

February 26, 2010

Re: H24-9573-AC JECTRCC-Transit Research Center

Mr. John White
Office of the State Engineer
1201 MAIN ST. SUITE 600
COLUMBIA, SC 29201

Dear John:

We protest the "notice of intent to award" to International Public Works. Our bid was passed over apparently for not providing enough evidence of a "good faith effort" to meet the 20% DBE effort.

Standard Supplemental Instruction to Bidders 00201-OSE paragraph 5.3 clearly states the reasons bids can and cannot be rejected. Below are listed the portion that we think apply:

- 5.3 Rejection of Bids
- 5.3.1 The agency shall have the right to reject any or all bids not **accompanied** or by any other data required by the Bidding Documents (emphasis added)
- 5.3.2.6 Failure to list qualified subcontractors as required by law, or,
- 5.3.3 Bids shall not be rejected for the following reasons, which include , but are not limited to:
- 5.3.3.8 Provide additional listing of " Subcontractors Specialty" beyond those listed on the SE-330; or,
- 5.3.3.13 immaterial variations from the exact requirements of the bidding documents.

We assume that the rejection of our bid was for not providing data **after** the bid which is not a reason for rejection. We listed the mechanical, electrical and plumbing installers which were the only sub-contractors as required "by law". Is our bid we being rejected for not providing additional "specialties sub-contractors" other than those required by SE-330? We provided the form DBE commitment sheet #1 which should make our bid responsive.

It appears that in the 2009 – 2010 General Appropriation Act for South Carolina that the legislature agreed to accept \$500,000.00 for this project from the Federal Government American Recovery and Reinvestment ACT (ARRA). This act is now going to cost as much as \$759,560.00 to throw out all the other wise low qualified bidders. I can find no were in the legislation that gave permission to suspend South Carolina procurement law in favor of Federal procurement law to spend an extra \$259,560.00 of SC tax payers money for this purpose – the difference between the two figures. This is a project by a South Carolina Agency which must follow state law with state funds as per the South Carolina Code of laws which states: (emphasis added):

SECTION 10-1-180. Expenditure of funds by state agency subject to approval and regulation of State Budget and Control Board; exception.

The expenditure of funds by any state agency, except the Department of Transportation for permanent improvements as defined in the state budget, is subject to **approval and regulation of the State Budget and Control Board**. The board shall have authority to allot to specific projects from funds made available for such purposes, such amounts as are estimated to cover the respective costs of such projects, to declare the completion of any such projects, and to dispose, according to law, of any unexpended balances of allotments, or appropriations, or funds otherwise provided for such projects, upon the completion thereof. The approval of the Budget and Control Board is not required for minor construction projects, including

Chapter 7 of the same SC code “AGREEMENTS WITH UNITED STATES” does not allow for these changes to allow default to the federal from state laws. In fact South Carolina agencies have and must follow their own set of regulations to assist minority business.

SOUTH CAROLINA CODE OF REGULATIONS 19-445.2160. Assistance to Minority Businesses

(2) “Socially disadvantaged individuals” means those individuals who have been subject to racial or ethnic prejudice or cultural bias because of their identification as members of a certain group without regard to their individual qualities. Such groups include, but are not limited to, Black Americans, Hispanic Americans, Native Americans (including American Indians, Eskimos, Aleuts and Native Hawaiians), Asian Pacific Americans, Women and other minorities to be designated by the South Carolina Budget and Control Board or designated agency.

(7) “OSMBA” means the Office of Small and Minority Business Assistance.

B. Certification as a Minority Business Enterprise (MBE) (emphis added)

(1) A South Carolina business seeking certification as a Minority Business Enterprise must submit to OSMBA an application and any supporting documentation as may be required.

(2) Certification Process. The Certification Board within OSMBA will determine if the business is controlled and operated by socially and economically disadvantaged individuals. Upon recommendation of the Certification Board, OSMBA will certify the business as a socially and economically disadvantaged small business and issue a Certification as

authorized by Section 11-35-5270 of the Procurement Code. Firms may re-apply to OSMBA one year after denied certification. Certifications are valid for five years. Firms may apply for re-certification by submitting an application and required supporting documents of eligibility.

Our bid was responsive under South Carolina Law.

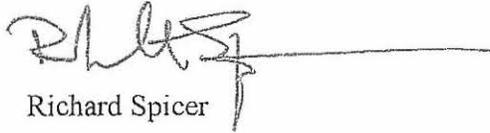
Please contact me if you have any questions.

