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Protest Decision

Matter of: Tube Enterprises Incorporated dba Integrity Medical Solutions

Case No.: 2020-132

Posting Date: May 4, 2020

Contracting Entity: SC Department of Health and Environmental Control

Solicitation No.: 5400019262

Description: Bariatric / Portable Medical Cots / Linens

DIGEST

Protest that apparent successful bid is not responsive is denied. The protest letter of Tube Enterprises Incorporated dba Integrity Medical Solutions (Tube) is included by reference. (Attachment 1)

AUTHORITY

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

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

BACKGROUND

Solicitation Issued:	03/04/2020
Amendment 1 Issued:	03/19/2020
Intent to Award Posted	04/14/2020
Intent to Protest Received	04/16/2020
Protest Received	04/17/2020

The South Carolina Department of Health and Environmental Control (DHEC) issued this Invitation for Bids on March 4, 2020 to acquire bariatric medical cots, storage racks, and linens. An Intent to Award was posted to Propac, Inc. on April 14, 2020. Tube protested on April 17, 2020 that the Propac bid was not responsive to the requirements of the solicitation.

ANALYSIS

Tube alleges:

PROPAC INC. does not meet the specifications outlined in sections 3.1 - 3.4 of Solicitation Number 5400019262.

The specifications in question are found on page 19 of the solicitation as follows:

3.1. Bariatric Medical Cots:

- 3.1.1. Cot must provide a sleeping surface, when set up, approximately 83" long x 33" wide x 21" height
- 3.1.2. Cot must have folding design approximately 41" H x 33" W x 8" D for easy storage
- 3.1.3. Frame: Manufactured from aluminum or aluminum alloy with heavy duty locks on all legs.
- 3.1.4. Must have attached handrails

[Solicitation, Page 10] (emphasis added)

Propac included a cut sheet for the cot with its bid which indicates that it meets the questioned specifications:

Item L2040-SR with side rails

Deck measures 83" L x 33" W with a 21"

Dimensions Folded: 41" H x 33" W x 8" D

Heavy Duty fully locking legs ensure no leg collapse.

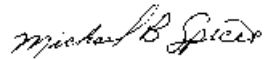
Locking fold down safety rails attached to aluminum frame.

(Attachment 2)

DECISION

The bid submitted by Propac, Inc. is responsive to the requirements of the solicitation. and the protest of Tube Enterprises Incorporated dba Integrity Medical Solutions is denied.

For the Materials Management Office

A handwritten signature in cursive script, appearing to read "Michael B. Spicer".

Michael B. Spicer
Chief Procurement Officer

Attachment 1



STATE OF SOUTH CAROLINA
SC DHEC

ATTN: Amber Kerr &/or Chief Procurement Officer
Materials Management Office
1201 MAIN STREET, SUITE 600
COLUMBIA, SC 29201

RE: Protest of Agency Decision: Award Number: 4400023745

Date: 04.16.2020

Dear Mrs. Amber Kerr and/or Chief Procurement Officer,

Please accept this protest in regards to your agency decision to Award Contract Number 4400023745 to PROPAC INC.

PROPAC INC. does not meet the specifications outlined in sections 3.1 – 3.4 of Solicitation Number 5400019262 and therefore cannot be awarded this contract. I ask the Chief Procurement Office to perform an investigation of facts to determine if PROPAC INC. is misleading your department in the presentation of their offer. Below I am listing the required specification noted in solicitation # 5400019262, of which my company is 100% capable of complying with:

3.1. Bariatric Medical Cots:

3.1.1. Cot must provide a sleeping surface, when set up, approximately 83" long x 33" wide x 21" height

3.1.2. Cot must have folding design approximately 41" H x 33" W x 8" D for easy storage

3.1.3. Frame: Manufactured from aluminum or aluminum alloy with heavy duty locks on all legs.

3.1.4. Must have attached handrails

3.1.5. Must be able to raise and lower head and foot of cot

3.1.6. Must have a load capacity of 750 pounds or greater.

3.1.7. To include a high-density foam mattress that is made from a material that is easily cleaned, waterproof, and detachable with straps included to prevent mattress from sliding on frame

3.1.8. Each Cot with Mattress must be individually packaged

3.2. Cot Rolling Storage Rack:

3.2.1. Must have large rolling casters

3.2.2. Must hold (10) cots

3.2.3. Turning casters must be on opposite site of open (loading) end of rack

3.3. Disposable Linens:

3.3.1. Must fit bariatric medical cot as bid

3.3.2. Linen set must include:

3.3.2.1. Bottom fitted sheet

3.3.2.2. Top sheet

3.3.2.3. Pillow

3.3.2.4. Blanket

3.4. Quality / Cots - Linens:

3.4.1. Shall be new and in first class condition

3.4.2. All items must be new and clean, free from stains and have not been subjected to any previous usage

3.4.3. Must be Americans with Disabilities Act (ADA) compliant

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Shaun Taylor'.

Contact: J. Shaun Taylor

Vice President

Tube Enterprises Incorporated dba Integrity Medical Solutions

704.692.5417

Shaun.Taylor@IntegrityMedicalSolutions.com

ims4bed.com

Surge Bed

Item L2040-SR with side rails



Dimensions Folded:
41" H x 33" W x 8" D



Brackets mounted on bed frame
prevent bed deck from slipping
side to side.

The ProPac Surge Bed is not a cot!


Product Features

- Fully ADA compliant
- 750 lb. working capacity
- Heavy Duty fully locking legs ensure no leg collapse.
- Locking fold down safety rails attached to aluminum frame.
- Exclusive "sling deck" design eliminates need for metal springs. (no pinching skin or pulling hair or rust)
- Heavy Duty, fully locking head support allows for multiple head positions with no slip either up or down.
- Trendelenburg foot elevator with 2 positions.

- "Egg Carton" High Density foam mattress
- Water proof/ Fire proof vinyl mattress is hypo-allergenic, sewn with Kevlar and is built to California hotel bedding standards.
- Mattress straps to frame to prevent sliding
- Deck measures 83" L x 33" W with a 21" Height for easy wheel chair access.
- Bed folds to 8" to allow for easy storage (approximate weight 27 lb)
- Soft vinyl foot caps to prevent slip and protect floor area.
- IV pole included

Item L2040-SR with side rails

propacusa.com • 1-800-345-3036

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STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised May 2020)

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 2020 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.