

NIKKI R. HALEY, CHAIR  
GOVERNOR

CURTIS M. LOFTIS, JR.  
STATE TREASURER

RICHARD ECKSTROM, CPA  
COMPTROLLER GENERAL



THE DIVISION OF PROCUREMENT SERVICES  
DELBERT H. SINGLETON, JR.  
DIVISION DIRECTOR  
(803) 734-8018

MICHAEL B. SPICER  
INFORMATION TECHNOLOGY MANAGEMENT OFFICER  
(803) 737-0600  
FAX: (803) 737-0639

HUGH K. LEATHERMAN, SR.  
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE  
CHAIRMAN, HOUSE WAYS AND MEANS

## Protest Decision

**Matter of:** Landscaping and Mower, Inc.

**Case No.:** 2017-111

**Posting Date:** September 26, 2016

**Contracting Entity:** South Carolina Department of Transportation

**Solicitation No.:** 5400011505

**Description:** Rest Area Grounds Maintenance

### DIGEST

Protest alleging that the apparent successful bidder is not a responsible bidder is denied. Landscaping and Mower's (L&M) letter of protest is included by reference. [Attachment 1]

### AUTHORITY

The Chief Procurement Officer<sup>1</sup> conducted an administrative review pursuant to S.C. Code Ann. §11-35-4210(4). This decision is based on the evidence and applicable law and precedents.

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<sup>1</sup> The Materials Management Officer delegated the administrative review of this protest to the Chief Procurement Officer for Information Technology.

## BACKGROUND

The South Carolina Department of Transportation (DOT) issued this Invitation for Bids on June 21, 2016, to acquire grounds maintenance services at the rest areas along the Interstate system in South Carolina. The solicitation invited bids on nine (9) Lots with award made by Lot. Hiers Lawn Care, LLC (Hiers) was awarded Lot 4, the Chester County Rest Areas. (Attachment 2) L&M protests that Hiers is not registered with the South Carolina Secretary of State at the address listed in its bid and is consequently ineligible for award.

<i>Event</i>	<i>Date</i>
Solicitation Issued	06/21/2016
Amendment One Issued	07/07/2016
Amendment Two Issued	07/07/2016
Amendment Three Issued	07/28/2016
Intent to Award Issued	09/16/2016
Protest Received	09/26/2016

## ANALYSIS

The address on Hiers' bid is 1701 Old Post Road, Gaffney, SC 29341. (Attachment 3) Hiers' 2003 registration with the Secretary of State lists the address of its registered agent as 315 Cherokee National Highway, Gaffney, SC 29341. (Attachment 4) L&M alleges that Hiers at Old Post Rd. address is not listed with the Secretary of State's Office and consequently it should be ineligible for award.

L&M suffers from the same issue as the address listed on its Secretary of State's filing is 1519 Beaver Dam Road, Richburg, SC (Attachment 5) while the address listed on its bid is 2756 Gaston Farm Road, Chester, SC (Attachment 6).

The address provided when registering with the Secretary of State is the address of the Registered Agent. Section 33-5-101 states requires that each corporation must continuously maintain in this State:

(1) a registered office that may be the same as any of its places of business; and  
The law only requires that a corporation maintain a registered office; it does not require a corporation to list every address from which it conducts business.

**DECISION**

For the reasons stated above, the protest of Landscaping and Mower, Inc. is denied.

For the Materials Management Office



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Michael B. Spicer  
Chief Procurement Officer

## Attachment 1

**From:** [CHRIS HINSON](#)  
**To:** [Protest-MMQ](#)  
**Cc:** [Lee Tsiantis](#)  
**Subject:** FORMAL PROTEST BY EMAIL WITH FAX TO FOLLOW REGARDING CONTRACT INTENT TO AWARD 4400014047  
**Date:** Friday, September 23, 2016 10:38:12 PM

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TO: WHOM IT MAY CONCERN

FROM: LANDSCAPING AND MOWER INC. (OWNER CHRIS HINSON)

