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Governor



GENERAL SERVICES AGENCY

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Department of Administration

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BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY

IN THE MATTER OF:)	OPA-PA-16-006 and OPA-PA-16-008
)	
BASIL FOOD INDUSTRIAL)	ADDITIONAL REBUTTAL TO COMMENTS
SERVICES CORPORATION)	
)	ON AGENCY REPORT
_____)	

On the morning of January 11th, 2016, GSA submitted its rebuttal comments to OPA-PA-16-006. At the time of its submission, GSA was unaware that the OPA had ruled that OPA-PA-16-006 and OPA-PA-16-008 were to be merged. As such, this addition rebuttal comment on the agency report is submitted to address

I. USE OF THE EMERGENCY PROCUREMENT WAS PROPER

The key provision of 5 GCA Section 5217 (Emergency Procurement), states “GSA must solicit at least three (3) informal price quotation, if time allows must give....” GSA was noticed early afternoon of the closure of the Basil facility. Immediately, we notify the Governor’s office of the situation and to be prepared for an emergency request. At the same time, we informed Department of Public Health and Social Services’ Division of Senior Citizens’; that we were awaiting the memorandum requesting an emergency for submission to the Governor. That arrived late in the afternoon and was transmitted to the Governor’s office around 4:30pm. The Governor’s office informed us by 5:00pm that evening, and we requested for quotation at that point. Obtaining three (3) quotes were not possible as the need for providing food services for the next day was not possible. As you are aware, food preparations for over 1800 seniors begins before 6am, and the request for quotation were requested after 6pm. SH was the only company on the bidders’ list that met the requirements to respond to our inquiry in the evening. Therefore, this point has no merit..

The fact that on the previous emergency for the services against your company was done with three (3) quotations is correct. However, since that time, GSA has reviewed the law and discovered that two (2) of those vendors did not meet the requirement for providing services within the previous twelve months time period stated in the law, and as such, did not send out a price quote to them. This point has no merit.

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 07-12-16

TIME: 9:15 AM PM BY: MT

FILE NO OPA-PA: 16-006, 16-008

The idea that GSA should request a quote from a company that the Department of Public Health and Social Services' just revoked for not insuring a sanitary location to begin with, is nonsense. First, if your company did not receive a "D" rating, we would not be in this situation. Second, your company did not indicate that there was more than one (1) site or business available when you originally submitted your bid. Therefore, it failed to meet the requirements of the Executive Order, which was a company that provided same or similar services in the past twelve months. This point has no merit.

As to the Governor signing the Emergency Declaration for a period of ninety (90) days, That period would cover the period time for processing a new bid if needed. The current provider's purchase order is less than thirty (30) days for both. If the period of time to issue and award a bid, is not done within the thirty (30) days, the emergency will still be there. This information was provided to you in your previous FOIA request Therefore, there was no violation of law This point has no merit..

II BASIL WAS NOT TREATED UNFAIRLY

As to the vendor not having a HACCP plan at the time of the award, you were also given, a period of time to obtain a HACCP, while operating. You were given an extended period of time, while operating to obtain HACCP plan, and after numerous extensions, and a suspension of your facility, you finally obtained one. SH, the vendor under the emergency declaration has received an extension to obtain a HACCP from the Department of Public Health and Social Services' Division of Environmental Health. Therefore, this issue has no merit.

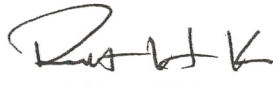
As to the issue of several documents not in the procurement file, the bid specified that these documents were to given to the Department of Public Health and Social Services Division of Senior Citizens within a period after being awarded the bid. When GSA met with members of the Department, on June 16, 2016, the Department noted that it has the documents in their record file. Therefore, this point has no merit.

III THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES DID NOT ALLOW FOR UNSANITARY FOOD TO GO OUT

As to the use of a "open" truck to deliver, please sent a non-altered picture which would show both the license plate and the person who was delivering for the company. Your complaint was received by the Department of Public Health and Social Services' Division of Environmental Health who found no reason to believe the complaint had merit.

On June 17, 2016, you supplemented your protest by stating that the current emergency vendor, SH, was not sealing their food products as required. I have transmitted your concerns to the Department of Public Health and Social Services' Division of Senior Citizens for their action..

The government reserves the right to raise damages pursuant to 2 GARR, DIV 4 SECTION 6101(8)

 7/12/12

ANITA CRUZ
Acting