

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

BEFORE THE CHIEF PROCUREMENT OFFICER

DECISION

In Re: Protest of ANA Laboratories, Inc.

CASE NO. 2016-106

Protest of Award to Analysts, Inc. for
Oil & Fluid Analysis for Department of
Education
Solicitation No. 5400009334

POSTING DATE: September 24, 2015

MAILING DATE: September 24, 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 Invitation For Bids was issued to establish an agency term contract for the South Carolina Department of Education (DOE) for Oil & Fluid Analysis. ANA Laboratories, Inc. (ANA) protests the award of a contract to Analysts, Inc. (Analysts) (Attachment 1) The Chief Procurement Officer¹ issues this ruling without a hearing.

Findings of Fact

| | |
|-----------------------------|------------|
| Invitation For Bids Issued: | 04/15/2015 |
| Amendment One Issued | 04/30/2015 |
| Amendment Two Issued | 05/20/2015 |
| Bid Opening | 06/10/2015 |
| Intent to Award Posted: | 08/24/2015 |
| Protest Received | 08/26/2015 |

Background

The Materials Management Office issued this solicitation and two amendments on behalf of the South Carolina Department of Education to establish a contract to perform approximately 10,000 Engine Oil analyses and 4,000 transmission fluid analyses annually for the South Carolina Department of Education School Bus Maintenance Facilities. Analysts was the lowest priced of six bids received in response to this solicitation. Analysts submitted its bid online and did not acknowledge either of the amendments. The Procurement Officer deemed the failure to acknowledge the amendments a minor informality under Section 11-35-1520(13) which states:

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

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:

- (d) failure of a bidder to acknowledge receipt of an amendment to a solicitation, but only if:
 - (i) the bid received indicates in some way that the bidder received the amendment, such as where the amendment added another item to the solicitation and the bidder submitted a bid, on it, if the bidder states under oath that it received the amendment before bidding and that the bidder will stand by its bid price; or
 - (ii) the amendment has no effect on price or quantity or merely a trivial or negligible effect on quality or delivery, and is not prejudicial to bidders, such as an amendment correcting a typographical mistake in the name of the governmental body;

The Procurement Officer asked Analysts to cure this deficiency by acknowledging Amendment #2, which it did on August 13, 2015. (Attachment 3) ANA protests that according to a bid tabulation provided by the Procurement Officer, Analysts did not acknowledge Amendment #1 or Amendment #2, the answers to which relate to acceptable alternative test methods and the retest policy for abnormal results which would affect the prices quoted by the bidders. (Attachment 2)

Discussion

The Procurement Officer treated Analysts' failure to acknowledge the amendments as a minor informality or irregularity. She apparently tried to document it as provided in Section 11-35-1520(13)(d)(1). That subsection applies to a bidder's failure to acknowledge substantive amendments to the solicitation. If an amendment has no effect or merely a trivial or negligible effect on total bid price, it can be waived pursuant to § 11-35-1520(13)(d)(ii). ANA alleges that the amendments modified the solicitation requirements in two respects that would affect a bidder's pricing: testing methods and retesting.

The solicitation included the following requirement for testing:

Engine oil:

Spectrographic analysis identifying 18 trace elements relative to component wear, airborne dirt, and oil additive concentrations.

Additionally, physical analysis shall be conducted to provide information on total base number (TBN), viscosity @ 100C, water contamination, soot contamination, and fuel dilution.

Transmission fluid:

Spectrographic analysis identifying 13 trace elements relative to component wear, airborne dirt, and oil additive concentrations.

Additionally, physical analysis shall be conducted to provide information on total acid number (TAN), viscosity @ 40C, viscosity @ 100C, and water contamination.

[Solicitation, Page 19]

Amendment #1 included the following questions and answers related to testing methods:

5 Are there specific test methods to be specified or is that determination left to the bidder to specify within their proposal?

