

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
PROCUREMENT REVIEW PANEL
Willie D. Franks, Chairman

Appellate Case No. 2026-000914
Panel Case No. 2025-5

In Re: Haren Construction Co., Inc.

Project No. P24-6052-PG
Beaufort-Waddell Mariculture
Maturation Ponds Maintenance – Re-Bid

Paragon Inc. of South Carolina, LLC, Chief Procurement Officer, State Fiscal Accountability Authority, and South Carolina Department of Natural Resources,

of which Paragon Inc. of South Carolina, LLC and Chief Procurement Officer, State Fiscal Accountability Authority are the Appellants/Respondents, South Carolina Department of Natural Resources is the Respondent/Appellant, and Haren Construction Co., Inc. is the Respondent.

PARAGON INC. OF SOUTH CAROLINA, LLC
d/b/a PARAGON BUILDERS’ REPLY IN SUPPORT OF
MOTION TO STAY AND REQUEST FOR EXPEDITED BRIEFING SCHEDULE

I. INTRODUCTION

The oppositions filed by the South Carolina Department of Natural Resources (“DNR”) and Haren Construction Co., Inc. (“Haren”) confirm rather than refute the case for a stay. Both respondents ask this Court to allow a disputed public contract to proceed to full performance before the Court has had any opportunity to review the legal questions presented—questions acknowledged by all parties to be unresolved matters of first impression. Their arguments against

a stay rely on procedural technicalities, statutory provisions whose applicability is itself contested, and a characterization of the administrative record that Paragon disputes.

Most significantly, Haren’s opposition reveals a dispositive new fact: Haren states that the contract “has already been awarded to and executed by Haren.” Haren Return at 2. Paragon’s motion specifically sought to prevent award pending this Court’s ruling. If the contract was executed after Paragon filed its Motion to Stay with this Court—and while this motion was under consideration—that award was made in the face of a pending judicial request for relief. The circumstances and timing of the contract execution are therefore directly relevant to this Court’s equitable authority and to the question of whether respondents should be heard to argue that the procurement is now too far advanced to disturb.

The stay factors continue to favor Paragon. The appeal presents substantial and unresolved legal questions. Paragon faces irreparable harm if the procurement is allowed to proceed to full performance before those questions are answered. The Respondents’ claimed prejudice from a brief stay is overstated and, in any event, is outweighed by the harm to Paragon and the public interest in correct procurement outcomes. This Court should grant the stay and further restrain performance under the disputed contract.

II. ARGUMENT

A. **The Mootness Issue Is More Complex Than Respondents Acknowledge, and the Circumstances of Contract Award Warrant Further Development.**

Both respondents invoke the “capable of repetition yet evading review” doctrine to argue that a stay is unnecessary because this Court can decide the appeal even after contract performance. See DNR Response at 1–2; Haren Return at 7–8. Paragon does not dispute that this exception to mootness exists. However, for the exception to apply, the action must be one which will truly evade review. *Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 27, 630 S.E.2d 474, 478 (2006). For

example, the Court has applied this doctrine to permit appellate review of short-term student suspensions, because by their very nature will be completed long before an appellate court can review the issues they implicate. *Byrd v. Irmo High School*, 321 S.C. 426, 468 S.E.2d 861 (1996). But in *Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 27, 630 S.E.2d 474, 478 (2006) the Supreme Court found the issue was capable of repetition but did not necessarily evade review in. The issue was whether Friends of Hunley, Inc. was required to produce documents under the Freedom of Information Act. Friends of the Hunley, Inc. did in fact produce the requested records and argued on appeal that the question of whether it was required to do so under the Freedom of Information Act was moot. The Court concluded that should another person bring an action against Friends for a violation of FOIA and Friends fails to produce the requested documents, the Court will have the opportunity to review the issue. *Id.*

Here it is not certain that the issues in this appeal are likely to be repeated, nor is it clear that the issues will evade review in the future. The issues raised in this appeal can preserved through the issuance of a stay, as requested in Paragon's motion, and therefore will not necessarily evade review.

In addition, Haren's representation that the contract has already been "awarded to and executed by Haren" raises a threshold concern that this Court should address. Paragon's Motion to Stay was filed with this Court on April 22, 2026, and explicitly requested that DNR be directed to refrain from making any contract award pending resolution of the appeal. If DNR executed the contract after Paragon filed this motion, that execution occurred with full knowledge of the pending judicial request for relief.

Irrespective of whether Haren executed a contract with SCDNR after Paragon filed the Notice of Appeal and sought a stay, first before the administrative tribunal and now before this

Court, this Court has the equitable authority to restrain performance during the pendency of this appeal so as to preserve the issues for review. Rule 241 (c)(3), SCRAP specifically provides, “*where it appears that granting or lifting a stay...is insufficient to afford complete relief, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may order other appropriate relief upon such terms as are deemed appropriate.*” Paragon therefore requests this Court order that performance under the disputed contract be restrained during the pendency of this appeal so that this Court can afford complete relief to Paragon should it prevail in this appeal.

B. DNR’s Standing and Name-Discrepancy Arguments Fail Because Paragon’s Bid Was Submitted in the Exact Legal Name That Holds Its Contractor Licenses.

DNR argues that Paragon lacked standing to bid because its bid was submitted in a name that does not match the name on its contractor’s license, invoking S.C. Code Ann. §§ 40-11-30, -200, and -370. DNR Response at 2–4. This argument rests on a factual premise that is demonstrably incorrect, and it was expressly rejected by the CPO on the administrative record.

Paragon’s bid was submitted in the name “Paragon Inc. of South Carolina, LLC.” That is the exact legal name of the business entity—and it is the identical name under which Paragon applied to LLR for its contractor’s licenses. Paragon’s license application identifies the Licensee/Legal Name as “Paragon Inc. of South Carolina, LLC,” with “Paragon Builders” listed as the trade name (DBA). Both licenses held by Paragon—General Contractor license No. CLG.100190 and Mechanical Contractor license No. CLM.111292—are legally held by and issued to Paragon Inc. of South Carolina, LLC. The fact that the physical license certificates display the trade name “Paragon Builders” rather than the full legal entity name is a function of LLR’s own administrative practices in formatting license documents, not the result of any action or misrepresentation by Paragon. See, Exhibits A, B and C to Paragon’s Formal Protest, Attached hereto as **Exhibit 1**.

Paragon's bid therefore used the exact legal entity name that holds the licenses, provided the correct license numbers, properly designated the qualifying party, and contained no misrepresentation of any kind. Under these circumstances, Section 40-11-370 is simply inapplicable. That provision prohibits a contractor from engaging in construction "in a name other than the name that appears on its license." Paragon Inc. of South Carolina, LLC is the legal name of the licensed entity, as confirmed by the license application of record. The fact that LLR chose to print the trade name on the face of the physical certificate does not alter who the licensed entity is.

Even if some technical variance were found to exist, Section 40-11-370 is directed at a specific and serious mischief: preventing unlicensed entities from fraudulently conducting business under another entity's license, or misrepresenting licensed status to procuring agencies. That concern is wholly absent here. There is no allegation—and no basis for one—that Paragon attempted to conduct business under someone else's license, concealed its identity, or misrepresented its licensing credentials. Paragon correctly identified itself as the licensed entity and provided the correct license numbers. The CPO credited these facts and concluded that any residual variance was a minor informality under the Procurement Code.

DNR's interpretation would produce an anomalous and punitive result: a contractor that submits its bid in the exact legal name under which it applied for and holds its licenses—the name appearing on its LLR license application of record—would be disqualified because LLR's own administrative formatting practices caused the physical certificate to display a different name. That would improperly elevate form over substance and penalize Paragon for a ministerial variance created by the licensing authority, not by Paragon. South Carolina courts have consistently declined to apply statutory provisions in ways that produce results inconsistent with their evident

purpose. The purpose of section 40-11-370 is to protect the integrity of the licensing system; applying it to disqualify a properly licensed contractor that correctly identified itself and its licenses subverts, rather than serves, that purpose.

DNR's standing and mootness arguments are properly addressed to the CPO's decision, which sustained Paragon's protest after reviewing the license application and record. Whether that decision was correct is one of the questions on appeal. It cannot be resolved in a stay opposition. And the existence of a genuine factual and legal dispute about those questions is itself a reason to grant the stay—not to deny it.

C. Paragon's Likelihood of Success Is Demonstrated by the Independent Judgment of the CPO, and Haren's Contrary Arguments Go to the Merits.

Both Respondents argue that Paragon cannot demonstrate a likelihood of success on the merits. DNR Response at 4–7; Haren Return at 10–12. Their arguments largely recapitulate the positions the Panel accepted—which is precisely what Paragon is challenging on appeal. The fact that the Panel ruled against Paragon does not establish that the Panel was correct or that Paragon's contrary arguments lack merit.

Haren argues that the Panel “independently interpreted” Section 40-11-410 and merely deferred to DNR's “technical” judgment about how the Project's work fit within the license categories. Haren Return at 10–11. But this is the precise tension that Paragon identified in its Motions to Reconsider: the Panel acknowledged conducting de novo review of the statute while simultaneously deferring to DNR's selection among “legally permissible subclassifications.” If both subclassifications are legally permissible for this type of work, then the question of which is required—and whether DNR's determination that eighty percent of the work falls under WL was adequately supported—remains a question of law that this Court reviews without deference.

Haren also argues that DNR’s Design Cost Estimate provided an adequate evidentiary basis for the eighty-percent WL allocation, and that Paragon failed to submit a counter-estimate. Haren Return at 11–12. This argument misallocates the burden at the protest stage. DNR bore the burden of demonstrating that its non-responsibility determination was legally and factually supported. The question before this Court is whether an engineer’s cost allocation—prepared for construction cost estimation purposes, not for the purpose of analyzing statutory license subclassifications—constitutes a legally sufficient basis for a non-responsibility determination. That is a question of first impression.

Paragon also notes that the CPO—a state official charged by statute with administering the Consolidated Procurement Code—independently reviewed the same record and reached the opposite conclusion. Haren’s argument that the Panel’s subsequent reversal of the CPO somehow establishes Paragon’s lack of merit, Haren Return at 12, proves too much: by the same logic, the CPO’s prior determination that Paragon was correct would equally establish likelihood of success. The better inference is that reasonable decision-makers on this record have disagreed—which is exactly the kind of genuine legal dispute that warrants appellate review before the underlying procurement is concluded.¹

¹ The cost estimate breaks out the categories where DNR assigned a WL subclassification. Under the line items titled “Yard Piping” DNR assigned a cost of \$797,904 or 25.9% of the cost of work requiring a license. Under “Piping and Valves” DNR assigned \$1,260,260 or 40.9% of the work. Combined this is **66.8%** of the project. And when one combines this with Paragon’s EL license which accounts for 17%, Paragon’s license classifications and subclassifications should have accounted for 83.8% of the work. **Exhibit 2, Cost Estimate.** In addition, in the line items under “Yard Piping” and “Piping and Valves” every line item is simply a pipe, a valve, or some sort of connector – simply a series of pipes and their attachments. Under the PB subclassification, there are several categories of what qualifies as “plumbing.” One is “the installation, alteration, and repair **of all piping, fixtures, and appliances related to water supply . . .**” If the Panel wanted to rely on this cost estimate, it should have simply compared the estimate to the statute. At least 66.8% of the estimate fits within the plain language of the statute.

