

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

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OCT 31 2016

SC Court of Appeals

Monroe Construction Company, LLC,

Appellant,

v.

University of South Carolina,

Respondent.

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

Respondent Chief Procurement Officer 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. Appellant's Brief filed September 11, 2012 (*excluding Exhibits A and B*)

3. Notice of Appeal dated May 13, 2011 (*excluding Exhibits A and B*)
4. Order of Procurement Review Panel dated April 26, 2011 (*treating merits of protest*)
5. Order of Procurement Review Panel dated April 26, 2011 (*treating motions to dismiss and to quash subpoena*)
6. Chief Procurement Officer's motion to dismiss dated March 29, 2011
7. Hill Plumbing & Electric Co.'s motion to quash subpoena dated March 21, 2011
8. Request for Review dated February 23, 2011 (*including Exhibits A through D*)
9. 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*)
10. Decision of Chief Procurement Officer dated February 14, 2011 (*denying protest*) (*excluding Exhibit A, protest letter*)
11. Protest letter dated December 13, 2010 (*including three attachments*)

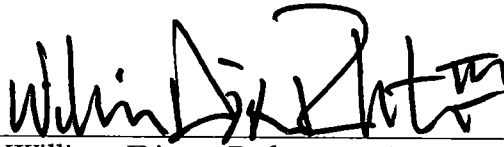
12. Portions of transcript of proceedings before Procurement Review Panel,
April 13, 2011

- 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*)

13. 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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Attorneys for the Chief Procurement Officer

Columbia, South Carolina

October 28, 2016

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appellate Case No.

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PROOF OF SERVICE

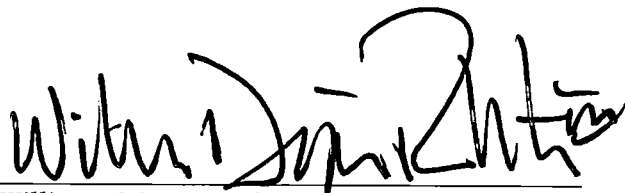
As attorney for the Chief Procurement Officer, a Respondent herein, I certify the following papers were served on counsel of record on the twenty-eighth (28th) day of October, 2016, by depositing copies in the United States Mail, postage prepaid, addressed to them at their offices as indicated below.

Documents served:

1. Initial Brief of Respondent Chief Procurement Officer
2. Designation of Matter to be Included in the Record on Appeal

Persons served:

<i>Monroe Construction Co., LLC</i>	<i>University of South Carolina</i>
Mr. D. Ryan McCabe McCabe, Trotter, Gambrell & Beverly Post Office Box 212069 Columbia, SC 29221-2069	Mr. George W. Lampl, III Associate General Counsel University of South Carolina 109 Osborne Administration Building Columbia, SC 29208
<i>SC Procurement Review Panel</i>	
Ms. Christie M. Emanuel SC Procurement Review Panel 1105 Pendleton Street, Suite 202 Columbia, SC 29201	



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NIKKI R. HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE
COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS

OFFICE OF GENERAL COUNSEL
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SC Court of Appeals

Transmittal Memorandum

To the Clerk of Court for Court of Appeals

FROM: William Dixon Robertson III (803) 734-2288

RE: Monroe Construction Co. v. University of South Carolina,
Appellate Case No. 2016-000715

DATE: October 28, 2016

Enclosed for filing are original(s) and copy(ies) of the following papers:

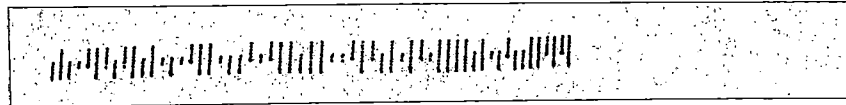
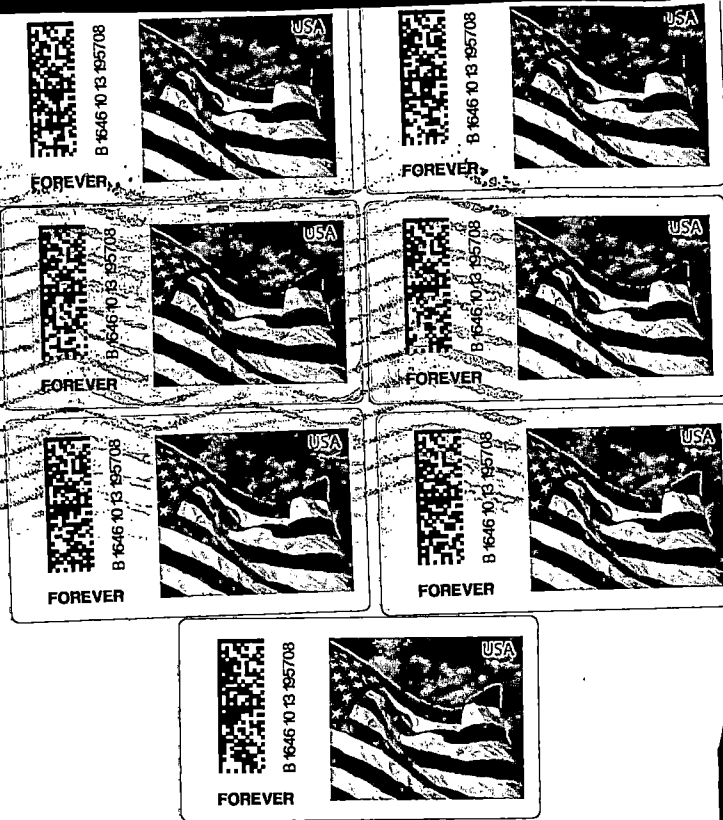
1. Initial Brief of Respondent Chief Procurement Officer
2. Designation of Matter to be Included in the Record on Appeal

Copies have been served as indicated by the proof of service. Please file according to your custom and return a file-stamped copy(ies) to us in the envelope provided.



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The Honorable Jenny A. Kitchings
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