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## Protest Decision

**Matter of:** SafePoint Scientific, LLC

**Case No.:** 2022-212

**Posting Date:** June 7, 2022

**Contracting Entity:** Department of Health and Environmental Control

**Solicitation No.:** 5400022802

**Description:** Digital Temperature Monitoring System

### DIGEST

Protest of non-responsive determination is denied. The protest letter of Safepoint Scientific, LLC (SafePoint) is 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	03/08/2022
Amendment 1 Issued	03/25/2022
Intent to Award Posted	05/05/2022
Protest Received	05/10/2022

The Department of Health and Environmental Control (DHEC) published this Best Value Bid on March 8, 2022, for a digital temperature monitoring system. Amendment 1 was published on March 25, 2022. An Intent to Award was posted to Sequence, Inc. on May 5, 2022. SafePoint filed a protest on May 10, 2022.

## ANALYSIS

SafePoint protests that its bid was erroneously rejected as non-responsive.

The State's determination of non-responsiveness states:

The bid failed to meet certain technical requirements as outlined in Section III of the solicitation. Safepoint offered a cellular capable system option and is not acceptable for use in the DHEC laboratory. The State's response to vendor question number 6 in Amendment One to the solicitation specified that cellular transmission will not be acceptable.

(Attachment 2)

In its letter of protest, SafePoint argues:

Reason number one says a cellular-capable system is not acceptable. The OceaView system uses cellular in two ways. Primarily it is used as a backup in case of network failure or can be set up 100% cellular. This gives customers options on how to use it. **Cellular does not have to be used at all.** The system is 98% installed for our customers working on their network using an IP address at a network port or Wi-Fi.

Amendment 1 explains that a cellular system is not acceptable:

VENDOR QUESTION 6: In a few places in the RFP it stipulates that WiFi transmission or a mesh network is required. Would a cellular based transmission define be acceptable?

STATE'S RESPONSE: Cellular transmission will not be acceptable due to the age of the facility. Cellular signal is weak in many areas of the building.

[Amendment 1., Page 4]

In its quote, SS states that it is proposing a 100% cellular system:

#	Item & Description	Qty	Rate	Amount
1	LoRa Gateway OS System - Cellular Capable SKU : OS-GSR.REC.5008 Lo Ra Gateway for OS System. It can be set up as Ethernet, WiFi, and Cellular capable. 5-mile line of sight, with a universal power supply. The cellular option can be set up as either backup or 100% stand-alone. Cellular cards and plans are extra and need to be quoted separately. <b>Select if 100% cellular <u>x</u>.</b>	3.00	2,600.00	7,800.00
2	1-Year <b>100% Cellular-Based</b> System Data Card and Plan for 100 Cobalt Units SKU: OS-SP-Twilio100 1-year of 100% cellular-based data card and plan for up to 100 Cobalt wireless transmitters. Cost is per OS Gateway and has a limit of 1000 MB per month. Any data usage above 1000 MB will be billed at .20 per MB.	3.00	1,850.00	5,550.00

[SafePoint Quote, Page 1] (highlight added)

While the SafePoint system is apparently capable of operating without a cellular connection, SafePoint bid the cellular option and was properly determined non-responsive.

The State also found SafePoint non-responsive to a solicitation requirement that transmitters have a digital display and a localized audible and visual alarm.

Furthermore, Safepoint quoted using Emerald External Puck to capture temperature readings and it does not utilize a display, which was a requirement outlined in the specifications.

(Attachment 2)

SafePoint argues:

SafePoint Scientific quoted emerald pucks that do not display readings. Again this is a misunderstanding. **The Emerald puck sends its readings to our Cobalt X2 unit, which displays the reading for visual use.** The Emerald puck is often used as an alternative to placing wired probes in a unit and having multiple units next

to each other report to one transmitter. This saves the customer cost on hardware and makes it easier for the user to see multiple units on one screen. Users can also interact directly with Cobalts X2 with proper passcode to handle alarm situations at the point location of the unit in alarm. Please see the pictures on the following few pages and the attached literature.

The solicitation requirement states:

Equipment/System must meet the following specifications:

- Ability to provide LCD digital display on transmitters with a localized audible and visual alarm, as needed

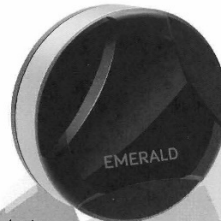
[Solicitation, Page 20]

SafePoint bid 140 Emerald Puck transmitters and by its own admission they do not display readings.

SafePoint included a specification sheet for the Emerald Puck device that clearly indicates that it does not have an LCD display.

## SAFEPOINT SCIENTIFIC | OS EMERALD

Emerald is a versatile datalogger that features several operating modes and comprehensive temperature tracking thanks to an internal sensor and a range of external Pt100 sensors. Each module is equipped with a colored thermally conductive ring for accurate readings and easy calibration.



