



Finance and Administrative Services Department

PURCHASING DIVISION

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6066 • FAX 954-357-8535

Via Email Transmittal

April 22, 2022

Bill Geraghty, Executive Vice President, Sales
Scheidt & Bachmann USA, Inc.
1001 Pawtucket Boulevard
Lowell, MA 01854

Re: Objection to Proposed Recommendation of Ranking – Request for Letter of Interests (RLI) No. PNC2119994R1, Parking Access and Revenue Control Equipment and Maintenance

Dear Mr. Geraghty,

I am in receipt of your firm's objection letter received on April 8, 2022, objecting to the proposed recommendation of ranking for RLI No. PNC2119994R1, Parking Access and Revenue Control Equipment and Maintenance for the Aviation Department. Your letter centers around two main points of objections concerning the following:

1. The SC members' reconsideration of the responses and reranking of tied vendors.
2. The failure of a presenting firm (third-ranked) to specifically address within their presentation a list of questions or topics previously requested by the Committee members.

The following will address a summary of your assertion points and provide clarifications for each point of objection/concern.

Objection Assertion No. 1:

Your letter reiterates [based on a premature objection letter, dated March 14, 2022] your firm's claim that "the Evaluation Committee never officially reconsidered the responses (as required), and instead simply reranked the tied vendors."

Response No. 1:

As addressed in my prior response letter dated March 23, 2022, I restate that Purchasing Division staff are procedurally well aware of the criteria for breaking ties under Section 21.42 of the Broward County Procurement Code. Section 21.42(d)(4) states "If the foregoing does not resolve the tie, the Evaluation Committee shall reconsider the responses and rerank the tied vendors." However, the SC members procedurally have broad discretion in this matter and may or may not make motions to reconsider any or all previously provided material whether written or oral, including each firm's original submittal, supplemental/updated information, vendor presentations, subsequent oral question/answer period responses and an SC member's notes taken during the meeting. Regardless of the elapsed time from Purchasing's announcement of tied votes, in the absence of any SC member's motion to reconsider the material as presented to them, the Purchasing Division's past practice has been to proceed to tie breaker criteria which, in this case, invoked the fourth tiebreaker criteria procedure under Section 21.42(d)(4).

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As to your concern that “the initial rankings were posted on the screen for all Evaluation Committee members and online participants to see during this time”. Purchasing staff have re-reviewed the meeting video and the only document posted onscreen during the timeframe you referenced was the SC Meeting Agenda. On April 11, 2022, the Purchasing Agent requested your copies of the date/time stamped screenshots that you reference in your letter. On April 12, 2022, your firm provided video screenshots (4:27 – 4:28 timestamped); however, this timeline was after the SC members had re-ranked the tied firms with tiebreaker ballots. Therefore, and to reiterate, at no time prior to the 4:28 onscreen display of the ranking/re-ranking results were any of the SC members apprised, either verbally or visually, of the other SC members’ votes (i.e., “knew how their colleagues had voted”). The final ranking results were only displayed after the tiebreaker voting and reranking of the tied vendors. As such, the re-ranking outcome reflects the final ranking results and the SC’s final recommendation of ranking.

Although the individual SC member rankings were not announced or displayed, consensus scoring is allowed in public procurement, therefore knowing other SC member’s votes does not create an “implicit bias” as stated in your letter. As the closed portion of the meeting for presentations, questions and answers had finished, additional discussion was not necessarily warranted or required for the SC to re-rank based on the tie.

Objection Assertion No. 2:

Your objection letter addresses an additional concern and seeks clarification related to “the fact that TIBA Parking Systems (the 3rd place ranked vendor) did not comply with the clear instructions provided by Broward County to address a list of specific questions that the County asked for all vendors to address in their presentation.”

Response No. 2:

At the Final Selection Committee Meeting held on March 9, 2022, during the open meeting session, the Chair read the “Closed Presentations” guidelines. The Chair stated: “As a reminder to the presenting firms, the Selection Committee asked for the vendor presentations to address the following topics in their presentation”. As the list was quite lengthy, the Chair requested the Purchasing Agent to confirm during the meeting that the SC member’s questions/topics had been previously distributed to the firms. The Purchasing Agent acknowledged the subject matter had been submitted twice via email on (January 17 and March 3, 2022) to the presenting firms. As clarification to the requirements of the solicitation, topics and/or direction for presentations are not part of a solicitation’s responsiveness criteria. The solicitation’s Standard Instructions to Vendors, Section G, Presentations, specifically states the following: “Vendors that are determined to be both responsive and responsible to the requirements of the solicitation and/or shortlisted (if applicable) will have an opportunity to make an oral presentation to the Evaluation Committee on the Vendor’s approach to this project and the Vendor’s ability to perform. The committee may provide a list of subject matter for the discussion...”. The failure of a firm to incorporate the listed subject matter into their oral presentation is not a matter of non-responsiveness or nonresponsibility; therefore, a firm is not precluded from presenting at the Final SC meeting simply because they failed to incorporate the listed subject matter into their oral presentation. It is the prerogative of the firm to do so, but in its absence, the SC will evaluate the firm based upon the merits of the firm’s original submittal, supplemental/updated information, vendor presentations, subsequent oral question/answer period responses and any SC member’s notes taken during the meeting.

