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## Protest Decision

**Matter of:** Ferguson Enterprises, Inc.

**Case No.:** 2018-134

**Posting Date:** April 5, 2018

**Contracting Entity:** South Carolina Department of Corrections

**Solicitation No.:** 5400014738

**Description:** Water Heaters – SCDC Contract

### DIGEST

Protest that awarded bidder may provide equipment failing to comply with the solicitation requirements is denied. Ferguson Enterprises' letter of protest is included by reference.

[Attachment 1]

### AUTHORITY

The Chief Procurement Officer<sup>1</sup> conducted an administrative review pursuant to S.C. Code Ann. §11-35-4210(4). This decision is based on materials in the procurement file and applicable law and precedents.

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<sup>1</sup> The Materials Management Officer delegated the administrative review of this protest to the Chief Procurement Officer for Information Technology.

## BACKGROUND

<i>Event</i>	<i>Date</i>
Solicitation Issued	01/09/2018
Intent to Award Issued	02/05/2018
Protest Received	02/07/2018

## ANALYSIS

The South Carolina Department of Corrections issued this Invitation for Bids on January 9, 2018, to establish a term contract for commercial water heaters. This is a one year contract with three one-year renewals. An intent to award was posted to W. A. Bragg & Co. Inc. (WAB) on February 5, 2018. The total potential value of the contract is \$692,616.00. Ferguson protested the award on February 7, 2018. Ferguson's protests that based on WAB's low price the products bid cannot possibly be compliant with the solicitation requirements for 390,000 btu output or ASME certification:

It appears that there is an Intent To Award W.A Bragg out of Georgia on this contract, but the price is beyond anything that would be correct for the corresponding specifications of the original bid.

I have a feeling that based off of the price point that is listed on the intent to bid, they did submit on the NON-ASME rated boiler, which is illegal to install in the State of South Carolina. ... We are also a State Water Heater distributor, so are very familiar with the price point, and the price point on the intent to award is a NON-ASME rated price point.

Based off of the price point they have given they are possibly not quoting on a 390,000 btu output.

WAB submitted a hard copy of its bid that included the required cover sheet and page 2, the completed bid schedule, and specification sheets for the products bid. [Attachment 2] Under the heading "Codes and Standards" in the descriptive literature WAB included is a bullet point that reads, "Optional ASME Tank construction available on select models." The tendering text on the bid schedule clearly requires "Heater to be ASME certified." WAB did not indicate any exception to this requirement in its bid. On January 29, 2018, after bid opening but prior to

award, the procurement officer sought and received confirmation from WAB that its price was “firm and final.” [Attachment 3]

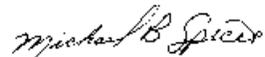
The burden is on the protestant to demonstrate that WAB bid products that do not meet the requirements of the solicitation. Generally, that determination must be made from the four corners of the bid itself. Nothing in WQB’s bid suggests it will not provide the equipment specified by the Department. Ferguson provides only speculation based on WAB’s low price that the products bid do not meet the requirements of the solicitation.

WAB was determined to be a responsible bidder and has agreed to perform in accordance with the contract at the price bid. Ferguson's allegation that WAB bid non-conforming products or that WAB will not be able to fully perform the contract because of its pricing is based upon speculation and conjecture. This is matter of contract administration and there is no basis for rejecting WAB’s bid based on a belief that it may violate the contract. *See, e.g., Appeal by Otis Elevator Company*, Panel Case No. 2017-1; *Appeal by Catamaran*, Panel Case No. 2015-2.

## **DECISION**

For the reasons stated above, the protest of Ferguson Enterprises, Inc. is denied.

For the Materials Management Office



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Michael B. Spicer  
Chief Procurement Officer

## Attachment 1

**From:** [Seth.Harms@Ferguson.com](mailto:Seth.Harms@Ferguson.com)  
**To:** [Protest-MMO](#)  
**Subject:** PROTESTING INTENT TO AWARD SOLICITATION 5400014738  
**Date:** Wednesday, February 07, 2018 3:43:24 PM  
**Attachments:** [20180207142822885.pdf](#)  
**Importance:** High

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Hello,

My name is Seth Harms and I work at Ferguson Enterprises in Columbia SC.

We had submitted a quote on solicitation 5400014738 SC Department

Our vendor number is: 70000149370

It appears that there is an Intent To Award W.A Bragg out of Georgia on this contract, but the price is beyond anything that would be correct for the corresponding specifications of the original bid.