SUBJECT: PLEASE ACCEPT THIS EMAIL CONFIRMATION AS OUR APPEAL TO THE AWARD OF ORIGINAL SOLICITATION NUMBER 5400011505 AND INTENT TO AWARD CONTRACT NUMBER 4400014047 TO HIERS LAWN CARE LLC AT 1707 OLD POST ROAD, GAFFNEY SC 29341 WITH ITS ORIGINAL POSTING DATE 6-21-2016 AND INTENT TO AWARD POSTED ON 9-16-2016 AT 10:21:15AM BY THE PROCUREMENT DEPARTMENT OF THE SCDOT. OUR THOUGHTS AND CONCERNS TO THIS MATTER AND THE REASON FOR THIS APPEAL IS THAT WE FEEL THAT THE COMPANY KNOW AS HIERS LAWN CARE LLC LOCATED AT 1707 OLD POST ROAD, GAFFNEY SOUTH CAROLINA OPERATING UNDER THE NAME OF HIERS LAWN CARE LLC DOES NOT EXIST AT THE SECRETARY OF THE STATE OF SOUTH CAROLINA IN EXISTENCE. WHEN WE CHECKED ALL STATUS OF THIS WE WERE TOLD THAT THE NAME HIERS LAWN CARE LOCATED AT 1707 OLD POST ROAD, GAFFNEY SOUTH CAROLINA AT THE GIVEN ADDRESS MENTIONED AND SUBMITTED TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION IN SOLICITATION 5400011505 IS KNOWN AT THAT ADDRESS AS CHEROKEE SMALL ENGINES. WHEN WE GAVE THE NAME TO THE SECRETARY OF STATE OFFICE NO INFORMATION WAS FOUND AVAILABLE TO US AS PUBLIC KNOWLEDGE THAT SHOW US THAT HIERS LAWN CARE EXIST UNDER A LLC NAME AS HIERS LAWN CARE LLC AND IS REGISTERED AS THAT NAME WITH THE SECRETARY OF THE STATE OF SOUTH CAROLINA, HOWEVER WE FEEL THIS COMPANY IS REGISTERED AS CHEROKEE SMALL ENGINES LOCATED AT 1707 OLD POST ROAD IN GAFFNEY SOUTH CAROLINA AND WE FEEL THAT THIS IS MISREPRESENTATION

AND FALSE INFORMATION TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND ALSO NO HOME OFFICE IN THE STATE OF SOUTH CAROLINA EXIST FOR HIERS LAWN CARE HOWEVER DOES EXIST FOR CHEROKEE SMALL ENGINES. WE FEEL THIS MUST BE INVESTIGATED AND IF THIS IS IN FACT TRUE, THEY MUST BE DISQUALIFIED FROM THIS BID AND ALL OTHER BIDS THEY HAVE BEEN AWARDED UNDER THE NAME OF HIERS LAWN CARE LLC. PLEASE NOTE THEY ARE CALLING THEMSELVES HIERS LAWN CARE LLC LOCATED AT 1707 OLD POST ROAD IN GAFFNEY SOUTH CAROLINA. WE HAVE COMPLETED OUR INVESTIGATION OF THIS MATTER WITH THE SECRETARY OF THE STATE OF SOUTH CAROLINA AND TO THE BEST OF OUR KNOWLEDGE AND THE INFORMATION SUPPLIED TO US BY THE SECRETARY OF THE STATE OF SOUTH CAROLINA, THIS COMPANY DOES NOT EXIST AS A COMPANY. IF IN FACT WE ARE RIGHT, AND THIS COMPANY IS ALLOWED TO FURTHER THIS CONTRACT AWARD IT REPRESENTS THE STATE OF SOUTH CAROLINA BY NOT FOLLOWING ITS ON RULES, GUIDELINES, REGULATIONS ETC. AND WILL ALLOW ERROR ON BOTH PARTIES PART AND SETS FORTH FUTURE PROBLEMS WITH CONTRACTS BEING UPHOLD BY BOTH PARTIES AND RULES ARE AND WILL BE ALLOWED TO BE BROKEN OR OVERLOOKED WHEN OFFICIALS OF THE SCDOT FAILS TO CATCH PROBLEMS AS I HAVE LISTED ABOVE. IF WE (LANDSCAPING AND MOWER INC. ARE WRONG WITH THIS APPEAL, WE WILL APOLOGIZE FOR THE INCONVENIENCE AND WILL CONTINUE TO STRIVE FOR FUTURE BUSINESS. PLEASE NOTE AND UNDERSTAND THAT LANDSCAPING AND MOWER INC. ARE NOT APPEALING THIS AWARD FOR ANY OTHER REASON OTHER THAN RIGHTS OF SATISFACTION FOR INFORMATION TO BE SUBMITTED TO THE SCDOT CORRECTLY, HONESTLY AND ALSO TO US AS VENDORS HONESTLY AND CORRECTLY AND WE ARE ALSO UPHOLD WHEN WE ARE CORRECT BY THE LAWS OF THE STATE OF SOUTH CAROLINA.

THIS APPEAL WRITTEN SUBMITTED AND FAX AT 10.35 PM ON SEPTEMBER 23, 2016.

WITH DEEPEST REGRETS FOR THE INCONVENIENCE AND  
HOPEFUL UNDERSTANDING FROM ALL THOSE INVOLVED,  
Chris Hinson Owner of Landscaping and Mower Inc.,

**Attachment 2**

STATE OF SOUTH CAROLINA  
SCDOT PROCUREMENT OFFICE  
955 PARK STREET ROOM 101  
COLUMBIA SC 29201-3959

**Intent to Award**

Posting Date: September 16, 2016

**Solicitation: 5400011505**

**Description: REST AREA GROUNDS MAINTENANCE**

**Agency: SC Department of Transportation**

The State intends to award contract(s) noted below. Unless otherwise suspended or canceled, this document becomes the final Statement of Award effective **08:00:00, October 01, 2016**. Unless otherwise provided in the solicitation, the final statement of award serves as acceptance of your offer.

Contractor should not perform work on or incur any costs associated with the contract prior to the effective date of the contract. Contractor should not perform any work prior to the receipt of a purchase order from the using governmental unit. The State assumes no liability for any expenses incurred prior to the effective date of the contract and issuance of a purchase order.

CERTIFICATES OF INSURANCE COVERAGE TO BE FURNISHED PRIOR TO COMMENCEMENT OF SERVICES UNDER CONTRACT.

OFFERS FOR ITEMS BY, **LA Lawncare, LLC** , AT PRICES LOWER THAN THAT OF AWARD ARE NON-RESPONSIVE AS THEY DID NOT MEET THE SOLICITATION REQUIREMENTS.

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. [Section 11-35- 4210]

PROTEST - CPO ADDRESS - MMO: Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing

(a) by email to [protest-mmo@mmo.sc.gov](mailto:protest-mmo@mmo.sc.gov),

(b) by facsimile at 803-737-0639, or

(c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201.

**Contract Number: 4400014047**

**Awarded To:** HIERS LAWN CARE LLC (7000238807)  
1707 OLD POST ROAD  
GAFFNEY SC 29341

**Total Potential Value:** \$ 136,000.00

**Maximum Contract Period:** October 01, 2016 through September 30, 2021

<b>Item</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
00001	Year 1, Lot 4 Grounds - Chester RAs	\$ 1,600.00	\$ 19,200.00
00002	Year 2, Lot 4 Grounds - Chester RAs	\$ 1,600.00	\$ 19,200.00
00003	Year 3, Lot 4 Grounds - Chester RAs	\$ 1,600.00	\$ 19,200.00
00004	Year 4, Lot 4 Grounds - Chester RAs	\$ 1,600.00	\$ 19,200.00
00005	Year 5, Lot 4 Grounds - Chester RAs	\$ 1,600.00	\$ 19,200.00
00006	Grounds Maintenance Improvements		\$ 40,000.00

**Procurement Officer**  
EMMETT KIRWAN

Attachment 3



# State of South Carolina

**Bid**

Status: 5500046173 Bid Submitted  
Created: 07/28/2016 11:28:43 EST  
MATTHEW HIERS  
Last upd: 08/15/2016 15:00:38 EST  
SANDRA SUBER

**Bidder**

HIERS LAWN CARE LLC  
1707 OLD POST ROAD  
GAFFNEY SC 29341

## Invitation For Bid

Version: 5  
Bid invitation number: 5400011505  
Description: REST AREA GROUNDS  
Buyer name:  
Buyer email:  
Buyer phone:  
Valid From: 08/16/2016  
Valid To: 08/15/2021  
Estimated award date: 08/19/2016  
SCBO catg: Services

**Bid invitation rules**

Bidding procedure: Public bid invitation  
Requested price information: Normal price  
Timezone: EST  
End date/time: 08/17/2016 14:30:00 EST

