

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

BEFORE THE CHIEF PROCUREMENT OFFICER

DECISION

In Re: Protest of Mayer Electric Supply Company, Inc.

CASE NO. 2015-128

Protest of Intent to Award to Graybar Electric Company, Inc. to Provide and Deliver Pole Lighting to the University of South Carolina, Solicitation No. USC-IFB-2742-MS

POSTING DATE: February 11, 2015

MAILING DATE: February 11, 2015

The South Carolina Consolidated Procurement Code (the Code) grants the right to protest to any actual bidder who is aggrieved in connection with the intended award of a contract. S.C. Code Ann. § 11-35-4210(1)(b). This solicitation is for the purchase and delivery of pole lighting by the University of South Carolina (USC). Mayer Electric Supply Company, Inc. (Mayer), protests the intended award of a contract to Graybar Electric Company, Inc. (Graybar). [Attachment 1] The Chief Procurement Officer¹ has conducted an administrative review pursuant to § 11-35-4210(4) and issues this decision without a hearing.

Findings of Fact

Invitation For Bids Published:	01/08/2015
Intent to Award Posted:	01/23/2015
Protest Received	01/30/2015
Intent to Award Suspended	02/03/2015

Background

This Invitation For Bids was issued by the University of South Carolina for light poles and luminaries at Williams-Brice Stadium. Mayer protests that the bid required bidders to include specification sheets and diagrams describing the products bid and Graybar failed to include the required documentation. The two sections of the solicitation cited by Mayer are:

DESCRIPTIVE LITERATURE – REQUIRED (JAN 2006)
Your offer must include manufacturer's latest literature showing complete product specifications.

[Solicitation, Page 9]

¹ The Interim Materials Management Officer delegated the administrative review of this protest to the Chief Procurement Officer for Information Technology.

PRODUCT DETAIL

Bidders shall provide diagrams and/or specification sheets, to include product dimensions, as well as photographs or other color images of the products in an operational setting for all items that are being bid.

[Solicitation, Page 13]

In his synopsis of the procurement prepared on January 26, 2015, Procurement Manager Mac Stiles noted that:

Two bidders, CED Perry Mann Electric and Graybar, did not include product literature in their sealed offers. I contacted them both, under the Minor Informalities provision, and asked them to provide product information to help us determine responsiveness. Each complied with the request to provide the required product detail, via e-mail. CED Perry Mann provided two sets of product information: one for each of their offers.

[Attachment 2] This statement serves as a determination that the failure of Perry Mann and Graybar to submit product literature was a minor informality and the bidders were allowed to cure the deficiency. Section 11-35-1520(13) identifies the failure of a bidder to furnish cut sheets or product literature as a minor informality or irregularity the procurement officer can waive or allow to be cured.² The failure of Graybar to supply product information was a minor informality and was addressed in accordance with the Code. This issue of protest is denied.

Mayer also protests that

The University set forth the specification for the poles and named Sternberg Barrington 5200 Series, Antique Street Capital Series and Spring City Washington Series. We are of the opinion and have documentation from Acuity Brands that the Capital pole series was not their original offer for bid – and our belief is further supported by copy of the warranty letter provided by James R. Jackson of Acuity. The warranty is offered on an Antique Street Washington Series pole that is not approved by the University.

The solicitation listed the salient specifications for both the pole and luminaire and identified the source of those specifications as follows:

² Section 11-35-1520(13) Minor Informalities and Irregularities in Bids. A minor informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids having no effect or merely a trivial or negligible effect on total bid price, quality, quantity, or delivery of the supplies or performance of the contract, and the correction or waiver of which would not be prejudicial to bidders. The procurement officer shall either give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or waive any such deficiency when it is to the advantage of the State. Such communication or determination shall be in writing. Examples of minor informalities or irregularities include, but are not limited to:

(g) failure of a bidder to furnish cut sheets or product literature....

