

## Firm Secures Commissioner Affirmance of State Procurement Decision

November 23, 2022

Today, Robbins Firm partners **Dan Monahan** and **Josh Belinfante** secured an affirmance of a Notice of Intent to Award (“NOIA”) issued in connection with a request for proposals (“RFP”) on behalf of the Georgia Department of Corrections (“GDC”) for a residential substance abuse treatment (“RSAT”) program. The RSAT is a nine-month, highly structured residential substance abuse treatment program that targets offenders nearing release, probationers sentenced by the courts, or GDC-referred offenders who have a need for intensive substance abuse programming.

The firm’s client, a national, nonprofit organization committed to equipping and preparing incarcerated persons to successfully re-enter society with an increased opportunity for healthy, pro-social living, and a decreased likelihood of recidivism, was the highest scoring bidder in the RFP.

A disappointed competing bidder challenged the NOIA in a bid protest pursuant to the Department of Administrative Services’ (“DOAS”) formal review process, arguing that the NOIA contained cost and technical scoring errors. However, the Robbins Firm rebutted the bid protest’s factual assertions and presented strong legal and regulatory authority demonstrating that the disappointed bidder had failed to satisfy the standard of review. The NOIA was upheld by the DOAS Deputy Commissioner in a written decision issued September 6, 2022.

The disappointed bidder then filed a request for additional formal review by the DOAS Commissioner, and a hearing was held on October 7, 2022. **Dan Monahan** presented oral argument on behalf of the firm’s client. On November 23, 2022, the DOAS Commissioner again affirmed the NOIA in what became the final agency decision for the RFP.

For more information on the firm’s procurement and bid protest practice, please contact **Dan Monahan** or **Josh Belinfante**.