A procurement officer's determination of responsibility is final and conclusive unless it is "clearly erroneous, arbitrary, capricious, or contrary to law." See S.C. Code Ann. § 11-35- 2410(A). The protestant has the burden of proving that the procurement officer's determination is "clearly erroneous, arbitrary, capricious, or contrary to law." *Protest of Brantley Construction Co., Inc.*, Panel Case No. 1999-3. In other words, FM's determination about responsibility is a matter of discretion that cannot be overturned absent a showing by Cleveland that it is "clearly erroneous, arbitrary, capricious, or contrary to law." See *Protest of CollegeSource, Inc.*, Panel Case No. 2008-4. Since agency decisions about responsibility are a matter of business judgment, Cleveland must demonstrate a lack of reasonable or rational basis for the responsibility determination. See *Protest of Value Options*, Panel Case No. 2001-7.

Responsibility is the ability, in all material aspects, to perform the contract. The Contractors Licensing Act requires a contractor to possess the proper license at the time of bidding. SC Code Ann§ 40-11-30. Possession of the proper contractor license, either by the bidder or one of the bidder's listed subcontractors. is an issue of responsibility. *Protest of Burkwood Construction Company, Inc.*, Panel Case No. 1997-8; *Protest of Roofco, Inc.*, Panel Case No. 2000-14(1). If, at the time of bidding, CCI lacked the proper license for performing the SF work on this project then CCI is not a responsible bidder.¹

At the time of bidding, CCI possessed a General Contractor's license with the classifications of Building (BD), Grading, and Concrete. [Exhibit G]. At issue here is whether the BD classification permits CCI to perform the SF work on the Project. Section 40-11-410 of the Contractor's Licensing Act states:

The following license classifications are in effect:

(1) "General Contractors-Building" which includes commercial, industrial, institutional, modular, and all other types of building construction, including residential structures. **This license classification includes all work under the**

¹ SC Code Ann § 11-40-200(B) precludes an owner from even considering the bid of an entity or individual that lacks the proper license subclassifications at the time of bidding.

subclassifications of Wood Frame Structures-Class II, Interior Renovation, Masonry, Pre-engineered Metal Buildings, General Roofing, and Structural Shapes.

Licensees under this classification may perform ancillary work, including grading, associated with the building or structure which the licensee has been engaged to construct. However, if a project includes work performed under a Mechanical Contractor subclassification or any of these license subclassifications, the licensee must have a license for this work or use a contractor licensed in the appropriate license classification or subclassification to perform the work: Swimming Pools, Bridges, Boring and Tunneling, Water and Sewer Lines, Pipe Lines, Railroad Lines, Specialty Roofing, Marine, Water and Sewer Plants, and Asphalt Paving.

BD expressly includes the General Contractors – Specialty subclassifications of Wood Frame Structures-Class II, Interior Renovation, Masonry, Pre-engineered Metal Buildings, General Roofing, and Structural Shapes but not SF. However, this Section also allows the performance of ancillary work unless this Section expressly excludes the work. This Section does not expressly exclude SF from the type of ancillary work a contractor with a BD classification can perform.

Under the Contractor’s Licensing Act, what is ancillary work in a building construction project? This is a question that the Contractor’s Licensing Board (Board), the entity charged with administration and enforcement of the Contractor’s Licensing Act, has answered. S.C. Code Ann. §§ 40-1-10 et seq. and 40-11-5 et seq. At its January 21, 2016 meeting the Board determined that SF work was ancillary work provided it was not 41% or more of the total cost of construction. [Exhibit H] FM relied on this determination when considering CCI’s responsibility. Moreover, FM had a rational basis to rely on the interpretation of the body charged by law with administrating and enforcing the contractor’s licensing laws.

Cleveland further alleges that an email from the Project Architect to Cleveland clarified that bidders were to list the Fabricator described in Section 051200(C) as the subcontractor that would perform the SF work. The CPOC does not agree. Neither Cleveland’s email to the Architect nor the Architect’s response use the word “Fabricator” at all. Cleveland asked:

Bid form, Section 7 listing of Proposed Subcontractors: For Structural Framing, are we to list **structural steel contractor** or Cold Formed Metal Framing contractor?

The Project architect responded: “Structural Steel Contractor.” The CPOC also notes that this email is not a part of the solicitation documents. The Instructions to bidders make it clear that bidders are only to rely on official solicitation documents. A review of the subcontractor listing portion of the bid form and accompanying instructions (all of which are a part of the official solicitation documents) makes it clear that bidders were to identify the entity that would perform the work requiring an SF license. Section 40-11-410(4)(j) states that SF includes:

[T]he installation, repair, or alteration of metal or composite structural members for buildings or structures, including riveting, welding, and rigging. This subclassification also includes work under the subclassification of Structural Shapes.

SF does not include Fabrication.

Cleveland also argues that by listing itself as the SF, CCI failed to comply with the contractual, sub contractual, and sub-sub contractual relationships dictated by Section 051200(C) of the specifications. Cleveland essentially argues that the specifications require the Fabricator to subcontract the erector (i.e. the entity with an SF license) but instead, CCI, as the erector is subcontracting the Fabricator. In this regards, Section 051200(C)(1) states:

1. Fabricator Responsibility
 - a. The structural steel fabricator shall be responsible for enlisting the Steel Joist fabricator as a direct subcontractor.
 - b. The structural steel fabricator shall be responsible for enlisting the Steel Deck fabricator for steel deck bearing on structural steel or steel joists as a direct subcontractor
 - c. The structural steel fabricator shall be responsible for enlisting the steel erector as a direct subcontractor.
 - d. The structural steel fabricator shall be responsible for enlisting the steel joist erector as a direct subcontractor.
 - e. The structural steel fabricator shall be responsible for enlisting the steel deck erector for steel bearing on structural steel or steel joists as a direct subcontractor.

A bidder's bid must conform "in all material aspects to the invitation for bids." S.C. Code Ann, § 11-35-1410(9). However, the procurement officer may waive a minor informality or irregularity that is "a matter of form or is some immaterial variation from the exact requirements of the invitation for bids having no effect or merely a trivial or negligible effect total bid price, quality, quantity, or delivery... or performance of the contract, and the ... waiver of which would not be prejudicial to bidders." S.C. Code Ann. § 11-35-1520(13). A literal reading of the Fabricator Responsibilities precludes the Fabricator from self-performing steel erection even if the Fabricator possess an SF license subclassification. This is nonsense. The CPOC finds it to be immaterial whether the steel erection is performed by the prime contractor, a sub-contractor to the prime contractor (i.e. the Fabricator), or a sub-subcontractor to the prime contractor as long as the prime contractor and its subcontractors adhere to the Contractor's Licensing Act.

Cleveland alleges that even if CCI's license allows it to perform the SF work, CCI "lacks the requisite certifications for steel fabrication as required by the Specifications for the Project." Specification Section 051200(C) states:

C. Fabricator Qualifications: A qualified fabricator that participates in the AISC Quality Certification Program and is designated an AISC-Certified Plant, Category BU (Certified Building Fabricator) and which employs personnel or an independent testing agency that are qualified to complete all the required inspections and testing. Personnel shall be qualified as required by A WS D 1.1 where completing weld testing and inspection.

As previously noted, the work of SF does not include fabrication; therefore, CCI does not need to have the required Fabricator qualifications to list itself for the SF work.

NEGOTIATION PER S.C. CODE ANN. § 11-35-3020(d)(i)

Section 11-35-3020(d)(i) states:

If bids received pursuant to an invitation for bids exceed available funds, and it is determined in writing by the governmental body that circumstances do not permit the delay required to resolicit competitive sealed bids, and the base bid, less deductive alternates, does not exceed available funds by an amount greater than ten percent of the construction budget established for that portion of the work, a contract may be negotiated pursuant to this section with the lowest responsible and responsive bidder. The governmental body may change the scope of the work to reduce the price to be within the established construction budget but may not reduce the price below the established construction budget more than ten percent without a written request by the agency and the written approval of the chief procurement officer based on the interest of the State.

Cleveland argues that the lowest bid did not exceed available and, therefore, FM could not take advantage of negotiations. In support of its contention, Cleveland relies on SLED's budget request for the project submitted in FY 2017/2018. [Exhibit I to Cleveland's Protest] In that document, SLED requests \$54,078,993 for construction costs. That document also states - "Soft Costs Paid by SLED - \$3,520,307." The document does not spell out what is included in soft costs. The CPOC observes that this budget request is just that; it is not a final document that defines the budget available for this project. Budget Proviso 112.1 of the 2018-2019 Appropriation Act appropriates \$54,078,993 to the Project. The Proviso does not mention any other funds. Moreover, the State Fiscal Accountability Authority approved Permanent Improvement Project Form A-1 states that the entire budget for the Project is \$54,078,993. [Exhibit I] All Architect/Engineer Fees, construction and contingencies are to be paid out of this amount. Because the Form A-1 did not include any other funds, SLED cannot expend any other funds on this project. Additionally, the Office of State Engineer (OSE) requires agencies to submit a budget of construction cost before soliciting bids on the second page of the OSE Form


310. The Form in this case estimates construction cost at \$48,897,476 and states that the “Construction Budget for this Contract” is \$49,902,970. [Exhibit J]

CCI bid \$52,727,000. Deducting Professional Services Fees, inspection costs, and contingency from \$54,078,993 results in an amount less than \$50 million in available funds. In other words, the evidence shows that all bids exceeded available funds.

Finally, Cleveland argues that there is no evidence that FM or SLED made a written determination that “circumstances did not permit the delay required to resolicit competitive sealed bids” before engaging in negotiations. FM provided the CPOC a copy of a written determination in response to this protest. The determination is not dated, and one cannot tell from the document whether the determination was prepared in advance of negotiations. However, even if FM prepared the document after negotiations, Cleveland is not prejudiced. This is a minor technicality which FM cured. *See Appeal by Value Options*, Panel Case No. 2001-7; *Protest by Gregory Electric*, Panel Case No. 1989-17C (civil action no. 90-CP-40-0348). To hold otherwise would result in remanding this matter to FM to renegotiate what has already been negotiated in order to make sure negotiations occur after the written determination is prepared. This is an absurd result and one that will not result in any practical change.

DECISION

Based on the foregoing, the CPOC finds that 1) FM reasonably relied on the Board’s interpretation of the contractor’s licensing laws in determining that CCI was a responsible bidder and FM’s determination was not “clearly erroneous, arbitrary, capricious, or contrary to law”; 2) to the extent the bid documents purport to require the Fabricator to subcontract steel erection, CCI’s decision to self-perform steel erection is an immaterial variation from the requirements of the invitation for bid; 3) the invitation for bids does not require the steel erector to possess AISC certification; and 4) though the written determination to enter into negotiations may have been written after the fact, this minor technicality which FM has cured. Accordingly, the protest is denied.



John St. C. White
Chief Procurement Officer
For Construction

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised June 2019)

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>

FILING FEE: Pursuant to Proviso 111.1 of the 2019 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.

CLEVELAND CONSTRUCTION, INC.

8620 TYLER BLVD.
MENTOR, OH 44060
PH. (440) 255-8000

December 20, 2019

Sent Via U.S. Mail and Via Email to protest-ose@mmo.sc.gov

Chief Procurement Officer for Construction
Office of State Engineer
1201 Main Street, Suite 600
Columbia, SC 29201

Re: Agency: Department of Administration, Division of Facility Management
and Property Services
Project Name: New SLED Forensics Laboratory Building, Columbia, SC
Project No: D50-9976-CB

Protest of Notice of Intent to Award

Dear Chief Procurement Officer:

Pursuant to S.C. Code § 11-35-4210, Cleveland Construction, Inc. (“Cleveland”) hereby protests the Notice of Intent to Award to Contract Construction, Inc. (“Contract”) posted on December 12, 2019 for Project No. D50-9976-CB, the New SLED Forensics Laboratory Building located in Columbia, SC (the “Project”). Cleveland has standing under S.C. Code § 11-35-4210(1)(b) to bring this protest because it was an actual bidder for the Project and has been aggrieved in connection with the intended award to Contract.¹ As set forth in further detail below, the Notice of Intent to Award to Contract is improper and should be rescinded for two independent reasons: (1) Contract is not a responsible bidder because it lacks the requisite licensure and certifications; and (2) the Agency improperly negotiated with Contract subsequent to opening of the bids submitted for the Project.

FACTUAL BACKGROUND

The Department of Administration, Division of Facility Management and Property Services (the “Agency”) issued a solicitation for competitive sealed bids for the Project on September 9, 2019 (see Exhibit A, Invitation for Design-Bid-Build Construction Services). Pursuant to the requirements of S.C. Code § 11-35-3020(b)(i), the solicitation required each bidder to list on its bid form the licensed subcontractor it intended to use on the Project for, among others, the subcontractor specialty of “Structural Framing,” license subclassification abbreviation “SF” (see Exhibit B, Lump Sum Bid Form). The Instructions for Subcontractor Listing provided in the Bid Form specifically state that:

¹ Cleveland was a responsive and responsible bidder and was the third-lowest bidder for the Project. Like Contract, the second-lowest bidder, Edcon, Inc., also was not a responsible bidder because the subcontractor it listed on its bid form for Structural Framing (Macuch Steel) did not have the requisite licensure at the time of the bid.

CLEVELAND CONSTRUCTION, INC.

Bidder must only list subcontractors who possess a South Carolina contractor's license that includes the license classification and/or subclassification identified by the Owner in Columns A & B. The subcontractor license must also be within the appropriate license group for the work. If Bidder lists a subcontractor who is not qualified to perform the work, the Bidder will be rejected as non-responsible.

The Instructions for Subcontractor Listing further clarify that a Bidder may list itself, but only if "under the terms of the Bidding Documents and SC Contractor Licensing laws, Bidder is qualified to perform the work of a listed subcontractor classification or subclassification."

The bids for the Project were opened on October 24, 2019. Five contractors submitted bids for the Project, including Cleveland and Contract. Contract submitted a base bid of \$52,727,000 and was the apparent low bidder; it listed itself as the Structural Framing subcontractor on its bid form (*see* Exhibit C, Bid Tabulation). On December 12, 2019, the Agency posted a Notice of Intent to Award the contract for the Project to Contract (*see* Exhibit D, Notice of Intent to Award). The Notice of Intent to Award was for \$48,962,270, which is \$3,764,730 less than Contract's base bid for the Project. No alternates were accepted. In the "Remarks" section of the Notice of Intent to Award, the Agency stated that "we negotiated [sic] down to the new amount of \$48,962,270 to get in budget." Cleveland gave notice of its intent to protest the Notice of Intent to Award on December 17, 2019.

DISCUSSION

1. Contract is Not a Responsible Bidder Because It Lacks the Requisite Licensure and Certifications

The South Carolina Procurement Code requires that an award only be made to a "responsible" bidder. S.C. Code § 11-35-3020(2)(c); *see also* § 11-35-1810. "Possession of the proper contractor's license, either by the bidder or one of the bidder's listed subcontractors, is an issue of responsibility." Protest of Newtech, Inc., File No. 2016-2; *citing* Protest of Brantley Construction Co., Case No. 1999-3. "If, at the time of bidding, a subcontractor listed on a bidder's bid does not possess the proper license for performing the work for which the subcontractor was listed, then neither the listed subcontractor nor the bidder are responsible." Protest of Newtech, Inc., *citing* S.C. Code § 40-11-200(B) and Protest of Burkwood Construction Co, Inc., Case No. 1997-8. A governmental body does not have any discretion in the matter; if the contractor or one of its listed subcontractors lacks the proper license, the bidder is "*always*" non-responsible, and the governmental body cannot accept the bid. Protest of Roofco, Inc., Case No. 2000-14(I) ("the lack of a proper license to do the work solicited in a state contract will always render a bidder nonresponsible") (emphasis added).