Line Item 1: Pole* and Luminaire without Quartz Restrike**

[Solicitation, Page 11]

This heading was followed by specifications and:

Line Item 2: Pole* and Luminaire with Quartz Restrike**

[Solicitation, Page 12]

This heading was also followed by specifications and the following statements:

**Basis of luminaire specifications: Sternberg Main Street Series; Antique Street DS9 Series; Spring City William and Mary Series*
***Basis of pole specifications: Sternberg Barrington 5200 Series; Antique Street Capital Series; Spring City Washington Series*

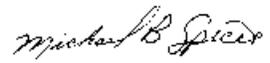
[Solicitation, Page 12]

Graybar did not identify which manufacturer's poles and luminaires it was bidding, did not include specification sheets or drawings, and in lieu thereof stated that its bid was "As specified." [Graybar Bidding Schedule, Attachment 3] The procurement officer requested Graybar provide specifications and drawings for the products bid. [Attachment 4] Graybar responded with specification sheets for Antique Street's Washington series poles. The Washington series poles did not meet the published specifications and the procurement officer asked Graybar for additional explanation. Graybar responded with specification sheets and drawings for the Antique Street Capital Series poles indicating that it had mistakenly sent the specifications for the Antique Street Washington series in response to the first inquiry. The Antique Street Capital series poles are one of the approved products listed in the solicitation. The curing of a minor informality is authorized under Section 11-35-1520(13). The failure to provide specification sheets is specifically identified in the statute as a minor informality. Graybar's failure to provide the proper specification sheets in response to the procurement officer's initial inquiry was a careless mistake that was later corrected without any modification or alteration to Graybar's bid. The Chief Procurement Officer finds no violation of the Code and this issue of protest is denied.

Determination

For the reasons cited above, the protest of Mayer Electrical Supply Company, Inc. is denied.

For the Information Technology Management Office

A handwritten signature in black ink that reads "Michael B. Spicer". The signature is written in a cursive style with a large initial "M" and "S".

Michael B. Spicer
Chief Procurement Officer

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW
Protest Appeal Notice (Revised October 2014)

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>

FILE BY CLOSE OF BUSINESS: Appeals 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 108.1 of the 2014 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
1105 Pendleton Street, Suite 209, Columbia, SC 29201**

Name of Requestor

Address

City

State

Zip

Business Phone

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 for 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.

Attachment 1



931 Meeting Street
Post Office Box 8208 (29202)
W. Columbia, South Carolina 29169

Affiliated Companies of Mayer Electric Supply Company, Inc.:
• Mayer Electric Supply Servicing Company, Inc.
• Mayer Electric Financial Corporation



Wholesale Distributors • Since 1930
Electrical Supplies, Lighting, Factory Automation & Tools

January 30, 2015

Chief Procurement Officer
1201 Main Street, Suite 600
Columbia, SC 29201

RE: USC- IFB- 2742-MS
INTENT TO AWARD TO GRAYBAR

Please accept this letter as notice of our formal protest to the Intent to Award of the above referenced bid. We are filing this protest under the provisions of 11-35-4210.

Our grounds for protest are:

At time of bid opening, documents required by the University were not included in the sealed bid submitted by neither Graybar nor another distributor, CED, and we feel their bids should be considered non-responsive. Mr. Stiles confirms these documents were not included in the original bid documentation submitted by these distributors. Page 9 of the bid states literature "MUST" be included. After the bid, apparently CED and Graybar were contacted and allowed to submit documentation after the fact. In a phone conversation on January 30th, Mr. Johnson and Mr. Stiles, both of USC's Procurement Department, advised the information obtained after the fact was allowed under Section 11-35-1520, SS13. We contend The University had no indication what was being offered at time of bid opening from those referenced bidders. Since neither provided information that "must" be included, how could this omission even remotely be considered a minor informality? Additionally, on page 13 of the IFB, Section IV, under Product Detail, it is clearly stated that "bidders SHALL provide diagrams and/or specification sheets, to include product dimensions, as well as photographs or other color images of the products in an operational setting for all items that are being bid". Two separate sections of the bid document required specific information as to what each offeror was proposing. We contend the Intent to Award was made to a non-responsive bidder and should be retracted and awarded to Mayer Electric as the lowest and responsive bidder.



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If the documents are deemed to be acceptable and allowed under the above section, we then further our protest under the grounds that warranty information as required in the bid document was not supplied before or after the fact.

Mr. Stiles provided copies of specifications sheets subsequently provided by the two bidders and in the Graybar package, there is a letter from James R. Jackson, VP Product Market/Architectural Outdoor – Acuity Brands, providing warranty information on a product that does not appear to be referenced on the literature the University allowed to be submitted after the fact. Again, we feel Graybar to be non-responsive even after being granted the opportunity to “cure” they failed to provide proper documentation as required in the bid document.

