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Protest Decision

Matter of: Millennium Infotech Inc.

Case No.: 2020-216

Posting Date: May 28, 2020

Contracting Entity: SC Department of Transportation

Solicitation No.: 5400019845

Description: Intent to Sole Source Docusign, Inc. Software

DIGEST

Protest of sole source procurement dismissed as untimely. The protest letter of Millennium Infotech Inc. is included by reference. (Attachment 1)

AUTHORITY

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

BACKGROUND

Intent to Sole Source Advertised
Protest received

05/07/2020
05/22/2020

ANALYSIS

South Carolina Consolidated Procurement Code Section 11-35-4210(1)(c) grants prospective bidders who are aggrieved in connection with the intended award of a sole source contract the right to protest that decision within five days of the date the intent is posted:

Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract pursuant to Section 11-35-1560 or Section 11-35-1570 shall notify the appropriate chief procurement officer in writing of its intent to protest within five business days of the date that award or notification of intent to award, whichever is earlier, is posted in accordance with this code. Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of such a contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner stated in subsection (2) within fifteen days of the date award or notification of intent to award, whichever is earlier, is posted in accordance with this code; except that a matter that could have been raised pursuant to subitem (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

(emphasis added)

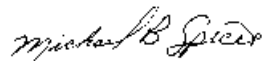
“[T]he time for filing protests set forth in section 11-35-4210 is jurisdictional and may not be waived by conduct or consent of the parties.” *Appeal by Jones Engineering*, Panel Case No. 2001-8. This intent to award a sole source contract was advertised in SCBO on May 7, 2020. (Attachment 2) The fifth business day was May 14, 2020. Millennium notified the CPO of its intent to protest on May 22, 2020. Millennium’s protest was not received within the time prescribed by the Code and the CPO lacks jurisdiction to review this protest.¹

¹ This solicitation may also be exempt under Budget and Control Board (now SFAA) exemption number 78, which “relieves agencies of the necessity to sole source software license renewals if the software was competitively procured.” Procurement Policy Statement 2008-1.

DECISION

For the reasons stated above, the protest of Millennium Infotech Inc. is dismissed as untimely.

For the Information Technology Management Office



Michael B. Spicer
Chief Procurement Officer

Attachment 1



Millennium Infotech Inc,
4390 US Route 1, Suite # 121
Princeton NJ 08540 USA
Tel: (609)-750-7120 Fax: (609)-750-1114

To: Chief Procurement Officer, Materials Management Office Date: 05/22/2020
1201 Main Street, Suite 600
Columbia, SC 29201

Re: Solicitation Number: 5400019845

SUBJECT: Intent to protest Section 11-35-1560 for Sole Source Award of CoSign Central Enterprise Subscription

Pursuant to Section 11-35-1560 Millennium Info Tech Inc, would like to notify our intent to protest the Sole Source award to Docusign Inc. for the supply of Cosign Central Enterprise Subscription to the State of South Carolina.

Pursuant to Section 11- 35-4210, this communication is regarding our intent to protest in writing within rules of the section. The grounds of our protest and the relief we request are provided below.

The particulars of our grounds for protest:

1. We have not been provided an opportunity to present our product and its features
2. Our product Signulu is superior in features & capabilities to Docusign
3. Our product pricing can be significantly competitive

The relief we are requesting is for the equal opportunity to provide a detailed proposal of our product, its features, costs and savings for the State of South Carolina and its requirements.

Furthermore, we are a registered M/WBE enterprise registered with the State of South Carolina.

We look forward to serving the State of South Carolina.

Best Regards,

A handwritten signature in blue ink that reads "K. Ramana Krosuri".

Ramana Krosuri
Chief Executive Officer

Work: +1 609.750.7120 X 104 | (USA)

Mobile: +1 609.731.3234

4390 US highway 1, Suite # 121 Princeton NJ - 08540

ramana@miti.us | www.miti.us

Attachment 2

5/22/2020

SCBO - Procurement Services

South Carolina Business Opportunities

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

Ad Category: Intent To Sole Source

Ad Start Date: May 7, 2020

Title: Software Maintenance Support

Purchasing Agent/Entity: Department of Transportation

Bid/Submittal Due Date: May 18, 2020 - 2:30pm

Description:

Software Maintenance Support

Solicitation #: 5400019845

Direct Inquiries To: Vernell H. Goodwin

Buyer Phone#: 803-737-3618

Buyer Email: goodwinvh@scdot.org

Full Details / Download: <http://webprod.cio.sc.gov/SCSolicitationWeb/solicitationAttachment.do?solicitnumber=5400019845>

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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.