

ADDITIONAL MATERIAL

Regular Meeting

MARCH 10, 2020

SUBMITTED AT THE REQUEST OF

**FINANCE and ADMINISTRATIVE
SERVICES DEPARTMENT**



Finance and Administrative Services Department
PURCHASING DIVISION

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

MEMORANDUM

DATE: March 2, 2020

TO: Board of County Commissioners

THRU: Kevin B. Kelleher, Deputy Chief Financial Officer
Finance and Administrative Services Department

 Digitally signed by KEVIN
KELLEHER
Date: 2020.03.03
08:34:09 -05'00'

FROM: Brenda J. Billingsley, Director
Purchasing Division

BRENDA
BILLINGSLEY  Digitally signed by
BRENDA BILLINGSLEY
Date: 2020.03.02
13:03:52 -05'00'

SUBJECT: March 10, 2020 - Commission Meeting – Agenda Item No. 52
Motions A and B - Communication and Marketing Services
Request for Proposals (RFP) No. GEN2119422P1

Attached for your review is a Cone of Silence communication received on February 28, 2020 from Adept Public Relations, LLC.

Also attached, and provided as additional information, are communications received on February 27, 2020 and February 4, 2020 from Adept Public Relations, LLC.

Attachments

BJB/cc/lg

c: Bertha Henry, County Administrator
Monica Cepero, Deputy County Administrator
George Tablack, Chief Financial Officer
Margaret Stapleton, Director, Office of Public Communications
Robert Melton, County Auditor
Andrew Meyers, County Attorney



Type text here

February 28, 2020

MEMORANDUM

TO: Brenda Billingsley, Purchasing Director
Finance and Administrative Services Department
BBillingsley@broward.org
PurchasingRecords@broward.org

FROM: Stephanie Rosendorf-Diaz, Esq. *SRD*
ADEPT Public Relations, LLC

SUBJECT: RFP #GEN2119422P1-Cone of Silence Communication
Agenda Item #52, March 10, 2020 County Commission Meeting

Mrs. Billingsley:

Unfortunately, to date, we have not received confirmation of your receipt of our previous communications, in spite of the fact that the procurement process delegates your office as one of the main entities tasked with discussing procurement matters with vendors, especially during the cone of silence. We now write to you, for a third time, to request that this Memorandum, along with our two previously submitted letters dated February 4, 2020, and February 27, 2020, be attached as additional material to **Agenda Item #52** on the March 10, 2020 County Commission Agenda, in accordance with the Broward County Code of Ordinances.

We would like it brought to the attention of both the County Commission as well as the public that our official written communications were, for an undisclosed reason, omitted from the Board of County Commissioners Agenda for the March 10, 2020 meeting, while other Agenda items rightfully have vendor letters and correspondence attached.

Section 1-266(e)(5) of Broward County's Code of Ordinances ("Code"), in fact, requires the following as it pertains to written communications from a Vendor or Vendor's Representative to the Director of Purchasing:

The Director of Purchasing or designee shall accept written communications from a Vendor or Vendor's Representative during the time a Cone of Silence is applicable to a Competitive Solicitation. Such writing, including any response thereto, shall be provided to the person or the members of the applicable committee appointed or designated to recommend a Vendor for award. *The writing shall*

also be attached to the Board agenda item for the award or for approval of the contract under the applicable Competitive Solicitation.

In addition to the above-referenced violation, we are strongly disturbed by the lack of transparency displayed by the Broward County Auditor. As explicitly stated in both Section 1-266(e)(3) of the Code and in the Purchasing Department's OWN E-MAIL COMMUNICATION (Exhibit A), the Cone of Silence *shall not apply to communications with the County Attorney and his or her office personnel, the **County Auditor** and his or her office personnel.*

For background context, on Tuesday, February 11, 2020, the County Auditor instructed ADEPT to contact his office and arrange an in-person meeting in his office on February 12, 2020 to discuss the Auditor's Advisory: No. 133 for GEN2119422P1 - Communication and Marketing Services. In fact, a meeting was scheduled and confirmed by the Auditor's office later that morning, but approximately one hour before the meeting on February 12, ADEPT received an abrupt email from the Auditor's office cancelling the meeting, claiming "Cone of Silence" on the Procurement.

In accordance with Florida's Public Records laws, we will be kindly requesting all written communications regarding this procurement, including, but not limited to, all emails regarding this procurement from the period of December 4, 2019, immediately following the Initial and Final Evaluation and Ranking Meeting, up through the present day.