Sincerely,



Charles P. Tyler

President



Richard Spicer

Vice-President

Cc: Ideal Construction

Construction Dynamics



March 4, 2010

CPO, Allen Carter
Office of State Engineer
1201 Main Street Suite 600
Columbia, SC 29201

Re: Protest of Award of Project H24-9573-AC, Clyburn Transit Research Center

Allen,

Persuant to Section 11-35-4210, section 1(B) of the SC Code of laws, Ideal Construction Company, SC LLC is protesting the award of the above referenced project and is requesting a hearing to discuss the particular matter. Our grounds for protest include the following reasons:

1. We feel that Ideal Construction Co. SC, LLC submitted a responsive bid on the project as required by the SC Procurement laws and would like confirmation of such.
2. We were a responsive bidder based on the requirements of the specifications with regards to 20% participation of SCDOT DBE Contractors based upon CFR 49 Part 26 of the Federal Code.
3. We were a responsive bidder based on the requirement of "Good Faith efforts" put forth during the time of bid with regards to CFR 49 Part 26. We feel that the only way to judge a good faith effort objectively is to base that judgment on the **results** of those "good faith efforts".
4. We believe that our Pre and Post bid efforts were not compared accurately nor even considered with regard to awarding the contract. We believe that the results of our pre-bid efforts generated more quotes from SCDOT DBE contractors than our competition who was awarded the job.
5. With respect to the other 15 bidders who were deemed non-responsive along with us (and whose bids were more competitive than the awarded contractor), we believe that the nature and procurement of the contract was geared to provide only one company an advantage in being responsive and thus avoid the competitive bidding process as required by law.
6. We believe it is not the best interest of the state of SC to pay \$760,000 more for a construction project simply because the awarded company was an SCDOT DBE.
7. We believe that our reconsideration official should have been a 3rd party official not affiliated with the SCDOT. We believe there is a conflict of interest with regards to how this was executed due to the fact that the contractor awarded the project was an SCDOT DBE.

We respectfully request the following relief with regards to this contract:

That Ideal Construction Company SC, LLC is deemed to be responsive with regards to this contract and awarded the project accordingly, or that the contract be re-bid with a fair and competitive pre-solicitation requirement that did not exist in the initial documents.

Sincerely,

Robert Lee Hammersla III
Ideal Construction Company SC, LLC

P.O. Box 705 White Rock, SC 29177 P: 803.732.4721 F: 803.732.7230
www.idealconstructioncompany.biz

ROBINSON BRADSHAW & HINSON

STEPHEN M. COX
SOUTH CAROLINA OFFICE

DIRECT DIAL: 803.325.2910
DIRECT FAX: 803.985.3782
ADMITTED IN SC AND NC
SCOX@RBH.COM

March 5, 2010

Via E-Mail and Hand Delivery

Mr. John White
Office of the State Engineer
1201 Main Street, Suite 600
Columbia, South Carolina 29201

Re: James E. Clyburn Transit Research Center
State Project No. H24-9573-AC
NOTICE OF BID PROTEST

Dear Mr. White:

This law firm represents Randolph & Son Builders, Inc. ("Randolph & Son"), a general contractor that submitted a bid for the construction of the captioned project (the "Project"). Randolph & Son's bid was deemed nonresponsive for failure to exercise good faith efforts to ensure the participation of Disadvantaged Business Enterprises in the Project. On February 24, 2010, South Carolina State University issued a Notice of Intent To Award the contract to construct the Project to International Public Works. Randolph & Son is informed and believes that International Public Works' bid was substantially higher than the low bid on the Project.

By this letter, and pursuant to S.C. Code Ann. § 11-35-4210(1)(b), Randolph & Son protests the intended award of the contract to construct this Project to International Public Works. The basis for this protest is that South Carolina State University erred in dismissing Randolph & Son's bid as nonresponsive, because Randolph & Son exercised good faith efforts to ensure the participation of Disadvantaged Business Enterprises in the Project.

The relief that Randolph and Son requests is that it be awarded the contract to construct the Project. Randolph & Son believes that it is the lowest eligible bidder on the Project that has preserved its rights by filing a protest under applicable law.

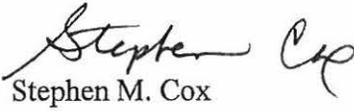
We look forward to your prompt resolution of this protest.

ROBINSON BRADSHAW & HINSON

Mr. John White
March 5, 2010
Page 2

Very truly yours,

ROBINSON, BRADSHAW & HINSON, P.A.


Stephen M. Cox

SMC/

Cc: Mr. Ken Davis
Director of Planning and Construction
South Carolina State University
300 College Street, Northeast
Orangeburg, South Carolina 29117-0001

Mr. Chuck Randolph (via email)
Randolph & Son Builders, Inc.



03-01-10

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

Re: H24-9573-AC Transit Research Center

Dear Mr. White:

Loveless Commercial Contracting submitted a bid for the James E Clyburn Transit Research Center at South Carolina State University on 01/28/10.