Further grounds for protest are that the specifications for the poles, as set forth by Mr. Stiles, require the following:

Line Item 1: Pole* and Luminaire without Quartz Restrike**

Minimum Quantity: 130

Maximum Quantity: 140

Luminaire/Lantern:

Construction to be heavy wall cast aluminum

Octagonal shape with clear acrylic lens

Width: Minimum of 15”

Height: Minimum of 37.5” from top of pole to top of lantern

Single top finial

No perimeter spears

Lamp/Ballast/Electrical:

Metal-halide

Medium base

Wattage: 150W

Quantity: 1 per pole

Color Temp: 3500 Kelvin

Light distribution: Type V

Electronic pulse start ballast – 1 per pole

Voltage: 277V

Input Wattage: 170W

Shall include IES cut-off or dark skies option for reduction of light pollution

Shall include hurricane chimney lamp



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Mounting/Finish:

- Luminaire/lantern to be mounted on 14' pole**
- Luminaire/lantern to receive custom finish RAL 7026**

Pole:

- Aluminum pole with cast aluminum base, welded for single unit construction**
- 5" diameter straight fluted pole, 14' tall**
- Base to be a minimum of 20" diameter**
- Height from bottom of base to start of straight pole section to be a minimum of 22"**
- Finish to be custom finish: RAL 7026**

Warranty:

- 5-year bumper-to-bumper finish warranty, to include fading and chalking**
- Warranty excludes lamp/ballast/electrical components**

Line Item 2: Pole* and Luminaire with Quartz Restrike**

Minimum Quantity: 79

Maximum Quantity: 79

All components identical to specifications for Pole and Luminaire in Line Item 1, except Ballast described below.

Ballast:

- Electronic pulse start with quartz restrike – 1 per pole**
- Ballast to include a 120V tap for halogen bulb**
- Nut covers provided on base**

***Basis of luminaire specifications: Sternberg Main Street Series; Antique Street DS9 Series; Spring City William and Mary Series**

****Basis of pole specifications: Sternberg Barrington 5200 Series; Antique Street Capital Series; Spring City Washington Series**

The University set forth the specification for the poles and named Sternberg Barrington 5200 Series, Antique Street Capital Series and Spring City Washington Series. We are of the opinion and have documentation from Acuity Brands that the Capital pole series was not their original offer for bid – and our belief is further supported by copy of the warranty letter provided by James R. Jackson of Acuity. The warranty is offered on an Antique Street Washington Series pole that is not approved by the University.

I would also like to emphasize that Mayer Electric Supply is a Certified Women Owned Business as you can see per the attached copy of our certificate from the WBENC.

We ask that the Intent to Award Graybar be revoked and the bid awarded to Mayer Electric as the lowest and responsive bidder for USC- IFB- 2742-MS.



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Electrical Supplies, Lighting, Factory Automation & Tools

Thank you for your time and careful consideration of our request. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Coyt Parker', written in a cursive style.

Coyt Parker
Branch Manager



hereby grants

National Women's Business Enterprise Certification to Mayer Electric Supply Company, Inc

who has successfully met WBENC's standards as a Women's Business Enterprise (WBE).
This certification affirms the business is woman-owned, operated and controlled, and is valid through the date herein.

WBENC National WBE Certification was processed and validated by Women's Business Enterprise Council - South, a WBENC Regional Partner Organization.

Expiration Date: 07/31/2015
WBENC National Certificate Number: 243136

Blanca E. Robinson
Authorized by Blanca E. Robinson, President,
Women's Business Enterprise Council - South



NAICS Codes: 423610, 444190

UNSPSC Codes: 39120000, 28121608, 39000000, 39111801, 39121801, 27112700, 39131500, 38121105, 39101900, 39121001, 39131700, 28120000, 39131704, 27110000, 39131706, 45111808, 39131710, 39110000, 39121501



Attachment 2



SYNOPSIS

Date: January 26, 2015
Solicitation: USC-IFB-2742-MS
Description: Provide and Deliver Pole Lighting
Determination: Summary of Bids and Justification for Award

A total of 7 offers from 6 offerors were received in response to the Request For Bids:

1. CED Perry Mann Electric
2. CED Perry Mann Electric (LED Alternate)
3. City Electric Supply - Columbia
4. Graybar
5. Mayer Electric Supply
6. R.L. Miller Company
7. Shealy Electrical Wholesalers

Two bidders, CED Perry Mann Electric and Graybar, did not include product literature in their sealed offers. I contacted them both, under the Minor Informalities provision, and asked them to provide product information to help us determine responsiveness. Each complied with the request to provide the required product detail, via e-mail. CED Perry Mann provided two sets of product information: one for each of their offers.

