

JUSTIFICATION FOR  
SOLE SOURCE PROCUREMENT

Agency: Trident Technical College

Sole source Vendor: Palmetto Controls  
3101 Carlisle Street  
Columbia, SC 29205

Based upon the following determination, Agency proposes to acquire the supplies, construction, information technology, and/or services described herein from the Vendor named above per S.C. Code Ann. 11-35-1560 and S.C. Regulation 19-445.2105, Sole Source Procurement.

**Description of the Agency need that this procurement meets:** One year service contract to maintain and service the computerized environmental energy management control systems for all four (4) Trident Technical College (TTC) campuses and site.

**Description of market research Agency performed to determine the availability of products or services that would meet the Agency's needs:** Attached are letters from the manufacturers of the various components of the TTC's energy management system stating that Palmetto Controls is the only vendor that can service their system components in our area.

**Description of supplies, construction, information technology, and/or services Vendor will provide under the contract:** Service contract to maintain and service TTC's computerized environmental energy management control system comprised of Novar/Trend, Desigo and Talon components.

**Detailed explanation why no other vendor's supplies, construction, information technology, and/or services will meet the needs of the Agency.** Manufacturers of the components that make up TTC's computerized energy management system only authorize Palmetto Controls to service their equipment in our area.

Contract Period: 07/01/22 – 06/30/23

Contract Amount: \$104,244.00

Com Code: 06/14/2022

*CB* Mary Thornley  
Authorized Signature  
Printed Name: Mary Thornley, Ed.D  
Title: President

Date: 06/14/2022

Blanket sole source: \_\_\_ Yes    x No

Contract \$50,000 or greater. Drug Free Workplace Act (Section 44-107-30 Code of Laws of SC) applies:  
 Yes     No    CB Buyers Initials

Signed Drug Free Workplace Certification form attached:

Yes     No    CB Buyers Initials

Open Trade Certification on file or attached     Yes     No    CB Buyers Initials

Rev: 09-02-2021

This notice is posted in the South Carolina Business Opportunities (SCBO) as required by SC Code 11-35-1560.

**PROTESTS:**

If you are aggrieved in connection with the intended award or award of the contract, you may be entitled to protest, but only as provided in Section 11-35-4210. To protest an award, you must (i) submit notice of your intent to protest within five (5) business days of the date this notice is posted, and (ii) submit your actual protest within fifteen days of the date this notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided. The grounds of the protest and the relief requested must be set forth with enough particularity to give notice of the issues to be decided. Any protest or notice of intent to protest must be addressed to the Chief Procurement Officer, Information Technology Management Office, and submitted in writing

(a) by email to: [protest-itmo@itmo.sc.gov](mailto:protest-itmo@itmo.sc.gov), or

(b) by post or delivery to: 1201 Main Street, Suite 600, Columbia, SC 29201.



May 26<sup>th</sup>, 2022

Subject: Siemens Building Products Authorized Distribution

To:  
Mr. Stanley Johnson  
Trident Technical College

Our network of Siemens field offices and independent Solution Partners are designed to help you leverage best-in-class building management solutions to address your toughest building challenges. We've carefully constructed our distribution and service network and the APOGEE, Desigo and TALON building automation systems to serve a broad array of customers. Our brands are exclusively managed and maintained through defined channels to provide you the right choice for your organization.

This letter is to inform you that the following organization is the authorized Solution Partner for the *TALON and Desigo* automation system in your area.

**Palmetto Controls, Inc.**  
**3101 Carlisle St.**  
**Columbia, SC 29205**

Siemens Solution Partners are the only authorized source for sales and service of the Desigo and TALON automation system. In addition to factory direct technology distribution rights, our channel partners are only authorized to use the tools and technologies designed exclusively to install, commission, warranty, service, replace and migrate the products within the brand they distribute. All authorized partners have full distribution rights to non-system specific Siemens HVAC products such as sensors, thermostats, valves, and actuators.