Is there any documentation as to what they submitted on other than what is listed on the intent to award?

I have a feeling that based off of the price point that is listed on the intent to bid, they did submit on the NON-ASME rated boiler, which is illegal to install in the State of South Carolina. Even that would be a heavy stretch based off of what they quoted. I have reached out to the representative for State Water Heaters for North and south Carolina, who have in turn contacted State Water heaters, and nobody agrees that the price quoted is anywhere in line with what the unit price should be.

Would you be so kind as to let me know if there is any more documentation as to what exactly they quoted?

We are also a State Water Heater distributor, so are very familiar with the price point, and the price point on the intent to award is a NON-ASME rated price point.

Based off of the price point they have given they are possibly not quoting on a 390,000 btu output.

There is something very wrong with the awarded bid prices, and I would like some more information as to what they submitted prior to completing the award process.

We have had a long standing relationship with SC Department of Corrections as a vendor, and are concerned that the material that is quoted is not the material that will be delivered.

I would suggest you reach out to the Department of Corrections, as well as WA Bragg prior to officially awarding this contract, as the price is beyond discrepant.

Thank you,

Seth Harms

Seth Harms  
Ferguson Enterprises # 27  
A Wolsley Company  
9221 Farrow Road

Attachment 2

	<b>State of South Carolina</b>  <b>Invitation For Bid</b>	Solicitation: 5400014738 Date Issued: 01/09/2018 Procurement Officer: MYRTLE DEWERDT Phone: 803-896-8582 E-Mail Address: dewerd.myrrtle@doc.state.sc.us Mailing Address: SC Department of Corrections Attn: Purchasing Branch 4420 Broad River Road Columbia SC 29210
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DESCRIPTION: **WATER HEATERS - SDC CONTRACT**  
 USING GOVERNMENTAL UNIT: **Department of Corrections**

*The Term "Offer" Means Your "Bid" or "Proposal". Your offer must be submitted in a sealed package. Solicitation Number & Opening Date must appear on package exterior. See "Submitting Your Paper Offer or Modifications" provision.*

SUBMIT YOUR SEALED OFFER TO EITHER OF THE FOLLOWING ADDRESSES:

MAILING ADDRESS: SC Department of Corrections Attn: Purchasing Branch 4420 Broad River Road Columbia SC 29210	PHYSICAL ADDRESS: SC Department of Corrections Attn: Purchasing Branch 4420 Broad River Road Columbia SC 29210
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SUBMIT OFFER BY (Opening Date/Time): **01/29/2018 @ 10:00:00** (See "Deadline For Submission Of Offer" provision)

NUMBER OF COPIES TO BE SUBMITTED: **1**

CONFERENCE TYPE: <b>Not Applicable</b> DATE & TIME:  (As appropriate, see "Conferences - Pre-Bid/Proposal" & "Site Visit" provisions)	LOCATION: <b>Not Applicable</b>
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**AWARD & AMENDMENTS** Award will be posted on **02/05/2018**. The award, this solicitation, any amendments, and any related notices will be posted at the following web address: <http://www.procurement.sc.gov>

You must submit a signed copy of this form with Your Offer. By signing, You agree to be bound by the terms of the Solicitation. You agree to hold Your Offer open for a minimum of thirty (30) calendar days after the Opening Date. (See "Signing Your Offer" provision.)

NAME OF OFFEROR <i>W.A. Bragg &amp; Co., Inc.</i> (full legal name of business submitting the offer)	Any award issued will be issued to, and the contract will be formed with, the entity identified as the Offeror. The entity named as the offeror must be a single and distinct legal entity. Do not use the name of a branch office or a division of a larger entity if the branch or division is not a separate legal entity, i.e., a separate corporation, partnership, sole proprietorship, etc.
AUTHORIZED SIGNATURE  (Person must be authorized to submit binding offer to contract on behalf of Offeror.)	DATE SIGNED <i>1-22-18</i>
TITLE <i>Co-owner</i> (business title of person signing above)	STATE VENDOR NO. <i>7000235012</i> (Register to Obtain S.C. Vendor No. at <a href="http://www.procurement.sc.gov">www.procurement.sc.gov</a> )
PRINTED NAME <i>Darrell A. Bragg</i> (printed name of person signing above)	STATE OF INCORPORATION <i>Georgia</i> (If you are a corporation, identify the state of incorporation.)
OFFEROR'S TYPE OF ENTITY: (Check one) (See "Signing Your Offer" provision.) <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Other <i>"S" Corporation</i> <input checked="" type="checkbox"/> Corporate entity (not tax-exempt) <input type="checkbox"/> Corporation (tax-exempt) <input type="checkbox"/> Government entity (federal, state, or local)	

