

THOMAS P. DiNAPOLI
STATE COMPTROLLER



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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

September 24, 2015

Owen R. Mangan, Principal Partner
West Lake Consulting, Inc.
306 West Lake Road
Fitzwilliam, NH 03447

Margaret M. Sherman, Program Director
Statewide Financial System
4 Harriman Campus Road
Albany, NY 12206

Dear Mr. Mangan and Ms. Sherman:

Re: SF20150257 – Protest of Award, Data
Strategist Services for the Statewide
Financial System

We received a letter dated August 27, 2015 (Protest) filed by West Lake Consulting, Inc. (WLC) protesting the award of a contract for data strategist services by the New York Statewide Financial System (SFS) on behalf of the Division of Budget as a constituent of the SFS Joint Governance Board.

The procurement was advertised in the New York State Contract Reporter on July 6, 2015. SFS did not issue additional solicitation documents in connection with the procurement. Pursuant to State Finance Law § 163(6), SFS may purchase services worth up to \$200,000 without a formal competitive process from businesses certified as a minority or women-owned business enterprise pursuant to Article 15-A of the Executive Law. SFS made its award to Currier McCabe and Associates, a certified minority or women-owned business enterprise.

In the Protest, WLC asserts that SFS' review of WLC's proposal was arbitrary and capricious. In its response dated September 2, 2015, SFS states that it evaluated WLC's proposal equally and fairly. SFS determined not to award the contract to WLC for the following reasons: (i) WLC's candidate did not possess as thorough an understanding of financial reporting or New York State (NYS) government structure or financial processes as other bidders' candidates; (ii) WLC's proposal lacked a description of experience with NYS government projects or NYS financial processes; and (iii) WLC's cost proposal was the highest of all other proposals evaluated.

Furthermore, SFS claims WLC was not qualified to bid on this procurement from the outset. In the solicitation, SFS expressly limited potential bidders to those businesses certified pursuant to Article 15-A of the Executive Law. SFS alleges WLC was neither certified when WLC submitted its proposal nor when SFS awarded the contract. WLC has not provided any evidence to the contrary.

We have carefully reviewed the issues raised in the Protest, and have concluded that SFS evaluated WLC's proposal according to the requirements set forth in the solicitation. We generally defer to an agency's expertise in determining which candidate possesses the preferred level of knowledge and experience. We find SFS' selection to be supported by the procurement record and consistent with pre-established evaluation criteria. Moreover, WLC did not have the necessary Article 15-A certification and consequently failed to meet a minimum requirement of the procurement.

For the foregoing reasons, we are denying the Protest and are approving the SFS contract with Currier McCabe and Associates today, September 24, 2015.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte E. Breeyear".

Charlotte E. Breeyear
Director of Contracts

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