

THOMAS P. DINAPOLI
STATE COMPTROLLER



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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

July 17, 2009

Rama Krishna, Vice President
Ardent Technologies, Inc.
1659 Central Avenue, Suite 201
Albany, NY 12205

Dear Mr. Krishna:

Re: Ardent Technologies, Inc.'s Protest of the New York State
Department of Health's procurement for Home Care Services
Worker Registry; Project Code – DOH 200906

This letter of determination is in response to your initial protest letter received by this Office on June 23, 2009 and your subsequent email of July 14, 2009, wherein you, on behalf of Ardent Technologies, Inc., (hereinafter "Ardent") protested the award made by the New York State Department of Health (hereinafter "DOH") with respect to the above-referenced procurement.

The primary issue in the protest is whether Ardent's proposal was responsive to the minimum requirements of the RFP.¹ Specifically, the RFP required that the Project Manager have six years experience as a lead Project Manager for each of the identified project manager skills. As outlined below, based upon our review of the procurement record, and the correspondence received by the parties to the protest, we have determined that there is no basis to overturn the decision made by DOH that Ardent's proposal was non-responsive, and thus, we are today approving the contract between DOH and Genesys Consulting Services.

After a preliminary scoring of the technical and cost proposals, Ardent was the highest ranking proposal and its candidates were invited in for interviews by DOH. After the interview with Gloria Kokku, the Project Manager for the Ardent proposal, was finished, DOH determined that there were issues concerning Ms. Kokku's experience.

¹ In accordance with OSC's bid protest procedures, protesters are expected to provide specific factual and/or legal bases for their protest. While your protest asserts that your firm was improperly found non-responsive, you did not provide any documentation or support for this assertion. As such, in accordance with our procedures, we could have summarily rejected your protest. However, we nonetheless reviewed the procurement record to determine whether your firm was properly determined non-responsive, and as outlined in this Determination, are satisfied that your firm was properly determined to be non-responsive.

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As a result, DOH then sent an email to Ardent on May 22, 2009 requesting additional information, including clarification regarding a discrepancy between Ms. Kokku's resume and her Technical Skills Checklist. Ardent, by email dated May 26, 2009, provided additional information with respect to Ms. Kokku's claimed experience providing project management services for AT&T and the Illinois Department of Corrections (hereinafter "IDC").

DOH then sent an email to Ardent requesting a reference to contact at the IDC to "confirm" this information. Additionally, DOH asked to set up a follow-up interview with Ms. Kokku to clarify her project management experience. DOH contacted IDC to verify that Ms. Kokku was the lead Project Manager as required by the mandatory requirement. The IDC stated to DOH that Ms. Kokku's role with them was as a Business Analyst who also performed some project management activities. Based upon this, DOH determined that although Ms. Kokku performed some management activities, she was not, in fact, the "lead" Project Manager as required by the RFP, and as such, she did not meet the minimum requirements of the RFP. Furthermore, when DOH conducted a second interview with Ms. Kokku, she confirmed that she was not the lead Project Manager for IDC. As a result, DOH determined that Ardent's proposal did not propose a project manager with the required experience and, therefore, was non-responsive to the minimum requirements of the RFP. As a result, Ardent was eliminated from consideration and an award was made in accordance with the evaluation methodology to the highest rated responsive proposer.

We find DOH's determination to be supported by the record before us. Further, we have reviewed the winning proposal, including its rates, candidates, and evaluations conducted by DOH and find they are in accord with the law, the RFP and the evaluation methodology DOH established for this procurement. As such, the protest is hereby denied and we are today approving the DOH/ Genesys Consulting Services contract.

Sincerely,



Charlotte E. Breeyear
Director, Bureau of Contracts

CEB:mea

cc: Bonnie J. DeGennaro
New York State Department of Health
Empire State Plaza
Albany, NY 12237