

STATE OF SOUTH CAROLINA)	BEFORE THE CHIEF PROCUREMENT
COUNTY OF RICHLAND)	OFFICER FOR CONSTRUCTION
)	
IN THE MATTER OF:)	
)	DETERMINATION
)	
UNIVERSITY OF SOUTH CAROLINA)	
)	POSTING DATE: JANUARY 14, 2014
COKER- 7 TH FLOOR PHARMACY)	
RENOVATION – (PLUMBING))	
_____)	

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from the University of South Carolina (USC) to cancel award of a contract to Franklin D. Services (FDS) for the plumbing portion of the Coker 7th Floor Pharmacy Renovation (the Project) because of administrative error. [Ex. A]

CPOC FINDINGS

Pursuant to S.C. Code Ann. § 11-35-3030(2), the state is mandated to require Contractors awarded contracts exceeding \$50,000 to provide both performance and payment bonds each in the amount of 100% of the contract amount. In addition, S.C. Code Ann. 29-6-250 provides that on such contracts, the state shall require a payment bond in the amount of 100% of the contract price. Prior to bidding this project, USC estimated the bids would exceed \$50,000. While the South Carolina Business Opportunities (SCBO) advertisement for project advised bidders that the successful bidder would be required to provide performance and payment bonds, the form SE-310, Request for Advertisement included within the

bid package did not include this requirement. FDS did not see the SCBO advertisement before bidding and relied on the version of the advertisement included in the bid package in deciding to bid the project. FDR's bonding capacity is limited to projects not exceeding \$50,000. FDR bid for the project was in the amount of \$92,500, therefore, FDR lacks the ability to provide a performance and payment bond on this project rendering FDR a nonresponsible bidder on this project. USC may only make an award to a responsible bidder. S.C. Code Ann. §§ 11-35-3020(c)(i) and 11-35-1810.

DETERMINATION

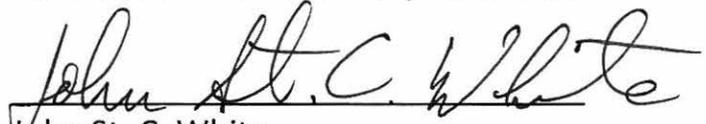
CANCELLATION OF AWARD PRIOR TO PERFORMANCE

The S.C. Code Ann. § 11-35-1520(7) authorizes the cancellation of awards or contracts after award but before performance in accordance with regulations promulgated by the Board. Regulation 19-445.2085(C) allows the cancellation of an award prior to performance only upon written determination of the chief procurement officer that cancellation is warranted in accordance with the provisions set forth therein. One such provision is a determination that there was administrative error on the part of the purchasing agency in making the award and that such error was discovered prior to performance.

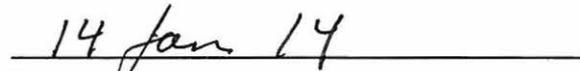
While the authority to cancel awards and solicitations should be exercised carefully and sparingly, cancellation is warranted where, as here, the award was not made to the lowest responsive and responsible bidder. Because FDS was not the lowest responsible bidder, it was administrative error for USC to offer a contract to FDS for construction services.

Moreover, this error was discovered before performance by FDS.

For the foregoing reason, USC's Notice of Award to FDS is hereby cancelled.



John St. C. White
Chief Procurement Officer for Construction



Date

Columbia, South Carolina

STATEMENT OF RIGHT TO ADMINISTRATIVE REVIEW
Written Determination Appeal Notice (Revised June 2013)

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

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

Copies of the Panel's decisions and additional information regarding the protest process is available on the internet at the following web site: www.procurementlaw.sc.gov

FILE BY CLOSE OF BUSINESS: Requests must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

FILING FEE: Pursuant to Proviso 108.1 of the 2013 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 hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived.” PLEASE MAKE YOUR CHECK PAYABLE TO THE “SC PROCUREMENT REVIEW PANEL.”

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003); and *Protest of PC&C Enterprises, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

**South Carolina Procurement Review Panel
Request for Filing Fee Waiver
1105 Pendleton Street, Suite 202, 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.