D. Paragon Faces Irreparable Harm That Cannot Be Remedied by Bid Preparation Costs, and the Stay Must Now Encompass Restraint of Contract Performance.

Haren argues that Paragon has an adequate remedy at law in the form of bid preparation costs authorized by S.C. Code Ann. § 11-35-4310(4), and therefore cannot demonstrate irreparable harm. Haren Return at 9–10, 12–13. This argument fails for two reasons.

First, the adequacy of a legal remedy for purposes of the irreparable harm analysis depends on whether that remedy makes the aggrieved party whole. Reimbursement of bid preparation costs is not an adequate remedy for the loss of a construction contract that Paragon was entitled to receive as the apparent low bidder. The opportunity to perform a public contract—and the business value of that performance—cannot be reduced to bid preparation costs. South Carolina courts have recognized that the loss of a business opportunity that cannot be quantified in monetary terms constitutes irreparable harm.

Second, Haren’s argument assumes the very conclusion that is at issue: that Paragon is merely a “disappointed bidder” whose only cognizable interest is in bid preparation costs. If Paragon is correct that it was wrongly disqualified as the apparent low bidder, then its interest is not in damages but in the contract itself. The post-award remedies of Section 11-35-4310 are expressly limited to circumstances where pre-award relief is unavailable. Permitting DNR to execute the contract during the pendency of this motion—and then arguing that pre-award relief is no longer available—rewards exactly the conduct that Paragon’s motion sought to prevent.

Third, and critically, Haren’s disclosure that the contract has already been executed makes a restraint on performance a necessary component of any meaningful stay. If DNR and Haren are permitted to advance construction at the Project site while this appeal is pending, the practical ability of this Court to grant effective relief—including contract rescission or re-procurement—will erode with each passing day. The equitable doctrine of mootness does not require that relief

become literally impossible; it requires only that a judgment “will have no practical legal effect upon the existing controversy.” *Sloan v. Greenville Cnty.*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009). Substantial construction progress toward completion of the Project would, as a practical matter, extinguish this Court’s ability to order re-procurement or contract rescission as a remedy.

As noted about, this Court has the authority to enjoin performance to preserve the meaningfulness of appellate relief in procurement disputes under Rule 241(c)(3) SCRAP. The fact that a contract has apparently been executed does not extinguish this Court’s equitable authority; it heightens the urgency of exercising it. A stay order that merely directs DNR to refrain from “further award” would be illusory if Haren is free to mobilize, procure materials, and commence construction in the interim.

Accordingly, Paragon requests that any stay order entered by this Court expressly restrain both DNR and Haren from taking any steps in furtherance of contract performance—including mobilization, procurement of materials, commencement of construction, or execution of subcontracts—pending final resolution of this appeal. This relief is necessary to ensure that the Court’s review is not rendered academic by *fait accompli*.

E. The Public Interest Favors Correct Procurement Outcomes, Not Simply Rapid Ones, and Disfavors Rewarding Unilateral Action Taken to Moot a Pending Judicial Request.

Both respondents argue that the public interest disfavors a stay because the Project has been delayed and the mariculture facility needs repair. DNR Response at 7–8; Haren Return at 13. Paragon acknowledges the public interest in completing legitimate procurements. But the Consolidated Procurement Code reflects a legislative judgment that the public interest is not served

by awarding contracts to contractors other than the low responsible bidder—regardless of how expedient that award may be for the procuring agency.

This Court is being asked to review whether Paragon, the apparent low bidder, was properly excluded from a public construction contract. The public interest in correct procurement outcomes—in ensuring that public funds go to the contractor entitled to the contract under applicable law—is not a lesser interest than the agency’s interest in proceeding to performance. DNR’s characterization of Paragon’s appeal as a mere obstruction of its legitimate procurement overlooks that the CPO, the state official charged with procurement administration, concluded that DNR’s exclusion of Paragon was legally erroneous.

There is also a distinct public interest consideration arising from the manner in which the contract appears to have been executed. If DNR proceeded to contract execution after Paragon’s Motion to Stay was filed with this Court, that action was taken with full knowledge of the pending judicial request for relief. Courts have a strong interest in ensuring that litigants do not take unilateral steps to moot pending judicial proceedings, and in denying parties the benefit of conduct designed to foreclose relief that a court is actively considering. Permitting DNR and Haren to proceed to performance on these facts would create an adverse incentive for procuring agencies to race to performance whenever a stay motion is filed—an outcome inconsistent with the rule of law and with the public interest in judicial oversight of the procurement process.

A brief stay pending expedited briefing will not materially delay completion of the Project if this Court ultimately upholds the Panel’s decision. If this Court reverses, the public interest will have been served by ensuring that the procurement was conducted in accordance with law. The stay requested here is the least disruptive means of preserving this Court’s ability to provide meaningful relief.

III. CONCLUSION

For the foregoing reasons, and for the reasons set forth in Paragon’s opening Motion to Stay, Paragon respectfully requests that this Court:

1. Stay the South Carolina Procurement Review Panel’s Order dated March 13, 2026, and Order Denying Motions to Reconsider dated April 6, 2026, pending final resolution of this appeal;
2. Enter an Order directing DNR and Haren Construction Co., Inc. to refrain from taking any steps in furtherance of contract performance under Project No. P24-6052-PG—including mobilization, procurement of materials, commencement of construction work, or execution of subcontracts—pending final resolution of this appeal; and
3. Impose an expedited briefing schedule to allow prompt disposition of the appeal on the merits.

Respectfully submitted,

GRIFFIN HUMPHRIES LLC

By: s/ James M. Griffin

James M. Griffin, SC Bar No. 9995
8906 Two Notch Road, Suite 200
P.O. Box 999 (29202)
Columbia, South Carolina 29223
Telephone: 803-744-0800
jgriffin@griffinhumphries.com

Attorney for Paragon Inc. of South Carolina, LLC

Columbia, South Carolina
May 5, 2026

Exhibit 1

Paragon's Formal Protest

FORMAL PROTEST

Date: November 4, 2025

TO: Chief Procurement Officer Office of State Engineer Construction Office South Carolina
Department of Natural Resources Email: protest-ose@mnr.sc.gov Physical Address: 1201
Main Street, Suite 600, Columbia, SC 29201

FROM: Paragon Inc. of South Carolina, LLC

2874 Columbia Road NE Orangeburg, SC 29118-1902 Telephone: (803) 534-1900 Email:
eric@paragonbuilderssc.com Attention: Eric Byrd, Vice President

RE: Formal Protest of Award Decision

Project Name: Beaufort-Waddell Mariculture Maturation Ponds Maintenance - Re-Bid **Project**
Number: P24-6052-PG **Award Notice Posted:** October 20, 2025

I. NOTICE AND TIMELINESS

Pursuant to South Carolina Code Section 11-35-4210, Paragon Inc. of South Carolina, LLC ("Paragon" or "Protester") hereby submits this Formal Protest of the South Carolina Department of Natural Resources' ("SCDNR" or "Agency") decision to deem Paragon's bid non-responsive and to award the above-referenced contract to Haren Construction Co. Inc.

This Formal Protest is timely submitted within fifteen (15) business days of the October 20, 2025, award notice posting, as required by Section 11-35-4210. A Notice of Intent to Protest was timely filed on October 27, 2025.

II. INTERESTED PARTY INFORMATION

Protester: Paragon Inc. of South Carolina, LLC (doing business as "Paragon Builders")

SC Contractor's License Numbers: CLG.100190, CLM.111292

Classification(s) & Limits: Building BD5, Plumbing PB5, Electrical EL5

Contact Person: Eric Byrd, Vice President 2874 Columbia Road NE Orangeburg, SC 29118-1902 Telephone: (803) 534-1900 Email: eric@paragonbuilderssc.com

Legal Counsel: James M. Griffin, Esquire Griffin Humphries LLC PO Box 999 Columbia, SC 29202 Telephone: 803-744-0800 Email: jgriffin@griffinhumphries.com

III. PROCUREMENT INFORMATION

Awarding Agency: South Carolina Department of Natural Resources **Project:** Beaufort-Waddell Mariculture Maturation Ponds Maintenance - Re-Bid **Project Number:** P24-6052-PG
Bid Opening Date: September 23, 2025 **Award Notice Date:** October 20, 2025 **Intended Awardee:** Haren Construction Co. Inc. **Award Amount:** \$6,207,000.00

IV. PARAGON'S BID INFORMATION

Legal Entity Name: Paragon Inc. of South Carolina, LLC **Trade/DBA Name:** Paragon Builders
Business Address: 2874 Columbia Road, Orangeburg, SC (Orangeburg County) **Federal Tax ID:** 58-2486021

Bid Amounts:

- Base Bid Amount: \$5,323,800.00
- Alternate #1: \$533,600.00
- Alternate #2: \$568,200.00
- Alternate #3: \$573,350.00

Status: Deemed "Non-Responsive" by Agency

V. GROUNDS FOR PROTEST

Paragon protests the Agency's determination that its bid was non-responsive based on alleged violations of South Carolina Code Sections 40-11-270, 40-11-340, and 40-11-370. The Agency's determination is erroneous, arbitrary, and contrary to law. Specifically, Paragon contends:

A. Compliance with Section 40-11-270 (License Requirements)

Issue: The Agency allegedly found Paragon's bid non-responsive due to licensing deficiencies.

Paragon's Position:

Paragon holds all licenses necessary to perform the work as bid:

1. **General Contractor License CLG.100190** - authorizes Building-BD5 and Nonstructural Renovation-NR5 work with the following group limitations:
 - Group #5: Unlimited
 - Expiration: 10/31/2026
2. **Mechanical Contractor License CLM.111292** - authorizes Packaged Equipment-PK5, Plumbing-PB5, and Electrical-EL5 work with the following group limitations:
 - Group #5: Unlimited
 - Expiration: 10/31/2027

The work components of this project include:

- **Building work (BD5)** - covered by General Contractor License CLG.100190 at 13% of Total Project
- **Plumbing work (PB5)** - covered by Mechanical Contractor License CLM.111292 at 53% of total project
- **Electrical work (EL5)** - covered by Mechanical Contractor License CLM.111292 at 19% of total project
- **Pond liner work (15%)** - requires no specific license; Paragon will utilize its Building classification or engage appropriately licensed subcontractors as needed

Paragon's total bid of \$5,857,400 (including alternate #1) falls well within the unlimited group limitations of both licenses.

Supporting Documentation: See Exhibits A (General Contractor License CLG.100190) and B (Mechanical Contractor License CLM.111292).

B. Compliance with Section 40-11-340 (Subcontracting)

Issue: The Agency may have concerns regarding Paragon's ability to properly subcontract portions of the work.

