

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

BEFORE THE CHIEF PROCUREMENT OFFICER

DECISION

In Re: Protest of Berger Transfer and Storage

CASE NO.: 2015-108

Protest of Award to Apartment Movers Etc. and Carolina Procurement Institute, Inc. for a Supplemental Moving Contract at Clemson University, Solicitation No. 52465188

POSTING DATE: September 5, 2014

MAILING DATE: September 5, 2014

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 Supplemental Moving Services for Clemson University. Berger Transfer and Storage (Berger) protests the award of a contract to Apartment Movers Etc. and Carolina Procurement Institute, Inc. [Attachment 1] The Chief Procurement Officer¹ issues this ruling without a hearing.

Findings of Fact

Invitation For Bids Published:	07/31/2014
Bid Opening:	08/18/2014
Award Posting	09/02/2014
Protest Received	09/02/2014

Discussion

Berger protests that Apartment Movers and Carolina Procurement Institute are not certified as movers by the Office of Regulatory Staff and therefore not license to handle moves legally in the State of South Carolina. Clemson provided the CPO with a copy of the Bid Tabulation, the Preference Calculation, and an email [Attachment 2] from Berger indicating that it did not submit a bid in response to this solicitation. Section 11-35-4210(1)(b) provides that:

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

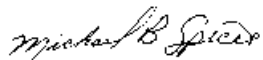
Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest to the appropriate chief procurement officer in the manner stated in subsection (2)(b) within ten days of the date award or notification of intent to award, whichever is earlier, is posted in accordance with this code; except that a matter that could have been raised pursuant to (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

Since Berger was no an actual bidder, it lacks standing to protest the award of this contract. *E.g., Protest of Price Waterhouse*, Panel Case No. 1995-15(II)

Determination

For the reasons stated above, the protest denied.

For the Materials Management Office



Michael B. Spicer
Chief Procurement Officer

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised June 2013)

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 202, 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 Zlotnik

Sent: Tuesday, September 02, 2014 4:49:55 PM (UTC-05:00) Eastern Time (US & Canada)

To: Protest-MMO

Subject: Protest of Solicitation #: 52465188

Two of the three movers that have been awarded this contract are not certified movers in the State of South Carolina, therefore not license to handle moves legally. I have listed the two companies.

1. Apartment Movers

105 Miller Road, Suite E

Mauldin, SC 29662 USA

2. Carolina Procurement Institute, Inc

1815 Gervais Street

Columbia, SC 29201

You can find a list of certified movers at the link pasted below:

<http://www.regulatorystaff.sc.gov/Transportation1/080514%20HHG%20List.pdf>

TRANSPORTATION LISTING PDT: 8/5/2014 11:16AM
Select Certificate Type, EMT, Certificate Status and Address Type

Class E HHG

Atlantic Transfer & Storage Co., Inc.
Default Contact: Tom Roth - President - 7370-B East Spartan Blvd North Charleston SC 29418 1-843-207-7440

Azalea Moving & Storage, Inc.
Default Contact: Josh Keiffer - President - 7131 Bryhawk Cr North Charleston SC 29418 1-843-767-4888

Berger Transfer & Storage, Inc.
Default Contact: Andrew Clark - Asst. Sec/Gen Counsel - 2950 Long Lake Rd St. Paul MN 55113 1-651-639-2260

Bill Sanders Moving, Inc.
Default Contact: William M Sanders - President - 4200 Hwy 81N Anderson SC 29621 1-864-231-0374

Blue Chip Moving Company, LLC
Default Contact: Albert A. Ager - CEO - 2201 Hollingshed Rd Irmo SC 29063 1-803-201-9551

C.J. Moore DBA: Moore Moving Co.
Default Contact: James W. Moore Jr. - Owner - 600 Mills Ave Greenville SC 29605 1-864-235-1233

Carey Moving & Storage of Charlotte, Inc.
Default Contact: Michael Carey - Vice-President - 500 Corporate Blvd Rock Hill SC 29730 1-803-324-3178

Carey Moving & Storage of Greenville, Inc.
Default Contact: Michael Carey - Vice President - 1 Shelter Dr Greer SC 29650-4817 1-864-877-6683

Carey Moving & Storage, Inc.
Default Contact: Michael Carey - VP - PO Box 171717 Spartanburg SC 29301 1-864-578-1400

Carolina Moving and Storage Company, Inc.
Default Contact: Deborah W. Larsen - Vice-President - PO Box 964 Beaufort SC 29901 1-843-524-5811

Carolina Moving Solutions, LLC
Default Contact: John Watkins - 2016 Villa Porcine Ln Lamar SC 29069 1-843-307-9004

Charlotte Van & Storage Co., Inc.
Default Contact: Kris Michalsky - General Mgr. - PO Box 36817 Charlotte NC 28236 1-704-525-4660

Chavis Van & Storage Of Myrtle Beach, Inc.
Default Contact: Tommy Bruton - President - 551 Hwy 90 Conway SC 29526 1-843-347-3410

Coastal Carrier Moving & Storage Grand Strand, Inc.
Default Contact: Julie Grant - Office Mgr - 3543 Azalea Station Wilmington NC 28409 1-910-392-4916

Coastal Moving & Storage, Inc.
Default Contact: Donald Arpin Jr. - VP-Coastal - PO Box 23294 Savannah GA 31403 1-912-232-8948

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<http://www.regulatorystaff.sc.gov/Transportation1/08051>
demon.ionwave.net
[PSC DMS Homepage](#)
[Home - Office of Regulatory Staff](#)
regulatorystaff.sc.gov


