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JOHN ST. C. WHITE
MATERIALS MANAGEMENT OFFICER
(803) 737-0600
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Protest Decision

Matter of: H & H Group, Inc., d/b/a The Clearwater Company
File No.: 2025-012
Posting Date: March 13, 2025
Contracting Entity: University of South Carolina
Project No.: FP00000619
Description: USC Aiken Natatorium Pool Resurfacing Repairs

DIGEST

Protest of Intent to Award denied where the University of South Carolina (USC) properly considered prior experience of owner in determining whether a contractor met the special standards of responsibility in the solicitation documents.

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 H & H Group, Inc., d/b/a The Clearwater Company (Clearwater) protesting USC's intent to award a contract to Smith Aquatics, Inc. (Smith) for resurfacing of USC Aiken Natatorium pool (the Project). Clearwater's protest is attached as Exhibit A. This decision is based on materials in the procurement file and applicable law and precedents.

BACKGROUND

- On January 10, 2025, USC issued a solicitation for bids for the Project.¹ [Exhibit B]
- USC subsequently issued two addenda neither of which are relevant to this protest.
- By the deadline for receipt of bids, USC received four bids. [Exhibit C]
- Smith was the low bidder.
- On February 13, 2025, USC posted an Intent to Award a contract to Smith. [Exhibit D]
- On February 25, 2025, Clearwater protested USC's intended award.

DISCUSSION

The Project Manual includes the following requirement:

1.05 QUALITY ASSURANCE

B. Qualifications of Workers:

1. **The Contractor** for this portion of the work **shall have been successfully engaged in the respective trade for at least five (5) years immediately prior to commencement of this work**, and shall demonstrate to the approval of the Owner's representative that his record of workmanship is satisfactory.

2. For actual construction operations, use only thoroughly trained and experienced workers completely familiar with the materials and methods specified. Plaster installers shall have two (2) years minimum experience in similar pool projects (which the Owner may require written proof thereof) and proper tools to install plaster.

[Project Manual, pdf p. 88] [emphasis supplied]

Clearwater first asserts and presents evidence that Smith has only been in existence since 2022 and therefore could not meet the requirement of Section 1.05B(1). Clearwater is essentially

¹ The Project Manual is 108 pages long, most which has nothing to do with the protest. The CPOC has only included pages relevant to the protest.

arguing that this Section is a mandatory special standard of responsibility. Regulation 19-445.2125F allows a solicitation to include special standards of responsibility stating:

When it is necessary for a particular acquisition or class of acquisitions, the procurement officer may develop, with the assistance of appropriate specialists, special standards of responsibility. Special standards may be particularly desirable when experience has demonstrated that unusual expertise or specialized facilities are needed for adequate contract performance. The special standards shall be set forth in the solicitation (and so identified) and shall apply to all offerors. A valid special standard of responsibility **must be specific, objective and mandatory.**

[emphasis supplied]

While the question of whether a contractor has been successful is somewhat subjective, the requirement to have been “engaged in the respective trade for at least five (5) years” is “specific, objective and mandatory.”

The record reflects that the day after posting a notice of intent to award to Smith, USC contacted Smith to ask for its qualifications per Section 1.5B(1) of the Project Manual.² [Exhibit E] Smith responded with the owner’s many years of prior experience as the President and Co-Owner of SwimAtlanta Pool Management (SwimAtlanta).³ Smith included a link to photographs of plaster and tile work performed by SwimAtlanta to demonstrate workmanship. Smith also included a list of seven references.⁴ USC contacted three of these references. [Id.] It is apparent that, based on the information Smith provided and the reference checks, USC is satisfied with Smith’s qualifications to perform the work of the Project because the position it takes in response to this protest is that it awarded the contract to the lowest responsive and responsible bidder. [Exhibit F]

Absent a showing upon a preponderance of the evidence that a procurement officer’s determination of responsibility is “clearly arbitrary, capricious, erroneous, or contrary to law,” the CPOC will not review the procurement officer’s determination of responsibility. Section 11-35-2410. Where, as here, the protestant alleges that a responsibility determination is erroneous

² The record does not reflect why this inquiry was made after the posting of the notice of intent to award and not before as required by the Procurement Code.