The LED Alternate offer from CED Perry Mann Electric was determined to be non-responsive due to its non-conformity to all aspects of Section III. Scope of Work / Specifications in the solicitation, specifically:

- Lamp/Ballast/Electrical:
- Metal-halide
 - Medium base

- Wattage: 150W
- Quantity: 1 per pole
- Color Temp: 3500 Kelvin
- Light distribution: Type V
- Electronic pulse start ballast – 1 per pole
- Voltage: 277V
- Input Wattage: 170W

This non-responsive offer was excluded from consideration during the evaluation process.

A decision to waive the requirements for (1) electronic bid copies and (2) color images of the items being offered was made prior to evaluation:

1. There was some confusion from the bidder community as to the meaning of “electronic copy” despite the existence of the **MAGNETIC MEDIA – REQUIRED FORMAT** clause in the **II. INSTRUCTIONS TO OFFERORS – B. SPECIAL INSTRUCTIONS** of the solicitation. A copy of the original binding bid would not provide any additional information to help an offeror be deemed responsive. Likewise, it would not provide information to cause an offeror to be deemed nonresponsive.
2. Color images were determined to be superfluous information that offered no value in the overall evaluation of the bids, since specifications for images could not be determined by simply viewing photographs or other images. Manufacturer product literature could contain images or a search for products could be done on the internet by the procurement manager to get a visual interpretation of the items being offered. Responsiveness is ultimately determined by the dimensions and attributes documented in the product literature, and not by a photograph of the product.

The bids and product information were evaluated for responsiveness. Graybar was determined to be the apparent low bidder, with a total bid price of \$341,103.85. An Intent to Award statement was issued for Graybar on January 23, 2015.

Mac Stiles
Procurement Manager

Attachment 3

 UNIVERSITY OF SOUTH CAROLINA	INVITATION FOR BIDS	Solicitation Number	USC-IFB-2742-MS
		Date Issued	January 8, 2015
		Date Posted	January 8, 2015
		Procurement Officer	Mac Stiles
		Phone	(803)777-6718
	E-Mail Address	mac.stiles@sc.edu	

DESCRIPTION: Provide and Deliver Pole Lighting
 USING GOVERNMENT AGENCY: University of South Carolina

The Term "Offer" Means Your "Bid" or "Proposal."

SUBMIT OFFER BY (Opening Date/Time): January 20, 2015 @ 3:00 PM, EST See "Deadline for Submission of Offer" provision.
 QUESTIONS MUST BE RECEIVED BY: January 13, 2015 @ 5:00 PM, EST See "Questions from Offerors" provision.
 NUMBER OF COPIES TO BE SUBMITTED: One (1) Original in Hardcopy and One (1) Electronic Copy (Original shall prevail.)



Offers must be submitted in a sealed package. Solicitation Number & Opening Date must appear on package exterior.

SUBMIT YOUR SEALED OFFER TO EITHER OF THE FOLLOWING ADDRESSES:

MAILING ADDRESS:	PHYSICAL ADDRESS:
University of South Carolina – Purchasing Dept. 1600 Hampton St., Suite 606 Columbia, SC 29208	University of South Carolina – Purchasing Dept. 1600 Hampton St., Suite 606 Columbia, SC 29208

See "Submitting Your Offer" provision

CONFERENCE TYPE: n/a DATE & TIME: As appropriate, see "Conferences-Pre-Bid/Proposal" & "Site Visit" provisions	LOCATION:
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AWARD & AMENDMENTS	Award will be posted at the Physical Address stated above on January 22, 2015 . The award, this solicitation, and any amendments will be posted at the following web address: http://purchasing.sc.edu
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You must submit a signed copy of this form with Your Offer. By submitting a bid or proposal, You agree to be bound by the terms of the Solicitation. You agree to hold Your Offer open for a minimum of thirty (30) calendar days after the Opening Date.

