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Protest Decision

Matter of: Crown Health Care Laundry Services

Case No.: 2022-125

Posting Date: March 16, 2021

Contracting Entity: SC Department of Disabilities and Special Needs

Solicitation No.: 5400021964

Description: Linen and Laundry Services

DIGEST

Protest dismissed for lack of jurisdiction. The protest letter of Crown Health Care Laundry Services (CHC) is included by reference. (Attachments 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:	12/13/2021
Amendment 1 Issued	02/04/2022
Bids Opened	02/22/2022
Protest Received	02/24/2022

The SC Department of Disabilities and Special Needs (SCDDSN) issued this Invitation for Bids (IFB) on December 13, 2021, to establish contract for linen and laundry services. Amendment 1 was issued on February 4, 2022. Bids were opened on February 22, 2022. CHC filed a protest on February 24, 2022.

ANALYSIS

CHC protests:

On the morning of Feb. 22, 2022, Crown Health Care Laundry staff attempted to upload our completed bid packaged at 10 a.m. CST for IFB5400021964. We were unable to do so due to the deadline having just past at 11 a.m. EST.

Our corporate office is located in the Central Time Zone and was targeting 11 a.m. CST as stated in the Invitation to Bid. The invitation to bid did not indicate that the division of procurement services was utilizing eastern standard time for the deadline in the bid deadline information found on the front page or in the text of entire document....

Typically, a bid will indicate the time zone requirement to avoid such confusion as many vendors have multiple locations. Our office reached out as soon as we discovered the discrepancy with no resolution beyond we should contact the Vendor Liaison, which we did with no response, and that “the buyer, Kayla Middletown, says she won’t be accepting anymore bids.”

The Consolidated Procurement Code grants the right to protest to:

A prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with a solicitation shall protest to the appropriate chief procurement officer in the manner stated in subsection (2) within fifteen days of the date of issuance of the Invitation For Bids Request for Proposals or other solicitation documents, whichever is applicable, or any amendment to it, if the amendment is at issue.

S.C. Code §11-35-4210(1) and

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.

S.C. Code §11-35-4210(2)

The time to protest the solicitation or amendment has passed and there has been no award made at this time. Consequently, the Chief Procurement Officer lacks jurisdiction to consider the merits of this protest and the protest is dismissed as untimely.

Even if the CPO had jurisdiction, this protest fails. South Carolina is in the eastern time zone. Contract formation and performance will be in South Carolina. CHC knows the agencies to be serviced through this contract are in South Carolina, in the eastern time zone. The front page of the solicitation, just below the portion captured in CHC's protest indicates that a pre-bid conference was held on 1/26/2022 10:00:00 AM EST. Regulation 19-445.2070(G) provides:

Any bid received after the procurement officer of the governmental body or his designee has declared that the time set for bid opening has arrived, shall be rejected unless the bid had been delivered to the location specified in the solicitation or the governmental bodies' mail room which services that location prior to the bid opening.

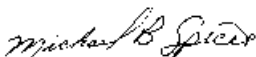
(emphasis added)

CHC failed to submit a bid prior to the prescribed time. Consequently, it is not an actual bidder and would lack standing to protest any future award resulting from this procurement.

DECISION

For the reasons stated above the protest of Crown Health Care Laundry Services is dismissed.

For the Materials Management Office



Michael B. Spicer
Chief Procurement Officer

Attachment 1



Corporate Headquarters
25 W Cedar St., Ste. 405
Pensacola, FL 32502
844-383-6600
crownlaundry.com

Atlanta Processing Facility
7801 Third Flag Pkwy., Ste. 100
Austell, GA 30168
470-795-6500
atlanta@crownlaundry.com

PENSACOLA • LAKELAND • SELMA • COLUMBIA • QUITMAN • SPARTANBURG • BISHOPVILLE • SHREVEPORT • ATLANTA



Feb. 24, 2022

Chief Procurement Officer /Materials Management Office
SFAA, Div. of Procurement Services, MMO
1201 Main Street, Suite 600
Columbia, SC 29201

Re: Bid Protest - IFB5400021964, Linen and Laundry Services SCDDSN

On the morning of Feb. 22, 2022, Crown Health Care Laundry staff attempted to upload our completed bid packaged at 10 a.m. CST for IFB5400021964. We were unable to do so due to the deadline having just past at 11 a.m. EST.

Our corporate office is located in the Central Time Zone and was targeting 11 a.m. CST as stated in the Invitation to Bid. The invitation to bid did not indicate that the division of procurement services was utilizing eastern standard time for the deadline in the bid deadline information found on the front page or in the text of entire document:

	State of South Carolina	Solicitation: 5400021964
	Invitation for Bid	Date Issued: 12/2021
		Procurement Officer: Kayla Middleton
		Phone: 803-737-2609
		E-Mail Address: kmiddleton@mmo.sc.gov
		Mailing Address: SFAA, Div. of Procurement Services, MMO
		PO Box 101103
		Columbia SC 29211

DESCRIPTION: **Linen and Laundry Services**
USING GOVERNMENTAL UNIT: **SC Department of Disabilities and Special Needs (SCDDSN)**

SUBMIT YOUR OFFER ON-LINE AT THE FOLLOWING URL: <http://www.procurement.sc.gov>

SUBMIT OFFER BY (Opening Date/Time): **2/22/2022 11:00 AM** (See "Deadline For Submission Of Offer" provision)

QUESTIONS MUST BE RECEIVED BY: **1/31/2022 3:00 PM** (See "Questions From Offerors" provision)

NUMBER OF COPIES TO BE SUBMITTED: ONE (1)

Typically, a bid will indicate the time zone requirement to avoid such confusion as many vendors have multiple locations. Our office reached out as soon as we discovered the discrepancy with no resolution beyond we should contact the Vendor Liaison, which we did with no response, and that "the buyer, Kayla Middletown, says she won't be accepting anymore bids."

Crown Health Care Laundry Services is the current vendor of linen services for SCDDSN's Whiten Center and would like the opportunity to be considered for the next contract period by being allowed to submit the complete bid package as intended. Emails sent to SFAA have the intended documents prior to this protest, to ensure we did not change our bid.

Thank you for your time and consideration,


Joy Tsubooka
850-393-8304
joyt@crownlaundry.com

Exceptional Quality • Unparalleled Service • Expert Linen Management

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.