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THE DIVISION OF PROCUREMENT SERVICES

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CHAIRMAN, SENATE FINANCE COMMITTEE

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CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

GRANT GILLESPIE
EXECUTIVE DIRECTOR

Protest Decision

Matter of: Southeastern Wall Systems, Inc.

File No.: 2020-011

Posting Date: May 22, 2020

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

Project No.: D50-6030-CB

Description: Gressette Building Window Replacement

DIGEST

Protest granted where properly licensed protestant that submitted low bid was denied award of contract for lack of the proper contractor's license. The protestant's protest is incorporated herein by reference and attached as Exhibit A.

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 position of the South Carolina Contractor's Licensing Board, and applicable law and precedents.

BACKGROUND

On March 30, 2020, the South Carolina Department of Administration, Division of Facility Management and Property Services (FM) advertised for bids to replace the windows in the Gressette Building (the Project). [Exhibit B] By the deadline for receipt of bids, FM received seven bids. [Exhibit C] Southeastern was the low bidder. Per S.C. Code Ann. §11-35-1810, FM performed a responsibility review of Southeastern to include confirming that Southeastern possessed the appropriate contractor's license to perform the work of the Project. To confirm the license required to bid as a sole prime contractor, FM consulted with the Contractor's Licensing Board staff. [Exhibit D] Based on the limited information provided by FM, the Contractor's Licensing Board told FM that the Project required a bidder to possess a General Contractors-Specialty license with the subclassification of Glass and Glazing (GG). Having determined that

Southeastern possessed only a General Contractor-Building license (BD), which does not include the subclassification of GG, FM found Southeastern to be a nonresponsible bidder. [Exhibits C & E] On April 27, 2020, FM posted Notice of Intent to Award a contract to the second lowest bidder, Tyler Construction Group, Inc. (Tyler) and Capstone Glass, LLC (Capstone) a Joint Venture (T&CG). [Exhibit F] Tyler has a contractor's license with the classifications of BD, General Contractor-Specialty Concrete, and General Contractor-Highway Grading. [Exhibit G] Capstone has a contractor's license with the classifications of BD and GG. [Exhibit H]

On May 1, 2020, Southeastern protested the intended award on the grounds that the instructions to bidders did not require bidders to have a GG license and that a BD could bid this work as a sole prime contractor.

DISCUSSION

This Project is a window replacement project requiring the removal of existing exterior windows and, with limited exceptions, replacement of those windows with factory made (pre-manufactured) windows. [Project plans and specifications, which are incorporated herein by reference] However, the existing sashes will remain in place and new structural extruded aluminum shapes will be field attached to the existing sashes to create a window pan or frame for holding the new prefabricated windows. At issue in this solicitation is whether Southeastern's license permits Southeastern to bid and act as a sole prime contractor for this Project.¹

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.” S.C. Code Ann. § 11-35-2410(A). To prevail, the protestant must prove the responsibility determination is clearly erroneous, arbitrary, capricious, or contrary to law. *Protest of Brantley Construction Co., Inc.*, Panel Case No. 1999-3.

A responsibility determination is a determination that the bidder has the ability to perform. *See* S.C. Code Ann. Regs. 19-445.2125(A)(1). Possession of the proper contractor license is an issue of responsibility. *Protest of Brantley Construction Co., Inc.*, Panel Case No. 1999-3 (where the State is investigating the bidder's ability to perform it is deciding an issue of responsibility); *Protest of Roofco, Inc.*, Panel Case No. 2000-14(I) (“[T]he lack of a proper license to do the work solicited in a state contract will always render a bidder nonresponsible.”); *see also* S.C. Code Ann. § 40-11-200(B) (“It is a violation of this chapter for an awarding authority ... to consider a bid ... unless the bidder has first obtained the licenses required by this chapter. Bids or contracts submitted by contractors may not be reconsidered or resubmitted to an awarding authority ... if the contractor was not properly licensed at the time the initial bid or contract was submitted.”).

On a whole, the laws governing licensing of contractors are not clearly written. The language and grammar used in those laws create confusion concerning their proper application to construction

¹ A contractor is limited to the scope of his license group and classification both in bidding and performing work. S.C. Code Ann. § 40-11-270; *see also* §§ 40-11-30 and 260(A).

projects. This confusion is most apparent when it comes to determining the scope of license classifications and subclassifications. Attorneys trained in statutory interpretation find divining the intent of the contractor licensing laws challenging. These same laws place on project owners and others without legal training the burden of properly interpreting them before considering a bid or making an award. Licensed contractors themselves are confused by application of the licensing laws as evidenced by the numerous protests of awards the CPOC receives regarding licensing issues and the ubiquity of contractors or subcontractors bidding outside the scope of their license. This confusion is plain in this case.

The licensing laws provide two different license subclassifications related to window installation. One such license subclassification is a General Contractors-Building, Interior Renovation (IR) Subclassification, which includes:

installing, remodeling, renovations, and finishes of acoustical ceiling systems and panels, load-bearing and nonload-bearing drywall partitions, lathing and plastering, flooring (excluding carpet) and finishing, interior recreational surfaces, **window and door installation**, and installation of fixtures, cabinets, and millwork; and which also includes fireproofing, insulation, lining, painting, partitions, sandblasting, interior wall covering, and waterproofing.

