

HENRY MCMASTER, CHAIR
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CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



THE DIVISION OF PROCUREMENT SERVICES

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

JOHN ST. C. WHITE
MATERIALS MANAGEMENT OFFICER
(803) 737-0600
FAX: (803) 737-0639

HARVEY S. PEELER, JR.
CHAIRMAN, SENATE FINANCE COMMITTEE

G. MURRELL SMITH, JR.
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

GRANT GILLESPIE
EXECUTIVE DIRECTOR

Protest Decision

Matter of: Audi Group

Case No.: 2022-211

Posting Date: April 28, 2022

Contracting Entity: Department of Labor, Licensing & Regulation, Division of Professional & Occupational Licensing

Solicitation No.: 5400022088

Description: Social Security Based Criminal Background Checks

DIGEST

Protest alleging that offerors' proposed an unreasonably low price and were non-responsive is denied. The protest letters of Audi Group are included by reference. (Attachment 1)

AUTHORITY

The Chief Procurement Officer (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	09/28/2021
Amendment 1 Issued	11/01/2021
Amendment 2 Issued	11/09/2021
Amendment 3 Issued	11/22/2021
Amendment 4 Issued	12/09/2021
Amendment 5 Issued	01/10/2022
Amendment 6 Issued	01/11/2022
Proposals Received	01/26/2021
Intent to Award Posted	04/01/2022
Intent to Protest Received	04/06/2022
Protest Received	04/07/2022
Amended Protest Received	04/11/2022

The State Fiscal Accountability Authority (SFAA) published its Request for Proposals on behalf of the Department of Labor, Licensing & Regulation (LLR) on September 28, 2021, to establish and secure a contractor to conduct, store, and report social-security-number-based criminal-records checks. Amendment 1 was published on November 1, 2021. Amendment 2 was published on November 9, 2021. Amendment 3 was published on November 22, 2021. Amendment 4 was published on December 9, 2021. Amendment 5 was published on January 10, 2022. Amendment 6 was published on January 11, 2022. Ten proposals were received on January 26, 2022. An Intent to Award was posted to Surveillance Resources & Investigations, LLC (SR&I) on April 1, 2022.

ANALYSIS

Audi first protests that, based on its experience and US Census Statics, it is not possible for SR&I to perform this contract at the price proposed.

The relevant solicitation requirement and clarifications provide:

Contractor shall provide accurate and complete state and nationwide SSN based criminal records checks, including dates and disposition of criminal charges. These criminal database records checks shall include- nationwide SSN based traces of county, state and federal court records, including sexual offenses.

[Solicitation, Page 16]

Question – Is LLR seeking only database searches or manual searches required when applicable? How many years history is LLR requiring?

Database and Manual Searches when applicable. There is no limit to the years of criminal history.

[Amendment 4, Question 14]

Will this SSN based BG check include any counties outside of the state of residence and if so will this be performed under the FCRA guidelines of 7yr scope, and felony convictions beyond 7 years in states where allowed? **Yes, we will need results from jurisdictions nationwide for as far back as allowed to search criminal background incidents.**

[Amendment 4, Question 27]

Audi argues that it is not possible to perform the required background checks for the \$45 proposed by SR&I, arguing:

Example- Using SC with a SLED cost of \$26 and another higher cost state FL \$26.50 for example purposes the criminal alone is \$52.50 which does not include social trace, federal, national criminal, sex offender or AKA's.

Based on experience and US Census Statics the price submitted by SR&I is not possible.

“Using 2007 ACS data, it is estimated that a person in the United States can expect to move 11.7 times in their lifetime based upon the current age structure and average rates and allowing for no more than one move per single year. At age 18, a person can expect to move another 9.1 times in their remaining lifetime, but by age 45, the expected number of moves is only 2.7.”

There were three evaluated offers lower than SR&I's. There were two offers higher than Audi's offer. Neither the procurement officer nor the evaluators found SR&I's price unreasonably low. SR&I will be contractually bound to perform at the price proposed and it is speculation to assume that it will not perform in accordance with the contract. *Appeal by Catamaran*, Panel Case No. 2015-2. Contract performance is addressed as a matter of contract administration. This issue of protest is denied.

Audi next protests:

2-PASS THROUGH FEES

Proposal requires a flat rate and no pass-through fees. Question answered below by commission.

58. Please confirm you are looking for a flat rate/one price background check, meaning all applicants will pay the same fee regardless of where they have lived in the past. (i.e. you do NOT want vendors to provide pass-through fees)

No pass-through fees. A Flat one price background check for all candidates/applicants.

