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EXECUTIVE DIRECTOR

Protest Decision

Matter of: ESO Solutions, Inc. and Locality Media, Inc. d.b.a. First Due

File No.: 2025-218 & 2025-219

Posting Date: June 20, 2025

Contracting Entity: South Carolina Department of Public Health

Solicitation No.: N/A - Sole Source with ImageTrend, Inc.

Description: Emergency Medical Services Electronic Data Reporting System and the Electronic Patient Care Reporting Software

DIGEST

The Chief Procurement Officer (CPO) grants the protests of ESO Solutions, Inc. (ESO) and Locality Media, Inc. d.b.a. First Due (First Due) challenging the South Carolina Department of Public Health's (DPH) intent to award a contract as a sole source for Emergency Medical Services Electronic Data Reporting System and the Electronic Patient Care Reporting (EPCR) Software. The CPO further grants the South Carolina Department of Public Health's (DPH) request to extend its current contract for EPCR Software to enable it to develop and issue a solicitation for a new contract. The protests of ESO and First Due are attached as Exhibit A and Exhibit B respectively. The response of DPH is attached as Exhibit C.

AUTHORITY

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

BACKGROUND

On April 16, 2025, DPH advertised its intent to award a sole-source contract to ImageTrend, Inc. (ImageTrend), for Emergency Medical Services Electronic Data Reporting System and the Electronic Patient Care Reporting (EPCR) Software. [Exhibit D] After timely filing notices of Intent to protest with the CPO, both ESO and First Due protested that ImageTrend's software was not a sole source.

In its response to these protests, DPH states:

DPH continues to believe that the ImageTrend solution **very likely meets the criteria for a sole source** procurement under SC Code §11-35-1560 and Regulation 19-445.2105, based on the extensive system integrations, proprietary architecture, and statewide reliance across South Carolina's EMS community.

However, Regulation 19-445.2105 also provides that "in cases of reasonable doubt, competition should be solicited." After reviewing the protests and supplemental information, we recognize that both ESO and First Due have raised substantive issues worthy of consideration, particularly in light of the rapid evolution of health information technology and software interoperability. While we are not reversing our position regarding the sole source nature of ImageTrend, **we do concede that a reasonable level of doubt now exists** that warrants competitive solicitation.

[emphasis supplied]

DISCUSSION

DPH's response concedes that while it continues to believe that this acquisition for EPCR Software is a sole source, there is sufficient doubt to warrant a solicitation. DPH further acknowledges that Regulation 19-445.2105(C)(2) states that the State should solicit competition when there is reasonable doubt that an acquisition is a sole source.

Notwithstanding its concession, DPH requests that the CPO deny the protest to allow it time to develop, issue, and process a competitive acquisition of EPCR Software and transition to a new system if the incumbent is not selected. DPH also asks the CPO to exercise his authority under Section 11-35-2030 (4) and authorize an extension of ImageTrend's current contract by a year and a half for the same purpose.

While the CPO does have authority to authorize an extension of contract to a duration of up to seven years, after award, that authority must not be used lightly. Section 11-35-2060 prohibits material changes to a contract. Each case must be analyzed on its own merit. Materiality is determined on the facts of each situation. *Kenai Lumber Co., Inc. v. LeResche*, 646 P.2d 215 (Alaska 1982).


Here, the facts of the case warrant an extension. Per Section § 44-61-30(B), DPH is responsible for the regulation and licensing of ambulance services; inspection and issuance of permits for ambulance vehicles; the licensing of emergency medical responder agencies; training and certification of EMS personnel; development, adoption, and implementation of EMS standards and state plan; the development and coordination of an EMS communications system; designation of trauma centers and the categorization of hospital emergency departments; and the establishment of an electronic patient care reporting system to provide data to the National EMS Information System database for the betterment of EMS across the nation. DPH also develops standards and promulgates regulations for the creation and establishment of a State Trauma Care System to promote access to trauma care for all residents of the state. S.C. Code Ann. § 44-61-520. The South Carolina Stroke System of Care Act of 2011, § 44-61-610 *et. seq.*, tasks DPH with identifying and recognizing hospitals that meet the criteria set forth in the statute for primary stroke centers and stroke enabled centers through telemedicine. DPH is also responsible for the certification of athletic trainers pursuant to The Athletic Trainers' Act of South Carolina, S.C. Code Ann. § 44-75-10, *et seq.* DPH uses the EPCR Software to track, process, and store all data related to these responsibilities.

