

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
In Re: Haren Construction Co., Inc.)
Project No. P24-6052-PG)
Beaufort-Waddell Mariculture)
Maturation Ponds Maintenance – Re-Bid)

BEFORE THE SOUTH CAROLINA
PROCUREMENT REVIEW PANEL

ORDER DENYING
MOTIONS TO RECONSIDER

Case No. 2025-5

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SC Court of Appeals

I. INTRODUCTION

This matter is before the Panel on the following post-order filings: Motions to Reconsider filed by the Chief Procurement Officer for Construction (CPO), Paragon Inc. of South Carolina, LLC (Paragon), and the South Carolina Department of Natural Resources (DNR), and an Objection to Motions to Reconsider filed by Haren Construction Co., Inc. (Haren).

Because the motions fail on their merits, the Panel need not decide whether it possesses authority to reconsider its Order, and the motions are denied.

II. BACKGROUND AND PROCEDURAL HISTORY

The Panel issued its Order on March 13, 2026, reversing the CPO's November 19, 2025, decision, and affirming DNR's determination that Paragon was non-responsible.

On March 23, 2026, the parties filed the post-order motions and objection. On March 25, 2026, the Panel issued a procedural order permitting responses. The CPO, DNR, and Haren filed responses on April 1, 2026. Paragon filed no response. The Panel has considered all timely submissions.

The motions challenge the Panel's application of the standard of review and its treatment of the licensing issues, and the responses do not materially expand or alter those issues. DNR's motion does not challenge the outcome but raises arguments concerning the scope of review and issue preservation.

III. DISCUSSION

The Panel has considered the arguments in the post-order filings. Those filings do not establish that the Panel's Order dated March 13, 2026, was contrary to law or reflects any error in the Panel's interpretation of the licensing subclassifications at issue.

The Panel first conducted a de novo review of the CPO's decision and independently determined that the relevant statutory provisions, as applied to the Project, do not mandate a single license subclassification as a matter of law. The Panel then determined that, under S.C. Code Ann. § 11-35-2410(A), DNR's selection among legally permissible subclassifications was not clearly erroneous, arbitrary, capricious, or contrary to law, and that the record demonstrated a rational basis for that determination. See Order dated March 13, 2026, at 11-14. To the extent the Order referenced DNR's technical expertise, that discussion pertained to DNR's selection of license subclassifications for the Project, not the Panel's interpretation of those statutes. Having concluded that DNR's determination was not contrary to law, the Panel could not and did not substitute its judgment for that of DNR. The Panel's review of DNR's determination was limited to the statutory standard. Because the governing statutes do not compel a single license subclassification, the Panel was not required to select one.

Consistent with that conclusion, the Panel recognized that the license subclassifications do not, on their face, resolve the Project's unique technical nature. In this context, those subclassifications permit more than one reasonable interpretation. The Panel's determination is supported by the absence of any competing engineering estimate or line-item cost analysis showing that DNR's cost allocation by license subclassification was factually unsupported or artificially structured (Order at 4). This analysis reflects the Panel's independent application of the governing statutes to the record rather than any deference to DNR's interpretation of law.

The arguments advanced by the CPO and Paragon largely restate positions already considered and rejected by the Panel and do not establish that the Panel misapprehended applicable law, overlooked material facts, or committed error warranting reconsideration.

DNR requested specific rulings regarding the scope of Paragon's protest and the name variation on Paragon's bid. The Panel determined that the name variation did not affect bidder responsibility, as set forth in its Order dated March 13, 2026, and did not limit the scope of its review. Even if the scope were limited, it would not alter the outcome.

The Panel has considered the motions, Haren's objection, and the responses filed. These submissions provide no basis to modify the Panel's Order dated March 13, 2026. Any argument not expressly addressed has been considered and is either redundant or without merit.

IV. CONCLUSION

The post-order motions are denied. The Panel's Order dated March 13, 2026, remains unchanged.

IT IS SO ORDERED.

SOUTH CAROLINA PROCUREMENT REVIEW PANEL

BY: Willie D. Franks
Willie D. Franks, Chairman

April 6, 2026
Columbia, South Carolina