NAME OF OFFEROR <i>GRAY BAR</i> (Full legal name of business submitting the offer)	OFFEROR'S TYPE OF ENTITY: (Check one)
AUTHORIZED SIGNATURE <i>Frank Sweetman</i> (Person signing must be authorized to submit binding offer to enter contract on behalf of Offeror named above.)	<input type="checkbox"/> Sole Proprietorship
TITLE <i>Sales Rep</i> (Business title of person signing above)	<input type="checkbox"/> Partnership
PRINTED NAME <i>FRANK SWEETMAN</i> (Printed name of person signing above)	<input checked="" type="checkbox"/> Corporate entity (not tax-exempt)
DATE SIGNED <i>1/20/15</i>	<input type="checkbox"/> Tax-exempt corporate entity
	<input type="checkbox"/> Government entity (federal/state/local)
	<input type="checkbox"/> Other

(See "Signing Your Offer" provision.)

Instructions regarding Offeror's name: Any award issued will be issued to, and the contract will be formed with, the entity identified as the offeror above. An offer may be submitted by only one legal entity. The entity named as the offeror must be a single and distinct legal entity. Do not use the name of a branch office or a division of a larger entity if the branch or division is not a separate legal entity, i.e., a separate corporation, partnership, sole proprietorship, etc.

STATE OF INCORPORATION <i>N.Y.</i>	(If offeror is a corporation, identify the state of Incorporation.)
TAXPAYER IDENTIFICATION NO. <i>130794380</i>	(See "Taxpayer Identification Number" provision)

COVER PAGE USC (APR 2006)

PAGE TWO

(Return Page Two with Your Offer)

<p>HOME OFFICE ADDRESS (Address for offeror's home office / principal place of business)</p> <p><i>745 Sunset Blvd W. Columbia, SC 29169</i></p>	<p>NOTICE ADDRESS (Address to which all procurement and contract related notices should be sent.) (See "Notice" clause)</p> <p><i>803.796.2800 . 796.2796</i></p> <p>Area Code - Number - Extension Facsimile</p> <p><i>Frank. Swartzman @ garykane.com</i></p> <p>E-mail Address</p>
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<p>PAYMENT ADDRESS (Address to which payments will be sent.) (See "Payment" clause)</p> <p><input checked="" type="checkbox"/> Payment Address same as Home Office Address</p> <p><input type="checkbox"/> Payment Address same as Notice Address (check only one)</p>	<p>ORDER ADDRESS (Address to which purchase orders will be sent) (See "Purchase Orders and "Contract Documents" clauses)</p> <p><input checked="" type="checkbox"/> Order Address same as Home Office Address</p> <p><input type="checkbox"/> Order Address same as Notice Address (check only one)</p>
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ACKNOWLEDGMENT OF AMENDMENTS							
Offeror acknowledges receipt of amendments by indicating amendment number and its date of issue. (See "Amendments to Solicitation" Provision)							
Amendment No.	Amendment Issue Date	Amendment No.	Amendment Issue Date	Amendment No.	Amendment Issue Date	Amendment No.	Amendment Issue Date

<p>DISCOUNT FOR PROMPT PAYMENT (See "Discount for Prompt Payment" clause)</p>	<p>10 Calendar Days (%)</p>	<p>20 Calendar Days (%)</p>	<p>30 Calendar Days (%)</p>	<p>____ Calendar Days (%)</p>
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PREFERENCES – A NOTICE TO VENDORS (SEP. 2009): On June 16, 2009, the South Carolina General Assembly rewrote the law governing preferences available to in-state vendors, vendors using in-state subcontractors, and vendors selling in-state or US end products. This law appears in Section 11-35-1524 of the South Carolina Code of Laws. A summary of the new preferences is available at procurement.sc.gov/preferences. ALL THE PREFERENCES MUST BE CLAIMED AND ARE APPLIED BY LINE ITEM, REGARDLESS OF WHETHER AWARD IS MADE BY ITEM OR LOT. VENDORS ARE CAUTIONED TO CAREFULLY REVIEW THE STATUTE BEFORE CLAIMING ANY PREFERENCES. THE REQUIREMENTS TO QUALIFY HAVE CHANGED. IF YOU REQUEST A PREFERENCE, YOU ARE CERTIFYING THAT YOUR OFFER QUALIFIES FOR THE PREFERENCE YOU'VE CLAIMED. IMPROPERLY REQUESTING A PREFERENCE CAN HAVE SERIOUS CONSEQUENCES. [11-35-1524(E)(4)&(6)]

PREFERENCES - ADDRESS AND PHONE OF IN-STATE OFFICE: Please provide the address and phone number for your in-state office in the space provided below. An in-state office is necessary to claim either the Resident Vendor Preference [11-35-1524(C)(1)(i)&(ii)] or the Resident Contractor Preference [11-35-1524(C)(1)(iii)]. Accordingly, you must provide this information to qualify for the preference. An in-state office is not required, but can be beneficial, if you are claiming the Resident Subcontractor Preference (11-35-1524(D)).