After the bid opening, I received a letter from SCSU stating my bid was non-responsive. I wrote back on 02/05/10 asking why they thought my bid was non-responsive and SCSU never responded. I have looked over the bid and I do not see a reason for rejection.

I have now received the official intent to award listing the 16th out of 17th highest bidder as the winning bid. This number is almost \$760,000.00 more than the low bid and would appear to be a misuse of the public's money.

Now that the protest period has begun, time is of the essence. The school must reply to my letter so that I can submit an argument stating my case against the rejection of my bid.

I do hereby protest award of the project and request the protest period be lengthen so that there is ample time for the school to inform us as to why our bid was found non-responsive. We will then review their answer and form a response for your review.

Sincerely,

Doug Price
Senior Estimator
Loveless Contracting
Phone: (803) 796-5551
Fax: (803) 796-5030

Cc: Ken Davis, SC State University
Jonathan Roberts, Construction Dynamics

Attachments: Good faith effort
SCSU non-responsive letter of 02/05/10
LCC request for clarification of 02/05/10

**MEDICAL OFFICE BUILDING
NEAR GREER
FOR GREENVILLE HOSPITAL SYSTEM**

Description: Request for proposal to provide construction management services to the Greenville Hospital System for a medical office building to be located in Greer, SC. The selected firm will provide construction services under a construction contract. Given the nature of the assignment the following criteria will be used in evaluating firms for the project.

1. Experience in the construction of medical office projects in the 7-15,000 square foot range.
2. Evidence of staffing expertise & resource capacity to provide pre-construction & construction services in a timely & cost-efficient manner. Work shall be performed pursuant to an appropriate AIA form contract as modified by The Greenville Hospital System.
3. Approach to construction & evidence of delivering projects within schedule & budget constraints.

Further information & evaluation criteria are available in a RFP document which will be available Monday, December 21, 2009.

Firms desiring to submit their proposal will be required to respond no later than 5:00pm Friday, January 8, 2010, to the Greenville Hospital System, Attn: Facilities Development, 700 W. Faris Rd., Greenville, SC 29605.

All questions should be directed to fdinfo@ghs.org.

CONSTRUCTION

SCBO Notes referred to in State Agency advertisements appearing in the Construction Section of SC Business Opportunities can be found at <http://www.mmo.sc.gov/MMO/ops/SCBONotes.pdf>. Please verify requirements for non-State agency advertisements by contacting the agency / owner.

Project Name: J.E.C.T.R.C.C. – TRANSIT RESEARCH CENTER
Project Number: H24-9573-AC
Location: SC State University, Orangeburg
Applicable SCBO Notes: 2, 4, & 5
Bid Security Required: Yes
Performance Bond Required: Yes
Payment Bond Required: Yes
Description of Project: This phase of the project consists of the construction of a new Transit Research Center building of approximately 8,500 square feet, a Chiller Plant, & Site Completion work & landscaping. The new structure consists of administration, research & educational space; outside me-

chanical yard with chiller system; natural gas piping, site lighting & fueling station with underground gasoline / diesel storage tank. This is a federally-funded project. Contractor may be subject to performance appraisal at close of project.

Construction Cost Range: \$2,000,000 - \$8,000,000

Architect/Engineer: Harvey L. Ezekiel, PA, Registered Architects

A/E Contact: Harvey L. Ezekiel

A/E Address: 1567 South Main St., Darlington, SC 29532

A/E Telephone: (843) 398-0507

A/E Fax: (843) 393-8831

A/E E-mail: hlezekielra@aol.com

Plans on File At:

AGC: Columbia, Charleston, Charlotte

Dodge: Columbia, Charleston, Charlotte

Other: Construction Dynamics, Inc.

Plans May Be Obtained From: The Print Machine / A. J. Jordan, (803) 252-4770

Plan Deposit: \$250.00, refundable

Pre-Bid Conf./Site Visit: Not mandatory

Pre-Bid Date/Time: 1/7/10 – 2:00pm

Place: SC State University, Transportation Training Room 183, Crawford-Zimmerman Building

Agency/Owner: SC State University

Name & Title of Agency Coordinator: Ken Davis, Director of Planning & Construction

Address: 300 College St. NE, Orangeburg, SC 29117

Telephone: (803) 378-5113

Fax: (803) 368-8505

E-mail: ken.davis@scsu.edu

Bid Due Date/Time: 1/28/10 – 2:00pm

Place: SC State University, Transportation Training Room 183, Crawford-Zimmerman Building

Hand Deliver Bids To: SC State University, Transportation Training Room 183, Crawford-Zimmerman Building, 300 College St. NE, Orangeburg, SC 29117

Mail Bids To: SC State University, Attn.: Ken Davis, PO Box 7004, Orangeburg, SC 29117-7004

