

HENRY MCMASTER, CHAIR
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STATE TREASURER
BRIAN J. GAINES
COMPTROLLER GENERAL



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

HARVEY S. PEELER, JR.
CHAIRMAN, SENATE FINANCE COMMITTEE
BRUCE W. BANNISTER
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE
GRANT GILLESPIE
EXECUTIVE DIRECTOR

Protest Decision

Matter of: SafeWay Signaling, Ltd. Co.
File No.: 2025-016
Posting Date: April 15, 2025
Contracting Entity: University of South Carolina
Project No.: H27-C006-PG
Description: TOC-Electrical Contracting Services

DIGEST

Chief Procurement Officer denies protest of the intended award alleging violation of document production requirements of the Procurement Code that do not have any bearing on the solicitation and contract-award process.

AUTHORITY

Per S.C. Code Ann. § 11-35-4210, the Chief Procurement Officer for Construction (CPOC) conducted an administrative review of a protest filed by SafeWay, Ltd. Co. (SafeWay) protesting the award of four task-order contracts for electrical services. Safeway's protest is attached as Exhibit A.

BACKGROUND

On January 6, 2025, USC issued a solicitation for offers to provide indefinite delivery of electrical-contractor services. [Exhibit B] Per the Procurement Code, contracts for indefinite delivery of construction services are awarded per the requirements of Section

11-35-1530, where price is not an evaluation factor. By the deadline for receipt of proposals, USC received nine offers, including one from SafeWay. [Exhibit C]

Per Sections 11-35-1530 and -3320, USC submitted the nine offers to a three-member evaluation panel for evaluation and ranking from most qualified to least qualified. [Id.] The evaluation panel ranked MSI Construction Company, Inc., DNB Electric, Inc., AOS Specialty Contractors, Inc., and Farmer Construction LLC as the four most-qualified offerors. [Id.]

On March 10, 2025, the procurement officer sent an email to all offerors stating:

Thank you all for your submittals. Please see the attached SE-660 Notice of Intent to Award- Task Order Contract

[Exhibit D]

The SE-660 is a form titled “Request for Concurrence in Posting Notice of Intent to Award Task Order Contract,”¹ not “Notice of Intent to Award- Task Order Contract.” The latter is form SE-670. Nonetheless, the SE-660 USC sent to all offerors identified who the intended awardees were, and the procurement officer sent it to the offerors intending to provide such notice. That same day, Safeway sent a Freedom of Information Act Request to USC combined with a notice of intent to protest to the CPOC. [Exhibit E] The following day, after realizing its mistake, USC posted a notice of intent to award.² [Exhibit F]

On March 25, 2025, the fifteenth day after USC emailed the SE-660, Safeway filed its formal protest. Safeway protests USC’s failure to respond to the FOIA request stating:

This act of negligence undermines SC Code § 11-35-30 Obligation of good faith and SC Code § 11-35-1530 Competitive sealed proposals. Given the full account of actions set forth USC should have taken necessary precautions to ensure a three member panel as notated in SC Code § 11-35-3320 was selected and provided the required FOIA information to ensure the contract file contains the basis on which the

¹ The purpose of this form is to provide the Office of State Engineer the opportunity to confirm everything is in order and supports the intended award before the notice of intent to award is posted and provided to offerors.

² The USC Procurement Officer handling this procurement is a new employee and still learning the process.

award is made, along with evaluation factors, and is sufficient to satisfy external audit.

USC did not respond to the FOIA as quickly as SafeWay anticipated because USC assumed that its March 10, 2025, email was not official notice of the intent to award and therefore SafeWay's intent to protest was premature and ineffective.³

DISCUSSION

The CPOC must first address whether USC's email of March 10, 2025, constituted statutory notice such that SafeWay's notice of intent to protest was not premature. If it was premature, then it was ineffective and SafeWay's protest was untimely. On the other hand, if it was not premature SafeWay's protest is valid.

The CPOC finds that USC's email of March 10, 2025, was valid official notice of the intent to award. The email stated that the attached SE-660 was USC's notice of intent to award. Moreover, the attached SE-660 identified the four intended awardees. From the perspective of an actual bidder, it was actual notice of the intent to award and, from that point in time, the clock started running on protest rights. The facts make it clear that USC intended the email and attachment to be notice of its intent to award contracts. For the State to now say that Safeway's protest was premature because USC sent out the wrong document would be disingenuous.

Despite the foregoing, SafeWay's protest fails to state a ground of protest for which relief may be granted. Failure to respond to Safeway's FOIA request was an act that occurred after award and did not affect the award. From USC's failure to timely respond to FOIA, Safeway assumes that USC failed to maintain a procurement file sufficient to satisfy an audit. Again, even if this were true, it does not provide a ground of protest. The requirement to maintain files sufficient to satisfy an audit is to facilitate an audit by State auditors, not bidders.

