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October 25, 2019

To: Mindy Birk, Procurement Officer  
Department of Administration, Shared Services of Alaska  
Re: RFP 2020-0200-4381

### Summary

On behalf of BDO USA, LLP (BDO), this notice serves as the official protest allowed per Sec. 6.20 of RFP 2020-0200-4381.

### Legal and Factual Grounds of the 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.

In addition, BDO is eligible to join the National Governor's Association (NGA) Partners, and we have verified our eligibility to obtain membership directly with NGA. Should this be an area of preference for the State of Alaska, or an area that would impact the scoring for our qualifications, we are willing to obtain the membership. While we understand and agree that the NGA is a prestigious and worthwhile organization, membership itself is voluntary and not indicative of an ability to perform the services outlined.

Finally, the RFP states in Section 5.01 that the Proposal Evaluation Committee will have a meeting, chaired by the contracting officer, and a group discussion therein. However, if this meeting took place, our proposal would not have been considered, as it was considered nonresponsive prior to that committee's involvement.



#### Form of Relief Requested

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.

#### Interested Party Qualification

The Alaska Administrative Code 2 AAC 12.990(a)(7) notes that an "offeror whose economic interest might be affected substantially and directly" qualifies as an interested party. We believe BDO meets this definition and is therefore eligible for a formal protest. This would be a very significant engagement for our firm and our Anchorage office. The use of our proposed team would result in approximately three jobs for BDO within the State of Alaska, the profits would stay with local owners, and our proposed fee is significantly lower than the chosen firm. In addition, the decision was made not to evaluate our proposal based on the lack of a single word. We do not believe this is egregious enough to disqualify our proposal in its entirety, especially as we do provide these services under the umbrella of our advisory group. In addition, the focus of the services is not on providing legal professional services, but rather incorporating administrative services (which would include legal) into a shared service model, which was clearly stated in our response.

I would be pleased to meet directly with any representatives of the Department of Administration to discuss if requested. I am based in our Anchorage, Alaska office, and am pleased to serve the State of Alaska and its citizenry.

Respectfully submitted,

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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