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Protest Decision

Matter of: National Office Furniture, Inc.

Case No.: 2019-133

Posting Date: March 27, 2019

Contracting Entity: State Fiscal Accountability Authority

Solicitation No.: 5400013739

Description: Educational Furniture Statewide Contract

DIGEST

Protest alleging an arbitrary and capricious evaluation is granted. National Office Furniture's protest is included by reference. (Attachment 1)

AUTHORITY

The Chief Procurement Officer¹ (CPO) 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.

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

BACKGROUND

Solicitation Issued	09/08/2017
Amendment 1 Issued	10/05/2017
Amendment 2 Issued	10/24/2017
Amendment 3 Issued	11/01/2017
Amendment 4 Issued	01/10/2018
Amendment 5 Issued	01/22/2018
Amendment 6 Issued	02/05/2018
Amendment 7 Issued	04/04/2018
Amendment 8 Issued	04/10/2018
Initial Intent to Award Posted	06/22/2018
Latest Intent to Award Posted	02/01/2019
Protest Received	02/11/2019

The scope of this solicitation states:

The State of South Carolina seeks to establish contracts for Educational furniture to be used with Public entities, including but not limited to Higher Education institutions, and K-12 organizations located within the state of South Carolina. Contracts shall be limited to furniture manufacturers only. Potential Offerors seeking inclusion on this contract must be capable of providing items in one (1) or more of the following categories:

- Cafeteria Furniture
- Classroom Furniture
- Computer Lab Furniture
- Healthcare Furniture
- Library/Media Center Furniture
- Locker Room Furniture
- Music Room Furniture
- Playground Seating/Outdoor Furniture
- Fixed Seating
- High Density Storage & Shelving Units

A. General Requirements

Products offered shall be standard and continuing items in the Manufacturers' product lines and shall be identified by catalog numbers from its published on-line catalog(s). Manufacturers shall maintain the most current product lines for purchase by state entities and provide the State of South Carolina links to all applicable catalogs. ... The absence of detailed specifications or the omission of detailed description shall be recognized as meaning that only the best commercial practices are to prevail and that only first quality materials and workmanship are to be used. All interpretations of the specifications shall be made from this statement.

[Amendment 8, Page 17]

ANALYSIS

National submitted bids for the Cafeteria Furniture, Classroom Furniture, Computer Lab Furniture, Gym/Locker Room Furniture, and Library/Media Center Furniture lots. On June 15, 2018, the Procurement Officer sent an email requesting National to demonstrate how it met the minimum requirements for the categories it bid. National responded with a hyperlink for each furniture type in each category. (Attachment2) National was awarded a contract for the Gym/Locker Room Furniture lot but its four other bids were rejected. The procurement officer's Determination of Nonresponsiveness contained the following explanation:

Their response to the clarifications request primarily demonstrated office furniture, which could be used in an education setting; however, it is not the intent of the educational furniture contract to compete with or provide alternative solutions for office furniture, which was expressly excluded from the contract.

(Attachment 3)

This solicitation was for educational furniture and excluded "office" furniture:

C. Exclusions from Contract

Unless specifically identified as an applicable item, the following products are excluded from the contract:

1. Laboratory **furniture**, fixtures and equipment, such as plumbing fixtures, hoods, filtration.
2. Information technology/data fixtures featuring or facilitating technology applications and software.
3. Raised floor systems, components and attachments
4. Used, remanufactured or refurbished products.
5. Office, board room, conference room systems, furniture, and fixtures

[Amendment 8, Page 19] (emphasis added)

National protests that there was no compelling reason to reject National's bids. It argues that the procurement officer's rejection of National's bids was arbitrary and capricious and that she failed to conduct appropriate discussions, failed to properly document discussions and clarifications, and violated the requirements of good faith and fair dealing.

National argues that the State was repeatedly asked to clarify the specifications and desired functionality of various pieces of furniture in each category to which, in at least 25, cases the State responded:

For the purposes of this solicitation, there are no predefined specifications related to these items, ...

or

There shall be no requirement for tables.

or

There shall be no requirement for seating.

or

The solicitation and amendments makes no requirement for storage cabinets.

