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Protest Decision

Matter of: Climate Control Systems of Greenwood, Inc.

File No.: 2023-011

Posting Date: March 15, 2023

Contracting Entity: South Carolina Department of Administration

Project No.: D50-6054-FW-B

Description: South Carolina Commission for the Blind – Buildings B, C, & D – Replace HVAC Units and Light Fixtures

DIGEST

Protest of Notice of Prequalification on grounds that the Department of Administration (the Department) erred by considering a poor reference and failing to consider a bid bond in lieu of a letter from surety and insurer denied where the Department had a right to rely on the reference; and even if protestant had, based on the bid bond, been given the highest possible score for that criteria, protestant's ranking would not have changed.

AUTHORITY

Per S.C. Code Ann. § 11-35-4210, the Chief Procurement Officer for Construction (CPOC) conducted an administrative review of a protest filed by Climate Control Systems of Greenwood, Inc. (CCS) protesting the Department's decision not to prequalify CCS to submit a bid on a project to replace HVAC Units and light fixtures in Buildings B, C, and D at the Commission for the Blind (the Project). CCS's protest is attached as Exhibit A.¹ This decision is based on materials in the procurement file and applicable law and precedents.

¹ The CPOC has included CCS's Statement of Qualifications and bid bond in Exhibit A. These are two documents CCS referenced in its protest but did not include as attachments.

BACKGROUND

The following are facts relevant to this protest:

- On February 1, 2023, the Department published an invitation for construction prequalification for the Project. On February 3, 2023, revised and published a new invitation. [Exhibit B]
- By the deadline for receipt of statements of qualifications and supporting documentation, the Department received five statements including a statement of qualification from CCS. [Exhibit C]
- On February 23, 2023, the Department evaluated the five statements of qualifications with accompanying documentation and ranked the five contractors from most qualified to least qualified. The Department ranked CCS number four out of the five contractors. [Exhibit D]
- On February 23, 2023, the Department posted a Notice of Prequalification of Contractors listing the three highest ranked offerors. [Exhibit E]
- On March 6, 2023, CCS protested the Department's decision not to include it in the list of contractors prequalified bid on the Project.

DISCUSSION

The Department conducted prequalification on the Project per S.C. Code Ann. §11-35-3023, which states:

In accordance with this section, the applicable section of Article 5, and procedures published by the State Engineer, a governmental body may limit participation in a solicitation for construction to only those businesses, including potential subcontractors, that are prequalified.

The applicable section of Article 5 states:

(a) Before soliciting bids, the procurement officer, may issue a request for qualifications from prospective bidders. The request must contain, at a minimum, a description of the scope of work to be solicited by the invitation for bids, the deadline for submission of information, and how prospective bidders may apply for consideration. The request must require information concerning the prospective bidders' product specifications, qualifications, experience, and ability to perform the requirements of the contract. Adequate public notice of the request for qualifications must be given in the manner provided in Section 11-35-1520(3).

(b) After receipt of the responses to the request for qualifications from prospective bidders, the rank of the prospective bidders **must be determined in writing from most qualified to least qualified** on the basis of the information provided. Bids then must be solicited from at least the top two prospective bidders by means of an invitation for bids.

The determination regarding how many bids to solicit is not subject to review under Article 17.²

S.C. Code Ann. §11-35-1520(11) [emphasis supplied]

An agency's ranking determination pursuant to the prequalification process is final unless "clearly erroneous, arbitrary, capricious, or contrary to law." S.C. Code Ann. §11-35-2410(A). As the protestant, CCS has the burden of proving upon a preponderance of the evidence that the Department's prequalification ranking is "clearly erroneous, arbitrary, capricious, or contrary to law." *In Re: Protest of Nalco Company*, Panel Case No. 2004-7.

In this case, the Department chose to select the three highest-ranked contractors to bid the project. CCS contacted the Department to find out why it was not chosen to submit a bid. According to CCS, the Department told CCS that it was "denied prequalification" for two (2) reasons:

- (1) it failed to provide written statements from its insurance and bonding agent regarding its ability to provide insurance and bonding for the amounts required by the Project, and
- (2) it has a "harmful reference" on file.

Respecting the first issue, CCS argues that it supplied a bid bond that the Department should have considered. CCS correctly argues that a bid bond indicates that the surety will provide the principal with a performance and payment bond. In the usual course, a bid bond is provided with an actual bid in response to a request for bid. In this case, there is neither a request for bid nor a bid. The bid bond amount is a percentage of the bid amount, but there is no bid and no bid amount. Therefore, it is not clear to the CPOC that in this case, the supplied bid bond indicates an ability to obtain bonds for this Project. Even assuming it does, the bid bond does not address the requirement for a letter from CCS's insurance agent "indicating the Contractor's capability of providing the contract-required amount of insurance." Exhibit C, Part C(1).

Even if the Department gave credit to CCS for the bid bond, it would not change the result. The evaluation sheets show that each evaluator assigned CCS a score of zero out of a possible 10 points for the criteria "Financial Information Regarding the Ability to Provide Required Bonding and Insurance." As illustrated by the below tables, even if each evaluator had given CCS a perfect score of 10 for this factor, CCS would still be ranked four of five.

Actual Prequalification Raw Scores					
Evaluators	Contractors				
	Walker White, Inc.	Cullum Services, Inc.	McCarter Mechanical, Inc.	Climate Control Systems	J.M. Cope, Inc.
Outen	70	57	49	42	29
Purini	77	76	66	59	39
Toral	68	64	69	50	32
Total	215	197	184	151	100

² The Department's decision to solicit bids from only the three highest ranked contractors cannot be protested.

Prequalification Raw Scores Adjusted to Assign CCS Perfect Score of 10 for Bonding & Insurance					
Evaluators	Contractors				
	Walker White, Inc.	Cullum Services, Inc.	McCarter Mechanical, Inc.	Climate Control Systems	J.M. Cope, Inc.
Outen	70	57	49	52	29
Purini	77	76	66	69	39
Toral	68	64	69	60	32
Total	215	197	184	181	100

Respecting the “harmful reference,” CCS first argues that the Department should have given CCS the “opportunity to address the claim [reference]” before considering it in the Department’s evaluation. However, there is no such requirement in the Consolidate Procurement Code and CCS does allege a violation of any other state law.

CCS next speculates that the harmful reference came from Clemson University and derives from “a minor dispute related to work performed by CCS Builders and outstanding payments owed on a project in Kershaw County.”³ CCS observes that CCS Builders is a separate company, though one with overlapping ownership with CCS. CCS argues that the Department should not have considered a negative reference for CCS Builders when evaluating CCS.

According to the information on file with the Contractor’s Licensing Board, Jeff Scott is the President/Owner of both CCS and CCS Builders. [Exhibit F] Jeff Scott is the primary qualifying party for CCS’s Heating, Air Conditioning, Electrical, and Plumbing Licenses.⁴ [Id.] Moreover, Jeff Scott is the primary qualifying party for CSS Builder’s BD license. [Id.] Under the Contractor’s Licensing Laws, a qualifying party is “an individual who has been issued a certificate to qualify an entity for a license.” S.C. Code Ann. § 40-11-20(20). However, the primary qualifying party is not only “an individual who has been issued a certificate to qualify an entity for a license,” but the individual designated by the licensee “as the principal individual responsible for directing or reviewing work performed by the licensee.” S.C. Code Ann. § 40-11-20(18). A primary qualifying party must be “an employee in a responsible management position.” S.C. Code Ann. § 40-11-240(A)(6). As the President/Owner and primary qualifying party for both CCS and CCS Builders, Jeff Scott is necessarily intimately involved in the management and direction of the work of both companies. Therefore, a reference regarding one company is relevant to the other.