Best Regards,

Todd Lash  
Sr. Director Automation Products - Americas  
Siemens SI Building Products Division

Siemens Industry, Inc.

1000 Deerfield Parkway  
Buffalo Grove, IL 60089  
USA

Tel.: +1-847-215-1000  
[www.usa.siemens.com](http://www.usa.siemens.com)



June 6, 2022

Re: Novar / Trend Technology Center – South Carolina Authorized Novar / Trend Dealer

Attn: Mr. Stanley Johnson Jr. – Director of Facilities, Trident Technical College

Dear Mr. Johnson,

Beginning January 1, 2004 the Novar / Trend Technology Center business model was changed to enhance quality assurance to customers for Novar / Trend Controls equipment installations.

All Novar / Trend Technology Centers have signed agreements which include their dedicated territory by counties for which they are responsible. They are responsible for all equipment sales, installation, service, and quality assurance for that territory. This insures that a Tier 1 direct authorized and properly trained dealer will provide quality implementations and support for the customers within their territory.

Palmetto Controls, Inc. is the only authorized Novar / Trend Technology Center for all the counties of South Carolina. Novar / Trend products must be provided by them for any work proposed or implemented within their territory.

Please let me know if you have any additional questions. I can be reached at (615) 495-1048 or [denis.riordan@alerton.com](mailto:denis.riordan@alerton.com).

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. Riordan", written over a light green rectangular background.

Denis M. Riordan  
Regional Manager

## DRUG FREE WORKPLACE

NOTE: This clause applies to any resultant contract of \$50,000.00 or more.

The State of South Carolina has amended Title 44, code of laws of South Carolina, 1976, relating to health, by adding Chapter 107, so as to enact the Drug-Free workplace act. (See Act No. 593, 1990 acts and joint resolutions). The text of this act is included herewith.

SECTION 44-107-20. As used in this chapter:

- (1) "Drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract of an entity at which employees of the entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this chapter.
- (2) "Employee" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the provisions of the grant or contract.
- (3) "Controlled Substance" means a controlled substance in Article 3, Chapter 53, of this title.
- (4) "Conviction Substance" means a finding of guilt, including a plea of nolo contendere or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- (5) "Criminal Drug Statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
- (6) "Grantee" means the department, division, or other unit of a person responsible for the performance under a grant.
- (7) "Contractor" means the department, division, or other unit of a person responsible for the performance under a contract with a state agency.

SECTION 44-107-30. No person, other than an individual, may receive a grant or be awarded a contract for the procurement of any goods, construction or services for a stated or estimated value of fifty thousand dollars or more from any state agency unless the person has certified to the using agency that it will provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's workplace and specifying the actions that will be taken against employees for violations of the prohibition:
- (2) Establishing a drug-free awareness program to inform employees about:
  - (a) The dangers of drug abuse in the workplace;
  - (b) The person's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance program; and
  - (d) The penalties that may be imposed upon the employees for drug violations;
- (3) Making a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by item (1);

(4) Notifying the employee in the statement required by item (1), that as a condition of employment on the contract or grant, the employee will:

- (a) Abide by the terms of the statements; and
- (b) Notify the employer or any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;

(5) Notifying the using agency within ten days after receiving notice under item (4b) from an employee or otherwise receiving actual notice of the conviction;

(6) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee convicted, as required by section 44-107-50; and

(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of items (1), (2), (3), (4), (5), and (6).

SECTION 44-107-40: No state agency may enter into a contract or make a grant with any individual for a stated or estimated value of fifty thousand dollars or more unless the contract or grant includes a certification by the individual that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the contract.