³ In response to this protest, Smith submitted additional evidence of its owner’s experience including tax records showing co-ownership of SwimAtlanta.

⁴ Because Smith considers its client list to be confidential, the CPOC has redacted the names and contact information for its references.

because a special standard of responsibility requirement has not been satisfied, the CPOC's review is limited to determining if there was sufficient evidence of compliance for the procurement officer to reasonably conclude the bidder met the requirement. *DJ Enterprises, Inc*, B-233410 (Comp. Gen. 1989) (finding contracting officer could properly consider prior experience of principals of a new company in determining whether bidder met special standard of responsibility for a "service organization for at least five years."). "The relative quality of the evidence is a matter for the judgment of the" procurement officer. [Id.]

The context of the requirement that the contractor must have five years' experience makes it clear that USC is concerned with the quality of the workmanship, not the long-term stability of the company. Indeed, the requirement is in the Quality Assurance section of the specifications. "In this regard, an agency may properly consider the experience of a predecessor firm or of the corporation's principal officers which was obtained prior to incorporation date." [Id.]. Therefore, the procurement officer could properly consider the experience of Smith's owner in evaluating whether Smith met this requirement. Smith demonstrated to the satisfaction of the procurement officer that its owner has significantly more than five years' experience in the industry "immediately prior to commencement of the work." Accordingly, the procurement officer had a reasonable basis to conclude that Smith met this requirement.

Clearwater also notes that Smith has only been licensed in South Carolina since January of this year and questions how Smith can demonstrate their workmanship with South Carolina Department of Environmental Services (DES) regulations and requirements.⁵ Nothing in the solicitation required Smith to demonstrate workmanship only in South Carolina. Moreover, Smith has a South Carolina General Contractors-Specialty Swimming Pools license, which legally qualifies it to perform the work of the Project. [Exhibit G] See S.C. Code Ann. §40-11-410(4)(k).

⁵ Both Clearwater and USC refer to the Department of Health and Environmental Control (DHEC). The General Assembly abolished DHEC and effective July 1, 2024, replaced the environmental side of DHEC with DES.

Protest Decision, page 5
Case No. 2025-012
March 13, 2025

DECISION

For the forgoing reasons, the CPOC denies Clearwater's protest.

A handwritten signature in blue ink that reads "John St. C. White". The signature is written in a cursive style with a horizontal line underneath it.

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 2024)

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 2024 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 CSGs, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

**South Carolina Procurement Review Panel
Request for Filing Fee Waiver
1205 Pendleton Street, Suite 367, Columbia, SC 29201**

Name of Requestor

Address

City

State

Zip

Business Phone

-
1. What is your/your company's monthly income? _____
 2. What are your/your company's monthly expenses? _____
 3. List any other circumstances which you think affect your/your company's ability to pay the filing fee:

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my/my company's financial condition. I hereby request that the filing fee for requesting administrative review be waived.

Sworn to before me this
_____ day of _____, 20_____

Notary Public of South Carolina

Requestor/Appellant

My Commission expires: _____

For official use only: _____ Fee Waived _____ Waiver Denied

Chairman or Vice Chairman, SC Procurement Review Panel

This _____ day of _____, 20_____
Columbia, South Carolina

NOTE: If your filing fee request is denied, you will be expected to pay the filing fee within fifteen (15) days of the date of receipt of the order denying the waiver.

Exhibit A



Feb 25, 2025

Protest USW Aiken Resurfacing (ID 250083-01)

We are informing that the awarded company of this job did not meet the required qualifications of workers listed in Sec. B-1 "The Contractor for this portion of the work shall have been successfully engaged in the respective trade for at least five (5) years immediately prior to commencement of this work, and shall demonstrate to the approval of the Owner's representative that his record of workmanship is satisfactory."

Smith Aquatics Inc. listed by the Ga. Secretary of State, shows a business inception of October 25, 2022 which is less than the required 5-years. Also, they have only had a SC license as of January of 2025. With not having a SC business license until this January, how they are able to demonstrate their level of workmanship with SCDEHEC regulations and requirements which are much different than that of GA.

We have attached the following: Regulations stating the requirement, GA business listing, and the Award of this job.

Please let us know your findings.

