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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: Aquip, LLC
Infrastructure Solutions Group, Inc.

Case No.: 2021-139A 2021-139B

Posting Date: June 2, 2021

Contracting Entity: South Carolina Department of Transportation

Solicitation No.: 5400021133

Description: Self-Propelled Pipe Crawler Camera

DIGEST

Protest that the bid submitted by the apparent successful bidder is not responsive is denied, and second protest is dismissed as untimely. The protest letters of Aquip, LLC (AQ) and Infrastructure Solutions Group (ISG) are included by reference. (Attachment 1 and 2 respectively)

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: | 04/05/2021 |
| Amendment 1 Issued | 04/19/2021 |
| Amendment 2 Issued | 04/21/2021 |
| Statement of Award Posted | 05/03/2021 |
| AQ Intent to Protest Received | 05/05/2021 |
| AQ Protest Received | 05/07/2021 |
| ISG Protest Received | 05/14/2021 |

The South Carolina Department of Transportation (DOT) issued this Invitation for Bids (IFB) on April 5, 2021, for a self-propelled pipe crawler with the ability to inspect 12” to 48” pipe. Amendment 1 was issued on April 19, 2021. Amendment 2 was issued on April 21, 2021. A Statement of Award was posted to Jet Vac Equipment Company, LLC (Jet Vac) on May 3, 2021. AQ filed an Intent to Protest on May 3, 2021, followed by its formal protest on May 7, 2021. ISG filed its protest on April 14, 2021.

ANALYSIS

Section 11-35-4210(1)(b) requires a protestant to notify the CPO of its intent to protest within seven business days of the posting of the award or intent to award:

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

The Statement of Award was posted on May 3, 2021. The seventh business day was May 12, 2021. ISG did not file its protest until May 14, 2021. ISG’s protest is dismissed as untimely.

AQ questions whether Jet Vac could provide a system that meets the specifications at the price bid based on pricing received by the North Carolina Sheriff's Association:

This protest is being submitted based off of factual and public record of pricing and specifications that would need to have been quoted by the awardee in order to adhere by the specifications requested by SCDOT. This is protest is intended only in efforts to ensure that all vendors provided a quotation according to the specification presented and ensures that the customer is receiving the equipment that is necessary to complete the tasks performed by SCDOT. We at Aquip, LLC are simply requesting further investigation in the specification submitted by the awardee based off public pricing from the North Carolina Sheriff's Association as well as the specifications listed on <https://rapidview.com>.

AQ's letter of protest reproduces certain specifications and follows each with what it describes as a minimum spec that is basically equipment AQ believes Jet Vac would have to bid to be compliant and then explains why it is not compliant. These minimum specs do not appear in the IFB or any of its amendments. For example, AQ lists an Orpheus 2.0 HD camera as a minimum requirement for a camera and then explains why it does not meet the specifications. The problem is that Jet Vac bid an ORION 3.0 Zoom HD/SD Adaptive PAN & TILT CAMERA with Pan, Tilt and Zoom for 4" and up which does meet the specifications.

DOT reviewed the bid submitted by Jet Vac and determined that it was responsive to the specifications.

Many years ago, the South Carolina Procurement Review Panel advised that the protestant bears the burden of proof when protesting an award:

... the burden of proof lies with the protestant, which must sustain its allegations by the weight or preponderance of the evidence.

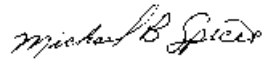
IN RE: Protest of Johnson Controls, Inc., Panel Case 1989-9

AQ's protest is based on speculation and offers no proof that the bid submitted by Jet Vac is not responsive to the specifications published in the solicitation.

DECISION

For the reasons stated above, the protest by Aquip, LLC is denied. The protest by Infrastructure Solutions Group is dismissed as untimely.

For the Materials Management Office

A handwritten signature in cursive script, appearing to read "Michael B. Spicer".

Michael B. Spicer
Chief Procurement Officer

Attachment 1

Formal Protest from Aquip, LLC
Solicitation: 5400021133 Description: SELF-PROPELLED PIPE CRAWLER CAMERA
Agency: SC Department of Transportation

To whom this may concern:

Aquip, LLC is writing to formally protest the award for Solicitation 5400021133. This protest is being submitted based off of factual and public record of pricing and specifications that would need to have been quoted by the awardee in order to adhere by the specifications requested by SCDOT. This protest is intended only in efforts to ensure that all vendors provided a quotation according to the specification presented and ensures that the customer is receiving the equipment that is necessary to complete the tasks performed by SCDOT. We at Aquip, LLC are simply requesting further investigation in the specification submitted by the awardee based off public pricing from the North Carolina Sheriff's Association as well as the specifications listed on <https://rapidview.com>. Please refer to the below links alongside the specifications that match SCDOT Solicitation 5400021133.

