

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM RICHLAND COUNTY CIRCUIT COURT

Honorable Alison Renée Lee, Circuit Court Judge

Appellate Case No. 2016-000715

Monroe Construction Company, LLC,

Appellant,

v.

University of South Carolina,

Respondent.

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Respondent University of South Carolina proposes the following be included in the Record on Appeal:

1. Order filed February 29, 2016 (*affirming decision of the Procurement Review Panel as modified*)
2. Order filed September 17, 2012 (*denying Chief Procurement Officer's motion to dismiss (Form 4)*)
3. Appellant's Brief filed September 11, 2012 (*excluding Exhibits A and B*)

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4. Notice of Hearing dated August 16, 2012
5. Chief Procurement Officer's motion to dismiss or for judgment on the pleadings filed July 12, 2012 (*including Mr. Lampl's August 8, 2011, letter*)
6. Notice of Appeal dated May 13, 2011 (*excluding Exhibits A and B*)
7. Order of Procurement Review Panel dated April 26, 2011 (*treating merits of protest*)
8. Order of Procurement Review Panel dated April 26, 2011 (*treating motions to dismiss and to quash subpoena*)
9. Chief Procurement Officer's motion to dismiss dated March 29, 2011
10. Hill Plumbing & Electric Co.'s motion to quash subpoena dated March 21, 2011
11. Request for Review dated February 23, 2011 (*including Exhibits A through D*)
12. Determination of Chief Procurement Officer to lift the automatic stay dated March 3, 2011 (*including Dr. Pastides' March 2, 2011, letter and the affidavit of R. Steven Etheredge, but excluding the exhibits to Mr. Etheredge's affidavit*)
13. Decision of Chief Procurement Officer dated February 14, 2011 (*denying protest*) (*excluding Exhibit A, protest letter*)
14. Protest letter dated December 13, 2010 (*including three attachments*)
15. Portions of transcript of proceedings before Procurement Review Panel, April 13, 2011

- a. Argument by Mr. George Lampl, 6:2-9:4
 - b. Argument by Ms. Kate Barroll, 12:22-14:2
 - c. Colloquy, 19:2-8; 19:19-24; 24:9-12
 - d. Colloquy, 27:3-19
 - e. Testimony of Regina Floyd: 27:23-29:10; 32:1-11; 35:7-17; 39:4-18; 41:1-4 (*by Mr. McCabe*); 43:11-47:5 (*by Mr. Lampl*); 50:13-51:24 (*by Ms. Crum*)
 - f. Testimony of Frank Kerr: 65:6-10 (*by Mr. McCabe*);76:13-25 (*by Mr. Lampl*)
16. Exhibits from Chief Procurement Officer's hearing (*identified by reference to page numbering in Procurement Review Panel's record on appeal*)
- a. Exhibit 3, Bid Form for Rodgers Builders, Inc. (pp. 47-51)
 - b. Exhibit 4, Bid Form for Monroe Construction Company (pp. 52-56)
 - c. Exhibit 7, Notice of Intent to Award (p. 327)

I certify that this designation contains no matter which is irrelevant to this appeal.



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Columbia, South Carolina

October 28, 2016

IN THE STATE OF SOUTH CAROLINA
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APPEAL FROM RICHLAND COUNTY

Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2016-000715

Monroe Construction Company, LLC..... Appellant,

v.

University of South Carolina..... Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below he/she served counsel for the Appellant, counsel for the South Carolina Procurement Review Panel, and counsel for the State Fiscal Accountability Authority with copies of Respondent's Initial Brief and Designation of Matter to be Included in Record on Appeal by depositing them in the U.S. Mail, postage prepaid, and addressed as follows:

Christine M. Emanuel, Esq.
South Carolina Procurement Review Panel
Solomon Blatt Building
1205 Pendleton Street, Suite 473
Columbia, SC 29201
Attorney for South Carolina Procurement Review Panel

William Dixon Robertson, III, Esq.
State Fiscal Accountability Authority
1201 Main Street, Suite 350
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Attorney for State Fiscal Accountability Authority

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Attorney for University of South Carolina

October 28, 2016



UNIVERSITY OF
SOUTH CAROLINA

Office of the General Counsel

October 28, 2016

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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Re: Monroe Construction Company v. University of South Carolina
Appellate Case No. 2016-000715

Dear Ms. Kitchings:

Enclosed herewith are an original and two copies of Respondent's Initial Brief, Designation of Matter to be Included in Record on Appeal, and Proof of Service. Please file the originals and one copy of each and return one clocked-in copy to the courier.

Thank you for your assistance.

Sincerely,

George W. Lampl, III
Associate General Counsel

Enclosures

cc: Christine M. Emanuel, Esq. (w/Enclosures via U.S. Mail)
William Dixon Robertson, III, Esq. (w/Enclosures via U.S. Mail)
D. Ryan McCabe, Esq. (w/Enclosures via U.S. Mail)