

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

BEFORE THE CHIEF PROCUREMENT )  
OFFICER FOR CONSTRUCTION )

IN THE MATTER OF: BID PROTEST )  
JONES PHYSICAL SCIENCE CENTER )  
GROWTH CHAMBERS )  
STATE PROJECT H27-1655-DC )  
CONVIRON )

DECISION

POSTING DATE: January 21, 2005

vs. )  
UNIVERSITY OF SOUTH CAROLINA )  
\_\_\_\_\_ )

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from Conviron ("Conviron" under the provisions of §11-35-4210 of the South Carolina Consolidated Procurement Code (Code), for an administrative review on the Jones Physical Science Center Growth Chambers project (the "Project") for the University of South Carolina (USC). Conviron protested the prospective award of the contract to another bidder, alleging that bidder's failure to comply with certain provisions of the technical specifications contained in the solicitation. Conviron requested USC either post an award in favor of itself, or in the alternative, cancellation of the solicitation.

**IT NOW APPEARING** that USC has independently evaluated the issues raised by Conviron and has, on December 15, 2004 cancelled the solicitation by rejecting all bids, the CPOC finds that Conviron has received the relief it requested. Accordingly, the protest of Conviron is dismissed as moot.

**DECISION**

The protest of Conviron is dismissed. The University of South Carolina may proceed with resolicitation of the settlement document in accordance with the Code and its programmatic needs. This dismissal is without prejudice to the rights of either party.

**IT IS SO ORDERED**



Michael M. Thomas  
Chief Procurement Officer for Construction

January 21, 2005

Date

## STATEMENT OF THE RIGHT TO APPEAL

The South Carolina Procurement Code, under §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>

NOTE: Pursuant to Proviso 66.1 of the 2002 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel [filed after June 30, 2002] 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." 2002 S.C. Act No. 289, Part IB, § 66.1 (emphasis added). PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."