S.C. Code Ann. § 40-11-410(4)(c) [emphasis added]. A contractor, such as Southeastern, with a BD classification on their license may perform IR work. S.C. Code Ann. § 40-11-410(1). The other license subclassification permitting window installation is the General Contractors – Specialty, Glass and Glazing (GG) license subclassification. This subclassification includes the following:

[C]ommercial, residential, industrial, institutional, modular, and all other types of glass and glazing construction. The construction is limited to selection, cutting, assembling, and installing all makes and kinds of glass for windows, sash and doors, metal frames This license classification includes all work under the subclassifications of renovation, structural shapes, and architectural aluminum glazing systems which include aluminum entrance doors and frame systems, entrance and egress hardware, curtain wall systems, sliding doors/mall fronts, overhead glazing systems, and architectural window systems and accessories.²

S.C. Code Ann. § 40-11-410(4)(p). A contractor, such as Southeastern, with only a BD classification on their license **may not** perform GG work.

Another layer of complication is added when considering the requirements for bidding as a sole prime contractor. A prime contractor is an “entity which contracts directly with an owner [e.g., FM] to perform general or mechanical construction.” S.C. Code Ann. § 40-11-20(17). A sole prime

² The language of the GG subclassification illustrates some of the difficulties of interpreting the contractor licensing laws. Despite the language stating the GG subclassification includes all work under the license subclassifications of “renovation” and “architectural glazing systems,” there are no such license subclassifications provided for in the law.

contractor is a “prime contractor for a project on which there is only one prime contractor.” S.C. Code Ann. § 40-11-20(21). FM’s solicitation only allowed for sole prime contracting. Therefore, by submitting a bid to FM, Southeastern offered to act as the sole prime contractor on the Project. However, the contractor licensing laws state:

An entity licensed under the classifications or subclassifications in Sections 40-11-410(1), (2), or (3) may act as a sole prime contractor on a project if forty percent or more of the work as measured by the total cost of construction falls under one or more of the licensee's license classifications or subclassifications. An entity licensed under the classifications or subclassifications in Section 40-11-410(4) and (5) may act as sole prime contractor if fifty-one percent or more of the work falls under one or more of the licensee's license classifications or subclassifications.

S.C. Code Ann. § 40-11-340. Southeastern is licensed under the classifications in S.C. Code Ann. § 40-11-410(1) and may only offer to act as the sole prime contractor if 40% or more of the total cost of construction falls under the BD Classification on its license.

A review of the legislative history of Title 40, Chapter 11, sheds light on how the IR and GG subclassifications apply to construction. When the General Assembly enacted Title 40, Chapter 11 in 1998, they did not include a license subclassification for glass and glazing. 1998 Act No. 440, Section 1; 1998 S.C. Acts 3250. Instead, the General Assembly provided for glass and glazing work under the license subclassification of interior renovation, which also included window installation. *Id.*; 1998 S.C. Acts at 3275. No other license classification or subclassification that the General Assembly provided for in the Act included window installation, glass, or glazing. Therefore, under the original Act, any contractor with a BD classification on their license could bid window installation, glass, and glazing as a sole prime contractor. *See* S.C. Code Ann. § 40-11-410(1).

In 2001, the General Assembly amended Title 40, Chapter 11, to add the license subclassification of glass and glazing at S.C. Code Ann. § 40-11-410(4)(p), provide a definition of glass and glazing, and remove glass and glazing from the interior renovation subclassification. 2001 Act No. 32, Sections 2 and 3; 2001 S.C. Acts at 109-110. However, the General Assembly retained window installation within the scope of the interior renovation subclassification.³

The focus of the GG subclassification is the “selection, cutting, assembling, and installing all makes and kinds of glass for windows, sash and doors, metal frames, ornamental decorations, mirrors, and tub and shower enclosures.” Therefore, the GG classification covers work that requires a contractor to make custom metal window frames by cutting and assembling metal structural shapes, to cut and assemble glazing to fit into those customized window frames, and to install the glazing into the window frames. Moreover, the 2001 amendments prohibit a contractor with the IR subclassification from performing this work. Since 2001, the law has allowed a

³ Window installation is not expressly included in the GG subclassification. However, the nonexistent subclassification of “renovation” that is included with the GG subclassification was presumably intended to mean interior renovation, which does include window installation.

contractor with the IR subclassification only to install (without modifying) fully assembled or manufactured window units (*i.e.*, completely assembled window frames with the glass already installed in the frames) made by someone else.

This Project involves the demolition of existing windows. Demolition does not require a specific license. The work of the Project also involves the limited onsite “selection, cutting, assembling, and installing all makes and kinds of glass for windows, sash and doors, metal frames” to construct storefront windows at the main entry on the ground level. This work requires a GG license. However, the majority of the Project calls for the installation of aluminum shapes provided by the window manufacturer to form a frame (pan) to hold the pre-manufactured windows, and the installation of pre-manufactured windows. A contractor possessing only a BD or a GG license may perform this work. This was confirmed by the Contractor’s Licensing Board, who, faced with new information about the Project, confirmed that a contractor with a BD license could offer to perform (*i.e.* bid) the work of the project. [Exhibit I]⁴ The work of installing pre-manufactured windows is included in the GG and the IR licenses and IR is included in the BD license. S.C. Code Ann. § 40-11-410(1), (4)(c), and 4(p). One may argue that the work of installing the pan is not covered by the IR subclassification. However, even if you accept this argument, the work is covered by the Structural Shapes (SS) subclassification which is included in both the BD and GG license. S.C. Code Ann. § 40-11-410(1), (4)(k) and (4)(p).

