



**RICHLAND ONE**  
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**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**

	<b>Date</b>
Solicitation Issued	April 1, 2019
Bid Opening	May 1, 2019
Intent to Award Issued	May 15, 2019
Protest Received	May 24, 2019

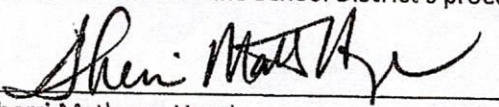
**AUTHORITY**

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").

X   
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Sherri Mathews-Hazel  
Chief Financial Officer

cc: Charles Webb  
Edward Carlon  
Raymond A. Perkins  
Susan Williams



## RIGHT TO APPEAL

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