

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
)
IN THE MATTER OF: BID PROTEST)
)
CANNON CONSTRUCTION COMPANY)
)
V.)
)
TRI-COUNTY TECHNICAL COLLEGE)
)
INDUSTRIAL ARTS, PHASE B)
BUILDING RENOVATIONS)
PROJECT H59-6022-JM-B)
_____)

**BEFORE THE CHIEF PROCUREMENT
OFFICER FOR CONSTRUCTION**

DECISION

CASE NO. 2012-004

**POSTING DATE:
OCTOBER 25, 2011**

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from Cannon Construction Company (Cannon), under the provisions of §11-35-4210 of the South Carolina Consolidated Procurement Code, for an administrative review on the Industrial Arts, Phase B – Building Renovations bid (“the Project”) for the Tri-County Technical College (Tri-County). Cannon protests Tri-County’s posting of a Notice of Intent to Award stating “No award. No Responsive and Responsible Bidders.” Pursuant to S.C. Code Ann. §11-35-4210(4) (Supp. 2006), the CPOC conducted an administrative review. This decision is based on that review and the applicable law and precedents.

NATURE OF THE PROTEST

A copy of Cannon’s bid is incorporated herein by reference and attached hereto as Exhibit 1.

RELEVANT FACTS

1. Tri-County advertised for bids for the project on September 1, 2011. [Ex. 2]
2. The solicitation required bidders to list on their bid form subcontractors the bidder intended to use on its base bid for the subcontractor specialties of electrical, plumbing, mechanical, and structural framing. [Ex. 3]
2. By the time for receipt of bids, Tri-County received thirteen bids. [Ex. 4]
3. Cannon submitted the apparent low bid. [Ex. 3 & 4]

4. Twelve bidders listed Comfort Systems as their subcontractor for the subcontractor specialty of mechanical.¹ [Ex. 4]

5. The bidders listing Comfort Systems provided a license number for Comfort Systems of M10701². No such license number exists in the database of contractors licensed with the Contractors Licensing Board.

6. After bid opening, Tri-County conducted an investigation concerning the identity of Comfort Systems. Tri-County determined that Comfort Systems is Comfort Systems USA, Inc., an entity that at the time of bidding did not possess a contractor's license. Therefore, Tri-County determined all bidders listing Comfort Systems or Comfort Systems USA to be non-responsible bidders. [Ex. 5 & Ex. B to Ex. 1]

7. On October 3, 2011, Tri-County posted a Notice of Intent to Award declaring there were no responsive and responsible bidders. [Ex. 6]

DISCUSSION

In this solicitation, Tri-County declared twelve bidders to be non-responsible for listing Comfort Systems for the mechanical subcontractor specialty and declared the remaining bidder to be nonresponsive for failing to fully comply with the subcontractor listing requirements. A determination of responsibility is required by S.C. Code Ann. § 11-35-1810, which states “[r]esponsibility of the bidder or offeror shall be ascertained for each contract let by the State.” A procurement officer's determination of responsibility is final and conclusive unless it is “clearly erroneous, arbitrary, capricious, or contrary to law.” *S.C. Code Ann. § 11-35-2410(A)*. The South Carolina Procurement Review Panel has held that the protestant has the burden of proving that the procurement officer's determination is “clearly erroneous, arbitrary, capricious, or contrary to law.” *Protest of Brantley Construction Co., Inc.*, Case No. 1999-3.

A responsibility determination is a determination that the bidder has the ability to perform. *See S.C. Code Ann. Regs. 19-445.2125(A)(1)*. Possession of the proper contractor license, either by the bidder or one of the bidder's listed subcontractors, is an issue of responsibility. *Protest of Brantley Construction Co., Inc.*, 1999-3 (where the State is investigating the bidder's ability to perform it is deciding an issue of responsibility); *Protest of Roofco, Inc.*, Case No. 2000-14(I) (stating that “the lack of a proper license to do the work solicited in a state contract will always render a bidder nonresponsive.”). If, at the time of

¹ One bidder, Hogan Construction Group, LLC (Hogan), listed SM Lawrence for the subcontractor specialty of mechanical. Hogan's bid was deemed non-responsive for failure to list any entity for the structural framing specialty.

² A South Carolina license number does not actually have an alphabetical prefix. However, attaching an M prefix to a license with a mechanical classification is a common practice. Throughout the remainder of this document, the CPOC omits the M prefix.

bidding, a subcontractor listed on bidder's bid does not possess the proper license for performing the work for which the subcontractor was listed, then neither the listed subcontractor nor the bidder are responsible bidders. S.C. Code Ann. § 40-11-200(B)³; *See also, Protest of Burkwood Construction Company, Inc.*, Case No. 1997-8 (affirming its prior decisions that the State cannot accept a bid where the low bidder listed a subcontractor who could not perform the work specified by the bid).

While making a responsibility determination for Cannon and Cannon's listed subcontractors, Tri-County ran into a problem with the company Cannon listed for mechanical, Comfort Systems. The license number provided for Comfort Systems was not valid. While this would normally be a minor informality, there was some question as to the identity of Comfort Systems because the names of several entities licensed with the State included the words "Comfort Systems" in the name. To confirm whom the company listed as Comfort Systems was, Tri-County contacted Cannon and requested a copy of Comfort Systems' sub-bid. [Ex. 5] Cannon provided a copy of Comfort Systems sub-bid which identified Comfort Systems as a company named Comfort Systems USA with an Asheville, North Carolina address. [Ex. 7] The South Carolina license number on Comfort Systems USA's bid was 10701, a number that was not a South Carolina issued license number. [Ex. 5]

Upon reviewing Comfort Systems USA's sub-bid, Tri-County contacted Danny Dillow, the individual preparing the bid on behalf of Comfort Systems USA, to determine Comfort Systems USA's South Carolina license number. [Ex. 5] Mr. Dillow informed Tri-County that there was a typographical error on Comfort Systems USA's sub-bid and the license number should have been 107071. Tri-County checked this number against Labor, Licensing and Regulation's (LLR) website and determined that the license number 107071 belonged to SM Lawrence Company of Jackson, Tennessee, not Comfort Systems USA. Tri-County contacted Mr. Dillow once again and asked who prepared the bid and where the job would be run from. [Ex. 5] Mr. Dillow confirmed that Comfort Systems had prepared the bid in its Asheville, North Carolina, office and intended to run the job out of that same office. [Ex. 5] On behalf of Tri-County, Jim McVey, the Office of State Engineer project manager, contacted LLR regarding the sub-bid of Comfort Systems USA. [Ex. 5] LLR advised Mr. McVey that a bid can only be offered by an entity named on the license, not another entity. [Ex. 8] Based on the foregoing, Tri-County found all bidders listing Comfort Systems or Comfort Systems USA to be non-responsible bidders.

³ This Section reads "[i]t is a violation of this chapter for an awarding authority, owner, contractor...to consider a bid, sign a contract, or allow a contractor to begin work unless the bidder or contractor has first obtained the licenses required by this chapter. Bids or contracts submitted by contractors may not be reconsidered or resubmitted to an awarding authority, contractor, or owner if the contractor was not properly licensed at the time the initial bid or contract was submitted."

Despite the fact that Comfort Systems USA was not licensed at the time of bidding, Cannon alleges in its letter of protest that it did list a properly licensed mechanical subcontractor and, at most, its bid contained a mere clerical error relating to its mechanical subcontractor. Specifically, Cannon argues that in South Carolina, Comfort Systems USA is SM Lawrence.⁴ In support of this contention, Cannon submitted a letter from Comfort Systems USA's Vice President and General Counsel, Trent McKenna, wherein he claims SM Lawrence is a wholly owned subsidiary of Comfort Systems USA.⁵ [Ex. D to Ex. 1] However, a parent company and its subsidiaries are separate legal entities. See *Matter of Trandes Corp.*, B-271662, 1996 WL 433992 (Comp. Gen. Aug. 2, 1996)(holding that two entities were separate and distinct legal entities from one another when they were separately incorporated); See also, *Protest of ACMG, Inc.*, Case No. 1990-4 (finding that parent corporation licensed in South Carolina had no standing to protest a bid submitted by its wholly owned subsidiary because they were two distinct corporations even where they behaved as alter egos). SM Lawrence is incorporated in Madison County, Tennessee, while Comfort Systems USA is incorporated in Delaware. [Ex(s). 9 & 10] The law provides that "[n]o entity or individual may practice as a contractor by performing or offering to perform contracting work...without a license issued in accordance with this chapter." *SC Code Ann § 40-11-30*. Comfort Systems USA, the entity named on the bid, is a separate legal entity from SM Lawrence and is not licensed in South Carolina and cannot bid work in South Carolina.

Despite the fact that SC Code Ann § 40-11-370(B) prohibits a licensed contractor from bidding in a name other than the one appearing on its license, Cannon contends and the letter prepared by Mr. McKenna claims, SM Lawrence prepared the mechanical sub-bid but inadvertently submitted it in the name of Comfort Systems USA. [Ex. D to Ex. 1] Cannon also contends that the South Carolina license number on the sub-bid is clearly associated with SM Lawrence indicating SM Lawrence prepared and submitted the sub-bid. However, an examination of the sub-bid supports Tri-County's conclusion to the contrary. The sub-bid submitted in the name of Comfort Systems USA is devoid of any reference to SM Lawrence. SM Lawrence's name and license number do not appear on the sub-bid. Moreover, the sub-bid provides a Tennessee license number, a Virginia license number, and a North Carolina License, each associated with a company named Comfort Systems USA (Bristol), Inc., not SM Lawrence. [Ex. 7 & 11] Comfort Systems USA (Bristol) Inc., is a Bristol, Virginia based company registered with the South Carolina Secretary of State as a foreign corporation doing business in South Carolina, but is not a licensed

⁴ This argument ignores the fact that there is a company named Comfort Systems USA Carolina with an office in Greenville. [Ex. 13 & Ex. D to Ex. 1]

⁵ SM Lawrence is one of a number of subsidiaries. See <http://www.comfortsystemsusa.com/about/company.php>

contractor in South Carolina.⁶ [Ex. 12] Moreover, Comfort Systems USA (Bristol) is a corporation formed in Delaware and is a separate and distinct entity from SM Lawrence.

The solicitation required bidders to list specified subcontractors pursuant to SC Code Ann § 11-35-3020(b)(i). The purpose of this statute is to prevent bid shopping and bid peddling of subcontracts after bid opening. *Ray Bell Construction Company, Inc. v. The School District of Greenville County* 331 S.C. 19, 501 S.E.2d 725 (1998) (finding the overall purpose behind Section 11-35-3020 was to prevent contractors from bid shopping and that the failure to comply with bid listing statutes is material and non-waivable); *see also, Protest of Burkwood Construction Company, Inc.*, Case No. 1997-8 (finding that contractor could not substitute another subcontractor for the unlicensed subcontractor it had listed on its bid form because 11-35-3020's purpose was to prevent contractors from substituting subcontractors at the last minute, which thereby enables bid shopping). The subcontractor listing provisions must be interpreted and applied in a manner consistent with this goal. A listing that permits a choice after bidding violates the requirements of this law. Having listed Comfort Systems USA for the subcontractor specialty of mechanical, Cannon must use Comfort Systems USA for this work, not a subsidiary. Comfort Systems USA is not a licensed contractor in South Carolina; therefore, Comfort Systems cannot perform or offer to perform mechanical work in South Carolina. In other words, Comfort Systems USA cannot rely on the fact that one or more of its subsidiaries is licensed in South Carolina to cure its own deficiency.