³ This assumption was made at a level higher than the procurement manager for this procurement.


Admittedly, USC's failure to timely respond to SafeWay's FOIA request impacted SafeWay's ability to determine if it had a valid ground of protest. Section 11-35-410(F) states:

If requested in writing before a final award by an actual bidder, offeror, contractor, or subcontractor with regard to a specific intended award or award of a contract, the procurement officer shall, **within five days of the receipt of any such request, make documents** directly connected to the procurement activity and not otherwise exempt from disclosure **available for inspection** at an office of the responsible procurement officer.

The purpose of this Section is to enable bidders to determine if there was a violation of law in the procurement process and therefore a valid ground of protest. For example, SafeWay questions whether USC had an evaluation panel of at least three members per Section 11-35-3320(B). The record shows that USC did but without a response to its FOIA request, there was no way for SafeWay to know this.⁴ [Exhibit D] On the other hand, SafeWay does not appear to have followed up on its FOIA request when it did not receive a response and an opportunity to view the procurement file on or before March 17, 2025. Regardless, SafeWay's complaint about USC's failure to respond to its FOIA request does not provide a basis to protest the intent to award.⁵

DECISION

For the forgoing reasons, the CPOC denies SafeWay's protest.



John St. C. White, PE
Chief Procurement Officer for
Construction

Columbia, South Carolina

⁴ A member of the Office of State Engineer observed the ranking process via teams to assure that USC followed the proper evaluation and ranking process.

⁵ While failure to respond to document request per Section 11-35-410(F) may not provide an offeror a ground to protest the award, it can be a basis for the State Fiscal Accountability Authority to impose administrative penalties on an agency. S.C. Code Ann. § 11-35-1240.

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised July 2024)

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 2024 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 CSGs, 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.



Chris Gutierrez
110 Roundtree Rd Blythewood SC 29016
Phone: (803) 608-1748
Email: chrisg@safewaysignaling.com

Exhibit A

March 25, 2025

By Email To: protest-ose@mmo.sc.gov

By Email To: SJA1@mailbox.sc.edu

Office Of State Engineer
1201 Main Street Suite 600
Columbia, SC 29201
protest-ose@mmo.sc.gov

Samuel Andrews
Procurement Manager
SJA1@mailbox.sc.edu

RE: PROTEST / REQUEST FOR ADMINISTRATIVE REVIEW OF:

STATE PROJECT NUMBER: H27-C006-PG

TOC-Electrical Contracting Services

By Safeway Signaling Ltd. Co.

Date of Issuance of Invitation for Task Order Contract Electrical Contracting Services: Jan 22 , 2025

Date of Issuance of Amendment 1: NA

INTENT TO AWARD POSTED: 03-11-2025

Dear Chief Procurement Official and All Concerned,

Safeway Signaling Ltd. Co. ("Safeway") represents itself as a prospective bidder aggrieved in connection with the solicitation and potential award of this contract.

The grounds of this request for administrative review are set forth below. Following applicable law, this letter is intended to provide notice of the issues to be decided. For that reason, it does not purport to set forth all facts and evidence supporting the issues protested.

Safeway reserves the right and requests that the Office of State Engineer ("OSE") issue a review providing all parties to the protest a briefing schedule and an opportunity to offer facts, evidence, and argument in support of this protest. If the OSE elects not to conduct a review or determines this protest to otherwise be averse to Safeway's request on this vital procurement, Safeway reserves the right to appeal as provided in SC Code § 11-35-4210(6).

TIMELY PROTEST

This protest is timely within the deadline set by §11-35-4210 of the State of South Carolina Code of Law and procurement regulation. The protest is made within fifteen days of the notice of award, posted March 11, 2025.

PURPOSE OF THE SOLICITATION

The purpose of this Invitation for Task Order Contract Electrical Services ("TOC") is to obtain services and materials to demolish and/or repair/replace/provide new electrical components together with submittals, conduits, wiring, and devices as part of a competitive sealed proposal for which a minimum of 4 contract awards are issued to respective bidders in an effort to simplify procurement of services. Completing these tasks requires expertise, qualification and licensing specific to fulfilling the solicitation requirements. The Solicitation contains a number of specific requirements. It is incumbent upon a proposer to include all of the



Chris Gutierrez
110 Roundtree Rd Blythewood SC 29016
Phone: (803) 608-1748
Email: chrisg@safewaysignaling.com

required information in its offer. The Agency cannot consider or evaluate any potential bidder who has not met the requirements of the TOC and SCLLR. The Agency is also required to provide an evaluation of all proposed bidders in accordance with the requirements of South Carolina Code of Law Title 11 Chapter 35 South Carolina Consolidated Procurement Code **SECTION 11-35-1530** Competitive sealed proposals with respect to subsection (7) Selection and Ranking for which awards shall be made per subsection (9).

