



Commonwealth of Kentucky
Finance and Administration Cabinet
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Steven L. Beshear
Governor

Jonathan Miller
Secretary

February 22, 2008

No. 08-06

Sandra Hunt
PricewaterhouseCoopers
3 Embarcadero Center
San Francisco, CA 94111

RE: Determination of Protest: RFP 746 070000098

Dear Ms. Hunt:

The Finance & Administration Cabinet (the "Finance Cabinet") is in receipt of your letter of protest on behalf of PricewaterhouseCoopers ("PwC"), relating to RFP 746 070000098 ("RFP") for Actuarial Services.

FACTUAL BACKGROUND

By letter dated January 4, 2008 (received January 7, 2008), PwC protested the award of above-referenced RFP to AON Consulting ("AON") alleging that the RFP had not been evaluated properly.

DETERMINATION

Any actual or prospective bidder who is aggrieved in connection with the solicitation or selection for award of a contract may file a protest with the Secretary of the Finance Cabinet ("Secretary"). KRS 45A.285. PwC submitted a proposal in response to the RFP. Hence, PwC has standing under KRS 45A.285.

A protest to an award of contract must be made within two (2) calendar weeks within the date the protestor knew or should have known of the grounds for protest. KRS 45A.285. PwC was informed of the award of the RFP to AON on December 21, 2007. PwC requested then received records pursuant to an Open Records Request on January 4, 2008. The protest was received by the Finance Cabinet on January 7, 2008. The protest was received within fourteen (14) calendar days of when PwC knew or could have known the basis of its protest. This protest, therefore, is timely.

After a review of the solicitation, the applicable statutes, and other relevant information, the Secretary finds and determines as follows:

After receipt of the protest, and upon further review, the Cabinet for Health and Family Services acknowledged that the RFP had been incorrectly scored.

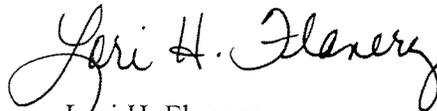
Accordingly, upon review of the record, the protest of PwC is timely has merit. Therefore, the protest must be **SUSTAINED**. The Cabinet for Health and Family Services is directed to re-score the proposals submitted in response to the RFP.

Pursuant to KRS 45A.280:

The decision of any official, board, agent, or other person appointed by the Commonwealth concerning any controversy arising under, or in connection with, the solicitation or award of a contract, shall be entitled to a presumption of correctness and shall not be disturbed unless the decision was procured by fraud or the findings of fact by such official, board, agent or other person do not support the decision.

In accordance with KRS 45A.285 (4), the decision by the Secretary shall be final and conclusive.

For the Secretary
Finance and Administration Cabinet
By Designation



Lori H. Flanery
Deputy Secretary

cc: Carlton Shier, Deputy General Counsel, CHFS