Contract is not a responsible bidder because it listed itself as performing the Structural Framing subcontractor specialty, but it does not have the requisite licensure for Structural Framing. As set forth above, the solicitation for the Project requires the contractor performing the Structural Framing to possess a South Carolina contractor's license with the license subclassification "SF." At the time of the bid, Contract possessed four South Carolina contractor's licenses (*see* Exhibit E, abstracts of Contract's South Carolina contractor's licenses). None of Contract's four licenses includes the SF classification. Because Contract's licenses do not include the appropriate Structural Framing subclassification, Contract does not have the proper license and therefore is not a responsible bidder.

CLEVELAND CONSTRUCTION, INC.

When Cleveland presented this information to the Agency's Project Coordinator, Saied Darvish, Mr. Darvish suggested that the "General Contractors-Building" license classification includes the Structural Framing Subclassification, and that because Contract maintains a license with the General Contractors-Building classification, it therefore has the requisite licensure. This is incorrect and contradicts a plain reading of the South Carolina Contractor's Licensing Act. The Act sets forth two separate classifications for General Contractors-Building and General Contractors-Specialty. The Act further sets forth each of the various subclassifications that are included within each of those classifications. The General Contractors-Specialty classification includes both the "Structural Shapes" and the "Structural Framing" subclassifications. S.C. Code § 40-11-410(4). The General Contractors-Building classification, in contrast, includes only the Structural Shapes subclassification and does not list the Structural Framing subclassification. S.C. Code § 40-11-410(1).

The Act further clarifies that Structural Shapes and Structural Framing are two separate and distinct subclassifications. The Structural Shapes subclassification is defined as "the installation, repair, or alteration of metal or composite shapes, tubing, pipes and bars, including minor field fabrication as may be necessary." S.C. Code § 40-11-410(4)(k). The Structural Framing subclassification is more expansive; it is defined as "the installation, repair, or alteration of metal or composite structural members for buildings or structures, including riveting, welding, and rigging," and it "includes work under the subclassification of Structural Shapes." S.C. Code § 40-11-410(4)(j). In other words, the Structural Framing subclassification includes Structural Shapes, but the Structural Shapes subclassification does not include Structural Framing. Accordingly, a plain reading of the statute demonstrates that the General Contractors-Specialty license classification includes the Structural Framing subclassification, but the General Contractors-Building license classification does not. Because Contract only maintains a General Contractors-Building license classification, it does not have the requisite licensure for Structural Framing, and it is not a responsible bidder.

Even if Contract did have the requisite licensure for Structural Framing (which it does not), Contract still is not a responsible bidder for the additional reason that it lacks the requisite certifications for steel fabrication as required by the Specifications for the Project. During the pre-bid process, the Architect clarified that the "Structural Framing" subcontractor that was to be listed on the bid form was the "Structural Steel Contractor" (*see* Exhibit F, 10/14/19 email from D. Anderson to P. Alexander). The bid set Specifications for the Project require the Structural Steel Fabricator to be AISC-certified (*see* Exhibit G – Bid Set Specifications Section 051200(C)). Contract is not AISC-certified (*see* Exhibit H – Search results for AISC members). The bid set specifications also require the Structural Steel Fabricator to enlist the steel erector as a direct subcontractor (*see* Exhibit G – Bid Set Specifications Section 051200 (C)(1)(c)). However, it appears that Contract's intent is to perform steel erection itself and subcontract out the Steel Fabrication to an unknown third-party, which is inconsistent with the requirements of the Bid Set Specifications. For these additional reasons, Contract is not a responsible bidder.

2. The Agency Improperly Negotiated With Contract Subsequent to Opening the Bids

When a construction procurement is subject to competitive sealed bidding, the Procurement Code requires that the project be awarded to the "lowest responsive and responsible bidder whose bid meets the requirements set forth in the invitation for bids." S.C. Code § 11-35-3020(c)(i). A governmental body may not negotiate with bidders unless all bids received in response to the invitation for bids "exceed available funds." S.C. Code § 11-35-3020(d)(i). If all bids exceed

CLEVELAND CONSTRUCTION, INC.

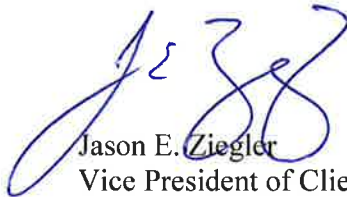
available funds, the governmental body may negotiate with the “lowest responsible and responsive bidder,” but only if “it is determined in writing by the governmental body that circumstances do not permit the delay required to resolicit competitive sealed bids.” *Id.*

The Agency was not permitted to negotiate with Contract because, as set forth in Section 1 above, Contract was not the lowest responsible and responsive bidder. But even if Contract were the lowest responsible and responsive bidder (and it is not), the Agency still was not permitted to negotiate with Contract because Contract’s bid does not appear to “exceed available funds.” Upon information and belief, the Agency’s budget for the construction costs for the Project was \$54,078,993. The 2018-2019 Appropriation Act, for instance, authorized the transfer of \$54,078,993 from debt service to the Agency for the Project. *See* 2018-2019 Appropriation Act, Part IB, Section 112.1. The Agency’s capital request for the Project clarifies that the \$54,078,993 allocated for the Project is for “Construction Costs” only; its budget includes an additional \$3,520,307 for “Soft Costs” (such as design and consulting services) for a total budget of \$57,599,300 for the Project. *See* Exhibit I – Capital Request Form. Contract’s base bid of \$52,727,000 was below the Agency’s \$54,078,993 budget for construction costs for the Project, and the Agency therefore was not permitted to negotiate with Contract.

Moreover, even if Contract were the lowest responsive and responsible bidder, and even if Contract’s bid did exceed available funds, it is not clear that the Agency made the required written determination that circumstances do not permit the delay required to resolicit competitive sealed bids. The Notice of Intent to Award merely states that the Agency “negotited [sic] down . . . to get in budget.” Nowhere on the Notice does the Agency make any written determination that circumstances do not permit a delay to resolicit bids. Without making such a written determination, the Agency may not engage in negotiations.

For each of the independent reasons set forth above, and the Notice of Intent to Award the contract for the Project to Contract was improper and should be rescinded.

Respectfully submitted,



Jason E. Ziegler
Vice President of Client Development
and Preconstruction

- Encl. Exhibit A – Invitation for Design-Bid-Build Construction Services dated 9/9/19
- Exhibit B – Lump Sum Bid Form
- Exhibit C – Bid Tabulation
- Exhibit D – Notice of Intent to Award
- Exhibit E – Abstracts of Contract’s South Carolina Contractors Licenses
- Exhibit F – 10/14/19 email from D. Anderson to P. Alexander
- Exhibit G – Bid Set Specifications Section 051200
- Exhibit H – Search results for AISC members
- Exhibit I – Capital Request Form

SE-310 INVITATION FOR DESIGN-BID-BUILD CONSTRUCTION SERVICES

AGENCY/OWNER: Department of Administration

PROJECT NAME: New Forensics Laboratory Building

PROJECT NUMBER: D50-9976-CB

PROJECT LOCATION: 4700 Broad River Rd., Columbia, SC SC 29210

DESCRIPTION OF PROJECT/SERVICES: New +/- 120,000 SF Forensic Services Lab for SLED on +/- 17 acre site. Work includes, but not limited to, site clearing/reparation, storm drainage, waste water system, utilities, GFRC panels, brick cavity wall masonry, steel/concrete structure, roofing, exterior canopies, sun-shades, security fencing, interior/exterior finishes, plumbing, HVAC, electrical, fire protection, lab equipment, exterior improvements and all work necessary to complete construction of the new building/grounds.

BID/SUBMITTAL DUE DATE: 10/24/2019 **CONSTRUCTION COST RANGE:** \$ \$40M to \$45M N/A

PROJECT DELIVERY METHOD: Design-Bid-Build

BID SECURITY IS REQUIRED IN AN AMOUNT NOT LESS THAN 5% OF THE BASE BID.

PERFORMANCE BOND REQUIRED? Yes No **PAYMENT BOND REQUIRED?** Yes No

BIDDING DOCUMENTS/PLANS MAY BE OBTAINED FROM: LS3P, Annie Linn Johnson (803) 765-2418 - PDF Files of the Bid Documents will be distributed (no hard copies)

PLAN DEPOSIT AMOUNT: \$ 0 **IS DEPOSIT REFUNDABLE** Yes No N/A

Bidders must obtain Bidding Documents/Plans from the above listed source(s) to be listed as an official plan holder. Bidders that rely on copies obtained from any other source do so at their own risk. All written communications with official plan holders & bidders will be via email or website posting.

All questions & correspondence concerning this Invitation shall be addressed to the A/E.

A/E NAME: LS3P ASSOCIATES LTD.

A/E CONTACT: David Anderson, AIA

EMAIL: DavidAnderson@LS3P.com **TELEPHONE:** 803.765.2418

AGENCY PROJECT COORDINATOR: Saied Darvish

EMAIL: Saied.Darvish@admin.sc.gov **TELEPHONE:** 803.734.6776

PRE-BID CONFERENCE: Yes No **MANDATORY ATTENDANCE:** Yes No

PRE-BID DATE: 09/18/2019 **TIME:** 2:00 p.m.

PRE-BID PLACE: SC Law Enforcement Officers Hall of Fame - Auditorium
5400 Broad River Rd., Columbia, SC 29212

BID DUE DATE: See Top of Page **TIME:** 2:00 p.m.

BID OPENING PLACE: 915 Main Street 2nd Floor (Room 225) Columbia, SC 29201

BID DELIVERY ADDRESSES:

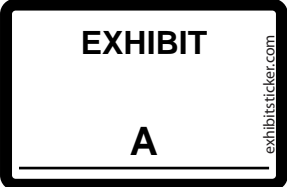
HAND-DELIVERY:
Attn: Saied Darvish
921 Main Street
Columbia, SC 29201

MAIL SERVICE:
Attn: Saied Darvish
921 Main Street
Columbia, SC 29201

IS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency MUST check one) Yes No

APPROVED BY: 
(OSE Project Manager)

DATE: 9/9/19



SE-330 LUMP SUM BID FORM

Bidders shall submit bids on only Bid Form SE-330.

BID SUBMITTED BY: _____
(Bidder's Name)

BID SUBMITTED TO: _____
(Owner's Name)

FOR: PROJECT NAME: NEW FORENSICS LABORATORY BUILDING

PROJECT NUMBER: D50-9976-CB

OFFER

§ 1. In response to the Invitation for Construction Services and in compliance with the Instructions to Bidders for the above-named Project, the undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into a Contract with the Owner on the terms included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

§ 2. Pursuant to SC Code § 11-35-3030(1), Bidder has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

- Bid Bond with Power of Attorney**

 Electronic Bid Bond

 Cashier's Check

(Bidder check one)

§ 3. Bidder acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into this Bid:

(Bidder, check all that apply. Note, there may be more boxes than actual addenda. Do not check boxes that do not apply)

- ADDENDA:** #1 #2 #3 #4 #5

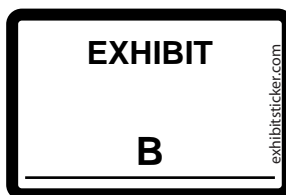
§ 4. Bidder accepts all terms and conditions of the Invitation for Bids, including, without limitation, those dealing with the disposition of Bid Security. Bidder agrees that this Bid, including all Bid Alternates, if any, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of **60** Days following the Bid Date, or for such longer period of time that Bidder may agree to in writing upon request of the Owner.

§ 5. Bidder herewith offers to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

§ 6.1 **BASE BID WORK** *(as indicated in the Bidding Documents and generally described as follows):* _____

\$ _____, which sum is hereafter called the Base Bid.

(Bidder to insert Base Bid Amount on line above)



SE-330 LUMP SUM BID FORM

§ 6.2 **BID ALTERNATES** as indicated in the Bidding Documents and generally described as follows:

ALTERNATE # 1 (Brief Description): Magnetic Bearing Compressor Chillers

ADD TO or **DEDUCT FROM BASE BID:** \$ _____

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

ALTERNATE # 2 (Brief Description): 4,000 PSI Concrete Pavement on 6" Compacted GABC Stone Base

ADD TO or **DEDUCT FROM BASE BID:** \$ _____

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

ALTERNATE # 3 (Brief Description): Freestanding Parking Canopy at Evidence Contributor Parking

ADD TO or **DEDUCT FROM BASE BID:** \$ _____

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

§ 6.3 **UNIT PRICES:**

BIDDER offers for the Agency's consideration and use, the following **UNIT PRICES**. The **UNIT PRICES** offered by **BIDDER** indicate the amount to be added to or deducted from the **CONTRACT SUM** for each item-unit combination. **UNIT PRICES** include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following **UNIT PRICES** in the Contract and to negotiate the **UNIT PRICES** with **BIDDER**.

No.	ITEM	UNIT OF MEASURE	ADD	DEDUCT
<u>1.</u>	<u>Unsatisfactory Soil Removal/Disposal</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>2.</u>	<u>Off-Site Satisfactory Structural Fill</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>3.</u>	<u>Mass Rock Excavation</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>4.</u>	<u>Trench Rock Excavation</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>5.</u>	<u>Crush Stone Fill</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>6.</u>	_____	_____	<u>\$</u>	<u>\$</u>

SE-330
LUMP SUM BID FORM

§ 7. LISTING OF PROPOSED SUBCONTRACTORS PURSUANT TO SECTION 3020(b)(i), CHAPTER 35, TITLE 11 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED
(See Instructions on the following page BF-2A)

Bidder shall use the below-listed Subcontractors in the performance of the Subcontractor Classification work listed:

(A) SUBCONTRACTOR LICENSE CLASSIFICATION or SUBCLASSIFICATION NAME <i>(Completed by Owner)</i>	(B) LICENCE CLASSIFICATION or SUBCLASSIFICATION ABBREVIATION <i>(Completed by Owner)</i>	(C) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S NAME <i>(Required - must be completed by Bidder)</i>	(D) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S SC LICENSE NUMBER <i>(Requested, but not Required)</i>
BASE BID			
Structural Framing	SF		
Electrical	EL		
Heating / Air Conditioning	HT / AC		
Plumbing	PB		
ALTERNATE #1			
ALTERNATE #2			
ALTERNATE #3			

If a Bid Alternate is accepted, Subcontractors listed for the Bid Alternate shall be used for the work of both the Alternate and the Base Bid work.

