

July 8, 2026

Materials Management Officer
Division of Procurement Services
1333 Main Street, Suite 700
Columbia, South Carolina 29201

RE: Formal Protest of Notice of Intent to Award Sole Source Contract

Agency: South Carolina Judicial Department
Intended Contractor: Ernst & Young LLP
Services: Digital Accessibility Remediation (WCAG 2.1 AA; 28 C.F.R. § 35.200 et seq.)
Estimated Contract Value: \$300,000 – \$900,000
Notice Posted in SCBO: June 23, 2026 (Notice End Date: July 8, 2026)

Dear Materials Management Officer:

I. INTRODUCTION AND PROCEDURAL POSTURE

Pursuant to S.C. Code Ann. § 11-35-4210, Sparient Inc (“Sparient”) respectfully submits this formal protest of the South Carolina Judicial Department’s (the “Agency”) Notice of Intent to Award a sole source contract to Ernst & Young LLP (“EY”) for digital accessibility remediation services, published in South Carolina Business Opportunities (“SCBO”) on June 23, 2026 (the “Notice”) (**Exhibit A**).

Sparient has satisfied all procedural prerequisites. On June 26, 2026 within five (5) business days of the posting of the Notice, Sparient submitted its written Notice of Intent to Protest to the Materials Management Officer (**Exhibit B**). This formal protest is submitted within fifteen (15) days of the date the Notice was posted, as required by § 11-35-4210(1) and the protest instructions set forth in the Notice, with days calculated as provided in S.C. Code Ann. § 11-35-310(13).

Sparient further notes that, upon the timely filing of this protest, the State may not proceed further with the solicitation or award of the protested contract, pursuant to the automatic stay provisions of S.C. Code Ann. § 11-35-4210(7).

II. STANDING

Sparient is an actual and prospective offeror aggrieved in connection with the intended award within the meaning of § 11-35-4210(1). Sparient is an established technology consulting firm with extensive experience in delivering digital accessibility services for public sector organizations, including WCAG 2.1 AA compliance auditing and remediation, PDF and electronic document remediation, website and web application accessibility, accessibility governance and policy development, staff training, and the design and operation of long-term accessibility programs. In addition, Sparient has partnered with Connectivo, a specialized digital accessibility firm, to deliver comprehensive accessibility assessment, remediation, governance, monitoring, and compliance services to public sector clients. As detailed in the enclosed capability statement (**Exhibit C**), Sparient's offerings correspond directly to the scope of work described in the Agency's Written Determination, including remediation of Microsoft Word documents, creation of accessibility-compliant fillable PDF forms, PDF/UA-conformant tagging, large-scale document remediation, integration of accessibility tooling, role-based training for developers and content authors, and enterprise accessibility governance.

The services described in the Notice which include the remediation of a large volume of public-facing digital documents to achieve conformance with WCAG 2.1 Level AA, as required by the Department of Justice's Title II web and mobile accessibility rule at 28 C.F.R. § 35.200, fall squarely within Sparient's core service offerings. Sparient is ready, willing, and able to compete for and to perform this requirement, and it is directly aggrieved by the Agency's decision to award the contract without competition. A capability statement is enclosed as **Exhibit C**.

III. FACTUAL BACKGROUND

The Notice states that the Agency intends to enter into a sole source contract with EY pursuant to S.C. Code Ann. § 11-35-1560 because the Agency has to remediate a large number of public-facing digital documents to ensure compliance with Department of Justice regulations at 28 C.F.R. § 35.200, which require compliance with WCAG 2.1 AA requirements. The Notice identifies an estimated contract value of \$300,000 to \$900,000 and directs interested parties to a written justification posted on the Agency's website.

On June 17, 2026 the Agency submitted its Sole Source Written Determination (**Exhibit D**, the "Determination"). The Determination states that the Agency's market research consisted of online searches, review of vendor websites, examination of past public sector accessibility projects, discussions

with industry providers and other agencies, and a request for information sent to several vendors identified through those searches, and it reports that this research indicated that “only a limited number of vendors” have the necessary skill and capacity to provide the required services at scale. The Determination justifies the selection of EY on the grounds that EY has been working with the Agency since January 2026 under a statewide term contract and has performed the underlying compliance assessment, conducted basic trainings, and “already understands SCJB’s systems, stakeholders, capacity, and accessibility challenges.” It concludes that EY is “the only practical and effective choice.” The Determination further acknowledges that the Agency’s compliance obligation under 28 C.F.R. § 35.200 begins April 26, 2027.

The requirement described in the Notice is document accessibility remediation a well-defined, widely available commercial service. The DOJ rule cited in the Notice was published in April 2024 and applies to every state and local government entity in the United States. In response, a robust national marketplace of accessibility vendors has developed and matured, offering precisely the assessment, remediation, and conformance services the Agency requires. Nothing in the Notice identifies any proprietary technology, exclusive license, unique data, or singular capability held by EY that would be necessary to perform this work other than the fact that they have an existing statewide term contract.

IV. GROUNDS FOR PROTEST

Ground One: The sole source determination violates S.C. Code Ann. § 11-35-1560 and Regulation 19-445.2105 because the required services are available from multiple qualified sources.

Section 11-35-1560 authorizes award without competition only when a governmental body determines in accordance with regulations that there is only one source for the required supply, service, information technology, or construction item. Regulation 19-445.2105 reinforces that sole source procurement is permissible only when a requirement is truly available from a single supplier and expressly cautions against its use where competition is available. The analysis of the aforementioned provisions places reliance on the marketplace and not the Agency’s preference of vendor.

