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THE DIVISION OF PROCUREMENT SERVICES

DELBERT H. SINGLETON, JR.
DIVISION DIRECTOR
(803) 734-8018

MICHAEL B. SPICER
INFORMATION TECHNOLOGY MANAGEMENT OFFICER
(803) 737-0600
FAX: (803) 737-0639

Protest Decision

Matter of: College Scheduler by Civitas Learning

Case No.: 2020-209

Posting Date: December 9, 2019

Contracting Entity: Horry Georgetown Technical College

Solicitation No.: RFP0028-19

Description: Student Course Scheduling System

DIGEST

Protest requesting cancellation of intent to award and reevaluation is dismissed for failure to state a claim. The protest letter of College Scheduler by Civitas Learning (CL) is included by reference. (Attachment 1)

AUTHORITY

The Chief Procurement Officer¹ (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.

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

BACKGROUND

Solicitation Issued	10/15/2019
Amendment 1 Issued	11/05/2019
Amendment 2 Issued	11/05/2019
Amendment 3 Issued	11/11/2019
Intent to Award Posted	11/21/2019
Protest Received	11/26/2019

Horry Georgetown Technical College (HGTC) issued this Request for Proposals on October 15, 2019, to acquire a Student Course Scheduling System. Proposals were received on November 11, 2019, and an Intent to Award was posted to DIGARC on November 21, 2019. CL protested to the Chief Procurement Officer on November 26, 2019 requesting reconsideration of its proposal and acceptance of a modification to its proposal pricing.

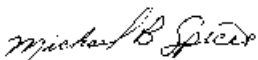
ANALYSIS

CL's protest fails to state a claim for which relief could be granted. CL's protest does not allege any procedural irregularities or any violation of the Procurement Code or Regulations. CL makes no allegations regarding the apparent successful bidder. CL's protest is simply a request that HGTC take a second look at its proposal and accept a revised price proposal. When the State issues an intent to award, offer and acceptance have been completed and only payment and performance remain. Consequently, cancellation of the intent to award and reevaluation of proposals without legal justification is not possible.

DECISION

For the reasons stated above, the protest of College Scheduler by Civitas Learning is dismissed for failure to state a claim.

For the Materials Management Office



Michael B. Spicer
Chief Procurement Officer

Attachment 1

From: [Andrew DuBeau](#)
To: [Protest-MMO](#)
Subject: [External] Horry-Georgetown RFP 0028 - College Scheduler - Protest
Date: Tuesday, November 26, 2019 1:51:06 PM
Attachments: [Horry-Georgetown RFP 002 Protest Letter.pdf](#)
[Horry-Georgetown RFP 0028 Pricing - Revised.pdf](#)

Hello,

Thank you for your consideration of College Scheduler and your review of this protest.

This communication is half request for review and half mea culpa.

The review request centers on College Scheduler's:

- Unparalleled Accessibility
- Leading Security
- Proven ability to deliver Registration at scale
- Two Options Provided.

We included two independent options:

1. A continuation of our current service, supporting a seamless transition to Banner 9 :

\$20,000 annually with no implementation fee.

2. An enhanced experience that includes the ability to register directly from College Scheduler, simplifying and streamlining the student experience: **\$23,500 annually with no implementation fee.**

The mea culpa is my embarrassing inclusion of the wrong pricing. I included my initial calculations before incorporating South Carolina specific discounts offered to TCTC earlier in the month. I take responsibility for this error, and I wanted to ensure the HGTC team was aware of the correct calculations before finalizing your decision. Again, apologies for extending your evaluation time but I want to ensure you have all appropriate information in front of you to deliver the best experience for your students and staff.

I'm happy to answer any questions you may have and to review our proposal. We would love to continue our partnership with HGTC and deliver an enhanced experience, while preventing the disruption in service that will come with a transition of providers.

Best regards,

Andrew

Andrew DuBeau

College Scheduler by Civitas Learning

100 Congress, Suite 400, Austin, TX 78701

office: 737.238.1130

mobile: 339.223.3127



November 26, 2019

Horry-Georgetown Technical College
Chief Procurement Officer, Materials Management Office
PO Box 261966
Conway, SC 29528-6066
protest-mmo@mmo.sc.gov

Subject: RFP 0028-19 Student Course Scheduling System

Dear Chief Procurement Officer,

On behalf of the College Scheduler Team, we are writing to respectfully protest the award of Horry-Georgetown Technical College's RFP for *Student Scheduling Software*. We have been honored to support your staff and students since 2016. We hope you will review our differentiators noted below, in addition to factoring in our commitment to service and ease of implementation over the past several years.

College Scheduler is the industry leading software that allows students to create potential class schedules, compare scheduling options, and select an optimal class schedule. No other scheduling tool shows all possible conflict-free schedules that meet course requirements so quickly. We have provided a few examples of the capabilities that set us apart:

- *Unmatched Registration Experience* - While our standard model currently in use by Horry-Georgetown offers shopping cart functionality, often referred to as 'registration' by other vendors, we now have the ability to provide an enhanced registration experience. Students are able to select their courses, generate schedules, and register all within the application. A student's schedule will be validated against your SIS and immediate feedback will be given to students if there are any errors that occur during the registration process, just as if they were registering within your SIS. It is important to note that our customers are already using this enhanced functionality and have experienced increased persistence levels and record high adoption rates.

"Because College Scheduler streamlines the registration process, course scheduling during advising sessions is faster — which allows more time for advisors to engage with the students on mission-focused topics, such as different degrees and faster graduation routes."

— Associate VP of Student Success / University Registrar



- *Comprehensive Administrative Functionality* – The solution’s rich administrative functionality delivers a full array of usage and course/class demand analytics, enabling Horry-Georgetown to continue to enhance advising services, fine tune the master schedule, and balance course fill rates.
- *Security of Student Data* - College Scheduler is a SOC 2 Type II independently certified service provider. A company that has achieved SOC 2 Type II certification has proven its system is designed to keep its clients’ sensitive data secure.
- *ADA Compliant* - College Scheduler is Section 508 / ADA compliant for use by students with disabilities. The application is compliant with WCAG 2.1 and is completely compatible with screen readers such as JAWS. It includes every feature that our primary version includes.

Since 2016, we have been proud to partner with Horry-Georgetown, and we welcome further discussion as you finalize your decision during the protest period. Your primary contact is Andrew DuBeau, Account Executive. He can be reached at (339) 223-3127 or andrew.dubeau@collegescheduler.com. As your Executive Sponsor, please don’t hesitate to contact me with any additional questions. We look forward to hearing next steps.

Sincerely,

Shawn Gaide, General Manager – College Scheduler

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised June 2019)

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>

FILING FEE: Pursuant to Proviso 111.1 of the 2019 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.