Brian Hicks
brian@clearwaterco.com
864-505-5494

P. 803.781.8364 ~ F. 803.309.0864 ~ 1682 Lake Murray Blvd. ~ Irmo, SC 29212

www.clearwaterco.com

SE-370

NOTICE OF INTENT TO AWARD - DESIGN-BID-BUILD CONTRACTAGENCY: University of South CarolinaPROJECT NAME: Aiken Natatorium Pool ResurfacingPROJECT NUMBER: FP00000619POSTING DATE: 2/13/2025**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: Smith Aquatics, Inc.DATE BIDS WERE OPENED: 02-12-2025**BID INFORMATION:**BASE BID AMOUNT: \$ 88,446.00ALTERNATES: #1 ACCEPTED \$ _____#2 ACCEPTED \$ _____#3 ACCEPTED \$ _____TOTAL BID AMOUNT: \$ 88,446.00TOTAL CONTRACT AWARD: \$ 88,446.00*(If the Total Contract Award is different from the Total Bid Amount, explain any negotiations that resulted in the change.)* _____REMARKS: *(If "No Contract to Be Awarded" was entered above, indicate the reason.)* _____

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 before receipt of the Agency's written Notice to Proceed.

RIGHT TO PROTEST (SC Code § 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 be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen (15) days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest 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.

(Agency Procurement Officer Signature)_____
Hatice Hikmet, Procurement Specialist
(Print or Type Name)**INSTRUCTIONS TO THE AGENCY:**

1. Post a copy of the SE-370 at the location specified by the Instructions to Bidders and announced at the Bid Opening.
2. Send the SE-370 and the final Bid Tabulation electronically to all Bidders and OSE (if required) the same day it is posted.

manufacturers installation requirements.

1.05 QUALITY ASSURANCE

A. All work of this section shall be performed or supervised by the swimming pool "Contractor."

B. Qualifications of Workers:

1. The Contractor for this portion of the work shall have been successfully engaged in the respective trade for at least five (5) years immediately prior to commencement of this work, and shall demonstrate to the approval of the Owner's representative that his record of workmanship is satisfactory.

2. For actual construction operations, use only thoroughly trained and experienced workers completely familiar with the materials and methods specified. Plaster installers shall have two (2) years minimum experience in similar pool projects (which the Owner may require written proof thereof) and proper tools to install plaster.

3. Provide at least one (1) person who will be present at all times during execution of this portion of the work and who shall be thoroughly familiar with the type(s) of materials being installed, the referenced standards, and the requirements of this work, and who shall direct all work performed.

C. Standards: Swimming pool plaster shall be designed to comply with the published standards of the SCDHEC as they apply to the material and services furnished herein.

D. Start-up:

1. Retain a qualified pool chemistry consultant [Certified Pool Operator (CPO)], familiar with operation and maintenance of aquatic facilities, to supervise and properly balance swimming pool chemistry.

2. Demonstrate to the Owner's representative and appropriate officials (including SCDHEC) that all systems are fully operational and that calcium hardness; total alkalinity, chlorine residual and pH levels are within specified limits.

3. Standards: Contractor shall furnish labor and chemicals as required to condition the water properly to the following specifications:



> > >
SMITH AQUATICS INC.

Sponsored Links

[Write Review](#) [Upgrade](#) [Claim](#)

SMITH AQUATICS INC. is a Georgia Domestic Profit Corporation filed on October 25, 2022. The company's filing status is listed as Active/Compliance and its File Number is 22228259.

The Registered Agent on file for this company is United States Corporation Agents Inc and is located at 11175 Cicero Drive Suite 100, Alpharetta, GA 30022. The company's principal address is 2124 Oakawana Dr. Ne, Atlanta, GA 30345.

The company has 3 contacts on record. The contacts are Kelly Smith from Atlanta GA, Ryan A Smith from Atlanta GA, and Ryan Smith from Atlanta GA.