Please refer to Page 19, Section III. B. Analysis Requirements of the bid.

9 For spectrographic analysis, will performing analysis on ICP be acceptable?

Yes

Amendment #2 included the following question and answer related to testing:

1 Could you clarify if the tests mentioned in the tender document are to be tested according to any particular method or is it up to the lab to advise accordingly. For example, TBN can be measured by several different methods and techniques and they will all give varying results?

Please refer to Questions 5 and 9 of the amendment; and Page 19, Section III.B Analysis Requirements of the bid.

The State of South Carolina is willing to consider different testing methods; however, the methods used must render the same results as the preferred method.

While the amendments authorized additional testing methods so long as they rendered the same results, there was no change to the testing requirements themselves. Since the State's answers regarding alternate methodologies made no material changes to the requirements of the solicitation, it is a minor informality that can be waived pursuant to § 11-35-1520(13)(d)(ii). ANA also alleges that Amendment #1 modified the solicitation requirements with regard to retesting in such a way as to affect a bidder's pricing. Amendment #1 included the following question and answer relating to retesting:

6. Is re-testing of samples required for abnormal or when results that fall outside of standard parameters for the test method?

We require each "out of range" result to be reviewed by shop personnel. After review they will perform the required repairs/replace to the component and will therefore use their results from the repair to determine if a retest is required. We usually retest about 30-40% of the original test that are "out of range".

7 If re-testing is required will that re-test be a billable test?

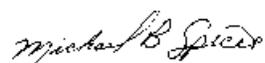
Yes

The State estimated that it would submit 10,000 engine oil and 4,000 transmission fluid samples for testing under this contract. There is no indication in the solicitation or amendments of a typical or average number of "out of range" results that the State would expect to receive and only 30%-40% of this unknown number would require re-testing. Without some indication of the anticipated number of "out of range" results or retests, there is insufficient information for a bidder to adjust its pricing based on the State's response to these questions. The effect, if any, on bid price based on the answers to these questions would be trivial or negligible and failure to acknowledge this information may likewise be waived pursuant to § 11-35-1520(13)(d)(ii).

Determination

For the reasons stated above, the protest of ANA Laboratories, Inc. is denied.

For the Information Technology Management Office



Michael B. Spicer
Chief Procurement Officer

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised September 2015)

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 111.1 of the 2015 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 of 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

From: [Michael Olson](#)
To: [Protest-MMO](#)
Cc: [Gregg, Stacy](#); paul.olson@analaboratories.com; "Robert Robie"
Subject: Protest of Award - Solicitation Number 5400009334
Date: Wednesday, August 26, 2015 6:29:18 PM
Attachments: [Bid Tabulation.pdf](#)

Chief Procurement Officer:

On behalf of ANA Laboratories, Inc., and under the "Protest" section on page 8 of Solicitation Number 5400009334 for "Oil & Fluid Analysis for Department of Education," I hereby protest the award of the contract to Analysts, Inc. of Sumwanee, GA. Our grounds for protest is that Analysts, Inc. did not acknowledge Amendment #1 or Amendment #2 (according to the attached bid tabulation). Our request for relief is that you award the contract to us (ANA Laboratories, Inc.) as lowest bidder who acknowledged the amendments. The answers to the questions in both amendments would affect the prices quoted by the bidders, as they relate to acceptable alternative test methods and the retest policy for abnormal results. Please note that our bid was only \$1,000 (1.25%) higher per year.

I have reprinted the relevant sections regarding protest procedures from the Invitation to Bid document below. Please let me know if you have any questions or need anything else. My complete contact information is below. Thank you for your consideration.

