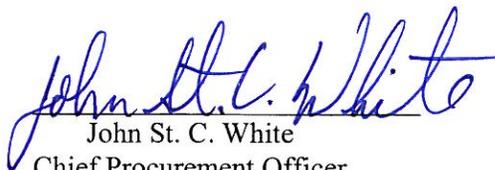


STATE OF SOUTH CAROLINA	)	BEFORE THE CHIEF PROCUREMENT
COUNTY OF RICHLAND	)	OFFICER FOR CONSTRUCTION
	)	
	)	
IN THE MATTER OF: BID PROTEST	)	DECISION
DONALDSON ARMY AVIATION FACILITY	)	CASE NO. 2011-004
CONSTRUCTION	)	
STATE PROJECT NO. E24-9733-JM	)	
	)	POSTING DATE:
ATLANTIC CONSTRUCTION SALES	)	September 2, 2010
vs.	)	
ADJUTANT GENERAL'S OFFICE	)	
_____	)	

This matter came before the Chief Procurement Officer for Construction (CPOC) pursuant to a request by Atlantic Construction Sales (Atlantic), under the provisions of section 11-35-4210 of the South Carolina Consolidated Procurement Code, for an administrative review of the Donaldson Army Aviation Facility bid (“the Project”), for the South Carolina Adjutant General’s Office (Adjutant General) . Atlantic protested the solicitations requirements regarding roofing.

IT NOW APPEARING that the protestant, Atlantic Construction Sales., has withdrawn its protest of August 24, 2010, this matter is hereby dismissed.<sup>1</sup> The Adjutant General has notified the CPOC that the Federal funds for the project must be committed by the end of the Federal fiscal year, September 30, 2010 and has requested a lifting of the automatic stay on the solicitation and Atlantic has consented. Based on the foregoing, the CPOC finds that the solicitation of bids without further delay is in the best interest of the State and hereby lifts the automatic stay.

IT IS SO ORDERED

  
 John St. C. White  
 Chief Procurement Officer  
 for Construction

September 2, 2010  
 Date

<sup>1</sup> See letter of withdrawal attached as Exhibit A.

## STATEMENT OF THE RIGHT TO APPEAL

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

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

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

FILING FEE: Pursuant to Proviso 66.1 of the 2004 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4). . . . Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2004 S.C. Act No. 248, Part IB, § 66.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, a business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. Protest of Lighting Services, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and Protest of The Kardon Corporation, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).

**WALKER || REIBOLD**  
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September 2, 2010

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Please reply to Columbia  
email: [rreibold@walkerreibold.net](mailto:rreibold@walkerreibold.net)

Mr. John White  
Office of the State Engineer  
1201 Main St., Ste. 600  
Columbia, South Carolina 29201-3238

Re: **NOTICE OF PROTEST**

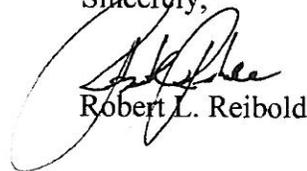
Army Aviation Support Facility  
S.C. National Guard  
Donaldson Center  
Greenville, SC  
State Project No. E24-9733-JM

Arch/Engr: L.T.C. Associates, Inc.

Dear Mr. White:

Please be advised that we have successfully resolved the issues presented in our initial protest. Based upon our agreement with the issuing agency, Atlantic Construction Sales hereby withdraws its protest.

Sincerely,

  
Robert L. Reibold

RLR:hbq

**White, John**

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**From:** Rob Reibold [rreibold@walkerreibold.net]  
**Sent:** Thursday, September 02, 2010 3:54 PM  
**To:** White, John  
**Subject:** Donaldson Center  
**Attachments:** White ltr 09.02.10.pdf

John,

Here is the letter you requested. We have no objection to lifting the stay.

Robert Reibold

Walker & Reibold, LLC  
Attorneys at Law  
P.O. Box 61140  
Columbia, SC 29260

Phone - 803-454-0955  
Facsimile - 803-454-0956

9/2/2010