Project Name: SPARTANBURG – I.D.C. 2010 – GRADING / EARTHWORK / LANDSCAPE & ASPHALT PAVING

Project Number: H59-D593-JM

Location: Spartanburg

Applicable SCBO Notes: 2, 4, & 5

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: Contractor will provide heavy grading / earthwork / landscape, asphalt paving & curb / gutter services for main, Duncan & Cherokee County campuses, as directed by Spartanburg Community College

Physical Plant. The contractor must be able to perform heavy grading / earthwork services in-house & not use sub-contractors for that element of work. The scope of each project will be established in delivery orders with the cost determined using a multiplier applied to the latest annual edition of R. S. Means Site Work & Landscape Cost Data Guide, in accordance with the contract. The initial bid shall be made using the R.S. Means Site & Landscape Cost Data 2009 guide. Contractor's business location must be within 75 miles of central campus. Contractor may be subject to performance appraisal at close of project.

Construction Cost Range: \$750,000

Architect/Engineer: N/A

Plans on File At:

AGC: Greenville

Dodge: Greenville

Other: Imaging Technologies, Spartanburg

Plans May Be Obtained From: Spartanburg Community College Physical Plant

Plan Deposit: \$30.00, refundable

Pre-Bid Conf./Site Visit: Not mandatory

Pre-Bid Date/Time: 1/13/10 – 10:00am

Place: SCC, Physical Plant Conference Room

Agency/Owner: Spartanburg Community College

Name & Title of Agency Coordinator: Ray Switzer, Director of Physical Plant

Address: Business 85 at New Cut Road, PO Box 4386, Spartanburg, SC 29305

Telephone: (864) 592-4157

Fax: (864) 592-4753

E-mail: switzerr@scsc.edu

Bid Due Date/Time: 1/27/10 – 2:00pm

Place: SCC, Physical Plant Conference Room

Hand Deliver Bids To: Spartanburg Community College, Physical Plant Office, Maintenance Building, Business 85 at New Cut Road, Spartanburg, SC 29303

Mail Bids To: Spartanburg Community College, Attn.: Ray Switzer, 800 Brisack Rd., Spartanburg, SC 29303 or PO Box 4386, Spartanburg, SC 29305

Project Name: AIKEN CAMPUS ELEVATOR RENEWAL

Project Number: H29-9542-JM

Location: Aiken, SC

Applicable SCBO Notes: 2, 4, & 5

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: Modernize existing elevators & augment associated MEP systems. Work to include fire stopping, fire dampers, up-

James E. Clyburn Transit Research Center Bid Tabulation Form

Project Number: H24-9573-AC

Date Bids Received: January 28, 2010 Time: 2:00 PM
 Location: Transportation Training, Room 183, Crawford Zimmerman Building
Orangeburg, SC 29117

<u>BIDDER</u>	CONTRACTOR/BIDDER: Able Constructors	CONTRACTOR/BIDDER: China Construction	CONTRACTOR/BIDDER: Clayton Construction	CONTRACTOR/BIDDER: Contract Construction
State License #	License#: 106514	License#: 101624	License#: 13521	License#: 11081
Bid Security	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Addenda #1 Acknowledged	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Federal Non-Collusion Statement	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Federal DBE Committal Sheet	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Base Bid	\$ 4,170,000.00	\$ 4,580,000.00	\$ 4,474,000.00	\$ 4,045,000.00

Alternates: Not Applicable

Mechanical Installer	Pierce and Catoe Active License#: 108193	Summerville Mech. Active License#: 104637	Pierce and Catoe Active License#: 108193	Summerville Mech. Active License#: 104637
Plumbing Installer	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576
Electrical Installer	HR Allen Inc. Active License#: 108812	Burriss Electrical Active License#: 3536	Burriss Electrical Active License#: 3536	Burriss Electrical Active License#: 3536

Bid Tabulation Continuation

Project number: H24-9573-AC Transit Research Center

Project Number: H24-9573-AC

Date Bids Received: January 28, 2010

Time: 2:00 PM

Location: Transportation Training, Room 183, Crawford Zimmerman Building
Orangeburg, SC 29117

<u>BIDDER</u>	CONTRACTOR/BIDDER: FBI Construction	CONTRACTOR/BIDDER: Ideal Construction	CONTRACTOR/BIDDER: International Public Works	CONTRACTOR/BIDDER: Loveless Commercial
State License #	License#: 10270	License#: 10813	License#: 128340	License#: 12928
Bid Security	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Addenda #1 Acknowledged	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Federal Non-Collusion Statement	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Federal DBE Committal Sheet	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<u>Base Bid</u>	\$ 4,050,000.00	\$ 3,859,708.00	\$ 4,619,268.00	\$ 3,917,500.00