In-State Office Address same as Home Office Address

In-State Office Address same as Notice Address (check only one)

VIII. BIDDING SCHEDULE / PRICE-BUSINESS PROPOSAL

Supplies by Lot

Item #	Qty	Unit	Description	Unit Price	Extended Price	RVP	USEP	SCEP
1	184	EA	Light Pole and Luminaire <u>without</u> Quartz Restrike, per Specifications, Freight Costs Included	\$ 1,278.95	\$ 235,326.80	✓	✓	
2	79	EA	Light Pole and Luminaire <u>with</u> Quartz Restrike, per Specifications, Freight Costs Included	\$ 1,338.95	\$ 105,777.05	✓	✓	
TOTAL PRICE					\$ 341,103.85			

Note 1: Do not include taxes with price.

Note 2: All preferences must be claimed by initialing in the space provided in the bid schedule. Preferences are applied by line item whether the award is to be made by line item or lot. Commodity preferences do not apply to a single unit of an item with a price in excess of \$50,000 or a single award with a total potential value in excess of \$500,000. If you request a preference, you are certifying that your offer qualifies for the preference you have claimed. See provisions for preferences in Section II.B.

As specified

Attachment 4

From: STILES JR, MAC
Sent: Tuesday, January 20, 2015 5:22 PM
To: 'Sweatman, Frank'
Subject: RE: Message from "RNP002673682693"

Frank,

There were two clauses in the solicitation that addressed product literature as a requirement. We need this information to fully evaluate your offer for responsiveness. Please submit this information to me no later than 4:00pm tomorrow so that I may finalize the award determination.

DESCRIPTIVE LITERATURE – REQUIRED (JAN 2006) Your offer must include manufacturer's latest literature showing complete product specifications.

PRODUCT DETAIL

Bidders shall provide diagrams and/or specification sheets, to include product dimensions, as well as photographs or other color images of the products in an operational setting for all items that are being bid.

Mac Stiles
Procurement Manager
USC Purchasing Department
1600 Hampton Street, Suite 606
Columbia, SC 29208
P: (803) 777-6718
F: (803) 777-2332
mac.stiles@sc.edu
purchasing.sc.edu

From: Sweatman, Frank <Frank.Sweatman@graybar.com>
Sent: Wednesday, January 21, 2015 3:13 PM
To: STILES JR, MAC
Subject: RE: Message from "RNP002673682693"
Attachments: USC-IFB-2742-MS Submittal.pdf; DarkSkiesBrochure.pdf

Mac,
Please advise if you need any additional information.

Thanks
Frank

Frank Sweatman | Office (803) 796-2800 | frank.sweatman@graybar.com www.graybar.com - Graybar
Works to Your Advantage

From: STILES JR, MAC
Sent: Wednesday, January 21, 2015 6:21 PM
To: 'Sweatman, Frank'
Subject: Clarification for USC-IFB-2742-MS
Attachments: USC-IFB-2742-MS.pdf

Frank,

The dimensions for the base of the post in your product literature are 19" x 17".

Pole:

- Aluminum pole with cast aluminum base, welded for single unit construction
- 5" diameter straight fluted pole, 14' tall
- Base to be a minimum of 20" diameter
- Height from bottom of base to start of straight pole section to be a minimum of 22"
- Finish to be custom finish: RAL 7026

Did you send the correct product? You indicated on your bid schedule "as specified" so I wanted to make sure you are offering what was in the solicitation's specs.

Mac Stiles

Procurement Manager

USC Purchasing Department

1600 Hampton Street, Suite 606

Columbia, SC 29208

P: (803) 777-6718

F: (803) 777-2332

mac.stiles@sc.edu

purchasing.sc.edu

From: STILES JR, MAC [mailto:STILESJ2@mailbox.sc.edu]

Sent: Thursday, January 22, 2015 9:32 AM

To: Sweatman, Frank

Cc: 'Adam, Brian (badam@jgmurphy.com)'; Hall, Vaughn

Subject: RE: Clarification for USC-IFB-2742-MS

Frank,

The DS9 is the basis of the luminaire, not the post. We actually stated Washington series for the post.