Paragon's Position:

Paragon's licensing structure fully authorizes it to self-perform the major components of this work or to engage licensed subcontractors for specialized portions. Section 40-11-340 permits licensed general contractors to subcontract work to appropriately licensed specialty contractors. Paragon's approach is entirely consistent with this statutory framework and standard industry practice.

For the pond liner work, which represents 15% of the project and requires no specific contractor license under South Carolina law, Paragon may either:

- Perform the work under its Building-BD5 classification, or
- Engage appropriately licensed subcontractors as needed

This flexibility is expressly contemplated by South Carolina's contractor licensing statutes and regulations.

C. Compliance with Section 40-11-370 (Business Name)

Issue: The Agency cited Section 40-11-370(B) regarding engaging in construction under a name other than the exact name on the license.

Paragon's Position:

Paragon's bid was submitted under "Paragon Inc. of South Carolina, LLC," which is the exact legal name of the business entity and matches the Licensee/Legal Name on Paragon's contractor license application to the South Carolina Department of Labor, Licensing and Regulation (LLR).

Critical Distinction: While LLR issued the physical license documents under Paragon's trade name "Paragon Builders," the underlying legal entity holding both licenses is correctly identified as "Paragon Inc. of South Carolina, LLC." This is confirmed by:

1. **License Application (DOC 165)** - submitted in the name of "Paragon Inc. of South Carolina, LLC" with DBA "Paragon Builders" (See Exhibit C)
2. **License Records** - Both licenses (CLG.100190 and CLM.111292) are legally held by and issued to Paragon Inc. of South Carolina, LLC, even though the physical license certificates display the trade name
3. **Bid Submission** - Paragon's bid used the exact legal entity name that holds the licenses

Any alleged discrepancy between the legal entity name and the trade name displayed on the physical license certificates is a secondary, administrative matter that does not warrant bid rejection, particularly when:

- The entity is properly identified in the bid documents
- All license numbers are correctly provided
- The qualifying party is properly designated
- There is no indication of fraud, misrepresentation, or attempt to circumvent licensing requirements

Section 40-11-370(B) is intended to prevent unlicensed entities from fraudulently conducting business under someone else's license or misrepresenting their licensed status. That concern is wholly absent here. Paragon is the properly licensed entity, correctly identified itself, and submitted accurate license information.

The Agency's interpretation would improperly elevate form over substance and penalize a contractor for a ministerial variance between the legal entity name on its application and the trade name on its license certificate—a variance created by LLR's own administrative practices, not by any action or omission of Paragon.

D. Statutory Construction and Legislative Intent

South Carolina's contractor licensing statutes are designed to:

1. Protect the public by ensuring that construction work is performed by qualified, licensed contractors
2. Establish minimum standards for competency and financial responsibility
3. Prevent fraud and misrepresentation in the construction industry

Paragon fully satisfies each of these objectives. The Agency's restrictive interpretation would:

- **Improperly exclude legitimate plumbing work from the statutory scope** - contrary to the plain meaning of Section 40-11-410(5)(f) defining "plumbing" to include water distribution piping
- **Create uncertainty for contractors bidding on projects involving water piping systems on private property** - discouraging competition
- **Penalize contractors for administrative variances** between legal entity names and trade names on license certificates, even when the contractor is properly licensed and identified

VI. PREJUDICE TO PARAGON

Paragon will suffer substantial and irreparable prejudice if this protest is not granted:

1. Financial Harm

Paragon submitted the lowest responsible bid at \$5,857,400 (base bid plus alternate #1). The difference between Paragon's total bid and the intended award amount of \$6,207,000 is **\$349,600 more** than Paragon's total bid. This represents a significant financial loss to both Paragon and the State of South Carolina.

2. Loss of Business Opportunity

Paragon is a qualified, properly licensed contractor capable of performing this work in accordance with all applicable laws and regulations. Denying Paragon this contract opportunity based on erroneous legal interpretations unjustly deprives Paragon of legitimate business.

3. Reputational Harm

A determination of "non-responsiveness" carries significant negative implications for Paragon's professional reputation and may affect future bidding opportunities, despite Paragon's full compliance with all licensing requirements.

4. Competitive Disadvantage

If the Agency's restrictive interpretation of the Plumbing license definition stands, it would create uncertainty for contractors bidding on similar projects involving water piping systems on private property, potentially discouraging competition and increasing costs to public agencies.

VII. RELIEF REQUESTED

Paragon respectfully requests that the Chief Procurement Officer:

1. **Reverse** the determination that Paragon's bid is non-responsive;
2. **Find** that Paragon's Plumbing license (PB5) properly covers the yard piping installation work as defined in Section 40-11-410(5)(f);

3. **Find** that Paragon's bid was submitted in the proper legal name "Paragon Inc. of South Carolina, LLC," which is the legal entity that holds both contractor licenses CLG.100190 and CLM.111292;
4. **Find** that Paragon meets all requirements of Sections 40-11-270, 40-11-340, and 40-11-370;
5. **Determine** that Paragon submitted the lowest responsive and responsible bid; and
6. **Award** the contract to Paragon Inc. of South Carolina, LLC.

VIII. REQUEST FOR DOCUMENTS

Pursuant to Section 11-35-4210 and established protest procedures, Paragon requests access to the following documents within five (5) business days:

1. Complete bid tabulation showing all bids received
2. All documentation related to the responsiveness determination for Paragon's bid, including:
 - o Internal memoranda
 - o Email communications
 - o Evaluation notes
 - o Legal analysis or opinions
3. All documentation related to the responsiveness determination for the two other bidders (Haren Construction and BRW Construction)
4. Any communications within SCDNR or between other South Carolina State Agencies, legal counsel, or personnel regarding license classification interpretation for this project
5. Any legal opinions or guidance sought regarding the plumbing license scope under Section 40-11-410(5)(f)
6. Haren Construction and BRW Construction's license documentation and classifications
7. Any protest or inquiry submitted by any other bidder
8. Complete bid documents submitted by the two other bidders, including copies of sealed bid envelopes
9. All communications between SCDNR and LLR regarding licensing requirements for this project
10. Any determinations, rulings, or guidance from LLR regarding whether plumbing licenses cover yard piping installation work

IX. LEGAL ARGUMENT

A. South Carolina's Competitive Bidding Statutes Favor Acceptance of Low Bids

South Carolina law strongly favors competitive bidding and acceptance of the lowest responsive and responsible bid. The South Carolina Consolidated Procurement Code requires that "[a]n award shall be made with reasonable promptness by written notice to that responsible bidder whose bid will be most advantageous to the State." S.C. Code Ann. § 11-35-1520(5).

A bid should be deemed "non-responsive" only when there is a material deviation from the solicitation requirements that gives the bidder an unfair competitive advantage or otherwise compromises the integrity of the competitive bidding process. Minor irregularities or technicalities that do not affect the substance of the bid should be waived.

B. Paragon's Licenses Authorize All Work Contemplated by the Project

The plain language of Section 40-11-410(5)(f) defines "Plumbing" which includes the installation, replacement, alteration, and repair of all plumbing...when performed solely within property lines...and the installation, alteration, and repair of all piping, fixtures, and appliances, relating to water supply." This definition clearly encompasses the water distribution work in this project, which involves installation of piping systems for mariculture ponds.

The Agency's apparent interpretation—that plumbing licenses do not cover any piping work outside building walls on private property—is:

1. **Contrary to the statute's plain language**, which specifically addresses and includes water distribution piping
2. **Internally inconsistent**, as it would render the phrase "installation...of all piping, fixtures, and appliances relating to water supply" meaningless if all outside piping were categorically excluded
3. **Inconsistent with industry practice** and the reasonable expectations of licensed plumbing contractors
4. **Contrary to legislative intent** to establish clear scope boundaries for licensed trades

Moreover, Paragon's General Contractor license (Building-BD5) provides additional authority to perform this work or to engage appropriately licensed subcontractors.

C. The Business Name Issue Does Not Warrant Bid Rejection

Section 40-11-370(B) states: "No person may engage in the business of contracting in a name other than that shown on the license unless the name is properly registered pursuant to applicable law."

Here, Paragon's bid was submitted in the name "Paragon Inc. of South Carolina, LLC"—the exact legal entity name that:

- Holds both contractor licenses
- Is shown on the license application submitted to LLR
- Is properly registered with the South Carolina Secretary of State

The fact that LLR's physical license certificates display Paragon's trade name "Paragon Builders" rather than the legal entity name is an administrative matter within LLR's control, not Paragon's. Paragon cannot be penalized for LLR's administrative practices.

Section 40-11-370(B) is intended to prevent fraud and misrepresentation—situations where an unlicensed entity attempts to operate under a licensed contractor's name, or where a contractor misrepresents its identity to circumvent licensing requirements. Neither situation exists here.

Courts consistently hold that procurement statutes should be construed to promote competition and achieve the best value for public agencies, not to exclude qualified bidders based on technical irregularities that do not affect the substance of the procurement.

D. Applicable Legal Standards

South Carolina courts have established that:

1. **Procurement regulations should be construed liberally to favor competition** and should not be used to exclude responsible bidders except where necessary to protect the integrity of the procurement process
2. **Substantial compliance is sufficient** where strict compliance would serve no meaningful purpose and the public interest is not compromised
3. **Minor irregularities or immaterial variances** in bids should be waived when they do not provide a competitive advantage or prejudice other bidders
4. **Administrative interpretations that contradict statutory language** or frustrate legislative intent are not entitled to deference

E. Public Policy Considerations

Awarding this contract to Paragon serves important public policy objectives:

1. **Fiscal Responsibility:** Paragon submitted the lowest qualified bid, saving South Carolina taxpayers \$349,600
2. **Competitive Procurement:** Rejecting Paragon's bid based on erroneous legal interpretations discourages competition and increases costs
3. **Fair Treatment of Qualified Contractors:** Paragon holds all necessary licenses and has demonstrated its qualifications; the Agency's interpretation imposes arbitrary barriers to participation
4. **Consistency and Predictability:** Contractors need clear, consistent rules regarding licensing requirements; the Agency's restrictive interpretation creates uncertainty

X. CONCLUSION

Paragon Inc. of South Carolina, LLC is a fully qualified, properly licensed contractor that submitted the lowest responsible bid for this project. The Agency's determination of non-responsiveness is based on erroneous interpretations of South Carolina's contractor licensing statutes that contradict the plain language of those statutes and frustrate their intended purpose.

Paragon respectfully requests that this protest be granted, that Paragon's bid be deemed responsive and responsible, and that the contract be awarded to Paragon as the lowest qualified bidder.

XI. CONSENT TO ELECTRONIC COMMUNICATIONS

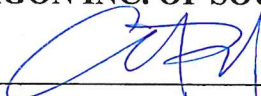
By submitting this Formal Protest to protest-ose@mrnm.sc.gov, Paragon (and any person acting on Paragon's behalf) consents to receive communications regarding this protest (and any related protests) at the email address of Paragon's legal counsel, James M. Griffin at jgriffin@griffinhumphries.com with copies to eric@paragonbuilderssc.com.