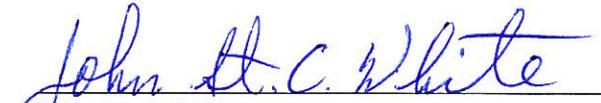
As previously stated, the sub-bid that Cannon relied on for the subcontractor specialty indicates that it was submitted by Comfort Systems USA, not SM Lawrence. Cannon listed "Comfort Systems," not SM Lawrence, in the space on its bid form for listing the subcontractor for the subcontractor specialty of mechanical. The documentation and the results of Tri-County's investigation support its conclusion that the subcontractor listed on Cannon's bid for the subcontractor specialty of mechanical was Comfort Systems USA, not any other entity. Comfort Systems USA is not a licensed mechanical contractor in South Carolina and, therefore, is not a responsible mechanical contractor. Accordingly, Tri-County's determination of non-responsibility was not "clearly erroneous, arbitrary, capricious, or contrary to law." *S.C. Code Ann. § 11-35-2410(A)*.

⁶ In addition to those already named, a number of other entities associated with Comfort Systems USA are registered with the Secretary of State as foreign corporations doing business in the state. [Ex. 14] However, out of the subsidiaries registered with the Secretary of State, only SM Lawrence and Comfort Systems USA Carolina are South Carolina licensed contractors.

DETERMINATION

Tri-County's determination to reject Cannon's bid on the grounds that the subcontractor listed for the mechanical work, Comfort Systems USA, was not a licensed contractor and therefore was non-responsible was not clearly "clearly erroneous, arbitrary, capricious, or contrary to law."

For the forgoing reasons, the protest is denied.



John St. C. White
Chief Procurement Officer for Construction

25 Oct 11

Date

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised October 2010)

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: www.procurementlaw.sc.gov

FILE BY CLOSE OF BUSINESS: Appeals must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

FILING FEE: Pursuant to Proviso 83.1 of the 2010 General Appropriations Act, "[r]equests 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 South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...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 hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2010 S.C. Act No. 291, Part IB, § 83.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, a business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).

2012-004

Haynsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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THOMAS H. COKER, JR.
DIRECT DIAL NUMBER 864.240.3251
tcoker@hsblawfirm.com

October 7, 2011

VIA E-MAIL (ose@mmo.sc.gov) AND FACSIMILE (803-737-0639)

CPO
Office of State Engineer
1201 Main Street
Suite 600
Columbia, South Carolina 29201

RECEIVED
OCT 07 2011
OFFICE OF STATE ENGINEER

Re: Protest of Cannon Construction Company
State Project H59-6022-JM-B, Industrial Arts Center, Phase B – Building
Renovations

Dear State Engineer:

This is to advise that Cannon Construction Company (“Cannon”), the low bidder on the above-referenced project, hereby protests the decision of Kristal Doherty, CPPO, Purchasing Manager for Tri-County Technical College, with respect to her determination that Cannon’s bid was “non-responsible.” The subject of this protest is the letter dated September 30, 2011, disqualifying Cannon as the low bidder for the project. See Exhibit A. This protest is submitted pursuant to Section 9.5 - Protest of Solicitation or Award. Cannon’s bid contained only a clerical error relating to its mechanical contractor. In short, Cannon did submit a properly licensed mechanical subcontractor, and its bid was both responsible and responsive. The basis of this protest is set forth below.

Tri-County Technical College, ITC, issued a request for bids for the ITC Phase B Building Renovations located at 5321 Highway 76, Pendleton, South Carolina. See Exhibit B. Cannon Construction Company, along with fourteen others, submitted bids for the project that were opened on September 27, 2011. All bids were deemed non-responsive or non-responsible. Fourteen of the bids were deemed non-responsible due to a clerical error by the mechanical subcontractor creating the appearance it was “not a licensed entity.” Cannon’s bid was among those fourteen. Each of those fourteen contractors received a mechanical bid on Comfort Systems, USA letterhead, attached hereto as **Exhibit C**, with a contractor license number associated with the name S.M. Lawrence Company, a wholly owned subsidiary of Comfort Systems, USA, and a company that does business as Comfort Systems, USA.

October 7, 2011
Page 2

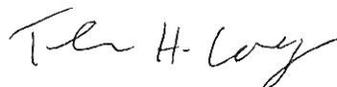
In South Carolina, Comfort Systems, USA is S.M. Lawrence Company. See Exhibit D and Exhibit E. It appears this created some confusion in the bid review process, and caused Ms. Doherty to deem the bid non-responsible. Comfort Systems, USA is large national mechanical contracting firm, with more than eighty (80) individual subsidiaries. In South Carolina, it has at least two subsidiaries, including Comfort Systems USA, Carolinas, and S.M. Lawrence Company. When S.M. Lawrence submitted its bid to the various contractors, it did so on its corporate owner's (Comfort Systems, USA) letterhead. Exhibit C. As a result, Cannon Construction Company, along with fourteen (14) other bidders, designated Comfort Systems as the name of the mechanical contractor, while the license number provided was associated with the name S.M. Lawrence. As demonstrated above, S.M. Lawrence is Comfort Systems, USA, and, therefore, Cannon's bid was responsible.

This was only a scrivener's error, and this simple error is easily correctable. It would not prejudice any bidder. As seen on the spreadsheet attached hereto as Exhibit F, all fifteen of the bidders received the same bid, and fourteen of the bidders identified the mechanical subcontractor as Comfort Systems. The fifteenth identified the subcontractor as S.M. Lawrence, but used the same bid as the fourteen others. In circumstances such as this, the bid should be awarded to the low bidder by granting the protest or allowing Cannon to amend its bid to show the proper name and license number for the Comfort Systems subsidiary performing the work. This result is beneficial to the agency as well, as it would avoid the costs and time associated with a re-bid.

When no unfair advantage is given to a bidder, the bidder should be provided the opportunity to do the work at the low bid price. See Martin Engineering, Inc. v. Lexington County School District One and Sharp Construction Company of Sumter, Inc., Respondents, 365 S.C.1; 615 S.E.2d 110 (2005). Cannon's bid should be reinstated as responsible, and the project should be awarded to Cannon as the low bidder.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.



Thomas H. Coker, Jr.

THCjr / amp
Enclosures

REQUEST FOR ADVERTISEMENTPROJECT NAME: Tri-County Technical College, ITC, Phase B - Bldg RenovationsPROJECT NUMBER: H59-6022-JM-BPROJECT LOCATION: 5321 Highway 76, Pendleton, SC 29670

Contractor may be subject to performance appraisal at close of project

BID SECURITY REQUIRED? Yes No PERFORMANCE & PAYMENT BONDS REQUIRED? Yes No CONSTRUCTION COST RANGE: < \$2,200,000

DESCRIPTION OF PROJECT: Phase B: the interior demo of existing office walls, restroom facilities & cutting in various punched openings. Two new restrooms and a breakroom will be added with new connection to adjacent sanitary sewer. A welding lab will be constructed which includes adding 48 welding booths with electrical and gas connections. The main electrical system, sprinkler and life safety will be reconfigured. HVAC RTU, a Dust collector system with duct to be installed. Exterior sheds and road work to be added.

A/E NAME: LS3P/Neal PrinceA/E CONTACT: Chris Stone, AIAA/E ADDRESS: Street/PO Box: 110 West North StreetCity: GreenvilleState: SC ZIP: 29601-EMAIL: chrisstone@ls3p.comTELEPHONE: (864) 235-0405FAX: (864) 233-4027All questions & correspondence concerning this invitation shall be addressed to the A/E.BIDDING DOCUMENTS/PLANS MAY BE OBTAINED FROM: Imaging Technologies, Greenville, SC (864) 233-5371PLAN DEPOSIT AMOUNT: \$100.00 IS DEPOSIT REFUNDABLE: Yes No

Only those Bidding Documents/Plans obtained from the above listed source(s) are official. Bidders rely on copies of Bidding Documents/Plans obtained from any other source at their own risk.

BIDDING DOCUMENTS/PLANS ARE ALSO ON FILE FOR VIEWING PURPOSES ONLY AT *(list name and location for each plan room or other entity):*

AGC: ColumbiaDodge: Website: www.dodgeprojectcenter.comPRE-BID CONFERENCE? Yes No MANDATORY ATTENDANCE? Yes No DATE: 9/12/2011 TIME: 2:00 PM PLACE: Job Site, 5321 Highway 76, Pendleton, SC 29670AGENCY: Tri-County Technical CollegeNAME OF AGENCY PROCUREMENT OFFICER: Ken KoperaADDRESS: Street/PO Box: Highway 76, PO Box 587City: PendletonState: SC ZIP: 29670-EMAIL: kkopera@tctc.eduTELEPHONE: (864) 646-1770FAX: (864) 646-1891BID CLOSING DATE: 9/27/2011 TIME: 2:00 PM LOCATION: Physical Plant, Conference Room 101

BID DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: Ken KoperaPurchasing Office room 113 Bldg. RHTri-County Technical College7900 Highway 76, Pendleton, SC 29670

MAIL SERVICE:

Attn: Ken KoperaSame as hand deliveryIS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency MUST check one) Yes No

APPROVED BY (Office of State Engineer): _____

DATE: _____

EXHIBIT

tabbies

A

TriCounty

TECHNICAL COLLEGE

P.O. Box 567 • Pendleton, South Carolina 29670 • www.tctc.edu
(864) 646-8361 • 1-866-269-5677 (Within 864 Area Code)

September 30, 2011

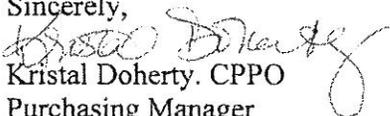
Cannon Construction Co.
PO Box 25576
Greenville, SC 29616

Re: State Project H59-6022-JM-B, Industrial Arts Center, Phase B -- Building Renovations

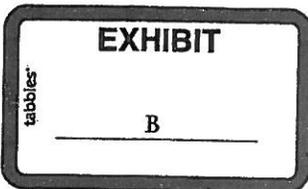
Your bid has been determined non-responsible as per State regulation 19-445.2125 A (4). Your listed Mechanical subcontractor, Comfort Systems, is not the entity listed on the license provided. According to the South Carolina Department of Labor, Licensing and Regulation, a bid can only be offered by the entity named on the license.

Should you have any questions, please contact me at 864-646-1795.

Sincerely,


Kristal Doherty, CPPO
Purchasing Manager

EXHIBIT

 B



Quality People. Building Solutions.

31 College Place Bldg. F Suite 102
Asheville, NC 28801
Phone (828) 232-4350 · Fax (828) 232-4351

Proposal

* Date September 27, 2011
Quotation #

Quotation valid until: November 28, 2011
* Prepared by: Danny Dillow
Phone: (423) 360-6225
Email: danny.dillow@comfortsystemsusa.com
* Required

TN #: 00007003 BC; CMC; MU-A(2,3) Unlimited Expires: 03-31-2013
Va #: 2705 060933A H/H GFC PLB HVA BLD Unlimited Expires: 03-31-13
NC #: 18190 P, H-1, H-2, H-3-Class 1 Unlimited Expires: 12-31-2013
SC #: M10701 EL5 ACS HT5 PBS UnLimited Expires: 11-31-2011

To: General Contractors

Reference: Tn-County Technical College, ITC, Phase B - Bldg. Renovations

Comfort Systems USA is pleased to quote the above referenced project as follows:

HVAC

- Sheetmetal Ductwork, Diffusers & Grilles, Fans, Gas Piping, Ductwork Insulation, Articulated Arms, Dust Collectors, Roof Top Units, Volume Dampers, Intake Hoods, Air Balancing, Controls, Welding Gases Piping

Total Sum Of HVAC: \$300,000.00
Add 1% for Bond

Plumbing

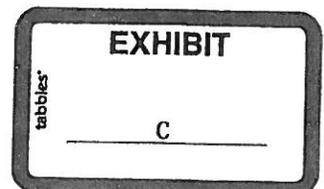
- Sanitary Waste & Vent, Fixtures, Condensate Drains, Domestic Water, Air Compressor, Compressed Air Piping, Demo Existing Fixtures, Pipe Insulation

Total Sum Of Plumbing: \$131,425.00
Add 1% for Bond

Alternate # 1 ADD \$ 650.00

If Both HVAC and Plumbing are Awarded Deduct \$3,200.00 for a Total Sum Of: \$428,225.00
Add 1% for Bond

Alternate # 1 ADD \$ 650.00





Quality People. Building Solutions.