The Architects estimate for the work is as follows⁵:

Demolition, General Conditions, OHP	\$248,000	21%
Storefront window labor & materials	\$96,600	8%
Pan & trim labor and materials	\$325,000	27%
Pre-manufactured wind labor & materials	\$530,000	44%
Total	\$1,199,600	100%

By this estimate, a contractor with a BD license can perform more than 40% if the work of the Project and can bid as a sole prime contractor per S.C. Code Ann. § 40-11-340.⁶ However, a contractor with only a BD license must use a subcontractor with a GG license to perform any work such as the storefront windows requiring a GG license.

⁴ For brevity, the entirety of the emails in the exchange are not included in Exhibit I; however, the CPOC’s question to LLR, those portions setting forth the information the CPOC provided, and the final response of Contractor Licensing Board Administrator are.

⁵ The Procurement Review Panel has found that the agency and the CPOC can rely on the architect’s estimate as a basis of determining the required license. *See Appeal by Cannon Const. Co.*, Panel Case No. 2012-4 (finding CPOC properly investigated whether contractor was properly licensed to perform work above \$125,000, when the architect’s estimate was substantially higher than the contractor’s bid).

⁶ Even if one does not accept the argument that a contractor with only a BD license can install the pan, such a contractor could still bid this project as a sole prime contractor since the value of labor and materials for the pre-manufactured windows alone exceeds 40% of the estimated total.

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May 22, 2020

DECISION

Based on the foregoing, the CPOC finds that Southeastern is properly licensed to bid and perform the work of this project. Accordingly, the protest is granted. This matter is returned to Facilities Management to processing in accordance with the Consolidated Procurement Code.



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.

C. HEYWARD BELSER, SR.
(1918-1994)
CLINCH H. BELSER, JR.
H. FREEMAN BELSER
MICHAEL J. POLK
WILLIAM C. DILLARD, JR.
CHARLES H. McDONALD
ROBERT YOUNG, P.A.
OF COUNSEL
CHARLES L. DIBBLE
OF COUNSEL



POST OFFICE BOX 96
COLUMBIA, SC 29202

TELEPHONE: 803-929-0096
FACSIMILE: 803-929-0196

OFFICE LOCATION:
1325 PARK STREET
SUITE 300
COLUMBIA, SC 29201

May 1, 2020

VIA U.S. MAIL AND E-MAIL

Office of State Engineer

Attn: Chief Procurement Officer for Construction (protest-ose@mmo.sc.gov)

1201 Main Street, Suite 600

Columbia, S.C. 29201

**Re: Notice of Protest by Southeastern Wall Systems, Inc.
Agency: SC Department of Administration –Division of Facilities
Management and Property Services
Project: Gressette Building--Window Replacement
Project No.: D50-6030-CB**

Southeastern Wall Systems, Inc. protests the Notice of Intent to Award with respect to the above referenced Project. A copy of the Notice of Intent to Award is attached hereto as **Exhibit 1**. The basis for this Protest is that Southeastern Wall Systems, Inc. was the lowest responsive and responsible bidder for this project (see Official Quote Tabulation at Ex. 1). As indicated in the bid tabulation, the procuring agency disqualified Southeastern Wall's bid (as well as that of 4 other bidders) based on the erroneous determination that bidders were required to have a General Contractors-Specialty license in the Glass and Glazing subclassification. Southeastern Wall Systems is not aware of any provision in the Invitation for Construction Services or Instructions to Bidders that specified that this license subclassification was required for bidders. Moreover, under South Carolina Code Ann. § 40-11-410(1) (copy attached), a company holding a "General Contractors-Building" license classification does not need to be separately licensed in the Glass and Glazing subclassification to perform window removal and window installation. Southeastern Wall Systems possesses a General Contractors License in the BD (Building) classification with the appropriate limit (Class 4) to bid on and perform the work on this Project (**Exhibit 2**).

Office of State Engineer
Attn: Chief Procurement Officer for Construction
May 1, 2020
Page Two

For these reasons, Southeastern Wall Systems requests that the Notice of Intent to Award be rescinded and that Southeastern Wall Systems be awarded the contract as the lowest responsive and responsible bidder.

Respectfully Submitted,

s/Charles H. McDonald

Enclosures

cc: Southeastern Wall Systems, Inc.

EXHIBIT 1

SE-370

NOTICE OF INTENT TO AWARD

AGENCY: SC Department of Administration - Division of Facilities Management and Property Services
PROJECT NAME: Gressette Building - Window Replacement
PROJECT NUMBER: D50-6030-CB

POSTING DATE: 4/27/2020
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: Tyler Construction Group Inc. and Capstone Glass, LLC a Joint Venture
DATE BIDS WERE OPENED: 04/23/2020
BID INFORMATION:

BASE BID AMOUNT:			<u>\$ 1,132,773.00</u>
ALTERNATES:	#1	ACCEPTED <input type="checkbox"/>	<u>\$ NA</u>
	#2	ACCEPTED <input type="checkbox"/>	<u>\$ NA</u>
	#3	ACCEPTED <input type="checkbox"/>	<u>\$ NA</u>
TOTAL AWARD (BASE BID AND ACCEPTED ALTERNATE(S)):			<u>\$ 1,132,773.00</u>

REMARKS *(explain any negotiations that resulted in a change in any Bid amounts):* NA

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.

