

THOMAS P. DiNAPOLI  
STATE COMPTROLLER



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ALBANY, NEW YORK 12236

STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER

October 16, 2014

Bowman Kim Atkins  
President/CEO  
Planned Parenthood  
1040 State Street  
Schenectady, NY 12307

Dear Mr. Atkins:

Re: VOCA Grant Program Application  
#OVS01-VOCA-2014-00193

This Office is in receipt of your letter dated August 21, 2014, protesting the decision of the New York State Office of Victim Services (OVS) to reject the application submitted by Planned Parenthood Mohawk Hudson (PPMH) for funding in the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program. In your protest, you argue that your application was unfairly evaluated and that points were unreasonably deducted in every category of PPMH's grant application for no apparent reason.

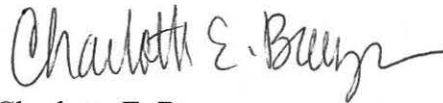
Notwithstanding the Comptroller's broad contract review authority under State Finance Law § 112, this Office generally gives significant deference to agency determinations regarding factual issues which are within the agency's technical expertise. Here, OVS issued a Request for Proposals (RFP) that required 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 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.

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 25, 2014 letter to this Office, the threshold score for receiving funding was 61.5 points and the scores were arrived at by the reviewers by applying the same procedures and criteria to each application. PPMH's application scored 58 points, and thus was not considered for funding. In fact, six applications received scores higher than PPMH's score and were not awarded funding. Our review of the procurement record provides no evidence that the scoring of PPMH'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.

While, unfortunately, PPMH 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,

A handwritten signature in dark ink, appearing to read "Charlotte E. Breeyear", with a stylized flourish at the end.

Charlotte E. Breeyear  
Director of Contracts

vmk