XII. CERTIFICATION

The undersigned certifies that the statements contained in this Formal Protest are true and accurate to the best of knowledge and belief.

Respectfully submitted this 4th day of November, 2025.

PARAGON INC. OF SOUTH CAROLINA, LLC

By:  Eric Byrd, Vice President

2874 Columbia Road NE Orangeburg, SC 29118-1902 Telephone: (803) 534-1900 Email: eric@paragonbuilderssc.com

ATTORNEY FOR PROTESTER:

James M. Griffin, Esquire Griffin Humphries LLC PO Box 999 Columbia, SC 29202 Telephone: 803-744-0800 Email: jgriffin@griffinhumphries.com

EXHIBITS

Exhibit A: General Contractor License CLG.100190

Exhibit B: Mechanical Contractor License CLM.111292

Exhibit C: Contractor License Application (DOC 165) showing Paragon Inc. of South Carolina, LLC as Licensee/Legal Name with DBA Paragon Builders

Exhibit D: Notice of Intent to Protest (filed October 27, 2025)

Ex. A

Paragon Builders General Contractor License
Expiration Date 10-31-2026

*** It is at the discretion of this licensee to designate any employee or their company to pull permits and conduct business in their behalf. ***

*** THIS LICENSE EXPIRES ON 10/31/2026 ***

VERIFY the **QUALIFYING PARTY** ("Qualifier") name(s) on this license is accurate. If a Qualifier ceases to serve this license, you must notify the board in writing (mail or email) within **15 business days** for your license to remain **Active**. Failure to notify the board of a qualifier loss will result in immediate **license cancellation** and disciplinary action.

BOTH PARTS OF THIS POCKETCARD MUST BE PRESENTED TO CONDUCT BUSINESS AT ALL TIMES. DO NOT TEAR CARD IN HALF.

35

PARAGON BUILDERS
PO BOX 2058
ORANGEBURG SC 29116-2058

LICENSE#: CLG.100190

South Carolina Department of Labor, Licensing and Regulation
Contractor's Licensing Board
GENERAL CONTRACTOR

PARAGON BUILDERS
2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

licensed to practice in the 2-letter Classification(s) and Group# listed below:
Building-BD5, Nonstructural Renovation-NR5

INITIAL ISSUE DATE: 01/07/1999
LICENSE EXPIRATION DATE: 10/31/2026

(If above license has "Limited Building-LB", work is limited to 3 stories in height)

GENERAL CONTRACTOR

LICENSE#: CLG.100190
EXPIRATION DATE: 10/31/2026

PARAGON BUILDERS

Qualifier(s): DEQUINCEY S EDWARDS, STEPHON EDWARDS

Licensee's Group# Limitation Per Job/Project (i.e., BD2 = Group 2):

Group #1 - \$100,000 Group #2 - \$400,000 Group #3 - \$1,000,000
Group #4 - \$3,000,000 Group #5 - \$Unlimited

M. Edwards
Board Executive

WARNING - THIS DOCUMENT CONTAINS SECURITY FEATURES LISTED ON REVERSE SIDE

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTOR'S LICENSING BOARD

LICENSE#: CLG.100190

PARAGON BUILDERS

2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

Has been qualified by the laws of the State of South Carolina and is duly entitled to practice as a:

GENERAL CONTRACTOR

for each Classification and Group Limitation listed below:

(If this license has a "Limited Building-LB" classification, work is limited to 3 stories in height)

Building-BD5, Nonstructural Renovation-NR5

LICENSE NUMBER: CLG.100190

Initial License Date: 01/07/1999

EXPIRATION DATE: 10/31/2026

Qualifying Party(s): DEQUINCEY S EDWARDS, STEPHON EDWARDS

Group Limitation Per Job (i.e. BD2 = Group 2):

Group #1 - \$100,000 Group #4 - \$3,000,000
Group #2 - \$400,000 Group #5 - \$Unlimited
Group #3 - \$1,000,000

M. Edwards
Board Executive

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business on their behalf. ***

Ex. B

Paragon Builders Mechanical Contractor License
Expiration Date 10-31-2025

*** THIS LICENSE EXPIRES ON 10/31/2025 ***

FY the **QUALIFYING PARTY** ("Qualifier") name(s) on this license is accurate. If a Qualifier ceases to serve this license, you must notify the board in writing (mail or em in **15 business days** for your license to remain **Active**. Failure to notify the board of a qualifier loss will result in immediate **license cancellation** and disciplinary action

THIS IS A 2-PART POCKETCARD - FOLD CARD IN HALF - DO NOT CUT OR TEAR CARD IN HALF
BOTH PARTS OF THIS POCKETCARD MUST BE PRESENTED TO CONDUCT BUSINESS AT ALL TIMES

LICENSE#: CLM.111292

CCG 1055888

South Carolina Department of Labor, Licensing and Regulation
Contractor's Licensing Board

MECHANICAL CONTRACTOR

PARAGON BUILDERS
2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

licensed to practice in the 2-letter Classification(s) and Group# listed below:

PK5, PB5, EL5, STEPHON EDWARDS, ERIC BYRD, 121268, -74603

LICENSE EXPIRATION DATE: 10/31/2025

(If this license has a "Limited Building-LB", work is limited to 3 stories in height)

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business in their behalf. ***

MECHANICAL CONTRACTOR 1055888

LICENSE#: CLM.111292 - EXPIRES: 10/31/2025
PARAGON BUILDERS

Initial Issue Date: 04/28/2010 - Expiration Date: 10/31/2025
Qualifier(s): JONATHAN FERGUSON, PAUL R GILLETTE, RODGERS
HAMPTON

Group Limitations Per Job/Project (i.e. AC2 = Group 2):

Group #1 - \$35,000 Group #2 - \$100,000
Group #3 - \$200,000 Group #4 - \$400,000
Group #5 - \$Unlimited

M. Veronica W. Fulton
Board Executive

DO NOT PEEL CARD FROM A CORNER

To remove card from backing

- Bend form back from the outside edge
- Pull card off backing

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTOR'S LICENSING BOARD

CCG 1055888

LICENSE#: CLM.111292

LICENSE#: CLM.111292

PARAGON BUILDERS
2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

Has been qualified by the laws of the State of South Carolina and is duly entitled to practice as a:

MECHANICAL CONTRACTOR

for each Classification and Group Limitation listed below:

PK5, PB5, EL5, STEPHON EDWARDS, ERIC BYRD, 121268, -74603

LICENSE NUMBER:CLM.111292

Initial License Date:.....04/28/2010

EXPIRATION DATE:10/31/2025

Group Limitations Per Job (i.e. AC2 = Group 2):

Group #1 - \$35,000 Group #3 - \$200,000
Group #2 - \$100,000 Group #4 - \$400,000
Group #5 - \$Unlimited

M. Veronica W. Fulton
Board Executive

Qualifying Party(s): JONATHAN FERGUSON, PAUL R GILLETTE, RODGERS HAMPTON

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business in their behalf. ***

Paragon Builders Mechanical Contractor License
Expiration Date 10-31-2027

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business in their behalf.***

*** THIS LICENSE EXPIRES ON 10/31/2027 ***

VERIFY the **QUALIFYING PARTY** ("Qualifier") name(s) on this license is accurate. If a Qualifier ceases to serve this license, you must notify the board in writing (mail or email) within **15 business days** for your license to remain **Active**. Failure to notify the board of a qualifier loss will result in immediate **license cancellation** and disciplinary action.

BOTH PARTS OF THIS POCKETCARD MUST BE PRESENTED TO CONDUCT BUSINESS AT ALL TIMES. DO NOT TEAR CARD IN HALF.

35
PARAGON BUILDERS
PO BOX 2058
ORANGEBURG SC 29116-2058

LICENSE#: CLM.111292

South Carolina Department of Labor, Licensing and Regulation
Contractor's Licensing Board
MECHANICAL CONTRACTOR

PARAGON BUILDERS
2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

licensed to practice in the 2-letter Classification(s) and Group# listed below:
Packaged Equipment-PK5, Plumbing-PB5, Electrical-EL5

INITIAL ISSUE DATE: 04/28/2010
LICENSE EXPIRATION DATE: 10/31/2027

MECHANICAL CONTRACTOR

LICENSE#: CLM.111292
EXPIRATION DATE: 10/31/2027

PARAGON BUILDERS

Qualifier(s): JONATHAN FERGUSON, PAUL R GILLETTE, RODGERS HAMPTON

Licensee's Group# Limitation Per Job/Project (i.e., EL2 = Group 2):
Group #1 - \$35,000 Group #2 - \$100,000 Group #3 - \$200,000
Group #4 - \$400,000 Group #5 - \$Unlimited

Molly J. Dine
Program Director

WARNING - THIS DOCUMENT CONTAINS SECURITY FEATURES LISTED ON REVERSE SIDE

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTOR'S LICENSING BOARD

LICENSE#: CLM.111292

PARAGON BUILDERS
2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

Has been qualified by the laws of the State of South Carolina and is duly entitled to practice as a:

MECHANICAL CONTRACTOR

for each Classification and Group Limitation listed below:

Packaged Equipment-PK5, Plumbing-PB5, Electrical-EL5

LICENSE NUMBER: CLM.111292
Initial License Date: 04/28/2010
EXPIRATION DATE: 10/31/2027

Group Limitation Per Job (i.e. EL2 = Group 2):
Group #1 - \$35,000 Group #2 - \$100,000
Group #3 - \$200,000 Group #4 - \$400,000
Group #5 - \$Unlimited

Qualifying Party(s): JONATHAN FERGUSON, PAUL R GILLETTE, RODGERS HAMPTON

Molly J. Dine
Program Director

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business on their behalf. ***

Ex. C

Mechanical Contractor's Application

is application form is used for:

- New license, including a business with a new name and Federal ID number, or a new type of business (Corporation, LLC, LLP, etc.).
- Reinstate a lapsed license.

not use this application if you need to revise a license, such as increasing the license group limitation, or name change with the same Federal ID number and type of business you need to complete the General and Mechanical Contractor Revision Application (Doc 180).

omit the following with your application:

- The license fee is \$350. Fees are non-refundable. License fee in the form of a check or money order made payable to SCCLB. A returned check fee of up to \$30, or an amount specified by law, may be assessed on all returned funds. **NO CASH IS ACCEPTED.**
- Verification to conduct business in SC from the SC Secretary of State (not required for a sole proprietorship).
- Financial Statement or Surety Bond supporting the requested group limitation.
- Completed PQP /QP Initial Application(s) (Doc 168) for individuals who are not currently certified by the Board or have a certification that has been inactive for more than four years **or** completed PQP/QP Revision Application (Doc 181) to add an active PQP/QP certification or a certification that has been inactive for less than four years.

Completed applications may be submitted to the Board at PO Box 11329, Columbia, SC 29211, by email to act.clb@llr.sc.gov, or delivered in person at 110 Centerview Dr., Columbia, SC 29210.