SR&I proposal states a \$98.00 pass through fee for NY.

The requirement cited by Audi is found in Amendment 4, question 58. However, this requirement was modified in Amendment 5 as follows:

As for the fee, the vendor must decide what it costs them to process a CBC report. The RFP seeks a flat rate meaning that the vendor must assess their overhead, salaries, technology, and any other needs that would cause them to incur costs. They must then provide a flat rate as part of their proposal. The agency requires the vendor to state clearly it will cost \$___/per CBC report. It is up the vendor to figure that amount out as part of their proposal. **That is the cost that will be used for evaluation purposes.**

If there is a jurisdiction where costs are too exorbitant to cover in the proposed flat rate and the vendor wishes to propose a separate fee for that/those jurisdiction(s), then they may propose a fee schedule for those jurisdictions in their proposal. This fee schedule should be limited and provide justification for why additional costs in that jurisdiction are necessary. These instances should be the exception and not the rule. This pricing should be provided separately. Pricing provided under this section will not be used for evaluation purposes.

[Amendment 5, Question 4] (bolding in original, underlining added)

SR&I's inclusion of a pass-through charge is consistent with the solicitation instructions. This issue of protest is denied.

Audi next protests:

3-SUBCONTRACTOR FORM

SR&I proposal nor any other that we viewed, other than ours, listed any relationships that would be a part of the process.

One example - PACER is the only federally approved vendor for federal records and not a single mention of SR&I utilizing the system. They use the term "Being a proprietary system" which does not meet the requirement stated in the RFP.

The form referenced by Audi is a request for offerors to list any subcontractors that will be involved in this providing these services. SR&I did not list any subcontractors. Typically, a subcontractor is contractually bound to perform specific work on a specified contract on behalf of the prime contractor. A company providing incidental goods or services to enable a prime

contractor to meet its contractual obligations without a contract between the parties referencing the contract and the specific work to be performed is not a contractor / subcontractor relationship. Public Access to Court Electronic Records, or PACER, provides a service incidental to the performance of this contract, but is no more of a subcontractor than the hardware store that sold a widget to the prime contractor. AUDI has not provided any evidence of a contractor / subcontractor relationship between SR&I and PACER. This issue of protest is denied.

Audi next protests:

4-DATA SECURITY

5. List any reports or certifications that you have from properly accredited third-parties that demonstrate that adequate security controls and assurance requirements are in place to adequately provide for the confidentiality, integrity, and availability of the information systems used to process, store, transmit, and access all government information. (For example, an ISO/IEC 27001 compliance certificate, an AICPA SOC 2 (Type 2) report, or perhaps an AICPA SOC 3 report (i.e., a SysTrust or WebTrust seal)). For each certification, describe the scope of the assessment performed. Will these reports / certifications remain in place for the duration of the contract? Will you provide the state with most recent and future versions of the applicable compliance certificate / audit report?

SR&I RESPONSE

- Authorize.Net verified merchant seal shown at srandi.com website for credit card payment security.
- GoDaddy SSL encryption certificate for web browsers to show current and valid SSL certificate is in place for the website.

Neither of the above qualify as compliance and monitoring with concern for a data breach or security of data- personal information.

7. Will government information be encrypted at rest? Will government information be encrypted when transmitted? Will government information be encrypted during data backups, and on backup media? Please elaborate.

SR&I RESPONSE

SR&I's website has SSL encryption strength is SHA-2 and is compliant with industry standard. We also use PGP encryption on file transfers with our partners. SSL and PGP are only in-transit encryption solutions and not data at rest encryption solutions, nor do they cover backups or media protection.

Both of Audi's issues are found in the Service Provider Security Assessment Questionnaire attached as Appendix A on page 50 of the solicitation. The questionnaire requests information about the Offeror's security posture. It does not establish any minimum standards or requirements. SR&I responded to the questions, it is the State's responsibility to review these responses and determine if they indicate an acceptable security posture for this contract. The State determined that SR&I's responses were satisfactory. This issue of protest is denied.

Audi next protests:

5- SIGNING YOUR OFFER (JAN 2004)

Every Offer must be signed by an individual with actual authority to bind the Offeror. SR&I proposal that we viewed was not signed.

SR&I's original cover page was signed by the president, R.L. Watts, the redacted copy was not signed. This issue of protest is denied.