D. Cathcart
(Agency Procurement Officer Signature)

Dwight Cathcart
(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.

OFFICIAL QUOTE TABULATION

South Carolina Department of Administration – Division of Facilities Management and Property Services
 Provided for **INFORMATION ONLY**. This is not an indication of contract and/or PO award.

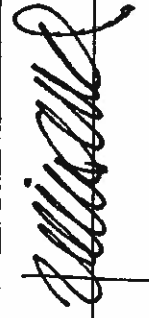
PROJECT NAME OR WORK TASK DESCRIPTION:	Gressette Building – Window Replacement
PROJECT NO. OR WORK TASK NO.	D50-6030
PROJECT OR WORK LOCATION:	1101 Pendleton Street, Columbia, SC 29201
JOB NO. (if applicable)	
TABULATION LOCATION:	1200 Senate Street, Wade Hampton Bldg, Suite 620, Columbia, South Carolina 29201
QUOTE DEADLINE DATE:	04/23/2020
QUOTE DEADLINE TIME:	2:00 PM

BIDDER NAME	VENDOR NO., IDC NO., OR FEIN	VENDOR CONTACT E-MAIL	LICENSES	BID BOND	ADDITIONAL INFO ACKNOWLEDGED	BASE BID	ALT.	BID RANK
Tyler Construction	NA	jmedlock@tyler-construction.com	✓	✓	✓	\$1,132,773.00	NA	1
Clayton Construction	NA	wmorrow@claytonconstruction.net	x	✓	✓	\$1,174,000.00	NA	NA
Landmark Builders	NA	gwilliams@landmarkbuilders.com	x	✓	✓	\$1,415,247.00	NA	NA
Mashburn Construction	NA	jpmashburn@mashburnconstruction.com	x	✓	✓	\$1,282,707.00	NA	NA
Leitner Construction	NA	contact@leitnerconstruction.com	x	✓	✓	\$1,230,000.00	NA	NA
Fitts and Goodwin	NA	joel@fittsandgoodwin.com	✓	✓	✓	\$1,447,000.00	NA	2
Southeastern Wall Systems	NA	jbullard@southnews.com	x	✓	✓	\$1,066,964.00	NA	NA

I hereby certify this bid tabulation is a true and accurate representation.

Dwight Cathcart
 Signature (and Type Name), Procurement Officer

Witnessed By: Tom Weiland



PLEASE NOTE PER SCLLR RULING, THIS PROJECT REQUIRED A GG LICENSE

EXHIBIT 2

LICENSE RENEWALS - YOUR LICENSES EXPIRES ON 10/31/2020. Renewing is only available 3-4 months prior to this date; renewal notices will be mailed out. Renewal website: <https://renewals.lironline.com/ReqLogin.asp>. If you do not renew your license by January 31st after your expiration date, you must submit an initial application, Doc #165, financial statement and \$350 to reinstate your license - website: www.lironline.com/pol/contractors.

***** YOUR USERID WILL BE SENT TO YOU ON A RENEWAL NOTICE DURING RENEWALS. YOUR CURRENT PASSWORD IS: South235! *****

THIS IS A 2-PART POCKETCARD! FOLD CARD - DO NOT CUT OR TEAR CARD IN HALF!

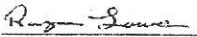
BOTH PARTS OF POCKETCARD MUST BE PRESENTED TO CUSTOMER, PERMIT OFFICE, BUILDING OFFICIAL, ETC. AT ALL TIMES!

*** LICENSE# - G118409 CCB 1044663

South Carolina Department of Labor, Licensing and Regulation
SC Contractor's Licensing Board
GENERAL CONTRACTOR
SOUTHEASTERN WALL SYSTEMS INC

235F DOOLEY ROAD
LEXINGTON SC 29073-7614
is certified to practice the following:
BD4

Effective License Date:09/11/2018
Initial License Date:01/10/2014
EXPIRATION DATE:10/31/2020


Administrator

CCB 1044663

*** LICENSE# - G118409 ***

EXPIRATION DATE: 10/31/2020

GENERAL CONTRACTOR
SOUTHEASTERN WALL SYSTEMS INC

is certified to practice the following:
BD4

License Classification(s) is the 2 letters in front of number
License Group# Limit is number after 2-letter classification
(see Letter Abbreviation Key & Group Limit on back)

Qualifying Party(s): ERIK STEPHEN SEMMELMEYER

**** Your USERID will be sent to you on a Renewal Notice during renewals. Your current PASSWORD is: South235! ****

DO NOT PEEL CARD FROM A CORNER

To remove card from backing

- Bend form back from the outside edge
- Pull card off backing

WALL CERTIFICATE BELOW:

CCB 1044663

STATE OF SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SC CONTRACTOR'S LICENSING BOARD
LICENSE CERTIFICATE

LICENSE# - G118409

The following licensee:

LICENSE# - G118409

SOUTHEASTERN WALL SYSTEMS INC
235F DOOLEY ROAD
LEXINGTON SC 29073-7614

has met the necessary qualifications required by the laws of the state of South Carolina and is duly qualified and entitled to practice as a:

GENERAL CONTRACTOR

for the Classification(s) and Group Limitation shown below:

BD4

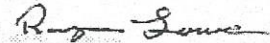
EXPIRATION DATE:10/31/2020

Effective License Issue: 09/11/2018

Initial License Date:01/10/2014

*** Group Number and Dollar Limitations: ***
The number after your 2-letter classification(s) above is your Group#

Group #1 - \$50,000 Group #3 - \$500,000
Group #2 - \$200,000 Group #4 - \$1,500,000
Group #5 - \$Unlimited


Administrator

Qualifying Party(s): ERIK STEPHEN SEMMELMEYER

It is at the discretion of the licensee, not the Board, to authorize officers or employees of the company to pull permits and conduct business.