APPLICANT INFORMATION

Individual or company listed in this section will be designated as the "License Holder." You must sign contracts, apply for permits, conduct business, and advertise in this name only. (See SC Code of Laws Section 40-11-20, 130, 240 and 370(B))

License/Legal Name: Paragon Inc. of South Carolina, LLC

Doing Business As (DBA) Name: Paragon Builders

Business Phone: 803-534-1900 Email (required): eric@paragonbuilderssc.com

Business Address: 2874 Columbia Rd, Orangeburg SC County: Orangeburg
Physical street address, City, State and Zip Code

Shipping Address (if different from above): Same

Federal Tax ID or SSN: 58-2466031 Website: www.paragonbuilderssc.com

Is the licensee/entity listed above a current or previous SC Contractor? YES NO

If yes, license number: _____

Is this a reinstatement application? YES NO

Is this a name change or form of business change? YES NO

Mechanical Contractor's Revision Application



South Carolina Department of Labor, Licensing and Regulation
South Carolina Contractor's Licensing Board
 110 Centerview Dr. • Columbia • SC • 29210
 P.O. Box 11329 • Columbia • SC • 29211
 Phone: 803-896-4686 • Contact.CLB@llr.sc.gov • Fax: 803-896-4814
 llr.sc.gov/clb

**GENERAL AND MECHANICAL CONTRACTOR
 REVISION APPLICATION (DOC. 180)**

NOTE: Find your specific instructions on the previous page (i.e. “Change of Licensing Group”, “Change of Business Name or Address”, etc.). The instructions will let you know which sections of the application you need to complete. You may disregard all other sections of the application not mentioned in your instructions. **All applicants must complete sections A, E and F.**

Completed applications may be submitted to the Board at PO Box 11329, Columbia, SC 29211, by email to contact.clb@llr.sc.gov, or delivered in person at 110 Centerview Dr., Columbia, SC 29210.

REQUESTED ACTION

Indicate the reason for your application below. All applicants must complete the applicable sections and attestation at the end of this application.

- Name Change Address Change Owner/Officer Change License Group Change

SECTION A

LICENSEE INFORMATION (as it currently appears on your license card)

ALL applicants must complete this section.

Licensee/Legal Name: Paragon Inc. of South Carolina, LLC

Doing Business As (DBA) Name: Paragon Builders License # M.111292

Business Phone: 803-534-1900 Email (required): stephon@paragonbuilderssc.com

Business Address: 2874 Columbia Road, Orangeburg, SC 29118 County: Orangeburg
Physical street address, City, State and Zip Code

Mailing Address (if different from above): POB 2058, Orangeburg, SC 29116

Federal Tax ID or SSN: 58-2466031 Website: www.paragonbuilderssc.com

SECTION B

CHANGE OF BUSINESS NAME OR ADDRESS (physical or mailing)

ONLY complete this section if you need to change your business name, corporate structure, address, or other contact information. Attach amended charter or the Secretary of State Articles of Amendment if this is a corporate name change. If your name, Federal ID No. or corporate structure has changed more than 15 business days ago, **do not** complete this form; you must submit a new [General and Mechanical Contractor Initial Application \(Doc 165\)](#).

New Business Name: _____

Doing Business As (DBA) Name: _____

Business Phone: _____ Email (required): _____

Business Address: _____ County: _____
Physical street address, City, State and Zip Code

Mailing Address (if different from above): _____

Website: _____

Type of Business:

Corporations, LLCs, LLPs, or LPs must submit a Federal Tax ID number and a SC Secretary of State Certificate of Existence.

- Sole Proprietorship Domestic/Foreign Corporation Partnership
 Limited Liability Partnership Limited Liability Company

State of incorporation or organization: SC

SECTION C

CHANGE OF OWNERS OR OFFICERS

ONLY complete this section if there has been a change in the Licensee's ownership or corporate leadership. Provide the name, title, and date of birth and percent of business ownership of each owner, officer, partner, and/or member of the Licensee. Attach a separate sheet if necessary.

Name: _____ **Title:** _____

% Ownership: _____ Date of Birth: _____

Name: _____ **Title:** _____

% Ownership: _____ Date of Birth: _____

Name: _____ **Title:** _____

% Ownership: _____ Date of Birth: _____

Name: _____ **Title:** _____

% Ownership: _____ Date of Birth: _____

Name: _____ **Title:** _____

% Ownership: _____ Date of Birth: _____

SECTION D

CHANGE OF LICENSING GROUP

ONLY complete this section if you wish to change your licensing group limit. Select the group for increase and attach the appropriate financial documentation or surety bond. Please indicate the method for which you are qualifying for the new licensing group limit. Additional information about financial group limits can be found on the Board's website.

Groups 1 and 2 – (submit one)

- Owner Prepared financial statement with an affidavit of accuracy, [Document #172](#); or
- [Surety Bond Form for General Contractors](#) / [Surety Bond Form for Mechanical Contractors](#)

Groups 3 and 4 – (submit one)

- Financial statement compiled by a licensed CPA in accordance with GAAP, including all disclosures required by GAAP or
- [Surety Bond Form for General Contractors](#) / [Surety Bond Form for Mechanical Contractors](#)

Group 5 – (submit one)

- An audited balance sheet prepared by a licensed CPA in accordance with GAAP, including all disclosures required by GAAP; or
- [Surety Bond Form for General Contractors](#) / [Surety Bond Form for Mechanical Contractors](#)

Requested Group Limit:

Group 1 Group 2 Group 3 Group 4 Group 5

Qualifying for Requested Group Limit by:

Net Worth Working Capital Surety Bond

What type of financial documentation are you submitting with your application?

Audited Balance Sheet Reviewed Financial Statement Compiled Financial Statement
 [Owner Prepared Financial Statement \(Doc 172\)](#) Surety Bond

SECTION E

BACKGROUND QUESTIONS

ALL applicants must complete this section. Answer all questions below. If you answer "Yes" to any of the questions, you are required to complete and submit the [Explanatory Statement of Yes Answers - Doc. 142](#).

1. Since your last renewal or application with the Board, has this entity or any owner, officer, partner, or member been convicted, pled guilty or nolo contendere in the US or foreign country of a felony or the offense of forgery, embezzlement, obtain money under false pretenses, theft, extortion, or conspiracy to defraud or other like offense? YES NO

If yes, in addition to [Doc 142](#), a criminal background check must be provided from the state in which the conviction occurred along with the court disposition and any other pertinent documentation. For South Carolina criminal background reports contact SLED at www.sled.sc.gov. Out-of-state applicants may submit a state-issued report, or any report generated by an accredited agency on PBSA's website found here: thepbsa.org/. All criminal background reports must not be older than thirty (30) days from the date of application.

2. Since your last renewal or application with the Board, has this entity or any owner, officer, partner, or member had a professional license or certificate denied, suspended, revoked or otherwise been disciplined in any state or jurisdiction, including South Carolina? YES NO

If yes, in addition to [Doc 142](#), official documentation related to the relevant disciplinary action must be provided.

3. Since your last renewal or application with the Board, does this entity or any owner, officer, partner, or member have any unresolved complaints or charges pending before any professional licensing board in South Carolina or any other state or jurisdiction? YES NO

If yes, in addition to [Doc 142](#), official documentation related to the relevant disciplinary action must be provided.

4. Since your last renewal or application with the Board, does this entity or any owner, officer, partner, or member have any outstanding monetary judgments related to construction, or have any bankruptcies? YES NO

If yes, in addition to [Doc 142](#), official documentation related to the monetary judgments, including the order of judgment or final disposition, and bankruptcies, as well as any payment plans that have been established to satisfy construction related monetary judgments, must be provided.

SECTION F

ATTESTATION

ALL applicants must complete this section.

I certify that the information and statements contained herein are true, accurate, and complete. I understand that the provision of false or inaccurate information may result in the cancellation or denial of a license issued pursuant to this application and may be subject to civil and criminal proceedings. I agree that all information in this application may be verified and investigated. I have read and am familiar with the South Carolina Contractor's Licensing Board Practice Act and hereby agree to abide by such laws.

Owner/Officer/Partner/Member Name (Print): Stephon Edwards

Signature:  Title Owner Date 8/28/2024

PRIVACY DISCLOSURE

South Carolina Law requires that every individual who applies for an occupational or professional license provide a social security number for use in the establishment, enforcement and collection of child support obligations and for reporting to certain databanks established by law. Failure to provide your social security number for these mandatory purposes will result in the denial of your licensure application. Social security numbers may also be disclosed to other governmental regulatory agencies and for identification purposes to testing providers and organizations involved in professional regulation. Your social security number will not be released for any other purpose not provided for by law.

Other personal information collected by the Department for the licensing boards it administers is limited to such personal information as is necessary to fulfill a legitimate public purpose. The South Carolina Freedom of Information Act ensures that the public has a right to access appropriate records and information possessed by a government agency. Therefore, some personal information on the application may be subject to public scrutiny or release. The Department collects and disseminates personal information in compliance with The South Carolina Freedom of Information Act, the South Carolina Family Privacy Protection Act, and other applicable privacy laws and regulations. Additionally, the Department shares certain information on the application with other governmental agencies for various governmental purposes, including research and statistical services.



South Carolina Department of Labor, Licensing and Regulation
South Carolina Contractor's Licensing Board
110 Centerview Dr. • Columbia • SC • 29210
P.O. Box 11329 • Columbia • SC • 29211
Phone: 803-896-4686 • Contact:CLB@llr.sc.gov • Fax: 803-896-4814
llr.sc.gov/clb

SURETY BOND FOR MECHANICAL CONTRACTORS

BOND NUMBER: L272743-2227

KNOW ALL MEN BY THESE PRESENTS that we

Paragon Builders

, as Principal and

Lexington National Insurance Corporation

, a Surety Company

authorized to do business in the State of South Carolina, as Surety, its successors, assigns, and legal representatives are held and firmly bound unto the South Carolina Contractor's Licensing Board, State of South Carolina and any person or business sustaining damage within the terms of this bond for payment, as Obligee in the sum of Three Hundred Thousand Dollars (\$300,000.00) lawful money of the United States of America per License Term. We bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents. This bond is in lieu of providing a financial statement showing a minimum net worth or working capital as required in S.C. Code Ann. §40-11-260.

WHEREAS, the above bonded Principal has applied to the South Carolina Contractor's Licensing Board pursuant to Section 40-11-10 *et seq.* of the 1976 Code of Laws of South Carolina, as amended (the Act), to be granted an authorization to engage in the following construction groups with the following bond amounts:

- Group 1 Mechanical Contractor (\$7,000)
- Group 2 Mechanical Contractor (\$15,000)
- Group 3 Mechanical Contractor (\$30,000)
- Group 4 Mechanical Contractor (\$60,000)
- Group 5 Mechanical Contractor (\$300,000)

WHEREAS, the above bonded Principal is required in Section 40-11-262 of the Act to furnish the Board with a good and sufficient surety as one method of complying with one of the conditions upon which the authorization is granted.