Addendums received - 1 thru 2

Items Listed Below Are **NOT INCLUDED** In This Proposal:

- | | | |
|--------------------------|--------------------------------|---|
| Power Wiring | Fire Alarm | Asphalt/Concrete Cutting |
| Rock Removal | Concrete Work | Roofing |
| Disconnects or Starters | Cutting & Patching/Repairing | Site Utilities |
| Fire Protection Piping | Tap Fees | Asbestos Removal/Disposal |
| Toilet Accessories | Temporary Utilities | Final Cleaning of Plumbing Fixtures |
| Pitch Pockets | Paint/Priming/Preparation | Intake Hoods |
| Air Compressor Equipment | Removal/Stockpile Excess Soil | Contaminated Soil Removal/Disposal |
| Wall/Floor Blockouts | Plumbing Fixtures Wall Backing | Major Increases in Copper Material Prices |
| RoofTop Units | Dust Collectors | Articulated Dust Collector Arms |

Signed: *Danny Dillow*

CSUSA Representative Danny Dillow

9/27/2011

Date

Proposal Accepted by:

Print Name

Signature, Title

Date

Trent T. McKenna
General Counsel

Office of the General Counsel
675 Bering, Suite 400
Houston, Texas 77057
800-723-8431 Toll Free
713-830-9600 Phone
713-830-9659 Fax

October 5, 2011

To Whom It May Concern:

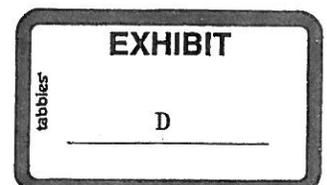
S.M. Lawrence Company, Inc. ("S.M. Lawrence") is a mechanical contractor licensed in the state of South Carolina (License #M107071). It is a wholly-owned subsidiary of Comfort Systems USA, Inc. As such, it occasionally does business as a "Comfort Systems" company. Another Comfort Systems company, "Comfort Systems USA Carolinas" is a subsidiary of Comfort Systems USA, Inc. It is also a fully licensed South Carolina mechanical contractor. Both SM Lawrence and Comfort Systems USA Carolinas are licensed to perform the work called for in the bid documents. The submission of the bid by Comfort Systems USA may have caused some confusion because Comfort Systems USA Carolinas is also a licensed South Carolina mechanical contractor. Since both are subsidiaries of Comfort Systems and both are fully licensed, the confusion is understandable on all sides.

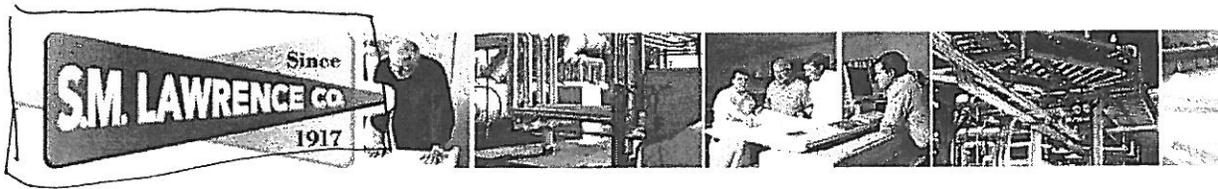
S.M. Lawrence inadvertently submitted a bid proposal for work to be performed on Tri-County Technical College on Comfort Systems letterhead rather than S.M. Lawrence letterhead. As such, some of the general contractors bidding this work submitted bids listing "Comfort Systems" as the mechanical subcontractor while at the same time listing S.M. Lawrence's license number. It is my understanding that this has resulted in a question as to whether the winning bid is non-conforming due to this discrepancy. This letter is to inform you of the corporate ownership of S.M. Lawrence and to clear up the apparent discrepancy. Please feel free to call me to discuss this further.

Sincerely,



Trent McKenna
Vice President of Comfort Systems USA, Inc. and S.M. Lawrence Company, Inc.
General Counsel of Comfort Systems USA, Inc.





ABOUT US | PROJECTS | MECHANICAL | ELECTRICAL | HVAC | SERVICE & MAINTENANCE | ADDITIONAL SERVICES | CONTACT

FEATURED PROJECTS | CHOOSE PROJECT ▼

"We put together a dream team for every project. Our client's processes and practices are treated with the discretion they deserve. That is one of the many reasons contractors tend to use S.M. Lawrence people job after job."

FRANK LAWRENCE
S.M. LAWRENCE ENGINEER

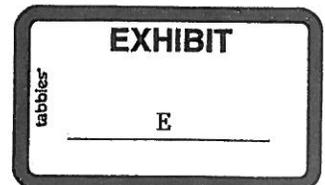


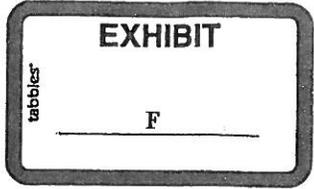
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JEFF WATLINGTON | PRESIDENT
WATLINGTON BROTHERS, INC. GENERAL CONTRACTORS | JACKSON, TN

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DAVID TAYLOR | PRESIDENT & CEO
FORCUM LANNON CONTRACTORS | DIVERSBURG, TN





TRI COUNTY TECH - INDUSTRIAL TECHNOLOGY CENTER PENDLETON, SC State Project Number: #H59-6022-JM-B											
SEPTEMBER 27th Bid Opening											
No.	General Contractor	A-310 Surety Named Amount Given and Signed	SE-330 Bid Security Addendum No. 1 & No. 2	SE-330 Sub Contractor Listed	SE-330 Bid Form Complete & Signed	BASE BID	ADD ALT #1	ADD ALT #2	ADD ALT #3	Comments	
	Cannon Construction Co.	X	X	X	X	\$1,645,943	\$36,194	\$30,772	\$31,913	Nonresponsible: Mechanical Contractor is not a licensed entity	
Base Bid	Electrical	Weichel Electrical									
	Plumbing	AT&H									
	Mechanical	Comfort Systems									
	Structural Framing	CMC S C Steel									
ALT #1	Electrical	Welch Electrical									
ALT #2	Masonry	Morrow Brick									
ALT #3	Concrete	McGee									
	Masonry	Morrow Brick									
	Structural Framing	CMC S C Steel									
	Momentum Construction Services	X	X	X	X	\$1,649,113	\$37,041	\$33,784	\$25,840	Nonresponsible: Mechanical Contractor is not a licensed entity	
Base Bid	Electrical	Weichel Electrical									
	Plumbing	Comfort Systems USA									
	Mechanical	Comfort Systems USA									
	Structural Framing	Dixiana Steel									
ALT #1	Electrical	Weichel Electrical									
ALT #2	Masonry	Monumentum Construction Services									
ALT #3	Concrete	Monumentum Construction Services									
	Masonry	Monumentum Construction Services									
	Structural Framing	Dixiana Steel									
	Matrix	X	X	X	X	\$1,689,772	\$31,601	\$36,606	\$26,182	Nonresponsible: Mechanical Contractor is not a licensed entity	
Base Bid	Electrical	Langford Electric									
	Plumbing	Comfort Systems USA									
	Mechanical	Comfort Systems USA									
	Structural Framing	Steel Tech Industries									
ALT #1	Electrical	Langford Electric									
ALT #2	Masonry	Blue Ridge Masonry									
ALT #3	Concrete	Eload Concrete									

Yeargin Porter Shackleford	X	X	X	X	X	X	\$1,739,000	\$39,000	\$40,000	\$29,000	Nonresponsible: Mechanical Contractor is not a licensed entity
Base Bid	Electrical	Welchel Electrical									
	Plumbing	Allstar									
	Mechanical	Comfort Systems USA									
	Structural Framing	S.C. Steel									
ALT #1	Electrical	Welchel Electrical									
ALT #2	Masonry	Morrow Brick									
ALT #3	Concrete	YPS									
	Masonry	Morrow Brick									
	Structural Framing	S.C. Steel									
	Mellou-Blamey	X	X	X	X	X	\$1,758,000	\$35,000	\$34,000	\$31,000	Nonresponsible: Mechanical Contractor is not a licensed entity
Base Bid	Electrical	Welchel Electrical									
	Plumbing	Comfort Systems									
	Mechanical	Comfort Systems									
	Structural Framing	Mellou-Blamey Const.									
ALT #1	Electrical	Welchel Electrical									
ALT #2	Masonry	Cherokee Masonry									
ALT #3	Concrete	Mellou-Blamey Const.									
	Masonry	Cherokee Masonry									
	Structural Framing	Mellou-Blamey Const.									
	Lazer Construction	X	X	X	X	X	\$1,751,900	\$38,900	\$49,800	\$29,700	Nonresponsible: Mechanical Contractor is not a licensed entity
Base Bid	Electrical	Welchel Electrical									
	Plumbing	Comfort Systems USA									
	Mechanical	Comfort Systems USA									
	Structural Framing	Steeltech Industries									
ALT #1	Electrical	Welchel Electrical									
ALT #2	Masonry	Cherokee Masonry									
ALT #3	Concrete	Lazer Construction									
	Masonry	Cherokee Masonry									
	Structural Framing	Steeltech Industries									
	ML Garrett Construction	X	X	X	X	X	\$1,782,282	\$38,500	\$37,100	\$30,979	Nonresponsible: Mechanical Contractor is not a licensed entity
Base Bid	Electrical	Welchel Electrical									

Langdon, Rachel

From: Protest-OSE [Protest-OSE@mmo.sc.gov]
Sent: Friday, October 07, 2011 11:43 AM
To: White, John; Langdon, Rachel
Subject: FW: Letter from Thomas H. Coker, Jr. on behalf of Cannon Construction Company
Attachments: Cannon Construction Company - ltr to CPO, Office of State Engineer dated October 7, 2011.pdf

From: Pack, Angie[SMTP:APACK@HSBLAWFIRM.COM]
Sent: Friday, October 07, 2011 11:42:38 AM
To: Protest-OSE
Cc: Coker, Tom
Subject: Letter from Thomas H. Coker, Jr. on behalf of Cannon Construction Company
Auto forwarded by a Rule

Re: *Protest of Cannon Construction Company*
State Project H59-6022-JM-B, Industrial Arts Center, Phase B - Building Renovations

Please find attached Mr. Coker's letter of today's date regarding the above-referenced matter. The same letter has been forwarded via facsimile to 803-737-0639. Please do not hesitate to contact me if there are any questions/problems with regard to the transmittal of this letter.