That standard cannot be satisfied here. Digital document remediation to WCAG 2.1 AA is a competitive, professional service performed by numerous qualified vendors nationwide, including Sparient and its partner Connectivo. These services are routinely procured through competitive solicitations by state agencies, courts, universities, and local governments across the country particularly since the April 2024 order of the DOJ. Specifically:

1. Sparient itself is a qualified, available source for the full scope of services described in the Notice, and stands ready to submit a competitive offer;
2. The technical standard governing the work (WCAG 2.1 Level AA) is a published, open standard and therefore cannot be proprietary to any single firm;
3. The intended contractor, Ernst & Young LLP, is a diversified professional services firm and holds no exclusive rights, licenses or unique technology required to remediate the Agency's documents; and
4. The Notice itself describes the requirement in general terms ("remediate a large number of public-facing digital documents") that any number of qualified accessibility vendors can satisfy.

Because more than one source exists, an entire competitive marketplace exists, therefore the statutory requirement for a sole source award is not met and hence the intended award is contrary to law.

The Determination is contrary to the above. It reports that the Agency's own market research identified "only a limited number of vendors" with the necessary skill and capacity. A limited number by definition refers to more than one. The statute does not permit sole source procurement where qualified sources are few; it permits it only where the source is singular. Further, the Determination concludes that EY is "the only practical and effective choice" however practicality and effectiveness are not the statutory test. Determining which qualified vendor offers the most practical and effective solution is precisely the purpose of a competitive solicitation, and that judgment is reserved for evaluation against published criteria. A conclusion that one vendor is the most practical and effective choice is therefore no substitute for the finding of a single source that § 11-35-1560 requires.

Ground Two: The Agency's written determination is arbitrary because its own market research findings refute the conclusion that only one source exists.

A sole source determination must reflect a reasoned, documented conclusion that only one source exists. The Determination describes market research consisting of online searches, vendor website reviews, industry discussions, a request for information sent to selected vendors and reports that this research identified a limited number of vendors with the requisite skill and capacity. The Agency's research therefore found multiple sources, and the Determination's conclusion contradicts its own findings. Research that identifies several capable vendors cannot support a determination that only one exists. The research was also under-inclusive. By the Determination's own account, the request for information was sent only to vendors the Agency itself had identified through its searches; to Sparient's knowledge, no public sources-sought notice inviting the broader market to respond was published, and Sparient, an established provider of these exact services was never contacted. Publicly available information, including other states' competitive solicitations for Title II remediation services, would have identified

additional capable vendors, Sparient among them. A determination that only one source exists, reached in the face of the Agency's own contrary findings and without inviting the broader market to respond, is arbitrary and cannot support award without competition. Sparient respectfully requests that the Chief Procurement Officer obtain and review the complete market research record including the request for information, its distribution list, and all vendor responses as part of the administrative review. Sparient also requests a copy of that record.

Ground Three: No legally cognizable justification supports this sole source award.

The Agency's justification rests expressly on EY's incumbency. The Determination recites that EY has worked with the Agency since January 2026 under a statewide term contract, performed the underlying compliance assessment, conducted basic trainings, and "already understands SCJB's systems, stakeholders, capacity, and accessibility challenges." It further asserts that bringing in a new vendor would cause delays, inconsistencies, coordination burdens, and duplication of work. Every one of these reasons are a species of incumbency, familiarity, or administrative convenience, and none is a lawful basis for sole source procurement. These are precisely the advantages that competition is designed to test. The fact that EY performed the assessment does not make it the only source for the remediation work now being procured, it only makes EY the incumbent. Awarding the remediation to the incumbent without competition means that EY's advantage was never tested against the market which ultimately will lie at the State's expense. Schedule pressure cannot justify dispensing with competition as the DOJ rule was published in April 2024. Its compliance timeline has been known to every public entity for more than two years, and the Determination itself acknowledges that the Agency's compliance obligation under 28 C.F.R. § 35.200 does not begin until April 26, 2027 which is more than nine months from now. This is ample time to conduct a competitive solicitation and perform the work. Having allowed more than two years to pass since the rule was published in April 2024, the Agency cannot invoke a schedule compressed by its own inaction as a reason to bypass competition. Urgency manufactured by delay is not urgency at all. Any genuine exigency would be governed by the separate emergency procurement provisions of S.C. Code Ann. § 11-35-1570, which the Agency has not invoked and whose conditions (an immediate threat to public health, welfare, or safety) are not present. Foreseeable compliance obligations arising from a rule of general applicability cannot be converted into a justification for bypassing competition. Neither administrative convenience nor a self-created timeline satisfies the narrow statutory exceptions to competitive procurement, and to accept them as such would defeat the very purpose for which those safeguards were enacted.

Ground Four: A competitive solicitation would materially better serve the interests of the State.

The Consolidated Procurement Code's central purposes include fostering competition, obtaining maximum value for public funds, and maintaining public confidence in the integrity of state

procurement. Each of the above purposes are hindered by the intended award. The Determination states that the Agency obtained only basic pricing information through a request for information sent to a handful of selected vendors. Non-binding, indicative pricing gathered informally is no substitute for binding competitive offers evaluated against published criteria. The Notice's own estimated value range of \$300,000 to \$900,000, a threefold spread that persists even after that exercise, confirms that the pricing of this requirement remains undefined and untested. Only a competitive solicitation, in which vendors submit binding offers, in direct competition with one another, will determine the actual cost. Document remediation is a service in which qualified vendors compete vigorously on unit pricing, quality assurance methodology, and automation. A competitive solicitation would also afford qualified small and diverse businesses the opportunity to compete for state work, consistent with the policies of the Code and ensure better rates for the State. There is, every reason to ensure that there is fair competition for this requirement and no lawful reason not to.