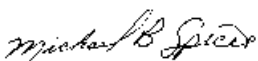
[Amendment 8, Attachments G and H]

DECISION

This is a solicitation for “educational” furniture that excluded “office” furniture. However, in most cases, the same tables, chairs, storage cabinets, etc. can be used in either environment. Failing to narrow these broad categories by providing specifications or functional requirements when asked disqualifies the use of the terms “educational” and “office” as material and essential requirements of the solicitation. National’s disqualifications were arbitrary and based on a subjective determination, without definitive criteria, that the furniture bid was “office” furniture rather than “educational” furniture.

The protest of National Office Furniture, Inc. is granted. The procurement officer is directed to award contracts to National for the Cafeteria Furniture, Classroom Furniture, Computer Lab Furniture, and Library/Media Center Furniture lots.

For the Materials Management Office



Michael B. Spicer
Chief Procurement Officer

Attachment 1

MONTGOMERY WILLARD, LLC
ATTORNEYS AND COUNSELORS AT LAW
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February 11, 2019

BY EMAIL TO protest-mm0@mmo.sc.gov
FIRST CLASS MAIL AND HAND DELIVERY

Mr. Michael Spicer
Chief Procurement Officer
Materials Management Office
1201 Main Street, Suite 600
Columbia, South Carolina 29201

Re: Protest of Solicitation Number 5400013739
Educational Furniture Statewide Contract
By National Office Furniture, Inc.
Date of Issuance of Solicitation: April 4, 2018

FEB 11 '19 MO 16:11
MMO OFFICE

Dear Mr. Spicer:

This firm represents National Office Furniture, Inc. ("National") Pursuant to *S.C. Code Ann.* §11-35-4210(b), this is a protest of an award under Solicitation Number 5400013739 ("the Solicitation"). National is an aggrieved bidder because while it was a responsive and responsible bidder in multiple categories in response to the IFB, inexplicably it only received an award in a single category. National received notice of this no earlier than February 1, 2019.

National has enjoyed working with the South Carolina Materials Management Office (MMO) for more than 15 years. As one of the State of South Carolina's approved furniture suppliers, National prides itself in providing the State and its agencies with excellent products and service. The State's business has meant a great deal to National, and the company hopes that it will have the opportunity to work with the State on this and other future contracts.

Over the last 15+ years, National has provided the State of South Carolina with high-quality furniture at excellent prices. National has sold a significant amount of product to one of your agencies, the Department of Health & Human Services, as recently as 2018. As a result of its sales to State agencies, among other eligible entities, National has provided the State with thousands of dollars in administrative fees each year.

National appreciates your willingness to work with the company in resolving its concerns, and it believes that we can reach a resolution that is fair and beneficial to all parties. National thanks you for your consideration of this protest.

Mr. Michael Spicer
Chief Procurement Officer
February 11, 2019
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We believe that the CPO is in a unique position to resolve this protest because it appears that the Procurement Officer's failure to make an award to National is arbitrary and capricious. National meets the requirements of the solicitation for an award in the categories it bid, has provided the information necessary for an award and has not been awarded, apparently as a result of the Procurement Officer's failure to adhere to the Solicitation. We are including e-mail and other communications as exhibits to our protest letter which document these issues.

I. SOLICITATION BACKGROUND

MMO initially issued the Solicitation on September 8, 2017. The purpose of the solicitation is to establish multiple sources to supply Educational Furniture to Public organizations throughout the State of South Carolina. The Contract has no limit to the number of awards which can be made and allows additional vendors to submit bids on an annual basis so that the state may continuously add suppliers to the contract.

II. TIMELINESS OF PROTEST

This protest is timely within the deadline set by *S.C. Code Ann. § 11-35-4210(1)(b)*. National received an updated notice that it did not receive an award on February 1, 2019, after 5:00 PM (attached as exhibit A). National's counsel e-mailed and hand delivered this protest to the Chief Procurement Officer on February 11, 2018, which is within ten days of the date that National became aggrieved in connection with the intended award of a contract.

III. RELEVANT EVENTS

04/18/2018 National submitted its bid and bidding schedule offering to provide furniture in the following categories: Cafeteria Furniture, Classroom Furniture, Computer Lab Furniture, and Library/Media Center Furniture.