SE-310

INVITATION FOR DESIGN-BID-BUILD CONSTRUCTION SERVICES

AGENCY/OWNER: SC Department of Administration - Division of Facilities Management and Property ServicesPROJECT NAME: Blatt Building - Window ReplacementPROJECT NUMBER: D50-6023-CB CONSTRUCTION COST RANGE: \$ \$950k to \$ 1m N/A PROJECT LOCATION: Columbia, SCDESCRIPTION OF PROJECT/SERVICES: Remove and replace existing windows with new windows.BID/SUBMITTAL DUE DATE: 4/23/2020 TIME: 2:00 PM NUMBER OF COPIES: 1PROJECT DELIVERY METHOD: Design-Bid-BuildAGENCY PROJECT COORDINATOR: Dwight CathcartEMAIL: Dwight.Cathcart@admin.sc.gov TELEPHONE: 803-737-2175DOCUMENTS MAY BE OBTAINED FROM: via accesss to file sharing system managed by GMK Associates. Contact Tom Weiland, tweiland@gmka.com, 803-256-0000.**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 DOCUMENT DEPOSIT AMOUNT: \$ NA 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.

Agency **WILL NOT** accept Bids send via email.*All questions & correspondence concerning this Invitation shall be addressed to the A/E.*A/E NAME: GMK AssociatesA/E CONTACT: Tom WeilandEMAIL: tweiland@gmka.com TELEPHONE: 803-256-0000PRE-BID CONFERENCE: Yes No MANDATORY ATTENDANCE: Yes No PRE-BID DATE: 4/9/2020 TIME: 10:00 amPRE-BID PLACE: VIA TELE-CONFERENCE: 1-800-753-1965, access code 7069262; on-site visits to be scheduled by appointment only before 4/16/20 by contacting Dwight Cathcart 803-737-2175, dwight.cathcart@admin.sc.gov.BID OPENING PLACE: 1200 Senate St., Wade Hampton Bldg, 6th Floor (Room 620), Columbia, SC 29201

BID DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: Dwight Cathcart (Bid Enclosed)
1200 Senate St., Wade Hampton Bldg, 6th Floor (Room 619)
Columbia, SC 29201

MAIL SERVICE:

Attn: Dwight Cathcart (Bid Enclosed)
1200 Senate St., Wade Hampton Bldg, 6th Floor (Room 619)
Columbia, SC 29201IS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency **MUST** check one) Yes No APPROVED BY:  DATE: 3.30.2020

(OSE Project Manager)

SE-310

INVITATION FOR DESIGN-BID-BUILD CONSTRUCTION SERVICES

AGENCY/OWNER: SC Department of Administration - Division of Facilities Management and Property ServicesPROJECT NAME: Gressette Building - Window ReplacementPROJECT NUMBER: D50-6030-CB CONSTRUCTION COST RANGE: \$ \$1.25m to \$ 1.45m N/A PROJECT LOCATION: Columbia, SCDESCRIPTION OF PROJECT/SERVICES: Remove and replace existing windows with new windows.BID/SUBMITTAL DUE DATE: 4/23/2020 TIME: 2:00 PM NUMBER OF COPIES: 1PROJECT DELIVERY METHOD: Design-Bid-BuildAGENCY PROJECT COORDINATOR: Dwight CathcartEMAIL: Dwight.Cathcart@admin.sc.gov TELEPHONE: 803-737-2175DOCUMENTS MAY BE OBTAINED FROM: via accesss to file sharing system managed by GMK Associates. Contact Tom Weiland, tweiland@gmka.com, 803-256-0000.**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 DOCUMENT DEPOSIT AMOUNT: \$ NA 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. Agency WILL NOT accept Bids send via email.

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

A/E NAME: GMK AssociatesA/E CONTACT: Tom WeilandEMAIL: tweiland@gmka.com TELEPHONE: 803-256-0000PRE-BID CONFERENCE: Yes No MANDATORY ATTENDANCE: Yes No PRE-BID DATE: 4/9/2020 TIME: 10:00 am

PRE-BID PLACE: VIA TELE-CONFERENCE: 1-800-753-1965, access code 7069262; on-site visits to be scheduled by appointment only before 4/16/20 by contacting Dwight Cathcart 803-737-2175, dwight.cathcart@admin.sc.gov.

BID OPENING PLACE: 1200 Senate St., Wade Hampton Bldg, 6th Floor (Room 620), Columbia, SC 29201

BID DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: Dwight Cathcart (Bid Enclosed)
1200 Senate St., Wade Hampton Bldg, 6th Floor (Room 619)
Columbia, SC 29201

MAIL SERVICE:

Attn: Dwight Cathcart (Bid Enclosed)
1200 Senate St., Wade Hampton Bldg, 6th Floor (Room 619)
Columbia, SC 29201

IS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency MUST check one) Yes No APPROVED BY:  (OSE Project Manager)DATE: 3.30.2020

South Carolina Business Opportunities

Published by Division of Procurement Services - Delbert H. Singleton, Jr., Division Director

Ad Category: Construction

Ad Start Date: March 30, 2020

Agency/Owner: Department of Administration

Project Name: Gressette Building - Window Replacement

Project Number: D50-6030-CB

Construction Cost Range: \$1.25M to \$1.45M

Project Location: Columbia, SC

Description of Project/Services:

Remove and replace existing windows with new windows.

