THE DIVISION OF PROCUREMENT SERVICES
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Protest Decision

Matter of:	Southeastern Educational Systems
Case No.:	2021-106
Posting Date:	August 27, 2020
Contracting Entity:	Trident Technical College
Solicitation No.:	071720-545-16806-08/30/20
Description:	Double Sided Process Control Trainers

DIGEST

Protest alleging award to a non-responsive bidder is denied. The protest letter of Southeastern Educational Systems (SES) is included by reference. (Attachment 1)

AUTHORITY

The Chief Procurement Officer[1] (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:	07/17/2020
Intent to Award Posted	08/13/2020
Intent to Protest Received	08/17/2020
Protest Received	08/21/2020

Trident Technical College (TTC) issued this Invitation for Bids on July 17, 2020 to obtain double sided process control trainers. An Intent to Award was posted to Edibon USA, LLC (Edibon) on August 13, 2020. SES filed an intent to protest with the CPO on August 17, 2020 with the letter of protest following on August 21, 2020.

ANALYSIS

This solicitation employed a brand name or equal specification

> Bidders offering items other than specified must provide the manufacturer's name and model or catalog number of the items offered and provide the manufacturer's latest literature showing complete product specifications and details….
>
> The specifications listed herein are not to be considered restrictive to one source of supply. However items offered must be equal in quality and performance.

[Solicitation, Page 15]

The solicitation referenced an Innotek PC-101 and included a list of minimum required features:

> **Item #1: Double-Sided Process Control Trainer** (Ref: Innotek PC-101 A,B,C,D,E,F,G,H,M,2)
>
> Double-sided, mobile process control trainer capable of monitoring and controlling pressure, flow, level, and temperature with the following minimum features:

[Solicitation, Page 16]

SES protests:

> The basis of our argument is we do not believe that the awarded company met the specifications and quantity requirements. We have reviewed the documentation of the awarded company's product and do not believe they have met the "DOUBLE SIDED" requirements like the bid specified. When a product is Double Sided, that means that there is a frame with two full, complete training systems on each side. This give (sic) the instructor the ability to train two sets of students simultaneously on duplicate equipment on both sides. Reviewing the documentation provided on the awarded company's units, we believe that the awarded company has not met that requirement.

SES argues that the Edibon units do not include duplicate components on each side.
SES explains that on April 13, 2020 it sent TTC's procurement officer a specification sheet for the PC 101 and specifically pointed out the last item which stated that the double-sided system includes duplicate components on both sides of the trainer. However, this requirement is not included in the minimum requirements listed in the solicitation.

TTC's procurement officer compared Edibon's product offering to the twenty specifications published in the solicitation and found that it met the specifications:

Requested in Technical Spec	Edibon Proposal
• Constructed of standard extruded aluminum channel materials	Confirmed, see pictures attached, the structure of the unit is made with extruded aluminum channel materials
• Pre-wired terminal strips for easy circuit modifications	Wiring of the control and measurement signals and the power supply of different control systems. (page 23 highlited)
• Emergency stop capability	Included in the item N-ALI20. Power supply (see picture attached)
• Single loop controller	Manual control of the system with an industrial controller (open loop). (page 23 highlited)
• 2 – Analog 4-20 mA panel meters	Included in PLC-SIE-K2 - SIEMENS Ethernet remote analog I/O module kit (page 27 highlited)
• 2 – Digital 4-20 mA process meters	Including with • IC-KSS-SOF. Acquisition, control and controllers configuration software. The main functions of this software, based on LabVIEW, are: Process signal visualization. Configuration of controllers. Data storage. ON/OFF and PID controls via software. Besides, if other applications with industrial (page 23 highlited)
• 3 – phase motor and pump	N-SU-H-HW. Hot water pumping unit. (page 22 highlited)
• 6-gallon reservoir	• SU-H/L. Large hydraulic supply unit. (page 22 highlited)
• Acrylic level and pressure vessel	N-P-L-PT/L. Large pressurized transparent tank. . (page 22 highlited)