6/22/2018 Friday evening @ 7:52 PM - Stacy Gregg issues a partial intent to award. The notice stated within that she was waiting on clarification responses from many and was continuing her evaluation process as she received those responses and would make final awards for the initial cycle by July 20, 2018. National received an award only in the Gym/Locker Room category. It did not receive any requests for clarifications in the other categories.

6/26/2018 – Leanna Bechtel and Angela Troutt of National spoke to the Procurement Manager via phone to find out why we didn't receive an award or a clarification request. Stacy said that she'd sent us one to our government email address; we did not show receiving. She said she would re-send it to them and that she would allow National to send her information that would support how National could fulfill the categories we bid, even though the company sent links with its proposal for each category as the solicitation required. National emailed Ms. Gregg the information the same day, sending additional links with photos, etc. (email attached). Stacy acknowledged receipt of email with a "Thank You."

7/2/2018 Monday @ 5:16 PM email received from Stacy Gregg (Exhibit B) that all contracts for all categories except Gym/Locker and High-Density Storage were suspended from Award, pending administrative review in response to protests.

7/6/2018 Leanna Bechtel followed up with Stacy via email on the clarifications that National sent on 6/26 /2018 (Exhibit C) to see if they were acceptable or if she needed more information to continue her review of National's bid.

7/9/2018 Stacy Gregg emailed Leanna back stating that we do not have combination tables (seating and tables combined) for the cafeteria category as requested. (Exhibit D) She said she could not accept office or business tables as cafeteria tables since they are covered under the office furniture contract. We were to go back and identify K-12 requirements, which specifically included Early Childhood Furniture to ensure our clarifications provided information that could support this. In this phone call, Stacy explained that she was looking for "**colorful little desks and cubbies**" that would be used in a kindergarten environment. We did re-send Stacy a link that was in our proposal also to a case study for an elementary school showing some of the ways our furniture supported that environment and met the requirements of the IFB.

As Q&A's and the solicitation support, there weren't any defined specifications as to what K-12 furniture was other than (tables, desks, cubbies). Some of the state's responses were "there were no predefined specifications related to these items which shall be used in elementary, middle, high school, etc." "The State also responded that "furniture standards are not consistent throughout the State and that these guidelines and requirements would be determined by each Using Authority." At this time, Stacy did not address any concerns that she had with the Computer Lab or Library/Media categories. We assumed she was still evaluating us for those. We stressed to Stacy that we have sold to many education entities throughout the State for many years, and how important it was for us to be able to continue supporting these customers.

12/4/2018 – Tuesday 3:21 PM email from Stacy that she reinstated awards previously issued on 6/22/2018. (Exhibit E) She also expired the rest of the contract that was allowing us to continue to sell to our education customers, while she finished her evaluations. Because of the way that the office furniture contract was handled, we also have no award on that one for Desks/Tables and this has left us without a way to service our education customers, specifically those large projects that we had been working on for over a year (Spartanburg Schools) The email also stated she would complete the 2nd round of clarifications and make a second set of awards, with hope that this be completed within the following few weeks. At this point, we thought Stacy was still reviewing our previous clarifications.

1/3/2019 – Angie Troutt called Stacy for an update since we still haven't heard anything regarding the previous clarifications that we sent. We have a large project for Spartanburg Schools that I discussed with her. Due to the time that had passed since our previous email sent with clarifications (June 2018), Stacy said I could re-send the information to her again. She would re-review everything.

1/4/2019 10:45 AM Angie Troutt followed up yesterday's conversation with an email to Stacy, (Exhibit F) again explaining how we could fulfill the requirements of the categories. The e-mail included links, pictures, price list information. We were having significant issues and concerns with our large Spartanburg project so that same afternoon I followed up with a phone call because I did not receive a response on our clarifications. I discussed the email and furniture options I had just sent her. It seemed that she would likely stand by her decision in that we cannot fulfill the classroom category because we do not offer the 'colorful, childhood furniture' and probably not the Café furniture either. However, she will review everything carefully before she makes a final decision. I did ask her that she formally give us a decision, either way, so we know how to proceed with our customer, and she said she intends to wrap this up next week.

1/17/2019 8:46 AM – Angie Troutt followed up again via email (Exhibit G) requesting an update because we never heard back. Asked her again if we were still being reviewed for the other categories; we assumed she was still reviewing us for Computer Lab and Library/Media until this last round of awards came out. Received no response.

2/1/2019 Friday after 5:00 PM Stacy Gregg sent email concluding the second phase of evaluations. She also stated if we did not receive an award, then we should have received a personal email from her with details regarding why (Exhibit H).

2/4/2019 Monday – Leanna Bechtel emailed Stacy Gregg 9:05 AM requesting the information as to why National did not receive an award (Exhibit I). Stacy called Leanna back (thinking she was getting Tonja at Kimball); she hadn't heard Leanna's v/m yet. Leanna informed her we have not received this email she is referring to with details on why we didn't receive an award in other categories. Stacy told her to send her another email stating this, and she would send it to us again, which Leanna did at 1:34 PM that same afternoon (Exhibit J).

2/5/2019 Tuesday – Angie Troutt called and left a voicemail for Stacy asking for a debrief or additional information as to why we did not receive an award. She did not return my call, nor did she send us the email that we were supposed to have received with the explanation as to why.

2/5/2018 Leanna emailed Stacy again at 10:01 AM (Exhibit K) – we still have not received this email or any other response.

2/6/2018 Leanna emailed Stacy again at 3:29 PM (Exhibit L)– we still have not received this email or any other response.

2/7/2018 Leanna emailed Stacy again at 2:07 PM (Exhibit M)– we still have not received this email or any other response.

It is also important to note the responses to questions included in the amendments to the Solicitation:

Questions Regarding Classroom Furniture

19 Could you clarify the specification and desired functionality of art room furniture?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used in elementary, middle, high school, and higher education art classrooms for teaching, making, drafting, creating, and storing art projects.

**20 Could you define the specification and desired functionality of the following?
Workstations?**

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be appropriate for use in the classroom setting for a variety of purposes as needed by the teacher or instructor.

Classroom tables?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be appropriate for use in Early Learning and K-12 classrooms for student and teacher activities.

21 Could you define the specification and desired functionality of collaborative learning furniture?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used by students in the K-12 or Higher Education learning environment; and designed specifically to support the Collaborative Learning approach to education.

22 Could you clarify the function and desired functionality of a letter / directory board? Letter and directory boards are not a requirement of this solicitation.

23 Could you clarify the specification and desired functionality mobile classroom?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used by students and teachers and designed for easy portability and movement within or between classroom settings.

24 Could you clarify the specification and desired functionality of technology workstations?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used in the school environment as student technology workstations.

25 Could you clarify functional difference between teacher and student task chairs?

No such distinction is required by the scope of this solicitation.

Questions Regarding Library/Media Center Furniture

26 Could you define the specification and desired functionality of meeting room furniture?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be tables, chairs, and any furniture placed in Library or Media Center meeting rooms for use by groups and individuals to study or meet.

27 Could you define the specification and desired functionality of collaborative learning pieces?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used by students in the K-12 or Higher Education environment; and designed specifically to support the Collaborative Learning approach.

28 Could you define the specification and desired functionality of workstations?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used in the library or media center setting for a variety of purposes as needed by the Librarian or Media Specialist.

29 Could you define the specification and desired functionality of library shelving?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used to hold and display books and other related materials.

30 Could you define the specification and desired functionality of display pieces?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used to display exhibits, books, magazines, digital media, and related other items.

Questions Regarding Gym/Locker Room Furniture

31 What are the desired dimensions of the tables?

There shall be no requirement for tables.

32 What is the seating requirement?

There shall be no requirement for seating.

33 Could you clarify the specification and desired functionality of storage cabinets?

The solicitation and amendments makes no requirement for storage cabinets.

Questions Regarding Music Room Furniture

34 Could you define the specification and desired functionality of sheet music cabinets and filing systems?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall offer solutions to hold, store, and organize sheet music and folios; and allow easy access by the instructor for the entire group of files or individual students for one file.