Bids required for all items? No

Bid may be changed? Yes  
Bidder can add items? No

**Bid Basic Data**

Target Value Bid: 342,000.00 (United States Dollar)  
Terms of Payment: net 30 days  
Currency: USD United States Dollar

**Information from purchaser - header attachment(s)**

- Description
- December Report
- November Report
- October Report
- September Report
- August Report
- July Report
- June Report
- May Report
- April Report
- March Report
- February Report
- January Report
- Solicitation
- Amendment #1
- Amendment #2

**Header attributes**

1. The Submitter has read and understands the terms and conditions of this solicitation.

Attachment 4



# South Carolina Secretary of State

Mark Hammond



From the Secretary's Desk

Online Services

Business Filings

Public Charities

Raffles

Notaries and Apostilles

Trademarks

Cable Franchise Authority

Service of Process

Boards and Commissions

Municipalities

Consumer Information

Forms and Fees

Contact & Feedback

 PRINT

### HIERS LAWN CARE, LLC

*Note: This online database was last updated on 9/26/2016 3:05:45 A.M.  
See our Disclaimer.*

DOMESTIC / FOREIGN:	Domestic
STATUS:	Good Standing
STATE OF INCORPORATION / ORGANIZATION:	SOUTH CAROLINA Profit

#### REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME:	MATTHEW C HIERS
ADDRESS:	315 CHEROKEE NATIONAL HWY
CITY:	GAFFNEY
STATE:	SC
ZIP:	29341
SECOND ADDRESS:	
FILE DATE:	10/03/2003
EFFECTIVE DATE:	10/03/2003
DISSOLVED DATE:	//

#### Corporation History Records

CODE	FILE DATE	COMMENT	Document
Domestic LLC	10/03/2003	DOMESTIC LIMITED LIABILITY CO(AT WILL)	Image

Disclaimer: The South Carolina Secretary of State's Business Filings database is provided as a convenience to our customers to research information on business entities filed with our office. Updates are uploaded every 48 hours. Users are advised that the Secretary of State, the State of South Carolina or any agency, officer or employee of the State of South Carolina does not guarantee the accuracy, reliability or timeliness of such information, as it is the responsibility of the business entity to inform the Secretary of State of any updated information. While every effort is made to insure the reliability of this information, portions may be incorrect or not current. Any person or

Site Search ?

SEARCH

#### Featured Links

Corporation Search

UCC Search

Charity Search

Notary Search

Boards & Commissions Search

UCC Online

Filing, Search and Document Retrieval

Charities! Raffles! Professional Fundraisers! File Online Here

Business Filings Document Request



The Official Web Site of the State of South Carolina

SC Business One Stop



Attachment 5



South Carolina  
**Secretary of State**  
Mark Hammond

From the Secretary's Desk

Online Services

Business Filings

- Business Filings - General Information
- Business Filings FAQs
- Search Business Filings
- UCC Filings - General Information
- UCC Filings FAQ
- High Growth Small Business Job Creation Act
- SC Business One Stop
- Business Opportunities
- Employment Agencies
- UCC Filing - Important Notice
- UCC Filing Alert 6/21/2013

Public Charities

Raffles

Notaries and Apostilles

PRINT

**LANDSCAPING & MOWER, INC.**

*Note: This online database was last updated on 9/26/2016 3:05:45 AM. See our Disclaimer.*

DOMESTIC / FOREIGN:	Domestic
STATUS:	Good Standing
STATE OF INCORPORATION / ORGANIZATION:	SOUTH CAROLINA Profit

**REGISTERED AGENT INFORMATION**

REGISTERED AGENT NAME:	CHRISTOPHER HINSON
ADDRESS:	1519 BEAVER DAM ROAD
CITY:	RICHBURG
STATE:	SC
ZIP:	29729
SECOND ADDRESS:	
FILE DATE:	08/17/1999
EFFECTIVE DATE:	08/17/1999
DISSOLVED DATE:	//

Site Search

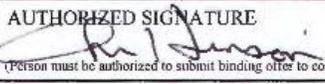
SEARCH

**Featured Links**

- Corporation Search
- UCC Search
- Charity Search
- Notary Search
- Boards & Commissions Search