³ CCS Builders previously filed a contract controversy with the CPOC on this matter. Legal counsel for the parties are currently discussing the matter between themselves, and the CPOC has no opinion as to the merits of the matter.

⁴ The Contractor’s Licensing Board documentation uses both Jeff Scott and Jeffery Scott. For purposes of this decision, the CPOC assumes Jeff Scott and Jeffery Scott are the same person. This assumption is supported by a listing of CCS’s team found on its website. However, even if they are two different individuals, the results of this decision would be the same.


The “Contractor’s Statement of Qualifications & Questionnaire,” which interested contractors were required to fill out and submit to the Department for consideration, recognizes that overlapping ownership can be relevant to an evaluation of qualifications. For this reason, Part IIIA(2) asks the following:

In the last five (5) years, has the organization, parent organization, any subsidiary business, **or any business with which any of the organization's owners, officers, partners, or qualifying parties were associated**, been debarred, disqualified, removed, or otherwise prevented from bidding on, completing, or contracting to perform any government agency or public works project for any reason? "Associated with" refers to another construction organization in which an owner, partner or officer of the organization held a similar position.

Accepting CSS’s speculation of the source of the “harmful reference,” and based on the foregoing, the CPOC finds it was not “clearly erroneous, arbitrary, capricious, or contrary to law” for the Department to consider a reference regarding the performance of CCS Builders in evaluating CCS.

DECISION

Based on the foregoing, the CPOC denies CCS’s protest.



John St. C. White, PE
Chief Procurement Officer for Construction

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised July 2022)

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 2022 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.



115 Reynolds Park Dr
Greenwood, SC 29646
864.229.1409
www.climategreenwood.com



Exhibit A

March 6, 2023

VIA EMAIL (protest-ose@mmo.sc.gov)

John White, P.E.

Chief Procurement Officer for Construction

Office of State Engineer

1201 Main Street, Suite 600

Columbia, South Carolina 29201

Re: Aggrieved Contractor: Climate Control Systems
Mechanical Contractor, License No. 95990
Agency: Dept. of Administration – Div. of Fac. Mngmt. and Prop. Serv.
Project Name: SCCB – Buildings B, C, & D – Replace HVAC Units
Project Number: D50-6054-FW-B

PROTEST: **SE-170 Notice of Prequalification of Contractors – DBB**
Posting Date: 02/23/2023
Selection Date: 02/23/2023

PROTEST BY CLIMATE CONTROL SYSTEMS

Dear Sir:

Pursuant to S.C. Code § 11-35-4210, please accept this letter as Climate Control Systems' formal protest of the Prequalification of Contractors for the above-referenced Project.

Climate Control Systems has standing to file this Protest as it is an aggrieved party with respect to the prequalification of contractors for the Project. Climate Control Systems timely submitted its "Contractor's Statement of Qualifications & Questionnaire" on February 21, 2023. (See Completed Statement attached as Exhibit A). On February 23, 2023, the Agency posted Form SE-170 Notice of Prequalification of Contractors, and Climate Control Systems was not listed as a prequalified contractor. Consequently, Climate Control Systems will not have an opportunity to bid Project No. D50-6054-FW-B.

Basis of Denial

Upon receiving notice that it was not a prequalified contractor for the Project, Climate Control Systems immediately contacted the Agency Project Coordinator, Alfredo Toral. Mr. Toral informed Climate Control Services that it was denied prequalification for two (2) reasons: (1) it failed to provide written statements from its insurance and bonding agent regarding its ability to provide insurance and bonding for the amounts required by the Project, and (2) it has a "harmful reference" on file. Though we understand that the Agency maintains discretion to deny prequalification, it is of note that the denial of Climate Control Systems' prequalification is not based on any of the reasons stated in Section C of the Contractor Questionnaire.

Additionally, as explained below, we believe the purported reasons for denial are unsupported, improper, arbitrary and capricious.

Climate Control Systems' Response

Insurance and Bonding Statement

Regarding the written statement of insurance and bonding, Climate Control Systems submitted the actual bid bond instead of a letter from our insurance provider. Although not in letter form, an actual bid bond is concrete evidence of our ability to provide the project owner the required assurances. Climate Control Systems has a long history of completing successful projects—of all sizes, values and complexities—for the State of South Carolina and its governmental agencies. Insurance and bonding has never been an issue for Climate Control Systems.

Harmful Reference

Regarding the “harmful reference,” again, Climate Control Systems has performed and completed numerous successful projects for the State of South Carolina and the Department of Administration. After 30 years in business, I am not aware of any complaints or issues with our job performance. So, it is quite surprising to hear about an alleged “harmful reference.” However, more concerning, is the Selection Committee’s reliance on the harmful reference to exclude Climate Control Systems from bidding on the Project, without at least providing Climate Control Systems with an opportunity to address the claim.

Without knowing the source of the “harmful reference,” we are only left to speculate as to what it could be. Of note, a separate entity, CCS Builders, which has some overlapping ownership with Climate Control Systems, is currently involved in negotiations with Clemson University (John McEntire is the “Owner’s Senior Representative - Director of Capital Projects) over a minor dispute related to work performed by CCS Builders and outstanding payments owed on a project in Kershaw County. Legal counsel for CCS Builders and Clemson University are actively discussing the merits of the claims and the potential for a resolution of all issues. This is an isolated (first and only time) issue for CCS Builders. Moreover, CCS Builders is a separate and distinct corporate entity from Climate Control Systems. Climate Control Systems’ reputation and standing should not be negatively impacted by the alleged failures of CCS Builders.

If the CCS Builders’ dispute is the origin of the alleged harmful reference, we submit that the Selection Committee’s reliance on a negative reference, from a project involving a completely separate and distinct entity, to exclude Climate Control Systems is wholly improper and arbitrary and capricious.

Conclusion

As stated, Climate Control Systems maintains a great reputation in the industry and has successfully performed and completed numerous projects for the State of South Carolina and, in particular, the SC Department of Administration. Further, all qualifications of the questionnaire have been met.

Climate Control Systems has a longstanding track record of being a recognized, responsible and competitive bidder. Climate Control Systems has successfully completed all State and other projects on time (zero



instances of LD's) without complaint. The decision by the Selection Committee appears to lack merit or a sound basis. In other words, we submit that such decision was arbitrary and capricious.

Also, we feel the decision to exclude us from this bid is a possible disservice to the responsible stewardship of the State's funds and to the taxpayers of the State of South Carolina, as Climate Control Systems may provide the most cost efficient bid and best project management for the Project.

As such, Climate Control Systems respectfully requests that it be instated as a qualified bidder for Project No. D50-6054-FW-B.

Thank you in advance for this consideration. And, please do not hesitate to call me at 864-993-0788 or email me at jeff@climategreenwood.com with any comments or questions.

Respectfully,

Jeff Scott



Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Climate Control Systems of Greenwood, Inc.
115 Reynolds Park Dr.
Greenwood, SC 29646

SURETY:

(Name, legal status and principal place of business)

The Gray Casualty & Surety Company
P O Box 6202
Metairie, LA 70009-6202

OWNER:

(Name, legal status and address)

South Carolina Department of Administration
Division of Facilities Management and Property Services
1200 Senate Street
Columbia, SC 29201

Mailing Address for Notices

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification. Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: Five Percent of Amount Bid (5% of Bid)

PROJECT:

(Name, location or address, and Project number, if any)

SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures; Solicitation #D50-6054-FW-B

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 21st day of February, 2023.