• 0–6 GPM (4-20 mA) flow transmitter	N-M-F-E/L. Electromagnetic flow sensor for high flow rates. Maximum flow: 70 l/min approx. . (page 22 highlited)
• 0-10 PSI (4-20 mA) pressure transmitter	• N-M-P-A/L. Compressed air high pressure sensor. Maximum pressure: 6 bar approx. . (page 22 highlited)
• 0-16 Inch (4-20 mA) ultrasonic level transmitter	• N-M-L-C/L. Capacitive sensor to measure high levels. Maximum height: 700 mm approx.. (page 22 highlited)
• Pressure, flow, level, and temperature sensors	• IC-KSS-SOF. Acquisition, control and controllers configuration software. The main functions of this software, based on LabVIEW, are: Process signal visualization. Configuration of controllers. Data storage. ON/OFF and PID controls via software. Besides, if other applications with industrial Related with references mentioned above as • N-M-F-E/L. Electromagnetic flow sensor for high flow rates • N-M-P-A/L. Compressed air high pressure sensor. • N-M-L-C/L. Capacitive sensor to measure high levels.
• Smart HART differential transmitter. Transmitter must operate with the system/sensors.	Technology proposed more advanced then Smart HART, thanks to • IC-KSS-SOF. Acquisition, control and controllers configuration software. The main functions of this software, based on LabVIEW, are: Process signal visualization. Configuration of controllers. Data storage. ON/OFF and PID controls via software. Besides, if other applications with industrial
• Paddle wheel flow transmitter	N-M-F-P. Paddlewheel flow sensor (page 23 highlited)
• Pneumatic control valve	N-V-PN-W. Pneumatic valve for hydraulic circuits. (page 22 highlited)
• Must include Siemens S7-1200 PLCs and software	Included in PLC-SIE-UB - SIEMENS Ethernet remote analog I/O module kit (page 27 highlited)

• Must include Siemens KTP-700 7" HMI software	Included in PLC-SIE-UB - SIEMENS Ethernet remote analog I/O module kit (page 27 highlited)
• 4 channel paperless chart recorder	N-SR-3. Three-channel signal recorder. (page 23 highlited)
• Mobile Cart	See pictures attaches

The Vice President for Continuing Education and Economic Development and the Dean of Engineering and Construction at the College concurred in this determination. (Attachment 2)

A brand name or equal specification is defined in Regulation 19-445.2140(A)(2) as follows:

> "Brand Name or Equal Specification" means a specification which uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet state requirements, and which provides for the submission of equivalent products.

The Procurement Review Panel has ruled that products that meet the salient characteristics and product requirements published in the solicitation are considered equal:

> Brand-Name or Equal Specifications should set out all known acceptable brand name products. The specification before the Panel did not list any other brand names. Where a purchase description is used, bidders must be given the opportunity to offer products other than those specifically referenced if those other products will meet the needs of the State in essentially the same manner as those referenced. It should always be clear that a "Brand-Name or Equal" description is intended to be descriptive not restrictive and is merely to indicate the quality and characteristics of the product that will be satisfactory and acceptable. Products offered as equal must, of course, meet fully the salient characteristics and product requirements listed in the Invitation for Bids.

See: *Protest by General Sales Company, Inc.*, Panel Case 1983-5.

The requirement for duplicate components on both sides of the trainer was not included in the list of minimum requirements published in the solicitation and consequently cannot be grounds for disqualification of Edibon's bid.

DECISION

For the reasons stated above, the protest of Southeastern Educational Systems is denied.

For the Materials Management Office

Michael B. Spicer
Chief Procurement Officer

Attachment 1

SOUTHERN EDUCATIONAL SYSTEMS

Educational & Industrial Training Equipment Specialist

August 21, 2020

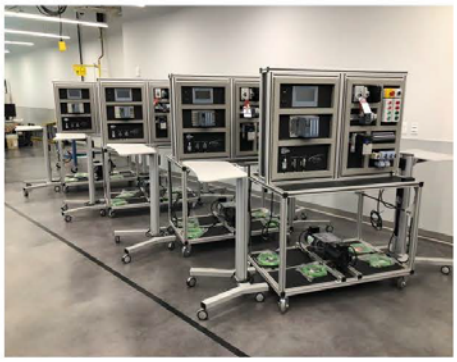
Carol Belcher
Director of Procurement
Trident Technical College

Southern Educational Systems based in Spartanburg, South Carolina, would like to formally protest Solicitation: **071720-545-16806-08/03/20 Double Sided Process Control Trainers.**

Thank you for your time and consideration while reviewing this letter.

Southern Educational Systems, further known as SES, believes that Solicitation: 071720-545-16806-08/03/20 Double Sided Process Control Trainers was not awarded properly. The basis of our argument is we do not believe that the awarded company met the specifications and quantity requirements. We have reviewed the documentation of the awarded company's product and do not believe they have met the "DOUBLE SIDED" requirements like the bid specified. When a product is Double Sided, that means that there is a frame with two full, complete training systems on each side. This give the instructor the ability to train two sets of students simultaneously on duplicate equipment on both sides. Reviewing the documentation provided on the awarded company's units, we believe that the awarded company has not met that requirement.

