

THOMAS P. DiNAPOLI
STATE COMPTROLLER



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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

October 16, 2014

Michael J. Mandel
Executive Director
Center for Safety and Change
9 Johnsons Lane
New City, New York 10956

Dear Mr. Mandel:

RE: VOCA Grant Program Applications:
#OVS01-VOCA-2014-00576
#OVS01-VOCA-2014-00588

This Office is in receipt of your letter dated August 12, 2014, protesting the determination made by the New York State Office of Victim Services (OVS) that the two above-referenced applications submitted by the Center for Safety and Change (CSC) for funding under the Victims of Crime Act Victim and Witness Assistance Grant Program (VOCA Program) were cancelled by CSC. In your protest, you assert that CSC submitted these applications timely (as well as two other applications that received funding) and did not, at any point, cancel the submission of these applications. Therefore, you request that these applications now be considered for funding.

In support of your position, you state that the four applications submitted by CSC were submitted contemporaneously, in the same manner and format, and prior to the May 12, 2014, 4:30 p.m. deadline. Further, you assert that a "procedural glitch in the process" and not the actions of CSC caused the cancellation of the applications. In response to your protest, OVS states that CSC successfully completed only two applications to the Grants Gateway System by the deadline and "there is no evidence of 'procedural glitches' in the system that would have kicked out CSC's applications."

The Request for Proposal (RFP) issued by OVS provided that proposals "must be received electronically through Grants Gateway ... by 4:30 p.m. EST on May 12, 2014" (RFP Page 21). Based on the information contained in OVS's September 3, 2014 answer to CSC's protest, once an application was successfully submitted through the Grants Gateway System (GGS), its status in the system was changed to "Assignment of Reviewers." OVS further indicated that applications only received a status of "cancelled" when they were started in the GGS and never completed,

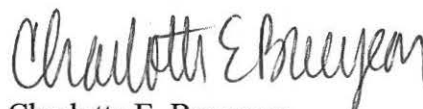
intentionally cancelled by the applicant, or submitted after the deadline when the only option offered in the GGS was to cancel an application. Applicants also received the following instructions in the GGS: "After you have completed and submitted your application, please click on the Application tab at the top of the screen to check the status to confirm that your application has been successfully completed. If successful, your status should state 'Assignment of Reviewers.'" Furthermore, OVS and the New York State Division of the Budget provided webinar training on the GGS and made staff available to answer technical questions from the applicants once the RFP was announced. Thus, although the GGS was a new mechanism, bidders were provided with ample instructions and opportunity for training in order to compliantly submit their applications.

Next, we agree with OVS that the procurement record supports the position that CSC did not successfully submit the two applications at issue on time. According to the screenshots provided in an email from Kim Spoonhower of OVS dated July 31, 2014 to Elizabeth Santiago of CSC, Ms. Santiago (an employee of CSC) was logged onto the GGS on the date of submission. The status of Application #OVS01-VOCA-2014-00576 at 8:06 a.m. on May 12, 2014 was "Application in Process" and by 4:31 p.m., the application status changed to "Application Cancelled." Similarly, the status of #OVS01-VOCA-2014-00588 was "Application in Process at 12:31 p.m. and changed to "Application Cancelled" by 4:38 p.m.

While it is not clear whether the applications received a cancellation status because CSC attempted to submit them after the deadline, or whether they were intentionally cancelled, the evidence we have before us supports the position that the applications were not timely submitted to OVS for consideration for funding in the VOCA Program. Therefore, this Office does not find sufficient merit to uphold your protest and will proceed in its review of the grant awards. The role of OSC's protest review is to ensure the integrity of the process. However, our Office does not evaluate the merit of applications or the agency's programmatic needs which is the responsibility of the Office of Victim Services.

While, unfortunately, CSC did not receive the full amount of funding requested from OVS under the current VOCA Program, we hope that you will continue to pursue other funding opportunities that New York State makes available.

Sincerely,



Charlotte E. Breeyear
Director of Contracts

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