Like 33K

Company Name: SMITH AQUATICS INC.
Entity Type: GEORGIA DOMESTIC PROFIT CORPORATION
File Number: 22228259
Filing State: Georgia (GA)
Filing Status: Active/Compliance
Filing Date: October 25, 2022
Company Age: 2 Years, 4 Months
Registered Agent: United States Corporation Agents Inc
11175 Cicero Drive
Suite 100
Alpharetta, GA 30022
Principal Address: 2124 Oakawana Dr. Ne
Atlanta, GA 30345
Governing Agency: Georgia Secretary of State

Sponsored Links

KELLY SMITH

Chief Financial Officer

2124 Oakawana Dr. Ne
Atlanta, GA 30345

RYAN A SMITH

Incorporator

2124 Oakawana Dr Ne
Atlanta, GA 30345

RYAN SMITH

Chief Executive Officer

2124 Oakawana Dr. Ne
Atlanta, GA 30345

RYAN SMITH

Secretary

2124 Oakawana Dr. Ne

South Carolina Business Opportunities

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

Ad Category: Construction

Ad Start Date: January 10, 2025

Agency/Owner: University of South Carolina

Project Name: USC Aiken Natatorium Pool Resurfacing

Project Number: FP00000619

Construction Cost Range: 70,000 to 100,000

Project Location: 488 Scholar Loop BLDG 905A, Aiken, SC

Description of Project/Services:

Resurfacing pool surface with new gunite material. Install new depth tie markers and paint existing pool deck. Existing paint will be removed

Bid/Submittal Due Date & Time: February 5, 2025 - 2:30pm

Number of Bid/Submittal Copies: 1

Project Delivery Method: Design-Bid-Build

Agency Project Coordinator: Hatice Hikmet

Email: hikmeth@mailbox.sc.edu

Telephone: 8037779994

Documents May Be Obtained From: Solicitation Opportunities on the USC Supplier Portal

Project Details: <https://supplier.ps.sc.edu>

South Carolina Business Opportunities • SCBO Team • 1201 Main Street, Suite 600 • Columbia, SC 29201
803-737-0600 • scbo@mmo.sc.gov • <https://scbo.sc.gov> • <https://procurement.sc.gov>





Contract Documents and Specifications

for

USC Aiken Natatorium Pool Resurfacing

Project Number FP00000619

December 17, 2024

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PROJECT NUMBER: FP00000619

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SE-310 INVITATION FOR DESIGN-BID-BUILD CONSTRUCTION SERVICES

AGENCY/OWNER: University of South Carolina Aiken

PROJECT NAME: Natatorium Pool Resurfacing

PROJECT NUMBER: FP0000619 CONSTRUCTION COST RANGE: \$ 70,000 to \$ 100,000

PROJECT LOCATION: 488 Scholar Loop BLDG 905A Aiken SC

DESCRIPTION OF PROJECT/SERVICES: Resurfacing pool surface with new gunite material. Install new depth tie markers and paint existing pool deck. Existing paint will be removed. Bidders shall submit bids in accordance with Hand-Delivery or Mail Service only. Small and Minority Business participation highly encourage

BID/SUBMITTAL DUE DATE: 2/5/25 TIME: 2:30 pm NUMBER OF COPIES: 1

PROJECT DELIVERY METHOD: Design-Bid-Build

AGENCY PROJECT COORDINATOR: Hatice Hikmet

EMAIL: hikmeth@mailbox.sc.edu

TELEPHONE: 803-777-9994

DOCUMENTS MAY BE OBTAINED FROM: https://supplier.ps.sc.edu

BID SECURITY IS REQUIRED IN AN AMOUNT NOT LESS THAN 5% OF THE BASE BID.

PERFORMANCE AND LABOR & MATERIAL PAYMENT BONDS: The successful Contractor will be required to provide Performance and Labor and Material Payment Bonds, each in the amount of 100% of the Contract Price.

DOCUMENT DEPOSIT AMOUNT: \$ 0.00 IS DEPOSIT REFUNDABLE Yes No N/A

Bidders must obtain Bidding Documents/Plans from the above listed source(s) to be listed as an official plan holder. Bidders that rely on copies 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 **WILL NOT** accept Bids sent via email.

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

A/E NAME: USC Aiken

A/E CONTACT: Brian Enter, PE

EMAIL: BrianEn@usca.edu

TELEPHONE: 803-641-3254

PRE-BID CONFERENCE: Yes No

MANDATORY ATTENDANCE: Yes No

PRE-BID DATE: 1/22/2025

TIME: 10:00 am

PRE-BID PLACE: 650 Trolleyline Road, Room 112 Graniteville 29829. Site visit following the pre-bid meeting.

