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STATE TREASURER
BRIAN J. GAINES
COMPTROLLER GENERAL



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

Protest Dismissal and Cancellation of Intended Awards of Sole Source Contract

Matter of: Off Duty Management (ODM)

File No.: 2026-210

Posting Date: January 9, 2026

Contracting Entity: South Carolina Department of Transportation (SCDOT)

Solicitation No.: 5400028774

Description: Intent to Award a Sole Source Contract for Full-Service Administration of SCDOT's Off-Duty Officer Program

DIGEST

The Chief Procurement Officer (CPO) dismisses as moot the protest of ODM challenging SCDOT's intent to award a sole source contract to Extra Duty Solutions (EDS) for Full-Service Administration of SCDOT's Off-Duty Officer Program (the Services) where SCDOT has subsequently notified the CPO that it has decided to cancel its Intent to Award a sole source contract. ODM's protest and responses to SCDOT are attached as Exhibit A. SCDOT's responses are attached as Exhibit B.

AUTHORITY

The Chief Procurement Officer (CPO) conducted an administrative review per 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 16, 2025, SCDOT published notice of its intent to award a sole source contract to EDS. [Exhibit C] The notice did not provide a description of the product or services SCDOT intended to sole source but did contain a hyperlink to a website that purportedly did provide the description. [Id.] However, by SCDOT's own admission, the link took one to a site that contained no information. [Exhibit B] On September 22, after being made aware of this defect in its notice, SCDOT corrected the issue so that one could now see what SCDOT intended to sole source. [Exhibit D] On September 29, ODM filed a protest with the CPO. On October 14, the SCDOT Procurement Officer filed a response with the CPO. [Exhibit B] On October 27, ODM filed a reply SCDOT's response. [Exhibit A] On January 7, 2026, SCDOT notified the CPO that:

SCDOT has decided to cancel Solicitation No. 5400028774 involving sole source award to vendor, Extra Duty Solutions. Cancellation has been determined to be in the best interest of the state under Section 11-35-1710 of the SC Consolidated Procurement Code. SCDOT will proceed with procurement using a competitive proposal procurement process.

[Exhibit D]

DISCUSSION

The record of communications between SCDOT and ODM reflect that due to the anomalies with SCDOT's notice of intent to award a sole source contract there was some confusion as to when a notice of intent to protest was due. Per Section 11-35-4210(1)(c), a notice of intent to protest of an intended award of a sole-source contract must be filed with the CPO within five business days of the State's notice of its intent to award a sole-source contract. Therefore, if SCDOT gave proper notice on September 16, 2025, the date its notice first appeared in South Carolina Business Opportunities (SCBO), ODM's protest would have been untimely. However, Section 11-35-1560 requires "adequate public notice." To facilitate adequate public notice, the State Fiscal Accountability Authority, Division of Procurement Services (DPS) created a mandatory form for to agencies to use when publishing notice. [Exhibit C] This form requires agencies to describe the "supplies, services, information technology, or construction" being sole sourced. This makes sense since the only way the public and other vendors can know whether the sole source is legitimate is to know what is being acquired. Without this knowledge, a right to protest

is meaningless since a potential protestant cannot identify any grounds for protest as required by Section 11-35-4210(2). Because SCDOT's notice lacked any information concerning what it was acquiring, its notice was inadequate. Only when SCDOT corrected the defect in its notice on September 22, did SCDOT provide adequate notice. The deadline for filing a notice of intent to protest started to run from this date. ODM filed its protest with the CPO five business days after this date and was timely.

Due to SCDOT's January 8, 2026, notice to the CPO that it decided to cancel this sole source and acquire the services via competition, it is appropriate for the CPO to cancel SCDOT's intended award of a sole source contract to EDS for the Services. SCDOT's notice and the CPO's cancellation of the intended award of a sole source contract render ODM's protest moot.

DECISION

For the reason stated above, the CPO cancels SCDOT's intended award of a sole source contract to EDS and dismisses ODM's protest as moot.



John St. C. White
Chief Procurement Officer

Columbia, South Carolina

SEDSTEMENT 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 ODMs, 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.



Built By Officers For Officers

Exhibit A

September 29, 2025

Chief Procurement Officer
State Fiscal Accountability Authority
Division of Procurement Services
1201 Main Street, Suite 600
Columbia, SC 29201

VIA CERTIFIED MAIL: 95890710527002886T97142

Subject: Protest of SCDOT Sole Source Procurement — Extra Duty Solutions

Dear Chief Procurement Officer,

On behalf of Off Duty Management, Inc. and our CEO, Sherry Rowley, I am submitting this formal protest regarding the South Carolina Department of Transportation's (SCDOT) sole-source procurement involving **Extra Duty Solutions (S# 5400028774)**. We respectfully request that the Division of Procurement Services review this matter pursuant to **S.C. Code Ann. § 11-35-4210** and applicable provisions of the South Carolina Consolidated Procurement Code.

