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November 8, 2019

To: Dave Donley, Deputy Commissioner
Department of Administration, Commissioners Office
Re: RFP 2020-0200-4381

On behalf of BDO USA, LLP (BDO), this notice serves as the official protest allowed per AS Sec. 36.30.560 Appeal on a protest.

Legal and Factual Grounds of the Protest:

It is BDO's position that the letter outlining the State of Alaska's response to our protest as allowed per Sec. 6.20 of RFP 2020-0200-4381 neglected to address our primary reason for protesting. As written in our original protest:

As explained to us via email, the proposal submitted by BDO was found non-responsive and rejected, prior to evaluation of its contents, due to non-compliance with Sec. 1.04 Prior Experience requirements. However, BDO is fully compliant and meets or exceeds all prior experience requirements outlined. While BDO's direct response does not specifically note legal services as outlined in Sec. 1.04 of the RFP, all required services are currently performed and offered in-house. Our proposal Attachment 1 - Submittal Form B states: "BDO currently delivers professional services in audit, assurance services, taxation, and business advisory services to include management consulting, advisory, actuarial, and corporate finance, in addition to many other consulting services, to clients throughout the country and around the globe." Legal services, while not directly mentioned, would be included under the service of business advisory, and these services are provided by BDO. In addition, many aspects of legal services are outlined in the proposal by the very nature of working on an integration of shared services, as they are pervasive to any project of this kind. We believe the proposal itself, which was not evaluated, demonstrates an overall competence in all areas of shared services.

It is BDO's position that it is not reasonable to throw out an entire proposal based on the omission of one word, in this case 'legal', when the definition or scope of the 'legal services' required were not addressed in any subsequent section of the RFP. Additionally, it can be reasonably concluded that BDO's inclusion of 'advisory' services would cover the 'legal' services that the State requested be offered in the RFP, especially when you evaluate our proposal on its merit and in its entirety and take in to consideration the technical response to the requirements outlined in each section of the State's RFP.



Form of Relief Requested:

Based on our above statement, our formal request would be that BDO's proposal be considered responsive, BDO be considered qualified to provide the services outlined in the RFP, and our response be evaluated by the Proposal Evaluation Committee. In addition, we request the evaluation be done in light of the project plan, methodology and experience outlined, not based on membership in a voluntary organization such as the NGA. The RFP outlined this as a qualification mechanism, not as an indicator of ability to perform the detailed work itself.

Respectfully,

A handwritten signature in blue ink that reads "Joy Merriner". The signature is written in a cursive, flowing style.

Joy Merriner, CPA, CGMA
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