SE-330
LUMP SUM BID FORM

**INSTRUCTIONS FOR
SUBCONTRACTOR LISTING**

1. Section 7 of the Bid Form sets forth an Owner-developed list of subcontractor license classifications or subclassifications for which Bidder is required to identify the entity (subcontractor(s) and/or himself) Bidder will use to perform this work.
 - a. **Columns A & B:** The Owner fills out these columns to identify the subcontractor license classification/subclassification and related license abbreviation for which the Bidder must list either a subcontractor or himself as the entity that will perform this work. In Column A, the subcontractor license classification/subclassification is identified by name and in Column B, the related contractor license abbreviation (per Title 40 of the SC Code of Laws) is listed. Abbreviations of licenses can be found at: <http://www.llr.state.sc.us/POL/Contractors/PDFFiles/CLBClassificationAbbreviations.pdf> . If the owner has not identified a subcontractor license classification/subclassification, the Bidder does not list a subcontractor.
 - b. **Columns C and D:** In these columns, the Bidder identifies the subcontractors it will use for the work of each license listed by the Owner in Columns A & B. Bidder must identify only the subcontractor(s) who will perform the work and no others. Bidders must make sure that their identification of each subcontractor is clear and unambiguous. A listing that could be any number of different entities may be cause for rejection of the bid as non-responsive. For example, a listing of M&M without additional information may be problematic if there are multiple different licensed contractors in South Carolina whose names start with M&M.
2. **Subcontractor Defined:** For purposes of subcontractor listing, a subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site pursuant to a contract with the prime contractor. Bidder should not identify sub-subcontractors in the spaces provided on the bid form but only those entities with which Bidder will contract directly. Likewise, do not identify material suppliers, manufacturers, and fabricators that will not perform physical work at the site of the project but will only supply materials or equipment to the Bidder or proposed subcontractor(s).
3. **Subcontractor Qualifications:** Bidder must only list subcontractors who possess a South Carolina contractor's license that includes the license classification and/or subclassification identified by the Owner in Columns A & B. The subcontractor license must also be within the appropriate license group for the work. If Bidder lists a subcontractor who is not qualified to perform the work, the Bidder will be rejected as non-responsible.
4. **Use of Own forces:** If, under the terms of the Bidding Documents and SC Contractor Licensing laws, Bidder is qualified to perform the work of a listed subcontractor classification or subclassification and Bidder does not intend to subcontract such work but to use Bidder's own employees to perform such work, the Bidder must insert its own name in the space provided.
5. **Use of Multiple Subcontractors:**
 - a. If Bidder intends to use multiple subcontractors to perform the work of a single license classification/subclassification, Bidder must insert the name of each subcontractor Bidder will use, preferably separating the name of each by the word "and". If Bidder intends to use both his own employees to perform a part of the work of a single license classification/subclassification and to use one or more subcontractors to perform the remaining work, Bidder must insert his own name and the name of each subcontractor, preferably separating the name of each with the word "and". Bidder must use each entity listed for the work of a single license classification/subclassification in the performance of that work.
 - b. **Optional Listing Prohibited:** Bidder may not list multiple subcontractors for a license classification/subclassification in a form that provides the Bidder the option, after bid opening or award, to choose one or more but not all the listed subcontractors to perform the work for which they are listed. A listing, which on its face requires subsequent explanation to determine whether it is an optional listing, is non-responsive. If Bidder intends to use multiple entities to perform the work for a single listing, Bidder must clearly set forth on the bid form such intent. Bidder may accomplish this by simply inserting the word "and" between the names of each entity listed. Agency will reject as non-responsive a listing that contains the names of multiple subcontractors separated by a blank space, the word "or", a virgule (that is a /), or any separator that the Agency may reasonably interpret as an optional listing.
6. If Bidder is awarded the contract, Bidder must, except with the approval of the Agency for good cause shown, use the listed entities to perform the work for which they are listed.
7. If Bidder is awarded the contract, Bidder will not be allowed to substitute another entity as subcontractor in place of a subcontractor listed in Section 7 of the Bid except for one or more of the reasons allowed by the SC Code of Laws.
8. Bidder's failure to identify an entity (subcontractor or himself) to perform the work of a subcontractor listed in Columns A & B will render the Bid non-responsive.

SE-330 LUMP SUM BID FORM

§ 8. LIST OF MANUFACTURERS, MATERIAL SUPPLIERS, AND SUBCONTRACTORS OTHER THAN SUBCONTRACTORS LISTED IN SECTION 7 ABOVE (*FOR INFORMATION ONLY*):

Pursuant to instructions in the Invitation for Construction Services, if any, Bidder will provide to Owner upon the Owner's request and within 24 hours of such request, a listing of manufacturers, material suppliers, and subcontractors, other than those listed in Section 7 above, that Bidder intends to use on the project. Bidder acknowledges and agrees that this list is provided for purposes of determining responsibility and not pursuant to the subcontractor listing requirements of SC Code § 11-35-3020(b)(i).

§ 9. TIME OF CONTRACT PERFORMANCE AND LIQUIDATED DAMAGES

a) CONTRACT TIME

Bidder agrees that the Date of Commencement of the Work shall be established in a Notice to Proceed to be issued by the Owner. Bidder agrees to substantially complete the Work within 670 Calendar Days from the Date of Commencement, subject to adjustments as provided in the Contract Documents.

b) LIQUIDATED DAMAGES

Bidder further agrees that from the compensation to be paid, the Owner shall retain as Liquidated Damages the amount of \$ 500.00 for each Calendar Day the actual construction time required to achieve Substantial Completion exceeds the specified or adjusted time for Substantial Completion as provided in the Contract Documents. This amount is intended by the parties as the predetermined measure of compensation for actual damages, not as a penalty for nonperformance.

§ 10. AGREEMENTS

- a) Bidder agrees that this bid is subject to the requirements of the laws of the State of South Carolina.
- b) Bidder agrees that at any time prior to the issuance of the Notice to Proceed for this Project, this Project may be canceled for the convenience of, and without cost to, the State.
- c) Bidder agrees that neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

§ 11. ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the AIA Document A310, Bid Bond, included in the Bidding Documents.

ELECTRONIC BID BOND NUMBER: _____

SIGNATURE AND TITLE: _____

**SE-330
LUMP SUM BID FORM**

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATION

SC Contractor's License Number(s): _____

Classification(s) & Limits: _____

Subclassification(s) & Limits: _____

By signing this Bid, the person signing reaffirms all representation and certification made by both the person signing and the Bidder, including without limitation, those appearing in Article 2 of the SCOSE Version of the AIA A701, Instructions to Bidders, is expressly incorporated by reference.

BIDDER'S LEGAL NAME: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

SIGNATURE: _____ **DATE:** _____

PRINT NAME: _____

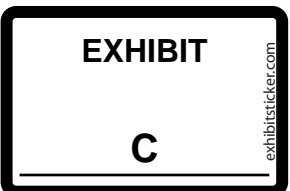
TITLE: _____

BID TABULATION

Project Number: D50-9976-CB

Project
Bid Date
Bid Location

General Contractors	Subcontractors	Base Bid
CLEVELAND	Structural Framing	STEEL FAB
	Electrical	BURRIS
	Heating / Air Conditioning Plumbing	BLACKSTONE BILLYS
LEIGHTNER	Structural Framing	STEEL FAB
	Electrical	BURRIS
	Heating / Air Conditioning Plumbing	STEELS BILLYS
CONTRACT	Structural Framing	CONTRACT
	Electrical	BURRIS
	Heating / Air Conditioning Plumbing	BLACKSTONE BARWICK
PORTER	Structural Framing	MACCACH
	Electrical	BURRIS
	Heating / Air Conditioning Plumbing	BLACKSTONE BILLYS
EDCON	Structural Framing	MACCACH
	Electrical	BURRIS
	Heating / Air Conditioning Plumbing	TRIAID BILLYS
	Structural Framing	
	Electrical	
	Heating / Air Conditioning Plumbing	



SE-370 NOTICE OF INTENT TO AWARD

AGENCY: S.C. Dept. of Administration Div. of Facility Mgmt. and Propoerty Services

PROJECT NAME: New Sled Forensic Laboratory Building.

PROJECT NUMBER: D50-9976-CB

POSTING DATE: 12/12/2019

TO ALL BIDDERS:

Unless stayed by protest or canceled, the Agency intends to enter into a contract as noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provided in Section 4 of the Bid Form, except as otherwise provided in the Instructions to Bidders.

NAME OF BIDDER: Contract Construction, Inc.

DATE BIDS WERE OPENED: 10/24/19

BID INFORMATION:

BASE BID AMOUNT: \$ 48,962.270

ALTERNATES: #1 ACCEPTED \$ _____

#2 ACCEPTED \$ _____

#3 ACCEPTED \$ _____

TOTAL AWARD (BASE BID AND ACCEPTED ALTERNATE(S)): \$ 48,962.270

REMARKS (explain any negotiations that resulted in a change in any Bid amounts): The original bid received on 10/24/19 was \$52,727,000.00 we negotited down to the new amount of \$48,962.270 to get in budget.

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and Performance and Payment Bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written Notice to Proceed. The State assumes no liability for any expenses incurred by the Contractor prior to issuance of a Notice to Proceed, other than the Contractor's non-reimbursable costs incurred in providing such bonds.

RIGHT TO PROTEST (SC Code § 11-35-4210)

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this contract may be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided.

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to: protest-ose@mmo.sc.gov, or (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.



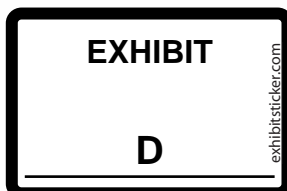
(Agency Procurement Officer Signature)

Jose Suarez

(Print or Type Name)

INSTRUCTIONS TO THE AGENCY:

1. Post a copy of the SE-370 at the location specified by the Instructions to Bidders and announced at the Bid Opening.
2. Send the SE-370 and the final Bid Tabulation electronically to all Bidders and OSE the same day it is posted.





LS3P

BID TABULATION
Project Number: 048-8176-CB

Project: New Forensics Laboratory Building
Bid Date: October 24, 2018: 2:00 p.m. (EST)
Bid Location: 915 Main St., 2nd Floor, Room 225
Columbia, SC 29201

Architect: 
Witness: 

General Contractors	Subcontractors	Bid Security (Y or N)	Addenda Received (Y or N)	Base Bid	ALTERNATES		
					AL # 1	AL # 2	AL # 3
1. CLEVELAND CONSTRUCTION, INC.		Y	Y	\$54,499,000.00	\$185,000.00	\$490,000.00	\$404,000.00
Structural Framing	STEEFAB						
Electrical	BURRISS						
Heating / Air Conditioning	BLACKSTONE						
Plumbing	BILLYS						
2. LEITNER CONSTRUCTION COMPANY OF YORK COUNTY, LLC		Y	Y	\$54,900,000.00	\$200,000.00	\$350,000.00	\$150,000.00
Structural Framing	STEEFAB						
Electrical	BURRISS ELECTRICAL						
Heating / Air Conditioning	STEELE'S MECHANICAL						
Plumbing	BILLYS PLUMBING						
3. CONTRACT CONSTRUCTION, INC.		Y	Y	\$52,727,000.00	\$182,000.00	\$208,000.00	\$325,000.00
Structural Framing	CONTRACT CONSTRUCTION INC.						
Electrical	BURRISS						
Heating / Air Conditioning	W.O. BLACKSTONE						
Plumbing	BARWICK						
4. POETTKER CONSTRUCTION COMPANY		Y	Y	\$58,258,000.00	\$0.00	\$438,000.00	\$347,000.00
Structural Framing	MACUCH STEEL						
Electrical	BURRISS ELECTRIC						
Heating / Air Conditioning	BLACKSTONE						
Plumbing	BILLYS PLUMBING						
6. EDGON, INC.		Y	Y	\$53,800,000.00	\$0.00	\$140,800.00	\$352,030.00
Structural Framing	MACUCH STEEL						
Electrical	BURRISS ELEC.						
Heating / Air Conditioning	TRIAD MECH.						
Plumbing	BILLYS						

Print this page

Board: Commercial Contractors

CONTRACT CONSTRUCTION INC
1125 BICKLEY ROAD
IRMO, SC 29063
(803) 781-7058

License number: 403
License type: General Construction Manager
Status: ACTIVE
Expiration: 10/31/2020
Classification: BD

[Click here for Classification definitions and licensee's contract dollar limit](#)

Supervises

[FARLEY JOHN - \(CQG\)](#)

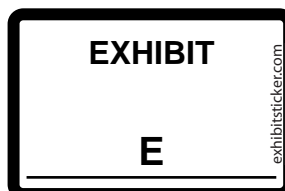
[File a Complaint against this licensee](#)

Board Public Action History:

View Orders

View Other License for this Person

No Orders Found



[Print this page](#)**Board: Commercial Contractors****CONTRACT CONSTRUCTION INC**

1125 BICKLEY ROAD

IRMO, SC 29063

(803) 781-7058

License number: 1070**License type:** General Construction Manager**Status:** ACTIVE**Expiration:** 10/31/2020**Classification:** BD GD[Click here for Classification definitions and licensee's contract dollar limit](#)**Supervises****[HUGHES GREG - \(CQG\)](#)**[File a Complaint against this licensee](#)**Board Public Action History:**[View Orders](#)[View Other License for this Person](#)

No Orders Found

[Print this page](#)**Board: Commercial Contractors****CONTRACT CONSTRUCTION INC**

1125 BICKLEY ROAD

IRMO, SC 29063

(803) 781-7058

License number: 1071**License type:** General Construction Manager**Status:** ACTIVE**Expiration:** 10/31/2020**Classification:** BD[Click here for Classification definitions and licensee's contract dollar limit](#)**Supervises****[FARLEY KYLE - \(CQG\)](#)**[File a Complaint against this licensee](#)**Board Public Action History:**[View Orders](#)[View Other License for this Person](#)

No Orders Found

[Print this page](#)**Board: Commercial Contractors****CONTRACT CONSTRUCTION INC**

1125 BICKLEY ROAD

IRMO, SC 29063

(803) 781-7058

License number: 11081**License type:** GENERAL CONTRACTOR**Status:** ACTIVE**Expiration:** 10/31/2020**First Issuance Date:** 01/01/1992**Classification:** BD5 GD5 CT5**Qualified By:** Financial Statement[Click here for Classification definitions and licensee's contract dollar limit](#)**Supervised By**[MILLER LEERICKA \(CQG\)](#)[FARLEY KYLE \(CQG\)](#)[HUGHES GREG \(CQG\)](#)[FARLEY JOHN \(CQG\)](#)[File a Complaint against this licensee](#)**Board Public Action History:**[View Orders](#)[View Other License for this Person](#)

No Orders Found

From: [David Anderson](#)
To: [Paul Alexander](#)
Cc: [Rohit Patel](#); [Bandy Stoops](#)
Subject: RE: SLED Forensics Lab bid Questions
Date: Monday, October 14, 2019 5:39:50 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Paul,
Please see below in red.