Our protest was filed on **September 25, 2025, at 10:26 a.m.**, well within the statutory protest period. Based on the timeline outlined below, it is clear that the required supporting documentation was not made publicly available on the SFAA procurement portal until **September 22, 2025**, rendering any earlier protest deadline inapplicable. Furthermore, the facts demonstrate that this procurement does not meet the statutory criteria for a sole source award, as other qualified options are available in the marketplace.

1. Timeline of Events

- **September 16, 2025:**
The SFAA portal indicated an "Intent to Sole Source" posting; however, no supporting attachments were available. Only the notice title was posted.
Our **RFP team also received the solicitation through our bid monitoring partners that same day** and immediately began researching the opportunity. Despite these efforts, no supporting documents were available through the SFAA portal or agency sites.
- **September 17–19, 2025:**
Our **RFP team** searched daily for supporting documentation or contact information but found none on the SFAA or SCDOT procurement sites.
- **September 22, 2025 (Morning):**
After obtaining a contact number through a third party, we spoke with **Ms. Laura Bagwell** of SCDOT around 9:00 a.m. She emailed us the sole source justification at **11:37 a.m.**

- **September 22, 2025 (Afternoon):**
The same document Ms. Bagwell emailed was **posted to the SFAA procurement portal at 1:23:50 p.m. Eastern**, as shown in **Exhibit A** (attached screenshot). This was the **first time** the required supporting documentation became publicly accessible through the official portal.
- **September 25, 2025 (10:26 a.m.):**
ODM submitted its formal protest to SCDOT and the State Fiscal Accountability Authority—**three days after the actual legal posting date.**
- **September 26, 2025 (2:47 p.m.):**
Ms. Bagwell emailed ODM's leadership stating that the protest period had expired on September 22 based on a September 16 posting date and citing the 5-day intent-to-protest period typically applicable to other types of awards. This is not the standard for a sole-source award valued at \$310,000.

2. Applicable Law and Protest Period

Pursuant to **S.C. Code Ann. § 11-35-1560(2)(b)**, sole source procurements with a value exceeding \$50,000 must be **publicly posted in SCBO/SFAA at least five business days before award**, and per **§ 11-35-4210**, vendors have **ten days** from the date of posting to file a protest.

“For a contract with a total or potential value in excess of fifty thousand dollars, written determination and notice of intent to award a sole source contract must be publicly posted in South Carolina Business Opportunities (SCBO) or other official state publication or electronic procurement system at least five business days before award.”

The **ten-day protest period** applies to sole source postings—not the five-day period referenced for other award types. Because the supporting documentation was not posted until September 22, 2025, ODM's September 25 protest was timely and valid.

3. Defective Posting and Agency Position

On **September 26, 2025**, Ms. Laura Bagwell of SCDOT emailed our leadership stating that the protest period had expired on September 22, based on an alleged posting date of September 16.

We respectfully disagree with this assessment. As documented in **Exhibit A**, the supporting documentation was not posted to the SFAA portal until the afternoon of **September 22**, which is the date that legally triggers the protest period under § 11-35-1560 and § 11-35-4210. Any earlier date is factually inaccurate and legally insufficient to start the protest clock.

Once the documentation was made available, ODM acted promptly and in good faith. Had the required materials been posted in accordance with statute on September 16, our protest would still have been well within any applicable timelines.

4. Sole Source Determination

In addition, this procurement does not meet the criteria for a sole-source award. **Multiple qualified providers**, including Off Duty Management, are actively operating in South Carolina and nationally, offering the same or superior services. This clearly demonstrates that **other viable sources exist**, and a competitive solicitation—not a sole source designation—is the appropriate and legally required path.

5. Request for Review

For these reasons, we respectfully request that the Division of Procurement Services:

1. **Accept our protest as timely filed** under § 11-35-4210.
2. **Review SCDOT's sole source determination** to ensure compliance with statutory posting requirements and competitive procurement standards.
3. **Take appropriate action** to ensure this procurement receives fair, transparent, and competitive consideration in accordance with South Carolina law.

Our intent is to work collaboratively with the State to ensure this procurement follows the appropriate statutory process and allows for fair and transparent competition among qualified vendors.

Thank you for your attention to this matter. We look forward to your timely review and response.

