

**NEW YORK STATE OFFICE OF THE STATE COMPTROLLER
BUREAU OF CONTRACTS
PROCUREMENT STEWARDSHIP ACT REPORT
FISCAL YEAR 2012 - 2013 (4/1/12 – 3/31/13)**

PROTESTS RESOLVED

Total Protests by Determination	Total
Denied	17
Upheld	2
Moot	4
Withdrawn	1
Total	24

Date Received:	October 28, 2011
Protest No.:	2013-01
Agency Name:	Department of Health
Description of Protest:	The protestor alleged that the awarded vendor was not in compliance with the bid specifications and FDA standards.
Description of Procurement:	Sickle Cell newborn screening test kits
Date Resolved:	April 3, 2012
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	February 14, 2012
Protest No.:	2013-02
Agency Name:	Department of Health
Description of Protest:	The protestor alleged that the awarded vendor failed to adhere to the staffing requirements in the Request for Proposal, that the reduction in scope after the bid opening violated State Finance Law, and that the evaluators' scoring was arbitrary and inconsistent.
Description of Procurement:	Quality assurance activities
Date Resolved:	February 21, 2013
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input checked="" type="checkbox"/> Moot - No determination was made by the Comptroller's Office on the protest as the agency cancelled the bid and indicated an intention to issue a new Request for Proposal. <input type="checkbox"/> Withdrawn

Date Received:	February 15, 2012
Protest No.:	2013-03
Agency Name:	Department of Health
Description of Protest:	The protestor alleged that the Request for Proposal inappropriately rewarded proposals offering a simple audit plan, and that it was discriminated against as a small women owned firm.
Description of Procurement:	Institutional cost report audits
Date Resolved:	April 4, 2012
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input checked="" type="checkbox"/> Moot - No determination was made by the Comptroller's Office on the protest as the contract was not subject to Comptroller's review. <input type="checkbox"/> Withdrawn

Date Received:	March 15, 2012
Protest No.:	2013-04
Agency Name:	Department of Environmental Conservation
Description of Protest:	The protestor alleged that its bid was erroneously rejected for not meeting specifications.
Description of Procurement:	Depew Village Landfill site remediation
Date Resolved:	April 20, 2012
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input checked="" type="checkbox"/> Moot – No determination was made by the Comptroller's Office on the protest as the agency determined that a rebid was necessary. <input type="checkbox"/> Withdrawn

Date Received:	May 16, 2012
Protest No.:	2013-05
Agency Name:	Office of General Services
Description of Protest:	The protestor alleged that the awarded vendor's bid did not meet specifications.
Description of Procurement:	Adult passenger transit buses
Date Resolved:	August 10, 2012
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	May 23, 2012
Protest No.:	2013-06
Agency Name:	Department of Environmental Conservation
Description of Protest:	The protestor alleged that its bid was erroneously rejected for not meeting specifications.
Description of Procurement:	Paulsen Holbrook site remediation
Date Resolved:	August 14, 2012
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	May 29, 2012
Protest No.:	2013-07
Agency Name:	Office of General Services
Description of Protest:	The protestor alleged that three of the twenty-five multiple awarded vendors did not meet the minimum requirements to receive an award.
Description of Procurement:	Hourly based information technology services
Date Resolved:	September 6, 2012
Determination:	<input type="checkbox"/> Denied <input checked="" type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	June 12, 2012
Protest No.:	2013-08
Agency Name:	Department of Corrections and Community Supervision
Description of Protest:	The low bidder protested its bid's rejection for minor deviations from published specifications.
Description of Procurement:	Purchase of five-gallon plastic containers and lids
Date Resolved:	August 10, 2012
Determination:	<input type="checkbox"/> Denied <input checked="" type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	June 29, 2012
Protest No.:	2013-09
Agency Name:	Division of the Budget
Description of Protest:	The protestor alleged that the agency should not have rejected its bid as non-responsive.
Description of Procurement:	Business transformation services – Office of Organizational Effectiveness
Date Resolved:	August 13, 2012
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	July 6, 2012
Protest No.:	2013-10
Agency Name:	Department of Motor Vehicles
Description of Protest:	The protestor alleged that the awarded vendor failed to comply with the Request for Proposal (RFP) requirements and the evaluation materials contained information not included in the RFP, which led to an improper evaluation and failure to achieve best value as required by law.
Description of Procurement:	Drivers license and identification card solution
Date Resolved:	January 30, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	July 10, 2012
Protest No.:	2013-11
Agency Name:	Department of Motor Vehicles
Description of Protest:	The protestor alleged that the awarded vendor failed to meet the Request for Proposal requirements and that irregularities in the evaluation process, including the assigning of the relative weights and the scoring of the technical responses, resulted in other than a best value award.
Description of Procurement:	Drivers license and identification card solution
Date Resolved:	January 30, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	July 30, 2012
Protest No.:	2013-12
Agency Name:	Department of Financial Services
Description of Protest:	The protestor alleged that the bid specifications were misleading.
Description of Procurement:	Case management services
Date Resolved:	September 25, 2012
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input checked="" type="checkbox"/> Withdrawn

