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STATE TREASURER

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COMPTROLLER GENERAL



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DIVISION DIRECTOR
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MATERIALS MANAGEMENT OFFICE
(803) 737-0600
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HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS

Protest Decision

Matter of: Summerville Mechanical, Inc.
File No.: 2016-009
Posting Date: June 17, 2016
Contracting Entity: The Citadel
Project No.: H09-9615-PG
Description: Byrd Hall Organic Chemistry Lab Renovation

DIGEST

Protest filed twenty-seven days after agency posted award statement and documents indicating protester was non-responsible is dismissed as untimely.

AUTHORITY

The Chief Procurement Officer for Construction (CPOC) conducted an administrative review pursuant to S.C. Code Ann. §11-35-4210(4). This decision is based on the evidence and applicable law and precedents.

DECISION

Summerville Mechanical, Inc. (Summerville), protests The Citadel's posting of a Notice of Intent to Award a contract to J. Musselman Construction, Inc. (Musselman) under an invitation for bids for renovation of Byrd Hall Organic Chemistry Lab, Project H09-96 15-PG (hereinafter the "project"). Summerville challenges The Citadel's determination that Summerville was not a responsible bidder. Summerville's letter of protest is hereby incorporated by reference and is attached as Exhibit A. The Citadel's response is attached as Exhibit B.

BACKGROUND

The Citadel solicited bids for the Project on April 6, 2016. [Ex. C] By the time for receipt of bids, The Citadel received seven bids. [Ex. D] Hill Construction Services of Charleston, Inc.

(Hill) submitted the low bid. Summerville and Musselman were the next-lowest and third-lowest bidders, respectively. On May 3, 2016, The Citadel posted a Notice of Intent to Award a contract to Hill along with a copy of the bid tabulation. [Ex. E & Ex. D] The Citadel also sent copies of the Notice of Intent to Award and the bid tabulation to all bidders, including Summerville. [Ex. F] The bid tab indicated two facts critical to this protest: 1) that Hill had failed to acknowledge receipt of a material addendum and 2) that The Citadel had determined that Summerville was a non-responsible bidder due to improper licensing. Musselman protested the award, claiming Hill's bid was not responsive because Hill had failed to acknowledge receipt of the addendum. No other bidder protested the award. On May 20, 2016, the CPO granted the protest. Protest Decision, J. Musselman Construction, Inc., CPO Case No. 2016-006. The CPO's decision was not appealed.

On May 26, 2016, The Citadel posted its intent to award the contract to Musselman. No new or additional information was included in the second award statement. Summerville lodged its protest of the second award on May 30, 2016.

DISCUSSION

The Consolidated Procurement Code states:

Any actual bidder ... who is aggrieved in connection with the intended award or award of a contract shall protest to the appropriate chief procurement officer ... within ten days of the date award or notification of intent to award, whichever is earlier, is posted in accordance with this code.

S.C. Code Ann. § 11-35-4210(1)(b). On the basis of the statutory constructive notice provided through posting of the Notice of Intent to Award to Hill and the actual notice of the same provided by The Citadel, Summerville knew or should have known that it was aggrieved on May 3, 2016. However, Summerville did not file its protest until twenty-seven days later. Therefore, Summerville's protest is untimely and the CPO lacks jurisdiction to entertain it.¹

¹ Even if Summerville's protest were timely, the CPOC would have to deny it. The Citadel found Summerville non-responsible, because it was not properly licensed to bid the job as a sole prime contractor. Its analysis is based on a pre-bid estimate prepared by its consultant. Summerville's protest essentially asserts that it was "clearly erroneous, arbitrary, capricious, or contrary to law" for The Citadel to rely on that estimate in making its responsibility determination. The CPOC disagrees. In making such a determination under the Contractor's Licensing Act, the project owner has to use someone's cost estimate to determine if a bidder can bid as a sole prime contractor. The owner may use its own estimators cost estimate, rely on the bidder's detailed pre-bid preparation documentation, or some combination of the two. None of these approaches is "clearly erroneous, arbitrary, capricious, or contrary to law." Each is a logical, reasoned approach. Moreover, the Procurement Review Panel has found that reliance on the agency's estimate rather than the bidder's is a reasonable approach when making a determination of responsibility. *Appeal by Cannon Construction Company, Inc.*, Panel Case No. 2012-4.