Sincerely,


Greg Doran
Chief Operating Officer
gdoran@offdutymanagment.com
281-574-6195

Attachments:

- **Exhibit A:** SFAA Procurement Portal Screenshot – Posting Timestamp (September 22, 2025)
- **Exhibit B:** Copy of Original Protest Filing

cc: **Laura Bagwell**
Procurement Manager I
South Carolina Department of Transportation
955 Park Street
PO Box 191
Columbia, SC 29202-0191

Via Certified Mail 9589071052700288697128

Procurement Director/CPO
(Courtesy Copy for Agency Awareness)
South Carolina Department of Transportation
955 Park Street
PO Box 191
Columbia, SC 29202-0191

Via Certified Mail 9589071052700288697111

Sherry Rowley
Chief Executive Officer
Off Duty Management, Inc.
1906 Avenue D, #200
Katy, TX 77493

Exhibit A



PROCUREMENT SERVICES

NOTICE OF TIME EXTENSION POSTINGS OF AWARD RELATED DOCUMENTS

For solicitations issued by the Information Technology Management Office, the Statement of Award or Intent to Award will be posted at this location on the date published on the solicitation. If the appropriate award document has not been posted at this location by the close of business on the date published on the solicitation, contact the procurement officer whose name and contact information appears on the cover page of the solicitation, or if applicable, the last amendment to the solicitation.

For additional information, please reference Regulation 19-445.2090(B).

[Refresh](#)

Solicitation Number	Solicitation Description	Purchasing Agency	Delivery Point	Submission Ending Date/Time
5400028774	EXTRA DUTY SOLUTIONS	Transportation	Columbia, SC	10/01/2025 10:00:00 AM

Solicitation Attachments

Pre-Award Notices

1 solicitation attachments found, displaying all solicitation attachments.

	Attachment Name	Date/Time Posted
1	Extra Duty Solutions.pdf	09/22/2025 01:23:50 PM

Contract Awards

Post-Award Notices

To view Award Documents, click on the Contract Number below

No contracts found!

[BACK](#)



Built By Officers For Officers

Date: September 24, 2025

VIA Certified Mail 9589 0710 5270 0288 6970 98

To: South Carolina State Fiscal Accountability Authority
Procurement Services Division
1201 Main Street, Suite 600
Columbia, SC 29201

Re: Protest of Sole Source Determination – Solicitation #5400028774 (South Carolina Department of Transportation / Extra Duty Solutions)

Introduction

Off Duty Management, Inc. (“ODM”) respectfully submits this letter to formally contest the Sole Source Determination for Solicitation #5400028774, issued by the South Carolina Department of Transportation (“SCDOT”) for the administration of its extra-duty program.

ODM is an **actual and prospective offeror** for the services described in Solicitation #5400028774 and is therefore entitled to bring this protest under **S.C. Code Ann. § 11-35-4210**.

We submit this protest pursuant also to **S.C. Code Ann. § 11-35-1560** and **Reg. 19-445.2105**, which require adequate justification before awarding a sole source procurement. Our request is submitted in good faith, with full respect for the Department of Transportation (“DOT”) and the South Carolina Highway Patrol (“SCHP”), and with the sole objective of ensuring compliance with state procurement law, competition, and best value for the citizens of South Carolina.

Background of the Determination

SCDOT’s justification (document attached) asserts that **Extra Duty Solutions (EDS)** is the only vendor capable of delivering a “full-service model” that:

1. Aligns with SCDOT/SCHP operational rules and workflows,
2. Provides a proven configured software system, and
3. Delivers direct officer payment processing to resolve payroll restrictions.

It further asserts that market research concluded no other vendors could provide this integrated combination.

ODM's Position

We fully appreciate the diligence of SCDOT and SCHP in protecting public safety and operational continuity. That said, it appears the vendor has positioned its services as unique when, in fact, ODM and other qualified providers have long delivered these functions in comparable state-level environments. This clarification ensures that the agency can proceed fully confident that competition exists in the market.

ODM has an extensive, proven record of delivering identical—and often superior—solutions for state agencies, including Departments of Transportation and State Police, across the United States. Specifically:

- **Established State-Level Expertise:** ODM currently administers statewide programs for the **Massachusetts State Police and Massachusetts DOT**, supporting hundreds of thousands of off-duty officer hours yearly. Our solution addresses agencies' required components, including **district and county mapping, jurisdictional boundaries, customized scheduling rules, multi-level approval workflows, direct officer payments, IRS-compliant reporting, and full insurance protections**. We have implemented and managed these requirements in actual statewide environments for years, not just configured them as one-time builds. ODM partners with more state agencies than any other provider in the off-duty industry including Massachusetts, Colorado, Arizona, Mississippi and others.

In addition, ODM manages the **statewide School Safety Officer program for the Arizona Department of Education**, covering more than **270 schools across multiple school districts**. This requires us to administer jobs across varied **jurisdictional authorities, district-specific policies, and site-level operational rules**, while ensuring accurate payment, compliance, and scheduling statewide. The complexity of administering a program of this scale — spanning hundreds of physical locations with different district-level governance — demonstrates ODM's unmatched ability to execute highly complex statewide programs with consistency and accountability such as the requirements of this solicitation.

