South Carolina



Procurement Review Panel

**List of Key Officials Attending the Hearing**

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SOUTH CAROLINA PROCUREMENT REVIEW PANEL

ORGANIZATIONAL CHART

AS OF December 19, 2018

**House of Representatives - One Page Summary**

The main objective of the Panel is established by Subarticle 3, section 11-35-4410 of the Consolidated Procurement Code. The Panel’s primary function is to provide an administrative review of decisions by the Chief Procurement Officers relating to:

 (1) formal protests of the solicitation or award of State contracts;

(2) suspension or debarment of individual vendors;

(3) contract controversies; and

(4) other written decisions, policies, or procedures affecting the state procurement system.

The Panel seeks to provide the best possible services to vendors and agencies of the State in keeping with the integrity of the Consolidated Procurement Code. The Panel is unique in its formation, being composed of five members drawn from the private sector and two State employees, all of whom are appointed by the Governor. Each Panel member brings his or her own experience to bear in independently reviewing how the State procures its goods and services, ensuring that the State’s procurement process is transparent, fair, and effective. Moreover, the Panel’s composition and specialized purpose allows it to schedule and conduct hearings in a very timely fashion, which is one of its continuing strategic goals. Timely hearings and written decisions from the Panel allow the State to conduct its business efficiently while also guaranteeing fairness to vendors.

The panel is not requesting any budget changes this year.

**2017-18 Accountability Report**

**Agency’s Discussion and Analysis**

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The Panel received eleven requests for administrative review during fiscal year 2017-2018.  Six appeals requested review of a CPO’s written protest determination; two requested review of a CPO’s written determination lifting the automatic stay; two requested review of a CPO’s written contract controversy determination; and one requested review of a CPO’s written determination requiring the posting of an additional bond. On its website, the Panel provides a link to the Panel’s decisions that are posted on the Procurement Services website at <https://prp.sc.gov/panel-orders>.  In addition, the Panel publishes its decisions on WestLaw, a legal research service.

**Risk Assessment and Mitigation Strategies**

The Panel’s key customers are the vendors who participate in the State procurement process and the State agencies which are procuring needed goods and services. Both groups of customers expect the Panel to conduct timely hearings and to ensure that the State’s procurement process is open and fair to all participants. Both groups also expect the Panel to apply the provisions of the Consolidated Procurement Code in an independent and impartial manner. The Panel’s primary services are providing hearings to aggrieved vendors and resolving the procurement questions presented by the appeal issues. The Panel’s product is reflected by its written decisions resolving protests and other procurement issues. The written decisions are available in hard copies and by Internet access. Failure by the Panel to provide these services in a timely manner could result in delays in the awarding of contracts, which could ultimately impact the manner in which other state agencies are able to perform. Depending on the using agency and the type of contract involved, delayed awards could negatively impact services to the public. In addition, failures or delays in providing these services could negatively affect the public’s perception of the State’s public procurement process.

The only circumstances under which the Panel would be unable to perform its function would be the loss of property or personnel. In the event of property loss, either temporarily or permanently, the Panel would rely on the assistance of the Facilities Management staff to assist us in relocating to other available state-owned facilities. The Panel would also rely on the Division of Technology Operations for any technology needs. During the period of time that alternative accommodations are being sought, Panel staff will maintain communication with one another, other agencies, and the public through remote access of e-mail and phone messages.

The Business Manager and Attorney for the Panel have undergone cross training and are familiar with basic functions of each other’s job duties. However, the Panel would rely on the Comptroller General’s Office, Procurement Services, and Human Resources to assist in the performance of complex technical duties of the Business Manager in the event of a temporary absence lasting up to 30 days. In the event of an extended temporary absence of the staff Attorney, there is presently one attorney who serves on the Panel that would be able to step in to handle the technical complex aspects of this job. Additionally, the current Business Manager is taking classes to receive certification as a paralegal in an effort to increase their knowledge base of the legal aspect of this office and to be able to provide a wider range of support to the attorney as needed.

**Agency Organization Structure**

The office is currently located at 367 Brown Building on Pendleton Street. The Panel’s organizational structure consists of seven Panel members and two staff members. The staff members employed by the Panel are a full-time business manager and a part-time attorney. Of the seven Panel members, two are state employees and the other five are working for or retired from the private sector. The Panel members elect a Chairman and a Vice Chairman, as provided by section 11-35-4410(3) of the Consolidated Procurement code (see Organization Chart below). The Panel’s unique composition, with the majority of its members drawn from the private sector, engenders trust among the business community because vendors know their protests and claims will be fairly and independently heard by the Panel’s members.

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| Seal | **Fiscal Year 2019-20****Agency Budget Plan** |

**Form A - Budget Plan Summary**

|  |  |
| --- | --- |
| **Operating Requests*****(Form B1)*** | **For FY 2019-20, my agency is (mark “X”):** |
|  | Requesting General Fund Appropriations. |
|  | Requesting Federal/Other Authorization. |
| **X** | Not requesting any changes. |

|  |  |
| --- | --- |
| **Non-Recurring Requests*****(Form B2)*** | **For FY 2019-20, my agency is (mark “X”):** |
|  | Requesting Non-Recurring Appropriations. |
|  | Requesting Non-Recurring Federal/Other Authorization. |
| **X** | Not requesting any changes. |

|  |  |
| --- | --- |
| **Capital Requests*****(Form C)*** | **For FY 2019-20, my agency is (mark “X”):** |
|  | Requesting funding for Capital Projects. |
| **X** | Not requesting any changes. |

|  |  |
| --- | --- |
| **Provisos*****(Form D)*** | **For FY 2019-20, my agency is (mark “X”):** |
|  | Requesting a new proviso and/or substantive changes to existing provisos. |
|  | Only requesting technical proviso changes (such as date references). |
| **X** | Not requesting any proviso changes. |

Please identify your agency’s preferred contacts for this year’s budget process.

|  |  |  |  |
| --- | --- | --- | --- |
|  | ***Name*** | ***Phone*** | ***Email*** |
| **Primary Contact:** | Pamela Gillins | 803-734-0660 | Pamela.gillins@prp.sc.gov |
| **Secondary Contact:** | Christie Emanuel | 803-734-0661 | Christie.emanuel@prp.sc.gov |

I have reviewed and approved the enclosed FY 2019-20 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

|  |  |  |
| --- | --- | --- |
|  | ***Agency Director*** | ***Board or Commission Chair*** |
| ***Sign/Date*:** |  |  |
| ***Type/Print Name*:** |  | C. Brian McLane, Sr. |

*This form must be signed by the agency head – not a delegate.*

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| **Legislative, Executive, and Local Government Subcommittee Proviso Request Summary FY 2018/19** |
| **Proviso # in FY 18-19 Act** | **Renumbered FY 19-20 Proviso #** | **Proviso Title** | **Short Summary** | **Agency Recommended Action (keep, change, delete, add)** |
| **Proviso 111.1.**  | **Proviso 111.1.**  | **Filing Fee** | **Requests 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.** | **Keep** |

**Proviso 111.1. - Filing Fee**

Requests 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 S.C. Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. 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 panel shall make the Request for Filing Fee Waiver forms available to the Chief Procurement Officers to provide to parties along with notice of right to appeal to the panel. 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.

* + **KEEP**

Carry Forward - $16,405.00

* State FTEs – 2
* Federal FTEs – 0
* Other Funded FTEs – 0
* Total FTEs – 2
	+ No Vacant FTEs per category.
	+ No request for additional FTEs.