DETERMINATION

For the forgoing reasons, the protest is dismissed.



John St. C. White
Chief Procurement Officer
For Construction



Date

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised September 2015)

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>

FILE BY CLOSE OF BUSINESS: Appeals 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 111.1 of the 2015 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
1105 Pendleton Street, Suite 209, 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.

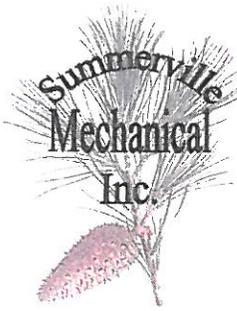


EXHIBIT A

Summerville Mechanical Inc.

199-B Farmington Road, Summerville, South Carolina 29483
Tel. 843/873-8032 Fax 843/873-8361 Cell 843/442-2624
summervillemech@bellsouth.net

Sunday, May 29, 2016

Mr. John White, PE
Chief Procurement Officer for Construction
Office of the State Engineer
1201 Main St.
Suite 600
Columbia, SC 29201

Via email -- protest-ose@mimo.sc.gov

Re: Byrd Hall Organic Chemistry Renovation
Project # : H09-9615-PG

Dear Mr. White:

On behalf of Summerville Mechanical, Inc. ("Summerville Mechanical"), and pursuant to S.C. Code § 11-35-4210 (1976), as amended, please accept this correspondence as formal protest of the untendered award (dated 5-26-2016) of this project to J. Musselman Construction, Inc. It is my understanding that Summerville Mechanical's bid has been found unresponsive for two reasons, which I believe are in error:

- 1) Summerville Mechanical may not act as the sole prime contractor on this Project as it does not hold an individual license classification or sub classification under which 51% or more of the work of the Project would fall; and
- 2) The amount of work required for this Project for Heating (HT), Air Conditioning (AC) and Plumbing (PB) is estimated to be 40% -- below the 51% needed for Summerville Mechanical to qualify to act as the sole prime contractor.

As stated below, I believe these reasons are in error and that the bid by of Summerville Mechanical should be the apparent low responsive bidder, and not J. Musselman Construction.

1. S.C. Code § 40-11-340 is entitled "Qualifications for acting as sole prime contractor." and provides:

"An entity licensed under the classifications or sub classifications in Sections 40-11-410(1),(2), or (3) may act as a sole prime contractor on a project if forty percent or more of the work as measured by the total cost of the construction falls under one or more of the license's license classifications. An entity licensed under the classifications or sub classifications in Sections 40-11-410(4) and (5) may act as sole prime contractor if fifty-one percent or more of the work falls under **one or more** of the licensee's license classifications or sub classifications." (emphasis added)

Summerville Mechanical Inc.

11. Based on Summerville Mechanical's base bid of \$925,000.00 and per the attached affidavit (EXHIBIT A), the bid from Transworld Electrical (EXHIBIT C), and the bid from Palmetto Construction Group (EXHIBIT D), the amount of work for this project based on a percentage basis would be as follows:

Contractor	Bid Price Including Their overhead & profit	Percent of Total Project
Transworld Electrical	\$89,985.00	9%
Palmetto Construction Group	\$243,000.00	26%
Summerville Mechanical	\$595,015.00	64%

Summerville Mechanical may use multiple sub classifications to reach the 51% requirement.