Best Regards,
David

David Anderson AIA, LEED BD+C
Associate Principal | Senior Project Manager

LS3P
701-A Lady Street, Columbia, SC 29201 803.765.2418
CHARLESTON | COLUMBIA | GREENVILLE | MYRTLE BEACH | CHARLOTTE | RALEIGH | WILMINGTON | SAVANNAH

From: Paul Alexander <paula@clevelandconstruction.com>
Sent: Wednesday, October 9, 2019 2:00 PM
To: David Anderson <davidanderson@ls3p.com>
Cc: Rohit Patel <rohitpatel@ls3p.com>; Randy Stoops <randys@clevelandconstruction.com>
Subject: RE: SLED Forensics Lab bid Questions

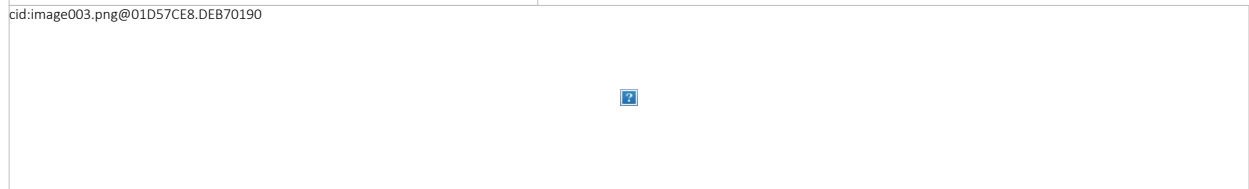
Here is some other question regarding this project.

- Bid form, Section 7 listing of Proposed Subcontractors: For Structural Framing, are we to list structural steel contractor or Cold Formed Metal Framing contractor? [LS3P: Structural Steel Contractor]
- Door Schedules list hardware sets at 2 door openings that are not listed in specification 087100. Opening 132A lists hardware set 24.2 and opening 401 lists set 65.2. Please provide what required hardware is at these locations. [LS3P: We will issue updated information in Addendum 3 that will be issued Friday 10/18]
- Question related to the parapet cap, at the Mechanical Level, on the east elevation, the return for wish is shown on the south elevation and was called out as precast (PAC-1) in the original drawings. This recent Addendum 2, still shows this area but no longer carries the notation for it to be precast, though the leger still has this itemized "PAC-1." The wall sections show what appears to be hatched as precast for this area, but the enlarged detail shown for this area shows a metal coping cap...can you confirm if this areas is to carry a precast parapet coping or if it is to be assumed to be metal? [LS3P: We will issue updated information in Addendum 3 that will be issued Friday 10/18]

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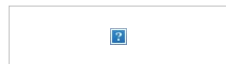


Paul Alexander
Sr. Estimator/Project Manager

Cleveland Construction, Inc.
8620 Tyler Blvd.
Mentor, OH 44060
Office: 440-255-8000 x143

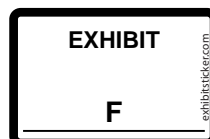
MAKE IT TRUE™

clevelandconstruction.com



From: David Anderson <davidanderson@ls3p.com>
Sent: Thursday, October 03, 2019 8:36 AM
To: Paul Alexander <paula@clevelandconstruction.com>
Cc: Rohit Patel <rohitpatel@ls3p.com>
Subject: RE: SLED Forensics Lab bid Questions

Paul,
We're in receipt... you may have gotten a kick-back email in that it looks like you have an extra R in Rohit's email (rohitpatel@ls3p.com)



Best Regards,
David

David Anderson AIA, LEED BD+C
Associate Principal | Senior Project Manager

LS3P

701-A Lady Street, Columbia, SC 29201 803.765.2418
CHARLESTON | COLUMBIA | GREENVILLE | MYRTLE BEACH | CHARLOTTE | RALEIGH | WILMINGTON | SAVANNAH

From: Paul Alexander <paula@clevelandconstruction.com>
Sent: Thursday, October 3, 2019 7:24 AM
To: David Anderson <davidanderson@ls3p.com>
Cc: rrohitpatel@ls3p.com
Subject: RE: SLED Forensics Lab bid Questions
Importance: High

Attached you will find several bid questions on this project.
Can you please confirm receipt of this. My previous submission got kicked back as potential spam.

Paul Alexander
Sr. Estimator/Project Manager

Cleveland Construction, Inc.
8520 Tyler Blvd.
Mentor, OH 44060
Office: 440-255-8000 x143

MAKE IT TRUE™

clevelandconstruction.com



From: David Anderson <davidanderson@ls3p.com>
Sent: Monday, September 23, 2019 12:06 PM
To: Paul Alexander <paula@clevelandconstruction.com>
Subject: RE: SLED Forensics Lab bid

Paul,
Unfortunately for the bidding phase, it's my understanding that we're not able to issue the civil CAD files. That digital license agreement is in the project manual for coordination with the successful bidding contractor to acquire CAD files in the construction phase.

Best Regards,
David

David Anderson AIA, LEED BD+C
Associate Principal | Senior Project Manager

LS3P

701-A Lady Street, Columbia, SC 29201 803.765.2418
CHARLESTON | COLUMBIA | GREENVILLE | MYRTLE BEACH | CHARLOTTE | RALEIGH | WILMINGTON | SAVANNAH

From: Paul Alexander <paula@clevelandconstruction.com>
Sent: Friday, September 20, 2019 6:51 AM
To: David Anderson <davidanderson@ls3p.com>
Subject: FW: SLED Forensics Lab bid

Good Morning David
We are bidding this project and wanted to see about getting the civil CAD files. I see there is a form to fill out but not sure which party I am. Transferee, 3rd party transferee?
Please let me know so I can complete the form and send it to you.

Paul Alexander
Sr. Estimator/Project Manager

Cleveland Construction, Inc.
8520 Tyler Blvd.
Mentor, OH 44060
Office: 440-255-8000 x143

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Name: FORENSICS LAB BID_SPECS_VOL1 Pages: 843

FORENSICS LAB BID_SPECS_VOL1

LS3P NEW FORENSICS LABORATORY BUILDING State #D50-9976-CB
ADC Engineering Inc. Bid Documents LS3P# 2703-169160
09/06/2019

4. The plan shall comply with AWS D1.1

5. The plan shall include any additional inspections or testing identified in the contract documents.

B. Connection Design Engineer

1. Responsibility: Preparation of design calculations for structural steel connections

2. Qualifications: A professional engineer who is legally qualified to practice in jurisdiction where Project is located and who is experienced in providing engineering services of the kind indicated.

C. Fabricator Qualifications: A qualified fabricator that participates in the AISC Quality Certification Program and is designated an AISC-Certified Plant, Category BU (Certified Building Fabricator) and which employs personnel or an independent testing agency that are qualified to complete all the required inspections and testing. Personnel shall be qualified as required by AWS D1.1 where completing weld testing and inspection.

1. Fabricator Responsibility

a. The structural steel fabricator shall be responsible for enlisting the Steel Joist fabricator as a direct subcontractor.

b. The structural steel fabricator shall be responsible for enlisting the Steel Deck fabricator for steel deck bearing on structural steel or steel joists as a direct subcontractor.

c. The structural steel fabricator shall be responsible for enlisting the steel erector as a direct subcontractor.

d. The structural steel fabricator shall be responsible for enlisting the steel joist erector as a direct subcontractor.

e. The structural steel fabricator shall be responsible for enlisting the steel deck erector for steel bearing on structural steel or steel joists as a direct subcontractor.

D. Fabricator's Testing Agency (as required to supplement fabricator personnel): An independent agency, qualified according to ASTM C 1077 and ASTM E 329 for testing indicated. Personnel shall be qualified as required by AWS D1.1 where completing weld testing and inspection.

E. Structural Steel Installer Qualifications: The erector shall be experienced in installing structural steel equal in material, design and scope to the structural steel required for this project.

F. Post Installed Structural Anchor Installer: See specification section 050520 for requirements

G. Welding Qualifications: Qualify procedures and personnel according to AWS D1.1/D1.1M, "Structural Welding Code - Steel."

H. Comply with applicable provisions of the following specifications and documents:

1. AISC 303.

555 of 843

Member Search Results | American Express | National Construction Manager | aisc.org/aisc-membership/member-directory/results/?CompanyName=Contract&RoleCategory=FAB&City=&State=&Country=&ContentGuid=347117

Member Search Results

NON-MEMBER > MEMBER SEARCH RESULTS

Member Directory

COMPANY NAME
Contract

CITY

STATE
PLEASE SELECT

COUNTRY
PLEASE SELECT

CATEGORY
FABRICATOR

SEARCH

3 RESULTS(S) FOUND

Company	City	State	Member Type
Contract Services Corporation of America	Raytown	MO	Full Member
Contracting Engineering Consultants	Maidsville	WV	Full Member
Contractors Steel Supply, Inc.	Montgomery	AL	Full Member

130 EAST RANDOLPH, SUITE 2



AGENCY NAME:	STATE LAW ENFORCEMENT DIVISION		
AGENCY CODE:	D100	SECTION:	62

FORM C – CAPITAL REQUEST

AGENCY PRIORITY	27 – Form #13042 <i>Provide the Agency Priority Ranking from the Executive Summary.</i>
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TITLE	Forensics Lab <i>Provide a brief, descriptive title for this request.</i>
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AMOUNT	\$54,078,993 <i>How much is requested for this project in FY 2018-19? This amount should correspond to the total for all funding sources on the Executive Summary.</i>
---------------	--

CPIP PRIORITY	<p>Plan Year 2019 Priority 3 First year included in CPIP was Fiscal Year 2015 If not funded the agency would not have additional capacity to address an ever increasing workload as the state’s various law enforcement agencies continue to reach out to SLED for forensic support. The agency’s current Forensics Laboratory is completely out of space and in order to meet the state’s needs for the next twenty plus years a new, much larger facility is necessary.</p> <p><i>Identify the project’s CPIP plan year and priority number, along with the first year in which the project was included in the agency’s CPIP. If not included in the agency’s CPIP, please provide an explanation. If the project involves a request for appropriated state funding, briefly describe the agency’s contingency plan in the event that state funding is not made available in the amount requested.</i></p>
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OTHER APPROVALS	<p>Initial JBRC approval obtained January 2017.</p> <p><i>What approvals have already been obtained? Are there additional approvals that must be secured in order for the project to succeed? (Institutional board, JBRC, SFAA, etc.)</i></p>
------------------------	---

LONG-TERM PLANNING AND SUSTAINABILITY	<p>Approximately \$50K in funds have been invested in this project to date. Those funds included architectural fees of approximately \$25K paid to LS3P for a Forensic Laboratory Building Project Budget Study, completed in March 2017, and an additional \$30K for a site study. Once completed this project may require additional capital or operating funding requests as there will be space in this new facility for the lab to continue to grow to meet the needs of the state.</p> <p>The expected useful life of this improvement is approximately 30 years.</p> <p><i>What other funds have already been invested in this project (source/type, amount, timeframe)? Will other capital and/or operating funds for this project be requested in the future? If so, how much, and in which fiscal years? Has a source for those funds been identified/secured? What is the agency’s expectation with regard to additional annual costs or savings associated with this capital improvement? What source of funds will be impacted by those costs or savings? What is the expected useful life of the capital improvement?</i></p>
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AGENCY NAME:	STATE LAW ENFORCEMENT DIVISION		
AGENCY CODE:	D100	SECTION:	62

SUMMARY

SLED provides the criminal justice system with a full service, Internationally Accredited, Forensic Services Laboratory. The Forensics Lab consists of three divisions – Forensic Investigative Support, Forensic Administration and Forensic Operations. These divisions are further broken down into 13 sections –Administration, Lab Support, Latent Prints/Photography, Forensic Technology, Computer Crimes, Crime Scene, Firearms/Toolmarks, Quality/Safety and Evidence Control, DNA Section, Drug Analysis, Implied Consent, Trace Evidence/Questioned Documents, and Toxicology.

The SLED Laboratory provides forensic support to all city, county, state, and federal agencies in all 46 counties. In FY16-17, SLED Forensics assisted 292 different agencies state wide. The current forensic building, dedicated in 1990, has some logistical constraints impacting evidence flow and discipline specific objectives that can no longer be addressed adequately through renovations and modifications to the current structure. A new facility will allow SLED to incorporate new approaches and concepts into the forensic design that will address these limitations and translate into a more efficient forensic laboratory to serve the citizens of South Carolina.

Cost breakdown:

- Construction Costs (Bid Year 2019) - \$54,078,993
- Soft Costs Paid by SLED - \$3,520,307

Grand Total - \$57,599,300

Provide a summary of the project and explain why it is necessary. Please refer to the budget guidelines for appropriate questions and thoroughly answer all related items.



South Carolina Business Opportunities

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Project Name:	New Forensics Laborarory Building		Ad Publish Date:	September 10, 2019
Agency/Owner:	Department of Administration		Bid/Submittal Due Date & Time:	October 24, 2019 - 2:00pm
Project Number:	D50-9976-CB	Construction Cost Range:	\$40M to \$45M	Number of Bid Copies: 1
Project Location:	4700 Broad River Rd., Columbia, SC SC 29210		Project Delivery Method:	Design-Bid-Build
Description of Project/Services:				
New +/- 120,000 SF Forensic Services Lab for SLED on +/- 17 acre site. Work includes, but not limited to, site clearing/reparation, storm drainage, waste water system, utilities, GFRC panels, brick cavity wall masonry, steel/concrete structure, roofing, exterior canopies, sun-shades, security fencing, interior/exterior finishes, plumbing, HVAC, electrical, fire protection, lab equipment, exterior improvements and all work necessary to complete construction of the new building/grounds.				
Agency Project Coordinator:	Saied Darvish	Email:	Saied.Darvish@admin.sc.gov	Telephone: 803.734.6776
Documents May Be Obtained From:	LS3P, Annie Linn Johnson (803) 765-2418 - PDF Files of the Bid Documents will be distributed (no hard copies)			
Project Details:	https://scbo.sc.gov/files/scbo/SE-310%20page%201%20signed.pdf			

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- Procurement Services
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Columbia, SC 29201
(803) 737-0600
FAX:(803) 737-0639



**SE-330
LUMP SUM BID FORM**

Bidders shall submit bids on only Bid Form SE-330.

BID SUBMITTED BY: _____
(Bidder's Name)

BID SUBMITTED TO: _____
(Owner's Name)

FOR: PROJECT NAME: NEW FORENSICS LABORATORY BUILDING
PROJECT NUMBER: D50-9976-CB

OFFER

§ 1. In response to the Invitation for Construction Services and in compliance with the Instructions to Bidders for the above-named Project, the undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into a Contract with the Owner on the terms included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

§ 2. Pursuant to SC Code § 11-35-3030(1), Bidder has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

- Bid Bond with Power of Attorney
 - Electronic Bid Bond
 - Cashier's Check
- (Bidder check one)*

§ 3. Bidder acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into this Bid:
(Bidder, check all that apply. Note, there may be more boxes than actual addenda. Do not check boxes that do not apply)

- ADDENDA:** #1 #2 #3 #4 #5

§ 4. Bidder accepts all terms and conditions of the Invitation for Bids, including, without limitation, those dealing with the disposition of Bid Security. Bidder agrees that this Bid, including all Bid Alternates, if any, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that Bidder may agree to in writing upon request of the Owner.