Bid/Submittal Due Date & Time: April 23, 2020 - 2:00pm

Number of Bid Copies: 1

Project Delivery Method: Design-Bid-Build

Agency Project Coordinator: Dwight Cathcart

Email: Dwight.Cathcart@admin.sc.gov

Telephone: 803-737-2175

Documents May Be Obtained From: via access to file sharing system managed by GMK Associates. Contact Tom Weiland, tweiland@gmka.com, 803-256-0000.

Project Details: <https://scbo.sc.gov/files/scbo/SE-310%20pg%201%20signed%20D50-6030-CB.PDF>

South Carolina Business Opportunities • Scott Hawkins11111, Editor • 1201 Main Street, Suite 600 • Columbia, SC 29201
803-737-0686 • scbo@mmo.sc.gov • <https://procurement.sc.gov>



OFFICIAL QUOTE TABULATION

South Carolina Department of Administration – Division of Facilities Management and Property Services
 Provided for **INFORMATION ONLY**. This is not an indication of contract and/or PO award.

PROJECT NAME OR WORK TASK DESCRIPTION:	Gressette Building – Window Replacement
PROJECT NO. OR WORK TASK NO.	D50-6030
PROJECT OR WORK LOCATION:	1101 Pendleton Street, Columbia, SC 29201
JOB NO. (if applicable)	
TABULATION LOCATION:	1200 Senate Street, Wade Hampton Bldg, Suite 620, Columbia, South Carolina 29201
QUOTE DEADLINE DATE:	04/23/2020
QUOTE DEADLINE TIME:	2:00 PM

BIDDER NAME	VENDOR NO., IDC NO., OR FEIN	VENDOR CONTACT E-MAIL	LICENSES	BID BOND	ADDENDUM NO. ACKNOWLEDGED	BASE BID	ALT.	BID RANK
Tyler Construction	NA	jmedlock@tyler-construction.com	✓	✓	✓	\$1,132,773.00	NA	1
Clayton Construction	NA	wmorrow@claytonconstruction.net	x	✓	✓	\$1,174,000.00	NA	NA
Landmark Builders	NA	gwilliams@landmarkbuilders.com	x	✓	✓	\$1,415,247.00	NA	NA
Mashburn Construction	NA	jrmashburn@mashburnconstruction.com	x	✓	✓	\$1,282,707.00	NA	NA
Leitner Construction	NA	contact@leitnerconstruction.com	x	✓	✓	\$1,230,000.00	NA	NA
Fitts and Goodwin	NA	joel@fittsandgoodwin.com	✓	✓	✓	\$1,447,000.00	NA	2
Southeastern Wall Systems	NA	jbullard@southwells.com	x	✓	✓	\$1,066,984.00	NA	NA

I hereby certify this bid tabulation is a true and accurate representation.

Dwight Cathcart
 Signature (and Typed Name), Procurement Officer



Witnessed By: Tom Welland

PLEASE NOTE PER SCLLR RULING, THIS PROJECT REQUIRED A GG LICENSE

From: [Shakera Thomas](#)
To: [Cathcart, Dwight](#)
Subject: [External] RE: SCDOA - Glass & Glazing Clarification
Date: Friday, April 24, 2020 1:09:38 PM
Attachments: [image002.png](#)

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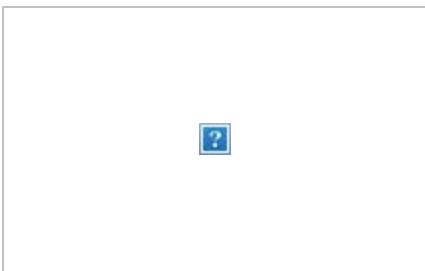
Good Afternoon,

You are correct. The prime contractor must hold the GG classification, which is not included in BD.

Shakera N. Thomas
Program Assistant
S.C. Department of Labor, Licensing and Regulation
110 Centerview Drive, Columbia, S.C. 29210
Office: (803) 896-4686
Fax: (803) 896-4814

Please click on this link <https://eservice.llr.sc.gov/OnlineSurvey/Home/Index/190> to be directed to a very brief survey regarding the assistance you received from me today. Your comments are greatly appreciated. Thank you.

Twitter: [@SCDLLR](#)
Facebook: [@SCLLR](#)
Website: www.llr.sc.gov



Making South Carolina a Safe Place to Work and Live

From: Cathcart, Dwight <Dwight.Cathcart@admin.sc.gov>
Sent: Friday, April 24, 2020 10:47 AM
To: Contact.CLB <Contact.CLB@llr.sc.gov>
Subject: SCDOA - Glass & Glazing Clarification

Importance: High

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Good Morning! My name is Dwight Cathcart and I am a Project Manager for the SC Department of Administration. Yesterday we received and publicly opened sealed bids for the Gressette Window Replacement Project. The scope of this project is replacing all 516 windows on all floors. The basis of design was a prefabricated YKK window system where the existing sash would remain and be wrapped with metal constructing the fin and pan in place before setting the prefabricated metal window kit from the inside. The current low bidder is Southeastern Wall Systems (see attached bid tabulation). They are licensed in the state of South Carolina as a BD4. It appears a company out of the Midwest TIMEKEY Glazing is going to serve as a subcontractor to Southeastern Walls Systems and perform more than 51% of the scope of work (see attached email). Because they are not licensed in the state of SC they bid the project through Southeaster Wall Systems who is licensed as a BD4 in SC.