Alternates: Not Applicable

Mechanical Installer	Summerville Mech. Active License#: 104637	Pierce and Catoe Active License#: 108193	Smith & Associates Active License#: 97349	Pierce and Catoe Active License#: 108193
Plumbing Installer	Barwick Plumbing Active License#: 108576	Mike Co. Active License#: 2531	Smith & Associates Active License#: 97349	Barwick Plumbing Active License#: 108576
Electrical Installer	Larymore Electr. Active License#: 108059	Burriss Electrical Active License#: 3536	Reserve Electrical Active License#: 108908	Burriss Electrical Active License#: 3536

Bid Tabulation Continuation

Project number: H24-9573-AC Transit Research Center
Project Number: H24-9573-AC

Date Bids Received: January 28, 2010 **Time:** 2:00 PM
Location: Transportation Training, Room 183, Crawford Zimmerman Building
Orangeburg, SC 29117

<u>BIDDER</u>	CONTRACTOR/BIDDER: MB Kahn	CONTRACTOR/BIDDER: Metro Construction	CONTRACTOR/BIDDER: Palmetto Construction	CONTRACTOR/BIDDER: Penn Contracting
State License #	License#: 10572	License#: 104052	License#: 104680	License#: 100178
Bid Security	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Addenda #1 Acknowledged	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Federal Non-Collusion Statement	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Federal DBE Committal Sheet	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<u>Base Bid</u>	\$ 4,202,303.00	\$ 4,135,155.00	\$ 4,009,000.00	\$ 4,180,000.00

Alternates: Not Applicable

Mechanical Installer	Pierce and Catoe Active License#: 108193	Heat & Cool Solutions Active License#: 110696	Summerville Mech. Active License#: 104637	Summerville Mech. Active License#: 104637
Plumbing Installer	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576
Electrical Installer	Burriss Electrical Active License#: 3536	Judy's Electr. Active License#: 3536	Barbee Electric Active License#: 3536	Burriss Electrical Active License#: 3536

Bid Tabulation Continuation

Project number: H24-9573-AC Transit Research Center

Project Number: H24-9573-AC

Date Bids Received: January 28, 2010

Time: 2:00 PM

Location: Transportation Training, Room 183, Crawford Zimmerman Building
Orangeburg, SC 29117

BIDDER	CONTRACTOR/BIDDER: Randolph & Son Builders	CONTRACTOR/BIDDER: Structioneers Diversified	CONTRACTOR/BIDDER: Thompson Turner	CONTRACTOR/BIDDER: Tyler Construction
State License #	License#: 11857	License#: 112105	License#: 104406	License#: 113503
Bid Security	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Addenda #1 Acknowledged	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Federal Non-Collusion Statement	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Federal DBE Committal Sheet	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
Base Bid	\$ 3,956,000.00	\$ 4,830,000.00	\$ 4,093,000.00	\$ 4,119,378.00

Alternates: Not Applicable

Mechanical Installer	W O Blackstone & Co. Active License#: 1806	W O Blackstone & Co. Active License#: 1806	Pierce and Catoe Active License#: 108193	Pierce and Catoe Active License#: 108193
Plumbing Installer	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576	Barwick Plumbing Active License#: 108576
Electrical Installer	Burriss Electrical Active License#: 3536	Burriss Electrical Active License#: 3536	Burriss Electrical Active License#: 3536	Burriss Electrical Active License#: 3536

Bid Tabulation Continuation

Project number: H24-9573-AC Transit Research Center

Project Number: H24-9573-AC

Date Bids Received: January 28, 2010

Time: 2:00 PM

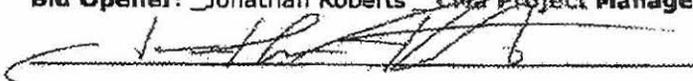
Location: Transportation Training, Room 183, Crawford Zimmerman Building
Orangeburg, SC 29117

<u>BIDDER</u>	CONTRACTOR/BIDDER: Weber Construction
State License #	License#: 15197
Bid Security	<input checked="" type="checkbox"/> YES
Addenda #1 Acknowledged	<input checked="" type="checkbox"/> YES
Federal Non-Collusion Statement	<input checked="" type="checkbox"/> YES
Federal DBE Committal Sheet	<input checked="" type="checkbox"/> YES
<u>Base Bid</u>	\$ 3,980,000.00

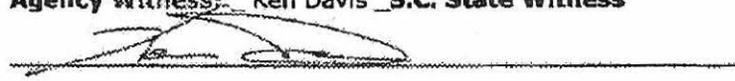
Mechanical Installer	Pierce and Catoe Active License#: 108193
Plumbing Installer	Barwick Plumbing Active License#: 108576
Electrical Installer	Burriss Electrical Active License#: 3536

Certified 1/28/10 by:

Bid Opener: Jonathan Roberts **CMA Project Manager**



Agency Witness: Ken Davis **S.C. State Witness**



Architect Witness: Harvey L. Ezekiel **Architect of Record**





SE-370
Notice of Intent to Award

2008 Edition

AGENCY: South Carolina State University, Orangeburg, SC 29117
(Agency Name)

PROJECT: H24-9573-AC JECTRCC - Transit Research Center
(Project Number) (Project Name)

TO ALL BIDDERS:

The Agency has determined that the below-named Bidder is responsible in accordance with the requirements of the Bidding Documents and has submitted the lowest responsive Bid. The Agency hereby announces its intent to enter into a contract with this Bidder for the construction of the above-named Project, subject to the provisions of SC law.

