

AGENCY NAME:	South Carolina Procurement Review Panel		
AGENCY CODE:	S600	SECTION:	111

**Fiscal Year 2017-18
Accountability Report**

SUBMISSION FORM

AGENCY MISSION	The mission and values of the Procurement Review Panel (the Panel) include conducting timely hearings to assure both vendors and the State that State contracts are solicited, awarded, and performed in the most effective and fair manner. The Panel's values are based on making unbiased decisions according to the letter of the law as set forth in the Consolidated Procurement Code.
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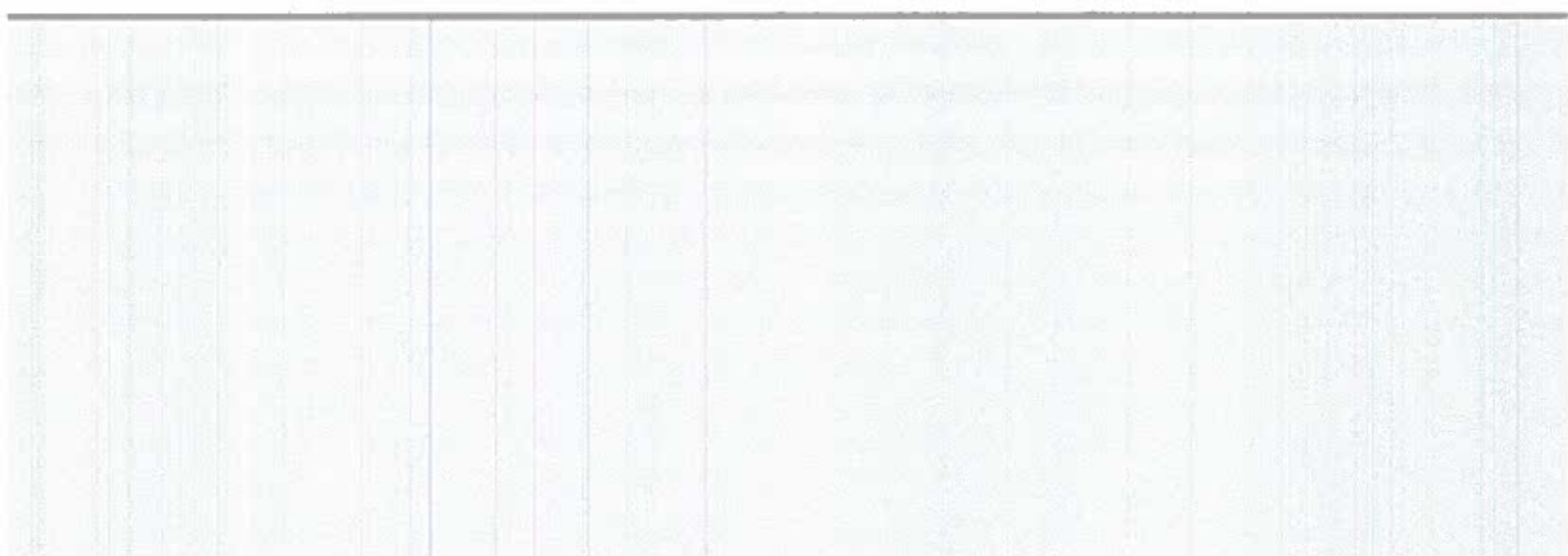
AGENCY VISION	The Panel seeks to provide the best possible services to vendors and agencies of the State in keeping with the integrity of the Consolidated Procurement Code.
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Please select yes or no if the agency has any major or minor (internal or external) recommendations that would allow the agency to operate more effectively and efficiently.

	Yes	No
RESTRUCTURING RECOMMENDATIONS:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please identify your agency's preferred contacts for this year's accountability report.

	<i><u>Name</u></i>	<i><u>Phone</u></i>	<i><u>Email</u></i>
PRIMARY CONTACT:	Pamela Gillins	803-734-0660	Pamela.gillins@prp.sc.gov
SECONDARY CONTACT:	Christie Emanuel	803-734-0661	Christie.emmanuel@prp.sc.gov

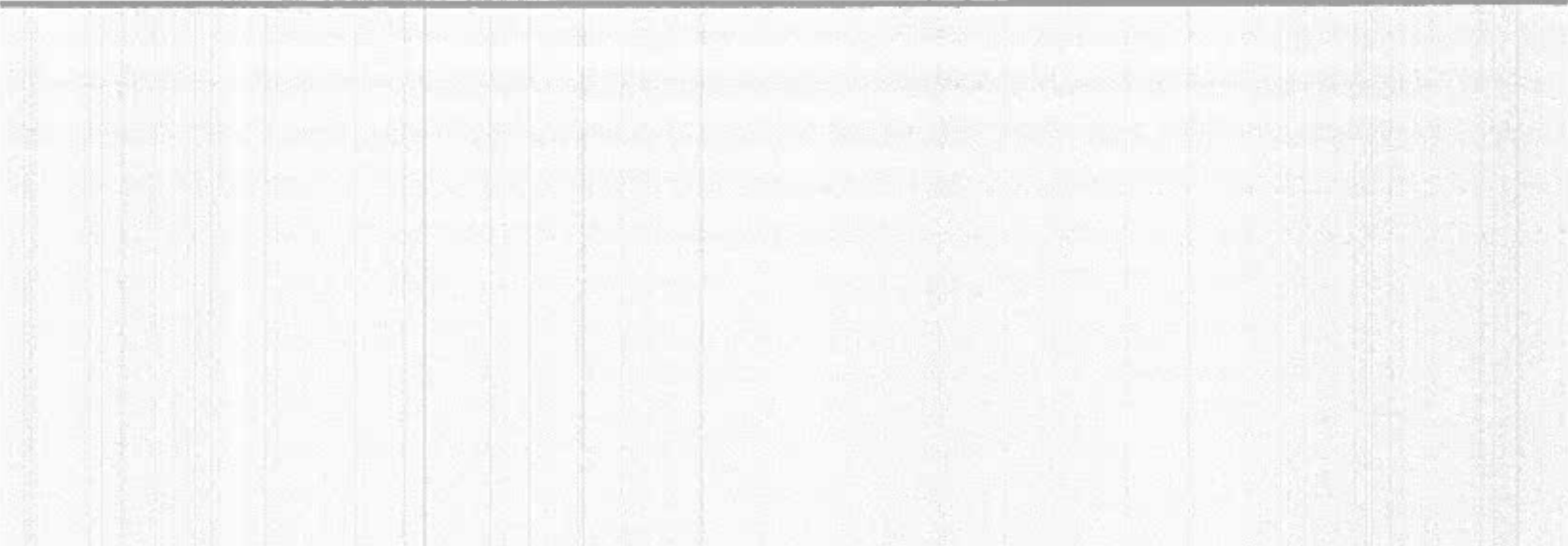


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I have reviewed and approved the enclosed FY 2017-18 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN AND DATE):	
(TYPE/PRINT NAME):	

BOARD/CMSN CHAIR (SIGN AND DATE):	<i>C. Brian McLane, Sr.</i> <i>9/12/18</i>
(TYPE/PRINT NAME):	C. Brian McLane, Sr., Chairman



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AGENCY’S DISCUSSION AND ANALYSIS

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 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.

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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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SOUTH CAROLINA PROCUREMENT REVIEW PANEL
 ORGANIZATIONAL CHART
 AS OF September 1, 2017



Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	Item #			Description	2017-18			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Government and Citizens	G	1			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.							
	S		1.1		Unless the complexity of a case prevents it, the Panel will conduct hearings and resolve cases within two months of the initial filing.							
	M		1.1.1		Percentage of cases resolved within two months of initial filing	52%	80%	18%	7/1/17 - 6/30/18	Written orders posted to Procurement Services Website	Number of cases resolved within 2 months divided by the number of cases filed.	To demonstrate that the Panel is efficiently and effectively providing an administrative review of all case filings in accordance with state regulations as set forth in the State Procurement code.
	S		1.2		Panel decisions will strive to resolve 80% of the cases filed during the fiscal year before the end of that fiscal year.							
	M		1.2.1		Percentage of cases resolved during the fiscal year.	89%	80%	100%	7/1/17 - 6/30/18	Written orders posted to Procurement Services Website	Number of cases resolved within the fiscal year divided by the number of cases filed.	To demonstrate that the Panel is efficiently and effectively providing an administrative review of all case filings in accordance with state regulations as set forth in the State Procurement Code.
Government and Citizens	G	2			The Panel will consistently and efficiently process contract controversy cases. The Panel will establish procedural rules for contract controversy cases by the end of FY 2018.							
	S		2.1									
	M		2.1.1		Written Procedures by June 30, 2018	0	0	0	7/1/17 - 6/30/18	Written Procedures	Written procedures established before June 30, 2018	To demonstrate that the Panel is efficiently and effectively providing an administrative review of all case filings in accordance with state regulations as set forth in the State Procurement Code.
Government and Citizens	G	3			To provide easy access to public information regarding the Procurement Review Panel's role in the procurement process, contact information, and hearing outcomes.							
	S		3.1		The Panel will maintain its own agency website containing pertinent							
	M		3.1.1		The Panel's Website will be continuously updated to provide current informatio	100%	100%	100%	7/1/17 - 6/30/18	Updates posted within ten business days	Updates posted within ten business days	To demonstrate the Panel's commitment to transparency to the constituents of South Carolina.

Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	Item #			Description	2018-19			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Government and Citizens	G	1			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.							
	S		1.1		Unless the complexity of a case prevents it, the Panel will conduct hearings and resolve cases within two months of the initial filing.							
	M			1.1.1	Percentage of cases resolved within two months of initial filing	18%	80%		7/1/18 - 6/30/19	Written Orders posted to Procurement Services Website	The number of cases resolved within 2 months divided by the number of cases filed.	To demonstrate that the Panel is efficiently and effectively providing an administrative review of all case filings in accordance with state regulations set forth in the State Procurement Code.
	S		1.2		Cases will be resolved in a fair and impartial manner in accordance with the Procurement Code.							
	M			1.2.1	Percentage of cases appealed.	18%	10%		7/1/18 - 6/30/19	Written Orders posted to Procurement Services Website	The number of cases appealed divided by the number of cases filed.	To demonstrate that the Panel is efficiently and effectively providing an administrative review of all case filings in accordance with state regulations as set forth in the State Procurement Code.
	G	2			To provide easy access to public information regarding the Procurement Review Panel's role in the procurement process, contact information, and hearing outcomes.							
Education, Training, and Human Development	S		2.1		The Panel will continue to update and post its mission, current panel members, information viewed on Panel website.							
	M			2.1.1	Information viewed on Panel website.	100%	100%		7/1/18 - 6/30/19	prp.sc.gov	No outdated or incorrect information on website	To demonstrate the Panel's commitment to transparency to the constituents of South Carolina.
	G	3			To ensure that staff is adequately trained to provide extraordinary customer service to agencies and vendors.							
Maintaining Safety, Integrity and Security	S		3.1		Provide time and resources for staff to attend state offered training as well as outside training and/or educational opportunities relevant to job							
	M			3.1.1	Educational programs, training classes, CEU's, etc., attended by staff.		5		7/1/18 - 6/30/19	Training documents, certificates of completion	Number of classes attended.	To demonstrate the Panel's commitment to excellence through training.
	G	4			To ensure that information is secure.							
	S		4.1		Collaborate with Information Technology Office, Enterprise Privacy Office, and Information Security Office to ensure the implementation of processes to provide optimal data security.							
	M			4.1.1	Workshops and meetings attended by staff.		At least 2 meetings/training sessions attended by staff		7/1/18 - 6/30/18	Training Documents	Number of workshops attended.	To demonstrate the Panel's commitment to Information Security
	M			4.1.2	Security measures implemented.		50%		7/1/18 - 6/30/18	Written policies, training	Number of measures implemented in relation to identified needs.	To demonstrate the Panel's commitment to Information Security.