- **Direct Officer Payment Processing:** ODM pioneered the industry standard of direct payment to officers as 1099 contractors without ever missing a payment and having the financial strength to float tens of millions to ensure officers are always paid on time, with full **IRS compliance, state statutory workers' compensation coverage, and liability insurance**. Our system accommodates the payroll restrictions that SCDOT cites as justification for sole sourcing, further demonstrating that other viable options exist.
- **Custom Workflow Alignment:** The cited EDS customizations (district-level access, county-to-district mapping, and SCHP scheduling alignment) are not proprietary or unique. ODM already implements these functions in other State Police, Highway Patrol, DOT and Department of Education law enforcement agencies, including mapping, multi-level permissions, and agency-specific approval workflows

- **Proven Transition Capability:** ODM has successfully transitioned multiple large agencies away from EDS and other competitors without service interruption or public safety risk. This directly rebuts the claim that no other vendor can assume operations without “disruption or delay.” ODM will implement a very detailed and thorough implementation strategy to ensure a smooth transition.
- **Superior Technology and Ratings:** ODM’s **OfficerTRAK® platform** has higher industry ratings and is recognized for superior transparency, officer engagement, and scheduling accuracy when compared to EDS

Legal Basis for Protest

Under **S.C. Code Ann. § 11-35-1560**, sole source procurement may only be used when there is “*only one source for the required supply, service, or construction.*” The statute and implementing regulation (**19-445.2105**) require that:

1. A true monopoly exists in the marketplace;
2. No other reasonable alternatives are available; and
3. Market research substantiates exclusivity.

The record provided does not meet this standard. ODM is a **qualified, available, and proven competitor** with direct experience meeting every requirement outlined in SCDOT’s justification. By definition, the presence of ODM as a capable provider invalidates the sole source designation.

Furthermore, the justification’s reliance on “already configured workflows” cannot substitute for the statutory requirement. Prior work with an agency does not entitle a vendor to indefinite sole source status when competitive alternatives exist. South Carolina law requires procurement competition unless no other qualified source exists. That threshold has not been met.

Request for Relief

ODM respectfully requests that:

1. **The Sole Source Determination be rescinded**, and Solicitation #5400028774 be issued through a **formal competitive bidding process (RFP)**, consistent with S.C. procurement law.
2. Alternatively, that SCDOT be permitted to utilize ODM’s existing **Sourcewell Contract #051321-OFF**, a competitively awarded national cooperative contract already vetted for compliance, as an expedited and cost-efficient procurement vehicle for these services.

Conclusion

ODM deeply respects the mission of SCDOT and SCHP to ensure safe and effective roadway operations. Our request is not an attempt to disrupt operations but rather to ensure compliance with procurement law, fiscal responsibility, and best practices in vendor selection.

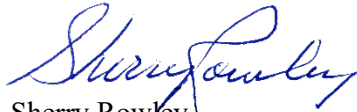
ODM is fully prepared to provide the same (and greater) level of service as EDS, with **no disruption, no additional implementation of customization costs to the State, with superior financial stability, insurance coverage, and operational expertise.**

Importantly, ODM is uniquely positioned to serve South Carolina because we were **built by officers for officers**. Our organization was founded with the singular mission of supporting law enforcement and their partner agencies with complexity and challenges that come with managing off-duty assignments and the inherent risks that accompany these assignments. This perspective ensures our solutions are designed not only for compliance and efficiency but also for the benefit of the officers, the agencies, and the communities they protect.

We therefore urge the State Fiscal Accountability Authority to deny the sole source request and either issue a formal solicitation or recognize Sourcewell as a lawful and efficient alternative contracting mechanism.

We appreciate your consideration and stand ready to provide additional information, demonstrations, or references as requested.

Respectfully,



Sherry Rowley
Chief Executive Officer

cc: Laura Bagwell
Procurement Manager I
South Carolina Department of Transportation
PO Box 191
Columbia, SC 29202-0191
Via Certified Mail 9589 0710 5270 0288 6971 35

Greg Doran

From: Bagwell, Laura, L. <BagwellLB@scdot.org>
Sent: Friday, September 26, 2025 2:47 PM
To: Greg Doran
Cc: Sherry Rowley
Subject: RE: Protest of Sole Source Determination – Solicitation #5400028774 (SCDOT / Extra Duty Solutions)
Attachments: SCBO AD EDS Solutions.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from bagwelllb@scdot.org. [Learn why this is important](#)

Good afternoon,

The notice of Intent to Sole Source was posted on September 16, 2025, therefore the protest period expired on September 22, 2025. Please let me know if you have any questions.

PROTESTS:

Any actual or prospective bidder, offeror, contractor, or subcontractor aggrieved in connection with the intended award or award of this sole source 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 sole source 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).

Thank you,



Laura Bagwell

Procurement Manager I

P 803-737-1013 **E** bagwelllb@scdot.org

South Carolina Department of Transportation
955 Park Street, P.O. Box 191, Columbia, SC 29202-0191

From: Greg Doran <gdoran@offdutymanagement.com>
Sent: Thursday, September 25, 2025 11:26 AM
To: Bagwell, Laura, L. <BagwellLB@scdot.org>
Cc: Sherry Rowley <srowley@offdutymanagement.com>
Subject: Protest of Sole Source Determination – Solicitation #5400028774 (SCDOT / Extra Duty Solutions)
Importance: High

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Dear Laura Bagwell,

On behalf of Off Duty Management, Inc. (ODM), I am attaching our formal protest of the South Carolina Department of Transportation's sole source determination for Solicitation #5400028774.

