



February 17, 2011

Mr. Thomas Dooley
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RE: Supplier Disagreement Resolution Case No. SDR11SR-02
Solicitation Number 2B-10-A-0018

Dear Mr. Dooley:

You lodged a disagreement on December 07, 2010 with respect to the above-referenced solicitation. You contest the award of the solicitation and argue that the Contracting Officer unfairly evaluated your proposal. As explained herein, I have concluded that the Contracting Officer made the correct best value decision for the Postal Service.

BACKGROUND

Solicitation Number 2B-10-A-0018 was issued on September 23, 2010 to five suppliers. The stated purpose, as set forth in the Statement of Work ("SOW") was to "procure facilitator/moderator services for structured leadership development programs, webinars, single and cluster learning events, leadership conferences, leadership summits, and other leadership learning events for the Leadership Development and Talent Management (LDTM) function of the United States Postal Service." Specifically, the solicitation included four development programs and learning events: 1) Leadership Café; 2) Advanced Leadership Program; 3) Managerial Leadership Program; and 4) Learning Events Not Yet Defined. The contract period of performance was specified as November 8, 2010 to September 30, 2011, with four one-year renewal options.

According to the solicitation, offers were due on October 6, 2010. The Postal Service received proposals from two suppliers: Creative Solutions Consulting ("Creative Solutions") and Dooley and Company ("Dooley"). Creative Solutions bid on all four programs listed above. Dooley initially bid on both the Advanced Leadership Program and Learning Events Not Yet Defined but later withdrew its bid on the latter category. The proposals were evaluated by a team of four Postal Service employees, including the Contracting Officer, a Training Development Specialist, an Employee Development Team Leader, and the Manager of the Center for Leadership Development. Each of these persons evaluated the technical aspects of the proposals independently. No negative responses were received from any of the references provided by the suppliers.¹ Moreover, financial statements of both suppliers were reviewed and no risk factors were identified. The evaluation team also considered the depth of personnel for both companies. It expressed concern that Dooley did not set forth a back-up plan if its presenter was unavailable.

The resulting scores among the four members of the evaluation team were very close for each proposal. Upon combining the scores, Creative Solutions was ranked higher than Dooley,

¹ Both suppliers listed David Wilhelm as a reference.

although both suppliers received "excellent" ratings for Past and Current Performance, Supplier Capability, and their Overall Rating.

The evaluation team next considered the pricing for the two proposals. Both suppliers were asked to re-analyze their quotes due to the Postal Service's budgetary constraints but declined. Dooley's pricing on the Advanced Leadership Program, the only program in which it ultimately expressed an interest, was significantly higher than the pricing submitted by Creative Solutions.

Based on the evaluation team's review and recommendation, Contract 2BTCON-11-B-0006 was awarded to Creative Solutions on November 8, 2010 for all four components listed in the solicitation.

ANALYSIS

Creative Solutions and Dooley both received excellent ratings for the technical aspects of their proposals, with Creative Solutions ranked higher based on the combined scores of the four evaluation team members. The team was aware that Dooley withdrew its bid for "Learning Events Not Yet Defined." However, it still expressed concern with respect to Dooley's depth of personnel because Dooley did not address contingency plans in the event of illness or incapacitation.

Although you have questioned the handling of references during the evaluation process, you were given full credit for your references. Both Creative Solutions and Dooley named David Wilhelm, a member of the evaluation team, as a reference. Therefore, Dooley was not prejudiced by inclusion of Mr. Wilhelm on the evaluation team.

You have also expressed concern that Creative Solutions did not provide three years of financial statements along with its proposal. The Contracting Officer was aware that Creative Solutions had not been in existence for three years. However, she determined that both Creative Solutions and Dooley were financially stable. She also considered the fact that Dooley had bid on only one of the four leadership development events and that no suppliers other than Creative Solutions had bid on the other three components. Based on the excellent technical rating of Creative Solutions and its available financial records, she decided the fact that it had been in existence less than three years presented minimal risk and did not require its elimination from consideration. I find this to be a reasonable decision, particularly since there was no alternative offer that would have provided best value for the Postal Service for all of the items solicited.

CONCLUSION

After thoroughly and carefully reviewing the facts of the disagreement, reviewing information provided by the Contracting Officer, inspecting the contract file, and contemplating whether the Postal Service received best value, I have decided to deny your disagreement and sustain the Contracting Officer's decision. In accordance with 39 CFR 601.108, SDRO Official Disagreement resolution, this is my final decision.

Sincerely,



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