

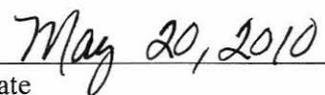


The project includes an arena to accommodate home basketball games, convocations, and other events. CCU has already scheduled events in this Project including a basketball game with Louisiana State University (LSU) on November 15, 2011. The construction schedule provides for 550 calendar days after the date of commencement for substantial completion. By the CPOC's calculations, CCU's schedule is already in trouble and further delay will exacerbate the situation.

The current basketball arena seats only 1,000 people, the new arena will seat 3,400 people. If CCU cannot hold the LSU game in the new facility, CCU will have to decline to hold the game at home. Though the anticipated loss in revenue is relatively small, there is significant prestige and excitement in playing a school such as LSU at home. The value of the loss of this opportunity cannot be calculated. Theoretically, there will also be some loss of revenue for the remaining home games that will have to be held in the smaller existing facility.

Normally, the loss revenue anticipated by CCU would not be sufficient to justify a lifting of the stay. However, in this case, PC will be the low bidder regardless of the outcome of the protest and the stay does not serve to protect the interest of any of the other bidders. In this case, the stay serves no purpose but merely delays the start of the project to the detriment of CCU.

Based on the foregoing, the CPOC finds that the award of the contact without further delay is necessary to protect the best interest of the State.

  
\_\_\_\_\_  
John St. C. White  
Chief Procurement Officer for Construction  
  
\_\_\_\_\_  
Date

Columbia, South Carolina

## STATEMENT OF RIGHT TO ADMINISTRATIVE REVIEW

The South Carolina Procurement Code, in Section 11-35-4410, subsection (1)(b) states:

(1) Creation. There is hereby created the South Carolina Procurement Review Panel which shall be charged with the responsibility to review and determine de novo:

(b) requests for review of other written determinations, decisions, policies, and procedures arising from or concerning the procurement of supplies, services, information technology, or construction procured in accordance with the provisions of this code and the ensuing regulations; except that a matter which could have been brought before the chief procurement officers in a timely and appropriate manner pursuant to Sections 11-35-4210, 11-35-4220, or 11-35-4230, but was not, must not be the subject of review under this paragraph. Requests for review pursuant to this paragraph must be submitted to the Procurement Review Panel in writing, setting forth the grounds, within fifteen days of the date of the written determinations, decisions, policies, and procedures.

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Copies of the Panel's decisions and additional information regarding the protest process is available on the internet at the following web site: [www.procurementlaw.sc.gov](http://www.procurementlaw.sc.gov)

**FILE BY CLOSE OF BUSINESS:** Requests must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

**FILING FEE:** Pursuant to Proviso 83.1 of the 2008 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(4). . . . 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 hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2008 S.C. Act No. 310, Part IB, § 83.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

**LEGAL REPRESENTATION:** In order to prosecute an action before the Panel, a business must retain 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).



**COASTAL CAROLINA**  
UNIVERSITY  
Office of Facilities Planning and Management

OFFICE OF STATE ENGINEER  
MAY 10 2010  
MAY 10 2010

May 17, 2010

**VIA US POSTAL SERVICE**  
**AND EMAIL [JWhite@mmo.sc.gov](mailto:JWhite@mmo.sc.gov)**

Mr. John St. C. White  
Office of the State Engineer  
1201 Main Street, Suite 600  
Columbia, SC 29201

**Re: Protest of Intent to Award to PC Construction of Greenwood, Inc.  
Project: Student Recreation / Convocation Center Construction  
Coastal Carolina University  
State Project Number: H17-9557-MJ**

Dear Mr. White,

Coastal Carolina University request that you lift the stay on the above stated action and allow us to prepare and sign the necessary contracts for the original Base Bid Three amount of \$23,224,000. It is very necessary to have this project underway as soon as possible, given the very short construction time period and the limited number of construction days to complete the project. Event scheduling has already begun, specifically a home NCAA, Division I, basketball game with LSU on Nov. 15, 2011, which is driving the need to start this project right away.

Respectfully,



Philip T. Massey, Sr.  
Project Manager  
Coastal Carolina University  
Student Recreation and Convocation Center