As detailed in the attached letter, ODM is an actual and prospective offeror for these services and is therefore entitled to bring this protest under **S.C. Code Ann. § 11-35-4210**. Our submission is made in good faith and with the highest respect for SCDOT, the South Carolina Highway Patrol, and the State Fiscal Accountability Authority's procurement process.

ODM has extensive statewide partnerships with agencies such as the **Massachusetts State Police, Massachusetts DOT, Colorado State Patrol, Mississippi Department of Public Safety, Arizona DPS, and the Arizona Department of Education**. These relationships demonstrate that other proven solutions exist in the industry, confirming that this procurement cannot qualify as a sole-source solution under South Carolina procurement law.

Our formal protest letter, from our Chief Executive Officer, is attached for your review and consideration. We would welcome the opportunity to provide additional information, demonstrations, or references that may assist your review, although we believe this should be done as an open solicitation.

Thank you for your time and attention to this matter.

Respectfully,

Greg Doran



Greg Doran

From: Greg Doran
Sent: Sunday, September 28, 2025 7:23 PM
To: 'Bagwell, Laura, L.'
Cc: Sherry Rowley
Subject: RE: Protest of Sole Source Determination – Solicitation #5400028774 (SCDOT / Extra Duty Solutions)

Importance: High

Tracking:	Recipient	Delivery
	'Bagwell, Laura, L.'	
	Sherry Rowley	Delivered: 9/28/2025 7:23 PM
	Greg Doran	Delivered: 9/28/2025 7:23 PM

Dear Laura Bagwell,

Thank you for your email. We believe our protest is valid and was filed within the applicable statutory timeframe. The supporting documentation for this solicitation was not posted to the SFAA site until after we contacted your office, and we acted promptly once the materials became available.

As this is a sole source posting, the 10-day protest period under S.C. Code Ann. § 11-35-4210 applies rather than the 5-day period typically associated with other awards. We also would have been well within any applicable timelines had the documentation been available earlier.

Additionally, **other qualified options exist in the marketplace**, and we believe this procurement should receive fair consideration through a competitive process rather than a sole-source designation.

We appreciate your attention to this matter and will provide additional supporting information on **Monday, September 29, 2025**. We will also share this information, along with our protest of this sole-source designation, with the Division of Procurement Services and the CPO. Our goal is simply to ensure a fair and transparent procurement process.

Thank you for your attention to this urgent matter.

Sincerely



From: Bagwell, Laura, L. <BagwellLB@scdot.org>
Sent: Friday, September 26, 2025 2:47 PM
To: Greg Doran <gdoran@offdutymanagement.com>
Cc: Sherry Rowley <srowley@offdutymanagement.com>
Subject: RE: Protest of Sole Source Determination – Solicitation #5400028774 (SCDOT / Extra Duty Solutions)

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Thank you,



Laura Bagwell

Procurement Manager I

P 803-737-1013 **E** bagwelllb@scdot.org

South Carolina Department of Transportation
955 Park Street, P.O. Box 191, Columbia, SC 29202-0191

From: Greg Doran <gdoran@offdutymanagement.com>
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Dear Laura Bagwell,

On behalf of Off Duty Management, Inc. (ODM), I am attaching our formal protest of the South Carolina Department of Transportation's sole source determination for Solicitation #5400028774.

As detailed in the attached letter, ODM is an actual and prospective offeror for these services and is therefore entitled to bring this protest under **S.C. Code Ann. § 11-35-4210**. Our submission is made in good faith and with the highest respect for SCDOT, the South Carolina Highway Patrol, and the State Fiscal Accountability Authority's procurement process.

ODM has extensive statewide partnerships with agencies such as the **Massachusetts State Police, Massachusetts DOT, Colorado State Patrol, Mississippi Department of Public Safety, Arizona DPS, and the Arizona Department of Education**. These relationships demonstrate that other proven solutions exist in the industry, confirming that this procurement cannot qualify as a sole-source solution under South Carolina procurement law.

Our formal protest letter, from our Chief Executive Officer, is attached for your review and consideration. We would welcome the opportunity to provide additional information, demonstrations, or references that may assist your review, although we believe this should be done as an open solicitation.

Thank you for your time and attention to this matter.

