

S60

Agency Certification and Transmittal Sheet

Code:

S60

Procurement Review Panel

The mission statement of the Procurement Review Panel is to provide an administrative review of formal protests from decisions arising from the solicitation and award of contracts, the debarment or suspension of persons from consideration for award of a contract, a decision concerning the resolution of a contract or breach of contract controversy, or other written determinations, decisions, policies, and procedures as arise from or concern the expenditures of state funds for the procurement of any supplies, services, or construction procuremernt in accordance with the provision of the State Procurement Code.

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OFFICE OF STATE BUDGET

To the Office of State Budget

This, and accompanying statements, schedules, and explanatory sheets consisting of 12 pages constitute the operating budget estimates of this agency for all proposed expenditures for the 2012-2013 fiscal year.

All statements and explanations contained in the estimates submitted herewith are true and correct to the best of my knowledge.

Signed:

Sherry Caplan
(Agency Head)

Date:

9/29/2011

FISCAL YEAR 2012-13 BUDGET PLAN

I. EXECUTIVE SUMMARY

A. **Agency Section/Code/Name:**

Section 83/S60/Procurement Review Panel

B. **Summary Description of Strategic or Long-Term Goals:**

To provide an administrative review of formal protests from decisions arising from the solicitation and award of contracts, the debarment or suspension of persons from consideration for award of a contract, a decision concerning the resolution of a contract or breach of contract controversy, or other written determinations, decisions, policies, and procedures as arise from or concern the expenditures of state funds for the procurement of any supplies, services, or construction procurement in accordance with the provision of the State Procurement Code. The Panel has only one objective and that is to hold timely hearings and/or resolve vendor disputes without a formal hearing and in an economical way to benefit the state financially. This budget plan supports the mission and objective of the Procurement Review Panel.

C. **2011-2012 Agency Recurring Base Appropriation:**

State	\$111,930.00
Federal	\$0
Other	\$3000.00

D. **Number of Budget Categories:**

1

E. **Agency-wide Vacant FTEs**

Vacant FTEs as of July 31, 2011: 0
% Vacant 0%

F. **Efficiency Measures:**

Purchase of the Adobe Acrobat Software, which allows the Panel to receive and transfer files electronically. This saves time and eliminates the costs of providing printed copies of the initial record of the protest to the parties involved (protestants, state agencies, and their attorneys.)

G. **Number of Provisos:**

1

IIA. OPERATING BUDGET PROGRAMS
 Section 83, S60 Procurement Review Panel

SUMMARY OF OPERATING BUDGET PROGRAMS FOR FY 2012-13

OPERATING BUDGET PROGRAMS			FUNDING				FTEs				
Title	Activity Name	Activity No.	Non-Recurring State	Recurring State	Federal	Other	Total	State	Federal	Other	Total
Hearings	Adminstration	1436		94,183			94,183	1.85			1.85
Adminstration	Adminstration	1435		23,796			23,796	0.15			0.15
							0				0.00
							0				0.00
							0				0.00
							0				0.00
For additional rows, place cursor in this gray box and press "Ctrl" + "b". (You need to start in this gray box for each row needed or the formulas will not copy properly.)											
TOTAL OF ALL OPERATING BUDGET PROGRAMS			0	117,979	0	0	117,979	2.00	0.00	0.00	2.00

IIB. CAPITAL BUDGET/NON-RECURRING REQUESTS FOR FY 2012-13
 Section83-S60 Procurement Review Panel Not applicable

SUMMARY OF CAPITAL BUDGET/NON-RECURRING REQUESTS FOR FY 2012-13

CAPITAL BUDGET/NON-RECURRING REQUESTS				Additional State Funds	Previously Authorized State Funds	Total Other Fund Sources	Project Total
Project No.*	Project Name	Activity Name	Activity No.				
N/A							0
							0
							0
							0
							0
For additional rows, place cursor in this gray box and press "Ctrl" + "c". (You need to start in this gray box for each row needed or the formulas will not copy properly.)							
TOTAL OF ALL CAPITAL BUDGET/NON-RECURRING REQUESTS				0	0	0	0

*if applicable

A. Summary description of programs and how they relate to the mission of the agency: The Procurement Review Panel has one program comprised of 2 activities, Administration and Hearings. The panel is responsible for providing an administrative review of formal protest of decisions arising from solicitation award of contracts; the department or suspension of a person from consideration for award of a contract; a decision concerning the resolution of a contract or breach of contract controversy; or any other decision, policy, or procedure arising from or concerning the expenditure of state funds for the procurement of any supplies, services, or construction procurement in accordance with the provisions of the State Procurement Code. The mission and values of the Panel include the production of timely hearings to accommodate vendors and the state in the effective and fair performance of state contracts.

B. Budget Program Number and Name: I. Administration

C. Agency Activity Number and Name:

Note: If more than one activity maps to this program; provide all activity numbers, names, and approximate funding amounts.