Audi next protests:

6- QUALIFICATIONS -- REQUIRED INFORMATION (MAR 2015)

Submit the following information (a thru e) or documentation for you and for any subcontractor (at any tier level) that you identify pursuant to the clause titled Subcontractor - Identification. Err on the side of inclusion. You represent that the information provided is complete (a) Information reflecting the current financial position. Include the most current financial statement and financial statements for the last two fiscal years (balance sheet, profit and loss statement). If the financial statements have been audited in accordance with the following requirements, provide the audited version of those statements. [Reference Statement of Financial Accounting Concepts No. 5 (FASB, December, 1984), as amended.] (b) for (during) the last five years provide a list of failed projects, suspensions, debarments, penalties, fines, actions, assessments or judgment initiated or levied against it, including any that resulted in a financial settlement or in which anything of value was traded or given up by the Offeror. Provide the dates and explain the circumstances of the penalty, fine, action, litigation, assessment or judgment or exchange of property or services and the estimated cost of that incident to the Offeror.

SR&I RESPONSE-

SR&I has no judgment, pending or expected litigation, compliance complaints and/or compliance investigations or other real or known potential financial reversals that might affect the viability or stability of the company.

Audi included notice of a UCC filing and notice of several state and federal tax liens against the president of SR&I that were not disclosed. Audi's protest simply states:

Below is a UCC filing that was not disclosed as well as multiple personal liens

Audi makes no claim that this information reveals financial information that might affect the viability or stability of SR&I or is otherwise disqualifying, only that SR&I should be disqualified for failure to disclose this information. By posting the Intent to Award to SR&I, the procurement officer indicated that SR&I was a responsible Offeror. A search of the South Carolina Secretary of State's website indicates that SR&I is in good standing. Failure to disclose non disqualifying information is a minor informality and this issue of protest is denied.

The Audi proposal was ranked seventh most advantageous out of the ten proposals received. Audi next protests to disqualify the six proposals ranked higher than itself:

OTHER DISPUTES

Castle Branch requires a contract and setup is 12-16 weeks out.

Castle Branch also included its standard contract which was stated in the RFP-

- Do not include any of your standard contract forms!
- Unless expressly required, do not include any additional boilerplate contract clauses.

USA Fact Inc- NY and ME access fees- NO PASS-THROUGH FEES ALLOWED-

Also state We will provide a single fee for applicants within the same geographic region.

CSI- Creative Services Inc- Submitted 2 pricing bids. One at \$87/90 and another for \$165/170 per.

No mention of PACER or SLED.

Accurate Background LLC- Submitted a bid of \$18 per. No comprehension of the requirements of the RFP or the commission needs.

Based on the below The Audi Group should be the awardee due to proposals submitted should have been rejected and not scored. Per SC Procurement Codes 19-445.2065. Rejection of Bids/19-445.2070. Rejection of Individual Bids.

National Center for Safety- Total Score 106

Professional Business Support- Proposal should have been rejected based on Price Unreasonableness.

Vettfirst- Proposal should have been rejected based on Price Unreasonableness.

Accurate Background LLC- Proposal should have been rejected based on Price Unreasonableness.

Iproveit- Total Score 64

Audi Group- Total Score 113

Castle Branch- Proposal should have been rejected based on contract submitted in proposal /setup is 12-16 weeks out/ proposed cost to the state. Proposal submitted bid samples or descriptive literature.

Creative Services- Proposal should have been rejected based on multiple pricing schedules submitted. Proposal submitted bid samples or descriptive literature.

SR&I LLC- Proposal should have been rejected based on pass through fees.

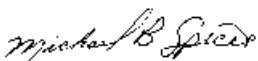
USA Fact- Proposal should have been rejected based on pass through fees.

For the reasons stated above, the CPO finds Audi's protest of the Intent to Award to SR&I is without merit. Consequently, an examination of Audi's protest of proposals that have not been selected for award is purposeless at this time, and these grounds are dismissed as moot.

DECISION

For the reasons stated above, the protest of Audi Group is denied.

For the Information Technology Management Office



Michael B. Spicer
Chief Procurement Officer

Attachment 1

Below are 6 reasons The Audi Group is protesting the award decision made concerning RFP-5400022088 Social Security Based Criminal Background Checks.

The Audi Group believes that SR&I does not meet the requirements and failed to comply with the instructions and evaluation parameters set forth in the RFP based on the below. Reasoning is outlined in the color red and a personal note added at the bottom of the page.

Thank you,

Eric Audish

1-PRICING

\$45 by SR&I

A.General Requirements

1.Contractors shall provide accurate and complete state and nationwide SSN based criminal records checks, including dates and disposition of criminal charges. These criminal database records checks shall include- nationwide SSN based traces of county, state and federal court records, including sexual offenses.

