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

2022 Accountability Report

SUBMISSION FORM

I have reviewed and approved the data submitted by the agency in the following templates:

- Data Template
 - o Reorganization and Compliance
 - o FY2022 Strategic Plan Results
 - o FY2023 Strategic Plan Development
 - Legal
 - o Services
 - Partnerships
 - o Report or Review
 - Budget
- Discussion Template
- Organizational Template

I have reviewed and approved the financial report summarizing the agency's budget and actual expenditures, as entered by the agency into the South Carolina Enterprise Information System.

The information submitted is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN AND DATE):	N/A
(Type/Print NAME):	

BOARD/ <u>CMSN</u> CHAIR (SIGN AND DATE):	SIGNATURE ON FILE	Signature Received: 9/14/2022 15:17
(Type/Print NAME):	C. Brian McLane, Sr.	

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

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 three requests for administrative review during fiscal year 2021-2022. Each appeal requested review of a CPO's written protest determination. On its website, the Panel provides a link to the Panel's decisions that are posted on the Procurement Services website at <u>https://prp.sc.gov/panel-orders</u>. There has been some delay in these Panel Orders being uploaded to the Procurement Services website, however the Panel has been in communication with Procurement Services and has asked that these most recent orders be added to the website. 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 way other state agencies are able to perform. Depending on the using agency and the type of contract involved, delayed awards could negatively affect the public's perception of the State's public procurement process.

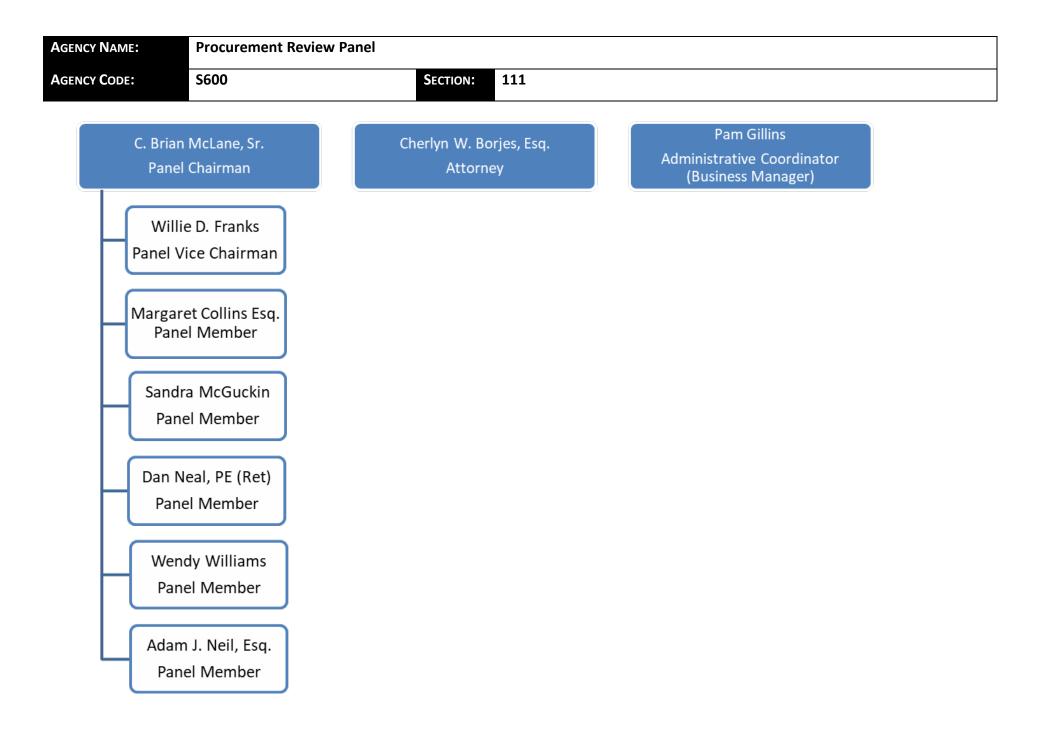
The only circumstances under which the Panel would be unable to perform its function would be the loss of property or personnel. In the event of property loss, either temporarily or permanently, the Panel would rely on the assistance of the Facilities Management staff to assist us in relocating to other available stateowned facilities. The Panel would also rely on the Division of Technology Operations for any technology

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

needs. During the period 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 the Attorney for the Panel 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, the Panel would temporarily hire an attorney approved by the Attorney General's Office to handle the technical complex aspects of this job. Additionally, the current Business Manager is a certified paralegal and can provide legal support to the attorney as needed.