However, just because Facilities used these brand and models as the template for the specifications that they drafted, it is the published specifications themselves that matter ultimately. This is the set of standards for *this* solicitation. Past construction projects and/or other University policies and standards have no bearing on this procurement. They are not referenced in this solicitation, so they are not a part of it. This procurement stands on its own, with the terms and conditions contained within the document. When signing the solicitation, the bidder is agreeing to comply with every aspect explicitly stated in the IFB.

I would contend that your firm did not read the document in its entirety, considering the product literature was not included, as required in the two clauses I provided for you previously. Since you did not provide this literature with your bid, I am allowed to accept it under clarification provisions since it cannot be determined that your offer is responsive. You signed the bid indicating you will provide what we solicited "as specified." I am allowing you to provide evidence that the products you are offering to USC will, in fact, comply with the specifications outlined in our scope of work. Failing this, your offer will have to be deemed nonresponsive. I will paste the specifications again here, just to be sure:

Line Item 1: Pole* and Luminaire *without* Quartz Restrike**

Minimum Quantity: 130

Maximum Quantity: 140

Luminaire/Lantern:

- Construction to be heavy wall cast aluminum
- Octagonal shape with clear acrylic lens
- Width: Minimum of 15"
- Height: Minimum of 37.5" from top of pole to top of lantern
- Single top finial
- No perimeter spears

Lamp/Ballast/Electrical:

- Metal-halide
- Medium base
- Wattage: 150W
- Quantity: 1 per pole
- Color Temp: 3500 Kelvin
- Light distribution: Type V
- Electronic pulse start ballast – 1 per pole
- Voltage: 277V
- Input Wattage: 170W
- Shall include IES cut-off or dark skies option for reduction of light pollution
- Shall include hurricane chimney lamp

Mounting/Finish:

- Luminaire/lantern to be mounted on 14' pole
- Luminaire/lantern to receive custom finish RAL 7026

Pole:

- Aluminum pole with cast aluminum base, welded for single unit construction
- 5" diameter straight fluted pole, 14' tall
- Base to be a minimum of 20" diameter
- Height from bottom of base to start of straight pole section to be a minimum of 22"
- Finish to be custom finish: RAL 7026

Warranty:

- 5-year bumper-to-bumper finish warranty, to include fading and chalking
- Warranty excludes lamp/ballast/electrical components

Line Item 2: Pole* and Luminaire with Quartz Restrike**

Minimum Quantity: 79

Maximum Quantity: 79

All components identical to specifications for Pole and Luminaire in Line Item 1, except Ballast described below.

Ballast:

- Electronic pulse start with quartz restrike – 1 per pole
- Ballast to include a 120V tap for halogen bulb
- Nut covers provided on base

DESCRIPTIVE LITERATURE – REQUIRED (JAN 2006)

Your offer must include manufacturer's latest literature showing complete product specifications.

PRODUCT DETAIL

Bidders shall provide diagrams and/or specification sheets, to include product dimensions, as well as photographs or other color images of the products in an operational setting for all items that are being bid.

The products you offer must meet these specifications, no exceptions. Please comply before 2:00pm today.

Thank you,

Mac Stiles

Procurement Manager
USC Purchasing Department
1600 Hampton Street, Suite 606
Columbia, SC 29208
P: (803) 777-6718
F: (803) 777-2332
mac.stiles@sc.edu
purchasing.sc.edu

From: Sweatman, Frank <Frank.Sweatman@graybar.com>

Sent: Thursday, January 22, 2015 1:28 PM

To: STILES JR, MAC

Subject: RE: Clarification for USC-IFB-2742-MS

Attachments: USC-IFB-2742-MS POLE DIMENSIONS.pdf

Mac,

My apologies , the manufacturers had already been on this project and they had submitted to the engineers for approval on the second go around.

They looked at the spec using the Washington pole, which the University had always used a Campus Standard, but should had provided specs for the Capitol as spelled out in the specs as a basis.

Please see attached, and advise if you need additional information.

Thanks
Frank

Frank Sweatman | Office (803) 796-2800 | frank.sweatman@graybar.com

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