Example- Using SC with a SLED cost of \$26 and another higher cost state FL \$26.50 for example purposes the criminal alone is \$52.50 which does not include social trace, federal, national criminal, sex offender or AKA's.

Based on experience and US Census Statics the price submitted by SR&I is not possible.

"Using 2007 ACS data, it is estimated that a person in the United States can expect to move 11.7 times in their lifetime based upon the current age structure and average rates and allowing for no more than one move per single year. At age 18, a person can expect to move another 9.1 times in their remaining lifetime, but by age 45, the expected number of moves is only 2.7."

<https://www.census.gov/topics/population/migration/guidance/calculating-migration-expectancy.html>

2-PASS THROUGH FEES

Proposal requires a flat rate and no pass-through fees. Question answered below by commission.

58. Please confirm you are looking for a flat rate/one price background check, meaning all applicants will pay the same fee regardless of where they have lived in the past. (i.e. you do NOT want vendors to provide pass-through fees)

No pass-through fees. A Flat one price background check for all candidates/applicants.

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One example- PACER is the only federally approved vendor for federal records and not a single mention of SR&I utilizing the system. They use the term "Being a proprietary system" which does not meet the requirement stated in the RFP.

4-DATA SECURITY

5. List any reports or certifications that you have from properly accredited third-parties that demonstrate that adequate security controls and assurance requirements are in place to adequately provide for the confidentiality, integrity, and availability of the information systems used to process, store, transmit, and access all government information. (For example, an ISO/IEC 27001 compliance certificate, an AICPA SOC 2 (Type 2) report, or perhaps an AICPA SOC 3 report (i.e., a SysTrust or WebTrust seal)). For each certification, describe the scope of the assessment performed. Will these reports / certifications remain in place for the duration of the contract? Will you provide the state with most recent and future versions of the applicable compliance certificate / audit report?

SR&I RESPONSE

- Authorize.Net verified merchant seal shown at srandi.com website for credit card payment security.
- GoDaddy SSL encryption certificate for web browsers to show current and valid SSL certificate is in place for the website.

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5. Will government information be encrypted at rest? Will government information be encrypted when transmitted? Will government information be encrypted during data backups, and on backup media? Please elaborate.

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SR&I's website has SSL encryption strength is SHA-2 and is compliant with industry standard. We also use PGP encryption on file transfers with our partners.

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SR&I proposal that we viewed was not signed.

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Submit the following information (a thru e) or documentation for you and for any subcontractor (at any tier level) that you identify pursuant to the clause titled Subcontractor - Identification. Err on the side of inclusion. You represent that the information provided is complete (a) Information reflecting the current financial position. Include the most current financial statement and financial statements for the last two fiscal years (balance sheet, profit and loss statement). If the financial statements have been audited in accordance with the following requirements, provide the audited version of those statements. [Reference Statement of Financial Accounting Concepts No. 5 (FASB, December, 1984), as amended.] (b) for (during) the last five years provide a list of failed projects, suspensions, debarments, penalties, fines, actions, assessments or judgment initiated or levied against it, including any that resulted in a financial settlement or in which anything of value was traded or given up by the Offeror. Provide the dates and explain the circumstances of the penalty, fine, action, litigation, assessment or judgment or exchange of property or services and the estimated cost of that incident to the Offeror.

SR&I RESPONSE-

SR&I has no judgment, pending or expected litigation, compliance complaints and/or compliance investigations or other real or known potential financial reversals that might affect the viability or stability of the company.

Below is a UCC filing that was not disclosed as well as multiple personal liens

UCC Filing

Filing Type: Original

Filing Number: 190828-0827511

Filing Date: 08/28/2019

LLC-Business-Report-202204021203

Filing Time: 08:27:00

Expiration Date: 08/28/2024

Filing Office Name: SECRETARY OF STATE/UCC DIVISION

Filing Office Address: CAPITOL COMPLEX EDGAR BROWN BLDG # 525, COLUMBIA, SC 29201 (RICHLAND COUNTY)

Debtors: Business Name: SURVEILLANCE RESOURCES & INVESTIGATIONS, LLC

Name: SURVEILLANCE RESOURCES & INVESTI LLC

Address: 109 LOVETT DR, GREENVILLE, SC 29607-6510 (GREENVILLE COUNTY)