Immediately following the bid opening we were informed that Southeastern Wall Systems does not hold a Glass & Glazing (GG) subclassification. Please see attached pdf referencing section 40-11 of the licensing qualifications. Please also reference the Glass and Glazing license description below.

p) "Glass and Glazing" which includes, but is not limited to, commercial, residential, industrial, institutional, modular, and all other types of glass and glazing construction. The construction is limited to selection, cutting, assembling, and installing all makes and kinds of glass for windows, sash and doors, metal frames, ornamental decorations, mirrors, and tub and shower enclosures. This license classification includes all work under the subclassifications of renovation, structural shapes, and architectural aluminum glazing systems which include aluminum entrance doors and frame systems, entrance and egress hardware, curtain wall systems, sliding doors/mall fronts, overhead glazing systems, and architectural window systems and accessories. Contractors engaged solely in residential construction must be licensed or registered with the South Carolina Residential Builders' Commission and are not required to have this classification. The board may require an applicant to pass an examination before licensure as provided by this chapter.

If 100% of the scope of this project is replacing windows should the prime contractor bidding this project hold the Glass and Glazing subclassification or because we are installing prefabricated windows does the BD4 commercial license for Interior Renovations (IR) meet the licensing requirements to bid this project? Please advise so we can award appropriately. Thank you very much for your guidance and assistance.

Respectfully,

Dwight

Dwight Cathcart II

Division of Facilities Management & Property Services

The South Carolina

Department of Administration

1200 Senate Street, Columbia, SC 29201

803-737-2175 (office) / 803-622-8818 (Cell)

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SOUTHEASTERN WALL SYSTEMS INC
235F DOOLEY ROAD
LEXINGTON, SC 29073-7614
(803)356-2100

License number: 118409
License type: GENERAL CONTRACTOR
Status: ACTIVE
Expiration: 10/31/2020
First Issuance Date: 01/10/2014
Classification: BD4
Qualified By: Financial Statement
President / Owner: JERRY BULLARD

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

Supervised By

SEMMELEYER ERIK (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 PavingAP	Air Conditioning AC
Boiler Installation.....BL	Electrical..... EL
Boring & Tunneling (no technical exam)BT	Heating HT
BridgesBR	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	
MarineMR	
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

SE-370
NOTICE OF INTENT TO AWARD

AGENCY: SC Department of Administration - Division of Facilities Management and Property Services
PROJECT NAME: Gressette Building - Window Replacement
PROJECT NUMBER: D50-6030-CB

POSTING DATE: 4/27/2020

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: Tyler Construction

DATE BIDS WERE OPENED: 04/23/2020

BID INFORMATION:

BASE BID AMOUNT:			<u>\$ 1,132,773.00</u>
ALTERNATES:	#1	ACCEPTED <input type="checkbox"/>	<u>\$ NA</u>
	#2	ACCEPTED <input type="checkbox"/>	<u>\$ NA</u>
	#3	ACCEPTED <input type="checkbox"/>	<u>\$ NA</u>

TOTAL AWARD (BASE BID AND ACCEPTED ALTERNATE(S)): \$ 1,132,773.00

REMARKS *(explain any negotiations that resulted in a change in any Bid amounts):* NA

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@mimo.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.

D. Cathcart

(Agency Procurement Officer Signature)

Dwight Cathcart

(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**

TYLER CONSTRUCTION GROUP INC
433 RABON ROAD
COLUMBIA, SC 29223
(803) 865-1404

License number: 113503
License type: GENERAL CONTRACTOR
Status: ACTIVE
Expiration: 10/31/2020
First Issuance Date: 07/24/2007
Classification: BD5 CT5 GD5
Qualified By: Financial Statement
President / Owner: CHARLES P TYLER

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

Supervised By

[TYLER GREGORY \(COG\)](#)
[TYLER CHARLES \(COG\)](#)

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Board Public Action History:[View Orders](#)[View Other License for this Person](#)[No Orders Found](#)

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Board: Commercial Contractors

CAPSTONE GLASS LLC
431 WESTERN LN
IRMO, SC 29063-9071
(803)240-9889

License number: 121347
License type: GENERAL CONTRACTOR
Status: ACTIVE
Expiration: 10/31/2020
First Issuance Date: 02/27/2018
Classification: BD4 GG4
Qualified By: Financial Statement
President / Owner: CHARLES WALDROP

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

Supervised By
MILLER GERALD (CQG)

[File a Complaint against this licensee](#)

Board Public Action History:

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From: [Molly Price](#)
To: [White, John](#)
Subject: RE: [External] RE: Protest regarding licensure for window replacement for Gressette Building (Senate Office Bldg)
Date: Friday, May 15, 2020 9:21:59 AM
Attachments: [image004.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)

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John,

Thank you for your patience as I looked into this a little more. The information I'm providing is an interpretation based on the question as to whether a GC-Building (BD) licensee can install pre-manufactured windows since it includes interior renovation and structural shapes or is a specialty Glass and Glazing (GG) licensee required since there is some interior framing prior to the installation of the pre-manufactured windows? Either one of these licensees can do this type of pre-manufactured window installation. If the BD hires any unlicensed sub-contractor, he must supervise all the work done by the unlicensed subcontractor (40-11-270(E)). The BD licensee is not required to have a GG specialty license to do pre-manufactured window installation and a GG specialty licensee can install pre-manufactured windows without a BD license. The GG specialty work classification involves glass and glazing construction of selecting, cutting, assembling and installing all makes and kinds of glass that can be highly specialized and involve various architectural aluminum glazing systems that may be done on construction sites. A BD licensee may be required to get a GG specialty license for some types of specialized glass and glazing construction.