Respectfully,

Greg Doran



M. Elizabeth Crum
lcrum@burr.com
Direct Dial: (803) 753-3240
Direct Fax: (803) 933-1484

1221 Main Street
Suite 1800
Columbia, SC 29201

Mailing Address
Post Office Box 11390
Columbia, SC 29211

Office (803) 799-9800
Fax (803) 753-3278

BURR.COM

October 14, 2025

VIA EMAIL KCRAIG@MMO.SC.GOV

Kimber H. Craig, CPM
Chief Procurement Officer
State Fiscal Accountability Authority
Suite 600
1201 Mail Street

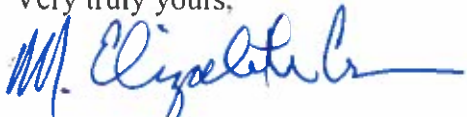
Re: Burr & Forman representation of Off Duty Management in its protest of the SC Department of Transportation's sole source solicitation # 5400028774.

Dear Ms. Craig:

On October 6, William Weisberg contacted your office attaching the protest that ODM filed on September 29, 2025. Burr & Forman has been retained to represent Off Duty Management (ODM) in the above referenced protest of the SC Department of Transportation (SCDOT) determination to solicit services through a sole source solicitation. We would appreciate an update on the status of the protest, since ODM has not yet received an acknowledgment of its protest, including any communication filing a case number.

We are copying SCDOT on this letter and will copy your office on the Freedom of Information request we are sending to SCDOT. Thank you for your attention to this matter. With best wishes,

Very truly yours,



M. Elizabeth Crum

Cc: Manton Grier, Esq.
Michael R. Burchstead, Esq.
Barbara Wessinger, Esq.

Exhibit B

From: [Bagwell, Laura, L.](#)
To: [White, John](#)
Cc: [Kirwan, Emmett, I.](#)
Subject: RE: [External] FW: Formal Protest and Appeal – SCDOT Sole Source Procurement #5400028774– Extra Duty Solutions
Date: Tuesday, October 14, 2025 11:44:54 AM
Attachments: [image004.png](#)
[image005.png](#)

Mr. White,

Below is SCDOT's response to the Sole Source protest from Off Duty Management.

SCDOT needs to add additional capability to our existing software program for hiring off duty Highway Patrol Officers to maintain blue lights in our work zone areas (contract 4400031394) with Extra Duty Solutions to allow direct payment processing to the officers to streamline the process and to not conflict with dual agency hiring. DOT plans to add this service in our next solicitation when the current contract expires in April 2028.

The Notice of Intent was published on September 16, 2025 in SCBO set to expire on October 1, 2025 after running 10 business days. I was made aware the MMO 102 form was not made visible on September 22, 2025. I immediately made the justification visible. In addition, I directly emailed Off Duty Management a copy of the Intent as well. My name, number and email address is listed on the advertisement to contact for information regarding the sole source but I was not contacted directly from Off Duty until I had sent the email to them. They initially contacted Emmett Kirwan. I noticed the SCBO ad only contained the web site link and not a description of the service. This was my error.

I received an email from Off Duty on September 25, 2025 stating they were filing a formal protest. I informed Off Duty that the intent to protest was 5 business days for a Sole Source and they missed the deadline, however he disagreed and stated it was 10 business days. At this point, I informed Off Duty to submit their protest to State Procurement.

Please let me know if you need any additional information.



Laura Bagwell

Procurement Manager I

P 803-737-1013 **E** bagwelllb@scdot.org

South Carolina Department of Transportation
955 Park Street, P.O. Box 191, Columbia, SC 29202-0191

South Carolina Business Opportunities

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

Notice Of Intent To Sole Source By: Department of Transportation

Ad Category: Sole Source and Emergency

Notice Start Date: September 16, 2025

Notice End Date: October 1, 2025

Vendor Name: Extra Duty Solutions

Contract Amount: \$310,000.00

Agency Procurement Manager: Laura Bagwell

Agency Procurement Manager Email: bagwelllb@scdot.org

Agency Procurement Manager Telephone#: 803-737-1013

The Agency hereby provides notice that it intends to enter into a sole source contract per S.C. Code Ann. §11-35-1560 with Vendor for the following supplies, services, information technology, or construction:

<https://apps.sceis.sc.gov/SCSolicitationWeb/solicitationAttachment.do?solicitnumber=5400028774>

Agency's justification for a sole source procurement may be viewed or immediately 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 sole source 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 sole source 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: Information Technology Management Officer

South Carolina Business Opportunities • SCBO Team • 1333 Main Street, Suite 700 • Columbia, SC 29201
803-737-0600 • scbo@mimo.sc.gov • <https://scbo.sc.gov> • <https://procurement.sc.gov>





PROCUREMENT SERVICES

NOTICE OF TIME EXTENSION POSTINGS OF AWARD RELATED DOCUMENTS

For solicitations issued by the Information Technology Management Office, the Statement of Award or Intent to Award will be posted at this location on the date published on the solicitation. If the appropriate award document has not been posted at this location by the close of business on the date published on the solicitation, contact the procurement officer whose name and contact information appears on the cover page of the solicitation, or if applicable, the last amendment to the solicitation.

For additional information, please reference Regulation 19-445.2090(B).

