



*The Lowcountry's Hometown*

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July 24, 2019

Carl E. Pierce, II  
Pierce, Sloan, Wilson, Kennedy & Early LLC  
321 East Bay Street  
Charleston, SC 29401

RE: Action Service, Inc.'s Appeal of Town's Decision on Waste Collection Contract

Mr. Pierce,

Please let this letter serve as the Town of Moncks Corner's NOTICE OF DECISION as regards the Administrative Review of your appeal dated July 22, 2019. In response to your appeal I find and conclude as follows:

1. This point is the crux of the matter. It is my finding, acting as the Town's Chief Procurement Officer, that your client's firm, Action Services, Inc., does not meet the necessary qualifications as a "qualified, responsible bidder" as described in Section 10 of the RFP dated May 1, 2019.
  - a. At the time of your initial submittal – May 30, 2019 – Action Service's proposal did not include certified financial statements; evidence of good standing under the laws of South Carolina; or evidence, in form and substance satisfactory to the Town, that your client's firm had three (3) years of experience working with municipalities in the business of refuse collection and disposal.
  - b. For this reason Doug Polen, Town Community Development Director, contacted your client on June 11, 2019 to provide further information on your client's ability to perform the service. This letter requested "evidence, in form and substance satisfactory to [the] Town that Bidder's experience as a going concern in refuse collection and disposal derives from operations of comparable size to that contemplated by the Contract Documents."
  - c. On June 18, 2019 Action Services provided income tax forms for 2016, 2017, and 2018, along with a letter stating that your client, Dennis Brown, had been involved in the refuse collection business from 1979

until 2003 when Action Disposal was sold (Exhibit "A"). As Chief Procurement Officer, I do not find that a statement that your client provided refuse services sixteen years ago is evidence of a "going concern in refuse collection and disposal [deriving] from operations of comparable size to that contemplated by the Contract Documents."

- d. Waste service is a vital, core function of any municipality, and it is of the utmost importance that we choose a service provider demonstrably capable of providing said service. While your client's personal experience may be extensive, that does not translate to your client's current firm, Action Services, which has not engaged in such activity in nearly two decades.
2. The Town does not dispute that Action Services provided the lowest bid in terms of financial terms. However, the RFP dated May 1, 2019 clearly states on page 2 "while this contract may be awarded to the lowest bidder, the town of Moncks Corner reserves the right to reject bids, and to award the contract, as it appears to be in the best interest of the town of Moncks Corner." This is the only reference to a "lowest bidder" in the RFP. Rather, the term "qualified, responsible bidder" is referenced three times.
3. The Town does not find Action Services to be a qualified, responsible bidder. If awarded the bid and Action Services proves to be incapable, the Town stands to lose much more than \$20,000 in cash per year over three years. Rather, the Town loses the respect of its 11,000 citizens who expect competent service in its core functions, including waste service.
4. The Town does not find Action Services to be a qualified, responsible bidder. There is no evidence of your firm's ability to be "ready, willing, and fully able to perform all duties and responsibilities of the contract."
5. Action Services has not performed waste service in nearly two decades. As such, no income has been derived from waste during this time. A continuation of receiving no income from waste is not evidence of financial loss.
6. The Town cannot speak to the residences of the employees of Republic Services, Action Services, or any other firms that bid on work in the Town.

For the reasons listed above, as Chief Procurement Officer of the Town of Moncks Corner, I find and conclude that your client's firm, Action Services, Inc.,

is not a qualified, responsible bidder. As such, your client's firm does not meet the requirements to be awarded the bid for residential/small business solid waste.

If you do not agree with this notice of decision, you may avail yourself of remedies as provided by law.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Lord", written over the word "Sincerely,".

Jeffrey V. Lord  
Town Administrator

cc: John S. West, Esq.

**ACTION**  
  
**SERVICES, INC.**  
**P.O. Box 1235**

**Moncks Corner, SC 29461**

**Phone (843) 761-2112 Fax (843) 761-0589**

June 18, 2019

To Jeff Lord, Mayor and City Council:

I have been in the trash collection business beginning in 1979 until that business was sold in 2003. Equipment used were household refuse trucks, 10-yard trucks, roll off, triaxles, truck and trailers, residential and front loaders.

Action Disposal was sold in 2003, before it was sold it serviced the following areas to include but not limited to: the Town of Manning (residential), Shaw AFB (residential, roll off, and front-end services), Charleston Naval Ship yard (commercial front-end and roll off), Berkeley County (residential for all four zones county wide). Over several years we handled Charleston County and Charleston Naval Weapon Station's residential, roll off and front-end services.

I have been in the refuse collection for a 25+ years and have had as many as twenty-five trucks. At this time, we have a 2020 Western Star with a 25 cubic yard McNeilus body with 2 McNeilus cart dumpers on rear, and a 2009 Mack Truck with Heil body as a backup truck. Should any unforeseen circumstances arise, I have a close alliance relationship with Jim Reed (803-667-0000) of Tyler Sanitation in Columbia that several additional residential trucks that would be readily available if needed.

I look forward to serving the Town of Moncks Corner, as this is my hometown where I grew up. I am personally known by the mayor and several members of the city council. I have all the incentive to do nothing but a great job for the Town of Moncks Corner for many years to come.

Sincerely,



M. Dennis Brown  
President  
Action Services, Inc.

GC License  
G119157  
AP5, GD5, and WL5