



June 18, 2019

Materiel Division Administrator
Administrative Services
1526 K Street, Suite 130
Lincoln, NE 68508

2019 JUN 19 AM 10 27

Re: Grievance/Protest of the award of a contract to PeerPlace Networks, LLC (“PeerPlace”) in response to RFP NUMBER 6056 Z1 for an Aging Information System Software Solution (the “RFP”)

Dear Sir or Madam:

On June 10, 2019, Administrative Services (“AS”) posted an Intent to Award a contract to PeerPlace resulting from the above-referenced RFP (the “Award”).

Pursuant to the Nebraska Department of Administrative Services Materiel Division-State Purchasing Bureau Standard Protest/Grievance Procedures for Vendors, WellSky Corporation (“WellSky”) hereby protests the Award.

As more fully set forth below, WellSky believes its protest is appropriate because: (i) The score received by PeerPlace for technical approach, corporate overview, and oral interviews was unreasonably high and possibly biased, given a recent competitive evaluation of PeerPlace’s product and approach for very similar requirements and scope of work; (ii) AS did not deliver best value to Nebraska tax payers as it did not conduct a Best and Final Offer (BAFO) phase, even when it had a winning vendor not offering the lowest price; and (iii) A proper evaluation of PeerPlace’s price for an offering that would be equivalent to the offering from WellSky would have resulted in different scoring for PeerPlace’s price and a different awardee.

- 1) AS released RFP 6056 Z1 after cancelling a previous solicitation (RFP 5948 Z1) for a scope of work and functional and technical requirements that were very similar. Based on evaluation of responses to RFP 5948 Z1, AS issued an Intent to Award to PeerPlace prior to cancelling the solicitation. Despite the fact that PeerPlace’s response to RFP 6056 Z1 was very similar to its response to RFP 5948 Z1, the overall increase in scores received by PeerPlace totaled more than 200 points from solicitation to solicitation. To WellSky’s knowledge and after examination of the proposals submitted by PeerPlace, WellSky does not believe that PeerPlace’s offering was sufficiently different across the two solicitations to warrant such increases across scoring categories. Some variation would be expected, but as indicated in the table below, PeerPlace gained substantially in all three scoring categories while competitors gained modestly or lost points.

Evaluation Criteria	Score Change Across Solicitations*		
	PeerPlace	RTZ	WellSky
Part 1.0 Corporate Overview	50.38	13.21	14.25
Part 2.0 Technical Approach	108.75	-60.84	-33.96
Oral Interviews (if required)	43.54	0	21.53
Total Difference	202.67	-47.63	1.82

* calculated by subtracting score received in each category in RFP 5948 Z1 from score received in RFP 6056 Z1 in the same category



WellSky believes that such stark scoring differences may reflect a bias toward selection of PeerPlace for Award and such bias should be reviewed.

- 2) The RFP allows AS to request that vendors submit a Best and Final Offer (“BAFO”). The highest scoring vendor after Oral Interviews was PeerPlace, though its price was 7% higher than WellSky’s offered price. In order to ensure that Nebraska receives the best value in this solicitation, AS should have requested a BAFO.
- 3) As part of its response, PeerPlace offered functionality for the Long-Term Care Ombudsman Program (“LTCOP”) as an optional module requiring additional cost of over \$13,000 annually. It is likely that implementation of this module would also require additional professional services fees. For example, in Illinois in 2016, PeerPlace bid over \$70,000 in professional services to implement their statewide LTCOP.

WellSky’s offer included the LTCOP functionality and implementation at no additional charge beyond its quoted price. All software licenses, hosting, support, maintenance, and disaster recovery and all implementation services and training were included in WellSky’s total price.

A fair evaluation of PeerPlace’s price against the nearest competitor would have included LTCOP functionality, resulting in a price increase of more than \$50,000 over the initial 4-year contract period and a concomitant reduction in score of more than 60 points – before adding in any implementation costs. If that scoring had been taken into account, WellSky would have received the award.

Because of the foregoing, WellSky requests that AS rescind the Intent to Award and either (i) re-evaluate the scoring to eliminate the possibility of bias and to appropriately score price based on comparable vendor offerings; and/or (ii) allow all evaluated bidders to submit BAFOs to ensure that Nebraska receives the best value from the awarded vendor.

The point of contact for this grievance/protest is set forth below and all responses can be sent to the address below.

Robert C. Weber
WellSky Corporation
11711 W. 79th Street
Lenexa, KS 66214 11770
Phone: 630-218-2705
Roh.weber@wellsky.com

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roh Weber", written over a blue horizontal line.

Robert C. Weber
President Community Care
General Counsel