Requirements

- SCDOT is soliciting for the purchase of Self-propelled pipe crawler with ability to inspect 12" to 48" pipe **Minimum Spec: Ibak Mainlite PRO System**
<https://rapidview.com/products/mainlite-pro/>
- Cradle and lift for camera to be able to center when inspecting larger diameter pipes
Minimum Spec: Ibak Mainlite PRO System <https://rapidview.com/products/mainlite-pro/>
- Large enough treaded wheels to traverse storm drain and small debris it may encounter:
Minimum Spec to meet pipe diameters with wheels:<https://rapidview.com/products/t76-camera-tractor/>
- Portable control for camera & vehicle with ability to record video and picture Controller should use Windows or comparable OS with at least 1 TB of memory **Minimum Spec: Ibak Mainlite PRO System** <https://rapidview.com/products/mainlite-pro/>
- The controller must be equipped with HDMI and USB outputs
- Inspection camera must be High definition with zoom & ability to articulate at any angle
Minimum Spec Orpheus 2.0 HD <https://rapidview.com/products/orpheus-2-0-hd/>
- Camera must have LED illumination, with auxiliary lights for inspecting larger pipes
Minimum Spec: Orpheus 2.0 or Orpheus 2.0 HD



www.aquipco.com
info@equipco.com

(704) 426-3311
(478) 837-2662

Formal Protest from Aquip, LLC
Solicitation: 5400021133 Description: SELF-PROPELLED PIPE CRAWLER CAMERA
Agency: SC Department of Transportation

<https://rapidview.com/products/orpheus-2-0-hd/> and **Please advise that according to the website above. The camera head is CAPABLE of HD function and ONLY with the KW505 HD reel. This is an upgrade for the Mainlite Pro and specifically an upgrade from the KW206. There is no indication of what the camera head produces HD quality without the KW505 reel. Please advise that it is known that most all modern camera heads are HD and High Resolution capable.**

- Camera for operating the crawler in reverse / back-up camera
- At least 650' of camera cable with a deflection pulley to protect cable from abrasion from pipe and manhole openings. **Minimum Spec: KW206** <https://rapidview.com/products/kw-206/> **Please advise that according to the website above. The camera head is CAPABLE of HD function and ONLY with the KW505 HD reel. This is an upgrade for the Mainlite Pro and specifically an upgrade from the KW206. There is no indication of what the camera head produces without the KW505. Please advise that it is known that most all modern camera heads are HD and High Resolution capable.**
- Automatic feeding and rewinding cable drum that can mount to truck or trailer
Minimum requirement: KW206 <https://rapidview.com/products/kw-206/>
- Included 2200 Watt max 120 V generator power source with inverter technology
- Crawler must be equipped with automatic tilt compensation **T66 crawler and T76 crawler meets this spec. (T66 crawler does not meet pipe size requested above.)**
- Camera must be equipped with upright picture control
- Must be waterproof and pressurized with air or CO2 to combat water infiltration
- A pressure test set and pressurizing device must be supplied
- Tools or pole to lower and lift crawler from within manhole structure
- All other needed accessories to operate out the box



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info@equipco.com

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Formal Protest from Aquip, LLC
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Public Pricing on the Mainlite Pro System:

Please review within the below link: **Lot 13 (ROLLOVER - Bid 20-04-0506R) Underground Pipeline Inspection Equipment**

<https://ncsheriffs.org/wp-content/uploads/Bid-21-05-0506-Bid-Award-Announcement-3.23.2021.pdf>

MainLite Pro Spec

<http://ncsheriffs.org/Bid%2021-05-0506/Draft%20Bid%20Package/Rollover%20Spec%20Modifications/Jet-Vac%20Equipment/Lot%2013%20-%20UPIE/IBAK%20MainLite%20Pro.pdf>



www.aquipco.com
info@quipco.com

(704) 426-3311
(478) 837-2662

Attachment 2



May 14, 2021

Chief Procurement Officer, Materials Management Office
1201 Main Street, Suite 600
Columbia, SC 29201

RE: SCDOT Solicitation 5400021133 Protest

Dear Chief Procurement Officer:

The following outlines my protest to solicitation 5400021133 for a Self-Propelled Pipe Crawler Camera.

My concern with the award is that SCDOT will not be receiving the equipment from Jet-Vac Equipment Company that was outlined in the specifications of the bid package. I would like to review their bid package submittal for further clarification, but my experience with their equipment leads me to believe that SCDOT would not be getting what they expected per the original bid specification.