We are disheartened by this process and especially by the fact that Purchasing never even acknowledged receiving our communications, never informed us of the Auditor's Advisory on January 16, and never once informed us of the reasoning for promoting the rejection of this entire procurement. Purchasing's own policies are simply not being followed. Had happenstance not occurred and had we not heard a question about the marketing contract timing being asked at the January Surtax Oversight Board Meeting, we would have never known about anything that has occurred since the day of the ranking meeting (December 4, 2019), and it is clear that much more is still unknown.

Cordially,



Stephanie Rosendorf-Diaz, Esq.

EXHIBIT A

----- Forwarded message -----

From: **Calhoun, Christine** <CCALHOUN@broward.org>

Date: Wed, Feb 5, 2020 at 1:12 PM

Subject: RE: GEN2119422P1 - Communication and Marketing Services

To: Dana Pollitt <dana@adept.co>

Cc: McSweeney, Sean <SMCSWEENEY@broward.org>, Rosendorf, Stephanie <stephanie@adept.co>, Stephanie Grutman <stephanie@ballardpartners.com>, Billingsley, Brenda <BBILLINGSLEY@broward.org>, Amuchastegui, Fernando <FA@broward.org>, Wallace, Angela <AJWALLACE@broward.org>

Dana, good afternoon.

Please be reminded the referenced is an active procurement and as such, the Cone of Silence remains in effect.

The Assistant County Attorney(s) are:

Fernando Amuchastegui

Angela Wallace

In accordance with the Cone of Silence Ordinance (1.266), the Cone of Silence shall not apply to communications with the County Attorney and his or her office personnel, the **County Auditor** and his or her office personnel, or with other County personnel, provided that such person is not a member of the Evaluation or Selection Committee appointed for the competitive solicitation or an Affected Person as defined in subsection (a)(1).

Thank you,

From: Dana Pollitt <dana@adept.co>

Sent: Monday, February 3, 2020 5:06 PM

To: Calhoun, Christine <CCALHOUN@broward.org>; McSweeney, Sean <SMCSWEENEY@broward.org>; Rosendorf, Stephanie <stephanie@adept.co>; Stephanie Grutman <stephanie@ballardpartners.com>

Subject: GEN2119422P1 - Communication and Marketing Services

Hello Ms. Calhoun-

Can you tell me which assistant county attorney is assigned to this procurement?

Also, is the County Auditor under the cone of silence or can we discuss this procurement with the auditor?

Thank you,

Dana

--

Dana Pollitt

Managing Partner | Adept

o: 954.769.1533 | m: 954.937.9403

dana@adept.co | www.adept.co

February 27, 2020

Brenda Billingsley
Director of Purchasing
Finance And Administrative Services Department
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, Florida 33301
BBILLINGSLEY@broward.org

SUBJECT: BID #GEN2119422P1-Communication and Marketing Services Sunshine Negotiation Meeting Schedule Request

Dear Mrs. Billingsley:

As you are aware, ADEPT Public Relations, LLC (“ADEPT”) is a local small, minority, and women-owned Broward County Business Enterprise (CBE). We are currently managing the 2020 Census Marketing and Communications Campaign for Broward County, which will be coming to completion on April 1, 2020, with a final report due to Broward County leadership on April 15, 2020.

In our efforts to remain proactive and plan for ADEPT’s future business endeavors, we are cordially inquiring as to when we should anticipate negotiation meetings to begin for #GEN2119422P1, as well as when those meetings will be placed on the County Sunshine Meeting Calendar page in accordance with state and local open meeting laws.

As mentioned in our previous letter dated February 4, 2020, we would like to strongly emphasize the importance of ***upholding the sanctity of the procurement process*** to ensure that all vendors maintain confidence in the integrity of Broward County’s purchasing department through the ***avoidance of actions that would impact the timely award of projects***. Nearly 90 days have passed since our ranking of #1 for contracts 1, 3, and 4, and to date, we have not received any communication from your office with steps forward regarding negotiation of the contract.

As you can imagine, the contract for Mobility Advancement Plan Communication and Marketing Services is of the utmost importance to our Broward County based small businesses. In addition, the contract will provide the County the ability to inform our nearly two million county residents—a number which grows by double digits every day—on the importance of the surtax, the projects being planned, and how the surtax revenues are being collected and appropriated. Our entire team is made up of a diverse group with seventy-five percent (75%) CBE participation, representing literally the fabric of this community, and we are eager to start negotiations on this critical professional services contract for Categories 1, 3 and 4—in which ADEPT was ranked number one—with no protest from any other vendor.

