

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

BEFORE THE CHIEF PROCUREMENT OFFICER

DECISION

In Re: Protest of Pannier Corporation
Graphics Division

CASE NO.: 2016-101

Protest of Award to Izone for Wayside
Frames and Panels for the SC Dept. of
Parks, Recreation & Tourism,
Solicitation No. # 5400009824

POSTING DATE: July 6, 2015

MAILING DATE: July 6, 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 for Wayside Frames and Panels for the SC Dept. of Parks, Recreation & Tourism. (PRT) Pannier Corporation Graphics Division (Pannier) protests the award of a contract to Izone. [Attachment 1]

The Chief Procurement Officer issues this ruling without a hearing.

Findings of Fact

Invitation For Quotes Published:	06/12/2015
Award Announced:	06/30/2015
Protest Received	06/30/2015

Discussion

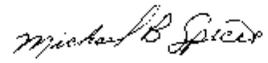
This solicitation was issued under Section 11-35-1520, Invitation For Bids and the award amount is \$11,205.60. [Attachment 2] Section 11-35-4210(1)(d) limits protests to contracts with a total potential value greater than \$50,000.

Section 11-35-4210(1)(d) The rights and remedies granted by subsection (1) and Section 11-35-4410(1)(b) are not available for contracts with an actual or potential value of up to fifty thousand dollars.

Determination

Protest of this award is not authorized under the South Carolina Consolidated Procurement Code. The Chief Procurement Officer lacks jurisdiction to address issues related to the protest of this award. Protest denied.

For the Information Technology Management Office

A handwritten signature in cursive script that reads "Michael B. Spicer".

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.



345 Oak Road
Gibsonia, PA 15044
800.544.8428
www.PannierGraphics.com

June 30, 2015

To Whom It May Concern:

The following is our protest to the Statement of Award for solicitation #5400009824, Wayside Frames and Panels.

1. Item 3, Frame Specifics, states that the exhibit bases should meet National Park Service Specifications and painted with Sherwin Williams Polane T black paint. Can you please confirm that the exhibit bases Izone is proposing conform with the specifications (ie. rounded edges on extrusions)? Also can you please confirm that their exhibit bases are being painted with Polane T paint, and are not being powder coated?
2. Item 4.1.A, Panel Materials, states that "proposed substitutions or alternatives to GCL must be submitted for review and approval by SCPRT prior to submitting the bid response." Please confirm that Izone did submit a sample prior to submitting their bid response, and that it was approved.
3. One of the questions in Amendment #1 asked if proofs were required and the answer was that "full size proofs are not required." Did that mean no proofs were required at all? Or did it mean that proofs are required, just not at full size? Did Izone include proofs in their pricing? Unlike Pannier's proofs, Izone's are not color accurate, so are they also including pressed samples for your approval?

Thank you,

A handwritten signature in black ink, appearing to read 'Jeff Heddaeus', with a long horizontal line extending to the right.

Jeffrey Heddaeus
President

STATE OF SOUTH CAROLINA
SC DEPT PARKS, RECREATION & TOURISM
ATTN: PROCUREMENT
1205 PENDLETON STREET, ROOM 517
COLUMBIA SC 29201

Statement of Award
Posting Date: June 30, 2015

Solicitation: 5400009824
Description: Wayside Frames and Panels
Agency: SC Dept. of Parks, Recreation & Tourism

The State awards the contract(s) noted below. This document is the final Statement of Award, effective **10:30 AM, June 30, 2015**. 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.

Contract Number: 4400010880
Awarded To: IZONE
P.O. Box 368
TEMPLE TX 76503

Total Potential Value: \$ 11,205.60
Maximum Contract Period: June 30, 2015 through August 15, 2015

Item	Description	Unit Price	Total
00001	Wayside Panels	\$ 137.41	\$ 4,671.94
00002	Wayside Frames	\$ 713.65	\$ 6,422.85
00003	Wayside Frame Part	\$ 110.81	\$ 110.81

Procurement Officer
JAMES JACKSON