(Witness)

Michele Miller
(Witness) Michele Miller

Climate Control Systems of Greenwood, Inc.
(Principal) (Seal)

(Title)

The Gray Casualty & Surety Company
(Surety)

Matthew Rose
(Title) Matthew Rose, Attorney-in-Fact



**THE GRAY INSURANCE COMPANY
THE GRAY CASUALTY & SURETY COMPANY**

GENERAL POWER OF ATTORNEY

Bond Number: N/A Bid Bond **Principal:** Climate Control Systems of Greenwood, Inc.

Project: SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures; Solicitation #D50-6054-FW-B

KNOW ALL BY THESE PRESENTS, THAT The Gray Insurance Company and The Gray Casualty & Surety Company, corporations duly organized and existing under the laws of Louisiana, and having their principal offices in Metairie, Louisiana, do hereby make, constitute, and appoint: **Scott Pelin, Tyler Turnbull, Brett Branton, Beverly Ivey and Matthew Rose of Charlotte, North Carolina jointly and severally** on behalf of each of the Companies named above its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its deed, bonds, or other writings obligatory in the nature of a bond, as surety, contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of \$25,000,000.00.

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both The Gray Insurance Company and The Gray Casualty & Surety Company at meetings duly called and held on the 26th day of June, 2003.

"RESOLVED, that the President, Executive Vice President, any Vice President, or the Secretary be and each or any of them hereby is authorized to execute a power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings, and all contracts of surety, and that each or any of them is hereby authorized to attest to the execution of such Power of Attorney, and to attach the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be binding upon the Company now and in the future when so affixed with regard to any bond, undertaking or contract of surety to which it is attached.

IN WITNESS WHEREOF, The Gray Insurance Company and The Gray Casualty & Surety Company have caused their official seals to be hereinto affixed, and these presents to be signed by their authorized officers this 4th day of November, 2022.



By:

Michael T. Gray

Michael T. Gray
President
The Gray Insurance Company

Cullen S. Piske

Cullen S. Piske
President
The Gray Casualty & Surety Company



State of Louisiana

ss:

Parish of Jefferson

On this 4th day of November, 2022, before me, a Notary Public, personally appeared Michael T. Gray, President of The Gray Insurance Company, and Cullen S. Piske, President of The Gray Casualty & Surety Company, personally known to me, being duly sworn, acknowledged that they signed the above Power of Attorney and affixed the seals of the companies as officers of, and acknowledged said instrument to be the voluntary act and deed, of their companies.



Leigh Anne Henican
Notary Public
Notary ID No. 92653
Orleans Parish, Louisiana

Leigh Anne Henican

Leigh Anne Henican
Notary Public, Parish of Orleans State of Louisiana
My Commission is for Life

I, Mark S. Manguno, Secretary of The Gray Insurance Company, do hereby certify that the above and forgoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect. IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Company this 21st day of February, 2023.

Mark S. Manguno

I, Leigh Anne Henican, Secretary of The Gray Casualty & Surety Company, do hereby certify that the above and forgoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect. IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Company this 21st day of February, 2023.

Leigh Anne Henican



CONTRACTOR'S STATEMENT OF QUALIFICATIONS & QUESTIONNAIRE

SC Office of State Engineer

REVISED 2-3-2023

AGENCY NAME: Department of Administration - Division of Facilities Management and Property Services

PROJECT/CONTRACT NAME: SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures

PROJECT/CONTRACT NUMBER: D50-6054-FW-B

PROJECT/CONTRACT LOCATION: 1430 Confederate Ave., Columbia, SC 29201

AGENCY PROJECT/CONTRACT COORDINATOR: Alfredo Toral

EMAIL: alfredo.toral@admin.sc.gov **TELEPHONE:** (803) 734-0176

DESCRIPTION OF PROJECT / SERVICES: New mechanical units and ceiling lighting for 3 of the 4 buildings on campus (Building A is not included in this solicitation). New ductwork and ceilings as shown in drawings. Sound barrier wall in courtyard around new chiller. Minor structural modifications to support new mechanical units.

Anticipated Construction Start Date: 4/3/2023 N/A ☐

Anticipated Construction Duration: 360 calendar days N/A ☐

- All questions or requests for information must be submitted in writing (email) to the Agency Project Coordinator listed above no later than: 2/21/2023
- **NO QUESTIONS WILL BE ANSWERED BY PHONE**
- All responses to the written inquiries will be answered by email as an addendum.
- In compliance with the Invitation and subject to all the terms and conditions set forth herein, the undersigned offers and agrees to furnish the services described.

CONTRACTOR INFORMATION (to be completed by Contractor):

CONTRACTOR'S LEGAL BUSINESS NAME: Climate Control Systems of Greenwood, Inc

ADDRESS: 115 Reynolds Park Dr, Greenwood SC 29646

TELEPHONE: 8642291409

CONTACT NAME: Jeff Scott

TITLE: President

EMAIL: jeff@climategreenwood.com **DATE:** 2/14/23

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATION

SC Contractor's License Number(s): M95990

Classification(s) & Limits: AC5, HT5, EL5, PB5, PK5

Subclassification(s) & Limits: Unlimited

PART I – INFORMATION

A. SUBMISSION REQUIREMENTS:

1. Submissions shall include the following documents in this order:
 - a. The completed and signed Contractor's Statement of Qualifications & Questionnaire.
 - b. Written statements from the contractor's bonding agent and insurance company indicating that they can provide the contract-required amount of each of these items. (The contract applicable to this project(s) will be either the SE-680, Task Order Contract (for Task Order Contracts) or the SCOSE Version of the AIA A101, Standard Form of Agreement Between Owner and Contractor (for Design-Bid-Build Prequalification)).
 - c. Attachments that are explanations or information required for a complete submittal.
2. The Agency recognizes the possible existence of confidentiality agreements between a Contractor and previous clients and fully respects such agreements. Any information requested that is considered to be confidential between the Contractor and a previous client shall be marked "Confidential" by the Contractor.
3. The Agency reserves the right to visit the office(s) of a Contractor to verify claim(s) made regarding staff, facilities, capabilities, qualifications, and any other reasonable concerns that may arise on the part of the Agency. In such an event, the Contractor must make every reasonable attempt to clarify any concerns expressed by the Agency.
4. The Agency will not be responsible for any costs incurred by a Contractor in preparing or submitting the Contractor's Statement of Qualifications & Questionnaire.
5. In the event the Contractor discovers an error in its submission, the Contractor may correct or amend their submission up until the date and time fixed for receipt of Qualifications. If an error is discovered after the time and date of receipt, the Agency Project Coordinator must coordinate with the Contractor to determine if an error correction will be accepted by the Agency. Error corrections will not be accepted after the Evaluation Committee meeting has convened.
6. As noted above, Contractor may contact, in writing, the Agency Project Coordinator for any required clarifications on the Contractor's Statement of Qualifications & Questionnaire. Contractor is to refrain from contacting Agency personnel for purpose of requesting tours or for any other purpose relating to the project/contract..

B. EVALUATION OF SELECTION CRITERIA

The Agency will evaluate the Contractor's qualifications based on the information submitted by the Contractor against the criteria and requirements specified herein.

