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GRANT GILLESPIE  
EXECUTIVE DIRECTOR

## Protest Decision

**Matter of:** Complete Cleaning Services, LLC

**Case No.:** 2023-101

**Posting Date:** August 30, 2022

**Contracting Entity:** Trident Technical College

**Solicitation No.:** 040122-953-00409-04/29/22  
040322-953-00509-05/02/2022

**Description:** Janitorial Services for TTC Berkeley Campus  
Janitorial Services for TTC Palmer Campus

### DIGEST

Protest of Intent to Award is denied. The protest letter of Complete Cleaning Services, LLC is included by reference. (Attachment 1)

### AUTHORITY

The Deputy 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 Deputy Chief Procurement Officer.

## BACKGROUND

Solicitations Issued  
Intents to Award Posted  
Protest Received

03/25/2022 & 3/29/2022  
07/08/2022 & 07/07/2022  
07/14/2022

Trident Technical College issued two separate Requests for Bid<sup>2</sup> (RFB). The first was on March 25, 2022, seeking janitorial services for Berkeley Campus; the second was on March 29, 2022, seeking janitorial services for Palmer Campus. An Intent to Award was posted to Integrity Contracting Services on July 8, 2022, for Berkeley Campus. An Intent to Award was posted to Integrity Contracting Services on July 7, 2022, for the Palmer Campus. Complete Cleaning Services, LLC (Complete Cleaning) filed a protest on July 14, 2022.

## ANALYSIS

The following is from the Complete Cleaning protest, which was not amended:

Until we can fully understand how a final decision was determined - specifically as it relates to the evaluation of the Attachment A information and Integrity's proposal for the same staffing hours at both the Palmer and Berkeley campus. It is difficult to understand how Integrity Contracting Solutions proposed similar staffing at both Berkeley and Palmer locations with a significant variation in cleanable square footage and an overall price proposal significantly higher at Palmer campus compared to Berkeley.

Complete Cleaning Services, LLC would like to formally protest any "intent to award" decision both the Palmer and Berkeley TTC campuses.

This protest seeks information but alleges no violation of the Code or Regulations. Viewing this protest in a light most favorable to Complete Cleaning, the Deputy CPO reviewed the evaluations for both solicitations. Trident Technical College received bids from the same four contractors for both the Palmer and Berkeley Campuses (ABM Industry Group, Complete Cleaning Services, The Budd Group and Integrity Contracting Services). The analysis for both evaluations is the same.

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<sup>2</sup> The title on the solicitation document is Request For Bid. This solicitation was issued pursuant to S.C. Code Ann. §11-35-1520 - Competitive Sealed Bidding. This is also known as an Invitation for Bid.

The following bids were received:

| <u>Bidder</u>                  | <u>Palmer Campus</u> | <u>Berkeley Campus</u> |
|--------------------------------|----------------------|------------------------|
| ABM Industry Group             | \$141,666.00         | \$144,150.00           |
| Complete Cleaning Services     | \$141,206.04         | \$90,408.00            |
| The Budd Group                 | \$121,737.00         | \$82,122.96            |
| Integrity Contracting Services | \$118,383.00         | \$78,300.00            |

For both the Palmer Campus and the Berkeley Campus, Integrity Contracting Services submitted the lowest bid. S.C. Code Ann. §11-35-1520(10) requires “award of a contract to the lowest responsive and responsible bidder.” A responsible bidder is one “who has the capability in all respects to perform fully the contract requirements<sup>3</sup>.” In the Qualifications section of the solicitation documents, Trident Tech requested offerors to complete Attachment A - Vendor Questionnaire. The purpose of this questionnaire was not for evaluation purposes but simply as information to be used in order to establish the responsibility of the lowest bidder.<sup>4</sup>

Determinations of responsibility are the sole judgement of the procurement officer. In both solicitations, Trident Tech awarded contracts to the lowest responsive and responsible offeror. And speculation that Integrity Contracting Services will be unable to perform is a matter of contract administration and does not state a proper challenge to responsibility. *Appeal by Catamaran*, Panel Case. No. 2015-2.

## DECISION

The protest of Modern Campus is dismissed for failure to state a claim upon which relief may be granted.

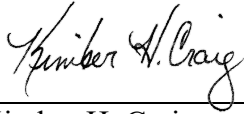
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<sup>3</sup> S.C. Code Ann. §11-35-1410(8)

<sup>4</sup> Had the solicitation been issued as a Request for Proposals under S.C. Code Ann. §11-35-1530 then this information may have been used for evaluation.