**PAGE TWO**  
(Return Page Two with Your Offer)

<p><b>HOME OFFICE ADDRESS</b> (Address for offeror's home office / principal place of business)</p> <p>W.A. Bragg &amp; Co., Inc. 2513 Mike Padgett Hwy. Augusta, GA 30906</p>	<p><b>NOTICE ADDRESS</b> (Address to which all procurement and contract related notices should be sent.) (See "Notice" clause)</p> <p>Darrell A. Bragg 40 W.A. Bragg &amp; Co., Inc. 420 Columbia Industrial Blvd Evans, GA 30809</p> <p>706-860-0150 Area Code - Number - Extension Facsimile</p> <p>darrell@wabragg.com E-mail Address</p>
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<p><b>PAYMENT ADDRESS</b> (Address to which payments will be sent.) (See "Payment" clause)</p> <p>W.A. Bragg &amp; Co., Inc. 2513 Mike Padgett Hwy. Augusta, GA 30906</p> <p><input checked="" type="checkbox"/> Payment Address same as Home Office Address <input type="checkbox"/> Payment Address same as Notice Address (check only one)</p>	<p><b>ORDER ADDRESS</b> (Address to which purchase orders will be sent) (See "Purchase Orders and "Contract Documents" clauses)</p> <p>Darrell A. Bragg 40 W.A. Bragg &amp; Co., Inc. 420 Columbia Industrial Blvd. Evans, GA 30809</p> <p><input type="checkbox"/> Order Address same as Home Office Address <input checked="" type="checkbox"/> Order Address same as Notice Address (check only one)</p>
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**ACKNOWLEDGMENT OF AMENDMENTS**

Offerors acknowledges receipt of amendments by indicating amendment number and its date of issue. (See "Amendments to Solicitation" Provision)

Amendment No.	Amendment Issue Date						

<b>DISCOUNT FOR PROMPT PAYMENT</b> (See "Discount for Prompt Payment" clause)	10 Calendar Days (%)	20 Calendar Days (%)	30 Calendar Days (%)	____ Calendar Days (%)
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**PREFERENCES - A NOTICE TO VENDORS (SEP. 2009):** On June 16, 2009, the South Carolina General Assembly rewrote the law governing preferences available to in-state vendors, vendors using in-state subcontractors, and vendors selling in-state or US end products. This law appears in Section 11-35-1524 of the South Carolina Code of Laws. A summary of the new preferences is available at [www.procurement.sc.gov/preferences](http://www.procurement.sc.gov/preferences). **ALL THE PREFERENCES MUST BE CLAIMED AND ARE APPLIED BY LINE ITEM, REGARDLESS OF WHETHER AWARD IS MADE BY ITEM OR LOT. VENDORS ARE CAUTIONED TO CAREFULLY REVIEW THE STATUTE BEFORE CLAIMING ANY PREFERENCES. THE REQUIREMENTS TO QUALIFY HAVE CHANGED. IF YOU REQUEST A PREFERENCE, YOU ARE CERTIFYING THAT YOUR OFFER QUALIFIES FOR THE PREFERENCE YOU'VE CLAIMED. IMPROPERLY REQUESTING A PREFERENCE CAN HAVE SERIOUS CONSEQUENCES.** [11-35-1524(E)(4)&(6)]

**PREFERENCES - ADDRESS AND PHONE OF IN-STATE OFFICE:** Please provide the address and phone number for your in-state office in the space provided below. An in-state office is necessary to claim either the Resident Vendor Preference (11-35-1524(C)(1)(i)&(ii)) or the Resident Contractor Preference (11-35-1524(C)(1)(iii)). Accordingly, you must provide this information to qualify for the preference. An in-state office is not required, but can be beneficial, if you are claiming the Resident Subcontractor Preference (11-35-1524(D)).