The CPO finds that denial of the protest is not necessary where there is an alternative solution. The contract for the current EPCR Software expires on August 31, 2025. Experience with competitive sealed proposals and the acquisition of software as a service to include implementation can easily take up to eighteen months. DPH is obligated to continue these services as required by law and cannot afford to go without EPCR Software while it conducts a new acquisition. If the CPO does not authorize the requested extension, DPH will be forced to

issue a revised sole source for a limited duration or make an emergency acquisition to avoid a lapse of services and allow it time to conduct a competitive acquisition.

DECISION

Based on the forgoing, the CPO grants the protests of ESO and First Due and authorizes DPH to extend its contract with ImageTrend (contract number 4400024457) through February 28, 2027.

A handwritten signature in blue ink, reading "John St. C. White", is positioned above a horizontal line.

John St. C. White
Chief Procurement Officer

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 DCGs, 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.

Cover Letter

June 3, 2025

South Carolina Dept. of Public Health
1201 Main Street, Suite 600
Columbia, SC 29201
ATTN: Whitney Carswell, Agency Procurement Manager
803.898.3472 | carswewp@dph.sc.gov

RE: Protest of Sole Source Notice #14178280 – ImageTrend Contract (Emergency Medical Services Software)

To Whom It May Concern:

As noted in our previous intent letter, ESO Solutions, Inc. formally protests the sole source determination published by the State of South Carolina regarding the continuation of services with ImageTrend.

Instead of entering into a five-year agreement without conducting a competitive RFP process, we respectfully request reconsideration and the opportunity to submit a competitive proposal built to your needs. We fully support granting an emergency extension of one year with the current vendor, if necessary, to provide the time needed for the State to initiate a competitive procurement process. ESO previously served South Carolina, providing these same critical services effectively and efficiently.

We have provided a more detailed justification in the following pages, including the lack of conversion burden, potential cost savings, and substantial product benefits that ESO can provide.

Respectfully,



Sam Brown

Chief Operating & Revenue Officer | ESO
2803 Manor Rd, Austin, TX 78722
samuel.brown@eso.com | 866.766.9471

Protest Justification

Below, we've addressed the State's concerns about implementation challenges while highlighting our proven track record and competitive advantages. ESO can use our previous successful relationship with South Carolina and extensive national experience to provide a cost-effective alternative to the current sole source procurement approach and request the ability to provide a competitive proposal for your consideration.

Seamless Conversion

The State of South Carolina's primary concern regarding conversion burdens is significantly overstated. From 2008 to 2022, ESO previously provided our electronic Patient Care Report (ePCR) solution, EMS Repository, and License Management systems (via our Continuum product) to South Carolina. During our prior contract, we demonstrated our capability to successfully implement and transition systems without disruption to EMS operations.

Our in-house implementation and data migration teams provide thorough migration plans, including dedicated project management, extensive user training, data integration tools, and additional professional services. The historical data currently housed within ImageTrend systems can be imported directly into ESO's platform quickly and accurately, while maintaining the integrity and accessibility of your critical EMS data. This approach drastically reduces any perceived administrative or operational burden to the State and your EMS providers.

Proven Experience

ESO also has a proven track record of implementing statewide EMS data and licensing systems effectively in multiple states across the country, including our successful deployment in neighboring North Carolina since 2019. Our previous 14 years of service to South Carolina demonstrates our capacity and reliability in managing EMS data and licensing systems effectively and efficiently. In the years since, our national experience provides us with unique insight into streamlining EMS operations, providing our customers with enhanced performance, greater system reliability, and minimal disruption during transitions.

- **Current Statewide Support:** ESO currently has 65 agencies in South Carolina that have submitted records in EHR over the past three months (approximately 21% of state agencies).

- **Experience with Enterprise-wide Management Information Systems:** ESO has over 20 years of experience in creating and operating enterprise-wide Management Information Systems. Our solutions are designed to streamline data collection, enhance data integrity, and improve operational efficiency across various healthcare sectors.
- **Licensure SaaS Platform:** We have supported licensure SaaS platforms for over a decade, with North Carolina being a prime example. Our partnership with the North Carolina Office of EMS demonstrates our capability in managing state-wide systems, handling more than 1.8 million records in our repository solution.
- **Additional Experience:** With more than 15 years of experience providing SaaS solutions, ESO is an industry leader in delivering cloud-based software that meets the unique needs of EMS systems. In addition to North Carolina, ESO provides EMS SaaS platform services to the States of Hawaii, North Dakota, and Virginia, as well as the District of Columbia and numerous large counties and regions. We support over 20 states with repository and similar services in a mix of on-premises and hosted environments.

