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Protest Decision

Matter of: AJH Custom Homes, LLC
File No.: 2026-133
Posting Date: June 22, 2026
Contracting Entity: SC Department of Parks, Recreation, & Tourism
Solicitation No.: 5400029146
Description: Hughes Tract Trail Build at Paris Mountain State Park

DIGEST

The Chief Procurement Officer (CPO) denies the protest of AJH Custom Homes, LLC (AJH). AJH's protest is attached as Exhibit A.

AUTHORITY

The Chief Procurement Officer (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.

BACKGROUND

On January 7, 2026, the South Carolina Department of Parks, Recreation, & Tourism (SCPRT) issued a solicitation for competitive sealed bids for Hughes Tract Trail Build for Paris Mountain

State Park [Exhibit B]. The solicitation sought bids from “qualified providers to build 3.5 miles of new multi-use trail for hiking and biking and .75 mile section hiking trail only at Paris Mountain State Park.”

By the deadline for receipt of bids, SCPRT received 3 bids, including one from AJH [Exhibit C]. On February 25, SCPRT posted an Intent to Award a contract to Southern Taproot LLC. [Exhibit D] On March 5, AJH protested SCPRT’s intended award to Southern Taproot on the grounds that AJH submitted the low bid of \$151,400 which was \$15,778 lower than the bid from Southern Taproot.

DISCUSSION

SCPRT completed a written determination [Exhibit E] that AJH was a “non-responsive” bidder based on three issues:

1. AJH did not provide required documentation at the time of submission¹
2. AJH did not provide evidence of experience in trail build
3. AJH’s price was unreasonable as it was below the expected price range of \$160,000-\$200,000

The first issue relates to required documentation. Section 4 of the solicitation requires that:

You shall submit a signed Cover Page and Page Two. If you submit your offer electronically, you must upload an image of a signed Cover Page and Page Two. Your offer should include all other information and documents requested in this part and in parts II.B. Special Instructions; III. Scope of Work; V. Qualifications; VIII. Bidding Schedule/Price Proposal; and any appropriate attachments addressed in Part IX. Attachments to Solicitations. You should submit a summary of all insurance policies you have or plan to acquire to comply with the insurance requirements stated herein, if any,

¹ The written determination states “Did provide required documentation required at the time of submission”. The CPO infers that this is a typographical error as providing the required documentation would not be grounds for non-responsiveness

including policy types; coverage types; limits, sub-limits, and deductibles for each policy and coverage type; the carrier's A.M. Best rating; and whether the policy is written on an occurrence or claims-made basis. [04-4010-2]

AJH did submit a signed cover page and completed bid schedule with their offer as required. Section 5 of the solicitation required:

Submit the following information or documentation for you and for any subcontractor (at any tier level) that you identify pursuant to the clause titled Subcontractor - Identification. Err on the side of inclusion. You represent that the information provided is complete. (a) The general history and experience of the business in providing work of similar size and scope. (b) Information reflecting the current financial position. Include the most current financial statement and financial statements for the last two fiscal years. If the financial statements have been audited in accordance with the following requirements, provide the audited version of those statements. [Reference Statement of Financial Accounting Concepts No. 5 (FASB, December, 1984), as amended.] (c) A detailed, narrative statement listing the three most recent, comparable contracts (including contact information) which have been performed. For each contract, describe how the supplies or services provided are similar to those requested by this solicitation, and how they differ. (d) A list of every business for which supplies or services substantially similar to those sought with this solicitation have been provided, at any time during the past three years. (e) A list of every South Carolina public body for which supplies or services have been provided at any time during the past three years, if any. (f) List of failed projects, suspensions, debarments, and significant litigation. [05-5015-2]

AJH did not submit this information with their bid; however, Section 11-35-1520 (13) identifies these items as minor informalities and allows the bidder to cure or waive the deficiency. In this case, the procurement officer requested and received the reference information from AJH. As a result, AJH is not non-responsive on this issue.

The third issue relates to price. In the determination, PRT rejected the bid as being “unreasonable as to price.” The rationale was that AJH’s bid price of \$151,400 was lower than the expected \$160,000-\$200,000 range. While an unrealistic price can indicate a lack of understanding of the work required or could pose a risk of contract failure, the CPO finds there is no evidence in the record which indicates that a price just under the expected amount poses a risk to performance of the contract. This is not a valid reason for rejection.

The second issue, however, is different. This issue relates to the experience of the bidder. The CPO finds that this is not an issue of responsiveness but rather an issue of responsibility. Section

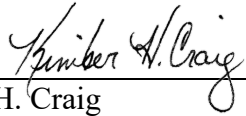
11-35-1810 states that “Responsibility of the bidder or offeror shall be ascertained for each contract let by the State based upon full disclosure to the procurement officer concerning capacity to meet the terms of the contracts and *based upon past record of performance for similar contracts.*” A determination of non-responsibility will be upheld so long as it is not arbitrary, capricious, clearly erroneous, or contrary to law. S.C. Code Ann. § 11-35-2410(A).

The work specified in the solicitation was for building a multi-use (hiking and biking) trail and a hiking only trail. The scope of work references the Trail Maintenance and Construction Notebook issued by the US Forest Service. This guide states “While some trail work requires years of hands-on experience and mentoring, other opportunities – some that don’t require swinging tools or carrying heavy packs – engage people of any skill level and interest.” The SCPRT Trails Coordinator noted that this project was not “one to cut your teeth on” and asked about any trail work completed by AJH [Exhibit F]. At the request of the procurement officer, AJH provided references for 3 projects as well as 3 reference letters for Mr. Ariel J. Hartman which were used when applying for the General Contractor’s License in NC [Exhibit G]. The references provided were for a project involving earthwork, grade beam foundation, and concrete foundation walls & floors among other tasks; a project for ADA compliance work for a school district; and a project for home construction. SCPRT determined these references did not demonstrate work of a similar size and scope as the solicitation and did not demonstrate experience in trail building. This is a valid determination of non-responsibility. *See Appeal by SGA | Narmour Wright Design*, Panel Case No. 2022-2 (finding agencies have broad discretion in responsibility determinations as they are usually matters of business judgment, and agencies “must bear the brunt of difficulties experienced in obtaining the required performance.”). The CPO, therefore, finds that PRT’s decision on the second issue had a rational basis and was not arbitrary, capricious, clearly erroneous, or contrary to law.

DECISION

For the reasons stated above, the CPO denies AJH’s protest.

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June 22, 2026



Kimber H. Craig
Chief Procurement Officer

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised July 2025)

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 2025 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 CL&Ts, 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 366, 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.