EXHIBIT A



UNIVERSITY OF
SOUTH CAROLINA

January 10, 2014

University of South Carolina
Facilities Center
743 Greene Street
Columbia SC 29208

Mr. John White –

We had the bid opening for Coker 7th Floor Pharmacy Renovation (Plumbing) on October 10, 2013 at 2pm, the apparent low bidder Franklin D Services is requesting to withdraw their bid due to the fact they are not able to provide performance and payment bonds for this project, which exceeds \$50,000. The project was advertised in SCBO and stated that Payment and Performance Bonds were required; however the SE-310 included in the project manual did not have the box checked for the bonding section. Also, when the University posted the NOIA to Franklin D. Plumbing, the wrong bid amount was inserted on the SE-370.

Due to these errors made in the solicitation, we feel it would be best to simply rebid the entire project. Unfortunately, there is not enough funding in the budget to move forward with the next lowest bidder. Therefore, we are requesting to cancel the notice of intent to award and rebid the project.

Please see attached documentation.

If you should have any questions, please let me know.

Regards,


Juaquana Brookins
Procurement Specialist II

**University of South Carolina Bid Tabulation
Columbia, South Carolina**

Project Name: Coker 7th Floor Pharmacy Renovation-Plumbing

Project Number: BC00433223-A

Bid Closing Date & Time: October 10, 2013 @ 2:30 PM

Bidder	ACK	Base Bid	
	Add 1		
McCarter Mechanical			
Franklin D. Plumbing	✓	192,500 ⁰⁰	BB ✓
Callum Const.	✓	1,142,543 ⁰⁰	BB ✓
Triad	✓	1,543,353 ²⁰	BB ✓

Recorded By: *Y/one [Signature]*

Read By: *Jaquana [Signature]*

SE-370
Notice of Intent to Award

2011 Edition
Rev. 7/18/2011

STATE OF SOUTH CAROLINA

University of South Carolina (insert agency name)
743 Greene Street, Columbia, South Carolina 29208 (insert agency address)

Posting Date: 10/21/2013

Unless stayed by protest or canceled, the State intends to enter into a contract for the project with the contractor noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provide in Section 4 of the Bid Form, except as otherwise provided in the instructions to bidders.

Project Number: BC00433223-A
Project Name: Coker 7th Floor Pharmacy Renovation -Plumbing
Awarded To: Franklin D Services

Solicitation Type Invitation for Bid Request for Proposals
Contract Amount \$ \$154,353.00

Invitation for Bid

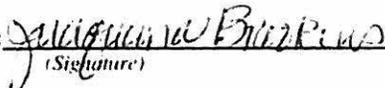
Information	Description	Bid Amount
Base Bid	Furnish & install all Plumbing: fixtures, piping	\$ \$154,353.00
Alternate 1		\$
Alternate 2		\$
Alternate 3		\$

Remarks (explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and performance and payment bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written notice to proceed. The State assumes no liability for any expenses incurred by the contractor prior to issuance of notice to proceed other than contractor's non-reimbursable costs incurred in providing such bonds.

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest within ten days of the date notification of award is posted in accordance with the Consolidated Procurement Code. A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the appropriate Chief Procurement Officer within the time provided. [Section 11-35-4210]

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to protest-ose@mso.sc.gov, (b) by facsimile at 803-737-0639, or (c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.

Agency Procurement Officer: 
(Signature)

INSTRUCTIONS TO THE AGENCY:

1. Post a copy of this form at the location specified by the Instructions to bidders and announced at the Bid Opening.
2. Send a copy of this form and the final bid tabulation to all responsive bidders and OSE.

**SE-310
REQUEST FOR ADVERTISEMENT**

2011 Edition
Rev. 7/20/2011

PROJECT NAME: COKER-7TH FLOOR PHARMACY RENOVATION -(Plumbing)

PROJECT NUMBER: BC00433223-A

PROJECT LOCATION: Columbia, SC

Contractor may be subject to performance appraisal at close of project

BID SECURITY REQUIRED? Yes No

PERFORMANCE & PAYMENT BONDS REQUIRED? Yes No

CONSTRUCTION COST RANGE: \$50K-\$100K

DESCRIPTION OF PROJECT: This is a bid for the plumbing portion of the renovation of the 7th floor Coker Pharmacy side. Work is shown on sheets P0.0, P1.6, P1.7, P2.7, and P3.7 and described in division 15 - Mechanical sections 15010 through 15950 of the specifications. Bid is to furnish and install all Plumbing to include but not limited to all fixtures, piping, and all other items shown on these documents with the following exceptions.

1) All demolition of existing sinks is by USC. All piping which cannot be re-used will be removed by this contractor.

