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EXECUTIVE DIRECTOR

THE DIVISION OF PROCUREMENT SERVICES

DELBERT H. SINGLETON, JR.  
DIVISION DIRECTOR  
(803) 734-8018

JOHN ST. C. WHITE  
MATERIALS MANAGEMENT OFFICER  
(803) 737-0600  
FAX: (803) 737-0639

## Protest Decision

**Matter of:** Stratus Building Solutions of Charlotte  
**File No.:** 2023-120  
**Posting Date:** March 27, 2023  
**Contracting Entity:** Winthrop University  
**Solicitation No.:** 5400024648  
**Description:** Janitorial Services for Resident Halls

### DIGEST

Protestant appealing its proven qualifications is denied. Stratus Building Solutions of Charlotte's (SBS) letter of protest is attached and included by reference. (Attachment 1)

### AUTHORITY

The Chief Procurement Officer<sup>1</sup> (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.

### BACKGROUND

Invitation for Bids Issued	01/20/2023
Amendment 1 Issued	02/02/2023
Amendment 2 Issued	02/16/2023
Intent to Award Posted	03/10/2023
Protest Received	03/13/2023

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

Winthrop University (WU) published this Invitation for Bids (IFB) under Section 11-35-1520 on January 20, 2023, for janitorial services for its residential halls. Amendment 1 was published on February 2, 2023, followed by Amendment 2 on February 16, 2023. Bids were received on February 21, 2023. Section 11-35-1520(10) requires the award be made to the lowest responsive and responsible bidder:

Unless there is a compelling reason to reject bids as prescribed by regulation of the board, notice of an award or an intended award of a contract to the **lowest responsive and responsible bidders** whose bid meets the requirements set forth in the invitation for bids must be given by posting the notice on the date and at a location specified in the invitation for bids.

(emphasis added)

Bids were received on February 21, 2023, from the following bidders:

Green's Commercial Cleaning Inc.	\$155,547.60
Allegiance Industries Inc.	\$184,558.80
Old Maid Janitorial Services	\$196,260.00
Stratus Building Solutions of Charlotte	\$197,784.00
Dubose Cleaning Service	\$271,260.00
The Budd Group	\$336,026.04
Clean Net of Charlotte	\$438,573.36

WU posted an Intent to Award to Greens Commercial Cleaning, Inc. on March 10, 2023. SBS filed a protest on March 13, 2023.

## DISCUSSION

While SBS explains that, as the incumbent, it is well qualified to perform this contract, it does not challenge the qualifications of the apparent successful bidder or allege a violation of the Code or Regulations. Under this source selection method, the award must be made to the lowest priced responsible bidder. Three other bidders submitted prices lower than SBS. Consequently, this protest is denied for failure to state a claim for which relief can be granted.

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File No. 2023-120  
March 27, 2023

**DECISION**

For the reasons stated above, the protest of Stratus Building Solutions of Charlotte is denied.

For the Materials Management Office

*Michael B. Spicer*

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Michael B. Spicer  
Chief Procurement Officer

Columbia, South Carolina



10926 S. Tryon St., Ste G, Charlotte, NC 28273  
704-594-5941  
stratusbuildingsolutions.com

March 13, 2023

Dear Chief Procurement Officer, Materials Management Office

Stratus Building Solutions of Charlotte (Stratus) is formally protesting the Winthrop University Invitation for Bid (Solicitation 5400024648) awarded on March 10, 2023. Stratus has proven experience providing commercial cleaning services for Winthrop University since the summer of 2022. Stratus protests the award of the contract on the following bases:

- a. Special Dorm Cleans with no issues or call backs: Summer 2022
- b. Janitorial Services for Communal Buildings when short staffed: August 2022 - September 2022
- c. Janitorial Services for Margaret Nance and Phelps Dorms with no issues: November 2022 to March 2023 (Previous contract was awarded to vendor in September. Support provided when contract was terminated.)
- d. Athletic Porter Services: February 2023 – April 2023
- e. Results:
  - i. No complaints regarding our services
  - ii. Any issues resolved immediately
  - iii. All inspections passed
  - iv. Developed schedule for cleaning communal bathrooms. This started with Margaret Nance and Phelps Dorms
  - v. Communication – constant & open communication with Winthrop University Facilities and Stratus Management Team and Stratus Unit Franchise & Employees
- f. Resources: Stratus has the ability to scale and support Winthrop University as needed
- g. Stratus is a trusted partner of the Winthrop University Facilities Team. Winthrop Facilities can focus on their staff and key projects without worry about the buildings being managed by Stratus.

We understand your expectations and have demonstrated our capabilities in your facilities. We are confident we can provide the level of service required to maintain your facilities and adapt to your changing needs. Thank you for your time and consideration of this protest. We look forward to hearing from you soon.

Best regards,

*Thomas Henning*

Thomas Henning, President  
Stratus Building Solutions of Charlotte

## STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

*Protest Appeal Notice (Revised July 2022)*

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>

FILING FEE: Pursuant to Proviso 111.1 of the 2022 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  
1105 Pendleton Street, Suite 209, 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.**