Economic Considerations

Economically, we believe the sole source budget projection of \$2,132,000 over a five-year period significantly exceeds typical market rates.

ESO can offer all the services identified in the sole source notice at a notably lower cost, translating into considerable savings for South Carolina taxpayers. Our competitive pricing structure is backed by economies of scale and established infrastructure, letting us provide an economically beneficial proposal without sacrificing service quality or functionality.

Unique Capabilities

Furthermore, ESO provides superior capabilities that significantly enhance both EMS agency operations and patient care. Our software solutions include real-time data validation, comprehensive compliance with national and state-specific standards, and seamless integration capabilities between EMS and hospital data systems. ESO's platform supports progressive data interoperability, robust reporting capabilities, and integrated performance improvement tracking. These features are essential for modernizing and streamlining South Carolina's statewide EMS operations, while ensuring your patient care standards continue to improve.

We have provided more details on our proposed solution in the following pages.

Solution Overview

ESO is confident in our ability to provide a secure, proven EMS data system built for South Carolina's current and future needs. Our system is simple to use, scalable, and supports NEMSIS compliance while helping improve EMS outcomes statewide.

ESO helps states manage EMS data with tools that are clear, reliable, easy to use, and custom-built for our partners. Our Electronic Emergency Medical Services (EMS) Data Repository, EMS Documentation Tool (ePCR) supports NEMSIS Version 3.5 and future updates, and our EMS Agency and Vehicle Licensing Tool system is customizable and can be built to your specific needs. The result is an inclusive system where all data related to EMS response and EMS service licensing is collected and stored in a centralized data repository.

Electronic Patient Care Reporting (ePCR)

- ✓ User-friendly, customizable software fully compliant with NEMSIS 3.5 standards
- ✓ Seamless data integration with existing healthcare systems for accurate and timely patient care documentation and reporting

ESO's Electronic Health Record (EHR) ePCR software is a highly intuitive and customizable solution designed specifically for EMS providers. The software ensures compliance with the latest NEMSIS 3.5 standards, making sure that documentation and reporting are accurate, timely, and consistent with state and national requirements. With its proven integration capabilities, EHR interfaces smoothly with existing healthcare systems, hospitals, and state databases, enabling rapid and efficient data sharing, ultimately leading to improved patient outcomes and operational efficiency.

- **Cross-Platform Accessibility:** Universal compatibility across computers, tablets, and mobile devices, including iOS systems, ensuring providers can access data, review reports, and sync records in real-time from any location—whether in the field, at the station, or during transport.
- **Integrated Connectivity:** Direct connectivity to computer-aided dispatch (CAD), billing systems, and pre-hospital platforms eliminates duplicative data entry while providing comprehensive insights based on the complete patient picture.
- **Specialized Care Workflows:** Optimized workflows for critical care documentation, including rapid data input and retrieval capabilities specifically designed for high-acuity situations such as

flight operations and neonatal care, plus Mobile Integrated Health workflows for community paramedicine initiatives.

- **Predictive Resource Allocation:** Advanced capabilities help teams respond faster when seconds matter most, while comprehensive reporting and performance tracking support continuous operational improvement.
- **Compliance & Customization:** Maintains current compliance with NEMSIS Version 3.5, NERIS, and all applicable state requirements while offering custom configuration features that allow agencies to tailor the system to their specific community needs.
- **NEW! AI-Powered Documentation:** EHR now includes an auto-generated narrative feature that pulls directly from structured data to automatically generate narrative summaries, reducing documentation time by up to 80%. Operating within our secure Azure environment, the system ensures no patient data interacts with public endpoints while providers maintain complete control through mandatory review processes. Available in both DCHART and SOAP formats with full edit capabilities.

EMS Repository

- ✓ Robust central repository that securely manages EMS records, supports compliance and audit requirements, and enhances statewide EMS analytics
- ✓ Proven interoperability with third-party software, eliminating potential conversion difficulties

Our EMS Data Repository is a true “central hub” that securely manages all EMS-related records. It facilitates comprehensive compliance tracking, audit readiness, and advanced analytics for statewide EMS operations. Its proven interoperability with various third-party systems makes data migration straightforward, significantly reducing potential conversion challenges. With real-time access to critical information, agencies can better analyze data trends, enhance service quality, and drive continuous improvement across the entire EMS system.

