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Protest Decision

Matter of: Oracle Elevator Company
File No.: 2026-115
Posting Date: April 15, 2026
Contracting Entity: Spartanburg Community College
Solicitation No.: Emergency Procurement
Description: PAB Elevator Repair

DIGEST

The Chief Procurement Officer (CPO) denies the protest of Oracle Elevator Company (Oracle). The protest document is attached as Exhibit A.

AUTHORITY

The CPO conducted an administrative review pursuant to S.C. Code Ann. § 11-35-4210. This decision is based on materials in the procurement file and applicable law and precedents.

BACKGROUND

- On September 17, 2025, Spartanburg Community College (College) drafted an Emergency Written Determination (Exhibit B), describing that its “PAB Elevator” had broken down, leaving the building in violation of ADA requirements and preventing certain disabled faculty and staff from accessing anything but the ground floor. The elevator has no existing warranty. The College sought quotes and awarded the contract to Charter Elevator based on the lowest price and availability.

- On September 25, the College published the Notice of Emergency Procurement in South Carolina Business Opportunities. (Exhibit C). The contract amount was listed as \$76,442.
- On September 26, Oracle filed its protest.

DISCUSSION

Oracle's protest raises the following grounds:

Oracle Elevator Company protest the sole source for the modernization for the following reasons:

1. The original is an obsolete elevator Charter Elevator inherited from the former manufacturer. Charter Elevator Company has no more ability to modernize this elevator than any other authorized elevator company. NOT BEING A MANUFACTURER CHARTER HAS NO STRATEGIC OR MANUFACTURING ADVANTAGE BY SOLE SOURCING TO THEM AND NO SIGNIFICANT BUYING POWER ADVANTAGE DUE TO THE SIZE OF CHARTER ELEVATOR, TO HURRY THIS PROCESS UP. MATERIAL CAN TAKE MANY WEEKS AND THEN THE INSTALLATION. IS THAT TRULY AN EMERGENCY PROCUREMENT.
 2. Since this did not go out for bid there is NO FINANCIAL ADVANTAGE AND NO COMPETITION. By opening to competition and moving the opportunity for other companies buying power the College stands a better chance of saving money and/or speeding up the overall installation time.
 3. Building code work and the ability to complete turn-key modernization are not addressed in this Emergency Source. The timing and coordination of the code required building work make it improbable to consider this an emergency sole source. Coordination is not being taken into account by this source and after 22 years there have been multiple Building Code upgrades that HAVE TO take place.
- OVERALL DUE TO THE LENGTH OF TIME IN MATERIAL DELIVERY AND THE BUILDING WORK THIS JOB IS NOT ABLE TO QUALITY AS EMERGENCY AND SHOULD BE COMPETITIVELY BID.

No benefit to the College or this project is gained from the sole sourcing of such a large and key project. In addition, the need to coordinate the work by others (building work) makes this project more suited for elevator company that specializes in turnkey services of skilled sub-contractors to handle the building work not any Elevator Company.

As to the first and second grounds, while the SCBO advertisement listed the procurement as a "Sole Source and Emergency," the procurement was done pursuant to emergency procedures under § 11-35-1570 and Regulation 19-445.2110. An emergency is one that creates a threat to public health, welfare, or safety that arises by emergency circumstances including equipment failures. A governmental body may address the emergency even if it is more costly than a standard procurement and the chosen vendor is not the sole source of the services. The CPO finds the elevator repair constituted an emergency under the law, because certain disabled students and faculty could be denied access to the building's upper floors during the fall semester, which not only creates a hardship for those students and faculty but also interferes with the College's operations. Under the circumstances, the College sought as much competition as practicable by securing several quotes and then selecting a vendor based on the lowest price and availability. The CPO denies the first two protest grounds.

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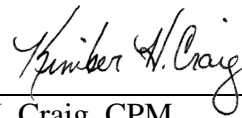
Case No. 2026-115

April 15, 2026

As to the third protest ground, even if Oracle is correct that the College failed to list all the work required in its Emergency Written Determination, the College is still faced with an emergency where time is of the essence. An emergency procurement allows the College to begin the repairs as soon as possible under the circumstances. The CPO denies this protest ground.

DECISION

For the reasons stated above, the CPO denies Oracle's protest.



Kimber H. Craig, CPM
Chief Procurement Officer

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised July 2025)

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 2025 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 J&Hs, 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 366, 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.



NOTICE OF PROTEST- EMERGENCY SOLE SOURCE PROCUREMENT

Date: September 26, 2025

Purchasing agency: Spartanburg Technical College

Location: Spartanburg SC Campus

Letter to protest the sole sourcing of the modernization for Spartanburg Community College posted 09/25/2025

This protest consists of (1) page

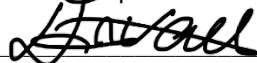
PROTEST:

Oracle Elevator Company protest the sole source for the modernization for the following reasons:

- 1. The original is an obsolete elevator **Charter Elevator** inherited from the former manufacturer. **Charter Elevator Company** has no more ability to modernize this elevator than any other authorized elevator company. **NOT BEING A MANUFACTURER CHARTER HAS NO STRATEGIC OR MANUFACTURING ADVANTAGE BY SOLE SOURCING TO THEM AND NO SIGNIFICANT BUYING POWER ADVANTAGE DUE TO THE SIZE OF CHARTER ELEVATOR, TO HURRY THIS PROCESS UP. MATERIAL CAN TAKE MANY WEEKS AND THEN THE INSTALLATION. IS THAT TRULY AN EMERGENCY PROCUREMENT.**
 - 2. Since this did not go out for bid there is NO FINANCIAL ADVANTAGE AND NO COMPETITION. **By opening to competition and moving the opportunity for other companies buying power the College stands a better chance of saving money and/or speeding up the overall installation time.**
 - 3. Building code work and the ability to complete turn-key modernization are not addressed in this **Emergency Source**. The timing and coordination of the **code required building work** make it improbable to consider this an emergency sole source. **Coordination is not being taken into account by this source and after 22 years there have been multiple Building Code upgrades that HAVE TO take place.**
- OVERALL DUE TO THE LENGHT OF TIME IN MATERIAL DELIVERY AND THE BUILDING WORK THIS JOB IS NOT ABLE TO QUALITY AS EMERGENCY AND SHOULD BE COMPETITIEVLY BID.**

No benefit to the **College** or this project is gained from the sole sourcing of such a large and key project. In addition, the need to coordinate the work by others (**building work**) makes this project more suited for elevator company **that specilizes in turnkey** services of skilled sub-contractors to handle the building work **not any Elevator Company.**

Accepted by Authorized Representative of Oracle:

Signature: 

Typed Name: Dave Allen

Title: SENIOR BDM

Date: 09/26/2024

Emergency
Written Determination

Agency Identification: Spartanburg Community College

Describe the nature of the emergency condition and the resulting immediate threat to public health, welfare, critical economy and efficiency, or safety that this procurement responded to: PAB Elevator Repair

Describe the facts and circumstances giving rise to the above describe emergency condition and threat: PAB Elevator has broken down again leaving stated building in a NON-COMPLIANCE state within our ADA requirements as a college. Any Handicapped student or faculty will not be able to access anything but the ground floor at this time limiting the required classes needed for offered courses. Previously this elevator broke down and due to it being a 22-year-old elevator the replacement parts are now obsolete. We have repaired them twice previously using used and refurbished parts with no service warranty offered which have failed also at this point leaving the elevator stuck between floors and out of service. These issues have a concerning high threat of any student/faculty being trapped in the elevator due to future failure caused by used/refurbished replacement parts.

Agency has contracted with Emergency Vendor for the supplies, services, information technology, or construction described below per S.C. Code Ann. §11-35-1570 and S.C. Regulation 19-445.2110, Emergency Procurement.

Emergency Vendor: Charter Elevator

Basis for Selection of the Vendor –Gathered Multiple Quotes and chose Vendor based on Lowest price and Availability

Description of supplies, services, information technology, or construction: Furnish and install new Alpha Controls elevator controller. Non-proprietary controls that will upgrade the brains of elevator. Door control, Door motor, Door linkage, 3-D Door Protection, all new wiring to elevator and hoist-way, New cartop controls, Selector System, Non-Proprietary, New hoist-way wiring package, New Pit Stop Switch, New Car Wiring Including Travel Cable

Required Signatures:

Prepared by: 

Date: 9/17/2025

Printed Name: Christopher Botelho

Title: Director of Operations

Approved by: 

Approval Date: 9/17/2025

Printed Name: Michael Mikota

Title: President

South Carolina Business Opportunities

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

Notice Of Emergency Procurement By: Spartanburg Community College

Ad Category: Sole Source and Emergency

Notice Start Date: September 25, 2025

Notice End Date: October 10, 2025

Vendor Name: Charter Elevator

Contract Amount: \$76,442.00

Agency Procurement Manager: Tami Steed

Agency Procurement Manager Email: steedt@sccsc.edu

Agency Procurement Manager Telephone#: 864-592-4671

The Agency hereby provides notice that it entered into an emergency contract per S.C. Code Ann. §11-35-1570 with Vendor for the following supplies, services, information technology, or construction:

Our Elevator has broken down again leaving the PAB building in a Non-Compliance state within our ADA requirements as a college. Any handicapped student or faculty will not be able to access anything but the ground floor at this time limiting the required classes needed for offered courses. Previously this elevator broke down and due to it being a 22-year-old elevator the replacement parts are now obsolete.

These issues have a concerning high threat of any student/faculty being trapped in the elevator due to future failure caused by used/refurbished replacement parts. Furnish and install new Alpha Controls elevator controller.

Agency's justification for this emergency procurement may be viewed or obtained at: Agency Procurement Manager (Listed Above)

PROTESTS:

Any actual or prospective bidder, offeror, contractor, or subcontractor aggrieved in connection with the intended award or award of this emergency contract, shall notify the appropriate chief Procurement officer in writing of its intent to protest within five (5) business days of the date this notice is posted. Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this emergency contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner set forth below within fifteen days of the date this notice is posted; except that a matter that could have been raised as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

A protest must be in writing, filed with the appropriate chief procurement officer, and set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided. The protest must be received by the appropriate chief procurement officer within the time provided above. Days are calculated as provided in S.C. Code Ann. § 11-35-310(13).

Any Notice Of Intent To Protest And Protest Must Be Addressed To: Materials Management Officer

South Carolina Business Opportunities • SCBO Team • 1201 Main Street, Suite 600 • Columbia, SC 29201
803-737-0600 • scbo@mmo.sc.gov • <https://scbo.sc.gov> • <https://procurement.sc.gov>