With the estimated \$16 billion dollars coming into Broward County over the coming decades, we cannot afford to further delay the necessary communications and outreach that has been promised to our residents since the ballot referendum's inception.

We look forward to continuing our work to promote Broward County and the Mobility Advancement Program. This contract is vital to disseminating important and timely information to Broward residents, businesses, and visitors concerning the Transportation Surtax passed on November 6, 2018.

Sincerely,

ADEPT Public Relations, LLC



Stephanie Rosendorf-Diaz, Esq.
General Counsel



Dana Pollitt
Managing Partner

Cc: Andrew Meyers, County Attorney
Oswaldo Casco, OESBD, Small Business Liaison



February 4, 2020

Brenda Billingsley
Director of Purchasing
Finance And Administrative Services Department
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, Florida 33301
BBILLINGSLEY@broward.org

SUBJECT: BID #GEN2119422P1-Communication and Marketing Services

Dear Mrs. Billingsley:

The purpose of this letter is to proactively respond to items raised in the attached County Auditor's **Advisory No. 133-Bid #GEN2119422P1-Communications and Marketing Services**, dated January 16, 2020. ADEPT was made aware of the Auditor's Advisory on Monday, February 3, after having learned about an auditing concern during a public meeting of the Surtax Oversight Board on Thursday, January 30, 2020. We are certain that a solution can be found for a path forward that allows ADEPT, the number one ranked firm on categories 1, 3, and 4, to proceed to negotiations on the subject bid #GEN2119422P1 while assuring that all of the County Auditor's concerns are adequately addressed through robust mechanisms of accountability and transparency.

I. Contract Scope of Services and Accountability

Primarily, we recognize that, independent of any concerns expressed over modifying the scope of services, the final scope and deliverables on a project are subject to modification during negotiations. Absent our rejection of proposed terms during that negotiation period, any modification therein would not have the effect of rendering us unable or unwilling to provide said services. However, we felt that given that this matter was explicitly mentioned by Mr. Melton as a concern, it was important to state that these matters certainly do not necessitate an entirely new procurement and bidding process.

Regarding accountability, ADEPT has been steadfast in practicing the highest quality of fiscal responsibility and care in all of our work with Broward County, our other public-sector clients and our many local partners and vendors. In both current and past county projects, prior to spending any funds, we receive explicit approval and permission in writing from the respective project administrator.

Nevertheless, we understand the necessity of added caution when it comes to the use of taxpayer dollars, particularly in light of recent audits of various county departments that Mr. Melton brought to the attention of the Board of County Commissioners. In order to ameliorate these concerns, we suggest the use of approved County Work Authorization forms completed by ADEPT and submitted for written

approval to the County Project Manager prior to each assignment. Furthermore, we expect to provide regular reports containing detailed summaries and lists of all project tasks conducted, including any and all associated expenditures. We are prepared to provide detailed county approved invoices and supporting documents for all expenditures.

As it pertains to retainage, we view a retainer as our commitment to get the job done, no matter what it takes and find that this structure usually benefits clients versus hourly billing. However, if it provides the transparency that is needed for added assurance of the value of our services, we are prepared to accompany invoices with work logs.

Upon reviewing the referenced Auditors Report No. 19-04 dated November 29, 2018 Opportunities for Improvement, should the county seek such, ADEPT is prepared to negotiate and could evaluate billing based on actual hours worked and supported by documentation. We are confident that the Office of Public Communications project manager will implement adequate management oversight and contract administration over this contract. Finally we are prepared to include adequate supporting documentation to comply with statutory requirements and justify a public purpose. Should the contract be negotiated with retainage we will carry out those services with accountability.

II. Contract Budget

The Auditor stated that the first-ranked vendor's proposed budget for Category 1 services "may be problematic, as the Project Manager has stated that the maximum amount of funding available for services specific to the Surtax Plan is \$65,000." Our response is twofold:

1) As evidenced by the below Exhibit, in written communications that are part of the official solicitation record, Broward County clarified that the approximate yearly budget for **#GEN2119422P1 - Communications and Marketing Services** - was \$350,000 per year.