BID OPENING PLACE: 1600 Hampton Street, Suite 605, Columbia, SC 29208

BID DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: Hatice Hikmet bid enclosed FP00000619

1600 Hampton Street, Suite 606

Columbia, SC 29208

MAIL SERVICE:

Attn: Hatice Hikmet bid enclosed FP00000619

1600 Hampton Street, Suite 606

Columbia, SC 29208

IS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency **MUST** check one) Yes No

APPROVED BY: _____

(OSE Project Manager)

DATE: _____

**SECTION 100000
SWIMMING POOL PLASTER**

PART 1 – GENERAL

1.01 SUMMARY

A. All preparation of swimming pool structure and labor and materials required to provide a white swimming pool plaster (marsite) finish to the pool structure. Furnish and install new racing lane tiles on the swimming pool floor and racing lane targets on the vertical pool walls. Furnish and install a transition point tile band on the swimming pool floor and vertical pool walls at the break line. Re-stencil (repaint) waterline depth markers on the perimeter pool coping as required to meet current South Carolina Department of Health and Environmental Control (SCDHEC) code.

B. Provide water quality analysis and all chemicals required to bring water chemistry into balance upon filling of pool. All work to comply with SCDHEC rules and regulations.

C. Provide all chemicals needed to balance pool upon refill.

D. All work must be performed from June 20, 2025 to August 10, 2025.

1.02 SUBMITTALS

A. Certificates: Submit certificates attesting that the materials furnished meet the requirements specified herein.

B. Test Report: Submit results of domestic water analysis and calculation of amounts of chemicals required to balance pool water chemistry upon refilling of pool.

C. SCDHEC Change Order: Submit SCDHEC approved change order (Form DHEC 3627-02/2002) to the University of South Carolina (herein referred to as Owner) prior to start of work.

D. Licenses and Insurance: Provide documentation of current and proper professional licensing and insurance to Owner. Minimum insurance coverage limits shall be as required by law or as shown in Paragraph 6.25 of the *Manual for Planning and Execution of State Permanent Improvements - Part II*, whichever is greater, or such other amount as the Owner may request.

1.03 PRODUCT DELIVERY AND STORAGE

A. Delivery: Deliver materials to the project site in the manufacturer's original unopened packages or containers bearing manufacturers' name and brand labels.

B. Storage: Store materials under cover in a manner to prevent damage and contamination and store only the specified materials at the project site. Keep cementitious materials dry until ready to be used and stored off the ground, under cover and away from damp surfaces.

C. Protection: Use all means necessary to protect the swimming pool plaster before, during, and after installation.

D. Replacements: In the event of damage, immediately make all repairs and replacements necessary to the approval of the Owner's representative.

1.04 JOB CONDITIONS

A. Apply plaster in swimming pool only when ambient temperature is above 40 degrees Fahrenheit (°F) and below 90 °F, and protect applied plaster from rapid drying by the sun or wind until curing is completed or pool is filled with water. Confirm and comply with all applicable manufacturers installation requirements.

1.05 QUALITY ASSURANCE

A. All work of this section shall be performed or supervised by the swimming pool "Contractor."

B. Qualifications of Workers:

1. The Contractor for this portion of the work shall have been successfully engaged in the respective trade for at least five (5) years immediately prior to commencement of this work, and shall demonstrate to the approval of the Owner's representative that his record of workmanship is satisfactory.

2. For actual construction operations, use only thoroughly trained and experienced workers completely familiar with the materials and methods specified. Plaster installers shall have two (2) years minimum experience in similar pool projects (which the Owner may require written proof thereof) and proper tools to install plaster.

3. Provide at least one (1) person who will be present at all times during execution of this portion of the work and who shall be thoroughly familiar with the type(s) of materials being installed, the referenced standards, and the requirements of this work, and who shall direct all work performed.

C. Standards: Swimming pool plaster shall be designed to comply with the published standards of the SCDHEC as they apply to the material and services furnished herein.