Fiscal Year 2022



Reorganization and Compliance

as submitted for the Accountability Report by:

Primary Cont	tact	5000			
First Name	Last Name	Role/Title		Email Address	Phone
Pamela	Gillins	Administrative Coord	inator	pamela.gillins@prp.sc.gov	803-734-0660
Secondary Co	ontact				
First Name	Last Name	Role/Title		Email Address	Phone
Cherlyn	Borjes	Attorney		cherlyn.borjes@prp.sc.gov	803-734-0661
Agency Missi	on			Adopted in	n: 0
solicited, awarded		t effective and fair manner. Th		hearings to assure both vendors and based on making unbiased decisions	
Agency Visio	n			Adopted in	n: 0
		services to vendors and agencie		ing with the integrity of the Consol	lidated Procurement Code.
Agency intent	· · · · · · · · · · · · · · · · · · ·	reorganization to divis the succeeding fiscal ye		its, or programs to allow th	ne agency to operate
	conts related to the ac	gency that occurred in I	EV2022		
Significant ev	ents related to the ag				
De	escription of Event	Start	End	Agency Measures Impacted	d Other Impacts
We have no signif performance meas	ficant events that affect sures.				
	Legislative Services			es submission of certain State Library? (See also S.(C. Yes
Reason agency is applicable)	s out of compliance: (if				
to the Depart	ment of Archives and -180) and the South (l History? See the Pub	lic Records Act	ords, including electronic o (S.C. Code Ann. § 20-1-10 ons Act (S.C. Code Ann. § 2	Vec
Does the law	allow the agency to p	oromulgate regulations?	2		No
	which gives the agency the mulgate regulations:				
Has the agend	cy promulgated any r	egulations?			No
Is the agency	•••••••••••••••••••••••••••••••••••••••	.C. Code Ann. § 1-23-1	20 (J), which red	quires an agency to conduc	
norman review	-orns regulations ev		nization and Compliance	Section)	

F	Y2022			S60	as submi	tted for the A	Plan Res ccountability Repo IENT REVIE	rt by:		Goal 3	formal protests of th individual vendors; (procedures affecting To provide easy acc procurement process	e solicitation or award of 5 3) contract controversies; the state procurement sys ess to public information re s, contact information, and is adequately trained to pro	State contracts; (2) si and (4) other written tem. egarding the Procure hearing outcomes.	urement Officers relating to (1) uspension or debarment of a decisions, policies, or ment Review Panel's role in the rustomer service to agencies
Perf. Measure						Desired							State Funded Program	
Number	Description	Base	Target		Value Type	Outcome		Calculation Method	Data Source		Stakeholder Need Satisfied	Primary Stakeholder	Number Responsible	
1.1	Unless the complexity of a case prevent	s it, the Panel	will conduct hea	arings and reso	lve cases with	n two months (of the initial filing.			State Objective:	: Government and Citizens			
1.1.1	Fifty percent of cases resolved within two months of initial filing.	50%	50%	100%	Percent	equal to or greater than	State Fiscal Year (July 1 - June 30).	The number of cases resolved within 2 months divided by the number of cases filed.	Written Orders	Procurement Services Website	Fast resolution of cases	State agencies and vendors doing business with South Carolina.	0100.000000.000	
1.2	Cases will be resolved in a fair and imp	artial manner	in accordance	with the Procu	rement Code.					State Objective:	Government and Citizens			
1.2.1	Percentage of cases appealed.	25%	10%	0%	Percent	equal to or	State Fiscal Year	The number of cases appealed	Written Orders	Procurement	Fast resolution of cases	State agencies and vendors	0100.000000.000	
1.2.1	rercentage of cases appeared.	2376	1076	076	rercent	less than	(July 1 - June 30).	divided by the number of cases filed.	written Orders	Services Website	rast resolution of cases	doing business with South Carolina.	0100.000000.000	
2.1	The Panel will continue to update and p appeal, and a link to panel orders on ou		, current panel	members, staf	f directory, inf	ormation rega	ding current hearin	gs, procedures for filing an		State Objective:	Government and Citizens			
2.1.1	Information displayed on the Panel Website is current and clear.	100%	100%	75%	Percent	Maintain	State Fiscal Year (July 1 - June 30).	No outdated or incorrect information on website	prp.sc.gov	Paper and electronic case files.	Knowledge of proper appeals processes, hearing dates, and appeals' outcomes.	State agencies and vendors doing business with South Carolina as well as the general public.	0100.000000.000	There has been some delay in Panel Orders being uploaded to the Procurement Services website, however the Panel has been in communication with Procurement Services and has asked that these most recent orders be added to the website.
3.1	Provide time and resources for staff to	attend state of	fered training a	is well as outsi	le training and	/or educationa	opportunities relev	ant to job enhancement and		State Objective:	Education, Training, and H	uman Development		1
3.1.1	professional growth. Non-security related educational programs, training classes, continuing education courses, seminars or briefings attended by staff.	8	5	12	Count	equal to or greater than	State Fiscal Year (July 1 - June 30).	Number of classes attended.	Training documents, certificates of completion	Paper and electronic files.	Knowledgeable, courteous and professional interactions.	Employees, colleagues, vendors, general public	0100.000000.000	
4.1	Collaborate with Information Technolog optimal data security.	gy Office, Ent	erprise Privacy	Office, and In	formation Sect	urity Office to	ensure the implement	ntation of processes to provide		State Objective:	: Maintaining Safety, Integrit	y and Security	I	
4.1.1	Security and privacy related workshops and meetings attended by staff.	2	2	9	Count	equal to or greater than	State Fiscal Year (July 1 - June 30).	Number of workshops attended.	Training Documents	Paper and electronic files.	Secure systems and information.	Employees, colleagues, vendors, general public	0100.000000.000	
4.1.2	Information security measures implemented in accordance with needs identified by staff in collaboration with Information Security and Enterprise Privacy offices.	10%	25%	50%	Percent	equal to or greater than	State Fiscal Year (July 1 - June 30).	Number of measures implemented in relation to identified needs/ total number of needs identified	Written policies, training	Paper and electronic files.	Secure systems and information.	Employees, colleagues, vendors, general public	0100.000000.000	