§ 5. Bidder herewith offers to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

§ 6.1 **BASE BID WORK** *(as indicated in the Bidding Documents and generally described as follows):* _____

\$ _____, which sum is hereafter called the Base Bid.
(Bidder to insert Base Bid Amount on line above)



SE-330 LUMP SUM BID FORM

§ 6.2 **BID ALTERNATES** as indicated in the Bidding Documents and generally described as follows:

ALTERNATE # 1 (Brief Description): Magnetic Bearing Compressor Chillers

ADD TO or **DEDUCT FROM BASE BID:** \$ _____

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

ALTERNATE # 2 (Brief Description): 4,000 PSI Concrete Pavement on 6" Compacted GABC Stone Base

ADD TO or **DEDUCT FROM BASE BID:** \$ _____

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

ALTERNATE # 3 (Brief Description): Freestanding Parking Canopy at Evidence Contributor Parking

ADD TO or **DEDUCT FROM BASE BID:** \$ _____

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

§ 6.3 **UNIT PRICES:**

BIDDER offers for the Agency's consideration and use, the following **UNIT PRICES**. The **UNIT PRICES** offered by **BIDDER** indicate the amount to be added to or deducted from the **CONTRACT SUM** for each item-unit combination. **UNIT PRICES** include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following **UNIT PRICES** in the Contract and to negotiate the **UNIT PRICES** with **BIDDER**.

No.	ITEM	UNIT OF MEASURE	ADD	DEDUCT
<u>1.</u>	<u>Unsatisfactory Soil Removal/Disposal</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>2.</u>	<u>Off-Site Satisfactory Structural Fill</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>3.</u>	<u>Mass Rock Excavation</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>4.</u>	<u>Trench Rock Excavation</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>5.</u>	<u>Crush Stone Fill</u>	<u>cubic yard</u>	<u>\$</u>	<u>\$</u>
<u>6.</u>	_____	_____	<u>\$</u>	<u>\$</u>

SE-330
LUMP SUM BID FORM

§ 7. LISTING OF PROPOSED SUBCONTRACTORS PURSUANT TO SECTION 3020(b)(i), CHAPTER 35, TITLE 11 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED
(See Instructions on the following page BF-2A)

Bidder shall use the below-listed Subcontractors in the performance of the Subcontractor Classification work listed:

(A) SUBCONTRACTOR LICENSE CLASSIFICATION or SUBCLASSIFICATION NAME <i>(Completed by Owner)</i>	(B) LICENCE CLASSIFICATION or SUBCLASSIFICATION ABBREVIATION <i>(Completed by Owner)</i>	(C) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S NAME <i>(Required - must be completed by Bidder)</i>	(D) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S SC LICENSE NUMBER <i>(Requested, but not Required)</i>
BASE BID			
Structural Framing	SF		
Electrical	EL		
Heating / Air Conditioning	HT / AC		
Plumbing	PB		
ALTERNATE #1			
ALTERNATE #2			
ALTERNATE #3			

If a Bid Alternate is accepted, Subcontractors listed for the Bid Alternate shall be used for the work of both the Alternate and the Base Bid work.

SE-330
LUMP SUM BID FORM

INSTRUCTIONS FOR SUBCONTRACTOR LISTING

1. Section 7 of the Bid Form sets forth an Owner-developed list of subcontractor license classifications or subclassifications for which Bidder is required to identify the entity (subcontractor(s) and/or himself) Bidder will use to perform this work.
 - a. **Columns A & B:** The Owner fills out these columns to identify the subcontractor license classification/subclassification and related license abbreviation for which the Bidder must list either a subcontractor or himself as the entity that will perform this work. In Column A, the subcontractor license classification/subclassification is identified by name and in Column B, the related contractor license abbreviation (per Title 40 of the SC Code of Laws) is listed. Abbreviations of licenses can be found at: <http://www.llr.state.sc.us/POL/Contractors/PDFFiles/CLBClassificationAbbreviations.pdf> . If the owner has not identified a subcontractor license classification/subclassification, the Bidder does not list a subcontractor.
 - b. **Columns C and D:** In these columns, the Bidder identifies the subcontractors it will use for the work of each license listed by the Owner in Columns A & B. Bidder must identify only the subcontractor(s) who will perform the work and no others. Bidders must make sure that their identification of each subcontractor is clear and unambiguous. A listing that could be any number of different entities may be cause for rejection of the bid as non-responsive. For example, a listing of M&M without additional information may be problematic if there are multiple different licensed contractors in South Carolina whose names start with M&M.
2. **Subcontractor Defined:** For purposes of subcontractor listing, a subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site pursuant to a contract with the prime contractor. Bidder should not identify sub-subcontractors in the spaces provided on the bid form but only those entities with which Bidder will contract directly. Likewise, do not identify material suppliers, manufacturers, and fabricators that will not perform physical work at the site of the project but will only supply materials or equipment to the Bidder or proposed subcontractor(s).
3. **Subcontractor Qualifications:** Bidder must only list subcontractors who possess a South Carolina contractor's license that includes the license classification and/or subclassification identified by the Owner in Columns A & B. The subcontractor license must also be within the appropriate license group for the work. If Bidder lists a subcontractor who is not qualified to perform the work, the Bidder will be rejected as non-responsible.
4. **Use of Own forces:** If, under the terms of the Bidding Documents and SC Contractor Licensing laws, Bidder is qualified to perform the work of a listed subcontractor classification or subclassification and Bidder does not intend to subcontract such work but to use Bidder's own employees to perform such work, the Bidder must insert its own name in the space provided.
5. **Use of Multiple Subcontractors:**
 - a. If Bidder intends to use multiple subcontractors to perform the work of a single license classification/subclassification, Bidder must insert the name of each subcontractor Bidder will use, preferably separating the name of each by the word "and". If Bidder intends to use both his own employees to perform a part of the work of a single license classification/subclassification and to use one or more subcontractors to perform the remaining work, Bidder must insert his own name and the name of each subcontractor, preferably separating the name of each with the word "and". Bidder must use each entity listed for the work of a single license classification/subclassification in the performance of that work.
 - b. **Optional Listing Prohibited:** Bidder may not list multiple subcontractors for a license classification/subclassification in a form that provides the Bidder the option, after bid opening or award, to choose one or more but not all the listed subcontractors to perform the work for which they are listed. A listing, which on its face requires subsequent explanation to determine whether it is an optional listing, is non-responsive. If Bidder intends to use multiple entities to perform the work for a single listing, Bidder must clearly set forth on the bid form such intent. Bidder may accomplish this by simply inserting the word "and" between the names of each entity listed. Agency will reject as non-responsive a listing that contains the names of multiple subcontractors separated by a blank space, the word "or", a virgule (that is a /), or any separator that the Agency may reasonably interpret as an optional listing.
6. If Bidder is awarded the contract, Bidder must, except with the approval of the Agency for good cause shown, use the listed entities to perform the work for which they are listed.
7. If Bidder is awarded the contract, Bidder will not be allowed to substitute another entity as subcontractor in place of a subcontractor listed in Section 7 of the Bid except for one or more of the reasons allowed by the SC Code of Laws.
8. Bidder's failure to identify an entity (subcontractor or himself) to perform the work of a subcontractor listed in Columns A & B will render the Bid non-responsive.

SE-330
LUMP SUM BID FORM

§ 8. LIST OF MANUFACTURERS, MATERIAL SUPPLIERS, AND SUBCONTRACTORS OTHER THAN SUBCONTRACTORS LISTED IN SECTION 7 ABOVE (FOR INFORMATION ONLY):

Pursuant to instructions in the Invitation for Construction Services, if any, Bidder will provide to Owner upon the Owner's request and within 24 hours of such request, a listing of manufacturers, material suppliers, and subcontractors, other than those listed in Section 7 above, that Bidder intends to use on the project. Bidder acknowledges and agrees that this list is provided for purposes of determining responsibility and not pursuant to the subcontractor listing requirements of SC Code § 11-35-3020(b)(i).

§ 9. TIME OF CONTRACT PERFORMANCE AND LIQUIDATED DAMAGES

a) CONTRACT TIME

Bidder agrees that the Date of Commencement of the Work shall be established in a Notice to Proceed to be issued by the Owner. Bidder agrees to substantially complete the Work within 670 Calendar Days from the Date of Commencement, subject to adjustments as provided in the Contract Documents.

b) LIQUIDATED DAMAGES

Bidder further agrees that from the compensation to be paid, the Owner shall retain as Liquidated Damages the amount of \$ 500.00 for each Calendar Day the actual construction time required to achieve Substantial Completion exceeds the specified or adjusted time for Substantial Completion as provided in the Contract Documents. This amount is intended by the parties as the predetermined measure of compensation for actual damages, not as a penalty for nonperformance.

§ 10. AGREEMENTS

- a) Bidder agrees that this bid is subject to the requirements of the laws of the State of South Carolina.
- b) Bidder agrees that at any time prior to the issuance of the Notice to Proceed for this Project, this Project may be canceled for the convenience of, and without cost to, the State.
- c) Bidder agrees that neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

§ 11. ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the AIA Document A310, Bid Bond, included in the Bidding Documents.

ELECTRONIC BID BOND NUMBER: _____

SIGNATURE AND TITLE: _____

Exhibit D



BID TABULATION
Project Number: D50-9976-CB

Project: New Forensics Laboratory Building
 Bid Date: October 24, 2019: 2:00 p.m. (EST)
 Bid Location: 915 Main St., 2nd Floor, Room 225
 Columbia, SC 29201

Architect: 
 Witness: 

General Contractors	Subcontractors	Bid Security (Y or N)	Addenda Received (Y or N)	Base Bid	ALTERNATES		
					Alt. # 1	Alt. # 2	Alt. # 3
1. CLEVELAND CONSTRUCTION, INC.		Y	Y	\$54,499,000.00	\$185,000.00	\$490,000.00	\$404,000.00
Structural Framing	STEELFAB						
Electrical	BURRISS						
Heating / Air Conditioning	BLACKSTONE						
Plumbing	BILLYS						
2. LEITNER CONSTRUCTION COMPANY OF YORK COUNTY, LLC		Y	Y	\$54,900,000.00	\$200,000.00	\$350,000.00	\$150,000.00
Structural Framing	STEELFAB						
Electrical	BURRISS ELECTRICAL						
Heating / Air Conditioning	STEELE'S MECHANICAL						
Plumbing	BILLYS PLUMBING						
3. CONTRACT CONSTRUCTION, INC.		Y	Y	\$52,727,000.00	\$182,000.00	\$206,000.00	\$325,000.00
Structural Framing	CONTRACT CONSTRUCTION INC.						
Electrical	BURRISS						
Heating / Air Conditioning	W O BLACKSTONE						
Plumbing	BARWICK						
4. POETTKER CONSTRUCTION COMPANY		Y	Y	\$58,258,000.00	\$0.00	\$438,000.00	\$347,000.00
Structural Framing	MACUCH STEEL						
Electrical	BURRISS ELECTRIC						
Heating / Air Conditioning	BLACKSTONE						
Plumbing	BILLYS PLUMBING						
5. EDCON, INC.		Y	Y	\$53,800,000.00	\$0.00	\$140,800.00	\$352,030.00
Structural Framing	MACUCH STEEL						
Electrical	BURRISS ELEC.						
Heating / Air Conditioning	TRIAD MECH.						
Plumbing	BILLYS						

Exhibit E

2018 Edition
May 2019 Rev.

SE-330 LUMP SUM BID FORM

Bidders shall submit bids on only Bid Form SE-330.

BID SUBMITTED BY: Contract Construction, Inc.
(Bidder's Name)

BID SUBMITTED TO: Greg Hughes
(Owner's Name)

FOR: PROJECT NAME: NEW FORENSICS LABORATORY BUILDING
PROJECT NUMBER: D50-9976-CB

OFFER

§ 1. In response to the Invitation for Construction Services and in compliance with the Instructions to Bidders for the above-named Project, the undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into a Contract with the Owner on the terms included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

§ 2. Pursuant to SC Code § 11-35-3030(1), Bidder has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

Bid Bond with Power of Attorney Electronic Bid Bond Cashier's Check
(Bidder check one)

§ 3. Bidder acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into this Bid:

(Bidder, check all that apply. Note, there may be more boxes than actual addenda. Do not check boxes that do not apply)

ADDENDA: #1 #2 #3 #4 #5

§ 4. Bidder accepts all terms and conditions of the Invitation for Bids, including, without limitation, those dealing with the disposition of Bid Security. Bidder agrees that this Bid, including all Bid Alternates, if any, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that Bidder may agree to in writing upon request of the Owner.

§ 5. Bidder herewith offers to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

§ 6.1 **BASE BID WORK** (as indicated in the Bidding Documents and generally described as follows): _____

\$ 52,727,000, which sum is hereafter called the Base Bid.

(Bidder to insert Base Bid Amount on line above)

**SE-330
LUMP SUM BID FORM**

§ 6.2 BID ALTERNATES as indicated in the Bidding Documents and generally described as follows:

ALTERNATE # 1 (Brief Description): Magnetic Bearing Compressor Chillers

ADD TO or DEDUCT FROM BASE BID: \$ 182,000

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

ALTERNATE # 2 (Brief Description): 4,000 PSI Concrete Pavement on 6" Compacted GABC Stone Base

ADD TO or DEDUCT FROM BASE BID: \$ 206,000

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

ALTERNATE # 3 (Brief Description): Freestanding Parking Canopy at Evidence Contributor Parking

ADD TO or DEDUCT FROM BASE BID: \$ 325,000

(Bidder to mark appropriate box to clearly indicate the price adjustment offered for each Alternate)

§ 6.3 UNIT PRICES:

BIDDER offers for the Agency's consideration and use, the following UNIT PRICES. The UNIT PRICES offered by BIDDER indicate the amount to be added to or deducted from the CONTRACT SUM for each item-unit combination. UNIT PRICES include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following UNIT PRICES in the Contract and to negotiate the UNIT PRICES with BIDDER.

No.	ITEM	UNIT OF MEASURE	ADD	DEDUCT
1.	Unsatisfactory Soil Removal/Disposal	cubic yard	\$ 50	\$ 41
2.	Off-Site Satisfactory Structural Fill	cubic yard	\$ 15	\$ 10
3.	Mass Rock Excavation	cubic yard	\$ 150	\$ 126
4.	Trench Rock Excavation	cubic yard	\$ 200	\$ 174
5.	Crush Stone Fill	cubic yard	\$ 60	\$ 52
6.			\$	\$

SE-330
LUMP SUM BID FORM

§ 7. LISTING OF PROPOSED SUBCONTRACTORS PURSUANT TO SECTION 3020(b)(i), CHAPTER 35, TITLE 11 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED
(See Instructions on the following page BF-2A)

Bidder shall use the below-listed Subcontractors in the performance of the Subcontractor Classification work listed:

(A) SUBCONTRACTOR LICENSE CLASSIFICATION or SUBCLASSIFICATION NAME <i>(Completed by Owner)</i>	(B) LICENCE CLASSIFICATION or SUBCLASSIFICATION ABBREVIATION <i>(Completed by Owner)</i>	(C) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S NAME <i>(Required - must be completed by Bidder)</i>	(D) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S SC LICENSE NUMBER <i>(Requested, but not Required)</i>
BASE BID			
Structural Framing	SF	Contract Construction Inc.	
Electrical	EL	Burriss	
Heating / Air Conditioning	HT / AC	Wb Blackstone	
Plumbing	PB	Barwick	
ALTERNATE #1			
ALTERNATE #2			
ALTERNATE #3			

If a Bid Alternate is accepted, Subcontractors listed for the Bid Alternate shall be used for the work of both the Alternate and the Base Bid work.

SE-330
LUMP SUM BID FORM

INSTRUCTIONS FOR
SUBCONTRACTOR LISTING

1. Section 7 of the Bid Form sets forth an Owner-developed list of subcontractor license classifications or subclassifications for which Bidder is required to identify the entity (subcontractor(s) and/or himself) Bidder will use to perform this work.
 - a. **Columns A & B:** The Owner fills out these columns to identify the subcontractor license classification/subclassification and related license abbreviation for which the Bidder must list either a subcontractor or himself as the entity that will perform this work. In Column A, the subcontractor license classification/subclassification is identified by name and in Column B, the related contractor license abbreviation (per Title 40 of the SC Code of Laws) is listed. Abbreviations of licenses can be found at: <http://www.llr.state.sc.us/POL/Contractors/PDFFiles/CLBClassificationAbbreviations.pdf> . If the owner has not identified a subcontractor license classification/subclassification, the Bidder does not list a subcontractor.
 - b. **Columns C and D:** In these columns, the Bidder identifies the subcontractors it will use for the work of each license listed by the Owner in Columns A & B. Bidder must identify only the subcontractor(s) who will perform the work and no others. Bidders must make sure that their identification of each subcontractor is clear and unambiguous. A listing that could be any number of different entities may be cause for rejection of the bid as non-responsive. For example, a listing of M&M without additional information may be problematic if there are multiple different licensed contractors in South Carolina whose names start with M&M.
2. **Subcontractor Defined:** For purposes of subcontractor listing, a subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site pursuant to a contract with the prime contractor. Bidder should not identify sub-subcontractors in the spaces provided on the bid form but only those entities with which Bidder will contract directly. Likewise, do not identify material suppliers, manufacturers, and fabricators that will not perform physical work at the site of the project but will only supply materials or equipment to the Bidder or proposed subcontractor(s).
3. **Subcontractor Qualifications:** Bidder must only list subcontractors who possess a South Carolina contractor's license that includes the license classification and/or subclassification identified by the Owner in Columns A & B. The subcontractor license must also be within the appropriate license group for the work. If Bidder lists a subcontractor who is not qualified to perform the work, the Bidder will be rejected as non-responsible.
4. **Use of Own forces:** If, under the terms of the Bidding Documents and SC Contractor Licensing laws, Bidder is qualified to perform the work of a listed subcontractor classification or subclassification and Bidder does not intend to subcontract such work but to use Bidder's own employees to perform such work, the Bidder must insert its own name in the space provided.
5. **Use of Multiple Subcontractors:**
 - a. If Bidder intends to use multiple subcontractors to perform the work of a single license classification/subclassification, Bidder must insert the name of each subcontractor Bidder will use, preferably separating the name of each by the word "and". If Bidder intends to use both his own employees to perform a part of the work of a single license classification/subclassification and to use one or more subcontractors to perform the remaining work, Bidder must insert his own name and the name of each subcontractor, preferably separating the name of each with the word "and". Bidder must use each entity listed for the work of a single license classification/subclassification in the performance of that work.
 - b. **Optional Listing Prohibited:** Bidder may not list multiple subcontractors for a license classification/subclassification in a form that provides the Bidder the option, after bid opening or award, to choose one or more but not all the listed subcontractors to perform the work for which they are listed. A listing, which on its face requires subsequent explanation to determine whether it is an optional listing, is non-responsive. If Bidder intends to use multiple entities to perform the work for a single listing, Bidder must clearly set forth on the bid form such intent. Bidder may accomplish this by simply inserting the word "and" between the names of each entity listed. Agency will reject as non-responsive a listing that contains the names of multiple subcontractors separated by a blank space, the word "or", a virgule (that is a /), or any separator that the Agency may reasonably interpret as an optional listing.
6. If Bidder is awarded the contract, Bidder must, except with the approval of the Agency for good cause shown, use the listed entities to perform the work for which they are listed.
7. If Bidder is awarded the contract, Bidder will not be allowed to substitute another entity as subcontractor in place of a subcontractor listed in Section 7 of the Bid except for one or more of the reasons allowed by the SC Code of Laws.
8. Bidder's failure to identify an entity (subcontractor or himself) to perform the work of a subcontractor listed in Columns A & B will render the Bid non-responsive.

SE-330
LUMP SUM BID FORM

§ 8. LIST OF MANUFACTURERS, MATERIAL SUPPLIERS, AND SUBCONTRACTORS OTHER THAN SUBCONTRACTORS LISTED IN SECTION 7 ABOVE (FOR INFORMATION ONLY):

Pursuant to instructions in the Invitation for Construction Services, if any, Bidder will provide to Owner upon the Owner's request and within 24 hours of such request, a listing of manufacturers, material suppliers, and subcontractors, other than those listed in Section 7 above, that Bidder intends to use on the project. Bidder acknowledges and agrees that this list is provided for purposes of determining responsibility and not pursuant to the subcontractor listing requirements of SC Code § 11-35-3020(b)(i).

§ 9. TIME OF CONTRACT PERFORMANCE AND LIQUIDATED DAMAGES

a) CONTRACT TIME

Bidder agrees that the Date of Commencement of the Work shall be established in a Notice to Proceed to be issued by the Owner. Bidder agrees to substantially complete the Work within 670 Calendar Days from the Date of Commencement, subject to adjustments as provided in the Contract Documents.

b) LIQUIDATED DAMAGES

Bidder further agrees that from the compensation to be paid, the Owner shall retain as Liquidated Damages the amount of \$ 500.00 for each Calendar Day the actual construction time required to achieve Substantial Completion exceeds the specified or adjusted time for Substantial Completion as provided in the Contract Documents. This amount is intended by the parties as the predetermined measure of compensation for actual damages, not as a penalty for nonperformance.

§ 10. AGREEMENTS

- a) Bidder agrees that this bid is subject to the requirements of the laws of the State of South Carolina.
- b) Bidder agrees that at any time prior to the issuance of the Notice to Proceed for this Project, this Project may be canceled for the convenience of, and without cost to, the State.
- c) Bidder agrees that neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

§ 11. ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the AIA Document A310, Bid Bond, included in the Bidding Documents.

ELECTRONIC BID BOND NUMBER: _____

SIGNATURE AND TITLE: _____

**SE-330
LUMP SUM BID FORM**

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATION

SC Contractor's License Number(s): G11081

Classification(s) & Limits: BD5

Subclassification(s) & Limits: GD5 & CT5

By signing this Bid, the person signing reaffirms all representation and certification made by both the person signing and the Bidder, including without limitation, those appearing in Article 2 of the SCOSE Version of the AIA A701, Instructions to Bidders, is expressly incorporated by reference.

BIDDER'S LEGAL NAME: Greg Hughes

ADDRESS: P.O. Box 269, Ballentine SC 29002 (Mailing address)

1125 Bickley Road, Irmo SC 29063 (Physical address)

TELEPHONE: 803 781.7058

EMAIL: Ghughes@contractconstruction.net

SIGNATURE:  _____ DATE: 10.24.2019

PRINT NAME: Greg Hughes

TITLE: President

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Contract Construction, Inc
P. O. Box 269
Ballentine, SC 29002

SURETY:

(Name, legal status and principal place of business)

Liberty Mutual Insurance Company
175 Berkeley Street
Boston, MA 02116
Mailing Address for Notices

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

OWNER:

(Name, legal status and address)

South Carolina Department of Administration
921 Main Street
Columbia, SC 29201

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: 5% Five Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

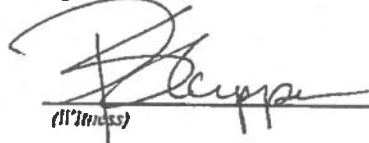
New Forensics Laboratory Building - 4700 Broad River Road, Columbia, SC 29210; D50-9976-CB

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 24th day of October, 2019.



(Witness)

Contract Construction, Inc.

(Principal)

(Seal)

By:


(Title) President

Liberty Mutual Insurance Company

(Surety)

(Seal)

By:


(Title) Lori J. Kelly, Attorney-in-Fact



(Witness) Adrian C. Burchett

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No 8083374

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint Adrian C. Burchett; Duainette H. Cullum; Wesley V. Dasher, Jr.; Frank W. Hafner, Jr.; Alfred T. Johnson; Lori J. Kelly; Robert J. Lavisky; Marian C. Newman

all of the city of Columbia, state of SC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 3rd day of May, 2018.



The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 3rd day of May, 2018, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the By-laws of the Company, authorizes David M. Carey Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 24th day of October, 2019.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call

BID TABULATION
 Project Number: 008-878-03

Project:
 Bid Date: October 24, 2018, 2:00 p.m. (EST)
 Bid Location: 915 Main St., 2nd Floor, Room 225
 Columbia, SC 29201

Approved: 
 Date: _____

General Conditions	Subcontractors	Bid Security (Y or N)	Addenda Received (Y or N)	Base Bid	ALTERNATES		
					Alt. # 1	Alt. # 2	Alt. # 3
1. CLEVELAND CONSTRUCTION, INC.	Structural Framing	Y	Y	\$54,190,000.00	\$185,000.00	\$490,000.00	\$404,000.00
	Electrical						
	Heating / Air Conditioning						
	Plumbing						
2. LETTER CONSTRUCTION COMPANY OF YORK COUNTY, LLC	Structural Framing	Y	Y	\$54,800,000.00	\$200,000.00	\$350,000.00	\$150,000.00
	Electrical						
	Heating / Air Conditioning						
	Plumbing						
3. CONTRACT CONSTRUCTION, INC.	Structural Framing	Y	Y	\$52,727,000.00	\$182,000.00	\$208,000.00	\$325,000.00
	Electrical						
	Heating / Air Conditioning						
	Plumbing						
4. FOETTER CONSTRUCTION COMPANY	Structural Framing	Y	Y	\$55,254,000.00	\$0.00	\$428,000.00	\$347,000.00
	Electrical						
	Heating / Air Conditioning						
	Plumbing						
1. EDCOM, INC.	Structural Framing	Y	Y	\$51,990,000.00	\$0.00	\$140,000.00	\$352,000.00
	Electrical						
	Heating / Air Conditioning						
	Plumbing						

SE-370
NOTICE OF INTENT TO AWARD

AGENCY: S.C. Dept. of Administration Div. of Facility Mgmt. and Property Services

PROJECT NAME: New Sled Forensic Laboratory Building.

PROJECT NUMBER: D50-9976-CB

POSTING DATE: 12/12/2019

TO ALL BIDDERS:

Unless stayed by protest or canceled, the Agency intends to enter into a contract as noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provided in Section 4 of the Bid Form, except as otherwise provided in the Instructions to Bidders.

NAME OF BIDDER: Contract Construction, Inc.

DATE BIDS WERE OPENED: 10/24/19

BID INFORMATION:

BASE BID AMOUNT: \$ 48,962,270

ALTERNATES:

#1	ACCEPTED	<input type="checkbox"/>	\$ _____
#2	ACCEPTED	<input type="checkbox"/>	\$ _____
#3	ACCEPTED	<input type="checkbox"/>	\$ _____

TOTAL AWARD (BASE BID AND ACCEPTED ALTERNATE(S)): \$ 48,962,270

REMARKS (*explain any negotiations that resulted in a change in any Bid amounts*): The original bid received on 10/24/19 was \$52,727,000.00 we negotiated down to the new amount of \$48,962,270 to get in budget.

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and Performance and Payment Bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written Notice to Proceed. The State assumes no liability for any expenses incurred by the Contractor prior to issuance of a Notice to Proceed, other than the Contractor's non-reimbursable costs incurred in providing such bonds.

RIGHT TO PROTEST (SC Code § 11-35-4210)

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this contract may be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided.

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to: procsl-ose@mms.sc.gov, or (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.



(Agency Procurement Officer Signature)

Jose Suarez

(Print or Type Name)

INSTRUCTIONS TO THE AGENCY:

1. Post a copy of the SE-370 at the location specified by the Instructions to Bidders and announced at the Bid Opening.
2. Send the SE-370 and the final Bid Tabulation electronically to all Bidders and OSE the same day it is posted.

[Print this page](#)

Board: Commercial Contractors

CONTRACT CONSTRUCTION INC
1125 BICKLEY ROAD
IRMO, SC 29063
(803) 781-7058

License number: 11081
License type: GENERAL CONTRACTOR
Status: ACTIVE
Expiration: 10/31/2020
First Issuance Date: 01/01/1992
Classification: BD5 GD5 CT5
Qualified By: Financial Statement

[Click here for Classification definitions and licensee's contract dollar limit](#)

Supervised By
MILLER LEERICKA (COG)
FARLEY KYLE (COG)
HUGHES GREG (COG)
FARLEY JOHN (COG)

[File a Complaint against this licensee](#)

Board Public Action History:

[View Orders](#)

[View Other License for this Person](#)

[No Orders Found](#)

Exhibit F

2018 Edition
May 2019 Rev.

SE-370

NOTICE OF INTENT TO AWARD

AGENCY: S.C. Dept. of Administration Div. of Facility Mgmt. and Propoerty Services

PROJECT NAME: New Sled Forensic Laboratory Building.

PROJECT NUMBER: D50-9976-CB

POSTING DATE: 12/12/2019

TO ALL BIDDERS:

Unless stayed by protest or canceled, the Agency intends to enter into a contract as noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provided in Section 4 of the Bid Form, except as otherwise provided in the Instructions to Bidders.

NAME OF BIDDER: Contract Construction, Inc.

DATE BIDS WERE OPENED: 10/24/19

BID INFORMATION:

BASE BID AMOUNT:				\$ <u>48,962.270</u>
ALTERNATES:	#1	ACCEPTED <input type="checkbox"/>	\$	<u> </u>
	#2	ACCEPTED <input type="checkbox"/>	\$	<u> </u>
	#3	ACCEPTED <input type="checkbox"/>	\$	<u> </u>
TOTAL AWARD (BASE BID AND ACCEPTED ALTERNATE(S)):				\$ <u>48,962.270</u>

REMARKS (explain any negotiations that resulted in a change in any Bid amounts): The original bid received on 10/24/19 was \$52,727,000.00 we negotited down to the new amount of \$48,962.270 to get in budget.

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and Performance and Payment Bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written Notice to Proceed. The State assumes no liability for any expenses incurred by the Contractor prior to issuance of a Notice to Proceed, other than the Contractor's non-reimbursable costs incurred in providing such bonds.

RIGHT TO PROTEST (SC Code § 11-35-4210)

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this contract may be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided.

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to: protest-ose@mmo.sc.gov, or (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.



(Agency Procurement Officer Signature)

Jose Suarez

(Print or Type Name)

INSTRUCTIONS TO THE AGENCY:

1. Post a copy of the SE-370 at the location specified by the Instructions to Bidders and announced at the Bid Opening.
2. Send the SE-370 and the final Bid Tabulation electronically to all Bidders and OSE the same day it is posted.

