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Protest Decision

Matter of: CTP Solutions

Case No.: 2021-148

Posting Date: June 30, 2021

Contracting Entity: South Carolina Department of Motor Vehicles

Solicitation No.: 5400021390

Description: SCDMV 30 Day Temporary License Plates

DIGEST

Protest that successful bidder is non-responsive is denied. The protest letter of CTP Solutions (CTP) 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.

BACKGROUND

Solicitation Issued:	05/05/2021
Amendment 1 Issued	05/17/2021

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

Statement of Award Posted
Protest Received

06/14/2021
06/15/2021

The South Carolina Department of Motor Vehicles (DMV) issued this Request for Quotations (RFQ) on April 5, 2021 to acquire 30 Day Temporary License Plates. Amendment 1 was issued on April 17, 2021. A Statement of Award was posted to Southern Index, Inc. (SI) on June 14, 2021. CTP filed a protest on June 15, 2021 alleging that the contract cannot be performed at the price awarded.

ANALYSIS

CTP protests:

We reviewed the results from the above solicitation for the new style temporary license plates. In our experience as a temporary license plate provider, something does not look correct with the costing model provided.

The pricing provided does not align with a true synthetic substrate material and falls closer to the category similar to the paper backed plate used in last year's solicitation.

I would request samples of the materials and mic the synthetic material and lamination to make sure the bid was followed correctly.

I had checked with three different suppliers of synthetic materials before bid submission and all three costs of just the material alone is higher than the winning bid total cost for the three year period.

Something is not correct with the specifications and costing that was provided.

Thank you for your attention to this.

(emphasis in original)

The requirement in the solicitation states:

1. Plates must be made from synthetic cardstock, approximately 13-15 mil thick able to withstand harsh environmental conditions, including rain, for a period of 45-60 days.

[Solicitation, Page 11]

This requirement was modified in Amendment 1 as follows:

2. Question: When you say synthetic cardstock, what exactly does this mean?

Response: Cardstock that includes synthetic overlays, contains some synthetic material, or is manufactured entirely out of synthetic material. Final product must be semi-rigid and weather resistant.

[Amendment 1, Page 27] (highlighting in original)

Brian Carlson, Deputy Director, Titles & Registrations, responded to the procurement officer regarding this protest as follows:

Travis, His point is that it isn't entirely made up of synthetic material. While a fully synthetic material could have been submitted, we clarified this in our response to question number 2:

2. When you say synthetic cardstock, what exactly does this mean?

“Cardstock that includes synthetic overlays, contains some synthetic material, or is manufactured entirely out of synthetic material. Final product must be semi-rigid and weather resistant.”

The material supplied and awarded meet this requirement. It is a cardstock material with a synthetic overlay, is semi-rigid and weather resistant.

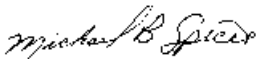
(Attachment 2)

DMV inspected a sample of the successful bidder's product and determined that it met the specifications.

DECISION

For the reasons stated above, the protest by CTP Solutions is denied.

For the Materials Management Office



Michael B. Spicer
Chief Procurement Officer

Attachment 1

From: [Russ Kozaki](#)
To: [Protest-MMO](#)
Cc: [Garrick Sun](#); [Renee Ballenger](#)
Subject: [External] RE: State of South Carolina - SCDMV 30 Day Temporary License Plates - Solicitation #S400021390
Date: Tuesday, June 15, 2021 11:33:10 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[Contract Detail.pdf](#)

Chief Procurement Officer,

We reviewed the results from the above solicitation for the new style temporary license plates. In our experience as a temporary license plate provider, something does not look correct with the costing model provided. The pricing provided does not align with a true synthetic substrate material and falls closer to the category similar to the paper backed plate used in last year's solicitation. I would request samples of the materials and mic the synthetic material and lamination to make sure the bid was followed correctly. I had checked with three different suppliers of synthetic materials before bid submission and all three costs of just the material alone is higher than the winning bid total cost for the three year period. Something is not correct with the specifications and costing that was provided. Thank you for your attention to this.

Russell D. Kozaki
Vice President - Document & Label Management
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Attachment 2

From: [Carlson, Brian L](#)
To: [William Guess](#)
Cc: [Harris, Megan L](#); [Patricia Blake](#); [Bayne, Laura J](#)
Subject: RE: State of South Carolina - SCDMV 30 Day Temporary License Plates - Solicitation #5400021390 - award went to Southern Index
Date: Tuesday, June 15, 2021 12:03:39 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[Questions From Offerors - 5-14-21.docx](#)
[SOW 30 day Temp. Plate DMV 433A.docx](#)

Travis, His point is that it isn't entirely made up of synthetic material. While a fully synthetic material could have been submitted, we clarified this in our response to question number 2:

2. When you say synthetic cardstock, what exactly does this mean?

“Cardstock that includes synthetic overlays, contains some synthetic material, or is manufactured entirely out of synthetic material. Final product must be semi-rigid and weather resistant.”

The material supplied and awarded meet this requirement. It is a cardstock material with a synthetic overlay, is semi-rigid and weather resistant.

R/

Brian Carlson
Deputy Director, Titles & Registrations
SCDMV

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.