<<Cannon Construction Company - ltr to CPO, Office of State Engineer dated October 7, 2011.pdf>>

Sincerely,

Angela M. Pack
Secretary to Thomas H. Coker, Jr.
J.W. Matthews III and Calvin T. Vick, Jr.
Haynsworth Sinkler Boyd, P.A.
75 Beattie Place - Eleventh Floor (29601)
Post Office Box 2048
Greenville, SC 29602
Direct Dial: 864-240-3244
Facsimile: 864-240-3336

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10/7/2011

September 1, 2011

2

Volume 31, Issue 70

& their familiarity with the project area (30%)
Resume Deadline: 9/13/11 – 4:00pm, ET
Number of Copies: One original, plus three copies
Agency/Owner: City of Pickens
Name & Title of Agency Coordinator:
 Katherine Brackett, Administrator
Address: PO Box 217, Pickens, SC 29671
Phone: (864) 878-6421
E-mail: kbrackett@pickenscity.com

**CHARLESTON INT'L AIRPORT
 TERMINAL REDEVELOPMENT
 & IMPROVEMENT PROJECT**

The Charleston County Aviation Authority (CCAA) is Requesting Statements of Qualifications from interested aviation architectural / engineering consultants for the Charleston International Airport Terminal Redevelopment & Improvement Project (TRIP). Michael Baker Jr., Inc. has been selected to assist the CCAA in the completion of the TRIP as the Program Manager.

Written Statements Will Be Received until the hour of 2:00pm, local time, on Thursday, October 4, 2011. All such statements shall be addressed to:

Mr. Jim Wiley, P.E., Program Manager
 Charleston County Aviation Authority
 5500 International Blvd., #101
 Charleston, SC 29418

& clearly marked "Statement Of Qualifications For A/E Consulting Services for the Terminal Redevelopment & Improvement Project, Charleston International Airport, Procurement No. 2011-64-CHS.

Statement of Qualifications Submittal Packages May Be Obtained by download from the CCAA website, www.chs-airport.com. Any questions and/or comments concerning this request for Statements of Qualifications shall be directed in writing to Mr. Jim Wiley, P.E. Program Manager, at the above address. Questions must be received prior to September 20, 2011 at 5:00pm, local. CCAA will not be responsible for any oral instructions with regard to this Notice.

A Non-Mandatory Pre-Submittal Conference Will Be Held on Tuesday, September 13, 2011, at 2:00pm, at the North Charleston Coliseum Convention Center, 5001 Coliseum Dr., Club North Meeting Rm., North Charleston, SC 29418.

All Solicitations For Services regarding the Terminal Redevelopment & Improvement Program will be advertised & posted on the CCAA website at www.chs-airport.com

Correspondence Or Meetings Outside The Guidelines Permitted In The Solicitations are inappropriate at this time.

CONSTRUCTION

Concerning projects begun after June 6, 2011: The information previously listed in the SCBO Notes is now included in the project manual.

Please verify requirements for non-State agency advertisements by contacting the agency / owner.

Projects expected to cost less than \$50,000 are listed under the Minor Construction heading.

Project Name: ACADEMIC OFFICE / CLASSROOM BUILDING CONSTRUCTION

Project Number: H17-9573-MJ

Project Location: Coastal Carolina University, Conway

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: The project consists of 103 offices, 12 general classrooms, three large tiered classrooms & a bagel shop. Construction includes site work, pile foundations, steel structure, metal studs & brick veneer with architectural precast concrete accents / trim, slate roofing & plumbing, mechanical & electrical disciplines. Contractor may be subject to performance appraisal at close of project.

Construction Cost Range: \$9,400,000 - \$10,000,000

Architect/Engineer: Pike-McFarland-Hall Associates, Inc.

A/E Contact: Greg McFarland, AIA

A/E Address: 1300 Professional Dr., Ste. 201, Myrtle Beach, SC 29577

A/E Telephone: (843) 497-0272

A/E Fax: (843) 497-0271

A/E E-mail: gtmc@pmharchitects.com

Plans on File At:

AGC: Columbia

Plans May Be Obtained From:

http://www.coastal.edu/facilities/projects/specs_plans_standards.html

Plan Deposit: \$0.00

Pre-Bid Conf./Site Visit: Not mandatory

Pre-Bid Date/Time: 9/13/11 – 2:00pm

Place: Brooks Stadium – Kline Hospitality Suite

Agency/Owner: Coastal Carolina University

Name & Title of Agency Coordinator:

Mark Avant, Project Manager

Address: PO Box 261954, Conway, SC 29528

Telephone: (843) 349-2152

Fax: (843) 349-2182

E-mail: avant@coastal.edu

Bid Closing Date/Time: 9/29/11 – 2:00pm

Place: Facilities 2 Conference Room
Hand Deliver Bids To: Coastal Carolina University, Attn: Mark Avant, 755 Hwy. 544, Conway, SC 29526

Mail Bids To: Coastal Carolina University, Attn: Mark Avant, PO Box 261954, Conway, SC 29528 or 642 Century Circle, Conway, SC 29526

Project Name: TRI-COUNTY TECHNICAL COLLEGE. I.T.C., PHASE B – BUILDING RENOVATIONS

Project Number: H59-6022-JM-B

Project Location: 5321 Hwy. 76, Pendleton, SC 29670

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: Phase B – the interior demolition of existing of-fice walls, restroom facilities & cutting in various punched openings. Two new restrooms & a break room will be added with new connection to adjacent sanitary sewer. A welding lab will be constructed which includes adding 48 welding booths with electrical & gas connections. The main electrical system, sprinkler & life safety will be reconfigured. HVAC RTU, a dust collector system with duct to be installed. Exterior sheds & road work to be added. Contractor may be subject to performance appraisal at close of project.

Construction Cost Range: <\$2,200,000

Architect/Engineer: LS3P / Neal Prince

A/E Contact: Chris Stone, AIA

A/E Address: 110 West North St., Greenville, SC 29601

A/E Telephone: (864) 235-0405

A/E Fax: (864) 233-4027

A/E E-mail: christstone@ls3p.com

Note: All questions & correspondence concerning this Invitation to Bid shall be addressed to the A/E.

Bidding Documents/Plans Are on File for Viewing Purposes Only At:

AGC: Columbia

Dodge: Web site, www.construction.com

Bidding Documents/Plans May Be Obtained From: Imaging Technologies, 225 South Academy St., Greenville, SC 29601, phone (864) 233-5371

Plan Deposit: \$100.00, refundable

Note: Only those bidding documents / plans obtained from the aforementioned source are official. Bidders rely on copies of bidding documents / plans obtained from any other source at their own risk.

Pre-Bid Conf./Site Visit: Not mandatory

Pre-Bid Date/Time: 9/12/11 – 2:00pm

Place: Job site, 5321 Hwy. 76, Pendleton

Agency/Owner: Tri-County Technical College

Name of Agency Procurement Officer:
Ken Kopera
Address: 7900 Hwy. 76, PO Box 587, Pendleton, SC 29670
Telephone: (864) 646-1770
Fax: (864) 646-1891
E-mail: kkopera@tcltc.edu
Bid Closing Date/Time: 9/27/11 – 2:00pm
Place: Physical Plant, Conference Room 101
Hand Deliver Bids To: Tri-County Technical College, Purchasing Office, Room 113, Building RH, 7900 Hwy. 76, Pendleton, SC 29670
Mail Bids To: Tri-County Technical College, Attn.: Ken Kopera, PO Box 587, Pendleton, SC 29670

Project Name: MAY RIVER / BRUIN ROAD STREETScape PHASE 2
Project Number: 7.038971A
Location: Bluffton, SC
Bid Security Required: Yes
Performance Bond Required: Yes
Payment Bond Required: Yes
Description of Project: Installation of electrical conduit for subsequent street light installation by SCE&G; installation of irrigation for trees in tree wells & some planting beds; installation of pavers in a plaza & for sidewalk; installation of a specialty map of Old Town Bluffton which includes specialty concrete, reclaimed brick, engraving & epoxy on brick for street names as well as specialty directions brass medallions; installation of low brick wall in the plaza; installation of specialty lighting in the plaza; installation of structural soil under existing pavers for tree wells; installation of tree wells, trees, steel edging & root barriers in wells; installation of a rain garden; installation of trees & shrubs outside of wells along with root barriers; installation of planting beds at corners of streetscape; installation of crosswalks & impact recovery pedestrian signs; installation of benches, trash cans & bike racks; warranty on all plant materials of two years; warranty on all hardscape, irrigation & other associated infrastructure for one year.

Project requires adherence to federal funding guidelines including DBE participation at a level of at least 10% as well as adherence to EEOC regulations, Davis Bacon wage rates & drug free workplace certifications. The successful bidder will provide: Town business license or declaration of willingness to obtain same prior to contract execution; Verification of ability to meet required DBE Goals (DBE requirement is 10%)

or clear documentation of efforts to achieve goal; drug free workplace policy; EEOC certification; required bid security in the form of Bid Bond; list of proposed subcontractors; list of proposed suppliers; Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license within the time for acceptance of Bids including proof of insurance, all necessary Town & State licenses or ability to obtain; required Bidder Qualification Statement with Supporting Data: the contractor will outline their activity sequence to perform the required scope of work & their methodology to coordinate & manage their subcontractors & insure their subcontractor's work quality

Construction Cost Range: \$200,000-\$250,000

Architect/Engineer: Town of Bluffton
A/E Contact: Karen Jarrett
A/E Address: PO Box 386, Bluffton, SC 29910

A/E Telephone: (843) 706-7802
A/E Fax: (843) 706-4533

A/E E-mail: kjarrett@townofbluffton.com

Plans On File At:

Dodge: Electronic

Other: Town of Bluffton, Engineering Dept., 1261 May River Rd., Bluffton, SC

Plans May Be Obtained From:

www.townofbluffton.sc.gov or Accurate Reproductions, 68 Bluffton Rd., Ste. 4, Bluffton, SC 29910

Plan Deposit: Cost of reproducing plans, no refund

Pre-Bid Conf./Site Visit: No

Bid Due Date/Time: 9/26/11 – 2:00pm

Place: Town of Bluffton

Agency/Owner: Town of Bluffton

Name & Title of Agency Coordinator:

Sandra Lunceford, Town Clerk

Address: 20 Bridge St., Bluffton, SC

Telephone: (843) 706-4500

Fax: (843) 757-6720

Email: slunceford@townofbluffton.com

Hand Deliver/Mail Bids To: Town Hall, Sandra Lunceford, 20 Bridge St., Bluffton, SC 29910

Project Name: COMPREHENSIVE ENGINEERED ROADWAY IMPROVEMENTS

Project Number: IFB 11-044

Project Locations: Various in Georgetown County

Bid Security Required: Yes

Performance Bond Required: Yes

Payment Bond Required: Yes

Description of Project: The Georgetown County Public Works Division of Public Services is soliciting sealed bids for work, which consists of re-grading, placing base course & paving of 10 County

roadways totaling approximately 1.49 miles

Quantities for this project are approximately 23,000 sq. yd. of Graded Aggregate Base Course (6" uniform), 7,617 cu. yd. of unclassified excavation, 2,268 cu. yd. of borrow excavation, clearing & grubbing within project limits, 2,238 tons of Hot Mix Asphalt Type C (200 lbs./square yard), & 2,852 LF of reinforced concrete pipe, ranging in size from 15" to 36" in diameter.

Work is scheduled to begin in fall of 2011. The award of all road segments will be made to a single contractor, whose total offer is in the best consideration of the County

Construction Cost Range: Approximately \$400,000

Architect/Engineer: Davis & Floyd, Inc.

A/E Contact: G. Tilley Bull, PE

A/E Address: 3229 West Montague Ave., North Charleston, SC 29418-7915

A/E Telephone: (843) 554-8602

A/E Fax: (843) 747-6485

A/E E-mail: tbull@davisfloyd.com

Plans on File At:

AGC: Columbia & Wilmington

Bid Documents/Plans Are Available for download without charge at the County web site,

www.georgetowntowncountysc.org

– select "purchasing" & "current bids".

Hard copy drawings also are available from the project engineer.

When requesting drawings, provide the following information about your company: Mailing address, street address, E-mail address (if applicable), telephone number & fax number

Plan Deposit: \$150.00, non-refundable

Pre-Bid Conf./Site Visit: Mandatory

Pre-Bid Date/Time: Wednesday, 9/14/11 – 10:00am, ET

Place: County Council Chambers, Second Floor, Old Georgetown County Courthouse

Agency/Owner: Georgetown County

Name & Title of Agency Coordinator:

Kyle Pruffer, Purchasing Officer.

