

THOMAS P. DiNAPOLI
STATE COMPTROLLER



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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

October 16, 2014

P. David Soares
Albany County District Attorney
Albany County Judicial Center
6 Lodge Street
Albany, NY 12207

Dear District Attorney Soares:

Re: VOCA Grant Program Application
#OVS01-VOCA-2014-00166

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) to reject grant application #OVS01-VOCA-2014-00166 submitted by the Albany County District Attorney's Office (ACDA) for funding under the Victims of Crime Act Victim and Witness Assistance Grant Program (VOCA Program). In your protest, you assert that unwarranted deductions were made in the scoring of various components of ACDA's application. In support of your protest, you cite to information in ACDA's application that relates to the reviewers' comments that were contained in a debriefing document provided to ACDA by OVS.

Notwithstanding the Comptroller's broad contract review authority under State Finance Law § 112, this Office generally gives significant deference to agency determinations regarding factual issues which are within the agency's technical expertise. Here, OVS issued a Request for Proposals (RFP) that required detailed technical responses. OVS, as the state agency charged with administering Federal VOCA Victim and Witness Assistance Funds, employs professionals who have extensive experience and expertise in this arena. Thus, where the technical conclusions of the reviewers are supported by the procurement record and are consistent with the pre-established evaluation criteria, this Office will not disturb them.

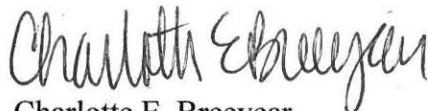
The RFP issued by OVS allocated the evaluation and scoring among seven different categories, each category containing detailed specifications upon which the applications would be scored. Additionally, the RFP provided that "[a] standard rating tool will be used by all reviewers to score each proposal." Presumably, use of the standard rating tool would help to ensure consistency among scoring of the applications by reviewers. Based on the information provided in OVS's August 22, 2014 letter to this Office responding to your protest, the threshold score for

receiving funding under the VOCA Program was 61.5 points and ACDA's application only scored 60.5 points. Therefore, it was not considered for funding. In fact, two applications received scores higher than the score received by ACDA and were not awarded funding. Additionally, OVS states that ACDA failed to adequately respond to certain questions of the application and that reviewers were not expected to search other sections of the application for information required to respond to a particular question.

Our review of the procurement record provides no evidence that the scoring of ACDA's application by OVS was inconsistent with the predetermined evaluation criteria, or the scoring of the other applications. 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 ACDA did not receive a funding award 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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