Please let me know if you have any questions.

Thank you,

Molly F. Price, CBO, CPM
Board Administrator
S.C. Department of Labor, Licensing and Regulation
110 Centerview Drive, Columbia, S.C. 29210
Office: (803) 896-4675

Twitter: [@SCDLLR](#)
Facebook: [@SCLLR](#)
Website: www.llr.sc.gov

From: [White, John](#)
To: [Maggie Castles](#)
Cc: [Molly Price](#)
Subject: RE: [External] RE: Protest regarding licensure for window replacement for Gressette Building (Senate Office Bldg)
Date: Friday, May 8, 2020 4:32:00 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Ms. Castles

The specifications provide: A. Basis of Design: YKK YOW 350T with custom panning.

See YKK website at <https://www.ykkap.com/commercial/product/architectural-windows/yow-350-t/>

Let me know if you need more. I can put you directly in touch with the project architect if needed.

Thank you.



John St. C. White | Materials Management Officer and State Engineer
Division of Procurement Services | SC State Fiscal Accountability Authority
1201 Main Street, Suite 600 | Columbia, SC 29201 | Office: (803) 737-0768 |
jswhite@mmo.sc.gov

From: Maggie Castles <Maggie.Castles@llr.sc.gov>
Sent: Friday, May 8, 2020 3:04 PM
To: White, John <jswhite@mmo.sc.gov>
Cc: Molly Price <Molly.Price@llr.sc.gov>
Subject: [External] RE: Protest regarding licensure for window replacement for Gressette Building (Senate Office Bldg)

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Mr. White,

An additional review of the BD license and Glass and Glazing license is being done. While those are being reviewed, could you explain the basis of the design referenced in Mr. Cathcart's email for a better understanding of what is being done before setting the pre-manufactured or pre-fabricated metal window kit in place?

Thank you,

Maggie Castles
SC Building Codes Council
SC Manufactured Housing Board
110 Centerview Dr, Columbia SC 29210 (physical)
PO Box 11329, Columbia SC 29211 (mailing)
Ph: 803-896-4688
Fx: 803-896-4814

Twitter: [@SCDLLR](#)
Facebook: [@SCLLR](#)
Website: www.llr.sc.gov



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From: [White, John](#)
To: Shakera.Thomas@lir.sc.gov
Cc: [Molly Price](#)
Subject: Protest regarding licensure for window replacement for Gressette Building (Senate Office Bldg)
Date: Tuesday, May 5, 2020 12:36:00 PM
Attachments: [image003.png](#)

Mr. Shakera,

On April 24, 2020, you exchanged emails (attached) regarding the licensure required to perform the work of replacing the windows of the Gressette Building, which is the office building for the Senate. Based on that exchange, the Department of Administration (Department) declared that the low bidder was not responsible because they did not possess a license with the General Contractors-Specialty Glass and Glazing (GG) subclassification. The Department then awarded the contract to the second low bidder. The low bidder has protested arguing that as a contractor possessing a General Contractor-Building (BD) classification, they can bid the work. Presumably this argument is based on the fact that the BD includes both Structural Shapes (SS) and Interior Renovation and that that the work of Interior Renovation (IR) includes window and door installation.

It is my understanding that you were not provided with any drawings to assist in your analysis. I am attaching those now. It is my understanding that each window unit (frame and glazing) will be manufactured in a factory and shipped to the site for installation (pre-manufactured windows). However, structural shape work on site is necessary to create a frame in which the pre-manufactured windows will be set. See Sheets A 4.0 and A 4.1. The pre-manufactured windows will be installed from the interior of the building.

I am aware of the history of the GG subclassification relative to the IR subclassification. I dealt with a similar protest in 2013 but in that case the contractor was going to also be making and installing window store fronts on site. Based on my understanding from discussions with the administrator at the time, I concluded that a BD could install pre-manufactured windows but could not make custom windows on site.

You advised the Department that in this case based on a verbal description of the work that the GG subclassification was required. Please look at the information provided, and let me know if there is anything that would change that opinion. If you feel you need more information, please let me know and I will try to obtain it for you.

If your position is unchanged, could you please help me understand the divide between what an IR (or a combination of IR with SS) is allowed to do versus a GG. I guess I could put it another way that is more to the point. Does the fact that a frame has to be made on site to receive the pre-manufactured windows make a difference in which license subclassification is required?

Thank you for your assistance.



John St. C. White | Materials Management Officer and State Engineer

Division of Procurement Services | SC State Fiscal Accountability Authority
1201 Main Street, Suite 600 | Columbia, SC 29201 | Office: (803) 737-0768 |
jswhite@mmo.sc.gov