Activity Number	Activity Name	State Non-Recurring	State Recurring	Federal	Other	Total
1435	Administration		23,796.38			23,796.38
1436	Hearings		94,182.72		3,000.00	97,182.72
			117,979.10			120,979.10

D. Performance Measures: The Procurement Review Panel received 9 protests in Fiscal Year 2010-11; 4 hearings were held, 3 withdrawn and 2 were dismissed on legal grounds.

7 Protest were received in Fy2009-10; 3 hearings were held, 2 withdrawn, 1 dismissed on legal grounds and 1 was a settlement agreement.

6 protest were received in FY 2008-09.; 2 hearings were held, 2 withdrawn, 1 dismissed on legal grounds and 1 had a settlement agreement. The Procurement Review Panel always tries to work with vendors to resolve disputes without a formal hearing and in an economical way to benefit the state financially.

E. Program Interaction: The Procurement Review Panel has one objective and that is to hold timely hearings and/or resolve vendor disputes in a non biased manner. The panel is staff by two employees.

F. Change Management: The mission and focus has not changed in the last five years.

G. Detailed Funding Information:

FY 2012-13 Cost Estimates:	State Non-Recurring	State Recurring	Federal	Other	Total
Number of FTEs*		2	0.00	0.00	2.00
Personal Service	\$0	\$76315	\$0	\$0	\$76315

III. Budget Category Justification Sheet	Agency Code	Agency Name
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Employer Contributions	\$0	\$20337.22	\$0	\$0	20337.22
Program/Case Services	\$0	\$0	\$0	\$0	\$ 0
Pass-Through Funds	\$0	\$0	\$0	\$0	\$ 0
Other Operating Expenses	\$	21326.85	\$0	\$3000.	\$ 24,326.85
Total	\$	117,979.07	\$ 0	\$ 0	\$120,979.07
<i>* If new FTEs are needed, please complete Section G (Detailed Justification for FTEs) below.</i>					

Is this budget category or program associated with a Capital Budget Priority? No
 If yes, state Capital Budget Priority Number and Project Name: N/A

Please List proviso numbers that relate to this budget category or programs funded by this category. 83.1

H. Changes to the Appropriation:

Please explain any changes, to include re-alignments and funding or FTE increases requested in this year's appropriation, as detailed below:

Funding:

Year	State Non-Recurring	State Recurring	Federal	Other (Earmarked or Restricted)
2011-2012 Act		111,930.00		3000.00
2012-2013 Act		117,979.10		3000.00
Difference		6049.10		
% Difference		5.40%		

Explanation of Changes: Fixed charges for the Procurement Review Panel is 107,987.62 which includes a 4.3% increase in the retirement contributions and an increase in the employer share of the State Health Plan. The additional 9,991.45 is to hold seven hearings. These costs include travel, per diem, meals, court reporter and hotel rooms if applicable.

I. Revenue Estimates:

Please detail Sources of revenue for this program, identified by SAP fund number if a live SCEIS agency or the STARS number if a STARS agency. If several sources remit to a single sub fund that cannot be split by source and appropriation or program, provide an estimate of the revenue dedicated to this program.

SAP Fund Number	Source Name	General Fund	Other State	Earmarked	Restricted	Federal
4110020000	Filing fee		3000.00			

If expenditures for this program are greater than known or estimated revenues and the intent is to bridge part of this shortfall by drawing down balances in agency accounts or reserves, indicate the accounts and amount of the current reserve or balance that will likely be used below.

Please detail the long-term sustainability of this program if cash reserves are needed to operate.

If there is federal fund or other fund spending authority requested above the revenue streams detailed above, please indicate the amount and explanation for each.

J. FTE Positions:

III. Budget Category Justification Sheet	Agency Code	Agency Name
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Please detail the number of FTE's filled (F) by the program as of June 30 of each fiscal year, and the number authorized (A) by the Appropriations Act.

Fiscal Year	State	Other-Earmarked or Restricted	Federal	Total	Temporary, Temporary Grant, Time -limited
2012-2013 (A)	2			2	
2011-2012 (A)	2			2	
2010-2011 (F)	2			2	
2010-2011 (A)	2			2	
2009-2010 (F)	2			2	
2009-2010 (A)	2			2	
2008-2009 (F)	2			2	
2008-2009 (A)	2			2	
2007-2008 (F)	2			2	
2007-2008 (A)	2			2	

K. Detailed Justification for FTEs:

(1) Justification for New FTEs

(a) Justification: N/A

(b) Future Impact on Operating Expenses or Facility Requirements: N/A

(2) **Position Details:**

	State	Federal	Earmarked	Restricted	Total
Position Title:					
Number of FTEs	0.00	0.00	0.00	0.00	0.00
Personal Service	\$0	\$0	\$0	\$0	\$ 0
Employer Contributions	\$0	\$0	\$0	\$0	\$ 0

