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GRANT GILLESPIE  
EXECUTIVE DIRECTOR

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

## Protest Decision

**Matter of:** ICC Commonwealth  
**File No.:** 2024-005  
**Posting Date:** March 4, 2024  
**Contracting Entity:** Parks, Recreation & Tourism Department  
**Project No.:** P28-9804-MJ  
**Description:** Hunting Island State Park Lighthouse Repairs

### DIGEST

The Chief Procurement Officer for Construction (CPOC) denies the protest of ICC Commonwealth (ICC) (attached as Exhibit A). ICC cannot meet its burden of proving (a) that Huss, Inc. did not meet the special standards of responsibility or (b) that the agency's responsibility determination was arbitrary, capricious, or contrary to law.

### AUTHORITY

The Chief Procurement Officer<sup>1</sup> (CPO) conducted an administrative review pursuant to S.C. Code Ann. §11-35-4210. This decision is based on materials in the procurement file and applicable law and precedents.

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<sup>1</sup> The Chief Procurement Officer for Construction delegated the administrative review of this protest to the Deputy State Engineer.

## **BACKGROUND**

The facts pertinent to this decision are:

- On November 1, 2023, the Parks, Recreation & Tourism Department (PRT) advertised for bids to repair the lighthouse at the Hunting Island State Park.
- The base bid scope included repairs to and strengthening of the existing cast iron stair, repair and/or replacement of metal at the watch level deck, envelope repairs to the exterior structure, treat/recoat iron elements, and repainting of the interior and exterior of the lighthouse.
- The solicitation documents did not require the bidder to list on its bid any subcontractor it intended to use to perform the work of the project.
- By the deadline for receipt of bids, PRT received bids from ICC Commonwealth Corp., IPW Construction Group LLC (IPW), WxProofing LLC, Midwest Maintenance Inc, and Huss Inc (Huss). [Exhibit B]
- The specifications contain a requirement that the Agency would contact the low bid contractor and request the submittal of qualifications contained in Section 009000. The specification required the information to be submitted within five (5) calendar days of the request.
- On November 6, 2023, Bennett Preservation Engineering (BPE), the project engineering firm, sent an email to IPW (apparent low bidder) requesting the submittal of Qualifications. [Exhibit C]
- On November 10, 2023, IPW submitted their qualifications for review by BPE. [Exhibit D]
- Following the review, BPE determined that IPW did not meet the qualification requirement listed in Section 009000 wherein the contractor and their subcontractors

must present two completed projects that are listed on the National Register of Historic Places. BPE informed PRT of its determination on November 17, 2023 and suggested PRT find IPW non-responsible. [Exhibit E]

- On November 17, 2023, BPE sent an email to Huss requesting the submittal of Qualifications. [Exhibit F]
- On November 21, 2023, Huss submitted their qualifications for review by BPE. [Exhibit G]
- BPE determined that Huss did meet the qualification requirement listed in Section 009000 wherein the contractor and their subcontractors must present two completed projects that are listed on the National Register of Historic Places. BPE informed PRT of their determination on November 30, 2023. [Exhibit H]
- On November 30, 2023, PRT posted its Notice of Intent to Award. [Exhibit I]
- On December 6, 2023, ICC notified the CPO of its intent to protest the intended award of the contract.
- On December 13, 2023, ICC perfected its protest. [Exhibit A]

## **DISCUSSION**

Due to the historical significance of the Hunting Island Lighthouse, PRT established several special standards of responsibility, i.e., minimum experience requirements, in the bid package for prospective contractors and their subcontractors. The South Carolina Code of State Regulations Section 19-445.2125(F) states:

When it is necessary for a particular acquisition or class of acquisitions, the procurement officer may develop, with the assistance of appropriate specialists, special standards of responsibility. Special standards may be particularly desirable when experience has demonstrated that unusual expertise or specialized facilities are needed for adequate contract performance. The special standards shall be set forth in the solicitation (and so identified) and shall apply to all offerors. A valid

special standard of responsibility must be **specific, objective, and mandatory**.  
[emphasis supplied]

In paragraph 1.1.C & D of the specification section 009000, the established special standards of responsibility provided:

C. Statement of Qualifications:

1. South Carolina Department of Parks, Recreation, and Tourism (hereinafter called (“Agency”)) has determined that the prime contractor and the subcontractors listed in this specification section (hereinafter collectively referred to as “Contractors” and individually as “Contractor”) on this Project to be undertaken by the Agency must have experience working on structures listed on the National Register of Historic Places prior to submitting a bid on this project. It is mandatory that all Contractors who intend to submit a bid be prepared, immediately after the bid opening, to provide all materials requested herein in order to be awarded the Contract. ONLY the apparent low bidder, who shall be contacted by the Agency after the bid opening, is required to provide this information.

