



STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER

April 17, 2019

Adelaide Matthew Dicken  
Director of Grassroots Fundraising and Communications  
Sylvia Rivera Law Project  
147 W. 24<sup>th</sup> St. 5<sup>th</sup> Floor  
New York, NY 10011

Re: SF20190068 – Request for Applications  
Number 17640 (RFA)

Dear Adelaide Matthew Dicken:

This letter of determination is in response to the protest (Protest) filed on March 22, 2019 by Sylvia Rivera Law Project (SRLP) of the awards made by the Department of Health (DOH) for the Health and Human Services for Lesbian, Gay, Bisexual and Transgender Individuals, Families and Communities – Component A (Services) pursuant to Request for Applications Number 17640 (RFA).

The Office of the State Comptroller (Office) has considered the Protest as well as the procurement record submitted to this Office by DOH related to the awards for the Services under the RFA. As detailed below, we have determined that the issues raised in the Protest are not of sufficient merit to overturn DOH's awards for the Services under the RFA.

By letter dated March 15, 2019 (Debrief Letter), DOH provided SRLP with a summary of the strengths and weaknesses DOH identified after evaluating SRLP's application. In the Protest, SRLP disputes certain weaknesses cited by DOH in the Debrief Letter. In a letter dated April 9, 2019, DOH responds to the Protest stating "the Department followed its evaluation plan and pre-established tool for this RFA" and made awards according to the terms of the RFA. Further, DOH addresses each weakness questioned by SRLP in the Protest.

The RFA set forth the methodology that would be used to score the applications, including the maximum number of available points (106 points), a breakdown of the points allocated to each of the four sections to be scored (preference factors – 6 points; community and organization description – 20 points; program design and implementation – 60 points, and budget and justification – 20 points) and the information to be provided for each section (*see* RFA, at pgs. 26-31). The RFA also sets forth the available funding amount and anticipated number of awards allocated to each geographical region. The RFA provided that for New York City - Manhattan,

the region for which SRLP submitted an application, the annual award amount would be \$133,000 and 9-11 awards would be made (*see* RFA, at pgs. 7-8). The RFA stated “awards will be made to the highest scoring applicants in each region, up to the minimum number of awards indicated for that region. Remaining funding will be awarded to the next highest acceptable scoring applicant(s) from any region until the remaining funding is exhausted or awards have been made to all acceptable scoring applicants” (RFA, at pg. 9).<sup>1</sup> DOH received twenty-seven applications for New York City - Manhattan and the applications receiving the highest ten scores were funded.

After reviewing the procurement record, including the RFA, the instructions to evaluators, the evaluation instrument and the final scoring sheets, we are satisfied that DOH evaluated the applications in accordance with the terms of the RFA and the evaluation methodology DOH established in advance of receipt of the applications.

For the reasons outlined above, we have determined the issues raised in the Protest are not of sufficient merit to overturn the awards for Services made by DOH. As a result, the Protest is denied, and we are today approving the awards for Services made by DOH.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Fuller', is written over a faint, illegible typed name.

Brian Fuller  
Director of Contracts

cc: Julie M. Harris, Director, Division of HIV/STD/HCV Prevention  
Elizabeth Wood, New York State Department of Health

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<sup>1</sup> In the RFA, DOH acknowledged that the currently available funding might not be sufficient to fund all acceptable applications. In case additional funding became available in the future, the RFA identified three categories of applications: 1) approved and funded, 2) approved, but not funded, and 3) not approved. While DOH approved SRLP's application, SRLP was not funded.