	State	Federal	Earmarked	Restricted	Total
Position Title:					
Number of FTEs	0.00	0.00	0.00	0.00	0.00
Personal Service	\$0	\$0	\$0	\$0	\$ 0
Employer Contributions	\$0	\$0	\$0	\$0	\$ 0

	State	Federal	Earmarked	Restricted	Total
Position Title:					
Number of FTEs	0.00	0.00	0.00	0.00	0.00
Personal Service	\$0	\$0	\$0	\$0	\$ 0
Employer Contributions	\$0	\$0	\$0	\$0	\$ 0

A. Proviso Number

Using the renumbered 2012-13 proviso base provided on the OSB website indicate the proviso number (*If new indicate "New #1", "New #2", etc.*):

Section 83 – S60 – Procurement Review Panel; Proviso 83.1

B. Appropriation

Related budget category, program, or non-recurring request (*Leave blank if not associated with funding priority*):

C. Agency Interest

Is this proviso agency-specific, a general proviso that affects the agency, or a proviso from another agency's section that has had consequences?

Agency-specific.

D. Action

(Indicate Keep, Amend, Delete, or Add):

Amend

E. Title

Descriptive Proviso Title:

Filing Fee

F. Summary

Summary of Existing or New Proviso:

The existing proviso authorizes the Procurement Review Panel to collect filing fees for most of the administrative reviews it has jurisdiction over (sections 11-35-4210(6); 11-35-4220(5); 11-35-4230(6), and/or 11-35-4410). However, when the existing proviso was drafted, it omitted a fifth administrative review over which the Panel has jurisdiction: claims for sanctions for frivolous protests as set forth in section 11-35-4330.

G. Explanation of Amendment to/or Deletion of Existing Proviso

(If request to delete proviso is due to codification, note the section of the Code of Laws where the language has been codified):

The Panel requests that the section referenced above, section 11-35-4330, be added to the existing language. The Panel also requests modification of the last sentence of the proviso so that it will be clear that requests for review that are not accompanied by the fee or waiver affidavit will be not be accepted. Finally, the Panel requests that all references to it in the proviso be started with a capital "P."

H. Explanation of how this proviso directs the expenditure or appropriation of funds, and why this direction is necessary

The existing proviso allows the Panel to collect a filing fee for each administrative review request. The filing fees help the agency to defray some of the costs associated with holding hearings. The requested changes will ensure that the Panel is authorized to collect a filing fee for all of the administrative reviews over which it has jurisdiction.

I. Justification

On December 13, 2010, the Panel held a full-day hearing on a request for costs and attorney's fees under section 11-35-4330. Because no filing fee could be collected, the Panel was solely responsible for the costs involved in conducting a hearing, including providing copies of the record to all parties and hiring a court reporter. The second change requested will ensure that time is not wasted when a party submits an appeal without the requisite fee. The final changes requested will make the entire text of the proviso consistent.

J. Fiscal Impact (Include impact on each source of funds – state, federal, and other)

The first requested change will allow the Panel to offset the cost of hearings related to frivolous protests with fees paid by the party seeking the administrative review. The other requested changes will not have any fiscal impact.

K. Text of New Proviso with Underline or Entire Existing Proviso Text with Strikeover and Underline

SECTION 83 - S60-PROCUREMENT REVIEW PANEL

83.1. (PRP: Filing Fee) Requests 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), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the Panel and carried forward to be used for the operation of the Panel. 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. Requests for administrative review will not be accepted unless accompanied by the filing fee or a notarized affidavit at the time of filing.

Federal Aid Justification

Not applicable

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Summary

Award Title	N/A				
CFDA Number/Title	<input type="text"/>	→	If "Other", identify:	<input type="text"/>	
Award Number (Federal)	<input type="text"/>	Start Date	<input type="text"/>	Federal Agency	<input type="text"/>
Award Number (State)	<input type="text"/>	End Date	<input type="text"/>	Federal Subagency	<input type="text"/>
Award Period	<input type="text"/>	→			If "Other", explain:
					<input type="text"/>

Financial

Total Award Amount	<input type="text"/>	Amount Available in FY 2012-13	<input type="text"/>
State Match Required?	<input type="text"/>	If "Yes", describe, and provide SAP Fund Number(s) of funding sources	<input type="text"/>
Local Match Required?	<input type="text"/>	If "Yes", describe	<input type="text"/>
Assistance Type	<input type="text"/>	If "Other", explain	<input type="text"/>
Is administrative and/or indirect cost recovery permitted? If so, explain:	<input type="text" value="Explanation would be here."/>		
Will funds be passed-through to other entities? If so, what types of entities, and how will funds be distributed?	<input type="text" value="Answer and elaboration here."/>		

Federal Aid Justification

Not applicable

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Questions

How is the use of these funds essential to your agency's mission?

Text.

What budgetary, compliance, and programmatic obligations will the state incur (now or in the future) through the receipt of these funds?

Text.

What outcome and/or performance measures will you track and/or report on in association with this award?

Text.

What is the name and title of the individual in your agency who is responsible for the success of this program?

Text.