NOTICE OF PROTEST DECISION

Matter of: Boyer Commercial Construction (the low bidder)
Posting Date of Decision: June 5, 2019
Contracting Entity: Richland County School District One (the “School District”)
Solicitation No. 2019-035
Description: Dreher High School – Athletic Field Improvements (the “Project”)

DIGEST
Wiley Easton Construction Co., Inc.’s Protest of an award to Boyer Commercial Construction of the
Project alleging that the low bid is non-responsible is denied. Wiley Easton Construction Co., Inc.’s letter
of protest is included by reference, as Attachment 1.

BACKGROUND
Event
Solicitation Issued
Bid Opening
Intent to Award Issued
Protest Received
Date
April 1, 2019
May 1, 2019
May 15, 2019
May 24, 2019

AUTHORITY
The Chief Procurement Officer conducted an administrative review pursuant to S.C. Code § 40-11-340,
(see excerpt below).

"An entity licensed under the classifications or subclassifications in Sections 40-
11-410(1), (2), or (3) may act as a sole prime contractor on a project if forty percent
or more of the work as measured by the total cost of construction falls under one
or more of the licensee’s license classifications or subclassifications. An entity
licensed under the classifications or subclassifications in Section 40-11-410(4) and
(5) may act as sole prime contractor if fifty-one percent or more of the work falls
under one or more of the licensee's license classifications or subclassifications."

DECISION
This decision is based on the School District’s review of the matter and it is the School District’s decision
that Boyer Commercial Construction is in compliance with School District procurement regulations and
South Carolina statutory licensing provisions, including, but not limited to the provision quoted
hereinabove, and that the School District is moving forward with Boyer Commercial Construction as the
prime contractor for the Project. Please see attached the Right to Appeal statement that is provided for
in Section IX.A.1.f. of the School District’s procurement code (“Finality of Decision”).

[Signature]
Sherri Mathews-Hazel
Chief Financial Officer

cc: Charles Webb
    Edward Carion
    Raymond A. Perkins
    Susan Williams
Finality of Decision. A decision shall be final and conclusive, unless fraudulent, or unless any person adversely affected requests a further review, in writing, setting forth the reasons why the person disagrees with the decision, to the Procurement Officer within ten days of the posting of the decision. The request for review shall be directed to the Procurement Officer and shall be in writing, setting forth the reasons why the person disagrees with the decision of the Procurement Officer. The Procurement Officer shall forward the request for further administrative review to the Senior Associate for Management Services. The person may also request a review and hearing before the District Procurement Review Panel. The request for the review shall set forth in writing the reasons why the person disagrees with the decision of the Senior Associate for Management Services, and must be delivered to the Procurement Officer within ten days of the posting of the decision of the Senior Associate for Management Services. The Procurement Officer shall forward the request to the District Procurement Review Panel for its consideration.