Built for states and customized to your needs for years, our EMS Repository provides transparent data collection, records management and powerful analytics tools to convert your data from mere numbers in a database to an intelligent “brain” that helps you analyze the system.

- **Experience a True Data Repository:** Transparent data collection, records management and powerful analytics convert submitted data from a mere number in a database to a robust platform for understanding your EMS system.
- **Elevate Care in Your Government:** By understanding the performance of your data, South Carolina can optimize protocols to make meaningful change to how your EMS agencies provide care.
- **Navigate Compliance with Ease:** Leverage our ESO Regulatory Tools to make compliance management a breeze. From education certification to vehicle licensing and medic credentialing, ESO is all you need for compliance.

ESO Regulatory Tools & License Management Systems

- ✓ Previous South Carolina success with our Continuum state apps solution
- ✓ End-to-end licensure management programs that keep everyone on the same page
- ✓ Specialized modules to help you manage the care of patients who need expert resources, from overdose treatment to emergency preparedness and behavioral health crisis needs

While we propose initiating these services using our legacy Continuum state applications solution, which was successful in South Carolina during our current contract, ESO is building the next generation of state regulatory applications, to be released in 2026. These applications will continue to be easy to use for the applicant/certified individual or agency as well as program leadership to navigate daily tasks with visibility. The following description is based on our current legacy program that will match the future state of our new SaaS application.

The ESO Regulatory Tools enable the practical application, approval, and management of licensing for agencies, vehicles, personnel, and education programs. All the regulatory suite components are available to users on any device with a compatible, modern web browser and Internet connectivity to ESO's cloud-hosted infrastructure. As part of the ESO data platform, all data managed by our regulatory applications are available for sharing via external interfaces and extracts for reporting and auditing purposes. Each of the regulatory modules supports printing credentials, licenses, or permits and can be customized to state or regulatory body templates.

Some of the core features of our regulatory solution include:

- **Personnel Licensure:** This module streamlines the certification process for field providers, offering a comprehensive profile system for managing contact information, credentials, training records, and active licenses. Key features include automated National Registry certification integration, disciplinary action management, and automated background checks. State staff have access to internal notes sections for enhanced communication and case management.
- **Agency Licensure:** Provides efficient credentialing and monitoring capabilities for EMS agencies through a tiered organizational structure. Workflows for license approval, inspections, and operational authority can be distributed across State Office, Regional, System, or Agency levels. Each entity maintains detailed profiles covering personnel, vehicles, coverage areas, and specialized services.
- **Vehicle Permitting & Inspections:** Supports comprehensive vehicle management from permit issuance to inspection recording. Vehicle profiles capture detailed demographics including VIN, manufacturer information, and operational status. The system enables custom inspection types with equipment checklists, digital recording of results, and automated notifications for inspection readiness. Results can be printed and distributed to relevant stakeholders.
- **Education Program Credentialing:** Manages the credentialing and oversight of EMS educational institutions, including course management and state exam administration. Educational institutions maintain profiles with location data, course offerings, personnel information, and inspection records. The system supports course approval workflows and instructor management.

Conclusion & Next Steps

We believe the intended sole source justification citing the "extreme burden to convert" significantly underestimates ESO's proven capability and established methodologies for seamless transition.

We respectfully request the opportunity for a competitive RFP process and evaluation to demonstrate the substantial cost savings, minimal disruption, and enhanced service quality we can provide South Carolina's EMS infrastructure. We fully support granting an emergency one-year extension with the current vendor, if necessary, to facilitate a fair, transparent, and competitive RFP process. This approach will ensure the selection of the most qualified and cost-effective EMS software provider for the State of South Carolina.

Contact

May we schedule a meeting to further discuss this process and our ability to meet your needs?