W.A. Bragg & Co., Inc. Phone #  
4 Caldwell Court 803-642-6000  
Aiken, SC 29801

In-State Office Address same as Home Office Address  In-State Office Address same as Notice Address (check only one)

VIII. BIDDING SCHEDULE / PRICE-BUSINESS PROPOSAL

BIDDING SCHEDULE (NOV 2007)

Line Number	Quantity	Unit of Measure	Unit Price	Extended Price
0001	15	each	# 5771 <sup>80</sup>	# 86,577 <sup>00</sup>
<b>Product Catg.:</b> 67091 - Water Heaters Commercial				
<b>Item Description:</b> 100 GAL 390 MBH NATUAL Gas Water Heater				
<b>Tendering Text:</b> GLASS LINED COMMERCIAL GAS WATER HEATER				
<ol style="list-style-type: none"> <li>1. 100 gallon capacity</li> <li>2. 300,00 to 400,000 BTU/HR natural gas</li> <li>3. 350 to 450 first hour delivery- gallons 100 degree rise</li> <li>4. 296-390 recovery, GPH @ 100 degree rise</li> <li>5. Heater to be ASME certified</li> <li>6. 150 PSI working pressure</li> <li>7. Inspection port/handhold clean out</li> <li>8. Automatic flue damper</li> <li>9. Controls to shut off heater if gas supply fails to ignite</li> <li>10. AGA/ASME safety relief valve</li> <li>11. Anode rods to protect against corrosion</li> <li>12. Thermal efficiency rating of 80% plus</li> <li>13. Gas connection to be 4 1/2" from floor</li> <li>14. Three (3) water connection options, (back, front, &amp; top)</li> <li>15. Cold connection on front shall be 26 3/4" from floor</li> <li>16. Hot connection on front shall be 59" from floor.</li> </ol>				
<b>Internal Item Number:</b> 1				
Question	Mandatory / Optional	Multiple Responses Accepted?	Response	
Are you requesting the SC Resident Vendor Preference? See the SC Procurement Code, Section 11-35-1524(C)(1)(I)&(II) and Section IIB of this solicitation for more information. For a FAQ on these preferences, please see <a href="http://www.procurement.sc/preferences">www.procurement.sc/preferences</a>	Mandatory	No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SC End-Product Pref. Section 11-35-1524 (B)(2). Select SC End Product Preference if product is made, manufactured or grown in SC. Select No, if not claiming a preference.	Mandatory	No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
US End-Product Pref. Section 11-35-1524, (B)(1). Select US End Product if product is made, manufactured or grown in the US. Select No, if not claiming a preference.	Mandatory	No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

*AWP*

WA Resources & Co

Line Number	Quantity	Unit of Measure	Unit Price	Extended Price
0002	15	each	# 5771.50	# 86,577.00
<b>Product Catg.:</b> 67091 - Water Heaters Commercial				
<b>Item Description:</b> 100 GAL 390 MBH LP Gas Water Heater				
<b>Tendering Text:</b> GLASS LINED COMMERCIAL GAS WATER HEATER				
<ol style="list-style-type: none"> <li>1. 100 gallon capacity</li> <li>2. 300,00 to 400,000 BTU/HR propane</li> <li>3. 350 to 450 first hour delivery- gallons 100 degree rise</li> <li>4. 296-390 recovery, GPH @ 100 degree rise</li> <li>5. Heater to be ASME certified</li> <li>6. 150 PSI working pressure</li> <li>7. Inspection port/handhold clean out</li> <li>8. Automatic flue damper</li> <li>9. Controls to shut off heater if gas supply fails to ignite</li> <li>10. AGA/ASME safety relief valve</li> <li>11. Anode rods to protect against corrosion</li> <li>12. Thermal efficiency rating of 80% plus</li> <li>13. Gas connection to be 4 1/2" from floor</li> <li>14. Three (3) water connection options, (back, front, &amp; top)</li> <li>15. Cold connection on front shall be 26 3/4" from floor</li> <li>16. Hot connection on front shall be 59" from floor.</li> </ol>				
<b>Internal Item Number:</b> 2				
Question	Mandatory / Optional	Multiple Responses Accepted?	Response	
Are you requesting the SC Resident Vendor Preference? See the SC Procurement Code, Section 11-35-1524(C)(1)(I)&(II) and Section IIB of this solicitation for more information. For a FAQ on these preferences, please see <a href="http://www.procurement.sc/preferences">www.procurement.sc/preferences</a>	Mandatory	No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SC End-Product Pref. Section 11-35-1524 (B)(2). Select SC End Product Preference if product is made, manufactured or grown in SC. Select No, if not claiming a preference.	Mandatory	No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
US End-Product Pref. Section 11-35-1524, (B)(1). Select US End Product if product is made, manufactured or grown in the US. Select No, if not claiming a preference.	Mandatory	No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	



# Commercial Gas Water Heaters

## SANDBLASTER®

### SELF-CLEANING COMMERCIAL GAS WATER HEATER — SBD MODELS

Sandblaster® is the original money-saving self-cleaning water heater. It provides outstanding performance and installation flexibility for new construction and replacement applications. The Sandblaster SBD series offers installer-friendly features, including compact low-profile design, multiple options for water connections and low installation clearances.