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August 30, 2022

For the Materials Management Office

A handwritten signature in black ink, reading "Kimber H. Craig". The signature is written in a cursive style with a large, stylized "K" and "C".

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Kimber H. Craig  
Deputy Chief Procurement Officer

## Attachment 1

**From:** [Scott Stuckey](#)  
**To:** [Protest-MMO](#)  
**Subject:** [External] FW: Formal Intent to Protest Janitorial Service award for Trident Technical College Palmer and Berkeley Campuses  
**Date:** Thursday, July 14, 2022 1:24:08 PM

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Chief Procurement Officer,  
Materials Management Office  
Suite 600  
Columbia, SC 29201

Director of Procurement, Trident Technical College  
PO Box 118067  
Charleston SC 29423

When comparing all four Attachment A's proposed daily / weekly staffing it is unclear how the committee would be able to meaningfully compare the 4 responding vendors responses

Can you elaborate on the weight / value of each vendors Attachment A's information as it related to a determination of the best qualified and responsive vendor? It doesn't appear each respondents data is comparable.

If Attachment A was used in the determination process - how was the information comprised and compared?

Example:

Integrity proposes

2 employees will service the lot. But yet they suggest 3 positions general cleaner, floor tech and supervisor at 25-30 hours each. Not sure how that could be with only 2 people allocated to the project. Likewise the same numbers are proposed for both the Palmer campus and Berkeley campus. Yet they have proposed a price for Palmer campus 44% higher than the Berkeley campus.

So are they proposing:

25-30 hours general cleaning  
25-30 hours supervision  
25-30 hours floor care

This would suggest between 75 and 90 hours per week at both locations divided between 2 people or between 7.5 and 9 hours each per night. Or are they sharing hours between two positions?

ABM

3 employees will service the lot. 2 positions general cleaner. Floor tech and supervisor duties to be shared by the third employee.

So are they proposing:

6/30 hours general cleaning - is the 6/30 hours multiplied by 2 employees equating to 12 hour total nightly hours Or is the 6/30 hours a total for both?

6/30 hours supervision - is the 6/30 hours divided by 2 positions equating to 3 hour for the nightly supervisor and 3 hours for floor care service? Or is the 6/30 hours a total for each position /per night?

6/30 hours floor care

Bud Group

4 employees will service the lot. 2 positions general cleaner. Floor tech 1 and supervisor 1.

So are they proposing:

9/45 hours general cleaning is the 9/45 hours multiplied by 2 employees equating to 18/90 total nightly hours Or is the 9/45 hours for a total of both?

4.5/22 hours supervision

4/20 hours floor care

Complete Cleaning Services

6 employees will service the lot. 4 positions general cleaner. Floor tech 1 and supervisor 1.

So are they proposing:

4/20 hours general cleaning is the 4/20 hours multiplied by 4 employees equating to 16 /80 nightly hours total Or is the 6/30 hours a total for all?

4.5/22.5 hours supervision

3/15 hours floor care

Attachment A Question 2 reads; "How many hours per week will each of the **positions** referenced in item 1 above work?" How was "position" defined? Was each "position" defined as general cleaner, floor care and supervisor or the total number of allocated employees multiplied by the nightly hours?

Can we obtain a copy of any data used in comparing each respondents Attachment A staffing plan beyond what was provided on the actual Attachment A?

In what manner would we need to proceed with protesting both Berkeley campus and Palmer

campus on the grounds of Attachment A responses?

Until we can fully understand how a final decision was determined - specifically as it relates to the evaluation of the Attachment A information and Integrity's proposal for the same staffing hours at both the Palmer and Berkeley campus. It is difficult to understand how Integrity Contracting Solutions proposed similar staffing at both Berkeley and Palmer locations with a significant variation in cleanable square footage and an overall price proposal significantly higher at Palmer campus compared to Berkeley.

Complete Cleaning Services, LLC would like to formally protest any "intent to award" decision for both the Palmer and Berkeley TTC campuses.

Scott Stuckey  
Complete Cleaning Services, LLC  
3870 Leeds Ave STE 114  
North Charleston, SC 29407  
843-460-5997 - Cell  
843-225-0866 – Office  
843-764-9585 - Fax  
[scott@completedcleaningservicesllc.com](mailto:scott@completedcleaningservicesllc.com)

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[scott@completedcleaningservicesllc.com](mailto:scott@completedcleaningservicesllc.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.**