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## Protest Decision

**Matter of:** CSC ServiceWorks

**Case No.:** 2021-142

**Posting Date:** June 2, 2021

**Contracting Entity:** South Carolina State University

**Solicitation No.:** 5400020936

**Description:** Laundry Vending Services

### DIGEST

Protest of a non-responsiveness determination is denied. The protest letter of CSC ServiceWorks (CSC) is included by reference. (Attachment 1)

### AUTHORITY

The Chief Procurement Officer<sup>1</sup> (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.

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

## BACKGROUND

Solicitation Issued:	02/12/2021
Amendment 1 Issued	03/12/2021
Intent to Award Posted	05/18/2021
Protest Received	05/19/2021

The State Fiscal Accountability Authority (SFAA) issued this Invitation for Bids (IFB) on behalf of South Carolina State University (SCSU) for laundry vending services on February 12, 2021. Amendment 1 was issued on March 12, 2021. An Intent to Award to Washlava, Inc. was posted on May 18, 2021. CSC filed its protest on May 19, 2021.

## ANALYSIS

CSC's bid was rejected as non-responsive, and it protests:

CSC ServiceWorks is submitting a formal protest to solicitation number 5400020936 Laundry Vending Services for South Carolina State University. Our bid price was lower than that of the intent to award vendor.

In submitting our bid, we included 2 separate prices as there are two completely different items to price. We also made note of that in our submittal as the cost for commercial machines are much different and higher than the cost of domestic machines that would go into Hugine Suites. In order to average the two costs, it would not be appropriate to add a unit costing SCSU \$395.88, when the unit added should be \$192.00 as described in our offer. Thus, the reasoning for our submittal of the separate costs.

On page 13 of the solicitation, it states; "Unit price to be shown for each item." It is our understanding that we were providing the unit cost for "each" item as described.

On page 20 of the solicitation, it states; "Award will be made to the lowest responsible and responsive bidder(s)." Our protest contends that CSC is the lowest responsible and responsive bidder, and therefore should be awarded this bid solicitation. CSC bid is \$27,176.22 lower annually and \$135,881.10 lower for the 5 year period.

The solicitation included a list of the existing laundry machines by manufacturer and model number located in six locations on campus and required bidders to include the same number of new machines:

The laundry room equipment on campus includes 23 washers, 14 single dryers, 5 stack dryer drying pockets, and 189 stackable washers and dryers. All dryers are electric. **See Attachment A for details...**

Quantities listed on Attachment A shall be considered minimum acceptable quantities per location.

[Solicitation, Page 14]

The bidding schedule requested a unit price for one year extended for five years:

Line Number	Quantity	Unit of Measure	Unit Price (Yearly Price)	Extended Price (5 Year Total)
1	5	Years		
<b>Product Catg.:</b> 50095 - Washing Machines				
<b>Item Description:</b> Laundry Vending Service				
<b>Internal Item Number:</b> 1				

1. Disclose dollar amount to increase annual price if additional equipment is added.

Price per Each \$ \_\_\_\_\_

2. Disclose dollar amount to decrease annual price if equipment is removed.

Price per Each \$ \_\_\_\_\_

[Solicitation, Page 32]

CSC provided a price for two washing machines as follows:

## CENTRAL LAUNDRY ROOMS

Line Number	Quantity	Unit of Measure	Unit Price (Yearly Price)	Extended Price (5 year total)
0001	5,000	Years	\$395.88	\$1,979.40
<b>Product Catg.:</b> 50095 - Washing Machines				
<b>Item Description:</b> Laundry Vending Service – Turnkey				
<b>Internal Item Number:</b> 1				
<b>Product Catg.:</b> 50095 - Washing Machines				
<b>Item Description:</b> Laundry Vending Service				

## HUGINE SUITES

Line Number	Quantity	Unit of Measure	Unit Price (Yearly Price)	Extended Price (5 year total)
0001	5.000	Years	\$192.00	\$960.00
Product Catg.: 50095 - Washing Machines				
Item Description: Laundry Vending Service – Turnkey				
Internal Item Number: 1				
Product Catg.: 50095 - Washing Machines				
Item Description: Laundry Vending Service				

CSC included the following notes:

\*\*\* The cost for commercial machines verses in apartment (Hugine Suites) is higher. Therefore, CSC wanted to show the difference depending upon which type of machine is added or removed.

\*\*\*\* Stack washer/dryer equals 2 machine pockets. Hugine Suites stack washer/dryer would be \$32.00 per set.

Section 11-35-1520(6) requires the bids be accepted unconditionally and without alteration or correction:

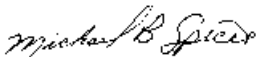
Bids must be accepted unconditionally without alteration or correction, except as otherwise authorized in this code. The invitation for bids must set forth the evaluation criteria to be used. Criteria must not be used in bid evaluation that are not in the invitation for bids. Bids must be evaluated based on the requirements in the invitation for bids and in accordance with the regulations of the board.

The procurement manager could not determine CSC's annual price and its bid was properly rejected as non-responsive.

### DECISION

For the reasons stated above, the protest by CSC ServiceWorks is denied.

For the Materials Management Office



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Michael B. Spicer  
Chief Procurement Officer

## Attachment 1

**From:** [Protest-MMO](#)  
**To:** [MMO - Procurement](#); [Shealy, Voight](#); [Skinner, Gail](#)  
**Subject:** FW: [External] Solicitation number 5400020936 Laundry Vending Services for South Carolina State University  
**Date:** Wednesday, May 19, 2021 10:09:21 AM  
**Attachments:** [image001.png](#)  
[signatureloopadjusted\\_4ebff0f0-3bf7-4bef-9f5d-1b01129f12bb.png](#)

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**From:** Kathy Marshall <[kmarshall@cscsw.com](mailto:kmarshall@cscsw.com)>  
**Sent:** Wednesday, May 19, 2021 10:09:02 AM (UTC-05:00) Eastern Time (US & Canada)  
**To:** Protest-MMO <[protest-mmo@mmo.state.sc.us](mailto:protest-mmo@mmo.state.sc.us)>  
**Cc:** Mims, Melissa <[MMims@mmo.sc.gov](mailto:MMims@mmo.sc.gov)>  
**Subject:** [External] Solicitation number 5400020936 Laundry Vending Services for South Carolina State University

CSC ServiceWorks is submitting a formal protest to solicitation number 5400020936 Laundry Vending Services for South Carolina State University. Our bid price was lower than that of the intent to award vendor.

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We appreciate your consideration in this matter and look forward to your response.

Thank you

Kathy

**Kathy Marshall**  
Regional Manager  
Academic Division



**Your campus laundry solution.**

(937) 477-0984

[km\\_marshall@cscsw.com](mailto:km_marshall@cscsw.com)

[www.cscsw.com](http://www.cscsw.com)

## 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.

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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**

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\_\_\_\_\_  
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: \_\_\_\_\_

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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.**