

Submitted by Timothy J. McLaughlin on behalf of GSA CPRO

OFFICE OF THE CHIEF PROCUREMENT OFFICER
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PROCUREMENT APPEALS

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FILE NO. 047-11-012

EVALUATION OF JDI's BID PRICE ON GSA
BID NO. 047-11 (LEASE FOR DEPARTMENT OF REVENUE AND
TAXATION)

1. Pursuant to the decision from the OPA on APPEAL NO. PA 11-012, GSA hereby submits the following evaluation of JoeTen (JDI)bid:
 2. The Department of Revenue and Taxation had an appropriation of \$1,244,849. 00 for office space rental for Fiscal Year 2011.
 3. On February 2, 2011, the Department of Revenue and Taxation (DRT) submitted a request to the General Services Agency to start the bidding process for office space rental with an approved certified encumbrance of \$100,0000.
 4. On April 14, 2011, a bid was opened for this office space lease. JDI was the sole bidder. The bid for the remaining months of fiscal year 2011 came to a total price of \$978,588.00 per year.
 5. Based upon the amount certified by the DRT, GSA had recommended canceling the bid. DRT agreed.
 6. JoeTen (JDI) filed a protest which was denied.
 7. JoeTen (JDI) then filed an appeal, which the Public Auditor granted, ordering the Chief Procurement Officer to evaluate JDI's bid.

Therefore, based upon the above facts, I, Claudia S. Acfalle makes the following determination:

- a. GSA can only award based upon certified funds submitted to GSA, not based upon the appropriated amount.
 - b. The Department of Revenue and Taxation did not provide any further amount to be added to the certified amount given to start the process.
 - c. On September 30.,2011, the Department of Revenue and Taxation submitted to the GSA a memorandum requesting that "in the best interest of the Government" that GSA approve the bid.
 - d. DRT stated that it had "certified funds" now available to cover the bid cost..
- Based upon the above, I am accepting this bid as in the government's best interest.