

NEW YORK STATE OFFICE OF THE STATE COMPTROLLER  
 BUREAU OF CONTRACTS  
 PROCUREMENT STEWARDSHIP ACT REPORT  
 FISCAL YEAR 2013 – 2014

**PROTESTS RESOLVED**

Denied	17
Upheld	0
Moot	4
Withdrawn	0
<b>Total</b>	<b>21</b>

Date Received:	December 10, 2012
Protest No.:	2014-01
Agency Name:	Office of Mental Health
Description of Protest:	The protestor questioned the awarded bidder's qualifications.
Description of Procurement:	Microsoft Desktop Training
Date Resolved:	June 12, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	February 14, 2013
Protest No.:	2014-02
Agency Name:	Office of Mental Health
Description of Protest:	The protestor alleged that the winning bidder did not use the prescribed electronic form.
Description of Procurement:	Preventive Maintenance of Chiller System
Date Resolved:	June 25, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	February 15, 2013
Protest No.:	2014-03
Agency Name:	Office for People with Developmental Disabilities - Broome DDSO
Description of Protest:	The protestor challenged OPWDD's bid rejection due to a late submission by a third party vendor.
Description of Procurement:	Transportation Services
Date Resolved:	July 1, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

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Date Received:	March 14, 2013
Protest No.:	2014-04
Agency Name:	Department of Transportation
Description of Protest:	Protestor claimed that the awarded bidder didn't meet the storage space nor location requirements.
Description of Procurement:	Parkway Towing – Revenue Contract
Date Resolved:	September 25, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	April 12, 2013
Protest No.:	2014-05
Agency Name:	Office of Court Administration
Description of Protest:	The protestor contended not all costs were considered in selecting the awarded vendor.
Description of Procurement:	Records Storage
Date Resolved:	October 29, 2014
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	April 19, 2013
Protest No.:	2014-06
Agency Name:	Office of Mental Health - Pilgrim Psychiatric Center
Description of Protest:	The protesting vendor asserted that the award for this vending machine procurement should have been based on best value and not the best commission rate.
Description of Procurement:	Vending Machines – Revenue Contract
Date Resolved:	July 20, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

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Date Received:	April 22, 2013
Protest No.:	2014-07
Agency Name:	Office of Mental Health - Bronx Psychiatric Center
Description of Protest:	The protesting vendor asserted that the awardee could not meet the commission rates bid for this vending machine procurement.
Description of Procurement:	Vending Machines – Revenue Contract
Date Resolved:	August 8, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	May 16, 2013
Protest No.:	2014-08
Agency Name:	Office of Mental Health
Description of Protest:	Protestor claimed the awarded bidder should not win as that company did not attend the bid conference.
Description of Procurement:	Food Rethermalization Systems
Date Resolved:	August 8, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	May 21, 2013
Protest No.:	2014-09
Agency Name:	Department of Health – Office of Medicaid Inspector General
Description of Protest:	Protestor argued that bid evaluations were inconsistent with the award methodology and DOH OMIG failed to evaluate resume submissions prior to award.
Description of Procurement:	Medicaid Investigators
Date Resolved:	August 20, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

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Date Received:	July 23, 2013
Protest No.:	2014-10
Agency Name:	Department of Transportation
Description of Protest:	Protestor believes they were improperly excluded from short list of most qualified firms allowed to submit bids.
Description of Procurement:	Kosciuzko Bridge Project
Date Resolved:	September 17, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	July 26, 2013
Protest No.:	2014-11
Agency Name:	Office of Temporary and Disability Assistance
Description of Protest:	The protestor claimed that scoring irregularities resulted in an award to other than the best value bidder.
Description of Procurement:	Electronic Benefit Transfer Services for Northeast Coalition of States
Date Resolved:	October 24, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	September 26, 2013
Protest No.:	2014-12
Agency Name:	State University of New York - Stonybrook
Description of Protest:	The protestor alleged the awarded vendor's bid was unbalanced because he bid less than prevailing wages.
Description of Procurement:	Asphalt Maintenance
Date Resolved:	September 27, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

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Date Received:	November 14, 2013
Protest No.:	2014-13
Agency Name:	Department of Transportation
Description of Protest:	The protestor claimed that the agency changed their bid proposal without the protestor's knowledge and that the winning bidder did not meet specifications.
Description of Procurement:	Maintenance of the Information for Motorists System
Date Resolved:	December 19, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	November 14, 2013
Protest No.:	2014-14
Agency Name:	Department of Transportation
Description of Protest:	The protestor claimed that the winning bidder did not meet the qualification and experience requirements of the Invitation for Bid.
Description of Procurement:	Maintenance of the Information for Motorists System
Date Resolved:	December 19, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	November 19, 2013
Protest No.:	2014-15
Agency Name:	Department of Civil Service
Description of Protest:	The Protestor claimed that the cost evaluation was fatally flawed and did not result in the best value award.
Description of Procurement:	Mental Health and Substance Abuse Program for the Empire Plan, Excelsior Plan and Student Employee Health Plan
Date Resolved:	December 4, 2013
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input checked="" type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

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Date Received:	December 3, 2013
Protest No.:	2014-16
Agency Name:	Department of Motor Vehicles
Description of Protest:	The protester alleged that the awarded vendor should be found non-responsive as they were not qualified to provide the required services.
Description of Procurement:	Motorcycle Safety Program
Date Resolved:	February 10, 2014
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input checked="" type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	December 6, 2013
Protest No.:	2014-17
Agency Name:	Department of Civil Service
Description of Protest:	The protester claimed that the Agency's withdrawal of award was unwarranted and that the original evaluation demonstrated best value to the State.
Description of Procurement:	Mental Health and Substance Abuse Program for the Empire Plan, Excelsior Plan and Student Employee Health Plan
Date Resolved:	December 30, 2013
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input checked="" type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	December 10, 2013
Protest No.:	2014-18
Agency Name:	City University of New York
Description of Protest:	The protester claimed that the agency improperly rejected the protester's bid as non-responsive.
Description of Procurement:	Elevator Maintenance
Date Resolved:	December 24, 2013
<b>Determination:</b>	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

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Date Received:	December 13, 2013
Protest No.:	2014-19
Agency Name:	Attorney General
Description of Protest:	The protestor alleged that the bid evaluation was flawed based on discrepancies in evaluator scores.
Description of Procurement:	Document Storage
Date Resolved:	February 12, 2014
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	December 23, 2013
Protest No.:	2014-20
Agency Name:	Department of Transportation
Description of Protest:	The protestor claimed that their timely bid was improperly rejected for being submitted after the bid due date.
Description of Procurement:	Bridge Washing
Date Resolved:	February 3, 2014
Determination:	<input type="checkbox"/> Denied <input type="checkbox"/> Upheld <input checked="" type="checkbox"/> Moot <input type="checkbox"/> Withdrawn

Date Received:	December 24, 2013
Protest No.:	2014-21
Agency Name:	Department of Civil Service
Description of Protest:	The protestor maintained that an emergency award was unnecessary, as the original competitive procurement appropriately demonstrated the best value to the State.
Description of Procurement:	Mental Health and Substance Abuse Program for the Empire Plan, Excelsior Plan and Student Employee Health Plan
Date Resolved:	December 30, 2013
Determination:	<input checked="" type="checkbox"/> Denied <input type="checkbox"/> Upheld <input type="checkbox"/> Moot <input type="checkbox"/> Withdrawn