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Protest Decision

Matter of:	Balfour & Co.
File No.:	2027-102
Posting Date:	November 6, 2026
Contracting Entity:	Clemson University
Project No.:	216033715
Description:	Clemson University Ring Contract

DIGEST

The Chief Procurement Officer (CPO) denies the protest of Balfour & Co. (Balfour). Balfour'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 June 3, 2026, Clemson University (Clemson) published an advertisement for a solicitation for an "exclusive agent for the manufacture, marketing, and sales of Clemson University class rings." [Exhibit B] The scope of work document also included instructions to offerors for submitting proposals and the evaluation criteria [Exhibit C]. Clemson published Addendum 1 providing answers to questions from potential bidders [Exhibit D].

By the deadline for receipt of offers, Clemson received three bids, including one from Balfour and one from Jostens, Inc (Jostens).

On August 6, Clemson posted notice of its intent to award a contract to Jostens. On August 21, after timely filing a notice of intent to protest, Balfour protested.

DISCUSSION

Balfour protests that Clemson completed "the evaluation without confirming the weight and that the sample rings met Clemson's specifications fails to comply with sound principles of appropriately competitive procurement as required by S.C. Code Ann. § 11-35-5320." Although the solicitation required offerors to submit sample rings and that they "must meet all requirements stipulated in these specifications," (Scope of Work, p. 8), nothing required Clemson to confirm the weight. Instead, the solicitation stated that any ring "may be picked at random for assay and other testing." *Id.* Balfour's allegation that Josten's samples failed to meet weight specifications is mere speculation and does not give rise to a valid ground of protest. To the extent Balfour believes Clemson should have required mandatory weight confirmation, Balfour should have protested the solicitation under § 11-35-4210(1)(a). This protest ground is denied.

Balfour next protests that Josten's proposal was non-responsive due to the failure to include the price of gold on which ring pricing was based or a formula that would allow Clemson to project the cost of rings based on the price of gold. The solicitation did not require offerors to include the price of gold on which ring pricing was based. In Amendment 1, offerors were instructed to use the current price as the gold base price and provided the figure of $4,307 as the current gold $/oz that current catalog pricing is based upon (questions 3 & 12). In their cost proposal, Josten's proposed to "match Clemson's current ring pricing and in some cases Jostens pricing is lower than current Clemson ring pricing." Josten's further provided a gold variation formula (GVF) which would be used to calculate price changes. The formula is: change in gold market x gold factor x ring pennyweight (dwt) then rounded to the nearest number ending in 9. The proposal also provided the gold factors based on the carat of each ring. Josten's was responsive to the requirements of the solicitation. Any protest of the failure to require the current price of gold should have been raised in a protest of the solicitation pursuant to § 11-35-4210(1)(a) and is untimely. This protest ground is denied.

Balfour next protests that Jostens and Herff-Jones were non-responsive and non-responsible due to the failure to base proposals on current market gold prices as the solicitation required. As stated above, however, Josten's proposal was responsive to the requirements of the solicitation, and any protest of the failure to require the current price of gold should have been raised in a protest of the solicitation pursuant to § 11-35-4210(1)(a) and is untimely. Further, this does not raise an issue of responsibility. Finally, Balfour's protest ground regarding Herrf-Jones's responsiveness is based on the same speculation regarding Balfour's responsiveness. This protest ground is denied.

Balfour next protests that Clemson failed to consider and evaluate future costs to students of the rings in the evaluation. Clemson instructed offerors to complete the provided Excel file which included a formula to determine the evaluated total. The formula for the evaluated total was based on a 50%/50% weighting for Ring Pricing and Commission. The quantities for the ring pricing were based on the average of actual quantities for Clemson Fiscal years 2023-2025. The solicitation included the following statement:

> since the math of how we were evaluating the financial proposal was questioned in the RFP, Clemson would like to clarify that both the cost to the students and the amount of commission shared to the University are equally important to Clemson. Therefore both are weighed 50% of the overall points available for this award criteria. Further, since the commission has both an annual guarantee and an amount based on rings sold in ````````FY 25-26, the 50% for commission will be based on the larger of those two amounts. If an Offeror has any question about the math Clemson is using to obtain a value for evaluation, please contact the procurement officer as soon as possible but PRIOR to submitting your offer.

As Balfour failed to raise this issue in a protest to the solicitation, it is untimely. This protest ground is denied.

Balfour next protests that Clemson failed to consider whether the submitted samples and the proposed rings met its pennyweight specifications. As stated above, the solicitation required offerors to submit sample rings and that they "must meet all requirements stipulated in these specifications" (Scope of Work, p. 8). Nothing required Clemson to confirm the weight. Instead, the solicitation stated that any ring "may be picked at random for assay and other testing." *Id.* Balfour's allegation that Clemson failed to consider whether the proposed rings met pennyweight specifications is mere speculation and does not give rise to a valid ground of protest. This protest ground is denied.

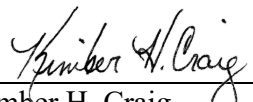
Finally, Balfour protests that Jostens and Herff-Jones did not clearly include the contracted price for the ring boxes in their ring pricing. Clemson included the following requirement:

> Clemson University has an existing contract with the current ring box manufacturer (MTM) for the supply of ring boxes. The Contractor shall be responsible for placing orders and remitting payment for the ring boxes at the contracted price for ring boxes throughout the term of the ring box contract.

Josten's offer repeated this requirement and added the following response: "Jostens understands and will comply." Jostens has additional resources available to Clemson regarding custom ring boxes if preferred. There was no requirement to include the ring box pricing as a separate line in the ring pricing. This ground of protest is denied.

DECISION

Based on the foregoing, the CPO denies Balfour's protest.



Kimber H. Craig
Chief Procurement Officer

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised August 2026)

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 2026 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 Globals, 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.