V. RELIEF REQUESTED

For the foregoing reasons, Sparient respectfully requests that the Chief Procurement Officer:

1. Sustain this protest;
2. Cancel the Notice of Intent to Award and set aside the proposed sole source award to Ernst & Young LLP;
3. Direct the South Carolina Judicial Department to procure the required digital accessibility remediation services through a competitive solicitation conducted in accordance with the Consolidated Procurement Code;
4. Confirm that, pursuant to S.C. Code Ann. § 11-35-4210(7), the State shall not proceed further with the award of the protested contract during the pendency of this protest;
5. Provide Sparient with a copy of the complete market research record, supporting the Agency's written Determination, including the request for information, its distribution list, and all vendor responses; and
6. Grant such other and further relief as is just and appropriate.

VI. CONCLUSION

The services at issue are available from many qualified sources, including Sparient. The statutory requirements for sole source procurement under S.C. Code Ann. § 11-35-1560 have not been met, and

the interests of the State are best served by open competition. Sparient respectfully requests that this protest be sustained and the requirement competed.

Please acknowledge receipt of this protest in writing. All communications regarding this protest should be directed to the undersigned at the contact information below. Sparient reserves the right to supplement this protest, to the extent permitted by law, upon review of the market research record and the other requested documents.

Respectfully submitted,



Archana Rao

President, Sparient Inc

(714) 515-3355

archana.rao@sparient.com

ENCLOSURES

- Exhibit A. SCBO Notice of Intent to Sole Source, SC Judicial Department (posted June 23, 2026)
- Exhibit B. Sparient's Notice of Intent to Protest (June 26, 2026)
- Exhibit C. Sparient Capability Statement - Digital Accessibility Services
- Exhibit D. Agency's Sole Source Written Determination (approved June 17, 2026)

South Carolina Business Opportunities

Published by Division of Procurement Services - Delbert H. Singleton, Jr., Division Director

Notice Of Intent To Sole Source By: SC Judicial Department

Ad Category: Sole Source and Emergency

Notice Start Date: June 23, 2026

Notice End Date: July 8, 2026

Vendor Name: Ernst & Young LLP

Contract Amount: 300K-900K

Agency Procurement Manager: Kathy Santandreu

Agency Procurement Manager Email: ksantandreu@sccourts.org

Agency Procurement Manager Telephone#: 803-734-1982

The Agency hereby provides notice that it intends to enter into a sole source contract per S.C. Code Ann. §11-35-1560 with Vendor for the following supplies, services, information technology, or construction:

SCJB has to remediate a large number of public-facing digital documents to ensure compliance with Department of Justice regulations at 28 C.F.R. § 35.200 et seq, which require compliance with WCAG 2.1 AA requirements.

Agency's justification for a sole source procurement may be viewed or immediately obtained at: Web Address Where Item Is Posted
URL To View Justification: https://sccourts.org/media/1zlmhuo1/2433_001.pdf

PROTESTS:

Any actual or prospective bidder, offeror, contractor, or subcontractor aggrieved in connection with the intended award or award of this sole source contract, shall notify the appropriate chief Procurement officer in writing of its intent to protest within five (5) business days of the date this notice is posted. Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this sole source contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner set forth below within fifteen days of the date this notice is posted; except that a matter that could have been raised as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

A protest must be in writing, filed with the appropriate chief procurement officer, and set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided. The protest must be received by the appropriate chief procurement officer within the time provided above. Days are calculated as provided in S.C. Code Ann. § 11-35-310(13).

Any Notice Of Intent To Protest And Protest Must Be Addressed To: Materials Management Officer

South Carolina Business Opportunities • SCBO Team • 1333 Main Street, Suite 700 • Columbia, SC 29201
803-737-0600 • scbo@mmo.sc.gov • <https://scbo.sc.gov> • <https://procurement.sc.gov>



Dear Materials Management Officer,

6/26/2026

Please accept this letter as Sparient's formal **Notice of Intent to Protest** regarding the South Carolina Judicial Department's **Notice of Intent to Sole Source** procurement published on **June 23, 2026**, identifying **Ernst & Young LLP** as the intended contractor for digital accessibility remediation services.

Pursuant to the South Carolina Consolidated Procurement Code and the protest procedures outlined in the published notice, Sparient hereby provides formal notice of its intent to protest the proposed sole-source award.

Sparient is an established technology consulting firm with extensive experience delivering digital accessibility, WCAG compliance, PDF and document remediation, website accessibility, accessibility governance, training, and long-term accessibility programs for public sector organizations. In addition, Sparient has partnered with Connectivo, a specialized digital accessibility firm, to provide comprehensive accessibility assessment, remediation, governance, monitoring, and compliance services for public sector organizations. Based on the information currently available, Sparient believes these services are commercially available from multiple qualified vendors and therefore has concerns regarding whether the statutory requirements for a sole-source procurement have been satisfied.

Sparient intends to submit a formal protest within the time prescribed by the South Carolina Consolidated Procurement Code.

Please acknowledge receipt of this Notice of Intent to Protest.

Sincerely,



Archana Rao
President
(714) 515.3355
archana.rao@sparient.com

EXHIBIT C

Sparient Capability Statement – Digital Accessibility Services

Overview

Sparient is a U.S.-based technology consulting company specializing in Digital Accessibility, Enterprise Content Management, Artificial Intelligence, and Digital Experience solutions. Through its partnership with Connectivo, Sparient delivers an integrated accessibility platform that combines AI-powered accessibility assessment, automated remediation, continuous compliance monitoring, governance, training, and managed services.

Our solution is designed to help government agencies, higher education institutions, healthcare organizations, and enterprises achieve and sustain compliance with ADA, Section 508, and WCAG accessibility standards through a combination of advanced technology and professional consulting services.

Core Capabilities

Digital Accessibility Assessments & Audits

Sparient performs comprehensive accessibility assessments using automated analysis, manual expert validation, and assistive technology testing.