GROUND'S OF PROTEST

SECTION 11-35-3320. Task order contracts.

(A) The term "task order contract" means a contract that does not procure or specify a firm quantity of services, other than a minimum or maximum quantity, and that provides for the issuance of task orders for the performance of tasks during the period of the contract. Subject to the requirements of this section and other applicable law, a governmental body may enter into task order contracts to acquire construction services when the exact time or exact quantities of future tasks are not known at the time of contract award. In accordance with Section 11-35-4810, the State Engineer may award task order contracts on behalf of any governmental body and for use by any state public procurement unit authorized by the State Engineer.

(B) At any given time, a governmental body may enter into task order contracts with four businesses for each geographic area for each licensing classification and subclassification for construction. Licensing classification and subclassification has the meaning provided by Chapter 11, Title 40. Except as otherwise provided in this section, a task order contract for construction must be procured as provided in Section 11-35-1530, not including paragraph (4) (Request for Qualifications) or paragraph (8) (Negotiations). All evaluations must be conducted by a panel composed of at least three members. A governmental body shall invite the State Engineer or his designee to serve as one of the panel members. Except as provided by regulation, award must be made to the four responsible offerors whose proposals are determined in writing to be the most advantageous to the State, taking into consideration the evaluation factors set forth in the request for proposals. The contract file must contain the basis on which the awards will be made and must be sufficient to satisfy external audit. Procedures and requirements for the notification of intent to award the contracts must be the same as those provided in Section 11-35-1520(1) (Award). Section 11-35-3023 does not apply to contracts awarded pursuant to this section.

SECTION 11-35-1530. Competitive sealed proposals.

(1) Conditions for Use.

(a) If the procurement officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State, a contract may be entered into by competitive sealed proposals subject to the provisions of Section 11-35-1520 and the ensuing regulations, unless otherwise provided in this section.

(b) The board may provide by regulation that it is either not practicable or not advantageous to the State to procure specified types of supplies, services, information technology, or construction by competitive sealed bidding.

(2) Public Notice. Adequate public notice of the request for proposals must be given in the same manner as provided in Section 11-35-1520(3).

(3) Receipt of Proposals. Proposals must be opened publicly in accordance with regulations of the board. A tabulation of proposals must be prepared in accordance with regulations promulgated by the board and must be open for public inspection after contract award.

(4) Request for Qualifications.

(a) Before soliciting proposals, the procurement officer may issue a request for qualifications from prospective offerors. The request must contain at a minimum a description of the scope of the work to be solicited by the request for proposals and must state the deadline for submission of information and how prospective offerors may apply for consideration. The request must require information only on their qualifications, experience, and ability to perform the requirements of the contract.



Chris Gutierrez
110 Roundtree Rd Blythewood SC 29016
Phone: (803) 608-1748
Email: chrisg@safewaysignaling.com

(b) After receipt of the responses to the request for qualifications from prospective offerors, rank of the prospective offerors must be determined in writing from most qualified to least qualified on the basis of the information provided. Proposals then must be solicited from at least the top two prospective offerors by means of a request for proposals. The determination regarding how many proposals to solicit is not subject to review pursuant to Article 17.

(5) Evaluation Factors. The request for proposals must state the relative importance of the factors to be considered in evaluating proposals but may not require a numerical weighting for each factor. Price may, but need not, be an evaluation factor.

(6) Discussion with Offerors. As provided in the request for proposals, discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussions. In conducting discussions, there must be no disclosure of confidential information derived from proposals submitted by competing offerors. The board shall promulgate regulations governing discussions.

(7) Selection and Ranking. Proposals must be evaluated using only the criteria stated in the request for proposals and there must be adherence to weightings that have been assigned previously. Once evaluation is complete, all responsive offerors must be ranked from most advantageous to least advantageous to the State, considering only the evaluation factors stated in the request for proposals.

(8) Negotiations. After proposals have been ranked pursuant to Section 11-35-1530(7), the procurement officer, in his sole discretion and not subject to review under Article 17, may proceed in any of the manners indicated below, except that in no case may confidential information derived from proposals and negotiations submitted by competing offerors be disclosed:

(a) negotiate with the highest ranking offeror on price, on matters affecting the scope of the contract, so long as the changes are within the general scope of the request for proposals, or on both. If a satisfactory contract cannot be negotiated with the highest ranking offeror, negotiations may be conducted, in the sole discretion of the procurement officer, with the second, and then the third, and so on, ranked offerors to the level of ranking determined by the procurement officer in his sole discretion;

(b) during the negotiation process as outlined in item (a) above, if the procurement officer is unsuccessful in his first round of negotiations, he may reopen negotiations with any offeror with whom he previously negotiated; or

(c) before or after negotiations pursuant to Section 11-35-1530(8), the procurement officer may make changes to the request for proposals within the general scope of the request for proposals and may provide all responsive offerors an opportunity to submit their best and final offers, which must be reevaluated and ranked pursuant to Section 11-35-1530(7).