12. It is my belief that the Citadel erred in finding that it could not add two or more of the sub classifications together to form the total of 51% of the scope of work. Again, Summerville Mechanical holds more than one sub classification, in this case AC5 (Air Conditioning) and PH5 (Plumbing), which are both recognized by S.C Code § 40-11-410(4) and (5). S.C. Code § 40-11-340 states in part that: "An entity licensee under the classifications or sub classifications in § 40-11-410(4) and (5) may act as sole prime contractor if fifty-one or more of the work falls under **one or more** of the licensee's classifications or sub classifications". The clear wording of the statute allows for "**one or more**" of the entity's classifications or sub classifications to be used to make up the required 51%. As stated above, the percentage of work to be performed by Summerville Mechanical under its licenses is 64%, far exceeding the required 51%. Thus, the Citadel erred in finding Summerville Mechanical's bid as unresponsive.

The amount of mechanical work on this Project is more than 51%.

13. The Project was first advertised in SCBO on 3-30-16. The description of the project included the note "Contractors are cautioned that the value of the HVAC work associated with this project is greater than 51% of the total project value. Proper licensure is required".

14. The project was re-advertised on 4-6-16.

15. Addendum #1 was issued on 4-6-16. Under paragraph 2.6 DRAWINGS, the following note A. was included:

"A. On TOO -1 - Title Sheet, Under SCOPE of WORK - Delete the second to last sentence: :CONTRACTORS ARE CAUTIONED THAT THE VALUE OF THE HVAC WORK ASSOCIATED WITH THIS PROJECT IS GREATER THAN 51% OF THE PROJECT TOTAL."

16. Addendum # 2 was issued on 4-13-16. Paragraph 2.1.B reads as follows:

"B. Clarification: This project was advertised in SCBO on 3-30-16, the Agency stated that Contractors are cautioned that the value of the HVAC work associated with this project is greater than 51% of the project total. The Agency may have erred in this statement. Contractors

27. Further, Ms. Dille's letter stated that as to the cost estimate, "no single mechanical sub classification exceeded 40% of the base bid." Why would she limit her sentence to "no single mechanical sub classification" if DWG Engineering had already estimated that **all** of the mechanical work only totaled 40%.

28. Summerville Mechanical's bid clearly indicates that this Project can be performed with the mechanical portion of the work being 64%, clearly above the required 51%.

29. At no time in this entire process until Mr. Gerald's email of May 31, 2016, was there ever presented information that DWG estimated in March that the mechanical work was only 40%.

Summerville Mechanical's statutorily accepted bid was the lowest.

30. J. Musselman Construction, Inc.'s base bid was \$927,416.00 with Alt. #1 of \$18,700.00, for a total of \$945,116.00

31. Summerville Mechanical's base bid was \$925,000.00 with Alt. # 1 of \$17,000.00 for a total of \$942,000.00.

32. Accordingly, Summerville Mechanical was the low responsive bidder, and should be awarded this bid, not J. Musselman Construction, Inc.

I appreciate your consideration. If you need any further information, please do not hesitate to contact us.

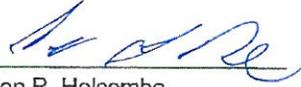
Sincerely,



Carlton R. Holcombe
President
Summerville Mechanical, Inc.

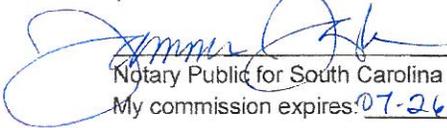
- 7) More than 51% of the work for the Project would fall under one or more of the licenses belonging to Summerville Mechanical.

FURTHER THE DEPONENT SAYETH NOT.



Carlton R. Holcombe
President of Summerville Mechanical, Inc.

SWORN to before me this
1st day of June, 2016.



Notary Public for South Carolina
My commission expires: 07-26-2023



EXHIBIT C



Electrical Contractor
P.O. Box 21373
Charleston, SC 29413-1373
843.577.3481
Fax 843.722.0117

April 28, 2016

Electrical Proposal: Citadel Byrd Hall - Electrical

Following, please find our base bid proposal.

