

ALASKA STATE LEGISLATURE



REPRESENTATIVE ZACK FIELDS

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Timeline/Summary for RFP2020-0200-4381

9/19/19: Alaska Online Public Notices: RFP 2020-0200-4381 published online.

9/23/19: (1 business day after the RFP was Published) Email from Acting CPO to NASPO, soliciting more bidders.

10/1/19: (this is the 8th business day after the RFP publication) A&M is issued its registration as an entity in Alaska. This is not an Alaska Business License.

10/2/19: (the 9th business day after the RFP publication) A Pre-Proposal conference call was held.

10/4/19: Questions and answers from call are posted online as an amendment to RFP 2020-0200-4381. Participants request modification of the Prior Experience Section to provide responsiveness requirements that are more relevant to the work described in the RFP, and to remove the NGA requirement.

10/7/19: Direct email question from Asante Alliance, a potential bidder, to State Contracting officers, and Commissioner Tshibaka. Asante Alliance requests a 7-10 day extension to the Proposal circulation period so they can join the National Governors Association as a Partner Member, as required in the Prior Experience Section of the RFP, and qualify to make an offer. Commissioner Tshibaka says "no." This is the second known instance of a request for an extension of the bidding period. Both were denied.

10/11/19: Proposal Period closed. At this point, there are 2 offers identified in records: Alvarez & Marsal and BDO.

10/14/19: This is Monday, the 1st business day after the RFP closed. At this time the Offers have been opened, but not fully evaluated; however, sufficient evaluation has taken place to know that BDO would be rejected as non-responsive for failing to mention the words "Legal Services" in their response to the Prior Experience Section of the RFP. The only remaining offeror, Alvarez and Marsal, was still being evaluated and scored by the PEC. However, having passed the responsiveness requirements of the Prior Experience Section of the RFP, it was clear that Alvarez & Marsal was the only scorable offer that could be presented to the PEC and would thus be the guaranteed winner.

10/17/19: Notice of Intent to Award to Alvarez & Marsal is Issued. (This is the 4th business day after the Proposal Period closed)

10/18/19: The 10-calendar day Protest Period begins. The Protest Period ends on Sunday, October 27, 2019. Because this is a non-business day, the Protest Period ends at Close of Business on Monday, October 28, 2019.

10/23/19: (this is the 6th calendar day after the issuance of the Notice of Intent to Award) The State of Alaska signs the contract with Alvarez & Marsal, the only bidder considered by PEC. (See AS 36.30.365) At this point, the State of Alaska is forced to leave blank the vendor number and Alaska Business License fields, as they do not exist.

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10/25/19: BDO protest. The contract with Alvarez & Marsal has already been executed and is in effect. Remedies are now limited to preparation costs due to the existing contract signed with Alvarez & Marsal. BDO has been unknowingly denied access to its full range of remedies and has been deprived of due process.

10/29/19: SOA Reply. The BDO Protest is rejected due to failure to specifically mention “Legal Services” in their list of services provided, even though that requirement was included in the RFP by the State in violation of a specific Statute and Regulation forbidding contracting for “legal services” without the prior written approval of the Attorney General.

11/8/19: BDO Appeals the denial of their Protest. By declaring the appeal “a matter of law and undisputed fact”, the State does not refer the BDO Appeal to the Office of Administrative Hearings for hearing by an Administrative Judge. As a result, the BDO Appeal was denied an Administrative Hearing where the Judge and the parties could subpoena records and hear testimony under Oath, where facts would be examined.

11/21/19: Alvarez & Marsal is issued their State of Alaska Business License, which was missing from the contract executed on 10/23/19 and their earlier RFP proposals. A&M entered their Entity Registration number in the Business License space of the RFP Offeror Information form, leading to a failure by State procurement officials to recognize that Alvarez & Marsal did not have a legal basis for conducting business in Alaska. The Alvarez & Marsal contract was executed on 10/23/19, prior to obtaining Statutorily required Alaska Business License. The contract was invalid at the time of its earlier execution on 10/23/19.

12/4/19: SOA Final Decision denying BDO’s Appeal of their earlier Protest of the award to Alvarez & Marsal.