**UCC Online**  
Filing, Search and Document Retrieval

Attachment 6

	<b>State of South Carolina</b>  Invitation For Bid	Solicitation: 5400011505 Date Issued: 06/21/2016 Procurement Officer: EMMETT KIRWAN Phone: 803-737-0676 E-Mail Address: KirwanEJ@scdot.org Mailing Address: SCDOT Procurement Office PO Box 191 Columbia SC 29202-0191
	DESCRIPTION: <b>Rest Area Grounds Maintenance</b> USING GOVERNMENTAL UNIT: <b>SC Department of Transportation</b>	
SUBMIT YOUR OFFER ON-LINE AT THE FOLLOWING URL: <a href="http://www.procurement.sc.gov">http://www.procurement.sc.gov</a>		
SUBMIT OFFER BY (Opening Date/Time): <b>07/28/2016 14:30:00</b> (See "Deadline For Submission Of Offer" provision)		
QUESTIONS MUST BE RECEIVED BY: <b>07/06/2016 12:00:00</b> submit questions to <a href="mailto:KirwanEJ@scdot.org">KirwanEJ@scdot.org</a> (See "Questions From Offerors" provision)		
NUMBER OF COPIES TO BE SUBMITTED: <b>ONE</b>		
CONFERENCE TYPE: <b>Not Applicable</b> DATE & TIME:	LOCATION: <b>Not Applicable</b>	
<small>(As appropriate, see "Conferences - Pre-Bid/Proposal" &amp; "Site Visit" provisions)</small>		
<b>AWARD &amp; AMENDMENTS</b>	Award will be posted on <b>08/19/2016</b> . The award, this solicitation, any amendments, and any related notices will be posted at the following web address: <a href="http://www.procurement.sc.gov">http://www.procurement.sc.gov</a>	
You must submit a signed copy of this form with Your Offer. By signing, 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. <small>(See "Signing Your Offer" provision.)</small>		
NAME OF OFFEROR <b>Landscaping and Mower Inc</b> <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>	DATE SIGNED <b>7-27-16 2:30 PM</b>	
TITLE <b>Owner</b> <small>(business title of person signing above)</small>	STATE VENDOR NO. <b>70000 38701</b> <small>(Register to Obtain S.C. Vendor No. at <a href="http://www.procurement.sc.gov">www.procurement.sc.gov</a>)</small>	
PRINTED NAME <b>Chris Hinson</b> <small>(printed name of person signing above)</small>	STATE OF INCORPORATION <b>South Carolina</b> <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 checked="" type="checkbox"/> Other <b>S-Corporation</b> <input type="checkbox"/> Corporate entity (not tax-exempt) <input type="checkbox"/> Corporation (tax-exempt) <input type="checkbox"/> Government entity (federal, state, or local)		

COVER PAGE - ON-LINE ONLY (MAR. 2015)

*CH*

**PAGE TWO**  
(Return Page Two with Your Offer)

<b>HOME OFFICE ADDRESS</b> (Address for offeror's home office / principal place of business) @c12 LANDSCAPING AND MOWER INC 2756 GASTON FARM RD CHESTER SC 29706	<b>NOTICE ADDRESS</b> (Address to which all procurement and contract related notices should be sent.) (See "Notice" clause) LANDSCAPING AND MOWER INC 2756 GASTON FARM RD CHESTER SC 29706 803-242-0452 Area Code - Number - Extension      Facsimile CJHINSW@TRYVISTA.NET E-mail Address
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<b>PAYMENT ADDRESS</b> (Address to which payments will be sent.) (See "Payment" clause)  <input checked="" type="checkbox"/> Payment Address same as Home Office Address <input type="checkbox"/> Payment Address same as Notice Address (check only one)	<b>ORDER ADDRESS</b> (Address to which purchase orders will be sent.) (See "Purchase Orders and "Contract Documents" clauses)  <input checked="" type="checkbox"/> Order Address same as Home Office Address <input type="checkbox"/> Order Address same as Notice Address (check only one)
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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						
1	7-7-16						
2	7-7-16						

<b>DISCOUNT FOR PROMPT PAYMENT</b> (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](http://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 DO NOT APPLY\*\*\***

**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)).

\*\*\*PREFERENCES DO NOT APPLY\*\*\*

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

CJR

**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.

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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.**