C. DENYING PREQUALIFICATION

At the Agency's sole discretion, grounds for denying prequalification may include but are not limited to the following:

1. Any judgment(s), whether one or several, entered against the Contractor for breach of contract for construction within the past ten (10) years.
2. The Contractor has:
 - a. **paid liquidated damages** for failure to complete a project by the contracted date on more than two (2) projects in the last five (5) years; or
 - b. **been terminated** for cause on a contract in the last five (5) years; or
 - c. **had Performance or Payment Bond claims paid on its behalf** in the last five (5) years.
3. The Contractor or any officer, director, project manager, procurement manager, chief financial officer, partner, or owner of the organization in the past ten (10) years has:
 - a. **been convicted** on charges relating to any **criminal activity** relating to contracting, construction, bidding, bid rigging or bribery; or
 - b. **been fined or adjudicated** of having failed to abate a citation for building code violations by a court or a local building code appeals board.
4. The Contractor or any officer, director, project manager, procurement manager, chief financial officer, partner, or owner of the construction company in the past ten (10) years has been **debarred** or **enjoined** by any agency or political subdivision of the state of South Carolina, by any agency of the United States or by any agency of another state.

PART II – GENERAL ORGANIZATION INFORMATION

Note: Information provided in response to this section may be used to confirm answers given in other sections and to investigate the history of performance of the Contractor and/or its owners and affiliated businesses. An investigation that reveals misinformation, an attempt to conceal information, or a history of poor performance by the Contractor or its owners may be grounds for disqualification as non-responsible.

A. ORGANIZATION

1. Date the organization was formed: 2/1/1993
2. Type of organization
 - ☒ Corporation State in which incorporated SC Year 1995
 - ☐ Limited Liability Company State in which organized SC Year 1993
 - ☐ Partnership ☐ General ☐ Limited State and County where partnership filed _____
 - ☐ Sole Proprietorship Owner _____
 - ☐ Joint Venture
Provide the names for each member of the Joint Venture _____
3. Is the organization certified as a small or minority business by the South Carolina Division of Small and Minority Business Contracting and Certification (SMBCC)? No

B. ORGANIZATION PRINCIPALS AND KEY PERSONNEL - In the chart below, complete the required information. "Principals" and "Key Personnel" include any of the following:

- Proprietors, partners, directors, officers
- Any manager or individual who participates in overall policy-making or financial decisions for the organization
- Any person in a position to control and direct the organization's overall operations or any significant part of its operation
- The organization's qualifying party for purposes of South Carolina licensure.

Organizations that are publicly held corporations should list the president, treasurer, and only those officers and managers who will have direct responsibility for the project.

1. Principals and Key Personnel (attach additional pages, if needed)

Person 1 Name: Jeff Scott

Title: President

Person 2 Name: Greg Matthews

Title: Project Manager

Person 3 Name: Derrick Marler

Title: Project Superintendent

2. At present, do any of the Principals or Key Personnel listed in Question B.1 own 25% or more of any other business?
☐ Yes ☒ No If "Yes", list below.

Person	Business Name	Address	% Owned
_____	_____	_____	_____
_____	_____	_____	_____

3. Has any owner, partner, qualifying party or (for corporations:) officer of the organization operated a construction business (other than a business listed in B.2 above) under any other name in the last five (5) years?
☒ Yes ☐ No If "Yes", list below (use additional paper if necessary)

Person	Business Name	Address	% Owned
<u>Jeff Scott</u>	<u>CCS Builders, Inc.</u>	<u>115 Reynolds Park Dr. Gwd, SC</u>	<u>100</u>
<u>Hyatt Harrell</u>	<u>Scott's Heating & Cooling</u>	<u>1622 Rivers St, Greenwood SC</u>	<u>100</u>

4. Has there been any change in ownership of the organization at any time during the last three (3) years? A corporation whose shares are publicly traded and of which no single person or entity owns more than 25% may check "No."
☒ Yes ☐ No If "Yes," explain: Hyatt Harrell has bought into the business by merger.

5. Is the organization a subsidiary, parent, holding company or affiliate of another construction business?

☐ Yes ☒ No If "Yes," explain: _____

6. Has the organization changed names or license number in the past five (5) years?

☐ Yes ☒ No If "Yes," explain: _____

PART III – EVALUATION CRITERIA

A. Past Performance/Recent Construction Projects Completed

Contractor shall provide information for at least three (3) construction projects of similar size and/or comparable scope within the last ten (10) years, one of those within the past five (5) years, that has been completed. The projects shall be sufficiently comparable so that the Agency may conclude that the Contractor is familiar with and capable of handling the project(s) described herein. References must be current and verifiable.

Project Name	North Tower
Project Number	D50-6060
Project Location	Columbia, SC
Owner's Name	SC Department of Administration
Owner's Contact Name & Phone	Dan Purini 803-737-4377
Architect/Engineer	Buford, Goff, and Associates, Inc
A/E Contact Name & Phone	Michael Sexton 803-254-6302
Type of Project	HVAC - Replaced Air Handlers
Total Value of Construction	\$2,425,500
Construction Manager Name & Phone	Dan Purini 803-737-4377
Original Scheduled Completion Date	4/21/23
Time Extensions Granted (days)	0
Actual Date of Completion	March of 2023 (98% complete)

Project Name	Blatt Building - 5 th Floor
Project Number	D50-6024-FW
Project Location	Columbia, SC
Owner's Name	SC Department of Administration
Owner's Contact Name & Phone	Dan Purini 803-737-4377
Architect/Engineer	Swygert & Associates, Ltd
A/E Contact Name & Phone	Brad Jasinski 803-791-9300
Type of Project	HVAC - Replaced VAVs
Total Value of Construction	\$908,000
Construction Manager Name & Phone	Dwight Cathcart 803-622-8818
Original Scheduled Completion Date	
Time Extensions Granted (days)	0
Actual Date of Completion	

Project Name	CCIT Generator Installation
Project Number	CUP-4002591
Project Location	Clemson, SC
Owner's Name	Clemson University
Owner's Contact Name & Phone	John McEntire 864-656-1238
Architect/Engineer	Peritus Engineering
A/E Contact Name & Phone	Jody Parker, PE 864-277-8287
Type of Project	Generator and HVAC for IT
Total Value of Construction	\$832,000
Construction Manager Name & Phone	Stephen Swofford 864-643-6072
Original Scheduled Completion Date	11/1/21
Time Extensions Granted (days)	285 (supply chain issues)
Actual Date of Completion	8/12/22

1. At any time in the last five (5) years, has the organization been assessed or paid delay damages (liquidated or actual) on any public or private construction project?
☐ Yes ☒ No If "Yes," attach a signed explanation identifying all such projects by owner, owner's address, the date of completion of the project, amount of delay damages assessed and all other information necessary to fully explain the assessment of delay damages. If delay damages were assessed by a general contractor or construction manager provide their name and address.
2. In the last five (5) years, has the organization, parent organization, any subsidiary business, or any business with which any of the organization's owners, officers, partners, or qualifying parties were associated, been debarred, disqualified, removed, or otherwise prevented from bidding on, completing, or contracting to perform any government agency or public works project for any reason? "Associated with" refers to another construction organization in which an owner, partner or officer of the organization held a similar position, and which is listed in response to questions B.2 and B.3 of Part II of this form.
☐ Yes ☒ No If "Yes, attach a signed explanation stating whether the business involved was the organization applying for prequalification here or another organization. Identify by name of the company, the name of the person within the organization who was associated with that company, the year of the event, the owner of the project, the project, and the basis for the action. Provide contact information for the government agency involved.
3. In the last five (5) years, has the organization been denied an award of a public contract based on a finding by any public agency (Federal, state, or local) that the organization was not a responsible contractor, i.e., not qualified?
☐ Yes ☒ No If "Yes," attach a signed explanation identifying the year of the event, the owner, the project, and the basis for the finding by the public agency.