Question - What is that budgeted amount? - Aug 30, 2019 8:36:56 AM EDT

Answer - Sep 09, 2019 2:51:34 PM EDT

a) The total estimated budget for all categories is \$350,000/year. b) There is no specific budget for individual categories. c) The total estimated budget for all categories is \$350,000/year.

Question - Does the County have a budget in mind for this work? - Aug 30, 2019 3:55:22 PM EDT

Answer - Sep 09, 2019 2:51:34 PM EDT

The total estimated budget for all Categories is \$350,000/year. There is no specific budget for individual Categories.

Furthermore, the [Office of Public Communications presentation](#) to the Surtax Oversight Board dated June 27, 2019 clearly stated the scope of work items and goal of the surtax program relative to communication and marketing services. We also feel that the purchasing department along with the user department did a thorough job creating a detailed scope of services as evidenced in the solicitation for #GEN2119422P1 - Communications and Marketing Services.

In addition, at the October 24, 2019 meeting of the Surtax Oversight Board meeting, Broward County presented a powerpoint presentation that clearly identified a budget of \$1,750,000.00 dollars over a five period term equal to \$350,000 per year. *(See below, Page 36 of 48, as well as in backup material that can be presented as additional attachments to this correspondence).*

SURTAX PROJECTS							
	NAME	REVIEW TYPE	OUTCOME	CONTRACT TERM	SURTAX \$	FEDERAL \$	TOTAL AMOUNT
1	Purchase of 147 35-Foot (77) and 40-Foot (120), Gillig, Low-Floor Transit Buses	Goal	No DBE Goal ¹	Fixed One Time Purchase	\$47,849,180.87	\$38,912,690.36	\$86,761,871.23
2	RFP for Comprehensive A/E Services for Surveys, Infrastructure and Shelter Designs for Broward County Transit	Goal	25% CBE Goal ²	3 Years/2, 1 Year Renew	\$1,000,000.00	\$0.00	\$1,000,000.00
3	Sheridan Street and Dykes Road Intersection Construction	Goal	35% CBE Goal	1 Year	\$2,240,000.00	\$0.00	\$2,240,000.00
4	Transportation Surtax Educational Efforts	Shelter Market	Not Sheltered ³	Fixed One Time Purchase	\$25,000.00	\$0.00	\$25,000.00
5	General Planning Consulting (GPC) Services	Goal	25% CBE Goal ⁴	5 Years/3, 1, 1	\$10,000,000.00	\$0.00	\$10,000,000.00
6	Communications and Marketing Services	Goal	30% CBE Goal	5 Years	\$1,750,000.00	\$0.00	\$1,750,000.00
7	BCT Service Revisioning and Comprehensive Operational Analysis: 2019-20 (Professional Consulting Services) Source: OESBD Small Business Development	Goal	30% CBE Goal	15 to 18 Months	\$2,000,000.00	\$0.00	\$2,000,000.00
							\$103,776,871.23

Notes:
 1. Not considered for CBE due to federal funds and DBE review excludes rolling stock purchases
 2. Low weighted availability and availability of firms for the scope provided
 3. Specialized scope of services, no available firms
 4. Low weighted availability and availability of firms for the scope provided

36  36

2) Nevertheless, as alluded to in our prior discussion on the scope of services modification, should there be necessary revisions in budgeting, those matters can be addressed during negotiations, as they regularly are in the standard course of business within both the public and private sector and in all Broward County procurements.

III. Vendor Response and Scoring by Evaluation Committee

An additional item identified in the Auditor’s Advisory dated January 16, 2020, was the need for “adjustments to improve the consistency of responses by vendors and rating by evaluation committee members.” To that end, 75 days passed between the bid due date of September 20, 2019 and the Selection Committee meeting date of December 4, 2019. During this time, the purchasing division completed their due diligence to ensure vendor compliance with all bid requirements, declare responsiveness and responsibility of firms, and clarify any outstanding issues. Not once during this period, nor during any vendor presentation or during the protest period subsequent to the ranking, were any inconsistencies raised.

Attached, please find the RLI/RFP Proposed/Final Ranking Spreadsheet that clearly indicates Proposed Recommendation of Ranking Begin Date (8:30 AM) 12/12/19 Proposed Recommendation of Ranking Ending Date (5:00 PM) 12/16/19, Final Recommendation of Ranking/Award Begin Date (8:30 AM) 12/17/19, Final Recommendation of Ranking/Award Expiration Date (5:00 PM) 12/23/19. During each of these time frames, we understand that NO protest was made by any vendors towards the Selection Committee ranking and award.

