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Protest Decision

Matter of: Modern Campus

Case No.: 2023-200

Posting Date: August 19, 2022

Contracting Entity: Florence-Darlington Technical College

Solicitation No.: 5400021657

Description: Web Content Management System

DIGEST

Protest of Intent to Award is denied. The protest letter of Modern Campus is included by reference. (Attachment 1)

AUTHORITY

The Deputy 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 Deputy Chief Procurement Officer.

BACKGROUND

Solicitation Issued	07/22/2021
Amendment 1 Issued	08/20/2021
Amendment 2 Issued	08/31/2021
Intent to Award Posted	07/08/2022
Protest Received	07/08/2022

The State Fiscal Accountability Authority (SFAA) issued this Request for Proposals (RFP) on July 22, 2021, on behalf of Florence-Darlington Technical College, for a web content management system. Amendment 1 was published on August 20, 2021. Amendment 2 was published on August 31, 2021. An Intent to Award was posted to Terminalfour, Inc. on July 8, 2022. Modern Campus filed a protest on July 8, 2022.

ANALYSIS

The following is the Modern Campus protest, which was not amended:

Hello,

We are writing this letter for protest to the above referenced RFP.

As the RFP was released over a year ago and technologies have drastically changed since then, we are protesting that the RFP is awarded now, over a year later without doing any notified shortlist or discussion to amend the bid and the technologies submitted.

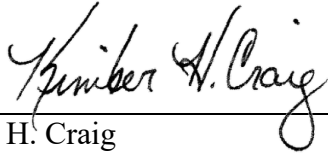
This protest alleges no violation of the Code or Regulations and seeks no relief. Further, to the extent it challenges the solicitation, it is untimely under S.C. Code Ann. § 11-35-4210(1)(a).

DECISION

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

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August 19, 2022

For the Information Technology 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".

Kimber H. Craig
Deputy Chief Procurement Officer

Attachment 1

[External] 5400021657 - WEB CONTENT MANAGEMENT SYSTEM



Jeremy Rex <jeremy@moderncampus.com>

To ○ itmo, protest

↩ Reply

↩ Reply All

→ Forward

...

Fri 7/8/2022 11:29 AM

Hello,

We are writing this letter for protest to the above referenced RFP.

As the RFP was released over a year ago and technologies have drastically changed since then, we are protesting that the RFP is awarded now, over a year later without doing any notified shortlist or discussion to amend the bid and the technologies submitted.

Please confirm receipt.

Thank you!

Jeremy

**modern
campus**

Engagement
Evolved™

Jeremy Rex

Regional Director

+1 (805) 322-0009

ModernCampus.com | EvoLLLution.com | [LinkedIn](#) | [Twitter](#)

Register for upcoming Modern Campus webinars:

[How to Personalize the Learner Experience in Higher Ed](#)

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.