B. Ability of Proposed Project Personnel

The successful Contractor shall provide and maintain an experienced, professional project team that is tailored to the size, complexity, and scope of work of the Project. It is recognized that the composition of the team may vary in response to the needs of the Project; however, the Contractor is obligated to provide sufficient staffing with the qualifications required to expertly manage all construction activities relating to the Project at all times.

By submitting a response, the Contractor agrees that neither of the following individuals assigned to the Project shall be removed from the Project without the prior consent of the Agency:

List at least three (3) projects in the last ten (10) years of similar or comparable scope, one of those within the past five (5) years, for each of the following personnel proposed for this project:

1. Project Manager: Jeff Scott

The Project Manager most likely to be assigned to this project(s) must have **served as Project Manager on at least three (3) projects in the last ten (10) years of similar or comparable scope, one of those within the past five (5) years.** Equivalent or comparable experience may be considered, at the Agency's sole discretion; however, it shall be sufficiently similar so that the Agency may conclude that the proposed Project Manager is familiar with and capable of handling the project(s) described herein.

Project Name	<u>North Tower</u>
Project Number	<u>D50-6060</u>
Project Location	<u>Columbia, SC</u>
Owner's Name	<u>SC Department of Administration</u>
Architect/Engineer	<u>Buford, Goff, and Associates, Inc</u>
Type of Project	<u>HVAC - Replaced Air Handlers</u>
Total Value of Construction	<u>\$2,425,500</u>

Project Name	<u>Blatt Building - 5th Floor</u>
Project Number	<u>D50-6024-FW</u>
Project Location	<u>Columbia, SC</u>
Owner's Name	<u>SC Department of Administration</u>
Architect/Engineer	<u>Swygert & Associates, Ltd</u>
Type of Project	<u>HVAC - Replaced VAVs</u>
Total Value of Construction	<u>\$908,000</u>

Project Name	Sumter St - HVAC
Project Number	D50-9981-FW
Project Location	Columbia, SC
Owner's Name	SC Department of Administration
Architect/Engineer	Buford, Goff, & Associates
Type of Project	HVAC
Total Value of Construction	\$520,000

2. **Superintendent:** Derrick Marler

The Superintendent most likely to be assigned to this project(s) must have **served as Superintendent on at least three (3) projects in the last ten (10) years of similar or comparable scope, one of those within the past five (5) years.** Equivalent or comparable experience may be considered, at the Agency's sole discretion; however, it shall be sufficiently similar so that the Agency may conclude that the proposed Superintendent is familiar with and capable of handling the project(s) described herein.

Project Name	North Tower
Project Number	D50-6060
Project Location	Columbia, SC
Owner's Name	SC Department of Administration
Architect/Engineer	Buford, Goff, and Associates, Inc
Type of Project	HVAC - Replaced Air Handlers
Total Value of Construction	\$2,425,500

Project Name	Blatt Building - 5th Floor
Project Number	D50-6024-FW
Project Location	Columbia, SC
Owner's Name	SC Department of Administration
Architect/Engineer	Swygert & Associates, Ltd
Type of Project	HVAC - Replaced VAVs
Total Value of Construction	\$908,000

Project Name	Sumter St - HVAC
Project Number	D50-9981-FW
Project Location	Columbia, SC
Owner's Name	SC Department of Administration
Architect/Engineer	Buford, Goff, & Associates
Type of Project	HVAC
Total Value of Construction	\$520,000

C. Financial Information Regarding the Ability to Provide Required Bonding and Insurance

1. Organization's Insurance Information

Provide a statement from the insurance agent listed below indicating the Contractor's capability of providing the contract-required amount of insurance.

Name of Primary Insurance Agent or Broker: Countybank Insurance

Address: 3431 Pelham Rd, Greenville SC 29615 Telephone: 864-335-2450

In the last five (5) years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for the organization?

☐ Yes ☒ No If "Yes," attach a signed explanation setting forth the name of the insurance carrier, the form of insurance and the year of the refusal.

2. Organization's Bonding Information

Provide a statement from the bonding agent listed below indicating the Contractor's capability of providing the contract-required amount of bonding.

Name of Bonding Agent: Countybank Insurance

Address: 3501 Pelham Rd Suite 101, Greenville SC 29615

Telephone: 864-335-2450

At any time during the past five (5) years, has any surety company made any payments on the organization's behalf because of a default to satisfy any claims made against a performance or payment bond issued on the organization's behalf, in connection with a construction project, either public or private?

- ☐ Yes ☒ No If "Yes," attach a signed explanation setting forth the name and telephone number of the surety, the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

D. Location of Proposed Office in Relation to the Project Area

1. Provide the location of the Contractor's office responsible for managing this project. Greenwood, SC
2. How often does this office conduct documented safety meetings for construction employees and field supervisors during a project? We haven't had documented meetings
3. Has any OSHA (Federal or state) cited and assessed penalties against the organization for any violations of its safety or health regulations in the past five (5) years?
☐ Yes ☒ No If "Yes," attach a signed explanation describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.

E. General Project Experience

Contractor or Contractor's office that will handle this project must have undertaken *at least three (3) construction projects of similar size and/or comparable scope within the last ten (10) years*. The projects shall be sufficiently comparable so that the agency may conclude that the Contractor is familiar with and capable of handling the project(s) described herein.

1. Has the South Carolina contractor's license, or contractor's license issued by any other state, been revoked at any time in the last five (5) years? ☐ Yes ☒ No
2. Has a surety company completed a contract on your behalf, or paid for completion because the organization was default terminated by the project owner within the last five (5) years? ☐ Yes ☒ No
3. At the time of submitting this form, is the organization ineligible to bid, be awarded, or perform as a subcontractor on a public contract for the Federal Government or any state? ☐ Yes ☒ No
4. At any time during the last five (5) years, has the organization or any of its owners, officers or qualifying parties been convicted of a crime involving the awarding of a contract of a Federal, state, or local government construction project, or the bidding or performance of a Federal, state, or local government contract?
☐ Yes ☒ No
5. During the last five (5) years, has the organization ever been denied bond coverage by a surety company?
☐ Yes ☒ No If "Yes," explain: _____
6. How many years has the organization been in business as a contractor under the present business name? 28
7. Has any contractor's license held by the organization or its Qualifying Party been suspended within the last five (5) years?
☐ Yes ☒ No If "Yes," attach a signed explanation listing the issuing state and the license number.
8. List below the organization Worker's Compensation Insurance Experience Modification Rate (EMR) for the past three (3) years:

Year One	Year Two	Year Three
<u>1.02</u>	<u>.82</u>	<u>.84</u>

F. Experience with State Contracts Awarded

Contractor shall provide information about the last three (3) construction projects awarded to the organization by an agency of the State of South Carolina. The projects may be complete or under construction. References must be current and verifiable.