NOW, THEREFORE, if the Principal, in compliance with 40-11-262, does not engage in an act or omission constituting a breach of construction contract or a contract for the furnishing of labor, materials, or professional services for construction undertaken by the Principal, or does not commit any unlawful act or omission in performing construction, then this obligation shall be void; otherwise it is to remain in full force and effect.

This bond is in full force and effect as to the above statutory, regulatory and procedural obligations of the Principal from 8/22/2024 through 10/31/2025 unless renewed by continuation certificate; however, the Surety or the Principal shall have the right to cancel this bond at any time by filing written notice with the South Carolina Contractor's Licensing Board and the applicable party of its intention to so cancel, giving at least thirty (30) days' notice prior to the effective date of the cancellation. This provision, however, shall not operate to relieve, release or discharge the Surety from any liability already accrued or which shall accrue before the expiration of the thirty (30) day period.

Regardless of the number of years this bond may remain in force or the number of claims against this bond, the aggregate liability of the Surety for any and all claims, suits or actions under this bond shall not exceed the sum of Three Hundred Thousand Dollars (\$300,000.00) for any License Term. Each License Term is a twenty-four month period beginning on November 1 and ending on October 31.

The Surety shall provide the board with written notice of any payment made in good faith under the Bond within thirty (30) days of such payment. No right of action shall accrue upon or by reason of this bond to or for the use or benefit of anyone whatsoever other than the Board or any person sustaining loss or damage within the terms of this bond for payment.

Witness our hands and seal this 22nd day of August, 2024.

Name and Address of Surety Company (Print)

Lexington National Insurance Corporation

PO Box 6098

Lutherville, MD 21094

By: 

Signature of Surety (Attorney-in-Fact)

Tyler Turnbull

Power of Attorney (attach document)

Name and Address of Principal (Print)

Paragon Builders

2874 Columbia Road

Orangeburg, SC 29118

By: 

Signature of Principal

To report a claim with regard to this bond, submit a claim on the form approved by the Board to the claim address below:

(Print) Lexington National Insurance Corporation

PO Box 6098

Lutherville, MD 21094

POWER OF ATTORNEY

Lexington National Insurance Corporation

Lexington National Insurance Corporation, a corporation duly organized under the laws of the State of Florida and having its principal administrative office in Baltimore County, Maryland, does hereby make, constitute and appoint:

**Tyler Turnbull, Beverly Ivey, Della Case, Brett Branton,
Brendan Coale, Matthew Rose, Scott Pelin**

as its true and lawful attorney-in-fact, each in their separate capacity, with full power and authority to execute, acknowledge, seal and deliver on its behalf as surety any bond or undertaking of \$6,000,000 or less. This Power of Attorney is void if used for any bond over that amount.


This Power of Attorney is granted under and by authority of the following resolutions adopted by the Board of Directors of the Company on February 15, 2018:

Be it Resolved, that the CEO, President or any Vice-President shall be and is hereby vested with full power and authority to appoint suitable persons as Attorney-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on the behalf of the Company, to execute, acknowledge and deliver any and all bonds, contracts, or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any all notices and documents cancelling or terminating the Company’s liability thereunder and any such instruments so executed by any Attorney-in Fact shall be binding upon the Company as if signed by the CEO, President and sealed by the Corporate Secretary.

RESOLVED further, that the signature of the CEO, President or any Vice-President of LEXINGTON NATIONAL INSURANCE CORPORATION may be affixed by facsimile to any power of attorney, and the signature of the Secretary or any Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of such power, or any such power or certificate bearing such facsimile signature or seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed with respect to any bond to which it is attached continue to be valid and binding upon the Company.

IN WITNESS WHEREOF, the Company have caused this instrument to be signed and their corporate seal to be hereto affixed.



Ronald A. Frank, CEO



State of Maryland
County of Harford County, SS:

Before me, a notary public, personally appeared, Ronald A. Frank, CEO of Lexington National Insurance Corporation, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under the PENALTY of PERJURY under the laws of the State of Maryland that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Commission Expires: 05/23/24


Notary

I, Lisa R. Slater, Secretary of Lexington National Insurance Corporation, do hereby certify that the above and foregoing is true and correct copy of a Power of Attorney, executed by said company, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Company at Baltimore, Maryland this 17th day of January, 2024.


Lisa R. Slater, Secretary

Attached to bond signed this 22nd day of August, 2024

The State of South Carolina



Office of Secretary of State Mark Hammond

Certificate of Existence

I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:

PARAGON, INC. OF SOUTH CAROLINA, LLC, A Limited Liability Company duly organized under the laws of the State of South Carolina on April 30th, 1999, with a duration that is at will, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the Secretary of State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to section 33-44-809 of the South Carolina Code, and that the company has not filed articles of termination as of the date hereof.

Given under my Hand and the Great
Seal of the State of South Carolina this
27th day of December, 2007.

Mark Hammond

Mark Hammond, Secretary of State

*** THIS LICENSE EXPIRES ON 10/31/2025 ***

VERIFY the QUALIFYING PARTY ("Qualifier") name(s) on this license is accurate. If a Qualifier ceases to serve this license, you must notify the board in writing (mail or email) within 15 business days for your license to remain Active. Failure to notify the board of a qualifier loss will result in immediate license cancellation and disciplinary action.

THIS IS A 2-PART POCKETCARD - FOLD CARD IN HALF - DO NOT CUT OR TEAR CARD IN HALF
BOTH PARTS OF THIS POCKETCARD MUST BE PRESENTED TO CONDUCT BUSINESS AT ALL TIMES

CCG 1053518

CCG 1053518

LICENSE#: CLM.111816

South Carolina Department of Labor, Licensing and Regulation
Contractor's Licensing Board
MECHANICAL CONTRACTOR

PAUL R GILLETTE
DBA: GILLETTE PLUMBING
2874 COLUMBIA ROAD
ORANGEBURG SC 29118

licensed to practice in the 2-letter Classification(s) and Group# listed below:
Plumbing-PB2

LICENSE EXPIRATION DATE: 10/31/2025

(If this license has a "Limited Building-LB", work is limited to 3 stories in height)

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business in their behalf.***

MECHANICAL CONTRACTOR
LICENSE#: CLM.111816 - EXPIRES: 10/31/2025

PAUL R GILLETTE
DBA: GILLETTE PLUMBING
Initial Issue Date: 09/02/2011 - Expiration Date: 10/31/2025
Qualifier(s): PAUL R GILLETTE

Group Limitations Per Job/Project (i.e. AC2 = Group 2):
Group #1 - \$35,000 Group #2 - \$100,000
Group #3 - \$200,000 Group #4 - \$400,000
Group #5 - \$Unlimited

M. Veronica W. Feltner
Board Executive

DO NOT PEEL CARD FROM A CORNER

To remove card from backing

- Bend form back from the outside edge
- Pull card off backing

Paul R Gillette
Qualifying Party

CCG 1053518

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTOR'S LICENSING BOARD

LICENSE#: CLM.111816

LICENSE#: CLM.111816

PAUL R GILLETTE
DBA: GILLETTE PLUMBING
2874 COLUMBIA ROAD
ORANGEBURG SC 29118

Has been qualified by the laws of the State of South Carolina and is duly entitled to practice as a:

MECHANICAL CONTRACTOR

for each Classification and Group Limitation listed below:

Plumbing-PB2

LICENSE NUMBER:CLM.111816
Initial License Date:09/02/2011
EXPIRATION DATE:10/31/2025

Group Limitations Per Job (i.e. AC2 = Group 2):
Group #1 - \$35,000 Group #3 - \$200,000
Group #2 - \$100,000 Group #4 - \$400,000
Group #5 - \$Unlimited

Qualifying Party(s): PAUL R GILLETTE

M. Veronica W. Feltner
Board Executive

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business in their behalf. ***

*** THIS LICENSE EXPIRES ON 10/31/2025 ***

IFY the **QUALIFYING PARTY** ("Qualifier") name(s) on this license is accurate. If a Qualifier ceases to serve this license, you must notify the board in writing (mail or email) within **15 business days** for your license to remain **Active**. Failure to notify the board of a qualifier loss will result in immediate **license cancellation** and disciplinary action.

THIS IS A 2-PART POCKETCARD - FOLD CARD IN HALF - DO NOT CUT OR TEAR CARD IN HALF
BOTH PARTS OF THIS POCKETCARD MUST BE PRESENTED TO CONDUCT BUSINESS AT ALL TIMES

LICENSE#: CLM.111292

CCG 1055888

South Carolina Department of Labor, Licensing and Regulation
Contractor's Licensing Board

MECHANICAL CONTRACTOR

PARAGON BUILDERS

2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

licensed to practice in the 2-letter Classification(s) and Group# listed below:

PK5, PB5, EL5, STEPHON EDWARDS, ERIC BYRD, 121268, -74603

LICENSE EXPIRATION DATE: 10/31/2025

(If this license has a "Limited Building-LB", work is limited to 3 stories in height)

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business in their behalf.***

MECHANICAL CONTRACTOR **1055888**
LICENSE#: CLM.111292 - EXPIRES: 10/31/2025

PARAGON BUILDERS

Initial Issue Date: 04/28/2010 - Expiration Date: 10/31/2025

Qualifier(s): **JONATHAN FERGUSON, PAUL R GILLETTE, RODGERS HAMPTON**

Group Limitations Per Job/Project (i.e. AC2 = Group 2):

Group #1 - \$35,000 Group #2 - \$100,000

Group #3 - \$200,000 Group #4 - \$400,000

Group #5 - \$Unlimited

M. Veronica W. Fulton
Board Executive

DO NOT PEEL CARD FROM A CORNER

To remove card from backing

- **Bend form back from the outside edge**
- **Pull card off backing**

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION **CCG 1055888**
CONTRACTOR'S LICENSING BOARD

LICENSE#: CLM.111292

LICENSE#: CLM.111292

PARAGON BUILDERS

2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

Has been qualified by the laws of the State of South Carolina and is duly entitled to practice as a:

MECHANICAL CONTRACTOR

for each Classification and Group Limitation listed below:

PK5, PB5, EL5, STEPHON EDWARDS, ERIC BYRD, 121268, -74603

LICENSE NUMBER:CLM.111292

Initial License Date:04/28/2010

EXPIRATION DATE:10/31/2025

Group Limitations Per Job (i.e. AC2 = Group 2):

Group #1 - \$35,000 Group #3 - \$200,000

Group #2 - \$100,000 Group #4 - \$400,000

Group #5 - \$Unlimited

Qualifying Party(s): JONATHAN FERGUSON, PAUL R GILLETTE, RODGERS HAMPTON

M. Veronica W. Fulton
Board Executive

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business in their behalf.***

*** It is at the discretion of this licensee to designate any employee or their company to pull permits and conduct business in their behalf. ***

*** THIS LICENSE EXPIRES ON 10/31/2026 ***

VERIFY the **QUALIFYING PARTY** ("Qualifier") name(s) on this license is accurate. If a Qualifier ceases to serve this license, you must notify the board in writing (mail or email) within **15 business days** for your license to remain **Active**. Failure to notify the board of a qualifier loss will result in immediate **license cancellation** and disciplinary action.

BOTH PARTS OF THIS POCKETCARD MUST BE PRESENTED TO CONDUCT BUSINESS AT ALL TIMES. DO NOT TEAR CARD IN HALF.

35
PARAGON BUILDERS
PO BOX 2058
ORANGEBURG SC 29116-2058

LICENSE#: CLG.100190

South Carolina Department of Labor, Licensing and Regulation
Contractor's Licensing Board
GENERAL CONTRACTOR

PARAGON BUILDERS
2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

licensed to practice in the 2-letter Classification(s) and Group# listed below:
Building-BD5, Nonstructural Renovation-NR5

INITIAL ISSUE DATE: 01/07/1999
LICENSE EXPIRATION DATE: 10/31/2026

(If above license has "Limited Building-LB", work is limited to 3 stories in height)

GENERAL CONTRACTOR

LICENSE#: CLG.100190
EXPIRATION DATE: 10/31/2026

PARAGON BUILDERS

Qualifier(s): DEQUINCEY S EDWARDS, STEPHON EDWARDS

Licensee's Group# Limitation Per Job/Project (i.e., BD2 = Group 2):

Group #1 - \$100,000 Group #2 - \$400,000 Group #3 - \$1,000,000
Group #4 - \$3,000,000 Group #5 - \$Unlimited

M. Monica W. Fulton
Board Executive

WARNING - THIS DOCUMENT CONTAINS SECURITY FEATURES LISTED ON REVERSE SIDE

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTOR'S LICENSING BOARD

LICENSE#: CLG.100190

PARAGON BUILDERS

2874 COLUMBIA ROAD
ORANGEBURG SC 29118-1902

Has been qualified by the laws of the State of South Carolina and is duly entitled to practice as a:

GENERAL CONTRACTOR

for each Classification and Group Limitation listed below:

(If this license has a "Limited Building-LB" classification, work is limited to 3 stories in height)

Building-BD5, Nonstructural Renovation-NR5

LICENSE NUMBER: CLG.100190

Initial License Date: 01/07/1999

EXPIRATION DATE: 10/31/2026

Qualifying Party(s): DEQUINCEY S EDWARDS, STEPHON EDWARDS

Group Limitation Per Job (i.e. BD2 = Group 2):

Group #1 - \$100,000 Group #4 - \$3,000,000
Group #2 - \$400,000 Group #5 - \$Unlimited
Group #3 - \$1,000,000

M. Monica W. Fulton
Board Executive

*** It is at the discretion of this licensee to designate any employee of their company to pull permits and conduct business on their behalf. ***

Ex. D

Notice of Intent to Protest
(filed October 27, 2025)

October 27, 2025

VIA ELECTRONIC MAIL (protest-ose@mmo.sc.gov)

Office of State Engineer

Attn: Chief Procurement Officer for Construction

South Carolina Department of Natural Resources

1201 Main Street, Suite 600

Columbia, SC 29201

Re: Notice of Intent to Protest by Paragon Inc. of South Carolina LLC
Project Name: Beaufort-Wadell Mariculture
Maturation Ponds Maintenance – Re- Bid
Project Number: P24-6052-PG

Dear Sir:

Please find attached a Notice of Intent to Protest the bid award in the above referenced project number that I am submitting on behalf of my client Paragon Inc. of South Carolina LLC.

If you require any additional information, please feel free to contact me at 803-744-0800.

Sincerely,


James M. Griffin

cc: Eric Byrd (eric@paragonbuilderssc.com)

NOTICE OF INTENT TO PROTEST

Date: October 27, 2025

TO: Chief Procurement Officer

Office of State Engineer

Construction Office

South Carolina Department of Natural Resources

Email: protest-ose@mmm.sc.gov

Physical Address: 1201 Main Street, Suite 600, Columbia, SC 29201

FROM: Paragon Inc. of South Carolina, LLC

2874 Columbia Road NE

Orangeburg, SC 29118-1902

Telephone: (803) 534-1900

Email: eric@paragonbuilderssc.com

Attention: Eric Byrd, Vice President

RE: Notice of Intent to Protest Award Decision

Project Name: Beaufort-Waddell Mariculture Maturation Ponds Maintenance - Re-Bid

Project Number: P24-6052-PG

Award Notice Posted: October 20, 2025

I. NOTICE OF INTENT TO PROTEST

Pursuant to South Carolina Code Section 11-35-4210, Paragon Inc. of South Carolina, LLC ("Paragon" or "Protester") hereby submits this Notice of Intent to Protest the South Carolina Department of Natural Resources' ("SCDNR" or "Agency") decision to deem Paragon's bid non-responsive and its intent to award the above-referenced contract to Haren Construction Co. Inc.

This Notice of Intent to Protest is timely submitted within seven (7) business days of the October 20, 2025, award notice posting, as required by Section 11-35-4210.

II. INTERESTED PARTY INFORMATION

Protester:

Paragon Inc. of South Carolina, LLC

SC Contractor's License Numbers: CLG.100190, CLM.111292

Classification(s) & Limits: Building BD5, Plumbing PB5, Electrical EL5

Contact Person:

Eric Byrd, Vice President
2874 Columbia Road NE
Orangeburg, SC 29118-1902
Telephone: (803) 534-1900
Email: eric@paragonbuilderssc.com

Legal Counsel:

James M. Griffin, Esquire
Griffin Humphries LLC
PO Box 999
Columbia, SC 29202
Telephone: 803-744-0800
Email: jgriffin@griffinhumphries.com

III. PROCUREMENT INFORMATION

Awarding Agency: South Carolina Department of Natural Resources
Project: Beaufort-Waddell Mariculture Maturation Ponds Maintenance - Re-Bid
Project Number: P24-6052-PG
Bid Opening Date: September 23, 2025
Award Notice Date: October 20, 2025
Intended Awardee: Haren Construction Co. Inc.
Award Amount: \$6,207,000.00

IV. PARAGON'S BID INFORMATION

Base Bid Amount: \$5,323,800.00
Alternate #1: \$533,600.00
Alternate #2: \$568,200.00
Alternate #3: \$573,350.00
Status: Deemed "Non-Responsive" by Agency

V. GROUNDS FOR PROTEST (SUMMARY)

Paragon protests the Agency's determination that its bid was non-responsive based on alleged violations of South Carolina Code Sections 40-11-270, 40-11-340, and 40-11-370. Specifically, Paragon contends:

A. Paragon's Plumbing License Covers the Yard Piping Work (Section 40-11-340 Compliance)

Issue: The Agency apparently determined that Paragon's Plumbing License (PB5) does not cover the yard piping installation for non-potable water from the head tower to the fishponds, which constitutes 53% of the project scope.

Paragon's Position:

1. Statutory Coverage: The definition of "Plumbing" under Section 40-11-410(5)(f) explicitly includes:

- "installation, alteration, and repair of all piping, fixtures, and appliances related to water supply"
- "installation of a system of pipes, fittings, fixtures, drains, and all necessary component parts **upon the premises or in a building** to supply water to buildings"
- Work performed "***solely within property lines**" and not on public easements or rights-of-way"

2. Project Characteristics Support Plumbing Classification:

- All piping is **within the Beaufort-Waddell property lines
- No work is on public easements or rights-of-way
- The work involves piping systems on the premises to supply water (albeit non-potable) to the fishponds
- The statute does not distinguish between potable and non-potable water for piping within private property
- The exclusion for "municipal or related water supply systems" does not apply to this private aquaculture facility

3. Section 40-11-340 Compliance:

Because Paragon's Plumbing license (PB5) covers 53% of the work, Paragon meets the 40% threshold required under Section 40-11-340 to act as sole prime contractor. Combined with Paragon's Electrical license (EL5) (19%) and Building license BD5) (13%), work not covered under a separate License classification (15%), Paragon is licensed to perform 100% of the total project work.

B. Compliance with Section 40-11-270 (License Classification Requirements)

Paragon holds appropriate licenses in all required classifications:

- Building BD5 – for concrete structures and access work (13%)
- Plumbing PB5 – for yard piping from head tower to ponds (53%)

- Electrical EL5 – for electrical panel replacement and pond wiring (19%)

For the pond liner work (15%), which requires no specific license, Paragon will utilize its Building classification or engage appropriately licensed subcontractors as needed.

C. Compliance with Section 40-11-370 (Business Name)

Issue: The Agency cited Section 40-11-370(B) regarding engaging in construction under a name other than the exact name on the license.

Paragon's Position:

Paragon's bid was submitted under "Paragon Inc. of South Carolina, LLC," which matches its legal business name and contractor license. Any alleged discrepancy is a secondary issue that does not warrant bid rejection, particularly when:

- The entity is properly identified
- All license numbers are correctly provided
- The qualifying party is properly designated
- There is no indication of fraud, misrepresentation, or attempt to circumvent licensing requirements

VI. PREJUDICE TO PARAGON

Paragon will suffer substantial prejudice if the protest is not granted:

1. Financial Harm: Paragon submitted the lowest responsible bid. The difference between Paragon's total bid (\$5,857,400) and the intended award (\$6,207,000) is \$349,600 more than Paragon's total bid.
2. Loss of Business Opportunity: Paragon is a qualified, properly licensed contractor capable of performing this work in accordance with all applicable laws and regulations.
3. Improper Interpretation of Law: The Agency's restrictive interpretation of the Plumbing license definition would improperly exclude legitimate plumbing work from the statutory scope, contrary to legislative intent.
4. Competitive Disadvantage: If this interpretation stands, it would create uncertainty for contractors bidding on similar projects involving water piping systems on private property.

VII. RELIEF REQUESTED

Paragon respectfully requests that the Chief Procurement Officer:

1. Reverse the determination that Paragon's bid is non-responsive.
2. Find that Paragon's Plumbing license (PB5) properly covers the yard piping installation work as defined in Section 40-11-410(5)(f);
3. Find that Paragon meets all requirements of Sections 40-11-270, 40-11-340, and 40-11-370;
4. Determine that Paragon submitted the lowest responsive and responsible bid; and
5. Award the contract to Paragon Inc. of South Carolina, LLC.

VIII. REQUEST FOR DOCUMENTS

Pursuant to Section 11-35-410 and protest procedures, Paragon requests access to the following documents within five (5) days:

1. Complete bid tabulation showing all bids received
2. All documentation related to the responsiveness determination for Paragon's bid
3. All documentation related to the responsiveness determination for the two other bidders (Haren Construction and BRW Construction).
4. Any communications within SCDNR or between other South Carolina State Agencies, legal counsel or personnel regarding license classification interpretation for this project
5. Any legal opinions or guidance sought regarding the plumbing license scope
6. Haren Construction and BRW Construction's license documentation and classifications
7. Any protest or inquiry submitted by any other bidder
8. Complete bid documents submitted by the two other bidders including a copy of the sealed bid envelope.