Agency Name: **SC PROCUREMENT REVIEW PANEL**

Fiscal Year 2017-2018

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Legal Standards Template

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	If yes, what type of service or product?	If other service or product, please specify what service or product.
1	11-35-4410(1)	State	Statute	Establishes the Procurement Review Panel to conduct administrative reviews of written determinations by the Chief Procurement Officers related to protests (11-35-4210); suspension or debarment (11-35-4220); and contract controversies (11-35-4230).	Yes	Yes	Other service or product our agency must/may provide	Establishes the Procurement Review Panel to conduct administrative reviews of written determinations by the Chief Procurement Officers related to protests (11-35-4210); suspension or debarment (11-35-4220); and contract controversies (11-35-4230).
2	11-35-4410(2)	State	Statute	Provides that the Governor shall appoint seven members to the Procurement Review Panel. Five members shall be from the state at large and be representative of the professions governed by the Consolidated Procurement Code. The remaining two members shall be state employees.	No	No - But relates to manner in which one or more agency deliverables is provided		
3	11-35-4410(3)	State	Statute	Provides that the Procurement Review Panel members shall elect a Chairman and Vice Chairman, that the Procurement Review Panel will meet as often as necessary to resolve the controversies before it; that four members present and voting shall constitute a quorum; and that the result of a tie vote among Procurement Review Panel members shall be the finality of the chief procurement officer's decision. Also establishes that at-large members be paid per diem, mileage and subsistence in accordance with state law governing boards, commissions, and committees. Provides that state employee members must be reimbursed for meals, lodging and travel in accordance with state allowances.	No	Yes	Other service or product our agency must/may provide	Provides that the Procurement Review Panel members shall elect a Chairman and Vice Chairman; that the Procurement Review Panel will meet as often as necessary to resolve the controversies before it; that four members present and voting shall constitute a quorum; and that the result of a tie vote among Procurement Review Panel members shall be the finality of the chief procurement officer's decision. Also establishes that at-large members be paid per diem, mileage and subsistence in accordance with state law governing boards, commissions, and committees. Provides that state employee members must be reimbursed for meals, lodging and travel in accordance with state allowances.
4	11-35-4410(4)	State	Statute	Exempts Procurement Review Panel administrative reviews from the requirements of the Administrative Procedures Act. Authorizes the Procurement Review Panel to (i) establish rules and procedures; (ii) issue subpoenas; (iii) interview any person it considers necessary; and (iv) record all determinations. Provides that individuals aggrieved by a Procurement Review Panel subpoena may apply to the Panel for relief.	Yes	Yes	Other service or product our agency must/may provide	Exempts Procurement Review Panel administrative reviews from the requirements of the Administrative Procedures Act. Authorizes the Procurement Review Panel to (i) establish rules and procedures; (ii) issue subpoenas; (iii) interview any person it considers necessary; and (iv) record all determinations. Provides that individuals aggrieved by a Procurement Review Panel subpoena may apply to the Panel for relief.
5	11-35-4410(5)	State	Statute	Requires the Procurement Review Panel to convene or schedule a hearing to conduct its administrative review within 15 days of receiving a grievance. For all administrative reviews except for contract controversies, the Procurement Review Panel is required to file its determination within 10 working days and communicate its decision to the parties involved. However, the Procurement Review Panel may designate a matter to be complex, in which case it shall file its written determination within 30 days.	Yes	Yes	Report our agency must/may provide	Requires the Procurement Review Panel to convene or schedule a hearing to conduct its administrative review within 15 days of receiving a grievance. For all administrative reviews except for contract controversies, the Procurement Review Panel is required to file its determination within 10 working days and communicate its decision to the parties involved. However, the Procurement Review Panel may designate a matter to be complex, in which case it shall file its written determination within 30 days.
6	11-35-4410(6)	State	Statute	Provides that appeals from Procurement Review Panel determinations may be made only to the circuit court. Establishes that the standard of review set forth in the Administrative Procedures Act at 1-23-380(6) shall apply to such appeals. Notes that the filing of an appeal in the circuit court does not automatically stay a decision of the Procurement Review Panel.	No	No - But relates to manner in which one or more agency deliverables is provided		

7	11-35-4220(5)	State	Statute	Notes that a suspended or debarred person may request further administrative review from the Procurement Review Panel.	Yes	Yes	Other service or product our agency must/may provide	Notes that a suspended or debarred person may request further administrative review from the Procurement Review Panel.
8	11-35-4210(6)	State	Statute	Notes that a decision by the CPO regarding a protest may be appealed to the Procurement Review Panel.	Yes	Yes	Other service or product our agency must/may provide	Notes that a decision by the CPO regarding a protest may be appealed to the Procurement Review Panel.
9	11-35-4330(3)	State	Statute	Authorizes the Procurement Review Panel to impose a sanction in the event of a frivolous protest.	Yes	Yes	Other service or product our agency must/may provide	Authorizes the Procurement Review Panel to impose a sanction in the event of a frivolous protest.
10	11-35-4310	State	Statute	Authorizes the Procurement Review Panel to grant enumerated remedies if a solicitation or contract award is found to be in violation of law.	Yes	Yes	Other service or product our agency must/may provide	Authorizes the Procurement Review Panel to grant enumerated remedies if a solicitation or contract award is found to be in violation of law.
11	11-35-4230(6)	State	Statute	Notes that a person adversely affected by a Chief Procurement Officer's decision in a contract controversy case may request further administrative review by the Procurement Review Panel.	Yes	Yes	Other service or product our agency must/may provide	Notes that a person adversely affected by a Chief Procurement Officer's decision in a contract controversy case may request further administrative review by the Procurement Review Panel.
12	11-35-4320	State	Statute	Authorizes the Procurement Review Panel to award such relief as is necessary to resolve a contract controversy.	Yes	Yes	Other service or product our agency must/may provide	Authorizes the Procurement Review Panel to award such relief as is necessary to resolve a contract controversy.
13	11-35-4215	State	Statute	Authorizes the Procurement Review Panel to allow a prevailing agency to recover reasonable reimbursement costs, excluding attorney's fees, associated with a protest where the agency has requested the posting of bond or an irrevocable letter of credit.	Yes	Yes	Other service or product our agency must/may provide	Authorizes the Procurement Review Panel to allow a prevailing agency to recover reasonable reimbursement costs, excluding attorney's fees, associated with a protest where the agency has requested the posting of bond or an irrevocable letter of credit.
14	1-23-600(A)(1)	State	Statute	Exempts cases arising under the Consolidated Procurement Code from the jurisdiction of the Administrative Law Court.	No		No - But relates to manner in which one or more agency deliverables is provided	
15	General Appropriations Act, FY 2017-18, Part I8, Section 111	State	FY 2017-18 Proviso	Authorizes the Procurement Review Panel to collect a filing fee of \$250.00 from a party requesting further administrative review. Allows the Procurement Review Panel to retain and carry forward the funds generated by the filing fees for operation use. Provides that withdrawal of an appeal results in forfeiture of the filing fee. Establishes a procedure for seeking a fee waiver in the event of financial hardship on a party.	Yes		No - But relates to sources of funding for one or more agency deliverables	

