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GRANT GILLESPIE
EXECUTIVE DIRECTOR

Written Determination

Matter of: IT Squared LLC
File No.: 2024-208
Date: October 18, 2023
Contracting Entity: Clemson University
Solicitation No.: 166033953
Description: Twisted Pair and Optical Fiber Cabling

DISCUSSION

This matter comes before the CPO through a request from Clemson University (CU) to cancel the award of a contract after award but prior to performance because of an administrative error under S.C. Code Ann. § 11-35-1520(7) and Regulation 19-445.2085. (Attachment 1)

CU issued this Fixed Price Bid to establish multiple sources to provide services for network design, installation and maintenance for twisted pair copper cabling installation and optical fiber cabling installation on January 3, 2023. CU issued an initial Intent to Award on February 20, 2023. CU issued a second Intent to Award on March 6, 2023, that included an award to:

IT Squared LLC
119 Driftwood Dr.
Seneca, SC 29678

On March 13, 2023, it was discovered that IT Squared did not possess, nor could they provide the required industry, manufacturer certifications, and training requirements as stated in the Scope of Work associated with the Fixed Price Bid. IT Squared has performed no work under this contract. CU requested cancellation of the contract due to an administrative error under

Regulation 19-445.2085(C)(7) and (8) cancellation being in the best interest of the State on August 4, 2023.

DETERMINATION

For these reasons the Chief Procurement Officer finds that there was a significant administrative error, and it is in the best interest of the State to cancel the award to IT Squared, LLC prior to performance in accordance with the Regulations cited above.

The procurement is remanded to Clemson University for processing in accordance with the Code

For the Materials Management Office:



Michael B. Spicer
Chief Procurement Officer

Columbia, South Carolina

Attachment 1

Mr. John White
Division of Procurement Services
1201 Main St., Suite 600
Columbia, SC 29201

Pursuant to section 11-35-1520(7) of the South Carolina Consolidated Procurement Code & Regulations Clemson University would like permission to cancel the award and contract with IT Squared against Fixed Price Bid #166033953 prior to any performance by said Offeror. This award was the 2nd award made under this Fixed Price Bid with the initial award being made on February 20, 2023 to Amteck LLC, Broadband Infrastructure, Inc., Encore Technology Group, InstaCom Inc., and RAM Technologies Inc. IT Squared was inadvertently awarded business on March 7, 2023 and a contract under Fixed Price Bid #166033953 it was then discovered on March 13, 2023 that they did not possess, nor could they provide the required industry, manufacturer certifications, and training requirements as stated in the Scope of Work associated with the Fixed Price Bid. These certifications include; CommScope Netconnect Installer, Corning Cable Systems LANscape Solutions Network of Preferred Installers Member, BICSI Commercial Installer Level 1 & 2 employee Registrations, BICSI RCDD Registration, and NDI Certification. They were also required to show the number of employees that have completed the following courses; CommScope Netconnect Installing Premises, Certifying & Troubleshooting, and Design Cabling Systems Courses along with BICSI TT100 and DD102 Courses.

IT Squared Understands that they will no longer be on this contract, that they failed to meet the requirements of laid out in the Scope of Work, and they will not be appealing or protesting this decision.

A contract was created on March 3, 2023 in Clemson's e-Procurement system. During the period between March 3, 2023 and March 13, 2023 no work was contracted with IT Squared under this contract.

Clemson would like to cancel IT Squared's award and contract with haste pending your approval.

Respectfully,

Kevin Finan
Procurement Manager
Clemson University
864-656-9856

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Written Determinations Appeal Notice (Revised July 2023)

The South Carolina Procurement Code, in Section 11-35-4410, subsection (1)(b), states:

- (1) Creation. There is hereby created the South Carolina Procurement Review Panel which shall be charged with the responsibility to review and determine de novo:
- (b) requests for review of other *written determinations*, decisions, *policies*, and *procedures* arising from or concerning the procurement of supplies, services, information technology, or construction procured in accordance with the provisions of this code and the ensuing regulations; except that a matter which could have been brought before the chief procurement officers in a timely and appropriate manner pursuant to Sections 11-35-4210, 11-35-4220, or 11-35-4230, but was not, must not be the subject of review under this paragraph. Requests for review pursuant to this paragraph must be submitted to the Procurement Review Panel in writing, setting forth the grounds, within fifteen days of the date of the written determinations, decisions, policies, and procedures.

(Emphasis added.) *See generally Protest of Three Rivers Solid Waste Authority by Chambers Development Co., Inc.*, Case Nos. 1996-4 & 1996-5, *Protest of Charleston County School District*, Case No. 1985-5, *Charleston County School Dist. v. Leatherman*, 295 S.C. 264, 368 S.E.2d 76 (Ct.App.1988).

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
1105 Pendleton Street, Suite 209, 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.