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INFORMATION TECHNOLOGY MANAGEMENT OFFICER
(803) 737-0600
FAX: (803) 737-0639

Protest Decision

Matter of: Charleston Security Systems, LLC

Case No.: 2020-111

Posting Date: September 19, 2019

Contracting Entity: College of Charleston

Solicitation No.: 20.15.SMD.SST5

Description: Intent to Sole Source Sonitrol Security Systems

DIGEST

Protest of intended sole source award is dismissed as untimely. Charleston Security Systems' letter of 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

Intent to Sole Source Posted	August 13, 2019
Intent to Sole Source Advertised	August 13, 2019
Protest Received	August 23, 2019

The College of Charleston advertised its intention to award a sole source contract to Sonitrol Security Systems for security monitoring, notification, and equipment maintenance, inspection and repair services on August 13, 2019. Charleston Security Systems protested this intended award on August 23, 2019 alleging that it too can provide the required services.

ANALYSIS

Section 11-35-4210(1)(C) provides:

Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract pursuant to Section 11-35-1560 [sole-source procurements] or Section 11-35-1570 shall notify the appropriate chief procurement officer in writing of its intent to protest within five business days of the date that award or notification of intent to award, whichever is earlier, is posted in accordance with this code.

(emphasis added) A business day is defined in Section 11-35-310(4) as:

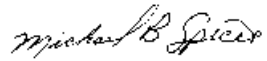
'Business day' means a day that is neither a Saturday, Sunday, nor a state or federal holiday.

The College of Charleston advertised its intention to award this sole source contract on Tuesday, August 13, 2019. (Attachment 2) The deadline for submitting a protest was five business days later or midnight on August 20, 2019. Charleston Security Systems' protest was not received by the Chief Procurement Officer until 11:59 AM of Friday August 23, 2019. (Attachment 3) This protest was not received within the time specified by law, and the CPO lacks jurisdiction to review the merits of the protest.

DECISION

For the reasons stated above, the protest of Charleston Security Systems is dismissed.

For the Materials Management Office



Michael B. Spicer
Chief Procurement Officer

Attachment 1



5264-B International Blvd. Ste. 100
N. Charleston, SC 29418
843.789.9994
info@charlestonsecuritysystems.net

August 23, 2019

Chief Procurement Officer
Materials Management Office
1201 Main Street, Suite 600
Columbia, SC 29201

Re: Solicitation # 20.15.SDM.SS.T5
Intent to Sole Source Sonitrol Security Systems

To Whom It May Concern;

Please consider this letter a written Notice of Protest in accordance with the South Carolina Consolidated Procurement Code, regarding the above referenced solicitation for the College of Charleston's intent to sole source security monitoring, notification and equipment maintenance, inspection and repair services.

Our company, Charleston Security Systems, has the ability to provide the monitoring and maintenance services that the College is seeking, and we would like to be considered as a provider of the services that the College is requesting. We feel it is not appropriate for this service to be offered via a sole-source procurement process, and would like the opportunity to bid on this service ourselves.

Thank you for your consideration, and we look forward to the opportunity to present our Company's resources and qualifications and to bid on this solicitation.

Best Regards,

Stephanie Godfrey
Sales Manager
Charleston Security Systems
SC LLR BAC #13661

Attachment 2

8/26/2019

SCBO - Procurement Services

South Carolina Business Opportunities

Published by Division of Procurement Services - Delbert H. Singleton, Jr., Division Director

Ad Category: Intent To Sole Source

Ad Start Date: August 13, 2019

Title: 20.15.SMD.SS.T5 - Intends to Sole Source Sonitrol Security Systems

Puchasing Agent/Entity: College of Charleston

Bid/Submittal Due Date: August 28, 2019 - 12:00am

Description:

In accordance with the Sole Source section 11-35-1560 listed in the South Carolina Consolidated Procurement, the College of Charleston is announcing the intent to procure Sonitrol Security Systems as a sole source procurement for a five year period. The College of Charleston intends to sole source the monitoring, notification and equipment maintenance, inspection and repair of the College of Charleston's existing Sonitrol Security Systems.

Bidder's right to protest as listed in section 11-35-4210 in the South Carolina Consolidated Procurement Code applies to this intent to sole source. Protest to be filed with:

Chief Procurement Officer
Materials Management Office
1201 Main Street, Suite 600
Columbia, SC 29201
Facsimile: 803-737-0639
E-mail: protest-mmo@mmo.sc.gov

Solicitation #: 20.15.SDM.SS.T5

Direct Inquiries To: Susan Dick-McKeon

Buyer Phone#: 843-953-5555

Buyer Email: dickmckeonsm@cofc.edu

Full Details / Download: N/A

South Carolina Business Opportunities • Scott Hawkins11111, Editor • 1201 Main Street, Suite 600 • Columbia, SC 29201
803-737-0686 • scbo@mmo.sc.gov • <https://procurement.sc.gov>



Attachment 3

From: [Stephanie Godfrey](#)
To: [Protest-MMO](#)
Cc: dickmckeonsm@cofc.edu
Subject: [External] Solicitation # 20.15.SDM.SS.T5
Date: Friday, August 23, 2019 11:58:57 AM
Attachments: [20190823115053400.pdf](#)

Please see the attached letter of protest for Solicitation # 20.15.SDM.SS.T5. I look forward to hearing from you with the next steps to bid.

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*

This email and any files transmitted
with it are confidential
and intended solely for the use of the individual
or entity to
whom they are addressed. If you have received this email
in error
please notify admin@charlestonsecuritysystems.net
<<mailto:admin@charlestonsecuritysystems.net>>, ***notify the sender
immediately by e-mail* ***and delete this e-mail from your system*. This
message contains confidential
information and is intended only for
the individual named. If you are
not the named addressee you
should not disseminate, distribute or copy
this e-mail.

If you are not the intended recipient you are notified that disclosing,
copying, distributing or taking any action in reliance on the contents
of this information is strictly prohibited.*

Best Regards,
Stephanie Godfrey

Charleston Security Systems
(843)789-9994 (o)
(843)670-0201 (m)

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised June 2019)

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>

FILING FEE: Pursuant to Proviso 111.1 of the 2019 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.