2. The Agency has determined that, in addition to the prime contractor submitting the bid for the project, the qualifications and experience of firms providing the work associated with the following crafts or trades are a critical element in ensuring the successful completion of the project and any such firm seeking to provide a sub-bid on this project must be qualified:

a. Historic Brick Masonry:

1) Experience with Natural Hydraulic Lime (NHL) mortar and white Portland cement/hydrated lime/sand mortar.

b. Cast Iron:

1) Master metalwork in repair and replication of cast iron.

c. Painting:

1) Application of high-performance coatings, including zinc-rich primers, epoxy intermediate coats, and protective overcoats.

d. Scaffolding and Shoring:

1) Experience with designing and installing scaffolding and shoring in lighthouses, chimneys, or other similar structures.

D. Qualification Documents:

1. List of Projects listed on the National Register of Historic Places, and historic lighthouses, towers and/or chimneys, with a heavy emphasis on work with cast iron materials and replication.

2. References (Name, Current Email and/or Phone Number) for a minimum of three of the projects listed above.

Thus, under the special standards of responsibility, a bidder must have experience working on structures listed on the National Register of Historic Places and that they must be qualified in

historic brick masonry, cast iron, painting, and scaffolding and shoring. ICC protests the intent to award to Huss alleging that Huss is non-responsible in its failure to meet 1) the “experience requirements must be historic lighthouses and towers and/or chimneys”, and 2) the use of the word “similar” in section 009000 and other technical specifications to describe the projects to represent the required experience. ICC contends the definition of “similar” mean; “analogous, parallel mean(ing) closely resembling each other... implies the possibility of being mistaken for each other.” In other words, ICC argues that, not only must a bidder have experience working on structures listed on the National Register of Historic Places but that experience *must* also be with “historic lighthouses and towers and/or chimneys.”

The renovation of an historic structure on the National Register is a special project to undertake. The National Register of Historic Places is a list, maintained in Washington DC, of properties that are significant in our nation’s past. The National Historic Preservation Act of 1966 authorized the Secretary of the Interior to “expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.” Properties are added to the list by nominations submitted by citizens nationwide through State Historic Preservation Offices to the Keeper of the National Register. In South Carolina, the State Historic Preservation Office is located in the Department of Archives and History. The National Historic Landmarks Program, also part of the National Park Service, recognizes historic properties that are nationally significant and possess exceptional value or quality in illustrating or interpreting the heritage of the United States. What makes the experience of renovation of an historic structure special is that properties can be removed from the list when the qualities, or materials, that made them eligible for the National Register are destroyed. Thus, the state in its desire to preserve the qualities and materials of the project required the foremost experience of the bidder to be “experience working on **structures listed** on the National Register of Historic Places.” Here, the required experience was not specifically for “lighthouse, towers and/or chimneys listed on the National Register”, but “*structures* listed on the National Register of Historic Places . . .” (emphasis added)

ICC further argues that Huss lacks experience working on “similar” structures to the Hunting Island lighthouse. ICC argues that the use of the word “similar” in the specification should be taken such that the comparison of a lighthouse to another structure would resemble each other so closely that they might be mistaken for each other.

From the Merriam-Webster Dictionary, the meaning of the word “similar” is to “have characteristics in common, strictly comparable; alike in substance or essentials; corresponding; not differing in shape but only in size or position.” The definition suggests that two structures that have common characteristics could be similar. In this case, a structure that contains historic brick masonry, cast iron, or needs a protective coating may have the comparable characteristics to that of a lighthouse and could be considered an “other similar structure.”<sup>2</sup> Likewise, a structure that requires the design and installation of scaffolding and shoring for access to its exterior or interior materials could be considered an “other similar structure.” If PRT wanted to establish a special standard of responsibility requiring experience working on a historic lighthouse, it could have expressly required experience working on a historic lighthouse. PRT, however, did not draft the specifications in such a narrow fashion, and simply required experience on similar structures listed on the national registry. *See Appeal by SGA Narmour Wright Design*, Panel Case No. 2022-2 (noting procurement officers have broad discretion in matters of responsibility because agencies must live with the consequences of their responsibility determinations, and such a finding will not be disturbed unless it is arbitrary or capricious).

