

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) BEFORE THE CHIEF PROCUREMENT
) OFFICER FOR CONSTRUCTION
)
)
)
)

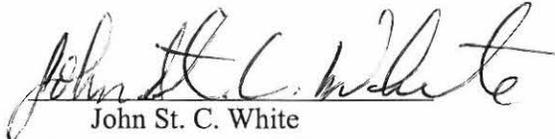
IN THE MATTER OF: BID PROTEST)
ALLEDALE CORRECTIONAL INSTITUTION)
COOLING TOWER REPLACEMENT)
STATE PROJECT NO. N04-9689-NA)
TRIAD MECHANICAL CONTRACTORS, INC.)
vs.)
SC DEPARTMENT OF CORRECTIONS)

DECISION
CASE NO. 2009-018

POSTING DATE: May 12, 2009

IT NOW APPEARING that the protestant, Triad Mechanical Contractors, Inc., has withdrawn its protest of April 27, 2009, this matter is hereby dismissed.¹

IT IS SO ORDERED


John St. C. White
Chief Procurement Officer
for Construction

May 12, 2009
Date

¹ See letter of withdrawal attached as Exhibit A.

STATEMENT OF THE RIGHT TO APPEAL

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

A decision under subsection (4) of this section shall be final and conclusive, unless fraudulent, or unless any person adversely affected by the decision requests a further administrative review by the Procurement Review Panel under Section 11-35-4410(1) within ten calendar days of posting of the decision in accordance with Section 11-35-4210(5). The request for review shall be directed to the appropriate chief procurement officer, who shall forward the request to the Panel, or to the Procurement Review Panel and shall be in writing, setting forth the reasons why the person disagrees with the decision of the appropriate chief procurement officer. The person may also request a hearing before the Procurement Review Panel.

Additional information regarding the protest process is available on the internet at the following web site: <http://www.state.sc.us/mmo/legal/lawmenu.htm>

FILING FEE: Pursuant to Proviso 66.1 of the 2004 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(4). . . . 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 hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2004 S.C. Act No. 248, Part IB, § 66.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, a business must retain 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).



LAQUIERE LAW FIRM, LLC

May 11, 2009

Via Facsimile (1-803-737-0639) Email (protestose@mmo.state.sc.us) and US Mail RCV D MMO

John St. C. White, P.E.
 Chief Procurement Officer for Construction
 Materials Management Office
 1201 Main Street, Suite 600
 Columbia, SC 29201

RE: Allendale Correctional Institution – Cooling Tower Replacement
 Allendale Corr. Inst. – Fairfax, SC
 Project No.: N04-9689-NA

Case Name: Triad Mechanical Contractors, Inc.(Allendale Correctional Protest)
 Our File No: 090039

MAY12 '09 TU 7:38AM

Dear Mr. White:

I am writing to inform you that Triad is withdrawing its protest of the award to Waldrop, Inc. on the above-referenced project. While Waldrop did not provide a schedule at the time of the bid as required by the IFB, the procuring agency made a follow-up request pursuant to section 00201-OSE, paragraph 3.30 of the Supplemental Conditions which permits certain accompanying documents to be submitted within 24 hours of bid opening. Mr. Poston's response to our FOIA request documents that Waldrop submitted its schedule pursuant to this follow-up request. Based upon this new information, Triad respectfully withdraws its protest.

Please call me if you have any questions.

Sincerely,

LAQUIERE LAW FIRM, LLC


 Eric B. Laquiere

EBL/jm

Cc: Waldrop, Inc. (via facsimile 864-578-3419)