NAME OF BIDDER(S): International Public Works

DATE BIDS WERE RECEIVED: January 28, 2010

AMOUNT OF BASE BID: \$ 4,619,268.00

ALTERNATE(S) ACCEPTED: # N/A Total: \$ 4,619,268.00

TOTAL AMOUNT OF BASE BID WITH ALTERNATE(S): \$ N/A

Remarks: (In accordance with Chapter 6 of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

RIGHT TO PROTEST:

Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with the intended award or award of this Contract may protest to the State Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201, EMAIL: protest-ose@mso.sc.gov

[Signature]
(Signature of Awarding Authority) 2/24/10
(Date Posted)

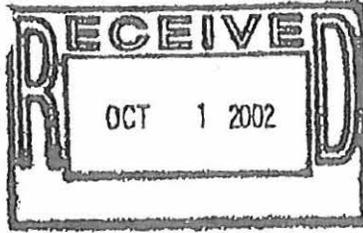
Ken Davis
(Print or Type Name of Awarding Authority) Director Planning & Construction
(Awarding Authority Title)

INSTRUCTIONS TO THE AGENCY:

- 1. Post a copy of this form on the Date and at the Location announced at the Bid Opening.
- 2. Mail a copy of this Form and the final Bid Tabulation to all responsive Bidders and OSE.



South Carolina
Department of Transportation



Grant Agreement No. SCSU002
Grant Administered by: SCDOT

Transportation and Community and
System Preservation Pilot Program (TCSP)

GRANT AGREEMENT

Between: The South Carolina Department of Transportation
and

Grantee: South Carolina State University
300 College Street, P.O. Box 8144
Orangeburg, SC 29117

1. AUTHORITY AND PURPOSE

This grant is awarded pursuant to the authority contained in Title I, Subtitle B, of the Transportation Equity Act for the 21st Century of 1998, and its subsequent amendments referred to as "TEA-21." In accordance with Section 1221 of the TEA-21, the Federal Highway Administration (here-in- after referred to as "FHWA") hereby awards the sum of \$8,921,764 to provide support for a Transportation and Community and System Preservation Pilot Program (TCSP) project titled the Southern Rural Transportation Center as described in the approved application.

2. GRANT AMOUNT AND BUDGET

The funds awarded to this project must be expended according to the approved application. The federal share of the approved costs shall be 100 percent to the maximum of the grant unless otherwise authorized. Any revisions to the grant budget must be approved by FHWA and SCDOT and made in accordance with 49 CFR 19.25. FHWA will not reimburse the recipient for any costs in excess of the awarded amount. These funds should be obligated by September 30, 2002. After obligation, these funds are available until expended.



3. PAYMENT

Payment will be made to the recipient in accordance with procedures set forth in the Federal –Aid and Federal Highway Acts, as amended, and 49 CFR 19.22. A list must be provided to the grantor of every person authorized by the grantee to request funds. (Also see Attachment 3 - Grant Administration Process)

4. REPORTING AND EVALUATION

Three kinds of reports will be needed for this Grant. Financial and Narrative reports should be submitted quarterly while the Evaluation report should be submitted annually. The recipient must submit an original and one copy of the quarterly Financial and Narrative reports to the SCDOT, FHWA Division, and one copy to FHWA, Office of Human Environment, HEPH-20, Room 3301, 400 7th Street SW, Washington, DC 20590. This is a multi year grant, and the anticipated completion date of the project is September 30, 2006.

The evaluation report must be submitted annually within 90 days after the fiscal year to FHWA Division and the Office of Human Environment. A sample template of the Evaluation report is included in Attachment 2.

The Reporting Schedule for this Grant is as follows:

<u>Period Report Covers</u>	<u>Report Is Due</u>
July 1 – September	October 31
October 1 – December 31	January 31
January 1 – March 31	April 30
April 1 – June 30	July 31
July 1 – June 30	September 30
Final Report	90 days after the project is completed

5. TERMINATION

This agreement is subject to termination by either party as described in Attachment 1, Grant Provision 7, 49 CFR 19.61. The University Transportation Center agrees to give SCDOT and FHWA at least 90 days notice of intent to terminate this agreement.