ICC, therefore, has failed to show (a) that Huss failed to meet the special standard of responsibility and (b) that PRT’s determination that Huss has experience on structures containing “similar” materials was arbitrary, capricious, or contrary to law.

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<sup>2</sup> Specification 09900 emphasizes experience with masonry and cast iron on historic structures, not historic lighthouses. Moreover, to limit experience to lighthouses would be overly restrictive. Indeed in this case, of the five bidders it appears only ICC has extensive experience with lighthouses.

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Case No. 2024-005  
March 4, 2024

**DECISION**

For the reasons stated above, the protest of ICC is denied.



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Phil C. Gerald  
Deputy State Engineer

Columbia, South Carolina

## STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

*Protest Appeal Notice (Revised July 2023)*

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 2023 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.**



December 13, 2023

Office of State Engineer  
1201 Main Street, Suite 600  
Columbia, SC 29201

Attn: Chief Procurement Officer for Construction, Office of the State Engineer

Re: Protest of the Intent to Award

Agency: PRT - Parks Recreation & Tourism Department  
Project Name: Hunting Island State Park Lighthouse Repairs  
Project Number: P28-9804-MJ

### **Grounds of Protest**

ICC Commonwealth's (hereinafter, "ICC Commonwealth") protest of the Intent to Award the Hunting Island Lighthouse Project ("Project") to Huss Inc. (hereinafter, "Huss") is based on Huss not having met the Experience Qualifications required for the Project. The specifications which define these Experience Qualifications are as follows:

**A. Section 009900 Contractor Requirements** defines the requirements, qualifications and submittals that are required in order for the Agency to confirm that the Contractor is a responsible bidder. More specifically:

- (i) paragraph 1.1 D 1 Qualification Documents requires a List of Projects listed on the National Register of Historic Places, and historic Lighthouses, towers and/or chimneys, with a heavy emphasis on work with cast iron materials and replication; and
- (ii) paragraph 3.1 B 5 requires that the Contractor must provide evidence of having performed both Scaffolding and Shoring on structures of a type similar to this structure, as follows: *Section 009900 Contractor Requirements paragraph 3.1 B 5 Contractor Submittal of Information requires: The Contractor/Subcontractor*



*performing the Scaffolding and Shoring work must also provide a list of projects in which they performed Scaffolding and Shoring work, within the past ten (10) years on structures of a type similar to this structure. The Contractor/Subcontractor must have satisfactorily completed Scaffolding and Shoring work on a minimum of five (5) projects on structures of a type similar to this structure during the past ten (10) years to qualify as a responsible bidder.*

**B. Section 014000 Quality Requirements** defines the experience and quality assurance requirements. More specifically:

- (i) Paragraph 1.2 A defines “Experienced” as having successfully completed a minimum of five previous projects similar in nature, size, and extent to this Project; and
- (ii) Paragraph 1.8 Quality Assurance C, D, E, F & G define the required qualifications for “experienced” Firm Management, Project Manager, Job-site Superintendent, Trades Person/Craftsman/Laborer/Worker/Technician/Mechanic, and Historic Removal and Dismantling Specialist.

Each of these paragraphs requires that this person be regularly engaged in historic preservation projects similar in nature, materials, design and extent to this work and that the projects within the last five years be similar in scope, and type to the work required on this Project.

**C. Section 024119 Selective Structural Disassembly** paragraph 1.7 requires the Contractor to be experienced in work similar in material and extent to that indicated for this Project.

**D. Section 024296 Historic Removal and Dismantling** paragraph 1.5 A requires the Contractor to be regularly engaged in disassembling and replicating elements and materials similar to the work required by this section.....that can demonstrate within the previous ten years having completed projects similar in scope and type to the work required on this Project. It also states that general selective demolition experience is insufficient experience for historic removal and dismantling work.

**E. Section 040322 Historic Brick Unit Masonry Repair** paragraph 1.8 Quality Assurance states that experience installing standard unit masonry is insufficient experience for masonry historic treatment work. It further defines the qualifications for the Contractor, Project Manager, Trades Person/Craftsman/Laborer/Worker and the Applicator as having worked on projects similar in scope in nature, materials, design, and extent to this work.



## **Summary**

Specification Section 009900 paragraph 1.1 D 1 clearly defines that projects meeting the experience requirements must be historic Lighthouses and towers and/or chimneys. It is clear that the specification writer recognized the significant difference in the complex interaction of the materials involved in this project such that experience with residential construction or buildings would not meet the experience requirement.

