

# South Carolina Business Opportunities

These notes, updated 6/5/12, apply as specified in the individual advertisement to State Agency advertisements appearing in the Architect / Engineering & Minor Construction Sections of SCBO. The SCBO notes once used for Construction are now part of the bidding documents and are no longer included in the SCBO ad.

**Note 1:** Resumes from persons or firms interested in providing professional services for the following project shall be received by the Agency Coordinator until the deadline & at the address indicated below. To be considered for selection, persons or firms must be properly licensed, at the time of resume submission, in accordance with the requirements of Chapter 3, Title 40 of the SC Code of Laws, as amended. Resumes shall include a current Federal Standard Form 330 & shall include the offeror's response to the Selection Criteria listed below.

In accordance with Section 11-35-3215 A business responding to this invitation shall submit a certification with its response stating whether the business is a resident of South Carolina.

The Agency Selection Committee shall evaluate each of the persons or firms interviewed in view of their (a) past performance; (b) the ability of professional personnel; (c) demonstrated ability to meet time and budget requirements; (d) location and knowledge of locality of the project; (e) recent, current and projected work load of the person or firm; (f) creativity and insight related to the project; (g) related experience on similar projects; (h) volume of work awarded by the using agency to the person or firm during the previous five years, with the objective of effectuating an equitable distribution of contracts by the State among qualified firms including Minority Business Enterprises certified by the South Carolina Office of Small and Minority Business Assistance and firms that have not had previous state work; and (i) any other special qualification required pursuant to the solicitation of the using agency, in accordance with the South Carolina Consolidated Procurement Code and Regulations.

In accordance with SC Law Section 11-35-3245, no member of the design team selected for this project will be allowed to perform work as a contractor or subcontractor on this project.

Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with the intended award or award of this Contract may protest to the State Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201, EMAIL: [protest-ose@mso.sc.gov](mailto:protest-ose@mso.sc.gov).

**Note 2: Reserved (No longer being used)**

**Note 3: Reserved (No longer being used)**

**Note 4:** South Carolina Business Opportunities (SCBO) is the official state government publication for State of South Carolina solicitations authorized by the Office of Procurement Services. Any information on State agency solicitations that is obtained from any other source is unofficial & any reliance placed on such information is at the bidder's sole risk & is without recourse under the South Carolina Consolidated Procurement Code.

**Note 5: SUBMITTING CONFIDENTIAL INFORMATION:** For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the word "CONFIDENTIAL" every page, or portion thereof, that Offeror contends contains information that is exempt from public disclosure because it is either (a) a trade secret as defined in Section 30-4-40(a)(1), or (b) privileged & confidential, as that phrase is used in Section 11-35-410. For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the words "TRADE SECRET" every page, or portion thereof, that Offeror contends contains a trade secret as that term is defined by Section 39-8-20 of the Trade Secrets Act. For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the word "PROTECTED" every page, or portion thereof, that Offeror contends is protected by Section 11-35-1810. All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Do not mark your entire response (bid, proposal, quote, etc.) as confidential, trade secret, or protected! If your response, or any part thereof, is improperly marked as confidential or trade secret or protected, the State may, in its sole discretion, determine it nonresponsive. If only portions of a page are subject to some protection, do not mark the entire page. By submitting a response to this solicitation or request, Offeror (1) agrees to the public disclosure of every page of every document regarding this solicitation or request that was submitted at any time prior to entering into a contract (including, but not limited to, documents contained in a response, documents submitted to clarify a response, & documents submitted during negotiations), unless the page is conspicuously marked "TRADE SECRET" or "CONFIDENTIAL" or "PROTECTED", (2) agrees that any information not marked, as required by these bidding instructions, as a "Trade Secret" is not a trade secret as defined by the Trade Secrets Act, & (3) agrees that, notwithstanding any claims or markings otherwise, any prices, commissions, discounts, or other financial figures used to determine the award, as well as the final contract amount, are subject to public disclosure. In determining whether to release documents, the State will detrimentally rely on Offeror's marking of documents, as required by these bidding instructions, as being either "Confidential" or "Trade Secret" or "PROTECTED". By submitting a response, Offeror agrees to defend, indemnify & hold harmless the State of South Carolina, its officers & employees, from every claim, demand, loss, expense, cost, damage or injury, including attorney's fees, arising out of or resulting from the State withholding information that Offeror marked as "confidential" or "trade secret" or "PROTECTED"