#### ✂ FACTORY-INSTALLED DRAFT DIVERTER AND AUTOMATIC FLUE DAMPER (SBD-120-400 MODELS)

- Low-profile draft diverter helps for installation in tight spaces
- Automatic motorized flue damper helps minimize standby heat loss
- SBD85-500 Model features induced draft design and no damper

#### ✂ THREE WATER CONNECTION OPTIONS FOR ADDED FLEXIBILITY

- Hot and cold water connections can be made through front, top or back of unit
- HYDRO CANNON™ system operates when cold water is connected through front

#### PERMAGLAS® ULTRA COAT™ GLASS LINING

- Exclusive process provides superior protection against corrosion
- CoreGard™ anode rods with stainless steel core provide additional corrosion protection

#### ✂ INTERMITTENT ELECTRONIC IGNITION

- Eliminates standing pilot, saves energy
- Includes power ON/OFF switch
- Provides flame failure response in less than one second

#### ✂ FACTORY-INSTALLED, CSA CERTIFIED AND ASME RATED T&P RELIEF VALVE

#### ✂ MAXIMUM HYDROSTATIC WORKING PRESSURE: 160 PSI CODES AND STANDARDS

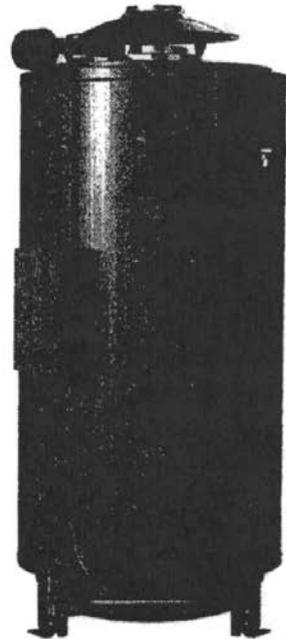
- Design-certified by UL (Underwriters Laboratories), according to ANSI Z.21.10.3 - CSA 4.3 standards governing storage-type water heaters
- Meets the thermal efficiency and standby loss requirements of the U. S. Department of Energy and current edition of ASHRAE/IESNA 90.1
- Design-certified by Underwriters Laboratories Sanitation to NSF Standard 5 for 180°F (82°C) water
- Optional ASME tank construction available on select models

#### HYDRO CANNON™ SELF-CLEANING SYSTEM

- Designed to significantly reduce or eliminate sediment build-up inside the tank
- Reduced sediment build-up maintains rated thermal efficiency and reduces water heating costs
- Self-cleaning system maximizes tank life

#### ✂ 3-YEAR LIMITED TANK / 1-YEAR LIMITED PARTS WARRANTY

- For complete warranty information, consult written warranty or [statewaterheaters.com](http://statewaterheaters.com).



HYDRO CANNON™



# SOLID. STATE.

*Handwritten: 1000 3000 2000*



# Commercial Gas Water Heaters

### OTHER SANDBLASTER® FEATURES

#### FULLY AUTOMATIC CONTROL SYSTEM

- Manual-reset gas shut-off device prevents excessive water temperature
- Adjustable thermostat with 120°F — 180°F range
- Gas pressure regulator and pilot filter

#### HANDHOLE CLEANOUT

- Allows easy access to tank interior for cleaning

#### PLUG KITS

- Pipe nipples and caps included to plug unused water connections SANDBLASTER® options.

#### MANIFOLD KITS FOR MULTIPLE HEATER INSTALLATIONS

- 2-unit kit, Part Number 9003426205
- 3-unit kit, Part Number 9003427205
- 4-unit kit, Part Number 9003428205

#### OPTIONAL LEG KIT TO MEET NSF STANDARD 5

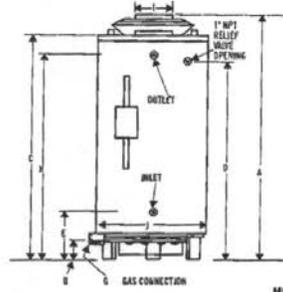
- For all SBD models, Part Number 9003425205