Services include:

- WCAG 2.1 and WCAG 2.2 assessments
- ADA compliance reviews
- Section 508 compliance
- Accessibility gap analysis
- Executive compliance reporting
- Risk prioritization
- Remediation planning

AI-Powered Accessibility Intelligence

Connectivo utilizes Artificial Intelligence to identify accessibility issues through:

- Visual rendering analysis
- Source-code semantic analysis
- Assistive technology simulation
- Automated issue prioritization
- Intelligent remediation recommendations

The platform combines AI analysis with human validation to improve accuracy while maintaining professional oversight.

Automated Accessibility Remediation

Unlike traditional accessibility tools that only identify issues, Connectivo supports automated code-level remediation through an intelligent remediation engine.

Capabilities include:

- Automated remediation recipes
- HTML accessibility improvements
- ARIA enhancements
- Form accessibility
- Keyboard navigation improvements
- Screen reader optimization
- Continuous regression prevention

The solution is designed to reduce manual remediation effort while maintaining compliance with accessibility standards.

Enterprise Accessibility Governance

Sparient provides enterprise governance capabilities including:

- Executive dashboards
- Compliance scorecards
- Audit documentation
- Issue tracking
- Role-based management
- Continuous monitoring
- Accessibility reporting
- VPAT support

These capabilities enable organizations to manage accessibility as an ongoing compliance program rather than a one-time remediation effort.

Document Accessibility Services

Our accessibility services extend beyond websites to include:

- PDF remediation
- Microsoft Word
- Excel
- PowerPoint
- Fillable forms
- Accessible document templates
- Large-scale document remediation

Accessibility Training & Program Management

Sparient provides:

- Accessibility governance consulting
- Accessibility policy development
- Developer training
- Content author training
- Executive workshops
- Accessibility program management
- Ongoing compliance support

Technical Differentiators

Sparient and Connectivo provide an integrated accessibility platform that combines:

- AI-powered accessibility assessment
- Intelligent remediation recommendations
- Continuous accessibility monitoring
- Enterprise governance
- Compliance reporting
- Automated audit documentation
- Human accessibility expertise

Unlike solutions focused solely on reporting, Sparient combines consulting services with automation and managed services to support organizations throughout the accessibility lifecycle.

Industries Served

Sparient provides accessibility consulting and technology solutions for:

- State Government
- Local Government
- Higher Education
- Healthcare
- Public Sector
- Enterprise Organizations
- Non-Profit Organizations

Standards Supported

- ADA
- Section 508
- WCAG 2.1 AA
- WCAG 2.2 AA
- Accessible Rich Internet Applications (ARIA)
- PDF/UA

**Sole Source
Written Determination**

Agency Identification: SC Judicial Branch (SCJB)

Description of the agency need that this procurement fulfills: *(See instructions on last page for guidance)*

SCJB has to remediate a large number of public-facing digital documents to ensure compliance with Department of Justice regulations at 28 C.F.R. § 35.200 et seq, which require compliance with WCAG 2.1 AA requirements. These include court forms, orders, opinions, and FAQs. This work is necessary to maintain equal access for all users and comply with updated federal accessibility regulations. SCJB needs reliable document remediation and help building long-term accessibility practices.

Describe the Market Based on Research Performed: *(See instructions on last page for guidance)*

Market research included online searches, review of vendor websites, examination of past public sector accessibility projects, discussion with industry providers and other agencies, and evaluation of companies that offer WCAG 2.1 AA compliance and large-scale document remediation. A request for information was sent to several vendors identified in this search to get basic pricing, market, and service information to identify potential vendors with the skills and capacity to handle high volumes of complex legal documents. Market research indicates that only a limited number of vendors have the necessary skill and capacity to provide this level of service at scale for court systems or public-sector bodies.

Sole Source Vendor Name: Ernst & Young LLP (EY)

Based upon the following determination, Agency proposes to acquire the supplies, construction, information technology, and/or services described herein from the vendor named above per SC Code Ann § 11-35-1560 and SC Regulation 19-445.2105, Sole Source Procurement.

Description of supplies, construction, information technology, and/or services vendor will provide under the contract: *(See instructions on last page for guidance.)*

The vendor will remediate digital documents to meet WCAG 2.1 AA standards as required by Department of Justice Regulations, remediate court forms in Word and create accessibility-compliant fillable PDF court forms, apply required accessibility tagging, and generate supporting accessibility documentation. Remediation of documents will include, but not be limited to, court forms, orders, opinions, and FAQs. The vendor will also assist SCJB with developing and implementing sustainable remediation methods and workflows. The vendor will help establish repeatable processes, governance structures, and comprehensive training programs to ensure SCJB staff can independently sustain compliance. Key activities include recommending and integrating accessibility tooling, improving operational processes, delivering role-based training, and providing documentation and knowledge transfer to support ongoing WCAG adherence.

Explain why the described solution is the only solution that meets the agency's need and how no other identified solutions were sufficient. *(See instructions on last page for guidance)*

SCJB needs a vendor with proven experience handling large volumes of judicial documents, strong knowledge of WCAG 2.1 AA, and the ability to meet strict federal deadlines. Ernst & Young has been working with SCJB since January 2026 under a statewide term contract. As part of that work, they have assessed the compliance of SCJB's web content with Department of Justice regulations at 28 C.F.R. § 35.200 et seq, identified what is needed to meet requirements, and prepared and conducted

**Sole Source
Written Determination**

basic trainings for several SCJB stakeholder groups. Consequently, Ernst & Young already understands SCJB's systems, stakeholders, capacity, and accessibility challenges. SCJB is required to comply with Department of Justice regulations at 28 C.F.R. § 35.200 et seq beginning April 26, 2027. Bringing in another vendor would compromise SCJB's ability to meet that deadline. Bringing in a new vendor would cause delays, create inconsistencies, require coordination between Ernst & Young's ongoing assessment efforts under the existing contract and this remediation project, and result in the duplication of work that has already been completed. Because of the specialized nature of the documents, the short timeframe for compliance, and the importance of continuity, this vendor is the only practical and effective choice to meet the SCJB's needs.

