

THOMAS P. DiNAPOLI
STATE COMPTROLLER



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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

July 18, 2023

John G. Powers, Esquire
Hancock Estabrook, LLP
1800 AXA Tower 1, 100 Madison Street
Syracuse, NY 13202

Re: Request for Proposal 22/23/028 for Vending
Services

Dear John G. Powers:

On May 2, 2023, you filed with this Office, on behalf of your client, American Food & Vending Corp., an appeal challenging the contract award made by the State University of New York Binghamton (SUNY) to Servomation Refreshments, Inc. in the above-referenced procurement.

Pursuant to the requirements of SFL §112, SUNY submitted the contract to this Office for review and approval. After conducting our review of the procurement, this Office returned the contract non-approved to SUNY, finding that (1) several requirements in the Request for Proposals were unclear/deficient; (2) the technical evaluation methodology was unclear resulting in inconsistent and subjective evaluation; (3) the cost evaluation methodology was unclear resulting in inconsistent and subjective evaluation; and, (4) the ten-year term length was not justified. Accordingly, your protest is rendered moot and this Office will not be issuing a formal determination with regard to your protest.

Thank you for taking the time to participate in the State procurement process.

Sincerely,

Brian J. Fuller

Brian Fuller
Director of Contracts

cc: Matthew Schofield, SUNY Binghamton (mschofie@binghamton.edu)
W. Bradley Hunt, Esq., Servomation Refreshments, Inc. (bhunt@mackenziehughes.com)