The iron shell with interior brick lining, and iron spiral stairway are a group of inter-acting features found in lighthouses and towers, not homes or buildings.

In the referenced subsequent specification sections the word similar is used approximately twenty times to describe the projects that would represent the required experience. By its definition similar, meaning analogous, parallel mean closely resembling each other..... similar implies the possibility of being mistaken for each other, therefore houses and buildings would be excluded, as was defined in 009900 paragraph 1.1 D 1.

Management and the Job-site Superintendent are to be experienced in all aspects of the work required on this Project, and the Job-Site Superintendent must remain the same throughout the Project. The specifications call for the projects listed as evidence of the required similar experience to be of the same scope and extent. This would mean that qualifying projects must involve similar shoring, masonry and iron work with a project cost in the magnitude of this project.

## **Relief Requested**

In light of all the above, and taking into consideration that, in ICC's opinion, Huss does not meet the Experience Qualifications, ICC respectfully requests that the Project be awarded to ICC Commonwealth as the next lowest bidder considering that it meets the required Experience Qualifications as evidenced in the attachments.

Sincerely,

Tyler J. Finkle | Division Manager  
ICC Commonwealth Historic Preservation

Cc: Dick Youtz. P.E. ret. Regional Manager, Carmen McGeoch, Intl. Legal Counsel



**BID TABULATION**

Hunting Island Lighthouse Restoration Project

Construction  
P28-9804-MJ  
11/01/2023 @ 2 PM



Bidder's Name	ICC Commonwealth Corp.	IPW Construction Group, LLC	WxProofing LLC	Midwest Maintenance, Inc. (MMI)	Huss, Inc.		
Mailing Address	795 Wurlitzer Drive	PO Box 40968	4285 Spill Ave, STE 200	101 Fox Drive	PO Box 12339		
City, State, Zip Code	North Tonawanda, NY 14120	Charleston, SC 29423	North Charleston, SC 29405	Piqua, Ohio 45356	Charleston, SC 29407		
		<b>*** Non-Compliant Bid **</b>					
Lump Sum Bid Form - SE-330	X	X	X	X	X		
Addendum (3)	X	X	X	X	X		
Bid Bond - A-310	X	X	X	X	X		
Power of Attorney	X	X	X	X	X		
<b>Base Bid</b>	\$ 3,299,000.00	\$ 1,973,379.00	\$ 3,712,991.00	\$ 3,355,355.00	\$ 3,152,912.00	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	\$ 3,299,000.00	\$ 1,973,379.00	\$ 3,712,991.00	\$ 3,355,355.00	\$ 3,152,912.00	\$ -	\$ -

Alex Fulmer, SCPRT

Witness, SCPRT

Kevin Kibler, SCPRT

Date Posted: 11/1/2023



**Amanda Brown**

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**From:** Amanda Brown  
**Sent:** Monday, November 06, 2023 10:43 AM  
**To:** 'Brembert@ipwco.com'  
**Cc:** Kevin Kibler; Craig Bennett; Andi Cooper; Jordan, Margaret; William (Alex) A Fulmer; Albert (Al) C Hester; Lisa K Falta; Paul J McCormack  
**Subject:** Hunting Island Lighthouse (P28-9804-MJ) - Qualifications

Good morning Bryan,

I am the Project Manager representing Bennett Preservation Engineering, who is the Engineer of Record for the Hunting Island Lighthouse project. Kevin Kibler asked me to reach out to you and your team, following the bid opening, to request a submittal of the required qualifications on behalf of the Agency.

The required and requested qualifications, as well as any references to project quality requirements, can be found in Specification Section 009000 "Contractor Requirements." This information must be returned to the Agency within five calendar days.

Please don't hesitate to reach out to me if you have any questions or concerns.

Thank you!

**Amanda Brown**  
Project Manager, Architectural Preservationist

**Bennett Preservation Engineering PC**  
17 Lockwood Drive | Suite 500 | Charleston, SC 29401  
T 843.577.8850 | ext 12  
[ABrown@BennettPE.com](mailto:ABrown@BennettPE.com)  
[www.BennettPE.com](http://www.BennettPE.com)

**Amanda Brown**

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**From:** Kevin D Kibler <kkibler@scprt.com>  
**Sent:** Monday, November 13, 2023 6:19 AM  
**To:** Craig Bennett; Andi Cooper; mjordan@mmo.sc.gov; William (Alex) A Fulmer; Albert (AI) C Hester; Lisa K Falta; Paul J McCormack; Amanda Brown  
**Subject:** RE: Hunting Island Lighthouse (P28-9804-MJ) - Qualificatio

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning! When possible, can we meet to discuss the returned information from IPW?

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**From:** Jason Bryant <jbryant@ipwco.com>  
**Sent:** Friday, November 10, 2023 10:00 AM  
**To:** Kevin D Kibler <kkibler@scprt.com>; cbennett@bennettpe.com; acooper@bennettpe.com; mjordan@mmo.sc.gov; William (Alex) A Fulmer <afulmer@scprt.com>; Albert (AI) C Hester <ahester@scprt.com>; Lisa K Falta <lfalta@scprt.com>; Paul J McCormack <pmccormack@scprt.com>  
**Cc:** Bryan Rembert <BRembert@ipwco.com>; Cyrus Sinor <cyrussinor@ipwco.com>  
**Subject:** RE: Hunting Island Lighthouse (P28-9804-MJ) - Qualifications

Team,

Please see Dropbox link below containing our qualifications packet for P28-9804-MJ.

<https://www.dropbox.com/scl/fo/4d7wo1e5sz7x6doug0kir/h?rlkey=7s1nd778qd3xgdk5jonw9h8mm&dl=0>

Regards,  
Jason Bryant  
Project Manager

**IPW Construction Group, LLC**  
**IPW Survey and Engineering, PLLC**  
*Engineering - Construction - Maintenance*  
PO Box 40968 Charleston, SC 29423  
7623 Dorchester Rd. N. Charleston, SC 29418  
843-670-6366 - Cell  
843-308-0524 - Office  
843-308-6650 – Fax  
[JBryant@ipwco.com](mailto:JBryant@ipwco.com)  
[www.ipwco.com](http://www.ipwco.com)

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**From:** Amanda Brown <[abrown@bennettpe.com](mailto:abrown@bennettpe.com)>  
**Sent:** Monday, November 6, 2023 10:43 AM  
**To:** Bryan Rembert <[BRembert@ipwco.com](mailto:BRembert@ipwco.com)>  
**Cc:** Kevin Kibler <[kkibler@scprt.com](mailto:kkibler@scprt.com)>; Craig Bennett <[cbennett@bennettpe.com](mailto:cbennett@bennettpe.com)>; Andi Cooper <[acooper@bennettpe.com](mailto:acooper@bennettpe.com)>; Jordan, Margaret <[MJordan@mmo.sc.gov](mailto:MJordan@mmo.sc.gov)>; William (Alex) A Fulmer <[afulmer@scprt.com](mailto:afulmer@scprt.com)>; Albert (AI) C Hester <[ahester@scprt.com](mailto:ahester@scprt.com)>; Lisa K Falta <[lfalta@scprt.com](mailto:lfalta@scprt.com)>; Paul J McCormack

<[pmccormack@scprt.com](mailto:pmccormack@scprt.com)>

**Subject:** Hunting Island Lighthouse (P28-9804-MJ) - Qualifications

Good morning Bryan,

I am the Project Manager representing Bennett Preservation Engineering, who is the Engineer of Record for the Hunting Island Lighthouse project. Kevin Kibler asked me to reach out to you and your team, following the bid opening, to request a submittal of the required qualifications on behalf of the Agency.

The required and requested qualifications, as well as any references to project quality requirements, can be found in Specification Section 009000 "Contractor Requirements." This information must be returned to the Agency within five calendar days.

Please don't hesitate to reach out to me if you have any questions or concerns.

Thank you!

**Amanda Brown**

Project Manager, Architectural Preservationist

**Bennett Preservation Engineering PC**

17 Lockwood Drive | Suite 500 | Charleston, SC 29401

T 843.577.8850 | ext 12

[ABrown@BennettPE.com](mailto:ABrown@BennettPE.com)

[www.BennettPE.com](http://www.BennettPE.com)



**Amanda Brown**

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**From:** Kevin D Kibler <kkibler@scprt.com>  
**Sent:** Friday, November 17, 2023 8:36 AM  
**To:** jbryant@ipwco.com; BRembert@ipwco.com  
**Cc:** Jordan, Margaret; Amanda Brown; Craig Bennett; Albert (Al) C Hester; William (Alex) A Fulmer; Lisa K Falta; Andi Cooper; Thomas (Zabo) R McCants; Paul J McCormack  
**Subject:** RE: Hunting Island Lighthouse (P28-9804-MJ) - Qualifications  
**Attachments:** 2023-11-15 HILH Statement on Qualifications.pdf

Dear Mr. Bryant,

The South Carolina Department of Parks, Recreation, and Tourism (“Agency”) very much appreciates the time and effort you and your team dedicated to the response to our construction solicitation for our *Hunting Island Lighthouse Restoration Project (P28-9804-MJ)*. **After a thorough review of the information you submitted as part of the bid process, it has been determined that your bid is non-compliant with the contractor requirement specifications that were defined within the solicitation.** Please see the attached letter from our engineer, Bennett Preservation Engineering, which outlines these deficiencies.

Though your submittal was not successful, we look forward to other opportunities to work together in the future.

Please contact me with any questions you may have concerning this email.

Best regards,

Kevin

Kevin Kibler  
Special Projects Manager  
South Carolina Department of Parks, Recreation & Tourism  
1205 Pendleton Street  
Columbia, SC 29201  
803-734-3752, desk  
803-606-2980, mobile  
[SCPRT.com](http://SCPRT.com)



**Amanda Brown**

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**From:** Amanda Brown  
**Sent:** Friday, November 17, 2023 8:53 AM  
**To:** richardhuss@hussinc.com  
**Cc:** Kevin Kibler; Jordan, Margaret; Craig Bennett; Albert (Al) C Hester; William (Alex) A Fulmer; Lisa K Falta; Andi Cooper; Thomas (Zabo) R McCants; Paul J McCormack  
**Subject:** Hunting Island Lighthouse Restoration project (P28-9804-MJ) - Apparent Low Bidder Notification

Dear Mr. Huss,

The previous apparent low bidder for the South Carolina Department of Parks, Recreation & Tourism's Hunting Island Lighthouse Restoration project (P28-9804-MJ) has been found to be non-responsible.

Huss, Inc. is the next apparent low bidder. Per the requirements listed in the Project Manual, Specification Section 009000 "Contractor Requirements", please submit the required qualifications within five (5) calendar days, which would be Wednesday, November 22.

Please let me know if you should have any questions, or, if you would like to discuss.

Thank you!

**Amanda Brown**  
Project Manager, Architectural Preservationist

**Bennett Preservation Engineering PC**  
17 Lockwood Drive | Suite 500 | Charleston, SC 29401  
T 843.577.8850 | ext 12  
[ABrown@BennettPE.com](mailto:ABrown@BennettPE.com)  
[www.BennettPE.com](http://www.BennettPE.com)

**Amanda Brown**

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**From:** Alan Sheeley <adsheeley@hussinc.com>  
**Sent:** Tuesday, November 21, 2023 1:21 PM  
**To:** Amanda Brown  
**Cc:** 'kkibler@scprt.com'; 'Jordan, Margaret'; Craig Bennett; 'Albert (Al) C Hester'; 'William (Alex) A Fulmer'; 'Lisa K Falta'; Andi Cooper; 'Thomas (Zabo) R McCants'; 'Paul J McCormack'; Richard Huss  
**Subject:** RE: Hunting Island Lighthouse Restoration project (P28-9804-MJ) - Apparent Low Bidder Notification  
**Attachments:** Huss Inc Qualification Package Hunting Island November20- 2023.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good afternoon team,

On behalf of Huss, Inc. I am submitting the attached qualification package for Huss, Inc and our group of subcontractors.

We are pleased to be considered and look forward to providing general contractor services for this project.

The file is large and is attached to this email.

If you are not able to access, see this Dropbox Link:

<https://www.dropbox.com/scl/fo/artbiqcubw6ig2imcbktw/h?rlkey=9a6yey3gdncsxd76rdoe9zk7c&dl=0>

Thanks.