Project Name	<u>North Tower</u>
Project Number	<u>D50-6060</u>
Project Location	<u>Columbia, SC</u>
Owner's Name	<u>SC Department of Administration</u>
Owner's Contact Name & Phone	<u>Dan Purini 803-737-4377</u>
Architect/Engineer	<u>Buford, Goff, and Associates, Inc</u>
A/E Contact Name & Phone	<u>Michael Sexton 803-254-6302</u>
Type of Project	<u>HVAC - Replaced Air Handlers</u>
Total Value of Construction	<u>\$2,425,500</u>
Construction Manager Name & Phone	<u>Dan Purini 803-737-4377</u>
Original Scheduled Completion Date	<u>4/21/23</u>
Time Extensions Granted (days)	<u>0</u>
Actual Date of Completion	<u>March of 2023 (98% complete)</u>

Project Name	<u>CCIT Generator Installation</u>
Project Number	<u>CUP-4002591</u>
Project Location	<u>Clemson, SC</u>
Owner's Name	<u>Clemson University</u>
Owner's Contact Name & Phone	<u>John McEntire 864-656-1238</u>
Architect/Engineer	<u>Peritus Engineering</u>
A/E Contact Name & Phone	<u>Jody Parker, PE 864-277-8287</u>
Type of Project	<u>Generator and HVAC for IT</u>
Total Value of Construction	<u>\$832,000</u>
Construction Manager Name & Phone	<u>Stephen Swofford 864-643-6072</u>
Original Scheduled Completion Date	<u>11/1/21</u>
Time Extensions Granted (days)	<u>285 (supply chain issues)</u>
Actual Date of Completion	<u>8/12/22</u>

Project Name	<u>Blatt Building - 5th Floor</u>
Project Number	<u>D50-6024-FW</u>
Project Location	<u>Columbia, SC</u>
Owner's Name	<u>SC Department of Administration</u>
Owner's Contact Name & Phone	<u>Dan Purini 803-737-4377</u>
Architect/Engineer	<u>Swygert & Associates, Ltd</u>
A/E Contact Name & Phone	<u>Brad Jasinski 803-791-9300</u>
Type of Project	<u>HVAC - Replaced VAVs</u>
Total Value of Construction	<u>\$908,000</u>
Construction Manager Name & Phone	<u>Dwight Cathcart 803-622-8818</u>
Original Scheduled Completion Date	<u></u>
Time Extensions Granted (days)	<u>0</u>
Actual Date of Completion	<u></u>

G. Other Criteria included in the Solicitation

If the Agency attaches additional Criteria to solicitation, the Contractor shall provide information requested on a separate attachment (*list the Attachments below*).

PART IV - CONTRACTOR'S CERTIFICATION

I, the undersigned, certify and declare that I have read all the foregoing answers to this Questionnaire and know their contents. The matters stated in the Questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of South Carolina, that the foregoing is correct.

By submitting this proposal, I agree to be bound by the Terms and Conditions of the Task Order Contract (SE-680) and the General Conditions to Task Order Contract (SE-685) (for Task Order Contracts), or the SCOSE Version of the AIA A101, Standard Form of Agreement Between Owner and Contractor (for Design-Bid-Build Prequalification).

BY: Jeff Scott DATE: 2/17/23
(Print Name)

TITLE: President

SIGNATURE: Jeff Scott

Attachments:

SE-110

INVITATION FOR CONSTRUCTION PREQUALIFICATION

AGENCY: Department of Administration - Division of Facilities Management and Property ServicesPROJECT NAME: **PREQUALIFICATION for SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures**PROJECT NUMBER: D50-6054-FW-B CONSTRUCTION COST RANGE: \$ 4,000,000 to \$ 4,500,000PROJECT LOCATION: 1430 Confederate Ave., Columbia, SC 29201DESCRIPTION OF PROJECT/SERVICES: New mechanical units and ceiling lighting for 3 of the 4 buildings on campus. New ductwork and ceilings. Sound barrier wall in courtyard around new chiller. Minor structural modifications to support new mechanical units.SUBMITTAL DUE DATE: 2/20/23 TIME: 2:00 PM NO. OF COPIES: Printed: 0 Electronic: 1PROJECT DELIVERY METHOD: Design-Bid-Build - PREQUALIFICATIONAGENCY PROJECT COORDINATOR: Alfredo ToralEMAIL: alfredo.toral@admin.sc.govTELEPHONE: (803) 730-2038DOCUMENTS MAY BE OBTAINED FROM: From Alfredo Toral: alfredo.toral@admin.sc.gov

- To be considered for Prequalification, a Contractor will be required to contact the Agency Project Coordinator and obtain a Contractor's Statement of Qualifications & Questionnaire. The Contractor will review the Criteria listed in the form and verify it can meet or exceed the Criteria. The Contractor will complete the form, provide any additional documentation required by the Criteria, and submit it to the Agency at the address noted below by the submittal due date and time noted above.
- **PUBLIC NOTICES:** All notices (Meetings; Prequalification) shall be posted at the following location: 915 Main Street, Columbia, SC 29201, 2nd Floor Bulletin Board.
- **LICENSURE:** To be considered for selection, persons or firms must be properly licensed in accordance with the requirements of Title 40 of the SC Code of Laws, as amended, at the time of qualification submission.
- To submit confidential information, see Appendix I, OSE Manual, <https://procurement.sc.gov/manual>.
- In accordance with the South Carolina Green Purchasing Initiative, submittals cannot exceed 20 double-sided pages, including covers, which must be soft – no hard notebooks.
- All written communications with parties submitting information will be via email.
- Agency will accept submittals via email above (PDF file no larger than 10MB): YES ☒ NO ☐
- Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with this solicitation or the intended award or award of a contract under this solicitation may protest to the State Engineer in accordance with Section 11-35-4210 at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201. EMAIL: protest-ose@mmo.sc.gov

A/E NAME: GMK Associates, Inc.A/E CONTACT: Doug WhiteEMAIL: dwhite@gmka.comTELEPHONE: (803) 255-0383

NON-MANDATORY PRE-SUBMITTAL CONFERENCE:

Yes ☐No ☒

CONFERENCE DATE: _____

TIME: _____

CONFERENCE PLACE: _____

SUBMITTAL DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: Alfredo Toral921 Main StreetColumbia, SC 29201

MAIL SERVICE:

Attn: Alfredo Toral921 Main StreetColumbia, SC 29201

APPROVED BY: _____



(OSE Project Manager)

DATE: 2/1/2023

INSTRUCTIONS TO THE AGENCY:

1. Submit a copy of the completed SE-110 to the OSE Project Manager in Word format.
2. OSE Project Manager will review and send approved copy to SCBO and the Agency.

SE-110 READVERTISED INVITATION FOR CONSTRUCTION PREQUALIFICATION

AGENCY: Department of Administration - Division of Facilities Management and Property Services

PROJECT NAME: PREQUALIFICATION for SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures

PROJECT NUMBER: D50-6054-FW-B **CONSTRUCTION COST RANGE:** \$4,000,000 to \$4,500,000

PROJECT LOCATION: 1430 Confederate Ave., Columbia, SC 29201

DESCRIPTION OF PROJECT/SERVICES: (450 character limit)

New mechanical units and ceiling lighting for 3 of the 4 buildings on campus. New ductwork and ceilings. Sound barrier wall in courtyard around new chiller. Minor structural modifications to support new mechanical units.