2) Any insulation containing hazardous material will be removed by USC

3) The removal and repair of ceilings required to perform this work will be by USC.

A/E NAME: GMK Associates

A/E CONTACT: Tom Weiland

A/E ADDRESS: Street/PO Box: 1201 Main Street, Suite 2100

City: Columbia

State: SC ZIP: 29201-

EMAIL: tweiland@gmka.com

TELEPHONE: 803-256-0000

FAX: 803-255-7243

All questions & correspondence concerning this Invitation shall be addressed to the A/E.

BIDDING DOCUMENTS/PLANS MAY BE OBTAINED FROM: http://purchasing.sc.edu (See Facilities/Construction Solicitation and Awards)

PLAN DEPOSIT AMOUNT: \$0.00 **IS DEPOSIT REFUNDABLE:** Yes No

Only those Bidding Documents/Plans obtained from the above listed source(s) are official Bidders rely on copies of Bidding Documents/Plans obtained from any other source at their own risk.

BIDDING DOCUMENTS/PLANS ARE ALSO ON FILE FOR VIEWING PURPOSES ONLY AT (list name and location for each plan room or other entity)

It is the bidders responsibility to obtain all bidding information from the purchasing website. http://purchasing.sc.edu

PRE-BID CONFERENCE? Yes No **MANDATORY ATTENDANCE?** Yes No

DATE: 9/19/2013 **TIME:** 10:30 am **PLACE:** 743 Greene Street, Conf Rm 53, Columbia, SC 29208

AGENCY: University of South Carolina

NAME OF AGENCY PROCUREMENT OFFICER: Michelle Adams

ADDRESS: Street/PO Box: 743 Greene Street,

City: Columbia

State: SC ZIP: 29208-

EMAIL: mdadams@fmc.sc.edu

TELEPHONE: 803-777-0981

FAX: 803-777-7334

BID CLOSING DATE: 10/1/2013 **TIME:** 2:30 pm **LOCATION:** 743 Greene Street, Conf Rm 53, Columbia, SC 29208

BID DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: Michelle Adams

University of South Carolina

743 Greene Street,

Columbia, SC 29208

MAIL SERVICE:

Attn: Michelle Adams

University of South Carolina

743 Greene Street,

Columbia, SC 29208

SOUTH CAROLINA BUSINESS OPPORTUNITIES

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Proposed Procurements in Construction
Information Technology Supplies & Services
As Well As Other Information of Interest to the
Business Community

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Sealed Bids Listed in This Publication Will Be
Received at the Time, Place & Date Indicated
in the Announcements & Then Be Publicly
Opened & Read Aloud. The State/Owner
Reserves the Right to Reject Any Or All Bids
& to Waive Technicalities

CONSTRUCTION

Invitation for Construction Bids

Please verify requirements for non-State agency
advertisements by contacting the agency / owner

Projects expected to cost less than \$50,000 are
listed under the Minor Construction heading

Project Name: COKER – 7TH FLOOR
PHARMACY RENOVATION –
(MECHANICAL)

Project Number: BC00433223

Location: Columbia, SC

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: This is a bid for the
mechanical portion of the renovation
of the 7th floor Coker Pharmacy side. Work is shown on
sheets M1.7, M2.0, M2.1, M2.7,
M2.8, M5.1, M5.2, M6.1, M6.2,
M6.3, & M7.1 & described in division
15 – Mechanical sections 15010 through 15950 of the specifications. Bid is to furnish & install
all mechanical to include but not
limited to all ductwork, piping,
equipment & all other items
shown on these documents with
the following exceptions: 1) All
equipment as shown in the
schedules on sheet M7.1 will be
furnished by USC & installed by
this contractor. 2) All rooftop
curbs & their installation will be by
USC. 3) All structural supports for
rooftop units will be by USC. 4)
All demolition of existing ductwork
& equipment is by USC. All piping
which cannot be re-used will be
removed by this contractor. 5) Any
insulation containing hazardous
material will be removed by USC.
6) The removal & repair of ceilings
required to perform this work
will be by USC. 7) The demo &
roof repair for the roof top fans
will be by USC.