SES has sold equipment to Trident Technical College in the past, most recently June of 2019, in which many of the trainers were Double Sided (Located In The New Aeronautical Training Center). As you can see, these units have a frame and then (2) sets of components (Duplicates), one for each side of the frame. I state this to show that there is a level of expectancy when a trainer is labeled Double Sided and Trident Technical College knows that SES products meet those requirements.



PO BOX 170339 SPARTANBURG, SC 29301 | 864-596-8921 | www.SESlabs.com | dwilliams@SESlabs.com

Below is a list of quantities for the items that Innotek submitted in our original quote to Trident Technical College and the specifications that the bid was written around. Again, these are the premise of which the bid was drafted upon and we believe that the bid award winner did not included these quantities, thus they have not met the specifications.

4 Mobile Frames

8 Reservoirs

8 Rotameters

8 Centrifugal Pumps

8 Control Valves

8 Process Columns

8 Operator Panels

8 PID Controllers

8 Siemens PLCs

8 Siemens HMIs

8 Flow Transmitters

8 Level Transmitters

8 Pressure Transmitters

8 Temperature Transmitters

8 Heating / Cooling Systems,

8 4-Channel Trend Recorders

SOUTHERN EDUCATIONAL SYSTEMS

Educational & Industrial Training Equipment Specialist

On April 13, 2020, Southern Educational Systems, sent bid specifications to Trident

(See Below)

from:	**Rome Lindler** <romelindler@gmail.com>
to:	"Dennis,Wendy" <Wendy.Dennis@tridenttech.edu>
date:	Apr 13, 2020, 10:10 PM
subject:	Re: [External] Re: Quote for Double Sided-Process Control Trainers
mailed-by:	gmail.com

Wendy....See the attached bid specification sheet for the PC 101. Please note the last bullet point on the sheet.

- Double-Sided System includes duplicate components on opposite side.

You will need to double everything but the frame.

Rome Lindler
Southern Educational Systems
President and Educational Consultant
864-237-3739 Cell
800-772-7379 Corporate Office
romelindler@gmail.com

INNOTEK
Innovative Technical Solutions

PC-101 Bid Specifications

The **PC-101 Pressure, Flow, Level and Temperature** training system is a complete hands-on solution for process control and instrumentation training. The unit is mobile and includes all components required for quick setup, operation and PID control of variables This system is completely compatible and interfaces with existing Innotek equipment. Below is a list of included items and specifications.

- 48"L x 72"H x 30"D Aluminum Frame
- Mobile Base with (4) Locking Casters
- Custom Enclosure with Hinged Door
- 120Vac Power Entry with 10' Cord
- Lockable Disconnect
- Circuit Breaker Protection
- 24Vdc Power Supply
- 5Vdc Power Supply
- Operator Control Station
  - (1) E-Stop Pushbutton
  - (1) Start/Stop Pushbutton Illuminated
  - (1) Pump Speed Potentiometer
  - (1) Temperature Control Selector
  - (2) 4-20mA Analog Meters
  - (2) 4-20mA (0-100%) Meters
  - (1) Dual Loop PID Controller
- 3-Phase Centrifugal Pump
- Power Flex 525 VFD
- Smart Transmitters (IO Link Compatible)
  - 4-20mA Flow Transmitter
  - 4-20mA Pressure Transmitter
  - 4-20mA Ultrasonic Level Transmitter
  - 4-20mA RTD Temp Transmitter
- Quick Connect ½" Tubing
- 0-5 GPM Rotameter
- Acrylic Process Column (Pressure and Level Applications)
- Overflow Tube
- Pressure Relief Valve (25psi)
- (2) Pressure Gauges
- (5) Hand Valves
- 6 Gallon Reservoir
- On/Off Level Sensors
- Smart (HART) DP Transmitter (4-20mA)
- Paddle Wheel Flow Transmitter(4-20mA)

- Pneumatic Control Valve with 4-20mA Positioner (HART)
- 0-160 PSI Regulator
- Air Heating/Cooling Chamber
- Process Thermometer
- Variable Resistive Heater
- Variable Speed Cooling Fan
- High Temperature Safety Switch
- Siemens S7-1200 PLC with Analog Expansion
- Siemens KTP-700 HMI
- Siemens TIA Portal Software (PLC/HMI)
- PLC Project for complete PID control
- HMI Project for control of all parameters
- 4-Channel Digital Trend Recorder
- All devices connected to front mounted terminal blocks
- Operational Manual Printed
- Student Manual Printed
- Documentation and Manuals PDF Printable
- Double-Sided System includes duplicate components on opposite side.