Date Received:	August 2, 2012
Protest No.:	2013-13
Agency Name:	Office of Mental Health
Description of Protest:	The current contractor protested that competitive bidding would cause New York State to incur unnecessary costs and subject files to risk of loss or damage.
Description of Procurement:	Records storage
Date Resolved:	October 5, 2012
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	August 6, 2012
Protest No.:	2013-14
Agency Name:	Information Technology Services
Description of Protest:	The protestor alleged that the agency failed to adhere to the pre-established evaluation criteria and that it was inappropriately disqualified.
Description of Procurement:	Select IT consulting services
Date Resolved:	February 19, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	August 27, 2012
Protest No.:	2013-15
Agency Name:	Department of Motor Vehicles
Description of Protest:	The protestor alleged that the evaluation process did not appropriately match the requirements of the Request for Proposal.
Description of Procurement:	New York vehicle inspection program
Date Resolved:	February 28, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	September 7, 2012
Protest No.:	2013-16
Agency Name:	Department of Motor Vehicles
Description of Protest:	The protestor alleged that the evaluation methodology did not adhere to the percentage weighting identified in the Request for Proposal.
Description of Procurement:	New York vehicle inspection program
Date Resolved:	February 28, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	September 18, 2012
Protest No.:	2013-17
Agency Name:	Department of Transportation
Description of Protest:	The protestor alleged that the agency made an error when it opened and awarded a misplaced bid that was submitted prior to the bid due date.
Description of Procurement:	Asphalt pavement crack sealing
Date Resolved:	December 12, 2012
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	October 30, 2012
Protest No.:	2013-18
Agency Name:	Office of Mental Health
Description of Protest:	The protestor alleged that inaccurate information was provided by the agency to the Comptroller's Office to obtain an exemption from competitive bidding, and that a competitive procurement should be required.
Description of Procurement:	Treatment implementation services
Date Resolved:	November 20, 2012
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input checked="" type="checkbox"/> Moot - No determination was made by the Comptroller's Office on the protest as the agency withdrew the award and indicated an intention to conduct a competitive procurement. <input type="checkbox"/> Withdrawn

Date Received:	October 31, 2012
Protest No.:	2013-19
Agency Name:	Department of Transportation
Description of Protest:	The vendor protested the agency's decision to correct a math error in the transcription of their bid.
Description of Procurement:	Reconstruction and interchange safety improvements, Route 17, Wallkill, Orange County.
Date Resolved:	November 14, 2012
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	November 8, 2012
Protest No.:	2013-20
Agency Name:	Department of Corrections and Community Supervision
Description of Protest:	The protestor alleged that the reasons for the agency's determination that its bid was non-responsive were incorrect and able to be waived at the agency's discretion.
Description of Procurement:	Offender transportation services
Date Resolved:	January 23, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	November 8, 2012
Protest No.:	2013-21
Agency Name:	Thruway Authority
Description of Protest:	The protestor alleged that its offering was superior to the awarded vendor's.
Description of Procurement:	Uniforms
Date Resolved:	February 6, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	February 7, 2013
Protest No.:	2013-22
Agency Name:	Thruway Authority
Description of Protest:	The protestor alleged that it did not submit a compliant bid because it did not receive the notice of the rebidding.
Description of Procurement:	HVAC maintenance
Date Resolved:	February 25, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	February 18, 2013
Protest No.:	2013-23
Agency Name:	Office of Parks, Recreation and Historic Preservation
Description of Protest:	The protestor alleged that a competitive procurement was warranted and disagreed with the agency's decision to amend the existing contract, based on the unique nature of the services and inability to competitively bid.
Description of Procurement:	Boat rides and concessions at Niagara Reservation State Park
Date Resolved:	March 29, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	March 25, 2013
Protest No.:	2013-24
Agency Name:	Office of Parks, Recreation and Historic Preservation
Description of Protest:	The protestor alleged that a competitive procurement was warranted. The protestor disagreed with the agency's decision to amend the existing contract based on the unique nature of the services and inability to bid, alleging that the transaction violates New York's public bidding laws and will result in lower revenue and inferior services.
Description of Procurement:	Boat rides and concessions at Niagara Reservation State Park
Date Resolved:	March 29, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn