

Notice of Emergency Procurement

Posting Date: July 5, 2022

Francis Marion University issued solicitation RFQ-2395 on 6/30/2022 for the repair of inoperable FMU HVAC Chiller #2.

Emergency:

Originally, Francis Marion University issued solicitation RFQ-2395 on 6/30/2022 for a qualified firm to provide all necessary materials/supplies and labor necessary to repair FMU HVAC Chiller #2. However, around 5:00 pm EST on 7/1/2022, the University's contracted HVAC vendor, Johnson Controls, Inc., alerted University personnel to the fact that HVAC Chiller #1 had become inoperable.

The University has four HVAC chillers that work in conjunction with each other to provide sufficient heating and cooling capabilities to all of the buildings/facilities on the University's main campus. In an effort to do due diligence in maintaining and replacing these chillers, Chiller #4 was included in the University's master deferred maintenance plan and is scheduled to be replaced with deferred maintenance funds. With Chiller #2 in need of repair (as per the aforementioned solicitation RFQ-2395), with Chiller #4 inoperable and schedule to be replaced per previously set deferred maintenance timelines, and with Chiller #1 now inoperable, the University cannot adequately heat and (most importantly) cool its buildings/facilities through only the use of Chiller #3. All parties with HVAC expertise affirm that the University requires the use of at least two fully functioning chillers to sufficiently heat and cool its facilities. Thus, the need to have Chiller #2 repaired with any and all readily available materials/supplies and capable personnel is now an emergency procurement. As such, the original solicitation (RFQ-2395) will be cancelled, a qualified vendor will begin the repair work on Chiller #2 immediately, and the University will take steps to assess any further HVAC repairs and/or replacements needed.

Vendor Selection:

Francis Marion University has contracted with Johnson Controls, Inc. (JCI), for its routine preventative maintenance and repair work (as per State of SC solicitation #5400017301). JCI is familiar with the University's HVAC issues, and provided the initial assessment of and the scope of work required to repair Chiller #2. Per the University's HVAC contract, additional work to the contract in excess of \$25,000 must be formally solicited, which resulted in the posting of RFQ-2395 on 6/30/2022. Now that another HVAC chiller is down, there is no other vendor more familiar or more readily available to repair Chiller #2. Over the years of FMU and JCI's current HVAC contract, JCI has been responsive and responsible, providing exceptional service with fair and reasonable pricing.

JCI can step in to complete this repair work immediately to help avoid any interruptions in the University's heating and cooling needs. The University identifies that for its current HVAC situation, there is no other vendor as prepared and capable of completing the emergent repair work on such short notice and as quickly as is needed (especially around the July 4th holiday). The estimated cost for this repair is \$63,837.24 (and may near an estimation of \$75,000.00 when considering overtime and after-hours work that may be needed) as ascertained from pricing previously provided from JCI as part of the University's market research for solicitation RFQ-2395. Throughout the University's market research, two other preliminary price quotes were attained, and thus, the estimated pricing provided by JCI is fair and reasonable.

Company Specifics:

Johnson Controls, Inc.
14 Woodcross Drive
Columbia, SC 29212

Contact Person for this Emergency Procurement:

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Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall notify the appropriate chief procurement officer in writing of its intent to protest within seven business days of the date that award or notification of intent to award, whichever is earlier, is posted and sent in accordance with this code. Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner stated in subsection (2) within fifteen days of the date award or notification of intent to award, whichever is earlier, is posted and sent in accordance with this code; except that a matter that could have been raised pursuant to subitem (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

PROTEST – CPO ADDRESS – MMO: Any protest must be addressed to the Chief Procurement Officer, Materials Management Office, and submitted in writing

- (a) by email to protest-mmo@mmo.sc.gov,
- (b) by facsimile at 803-737-0639, or
- (c) by post or delivery to:

CHIEF PROCUREMENT OFFICER
MATERIALS MANAGEMENT OFFICE
1201 MAIN STREET, SUITE 600
COLUMBIA, S.C. 29201

Leslie A. Shupp
Director of Purchasing