

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) BEFORE THE CHIEF PROCUREMENT
) OFFICER FOR CONSTRUCTION
)
)
)
)

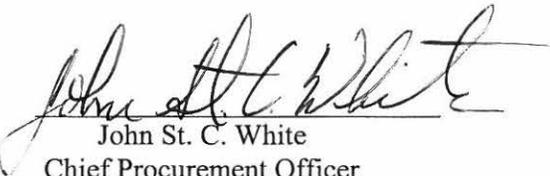
IN THE MATTER OF: BID PROTEST)
HORIZON I NANOPOLYMER LAB UPFIT)
BETA RESEARCH FACILITY CONSTRUCTION))
STATE PROJECT NO. H27-6022-LC-B)
TRIAD MECHANICAL CONTRACTORS, INC.)
vs.)
UNIVERSITY OF SOUTH CAROLINA)

DECISION
CASE NO. 2009-015

POSTING DATE: May 12, 2009

IT NOW APPEARING that the protestant, Triad Mechanical Contractors, Inc., has withdrawn its protest of April 3, 2009, this matter is hereby dismissed.¹

IT IS SO ORDERED



John St. C. White
Chief Procurement Officer
for Construction

May 12, 2009
Date

¹ See letter of withdrawal attached as Exhibit A.

STATEMENT OF THE RIGHT TO APPEAL

The South Carolina Procurement Code, under Section 11-35-4210, subsection 6, states:

A decision under subsection (4) of this section shall be final and conclusive, unless fraudulent, or unless any person adversely affected by the decision requests a further administrative review by the Procurement Review Panel under Section 11-35-4410(1) within ten calendar days of posting of the decision in accordance with Section 11-35-4210(5). The request for review shall be directed to the appropriate chief procurement officer, who shall forward the request to the Panel, or to the Procurement Review Panel and shall be in writing, setting forth the reasons why the person disagrees with the decision of the appropriate chief procurement officer. The person may also request a hearing before the Procurement Review Panel.

Additional information regarding the protest process is available on the internet at the following web site: <http://www.state.sc.us/mmo/legal/lawmenu.htm>

FILING FEE: Pursuant to Proviso 66.1 of the 2004 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." 2004 S.C. Act No. 248, Part IB, § 66.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal 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).



LAQUIERE LAW FIRM, LLC

May 11, 2009

Via Facsimile (1-803-737-0639) Email (protestose@mmo.state.sc.us) and US Mail
 John St. C. White, P.E.
 Chief Procurement Officer for Construction
 Materials Management Office
 1201 Main Street, Suite 600
 Columbia, SC 29201

RE: Protest
 Issuance of Notice of Intent to Award
 Horizon I Nanopolymer Lab Upfit
 Beta Research Facility Construction (Second Floor)
 State Project No.: H27-6022-LC-B
 Triad Mechanical Contractors Inc.
 vs
 University of South Carolina

Case Name: Triad Mechanical Contractors, Inc.(Nano Protest)
 Our File No: 090035

Dear Mr. White:

I am writing to inform you that Triad is withdrawing its protest of the award to Monroe on the above-referenced project. During my preparation for tomorrow's hearing, I obtained evidence that Walker White withdrew only its plumbing price prior to the bid and that its bid form clearly ratified its HVAC and combined quotes for the project. Based upon this information, Triad respectfully withdraws its protest.

Please call me if you have any questions or concerns.

Sincerely,

LAQUIERE LAW FIRM, LLC


 Eric H. Laquiere

EBL/jm
 Cc: Monroe (via facsimile: 843-747-1435)