***Note:** Determination is not complete without required signatures and dates*

Required Signatures:

Prepared by:  **Date:** 06/17/2026

Printed Name: Megan Meekins

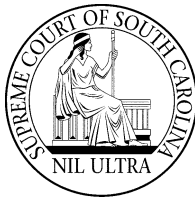
Title: Assistant General Counsel

Approved by:  **Approval Date:** 6/17/2026

Printed Name: Paul Magargle

Title: Director – Fiscal Services

The last page contains instructions and is not required to be retained.



South Carolina Judicial Branch Fiscal services

Paul J. Magargle, Jr., CPA
DIRECTOR

1220 Senate Street,
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-0590
E-MAIL: Pmagargle@sccourts.org

July 17, 2026

Mr. John White
SFAA Chief Procurement Officer
1333 Main Street, Suite 700
Columbia, SC 29201

Dear Mr. White,

The South Carolina Judicial Branch respectfully requests that the Chief Procurement Officer deny the protest filed by Sparient, Inc. because the Branch's Sole Source Written Determination fully complies with the requirements of S.C. Code Ann. § 11-35-1560 and Regulation 19-445.2105. The protest repeatedly mischaracterizes both the factual basis for SCJB's determination and the legal standard governing sole source procurements. The Branch is not contending that Ernst & Young LLP is the only entity in the marketplace capable of performing digital accessibility remediation services; rather, the Branch determined that, under the unique circumstances presented, recognizing the need to the Branch's requirements while preserving continuity of an extensive compliance effort already underway, avoiding unnecessary duplication of work, and ensuring timely compliance with mandatory federal accessibility regulations, Ernst & Young is the only "suitable and acceptable" source pursuant to S.C. Code Ann. § 11-35-1560(B).

The protest incorrectly defines the legal standard for a sole source under S.C. Code § 11-35-1560 by arguing that because multiple vendors can technically perform the work, a sole source is prohibited. A sole source inquiry and determination is not limited to whether multiple vendors possess technical capability. Rather, the determination is whether only one source can reasonably satisfy the governmental body's requirements under the particular circumstances existing at the time the determination is made. See S.C. Code Ann. § 11-35-1560(B) ("Any decision by a governmental body that a procurement be restricted to one potential vendor must be accompanied by a thorough, detailed explanation as to why no other will be *suitable or acceptable* to meet the need.") (emphasis added). Continuity of an existing implementation, avoidance of duplication of costs, preservation of work already performed, integration with ongoing services, schedule impacts, and protection of the State's interests are routinely and properly cited as legitimate factors supporting a finding that one source is the only practical source available in sole source determinations in South Carolina. Taking those factors into account, it is clear that Ernst & Young is the only vendor suitable or acceptable to meet the Branch's current need.

Since January 2026, Ernst & Young has been performing accessibility study work for the South Carolina Judicial Branch pursuant to an existing statewide term contract. During that time, Ernst & Young has worked on the Branch's accessibility assessment, identified deficiencies requiring remediation, evaluated the Branch's existing systems, developed an understanding of the Branch's organizational structure, assessed staffing capacity and operational limitations, identified accessibility challenges unique to the Branch, and developed and delivered foundational accessibility training to multiple stakeholder groups. The remediation effort at issue is not an independent project but rather the continuation of work already underway. Ernst & Young possesses institutional knowledge developed through months of direct engagement that cannot be replicated without substantial additional effort, delay, cost, and duplication of work. This is not mere administrative convenience—rather, it is a recognition that use of any other vendor would require additional expense and coordination by SCJB.

The April 26, 2027, compliance deadline imposed by 28 C.F.R. § 35.200 et seq. only increases the importance of these factors. Maintaining continuity between assessment and remediation substantially reduces implementation risk and increases the likelihood that the Branch will satisfy its legal obligations within the required timeframe. Introducing a new contractor at this stage could require substantial transition activities before productive remediation could begin, increasing the likelihood of delays while offering no corresponding benefit to the State.

The Branch's determination therefore rests on continuity, efficiency, and protection of the State's interests rather than on any assertion that Ernst & Young possesses proprietary technology or exclusive technical capabilities. The protest repeatedly argues against positions the Branch never advanced. The Branch has not said that Ernst & Young owns proprietary software, exclusive methodologies, or unique intellectual property necessary to perform accessibility remediation. Likewise, the Branch has never asserted that no other vendor could technically perform document remediation services. Those arguments are therefore irrelevant/incorrect because they do not address the basis upon which the sole source determination was made.

The protest similarly mischaracterizes the Branch's market research. The Branch's research demonstrated that several firms may possess the technical capability to perform accessibility remediation services. That finding is entirely consistent with the Written Determination. Technical capability, however, was not the deciding factor. The relevant question was whether another vendor could reasonably assume responsibility for this phase of the project without requiring the State to incur unnecessary duplication of work, disrupt an ongoing compliance initiative, expend additional State resources educating a replacement vendor regarding months of completed assessment work, coordinate overlapping responsibilities between two independent contractors, introduce inconsistencies between assessment and remediation methodologies, and jeopardize compliance with mandatory federal deadlines.

