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W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS

Written Determination to Cancel Award

Matter of: Cognosante, LLC

Case No.: 2016-153

Posting Date: July 6, 2016

Contracting Entity: SC Department of Health and Environmental Control

Solicitation No.: 5400009908

Description: e-WIC Quality Assurance

This matter is before the Chief Procurement Officer for Information Technology¹ (CPO) pursuant to a request from the South Carolina Department of Health and Environmental Control (DHEC) [Ex. 1] under the provisions of §11-35-1520(7) of the South Carolina Consolidated Procurement Code (Code), and Budget and Control Board Regulation 19-445.2085(C) to cancel an award to Cognosante, LLC (Cognosante) to provide e-WIC Quality Assurance prior to performance as these services are no longer required.

BASIS FOR THE REQUEST

DHEC issued solicitation 5400009908 for e-WIC Quality Assurance on November 19, 2015. This project was conditionally funded through a federal USDA grant and all internal approvals were obtained prior to issuance of the solicitation. An Intent to Award was issued to Cognosante on March 1, 2016. After award but prior to performance, on June 13, 2016, WIC program management advised DHEC's procurement

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

department that they had made a decision to pursue a new E-WIC MIS system. This change in direction causes the Quality Assurance Services of the contractor to not be needed. DHEC requests cancellation of the award prior to performance in accordance with Regulation 19-445.2085(C):

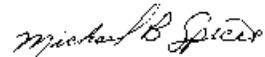
Cancellation of Award Prior To Performance.

After an award or notification of intent to award, whichever is earlier, has been issued but before performance has begun, the award or contract may be canceled and either re-awarded or a new solicitation issued or the existing solicitation canceled, if the Chief Procurement Officer determines in writing that:

(3) The supplies, services, information technology, or construction being procured are no longer required.

DETERMINATION

The award to Cognosante, LLC is cancelled under Regulation 19-445.2085(C).



Michael B. Spicer
Chief Procurement Officer for Information Technology

Exhibit 1

From: [Clark, Tripp](#)
To: [Spicer, Michael](#)
Cc: [Maddox, Larry](#); [Guion, Kevin J.](#)
Subject: Request for Cancellation of Award Prior To Performance
Date: Thursday, June 30, 2016 5:06:27 PM

Mike,

DHEC is requesting permission to cancel contract 4400012533 ("E-WIC Quality Assurance").

This contract was awarded 3/1/2016 as a result of solicitation 5400009908. Total potential value is \$199,996. The purpose of the project was to provide Quality Assurance Services for EBT implementation for its Special Supplemental Nutrition Program for Women, Infants and children (WIC).

This project was conditionally funded through a federal USDA grant and all internal approvals were obtained prior to issuance of the solicitation. After award but prior to performance, on June 13, 2016, WIC program management advised DHEC's procurement department that they had made a decision to pursue a new E-WIC MIS system. This change in direction causes the Quality Assurance Services of the contractor to not be needed.

DHEC requests cancellation of the award prior to performance in accordance with Regulation 19-445.2085(C):

Cancellation of Award Prior To Performance.

After an award or notification of intent to award, whichever is earlier, has been issued but before performance has begun, the award or contract may be canceled and either re-awarded or a new solicitation issued or the existing solicitation canceled, if the Chief Procurement Officer determines in writing that:

(3) The supplies, services, information technology, or construction being procured are no longer required.

Do be aware that a purchase order has not been issued to the awarded vendor, Congasante LLC, pursuant to this contract.

Tripp Clark
Procurement Director
SC DHEC Procurement Services
301 Gervais Street
Columbia, SC 29201-3073
Phone: (803) 898-3485 Fax: (803) 898-3505

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message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete the information without retaining any copies. Thank you.

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Written Determinations Appeal Notice (Revised May 2016)

The South Carolina Procurement Code, in Section 11-35-4410, subsection (1)(b), states:

(1) Creation. There is hereby created the South Carolina Procurement Review Panel which shall be charged with the responsibility to review and determine de novo:
(b) requests for review of other *written determinations*, decisions, *policies*, and *procedures* arising from or concerning the procurement of supplies, services, information technology, or construction procured in accordance with the provisions of this code and the ensuing regulations; except that a matter which could have been brought before the chief procurement officers in a timely and appropriate manner pursuant to Sections 11-35-4210, 11-35-4220, or 11-35-4230, but was not, must not be the subject of review under this paragraph. Requests for review pursuant to this paragraph must be submitted to the Procurement Review Panel in writing, setting forth the grounds, within fifteen days of the date of the written determinations, decisions, policies, and procedures.

(Emphasis added.) *See generally Protest of Three Rivers Solid Waste Authority by Chambers Development Co., Inc.*, Case Nos. 1996-4 & 1996-5, *Protest of Charleston County School District*, Case No. 1985-5, *Charleston County School Dist. v. Leatherman*, 295 S.C. 264, 368 S.E.2d 76 (Ct.App.1988).

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.