### FEATURES & BENEFITS

- Can be placed in any type of temperature controlled unit or packaging
- Wireless Bluetooth®-Smart technology for reading of data.
- Stores temperature readings on the Emerald module's internal memory for data backup
- Works with both cloud and local hosting of Software
- Continuous access to data
- Simple to setup and use
- Traceability compliant with EN NF 12830 and 21 CFR Part 11

### GENERAL FEATURES

#### Sensor

##### Temperature ranges:

Internal sensor: -40°C to +85°C

External sensor (Pt100)\*: -200°C to +200°C

Sensor calibration ISO/IEC 17025 (COFRAC) accredited or NIST- traceable

On-board memory: up to 4,000 readings

Size: W 2 in. x D 0.8 in.

Weight: 1.7 oz

#### Connectivity

Bluetooth®-Smart (4.0) technology: range up to 50 m

#### Battery

Type: 1/2 R6 - 1/2 AA

Replaceable battery with up to 1 year estimated battery life



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SafePoint was properly determined non-responsive to this requirement.

## DECISION

For the reasons stated above, the protest of Safepoint Scientific, LLC is denied.

For the Information Technology Management Office

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Michael B. Spicer  
Chief Procurement Officer

## Attachment 1



May 10, 2022

Lisa Roland  
Procurement Officer  
Procurement Services Division

30 I Gervais Street, 4th Floor

Columbia SC 29201-3073

Ms. Roland,

Good day. SafePoint Scientific is issuing a protest for Award for Solicitation 5400022802 and respectfully requests that the award be given to SafePoint Scientific. Per the attached letter with reasons the award was given to another company, there seems to be some confusion about our system capabilities. The awarded bid was for \$148,578.79 plus 437.50 per month for monitoring. SafePoint Scientific's offer was \$139,085.30 with no monthly monitoring price needed.

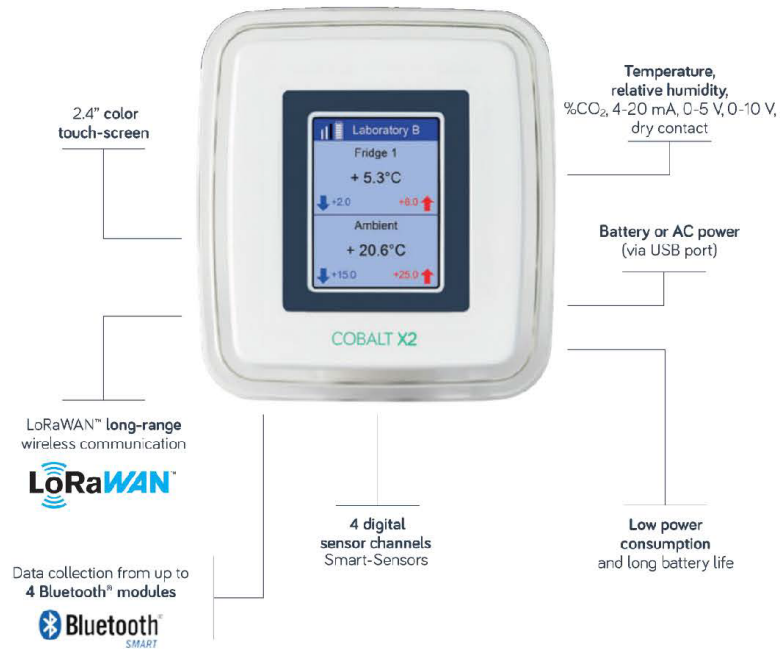
The two reasons for not selecting SafePoint Scientific are inaccurate and most likely a misunderstanding of our OceaView system capabilities.

1. Reason number one says a cellular-capable system is not acceptable. The OceaView system uses cellular in two ways. Primarily it is used as a backup in case of network failure or can be set up 100% cellular. This gives customers options on how to use it. **Cellular does not have to be used at all.** The system is 98% installed for our customers working on their network using an IP address at a network port or Wi-Fi.
2. SafePoint Scientific quoted emerald pucks that do not display readings. Again this is a misunderstanding. **The Emerald puck sends its readings to our Cobalt X2 unit, which displays the reading for visual use.** The Emerald puck is often used as an alternative to placing wired probes in a unit and having multiple units next to each other report to one transmitter. This saves the customer cost on hardware and makes it easier for the user to see multiple units on one screen. Users can also interact directly with Cobalts X2 with proper passcode to handle alarm situations at the point location of the unit in alarm. Please see the pictures on the following few pages and the attached literature.

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# SAFEPOINT SCIENTIFIC



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SafePoint Scientific's Oceaview system does conform to the bid requirements. Therefore Procurement Regulations § 19-445 .2070 "A. General Application - Any bid which fails to conform to the essential requirements of the invitation for bids shall be rejected." does not apply to our system that was bid. Again, there is most likely a misunderstanding of the system's capabilities.

Thank you for taking the time to review our request, and we are happy to set up a meeting to review any outstanding questions. Would you please let us know of anything you need?

Best regards,

*James O'Malley*  
James F. O'Malley

National Sales Director

SafePoint Scientific Corporation

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## 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.**