[Print this page](#)**Board: Commercial Contractors**

CONTRACT CONSTRUCTION INC
1125 BICKLEY ROAD
IRMO, SC 29063
(803) 781-7058

License number: 403

License type: General Construction Manager

Status: ACTIVE

Expiration: 10/31/2020

Classification: BD

[Click here for Classification definitions and licensee's contract dollar limit](#)

Supervises

[FARLEY JOHN - \(CQG\)](#)

[File a Complaint against this licensee](#)

Board Public Action History:[View Orders](#)[View Other License for this Person](#)

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1125 BICKLEY ROAD

IRMO, SC 29063

(803) 781-7058

License number: 1070**License type:** General Construction Manager**Status:** ACTIVE**Expiration:** 10/31/2020**Classification:** BD GD[Click here for Classification definitions and licensee's contract dollar limit](#)**Supervises****[HUGHES GREG - \(CQG\)](#)**[File a Complaint against this licensee](#)**Board Public Action History:**[View Orders](#)[View Other License for this Person](#)

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1125 BICKLEY ROAD

IRMO, SC 29063

(803) 781-7058

License number: 1071**License type:** General Construction Manager**Status:** ACTIVE**Expiration:** 10/31/2020**Classification:** BD[Click here for Classification definitions and licensee's contract dollar limit](#)**Supervises****[FARLEY KYLE - \(CQG\)](#)**[File a Complaint against this licensee](#)**Board Public Action History:**[View Orders](#)[View Other License for this Person](#)

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1125 BICKLEY ROAD

IRMO, SC 29063

(803) 781-7058

License number: 11081**License type:** GENERAL CONTRACTOR**Status:** ACTIVE**Expiration:** 10/31/2020**First Issuance Date:** 01/01/1992**Classification:** BD5 GD5 CT5**Qualified By:** Financial Statement[Click here for Classification definitions and licensee's contract dollar limit](#)**Supervised By**[MILLER LEERICKA \(CQG\)](#)[FARLEY KYLE \(CQG\)](#)[HUGHES GREG \(CQG\)](#)[FARLEY JOHN \(CQG\)](#)[File a Complaint against this licensee](#)**Board Public Action History:**[View Orders](#)[View Other License for this Person](#)

No Orders Found

CURRENT CLASSIFICATION ABBREVIATIONS and PROJECT/DOLLAR LIMITATIONS

The two-letters on a license indicates the designated classification(s) of work (i.e. **BD3**); the number behind the letters indicates their designated dollar limit per contract (i.e. **BD3**); see classifications & project/dollar limits below:

GENERAL CONTRACTOR classifications	MECHANICAL CONTRACTOR classifications
Asphalt Paving AP	Air Conditioning AC
Boiler Installation BL	Electrical EL
Boring & Tunneling (no technical exam) BT	Heating HT
Bridges BR	Lightning Protection LP
Building (BD, LB, UB) * BD	Packaged Equipment PK
Concrete CT	Plumbing PB
Concrete Paving CP	Pressure and Process Piping **** 1P/2P
General Roofing GR	Refrigeration RG
Glass & Glazing GG	
Grading GD	
Highway ** HY	
Highway Incidental (no technical exam) HI	
Interior Renovation (no technical exam) IR	
Marine MR	
Masonry (no technical exam) MS	
Pipelines PL	
Pre-Engineered Metal Buildings MB	
Public Electrical Utility *** 1U/2U	
Railroad (no technical exam) RR	
Specialty Roofing SR	
Structural Framing SF	
Structural Shapes (no technical exam) SS	
Swimming Pools SP	
Water & Sewer Lines WL	
Water & Sewer Plants WP	
Wood Frame Structures WF	

- * **Building (BD):** includes GR, IR, MB, MS, SS, WF.
 "LB" - qualifier took Limited Building exam - can only apply as Group #1, #2, or #3; cannot work over 3 stories.
 "UB" - qualifier took Unlimited Building exam.
- ** **Highway (HY):** includes AP, CP, BR, GD, HI.
- *** **Public Electrical Utility (1U/2U):** "1U" given to those licensed prior to 4/1/99 and can engage in stadium lighting work. "2U" given to those licensed after 4/1/99 and cannot engage in stadium lighting work.
- **** **Pressure and Process Piping (1P/2P):** "1P" given to those licensed prior to 4/1/99 and can engage in boiler work; "2P" given to those licensed after 4/1/99 and cannot engage in boiler work.

*** DOLLAR LIMITATIONS AND NET WORTH/SURETY BOND REQUIREMENTS***

GENERAL CONTRACTORS				MECHANICAL CONTRACTORS			
Group#	\$ Limit per Contract	Net Worth/ Total Equity	Surety Bond Amount	Group #	\$ Limit per Contract	Net Worth/ Total Equity	Surety Bond Amount
Group #1	\$50,000	\$10,000	\$20,000	Group #1	\$17,500	\$3,500	\$7,000
Group #2	\$200,000	\$40,000	\$80,000	Group #2	\$50,000	\$10,000	\$20,000
Group #3	\$500,000	\$100,000	\$200,000	Group #3	\$100,000	\$20,000	\$40,000
Group #4	\$1,500,000	\$175,000	\$350,000	Group #4	\$200,000	\$40,000	\$80,000
Group #5	\$Unlimited	\$250,000	\$500,000	Group #5	\$Unlimited	\$200,000	\$400,000

Exhibit H

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

**Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210**

Minutes

Thursday, January 21, 2016

10:00 a.m.

Lewis M. Caswell, Board Chair, announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

Welcome and Call to Order:

Lewis M. Caswell, Board Chair, called the regular meeting of the South Carolina Contractor's Licensing Board to order at 10:00 a.m. Other Board members present for the meeting included: James E. Lady, Daniel B. Lehman, Bill Neely, Legrand Richardson, Jr., W. Franklin Walker, and Charles A. White.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel; Roger Lowe, Board Administrator; Rhonda Jackson, Program Coordinator; Erin Baldwin, Office of General Counsel; Kim Long, Administrative Coordinator; and Nadine Garrett, Court Reporter.

Others present participating in the meeting included: Anthony Boling, John Busche, James Carpentier, Andrew Cole, William Dallis, Clarence Felder, James C. Harmon, Joseph Henry, Roger A. Reid, Scott Shockley, Lee Stegall, Jason Whiteley, Whitney Williams, Isaac Woods, and Regina Woods.

Approval of Agenda:

Thursday, January 21, 2016

MOTION:

Mr. Lady made a motion to approve the January 21, 2016, agenda. Mr. White seconded the motion, which carried unanimously.

Excused Member(s):

MOTION:

Mr. Lady made a motion that Kimberly Lineberger receive an excused absence. Mr. Lehman seconded the motion, which carried unanimously.

Election of Officers:

Board Chair Caswell announced the election of the Board Chair and Vice-Chair. Mr. Caswell requested Roger Lowe, Administrator, to call for nominations from the floor for the Office of Board Chair. Mr. Neely moved to nominate Mr. Caswell to serve as chairman for a fourth term. Mr. Walker seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Caswell was elected by acclamation. Board Chair Caswell called for nominations for the Office of Vice-Chair. Mr. Lady moved to nominate Mr. Neely to serve as Vice-Chair. Mr. White seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Neely was elected by acclamation.

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

**Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210**

Minutes

Thursday, January 21, 2016

10:00 a.m.

Approval of Minutes:

Thursday, October 15, 2015

MOTION:

Mr. Walker made a motion to approve the October 15, 2015, meeting minutes. Mr. Richardson seconded the motion, which carried unanimously.

Chairman's Remarks:

Lewis M. Caswell

Mr. Caswell thanked the Board for electing him as Chairman.

Old Business:

Sign Study Committee Recommendation

Chairman Caswell read the Sign Study Committee's recommendation to the Board: It is recommended to the Contractors' Board that a specialty license be required for erection and installation of on-site and off premise signs in accordance with 40-11-410(4)(B) Concrete and 40-11-410(4)(J) Structural Framing. The Board discussed the recommendation.

MOTION:

Mr. Richardson made a motion to accept the recommendation of the Sign Study Committee with the clarification that the recommendation does not make any changes in regulation of the electrical portion of sign erection and installation. Mr. Walker seconded the motion which carried unanimously. Staff was instructed the change is effective immediately.

Ancillary Committee Recommendation

Chairman Caswell read the Ancillary Committee's recommendation to the Board: If the work in any of the individual ancillary classifications of § 40-11-410(1) - Concrete Paving; Grading; Highway Incidental; Concrete; Structural Framing; Public Electrical Utility; Boiler Installation; or Glass and Glazing - is 41% or higher of the total cost of construction then this work is not generally construed as ancillary. The licensee must have a license for this work or use a contractor licensed in the appropriate license classification or sub-classification to perform the work. The Board discussed the recommendation.

MOTION:

Mr. Richardson made a motion to strike the word "generally" from the recommendation and accept the recommendation with that change. Mr. White seconded the motion, which carried unanimously. Staff was instructed the change is effective immediately.

Application Reviews:

John F. Busche DBA: Old South Electric

The mechanical contractor's license application could not be approved at staff level. Mr. John Busche appeared before the Board, waived his right to counsel, and was sworn in. Mr. Busche answered questions from the Board.

MOTION:

Mr. Walker made a motion to approve the mechanical contractor's license application. Mr. Lady seconded the motion, which carried unanimously.

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

**Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210**

Minutes

Thursday, January 21, 2016

10:00 a.m.

Live Wire Electric Co LLC and Timothy McIntyre

The mechanical contractor's license reinstatement application could not be approved at staff level. Mr. Timothy McIntyre did not appear before the Board.

MOTION:

Mr. Walker made a motion to deny the mechanical contractor's license reinstatement application. Mr. Lehman seconded the motion, which carried unanimously.

Jason Whiteley

The mechanical contractor's license application could not be approved at staff level. Mr. Jason Whiteley appeared before the Board, waived his right to counsel, and was sworn in. Mr. Whiteley answered questions from the Board.

MOTION:

Mr. White made a motion to approve the mechanical contractor's license application. Mr. Walker seconded the motion, which carried by a vote of 5 to 1.

BBUDC Inc and Isaac L. Woods

The general contractor's license application could not be approved at staff level. Mr. Isaac Woods appeared before the Board, waived his right to counsel, and was sworn in. Staff member, Ms. Kim Long, was also sworn in as a witness for the State. Mr. Woods and Ms. Long answered questions from the Board.

MOTION:

Mr. Lady made a motion to approve the general contractor's license application. Mr. Richardson seconded the motion, which carried by a vote of 5 to 1.

Tri Square Construction LLC and Anthony Boling

The general contractor's license application could not be approved at staff level. Mr. Boling appeared before the Board, waived his right to counsel, and was sworn in. Mr. Boling answered questions from the Board.

MOTION:

Mr. Lady made a motion to approve the general contractor's license application. Mr. Neely seconded the motion, which carried unanimously.

Fleming Construction Assoc LLC and Earnest Fleming

Mr. Joseph Henry, Esq., appeared as attorney for Mr. Fleming and requested the hearing be continued to the next Contractor's Board meeting.

MOTION:

Mr. Lady made a motion to allow a continuance in this matter to the next Contractor's Board meeting. Mr. White seconded the motion, which carried unanimously.

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

**Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210**

Minutes

Thursday, January 21, 2016

10:00 a.m.

S and D SC Holdings LLC and William J. Dallis

The general contractor's license application could not be approved at staff level. William J. Dallis appeared before the Board, waived his right to counsel, and was sworn in. Mr. Dallis answered questions from the Board.

MOTION:

Mr. White made a motion to go into executive session to seek legal advice. Mr. Richardson seconded the motion, which carried unanimously.

MOTION:

Mr. White made a motion to come out of executive session and back into open session. Mr. Richardson seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Lady made a motion to defer an action in this matter until the next Contractor's Board meeting so that staff and the applicant can determine the status of each outstanding judgment. Mr. Lehman seconded the motion, which carried unanimously.

Excused Board Member:

Mr. James Lady excused himself from the meeting at 12:15 P.M.

Hearing Officer Recommendation – Final Order Hearing:

Clarence E. Felder – Case No. 2012-60

Mr. Clarence E. Felder was present and sworn in. Mr. Andrew Cole, Esq., appeared as attorney for Mr. Felder. Mr. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Lehman made a motion to approve the Hearing Officer's recommendation(s) and modify the case caption to include "Clarence E Felder, LLC, License # CLG.115791." Mr. White seconded the motion, which carried unanimously.

Office of General Counsel Report:

Erin Baldwin

OGC Report – Ms. Baldwin reported that the OGC currently has 42 open cases, 38 cases pending action, 0 cases pending Consent Agreements or Memorandums of Agreement, 3 cases pending disciplinary hearings, 0 cases pending Final Order hearings, and 0 cases pending Final Orders. Since October 15, 2015, 5 cases have been closed and there is 1 case on appeal at this time.

Office of Investigation and Enforcement Report:

Todd Bond

OIE Status Report - Mr. Bond reported that for the period January 1, 2015, to December 31, 2015, the OIE has received a total of 290 complaints with 48 current active investigations. A total of 302 cases were closed in 2015.

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

**Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210**

Minutes

Thursday, January 21, 2016

10:00 a.m.

Recommendation of Investigation Review Committee

November 5, 2015, IRC Recommendations:

The IRC Committee recommended 1 case be dismissed, 3 cases receive a formal complaint, 3 cases receive a formal complaint with citation, and 2 cases receive a letter of caution.

MOTION:

Mr. Richardson made a motion to approve the recommendations of the Investigative Review Committee at the November 5, 2015, IRC meeting. Mr. Neely seconded the motion, which carried unanimously.

December 17, 2015, IRC Recommendations:

The IRC Committee recommended 4 cases be dismissed, 2 cases be dismissed with a Cease and Desist, 4 cases receive a formal complaint, and 2 cases receive a formal complaint with citation.

MOTION:

Mr. White made a motion to approve the recommendations of the Investigative Review Committee at the December 17, 2015, IRC meeting. Mr. White seconded the motion, which carried unanimously.

Administrator's Remarks:

Roger Lowe, Board Administrator

- A Senate hearing is being held before the LCI committee on January, 28, 2016, beginning at 9:00 A.M., in room 307 of the Gressette building in Columbia, for S280.
- Mr. Lehman has been reappointed by the Governor to another term on the SC Contractor's Licensing Board.
- The National Burglar and Fire Alarm Association is working on proposed changes in the Alarm Practice Act.

Board Financial Information and PSI Examination Information

Mr. Lowe directed the Board to the financial information for the month ending December 31, 2015, and PSI examination information for month ending December 31, 2015. Both reports were included on the secure website for Board review.

New Business:

Communication to Current Licensees

Mr. Lowe asked for the Board's suggestions for getting new information out to licensees. After discussion, it was determined the best way to communicate with current licensees is via email, website, and informing the permitting agencies with any policy changes.

Public Comments:

None

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

**Synergy Business Park, Kingtree Building
110 Centerview Drive, Kingtree Building, Room 108
Columbia, South Carolina 29210**

Minutes

Thursday, January 21, 2016

10:00 a.m.

Date of Next Meeting:

Thursday, April 21, 2016, Meeting Room 105

The next meeting of the SC Contractor's Licensing Board will be held Thursday, April 21, 2016, beginning at 10:00 A.M., at the Synergy Business Complex, Kingtree Bldg., Room 105, in Columbia, SC.

Adjournment:

The January 21, 2016, meeting of the South Carolina Contractor's Licensing Board was adjourned at 12:45 P.M.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

January 21, 2016 Contractor's Board meeting

Ancillary work under the Building (BD) classification in S.C. Code 40-11-410(1)

Recommendation of the Committee that met on November 23, 2015 was accepted by the Board on January 21, 2016, with changes, as follows:

If the work in any of the individual ancillary classifications of Section 40-11-410(1):

Concrete Paving;

Grading;

Highway Incidental;

Concrete;

Structural Framing;

Public Electrical Utility;

Boiler Installation; or

Glass and Glazing

is 41% or higher of the total cost of construction then this work is not construed as ancillary. The licensee must have a license for this work or use a contractor license in the appropriate license classification or sub-classification to perform the work.