35 Could you define the specification and desired functionality of musician chairs and benches?

For the purposes of this solicitation, there are no predefined specifications related to these items; however, Musician seating shall be specifically designed for band or choral students to support proper posture and maximum breathing capability.

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36 Could you define the specification and desired functionality of music whiteboards?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be traditional dry erase boards with permanent music staff lines.

Questions Regarding Healthcare/Infirmary Furniture

37 Could you clarify the specification and desired functionality of desks?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used in a healthcare setting for the purposes of activities such as reading, writing, or using a computer or other equipment.

38 Could you define the specification and desired functionality of storage?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used to store or secure medical supplies, equipment, personal items, clothing, specimens, or other items related to the healthcare environment.

39 What are the functional requirements needed to be considered a medical cabinet?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used to store or secure medication and other supplies as needed.

40 What are the functional requirements needed to be considered a table not used for therapy, overbed, massage, examination, recovery, side and mobile?

For the purposes of this solicitation, there are no predefined specifications related to these items, which may be used for general purposes; and not directly related to patient treatment.

41 What are the functional requirements needed to be considered a cart?

For the purposes of this solicitation, there are no predefined specifications related to these items. Examples of cart types may be treatment, wound care, emergency, anesthesia, isolation, medication, or casting.

42 Could you define the specification and desired functionality of tables for reception?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be placed in the reception or waiting area for multiple purposes.

43 Could you define the specification and desired functionality of seating for treatment?

For the purposes of this solicitation, there are no predefined specifications related to these items, which shall be used by patients during office visits, as hospital patients, or in lab

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environments.

IV. GROUNDS OF PROTEST

- 1. National Meets all of the requirements enumerated in the Cafeteria Furniture, Classroom Furniture, Computer Lab Furniture, Library/ Media Center furniture categories as modified by Amendment 8 and the failure to award was arbitrary and capricious in violation of S.C. Code Ann. §§11-35-20 and 11-35-30.**

The Procurement officer never sought clarification from National as to the fact that it provided the items enumerated in the solicitation. National manufactures and supplies the things required in each category. Considering that the Q&A in the solicitation makes it clear that there are no predefined specifications relating to the items in question, it is arbitrary and capricious for the Procurement Officer to make *ad hoc* determinations as to which items met the specifications and which did not. This is exemplified by comments such as that National didn't meet classroom furniture specifications because it didn't have "colorful little desks and cubbies." Obviously, there is no specification requiring "colorful little desks and cubbies" and injecting such a requirement into the procurement process is *per se* arbitrary and capricious. Upon information and belief, the only basis for the Procurement officer to conclude otherwise was to utilize an arbitrary method of evaluation based upon the catalog of a single supplier other than National. Not only does National provide these items but National has provided the same to numerous educational institutions throughout South Carolina (Exhibit N). Since the idea behind the procurement was that educational entities wanted maximum flexibility in their purchases, the conduct limiting that to the procurement officer's taste further illustrates the arbitrary and capricious nature of the determination.

- 2. The application of the specifications in the Solicitation by the Procurement Office was arbitrary and capricious in that it appears that she relied upon definitions of products based upon the catalog of a single manufacturer rather than considering the variety of products available and previously used by the State in the educational markets.**

The Procurement Manager provided no basis or indication as to why she believed that National's offerings failed to meet the minimum requirements in the categories identified. This conduct is particularly troubling where she expresses a willingness to evaluate the bid further.

National would prefer that the Procurement Manager correctly evaluated its bid and issued an appropriate award. However, it appears that the failure to award places it in a quandary on this protest as to whether there is a way to complete that evaluation. For that reason, National has been forced to file this protest to protect its rights to administrative review of the Procurement Manager's actions and decision in this process.

3. **The Procurement Officer erred in failing to issue an award to National under S.C. Code Ann. §11-35-1520 where there was no compelling reason to reject the bids.**

The purposes of the Procurement Code are best met when the state and its agencies are provided maximum opportunity to obtain the products that they need at the best possible prices. In this instance, it seems that the Procurement Manager is interpreting the offerings in a manner inconsistent with the solicitation. The solicitation describes broad general types of furniture – and there are many interpretations of what constitutes compliance in each of those categories. National would suggest that the reason for those broad general categories is a recognition that different institutions at varying levels have a wide variety of needs. Here, the Procurement Manager is interpreting those needs in a manner inconsistent with industry and customer interpretations and is acting in an unduly restrictive fashion without any compelling reason. There is no basis to deny an award to National as the Procurement Manager has not demonstrated any compelling reason to reject the bid.