PROTESTS (JUNE 2006)

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest within ten days of the date notification of award is posted in accordance with this code. A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the appropriate Chief Procurement Officer within the time provided. See clause entitled "Protest-CPO". [Section 11-35-4210] [02-2A085-1]

PROTEST – CPO – MMO ADDRESS (JUNE 2006)

Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing:

- (a) by email to protest-mmo@mmo.state.sc.us,
- (b) by facsimile at 803-737-0639, or
- (c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. [02-2B122-1]

Mike

Michael Olson
Vice President
ANA Laboratories, Inc.
ISO 9001:2008 Registered
ISO 17025:2005 Accredited
6483 Rancho Park Drive
San Diego, CA 92120

Tel: (415) 264-2408
Fax: (415) 449-6940
E-mail: michael.olson@analaboratories.com

-----Original Message-----

From: Gregg, Stacy [mailto:sgregg@mmo.sc.gov]
Sent: Wednesday, August 26, 2015 2:02 PM
To: Michael Olson <michael.olson@analaboratories.com>
Subject: RE: SC Award: OIL & FLUID ANALYSIS FOR SCDOE

-----Original Message-----

From: Michael Olson [mailto:michael.olson@analaboratories.com]
Sent: Wednesday, August 26, 2015 3:44 PM
To: Gregg, Stacy
Subject: FW: SC Award: OIL & FLUID ANALYSIS FOR SCDOE

Stacy:

Did you receive more than two bids? If so, would you please send the complete bid tabulation to me by e-mail? Thank you!

Mike

Michael Olson
Vice President
ANA Laboratories, Inc.
ISO 9001:2008 Registered
ISO 17025:2005 Accredited
6483 Rancho Park Drive
San Diego, CA 92120
Tel: (415) 264-2408
Fax: (415) 449-6940
E-mail: michael.olson@analaboratories.com

-----Original Message-----

From: sgreg@mmo.sc.gov [mailto:sgreg@mmo.sc.gov]
Sent: Monday, August 24, 2015 2:42 PM
To: michael.olson@analaboratories.com
Subject: SC Award: OIL & FLUID ANALYSIS FOR SCDOE

The following Award has been posted by the State of South Carolina. The Award is available on the State Web site and can be accessed from the following address:

<https://webprod.cio.sc.gov/SCSolicitationWeb/contractSearch.do?solicitnumber=5400009334>

Solicitation Number: 5400009334
Description: OIL & FLUID ANALYSIS FOR SCDOE

Sincerely, STACY GREGG, CPPO, CPPB South Carolina State Government
10087553

RFx Number 5400009334 Oil & Fluid Analysis

| ALS TRIBIOLOGY | | ANA LABORATORIES INC | | TRIBIOLOGIK CORPORATION | | ANALYSTS INC | | INTERTEK USA INC | | WW WILLIAMS | | | |
|--|--------------|----------------------|----------------|-------------------------|----------------|-----------------|----------------|------------------|----------------|-------------------|------------|----|------------|
| Residence | 5500038350 | Houston, TX | 5500038737 | Hammond, IN | 5500038806 | Summerville, GA | 5500038817 | Houston, TX | 5500038819 | West Columbia, SC | | | |
| Amendment Acknowledgements | 1 | Submitted | 12 | Submitted | 12 | Submitted | 12 | Submitted | 12 | Submitted | | | |
| Status | 8 | Submitted | 9 | Submitted | 8 | Submitted | 8 | Submitted | 9 | Submitted | | | |
| Version Number | 10 | | | | | | | | | | | | |
| Net Value (SCES) | 98,000.00 | USD | 80,600.00 | USD | 95,000.00 | USD | 79,600.00 | USD | 203,000.00 | USD | 245,000.00 | | |
| Currency | | USD | | USD | | USD | | USD | | USD | | | |
| In-State Preference Acknowledgement | Acknowledged | | Acknowledged | Acknowledged | Acknowledged | Acknowledged | Acknowledged | Acknowledged | Acknowledged | Acknowledged | | | |
| SWMBE Status (non-certified) (44-4015-1) | Not Provided | | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | | | |
| Itemization of Bids | | | | | | | | | | | | | |
| Line 1 | 10,000.00 | \$ | 68,000.00 | \$ | 57,000.00 | \$ | 70,000.00 | \$ | 59,000.00 | \$ | 145,000.00 | \$ | 175,000.00 |
| Line 2 | 4,000.00 | \$ | 29,000.00 | \$ | 23,600.00 | \$ | 25,000.00 | \$ | 20,600.00 | \$ | 58,000.00 | \$ | 70,000.00 |
| Total | | \$ | 98,000.00 | \$ | 80,600.00 | \$ | 95,000.00 | \$ | 79,600.00 | \$ | 203,000.00 | \$ | 245,000.00 |
| SC Residence Vendor Preference | No | | No | | No | | No | | No | | No | | Yes |
| SC Subcontractor Preference (2%) | No | | No | | No | | No | | No | | No | | No |