FOR DEPARTMENT USE ONLY

CHE _____
 JBRC _____
 SFAA _____
 JBRC Staff _____
 ADMIN Staff _____
 A-1 Form Mailed _____
 SPIRS Date _____
 Summary _____

Exhibit I

(For Department Use Only)

SUMMARY NUMBER

FORM NUMBER

PERMANENT IMPROVEMENT PROJECT REQUEST

1. AGENCY Code D50 Name Department of Administration - Division of Facilities Management and Property Services
 Contact Person Ashlie Lancaster Phone 803-737-9822

2. PROJECT Project # 9976 Name New SLED Forensics Laboratory Building
 Facility # _____ Facility Name _____

County Code	40 - Richland
New/Revised Budget	\$54,078,993.00

Project Type	4 - Replace Existing Facilities/Systems
Facility Type	2 - Program/Academic

3. CPIP PROJECT APPROVAL FOR CURRENT FISCAL YEAR
 CPIP priority number 1 of 1 for FY 18-19

4. PROJECT ACTION PROPOSED (Indicate all requested actions by checking the appropriate boxes.)

Establish Project		Decrease Budget		Close Project	
Establish Project - CPIP		Change Source of Funds	<input checked="" type="checkbox"/>	Change Project Name	
Increase Budget	<input checked="" type="checkbox"/>	Revise Scope		Cancel Project	

5. PROJECT DESCRIPTION AND JUSTIFICATION
 (Explain and justify the project or revision, including what it is, why it is needed, and any alternatives considered.
 Attach supporting documentation/maps to fully convey the need for the request.)

SLED's current forensics laboratory is comprised of approximately 60,000 SF and was constructed in 1990. The facility has been over-utilized for quite some time. The over-crowding issue does not allow for optimum work-flows and does not allow for the number of personnel needed to keep casework current. All areas of forensic services currently experience backlogs in excess of acceptable levels. A recent programming study revealed that a proper size facility to handle current as well as future caseloads should be in the 118,000 SF range. The General Assembly provided funding for this project at \$54,078,993 under proviso 112.1 of the FY18-19 Appropriation Act.

6. OPERATING COSTS IMPLICATIONS
 Attach Form A-49 if any additional operating costs or savings will result from this request. This includes costs to be absorbed with current funding.

7. ESTIMATED PROJECT SCHEDULE AND EXPENDITURES
 Estimated Start Date: July, 2019 Estimated Completion Date: July, 2021
 Estimated Expenditures: Thru Current FY: \$3,500,000.00 After Current FY: \$50,578,993.00

8. ESTIMATES OF NEW/REVISED PROJECT COSTS

PROJECT #	9976
------------------	------

- | | | | |
|-----|---|------------------------------|-------------------|
| 1. | _____ Land Purchase ----> | Land: _____ | Acres |
| 2. | _____ Building Purchase ----> | Floor Space: _____ | Gross Square Feet |
| 3. | 5,019,745.00 Professional Services Fees | | |
| 4. | _____ Equipment and/or Materials ----> | Information Technology _____ | |
| 5. | _____ Site Development | | |
| 6. | 47,172,354.00 New Construction ----> | Floor Space: 118,000 | Gross Square Feet |
| 7. | _____ Renovations - Building Interior ----> | Floor Space: _____ | Gross Square Feet |
| 8. | _____ Renovations - Utilities | | |
| 9. | _____ Roofing - _____ Roof Age | | |
| 10. | _____ Renovations - Building Exterior | | |
| 11. | _____ Other Permanent Improvements | | |
| 12. | _____ Landscaping | | |
| 13. | _____ Builders Risk Insurance | | |
| 14. | _____ Other Capital Outlay | | |
| 15. | _____ Labor Costs | | |
| 16. | _____ Bond Issue Costs | | |
| 17. | _____ Other: _____ | | |
| 18. | 1,886,894.00 Contingency | | |

ENVIRONMENTAL HAZARDS	
Identify all types of significant environmental hazards (including asbestos, PCB's, etc.) present in the project and the financial impact they will have on the project.	
Type:	_____
<u>Cost Breakdown</u>	
Design Services	\$ _____
Monitoring	\$ _____
Abate/Remed	\$ _____
Total Costs	\$ _____ 0.00

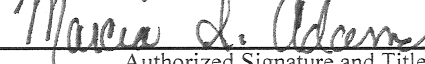
\$54,078,993.00 TOTAL PROJECT BUDGET

9. PROPOSED SOURCE OF FUNDING

Source	Previously Approved Amount	Increase/Decrease	Original/Revised Budget	Transfer to/from Proj. #	Rev Object Code	Treasurer's ID Number	Rev Sub Fund	Exp Sub Fund
(0) CIB, Group			0.00 0.00		8115		3043	3043
(1) Dept. CIB, Group			0.00 0.00		8115		3143	3143
(2) Institution Bonds			0.00 0.00					3235
(3) Revenue Bonds			0.00 0.00					3393
(4) Excess Debt Service			0.00 0.00					3497
(5) Capital Reserve Fund			0.00 0.00		8895		3603	3603
(6) Appropriated State	17,800,000.00	(17,800,000.00)	0.00 0.00		8895	68800100	1001	3600
(7) Federal			0.00 0.00			78800100		5787
(8) Athletic			0.00 0.00			88800100		3807
(9) Other (Specify) Proviso 112.1 (FY2018-19)	0.00	54,078,993.00	54,078,993.00 0.00 0.00			98800100		3907
TOTAL BUDGET	\$17,800,000.00	\$36,278,993.00	\$54,078,993.00					

10. SUBMITTED BY:  Ashlie Lancaster, Director
Signature of Authorized Official and Title

Date
July 18, 2018
Date
7/19/18
Date

11. APPROVED BY: 
(For Department Use Only) Authorized Signature and Title

**ADDITIONAL ANNUAL OPERATING COSTS / SAVINGS
RESULTING FROM PERMANENT IMPROVEMENT PROJECT**

1. AGENCY Code D50 Name General Services / Department of Administration

2. PROJECT Project # 9976 Name New SLED Forensics Laboratory

3. ADDITIONAL ANNUAL OPERATING COSTS / SAVINGS. (Check whether reporting costs or savings.)

COSTS SAVINGS NO CHANGE

4.

TOTAL ADDITIONAL OPERATING COSTS / SAVINGS				
Projected Financing Sources				
(1)	(2)	(3)	(4)	(5)
Fiscal Year	General Funds	Federal	Other	Total
1) FY 21-22	\$ 812,000.00	\$	\$	\$ 812,000.00
2) FY 22-23	\$ 836,000.00	\$	\$	\$ 836,000.00
3) FY 23-24	\$ 861,000.00	\$	\$	\$ 861,000.00

5. If "Other" sources are reported in Column 4 above, itemize and specify what the other sources are (revenues, fees, etc.).

6. Will the additional costs be absorbed into your existing budget? YES NO
If no, how will additional funds be provided?

SLED plans to request the additional up-fit and recurring operating cost for the new Forensic Laboratory Building in the FY 21-22 Budget Cycle.

7. Itemize below the cost factors that contribute to the total costs or savings reported above in Column 5 for the first fiscal year.

<u>COST FACTORS</u>	<u>AMOUNT</u>
1. <u>Estimated recurring operating cost for new building based</u>	
2. <u>on square footage increase in building size.</u>	812,000.00
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
TOTAL	\$812,000.00

8. If personal services costs or savings are reported in 7 above, please indicate the number of additional positions required or positions saved.* N/A

9. Submitted By: 7-18-18
Signature of Authorized Official and Title Date

**PERMANENT IMPROVEMENT PROJECT INFORMATION FORMAT
FOR PHASE II CONSTRUCTION BUDGET**

1. What is the total projected cost of the project and what is it based on? Please attach a summary of the costs prepared during the A&E pre-design phase to support the total cost.

\$54,078,993 - Based on professional cost project by architectural firm LS3P.

2. What is/are the source(s) of funds for the construction? If any private or federal funds are included, please attach a letter guaranteeing the availability of the funds.

Proviso 112.1 of the FY 18-19 Appropriations Act.

3. What is your agency/institution's definition of each fund source to be used for construction? (If any type of fee makes up a portion of the source, what is the fee called, what is the fee amount, and when it was put in place. If there is a statutory authority authorizing the use of the funds for capital projects, please cite the code section.)

Proviso 112.1 of the FY 18-19 Appropriations Act.

4. What is the current uncommitted balance of funds for each source listed in 3 above?

\$54,078,993

5. If institution or revenue bonds are included as a source, when were the bonds issued? If not issued yet, when is the bond resolution expected to be brought for State Fiscal Accountability Authority approval?

Not Applicable

6. If a student fee is used to fund debt service, what is the current amount of the fee annually or by semester? Please specify which.

Not Applicable

7. Will the use of any funds for construction require an increase in any student fee or tuition? If so, please explain in detail.

Not Applicable

8. Will the project be LEED certified for energy savings and conservation and if so, at what level will it be certified? For projects requiring or using LEED certification, please attach the required cost-benefit analysis and a checklist of items to be used to achieve LEED points or a description of the energy measures to achieve LEED.

Budget provides for LEED certification on the project. Plans are not significantly developed to allow for details.

9. What energy savings/conservation measures will be implemented within the project if the project will not be LEED certified? For projects that do not require/use LEED, please provide a paragraph on energy savings measures to be implemented as part of the project. If there are no energy savings measures included, please state that and explain why.

10. What is the projected date (month and year) for execution of the construction contract?

July 2019

11. What is the projected date (month and year) for completion of construction?

July 2021

12. What program(s) are to be included in the constructed or renovated space?

Operations of state forensics laboratory for SLED

13. What is the total square footage of the building to be renovated or constructed?

118,000

14. If a portion of the building is to be renovated, what is the square footage of the portion that will be included in the renovation?

Not Applicable

15. What is the current age of the building or building systems to be renovated?

Not Applicable

16. If any new space is being added to the facility, please provide demand/usage data to support the need.

Not Applicable

17. What are the estimated numbers of students, faculty, staff and/or clients that are expected to use the space affected by the project or the entire building? (Answer for as many as are applicable.)

150 Technicians

18. If the construction cost increased significantly from the internal estimate (30% or more), what factors caused the cost to increase?

Not Applicable

19. If the contingency is more than 10%, please explain why.

Not Applicable

20. If funds are being transferred from another project, what is the current status of the project from which funds are being transferred?

Not Applicable

21. Has the project been included in a previous year's CPIP? If so, what was the last year the project was included and for which year, 1-5?

Yes - FY 18-19

22. What are the economic impacts of the project, including job creation and retention? If there are none, please explain.

\$54,000,000 construction project with associated subcontractors.

23. How will your agency/institution address and fund maintenance of this facility construction/renovation?

Normal facilities operating budget.

24. If your agency/institution has a deferred maintenance account, what is the name of the account and what is its current uncommitted balance?

Not Applicable

25. If how maintenance will be addressed and funded for this facility construction/renovation has not been determined yet, what steps are in place to begin to address how your agency/institution will fund maintenance to this and other agency/institution facilities?

Not Applicable

DO NOT INCLUDE THIS PAGE IN THE PROJECT MANUAL

**SE-310
INVITATION FOR DESIGN-BID-BUILD CONSTRUCTION SERVICES**

ENTIRE FORM MUST BE COMPLETED PRIOR TO ADVERTISING PROJECT FOR BIDS

PROJECT NAME: New Forensics Laboratory Building

PROJECT NUMBER: D50-9976-CB

1. BUDGET		2. PROJECT DATA	New	Renovated
Total Approved Project Funding:	\$ <u>54,078,933.00</u>	Gross Square Footage:	<u>109,726</u>	<u>0</u>
Construction Budget for this Contract:	\$ <u>49,902,970.00</u>	Estimated Bldg. Cost:	<u>44,242,524</u>	<u>0</u>
Final Estimate of Construction Cost:	\$ <u>48,897,476.00</u>	Estimated Site Cost:	<u>4,654,952</u>	<u>0</u>

(The Final Estimate of Construction Cost cannot be greater than the Agency's Construction Budget for this Project.)

3. SUBMITTAL TO LOCAL AUTHORITIES *(See Chapter 5 of the Manual)*

Plans and Specifications Have Been Submitted to Local Authorities: Yes No

If No, Explain: Office of the State Engineer is AHJ; Land Disturbance Permitting and Zoning through City of Columbia

Names and Contact Info for Local Authorities: *(Provide phone and e-mail if available):* N/A

4. FLOOD HAZARD *(Provide ALL of the following information for ALL projects, even if not in a flood hazard zone)*

Flood Map Information: Flood Zone: X *(A Floodplain Permit is required for A and V Zones)*

Community Number: 450172 Panel Number: 0230K

Is the Project Site in a 100-Year Flood Plain? Yes No

5. STATUS OF PERMITS AND APPROVALS REQUIRED PRIOR TO BID ADVERTISEMENT

(Copies of all Permits and Approvals MUST be attached prior to advertisement.)

FLOODPLAIN *(OSE approval required, not subject to certification):* N/A

DHEC *(List Individual Permits and/or Approvals):* NPDES.WATER CONSTRUCTION PERMIT

Status of Each Permit/Approval: NPDES - EXPECTED WEEK OF SEPT 13, WATER PERMIT EXPECTED WEEK OF SEPT 13

SCDOT: ROAD ENCROACHMENT

Status of Each Permit/Approval: SUBMITTED WEEK OF JULY 8 - AWAITING REVIEW COMMENTS

ZONING *(Include Name of Local Authority):* CITY OF COLUMBIA

Status of Permit/Approval: PENDING STATUS OF SIDEWALK CONNECTION TO BROAD RIVER

OTHER *(List Separately):* _____

Status of Each Permit/Approval: _____

6. GREEN CONSTRUCTION

Is project required to be certified as LEED or Green Globes per the Energy Efficiency Act of 2007? Yes No

If Yes, what certification is being pursued? LEED Silver 2 Green Globes

7. EROSION AND SEDIMENT CONTROL

All Land Disturbing Activity associated with this project shall be performed pursuant to the Contract Documents.

AGENCY CERTIFICATION:

I hereby certify that all of the information on this SE-310 is true and accurate and that the Agency has authorized, unencumbered funds available for obligation to a contract for the project to be advertised. I hereby request the Office of State Engineer to advertise the above-named Project.

BY: [Signature]
(Signature of Agency Project Coordinator)

DATE: 9/9/19

PRINT NAME: SRIED DARVISH

TITLE: PROJECT MANAGER

INSTRUCTIONS TO THE AGENCY:

1. Submit a copy of Pages 1 & 2 of the completed SE-310 to the OSE Project Manager in MS Word format.
2. If a Pre-Bid Conference is Mandatory, attach the Determination required by Reg. 19-445.2042(c).
3. Attach a copy of all permits and approvals listed in Section 5 of Page 2.
4. OSE Project Manager will review and send approved copy of Page 1 to SCBO and the Agency.
5. The signed copy of Page 1 MUST be included in the Bid Documents.