4. **The Procurement Officer erred in failing to conduct appropriate discussions with National as a responsive and responsible bidder. (S.C. Code Ann. §11-35-1525(6)).**

The record reflects that National responded to the one clarification request submitted to it within hours of the request. The Manager never inquired about the questioned "qualification" nor did she seek further information regarding National's offerings and how they met the specification. In each case, she failed to conform to the requirements of the solicitation and the procurement code to National's detriment.

5. **The Procurement Officer erred in failing to properly document discussions and clarification with National pursuant to S.C. Code Ann. §11-35-1520(8) and failed to respond and reply reasonably and equitably all causing injury to National in violation of the Code.**

The record is full of National making efforts to address the bid and lack of a deserved and merited award. The Procurement Officer's failure to respond and general ambivalence about working with the vendors and the state on this solicitation is reflected in multiple ways, but in no more than her lack of requests for clarification if explanation was required. Upon information and

Mr. Michael Spicer
Chief Procurement Officer
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belief, many vendors with similar catalogs were awarded – this being further evidence that the issues with National seem to have been arbitrary and in violation of requirements of good faith and fair dealing implicit in the Code coupled with an abject failure to follow the rules.

V. RELIEF REQUESTED

In light of the arguments raised herein, National requests the following relief:

That the CPO issue an Order instructing the Procurement Manager to properly evaluate National's proposal, based upon the solicitation and bid submitted – without the interjection of any independent desires of the procurement officer, and issue Awards to National in the categories bid.

VI. CONCLUSION

Several major educational purchasers within the State of South Carolina currently use National products in their facilities. National has a large pending request to use their products which has been jeopardized by the arbitrary, capricious and improper administration of this procurement. To protect their investment and have the ability to match existing products, it is critically important that National remains a current vendor. The arbitrary and improper actions in managing and evaluating this bid have caused prejudice to National and those educational institutions.

National appreciates the CPO's consideration of this protest. National believes that the CPO should take action to protect the integrity of the process and award the relief requested.

Very truly yours,

MONTGOMERY WILLARD, LLC



Michael H. Montgomery

MHM/CB

Attachment 2

Gregg, Stacy

From: Angela Troutt <Angela.Troutt@NationalOfficeFurniture.com>
Sent: Tuesday, June 26, 2018 3:59 PM
To: Gregg, Stacy
Cc: Leanna Bechtel; Angela Troutt
Subject: FW: Educational Furniture Clarification Request – National Office Furniture

Importance: High

Hi Stacy,

Thank you for talking to Leanna and I this morning, and re-sending the clarification request to us since we did not receive your initial request sent on June 15, 2018.

In our conversation, you said that links to the furniture noted within each category would be helpful and acceptable, which is what we provided within our proposal. You did mention though that many companies sent a link that showed too much furniture and you needed them to be more narrow in scope to help you determine that we could meet the requirements of that particular category. We are happy to help with that so I am sending additional links below, next to each category which should help you with determining that National Office Furniture is well versed in the Education market. I could send so many more links showing that we offer the type of products that meet each of the categories, as we submitted within our proposal, but I do not want to overwhelm you with information.

If after reviewing these products, you need anything more please do not hesitate to contact Leanna or I at 800-482-1213 or via email:

Leanna.Becht@nationalofficefurniture.com

Angela.Troutt@nationalofficefurniture.com

Cafeteria Furniture - At a minimum, Offerors must demonstrate the ability to provide folding tables, combination tables, stationary tables, dollies (*chair & table*), and restaurant & café style tables >

Answer: National Office Furniture manufactures many different types of tables in our standard line, all of which can be seen here > <https://www.nationalofficefurniture.com/products/by-type/tables>

More specifically, while not all encompassing of the products that could be used for this category, here are links to several series that meet the State's requirements > Waveworks Flip/Next Tables