#### MECHANICAL VENTING KITS

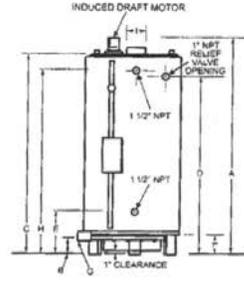
- For SBD71 120NE through SBD100 199NES, Part Number 9005381205
- For SBD100 250NE through SBD100 390NE, Part Number 9003434205
- For installation of approved power venter to operate in conjunction with water heater thermostat
- Field wiring should conform to latest version of the National Electric Code ANSI/NFPA No.70
- For more information, consult manual shipped with water heater or contact the State Technical Support Center at 1-800-365-0024

Model Number	Water Connections in Inches					
	Inlet			Outlet		
	Top	Front	Back	Top	Front	Back
SBD71 120NE	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2
SBD81 154NE	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2
SBD81 180NE	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2
SBD100 199NET	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2
SBD100 199NE	1-1/2	1-1/2	2	1-1/2	1-1/2	2
SBD81 199N	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2
SBD100 199NE(A)	1-1/2	2	2	1-1/2	2	2
SBD100 250NE(A)	1-1/2	2	2	1-1/2	2	2
SBD65 251NE(A)	N/A	1-1/2	1-1/2	N/A	1-1/2	1-1/2
SBD100 275NE(A)	1-1/2	2	2	1-1/2	2	2
SBD65 305NE(A)	N/A	1-1/2	1-1/2	N/A	1-1/2	1-1/2
SBD65 355NE	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2
SBD100 390NE(A)	1-1/2	2	2	1-1/2	2	2
SBD65 500NE(A)	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2	1-1/2

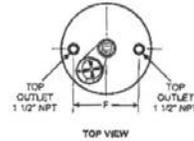
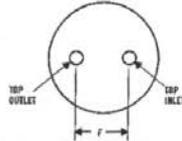
When ordering LP gas, change the "N" to "P" in the model number. exp. SBD71 120PE



MODELS  
SDB85 100-390



MODEL  
SDB85 500



Model Number	Inches or CM	Dimensions										Approx. Shipping Weight	
		A	B	C	D	E	F	G	H	I	J	Standard	ASME
SBD71 120NE*	Inches	89-3/4"	4-1/4"	59-1/2"	90-7/8"	19-11/16"	19"	1/2"	51-7/8"	6"	27-3/4"	400 lbs.	-
	CM	177	11	151	129	50	48	-	132	15	71	182 Kg	-
SBD81 154NE	Inches	73"	4-1/4"	66-1/2"	57-7/8"	19-11/16"	19"	1/2"	59"	6"	27-3/4"	470 lbs.	-
	CM	185	11	169	147	50	48	-	150	15	71	213 Kg	-
SBD81 180NE	Inches	67-1/2"	4-1/2"	62"	53-1/2"	20-1/2"	21"	1/2"	54-5/8"	6"	27-3/4"	470 lbs.	-
	CM	171	12	157	136	52	53	-	139	15	71	213 Kg	-
SBD100 190NET	Inches	75"	4-1/2"	70"	61-1/2"	20-1/2"	21"	1/2"	52-5/8"	6"	27-3/4"	603 lbs.	-
	CM	192	12	178	157	52	53	-	159	15	71	273 Kg	-
SBD100 199NE	Inches	75"	4-1/2"	70"	61-1/2"	20-1/2"	21"	1/2"	61-1/2"	6"	27-3/4"	603 lbs.	-
	CM	192	12	178	157	52	53	-	150	15	71	273 Kg	-
SBD81 199N	Inches	67-1/2"	4-1/2"	62"	53-1/2"	20-1/2"	21"	1/2"	54-1/8"	6"	27-3/4"	470 lbs.	-
	CM	171	12	157	136	52	53	-	139	15	71	213 Kg	-
SBD180 199NES(A)	Inches	72"	4-1/2"	65-1/8"	55-7/8"	19-3/4"	23"	1/2"	56-3/8"	8"	30-1/4"	630 lbs.	725 lbs.
	CM	183	12	165	142	50	58	-	143	20	77	286 Kg	329 Kg
SBD100 250NE(A)**	Inches	72"	4-1/2"	65-1/8"	55-7/8"	19-3/4"	23"	1/2"	56-3/8"	8"	30-1/4"	630 lbs.	725 lbs.
	CM	183	12	165	142	50	58	-	143	20	77	286 Kg	329 Kg
SDB85 251NE(A)**	Inches	75"	4-1/2"	65-3/4"	57-1/4"	20"	N/A	1/2"	58-3/4"	8"	27-3/4"	750 lbs.	862 lbs.
	CM	191	12	167	145	51	N/A	-	149	20	70	341 Kg	391 Kg
SBD100 275NE(A)**	Inches	72"	4-1/2"	65-1/8"	55-7/8"	19-3/4"	23"	1/2"	56-3/8"	8"	30-1/4"	630 lbs.	725 lbs.
	CM	183	12	165	142	50	58	-	143	20	77	286 Kg	329 Kg
SDB85 305NE(A)	Inches	75"	4-1/2"	6-3/4"	57-1/4"	20"	N/A	1/2"	58-3/4"	8"	27 7/8	750 lbs.	862 lbs.
	CM	191	12	167	145	51	N/A	-	149	20	70	341 Kg	391 Kg
SDB85 365NE	Inches	79-1/2"	4-1/2"	70-1/4"	62-1/2"	22-1/2"	29"	3/4"	63"	8"	27-3/4"	725 lbs.	833 lbs.
	CM	202	12	178	159	57	58	-	160	20	71	329 Kg	379 Kg
SBD100 390NE(A)	Inches	75-1/2"	4-1/2"	67-1/2"	58-1/4"	26-3/4"	23"	3/4"	59"	8"	30-1/4"	750 lbs.	874 lbs.
	CM	192	12	171	148	68	58	-	150	20	77	345 Kg	396 Kg
SDB85 500NE(A)***	Inches	81-1/2"	17.5"	77-1/4"	67-1/2"	27-1/8"	21"	1"	67-1/2"	8"	27-3/4"	812 lbs.	857 lbs.
	CM	209	44	196	171	69	53	3	171	20	70	368 Kg	389 Kg