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Upon review of the procurement record, correspondence received by parties to the objection, and the proceedings of the Selection Committee, I find that the issues raised in the objection are not of sufficient merit to recall or otherwise alter the recommendation of the Selection Committee. Specifically, no new substantive information was presented to warrant the reconvening of the Selection Committee. The evaluation and ranking of firms were conducted appropriately and within the established guidelines, practices, and procedures set forth in the Broward County Procurement Code, Ordinances, and existing written guidelines. As such, the objection is denied.

Summary:

I hope the above clarifications addresses each of your concerns. We understand the time and effort involved in submitting responses and the County appreciates Scheidt & Bachmann's participation in this procurement.

Respectfully,

**Robert
Gleason** Digitally signed by
Robert Gleason
Date: 2022.04.27
17:03:19 -04'00'

Robert E. Gleason, Director
Purchasing Division

Attachments

REG/mr/sl

c: Dedrie Registe, Contract Grants Administrator, Senior, Aviation Department (Project Manager)
Connie Mangan, Purchasing Manager, Purchasing Division
Mark Roberts, Purchasing Agent Senior, Purchasing Division
Fernando Amuchastegui, Senior Assistant County Attorney, Office of the County Attorney

SCHEIDT & BACHMANN 
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April 8, 2022

Robert E. Gleason, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

RE: PNC2119994R1, Parking Access and Revenue Control Equipment and Maintenance
(PARCS for the Aviation Department)

Dear. Mr. Gleason,

After receiving feedback that our prior letter was submitted prematurely, I see on the County's website that the official ranking has been posted. Therefore, I am resubmitting Scheidt & Bachmann's objection to the Evaluation Committee's ranking and scoring process at the conclusion of the Vendor Presentations for Broward County Request for Letters of Interest (RLI) No. PNC2119994R1, Parking Access and Revenue Control Equipment and Maintenance that took place on Wednesday, March 9, 2022 starting at 1:00 pm Eastern Time.

Our core objection still remains focused around one (1) crucial point from our prior filing. Also, now that the other vendor presentations and scoring have been made public through the County's website, we have a new concern as well.

We kindly ask for more consideration by the County regarding this matter. This objection relates to Broward County Procurement Code Section 21.42, subsection "d", number 4 which states:

If the foregoing does not resolve the tie, the Evaluation Committee shall reconsider the responses and rerank the tied vendors.

NOTE: We acknowledge that your prior response letter dated March 23, 2022 stated "the SC members procedurally have broad discretion in this matter and may or may not make motions to reconsider." However, central to our objection is that the procurement code clearly says "shall" and not "may".

It is this specific subsection that was referenced and ultimately utilized during the Evaluation Committee's final tallying of results after there was an apparent tie between Scheidt & Bachmann USA and Designa Access Corporation after the initial round of scoring. However, in accordance with Section 21.42, the Evaluation Committee never officially reconsidered the responses (as required), and instead simply reranked the tied vendors.

To prove this point, there was no further pause for discussion amongst the Evaluation Committee members and no new information was presented. Instead, new tie breaker ballots were already being handed out to the Evaluation Committee while the rules for a tie breaker were still being explained to the vendors on the live streamed conference call. Also, the initial rankings were posted on the screen for all Evaluation Committee members and online participants to see during this time.

Therefore in the few minutes that had transpired from the initial reading and scoring of vendors, the **ONLY** thing that changed is that each of the Evaluation Committee members now officially knew how their colleagues had voted. On the surface this creates implicit bias for the Evaluation Committee members for perhaps wanting to align their initial votes to how a fellow colleague on the Committee may have voted. Again, since there was no further official reconsideration as required under Section 21.42, subsection "d", number 4, this is the only conclusion one could reasonably draw from this chain of events.

Screenshots captured of the live video stream clearly show on the screen for all to see that at 4:26 pm Scheidt and Bachmann had received three (3) first place votes from Evaluation Committee members Ben Sanchez, Dr. Natacha Yacinthe, and Kevin Wu after the initial round of scoring. However, when the re-ranking results were posted on the screen at 4:27 pm it was clear that both Ben Sanchez and Dr. Natacha Yacinthe changed their first place votes for Scheidt & Bachmann to second place votes in a matter of minutes, without (as required) considering any new information. Instead, the only thing new was that all of the Committee members now knew that Scott Campbell and John Pokryfke had ranked another vendor in first place – leading one to reasonably believe that this influenced their votes in the re-ranking.

Once again, we kindly ask for a written response and clarification on this matter.

Also, our latest concern stems from the fact that TIBA Parking Systems (the 3rd place ranked vendor) did not comply with the clear instructions provided by Broward County to address a list of specific questions that the County asked for all vendors to address in their presentation. Instead, by giving a generic marketing pitch about TIBA Parking Systems, it is clear that their presentation was not compliant and they should not have received anything other than a third place vote from any of the Committee members. However, Committee member Scott Campbell in the first round of voting gave TIBA Parking Systems a second place vote and Scheidt & Bachmann (who did comply) only a

3rd place vote. Had Mr. Campbell voted Scheidt & Bachmann second, then Scheidt and Bachmann would have been the clear first place winner after the initial round of scoring, and hence avoiding the Committee having to do a re-ranking in the first place.

A second place vote for a vendor that clearly did not comply with County instructions for this procurement does not seem accurate or appropriate. Therefore, we kindly request a reconsideration of the rankings and a response to this specific matter.

We thank you in advance for reviewing these concerns and eagerly await an official response from Broward County.

Sincerely,

Bill Geraghty
Executive Vice President, Sales
Scheidt & Bachmann USA, Inc.