STATE OF SOUTH CAROLINA	)	**BEFORE THE CHIEF PROCUREMENT**
COUNTY OF RICHLAND	)	**OFFICER FOR CONSTRUCTION**
	)	
	)	
IN THE MATTER OF: CANCELLATION	)	
OF AWARD	)	
DEMOLITION OF VARIOUS NAVAL –	)	
COMPLEX STRUCTURES-ASBESTOS	)	**WRITTEN DETERMINATION**
STATE PROJECT M10-N054-MJ-A	)	
CHARLESTON NAVAL COMPLEX	)	**POSTING DATE: March 27, 2003**
REDEVELOPMENT AUTHORITY	)	
	)	
	)	

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from the Charleston Naval Complex Redevelopment Authority (RDA) under the provisions of §11-35-1520(7) of the South Carolina Consolidated Procurement Code (Code), for a determination of appropriateness regarding RDA's intent to cancel a contract for construction with Environmental Projects Group, Inc.

BASIS FOR THE REQUEST

The circumstances giving rise to this determination are set forth in the attached letter from RDA to the CPOC. This letter is hereby incorporated into this Determination.

Based on the facts stated above, and under the authority granted by SC Code Regulation 19-445.2085(C), the CPOC hereby cancels, prior to performance and in its entirety, the Notice of Intent to Award to Environmental Projects Group, Inc. The Charleston Naval Complex Redevelopment Authority may proceed to formally notify Environmental Projects Group, Inc. of the cancellation of this award.

IT IS SO ORDERED

Michael M. Thomas
Chief Procurement Officer for Construction
March 27, 2003
Date

STATEMENT OF THE RIGHT TO APPEAL

By canceling the intent to award prior to performance, this Decision also serves as a written determination under Section 11-35-1520(7) and Regulation 19-445.2085(C). The South Carolina Procurement Code, under Section 11-35-4410, subsection (1)(b), states:

> (1) Creation. There is hereby created The South Carolina Procurement Review Panel which shall be charged with the responsibility to review and determine *de novo*:
>
> …
>
> (b) requests for review of other written determinations, decisions, policies, and procedures as arise from or concern the procurement of supplies, services, or construction procured in accordance with the provisions of this code and the ensuing regulations; provided that any matter which could have been brought before the chief procurement officers in a timely and appropriate manner under Sections 11-35-4210, 11-35-4220, or 11-35-4230, but was not, shall not be the subject of review under this paragraph. Requests for review under this paragraph shall be submitted to the Procurement Review Panel in writing, setting forth the grounds, within fifteen days of the date of such written determination, decisions, policies, and procedures.

Additional information regarding the administrative review process is available on the internet at the following Web site: http://www.state.sc.us/mmo/legal/lawmenu.htm

James C. Bryan
Chairman

Lonnie Hamilton, III
Vice Chairman

Ronnie M. Givens
Secretary/Treasurer

Charleston Naval Complex
Redevelopment Authority

James M. Deaton

Lou Mintz

Nolan P. Welborn
Assistant Secretary/Treasurer

Jack C. Sprott
Executive Director

Margaret

March 19, 2003

Mr. Michael M. Thomas, P.E., State Engineer
Office of State Engineers
1201 Main Street, suite 600
Columbia, S.C. 29201

Subject: **M10-N054-MJ-A: DEMOLITION OF VARIOUS NAVAL COMPLEX STRUCTURES – ASBESTOS**

Dear Mr. Thomas:

By letter dated December 27, 2002, we forwarded a Notice of Intent to Award (SE-370) for the subject contract for your information. Then by letter dated January 31, 2003, we forwarded the Request for Authority to Execute a Construction Contract (SE-380) for the same contract.

This contract was for phase I effort to remove asbestos-containing materials and materials coated with lead-based paint. A subsequent contract would provide for the demolition and removal of the several buildings and appurtenances.

Subsequent to receipt of bids and our request to award the contract, the RDA and the City of North Charleston entered into the final stages of completing an agreement imposed by the State Legislature to convey part of the Charleston Naval Base Complex to the City of North Charleston.

One of the buildings to be demolished (Bldg. 234) is on the property to be conveyed, within weeks. The City intends to sell the property to a private developer (Noisette Company) based on an earlier agreement between the City and the developer.

Since the project is funded largely by an Economic Development Authority (EDA) grant and since the private developer is not grant eligible, the developer has no interest in taking this project on under his present plans.

Therefore, we request permission to cancel the Notice of Intent to Award (SE-370) that we forwarded on December 27, 2002.

If you have any questions, please contact me at (843) 747-0010.

Sincerely,

T. Eugene Knisley, P.E.
Operations Director

1360 Truxtun Avenue, Suite 300 • North Charleston, SC 29405-2005
Phone (843) 747-0010 • Fax (843) 747-0054