When ordering LP gas, change the "N" to "P" in the model number. exp. SBD71 120PE  
 \*Model SBD71 120NE is shipped with a 6" x 5" blue outlet adapter.  
 \*\*Models SBD100 250NE, SDB85 251NE, SBD100 275NE and SDB85 500NE are shipped with a 8" x 6" blue outlet adapter.  
 Standard models certified for sea level to 2,000 ft. elevation. Order SMR 554 for elevations up to 8,000 ft.  
 † SDB85 500NE model features induced draft design and no damper.  
 Rack side water connections, inlet and outlet, are represented by "E" and "H" respectively for height dimensions.

Handwritten notes: "A 2009-6"



Model Number	Input BTU/HR	Gallons or Litres	Tank Size	Litres	Recovery - Gallons or Litres Per Hour at Degree Rise		
					40°F	100°F	140°F
					22°C	36°C	78°C
SB071 120NE*	120,000	U.S. Gallons	71	GPH	291	116	83
		Litres	268	LPH	1102	439	314
SB081 154NE	154,000	U.S. Gallons	81	GPH	373	149	107
		Litres	307	LPH	1412	584	405
SB081 180NE	180,000	U.S. Gallons	81	GPH	434	174	124
		Litres	307	LPH	1643	659	469
SB0100 195NET	199,000	U.S. Gallons	100	GPH	482	193	132
		Litres	379	LPH	1825	731	500
SB0100 199NE	199,000	U.S. Gallons	100	GPH	482	193	132
		Litres	379	LPH	1825	731	500
SB081 199NE	199,000	U.S. Gallons	81	GPH	482	193	132
		Litres	307	LPH	1825	731	500
SB0100 199NE(A)	199,000	U.S. Gallons	100	GPH	482	193	132
		Litres	379	LPH	1825	731	500
SB0100 250NE(A)**	250,000	U.S. Gallons	100	GPH	606	242	173
		Litres	379	LPH	2294	918	655
SB065 251NE(A)**	251,000	U.S. Gallons	65	GPH	608	243	174
		Litres	246	LPH	2303	921	658
SB0100 275NE(A)**	275,000	U.S. Gallons	100	GPH	667	267	190
		Litres	379	LPH	2524	1009	721
SB065 305NE(A)	305,000	U.S. Gallons	65	GPH	739	296	211
		Litres	246	LPH	2799	1120	800
SB085 365NE(A)	365,000	U.S. Gallons	85	GPH	885	354	253
		Litres	322	LPH	3349	1340	957
SB0100 390NE(A)	390,000	U.S. Gallons	100	GPH	970	388	277
		Litres	379	LPH	3671	1468	1049
SB085 500NE(A)†††	500,000	U.S. Gallons	85	GPH	1212	485	346
		Litres	322	LPH	4588	1835	1311



When ordering LP gas, change the "N" to "P" in the model number. exp. SB071 120PE  
 \*Model SB071 120NE is shipped with a 6" x 5" flue outlet adapter.  
 \*\*Models SB0100 250NE, SB065 251NE, SB0100 275NE and SB085 500NE are shipped with a 8" x 6" flue outlet adapter.  
 † Standard models certified for sea level to 2,000 ft. elevations. Order SMR 554 for elevations up to 8,000 ft.  
 †† SB085 500NE model features induced draft design and no damper.  
 Recovery based on 80% efficiency.