Strategic Plan Development

FY2023

submitted for the Accountability Report l

S600 - SC PROCUREMENT REVIEW PANEL

Goal 1	To provi	ide an admi	nistrativ	e revie	w of decisions by the	Chief Procurement	Officers re	lating to

- Goal 2 To provide easy access to public information regarding the Process Provide easy access to public information regarding the Process Review Panel's role in the answerment access a particular formation and having autoances
- the procurement process contact information and hearing outcomes To ensure that staff is adequately trained to provide extraordinary customer service to agencies and used are determined to provide extraordinary customer service to agencies

Goal 4 and vendors Goal 4 To ensure that information is secure.

Perf.													
Measure					Desired							State Funded Program	
Number	Description	Base	Target	Value Type			Calculation Method	Data Source		Stakeholder Need Satisfied	Primary Stakeholder	Number Responsible	Notes
1.1	Unless the complexity of a case preven	nts it, the Panel	will conduct he	arings and res	olve cases with	in two months of the	e initial filing.		State Objective:	Government and Citizens			
1.1.1	Fifty percent of cases resolved within two months of initial filing.	1	0.5	Percent	Equal to or greater than	State Fiscal Year	The number of cases resolved within 2 months divided by	Written Orders	Procurement Services Website	Fast resolution of cases	State agencies and vendors doing business with South	0100.000000.000	
	_						the number of cases filed.				Carolina.		
1.2	Cases will be resolved in a fair and im	npartial manner	in accordance	with the Proc	urement Code.	1	-		State Objective:	Government and Citizens			
1.2.1				1.2	In to		Im 1 0 11	With oil				0100 00000 000	
1.2.1	Percentage of cases appealed.	0	0.1	Percent	Equal to or less than	State Fiscal Year	The number of cases appealed divided by the number of cases	Written Orders	Procurement Services Website	Fast resolution of cases	State agencies and vendors doing business with South	0100.000000.000	1
							filed.				Carolina.		
2.1	The Panel will continue to update and for filing an appeal, and a link to pane			members, sta	ff directory, in	formation regarding	; current hearings, procedures		State Objective:	Government and Citizens			
2.1.1	Information displayed on the Panel	0.75	1	Percent	Equal to or	State Fiscal Year	No outdated or incorrect	prp.sc.gov	Paper and electronic	Knowledge of proper	State agencies and vendors	0100.000000.000	1
	Website is current and clear.				greater than		information on website		case files.	appeals processes, hearing	doing business with South		1
										dates, and appeals'	Carolina as well as the general		1
										outcomes.	public.		1
											1		1
											l		1
3.1	Provide time and resources for staff to enhancement and professional growth		fered training a	as well as outsi	de training and	d/or educational opp	ortunities relevant to job		State Objective:	Education, Training, and H	luman Development		
3.1.1	Non-security related educational	12	. 12	Count	Equal to or	State Fiscal Year	Number of classes attended.	Training documents,	Paper and electronic	Knowledgeable, courteous	Employees, colleagues,	0100.000000.000	[
	programs, training classes, continuing				greater than			certificates of	files.	and professional	vendors, general public		1
	education courses, seminars or briefings	5						completion		interactions.	1		1
	attended by staff.										1		1
												ļ	
4.1	Collaborate with Information Technol	logy Office Ent	ernrise Privac	v Office and I	nformation Sec	curity Office to ensu	re the implementation of		State Objective	Maintaining Safety, Integri	ity and Security	<u> </u>	L