Written questions only will be answered by addendum to registered parties

Telephone: (843) 545-3082

Fax: (843) 545-3500

E-mail: kprufer@tclcounty.org or

kprufer@georgetowntowncountysc.org

Bid Closing Date/Time: Wednesday,

9/28/11 – 3:00pm, ET

Place: Purchasing Conference Room, Ste. 239, Old Georgetown County Courthouse

Hand Deliver Bids To: Purchasing Officer,

Ste. 239, Georgetown County

**SE-330 – LUMP SUM BID
BID FORM**

Bidders shall submit bids on only Bid Form SE-330.

BID SUBMITTED BY: Cannon Const. Co., Inc.
(Bidder's Name)

BID SUBMITTED TO: Tri-County Technical College
(Owner's Name)

FOR PROJECT: **PROJECT NAME** Industrial Arts Center, Phase B - Building Renovations
PROJECT NUMBER H59-6022-JM-B

OFFER

§ 1. In response to the Invitation for Construction Bids and in compliance with the Instructions to Bidders for the above-named Project, the undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into a Contract with the Owner on the terms included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

§ 2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, Bidder has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

Bid Bond with Power of Attorney Electronic Bid Bond Cashier's Check
(Bidder check one)

§ 3. Bidder acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into this Bid:

ADDENDUM No: 1 9/19/11, 2 9/22/11

§ 4. Bidder accepts all terms and conditions of the Invitation for Bids, including, without limitation, those dealing with the disposition of Bid Security. Bidder agrees that this Bid, including all Bid Alternates, if any, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that Bidder may agree to in writing upon request of the Owner.

§ 5. Bidder herewith offers to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

§ 6.1 BASE BID WORK *(as indicated in the Bidding Documents and generally described as follows):* Phase B is the interior demo of existing office walls, restroom facilities & cutting in various punched openings. Two new restrooms and a breakroom will be added with new connection to adjacent sanitary sewer. A welding lab will be constructed which includes adding 48 welding booths with electrical and gas connections. The main electrical system, sprinkler and life safety will be reconfigured. HVAC RTU, a Dust collector system with duct to be installed. Exterior sheds and road work to be added.

1,645,943.00, which sum is hereafter called the Base Bid.
(Bidder - insert Base Bid Amount on line above)

**SE-330 – LUMP SUM BID
BID FORM**

§ 8. LIST OF MANUFACTURERS, MATERIAL SUPPLIERS, AND SUBCONTRACTORS OTHER THAN SUBCONTRACTORS LISTED IN SECTION 7 ABOVE (FOR INFORMATION ONLY): Pursuant to instructions in the Invitation for Bids, if any, Bidder will provide to Owner upon the Owner’s request and within 24 hours of such request, a listing of manufacturers, material suppliers, and subcontractors, other than those listed in Section 7 above, that Bidder intends to use on the project. Bidder acknowledges and agrees that this list is provided for purposes of determining responsibility and not pursuant to the subcontractor listing requirements of SC Code Ann § 11-35-3020(b)(i).

§ 9. TIME OF CONTRACT PERFORMANCE AND LIQUIDATED DAMAGES

a. **CONTRACT TIME:** Bidder agrees that the Date of Commencement of the Work shall be established in a Notice to Proceed to be issued by the Owner. Bidder agrees to substantially complete the Work within 150 calendar days from the Date of Commencement, subject to adjustments as provided in the Contract Documents.

b. **LIQUIDATED DAMAGES:** Bidder further agrees that from the compensation to be paid, the Owner shall retain as Liquidated Damages the sum of \$200.00 for each calendar day the actual construction time required to achieve Substantial Completion exceeds the specified or adjusted time for Substantial Completion as provided in the Contract Documents. This sum is intended by the parties as the predetermined measure of compensation for actual damages, not as a penalty for nonperformance.

§ 10. AGREEMENTS

- a. Bidder agrees that this bid is subject to the requirements of the law of the State of South Carolina.
- b. Bidder agrees that at any time prior to the issuance of the Notice to Proceed for this Project, this Project may be canceled for the convenience of, and without cost to, the State.
- c. Bidder agrees that neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

§ 11. ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the AIA Document A310, Bid Bond, included in the Bidding Documents.

Electronic Bid Bond Number: _____

Signature and Title: _____

**SE-330 – LUMP SUM BID
 BID FORM**

§ 7. LISTING OF PROPOSED SUBCONTRACTORS PURSUANT TO SECTION 3020(b)(i), CHAPTER 35, TITLE 11 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED – (See Instructions on the following page BF-3A)

Bidder shall use the below-listed Subcontractors in the performance of the Subcontractor Specialty work listed:

SUBCONTRACTOR SPECIALTY By License Classification and/or Subclassification (Completed by Owner)	SUBCONTRACTOR'S PRIME CONTRACTOR'S NAME (Must be completed by Bidder) BASE BID	SUBCONTRACTOR'S PRIME CONTRACTOR'S SC LICENSE NUMBER
Electrical	Welded Elect, out	10875-4.
Plumbing	ATAH	M110385
Mechanical	Comfort Systems	M10701
Structural Framing	CMC - S.C. Steel	
ALTERNATE 1		
Electrical	Welded	10875-4
ALTERNATE 2		
Masonry	Morrow Brick	
ALTERNATE 3		
Concrete	M ^c Gee	
Masonry	Morrow Brick	
Structural Framing	CMC - S.C. Steel	

If a Bid Alternate is accepted, Subcontractors listed for the Bid Alternate shall be used for the work of both the Alternate and the Base Bid work.

SE-330 – LUMP SUM BID BID FORM

§ 6.2 BID ALTERNATES - as indicated in the Bidding Documents and generally described as follows:

ALTERNATE # 1 (Brief Description): Add an external natural gas back-up generator outside mechanical area on existing concrete slab.

ADD TO or DEDUCT FROM BASE BID: 36,194.00

(Bidder to Mark appropriate box to clearly indicate the price adjustment offered for each alternate)

ALTERNATE # 2 (Brief Description): Add 155 linear feet of wall tpc A6S0 (CMU w/ metal stops and drywall to deck for HVAC lab. This is to include (2) 3'-0"x7'-0" metal doors, (1) 6'-0"x7'-0" metal door and a 8' w x 12' h glass panel sectional door.

ADD TO or DEDUCT FROM BASE BID: 30,772.00

(Bidder to Mark appropriate box to clearly indicate the price adjustment offered for each alternate)

ALTERNATE # 3 (Brief Description): Add 836 sq (24' deep x 35' wide) of concrete slab on grade and structural shed that run adjacent to the exterior shed for the welding lab.

ADD TO or DEDUCT FROM BASE BID: 31,913.00

(Bidder to Mark appropriate box to clearly indicate the price adjustment offered for each alternate)

**SE-330 – LUMP SUM BID
BID FORM****INSTRUCTIONS FOR
SUBCONTRACTOR LISTING**

1. Section 7 of the Bid Form sets forth a list of subcontractor specialties for which bidder is required to identify by name the subcontractor(s) Bidder will use to perform the work of each listed specialty. Bidder must identify only the subcontractor(s) who will perform the work and no others.
2. For purposes of subcontractor listing, a Subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers, and fabricators that will not perform physical work at the site of the project but will only supply materials or equipment to the bidder or proposed subcontractor(s) are not subcontractors and Bidder should not insert their names in the spaces provided on the bid form. Likewise, Bidder should not insert the names of sub-subcontractors in the spaces provided on the bid form but only the names of those entities with which bidder will contract directly.
3. Bidder must only insert the names of subcontractors who are qualified to perform the work of the listed specialties as specified in the Bidding Documents and South Carolina Licensing Laws.
4. If under the terms of the Bidding Documents, Bidder is qualified to perform the work of a specialty listed and Bidder does not intend to subcontract such work but to use Bidder's own employees to perform such work, the Bidder must insert its own name in the space provided for that specialty.
5. If Bidder intends to use multiple subcontractors to perform the work of a single specialty listing, Bidder must insert the name of each subcontractor Bidder will use, preferably separating the name of each by the word **"and"**. If Bidder intends to use both his own employees to perform a part of the work of a single specialty listing and to use one or more subcontractors to perform the remaining work for that specialty listing, bidder must insert his own name and the name of each subcontractor, preferably separating the name of each with the word **"and"**.
6. Bidder may not list subcontractors in the alternative nor in a form that may be reasonably construed at the time of bid opening as a listing in the alternative. A listing that requires subsequent explanation to determine whether or not it is a listing in the alternative is non-responsive. If bidder intends to use multiple entities to perform the work for a single specialty listing, bidder must clearly set forth on the bid form such intent. Bidder may accomplish this by simply inserting the word **"and"** between the name of each entity listed for that specialty. Owner will reject as non-responsive a listing that contains the names of multiple subcontractors separated by a blank space, the word "or", a virgule (that is a /), or any separator that the Owner may reasonably interpret as a listing in the alternative.
7. If Bidder is awarded the contract, bidder must, except with the approval of the owner for good cause shown, use the listed entities to perform the work for which they are listed.
8. If bidder is awarded the contract, bidder will not be allowed to substitute another entity as subcontractor in place of a subcontractor listed in Section 7 of the Bid except for one or more of the reasons allowed by the SC Code of Laws.
9. Bidder's failure to insert a name for each listed specialty subcontractor will render the Bid non-responsive.

**SE-330 – LUMP SUM BID
BID FORM**

BIDDER'S TAXPAYER IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: 57-1090647

OR

SOCIAL SECURITY NUMBER: _____

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS

Classification(s) & Limits: BDS UNLIMITED

Subclassification(s) & Limits: _____

SC Contractor's License Number(s): 6104408

BY SIGNING THIS BID, THE PERSON SIGNING REAFFIRMS ALL REPRESENTATIONS AND CERTIFICATIONS MADE BY BOTH THE PERSON SIGNING AND THE BIDDER, INCLUDING WITHOUT LIMITATION, THOSE APPEARING IN ARTICLE 2 OF THE INSTRUCTIONS TO BIDDER. THE INVITATION FOR BIDS, AS DEFINED IN THE INSTRUCTIONS TO BIDDERS, IS EXPRESSLY INCORPORATE BY REFERENCE.