Included are the following items:

- Demo existing Systems as Indicated in E drawings.
- Installation of new panels and feeders for Panels "P" and "L"
- Installation of circuits, lighting and controls as indicated.
- Power for HVAC and Roof Fan Units.
- Providing and installing labels on equipment as indicated in specs.
- Conduit, boxes and cabling for phone and data outlets.
- Conduit and boxes for fire alarm system.
- Acknowledge of Addendums 1 thru 3.
- Bid based E-drawings and specs.
- Coordination with contractor and facility personnel.
- License Number M2368

This proposal does not include:

- Performance and Payment Bonds
- Concrete Cutting
- HVAC Controls by other
- Division 15 material, devices, terminations, conduit, programming

Base Bid:	\$89,975.00
Alternate 1:	\$13,939.00

This quotation does not include any acceleration/delay costs or liquidated damages due to the general contractors failure to diligently pursue a mutually agreed upon schedule.

This proposal is contingent upon receipt of an AIA401a Subcontract with terms and conditions similar to the general contractors agreement with the owner

It is anticipated that our forces can utilize the general contractors sanitary and trash disposal facilities.

Thank you for the opportunity to provide a quotation on this project. If you have any questions, please give me a call. My cell phone number is 843.452.8013.

Sincerely,
Morgan Fowler



verbally announced during the reading of their Bid (See Bid Tabulation Form). There was nothing readily obvious on the Bid Form that would indicate to me if Hill Construction had received the Addendum or not because there were no changes to the Bid Form issued in Addendum #3.

After the bid opening, a discussion took place regarding this omission with myself, John Gardner, Mark Uyak (DWG Engineering). Our first step was to talk with Mark Uyak about the value of Addendum #3. His rough estimate was \$10,000 - \$15,000.00. Mark emailed me a letter confirming this estimate on 4/29/16.

We then called Bob Dunn, President of Hill Construction to ask him about his apparent low bid. He acknowledged that he received Addendum # 3 and that he mistakenly omitted acknowledgement on the Bid Form. He also stated that he has reviewed his numbers and he was comfortable with his Bid. He was given the choice to either withdraw his bid or confirm it. He chose to confirm it, and emailed me a confirmation letter dated 4/29/16.

Our OSE Project Manager, Phil Gerald, was unable to attend the Bid Opening. We then called Phil by telephone. I explained the situation to him. Phil asked for the estimated dollar amount of Addendum #3, and based on Mark Uyak's estimate of \$10,000 - \$15,000.00 with a project value of \$807,000 - \$900,000, it was determined to be 1.7% - 1.9%. The Citadel deemed that amount to be negligible.

Based on that decision, I submitted the SE-360 package to Phil Gerald on 5/3/16 requesting concurrence in posting the Notice of Intent to Award to Hill Construction Services of Charleston, Inc. Phil signed the SE-360 that day and the SE-370 Notice of Intent to Award was posted on 5/3/16.

Mark later submitted a formal Estimate of Probable Cost of Addendum #3 to me on 5/13/16, which valued Addendum #3 at \$10,375.20. Therefore, with the value of Addendum #3 determined to be \$10,375.20 and with a low bid was \$821,782.00, the percentage of the construction cost would be 1.2%.

Respectfully Submitted,

Kathleen M. Dille
Staff Architect
Facilities & Engineering
The Citadel
Phone 843-953-7063
kdille@citadel.edu

From: "Gerald, Phil" <pgerald@mno.sc.gov>
Date: May 31, 2016 at 12:15:46 PM EDT
To: "summervillemech@bellsouth.net" <summervillemech@bellsouth.net>
Cc: "Kathleen Dille (kdille@citadel.edu)" <kdille@citadel.edu>
Subject: H09-9615-PG, Byrd Hall

Carlton,

Following our discussion last week concerning the Prime bidder, I reviewed the law and the Citadel/DWG calculations of contractor percentage of work. You are correct that the 40% and 51% rule is applied to one or more of the license classifications held by the contractor. In your case you have an HT5, AC5 and PB5. DWG estimates the amount of work covered by HT/AC/PB as 40%, well below the 51% required to allow the Mechanical to bid as prime.