D. Start-up:

1. Retain a qualified pool chemistry consultant [Certified Pool Operator (CPO)], familiar with operation and maintenance of aquatic facilities, to supervise and properly balance swimming pool chemistry.

2. Demonstrate to the Owner's representative and appropriate officials (including SCDHEC) that all systems are fully operational and that calcium hardness; total alkalinity, chlorine residual and pH levels are within specified limits.

3. Standards: Contractor shall furnish labor and chemicals as required to condition the water properly to the following specifications:

Exhibit C



**UNIVERSITY OF
SOUTH CAROLINA**

USC Aiken Natatorium Pool Resurfacing

FP00000619

02-12-2025 at 3:00pm

event 250083-01

Contractor	Bid Bond	Add. 1	Add. 2	Base Bid
SMITH AQUATICS	X	X	X	\$88,446.00
H & H GROUP DBA THE CLEARWATER COMPANY	X	X	X	\$93,700.00
GENCO OF SIMPSONVILLE	X	X	X	\$101,845.00
USA CONSTRUCTION	X	X		\$123,640.00
Recorded by: Kathleen Alley				
Read by: Andriea Johnson				

SE-370

NOTICE OF INTENT TO AWARD - DESIGN-BID-BUILD CONTRACT

AGENCY: University of South Carolina

PROJECT NAME: Aiken Natatorium Pool Resurfacing

PROJECT NUMBER: FP00000619

POSTING DATE: 2/13/2025

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: Smith Aquatics, Inc.

DATE BIDS WERE OPENED: 02-12-2025

BID INFORMATION:

BASE BID AMOUNT: \$ 88,446.00

ALTERNATES: #1 ACCEPTED [] \$

#2 ACCEPTED [] \$

#3 ACCEPTED [] \$

TOTAL BID AMOUNT: \$ 88,446.00

TOTAL CONTRACT AWARD: \$ 88,446.00

(If the Total Contract Award is different from the Total Bid Amount, explain any negotiations that resulted in the change.)

REMARKS: (If "No Contract to Be Awarded" was entered above, indicate the reason.)

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 before receipt of the Agency's written Notice to Proceed.

RIGHT TO PROTEST (SC Code § 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 be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen (15) days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest 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.

(Agency Procurement Officer Signature)

Hatice Hikmet, Procurement Specialist (Print or Type Name)

INSTRUCTIONS TO THE AGENCY:

- 1. Post a copy of the SE-370 at the location specified by the Instructions to Bidders and announced at the Bid Opening.
2. Send the SE-370 and the final Bid Tabulation electronically to all Bidders and OSE (if required) the same day it is posted.

Exhibit E

From: [Golston, Candis](#)
To: [White, John](#); [Hikmet, Hatice](#)
Cc: [Clark, Clarissa](#)
Subject: RE: [External] RE: Protest USC Aiken Resurfacing (ID 250083-01)
Date: Wednesday, March 5, 2025 2:21:13 PM
Attachments: [image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Good Afternoon John,

The attached list of references was provided by the Contractor, along with a narrative summary of Mr. Smith's work experience.

The following individuals were contacted to provide references for Smith Aquatics.

[REDACTED]
[REDACTED]
[REDACTED]

The questions listed below were asked.

1. Did Ryan Smith performed work at your organization?
2. Did Ryan Smith performed work including pool renovations your organization including pool resurfacing?
3. Would you recommend that Ryan Smith to perform a commercial pool renovation again?
4. Do you consider Ryans smit knowledgeable about pool renovations and pool equipment and maintenance requirements?

Best Regards,

Candis Golston

Procurement Manager

803-777-2026

golstonc@mailbox.sc.edu

Purchasing

University of South Carolina



UNIVERSITY OF
South Carolina

From: [Ryan Smith](#)
To: [Hikmet, Hatice](#)
Subject: RE: request for qualification per project specification
Date: Wednesday, February 19, 2025 8:58:17 AM
Attachments: [image001.png](#)

Hatice,

Please find a list of people to contact for pool plaster projects. I hope this helps.