IX. FORMAL PROTEST TO FOLLOW

This Notice of Intent to Protest will be followed by a formal written protest within fifteen (15) days of the date the award notice was posted (October 20, 2025), as required by Section 11-35-4210.

X. CONSENT TO ELECTRONIC COMMUNICATIONS

By submitting this Notice of Intent to Protest to protest-ose@mmm.sc.gov, Paragon (and any person acting on Paragon's behalf) consents to receive communications regarding this protest (and any related protests) at the email address of Paragon's legal counsel, James M. Griffin at jgriffin@griffinhumphries.com with copies to eric@paragonbuilderssc.com.

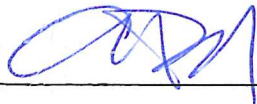
XI. CERTIFICATION

The undersigned certifies that the statements contained in this Notice of Intent to Protest are true and accurate to the best of knowledge and belief.

Respectfully submitted this 27th day of October 2025.

PARAGON INC. OF SOUTH CAROLINA, LLC

By: _____



Eric Byrd, Vice President

2874 Columbia Road NE
Orangeburg, SC 29118-1902
Telephone: (803) 534-1900
Email: eric@paragonbuilderssc.com

XII. CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Intent to Protest has been served via email on this 27th day of October, 2025, to:

****Chief Procurement Officer****

Office of State Engineer

Email: protest-ose@mmm.sc.gov

****South Carolina Department of Natural Resources****

Attention: Jeff Boyer, Engineer III

Email: boyerj@dnr.sc.gov

****Intended Awardee:****

Haren Construction Co. Inc.

[Address and contact information to be obtained from public records]

****Legal Counsel for Protester: ****

James M. Griffin, Esquire

Griffin Humphries LLC

PO Box 999

Columbia, SC 29202

Email: jgriffin@griffinhumphries.com

By: 

Eric Byrd, Vice President

Exhibit 2

Cost Estimate

Waddell Mariculture Center
 100% Design Cost Estimate (Design Reduction)
 Rev. 2

Construction Item	Quantity	Unit	Cost	Estimate	License		
1 Mobilization/Demobilization	1	LS	\$ 125,000	\$ 125,000	\$ 125,000		
2 General Conditions							
Supervision (Assuming 8 month Duration)							
Superintendent (\$90/hr)	8	mo	\$ 15,500	\$ 124,000	no license		
Field Engineer (\$60/hr)	8	mo	\$ 10,300	\$ 82,400	no license		
Home Office Support (\$90/hr; 3/4 time for project duration)	8	mo	\$ 13,700	\$ 82,700	no license		
Subsistence (\$500/wk/person for 8 person crew)	32	wk	\$ 3,000	\$ 96,000	no license		
Communications & Field Office Expense	8	mo	\$ 300	\$ 2,400	no license		
Trailer (1 Trailer)	8	mo	\$ 300	\$ 2,400	no license		
Pickup Rental & Fuel (Two Pickups)	8	mo	\$ 1,600	\$ 28,800	no license		
Excavator	8	mo	\$ 6,000	\$ 52,800	no license		
Dump Truck	8	mo	\$ 1,500	\$ 12,000	no license		
			Subtotal	\$ 482,000	no license		
3 Site							
Demolition							
Bund Piping (Labor for Operator & Labor)	60	HR	\$ 75	\$ 6,000	no license		
Disposal (Tipping Fee)	3,000	CY	\$ 6	\$ 18,000	no license		
Hauling (Buried Pipe)	4,000	CY	\$ 15	\$ 60,000	no license		
Yard Piping							
10" DR17 HDPE	6,000	LF	\$ 108	\$ 648,000			
8" DR17 HDPE	256	LF	\$ 90	\$ 23,040			
6" DR17 HDPE	512	LF	\$ 72	\$ 36,864			
10" Butterfly Valve	12	EA	\$ 7,900	\$ 94,800			
				\$ 767,804	WL		
Electrical and Controls							
Material	1	LS	\$ 204,000	\$ 204,000			
Labor	1	LS	\$ 289,500	\$ 289,500			
Tools & Equipment	1	LS	\$ 40,000	\$ 40,000			
			Subtotal	\$ 533,500	EL		
				\$ 1,415,404			
4 Medium Pond							
Number of Ponds = 4							
Demolition							
Labor for Operator & Labor	40	HR	\$ 75	\$ 3,000	no license		
Disposal (Tipping Fee)	100	CY	\$ 6	\$ 600	no license		
Hauling	100	CY	\$ 15	\$ 1,500	no license		
Liner & Outlet							
Subgrade Preparation & Excavation	72	CY	\$ 25	\$ 1,800			
Concrete (Stairs)	10	CY	\$ 1,800	\$ 18,000			
Concrete (Kerls)	23	CY	\$ 1,800	\$ 36,000			
Concrete (Monk)	7	CY	\$ 1,800	\$ 12,600	\$ 68,400 CC		
HDPE Liner (34,000sf surface area + 10% for side slopes)	38,000	SF	\$ 4	\$ 152,000			
Hendrail	76	LF	\$ 40	\$ 3,000			
Grating	100	SF	\$ 60	\$ 6,000			
L 1x4x8B	27	LF	\$ 50	\$ 1,350			
HSS 2x2x1/4	18	LF	\$ 50	\$ 900			
HSS 1.5x1.5x1/4	18	LF	\$ 50	\$ 900			
S 3x5.7	69	LF	\$ 55	\$ 3,795	\$ 15,945 MM		
2x4 Treated Pine Board	318	LF	\$ 10	\$ 3,180			
Piping and Valves							
8" PVC Pipe	128	LF	\$ 80	\$ 10,000			
4" PVC Pipe	50	LF	\$ 40	\$ 2,000			
8" HDPE 45 Elbow	2	EA	\$ 200	\$ 400			
8" Tee	2	EA	\$ 800	\$ 1,600			
8" 90 elbow	2	EA	\$ 550	\$ 1,100			
8" 45 elbow	2	EA	\$ 550	\$ 1,100			
8" butterfly valve	3	EA	\$ 5,000	\$ 15,000			
8" Pinch Valve	1	EA	\$ 5,000	\$ 5,000			
8" to 4" reducer	1	EA	\$ 500	\$ 500			
8" 90 elbow	8	EA	\$ 100	\$ 800			
8" Tee	1	EA	\$ 140	\$ 140			
4" Pinch Valve	2	EA	\$ 1,500	\$ 3,000			
10" Dia Knife Gate	2	EA	\$ 15,000	\$ 30,000			
			Subtotal	\$ 1,260,200	WL		
5 Head Tower Rehab							
Recoat Tower Interior	2,000	SF	\$ 50	\$ 100,000			
Recoat Tower Exterior	2,000	SF	\$ 20	\$ 40,000			
Replace/Enlarge Overflows (24" Dia)	100	LF	\$ 240	\$ 24,000			
Misc. Pipe Supports and Link Seats	1	LS	\$ 25,000	\$ 25,000			
Modify Drain - New Piping (8" dia), and cleanout	76	LF	\$ 80	\$ 6,000			
8" DIA BFV	4	EA	\$ 5,000	\$ 20,000			
Ranulate inflow piping to allow backflushing (8" dia PVC)	75	LF	\$ 60	\$ 4,500			
8" dia BFV	8	EA	\$ 4,000	\$ 24,000			
Misc. Concrete Coring and Repair	1	LS	\$ 40,000	\$ 40,000			
10" GW Piping	50	LF	\$ 200	\$ 10,000			
8" GW Piping	60	LF	\$ 160	\$ 9,600			
12" SW Piping	75	LF	\$ 240	\$ 18,000			
10" DIA Valve	6	EA	\$ 7,500	\$ 37,500			
12" DIA Valve	4	EA	\$ 12,000	\$ 48,000			
			Subtotal	\$ 401,000	WL		
				\$ 3,081,009			
Percentage of each license based on cost							
			total cost of work requiring license	WL	EL	CC	MM
			\$ 2,463,164	\$ 533,500	\$ 68,400	\$ 15,945	
				80%	17%	2%	1%
Subtotal			\$ 5,104,613	no license			
Contractors Overhead & Profit (25%)			\$ 1,276,103	no license			
Insurance & Bonds (2%)			\$ 191,415	no license			
Unrelated Items (8%)			\$ 408,353	no license			
Engineering During Construction			\$ 143,350	no license			
3rd Party Inspections (1%)			\$ 51,944	no license			
Subtotal			\$ 7,174,949	no license			
				34%	7%	1%	0%
Expected Range of Cost (-10% to +15%)	6,487,384	to	\$ 8,251,676				

Yard Piping

Piping & Valves

25.9%

2,058,164 =
66.8%
of total
cost requiring
license

40.9%

Items Not Included in Estimate: Sales Tax, Permits

RECEIVED

May 05 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
PROCUREMENT REVIEW PANEL
Willie D. Franks, Chairman

Appellate Case No. 2026-000914
Panel Case No. 2025-5

In Re: Haren Construction Co., Inc.

Project No. P24-6052-PG
Beaufort-Waddell Mariculture
Maturation Ponds Maintenance – Re-Bid

Paragon Inc. of South Carolina, LLC, Chief Procurement Officer, State Fiscal Accountability Authority, and South Carolina Department of Natural Resources,

of which Paragon Inc. of South Carolina, LLC and Chief Procurement Officer, State Fiscal Accountability Authority are the Appellants/Respondents, South Carolina Department of Natural Resources is the Respondent/Appellant, and Haren Construction Co., Inc. is the Respondent.

PROOF OF SERVICE

I, Jaime Harmon, legal assistant at Griffin Humphries LLC, attorneys for the Appellant, located at 8906 Two Notch Road, Suite 200, Columbia, South Carolina 29223, hereby certify that on May 5, 2026, I have served all counsel in this action a copy of the **Paragon Inc. of South Carolina, LLC d/b/a Paragon Builders' Reply in Support of Motion to Stay and Request for Expedited Briefing Schedule** by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

Served:

Stephen O'Keefe
Edgar Brown Building
1205 Pendleton Street, Suite 366
Columbia, SC 29201
Stephen.Okeefe@prp.sc.gov
General Counsel, South Carolina Procurement Review Panel

Greg Placone
Nick Nybo
Hudson Lambert Parrott, LLC
176 Croghan Spur
Charleston, SC 29407
gplacone@hlpwlaw.com
nicknybo@hlpwlaw.com
Attorneys for Haren Construction Co., Inc.

Manton M. Grier, Jr.
Office of General Counsel
State Fiscal Accountability Authority
1333 Main Street, Suite 600
Columbia, SC 29201
mgrier@ogc.sc.gov
Attorney for the Chief Procurement Officer

Van Whitehead
Susan O. Porter
S.C. Department of Natural Resources
260 D. Epting Lane
West Columbia, SC 29172
whiteheadv@dnr.sc.gov
porters@dnr.sc.gov
Attorneys for S.C. Department of Natural Resources


Jaime Harmon

Columbia, South Carolina
May 5, 2026