There have been several Decisions by the State Engineer concerning prime bidders and percentages of work. Typically the Decision relies on the A/E's estimate for determining percentages of work. For this project, DWG assembled that information in March so that we could be clear what type of license would be required to bid as prime.



Phil C. Gerald, PE, CBO, LEED GA | Project Manager | Office of State Engineer

Division of Procurement Services | SC State Fiscal Accountability Authority

23B Ehrhardt St. | Charleston, SC 29425 | Office: (843) 792-5304 | pgerald@m.no.sc.gov

EXHIBIT F



EXHIBIT B

June 8, 2016

Mr. John White
Materials Management Officer and State Engineer
Office of the State Engineer
1201 Main Street, Suite 600
Columbia, SC 29201

Re: Bid Protest
Byrd Hall Organic Chemistry Lab Renovation
H09-9615-PG

Dear Mr. White,

This project was first advertised in SCBO on 3/30/16. To clarify licensing requirements, the project was re-advertised in SCBO on 4/6/16. An additional non-mandatory Pre-Bid Conference was scheduled and held on 4/13/16. The Bid Date was extended to 4/28/16 at 1:00pm.

Addendum one was issued on 4/6/16, Addendum 2 was issued on 4/13/16, and Addendum 3 was issued on 4/22/16.

Bid Opening took place on 4/28/16. The SE-370 Notice of Intent to Award + Bid Tabulation Form was posted at The Citadel on 5/3/16 and was sent to all bidders. Summerville Mechanical was deemed non-responsible for improper licensing on that Bid Tab form.

The 10-day protest period ended and Summerville Mechanical did not protest during this time.

According to SC Code of laws 40-11-340, an entity under the classification or subclassification Section 40-11-410 (1) (2) or (3) may act as sole prime contractor if 40% or more of the work falls under one or more of his licenses. Summerville Mechanical holds a BD4 license [project/dollar limitation per project \$750,000] and their base bid was \$925,000.00. Therefore, Summerville Mechanical is not qualified to be sole prime contractor based on their BD4 license.

Also according to SC Code of laws 40-11-340, an entity under the classification or subclassification Section 40-11-410 (4) and (5) may act as sole prime contractor if 51% or more of the work falls under one or more of his licenses. Summerville Mechanical also holds a PB5, AC5, HT5 and 1P5 licenses according to their SE-330 Bid Form, and Summerville Mechanical listed themselves to be the AC/HT and Plumbing subcontractor.

The Citadel, Facilities & Engineering, 171 Moultrie Street, Charleston, SC 29409



Based on our third-party estimate by Aiken Cost Consultants, the estimated value of the Plumbing work in this project was 7%, and the estimated cost of HVAC work was 32.9%. Adding Summerville Mechanical license of PB, AC and HT, the portion of work is 39.9%. This amount does not exceed 51% of the base bid. Therefore, since their licensed classification was not more than 51% of the total cost of construction, we determined that Summerville Mechanical was not qualified to be sole prime contractor based on their PB5, AC5 and HT5 licenses, and were deemed non-responsible.

It is our opinion that Summerville Mechanical is not properly licensed to perform the work on this project.

Respectfully Submitted,

Kathleen M. Dille
Staff Architect
Facilities & Engineering
The Citadel
Phone 843-953-7063
kdille@citadel.edu



South Carolina Business Opportunities

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

Thursday, March 31, 2016

Volume 36, Issue 62

Today in SCBO

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Construction

Invitations 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: CHEROKEE I-85 (NB & SB) REST AREA DEMOLITION

Project Number: 5400011228

Project Location: Interstate 85 in Cherokee County, SC, near exit 89. Both sites are separated by Thicketty Creek.

