

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

**BEFORE THE CHIEF PROCUREMENT OFFICER**

**WRITTEN DETERMINATION**

**In Re:** Cancellation of Award to  
Reserve Electrical Services

CASE NO.: 2015-206

**Cancellation of Award Prior to  
Performance**

POSTING DATE: August 18, 2014

Solicitation No. 5400008170  
Maintenance of Fire Alarms & Smoke  
Detectors

MAILING DATE: August 18, 2014

This matter is before the Chief Procurement Officer for Information Technology (CPO) pursuant to a request from the South Carolina Department of Natural Resources (DNR) [Ex. 1] under the provisions of §11-35-1520(7) of the South Carolina Consolidated Procurement Code (Code), and Budget and Control Board Regulation 19-445.2085(C) to cancel an award to Reserve Electrical Services for Maintenance of Fire Alarms and Smoke Detectors prior to performance due to an administrative error in determining the lowest responsive and responsible bidder.

**Basis for the Request**

The Department of Natural Resources issued solicitation 5400008170 for Maintenance of Fire Alarms and Smoke Detectors on July 23, 2014. The solicitation included 6 line items:

Maintenance for Fire Alarm and Smoke: Detector Systems for Administration Building, MRR1 Building and Marshland House complying with all specifications listed in the solicitation and statement of work.

CO2 systems inspections for Marshlands: House and CCEHBR Building complying with all specifications listed in the solicitation and statement of work.

Inspection of sprinkler system for Marshlands House and Physical Plant Building complying with all specifications listed in the solicitation and statement of work.

Hourly Labor Rate for Technician

Hourly Labor Rate for Helper

Parts discount for necessary repairs

The solicitation indicated that award would be made to the lowest responsible and responsive bidder( s ) and award would be made to a single Offeror. An award was issued on August 12, 2014 to Reserve Electrical Services based only on the price for line item number one (1) instead of the total of all line items. [Ex. 2] DNR Procurement

Manager Jessica Monts became aware of the error and requested cancellation of the award prior to performance under Regulation 19-445.2085(C)(7), citing an administrative error in determining the lowest responsive and responsible bidder.. A review of the bid tabulation [Ex 3] supports the determination that the award was not made to the lowest responsive and responsive bidder as required by Section 11-35-1520(10).

### **Determination**

The award to Reserve Electrical Services is cancelled under Regulation 19-445.2085(C) and the Department of Natural Resources is directed to award to the lowest responsive and responsible bidder taking in to account all line items in the bid.



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**Michael B. Spicer**  
**Chief Procurement Officer for Information Technology**

## STATEMENT OF RIGHT TO ADMINISTRATIVE REVIEW

*Written Determination Appeal Notice (Revised June 2013)*

The South Carolina Procurement Code, in 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 arising from or concerning the procurement of supplies, services, information technology, or construction procured in accordance with the provisions of this code and the ensuing regulations; except that a matter which could have been brought before the chief procurement officers in a timely and appropriate manner pursuant to Sections 11-35-4210, 11-35-4220, or 11-35-4230, but was not, must not be the subject of review under this paragraph. Requests for review pursuant to this paragraph must be submitted to the Procurement Review Panel in writing, setting forth the grounds, within fifteen days of the date of the written determinations, decisions, policies, and procedures.

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Copies of the Panel's decisions and additional information regarding the protest process is available on the internet at the following web site: [www.procurementlaw.sc.gov](http://www.procurementlaw.sc.gov)

**FILE BY CLOSE OF BUSINESS:** Requests must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

**FILING FEE:** Pursuant to Proviso 108.1 of the 2013 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 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.” PLEASE MAKE YOUR CHECK PAYABLE TO THE “SC PROCUREMENT REVIEW PANEL.”

**LEGAL REPRESENTATION:** In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003); and *Protest of PC&C Enterprises, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

**South Carolina Procurement Review Panel  
Request for Filing Fee Waiver  
1105 Pendleton Street, Suite 202, Columbia, SC 29201**

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\_\_\_\_\_  
Name of Requestor

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Business Phone

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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: \_\_\_\_\_

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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.**

South Carolina Department of  
**Natural Resources**



**Alvin T. Taylor**  
Director

**Scott Speares**  
Interim Deputy Director for  
Outreach & Support Services

August 13, 2014

To: John White, Chief Procurement Officer, SC Materials Management Office  
From: Jessica Monts, Procurement Manager, SC Department of Natural Resources  
Re: Cancellation of Award for Solicitation 5400008170

In regards to the SC Department of Natural Resources (SCDNR) award of Solicitation 5400008170, Maintenance for Fire Alarms and Smoke Detectors, I would like to recommend Cancellation of Award Prior to Performance under SC Reg. 19-445-2085 (C). I based the award of this contract on line item one (1) for the Maintenance of Fire Alarm and Smoke Detectors and awarded Reserve Electrical Services the contract, however, I did not state in the scope of work or the solicitation terms and conditions that line item one (1) would be the basis for award. Coastal Burglar Alarm is the low bidder for this contract when all yearly cost line items (1-3) are factored into the preference calculator (preference sheet attached).