The protest also argues that the Department of Justice regulation became effective in April 2024 and therefore the Branch had sufficient time to conduct a competitive procurement. This argument is speculative and unsupported by any evidence regarding the Branch's operational circumstances. Sparient possesses no knowledge of the Judicial Branch's

staffing resources, competing statutory obligations, funding availability, project prioritization, or the volume and complexity of digital assets requiring review and remediation. The publication date of a federal regulation does not establish when the Branch possessed the resources, funding, personnel, or completed assessment information necessary to initiate remediation. Nor does it diminish the Branch's obligation to make procurement decisions based upon the circumstances existing when the procurement determination was made.

Finally, Sparient's capability statement shows they believe they have the technical qualifications to perform. The Branch is not disputing their capabilities, but they do not invalidate the Branch's determination. The protest establishes only that Sparient believes it possesses the technical qualifications necessary to perform accessibility remediation. The Branch has never disputed that multiple vendors may possess similar technical capabilities. As discussed above, technical capability was not the primary basis for the sole source determination. The determination rests upon Ernst & Young's existing knowledge of the Branch's systems, stakeholders, accessibility assessments, training efforts, operational environment, and ongoing compliance work, together with the Branch's conclusion that replacing Ernst & Young at this stage could result in unnecessary duplication, increased costs, implementation delays, inconsistent work product, and an unacceptable risk to timely compliance. Sparient's submission does not rebut those findings.

For these reasons, the Branch respectfully submits that its Sole Source Written Determination satisfies the requirements of S.C. Code Ann. § 11-35-1560 and Regulation 19-445.2105, reflects a reasonable exercise of procurement discretion, and is fully supported by the factual record. Accordingly, the South Carolina Judicial Branch respectfully requests that the Chief Procurement Officer deny the protest and permit the Branch to proceed with the sole source procurement.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Santandreu".

Kathy Santandreu
Procurement & Asset Senior Manager

cc: Paul Magargle
Jason Bobertz
Maggie Meekins
James Manning



JOB ORDER REQUEST

Contract Description: Third Party Consulting
Solicitation Number: 5400015645

Job Location /Address:	
Using Governmental Unit:	
Project Name:	
UGU Contact Lead:	
Date of Issuance:	
Job Order Quote Due Date:	

DUTY TO INQUIRE. You are expected to examine this Job Order Request and its Exhibit(s) thoroughly and to request an explanation of any ambiguities, discrepancies, errors, omissions, or conflicting statements. Your failure to do so will be at your risk. You assume responsibility for any patent ambiguity in the Job Order Request that you do not bring to the UGU's attention.

UNBALANCED QUOTES. You warrant that the price offered is not materially unbalanced between portions of the work. A quote is materially unbalanced when it is based on prices significantly less than cost for some work and prices which are significantly overstated in relation to cost for other work, and if there is a reasonable doubt that the bid will result in the lowest overall cost to the State even though it may be the low evaluated bid, or if it is so unbalanced as to be tantamount to allowing an advance payment.

DISCLOSURE OF CONFLICTS OF INTEREST OR UNFAIR COMPETITIVE ADVANTAGE. You warrant and represent that your Job Order Quote identifies and explains any unfair competitive advantage you may have in competing for the proposed contract and any actual or potential conflicts of interest that may arise from your participation in this competition or your receipt of a Job Order. The two underlying principles are (a) preventing the existence of conflicting roles that might bias a contractor's judgment, and (b) preventing an unfair competitive advantage. If you have an unfair competitive advantage or a conflict of interest, the state may withhold award of a Job Order. Before withholding award of a Job Order on these grounds, an offeror will be notified of the concerns and provided a reasonable opportunity to respond. Efforts to avoid or mitigate such concerns, including restrictions on future activities, may be considered. Without limiting the foregoing, you represent that your Job Order Quote identifies any services that relate to either the solicitation, this Job Order Request, or the work and that has already been performed by you, a proposed subcontractor, or an affiliated business of either.

SUBMISSION INSTRUCTIONS

The Statement of Work is attached as Exhibit 1. All JOQs must contain a detailed response to each item outlined in the Statement of Work and include:

- Proposed methodology/work plan
- Discrete tasks and deliverables
- Estimated project timelines
- Proposed personnel resources – designate the number of personnel resources and the personnel category type of each
- Proposed personnel resumes
- Number of hours for each type of personnel resource
- Itemized price by personnel category

Part I. Business Need

To promote equal access under the law and comply with new federal regulations, the South Carolina Judicial Branch (SCJB) must ensure that all users, including individuals with disabilities, are able to effectively access court information and services on the internet. Recent updates to federal accessibility requirements, including the U.S. Department of Justice regulations requiring compliance with WCAG 2.1 AA standards by state and local governments, underscore the importance of assessing and improving the accessibility of the SCJB's web content.

SCJB manages a large and complex inventory of digital content, including numerous public-facing websites, online applications, digital documents, and downloadable and fillable forms used statewide by judges, attorneys, and the public. Many of these materials support essential judicial functions and are critical to court operations.

These resources have been developed over many years using different platforms and authoring practices, resulting in varying levels of accessibility and compliance with modern standards. Some forms and documents were created using legacy formats or systems that did not fully account for WCAG 2.1 measures of accessibility. In addition to document accessibility challenges, some embedded applications and workflows within current-state processes may present usability issues for individuals with disabilities.

Ownership and maintenance of digital assets vary across offices and departments, leading to inconsistent accessibility practices and WCAG conformance. The absence of a dedicated accessibility governance structure and reliance on ad hoc remediation efforts have made it difficult to maintain consistent compliance across digital assets.

SCJB seeks to assess the WCAG compliance of approximately 1,500 webpages and 14,000 files across multiple formats and establish sustainable accessibility practices. SCJB requires sustainable internal controls, templates, and training programs to help ensure ongoing compliance as new content is created. Judicial officers, administrative staff, and external contributors will also need guidance and standardized processes to maintain accessibility in the long term.

To achieve this, SCJB is seeking a third-party consultant to assess the current state of the digital environment, test compliance of web content with WCAG 2.1 AA standards, advise on remediation priorities and processes for initial compliance with the new regulations, and develop policies and procedures to support ongoing compliance.

Part II. Scope of Work & Deliverables

SCJB seeks to engage a qualified firm to assess the accessibility of its digital content, develop a remediation strategy, and assist in implementing sustainable accessibility practices to achieve compliance with WCAG 2.1 Level AA in anticipation of the April 24, 2026, effective date of ADA Title II regulations.

SCJB contemplates a three track approach to achieve this goal: assessment, remediation, and sustainability.

Track 1—Digital Accessibility Current State Assessment

SCJB desires a clear plan for accessibility testing of its current digital assets, to include automated scans and manual/assistive technology testing of web content (e.g., websites, applications, and digital documents) to identify specific WCAG 2.1 AA non-conformances requiring remediation, and an executed comprehensive assessment resulting in written work product as described below.

Activities:

- Conduct initial project planning to confirm the assessment approach, scope, and resource expectations; this activity must result in a project work plan and schedule, as well as a register of stakeholders responsible for websites, applications, and digital documents.
- Identify and document all digital assets that fall within the scope of the assessment, including websites, portals, online applications, and digital document repositories; documentation should categorize assets by type, purpose, audience, operational significance, and if there is a reasonable determination that they cannot be remediated.
- Perform an initial accessibility assessment of the identified digital assets to identify risk areas and accessibility trends.
- Assess the current state of accessibility maturity, including systemic challenges, recurring issue types, risks affecting compliance, and factors that impact the user experience for individuals relying on assistive technologies.
- Review existing website design patterns, workflows, and accessibility practices to identify baseline compliance goals.

- Develop a risk-based prioritization of websites, applications, portals, and documents to guide testing and remediation efforts; prioritization should reflect legal exposure, volume of use, and public impact.
- Align with stakeholders to validate evaluation criteria and confirm deliverable expectations.

Deliverables:

- Project work plan and schedule, as well as a register of stakeholders responsible for websites, applications, forms, and digital documents.
- Current state accessibility assessment. Assessment Prioritization List and Testing Plan to prioritize high-impact pages and documents for testing, including methodology, WCAG checklists, and tools to be used.

Track 2—Remediation Support, Accessibility Re-Testing, and Implementation Coordination

SCJB seeks coordination of remediation activities and detailed accessibility re-testing of priority digital assets with SCJB IT and content owners.

Activities:

- Coordinate closely with SCJB IT and content owners to communicate issues and support remediation activities.
- Conduct iterative re-testing of remediated assets following SCJB remediation, including webpages, components, templates, and documents, to confirm that issues are resolved and that no new accessibility barriers have been introduced during the remediation process.
- Provide regular status updates to SCJB leadership, summarizing testing results, remediation progress, risks, and any areas requiring additional attention to support timely completion.

Deliverables:

- Develop a detailed remediation and testing plan that aligns with the digital assets, priorities, and risk levels identified in Track 1.
- Provide sample form Accessibility Conformance Reports (ACRs), or similar documentation, to summarize initial assessment and re-testing outcomes and provide transparency regarding the accessibility status of each asset following remediation.
- A remediation roadmap that outlines a structured plan, prioritized remediation steps, timelines, and resource requirements for developers, designers, and content teams.

Track 3—Governance, Training, and Sustainability

SCJB desires to establish long-term practices, governance, and staff capabilities to maintain digital accessibility compliance beyond the initial remediation period.

Activities:

- Provide training and knowledge transfer to SCJB staff, including technical training for IT and web development teams, content-creation training for judges, clerks, and administrative personnel, and governance and oversight training for leadership.
- Recommend long-term monitoring and continuous improvement practices, including processes for automated and manual accessibility reviews, ongoing testing cycles, and mechanisms for tracking accessibility performance over time.

Deliverables:

- An Accessibility Governance Framework that defines roles, responsibilities, approval workflows, and oversight mechanisms necessary to support ongoing compliance; this framework must also include standards, coding practices, and testing protocols for periodic monitoring, testing, and reporting.
- Standardized templates and authoring guidance for new and updated digital content, including webpages and documents.
- Documentation and materials that support sustainability, including the Accessibility Governance Framework, accessible content templates and authoring guides, training materials, and a long-term monitoring and continuous improvement plan.
- Training materials and an awareness strategy to build organizational capability to promote accessibility and inclusion into SCJB.

Part II. Responses Requested

A. Narrative Responses to Tracks and Deliverable Requirements

Please provide a proposed approach to performing the work described in Part II above. The narrative response should be specific and detailed related to tasks and activities outlined in Tracks 1-3 (Current State Assessment; Remediation Support, Accessibility Re-Testing, and Implementation Coordination; and Governance, Training, and Sustainability).

- Please include three references for similar projects (public or private).
- List proposed team members and their qualifications
- Provide narrative description of your firm's experience in digital accessibility program development, auditing, remediation, and governance.

B. Proposed Timeline

Please provide a proposed timeline to complete the tasks and activities required to support this project. All tracks (Current State Assessment; Remediation Support, Accessibility Re-Testing, and Implementation Coordination; and Governance, Training, and Sustainability) should be included in the timeline. SCJB contemplates that some or all of these tracks may occur simultaneously.

C. Cost Proposal

Please provide a fixed-price proposal for Track 1-3 activities (any travel-related costs and expenses must be included in the proposal price and not listed as separate line items).