[Refresh](#)

Solicitation Number	Solicitation Description	Purchasing Agency	Delivery Point	Submission Ending Date/Time
5400028774	EXTRA DUTY SOLUTIONS	Transportation	Columbia, SC	10/01/2025 10:00:00 AM

Solicitation Attachments

Pre-Award Notices

1 solicitation attachments found, displaying all solicitation attachments.

Attachment Name	Date/Time Posted
1 Extra Duty Solutions.pdf	09/22/2025 01:23:50 PM

Contract Awards

Post-Award Notices

To view Award Documents, click on the Contract Number below

No contracts found!

[BACK](#)

Sole Source
Written Determination

Agency Identification: South Carolina Department of Transportation

Description of the agency need that this procurement fulfills: The South Carolina Department of Transportation, in coordination with the South Carolina Department of Public Safety (SCHP), requires an off-duty officer management solution that ensures law enforcement ("blue lights") are consistently available in roadway work zones for the safety of both workers and the traveling public. While SCDOT currently utilizes a software solution developed under an existing contract with Extra Duty Solutions (EDS), the agency cannot process direct payment to off-duty officers due to payroll system limitations (dual employment restrictions and the SCEIS/state retirement system rules).

This procurement fulfills the need for a full-service solution in which an external provider directly manages officer scheduling, compliance with SCHP deployment rules, and payment processing, thereby eliminating barriers that prevent SCDOT from fully implementing the off-duty officer program.

Describe the Market Based on Research Performed: (Market research indicates that while some platforms can facilitate officer payments, EDS's full-service model uniquely integrates payment with its already-configured SCDOT/SCHP workflows. Payments are made directly by EDS to officers, with 1099s issued, ensuring compliance with state payroll restrictions. To meet SCDOT's operational requirements, a provider must integrate customized processes such as county-to-district mapping, district-level access permissions, and an SCDOT-specific review/approval workflow. These functions have already been developed and deployed within EDS's system and are not commercially available "off-the-shelf." In summary, while other vendors exist in the broader market, none provide the specific combination of SCDOT/SCHP-aligned customization, payment processing, and established support structure currently available through EDS.

Sole Source Vendor Name: Extra Duty Solutions

Based upon the following determination, Agency proposes to acquire the supplies, construction, information technology, and/or services described herein from the vendor named above per SC Code Ann § 11-35-1560 and SC Regulation 19-445.2105, Sole Source Procurement.

Description of supplies, construction, information technology, and/or services vendor will provide under the contract: *(See instructions on last page for guidance.)*

Extra Duty Solutions will provide full-service administration of SCDOT's off-duty officer program. Services include: Customized software platform configured to SCDOT/SCHP workflows, Job creation and review processes with SCDOT approval controls, Scheduling aligned to SCHP deployment rules, District-level access and county-to-district job mapping, Direct payment to off-duty officers, including 1099 issuance, Streamlined payment confirmation for officers and SCHP vehicle use, Dedicated 24/7/365 live support, communications portal, and account management team.

Explain why the described solution is the only solution that meets the agency's need and how no other identified solutions were sufficient. *(See instructions on last page for guidance)*

The department requires a solution that integrates three critical functions:

- Alignment with SCDOT/SCHP-specific operational rules and workflows.
- A proven, fully configured software system already in statewide use.

Sole Source
Written Determination

- Direct payment processing to officers to resolve payroll restrictions.

Extra Duty Solutions is the only vendor currently providing a platform configured for SCDOT and SCHP. Competing providers would require re-development of custom processes, creating operational risk, delay, and additional cost. This additional service aligns with the software already under contract, configured, and implemented.

Additionally, without direct officer payment processing, SCDOT cannot administratively advance the program under its existing software-only arrangement. EDS's full-service administration resolves this barrier by issuing payments directly to officers with IRS-compliant reporting, ensuring program continuity, officer participation, and public safety.

For these reasons, EDS is the only solution capable of fulfilling the agency's needs without disruption to critical safety services.

Note: Determination is not complete without required signatures and dates

Required Signatures:

Prepared by: _____

Date: 9 / 8 / 25

Printed Name: J. Cruz Wheeler

Title: State Maintenance Engineer

Approved by: _____

Approval Date: 9 / 16 / 2025

Printed Name: Karl McCottry

Title: Deputy Secretary for Finance and Administration

The last page contains instructions and is not required to be retained.

Exhibit E

From: [Wessinger, Barbara, M.](#)
To: [White, John](#); [Crum, Liz](#); [KirwanEJ](#); [Bagwell, Laura, L.](#); [MBURCHSTEAD@BURR.COM](#); [Grier, Manton](#)
Cc: [Craig, Kimber](#)
Subject: FW: [External] Manton, went on the Procurement Services website a few minutes
Date: Thursday, January 8, 2026 9:33:59 AM
Attachments: [image005.png](#)

Mr. White,

Upon further review of this matter, the SCDOT has decided to cancel Solicitation No. 5400028774 involving sole source award to vendor, Extra Duty Solutions,. Cancellation has been determined to be in the best interest of the state under Section 11-35-1710 of the SC Consolidated Procurement Code. SCDOT will proceed with procurement using a competitive proposal procurement process.