Sam Brown

Chief Operating & Revenue Officer | ESO
2803 Manor Rd, Austin, TX 78722
samuel.brown@eso.com | 866.766.9471

Mark Davidson

Executive Director Strategic Accounts
State / Federal / International
2803 Manor Rd, Austin, TX 78722
mark.davidson@eso.com | 720.732.3614



May 22, 2025

VIA EMAIL AND CERTIFIED MAIL

protest-itmo@itmo.sc.gov

South Carolina Department of Public Health

1201 Main Street, Suite 600

Columbia, SC 29201

Re: Protest of Award – Continuation of RFP No. #5400018083 (Date of Notification: May 19, 2025)

To the Information Technology Management Officer,

Pursuant to the applicable provisions provided in the State's posted Notice of Intent, ESO Solutions, Inc., in connection with the intended award of the above-referenced contract, hereby provides written notice of its intent to protest. This notice is submitted within the time period prescribed for such action and is intended to preserve our right to file a formal protest in accordance with the procedures set forth by the State.

We are preparing our formal protest, which will be filed in accordance with the posted protest procedures. In the interim, we respectfully request that the agency take no further action to finalize or implement the award until the protest has been resolved.

Please advise us of any additional procedural requirements. We appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Brown", with a long, sweeping horizontal line extending to the right.

Sam Brown

Chief Operating Officer

samuel.brown@eso.com

ESO Solutions, Inc.



first due

SOLE SOURCE PROCUREMENT PROTEST

TO: Chief Procurement Officer

FROM: Locality Media, Inc. (dba First Due)

DATE: June 3, 2025

SUBJECT: Protest of Sole Source Award to ImageTrend Inc

I. INTRODUCTION AND STANDING

Locality Media, Inc. ("Protester") hereby formally protests the Department of Public Health's decision to award Electronic Patient Care Reporting (ePCR) software with bi-directional integration with a license management software solution to ImageTrend, Inc. on a sole source basis pursuant to South Carolina Procurement Code Section 11-35-1560 (2024) and Regulation 19-445.2105.

This protest is filed within fifteen (15) business days of May 19, 2025, as required by SC Code § 11-35-4210 (2024).

Protester's Interest: First Due is an award-winning Fire and EMS Software company licensed to do business in South Carolina with a direct economic interest in this procurement. We would be eligible for award if the procurement were conducted competitively as required by state law.

II. PROCUREMENT BACKGROUND

- Procurement Description: Electronic Patient Care Reporting (ePCR) software with bi-directional integration with a license management software solution
- Original Solicitation #: 5400018083
- Contract #: 4400024457
- Estimated Value: \$2,132,000.00
- Awardee: ImageTrend, Inc.
- Original Award Date: September 2020
- State Agency: South Carolina Department of Public Health
- Procurement Officer: Whitney Carswell



III. GROUNDS FOR PROTEST

A. Violation of South Carolina Competitive Procurement Requirements

The procurement violates SC Code § 11-35-1520 (2024), which requires competitive sealed bidding or competitive sealed proposals except in limited circumstances. The agency has failed to demonstrate that this procurement qualifies for an exception under SC Code § 11-35-1560 (2024).

B. Inadequate Sole Source Justification

The written determination does not adequately demonstrate that only one source is reasonably available as required by SC Code § 11-35-1560 (2024).

The justification states, "The basis for this sole source determination and the reason no other vendor is suitable is: ImageTrend is the only known source who can provide the Elite and License Management solutions. These solutions are solely developed and supported by ImageTrend. ImageTrend is the developer of this software and owns the source codes. They do not distribute the source codes to any other vendors or resellers, therefore, development, modification or implementation of their solutions, modules and extensions can only be performed by ImageTrend."

The justification provided by the South Carolina Department of Public Health Division of Procurement Services would be adequate if the procurement was for ImageTrend Elite and ImageTrend License Management software specifically. However, the procurement is for Electronic Patient Care Reporting (ePCR) software with bi-directional integration with a license management software solution.

If sole source procurements can be justified based simply on the assertion that the only source for software being used currently is the provider of that specific software, then almost all software contracts could be sole source procurements. In other words, if the sole source is justified based on the current solution rather than on the agency requirement, then there is no opportunity for competition. This violates the spirit and letter of the South Carolina Consolidated Procurement Code and a key purpose of the procurement laws, which is "to foster effective broad-based competition for public procurement within the free enterprise system." SC Code § 11-35-20 (2024)



C. Lacking Documentation of One Source

The written determination does not adequately demonstrate that only one source is reasonably available as required by SC Code § 11-35-1560 (2024).

The justification lacks sufficient explanation to explain why ImageTrend is one of a kind (SC Code Regs 19-445.2105). It is not clear why the features provided ImageTrend are not available through any other ePCR system. Other sources can track Naloxone on emergent 911 calls, ambulance personnel, services, vehicle license, and demographic information. Other sources can accept data from the Department of Public Health and also provide maximum visibility into licensing statuses for ambulance providers and EMTs.