Contractor may be subject to performance appraisal at close of project

Construction Cost Range: \$200K-\$350K

Architect/Engineer: GMK Associates

A/E Contact: Tom Weiland

A/E Address: 1201 Main St., Ste. 2100,
Columbia, SC 29201

A/E Telephone: (803) 256-0000

A/E Fax: (803) 255-7243

A/E E-mail: tweiland@gmka.com

Note: All questions & correspondence concerning this Invitation to Bid shall be addressed to the A/E

Plans May Be Viewed/Obtained From:

<http://purchasing.sc.edu> (See Facilities / Construction Solicitations & Awards) – It is the bidder's responsibility to obtain all bidding information from the aforementioned purchasing website

Only those bidding documents / plans obtained from the aforementioned sources are official. Bidders rely on copies of bidding documents / plans obtained from any other source at their own risk.

Plan Deposit: None

Pre-Bid Conf./Site Visit: Non-mandatory

Pre-Bid Date/Time: 9/19/13 – 10:00am

Place: 743 Greene St., Columbia, SC
29208

Agency/Owner: University of South Carolina

Name of Agency Procurement Officer:
Michelle Adams

Address: 743 Greene St., Columbia, SC
29208

Telephone: (803) 777-0981

Fax: (803) 777-7334

E-mail: mdadams@fmc.sc.edu

Bid Closing Date/Time: 10/1/13 – 2:00pm

Place: 743 Greene St., Columbia, SC
29208

Hand Deliver/Mail Bids To: Attn: Michelle
Adams, University of South Carolina,
743 Greene St., Columbia,
SC 29208

Project Name: COKER – 7TH FLOOR
PHARMACY RENOVATION –
(PLUMBING)

Project Number: BC00433223-A

Location: Columbia, SC

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: This is a bid for the

plumbing portion of the renovation of the 7th floor Coker Pharmacy side. Work is shown on sheets P0.0, P1.6, P1.7, P2.7, & P3.7 & described in division 15 – Mechanical sections 15010 through 15950 of the specifications. Bid is to furnish & install all plumbing to include but not limited to all fixtures, piping, & all other items shown on these documents with the following exceptions: 1) All demolition of existing sinks is by USC. All piping which cannot be re-used will be removed by this contractor. 2) Any insulation containing hazardous material will be removed by USC. 3) The removal & repair of ceilings required to perform this work will be by USC.

Contractor may be subject to performance appraisal at close of project

Construction Cost Range: \$50K-\$100K

Architect/Engineer: GMK Associates

A/E Contact: Tom Weiland

A/E Address: 1201 Main St., Ste. 2100,
Columbia, SC 29201

A/E Telephone: (803) 256-0000

A/E Fax: (803) 255-7243

A/E E-mail: tweiland@gmka.com

Note: All questions & correspondence concerning this Invitation to Bid shall be addressed to the A/E

Plans May Be Viewed/Obtained From:

<http://purchasing.sc.edu> (See Facilities / Construction Solicitations & Awards) – It is the bidder's responsibility to obtain all bidding information from the aforementioned purchasing website

Only those bidding documents /

plans obtained from the aforementioned sources are official. Bidders rely on copies of bidding documents / plans obtained from any other source at their own risk

Plan Deposit: None**Pre-Bid Conf./Site Visit:** Non-mandatory**Pre-Bid Date/Time:** 9/19/13 – 10:30am**Place:** 743 Greene St., Columbia, SC 29208**Agency/Owner:** University of South Carolina**Name of Agency Procurement Officer:** Michelle Adams**Address:** 743 Greene St., Columbia, SC 29208**Telephone:** (803) 777-0981**Fax:** (803) 777-7334**E-mail:** mdadams@fmc.sc.edu**Bid Closing Date/Time:** 10/1/13 – 2:30pm**Place:** 743 Greene St., Columbia, SC 29208**Hand Deliver/Mail Bids To:** Attn. Michelle Adams, University of South Carolina, 743 Greene St., Columbia, SC 29208**Project Name:** NEW RAMPS & TOILET RENOVATIONS FOR MARION COUNTY SCHOOL DISTRICT**Location:** Marion, SC**Bid Security Required:** Yes**Performance Bond Required:** Yes**Payment Bond Required:** Yes**Description of Project:** This project consists of the renovation of one toilet room at the Palmetto Middle School & addition of two exterior concrete ramps at the Academy of Careers & Technology**Architect/Engineer:** Goforth, Brown & Associates, Inc**A/E Address:** PO Box 5748, Florence, SC 29502**A/E Telephone:** (843) 665-5868**A/E Fax:** (843) 669-7596**A/E Email:** questions@gbaflo.com**A/E Miscellaneous Note:** All questions must be submitted in writing via email or fax. No questions will be answered via telephone**Plans on file at:**