[REDACTED]
[REDACTED]

All the best,
Ryan



Ryan Smith
CEO

o: (404) 369-0757 x 102 c: (404) 925-6380
email: ryan.smith@smithaquatics.com
2124 Oakawana Dr. NE Suite B
Atlanta, GA 30345

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

From: Ryan Smith <ryan.smith@smithaquatics.com>
Sent: Saturday, February 15, 2025 10:46 AM
To: 'Hikmet, Hatice' <HIK METH@mailbox.sc.edu>
Subject: RE: request for qualification per project specification

Dear Hatice,

It was a pleasure speaking with you yesterday. We're very excited about the possibility of working with the University of South Carolina.

As promised, I'm following up with the information we discussed. The bid package includes a detailed company description and my experience, but I've also listed my work history below for your convenience. Since 2008, I've served as President and Owner of two separate aquatics companies.

From 2008 until early 2022, I was President and Co-Owner of SwimAtlanta Pool Management in Lawrenceville, GA. Our services included managing all aspects of commercial aquatic facilities, as well as offering repair and renovation services. I've included a link to photos of some plaster and tile projects we completed in 2016 for marketing purposes: [PLASTER AND TILE PHOTOS](#)

In 2022, I founded SMITH AQUATICS, INC. to specialize in the repair and renovation of large commercial facilities throughout the Southeast.

Work Experience:

- 2008 – 2022: President and Co-Owner, SwimAtlanta Pool Management, Lawrenceville, GA
- 2022 – Present: CEO and Owner, Smith Aquatics, Inc., Atlanta, GA

Please don't hesitate to reach out if you require any further information or if there's anything else I can assist with. I'm happy to provide additional photos for the album if needed.

All the best,
Ryan



Ryan Smith
CEO

o: (404) 369-0757 x 102 c: (404) 925-6380
email: ryan.smith@smithaquatics.com
2124 Oakawana Dr. NE Suite B
Atlanta, GA 30345

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[Schedule A Meeting](#)

[Schedule A Call](#)

From: Hikmet, Hatice <HIK METH@mailbox.sc.edu>
Sent: Friday, February 14, 2025 4:30 PM
To: Ryan Smith <ryan.smith@smithaquatics.com>
Subject: request for qualification per project specification

Ryan

Per our discussion please provide your qualifications as stated in the project manual section 1.05

B. Qualifications of Workers:

1. The Contractor for this portion of the work shall have been successfully engaged in the respective trade for at least five (5) years immediately prior to commencement of this work, and shall demonstrate to the approval of the Owner's representative that his record of workmanship is satisfactory.
2. For actual construction operations, use only thoroughly trained and experienced workers completely familiar with the materials and methods specified. Plaster installers shall have two (2) years minimum experience in similar pool projects (which the Owner may require written proof thereof) and proper tools to install plaster.

Thank you

Hatice Hikmet

Procurement Specialist
1600 Hampton Street, Suite 606
Columbia, SC 29208
803-777-9994



Memorandum for Record

March 3, 2025

TO: John White, Chief Procurement Officer, Office of State Engineers

FROM: Hatice Hikmet, Procurement Specialist

CC: Clarissa Clark, Director of Purchasing

RE: Project Name: USC Aiken Natatorium Pool Resurfacing Project
Project Number: FP00000619

Dear Mr. John White,

Per your request, please see the attached documents regarding the Protest for the above listed solicitation.

1. Exhibit A- Project Manual
2. Exhibit B Addendum One
3. Exhibit C Addendum Two
4. Exhibit D Bid Tab.
5. Exhibit E SE-330 Smith Aquatics

In conclusion, the project was awarded to the lowest responsive and responsible bidder.

Respectfully,

Hatice Hikmet

Hatice Hikmet

Print this page

Board: Commercial Contractors

SMITH AQUATICS INC
2124 OAKAWANA DRIVE NE
ATLANTA, GA 30345
(404) 369-0757

License number: 126440
License type: GENERAL CONTRACTOR
Status: ACTIVE
Expiration: 10/31/2026
First Issuance Date: 01/15/2025
Classification:
Swimming Pools-SP4

Qualified By: Financial Statement
President / Owner: RYAN SMITH

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

Supervised By
[SMITH RYAN \(CQG\)](#)

[File a Complaint against this licensee](#)

Board Public Action History:

View Orders

View Other License for this Person

No Orders Found