SUBMITTAL DUE DATE: 02/21/2023 **TIME:** 11:00 AM **NO. OF COPIES: Printed:** 0 **Electronic:** 1

PROJECT DELIVERY METHOD: Design-Bid-Build **PREQUALIFICATION**

AGENCY PROJECT COORDINATOR: Alfredo Toral

EMAIL: alfredo.toral@admin.sc.gov

TELEPHONE: (803) 730-2038

DOCUMENTS OBTAINED FROM: From Alfredo Toral: alfredo.toral@admin.sc.gov

- To be considered for Prequalification, a Contractor will be required to contact the Agency Project Coordinator and obtain a Contractor's Statement of Qualifications & Questionnaire. The Contractor will review the Criteria listed in the form and verify if can meet or exceed the Criteria. The Contractor will complete the form, provide any additional documentation required by the Criteria, and submit it to the Agency at the address noted below by the submittal due date and time noted above.
- PUBLIC NOTICES:** All notices (Meetings; Prequalification) shall be posted at the following location:
915 Main Street, Columbia, SC 29201, 2nd Floor Bulletin Board.
- LICENSURE:** To be considered for selection, persons or firms must be properly licensed in accordance with the requirements of Title 40 of the SC Code of Laws, as amended at the time of qualification submission.
- To submit confidential information, see Appendix I, OSE Manual, <https://procurement.sc.gov/manual>.
- In accordance with the South Carolina Green Purchasing Initiative, submittals cannot exceed 20 double-sided pages, including covers, which must be soft-no hard notebooks.
- All written communication with parties submitting information will be via email.
- Agency will accept submittals via email above (PDF file no larger than 10MB): ☒ Yes ☐ No
- Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with this solicitation or the intended award or award of a contract under this solicitation may protest to the State Engineer in accordance with SC Code § 11-35-4210 at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201 email: protest-ose@mmo.sc.gov.

A/E NAME: GMK Associates, Inc.

A/E CONTACT: Doug White

EMAIL: dwhite@gmka.com

TELEPHONE: (803) 255-0383

NON-MANDATORY PRE-SUBMITTAL CONFERENCE:

☐ Yes ☒ No

CONFERENCE DATE: _____

TIME: _____

CONFERENCE PLACE: _____

SUBMITTAL DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: Alfredo Toral

921 Main Street

Columbia, SC 29201

MAIL SERVICE:

Attn: Alfredo Toral

921 Main Street

Columbia, SC 29201

APPROVED BY:



(OSE PROJECT MANAGER)

DATE: 02/03/2023 -Revised

February 2, 2023

VIA E-MAIL

RE: D50-6054-FW-B, SCCB Bldgs. B, C, & D – Replace HVAC Units & Light Fixtures
(Criteria)

Thank you for showing interest in the prequalification of the SCCB Buildings B, C & D – Replace HVAC Units and Light Fixtures project under state project number D50-6054-FW-B. Per the OSE project manual at least two (2) responsive and responsible firms will be prequalified for bidding.

Per SC Code § 40-11-340, It is estimated that the cost of the work falling under the licensure MC-HT and MC-AC will exceed fifty one percent (51%) of the bidding contractors project costs. It is estimated that the cost of the work falling under licensure GC-BD will be less than forty percent (40%) of the bidding contractor's total cost. It is the responsibility of each respondent to this solicitation to only bid on projects that are within their licensure.

Reviews of qualifications submissions will begin **February 21st, 2023** and ends **February 23rd, 2023**.

Evaluations will be based solely on the criteria set forth in the Manual for Planning and Execution of State Permanent Improvements, which are:

- A. Past Performance/Recent Construction Projects Completed;
- B. Ability of Proposed Project Personnel;
- C. Financial Information Regarding the Ability to Provide Required Bonding and Insurance;
- D. Location of Proposed Office in Relation to the Project Area;
- E. General Project Experience;
- F. Experience with State Contracts Awarded

If you have any questions, please contact me at Alfredo.Toral@admin.sc.gov or 803-734-0176 or 803-730-2038.





Henry McMaster, Governor
Marcia S. Adams, Executive Director

**DIVISION of Facilities Management
and Property Services**

Ashlie Lancaster, Director
1200 Senate Street, Sixth Floor
Columbia, SC 29201
803.737.3880
803.737.0592 Fax

Sincerely,

Alfredo Toral
Project Manager
SC Dept. of Administration - Division of Facilities Management and Property Services

Attachments: Contractor's Statement of Qualifications



CERTIFIED SUBMISSION LIST

South Carolina Department of Administration – Division of Facilities Management and Property Services

Provided for INFORMATION ONLY. This is not an indication of contract and/or PO award.

Exhibit C

PROJECT NAME:	SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures
STATE PROJECT NO:	D50-6054-FW-B
SUBMISSION DATE & TIME	Tuesday, February 21, 2023 @ 11:00 A.M.
SUBMISSION OPENING LOCATION:	915 Main Street, Rm 225, Columbia, South Carolina 29201

CONTRACTOR PREQUALIFICATION SUBMISSION:

McCarter Mechanical, Inc.

Cullum Services, Inc.

Walker White, Inc.

Climate Control Systems of Greenwood, Inc.

J.M. Cope, Inc.

Notes: _____

I hereby certify this bid tabulation is a true and accurate representation.


Alfredo Toral, Project Manager


Dan Purini, Mgr. of Construction & Planning Services (Witness)

SE-117

CONSTRUCTION PREQUALIFICATION SELECTION COMMITTEE SUMMARY

AGENCY: Department of Administration - Facilities Management and Property Services

PROJECT NAME: SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures

PROJECT NUMBER: D50-6054-FW-B

CONTRACTORS SUBMITTING QUALIFICATIONS	
A. Cullum Services, Inc.	F.
B. Climate Control Systems of Greenwood, Inc.	G.
C. J.M. Cope, Inc.	H.
D. McCarter Mechanical, Inc.	I.
E. Walker White, Inc.	J.

COMMITTEE MEMBERS (Insert Names)		RANKING OF CONTRACTORS									
		A	B	C	D	E	F	G	H	I	J
1.	Samuel Outen	2	4	5	3	1					
2.	Dan Purini	2	4	5	3	1					
3.	Alfredo Toral	3	4	5	1	2					
4.											
5.											
TOTAL		7	12	15	7	4					
RANKING BY COMMITTEE (1,2,3...) (considering Raw Score, if needed)		2	4	5	3	1					

Raw Scores: 197

184

SELECTION COMMITTEE CHAIR CERTIFICATION:

The Agency Selection Committee (Committee) has reviewed the qualifications submitted by the above contractors in response to the *Invitation for Construction Prequalification* and ranked all contractors in accordance with the requirements of Title 11, Chapter 35, Article 7 of the South Carolina Code of Laws. The Committee evaluated and ranked all contractors based on only the criteria set forth in Chapter 3 of the OSE Manual.

COMMITTEE CHAIR NAME: Alfredo Toral

DATE: 2/23/2023

COMMITTEE CHAIR TITLE: Project Manager

COMMITTEE CHAIR SIGNATURE:



SE-115

CONSTRUCTION PREQUALIFICATION SELECTION COMMITTEE MEMBER CONTRACTOR EVALUATION

AGENCY: Department of Administration - Facilities Management and Property Services

PROJECT NAME: SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures

PROJECT NUMBER: D50-6054-FW-B

CONTRACTORS SUBMITTING QUALIFICATIONS	
A. Cullum Services, Inc.	F.
B. Climate Control Systems of Greenwood, Inc.	G.
C. J.M. Cope, Inc.	H.
D. McCarter Mechanical, Inc.	I.
E. Walker White, Inc.	J.

EVALUATION CRITERIA		Ranking Range	CONTRACTORS									
			A	B	C	D	E	F	G	H	I	J
a)	Past Performance/Recent Construction Projects Completed	1-20	15	10	3	10	18					
b)	Ability of Proposed Project Personnel	1-10	7	5	3	7	7					
c)	Financial Information Regarding the Ability to Provide Required Bonding and Insurance	1-10	10	0	10	10	10					
d)	Location of Proposed Office in Relation to the Project Area	1-10	8	5	5	5	10					
e)	General Project Experience	1-10	7	7	3	7	7					
f)	Experience with State Contracts Awarded	1-20	10	15	5	10	18					
g)	Other Criteria Included in the Solicitation:	N/A										
TOTAL POINTS (Use whole numbers only and break all ties before ranking)			57	42	29	49	70					
RANKING OF CONTRACTORS (1,2,3...) (Transfer to SE-117)			2	4	5	3	1					

EVALUATOR CERTIFICATION

I hereby certify that all the contractors listed were evaluated and ranked by me based on the Evaluation Criteria shown above and no other criteria was used.