South Carolina Business Opportunities

Published by Division of Procurement Services - Delbert H. Singleton, Jr., Division Director

Notice Of Intent To Sole Source By: SC Judicial Department

Ad Category: Sole Source and Emergency

Notice Start Date: June 23, 2026

Notice End Date: July 8, 2026

Vendor Name: Ernst & Young LLP

Contract Amount: 300K-900K

Agency Procurement Manager: Kathy Santandreu

Agency Procurement Manager Email: ksantandreu@sccourts.org

Agency Procurement Manager Telephone#: 803-734-1982

The Agency hereby provides notice that it intends to enter into a sole source contract per S.C. Code Ann. §11-35-1560 with Vendor for the following supplies, services, information technology, or construction:

SCJB has to remediate a large number of public-facing digital documents to ensure compliance with Department of Justice regulations at 28 C.F.R. § 35.200 et seq, which require compliance with WCAG 2.1 AA requirements.

Agency's justification for a sole source procurement may be viewed or immediately obtained at: Web Address Where Item Is Posted
URL To View Justification: https://sccourts.org/media/1zlmhuo1/2433_001.pdf

PROTESTS:

Any actual or prospective bidder, offeror, contractor, or subcontractor aggrieved in connection with the intended award or award of this sole source contract, shall notify the appropriate chief Procurement officer in writing of its intent to protest within five (5) business days of the date this notice is posted. Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this sole source contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner set forth below within fifteen days of the date this notice is posted; except that a matter that could have been raised as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

A protest must be in writing, filed with the appropriate chief procurement officer, and set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided. The protest must be received by the appropriate chief procurement officer within the time provided above. Days are calculated as provided in S.C. Code Ann. § 11-35-310(13).

Any Notice Of Intent To Protest And Protest Must Be Addressed To: Materials Management Officer

South Carolina Business Opportunities • SCBO Team • 1333 Main Street, Suite 700 • Columbia, SC 29201
803-737-0600 • scbo@mmo.sc.gov • <https://scbo.sc.gov> • <https://procurement.sc.gov>



**Sole Source
Written Determination**

Agency Identification: SC Judicial Branch (SCJB)

Description of the agency need that this procurement fulfills: *(See instructions on last page for guidance)*

SCJB has to remediate a large number of public-facing digital documents to ensure compliance with Department of Justice regulations at 28 C.F.R. § 35.200 et seq, which require compliance with WCAG 2.1 AA requirements. These include court forms, orders, opinions, and FAQs. This work is necessary to maintain equal access for all users and comply with updated federal accessibility regulations. SCJB needs reliable document remediation and help building long-term accessibility practices.

Describe the Market Based on Research Performed: *(See instructions on last page for guidance)*

Market research included online searches, review of vendor websites, examination of past public sector accessibility projects, discussion with industry providers and other agencies, and evaluation of companies that offer WCAG 2.1 AA compliance and large-scale document remediation. A request for information was sent to several vendors identified in this search to get basic pricing, market, and service information to identify potential vendors with the skills and capacity to handle high volumes of complex legal documents. Market research indicates that only a limited number of vendors have the necessary skill and capacity to provide this level of service at scale for court systems or public-sector bodies.

Sole Source Vendor Name: Ernst & Young LLP (EY)

Based upon the following determination, Agency proposes to acquire the supplies, construction, information technology, and/or services described herein from the vendor named above per SC Code Ann § 11-35-1560 and SC Regulation 19-445.2105, Sole Source Procurement.

Description of supplies, construction, information technology, and/or services vendor will provide under the contract: *(See instructions on last page for guidance.)*

The vendor will remediate digital documents to meet WCAG 2.1 AA standards as required by Department of Justice Regulations, remediate court forms in Word and create accessibility-compliant fillable PDF court forms, apply required accessibility tagging, and generate supporting accessibility documentation. Remediation of documents will include, but not be limited to, court forms, orders, opinions, and FAQs. The vendor will also assist SCJB with developing and implementing sustainable remediation methods and workflows. The vendor will help establish repeatable processes, governance structures, and comprehensive training programs to ensure SCJB staff can independently sustain compliance. Key activities include recommending and integrating accessibility tooling, improving operational processes, delivering role-based training, and providing documentation and knowledge transfer to support ongoing WCAG adherence.

Explain why the described solution is the only solution that meets the agency's need and how no other identified solutions were sufficient. *(See instructions on last page for guidance)*

SCJB needs a vendor with proven experience handling large volumes of judicial documents, strong knowledge of WCAG 2.1 AA, and the ability to meet strict federal deadlines. Ernst & Young has been working with SCJB since January 2026 under a statewide term contract. As part of that work, they have assessed the compliance of SCJB's web content with Department of Justice regulations at 28 C.F.R. § 35.200 et seq, identified what is needed to meet requirements, and prepared and conducted

**Sole Source
Written Determination**

basic trainings for several SCJB stakeholder groups. Consequently, Ernst & Young already understands SCJB's systems, stakeholders, capacity, and accessibility challenges. SCJB is required to comply with Department of Justice regulations at 28 C.F.R. § 35.200 et seq beginning April 26, 2027. Bringing in another vendor would compromise SCJB's ability to meet that deadline. Bringing in a new vendor would cause delays, create inconsistencies, require coordination between Ernst & Young's ongoing assessment efforts under the existing contract and this remediation project, and result in the duplication of work that has already been completed. Because of the specialized nature of the documents, the short timeframe for compliance, and the importance of continuity, this vendor is the only practical and effective choice to meet the SCJB's needs.

***Note:** Determination is not complete without required signatures and dates*

Required Signatures:

Prepared by:  **Date:** 06/17/2026

Printed Name: Megan Meekins

Title: Assistant General Counsel

Approved by:  **Approval Date:** 6/17/2026

Printed Name: Paul Magargle

Title: Director – Fiscal Services

The last page contains instructions and is not required to be retained.