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SC Procurement Review Panel

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Customer Template

Divisions or Major Programs	Description	Service/Product Provided to Customers	Customer Segments	<i>Specify only for the following Segments: (1) Industry: Name; (2) Professional Organization: Name; (3) Public: Demographics.</i>
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Administrative	The Procurement Review Panel conducts timely hearings to assure both vendors and the State of South Carolina that State contracts are solicited, awarded, and performed in the most effective and fair manner.	Provision of an administrative review of formal protests arising from: the solicitation or award of contracts; the debarment or suspension of a person from consideration for award of a contract; a contract controversy; or any other decision, policy, or procedure arising from or concerning the State procurement system	Executive Branch/State Agencies	State agencies involved in the solicitation and/or award of contracts for supplies or services
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Administrative	The Procurement Review Panel conducts timely hearings to assure both vendors and the State of South Carolina that State contracts are solicited, awarded, and performed in the most effective and fair manner.	Provision of an administrative review of formal protests arising from: the solicitation or award of contracts; the debarment or suspension of a person from consideration for award of a contract; a contract controversy; or any other decision, policy, or procedure arising from or concerning the State procurement system	Industry	Vendors who do, or who wish to do business with the State of South Carolina
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Report and External Review Template

Item	Is this a Report, Review, or both?	Report or Review Name	Name of Entity Requesting the Report or Conducting Review	Type of Entity	Reporting Frequency	Current Fiscal Year: Submission Date or Review Timeline (MM/DD/YYYY)	Summary of Information Requested in the Report or Reviewed	Method to Access the Report or Information from the Review
1	Internal Review and Report	CAFR	Comptroller General	State	Annually		Provides annual financial reporting to CG's Office	www.cg.sc.gov
2	Internal Review and Report	Accountability Report	Executive Budget Ofc.	State	Annually	September 14, 2018	Provides the Governor and General Assembly with information that supports their analysis of the budget	http://www.scstatehouse.gov/reports/reports.php
3	Internal Review and Report	Agency Budget Request	Executive Budget Ofc.	State	Annually	September 21, 2018	Budget request for next FY	http://www.governor.sc.gov/ExecutiveOffice/Documents/(2016.01.15)%20FY%202016-17%20Executive%20Budget%20(FC).pdf
4	Internal Review and Report	Minority Business Enterprise Utilization Plan	SMBCC	State	Annually	August 1, 2018	Estimates amount of money intended to spend with Small or Minority Businesses	pamela.green@admin.sc.gov
5	Internal Review and Report	State Agency Quarterly MBE Report	SMBCC	State	Quarterly	N/A	Actual amount of money spent with small or minority business	pamela.green@admin.sc.gov
6	Internal Review and Report	Unemployment Contribution Report	SCBOS	State	Quarterly	July 10, 2018	Employee quarterly wage information	https://www.scsignon.sc.gov/Login.aspx?ApplicationSid=SCBOSBlu-&CallBackUrl=https%3a%2f%2fwww.scbosblue.sc.gov%2fDEW%2fContribution
7	Internal Review and Report	Sole Source Report	SFAA/Procurement Services	State	Quarterly	July 15, 2018	Quarterly record of sole source procurement	http://procurement.sc.gov/PS/general/PS-general-audit-reports.phtm
8	Internal Review and Report	Fiscal Audit	SFAA/State Auditor	State	Other	June 30, 2017	Audit Report of financial processes	procurement.sc.gov/PS/agency/PS-agency-audit-reports.phtm