SIGNATURE

BIDDER'S LEGAL NAME: CANNON CONSTRUCTION Co., INC

ADDRESS: PO. BOX 75576
GREENVILLE SC 29616

BY: [Signature]
(Signature)

DATE: 9/27/11

TITLE: PRESIDENT

TELEPHONE: 864-286-9364

EMAIL: AC1@CANNONBUILT.COM

TRI COUNTY TECH - INDUSTRIAL TECHNOLOGY CENTER PENLETON, SC											
State Project Number: #H59-6022-JM-B											
SEPTMBER 27th Bid Opening TCTC ITC	A-310 Surety Named Amount Given and Signed	SE-330 Bid Security Addendum No. 1 & No. 2	SE-330 Sub Contractor Listed	SE-330 Bid Form Complete & Signed	BASE BID	ADD ALT #1	ADD ALT #2	ADD ALT #3	Comments		
No. General Contractor	X	X	X	X	\$1,645,943	\$36,194	\$30,772	\$31,913	Nonresponsible: Mechanical Contractor is not a licensed entity		
Base Bid	Welch Electrical										
	AT&H										
	Comfort Systems										
	CMC S.C. Steel										
ALT #1	Welch Electrical										
ALT #2	Morrow Brick										
ALT #3	McGee										
	Morrow Brick										
	CMC S.C. Steel										
Base Bid	X	X	X	X	\$1,649,113	\$37,041	\$33,784	\$25,840	Nonresponsible: Mechanical Contractor is not a licensed entity		
	Welch Electrical										
	Comfort Systems USA										
	Comfort Systems USA										
	Dixiana Steel										
ALT #1	Welch Electrical										
ALT #2	Monumentum Construction Services										
ALT #3	Monumentum Construction Services										
	Monumentum Construction Services										
	Dixiana Steel										

**TRI COUNTY TECH - INDUSTRIAL TECHNOLOGY CENTER
PENDLETON, SC**

State Project Number: #H59-6022-JM-B

SEPTEMBER 27th Bid Opening		A-310 Surety Named Amount Given and Signed	SE-330 Bid Security Addendum No. 1 & No. 2	SE-330 Sub Contractor Listed	SE-330 Bid Form Complete & Signed	BASE BID	ADD ALT #1	ADD ALT #2	ADD ALT #3	Comments
No.	General Contractor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$1,689,772	\$31,601	\$36,606	\$26,182	Nonresponsible. Mechanical Contractor is not a licensed entity
	Matrix									
Base Bid	Electrical	Langford Electric								
	Plumbing	Comfort Systems USA								
	Mechanical	Comfort Systems USA								
	Structural Framing	Steel Tech Industries								
ALT #1	Electrical	Langford Electric								
ALT #2	Masonry	Blue Ridge Masonry								
ALT #3	Concrete	Elrod Concrete								
	Masonry	Blue Ridge Masonry								
	Structural Framing	Steel Tech Industries								
Base Bid	Creative Builders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$1,695,560	\$37,500	\$35,000	\$23,500	Nonresponsible. Mechanical Contractor is not a licensed entity
	Electrical	Welchel Electrical								
	Plumbing	All-Star Mechanical								
	Mechanical	Comfort Systems USA								
	Structural Framing	Steel Clad								
ALT #1	Electrical	Welchel Electrical								
ALT #2	Masonry	Morrow Brick								
ALT #3	Concrete	Byers Concrete								
	Masonry	Morrow Brick								
	Structural Framing	Steel Clad								

**TRI COUNTY TECH - INDUSTRIAL TECHNOLOGY CENTER
PENDLETON, SC**

State Project Number: #H59-6022-JM-B

SEPTEMBER 27th Bid Opening TCTC ITC		A-310 Surety Named Amount Given and Signed	SE-330 Bid Security Addendum No. 1 & No. 2	SE-330 Sub Contractor Listed	SE-330 Bid Form Complete & Signed	BASE BID	ADD ALT #1	ADD ALT #2	ADD ALT #3	Comments
No.	General Contractor	X	X	X	X	\$1,705,000	\$36,000	\$30,000	\$35,000	Nonresponsive: Structural Framing Sub-Contractor not listed.
Base Bid	Electrical	Welchel Electrical								
	Plumbing	SM Lawrence								
	Mechanical	SM Lawrence								
	Structural Framing									
ALT #1	Electrical	Welchel Electrical								
ALT #2	Masonry	Hogan Construction and Morrow Brick								
ALT #3	Concrete	Hogan Construction								
	Masonry	Hogan Construction and Morrow Brick								
	Structural Framing	Hogan Construction and Steel Tech Industries								
Base Bid	Davis Constructors	X	X	X	X	\$1,762,707	\$30,685	\$21,196	\$25,034	Nonresponsive: Mechanical Contractor is not a licensed entity
	Electrical	Langford Electric								
	Plumbing	Comfort Systems USA								
	Mechanical	Comfort Systems USA								
	Structural Framing	J. Davis Construction								
ALT #1	Electrical	Langford Electric								
ALT #2	Masonry	Feltman Brothers								
ALT #3	Concrete	J. Davis Construction								
	Masonry	Feltman Brothers								
	Structural Framing	J. Davis Construction								

TRI COUNTY TECH - INDUSTRIAL TECHNOLOGY CENTER
 PENDLETON, SC State Project Number: #H59-6022-JM-B

No.	General Contractor	A-310 Surety Named Amount Given and Signed	SE-330 Bid Security Addendum No. 1 & No. 2	SE-330 Sub Contractor Listed	SE-330 Bid Form Complete & Signed	BASE BID	ADD ALT #1	ADD ALT #2	ADD ALT #3	Comments
Base Bid	Electrical	Welchel Electrical				\$1,739,000	\$39,000	\$40,000	\$29,000	Nonresponsive - Mechanical Contractor is not a licensed entity
	Plumbing	Allstar								
	Mechanical	Comfort Systems USA								
	Structural Framing	S.C. Steel								
ALT #1	Electrical	Welchel Electrical								
ALT #2	Masonry	Morrow Brick								
ALT #3	Concrete	YPS								
	Masonry	Morrow Brick								
	Structural Framing	S.C. Steel								
Base Bid	Mellou-Blamey	X	X	X	X	\$1,758,000	\$35,000	\$34,000	\$31,000	Nonresponsive - Mechanical Contractor is not a licensed entity
Base Bid	Electrical	Welchel Electrical				\$1,758,000	\$35,000	\$34,000	\$31,000	Nonresponsive - Mechanical Contractor is not a licensed entity
	Plumbing	Comfort Systems								
	Mechanical	Comfort Systems								
	Structural Framing	Mellou-Blamey Const.								
ALT #1	Electrical	Welchel Electrical								
ALT #2	Masonry	Cherokee Masonry								
ALT #3	Concrete	Mellou-Blamey Const.								
	Masonry	Cherokee Masonry								
	Structural Framing	Mellou-Blamey Const.								

**TRI COUNTY TECH - INDUSTRIAL TECHNOLOGY CENTER
PENDLETON, SC**

State Project Number: #H59-6022-JM-B

SEPTEMBER 27th Bid Opening TCTC ITC		A-310 Surety Named Amount Given and Signed	SE-330 Bid Security Addendum No. 1 & No. 2	SE-330 Sub Contractor Listed	SE-330 Bid Form Complete & Signed	BASE BID	ADD ALT #1	ADD ALT #2	ADD ALT #3	Comments
No.	General Contractor	X	X	X	X	\$1,751,900	\$38,900	\$49,800	\$29,700	Nonresponsible: Mechanical Contractor is not a licensed entity
	Lazer Construction									
	Electrical	Welchel Electrical								
	Plumbing	Comfort Systems USA								
	Mechanical	Comfort Systems USA								
	Structural Framing	Steeltech Industries								
ALT #1	Electrical	Welchel Electrical								
ALT #2	Masonry	Cherokee Masonry								
ALT #3	Concrete	Lazer Construction								
	Masonry	Cherokee Masonry								
	Structural Framing	Steeltech Industries								
	ML Garrett Construction	X	X	X	X	\$1,782,282	\$38,500	\$37,100	\$30,979	Nonresponsible: Mechanical Contractor is not a licensed entity
	Electrical	Welchel Electrical								
	Plumbing	Comfort Systems USA								
	Mechanical	Comfort Systems USA								
	Structural Framing	M.L. Garrett								
ALT #1	Electrical	Welchel Electrical								
ALT #2	Masonry	M.L. Garrett/Arquedos								
ALT #3	Concrete	M.L. Garrett								
	Masonry	M.L. Garrett/Arquedos								
	Structural Framing	M.L. Garrett								



P.O. Box 587 - Pendleton, South Carolina 29670 - www.tctc.edu
(864) 646-8361 • 1-866-269-5677 (Within 864 Area Code)

October 3, 2011

Determination of Responsibility

H59-6022-JM-B

Per § 11-35-1810 Tri-County Technical College (TCTC), is obligated to make a Determination of Responsibility of the bidder for each contract let by the State.

As TCTC, was performing their review of the apparent low bid submitted by Cannon Construction Company for South Carolina State Project H59-6022-JM-B, it was noticed that the listed Mechanical Subcontractor, Comfort Systems, contractor's license was not appearing on South Carolina's LLR website. A call was placed to LLR and it was confirmed that the listed license number did not exist.

A call was then placed to Hank Cannon of Cannon Construction with the request to forward the bid they received from Comfort Systems. Upon receiving the bid, TCTC contacted Danny Dillow who prepared the bid for Comfort Systems, who claimed a typographical error dropping out one number on the license listing was made on their bid proposal and the license number should read 107071. After checking the corrected number on the LLR website it was noticed that the name belonging to 107071 was S.M. Lawrence out of Jackson TN.

TCTC then contacted Danny Dillow back inquiring on where the bid was prepared and where the job would be run from. Danny validated that Comfort Systems had prepared the bid at their Ashville, NC office and it was their intent to run the job from that office and the same bid was prepared and sent to all 13 bidders on this project.

On behalf of TCTC, Jim McVey of the Office of State Engineer contacted Gary Wiggins of the South Carolina Department of Labor, Licensing and Regulation who determined that a bid can only be offered by the entity named on the license, see attached. Comfort Systems is not the licensed entity and did not have the right to offer a bid. Per regulation 19-445.2125 A (4), TCTC has determined Cannon Construction Company, Momentum Construction Services, Matrix Construction Company and Creative Builders, J. Davis Construction, Yeargin Potter Shackelford Construction, Melloul-Blamey Construction, Lazer Construction, M.L. Garrett Const., Sherman Construction, Hatfield Builders, Town & Country to be non-responsible in their bid submitted for this project.



Kristal Doherty, CPPO
Procurement Officer

SE-370

Notice of Intent to Award

STATE OF SOUTH CAROLINA

Tri-County Technical College (insert agency name)
7900 Highway 76, Pendleton SC 29670 (insert agency address)

Posting Date: 10/3/2011

Unless stayed by protest or canceled, the State intends to enter into a contract for the project with the contractor noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provide in Section 4 of the Bid Form, except as otherwise provided in the instructions to bidders.

Project Number: H59-6022-JM-B
Project Name: Industrial Arts Center, Phase B - Building Renovations
Awarded To: No award. No Responsive and Responsible Bidders.

Solicitation Type [X] Invitation for Bid [] Request for Proposals
Contract Amount \$

Invitation for Bid

Table with 3 columns: Information, Description, Bid Amount. Rows include Base Bid (Interior/exterior building renovations), Alternate 1 (Natural gas backup generator), Alternate 2 (Additional 155 linear feet of wall), and Alternate 3 (Exterior concrete slab and awning).

Remarks (explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution.

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest within ten days of the date notification of award is posted in accordance with the Consolidated Procurement Code.

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to protest-ose@mimo.sc.gov, (b) by facsimile at 803-737-0639, or (c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201.

Agency Procurement Officer: [Handwritten Signature]

- INSTRUCTIONS TO THE AGENCY:
1. Post a copy of this form at the location specified by the Instructions to bidders and announced at the Bid Opening.
2. Send a copy of this form and the final bid tabulation to all responsive bidders and OSE.



Quality People. Building Solutions.

31 College Place Bldg. F Suite 102
 Asheville, NC 28801
 Phone (828) 232-4350 · Fax (828) 232-4351

Proposal

* Date September 27, 2011
 Quotation #

Quotation valid until: November 28, 2011

* Prepared by: Danny Dillow
 Phone: (423) 360-6225
 Email: danny.dillow@comfortsystemsusa.com
 * Required

TN #: 00007003 BC, CMC; MU-A(2,3) Unlimited Expires: 03-31-2013
 Vb #: 2705 060933A HVH GFC PLB HVA BLD Unlimited Expires: 03-31-13
 NC #: 18190 P, H-1, H-2, H-3-Class 1 Unlimited Expires: 12-31-2013
 SC #: M10701 EL5 AC5 HT5 PB5 UnLimited Expires: 11-31-2011

To: General Contractors

Reference: Tri-County Technical College, ITC, Phase B - Bldg. Renovations

Comfort Systems USA is pleased to quote the above referenced project as follows.