(9) Award. Award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State, taking into consideration the evaluation factors set forth in the request for proposals, unless the procurement officer determines to utilize one of the options provided in Section 11-35-1530(8). The award of the contract must be made on the basis of evaluation factors that must be stated in the RFP. The contract file must contain the basis on which the award is made and must be sufficient to satisfy external audit. Procedures and requirements for the notification of intent to award the contract must be the same as those provided in Section 11-35-1520(10).

HISTORY: 1981 Act No. 148, Section 1; 1986 Act No. 510, Section 12; 1993 Act No. 178, Section 22; 1997 Act No. 153, Section 1; 2006 Act No. 376, Section 28; 2008 Act No. 174, Section 9; 2019 Act No. 41 (S.530), Section 22, eff May 13, 2019.

Editor's Note

2008 Act No. 174, Section 21, provides as follows:

"This act takes effect upon approval by the Governor and applies to solicitations issued on or after January 1, 2008."

2019 Act No. 41, Section 80, provides as follows:

"SECTION 80. This act takes effect upon approval by the Governor and applies to solicitations issued after that date."



Chris Gutierrez
110 Roundtree Rd Blythewood SC 29016
Phone: (803) 608-1748
Email: chrisg@safewaysignaling.com

Effect of Amendment

2019 Act No. 41, Section 22, rewrote the section.

SECTION 11-35-410. Public access to procurement information.

(A) Procurement information must be a public record to the extent required by Chapter 4, Title 30 (The Freedom of Information Act), except as otherwise provided by this code, and with the exception that commercial or financial information obtained in response to a request for proposals or any type of bid solicitation that is privileged and confidential need not be disclosed.

(B) Privileged and confidential information is information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the party supplying the information.

Examples of this type of information include:

- (1) customer lists;
- (2) design recommendations and identification of prospective problem areas under an RFP;
- (3) design concepts, including methods and procedures;
- (4) biographical data on key employees of the bidder.

(C) The board shall promulgate regulations directing the public availability and disposition of documents submitted in response or with regard to a solicitation or other request where no award is made.

(D) For all documents submitted in response or with regard to any solicitation or other request, the person submitting the documents shall comply with instructions provided in the solicitation for marking information exempt from public disclosure. Information not marked as required by the applicable instructions may be disclosed to the public.

(E) A governmental body, with the approval of the appropriate chief procurement officer, may keep portions of a solicitation confidential and release the information to prospective offerors only upon execution of a nondisclosure agreement, provided the information is otherwise exempted from disclosure by law.

(F) If requested in writing before a final award by an actual bidder, offeror, contractor, or subcontractor with regard to a specific intended award or award of a contract, the procurement officer shall, within five days of the receipt of any such request, make documents directly connected to the procurement activity and not otherwise exempt from disclosure available for inspection at an office of the responsible procurement officer. Without otherwise limiting any other exemptions granted by law, and except as provided herein, documents of and documents incidental to proposed contractual arrangements, including those used for contract negotiations, are not exempt from disclosure after the date notice of intent to award is posted, unless the notice is subsequently canceled.

HISTORY: 1981 Act No. 148, Section 1; 1997 Act No. 153, Section 1; 2006 Act No. 376, Section 9; 2019 Act No. 41 (S.530), Section 7, eff May 13, 2019.

Editor's Note

2019 Act No. 41, Section 80, provides as follows:

"SECTION 80. This act takes effect upon approval by the Governor and applies to solicitations issued after that date."

Effect of Amendment

2019 Act No. 41, Section 7, in (A), inserted ", except as otherwise provided by this code, and"; rewrote (C); deleted (D), which related to an exemption for evaluative documents predecisional in nature; redesignated (E) as (D); and added (E) and (F).

SECTION 11-35-30. Obligation of good faith.

Every contract or duty within this code imposes an obligation of good faith in its negotiation, performance or enforcement. "Good faith" means honesty in fact in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.

HISTORY: 1981 Act No. 148, Section 1; 1997 Act No. 153, Section 1.