Bid Security Required: Yes **Performance Bond Required:** Yes **Payment Bond Required:** Yes

Construction Cost Range: \$90,000

Description of Project: Furnish all labor, materials, tools and equipment for the excavation, demolition, removal, and disposal of onsite structures at the Northbound I-85 and Southbound I-85 Cherokee County rest stops. Contractor may be subject to performance appraisal at close of project.

Agency/Owner: Department of Transportation

Name & Title of Agency Coordinator: Ron Conner

Address: 955 Park Street, Columbia, SC 29201

E-mail: connerkl@scdot.org

Telephone: 803-737-0933

Fax: 803-737-2046

Deliver Bids To: Attn: 5400011228 - Ron Conner, 955 Park Street, Columbia, SC 29201

Project Name: BYRD HALL ORGANIC CHEMISTRY LAB RENOVATION

Project Number: H09-9615-PG

Project Location: The Citadel, 171 Moultrie Street, Charleston, SC 29409

Bid Security Required: Yes **Performance Bond Required:** Yes **Payment Bond Required:** Yes

Construction Cost Range: \$800,000 - \$1,000,000

Description of Project: Full renovation to existing Organic Chemistry Lab. Multiple rooms on 4th floor transformed into open lab concept. Renovation will include but not limited to selective demolition, mechanical, HVAC, ductwork, plumbing, electrical, lighting, laboratory fume hoods, casework, flooring, acoustical ceilings and limited asbestos removal. Renovation will include work on 3rd floor. Contractors are cautioned that the value of the HVAC work associated with this project is greater than 51% of the project total. Proper licensure is required. Contractor may be subject to performance appraisal at close of project.

Bidding Documents / Plans May Be Obtained From: A&E DIGITAL PRINTING, 517 KING ST. CHARLESTON, SC

Plan Deposit: \$120.00, non-refundable

Note: Bidders must obtain bidding Documents/Plans from the above listed source(s) to be listed as an official plan holder. Only those bidding documents / plans obtained from the source(s) are official. Bidders that rely on copies of bidding documents / plans obtained from any other source do so at their own risk. All written communications with official plan holders & bidders will be via email or website posting.

Architect/Engineer: DWG Consulting Engineers

A/E Contact: Mark Uyak

A/E Address: 1009 Anna Knapp Blvd., Suite 202, Mt. Pleasant, SC 29464

A/E E-mail: MUYAK@DWGINC.COM

A/E Telephone: 843-849-1141

A/E Fax: 843-849-6756

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

Agency/Owner: The Citadel

Name & Title of Agency Coordinator: Kathleen M. Dille, Staff Architect

Address: 171 Moultrie Street, Charleston, SC 29409

E-mail: kdille@citadel.edu

Telephone: 843-953-7063

Fax: 843-953-6880

Pre-Bid Conf./Site Visit: Yes, mandatory

Pre-Bid Date/Time: 4/6/2016 8:30am

Place: The Citadel, Facilities & Engineering Conf. Room

Bid Closing Date/Time: 4/21/2016 1:00pm

Place: The Citadel, Facilities & Engineering Conf. Room

Deliver Bids To: Kathleen Dille, Staff Architect, The CITADEL, Facilities & Engineering Bldg., 171 Moultrie Street, Charleston, SC 29409

Project Name: TCTC GENERAL CONSTRUCTION IDC

Project Number: H59-D865-PD (H59-N903-PD)

Description Of Construction Services: GENERAL CONSTRUCTION AND RENOVATIONS – LICENSE CLASSIFICATION BD5

Project Location: TRI-COUNTY TECHNICAL COLLEGE CAMPUS – ANDERSON, PICKENS AND OCONEE CO.S

Bid Security Required: YES

Bidding Documents / Plans May Be Obtained From:

http://www.tctc.edu/About_TCTC/PurchasingSolicitation/Solicitation.xml

Plan Deposit: \$0

Note: Bidders must obtain bidding Documents/Plans from the above listed source(s) to be listed as an official plan holder. Only those bidding documents / plans obtained from the source(s) are official. Bidders that rely on copies of bidding documents / plans obtained from any other source do so at their own risk. All written communications with official plan holders & bidders will be via email or website posting.