SECTION 44-107-50; A grantee or contractor shall, within thirty days after receiving notice from an employee of a conviction pursuant to article 3, Chapter 53, of this title:

1. Take appropriate personnel action against the employee up to and including termination; or
2. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for the purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

SECTION 44-107-60: Each contract or grant awarded by a state agency is subject to suspension of payments or termination or both, and the contractor or grantee under the contract or grant or the individual who entered the contract with or received the grant from the state agency, as applicable, is subject to suspension or debarment in accordance with section 11-35-4220 if the appropriate chief procurement officer, as defined in section 11-35-310 (5), determines that:

- 1 The contractor or grantee has made a false certification under sections 44-107-30 or 44-107-40;
- 2 The contractor or grantee violates the certification by failing to carry out the requirements of section 44-207-30 (1), (2), (3), (4), (5), and (6);
- 3 The contractor or grantee does not take appropriate remedial action against employees convicted on drug offenses as specified in section 44-107-50; or
- 4 The number of employees of the contractor or grantee who have been convicted of violations of criminal drug statutes for violations occurring in the workplace reasonably indicates that the contractor or grant recipient has failed to make a good faith effort to provide a drug-free workplace as required by this chapter.

SECTION 44-107-70: Upon issuance of any final decision under this chapter requiring debarment of a contractor, grantee, or individual, the contractor, grantee, or individual is ineligible for award of any contract or grant by any state agency, for a period specified in the decision, of at least one year but not to exceed five years.

SECTION 44-107-80: Upon request, the South Carolina Commission on Alcohol and Drug Abuse shall provide technical assistance to any state agency to assist with the implementation of this chapter. Additionally, upon request, the names and addresses of contractors and grantees providing a drug-free workplace pursuant to this

chapter must be provided to the commission.

SECTION 44-170-90: Failure to comply with any provision of this chapter shall not be grounds for any protest under section 11-35-4210.

SECTION 44-107-100: Upon request, the South Carolina Commission on Alcohol and Drug Abuse shall provide technical assistance to any state agency to assist with the implementation of this chapter. Additionally, upon request, the names and addresses of contractors and grantees providing a drug-free workplace pursuant to this chapter must be provided to the commission.

Section 2. Upon approval by the governor, chapter 107 of title 44 of the 1076 code, as added by this act, applies to grants made or contracts executed after December 31, 1990.

Rev. 10/28/91

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS  
(COMPANY)

Pursuant to the South Carolina Drug-Free Workplace Act, I hereby certify the following:

1. I am authorized to bind Palmetto Controls  
Company's name) by which I am employed.
2. Palmetto Controls (Company's name) will provide a  
"drug-free workplace" as that term is defined in S44-107-30, Code of Laws of South Carolina, 1976 (as  
amended), by complying with the requirements set forth therein.
3. I recognize that my company's contract or grant is subject to suspension of payments or termination or  
both and that my company is subject to suspension or debarment in accordance with S11-35-4220 if:
  - a. This certification is false;
  - b. My company violates the certification by  
failing to carry out the requirements of  
Section 44-107-30(1), (2), (3), (4), (5)  
and (6);
  - c. My company does not take remedial action  
against employees convicted on drug offenses  
as specified in S44-107-50; or
  - d. The number of employees of my company who have  
been convicted of violations of criminal drug  
statutes for violations occurring in the workplace reasonably indicates that my  
company has failed to make a good faith effort to  
provide a drug-free workplace as required by the Drug-Free Workplace Act.

Company's Name

Palmetto Controls

Name and Title of Authorized  
Representative

Elizabeth J Wilson  
President

Signature of Authorized  
Representative

[Signature]

Date

6/02/2022



## OPEN TRADE REPRESENTATION

(S.C. Code Ann. §§ 11-35-5300)

The following representation, which is required by Section 11-35-5300(A), is a material inducement for the State to award a contract to you.

I, the official named below, certify I am duly authorized to execute this certification on behalf of the vendor identified below, and, as of the date of my signature, the vendor identified below is not currently engaged in the boycott of a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade, as defined in SC Code Section 11-35-5300.

Vendor Name (Printed) Palmetto Controls	State Vendor No. 7000221081
By (Authorized Signature) Elizabeth J Wilson	Date Executed 06/02/2022
Printed Name and Title of Person Signing Elizabeth J Wilson	[Not used]