Chris Gutierrez
110 Roundtree Rd Blythewood SC 29016
Phone: (803) 608-1748
Email: chrisg@safewaysignaling.com

On March 11, 2025 the University of South Carolina (USC) issued a notice of intent to award for 4 bidders with respect to the TOC solicitation (exhibit A). Safeway was not provided an award and effectively denied the opportunity to participate in the TOC. Per FOIA request FR-2025-86 Safeway requested the following *"Please provide all documents related to TOC Electrical solicitation H27-C006-PG for review. Please provide this service at no charge for a review of the determination by a supplier who provided costing for this offer. In addition please provide any determination factors utilized to provide the award determination and rejection determinations of other offers."* USC's procurement officer neglected the requirement to provide public access to documentation as outlined in SC Code § 11-35-410. This act of negligence undermines SC Code § 11-35-30 Obligation of good faith and SC Code § 11-35-1530 Competitive sealed proposals. Given the full account of actions set forth USC should have taken necessary precautions to ensure a three member panel as notated in SC Code § 11-35-3320 was selected and provided the required FOIA information to ensure the contract file contains the basis on which the award is made, along with evaluation factors, and is sufficient to satisfy external audit.

RELIEF REQUESTED

The current solicitation award is contrary to law. Considering these facts, which are not disputable, Safeway seeks the following relief:

- That the OSE direct the agency to cancel the award of the TOC and rebid at a later date in accordance with state laws.

Safeway appreciates your timely consideration of this protest.

Sincerely,

Safeway Signaling Ltd. Co.

Chris Gutierrez



Chris Gutierrez
110 Roundtree Rd Blythewood SC 29016
Phone: (803) 608-1748
Email: chrisg@safewaysignaling.com

Exhibit A

SE-670

NOTICE OF INTENT TO AWARD - TASK ORDER CONTRACT

AGENCY: USC - Columbia **TOC**
CONTRACT NAME: TOC - Electrical Contracting Services **TOC**
CONTRACT NUMBER: H27-C006-PG

POSTING DATE: 03/11/2025

Notice is hereby given that the Agency Selection Committee has, in accordance with the requirements of SC Code § 11- 35-3220, the Manual for Planning and Execution of State Permanent Improvement Projects, and the solicitation documents, reviewed the qualifications of interested contractors and determined the contractors listed below to be the most qualified for this Task Order Contract. The Agency hereby announces its intent to award a contract to the following contractors:

NAMES OF CONTRACTORS SELECTED:

1. MSI Construction Company, Inc.
2. DNB Electric, Inc.
3. AOS Specialty Contractors, Inc.
4. Fanner Construction LLC

DATE SELECTION WAS MADE: 03/05/2025

REMARKS: *(If "No Contract to be Awarded" is entered above, indicate the reason.)*

TOC-Electrical Services contractors

RIGHT TO PROTEST (SC Code 11-35-4210)

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this contract may be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen (15) days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided.

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to: protest-ose@mmo.sc.gov, or (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the email address from which you sent your protest.

BY: Samuel Andrews **TITLE:** Procurement Manager **DATE:** 03/11/2025

ACKNOWLEDGED BY OSE PROJECT MANAGER: Phil Gerald **DATE:** 03/11/2025

South Carolina Business Opportunities

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

Ad Category: Construction

Ad Start Date: January 6, 2025

Agency/Owner: University of South Carolina

Project Name: TOC - Electrical Contracting Services

Project Number: H27-C006-PG

Construction Cost Range: N/A

Project Location: USC - Columbia, Richland County

Description of Project/Services:

Provide task order contracting for electrical contracting construction within the geographic area of South Carolina as indicated above. Contractors submitting proposals for these Task Order Contracts shall, at the time of submittal of the proposal and throughout the life of the contract, possess a South Carolina Mechanical Contracting license with an Electrical (EL).

Bid/Submittal Due Date & Time: January 30, 2025 - 3:00pm

Number of Bid/Submittal Copies: Printed: 0, Electronic: 1

Project Delivery Method: Design-Bid-Build

Agency Project Coordinator: Sammy Andrews

Email: SJA1@MAILBOX.SC.EDU

Telephone: (803) 777-3489

Documents May Be Obtained From: <http://supplier.ps.sc.edu>

Project Details: <https://scbo.sc.gov/files/scbo/SE-655%20H27-C006-PG.pdf>

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



SE-658

TOC SELECTION COMMITTEE SUMMARY

AGENCY: The University of South Carolina

TOC CONTRACT NAME: TOC- Electrical Contracting Services

TOC CONTRACT NUMBER: H27-C006-PG

CONTRACTORS SUBMITTING QUALIFICATIONS	
A. AOS Contractors	F. Ozumni Designs
B. DNB Electric	G. Paragon
C. Farmer Construction	H. Safeway Signaling
D. Harper GC	I. South Tech Systems
E. MSI	J.