> <https://www.nationalofficefurniture.com/products/tables/waveworks-tables>, Maneuver Collaborative Tables

> <https://www.nationalofficefurniture.com/products/tables/maneuver-collaborative-collection>, Footings

Collaborative Tables > <https://www.nationalofficefurniture.com/products/tables/footings-collaborative-tables>,

Mio Collaborative Tables > <https://www.nationalofficefurniture.com/products/tables/mio-collaborative-tables>,

Chairs with dollies > <https://www.nationalofficefurniture.com/products/seating/cinch>, Café and Dining tables >

<https://www.nationalofficefurniture.com/products/by-space/cafe-dining>, and Universal tables >

<https://www.nationalofficefurniture.com/products/tables/universal-tables>

- **Classroom Furniture** - At a minimum, Offerors must demonstrate the ability to provide combination desks, classroom tables, technology workstations, art room furniture (*art tables, drafting tables, CAD tables, work benches, stools, flat files/paper storage, storage cabinets, easels*), kindergarten and early childhood furniture (*tables, desks, cubbies,*), cabinets, storage carts, technology carts and cabinets, chairs (*teacher, student, task*), teacher desks and workstations, mobile classroom, collaborative learning furniture.

Answer: National Office Furniture has outfitted many schools and universities with furniture from our standard lines. There are several case studies available for review

> <https://www.nationalofficefurniture.com/industries/case-studies> and much of the furniture provided for them here > <https://www.nationalofficefurniture.com/industries/education>

Our Alloy series <https://www.nationalofficefurniture.com/products/desks-workstations/alloy> and Epicenter series <https://www.nationalofficefurniture.com/products/desks-workstations/epicenter> offer combination and benching desk systems with electrical capabilities. Our Mio collaborative tables include the technology for workstations > <https://www.nationalofficefurniture.com/products/tables/mio-collaborative-tables>. National's Fold tables and Whimsy seating have both received the seal of Endorsement from the Global Educator Institute > <https://www.nationalofficefurniture.com/products/tables/fold-tables> and <https://www.nationalofficefurniture.com/products/seating/whimsy>. We also have presentation boards, TV mounts, etc. <https://www.nationalofficefurniture.com/products/wall-rail-solution/exhibit>

- **Computer Lab Furniture** - tables, desks, audio visual carts, lecterns and podiums, flat panel and television carts, desks, tables, work stations, presentation carts, and technology storage

Answer: National Office Furniture has a complete line of accessories that fit the bill for this category, including Set-On Lecterns, Mobile Lecterns, Utility and Presentation Carts, Audio Visual Carts, Marker Boards, etc.

<https://www.nationalofficefurniture.com/products/by-category/accessories-accents>. Additionally, in previous links you can review our tables, and workstations available.

- **Library/Media Room Furniture** - At a minimum, Offerors must demonstrate the ability to provide library shelving, carts, work stations, collaborative learning pieces, student lounge seating & tables, display pieces, computer work stations, ottomans, stacked/nesting seating, tables (*work, end, coffee, side, cocktail*), reception area tables, and meeting room furniture

Answer: National Office Furniture produces a broad array of lounge furniture, perfect for a library setting >

<https://www.nationalofficefurniture.com/products/by-type/seating>. This also includes shelving, carts, workstations, occasional tables, ottomans, nested seating

<https://www.nationalofficefurniture.com/products/seating/jiminy> and much more >

<https://www.nationalofficefurniture.com/products/by-industry/education#Gathering>

Our Kozmic series is a great fit for a library > <https://www.nationalofficefurniture.com/products/seating/kozmic-collaborative-collection> as well as our Fringe lounge and side tables >

<https://www.nationalofficefurniture.com/products/tables/fringe-side-tables> as well as

National Office Furniture's portfolio is rich in products for the Education market in which we are well versed. Please take some time to review all that we offer here >

<https://www.nationalofficefurniture.com/industries/education>. Also provided here is a link to snapshots of our real-life Education installation's > <https://www.nationalofficefurniture.com/resources/installation-snapshots/by-industry/industry/education>

Sincerely,

ANGIE TROUTT

FEDERAL GOVERNMENT CONTRACT MANAGER

OFFICE 800-482-1213 ext. 8466 MOBILE 812.630.6638

WEB [NATIONALOFFICEFURNITURE.COM](https://www.nationalofficefurniture.com)

NATIONAL.