It should be noted that both ADEPT who was ranked number one on categories 1, 3 and 4, and Cornerstone Solutions, who ranked number 1 on category 2, were very close in overall pricing strategy for the fixed price categories 1 and 3. This further aligns and justifies the appropriate scoring provided by the selection negotiation committee that consisted of countywide experts in communication and marketing ranging from the Director of the Office of Public Communications, County Administration; Regional Emergency Services and Communications, Transportation Division, and Aviation Department.

The inexperience or lack of sophistication of certain vendors in properly pricing a multiyear proposal should not render an entire procurement void, negatively impacting those vendors who properly completed their bid package and pricing. It is not in Broward County's interest to award a bid to a firm that promises to provide work for an impossible fee.

Further, it is not standard practice to get into the minds of vendors to attempt to determine why they proposed pricing the way they did. This exercise should take place during review and evaluation of proposals, as well as during negotiation meetings to clearly delineate and understand why a vendor proposed specific pricing for the scope of work. The purpose of procurement ranking is to allow the top ranked vendor to negotiate. Should that vendor not come to favorable terms with the County during negotiations, the County would move to the second ranked vendor, rather than restart the entire procurement over again, losing at least another six months and placing undue hardship on all vendors.

Moreover, the Broward County Commission, Purchasing Division, County Attorney's Office, and County Auditor have been working together for multiple years (and continue to work) at finding ways to streamline the procurement process, making it quicker, more efficient, and fairer, particularly for our small businesses. Finding a path to move forward together with this current bid is in the public's best interest and it is consistent with the county's stated principles of supporting the growth and sustainability of our local business community. It is an undue hardship for any business especially county CBE's to throw out an entire procurement and conduct a new re-advertisement, not to mention the additional resources of County staff.

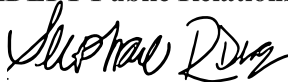
ADEPT developed a strategic approach to each category of services in the proposal, along with key team differentiators that led to the evaluation committee ranking ADEPT number one for categories 1, 3, and 4. If the county were to re-advertise the entire bid, our unique approach, team members, innovative techniques, work product, along with that of the other proposers, could be easily viewed by competitors and included within those competitors' work product while being advertised as their own.

With 15 months having passed since the approval of the Charter County Transportation Sales Surtax ballot referendum by the voters, time is of the essence to move this vital communications contract forward. Our elected officials, business leaders, and residents are anxiously awaiting the status of projects, outreach and communication regarding the use of revenues generated by the surtax.

We look forward to continuing our work to promote the mobility advancement program and all that Broward County has to offer its residents, businesses, and visitors.