MECHANICAL SYSTEMS - HVAC, DUCTWORK, CONTROLS, AIR BALANCING

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Sheetmetal Ductwork | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Articulated Arms(install only) | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Air Balancing |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Diffusers & Grilles | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Dust Collectors(install only) | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Controls |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Fans | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Roof Top Units(install only) | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Welding Gases Piping |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Gas Piping | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Volume Dampers | <input type="checkbox"/> YES <input type="checkbox"/> NA |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Ductwork Insulation | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Intake Hoods (install only) | <input type="checkbox"/> YES <input type="checkbox"/> NA |

Total Sum Of HVAC: **\$300,000.00**
 Add 1% for Bond

PLUMBING SYSTEMS - DOMESTIC WATER, AIR COMPRESSOR, COMPRESSED AIR PIPING, DEMO EXISTING FIXTURES, PIPE INSULATION

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Sanitary Waste & Vent | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Domestic Water | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Demo Existing Fixtures |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Fixtures | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Air Compressor(install only) | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Pipe Insulation |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Condensate Drains | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NA Compressed Air Piping | <input type="checkbox"/> YES <input type="checkbox"/> NA |

Total Sum Of Plumbing: **\$131,425.00**
 Add 1% for Bond

Alternate # 1 ADD \$ 650.00

If Both HVAC and Plumbing are Awarded Deduct \$3,200.00 for a Total Sum Of: **\$428,225.00**
 Add 1% for Bond

Alternate # 1 ADD \$ 650.00



Quality People. Building Solutions.

Addendums received - 1 thru 2

Items Listed Below Are **NOT INCLUDED** In This Proposal:

- | | | |
|--------------------------|--------------------------------|---|
| Power Wiring | Fire Alarm | Asphalt/Concrete Cutting |
| Rock Removal | Concrete Work | Roofing |
| Disconnects or Starters | Cutting & Patching/Repairing | Site Utilities |
| Fire Protection Piping | Tap Fees | Asbestos Removal/Disposal |
| Toilet Accessories | Temporary Utilities | Final Cleaning of Plumbing Fixtures |
| Pitch Pockets | Paint/Pnming/Preparation | Intake Hoods |
| Air Compressor Equipment | Removal/Stockpile Excess Soil | Contaminated Soil Removal/Disposal |
| Wall/Floor Blockouts | Plumbing Fixtures Wall Backing | Major Increases in Copper Material Prices |
| RoofTop Units | Dust Collectors | Articulated Dust Collector Arms |

Signed: Danny Dillow
CSUSA Representative Danny Dillow

9/27/2011
Date

Proposal Accepted by:

Print Name

Signature, Title

Date

RE: Comfort Systems proposal

Gary Wiggins [Gary.WIGGINS@llr.sc.gov]

Sent: Friday, September 30, 2011 9:38 AM

To: McVey, Jim

Jim,

A bid can only be offered by the entity named on the license. Comfort Systems is not a licensed entity and did not have the right to offer a bid.

Gary Wiggins

From: McVey, Jim [mailto:JMcVey@mmo.sc.gov]

Sent: Wednesday, September 28, 2011 2:14 PM

To: Gary Wiggins

Cc: Kopera, Kenneth

Subject: FW: Comfort Systems proposal

Gary,

Attached is the subcontractors bid proposal to all of the GC. As you can see they have the SC license number printed incorrectly, it should be 107071. Based on our conversation I assume they have no legal right to submit a bid under LLR laws? Is this correct?

Thank You,

Jim McVey, PE

Project Manager

Office of State Engineer/USCU

800 University Way

Spartanburg, SC 29303

(864) 503 - 5534

(864) 503 - 5548 (fax)

jmcvey@mmo.sc.gov

From: Kopera, Kenneth M. [kkopera@tctc.edu]

Sent: Wednesday, September 28, 2011 1:22 PM

To: McVey, Jim

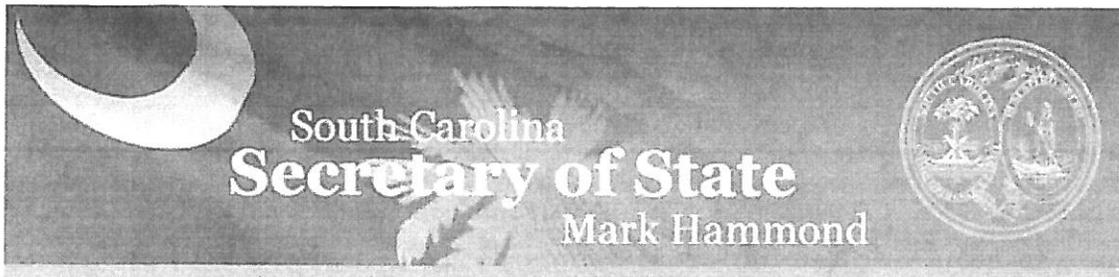
Subject: FW: Comfort Systems proposal

From: Hank Cannon [hc1@cannonbuilt.com]
Sent: Wednesday, September 28, 2011 12:43 PM
To: Kopera, Kenneth M.
Subject: Comfort Systems proposal

Ken

Their proposal is attached as requested.

Hank Cannon
Cannon Construction Co., Inc.
PO Box 25576
Greenville, SC 29616
864-286-9364 o
864-286-0864 f
864-616-0707 c
www.cannonbuilt.com

**S.M. LAWRENCE COMPANY, INC.**

*Note: This online database was last updated on 10/18/2011 6:01:22 PM.
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DOMESTIC / FOREIGN:	Foreign
STATUS:	Good Standing
STATE OF INCORPORATION / ORGANIZATION:	TENNESSEE Profit

REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME:	C T CORPORATION SYSTEM
ADDRESS:	2 Office Park Court
CITY:	Columbia
STATE:	SC
ZIP:	29223
SECOND ADDRESS:	Suite 103
FILE DATE:	01/28/2004
EFFECTIVE DATE:	01/28/2004
DISSOLVED DATE:	//

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Agent	05/22/2010	CH AGT ADDRESS	
Authority	01/28/2004	AUTHORITY	

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000018143: Corporation For-Profit - Domestic

Name: S. M. LAWRENCE COMPANY, INC.
Old Name:
Business Type:
Status: Active **Initial Filing:** 03/08/1973
Formed in: Madison County **Delayed Effective Date:**
Fiscal Year Close: December **AR Due Date:** 04/01/2012
Term of Duration: Perpetual **Inactive Date:**
Principal Office: 245 PRESTON STREET
 JACKSON, TN 38301 USA
Annual Report: 245 PRESTON STREET
Mailing Address: JACKSON, TN 38301 USA
AR Exempt: No
Shares of Stock: 3,000

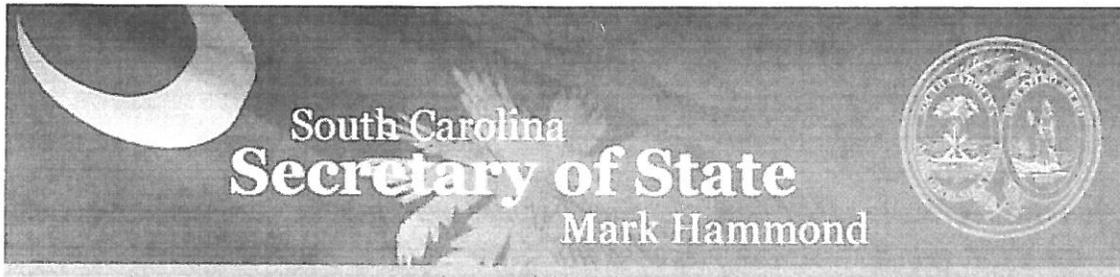
Name	Status	Expires
Dillingham & Smith Mechanical and Sheet Metal Contractors	Active	12/21/2015

Division of Business Services
 312 Rosa L. Parks Avenue, Snodgrass Tower, 6th Floor
 Nashville, TN 37243
 615-741-2286

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COMFORT SYSTEMS USA, INC.

*Note: This online database was last updated on 10/18/2011 6:01:22 PM.
See our Disclaimer.*

DOMESTIC / FOREIGN:	Foreign
STATUS:	REG
STATE OF INCORPORATION / ORGANIZATION:	DELAWARE Profit

REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME:	NAME REGISTRATION
ADDRESS:	
CITY:	
STATE:	SC
ZIP:	
SECOND ADDRESS:	
FILE DATE:	12/06/2010
EFFECTIVE DATE:	12/06/2010
DISSOLVED DATE:	//

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Registration	12/06/2010	REGISTERED BY-TRENT MCKENNA, VP	

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Entity Details

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<u>File Number:</u>	2693796	<u>Incorporation Date</u>	12/12/1996
		<u>Formation Date:</u>	(mm/dd/yyyy)
<u>Entity Name:</u>	COMFORT SYSTEMS USA, INC.		
<u>Entity Kind:</u>	CORPORATION	<u>Entity Type:</u>	GENERAL
<u>Residency:</u>	DOMESTIC	State:	DE

REGISTERED AGENT INFORMATION

Name:	THE CORPORATION TRUST COMPANY		
Address:	CORPORATION TRUST CENTER 1209 ORANGE STREET		
City:	WILMINGTON	County:	NEW CASTLE
State:	DE	Postal Code:	19801
Phone:	(302)658-7581		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like Status Status, Tax & History Information

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Department of Commerce and Insurance

Julie Mix McPeak, Commissioner

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License Search And Verification

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License Status	ACTIVE - FULLY LICENSED
License #	7003
License ID	7003
Expiration Date	Mar 31 2013
Original Date	
Profession Code	1801
Profession Name	Contractor
First Name	
Middle Name	
Last Name	COMFORT SYSTEMS USA (BRISTOL), INC.
City	BRISTOL
State	VA
Zip Code	24203
Rank	Contractor
License Activity Description	

<< Back to search page

License ID	Class & Limit			Monetary Limit
	Classification1	Classification2	Classification3	
7003	BC, CMC, MU-A(2,3);			UNLIMITED



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Contractor Business License

Contractor Business License

BUSINESS NAME:	COMFORT SYSTEMS USA (BRISTOL) INC
TRADING NAME:	FRED HAYES MECHANICAL CONTRACTORS INC
ADDRESS:	PO BOX 757 BRISTOL, VA 24203-0000
BUSINESS TYPE:	CORPORATION
CLASS OF LICENSE:	A
CLASSIFICATIONS/SPECIALTIES:	ELECTRICAL, GAS FITTING, HVAC, PLUMBING
REGISTRATION NO:	2705060933
INITIAL CERTIFICATION DATE:	MARCH 12, 2001
EXPIRATION DATE:	MARCH 31, 2013

Open Complaints: None

"Open Complaints" reflect only those complaints for which a departmental investigation has determined that sufficient evidence exists to establish probable cause of a violation of the law or regulations. Only those cases that have proceeded through an investigation to the adjudication stage are displayed.

State law prohibits the disclosure of any information about open complaints [\[Code of Virginia Section 54.1-108\]](#). Members of the public may review official records and obtain copies only after a complaint investigation is closed.

Closed Complaints: None

"Closed Complaints" reflect complaints closed since 1990. Cases closed without disciplinary action are purged after three years in accordance with DPOR's record retention policy.

Recovery Fund Claims include claims against a licensee where a judgment has been obtained for improper or dishonest conduct in a court of law. The Contractors Transaction Recovery Fund and the Real Estate Transaction Recovery Fund provide monetary relief to consumers who incur losses through the improper and dishonest conduct of a licensed contractor or licensed real estate professional. The funds are supported entirely by assessments paid by licensed contractors and licensed real estate professionals, not by any tax revenues.