D. Insufficient Factual Grounds

The Sole Source Procurement Justification does not contain sufficient factual grounds and reasoning to provide an informed, objective explanation for the decision (SC Code Regs 19-445.2105). Rather, there are unsubstantiated assumptions, without which there would be reasonable doubt as to the need for a sole source procurement and competition would need to be solicited per SC Code § 11-35-1560 (2024).

Per the Sole Source Procurement Justification, "Without the use of ImageTrend, there is no guarantee that data exported from ImageTrend would import into a new system." While the text is not exactly clear, this statement seems to indicate that if the Department of Public Health were to stop using ImageTrend then the ambulance companies currently using ImageTrend software would not be able to export their data from ImageTrend systems into a new system.

Because the Department also cannot guarantee that the data exported from ImageTrend would not import into a new system, the Department of Public Health could include this feature as a requirement in a competitive sealed bidding process (SC Code Regs 19-445.2030). Vendors whose bids did not meet the requirement could be rejected (SC Code Regs 19-445.2070), and the Department of Public Health could thus guarantee that data exported from ImageTrend would import to a new system without a sole source procurement.

Per the Sole Source Procurement Justification, "If usage of ImageTrend were to stop, these ambulance companies would individually spend anywhere from \$500-\$800 per year for a reporting service that may or may not provide all the data and reports



necessary for meeting their certification requirements with DPH.” The Department of Public Health does not establish why the ambulance companies would require a reporting service and does not substantiate the claim of additional expenses to the ambulance companies.

E. Deficient Market Research

A more robust market research effort as indicated in SC Code Regs 19-445.2017, would have supplied the Department of Public Health with more than five qualified sources that can perform the work in South Carolina.

These sources were uncovered with a simple web search, which also verified that bi-directional integration between the ePCR and license management is available to varying degrees in multiple sources.

VI. REQUESTED RELIEF

Locality Media, Inc. (dba First Due) respectfully requests that the Chief Procurement Officer:

1. Sustain this protest and find that the sole source award violates South Carolina procurement law
2. Cancel the improper sole source award to ImageTrend, Inc.
3. Require competitive procurement through proper solicitation procedures under SC Code § 11-35-1520 (2024) or SC Code § 11-35-1530 (2024).
4. Enjoin contract performance pending resolution of this protest
5. Any other relief deemed just and proper under South Carolina law

VIII. LEGAL AUTHORITY

This protest is based on South Carolina Statutes and Regulations:

- SC Code § 11-35-1520 Competitive Sealed Bidding
- SC Code § 11-35-1520 Competitive Sealed Proposals
- SC Code § 11-35-1560 Sole Source Procurement
- SC Code § 11-35-4210 Right to Protest
- S.C. Code Regs. 19-445.2105 (Sole Source Procurement)



IX. CONCLUSION

The Department of Public Health's sole source award lacks proper justification under South Carolina law and denies the competitive process required by the South Carolina Consolidated Procurement Code. The State's interests are best served through competitive procurement that maximizes taxpayer value by ensuring the state gets the best deals through fair competition while maintaining the highest ethical standards that build public trust. This approach saves money for citizens, supports local businesses through open competition, and creates a transparent system where all vendors are treated fairly.

This protest is filed in good faith to ensure compliance with South Carolina procurement law and to protect the competitive process that benefits both the State and its vendors.

Respectfully submitted,

Lucinda Robbins

Lucinda Robbins, Director of Revenue Operations

Locality Media, Inc. (dba First Due)

107 7th St. Garden City, NY 11530

206-468-0518

lucinda.robbins@firstdue.com

Exhibit C



June 20, 2025

Mr. John St. C. White
Division of Procurement Services
South Carolina State Fiscal Accountability Authority
1201 Main Street, Suite 600
Columbia, SC 29201

RE: Response to Protests of Intent to Sole Source Award to ImageTrend, Inc.

Dear John,

The South Carolina Department of Public Health (DPH) acknowledges receipt of formal protest submissions from ESO Solutions, Inc. and Locality Media, Inc. (dba First Due) regarding our Notice of Intent to Award a sole source contract to ImageTrend, Inc. for a statewide Electronic Patient Care Reporting (ePCR) system with bi-directional integration to a license management software solution.