Before I address my concerns over the specific equipment, I'd like to note that the answers provided to the questions submitted caused some confusion from the bid specification. 'Inspection Camera must be High Definition' was the verbiage in the bid specification. One question asked what specific resolution would be deemed as High Definition, and '1080' was the answer. In a separate question about resolution, the answer read that the resolution 'can go as high as 1080', implying that 1080 wasn't required. This is one of the reasons why the price discrepancy was so large amongst your bids.

Getting into the specific equipment that was proposed by Jet-Vac Equipment Company, I will preface my following statements by saying once again that my assumptions are based off my experiences with their equipment as I've not seen their bid submittal. A basis that I'm using for my concerns is the Bid Award Announcement from the 2021 North Carolina Sheriff's Association Purchasing Contract. I've attached a copy for reference, page 15 and 16 specifically. This is a popular purchase contract used across the Carolinas, that requires vendors to submit bid specifications for each line item and price. Based off that contract reference, here's some concerns I have for SCDOT:

Camera Quality – I mentioned the confusion above with the questions and answers. Based off attached NCSA Bid Award Announcement from last year (pages 15/16), Jet-Vac Equipment Company offers the following two HD camera systems, listed below with pricing and specifications from NCSA Contract.



- IBAK Core HD Mainline System **\$125,339.60**
 - Specification: <http://ncsheriffs.org/Bid%2021-05-0506/Draft%20Bid%20Package/Rollover%20Spec%20Modifications/Jet-Vac%20Equipment/Lot%2013%20-%20UPIE/IBAK%20Core%20HD%20Mainline.pdf>
- IBAK Premium HD Mainline System **\$148,932.13**
 - Specification: <http://ncsheriffs.org/Bid%2021-05-0506/Draft%20Bid%20Package/Rollover%20Spec%20Modifications/Jet-Vac%20Equipment/Lot%2013%20-%20UPIE/IBAK%20Premium%20HD%20Mainline.pdf>
- SCDOT Concern: SCDOT would not receive a system with a High Definition camera at the proposed Jet-Vac/IBAK price of \$72,795.11 in their bid submittal

Camera Centered in Large Diameter Pipes – The first specification line under requirements reads “Cradle and lift for camera to be able to center when inspecting large diameter pipes”. The IBAK crawler that Jet-Vac would need to supply you to ensure you would be centered in the pipe when inspecting the pipe range scope in the specifications is their ‘T76 Camera Tractor’ (website link: <https://rapidview.com/products/t76-camera-tractor/>). Based off the attached NCSA contract from last year, Jet-Vac Equipment Company offers the following two systems with the T76 Camera Tractor, listed below with pricing and specifications from NCSA Contract.

- IBAK Mainlite Pro **\$102,307.91**
 - Specification: <http://ncsheriffs.org/Bid%2021-05-0506/Draft%20Bid%20Package/Rollover%20Spec%20Modifications/Jet-Vac%20Equipment/Lot%2013%20-%20UPIE/IBAK%20MainLite%20Pro.pdf>
- IBAK Mainlite XL Pro **\$105,683.20**
 - Specification: <http://ncsheriffs.org/Bid%2021-05-0506/Draft%20Bid%20Package/Rollover%20Spec%20Modifications/Jet-Vac%20Equipment/Lot%2013%20-%20UPIE/IBAK%20MainLite%20XL%20PRO.pdf>
- SCDOT Concern: SCDOT would not receive a T76 Camera Tractor at the proposed Jet-Vac/IBAK price of \$72,795.11 in their bid submittal. Their T66 Tractor has a max pipe range size of 30” (website link: <https://rapidview.com/products/t66-camera-tractor/>)



The remaining concerns I have for SCDOT are all related to getting the necessary components to meet the bid specification at their proposed price. Below is the specification for their 'Mainlite' System they have on the NCSA contract with the selling price of \$73,694.63. This contract pricing aligns with what they proposed in the bid, and you'll notice from the specification that this system includes the T66 Camera Tractor. (Spec: <http://ncsheriffs.org/Bid%2021-05-0506/Draft%20Bid%20Package/Rollover%20Spec%20Modifications/Jet-Vac%20Equipment/Lot%2013%20-%20UPIE/IBAK%20MainLite.pdf>).

In conclusion, even if SCDOT decided in the questions/answers portion of the bid that they no longer want High Definition, Jet-Vac Equipment Company would have to provide you the IBAK T76 Camera Tractor to meet the specification to be centered when inspecting 12" – 48" as specified in the bid package, at their proposed price of \$72,795.11.

Thank you.

Sean Lemcke

Sean Lemcke
Sales Manager
Infrastructure Solutions Group, Inc.

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised May 2020)

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 2020 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.