



) Before the Assistant Superintendent of Finance

) DECISION TO DEBAR

) Case 2018 - 001

In Re: Secure Recycling LLC and
Mr. Bruce Manssuer, CEO

) Posting Date 7/30/2018

) Mailing Date 7/30/2018

) Respondent.)

The Fort Mill School District Procurement Code, Section 4220.1, authorizes the Assistant Superintendent of Finance and Operations to debar or suspend persons from contracting with the District:

After reasonable notice to the person or firm involved, and a reasonable opportunity for that person or firm to be heard, the Assistant Superintendent of Finance and Operations has the authority to debar a person for cause from consideration for award of contracts or subcontracts if doing so is in the best interest of the District and there is a probable cause for debarment. The Assistant Superintendent of Finance and Operations also may suspend a person or firm from consideration for award of contracts or subcontracts during an investigation where there is probable cause for debarment. The period of debarment or suspension is as prescribed by the Assistant Superintendent of Finance and Operations.

Background

Secure Recycling LLC and Mr. Bruce Manssuer, CEO purchased Technology surplus from Fort Mill School District in June/July of 2017 as part of Solicitation #16-082 Sale of Technology Surplus, however, he made payment with a bad check. He failed to respond to our requests for payment, so we contacted the State of South Carolina's Sixteenth Circuit Solicitor and filed for assistance under the Worthless Check Program. The Solicitor's Office was finally able to secure payment from Secure Recycling and Mr. Bruce Manssuer in November of 2017. In May of 2018, Secure Recycling LLC attempted to bid on Solicitation # 17-077, Sale of Technology Surplus. The bid was not considered for award, as we began conducting an investigation into probable cause for debarment.

Because of the lack of trust established from our prior business proceedings, and because we rely on and trust our vendors to destroy/wipe/erase District information from our technology surplus, we initiated debarment proceedings against Mr. Bruce Manssuer, Secure Recycling LLC, and all divisions of Secure Recycling LLC and affiliates of Mr. Bruce Manssuer and Secure Recycling LLC, both present and future.

On May 11, 2018, the Procurement Specialist, Angela Queen, attempted to contact Mr. Manssuer via email, to inform him that Fort Mill School District was initiating debarment proceedings against him, Secure Recycling LLC, and all divisions of Secure Recycling LLC and affiliates of Mr. Bruce Manssuer and Secure Recycling LLC, both present and future and to give him an opportunity to respond. There was no reply to the email.

On July 12, 2018, the Procurement Specialist, Angela Queen, attempted to contact Mr. Manssuer via certified mail, to inform him about debarment proceedings and to give him an opportunity to respond. The letter was received and signed for on July 17, 2018. Mr. Manssuer made no attempt to contact Angela Queen, Procurement Specialist, or the Assistant Superintendent of Finance and Operations regarding this matter.

Determination

Section 4220.2 sets out the causes for which a person or firm may be debarred:

The causes for debarment or suspension shall include, but not be limited to:

4220.2.4.1 deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

4220.2.4.2 a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts;

4220.2.6 any other cause the Assistant Superintendent of Finance and Operations determines to be so serious and compelling as to affect responsibility as a contractor or subcontractor, including debarment by another governmental entity for any cause listed in Section 4420.2.

S.C. Code Ann. Regulation 19-445.2125 sets forth the State's Standards of Responsibility. Among other things, the regulation requires that a contractor have a satisfactory record of integrity. Integrity is the quality of being honest and fair. The intentional passing of a bad check and continued failure to acknowledge that he would not make good on the payment is dishonest and fraudulent. Mr. Manssuer avoided all methods of communication with the District by phone, email, and Certified US Mail. The Assistant Superintendent of Finance and Operations finds that probable cause for debarment.

Section 4220.1 also requires the Assistant Superintendent of Finance and Operations find that the best interest of the District will be served by debarment. Because of the serious nature of debarment, these sanctions should be imposed for the District's protection, and not for purposed of punishment.

Mr. Manssuer has not acknowledged or responded to the allegations. He made no attempt to cooperate with the District. The District had to pursue legal means to receive restitution. There is no indication whatsoever that he recognizes the seriousness of his misconduct. Accordingly, the Assistant Superintendent of Finance and Operations finds that it is in the best interest of the District that Secure Recycling LLC and Mr. Bruce Manssuer, as well as all divisions of Secure Recycling LLC and affiliates of Mr. Bruce Manssuer and Secure Recycling LLC, both present and future, be debarred from receiving contract or subcontract awards indefinitely as a result of his/its failure to perform in accordance with the specifications provided in the contract with Fort Mill School District.



Leanne W. Lordo, CPA
Assistant Superintendent – Finance and Operations
Fort Mill School District

STATEMENT OF THE RIGHT TO APPEAL

The Fort Mill School District Code, under section 4220.5, states:

A decision pursuant to Section 4220.3 above is final and conclusive, unless fraudulent or unless the debarred or suspended person requests further administrative review by the District Procurement Review Panel pursuant to Section 4410, within ten (10) days of posting the decision in accordance with Section 4220.4. The request for review must be directed to the Assistant Superintendent of Finance and Operations, who shall forward the request to the Panel, and must be in writing, setting forth the reasons why the person disagrees with the decision of the Assistant Superintendent of Finance and Operations. The person also may request a hearing before the Panel.

If you wish to exercise your Right to Appeal, please forward your request for review to:

Fort Mill School District
Leanne Lordo
Assistant Superintendent of Finance and Operations
2233 Deerfield Drive
Fort Mill, SC 29715