	processes to provide optimal data secu	urity.	erprise rrivacy	onice, and i	normation See				-	· Mantaning Sarcty, Integri			
4.1.1	Security and privacy related workshops	9	5	Count	Equal to or	State Fiscal Year	Number of workshops	Training Documents	Paper and electronic	Secure systems and	Employees, colleagues,	0100.000000.000	1
	and meetings attended by staff.				greater than		attended.		files.	information.	vendors, general public		1
												ļ	1
													l
4.1.2	Information security measures	0.5	0.75	Percent	Equal to or	State Fiscal Year	Number of measures	Written policies,	Paper and electronic	Secure systems and	Employees, colleagues,	0100.000000.000	1
	implemented in accordance with needs				greater than		implemented in relation to	training	files.	information.	vendors, general public		1
	identified by staff in collaboration with	1				1	identified needs/ total number						1
	Information Security and Enterprise	1					of needs identified				1		1
	Privacy offices.	1		1		1				1	1		1
											1		1

Budget Data

FY2022

as submitted for the Accountability Report by:

			(Actual)	(Actual)	(Actual)	.) (Actual)		((Projected)	(Pi	rojected)	(1	Projected)
State Funded Program No.	State Funded Program Title	Description of State Funded Program	General	Other	Federal		Total	(Projected) General2		Other	F	ederal4		Total
0100.000000.000	Administration	Funding for personnel, supplies and services.	\$ 135,674.47	\$ -	\$ -	\$	135,674.47	\$ 139,984.00	\$	2,534.00	\$	-	\$	142,518.00
9500.050000.000	State Employer Contributions	Funding for employer portion of employee benefits.	\$ 44,300.18	\$ -	\$ -	\$	44,300.18	\$ 42,983.00	\$	-	\$	-	\$	42,983.00

<u>Legal Data</u>

as submitted for the Accountability Report by:

Law number	Jurisdiction	Туре	Description	Purpose the law serves:	Notes:	Changes made during FY2022
11-35-4210(6)	State	Statute	Notes that a decision by the CPO regarding a protest may be appealed to the Procurement Review Panel.	Requires a service		No Change
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.	Requires a service		No Change
11-35-4220(5)	State	Statute	Notes that a suspended or debarred person may request further administrative review from the Procurement Review Panel.	Requires a service		No Change
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.	Requires a service		No Change
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.	Requires a service		No Change
11-35-4320	State	Statute	Authorizes the Procurement Review Panel to award such relief as is necessary to resolve a contract controversy.	Requires a service		No Change
11-35-4330(2)	State	Statute	Authorizes the Procurement Review Panel to impose a sanction in the event of a frivolous protest.	Requires a service		No Change
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); contract controversies (11-35-4230); and requests for review of other written determinations, decisions, policies and procedures arising from or concerning the procurement of supplies, services, information technology, or construction procured in accordance with the Code and regulations, with some exceptions.	Requires a service		No Change
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.	Requires a manner of delivery		No Change
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 a tie vote among Procurement Review Panel members shall result in 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.	Requires a service		No Change
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.	Requires a service		No Change