This week, based on our request via FOIA, we received information from Trident Technical College that the awarded company sent the following description of their described "Double Sided" units. Below is the clarification Trident Technical College received from the awarded vendor and shared with SES.

"In Edibon unit specialy [sic] the APC-FLPTIC, there is no panel in the midle [sic] to separate, the modules are fixed inside a cubic structure (without any panel or separation needed) and all the elements are posionned [sic] in "3D" environment, so the students OR teachers can see everything around. To resume the modules that composed our APC-FLPTIC don´t need to be fixed on a specific panel (with a fixed dimension), they can be used in 360º degrees (like in a real installation) creating as many posts for students as desired, and allowing them to watch everything around. This means that we have a double-side units." (please excuse typos that is a direct copy and paste from the awarded vendor)

Upon reading this "verification", it solidifies Southern Educational Systems' argument that the awarded company did not meet the specifications required for a Double Sided Unit. In order to have met the Double Sided Specifications in the bid, the awarded company would have had to quote 4 units with twice the number of components, or quote 8 of the units they bid. The awarded company, in their "verification", made the statement that "creating as many posts for students as desired, and allowing them to watch everything around. This means that we have a double-side units". This statement alone shows that this is not a true Double Sided Unit. They are saying that because their unit, APC-FLPTIC, is see-through, that it is a Double Sided Unit, this is simply not true. They would need to have quoted 8 of their units to do what 4 of the true Double Sided Units specified units would do.

In conclusion, we ask that Trident Technical College review our protest and then reject the current awarded company's bid because they did not meet specification. We come to this request on the premise that the awarded company does not meet the specification "Double Sided". We appreciate the business that we have received over the years from Trident Technical College and the State of South Carolina, and we look forward to continuing that relationship.

Ray Murphy
Southern Educational Systems
rmurphy@seslabs.com
864-256-6098

Attachment 2

Dennis,Wendy

From: Fulford,Tim
Sent: Friday, August 7, 2020 1:29 PM
To: Walker,Bob; Dennis,Wendy
Subject: Re: Solicitation # 071720-545-16806-08/03/20 Double Sided Process Control Trainer Specifications

I am satisfied.

Tim Fulford, Dean
Engineering and Construction

From: Walker,Bob <Bob.Walker@tridenttech.edu>
Sent: Friday, August 7, 2020 12:57 PM
To: Dennis,Wendy <Wendy.Dennis@tridenttech.edu>; Fulford,Tim <Timothy.Fulford@tridenttech.edu>
Subject: Re: Solicitation # 071720-545-16806-08/03/20 Double Sided Process Control Trainer Specifications

Tim - can I lean on you for help on this? If you're satisfied, I'm satisfied. I'll hopefully get to it sometime today, but certainly Monday.

Bob

Get Outlook for iOS

From: Dennis,Wendy <Wendy.Dennis@tridenttech.edu>
Sent: Friday, August 7, 2020 12:52:41 PM
To: Walker,Bob <Bob.Walker@tridenttech.edu>; Fulford,Tim <Timothy.Fulford@tridenttech.edu>
Subject: Solicitation # 071720-545-16806-08/03/20 Double Sided Process Control Trainer Specifications

Bob/Tim,

Below is the response with a line by line comparison.

Wendy

See clarification about our proposal compared to the one requested

Requested in Technical Spec	Edibon Proposal
• Constructed of standard extruded aluminum channel materials	Confirmed, see pictures attached, the structure of the unit is made with extruded aluminum channel materials
• Pre-wired terminal strips for easy circuit modifications	Wiring of the control and measurement signals and the power supply of different control systems. (page 23 highlited)
• Emergency stop capability	Included in the item N-ALI20. Power supply (see picture attached)
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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

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1. What is your/your company's monthly income? _____

2. What are your/your company's monthly expenses? _____

3. List any other circumstances which you think affect your/your company's ability to pay the filing fee:

_____

_____

_____

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my/my company's financial condition. I hereby request that the filing fee for requesting administrative review be waived.

Sworn to before me this
_____ day of _____, 20_____

_____ _____

Notary Public of South Carolina Requestor/Appellant

My Commission expires: _____

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.