Business Name: SURVEILLANCE RESOURCES & INVESTIGATIONS, LLC

Name: SURVEILLANCE RESOURCES & INVESTI LLC

Address: 109 LOVETT DR, GREENVILLE, SC 29607-6510 (GREENVILLE COUNTY)

Secured Party: Business Name: SECURED LENDER SOLUTIONS

Name: SECURED LENDER SOLUTIONS

Address: PO BOX 2576, SPRINGFIELD, IL 62708-2576 (SANGAMON COUNTY)

OWNER-

Last Refile Or Lien Extension Date: 12/03/2018

Recording Date: 04/03/2009
Tax Lien Date: 03/24/2009
Federal Tax Lien Area: Small Business
RODERICK WATTS
Address: 243 LOUISVILLE DR, GREENVILLE, SC 29607-6527 (GREENVILLE COUNTY)
Filing County: Laurens, SC
Total Lien Amount: \$15,260
Deed Category Type: Placement
Damar Document Type: Federal Tax Lien
Recording Book Number: F2009
Recording Book Number: F2009
Recording Page Number: 29
Federal Tax Lien Area: Small Business
Tax Lien Serial Lien Certificate Number: 526940509

Filing Type: STATE TAX LIEN RELEASE
Total Lien Amount: \$9,361
Court: GREENVILLE COUNTY RECORDER(SCGREC1)
Court Address: 4 MCGEE ST, GREENVILLE, SC 29601 (GREENVILLE COUNTY)
Court Phone: (803) 298-8551
Last Refile Or Lien Extension Date: 12/23/2019
Recording Date: 05/17/2010
Tax Lien Date: 05/05/2010
Federal Tax Lien Area: Small Business
RODERICK WATTS
Address: 243 LOUISVILLE DR, GREENVILLE, SC 29607-6527 (GREENVILLE COUNTY)
Filing County: Greenville, SC
Total Lien Amount: \$8,775
Deed Category Type: Placement
Damar Document Type: Federal Tax Lien
Recording Book Number: 50
Recording Book Number: 50
Recording Page Number: 760
Federal Tax Lien Area: Small Business
Tax Lien Serial Lien Certificate Number: 652564710
Kind Of Tax: 1040

Filing Date: 05/12/2016
Recording Date: 05/12/2016
Report Date: 05/20/2016
RODERICK WATTS
RODERICK WATTS
Address: PO BOX 5106, GREENVILLE, SC 29606-5106 (GREENVILLE COUNTY)
Total Lien Amount: \$742
Last Refile Or Lien Extension Date: 02/05/2024
Recording Date: 08/25/2015

Tax Lien Date: 08/12/2015
Federal Tax Lien Area: Small Business
RODERICK WATTS
Address: 26 DOLERITE DR, TAYLORS, SC 29687-5352 (GREENVILLE COUNTY)
Filing County: Greenville, SC
Total Lien Amount: \$37,517
Deed Category Type: Placement
Damar Document Type: Federal Tax Lien
Recording Book Number: 106
Recording Book Number: 106
Recording Page Number: 249
Federal Tax Lien Area: Small Business
Tax Lien Serial Lien Certificate Number: 171341815
Kind Of Tax: MULTI

Filing Date: 08/30/2016
Recording Date: 08/30/2016
Report Date: 09/02/2016
RODERICK WATTS
RODERICK WATTS
Address: 26 DOLERITE DR, TAYLORS, SC 29687-5352 (GREENVILLE COUNTY)
Total Lien Amount: \$35,322
Last Refile Or Lien Extension Date: 05/04/2026
Recording Date: 08/30/2016
Tax Lien Date: 08/17/2016
Federal Tax Lien Area: Small Business
RODERICK WATTS
Address: 26 DOLERITE DR, TAYLORS, SC 29687-5352 (GREENVILLE COUNTY)
Filing County: Greenville, SC
Total Lien Amount: \$35,322
Deed Category Type: Placement
Damar Document Type: Federal Tax Lien
Recording Book Number: 118
Recording Book Number: 118
Recording Page Number: 257
Federal Tax Lien Area: Small Business
Tax Lien Serial Lien Certificate Number: 225682616
Kind Of Tax: 6672

Filing Date: 02/19/2008
Recording Date: 06/05/2018
Report Date: 06/08/2018
RODERICK L WATTS
RODERICK L WATTS
Address: PO BOX 17011, GREENVILLE, SC 29606-8011 (GREENVILLE COUNTY)
Total Lien Amount: \$30,240

