**State Protest Committee Meeting No. 17**

**Summary of Decision and Minutes**

**Protest of RFP # 32901-31247**

**Inmate Communication and Related Services**

The Department of Correction issued RFP # 32901-31247 for Inmate Communications and Related Services (“the RFP”) on July 31, 2020. The State completed the evaluations and provided its Notice of Intent to Award the contract to Global Tel\*Link (“GTL”) on February 3, 2022. On February 10, 2022, Securus Technologies (“Securus”) filed a protest of that determination and the required bond amount with Chief Procurement Officer Michael Perry (“CPO”).

On April 11, 2022, the CPO issued his written decision denying Securus’ protest. Securus filed Notice of Appeal of the CPO’s decision to the State Protest Committee on April 18, 2022. Position Statements were submitted by Securus, the CPO, and GTL.

The State Protest Committee convened on October 26, 2022, to hear Securus’ appeal. The Committee was comprised of the following members: Eugene Neubert, Deputy Commissioner of the Department of Finance and Administration (“F&A”), as designee of F&A Commissioner Jim Bryson; Rick Dubray, Deputy Treasurer, Support Services with the Department of Treasury, as designee of State Treasurer David Lillard; and Tom Chester, Deputy Commissioner and Chief of Staff with the Department of General Services (“DGS”), as designee of DGS Commissioner Christi Branscom.

The issues alleged by Securus in its February 10, 2022, appeal to the Committee and its Position Statement filed on October 12, 2022, included the following:

The award to Global Tel\*Link is improper under Tennessee law and contrary to the terms of the RFP for the following reasons:

1. The CPO violated the RFP and procurement law by failing to use a common standard to evaluate each proposer’s costs and applying a different standard depending upon whether a proposal was submitted under Option 1 (price per minute fee) or Option 2 (price per transaction fee), thereby causing higher costs to inmates if a price per minute method is used.

2. The CPO violated the RFP and procurement law because Securus could not have known the CPO was going to compare proposals utilizing different standards.

After discussion and argument by counsel for each of Securus, the CPO, and GTL, the State Protest Committee unanimously upheld the decision of the CPO denying HMS’s appeal based on the written position statements and oral presentations by counsel for each of the parties at the hearing as follows:

1. The State Protest Committee found no merit in the allegations that the CPO violated the RFP and procurement law by failing to use a common standard to evaluate each proposer’s costs and applying a different standard depending upon whether a proposal was submitted under Option 1 (price per minute) or Option 2 (price per transaction), thereby causing higher costs to inmates if a price per minute method is used.
2. The State Protest Committee found that:
   1. The original procurement required responders to provide both a price per minute and a price per transaction pricing in the response. Following questions from responders whose business model provided either price per minute or price per transaction services, the procurement was amended to require either option, but not both, to create greater competition and maintain transparency.
   2. The language in the RFP dictated how the responses would be scored based on Option 1 or Option 2, and the responses were correctly scored according to the clear language in the scoring guide in the RFP by calculating each option separately.
   3. Based on these findings, the procurement was transparent, and if Securus had concerns with the pricing evaluation set out in the procurement, it had the opportunity prior to the bidding process to raise that claim.
3. Upon proper motion and second, the State Protest Committee unanimously voted to deny the protest and uphold the previous decision of the CPO.

The State Protest Committee next addressed the protest bond which had been filed by Securus as the protesting party of the underlying protest to the CPO pursuant to Tenn. Code Ann. § 12-3-514. The State Protest Committee found that there was no reason to continue to hold the Protest Bond. The State Protest Committee unanimously voted to return the protest bond to Securus.