

HENRY MCMASTER, CHAIR  
GOVERNOR  
CURTIS M. LOFTIS, JR.  
STATE TREASURER  
BRIAN J. GAINES  
COMPTROLLER GENERAL



HARVEY S. PEELER, JR.  
CHAIRMAN, SENATE FINANCE COMMITTEE  
BRUCE W. BANNISTER  
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE  
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:** Consilio, Inc., dba Consilio LLC  
**File No.:** 2026-220  
**Posting Date:** June 16, 2026  
**Contracting Entity:** State Fiscal Accountability Authority, Division of Procurement Services  
**Solicitation No.:** 5400027950  
**Description:** eDiscovery

### DIGEST

Protest by Consilio, Inc., dba Consilio LLC (Consilio) denied where Consilio's protest is an untimely protest of the solicitation and where Consilio fails to state a claim for which relief can be granted. Consilio's protest is attached as Exhibit A.

### AUTHORITY

Per S.C. Code Ann. § 11-35-4210, the Chief Procurement Officer (CPO) conducted an administrative review of protests filed by Consilio protest. This decision is based on materials in the procurement file and applicable law and precedents.

### BACKGROUND

On February 6, 2026, the State Fiscal Accountability Authority, Division of Procurement Services (DPS) issued a solicitation for bids for "Relativity or equal Software and eDiscovery." [Exhibit B] On February 25, DPS issued Amendment 1 replacing the original solicitation in its entirety. [Exhibit C] Both the original solicitation and the amended solicitation contained a "Vendor Registration Mandatory" clause, which stated:

You must have a state vendor number to be eligible to submit an offer. To obtain a state vendor number, visit [www.procurement.sc.gov](http://www.procurement.sc.gov) and select Doing Business with Us. Then select New Vendor Registration. (To determine if your business is already registered, go to "Vendor Search"). Upon registration, you will be assigned a state vendor number. Note that **your vendor registration submission may take up to 30 days to process** due to high numbers of registrants. Vendors must keep their vendor information current. If you are already registered and know your User ID and Password, you can update your information by selecting Update Vendor Registration. **If you need to update information but do not have your User ID/Password, you must complete a new vendor registration** and On Step 9 – Messages to Administration indicate “Update vendor number” with your existing 10-digit vendor number. (Please note that vendor registration does not substitute for any obligation to register with the S.C. Secretary of State or S.C. Department of Revenue. You can register with the agencies at South Carolina Business One Stop, <http://scbos.sc.gov>)<sup>1</sup>

[emphasis supplied]

Also, both the original solicitation and the amended solicitation had the same bid due date of March 18. Thus, anyone who was not registered as a vendor or had lost their User ID or Password had to start the registration process in short order.<sup>2</sup> No one protested that there was inadequate time to register until this protest.

Consilio was already a registered vendor but according to Consilio the employee who registered Consilio was no longer with Consilio, and Consilio did not have access to the login credentials. Therefore, Consilio had to work through the vendor registration process as set forth in the “Vendor Registration Mandatory” clause.

Consistent with Consilio’s protest, the South Carolina Enterprise Information System (SCEIS) shows that Consilio entered the system on March 12 to try to change the User ID and Password. A series of telephone calls and emails ensued as Consilio sought to update its records. [Exhibits A and D] On April 2, Consilio finally received confirmation of its revised vendor portal access. [Exhibit A]

---

<sup>1</sup> The amount of time it takes the state to process a request for new login credentials is both a function of the number of registration requests the state receives and the necessity to maintain security of vendor files.

<sup>2</sup> There was a total of forty days from the date of issuance of the original solicitation until the bid deadline.

Early on March 18, in an attempt to submit a bid despite the issues with the vendor portal, Consilio emailed its bid to the Procurement Manager. [Exhibit E] The Procurement Manager responded that she could not accept an email solicitation and referred Consilio to “the SCEIS Help Desk for issues with online submission.” [Id.] On April 2, Consilio finally received confirmation of its portal access. [Exhibit A] On April 8, Consilio protested. [Id.]

On April 28, the Procurement Officer posted a notice of intent to award a contract to JLL Legal Services, Inc. (JLL). [Exhibit F] JLL’s extended price on the price form submitted with its bid was \$66,533.75.

## DISCUSSION

The Procurement Code states:

A prospective bidder, offeror, contractor, or subcontractor who is aggrieved **in connection with a solicitation shall protest** to the appropriate chief procurement officer in the manner stated in subsection (2) **within fifteen days** of the date of issuance of the Invitation For Bids Request for Proposals or other solicitation documents, whichever is applicable, or any amendment to it, if the amendment is at issue. An Invitation for Bids or Requests for Proposals or other solicitation document, not including an amendment to it, is considered to have been issued on the date required notice of the issuance is given in accordance with this code.

S.C. Code §11-35-4210(1)(a)

Consilio knew on March 18 that the issue with its vendor portal access had not been resolved in time for it to submit a bid. Despite this knowledge, Consilio did not protest until April 8, twenty-one days later. Therefore, Consilio’s protest is untimely and the CPO lacks jurisdiction to consider its protest.

Even if Consilio’s protest was timely, Consilio would lose. First, a party asserting a claim that it was unable to submit a bid due to a problem with the vendor registration system must prove upon a preponderance of the evidence that the issue is a systemic one or that the State engaged in a deliberate effort to prevent Consilio from bidding. While Consilio experienced problems that prevented Consilio from submitting a bid, this incident was isolated and there is no evidence that the state engaged in a deliberate effort to exclude Consilio. *American Material Handling, Inc.*, B-281556 (Comp. Gen. 1999) (holding government’s computer malfunction in accepting bid does not sustain a protest where the loss was isolated and not part of deliberate effort to exclude


vendor or the result of agency's failure to have adequate procedures in place) As to the Procurement Manager's refusal to accept an emailed bid, this refusal followed the law which requires sealed bids and does not recognize email bids. S.C. Code Ann. §11-35-1520 and Reg. 19-445.2045. This solicitation was issued as an invitation for bids following the competitive sealed bidding procedures of Section 11-35-1520. The solicitation contained instruction on two ways to submit sealed bids, "On-Line Bidding Instructions" and "Submitting a Paper Offer." If a vendor submits a bid in accordance with the "On-Line Bidding Instructions," that bid remains sealed until the time for bid opening. The same is true when submitting a sealed paper bid. On the other hand, an emailed bid is not sealed and cannot be accepted.

The CPO observes that even if the State had accepted its bid, Consilio would not have won the award. Consilio submitted a copy of its bid with its protest. Consilio's extended price on the price form submitted with its bid is more than \$8,000 higher than JLL's.

Finally, Consilio erroneously believes the state extended the bid deadline. The solicitation stated that "Award will be posted on **3/23/2026**." [emphasis in original] The state was required to post the Notice of Intent to Award on that date unless the Procurement Officer provides notice that a longer review time is necessary. Reg. 19-445.2090B. On March 23, the state posted a notice of Award Extension. [Exhibit G] This notice was followed by two additional notices, each of which extended the date for the publication of the notice of award. [Exhibit H] None of these documents extended the date for receipt of bids, something which cannot be done after bids are received and opened.

## **DECISION**

For the foregoing reasons, the CPO denies the protest of Consilio.

  
\_\_\_\_\_  
John St. C. White  
Chief Procurement Officer

**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 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.**