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DELBERT H. SINGLETON, JR.
DIVISION DIRECTOR
(803) 734-8018
JOHN ST. C. WHITE
MATERIALS MANAGEMENT OFFICER
(803) 737-0600
FAX: (803) 737-0639

Protest Dismissal

Matter of: Chief Services and Security Solutions, Inc.
Case No.: 2024-131
Posting Date: February 28, 2024
Contracting Entity: South Carolina Department of Mental Health
Solicitation No.: 5400026377
Description: SCDMH Security Guard Services (CAMHC)

DIGEST

Protest dismissed where intent to protest/protest fails to state a claim. The protest by Chief Services and Security Solutions, Inc. (Chief) is attached as Exhibit A and included by reference.

AUTHORITY

The Chief Procurement Officer (CPO) conducted an administrative review pursuant to S.C. Code Ann. §11-35-4210(4). This decision is based on materials in the procurement file and applicable law and precedents.

BACKGROUND


On January 8, 2024, the South Carolina Department of Mental Health (DMH) issued this Invitation for Bids (IFB) to acquire armed and unarmed security personnel services for Columbia Area Mental Health Center. By the deadline for receipt of bids, DMH received five bids, including one from Chief. [Exhibit B]. Chief was not the low bidder. [Id.] On February 1, 2024, DMH posted a notice of its intent to award a contract to Guardone Security, the low bidder. On February 2, 2024, Chief submitted a notice of intent to protest which sets forth some grounds of

complaint and indicates that Chief will provide “an affidavit and testimony in writing for the protest as a follow up to this letter.” Chief did not provide any additional information by the deadline to perfect its protest.

To the extent Chief intended its notice of intent to protest to also be a protest, it fails. While it sets forth a brief summary of Chief’s complaint, it does not allege any violation of the Procurement Code or the requirements of the solicitation. Chief does not contend that Guardone was not the lowest responsible and responsive bidder. Instead, Chief alleges it was “falsely accused ...of recruiting contracted security officers” and was investigated based on those “false” allegations. Whether or not Chief was falsely accused of recruiting contracted security officers is not a matter for protest unless it results in an award that violates the Procurement Code. Chief makes no such allegations and presents no evidence whatsoever.

DECISION

For the reasons stated above, the CPO dismisses the intent to protest/protest of Chief for failure to state a claim.



John St. C. White
Chief Procurement Officer

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised July 2023)

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: <http://procurement.sc.gov>

FILING FEE: Pursuant to Proviso 111.1 of the 2023 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. *[The Request for Filing Fee Waiver form is attached to this Decision.]* If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing." PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003); and *Protest of PC&C 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
1205 Pendleton Street, Suite 367, 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



February 2nd, 2024

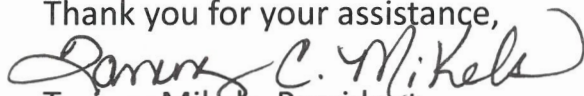
Chief Procurement Officer
Materials Management Office
1201 Main Street
Columbia, S.C., 29201

Re: Intent to Protest 5400026377

It is the intent of Chief Services and Security Solutions, Inc., SC Vendor # SC7000243795, to protest Solicitation #5400026377, Security Services for the South Carolina Department of Mental Health. Chief Services was falsely accused and investigated of recruiting contracted security officers while on tour for the pre-bid meeting for this solicitation. The allegations were made with malicious intent to disqualify Chief Services from the bidding process.

Chief Services and Security Solutions, Inc., will provide an affidavit and testimony in writing for the protest as a follow up to this letter of intent.

Thank you for your assistance,



Tammy Mikels, President

Chief Services and Security Solutions, Inc.,
418 SE Main Street
Simpsonville, S.C., 29681
864-395-8003

Tammy.Mikels@ChiefSecuritySolutions.com

