

**State Protest Committee  
Summary of Decision and Minutes  
October 27, 2020  
Protest of RFQ # 34530-46121 for Employment and Case Management Services**

The Central Procurement Office issued RFQ # 34530-46121 for Employment and Case Management Services (“the RFQ”) on April 30, 2020. The State completed the evaluations and provided its Notice of Intent to Award the contract to Workforce Essentials, Inc. (“WE”) on June 15, 2020. On June 22, America Works of Tennessee, Inc, (“AWT”) filed a protest of that determination and the required bond amount with Chief Procurement Officer Michael Perry.

On August 21, 2020, the Chief Procurement Officer issued his decision denying AWT’s protest finding that AWT failed to carry its burden of proving the solicitation was improper or illegal. America Works of Tennessee, Inc. appealed Chief Procurement Officer Perry’s decision to the State Protest Committee on August 28, 2020.

The State Protest Committee convened on October 27, 2020 via WebEx electronic meeting platform to hear AWT’s appeal. After opening the meeting, the Protest Committee read a Statement of Necessity for conducting an electronic meeting electronically without a physical quorum present in accordance with Executive Order 60, and the Committee approved the finding of necessity and meeting by unanimous roll call vote. The issues alleged by AWT in its August 28, 2020, appeal to the Committee were as follows:

- (1) The State failed to identify and resolve an organizational conflict of interest between WE and DHS.
- (2) The State deviated from state law and the terms of the RFQ by accepting improper references from WE.
- (3) The scoring of the WE proposal was objectively irregular and cannot be supported by the procurement record.
- (4) The record demonstrates that the procurement file was unlawfully incomplete.

The State Protest Committee unanimously upheld the decision of the Chief Procurement Officer denying the appeal of AWT based on the written position statements submitted by the parties and the testimony at the hearing as follows:

- (1) There was no proof establishing any bias or an organizational conflict of interest. The procurement permitted proposers to submit references from state employees other than DHS employees, which the Protest Committee concluded was in the best interest of the State and increased competition.
- (2) The Protest Committee recognized this protest was the first time this issue was presented, noted there are other entities with similar business structure that provide services only to the State, and found justification for the change in the RFQ template to increase competition in this procurement.

- (3) The Rule Exception Request was evaluated and approved by the Central Procurement Office and the Office of the Comptroller to ensure the solicitation was free from potential biases and conducted in the best interest of the state to further competition among proposers.
- (4) As the protest was made in good faith, the protest bond should be returned to AWT.