Law number	Jurisdiction	Туре	Description	Purpose the law serves:	Notes:	Changes made during FY2022
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.	Report our agency must/may provide		No Change
11-35-4410(6)	State	Statute	Provides that appeals from Procurement Review Panel determinations shall be made to the court of appeals pursuant to Section 1-23-380. Notes that the filing of an appeal in the court of appeals does not stay a decision of the Procurement Review Panel.	Requires a manner of delivery		No Change
11-35-4425	State	Statute	Authorizes the Procurement Review Panel to file any unappealed final ruling with the clerk of the circuit court, or a court of competent jurisdiction, as requested, so that such final ruling has the same effect as a judgment of the court where filed.	Requires a manner of delivery		No Change
11-35-4430	State	Statute	Prohibits Procurement Review Panel members and staff from communicating with parties, attorneys, or other persons regarding the facts or legal issues connected to any matter currently pending for review by the Panel. Establishes that a violation of the prohibition is a misdemeanor offense punishable by a fine of not more that two hundred and fifty dollars or imprisonment for not more that six months.	Requires a manner of delivery		No Change
1-23-600(A)(1)	State	Statute	Exempts cases arising under the Consolidated Procurement Code from the jurisdiction of the Administrative Law Court.	Requires a manner of delivery		No Change
General Appropriations Act, FY 2019-20, Part IB, Section 111	State	FY22-23 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.	Funding agency deliverable(s)		No Change

Services Data

as submitted for the 2022 Accountability Report by

Description of Service	Description of Direct Customer	Customer Name	Others Impacted by Service	Division or major organizational unit providing the service.	Description of division or major organizational unit providing the service.	Primary negative impact if service not provided.	Changes made to services during FY2022	Summary of changes to services
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	State agencies involved in the solicitation and/or award of contracts for supplies or services		Vendors, state agencies, and the procuring agency's customers.	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.	Untimely procurements, delayed delivery of supplies and services to agency customers.	No Change	
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	Vendors who de, or who wish to do business with the State of South Carolina		Vendors, state agencies, and the procuring agency's customers.	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.	Untimely procurements, delayed delivery of supplies and services to agency customers.	No Change	

Partnerships Data

as submitted for the 2022 Accountability Report by

Type of Partner Entity	Name of Partner Entity	Description of Partnership	Change to the partnership during the past fiscal year
State Government	SC Governor's Office	Appoints Panel Members	No Change
State Government	SC House of Representatives	Provides meeting rooms to conduct hearings	No Change
State Government	SFAA/Procurement Services	Notifies vendors of the right to appeal CPO decisions and the appeals process; posts Panel decisions on their website, and provides training opportunities for panel staff and members	No Change
State Government	South Carolina Department of Administration/General Services	Provides technology support, and various training opportunities for panel staff	No Change

Reports Data

as submitted for the Accountability Report by

							Direct access hyperlink or		
	Law Number	Summary of information	Date of most recent submission				agency contact (if not provided	Changes to this report during	Explanation why a report
Report Name	(if applicable)	requested in the report	DURING the past fiscal year	Reporting Frequency	Type of entity/entities	Method to access the report	to LSA for posting online)	the past fiscal year	wasn't submitted
Agency Accountability Report	§1-1-810	The report "must contain the agency's or department's mission, objectives to accomplish the mission, and performance measures that show the degree to which objectives are being met." Agencies must "identify key program area descriptions and expenditures and link these to key financial and performance results measures."	August-21	Annually	Governor or Lt. Governor AND Legislative entity or entities	Provided to LSA for posting online		No Change	
Agency Budget Request	§11-11-350	Budget request for next FY	September-21	Annually	South Carolina state agency or agencies	Available on another website	www.admin.sc.gov/budget	No Change	
CAFR		Provides annual financial reporting to CG's Office	October-21	Annually	South Carolina state agency or agencies	Available on another website	www.statehouse.gov/reports/repor ts.php	No Change	
Minority Business Enterprise Utilization Plan	§11-35-5240	Estimates amount of money intended to spend with Small or Minority Businesses	July-21	Annually	South Carolina state agency or agencies	Electronic copy available upon request	pamela.gillins@prp.sc.gov	No Change	
Sole Source Report	§11-35-2440	Quarterly record of sole source procurement	March-22	Quarterly	South Carolina state agency or agencies	Available on agency's website	reporting.procurement.sc.gov/gen eral/transparency/audit-reports	No Change	
State Agency Quarterly MBE Report	§11-35-5240	Actual amount of money spent with small or minority business	March-22	Quarterly	South Carolina state agency or agencies	Electronic copy available upon request	pamela.gillins@prp.sc.gov	No Change	
Unemployment Contribution Report	§41-29-110	Employee quarterly wage information	March-22	Quarterly	South Carolina state agency or agencies	Available on another website	uitax.dew.sc.gov/employers- page.html	No Change	