



**CHARLESTON NAVAL COMPLEX REDEVELOPMENT/NAVAL BASE MUSEUM AUTHORITY**  
**NOTIFICATION OF SELECTION FOR CONTRACT NEGOTIATION**

**PROJECT NAME:** Charleston Naval Complex Redevelopment/Naval Base Museum Authority Museum Project

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**POSTING DATE:** August 2, 2019

Notice is given that the Agency Selection Committee has, in accordance with the solicitation documents, reviewed the qualifications of interested project teams and determined the below listed project team to be the most qualified for the project. The Agency hereby announces its intent to negotiate a contract with the following project team:

**NAME OF FIRM SELECTED:** Thomas & Denzinger Architects

**DATE OF INTERVIEWS:** July 30, 2019 & July 31, 2019

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**1. Right to Protest**

- a. Any actual bidder, offeror, contractor or subcontractor who is aggrieved with the intended award or actual award of this contract may be entitled to protest. Any protest must be submitted not later than 5:00 p.m., Eastern, on the seventh (7<sup>th</sup>) day following the date on which the Notification of Selection for Contract Negotiation notice is posted. The protest must be in writing and delivered to the Agency's Chief Procurement Officer within the time provided.
- b. **Protest Address:** Any protest must be addressed to the Agency's Chief Procurement Officer and submitted in writing by (a) e-mail to [rryan@charlestonrda.com](mailto:rryan@charlestonrda.com) or (b) by post or delivery to 1096 Navy Way, North Charleston, SC 29405. By submitting a protest to the forgoing e-mail address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.
- c. **Authority to Resolve Protests.** The Chief Procurement Officer shall have authority concerning the controversy to settle or resolve, by mutual agreement, a protest of an aggrieved bidder, offeror or contractor, actual or prospective, concerning the solicitation or award of a contract.

- d. **Decision.** If the protest is not resolved by mutual agreement, the Chief Procurement Officer shall issue a decision in writing within ten (10) days of the receipt of the protest. The decision shall:
  - 1) State the reasons for the action taken, and
  - 2) Inform the protesting party of its right to appeal as provided hereinbelow.
- e. **Notice of Decision.** A copy of the decision under Subsection (d) of this Section shall be mailed or otherwise furnished immediately to the protesting party and any other party intervening.
- f. **Finality of Decision.** A decision under Subsection (d) of this Section shall be final and conclusive, unless fraudulent, or unless the person adversely affected by the decision appeals administratively to the Procurement Appeals Panel as provided hereinbelow.

## 2. Appeal

- a. A protesting party who is dissatisfied with the decision of the Chief Procurement Officer may appeal the decision to the Agency's Procurement Appeals Panel. Any appeal must be filed within seven (7) days of the protesting party's receipt of the decision issued by the Chief Procurement Officer. Receipt of a decision delivered by mail is deemed to have occurred on the third (3<sup>rd</sup>) day following the postmark date of the mailing by which the decision is delivered to the protesting party. Any appeal of the decision must be delivered to the Chief Procurement Officer, in writing, by email or by post, as set forth in Section 1(b) above.
- b. Any appeal shall specify, in full, the factual and/or legal basis upon which the appeal is based. Relevant supporting documentation shall be submitted with the appeal.
- c. Within seven (7) days of the Agency's receipt of an appeal, the Chairman of the Agency's Board of Directors will appoint a Procurement Appeals Panel, consisting of three (3) members of the Board of Directors, to consider the appeal. The members appointed will not include any person who reviewed submissions, served on a selection committee or who otherwise participated in the process of identifying the successful bidder. The Chairman shall designate a member of the panel to chair all proceedings associated with the appeal.
- d. Within ten (10) days of its appointment, the Procurement Appeals Panel shall convene to conduct an administrative review of the appeal. The review will be conducted on the basis of the written appeal, together with any supporting documentation. Any determination of an issue of fact by the panel shall be final and conclusive, unless arbitrary, capricious, fraudulent or clearly erroneous.


Within ten (10) days of the administrative review, the panel shall issue a written decision in which it affirms, alters, or denies the decision rendered by the Chief Procurement Officer. The decision of the panel shall be final unless appealed to a court of competent jurisdiction filed in accordance with applicable law governing the taking of an appeal from an administrative agency

decision. Service of the decision made by the panel may be accomplished by delivery, in person, to the protesting party, or, by the mailing of the decision to the protesting party at the last known address. Service of the decision shall be considered complete when the decision is either delivered in person or on the third (3<sup>rd</sup>) day following the postmark date of the mailing by which the decision is delivered to the protesting party.

**3. Stay of Procurement During Protest or Appeal**

- a. In the event of a timely protest under Section 1 above, the Agency shall not proceed further with the award of the contract unless the Chief Procurement Officer makes a prompt written determination that the award of the contract is necessary to protect the substantial interests of the Agency.
- b. When a protest is upheld or sustained, and a protesting party should have been awarded the contract but was not, then the protesting party shall be entitled to only the reasonable costs incurred in connection with the solicitation, including bid preparation costs.

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BY:  (Signature of Agency Head or Designee)

PRINT NAME: Robert M. Ryan TITLE: Executive Director