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INFORMATION TECHNOLOGY MANAGEMENT OFFICER
(803) 737-0600
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PROTEST DECISION

Matter of: Open Presence, Inc.
Case No.: 2019-215
Posting Date: August 5, 2019
Contracting Entity: Coastal Carolina University
Solicitation No.: Sole Source to Campus Labs, Inc.
Description: Software as a Service to manage student organization processes

DIGEST

Protest that sole source improperly limits competition is dismissed. Open Presence's (OP) letter of protest is included by reference. (Attachment 1)

AUTHORITY

The Chief Procurement Officer (CPO) conducted an administrative review pursuant to S.C. Code Ann. §11-35-4210(4). This decision is based on materials in the procurement file and applicable law and precedents.

BACKGROUND

Sole Source Determination
Intent to Sole Source Published
Protest Received

06/24/2019
06/25/2019
06/28/2019

ANALYSIS

On June 25, 2019, CC published an intent to award two one-year sole source contract to Campus Labs in the amount of \$50,339.00 with a link to its justification for sole source, (Attachment 2)


OP protests that the functionality listed in CC's sole source justification are available from it and other providers in the educational technology space at competitive rates and requests CC issue a Request for Proposals in order to fairly evaluate available offerings.

On August 5, 2019, Coastal Carolina published a cancellation of its intent to award a sole source contract to Campus Labs, Inc. (Attachment 3)

DECISION

The protest of Open Presence, Inc. is dismissed as moot.

For the Information Technology Management Office



Michael B. Spicer
Chief Procurement Officer

Attachment 1

From: [AJ Guedouar](#)
To: [itmo_protest](#)
Subject: [External] Sole Source Objection - Coastal Carolina University
Date: Friday, June 28, 2019 8:22:00 AM
Attachments: [sole-source-Campus-Labs-Jun-2019-signed.pdf](#)

Dear Chief Procurement Officer:

Upon reviewing Coastal Carolina's University's sole source justification for the purchase of Campus Labs, Inc. (attached), and on behalf of Open Presence, Inc., we are submitting our written objection.

Each of the criteria defined in the justification are features that Open Presence, Inc. and other companies in the educational technology space can provide, and at competitive rates. It may be in the best interests of the state and the institution to orchestrate a bid and solicit responses from other vendors.

In the justification, the university's Office of Student Life (OSL) defines the following areas as sole source exemptions:

- Organization management
- Financial management
- Event registration and attendance tracking
- Campus-wide elections
- Co-curricular transcript tracking
- Data collection

We can provide evidence of multiple tools in the industry being able to meet these needs, and are requesting an RFP be conducted in order to be fairly evaluated.

Please inform us of any applicable next steps. Thank you!

High Five,

A.J. Guedouar
He/Him/His

Engagement Specialist, Presence
Direct: (727) 304-2747
[Book a call](#) with me.

P.S. Data makes SA pros happy. Check out our inspiring partners and how they're [revolutionizing co-curricular engagement](#) with Presence!

Attachment 2

PO#:
Vendor: Campus Labs, Inc.
Commodity Code: 920
Amount: \$ 50,339.00

JUSTIFICATION FOR SOLE SOURCE PROCUREMENT

Based upon the following determination, the proposed procurement action described below is being procured pursuant to the authority of Section 11-35-1560 of the S.C. Code of Laws and Section 19-445.2105 of the S.C. Code of State Regulations.

Coastal Carolina University proposes to procure a student organizations management software platform as a sole source procurement from Campus Labs, Inc., 298 Main Street, Suite 600, Buffalo NY 14202, on the basis of Section 19-445-21-5.B.(5) of the S.C. Code of State Regulations: where the item is one of a kind.

The University's Office of Student Life (OSL) has need of a management software platform to manage student organization processes. In 2012 as the result of a competitive bid process, the University obtained a web-based software management platform for student organizations from Campus Labs, Inc., known as the Engage platform. Prior to implementing the Engage platform, OSL was managing approximately 200 student organizations and related processes via paper. Such processes were at best very time consuming in order to pull any level of data pertaining to student organizations - rosters, finances, constitutions, etc. Implementing the Engage platform has allowed the OSL to build and manage numerous internal processes including:

- Organization management
 - Registration of all student organizations
 - Individual organization management by organization officers
 - Storage of governing documents
 - Member communication
- Financial management
 - Individual organization accounting by organization and by OSL fiscal technician
 - Assists with budgetary funding
- Event registration and attendance tracking
 - Provides single system for all on and off campus event registrations
 - Allows for requisitions of items needed for events and programs
 - Tracks attendance at events and meetings
- Campus-wide elections
 - Allows for student organization elections
 - Adds identifying information for ballots
- Co-curricular transcript tracking
 - Allows for an official co-curricular transcript that can be used in conjunction with an official academic transcript
- Data collection

The Drug-free Work Place certification must be obtained for sole source procurements greater than \$50,000. The Open Trade Representation must be obtained for sole source procurements greater than \$10,000.

o Data can easily be accessed or distributed to other systems to assist with identification of high-risk students and for students applying for programs, awards and experiences. Since implementing the Engage platform, a number of University departments in addition to the OSL have come to rely on and build processes around the platform to manage their students and student organizations. The Wall College of Business, for example, is utilizing the platform to advertise and track professional development activities of its students which are required for graduation. The Student Government Association utilizes Engage to determine and distribute funding to student organizations.

The OSL therefore has need of continuing with the use of a student organizations management software platform and the University determines that the Engage platform from Campus Labs, Inc. is the only such platform that will satisfy this need, given the various internal departmental and organizational processes that have been established using this platform for some seven years. Any other platform would cause disruptions to such processes, and be unable to protect historical information that has been obtained and archived in the current system.

In addition to the Engage platform continuance, OSL has need of adding an electronic application module that will enable electronic registration by students into the Engage system via mobile devices. Such a module must be compatible with the Engage system and must therefore be obtained from Campus Labs.

Pursuant to Section 11-35-1560(A) of the S.C. Code of Laws, the following notice is hereby provided:

Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with this intended award may be entitled to protest, but only as provided in Section 11-35-4210 of the S.C. Code of Laws. To protest an award, you must (i) submit notice of your intent to protest within five (5) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen (15) days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13) of the S.C. Code of Laws. Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided. The grounds of the protest and the relief requested must be set forth with enough particularity to give notice of the issues to be decided.

Any protest must be addressed to the Chief Procurement Officer, Information Technology Management Office, and submitted in writing:

- (a) by email to: protest-itmo@itmo.sc.gov. or
- (b) by post or delivery to: 1201 Main Street, Suite 600, Columbia, SC 29201.

06/24/2019
DATE

Coastal Carolina University



AUTHORIZED SIGNATURE

David A. Frost

Senior Vice President for Finance & Administration
Chief Financial Officer

The Drug-free Work Place certification must be obtained for sole source procurements greater than \$50,000. The Open Trade Representation must be obtained for sole source procurements greater than \$10,000.

Attachment 3

**NOTICE OF CANCELLATION
OF
JUSTIFICATION FOR
SOLE SOURCE PROCUREMENT**

Notice is given that the following Intent To Sole Source issued by Coastal Carolina University on June 24, 2019, and as advertised in South Carolina Business Opportunities on June 25, 2019, is hereby cancelled:

Vendor: Campus Labs, Inc.
Amount: \$50,339.00

(A copy of the original Intent To Sole Source is attached to and made part of this Notice.)

08/05/2019
DATE

Coastal Carolina University



AUTHORIZED SIGNATURE

David A. Frost
Senior Vice President for Finance & Administration
Chief Financial Officer

Attachment

South Carolina Business Opportunities

Published by: Division of Procurement Services - Delbert H. Singleton, Jr., Division Director

Ad Category: Intent To Sole Source

Ad Start Date: August 5, 2019

Title: Notice of Cancellation of Intent To Sole Source

Purchasing Agent/Entity: Coastal Carolina University

Bid/Submittal Due Date: August 12, 2019 - 11:45pm

Description:

Notice is given that the following Intent To Sole Source issued by Coastal Carolina University, originally posted in South Carolina Business Opportunities on June 25, 2019, is hereby cancelled: Vendor: Campus Labs, Inc. Amount: \$50,339.00

Solicitation #: not applicable

Direct Inquiries To: Dean Hudson

Buyer Phone#: 843-349-2739

Buyer Email: dhudson@coastal.edu

Full Details / Download: <https://owncloud.coastal.edu/index.php/s/fJEFG4AtGfSNWHS>

South Carolina Business Opportunities • Scott Hawkins11111, Editor • 1201 Main Street, Suite 600 • Columbia, SC 29201
803-737-0686 • scbo@mms.sc.gov • <https://procurement.sc.gov>



STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised June 2018)

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 111.1 of the 2018 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
1205 Pendleton Street, Suite 367, 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.