6. RESPONSIBILITIES AND GRANT PROVISIONS

This agreement is made on condition that these funds will be administered in accordance with the terms and conditions as set forth in this agreement and the attached grant provisions. The catalog of Federal Domestic Assistance number for this project is 20.205.

Please sign the original and each copy of this letter to acknowledge your receipt of the grant and return the original and two copies to the SCDOT.

Authorized Representative: Elizabeth Mabry
Title: Executive Director

Signature: _____



Date: _____

9-17-02

South Carolina Department of Transportation

ACKNOWLEDGED

South Carolina State University
Authorized Representative: The Honorable Ernest Finney
Title: Interim President, South Carolina State University

Authorized Technical Representative: Dr. Clarence W. Hill, Director, University Transportation Center
Fiscal Representative: Dr. Wilbur Shuler, Vice President for Financial Affairs

Signature: _____



Date: _____

9/9/02

South Carolina State University Rural Transportation Center FHWA Earmarks

Description	Project #	Approp. Year	Approp. Codes	Funding Source	Auth. Amount (Allocated in Law)	Spending Limitation	Obligated/Available Federal Funds	SCSU Match	Participation Rate
Southern Rural Transportation Center	SCSU(002)	2002	Q680	TCSP	9,000,000	8,657,338	8,857,338	0	100%
Expand Transportation Research Center	SCSU(002)	2003	Q920	TEA-21 High Priority Projects (Section 112)	6,779,289	6,779,289	6,779,289	1,694,822	80%
State University Transportation Center	SCSU(004)	2004	H660	Surface Trans Proj. (Sec 117)	3,000,000	2,951,785	2,951,785	0	100%
State University Transportation Center	SCSU(005)	2005	HY10	SafeTea-Lu High Priority Projects (Sec 1702)	5,200,000	4,420,000	889,691	222,423	80%
State University Transportation Center	SCSU(005)	2006	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	896,247	224,062	80%
State University Transportation Center	SCSU(005)	2007	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	958,073	239,518	80%
State University Transportation Center	SCSU(005)	2008	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	961,491	240,373	80%
State University Transportation Center	SCSU(005)	2009	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	973,978	243,495	80%

Total - Available Funds	23,979,289	23,008,412	23,267,892	2,864,692
--------------------------------	-------------------	-------------------	-------------------	------------------

Less Expenditures:

<i>First two billings expended from SCSU002 (top line) last billed April 06</i>	1,263,038
<i>Third billing expended from SCSU002 (top line) last rec'd 8/2/06</i>	192,559
<i>Fourth billing expended from SCSU002, SCSU004, SCSU005 - rec'd 5/24/07</i>	367,775
<i>Fifth billing from SCSU002 - rec'd 8/2/07</i>	529,783
<i>6th billing - SCSU002 - rec'd 12/02/07</i>	592,294
<i>7th Billing for SCSU002, SCSU004, SCSU005 Rec'd 2/13/08</i>	530,961
<i>SCSU002 Billing received 5/05/08 charged to Q680</i>	154,835
<i>SCSU004 Billing rec'd 5/05/08 paid on 11/25/08 after support received</i>	13,034
<i>SCSU002 Billing rec'd 10/15/08 paid on 12/01/08</i>	174,002
<i>SCSU004 Billing rec'd approx. 9/8/08 & paid on 1/28/09</i>	7,453
<i>SCSU002 Billing rec'd approx. 3/10/09 & paid on 4/8/09</i>	297,832
<i>SCSU005 Billing resubmission dated 4/30/08 & paid on 9/21/09</i>	18,301
<i>SCSU005 Billing resubmission dated 9/9/08 & paid on 9/21/09</i>	24,360
<i>SCSU002 Billing rec'd approx. 11/10/09 & paid on 11/10/09</i>	260,366
<i>SCSU002 Billing rec'd approx. 2/03/10 & paid on 2/09/10</i>	341,605

Remaining Funds

18,499,694

Note 1: For TCSP 2002 appropriation, previous spending limit was stated as \$8,921,764. However, this did not consider a reduction of \$64,426.24 for "Historic Survey of Non-Metal Truss Bridges in South Carolina" initiated under Dr. Hill.

Note 2: SAFETEA-LU High Priority Projects obligated Federal funds are the 05, 06, 07 and 08 obligations under this bill. Each year for the life of the bill, 20% of the spending limitation of \$4,420,000 will be obligated, subject to applicable recissions and takedowns implemented by Congress.