From: Gregg, Stacy <sgregg@mmo.sc.gov>
Sent: Tuesday, June 26, 2018 1:00 PM
To: ANTROUT@NATIONALOFFICEFURNITURE.COM
Cc: Leanna Bechtel <Leanna.Becht@NationalOfficeFurniture.com>
Subject: FW: Educational Furniture Clarification Request –

*****ATTENTION:** This message was received from an EXTERNAL source. Please exercise caution. Do not open attachments or click on links from unknown senders.***

Forwarding the email sent to the government address.
sg

From: Gregg, Stacy
Sent: Friday, June 15, 2018 5:05 PM
To: Gregg, Stacy
Subject: Educational Furniture Clarification Request –

Hello,

Thank you for your interest in my solicitation number 5400013739 for Educational Furniture. I am currently in the process of evaluating the solicitations received. 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].

As such, I send this e-mail to request that you please assist by demonstrating how you meet the minimum requirements in the categories for which you bid. As a reminder, these requirements are as follows:

- **Cafeteria Furniture** - At a minimum, Offerors must demonstrate the ability to provide folding tables, combination tables, stationary tables, dollies (*chair & table*), and restaurant & café style tables.
- **Classroom Furniture** - At a minimum, Offerors must demonstrate the ability to provide combination desks, classroom tables, technology workstations, art room furniture (*art tables, drafting tables, CAD tables, work benches, stools, flat files/paper storage, storage cabinets, easels*), kindergarten and early childhood furniture (*tables, desks, cubbies,*), cabinets, storage carts, technology carts and cabinets, chairs (*teacher, student, task*), teacher desks and workstations, mobile classroom, collaborative learning furniture.
- **Computer Lab Furniture** - tables, desks, audio visual carts, lecterns and podiums, flat panel and television carts, desks, tables, work stations, presentation carts, and technology storage
- **Library/Media Room Furniture** - At a minimum, Offerors must demonstrate the ability to provide library shelving, carts, work stations, collaborative learning pieces, student lounge seating & tables, display pieces, computer work stations, ottomans, stacked/nesting seating, tables (*work, end, coffee, side, cocktail*), reception area tables, and meeting room furniture

Your clarification is required within 48 hours of this e-mail: by 5:00 PM on June 19, 2018. Please send by replying to this e-mail and adding the name of your company to the end. Your Subject you read as: **RE: Educational Furniture Clarification Request – NAME OF COMPANY**

Thank you.
Stacy



Stacy Gregg, CPPO, CPPB | Procurement Manager, State Procurement Office
SC State Fiscal Accountability Authority
1201 Main Street, Suite 600 | Columbia, SC 29201 | Office: (803) 737-2609
sgregg@mmo.sc.gov www.procurement.sc.gov

Attachment 3

**JUSTIFICATION FOR
DETERMINATION OF NONRESPONSIVENESS**

Solicitation 5400013739 Statewide Contract for Education Furniture

Based upon the standards of Responsiveness set forth by the solicitation, the following determination concerning the bid's conformity to the mandatory or essential requirements contained in the solicitation.

(1) National Office Furniture
1610 Royal Street
Jasper, IN 47549
E-mail: Leanna.Bechtel@NationalOfficeFurniture.com Telephone: 800-482-1213 3013

(2)

National Office Furniture's Bid included bids for the following categories:

Cafeteria
Classroom,
Computer Lab,
Gym/Locker,
Library Media Center

They were awarded Gym/Locker Room Category. Their response to the clarifications request primarily demonstrated office furniture, which could be used in an education setting; however, it is not the intent of the educational furniture contract to compete with or provide alternative solutions for office furniture, which was expressly excluded from the contract.

DATE

State Fiscal Accountability Authority, DPS

GOVERNMENTAL BODY



SIGNATURE

Procurement Manager

TITLE

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised June 2018)

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>

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 2018 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**

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.