Bid Opening 6/10/2015

| | | |
|---|--|--|
|  | State of South Carolina AMENDMENT 2 | Solicitation Number: 5400009334 Date Issued: 05/20/2015 Procurement Officer: STACY GREGG Phone: 803-737-2609 E-Mail Address: sgregg@mmo.sc.gov |
|---|--|--|

DESCRIPTION: Oil & Fluid Analysis for Department of Education
 USING GOVERNMENTAL UNIT: SC Department of Education Administration

The Term "Offer" Means Your "Bid" or "Proposal". Unless submitted on-line, your offer must be submitted in a sealed package. Solicitation Number & Opening Date must appear on package exterior. See "Submitting Your Offer" provision.

SUBMIT YOUR OFFER ON-LINE AT THE FOLLOWING URL: <http://www.procurement.sc.gov>
 SUBMIT OFFER BY (Opening Date/Time): 06/10/2015 11:00 a.m. (See "Deadline For Submission Of Offer" provision)
 QUESTIONS MUST BE RECEIVED BY: 06/03/2015 10:00 a.m. (See "Questions From Offerors" provision)
 NUMBER OF COPIES TO BE SUBMITTED: 1

| | |
|---|---|
| CONFERENCE TYPE: Pre-Bid DATE & TIME: April 29, 2015 @ 10:00 a.m. <small>(As appropriate, see "Conferences - Pre-Bid/Proposal" & "Site Visit" provisions)</small> | LOCATION: Materials Management Office Small Conference Room 1201 Main Street Suite 600 Columbia, SC 29201 |
|---|---|

| | |
|--------------------|---|
| AWARD & AMENDMENTS | Award will be posted on June 19, 2015 . The award, this solicitation, any amendments, and any related notices will be posted at the following web address: http://www.procurement.sc.gov |
|--------------------|---|

Unless submitted on-line, 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. (See "Signing Your Offer" and "Electronic Signature" provisions.)

| | |
|---|--|
| NAME OF OFFEROR ANALYSTS, INC. / AN INSPECTORATE/BV COMPANY <small>(full legal name of business submitting the offer)</small> | Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror. 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. |
|---|--|

| | |
|---|---|
| AUTHORIZED SIGNATURE  <small>(Person must be authorized to submit binding offer to contract on behalf of Offeror.)</small> | TAXPAYER IDENTIFICATION NO. 13-1956968 <small>(See "Taxpayer Identification Number" provision)</small> |
|---|---|

| | |
|---|---|
| TITLE LABORATORY MANAGER <small>(business title of person signing above)</small> | STATE VENDOR NO. <small>(Register to Obtain S.C. Vendor No. at www.procurement.sc.gov)</small> |
|---|---|

| | | |
|---|---------------------------------|--|
| PRINTED NAME BOB BROADUS <small>(printed name of person signing above)</small> | DATE SIGNED 8/13/2015 | STATE OF INCORPORATION CALIFORNIA <small>(If you are a corporation, identify the state of incorporation.)</small> |
|---|---------------------------------|--|

| | | |
|--|---|---|
| OFFEROR'S TYPE OF ENTITY: (Check one) <small>(See "Signing Your Offer" provision.)</small> | | |
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Partnership | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Corporate entity (not tax-exempt) | <input type="checkbox"/> Corporation (tax-exempt) | <input type="checkbox"/> Government entity (federal, state, or local) |

