

# **REPORT OF APPEALS COMMITTEE MEETING**

**August 3, 2015**

A meeting of the Appeals Committee was held on Monday, August 3, 2015, at 9:00 A.M. at the Authority's Administrative Office in Conway, South Carolina. Present were Committee Chairman Dan P. Gray and Committee Members John A. Long, II and Sanford C. Graves. Also in attendance was Board Chairman M. Lance Thompson, Board Member Pam J. Creech, SWA Attorney Emma Ruth Brittain, Executive Director Danny Knight, Assistant Executive Director Mike Bessant, Directors Jan Bitting, Bill Hilling, Esther Murphy, staff member Nannette Powell. Attendees from the public included Michael Allen and Mitchell Allen. There were no members of the media in attendance.

Mr. Gray delayed calling the meeting to order approximately ten minutes in order to wait on Mr. Michael Allen to arrive for the meeting. Mr. Gray then asked Ms. Emma Ruth Brittain to present findings of fact. Ms. Brittain stated in April 2015 the SWA issued the specifications for the bid proposal for scrap metal for the recycling centers along with the scrap metal collected at the landfill. The proposals were submitted on April 9, 2015 in response to the request for proposals. Proposals were received from Allen Scrap Metal and Waccamaw Metal. Ms. Brittain commented that after review of the proposals, the SWA accepted Waccamaw Metals proposal as the most advantageous for the SWA. She said on June 1, 2015, the SWA received a letter from Allen's Scrap Metal appealing the SWA's decision to accept Waccamaw Metal's proposal. Ms. Brittain stated the appeal was based on two issues: the first issue indicated Waccamaw Metal's proposal wasn't complete and the second issue referenced the requirement of the bids being based on the 5<sup>th</sup> business day in calculation of prices. Ms. Brittain commented on June 15, 2015, Mr. Knight issued a letter to Allen Scrap Metal denying the appeal and this letter is part of the record. She stated an appeal was timely made by Allen Scrap Metal in compliance with the SWA procedures to appeal Mr. Knight's denial letter. Ms. Brittain said the Appeals Committee met on July 22, 2015 to consider this appeal at which time Mr. Allen was asked by the Appeals Committee what relief was being sought. Mr. Allen stated that originally he wanted a re-bid but due to current market values he was asking that the SWA have future bids based on a particular calendar day and not on the 5<sup>th</sup> business day. Ms. Brittain stated that based on the record and the facts before this Appeals Committee it is the duty of this Committee to act in accordance with the procurement policy. She said the Appeals Committee may confirm the bid process, may cancel the award of the bid and order a new bid or may call for any other adequate remedy. Ms. Brittain stated that in light of the testimony on record before the Appeals Committee, it would be appropriate to affirm the decision of Mr. Knight as the purchasing agent and to request staff to consider Mr. Allen's recommendation on future request for scrap metal proposals.

Mr. Gray stated that Appeals Committee had two items to consider. The first being to uphold the decision made by Mr. Knight and the other item is to consider reviewing the request made by Mr. Allen for a change in future scrap metal proposals.

**Mr. Long moved to affirm the decision of Mr. Knight regarding Waccamaw Metal's appeal of the scrap metal bid and to have staff consider the above mentioned recommendations in future scrap metal proposals. There was a second by Mr. Sanford and the Motion was carried.**

There being no further business to come before the Committee, the meeting was adjourned at 9:20 A.M.