Agency: Tri County Technical College

Agency Project Coordinator: Richard Macbeth

Address: PO Box 587, Pendleton, SC 29670

E-mail: rmacbeth@tctc.edu

Telephone: 864-646-2067

Fax: 864-646-1891

Pre-Bid Conf./Site Visit: Yes, non-mandatory

Pre-Bid Date/Time: 4/7/2016 2:00pm

Place: TCTC Physical Plant Conf. Room

Bid Closing Date/Time: 4/21/2016 2:00pm

Place: TCTC Physical Plant Conf. Room

Hand Deliver Bids To: Richard Macbeth, TCTC Physical Plant, 7900 Hwy 76, Pendleton, SC 29670

Mail Bids To: Richard Macbeth, PO Box 587, Pendleton, SC 29670

EXHIBIT D

The CITADEL Byrd Hall Organic Chemistry Lab Renovation
 State Project No. H09-9615-PG
 Bid Date: April 28, 2016 @ 1 PM

DWG, Inc.
 1009 Anna Knapp Blvd, Suite 202
 Mt. Pleasant, SC 29464
 (843) 849-1141

Bid Tabulation

Bidder's Name	Addenda			Bid Bond	List of Subcontractors	BID AMOUNTS	
	No. 1	No. 2	No. 3			Base:	ALT 1:
Omitted Sub-Contractor listing C.R. Hipp Constr. <i>non-responsive bid</i>	✓	✓	✓	✓	ELEC: Transworld PLUM: CR Hipp ACHT: - ALT 1 ELEC: Transworld	Base: 932,790.00 ALT 1: +15,600.00 Total: 948,390.00	
Callum Constructors	✓	✓	✓	✓	ELEC: Transworld PLUM: Callum ACHT: Callum ALT 1 ELEC: Transworld	Base: 1,057,607.00 ALT 1: + 16,800.00 Total: 1,074,407.00	
Hill Construction	✓	✓	✓	✓	ELEC: Metro PLUM: All Plumbing ACHT: Samco ALT 1 ELEC: Transworld	Base: 807,007.00 ALT 1: + 14,775.00 Total: 821,782.00	
Howell & Howell	✓	✓	✓	✓	ELEC: Metro PLUM: Triad ACHT: Triad ALT 1 ELEC: Metro	Base: 976,000.00 ALT 1: + 30,800.00 Total: 1,006,800.00	
IPW CONST.	✓	✓	✓	✓	ELEC: Reserve PLUM: IPW ACHT: Triad ALT 1 ELEC: Reserve	Base: 939,410.00 ALT 1: + 42,350.00 Total: 981,760.00	
J. Musselman	✓	✓	✓	✓	ELEC: Quality PLUM: Keystone ACHT: SAMCO ALT 1 ELEC: Quality	Base: 927,416.00 ALT 1: + 18,700.00 Total: 946,116.00	