AGC: online

McGraw-Hill Dodge: online

McGee CADD: online

Plans May Be Obtained From: Goforth, Brown & Associates, Inc**Requesting Plans:** All plan requests must be accompanied by a letter request on company letterhead. Please be sure it includes a contact person's name & email address. Plans will be sent out within 24 hours of the date & time the plan request is received. No telephone calls please.**Plan Deposit:** \$50.00 / 50% refundable**CD-Rom:** \$20.00 / non-refundable**Plans Available By Email:** No**Bid Due Date/Time:** Thursday, October 10, 2013 at 3:00pm, local time**Place:** Board Conference Room at Marion County School District (Owner)**Hand Deliver Bids To:** 719 North Main Street, Marion, SC 29571**Mail Bids To:** 719 North Main Street, Marion, SC 29571**Project Name:** ROUGH GRADING OF APPROXIMATELY 100 ACRES OF WESTERN ORANGEBURG COUNTY INDUSTRIAL PARK**Project Number:** 11156-0038**Bid Number:** FY14-1010**Project Location:** Neeses, SC**Bid Security Required:** Yes**Performance Bond Required:** Yes**Payment Bond Required:** Yes**Description of Project:** Rough grading of approximately 100 acres**Architect/Engineer:** Alliance Consulting Engineers, Inc**A/E Contact:** Kyle M. Clampitt, PE**A/E Address:** PO Box 8147, Columbia, SC 29202**A/E Telephone:** (803) 779-2078**A/E Fax:** (803) 779-2079**A/E E-mail:** kclampitt@alliancece.com**Plans on File At:**AGC: www.cagc.orgDodge: www.construction.comOther: www.isqft.com**Plans May Be Obtained From:** Alliance Consulting Engineers, Inc., 1201 Main St., Ste. 2020, Columbia, SC 29201**Plan Deposit:** \$150.00, non-refundable**Pre-Bid Conf.:** Mandatory**Pre-Bid Date/Time:** Wednesday, 9/25/13 – 2:00pm**Place:** Neeses Town Council Chambers, 6357 Savannah Hwy., Neeses, SC 29107**Agency/Owner:** Orangeburg County**Name & Title of Agency Coordinator:** Ms. Jannella Shuler, Procurement Director**Address:** Orangeburg County Administration Center, 1437 Amelia St., Orangeburg, SC 29115**Telephone:** (803) 533-6121**Fax:** (803) 535-2307**E-mail:** jshuler@orangeburgcountysc.org**Bid Opening Date/Time:** 10/10/13 – 2:00pm**Place:** County Administration Center, Third Floor Training Center, 1437 Amelia St., Orangeburg, SC 29115**Hand Deliver Bids To:** Orangeburg County Administration Center, 1437 Amelia St., Orangeburg, SC 29115**Mail Bids To:** Orangeburg County Administration Center, PO Box 9000, Orangeburg, SC 29116**Description:** COMPLETE, TURN-KEY CONSTRUCTION OF A NEW HOME**Solicitation Number:** PUR433**Delivery Point:** Rock Hill**Submit Offer By:** 9/24/13 – 2:00pm**Purchasing Entity:** City of Rock Hill Housing & Neighborhood Services Office, 150 Johnston St., Rock Hill, SC 29730**Direct Inquiries To:** Tracy Helms, phone (803) 329-5589**Buyer:** Marty Burr

Performance Manager

phone (803) 329-5551

E-mail: mburr@cityofrockhill.com**Download Solicitation From:**www.cityofrockhill.com**JENNIE MOORE ELEMENTARY SCHOOL & LAING MIDDLE SCHOOL – DEMOLITION & EARLY SITE PACKAGE****Sealed Bids For** the Jennie Moore Elementary School & Laing Middle School – Demolition & Early Site Package (Solicitation No. 13-CMG-B-011) will be received from qualified bidders, properly licensed under the laws of the State of South Carolina, opened & read aloud by the Owner & program manager at the Office of Cumming Construction Management, Inc., 3896 Leeds Ave., N. Charleston, SC 29405, on Oct. 1, 2013, at 2:00pm. Bids received after 2:00pm will be rejected & returned to the bidder unopened.**Project Name:** Jennie Moore Elementary School & Laing Middle School – Demolition & Early Site Package**Pre-Bid Date & Time:** September 17, 2013, at 10:00am**Bid Date & Time:** October 1, 2013 at 2:00pm**Bid Opening Location:** Cumming Construction Management, Inc., 3896 Leeds Ave., N. Charleston, SC 29405**Project Addresses:** 1256 Hamlin Road, Mt. Pleasant, SC 29466**Owner:** Charleston County School District, 3999 Bridgeview Drive, N. Charleston, SC 29405**Architect/Engineer:** Jumper Carter Sease Architects, 412 Meeting Street, Columbia, SC 29169, (803) 791-1020, Fax (803) 791-1022, Contact: Todd Sease**Program Manager:** Cumming Construction Management, Inc., 3896 Leeds Avenue, N. Charleston, SC 29405, (843) 760-1050, Fax (843) 760-6880, Contact: Harold Lee