EVALUATOR NAME: Sam Oaten

DATE: 2/23/23

SIGNATURE: 

SE-115

CONSTRUCTION PREQUALIFICATION SELECTION COMMITTEE MEMBER CONTRACTOR EVALUATION

AGENCY: Department of Administration - Facilities Management and Property Services

PROJECT NAME: SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures

PROJECT NUMBER: D50-6054-FW-B

CONTRACTORS SUBMITTING QUALIFICATIONS	
A. Cullum Services, Inc.	F.
B. Climate Control Systems of Greenwood, Inc.	G.
C. J.M. Cope, Inc.	H.
D. McCarter Mechanical, Inc.	I.
E. Walker White, Inc.	J.

EVALUATION CRITERIA		Ranking Range	CONTRACTORS									
			A	B	C	D	E	F	G	H	I	J
a)	Past Performance/Recent Construction Projects Completed	1-20	18	17	0	18	19					
b)	Ability of Proposed Project Personnel	1-10	9	9	5	9	9					
c)	Financial Information Regarding the Ability to Provide Required Bonding and Insurance	1-10	10	0	10	5	10					
d)	Location of Proposed Office in Relation to the Project Area	1-10	10	5	5	5	10					
e)	General Project Experience	1-10	10	9	0	10	10					
f)	Experience with State Contracts Awarded	1-20	19	19	19	19	19					
g)	Other Criteria Included in the Solicitation:	N/A										
TOTAL POINTS (Use whole numbers only and break all ties before ranking)			76	59	39	66	77					
RANKING OF CONTRACTORS (1,2,3...) (Transfer to SE-117)			2	4	5	3	1					

EVALUATOR CERTIFICATION

I hereby certify that all the contractors listed were evaluated and ranked by me based on the Evaluation Criteria shown above and no other criteria was used.

EVALUATOR NAME: Dan Purini

DATE: 02-23-2023

SIGNATURE: [Signature]

SE-115

CONSTRUCTION PREQUALIFICATION SELECTION COMMITTEE MEMBER CONTRACTOR EVALUATION

AGENCY: Department of Administration - Facilities Management and Property Services

PROJECT NAME: SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures

PROJECT NUMBER: D50-6054-FW-B

CONTRACTORS SUBMITTING QUALIFICATIONS	
A. Cullum Services, Inc.	F.
B. Climate Control Systems of Greenwood, Inc.	G.
C. J.M. Cope, Inc.	H.
D. McCarter Mechanical, Inc.	I.
E. Walker White, Inc.	J.

EVALUATION CRITERIA		Ranking Range	CONTRACTORS									
			A	B	C	D	E	F	G	H	I	J
a)	Past Performance/Recent Construction Projects Completed	1-20	17	15	5	18	16					
b)	Ability of Proposed Project Personnel	1-10	7	7	3	8	7					
c)	Financial Information Regarding the Ability to Provide Required Bonding and Insurance	1-10	10	6	10	10	10					
d)	Location of Proposed Office in Relation to the Project Area	1-10	6	6	4	6	10					
e)	General Project Experience	1-10	7	5	4	9	8					
f)	Experience with State Contracts Awarded	1-20	17	17	6	16	17					
g)	Other Criteria Included in the Solicitation:	N/A										
TOTAL POINTS (Use whole numbers only and break all ties before ranking)			64	50	32	69	68					
RANKING OF CONTRACTORS (1,2,3...) (Transfer to SE-117)			3	4	5	1	2					

EVALUATOR CERTIFICATION

I hereby certify that all the contractors listed were evaluated and ranked by me based on the Evaluation Criteria shown above and no other criteria was used.

EVALUATOR NAME: Alfredo Toral

DATE: 2/23/2023

SIGNATURE:

Alfredo Toral

SE-170

NOTICE OF PREQUALIFICATION OF CONTRACTORS - DESIGN-BID-BUILD

AGENCY: Department of Administration - Division of Facilities Management and Property Services

PROJECT NAME: SCCB - Buildings B, C, & D - Replace HVAC Units and Light Fixtures

PROJECT NUMBER: D50-6054-FW-B

POSTING DATE: 02/23/2023

Notice is hereby given that the Agency Selection Committee has, in accordance with the requirements of SC Code § 11-35-3023, the Manual for Planning and Execution of State Permanent Improvement Projects, and the solicitation documents, reviewed the qualifications of interested contractors and determined that the contractors listed below are qualified to bid on this project.

PREQUALIFIED CONTRACTORS

1. Walker White, Inc.

2. Cullum Services, Inc.

3. McCarter Mechanical, Inc.

4. _____

5. _____

6. _____

7. _____

8. _____

DATE SELECTION WAS MADE: 02/23/2023

REMARKS: *(If "Prequalification Cancelled" is entered above, indicate the reason.)*

N/A

RIGHT TO PROTEST (SC Code § 11-35-4210)

A prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with this solicitation may be entitled to protest. A protest must be submitted to the appropriate Chief Procurement Officer within fifteen (15) days from the date of issuance of the solicitation documents, or an amendment to it, if the amendment is at issue. Days are calculated as provided in Section 11-35-310(13). Protests must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided.

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@mmo.sc.gov, or (b) 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 email address from which you sent your protest.

BY: Dan Purini **TITLE:** Mgr. of Const. & Plng. Sv **DATE:** 02/23/2023

ACKNOWLEDGED BY OSE PROJECT MANAGER: Fred Walker **DATE:** 02/23/2023

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CLIMATE CONTROL SYSTEMS OF GREENWOOD INC
115 REYNOLDS PARK DRIVE
GREENWOOD, SC 29646
(864) 229-1409

License number: 95990

License type: MECHANICAL CONTRACTOR

Status: ACTIVE

Expiration: 10/31/2023

First Issuance Date: 01/01/1997

Classification:

Air Conditioning-AC5

Heating-HT5

Electrical-EL5

Plumbing-PB5

Packaged Equipment-PK5

Qualified By: Financial Statement

President / Owner: JEFF SCOTT

[Click here for Classification definitions and licensee's contract dollar limit](#)

Supervised By

[HARRELL HYATT \(CQM\)](#)

[SCOTT JEFFREY \(CQM\)](#)

[DAPONT STEVEN \(CQM\)](#)

[HARRELL ELISHA \(CQM\)](#)

[File a Complaint against this licensee](#)

Board Public Action History:[View Orders](#)[View Other License for this Person](#)[No Orders Found](#)

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115 REYNOLDS PARK DRIVE
GREENWOOD, SC 29646
(864) 229-1409

License number: 111692**License type:** GENERAL CONTRACTOR**Status:** ACTIVE**Expiration:** 10/31/2024**First Issuance Date:** 07/01/2005**Classification:**

Building-BD4

Qualified By: Financial Statement**President / Owner:** JEFF SCOTT[Click here for Classification definitions and licensee's contract dollar limit](#)**Supervised By****SCOTT JEFFREY (CQG)**[File a Complaint against this licensee](#)**Board Public Action History:**[View Orders](#)[View Other License for this Person](#)

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