**SPECIFICATION**

(Natural or Propane) gas water heater(s) shall be State SANDBLASTER® model # \_\_\_\_\_ or equal, with a storage capacity of \_\_\_\_\_ gallons, an input rating of \_\_\_\_\_ BTUs per hour, a recovery rating of \_\_\_\_\_ gallons per hour (gph) at 100°F rise and a maximum hydrostatic working pressure of 160 psi. Water heater(s) shall be protected against overheating caused by the buildup of scale, film and other sediment by a self-cleaning device, positioned inside the tank so that it directs the flow of inlet water to keep precipitated solids in suspension so that they are removed from the water heater on that or successive draws. Glasslined water heater(s) shall also be protected against electrolytic corrosion by multiple factory-installed anode rods. In addition, water heater(s) shall: 1) Be equipped with an integrated control system consisting of a 180°F adjustable thermostat with upper and lower sensing bulbs. 2) Be equipped with intermittent electronic ignition, a manual reset gas shutoff device, a gas pressure regulator, factory-installed, CSA Certified and ASME Rated T&P relief valve and 2-3/4" x 3-3/4" tank inspection port. 3) Be design-certified by UL (Underwriters Laboratories) to current edition of ANSI Z.21.10.3 - CSA 4.3 standards governing storage-type water heaters. 4) Meets the thermal efficiency and standby loss requirements of the U. S. Department of Energy and Current Edition of ASHRAE/ IESNA 90.1. 5) Have a 3-year limited warranty against corrosion as outlined in the written warranty.

### Attachment 3

#### Myrtle Dewerd (C054343)

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**From:** darrell wabragg.com <darrell@wabragg.com>  
**Sent:** Monday, January 29, 2018 3:51 PM  
**To:** Myrtle Dewerd (C054343)  
**Subject:** Re: SCDC Solicitation 5400014738- Pricing

\*\*\* This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. \*\*\*

W. A. Bragg & Co., Inc.'s pricing is confirmed as correct for our bid as indicated on the bid form.

Darrell Bragg

On January 29, 2018 at 3:46 PM Myrtle Dewerd <Dewerd.Myrtle@doc.sc.gov> wrote:

**CLARIFICATION (NOV 2007)**

*Pursuant to Section 11-35-1520(8), the Procurement Officer may elect to communicate with you after opening for the purpose of clarifying either your offer or the requirements of the solicitation. Such communications may be conducted only with offerors who have submitted an offer which obviously conforms in all material aspects to the solicitation. Clarification of an offer must be documented in writing and included with the offer. Clarifications may not be used to revise an offer or the solicitation. [Section 11-35-1520(8); R.19-445.2080] [02-2B055-1]*

**Good Afternoon.**

**Please confirm all pricing is "Firm and Final" – SCDC is clarifying all pricing as there can be no changes after a solicitation has closed and bids have opened.**

**Is your pricing Firm and Final as pasted below?**

**Please respond with reply to this email.**

ITEM	Description	QTY	UOM	UNIT PRICE	TOTAL
1		15.000	ea	\$5,771.80	\$86,577.00

	GLASS LINED COMMERCIAL GAS WATER HEATER				
2	FAGLASS LINED COMMERCIAL GAS WATER HEATER	15.000	Ea	\$5,771.80	\$86,577.00
					\$173,154.00

**Thank You.**

*Myrtle K. deVerdt*

**Procurement Manager**

**SC Department of Corrections**

**Purchasing Division**

**Columbia, SC 29210**

**(803) 896-8582 tele**

**(803) 896-1223 fax**

**[Deverdt.myrtle@doc.sc.gov](mailto:Deverdt.myrtle@doc.sc.gov) / [www.doc.sc.gov](http://www.doc.sc.gov) / [www.procurement.sc.gov](http://www.procurement.sc.gov)**

**STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW**

*Protest Appeal Notice (Revised July 2017)*

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.

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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>

**FILE BY CLOSE OF BUSINESS:** Appeals 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 111.1 of the 2016 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 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  
1205 Pendleton Street, Suite 367, 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.**