Please let me know if you have any questions.

Thank you



Barbara M. Wessinger
Chief Counsel

P 803-737-1348 **F** 803-737-2017 **E** wessingebm@scdot.org

South Carolina Department of Transportation
955 Park Street, P.O. Box 191, Columbia, SC 29202-0191

From: White, John <jswhite@mno.sc.gov>
Sent: Wednesday, January 7, 2026 2:46 PM
To: [Crum, Liz](mailto:crum@burr.com) <crum@burr.com>; [Wessinger, Barbara, M.](mailto:WessingerBM@scdot.org) <WessingerBM@scdot.org>; [Kirwan, Emmett, I.](mailto:KirwanEI@scdot.org) <KirwanEI@scdot.org>; [Bagwell, Laura, L.](mailto:BagwellLB@scdot.org) <BagwellLB@scdot.org>; [Burchstead, Michael](mailto:mburchstead@burr.com) <mburchstead@burr.com>
Cc: [Grier, Manton](mailto:mgrier@ogc.sc.gov) <mgrier@ogc.sc.gov>
Subject: RE: [External] Manton, went on the Procurement Services website a few minutes

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

All,

Per Section 11-35-4210(7), DOT has been stayed from proceeding further with the intent to award a sole source contract to Extra Duty Solutions from the date of first submittal of the protest to the Chief Procurement Officer on September 29, 2025.

John White



John St. C. White | Materials Management Officer and State Engineer
Division of Procurement Services | SC State Fiscal Accountability Authority
1333 Main Street, Suite 700 | Columbia, SC 29201 | Office: (803) 737-0768 |

From: [Crum, Liz](mailto:crum@burr.com) <crum@burr.com>
Sent: Wednesday, January 7, 2026 2:17 PM
To: [Grier, Manton](mailto:mgrier@ogc.sc.gov) <mgrier@ogc.sc.gov>
Cc: [Burchstead, Michael](mailto:mburchstead@burr.com) <mburchstead@burr.com>; [White, John](mailto:jswhite@mno.sc.gov) <jswhite@mno.sc.gov>
Subject: RE: [External] Manton, went on the Procurement Services website a few minutes

Thx, I assume that DOT has not gone ahead with the contract. Liz

M. Elizabeth "Liz" Crum

Counsel

lcum@burr.com

803-753-3240 (direct)

803-331-1185 (mobile)

1221 Main Street, Suite 1800
Columbia, South Carolina 29201

The information contained in this email is intended for the individual or entity above. If you are not the intended recipient, please do not read, copy, use, forward or disclose this communication to others; also, please notify the sender by replying to this message, and then delete this message from your system. Thank you.

From: Grier, Manton <mgrier@ogc.sc.gov>
Sent: Wednesday, January 7, 2026 2:16 PM
To: Crum, Liz <lcum@burr.com>
Cc: Burchstead, Michael <mburchstead@burr.com>; White, John <jswwhite@mmo.sc.gov>
Subject: RE: [External] RE: Manton, went on the Procurement Services website a few minutes

This is an EXTERNAL email! STOP, ASSESS, and VERIFY

Liz:

The protest is still pending with John White. He has been waiting on DOT to respond to the protest.

Thanks
Manton

From: Crum, Liz <lcum@burr.com>
Sent: Wednesday, January 7, 2026 2:09 PM
To: Grier, Manton <mgrier@ogc.sc.gov>
Cc: Burchstead, Michael <mburchstead@burr.com>
Subject: [External] RE: Manton, went on the Procurement Services website a few minutes
Importance: High

I still can't find anything. Any news? Liz ps—Happy New Year

M. Elizabeth "Liz" Crum

Counsel

lcum@burr.com

803-753-3240 (direct)

803-331-1185 (mobile)

1221 Main Street, Suite 1800
Columbia, South Carolina 29201

The information contained in this email is intended for the individual or entity above. If you are not the intended recipient, please do not read, copy, use, forward or disclose this communication to others; also, please notify the sender by replying to this message, and then delete this message from your system. Thank you.

From: Crum, Liz
Sent: Friday, November 21, 2025 10:26 AM
To: Manton Grier <mgrier@ogc.sc.gov>
Cc: Michael Burchstead (<mburchstead@burr.com> <mburchstead@burr.com>
Subject: Manton, went on the Procurement Services website a few minutes

Importance: High

Ago to check on our protest for Off Duty for solicitation # 5400028774. When I did that, instead of showing protest and stay, it shows

Contract Awards

Post-Award Notices

To view Award Documents, click on the Contract Number below

No contracts found!

[**BACK**](#)

We have not heard from Mr. White other than acknowledging our protest. Would you kindly let us know the status. Hope all is well, Best,
Liz