State of South Carolina
SCRIS

TRANSPORTATION LISTING PDT: 8/5/2014 11:16AM
 Select Certificate Type, EMT, Certificate Status and Address Type

Class E HHG

A to Z Moving and Services, Inc.
Default Contact: Ashley Foreman - President - 897 Bent Tree Rd. New Ellenton SC 29809 1-803-845-2572

A-1 Transfer & Storage Company, Inc.
Default Contact: Ken Morrisette - VP - 5801 Rolling Rd. Springfield VA 22152 1-703-569-2121

A2B Moving, LLC
Default Contact: Jimmy Henderson - President - 2711 Woodruff Rd. Simpsonville SC 29681 1-864-297-7909

Affordable Moving Services, Inc.
Default Contact: Danny Croxdale - Owner - 2272 Country Club Rd. Spartanburg SC 29302 1-864-591-0101

All My Sons Moving & Storage of Charleston, Inc.
Default Contact: Chris Generale - President - Charleston - 2400 Old Mill Rd. Carrollton TX 75007-5000 1-843-480-4333

All My Sons Moving and Storage of Greenville, Inc. DBA: Quick N Easy Moving
Default Contact: Chris Generale - President - Greenville - 2400 Old Mill Rd. Carrollton TX 75007-5000 1-864-962-9000

Allegiance Moving Company, Inc.
Default Contact: Phillip Boris - President - 2010 Garden Creek Rd. Charleston SC 29414 1-843-402-7727

American International Movers, Inc.
Default Contact: Vicky Washburn - Operations - 816 Hwy 41 S. Forsyth GA 31029 1-800-841-2782x234

American Moving and Storage, LLC
Default Contact: Dana Gaudry - President - PO Box 2045 Savannah GA 31402 1-912-401-0362

American Safety Movers, Inc.
Default Contact: Patrick Coleman - VP - 216 Druid St Jacksonville FL 32254 1-904-353-4848 Active

Anderson Transfer & Storage of Conway, Inc.
Default Contact: Mike Anderson - President - PO Box 605 Conway SC 29528-0605 1-843-347-4289

Anderson Transfer Inc.
Default Contact: Mike Anderson - President - PO Box 1804 Sumter SC 29151 1-803-773-8886

Armstrong Transfer & Storage Co., Inc. DBA: Armstrong Relocation Company
Default Contact: Clay P. Jones - President - 4400 Westinghouse Blvd. Charlotte NC 28237 1-704-588-4666

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Thank you,

Michael Zlotnik
 General Manager
 10350 Nations Ford Road, Suite Y
 Charlotte, NC 28273
 704-916-6477 Direct Line
 704-625-3204 Direct Fax
 919-208-3272 Cell



Click this truck to take a ride,
 the Berger Team is on your side!

Attachment 2

From: Michael Zlotnik [<mailto:MichaelZ@bergerallied.com>]
Sent: Friday, September 05, 2014 8:52 AM
To: Michael Nebesky
Cc: April Pitts
Subject: RE: Protest of Solicitation #: 52465188

Mr. Nebesky,

Unfortunately no I did not have the time to bid or turn in a bid. I got married the week of Aug 10-Aug 17th. And did not have the time to get everything required to turn in by the due date. But I did follow the quote and bid and felt this may be the situation.

NC and SC are regulated states. This means any company doing moves in these states must be registered with each state. When it comes to O&I, office moves, I am not sure. But one company listed as Apartment Movers, should be licensed if that is what they specialize in. I would assume their name is what they do, which is Household good moving. And if they are not, then Clemson has chosen a company that is willing to do stuff illegally. The other company is a consulting firm, so in my mind, they are going to go out and find another company to handle anything Clemson request.

A year ago, I protested a bid for another SC company, not knowing where I was in the running, because the selected mover, I found, worked out of his house, did not have a supply of trucks or men and lastly did not have a license to move anything. I ended up getting that contract (again this is one I bid on).

As a stout believer in utilizing honest companies, it bothers me to no end, companies, universities, families, that select movers solely on price and yet expect to get the best possible quality for that cheap price. Or are shocked when they have something damaged and find out the company is not insured or doesn't cover for full replacement. Or they don't do back ground checks on their employees only to find out that their crews consisted of guys or girls with records. You, yourself stated you really don't do this type of back ground checks into the companies and just take their words for it.

This industry is filled with scam companies, unlicensed companies, and so on that the honest companies have to fight for everything they can get. And I have no issue bringing to light those situations or companies.

Now knowing I didn't bid, I knew you could just say forget this protest, denied. But I have contacted the third company not being protested to see if they would be interested in protesting. They may not, as they have been awarded part of the business which is fine with me. I am not sure why there would be a protesting opportunity or procedure put in place if everything possible was able to be protested. And I understand it's a labor contract, but they still come out in trucks, use their equipment and Clemson expects everything to be damage free. In 15+ years you probably haven't had an accident or anything major, but if you're not completely aware of whom your hiring, that time will come. If you're are willing to take those chances and risk everything Clemson is about, I have no say in that. My protest was to bring to your attention two companies I feel are not licensed to move people or material. If I am wrong, that's great, I hope they are legit. If it is a true "labor" need, then all they are supplying is

labor. They are not liable for anything, Clemson is supplying the equipment, the trucks and man power to drive those trucks.

I have no stake in this outcome obviously since I did not bid and therefore my intentions are true and honest in looking out for the best of all those involved and nothing else. But someone needs to stand up to these companies and I am always willing to help where needed.

If you have any other questions please do not hesitate to reach out to me.

Michael Zlotnik
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10350 Nations Ford Road, Suite Y
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