Date: 4/28/16

Recorded By: MW H
 Witnessed By: J. Musselman

Bid Tabulation

Bidders Name	Addenda			Bid	List of Subcontractors	BID AMOUNTS
	No. 1	No. 2	No. 3			
Summerville Mechanical • improper licensing non- in ^{response} bid	✓	✓	✓	ELEC: Trans World PLUM: Summ. Mech ACHT: Summ. Mech ALT 1 ELEC: Transworld ELEC: PLUM: ACHT: ALT 1 ELEC: ELEC: PLUM: ACHT: ALT 1 ELEC: ELEC: PLUM: ACHT: ALT 1 ELEC:	Base: 925,000.00 ALT 1: + 17,000.00 Total: 942,000.00	
				ELEC: PLUM: ACHT: ALT 1 ELEC: ELEC: PLUM: ACHT: ALT 1 ELEC: ELEC: PLUM: ACHT: ALT 1 ELEC:	Base: ALT 1: Total:	
				ELEC: PLUM: ACHT: ALT 1 ELEC: ELEC: PLUM: ACHT: ALT 1 ELEC:	Base: ALT 1: Total:	
				ELEC: PLUM: ACHT: ALT 1 ELEC: ELEC: PLUM: ACHT: ALT 1 ELEC:	Base: ALT 1: Total:	
				ELEC: PLUM: ACHT: ALT 1 ELEC: ELEC: PLUM: ACHT: ALT 1 ELEC:	Base: ALT 1: Total:	

Date: 4/28/16

Recorded By: [Signature]
 Witnessed By: [Signature]

SE-370
NOTICE OF INTENT TO AWARD

AGENCY: The Citadel

PROJECT NAME: Byrd Hall Organic Chemistry Lab Renovation

PROJECT NUMBER: H09-9615-PG

POSTING DATE: 5/3/16

TO ALL BIDDERS:

Unless stayed by protest or canceled, the Agency intends to enter into a contract as 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 provided in Section 4 of the Bid Form, except as otherwise provided in the Instructions to Bidders.

NAME OF BIDDER: Hill Construction Services of Charleston, Inc.

DATE BIDS WERE OPENED: 4-28-16

BID INFORMATION:

BASE BID AMOUNT:		\$ 807,007.00
ALTERNATES:	#1 ACCEPTED <input checked="" type="checkbox"/>	\$ 14,775.00
	#2 ACCEPTED <input type="checkbox"/>	\$ _____
	#3 ACCEPTED <input type="checkbox"/>	\$ _____
TOTAL AWARD (BASE BID AND ACCEPTED ALTERNATE(S)):		\$ 821,782.00

REMARKS (explain any negotiations that resulted in a change in any Bid amounts): _____

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency 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 a Notice to Proceed, other than the Contractor's non-reimbursable costs incurred in providing such bonds.

RIGHT TO PROTEST (SC Law Section 11-35-4210)

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this contract may protest within ten (10) days of the date the Notice of Intent to Award is posted. 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.

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, (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)

Col. Benjamin Wham, II
(Print or Type Name)

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.

From: Mark Uyak <muyak@dwginc.com>
Sent: Tuesday, May 03, 2016 9:08 PM
To: 'john.barker@CRHippConstruction.com'; 'bob.burris@CRHippConstruction.com'; 'bids@Culluminc.com'; 'suzi@Hillcon.com'; Bob Dunn - Hill; 'bids@HowellandHowellinc.com'; 'sbrummer@IPWCo.com'; 'vance@JMusselmanConstruction.com'; 'summervillemech@bellsouth.net'
Cc: 'Jeff Johnston'; Kathleen Dille; Carla M. McIntyre; Michael Beveridge (m.beveridge@smha.com)
Subject: 14195-01 H09-9615-PG Byrd Hall Organic Chemistry Lab Renovation - NOI & Bid Tab
Attachments: Byrd Org Lab H09-9615-PG NOI + Bid Tab 5-3-16.pdf

All,

Please find attached the SE-370 Notice of Intent to Award and Bid Tab for the H09-9615-PG Byrd Hall Organic Chemistry Lab Renovation.

Please let me know if you have any questions,

Thanks,
Mark



Mark A. Uyak, PE, LEED AP
Team Leader
1009 Anna Knapp Blvd., Suite 202
Mt Pleasant, SC 29464
843-849-1141 x21 (p)
843-849-6756 (f)
muyak@dwginc.com

 Please consider the environment before printing this e-mail

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