COVER PAGE (NOV. 2007)

PAGE TWO

(Return Page Two with Your Offer)

| | |
|--|--|
| HOME OFFICE ADDRESS (Address for offeror's home office / principal place of business) ANALYSTS, INC. 3385 MARTIN FARM RD. SUWANEE, GA 30024 | NOTICE ADDRESS (Address to which all procurement and contract related notices should be sent.) (See "Notice" clause) SAME AS HOME OFFICE ADDRESS TEL: 470-238-4000 FAX: 470-238-4019 Area Code - _____ Number - Extension _____ Facsimile _____ BBROADDUS@ANALYSTSINC.COM E-mail Address |
|--|--|

| | |
|--|---|
| PAYMENT ADDRESS (Address to which payments will be sent.) (See "Payment" clause) ANALYSTS, INC. 3401 JACK NORTHROP AVE. HAWTHORNE, CA 90250 <input type="checkbox"/> Payment Address same as Home Office Address <input type="checkbox"/> Payment Address same as Notice Address (check only one) | ORDER ADDRESS (Address to which purchase orders will be sent.) (See "Purchase Orders and "Contract Documents" clauses) ANALYSTS, INC. <input checked="" type="checkbox"/> Order Address same as Home Office Address <input type="checkbox"/> Order Address same as Notice Address (check only one) |
|--|---|

ACKNOWLEDGMENT OF AMENDMENTS
 Offerors acknowledges receipt of amendments by indicating amendment number and its date of issue. (See "Amendments to Solicitation" Provision)

| Amendment No. | Amendment Issue Date |
|---------------|----------------------|---------------|----------------------|---------------|----------------------|---------------|----------------------|
| 2 | 5/20/15 | | | | | | |

| | | | | |
|--|----------------------|----------------------|----------------------|-------------------------|
| DISCOUNT FOR PROMPT PAYMENT (See "Discount for Prompt Payment" clause) | 10 Calendar Days (%) | 20 Calendar Days (%) | 30 Calendar Days (%) | _____ Calendar Days (%) |
|--|----------------------|----------------------|----------------------|-------------------------|

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 www.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)

PAGE TWO (SEP 2009)

End of PAGE TWO

AMENDMENTS TO SOLICITATION (JAN 2004)

(a) The Solicitation may be amended at any time prior to opening. All actual and prospective Offeror's should monitor the following web site for the issuance of Amendments: www.procurement.sc.gov (b) Offeror's shall acknowledge receipt of any amendment to this solicitation (1) by signing and returning the amendment, (2) by identifying the amendment number and date in the space provided for this purpose on Page Two of the original solicitation, (3) by letter, or (4) by submitting a bid that indicates in some way that the bidder received the amendment. (c) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.

[02-2A005-1]

PURPOSE OF AMENDMENT

The purpose of this amendment is to respond to offeror questions e-mailed to Procurement Officer.

A Answers to questions are as follows:

-
- 1 Could you clarify if the tests mentioned in the tender document are to be tested according to any particular method or is it up to the lab to advise accordingly. For example, TBN can be measured by several different methods and techniques and they will all give varying results?**

Please refer to Questions 5 and 9 of the amendment; and Page 19, Section III.B Analysis Requirements of the bid.

The State of South Carolina is willing to consider different testing methods; however, the methods used must render the same results as the preferred method.

- 2 Can more than 1 offer be submitted by the same company for consideration?**

Please refer to Page 8 of the bid, Section II.A. Responsiveness/Improper Offers (b) Multiple Offers and (c) Responsiveness

Bob Broadbent
ANALYSTS, INC.