Sincerely,

ADEPT Public Relations, LLC



Stephanie Rosendorf-Diaz, Esq.
General Counsel



Dana Pollitt
Managing Partner

Cc: Andrew Meyers, County Attorney
Robert Melton, County Auditor

RLI/RFP Proposed/Final Ranking Spreadsheet

RFP #	GEN2119422P1	Date Advertised:		8/22/19							
Title:	Communication and Marketing Services	Date Opened:		9/20/19							
Agency:	Office of Public Communications	Number of Responses Received:		10							
Project Manager:	Sean McSweeney	Initial Evaluation Date:		12/4/19							
Purchasing Agent:	Christine Calhoun	Final Evaluation Date:		12/4/19							
Proposed Recommendation of Ranking Begin Date (8:30 AM)		Proposed Recommendation of Ranking Ending Date (5:00 PM)		12/12/19							
Final Recommendation of Ranking/Award Begin Date (8:30 AM)		Final Recommendation of Ranking/Award Expiration Date (5:00 PM)		12/17/19							
Final Recommendation of Ranking/Award Expiration Date (5:00 PM)				12/23/19							
Non Responsive	Non Responsible	Rank by Category	Firm Names Alphabetically (for ranking use ranking order)	Address	City	State	Zip	Contact Name	Contact Telephone	E-mail	
		1	1	Adept Public Relations, LLC	5300 Powerline Road, Suite 207	Fort Lauderdale	FL	33309	Dana Pollitt	954-769-1633	dana@adept.co
	X			ADG Strategy Group, Inc.	10776 Charleston Place	Cooper City	FL	33026	Shira Kastan Goldstein	305-781-7310	shira@adgstrategygroup.com
	X			ANCO Media Group LLC D/B/A Revolution 93.5 FM WZFL	250 NW 23 Street, Suite 204	Miami	FL	33127	Marc Dupain	305-599-7292	marc@revolution935.com
	X			Barrington Management Artist Group, Inc.	1200 West Avenue, Suite 514	Miami Beach	FL	33139	Tyrone Barrington	646-623-0404	tyron@barringtonmgt.com
		2	2	Conceptual Communications, LLC	901 Progresso Drive, Suite 210	Fort Lauderdale	FL	33304	Laurie Menekou	954-732-0754	lmenekou@conceptualbr.com
		4	1	Cornerstone Solutions Florida, LLC	9200 Belvedere Road, Suite 202	West Palm Beach	FL	33411	Rick Asnani	561-719-2117	rick@csteam360.com
		3	4	Cunningham Communications Consulting Company D/B/A The Brand Advocates, Inc.	1951 NW 7 Avenue, Suite 300	Miami	FL	33136	Tasha Cunningham	954-745-0570 X700	tasha@thebrandadvocates.com
	X			Full Moon Creative LLC	10001 NW 50 Street, Suite 202	Sunrise	FL	33351	Howard Attias	954-742-2622	hattias@fullmooncreative.com
		5	3	Metropolitan Public Strategies, Inc.	135 East 57 Street, 14th Floor	New York	NY	10022	Jason Heard	415-624-9970	jasonheard@gmail.com
	X			VGreen Enterprises LLC	7901 Orleans Street	Miramar	FL	33023	Vernal Loye Green, Jr.	954-865-1354	vernal.green.JR@gmail.com
COMMENTS: Watch Evaluation Committee Meeting Recorded Videos: http://www.broward.org/Commission/Meetings/Pages/AgendasAndMinutes.aspx											




OFFICE OF THE COUNTY AUDITOR

115 S. Andrews Avenue, Room 520 • Fort Lauderdale, Florida 33301 • 954-357-7590 • FAX 954-357-7592

January 16, 2020

Advisory No.: 133

To: Bertha Henry, County Administrator 
From: Robert Melton, County Auditor
Subject: Bid #GEN2119422P1, Communications and Marketing Services

The purpose of this Advisory Memorandum is to communicate our concerns and recommendations to you regarding Solicitation #GEN2119422P1, Communication and Marketing Services. At the direction of the Mobility Advancement Program Administrator, the Office of Public Communications requested our assistance in preparing for contract negotiations, with a goal to avoid repetition of audit concerns identified in Office of the County Auditor Report No. 19-04, Audit of Advertising Services Contract at the Greater Fort Lauderdale Convention & Visitors Bureau, dated November 29, 2018. Accordingly, we have reviewed the various solicitation documents, the proposed pricing submitted by the responding vendors and discussed same with the Purchasing Division. Our recommendations, along with a detailed background and discussion are presented below.

Recommendations

We recommend:

1. A recommendation to 'reject all' proposers under the current solicitation be made to the Board, and if approved, a new solicitation for Communication and Marketing services should be developed and advertised, which at a minimum:
 - a. modifies the Scope of Services to improve vendor accountability, using hourly rates, 'not to exceed', and/or deliverable based pricing models.
 - b. utilizes an appropriate hourly pricing schedule within contract documents.
 - c. makes other adjustments as necessary to improve the consistency of responses by vendors and rating by evaluation committee members.

2. Future solicitations and resultant contract(s) for services should utilize a payment methodology which avoids fixed retainer-based fees for services, consistent with recommendations previously presented in Office of the County Auditor Report No. 19-04, Audit of Advertising Services Contract at the Greater Fort Lauderdale Convention & Visitors Bureau, dated November 29, 2018.

Background and Discussion

Request for Proposals #GEN 2119422P1 was advertised on August 22, 2019, with a goal of soliciting responses to establish up to four contracts for Communication and Marketing Services for implementation of the Transportation Surtax Plan, under the following four categories: 1-Branding, Media and Marketing Services, 2- Crisis Communication Services, 3- Digital Content Delivery Services, and 4-Video Scripting and Production. In addition to providing services in support of the Transportation Surtax, the advertisement noted that the County may elect to use services under any of the four categories for other County agencies, on a work authorization basis.