DPH continues to believe that the ImageTrend solution very likely meets the criteria for a sole source procurement under SC Code §11-35-1560 and Regulation 19-445.2105, based on the extensive system integrations, proprietary architecture, and statewide reliance across South Carolina's EMS community.

However, Regulation 19-445.2105 also provides that "in cases of reasonable doubt, competition should be solicited." After reviewing the protests and supplemental information, we recognize that both ESO and First Due have raised substantive issues worthy of consideration, particularly in light of the rapid evolution of health information technology and software interoperability. While we are not reversing our position regarding the sole source nature of ImageTrend, we do concede that a reasonable level of doubt now exists that warrants competitive solicitation.

To that end, DPH respectfully requests that the Chief Procurement Officer:

1. Deny the protests only to the extent they seek to block continued service delivery, and
2. Authorize an 18-month extension of Contract #4400024457 (initially awarded under Solicitation #5400018083 in September 2020), extending the contract through February 28, 2027 – a total term of 6-1/2 years.

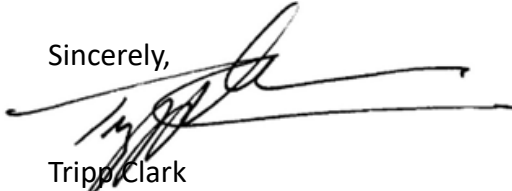
This extension would provide DPH with:

- Sufficient time to develop, publish, and award a competitive procurement for these mission-critical services (estimated as one-year); and
- A necessary operational cushion to prepare for and execute a statewide transition should a new vendor be selected.

DPH remains fully committed to the goals of competition, transparency, and taxpayer value. At the same time, we must ensure that continuity of service, data integrity, and EMS compliance are not compromised in the process. An 18-month extension under the existing contract would allow the agency to uphold all these values while moving forward with a formal solicitation.

We appreciate your consideration and welcome the opportunity to work collaboratively in structuring the next steps.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tripp Clark', written over a horizontal line.

Tripp Clark
Procurement Director

cc: Whitney Carswell, DPH Procurement Manager
Trenessa Jones, DPH Program Manager
Gwen Thompson, DPH Director of Healthcare Quality
Molly Crum, DPH Office of General Counsel
Darbi MacPhail, DPH Chief Finance & Operations Officer

South Carolina Business Opportunities

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

Ad Category: Sole Source and Emergency

Notice Start Date: May 19, 2025

Notice End Date: June 3, 2025

Vendor Name: ImageTrend Inc

Contract Amount: \$2,132,000.00

Agency Procurement Manager: Whitney Carswell

Agency Procurement Manager Email: carswewp@dph.sc.gov

Agency Procurement Manager Telephone#: (803) 898-3472

The Agency hereby provides notice that it intends to enter into a sole source contract per S.C. Code Ann. §11-35-1560 with Vendor for the following supplies, services, information technology, or construction:

DPH, in accordance with South Carolina Procurement Code, Section 11-35-1560 and regulation 19-445.2105, is providing public notice of the intent to award a sole source contract to ImageTrend Inc. The total estimated dollar amount of the five-year service contract purchase is \$2,132,000.00. This is a continuation of services that were competitively solicited in September of 2020 via solicitation #5400018083 and resulted in an awarded contract to ImageTrend.

The South Carolina Department of Public Health (DPH) is seeking a qualified vendor to provide a five-year contract to provide Electronic Patient Care Reporting (ePCR) software with bi-directional integration with a license management software solution. This is a Statewide Emergency Medical Services Electronic Data Reporting System and the Electronic Patient Care Reporting System (ePCR) for Emergency Medical Services (EMS) to include Licensing and Credentialing Information System (CIS). DPH must be able to share data with the ambulance services the agency licenses throughout the state. This system tracks, processes, and stores all data related to DPH's statutory responsibilities. Currently, there are approximately 291 ambulance companies in SC utilizing the Licensure component and approximately 314 ambulance companies utilizing the Elite component of ImageTrend statewide. It would be an extreme burden to convert for not only the agency staff but also for the approximate 300+ ambulance companies.

Qualified vendors should contact Whitney Carswell at carswewp@dph.sc.gov by Midnight ET, June 3, 2025 for additional information.