Since the evaluation criteria was not stated clearly in both the scope of work and solicitation terms and conditions I would like to request to have this award cancelled and a new award issued to Coastal Burglar Alarm.

Please let me know if any further information is needed for evaluation regarding this request.

Thank you for your help with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jessica Monts".

Jessica Monts,  
Procurement Manager, SCDNR

Attachments  
Cc: File

Exhibit 2

STATE OF SOUTH CAROLINA  
SC DEPARTMENT OF NATURAL RESOURCES  
ATTN: PROCUREMENT SERVICES  
1000 ASSEMBLY STREET, ROOM 142  
COLUMBIA SC 29201

Contract award  
Notification sent  
to all bidders via  
email. JM  
8/12/14

Statement of Award

Posting Date: August 12, 2014

Solicitation: 5400008170  
Description: Maintenance for Fire & Smoke Alarms  
Agency: SC Department of Natural Resources

The State awards the contract(s) noted below. This document is the final Statement of Award, effective 17:00:00, August 12, 2014. Unless otherwise provided in the solicitation, the final statement of award serves as acceptance of your offer.

Contractor should not perform work on or incur any costs associated with the contract prior to the effective date of the contract. Contractor should not perform any work prior to the receipt of a purchase order from the using governmental unit. The State assumes no liability for any expenses incurred prior to the effective date of the contract and issuance of a purchase order.

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest within ten days of the date notification of award is posted in accordance with this code. A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the appropriate Chief Procurement Officer within the time provided. [Section 11-35- 4210]

PROTEST - CPO ADDRESS - MMO: Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing

- (a) by email to protest-mmo@mno.sc.gov ,
- (b) by facsimile at 803-737-0639 , or
- (c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201.

Contract Number: 4400009089  
Awarded To: RESERVE ELECTRICAL SERVICES  
922 COLLEGE PARK ROAD  
SUMMERVILLE SC 29483

Total Potential Value: \$ 99,000.00  
Maximum Contract Period: August 12, 2014 through August 11, 2019

Item	Description	Unit Price	Total
00001	Maintenance for Fire Alarm and Smoke per year	\$ 385.00	\$ 385.00
00002	CO2 systems inspections for Marshlands per year	\$ 135.00	\$ 135.00
00003	Inspection of sprinkler system for per year	\$ 275.00	\$ 275.00
00004	Hourly Labor Rate for Technician per hour	\$ 75.00	\$ 75.00
00005	Hourly Labor Rate for Helper per hour	\$ 40.00	\$ 40.00
00006	Parts discount for necessary repairs	10%	10%

Procurement Officer  
JESSICA MONTS

Exhibit 3

STATE OF SOUTH CAROLINA  
DEPARTMENT OF NATURAL RESOURCES

**SERVICE CONTRACT BID TABULATION SHEET**

Buyer: Jessica Monts Tabulated By: QM/TN Solicitation#: 54-8170  
 Issue Date: 7/23/14 Opening/Closing Date: 8/8/14 Posting Date: 8/11/14  
 Mandatory Pre-Bid Conference Date/Time: 7/31/14 10:00AM Contract Term: YES  
 Certificate of Insurance Required: Y/N Performance Bond Required: Y/N Amendments#: none  
 Solicitation Description: Maintenance for Fire & Smoke Alarms

Vendor	RCP	RSCP	RCP+RSCP	RSCP-2%	RSCP-4%	STATE OFFICE	BID AMOUNT	AMENDMENT
<input checked="" type="checkbox"/> VSC Fire & Security 7000144743							\$585. <sup>00</sup>	
							\$850. <sup>00</sup>	
							\$250. <sup>00</sup>	
							\$72. <sup>59</sup> /hr	
							\$65. <sup>00</sup> /hr.	
							10% off cost	
<input checked="" type="checkbox"/> Fire & Life Safety America 7000211194				X			\$150. <sup>00</sup>	
							\$180. <sup>00</sup>	
	<input checked="" type="checkbox"/>			X			\$60. <sup>00</sup>	
							\$70. <sup>00</sup>	
							\$70. <sup>00</sup>	
							15% off list	
<input checked="" type="checkbox"/> Coastal Burglar Alarm 7000071386							\$400. <sup>00</sup>	
							\$50. <sup>00</sup>	
							\$1. <sup>00</sup>	
							\$50. <sup>00</sup>	
							\$40. <sup>00</sup>	

Vendor	RCP	RSCP	RCP+RSCP	RSCP-2%	RSCP-4%	STATE OFFICE	BID AMOUNT	AMENDMENT
✓ Tri Tek Fire & Safety							20%	
700005064							\$995.00	
							\$275.00	
							\$95.00	
							\$30.00	
✓ Reserve Electrical Services				X	X		10%	
7000129312							\$385.00 - Low Bid	
							\$135.00	
							\$275.00	
							\$75.00	
							\$40.00	
✓ Simplex Grinnell	X						10%	
7000121146	X						\$425.00	
	X						\$250.00	
							\$286.00	
							\$125/hr	
							\$125/hr	
							25% off list	
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