COMMITTEE MEMBERS (Insert Names)		RANKING OF CONTRACTORS									
		A	B	C	D	E	F	G	H	I	J
1.	Jason Stock	36	37	33	29	38	32	34	31	30	
2.	Cedric Sumter	34	32	30	31	33	25	26	27	29	
3.	Archie Sigtler	30	33	29	24	32	29	27	21	23	
4.											
5.											
TOTAL		100	102	91	84	103	86	87	79	82	
If there is a tie in the Total between 2 or more contractors, insert the sum of the raw scores (Total Points) of the tied contractors from the SE-657s.											
RANKING BY COMMITTEE (1,2,3...) (considering Raw Score, if needed)		3	2	4	7	1	6	5	9	8	

SELECTION COMMITTEE CHAIR CERTIFICATION:

The Agency Selection Committee (Committee) has reviewed the qualifications submitted by the above contractors in response to the *Invitation for Task Order Contract* and ranked all contractors in accordance with the requirements of Title 11, Chapter 35, Article 10 of the South Carolina Code of Laws. The Committee evaluated and ranked all contractors based on only the criteria set forth in Chapter 9 of the OSE Manual.

COMMITTEE CHAIR NAME: Samuel Andrews

DATE: 03-05-2025

COMMITTEE CHAIR TITLE: Procurement Officer

COMMITTEE CHAIR SIGNATURE:

TOC SELECTION COMMITTEE MEMBER - CONTRACTOR EVALUATIONAGENCY: The University of South CarolinaTOC CONTRACT NAME: TOC- Electrical Contracting ServicesTOC CONTRACT NUMBER: H27-C006-PG

CONTRACTORS SUBMITTING QUALIFICATIONS	
A. AOS Contractors	F. Ozumni Designs
B. DNB Electric	G. Paragon
C. Farmer Construction	H. Safeway Signaling
D. Harper GC	I. South Tech Systems
E. MSI	J.

EVALUATION CRITERIA		Ranking Range	CONTRACTORS									
			A	B	C	D	E	F	G	H	I	J
a)	Past Performance/Recent Construction Projects Completed	1-10	7	8	6	7	7	7	6	6	6	
b)	Ability of Proposed Project Personnel	1-5	3	4	4	3	4	4	3	3	3	
c)	Financial Information Regarding the Ability to Provide Required Bonding and Insurance	1-5	5	5	4	4	5	4	5	2	4	
d)	Location of Proposed Office in Relation to the Project Area	1-5	3	3	3	1	3	3	3	2	3	
e)	General Project Experience	1-10	8	9	7	7	9	7	7	6	6	
f)	Experience with State Contracts Awarded	1-5	4	4	4	2	4	4	3	2	1	
g)	Other Criteria Included in the Solicitation: N/A	N/A										
TOTAL POINTS (Use whole numbers only and break all ties before ranking)			30	33	28	24	32	29	27	21	23	
RANKING OF CONTRACTORS (1,2,3...) (Transfer to SE-658)			3	1	5	7	2	4	6	9	8	

EVALUATOR CERTIFICATION	
I hereby certify that all the contractors listed were evaluated and ranked by me based on the Evaluation Criteria shown above and no other criteria was used.	
EVALUATOR NAME: <u>Archie D. Sichter III</u>	DATE: <u>3-5-2025</u>
SIGNATURE: <u>Archie D. Sichter</u>	

TOC SELECTION COMMITTEE MEMBER - CONTRACTOR EVALUATIONAGENCY: The University of South CarolinaTOC CONTRACT NAME: TOC- Electrical Contracting ServicesTOC CONTRACT NUMBER: H27-C006-PG**CONTRACTORS SUBMITTING QUALIFICATIONS**

A. AOS Contractors	F. Ozumni Designs
B. DNB Electric	G. Paragon
C. Farmer Construction	H. Safeway Signaling
D. Harper GC	I. South Tech Systems
E. MSI	J.

EVALUATION CRITERIA		Ranking Range	CONTRACTORS									
			A	B	C	D	E	F	G	H	I	J
a)	Past Performance/Recent Construction Projects Completed	1-10	9	9	6	6	9	6	8	7	6	
b)	Ability of Proposed Project Personnel	1-5	5	5	5	5	5	5	5	5	5	
c)	Financial Information Regarding the Ability to Provide Required Bonding and Insurance	1-5	5	5	5	5	5	5	5	5	5	
d)	Location of Proposed Office in Relation to the Project Area	1-5	4	5	5	3	5	5	3	4	5	
e)	General Project Experience	1-10	8	8	7	5	9	6	8	5	4	
f)	Experience with State Contracts Awarded	1-5	5	5	5	5	5	5	5	5	5	
g)	Other Criteria Included in the Solicitation: N/A	N/A										
TOTAL POINTS (Use whole numbers only and break all ties before ranking)			36	37	33	29	38	32	34	31	30	
RANKING OF CONTRACTORS (1,2,3...) (Transfer to SE-658)			3	2	5	9	1	6	4	7	8	

EVALUATOR CERTIFICATION

I hereby certify that all the contractors listed were evaluated and ranked by me based on the Evaluation Criteria shown above and no other criteria was used.