The solicitation was advertised and a total of 10 responses were received. The initial and final evaluation meeting was held on December 4, 2019, at which time, five vendors were found non-responsible. The remaining five vendors were ranked by the Evaluation Committee for the categories in which they applied. The first ranked vendor for Categories 1, 3 and 4 was Adept Strategies Group, Inc. and the first ranked vendor for Category 2 was Cornerstone Solutions Florida, LLC.

Within this solicitation, Category 1 Services are likely the most important, as they relate to the provision of services for the Transportation Surtax Plan. Vendors proposing for this category were requested to provide a ‘monthly flat fee’ for all potential listed services, as well as a billing rate schedule for use in developing additional work authorizations, if needed (addressed later in this memorandum). Table 2 shows the disparity in proposed monthly pricing for the five ranked vendors, with single year pricing varying over 2400%, from \$900 to \$240,000. The first ranked vendor in this category proposed an annual cost of approximately \$112,000. This may be problematic, as the Project Manager has stated that the maximum amount of funding available for services specific to the Surtax Plan is \$65,000.

This wide range in pricing also may indicate that vendors had differing interpretations of the actual workload anticipated, and that the scope of services was not adequately defined in the original solicitation.

Table 2: Comparison of proposed pricing for Category 1, Branding, Media and Marketing Services

Vendor Name	Unit Price (Monthly)	Annual 12-month pricing
Adept Public Relations, Inc.	\$9,333	\$111,996
Conceptual Communications, Inc.	\$75	\$900
Cunningham Communications Consulting Company, d/b/a The Brand Advocates	\$1,700	\$20,400
Cornerstone Solutions Florida, LLC	\$10,000	\$120,000
Metropolitan Public Strategies, Inc.	\$20,000	\$240,000

Note: Values are rounded to nearest whole dollar. Annual Pricing is calculated by Office of the County Auditor based on information provided by Purchasing Division. Vendors are shown in ranking order.

Bid #GEN2119422P1, Communications and Marketing Services
January 16, 2020

It is noted that creation of a 'monthly flat fee' or fixed payment to the vendor precludes accountability and is in direct opposition to audit concerns and recommendations identified in Office of the County Auditor Report No. 19-04, Audit of Advertising Services Contract at the Greater Fort Lauderdale Convention & Visitors Bureau, dated November 29, 2018. Specifically, the current solicitation lists 12 different potential services which may or may not be provided by the vendor in any given month, for which a 'fixed' fee would be paid. This payment methodology precludes accountability by the vendor who would be paid this fixed monthly amount, whether or not they provided services and regardless of the actual level of effort necessary to deliver those services. Further, some of the listed services include creation of plans, attendance at conferences, compiling media lists, training County staff, annual updates of plans, annual surveys or additional research and outreach- services which are likely to be delivered on an annual or occasional basis. Report No. 19-04 recommended the elimination of fixed fee (retainer based) services without accountability for actual hours worked, as well as ensuring amounts paid are reasonable for services delivered, and actual hours should be tracked by the vendor to support invoices.

It was also observed within the solicitation that the resultant agreement will be based on the County Attorney Form (CAF) 101. However, the 'Exhibit B, Maximum Billing Rates' schedule included with the solicitation and completed by the respondents is based on a Federal Acquisition and Regulation model for an overhead and fringe benefits 'multiplier' commonly used for architectural and engineering firms. Further, the CAF 101 does not contain language to govern what costs are allowable in this pricing model, as does the CAF 202, which is used for professional consulting services agreements. This may have resulted in additional pricing disparities across respondents, as vendors proposed billing rates with multipliers ranging from zero to three. The first ranked vendor also included language in its submission referencing use of the 'Safe Harbor' Rate for its multiplier, 'in accordance with Section 5.2.5', which is clearly an erroneous reference to the CAF 202, as the applicable CAF 101 agreement does not contain a Section 5.2.5. It is further noted that some proposed hourly rates for the vendor are in excess of \$600 per hour.

Finally, we observed that scoring by Evaluation Committee members was significantly discordant for some vendors, across multiple proposal categories. This may in part be due to the disparity in pricing proposals but also indicates potential concerns regarding the interpretation of required services, evaluation criteria for those services and the evaluators' review process.

Please be advised that this was not an audit conducted in compliance with Generally Accepted Government Auditing Standards; had this been an audit, we may have identified additional concerns.

I hope you find this information useful, if you have any questions, please let us know.

CC: Monica Cepero, Deputy County Administrator
Andrew Meyers, County Attorney
Brenda Billingsley, Director of Purchasing