Filing Date: 12/11/2017
Recording Date: 06/05/2018
Report Date: 06/08/2018
RODERICK L WATTS
RODERICK L WATTS
Address: PO BOX 17011, GREENVILLE, SC 29606-8011 (GREENVILLE COUNTY)
Total Lien Amount: \$28,810
Last Refile Or Lien Extension Date: 12/19/2027
Recording Date: 12/11/2017
Tax Lien Date: 11/29/2017
Federal Tax Lien Area: Small Business

RODERICK L WATTS
Address: PO BOX 17011, GREENVILLE, SC 29606-8011 (GREENVILLE COUNTY)
Filing County: Laurens, SC
Total Lien Amount: \$28,810
Deed Category Type: Placement
Damar Document Type: FXEX
Recording Book Number: 2017
Recording Book Number: 2017
Recording Page Number: 63
Federal Tax Lien Area: Small Business

OTHER DISPUTES

Castle Branch requires a contract and setup is 12-16 weeks out.

Castle Branch also included its standard contract which was stated in the RFP-

- Do not include any of your standard contract forms!

- Unless expressly required, do not include any additional boilerplate contract clauses.

USA Fact Inc- NY and ME access fees- NO PASS-THROUGH FEES ALLOWED-

Also state We will provide a single fee for applicants within the same geographic region.

CSI- Creative Services Inc- Submitted 2 pricing bids. One at \$87/90 and another for \$165/170 per.

No mention of PACER or SLED.

Accurate Background LLC- Submitted a bid of \$18 per. No comprehension of the requirements of the RFP or the commission needs.

A personal note or rather my feeling because your feelings are not allowed to be wrong.

Beginning with the video conference, I was there with video on representing my company. There were only 2 others with video- 1 of which did not submit a proposal. There were 8 individuals on the call and SR&I to my knowledge was not one of them. For Castle Branch it was the senior RFP writer Angela Kaiser, not the owners.

When the questions were answered- I literally felt your pain in the lack of due diligence and simply reading the entire RFP which was evident by the questions.

This RFP is a big deal and I expected more from many of the companies that submitted. But it is like they all had covid brain. All simple mistakes but the mistakes that require a commission to follow the rules set forth in the RFP.

There are many things I do not know about your scoring process and reasoning since none was provided but I can assure you my company worked very hard on this RFP. I recall the awful situation years back that impacted LLR and our focus was to offer the best service that would never allow a repeat. I would be willing to bet my own life that the only 2 companies with that on their mind when creating this bid was SR&I and Audi Group. Especially SR&I who should be commended on their effort/changes to the way background checks were conducted. Given the relationship between your organizations common sense would tell you they would be the winner of this solicitation.

Next, I inquired and received the top 5 redacted proposals. I mention a few issues above with the others but given the responses by SR&I, I do not see how it is a justified decision given the requirements of the RFP.

So, in short, I do apologize for the protest but in time maybe you will thank me, and my conscience can remain clear.

Based on the requirements set forth by RFP 5400022088 The Audi Group submitted the RFP as required and should be the chosen provider.

From: [THE AUDI GROUP](#)
To: [Spicer, Michael](#)
Cc: [Santandreu, Kathy](#); [Grier, Manton](#); [Graig, Kimber](#); [White, John](#)
Subject: Re: FW: [External] RFP 5400022088 Social Security Based Criminal Background Checks
Date: Friday, April 8, 2022 3:05:50 PM

To all that this may concern,
With your permission, I would like to add more information recently found to our protest based on RFP requirements and SC Procurement Code. Based on the below The Audi Group should be the awardee due to proposals submitted should have been rejected and not scored. Per SC Procurement Codes 19-445.2065. Rejection of Bids/19-445.2070. Rejection of Individual Bids.

National Center for Safety- Total Score 106
Professional Business Support- Proposal should have been rejected based on Price Unreasonableness.
Vetfirst- Proposal should have been rejected based on Price Unreasonableness.
Accurate Background LLC- Proposal should have been rejected based on Price Unreasonableness.
Iproveit- Total Score 64
Audi Group- Total Score 113
Castle Branch- Proposal should have been rejected based on contract submitted in proposal /setup is 12-16 weeks out/ proposed cost to the state. Proposal submitted bid samples or descriptive literature.
Creative Services- Proposal should have been rejected based on multiple pricing schedules submitted. Proposal submitted bid samples or descriptive literature.
SR&I LLC- Proposal should have been rejected based on pass through fees.
USA Fact- Proposal should have been rejected based on pass through fees.

Thank you,
Eric Audish

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.