EVALUATOR NAME: <u>Jason Stock</u>	DATE: <u>5 Mar 25</u>
SIGNATURE: <u>[Signature]</u>	

SE-657

TOC SELECTION COMMITTEE MEMBER - CONTRACTOR EVALUATION

AGENCY: The University of South Carolina
TOC CONTRACT NAME: TOC- Electrical Contracting Services
TOC CONTRACT NUMBER: H27-C006-PG

CONTRACTORS SUBMITTING QUALIFICATIONS	
A. AOS Contractors	F. Ozumni Designs
B. DNB Electric	G. Paragon
C. Farmer Construction	H. Safeway Signaling
D. Harper GC	I. South Tech Systems
E. MSI	J.

EVALUATION CRITERIA		Ranking Range	CONTRACTORS									
			A	B	C	D	E	F	G	H	I	J
a)	Past Performance/Recent Construction Projects Completed	1-10	9	9	8	8	9	7	8	7	8	
b)	Ability of Proposed Project Personnel	1-5	4	4	4	4	4	3	4	3	3	
c)	Financial Information Regarding the Ability to Provide Required Bonding and Insurance	1-5	4	4	3	4	3	2	3	3	3	
d)	Location of Proposed Office in Relation to the Project Area	1-5	4	3	4	2	4	5	5	3	3	
e)	General Project Experience	1-10	9	9	8	9	9	5	3	8	9	
f)	Experience with State Contracts Awarded	1-5	4	3	3	4	4	3	3	3	3	
g)	Other Criteria Included in the Solicitation: N/A	N/A										
TOTAL POINTS (Use whole numbers only and break all ties before ranking)			34	32	30	31	33	25	26	27	29	
RANKING OF CONTRACTORS (1,2,3...) (Transfer to SE-658)			1	2	3	4	3	9	8	7	6	

EVALUATOR CERTIFICATION

I hereby certify that all the contractors listed were evaluated and ranked by me based on the Evaluation Criteria shown above and no other criteria was used.

EVALUATOR NAME: Cedric Sumpter
DATE: March 5, 2025
SIGNATURE: [Signature]




Andrews, Samuel

To ☒ Andrews, Samuel

Cc ☒ Golston, Candis; ☐ Gerald, Phil

Bcc ☐ allen@aosscc.org; ☐ Neill@dnbelectric.com; ☐ fconstruction@fcllc.biz; ☐ Ryan Frey; ☐ woodywells@msiconts.com; ☐ Tim Asmann;
☐ eric@paragonbuilderssc.com; ☐ chrisg safewaysignaling.com; ☐ Cameron Krese

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Good Morning,

Thank you all for your submittals. Please see the attached SE-660 Notice of Intent to Award- Task Order Contract

Best Regards,

Samuel Andrews
Procurement Manager

803-777-3489
SJA1@mailbox.sc.edu
Purchasing
University of South Carolina

SE-660

**REQUEST FOR CONCURRENCE IN POSTING NOTICE OF INTENT TO
AWARD TASK ORDER CONTRACT**

AGENCY: USC - Columbia

TOC CONTRACT NAME: TOC - Electrical Contracting Services

TOC CONTRACT NUMBER: H27-C006-PG

The Agency hereby requests approval from the Office of State Engineer (OSE) to post Notice of Intent to Award a contract to the Contractors named. If the Agency does not receive written objection from OSE within five (5) business days after OSE's receipt of this Request and the documentation required, the Agency may post the Notice of Intent to Award - Task Order Contract at the location stated in the Invitation for Task Order Contract.

INTENDED AWARDEE (Contractor):

1. MSI Construction Company, Inc.
 2. DNB Electric, Inc.
 3. AOS Specialty Contractors, Inc.
 4. Farmer Construction LLC
-

DATE SELECTION WAS MADE: 03/05/2025

REMARKS: *(If "No Contract to be Awarded" is entered above, indicate the reason.)*

TOC-Electrical Services contractors

AGENCY CERTIFICATION AND REQUEST

I hereby certify that the Agency has conducted this solicitation in accordance with the requirements of the SC Consolidated Procurement Code and the Manual for Planning and Execution of State Permanent Improvements. I further certify that the Agency has authorized, unencumbered funds available for obligation to this contract. I hereby request the approval of the Office of State Engineer to post the Notice of Intent to Award - Task Order Contract.

