

NEBRASKA

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DEPT. OF ADMINISTRATIVE SERVICES

July 11, 2019

Robert C. Weber
WellSky Corporation
11711 W. 79th Street
Lenexa, KS 66214 1177



Re: *RFP 6056 Z1, Aging Information System Software Solution
Protest of Award*

Dear Mr. Weber:

We are in receipt of your letter dated June 18, 2019, regarding WellSky's protest of the Intent to Award posted June 10, 2019, in connection with the above-captioned RFP. After careful review and consideration we find as follows:

WellSky has indicated the scores received by PeerPlace for technical approach, corporate overview, and oral interviews were possibly biased and unreasonably high. WellSky specifically calls to attention two RFPs, those being 5948 Z1 and 6056 Z1. Although these RFPs are similar, they are separate procurements with substantive differences, including requirement matrices and evaluation tools. Oral interview questions between the two RFPs were also different. Multiple evaluators are used to provide a range of subjective opinion. Variation is expected, based upon the opinion, education and experience of the evaluator. Evaluators can vary from solicitation to solicitation. The integrity of the process is not to guide the scoring, but to allow it to occur on the basis of an independent subjective evaluation. I find the evaluators were appropriate and independent, and thus any differences in their individual approaches were fair and reasonable.

WellSky also indicates the State did not deliver best value to Nebraska taxpayers as it did not conduct a best and final offer (BAFO) phase. A BAFO is an option available to state agencies. Agencies evaluate multiple factors of the solicitation process to determine whether or not the use of this tool is in the best interests of the State. It is not a requirement of the agency and bidding vendors should never assume a BAFO will be conducted.

Finally, WellSky has indicated the evaluation of price should have resulted in a different scoring as PeerPlace's proposal offered an optional module for an additional cost; whereas WellSky's proposal included such functionality and implementation at no additional charge. The State does not evaluate proposed optional services and associated costs. Therefore, we find the cost was appropriately evaluated.

It appears the contract was awarded appropriately and in accordance with State law; and neither the evaluation nor the award were arbitrary or capricious. Thus the contract award will stand and the protest submitted by WellSky Corporation is hereby denied.

Doug Carlson, Deputy Director, Materiel Administrator

Department of Administrative Services | MATERIEL DIVISION

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We thank you for your interest in doing business with the State of Nebraska and welcome you to contact us at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Carlson', written over the word 'Sincerely,'.

Doug Carlson, Deputy Director, Materiel Administrator
Department of Administrative Services

cc: Nancy Storant, Buyer
DHHS

jls