**SE-330 – LUMP SUM BID
BID FORM**

Bidders shall submit bids on only Bid Form SE-330.

BID SUBMITTED BY: MAZEK, LLC dba Franklin D. Services
(Bidder's Name)

BID SUBMITTED TO: University of South Carolina
(Owner's Name)

FOR PROJECT: PROJECT NAME Coker 7th Floor Pharmacy Renovation (Plumbing)
PROJECT NUMBER BC00433223-A

OFFER

§ 1. In response to the Invitation for Construction Bids and in compliance with the Instructions to Bidders for the above-named Project, the undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into a Contract with the Owner on the terms included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

§ 2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, Bidder has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

Bid Bond with Power of Attorney Electronic Bid Bond Cashier's Check
(Bidder check one)

§ 3. Bidder acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into this Bid:

ADDENDUM No: One dated 9/26/2013

§ 4. Bidder accepts all terms and conditions of the Invitation for Bids, including, without limitation, those dealing with the disposition of Bid Security. Bidder agrees that this Bid, including all Bid Alternates, if any, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that Bidder may agree to in writing upon request of the Owner.

§ 5. Bidder herewith offers to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

§ 6.1 BASE BID WORK *(as indicated in the Bidding Documents and generally described as follows):* The project consist of renovation to the 7th floor of the Coker College at University of South Carolina. The bid s to furnish & install all plumbing to include but not limited to all fixtures, piping and all other items. (See Scope of Work)

\$ 92,500.⁰⁰, which sum is hereafter called the Base Bid.
(Bidder - insert Base Bid Amount on line above)

**BID FORM
SE-330**

2011 Edition

§ 6.2 BID ALTERNATES – as indicated in the Bidding documents and generally described as follows:

ALTERNATE #1 (Brief Description): NA

ADD TO or DEDUCT FROM BASE BID: _____

(Bidder to Mark appropriate box to clearly indicate the price adjustment offered for each alternate)

ALTERNATE #2 (Brief Description): NA

ADD TO or DEDUCT FROM BASE BID: _____

(Bidder to Mark appropriate box to clearly indicate the price adjustment offered for each alternate)

ALTERNATE #3 (Brief Description): NA

ADD TO or DEDUCT FROM BASE BID: _____

(Bidder to Mark appropriate box to clearly indicate the price adjustment offered for each alternate)