Agency's justification for a sole source procurement may be viewed or immediately obtained at: Agency Procurement Manager (Listed Above)

PROTESTS:

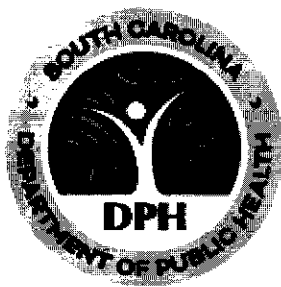
Any actual or prospective bidder, offeror, contractor, or subcontractor aggrieved in connection with the intended award or award of this sole source contract, shall notify the appropriate chief Procurement officer in writing of its intent to protest within five (5) business days of the date this notice is posted. Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this sole source contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner set forth below within fifteen days of the date this notice is posted; except that a matter that could have been raised as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

A protest must be in writing, filed with the appropriate chief procurement officer, and set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided. The protest must be received by the appropriate chief procurement officer within the time provided above. Days are calculated as provided in S.C. Code Ann. § 11-35-310(13).

Any Notice Of Intent To Protest And Protest Must Be Addressed To: Information Technology Management Officer

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>





South Carolina Department of Public Health
DIVISION OF PROCUREMENT SERVICES

301 Gervais Street
Columbia, SC 29201
April 22, 2025

PROCUREMENT OFFICER: Whitney Carswell *wpc*

PO #: _____

PO DATE: _____

COST LESS TAX: \$2,132,000.00

COMMODITY CODE: 94807

SOLE SOURCE PROCUREMENT JUSTIFICATION

Based upon the following determination, the proposed procurement action described below is being procured pursuant to the authority of Section 11-35-1560 of the 1976 South Carolina Procurement Code and section 19-445.2105 of the Rules and Regulations, 1976 SC Code of Laws.

DPH proposes to procure: Electronic Patient Care Reporting (ePCR) software with bi-directional integration with a license management software solution

as a sole source procurement from: ImageTrend Inc
20855 Kensington Blvd
Lakeville, MN 55044

The basis for this sole source determination and the reason no other vendor is suitable is: ImageTrend is the only known source who can provide the Elite and License Management solutions. These solutions are solely developed and supported by ImageTrend. ImageTrend is the developer of this software and owns the source codes. They do not distribute the source codes to any other vendors or resellers, therefore, development, modification or implementation of their solutions, modules and extensions can only be performed by ImageTrend.

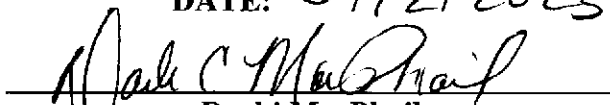
The ePCR software with bi-directional integration with a license management solution is used to allow tracking of Naloxone on emergent 911 calls and used to track ambulance personnel, services, vehicle license, and demographic system which is not available through any other ePCR system. This system was originally procured via solicitation #5400018083 in September 2020 (contract #4400024457). This is a Statewide Emergency Medical Services Electronic Data Reporting System and the Electronic Patient Care Reporting System (ePCR) for Emergency Medical Services (EMS) to include Licensing and Credentialing Information System (CIS). This flow of data allows DPH to share data with the ambulance services the agency licenses throughout the state. This feature allows DPH maximum visibility into licensing statuses for ambulance providers and allows users (EMTs) to stay on top of their certification and licensing needs. This system tracks, processes, and stores all data related to DPH's statutory responsibilities. This data is used daily for quality assurance, department investigations, reporting, and research.

Currently, there are approximately 291 ambulance companies in SC utilizing the Licensure component and approximately 314 ambulance companies utilizing the Elite component of ImageTrend statewide. Without the usage of ImageTrend, there is no guarantee that data exported from ImageTrend would import into a new system. If usage of ImageTrend were to stop, these ambulance companies would individually spend anywhere from \$500-\$800 per year for a reporting service that may or may not provide all the data and reports necessary for meeting their certification requirements with DPH. There would also be a factor of new training involved which could be very time consuming for all. Not only is this a tremendous cost savings, but it allows for ambulance companies and service providers to experience seamless continuity of services.

The purchase of the ImageTrend software and licensing directly supports and aligns with the Agency's mission to protect, promote, and improve the health and well-being of everyone in South Carolina.

CONTRACT PERIOD: 9/1/2025 – 8/31/2030
S.C. Department of Public Health

DATE: 5/1/21/2025



Darbi MacPhail
Chief Financial Officer

The Drug-Free Work Place certification must be obtained for sole source procurements greater than \$50,000.

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