BY: Samuel Andrews

TITLE: Procurement Manager

DATE: 03/06/2025

APPROVED BY:


(OSE PROJECT MANAGER)

DATE: 03/06/2025

AS

Andrews, Samuel

To

●

 Andrews, Samuel

Cc

○

 Golston, Candis;

○

 Gerald, Phil

Bcc

○

 allen@aosscc.org;

○

 Neill@dnbelectric.com;

○

 fconstruction@fcllc.biz;

○

 Ryan Frey;

○

 woodywells@msiconts.com;

○

 Tim Asmann;

○


 eric@paragonbuilderssc.com;

○

 chrisg safewaysignaling.com;

○

 Cameron Krese

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 SE.660..pdf

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 Reply

 Reply All

 Forward





Mon 3/10/2025 9:53 AM

Good Morning,

Thank you all for your submittals. Please see the attached SE-660 Notice of Intent to Award- Task Order Contract

Best Regards,

Samuel Andrews
Procurement Manager

803-777-3489
SJA1@mailbox.sc.edu
Purchasing
University of South Carolina



Exhibit E

From: chrisg_safewaysignaling.com
To: [Andrews, Samuel](#); [Protest-OSE](#)
Cc: [Golston, Candis](#); [Gerald, Phil](#)
Subject: [External] RE: TOC- Electrical Contracting Services
Date: Monday, March 10, 2025 1:22:36 PM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image001.png](#)
[RE TOC- Electrical Contracting Services .msg](#)

Samuel,

Please provide any documents and determination factors for this offer per FOIA request below:

Your request reference number is **FR-2025-86**. Your security key is **EFE7CE5A**.

*****break*****

Dear OSE,

Please take note of our intent to protest for this solicitation within the given 5 day requirement per SC law. We hope to review all FOIA documents and have a response for review as soon as possible.

Thank You,

Chris Gutierrez

Owner

Because it just has to work

Columbia, SC

office 803.608.1748
email chrisg@safewaysignaling.com



Connect With Us

"Leadership is not about a title or a designation. It's about impact, influence and inspiration. Impact involves getting results, influence is about spreading the passion you have for your work, and you have to inspire team-mates and customers." [**Robin S. Sharma**](#)

From: Andrews, Samuel <SJA1@mailbox.sc.edu>
Sent: Monday, March 10, 2025 9:53 AM
To: Andrews, Samuel <SJA1@mailbox.sc.edu>
Cc: Golston, Candis <GOLSTONC@mailbox.sc.edu>; Gerald, Phil <pgerald@mno.sc.gov>

Subject: TOC- Electrical Contracting Services

Good Morning,

Thank you all for your submittals. Please see the attached SE-660 Notice of Intent to Award- Task Order Contract

Best Regards,

Samuel Andrews
Procurement Manager

803-777-3489

SJA1@mailbox.sc.edu

Purchasing

University of South Carolina



UNIVERSITY OF
South Carolina



Andrews, Samuel

To ☒ Andrews, Samuel

Cc ☒ Golston, Candis; ☐ Gerald, Phil

Bcc ☐ allen@aosscc.org; ☐ Neill@dnbelectric.com; ☐ fconstruction@fcllc.biz; ☐ Ryan Frey; ☐ Tim Asmann; ☐ eric@paragonbuilderssc.com;
☐ chrisg safewaysignaling.com; ☐ woodywells@msiconst.com; ☐ Cameron Krese



SE-670.pdf

47 KB



Good Morning,

Thank you all for your submittals. Please see the attached SE-670 Notice of Intent to Award- Task Order Contract

Best Regards,

Samuel Andrews
Procurement Manager

803-777-3489

SJA1@mailbox.sc.edu

Purchasing

University of South Carolina



UNIVERSITY OF
South Carolina

SE-670

NOTICE OF INTENT TO AWARD - TASK ORDER CONTRACT

AGENCY: USC - Columbia

TOC CONTRACT NAME: TOC - Electrical Contracting Services

TOC CONTRACT NUMBER: H27-C006-PG

POSTING DATE: 03/11/2025

Notice is hereby given that the Agency Selection Committee has, in accordance with the requirements of SC Code § 11-35-3220, the Manual for Planning and Execution of State Permanent Improvement Projects and the solicitation documents, reviewed the qualifications of interested contractors and determined the contractors listed below to be the most qualified for this Task Order Contract. The Agency hereby announces its intent to award a contract to the following contractors:

NAMES OF CONTRACTORS SELECTED:

1. MSI Construction Company, Inc.

2. DNB Electric, Inc.

3. AOS Specialty Contractors, Inc.

4. Farmer Construction LLC

DATE SELECTION WAS MADE: 03/05/2025

REMARKS: *(If "No Contract to be Awarded" is entered above, indicate the reason.)*

TOC-Electrical Services contractors

RIGHT TO PROTEST (SC Code 11-35-4210)

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this contract may be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen (15) days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided.

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to: protest-ose@mmo.sc.gov, or (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the email address from which you sent your protest.

BY: Samuel Andrews **TITLE:** Procurement Manager **DATE:** 03/11/2025

ACKNOWLEDGED BY OSE PROJECT MANAGER: Phil Gerald **DATE:** 03/11/2025