INSTRUCTIONS FOR SUBCONTRACTOR LISTING

1. Section 7 of the Bid Form sets forth a list of subcontractor specialties for which bidder is required to identify by name the subcontractor(s) Bidder will use to perform the work of each listed specialty. Bidder must identify only the subcontractor(s) who will perform the work and no others.
2. For purposes of subcontractor listing, a Subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers, and fabricators that will not perform physical work at the site of the project but will only supply materials or equipment to the bidder or proposed subcontractor(s) are not subcontractors and Bidder should not insert their names in the spaces provided on the bid form. Likewise, Bidder should not insert the names of sub-subcontractors in the spaces provided on the bid form but only the names of those entities with which bidder will contract directly.
3. Bidder must only insert the names of subcontractors who are qualified to perform the work of the listed specialties as specified in the Bidding Documents and South Carolina Licensing Laws.
4. If under the terms of the Bidding Documents, Bidder is qualified to perform the work of a specialty listed and Bidder does not intend to subcontract such work but to use Bidder's own employees to perform such work, the Bidder must insert its own name in the space provided for that specialty.
5. If Bidder intends to use multiple subcontractors to perform the work of a single specialty listing, Bidder must insert the name of each subcontractor Bidder will use, preferably separating the name of each by the word "and". If Bidder intends to use both his own employees to perform a part of the work of a single specialty listing and to use one or more subcontractors to perform the remaining work for that specialty listing, bidder must insert his own name and the name of each subcontractor, preferably separating the name of each with the word "and".
6. Bidder may not list subcontractors in the alternative nor in a form that may be reasonably construed at the time of bid opening as a listing in the alternative. A listing that requires subsequent explanation to determine whether or not it is a listing in the alternative is non-responsive. If bidder intends to use multiple entities to perform the work for a single specialty listing, bidder must clearly set forth on the bid form such intent. Bidder may accomplish this by simply inserting the word "and" between the name of each entity listed for that specialty. Owner will reject as non-responsive a listing that contains the names of multiple subcontractors separated by a blank space, the word "or", a virgule (that is a /), or any separator that the Owner may reasonably interpret as a listing in the alternative.
7. If Bidder is awarded the contract, bidder must, except with the approval of the owner for good cause shown, use the listed entities to perform the work for which they are listed.
8. If bidder is awarded the contract, bidder will not be allowed to substitute another entity as subcontractor in place of a subcontractor listed in Section 7 of the Bid except for one or more of the reasons allowed by the SC Code of Laws.
9. Bidder's failure to insert a name for each listed specialty subcontractor will render the Bid non-responsive.

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§ 8. LIST OF MANUFACTURERS, MATERIAL SUPPLIERS, AND SUBCONTRACTORS OTHER THAN SUBCONTRACTORS LISTED IN SECTION 7 ABOVE (FOR INFORMATION ONLY): Pursuant to instructions in the Invitation for Bids, if any, Bidder will provide to Owner upon the Owner's request and within 24 hours of such request, a listing of manufacturers, material suppliers, and subcontractors, other than those listed in Section 7 above, that Bidder intends to use on the project. Bidder acknowledges and agrees that this list is provided for purposes of determining responsibility and not pursuant to the subcontractor listing requirements of SC Code Ann § 11-35-3020(b)(i).

§ 9. TIME OF CONTRACT PERFORMANCE AND LIQUIDATED DAMAGES

a. **CONTRACT TIME:** Bidder agrees that the Date of Commencement of the Work shall be established in a Notice to Proceed to be issued by the Owner and Bidder shall substantially complete the Work within 60 calendar days from the Date of Commencement, subject to adjustments as provided in the Contract Documents.

b. **LIQUIDATED DAMAGES:** Bidder further agrees that from the compensation to be paid, the Owner shall retain as Liquidated Damages the sum of \$ 200.00 for each calendar day the actual construction time required to achieve Substantial Completion exceeds the specified or adjusted time for Substantial Completion as provided in the Contract Documents. This sum is intended by the parties as the predetermined measure of compensation for actual damages, not as a penalty for nonperformance.

§ 10. AGREEMENTS

- a. Bidder agrees that this bid is subject to the requirements of the law of the State of South Carolina.
- b. Bidder agrees that at any time prior to the issuance of the Notice to Proceed for this Project, this Project may be canceled for the convenience of, and without cost to, the State.
- c. Bidder agrees that neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

§ 11. ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the AIA Document A310, Bid Bond, included in the Bidding Documents.

(Electronic Bid Bond Number)

(Signature and Title)

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BIDDER'S TAXPAYER IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: 27-1670768

OR

SOCIAL SECURITY NUMBER: _____

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS

Classification(s) & Limits: PB, GROUP 4

Subclassification(s) & Limits: PB, GROUP 4

SC Contractor's License Number(s): M11160

BY SIGNING THIS BID, THE PERSON SIGNING REAFFIRMS ALL REPRESENTATIONS AND CERTIFICATIONS MADE BY BOTH THE PERSON SIGNING AND THE BIDDER, INCLUDING WITHOUT LIMITATION, THOSE APPEARING IN ARTICLE 2 OF THE INSTRUCTIONS TO BIDDER. THE INVITATION FOR BIDS, AS DEFINED IN THE INSTRUCTIONS TO BIDDERS, IS EXPRESSLY INCORPORATE BY REFERENCE.

SIGNATURE

Malpek LLC dba Franklin D. Services

(Legal Name of Person, Firm or Corporation Submitting Bid)

1108 Pineview Drive Columbia, SC 29209

(Mailing Address for the above)

BY: 

(Signature)

DATE: 10/10/13

TITLE: PROJECT MANAGER

TELEPHONE: 803 788 1499