ATTENTION BIDDER: This DBE Document committal sheet is required as part of the Bid Submission - Complete and turn in at time of bid

Disadvantaged Business Enterprise (DBE)
Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
• <u>Grant & Grant Concrete Contractors</u> - Cottageville, SC	Concrete	40,000	Square Foot	\$6.00	\$240,000
• <u>K&D Masonry & Concrete LLC</u> - Columbia, SC	Masonry	12,000	each	\$6.00	\$72,000
• <u>Core Stone Surveying & Engineering</u> - Summerville, SC	Surveying	Lump Sum	each	\$3,000	\$3,000
Total Dollar Value					\$315,000
Percent of total contract amount committed to this DBE					7.58%

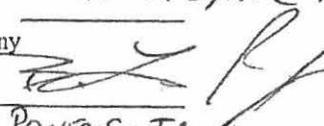
SCDOT
 CERTIFIED

Notes:

1. All information must be included;
2. Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
3. Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 27TH
 day of JANUARY, 2010

 (Seal)
 Notary Public for RICHLAND COUNTY
 My Commission Expires November 21, 2013

METRO CONTRACTING, INC.
 Company
 B y : 
B. LAW POWERS, JR.

Title: VICE-PRESIDENT

**ATTENTION BIDDER: This DBE Document committal sheet is required
 as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)
 Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled
 "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal
 Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT
 IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
(sub) - Middleton Painting / Columbia, SC	Painting	9,300	SF	\$ 2.11	\$ 19,700.00
(sub) - Midland's Steel Erectors / Columbia, S.C.	Steel Erector	24	tons	\$ 833.00	\$ 20,000.00
(sub) - DJ Rebar Contractors / Columbia, S.C.	Rebar Installer	132	tons	\$ 200.00	\$ 26,400.00
(sub) - Tony Hill Landscaping / Lexington, S.C.	Landscape/Irrigate	1	Lot	\$ 38,500.00	\$ 38,500.00
(sub) - Burris Electrical / Lexington, S.C.	Electrical	1	Lot	\$ 403,000.00	\$ 403,000.00
Total Dollar Value					500,600.00
Percent of total contract amount committed to this DBE					.12

SCDST CERTIFIED

Notes:

1. All information must be included;
2. Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
3. Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 28th
 day of January, 2010

[Signature] (Seal)
 Notary Public for Richland County
 My Commission Expires March 2013

Penn Contracting, LLC
 Company

By: *[Signature]*
 Robert R. Summers
 Vice President

Title: _____

**ATTENTION BIDDER: This DBE Document committal sheet is required
 as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)
 Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled
 "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal
 Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT
 IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
Kand O Masonry 2727 Welland St. Columbia SC 29203	Masonry	1	Lump Sum	\$22,412	\$22,412
Total Dollar Value					\$22,412
Percent of total contract amount committed to this DBE					

*SCDS
 CERTIFIED*

Notes:

1. All information must be included;
2. Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
3. Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 28th
 day of January, 2010

[Signature] (Seal)
 Notary Public for South Carolina

My Commission Expires My Commission Expires March 25, 2018 Title: Estimator

MB Kahn Construction Co. Inc.
 Company

By: Ian Bonner

**ATTENTION BIDDER: This DBE Document committal sheet is required
 as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)
 Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled
 "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal
 Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT
 IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
ASSOCIATED CONTRACTORS					\$ 73,230.00
Total Dollar Value					73,230.00
Percent of total contract amount committed to this DBE					

Notes:

- All information must be included;
- Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
- Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 28th
 day of July, 2010

(Seal)
 Notary Public for _____
 My Commission Expires March 25, 2010

John C. [Signature]
 Company
 B y : [Signature]

Title: VP

ATTENTION BIDDER: This DBE Document committal sheet is required as part of the Bid Submission - Complete and turn in at time of bid

Disadvantaged Business Enterprise (DBE)
Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
DBE Rebar Contractor P.O. Box 211083 Columbia, SC 29221 (Subcontractor) DBE SCDOT DBE	Rebar Installation	100 60	tons	\$200 12,000	\$20,000 12,000
Total Dollar Value					\$20,000
Percent of total contract amount committed to this DBE					0.3

Notes: ~~DBE~~ SCDOT CERTIFIED

- All information must be included;
- Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
- Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 28
 day of January, 2010
Missiea All (Seal)
 Notary Public for Richland Cty
 My Commission Expires 9/27/13

Contract Construction, Inc.
 Company
 B y [Signature]
 Title: John Farley, President

**ATTENTION BIDDER: This DBE Document committal sheet is required
 as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)
 Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled
 "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal
 Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT
 IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
Johnson Concrete, Inc. 3082 Old Highway 52 Moncks Corner, SC 29401	Concrete	1	Lump Sum	N/A	200,000
Total Dollar Value					200,000
Percent of total contract amount committed to this DBE					4.88%

SCDST
 CERTIFIED

Notes:

1. All information must be included;
2. Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
3. Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 28th
 day of January, 2010
[Signature] (Seal)
 Notary Public for Berkeley, SC
 My Commission Expires 01.14.2019

Palmetto Construction Group, LLC
 Company
 B [Signature]
 Title: Office Manager