Alan Sheeley

Pre-Construction & Project Management

**Huss, Inc.**

Historic Restoration | Project Management & Development

P.O. Box 12339

Charleston, SC 29422

Ph: 843.937.0023

Fax: 843.937.0095

[adsheeley@hussinc.com](mailto:adsheeley@hussinc.com)

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**From:** Alan Sheeley  
**Sent:** Friday, November 17, 2023 9:28 AM  
**To:** 'Amanda Brown' <abrown@bennettpe.com>  
**Cc:** 'kkibler@scprt.com' <kkibler@scprt.com>; 'Jordan, Margaret' <MJordan@mmo.sc.gov>; 'Craig Bennett' <cbennett@bennettpe.com>; 'Albert (Al) C Hester' <ahester@scprt.com>; 'William (Alex) A Fulmer' <afulmer@scprt.com>; 'Lisa K Falta' <lfalta@scprt.com>; 'Andi Cooper' <acooper@bennettpe.com>; 'Thomas (Zabo) R McCants' <zmccants@scprt.com>; 'Paul J McCormack' <pmccormack@scprt.com>; Richard Huss <RichardHuss@hussinc.com>  
**Subject:** RE: Hunting Island Lighthouse Restoration project (P28-9804-MJ) - Apparent Low Bidder Notification

Amanda

We are pleased to receive this notification as apparent low bidder.

I will submit our qualification package by next Wednesday, November 22.

Thanks.

Alan Sheeley

**Huss, Inc.**

Ph: 843.937.0023

[adsheeley@hussinc.com](mailto:adsheeley@hussinc.com)

---

**From:** Richard Huss

**Sent:** Friday, November 17, 2023 9:12 AM

**To:** Alan Sheeley <[adsheeley@hussinc.com](mailto:adsheeley@hussinc.com)>

**Subject:** FW: Hunting Island Lighthouse Restoration project (P28-9804-MJ) - Apparent Low Bidder Notification

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**From:** Amanda Brown [<mailto:abrown@bennettpe.com>]

**Sent:** Friday, November 17, 2023 8:53 AM

**To:** Richard Huss <[RichardHuss@hussinc.com](mailto:RichardHuss@hussinc.com)>

**Cc:** Kevin Kibler <[kkibler@scprt.com](mailto:kkibler@scprt.com)>; Jordan, Margaret <[MJordan@mmo.sc.gov](mailto:MJordan@mmo.sc.gov)>; Craig Bennett <[cbennett@bennettpe.com](mailto:cbennett@bennettpe.com)>; Albert (Al) C Hester <[ahester@scprt.com](mailto:ahester@scprt.com)>; William (Alex) A Fulmer <[afulmer@scprt.com](mailto:afulmer@scprt.com)>; Lisa K Falta <[lfalta@scprt.com](mailto:lfalta@scprt.com)>; Andi Cooper <[acooper@bennettpe.com](mailto:acooper@bennettpe.com)>; Thomas (Zabo) R McCants <[zmccants@scprt.com](mailto:zmccants@scprt.com)>; Paul J McCormack <[pmccormack@scprt.com](mailto:pmccormack@scprt.com)>

**Subject:** Hunting Island Lighthouse Restoration project (P28-9804-MJ) - Apparent Low Bidder Notification

Dear Mr. Huss,

The previous apparent low bidder for the South Carolina Department of Parks, Recreation & Tourism's Hunting Island Lighthouse Restoration project (P28-9804-MJ) has been found to be non-responsible.

Huss, Inc. is the next apparent low bidder. Per the requirements listed in the Project Manual, Specification Section 009000 "Contractor Requirements", please submit the required qualifications within five (5) calendar days, which would be Wednesday, November 22.

Please let me know if you should have any questions, or, if you would like to discuss.

Thank you!

**Amanda Brown**

Project Manager, Architectural Preservationist

**Bennett Preservation Engineering PC**

17 Lockwood Drive | Suite 500 | Charleston, SC 29401

T 843.577.8850 | ext 12

[ABrown@BennettPE.com](mailto:ABrown@BennettPE.com)

[www.BennettPE.com](http://www.BennettPE.com)

**Amanda Brown**

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**From:** Amanda Brown  
**Sent:** Thursday, November 30, 2023 1:46 PM  
**To:** 'kkibler@scprt.com'; 'Jordan, Margaret'  
**Cc:** Craig Bennett; 'Albert (Al) C Hester'; 'William (Alex) A Fulmer'; 'Lisa K Falta'; Andi Cooper; 'Thomas (Zabo) R McCants'; 'Paul J McCormack'  
**Subject:** RE: Hunting Island Lighthouse Restoration project (P28-9804-MJ) - Apparent Low Bidder Notification  
**Attachments:** 2023-11-30 HILH Statement on Qualifications.pdf

Kevin and Margaret,

BPE has reviewed the qualification package submitted by Huss for themselves and for their subcontractor team members and find all to meet the requirements laid out in the project manual. A formal response stating such is attached.

Please let me know if you have any questions. And please let me know what the next steps are on BPE's part.

Thanks!