North Carolina State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

Lookup Detail View

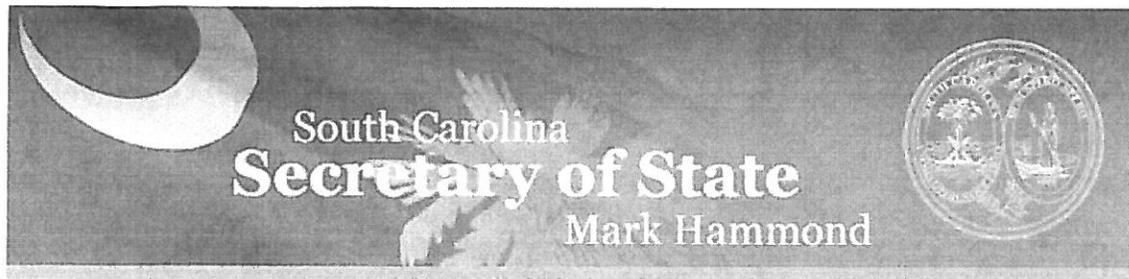
Contact

Name	Individual Qualification(s)	Firm Qualification(s)	Business Address	Phone	Fax
R. Dean Tillison	Heating Group 1 - Class I Heating Group 2 Heating Group 3 - Class I Plumbing Class I	Heating Group 1 - Class I Heating Group 2 Heating Group 3 - Class I Plumbing Class I	Comfort Systems USA (Bristol), Inc. 294 Blevins Rd Bristol, VA 24202	(276) 669-3138	(276) 669-3582

Registration Information

License Number	License Expires On
16190	12/31/2011

Generated on: 10/19/2011 11:35:26 AM



COMFORT SYSTEMS USA (BRISTOL), INC.

*Note: This online database was last updated on 10/18/2011 6:01 22 PM.
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DOMESTIC / FOREIGN: Foreign
 STATUS: Good Standing
 STATE OF INCORPORATION / ORGANIZATION: DELAWARE Profit

REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME: C T CORPORATION SYSTEM
 ADDRESS: 2 OFFICE PARK CT
 CITY: COLUMBIA
 STATE: SC
 ZIP: 29223
 SECOND ADDRESS: STE 103
 FILE DATE: 04/13/2011
 EFFECTIVE DATE: 04/13/2011
 DISSOLVED DATE: //

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Authority	04/13/2011	AUTHORITY	

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Business Entity Detail

Entity details cannot be edited. This detail reflects the current state of the filing in the system. [Click Here to return to the Business Information Search](#)

000389157: Corporation For-Profit - Foreign

Name: COMFORT SYSTEMS USA (BRISTOL), INC.
Old Name:
Foreign Name:
Business Type:
Status: Active **Initial Filing:** 05/05/2000
Formed in: Delaware **Delayed Effective Date:**
Fiscal Year Close: December **AR Due Date:** 04/01/2012
Term of Duration: Perpetual **Inactive Date:**
Principal Office: 294 BLEVINS BLVD
 BRISTOL, VA 24202 USA
Annual Report: 294 BLEVINS BLVD
Mailing Address: BRISTOL, VA 24202 USA
AR Exempt: No
Shares of Stock: 0

Name	Status	Expires
FRED HAYES MECHANICAL CONTRACTORS, INC.	Active	07/18/2012
D.B. ASHBROOK & CO.	Inactive	02/15/2007
FRED HAYES HEATING & AIR CONDITIONING SERVICE CO.	Inactive	02/15/2007
FRED HAYES MECHANICAL CONTRACTORS, INC.	Inactive	02/15/2007

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Division of Business Services
 312 Rosa L. Parks Avenue, Snodgrass Tower, 6th Floor
 Nashville, TN 37243
 615-741-2286

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

<u>File Number:</u>	2783665	<u>Incorporation Date</u>	08/25/1997
		<u>/ Formation Date:</u>	(mm/dd/yyyy)
<u>Entity Name:</u>	COMFORT SYSTEMS USA (BRISTOL), INC.		
<u>Entity Kind:</u>	CORPORATION	<u>Entity Type:</u>	GENERAL
<u>Residency:</u>	DOMESTIC	State:	DE

REGISTERED AGENT INFORMATION

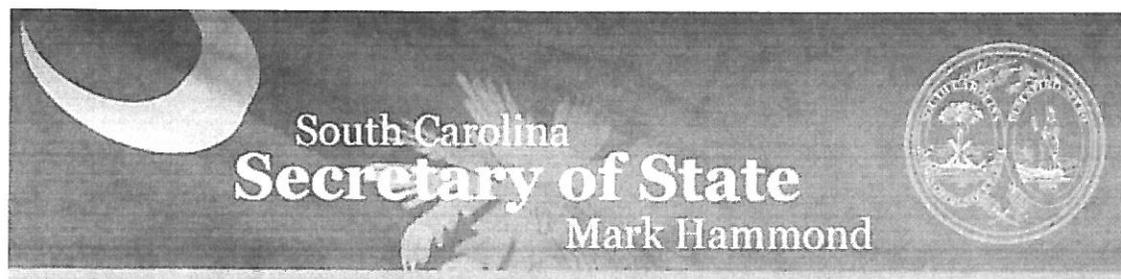
<u>Name:</u>	THE CORPORATION TRUST COMPANY		
<u>Address:</u>	CORPORATION TRUST CENTER 1209 ORANGE STREET		
<u>City:</u>	WILMINGTON	<u>County:</u>	NEW CASTLE
<u>State:</u>	DE	<u>Postal Code:</u>	19801
<u>Phone:</u>	(302)658-7581		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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COMFORT SYSTEMS USA (CAROLINAS), INC.

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DOMESTIC / FOREIGN: Foreign
 STATUS: REG
 STATE OF INCORPORATION / ORGANIZATION: GEORGIA Profit

REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME: REGISTER CORPORATE NAME
 ADDRESS:
 CITY:
 STATE: SC
 ZIP:
 SECOND ADDRESS:
 FILE DATE: 01/28/2010
 EFFECTIVE DATE: 01/28/2010
 DISSOLVED DATE: //

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Registration	01/28/2010	REGISTERED BY JON-PAUL WEISS	

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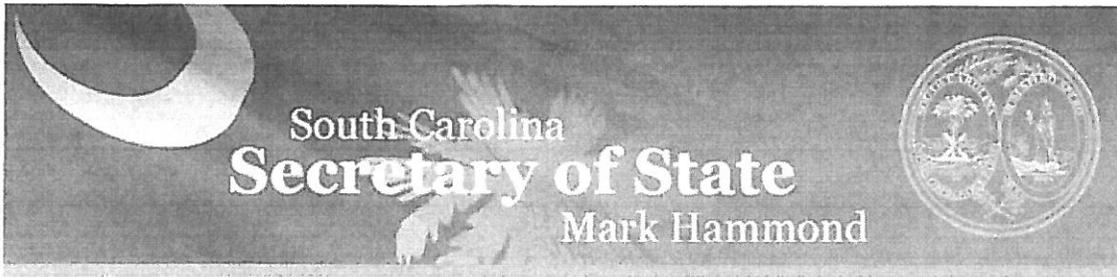
COMFORT SYSTEMS USA CAROLINAS
STE 303 ONE MARCUS DR
GREENVILLE, SC 29615
(864) 332-7480

License number: 111588
License type: MECHANICAL CONTRACTOR
Status: ACTIVE
Expiration: 10/31/2011
First Issuance Date: 02/22/2011
Classification: AC5 HT5

Supervises

GREGORY T ETHERIDGE - (COM)

[Click here for classifications key](#)



COMFORT SYSTEMS USA NATIONAL ACCOUNTS, LLC

*Note This online database was last updated on 10/18/2011 6 01 22 PM.
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DOMESTIC / FOREIGN: Foreign
 STATUS: Good Standing
 STATE OF INCORPORATION / ORGANIZATION: INDIANA Profit

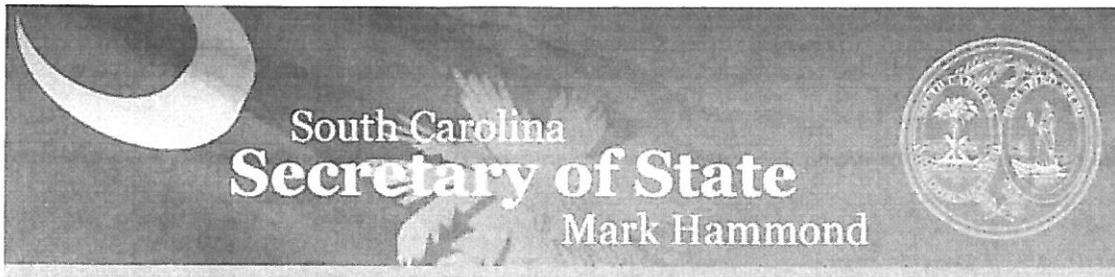
REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME: C T CORPORATION SYSTEM
 ADDRESS: 2 Office Park Court
 CITY: Columbia
 STATE: SC
 ZIP: 29223
 SECOND ADDRESS: Suite 103
 FILE DATE: 07/29/2008
 EFFECTIVE DATE: 07/29/2008
 DISSOLVED DATE: //

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Agent	05/06/2010	CH AGT ADDRESS	
Foreign LLC	07/29/2008	AT WILL	

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COMFORT SYSTEMS USA ENERGY SERVICES, INC.

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DOMESTIC / FOREIGN:	Foreign
STATUS:	Good Standing
STATE OF INCORPORATION / ORGANIZATION:	DELAWARE Profit

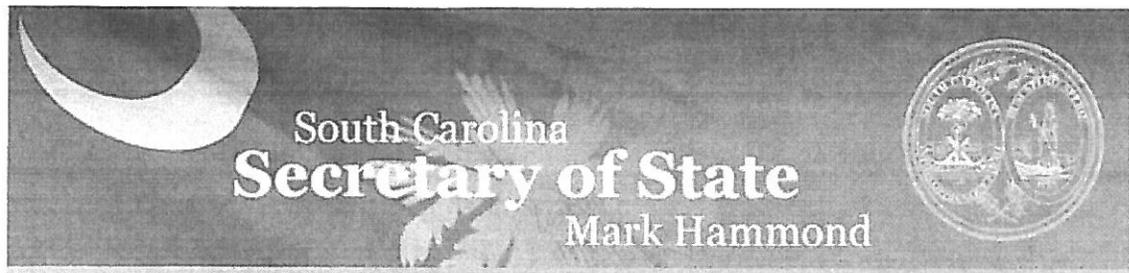
REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME:	C T CORPORATION SYSTEM
ADDRESS:	2 OFFICE PARK COURT
CITY:	COLUMBIA
STATE:	SC
ZIP:	29223
SECOND ADDRESS:	
FILE DATE:	11/01/2010
EFFECTIVE DATE:	11/01/2010
DISSOLVED DATE:	//

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Authority	11/01/2010	AUTHORITY	

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COMFORT SYSTEMS USA (MIDATLANTIC), LLC

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DOMESTIC / FOREIGN: Foreign
 STATUS: Good Standing
 STATE OF INCORPORATION: VIRGINIA
 / ORGANIZATION: Profit

REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME: C T CORPORATION SYSTEM
 ADDRESS: 75 BEATTIE PLACE
 CITY: GREENVILLE
 STATE: SC
 ZIP: 29601
 SECOND ADDRESS:
 FILE DATE: 01/13/2010
 EFFECTIVE DATE: 01/13/2010
 DISSOLVED DATE: //

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Foreign LLC	01/13/2010	AT WILL	

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