**Amanda Brown**

Project Manager, Architectural Preservationist

**Bennett Preservation Engineering PC**

17 Lockwood Drive | Suite 500 | Charleston, SC 29401

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**Cc:** 'kkibler@scprt.com' <[kkibler@scprt.com](mailto:kkibler@scprt.com)>; 'Jordan, Margaret' <[MJordan@mmo.sc.gov](mailto:MJordan@mmo.sc.gov)>; 'Craig Bennett' <[cbennett@bennettpe.com](mailto:cbennett@bennettpe.com)>; 'Albert (Al) C Hester' <[ahester@scprt.com](mailto:ahester@scprt.com)>; 'William (Alex) A Fulmer' <[afulmer@scprt.com](mailto:afulmer@scprt.com)>; 'Lisa K Falta' <[lfalta@scprt.com](mailto:lfalta@scprt.com)>; 'Andi Cooper' <[acooper@bennettpe.com](mailto:acooper@bennettpe.com)>; 'Thomas (Zabo) R McCants' <[zmccants@scprt.com](mailto:zmccants@scprt.com)>; 'Paul J McCormack' <[pmccormack@scprt.com](mailto:pmccormack@scprt.com)>; Richard Huss <[RichardHuss@hussinc.com](mailto:RichardHuss@hussinc.com)>  
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**Huss, Inc.**  
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[adsheeley@hussinc.com](mailto:adsheeley@hussinc.com)

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**Subject:** FW: Hunting Island Lighthouse Restoration project (P28-9804-MJ) - Apparent Low Bidder Notification

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**To:** Richard Huss <[RichardHuss@hussinc.com](mailto:RichardHuss@hussinc.com)>  
**Cc:** Kevin Kibler <[kkibler@scprt.com](mailto:kkibler@scprt.com)>; Jordan, Margaret <[MJordan@mmo.sc.gov](mailto:MJordan@mmo.sc.gov)>; Craig Bennett <[cbennett@bennettpe.com](mailto:cbennett@bennettpe.com)>; Albert (Al) C Hester <[ahester@scprt.com](mailto:ahester@scprt.com)>; William (Alex) A Fulmer <[afulmer@scprt.com](mailto:afulmer@scprt.com)>; Lisa K Falta <[lfalta@scprt.com](mailto:lfalta@scprt.com)>; Andi Cooper <[acooper@bennettpe.com](mailto:acooper@bennettpe.com)>; Thomas (Zabo) R McCants <[zmccants@scprt.com](mailto:zmccants@scprt.com)>; Paul J McCormack <[pmccormack@scprt.com](mailto:pmccormack@scprt.com)>  
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**Amanda Brown**

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[www.BennettPE.com](http://www.BennettPE.com)

SE-370

**NOTICE OF INTENT TO AWARD - DESIGN-BID-BUILD CONTRACT**AGENCY: PRT - Parks Recreation & Tourism DepartmentPROJECT NAME: Hunting Island State Park Lighthouse RepairsPROJECT NUMBER: P28-9804-MJPOSTING DATE: 11/30/2023**TO ALL BIDDERS**

Unless stayed by protest or canceled, the Agency intends to enter into a contract as noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provided in Section 4 of the Bid Form, except as otherwise provided in the Instructions to Bidders.

NAME OF BIDDER: Huss, Inc.DATE BIDS WERE OPENED: 11/01/2023**BID INFORMATION:**BASE BID AMOUNT: \$3,152,912.00ALTERNATES: #1 ACCEPTED  \$0.00#2 ACCEPTED  \$0.00#3 ACCEPTED  \$0.00TOTAL BID AMOUNT: \$3,152,912.00TOTAL CONTRACT AWARD: \$3,152,912.00*(If the Total Contract Award is different from the Total Bid Amount, explain any negotiations that resulted in the change.)*\$3,152,912REMARKS: *(If "No Contract to be Awarded" was entered above, indicate the reason.)*N/A

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. Contractor should not perform any work before receipt of the Agency's written Notice to Proceed.

**RIGHT TO PROTEST (SC Code 11-35-4210)**

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this contract may be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen (15) days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided.

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to: [protest-ose@mmo.sc.gov](mailto:protest-ose@mmo.sc.gov), or (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the email address from which you sent your protest.

BY: Kevin Kibler TITLE: Special Projects Manager DATE: 11/30/2023ACKNOWLEDGED BY OSE PROJECT MANAGER: Margaret Jordan DATE: 11/30/2023